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Chair
MP for West New Georgia and Vonavona

Hon Bernard Ghiro
Member
MP for Central Makira

Hon Isaac Inoke Tosika
Member
MP for West Honiara

Hon Mark Kemakeza
Member
MP for Ngella

Hon Clement Kengava
Member
MP for North-West Choiseul

Hon Siriako Usa
Member
MP for North-West Guadalcanal

Hon Martin Sopaghe
Member
MP for North Guadalcanal

* Original members of the Committee on commencement of the inquiry under the Chairmanship of the Hon Laurie Chan. On 5 May 2009, the Hon Laurie Chan was appointed a minister and ceased to be a member of the Committee.

^ The Hon Peter Boyers replaced the Hon Laurie Chan as Chair on the appointment of the Hon Laurie Chan as a minister on 5 May 2009.
Following the referral of the inquiry, on 28 July 2008 the Speaker appointed the Hon Isaac Inoke, the Hon Mathew Wale and the Hon Clay Forau as additional members of the Committee. On 29 July 2008, the Speaker also appointed the Hon Manasseh Maelanga as an additional member of the Committee. On 16 October 2008, the Hon Mathew Wale was appointed a minister and ceased to be a member of the Committee. On 5 May 2009, the Hon Manasseh Maelanga was appointed a minister and ceased to be a member of the Committee. On 9 June 2009, the Hon Clay Forau was appointed a minister and ceased to be a member of the Committee.
Committee secretariat

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Committee Report No 1: November 2009

Chair’s Foreword

I am pleased to present the report of the Foreign Relations Committee entitled Inquiry into the Facilitation of International Assistance Notice 2003 and RAMSI intervention.

This report is a landmark report in many respects. The conduct of this inquiry has been an immense undertaking without parallel for the National Parliament of Solomon Islands. It extended over almost one and a half years and involved 35 public hearings and hundreds of witnesses across the country. This report is the first of its kind to be made by our Parliament.

The inquiry is also a landmark in terms of scrutiny and review of RAMSI. While there have been various external reviews of RAMSI undertaken by the Pacific Islands Forum, and reporting by RAMSI itself against its mandate, this inquiry is the first external review of RAMSI undertaken within Solomon Islands since the 2004 report of the Solomon Islands Intervention Task Force. It is also the first formal review undertaken by the National Parliament.

On behalf of the Committee, I wish to thank all those who have been involved in assisting the Committee with this historic inquiry. Particular thanks are owed to the officers of RAMSI and the PPF for the positive way in which they approached the inquiry and the assistance they provided throughout. Sincere thanks are also due to representative of the Solomon Islands Government, led by the Prime Minister, the Hon Dr Derek Sikua, together with officers of the RSIPF, who have been very supportive of the work of the Committee. I especially want to acknowledge the people of Solomon Islands who gave up their time to assist the Committee throughout this inquiry, especially during its provincial hearings. The hospitality the Committee received in the provinces was appreciated by all members of the Committee.

I wish to acknowledge the tireless efforts of the committee and hansard staff of the National Parliament. All staff from the Clerk down devoted considerable efforts to ensuring that the Committee had the resources necessary to complete this inquiry. The conduct of such an extensive round of public hearings, and the compilation of this report, are significant achievements for the National Parliament.

Finally, I would like to acknowledge my fellow Committee members and former members, notably the former Chair of this Committee, the Hon Laurie Chan. Members of the Committee devoted enormous amounts of time and energy throughout this inquiry, travelling the full length of the country to ensure that the work of the Committee was effective and the evidence represented the views of all provinces and communities.
On behalf of the Committee, I hope that this report will be of assistance to the Solomon Islands Government, RAMSI and the Pacific Islands Forum in guiding the future roles and responsibilities of RAMSI. I commend the report to the Parliament.

Hon Peter Boyers MP
Chairman
Terms of Reference

On 24 July 2008, on the motion of the Prime Minister, the Hon Dr Derek Sikua, the House resolved that:

1. Parliament refers the Facilitation of International Assistance Notice to the Foreign Relations Committee for inquiry, review and report.

2. In undertaking this inquiry the Committee may consider any matter relating to
   (a) the Facilitation of International Assistance Act 2003;
   (b) the Agreement concerning the Operations and Status of the Police and the Armed Forces and other Personnel Deployed to the Solomon Islands to assist in the Restoration of Law and Order and Security between the Government of the Solomon Islands and the Governments of certain Assisting Countries; and
   (c) any other notices made under the Act, that will assist the Committee in informing and making recommendations to this House in relation to the Notice.

3. The Committee to report to Parliament by Friday 14 November 2008.

The reporting date for the Committee was subsequently extended on three occasions. On 28 November 2008, the House resolved that the reporting date be extended to 15 May 2009. Subsequently, on 3 April 2009, the House resolved that the reporting date be further extended to 23 July 2009. Finally, on 22 July 2009, the House resolved that the reporting date be further extended to ‘the first sitting of the budget meeting of Parliament this year’.  

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1 The first sitting of the budget meeting of Parliament in 2009 commenced on 12 November 2009.
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Executive Summary

On 24 July 2003, at the invitation of the Solomon Islands Government, the Regional Assistance Mission to Solomon Islands (RAMSI) was deployed to Solomon Islands by the other member states of the Pacific Islands Forum with a mandate to restore law and order, stabilise the finances of the Solomon Islands Government, promote economic recovery and rebuild the machinery of government. RAMSI’s deployment followed an extended period of ethnic tension in Solomon Islands from 1998 to 2003, during which time the country descended into a state of crisis with the police no longer able to enforce law and order, government resources and services hopelessly compromised, and domestic production collapsing. In many respects, Solomon Islands had become a failed state.

The deployment of RAMSI under the auspices of the Pacific Islands Forum was an unprecedented regional response to the crisis in Solomon Islands. It was immediately effective. On its arrival, RAMSI moved successfully to restore law and order and put in place long term security arrangements, to stabilise government finances and balance the budget, to rebuild infrastructure and to reform the institutions of government. For these achievements, RAMSI has been rightly praised, and continues to have the ongoing appreciation of the people of Solomon Islands.

However, six years on from its initial deployment, there have also been criticisms of RAMSI. It has been variously suggested that the legal framework establishing RAMSI is unconstitutional or poorly drafted, that RAMSI personnel in Solomon Islands are given powers and immunities under domestic law which are inappropriate or at least no longer necessary, that RAMSI has subverted the role of the Solomon Islands Government and in the process compromised the sovereignty of Solomon Islands, and that RAMSI has not expanded its mandate to deliver a ‘peace dividend’ to the people of Solomon Islands such as the delivery of major new infrastructure projects, particularly in the provinces. It is also argued that the opportunity has not been taken during RAMSI’s presence in the country to address some of the root causes of the ethnic tension between 1998 and 2003. Some of these criticisms are not necessarily criticisms of RAMSI itself, but more about the institutions and legal frameworks it works within, together with the government to provide essential services.

This inquiry therefore comes at an opportune time. It is the first domestic inquiry conducted into RAMSI and the broader framework within which RAMSI operates since the 2004 report of the Solomon Islands Intervention Task Force. The Committee has interpreted its terms of reference broadly as encompassing the work and functions of RAMSI and all associated institutions and programs in their entirety.

In this report, the Committee makes a number of findings in relation to the RAMSI deployment:

- The legal framework establishing RAMSI is based on three closely related and interlinked documents called the Facilitation of International Assistance Act 2003, the Facilitation of International Assistance Notice 2003 and the RAMSI Treaty. While these documents were of necessity drafted and in some cases passed into law as a matter of urgency prior to the RAMSI intervention in 2003, on the whole they continue to serve RAMSI and the Solomon Islands well. While there are areas in which the legal framework could be improved through small modifications (although this will require the concurrence of all members of the Pacific Islands Forum) there is no case for wholesale review or reform of the legal framework. The legal framework is appropriate and effective, and has been found to be constitutional by the High Court.
• RAMSI personnel operate in Solomon Islands with various powers and privileges – notably partial immunity from legal proceedings in Solomon Islands courts and the tax-free and duty-free status. While it has been suggested that these powers and immunities are excessive, or at least no longer necessary in 2009, the Committee finds that they are consistent with similar arrangements in both international and domestic law. Indeed it may be argued that the powers and privileges afforded to RAMSI personnel are less generous than those afforded to visiting contingents in similar situations elsewhere. Again the High Court has found the powers and privileges of RAMSI personnel to be constitutional. While there is public concern about the powers and privileges held by RAMSI personnel, this reflects the lack of public understanding of those powers and privileges, rather than their inappropriateness.

• There have in the past been justifiable concerns that the work of RAMSI has not been well coordinated with the policy objectives and priorities of the Solomon Islands Government. That is not to say that RAMSI deliberately set out to operate as a parallel government in Solomon Islands as some have alleged. Nevertheless, there have justifiably been sovereignty issues raised. However, since 2007, and the review undertaken by the Pacific Islands Forum RAMSI Review Task Force, this concern has been to a large extent addressed through the development of new mechanisms for coordinating engagement between RAMSI, the Solomon Islands Government and the Pacific Islands Forum. This has recently been cemented by the agreement of a Partnership Framework between RAMSI and the Solomon Islands Government.

• RAMSI’s work in Solomon Islands falls under three pillars: law and justice; economic governance and growth; and machinery of government. These three pillars are now captured in the Partnership Framework. There have been some significant achievements under each of these pillars. Under the law and justice pillar, the rebuilding of the justice sector (meaning the courts) and the correctional services have been major achievements. Under the governance and growth pillar, the reform of Government finances and stabilisation of foreign debt has been significant. Under the machinery of government program the work of the Office of the Auditor-General in relation to transparency and accountability in Government has been a remarkable achievement. Nevertheless, challenges remain. Of particular note, perhaps, the rebuilding of the Royal Solomon Islands Police Force (RSIPF) and the restoration of community trust in the RSIPF is a significant and long-term undertaking and remains a key challenge.

• In the provinces, issues in relation to the RSIPF and the delivery of community justice are most keenly felt. Quite simply, the RSIPF and RAMSI do not have the resources to deliver justice systems to the provinces. This challenge is well recognised and programs are in place to address it, however it is likely to remain an ongoing problem for a considerable time. In addition, promoting infrastructure investment in the provinces remains an imperative. While the Committee believes that there is good coordination between RAMSI and the various bilateral and multilateral aid donors to Solomon Islands, and that many of those donors have been generous even in the face of the global financial crisis, nevertheless economic investment and development in the provinces continues to lag.

• It is beholden on the Solomon Islands Government to take the opportunity afforded by the presence of RAMSI in Solomon Islands, and to secure law and order environment, to address the root causes of the ethnic tension. This is not the responsibility of RAMSI. Solomon Islands does not have a strong sense of national consciousness and unity. Arguably, however, many of the problems of 1998 to 2003 followed the failure of successive governments post independence to address the concerns of the people of
Guadalcanal and Malaita. The establishment of the Truth and Reconciliation Commission to address the root causes of the ethnic tension and to bring reconciliation to the nation is one key initiative by the Solomon Islands Government to address the root causes. However it will also require a concerted whole of government approach to dealing with the issues and a commitment to compromise and find solutions that will build a secure and prosperous future for Solomon Islands by all parties. The urgency and complexity of this task is acknowledged by the Committee.

- Aside from addressing the root cases of the ethnic tension, there are other important challenges facing the Solomon Islands Government. They include taking the lead in the SIG/RAMSI partnership, delivering services and infrastructure to the provinces, addressing the issue of federalism and other long term provincial demands, and crucially, bringing transparency and accountability to government.

As indicated, RAMSI is an unprecedented regional response to the crisis in Solomon Islands. The success of RAMSI to date warrants the praise of the people of Solomon Islands and the Government of Solomon Islands, the member states of the Pacific Islands Forum and of course the officers of RAMSI. That same success, but also the ongoing challenges facing both Solomon Islands and RAMSI, equally warrant the ongoing commitment of all parties to RAMSI in the future.
Summary of Recommendations

Recommendation 1 (page 9)
The Committee recommends that the Solomon Islands Government examine the integration of material on the parliamentary process, including the role and responsibilities of MPs, into the current primary and secondary school curriculum.

Recommendation 2 (page 53)
The Committee recommends that, subject to Recommendation 5 below, section 24 of the FIA Act be amended as follows (changes underlined):

Act to have effect notwithstanding other legislation

1) Subject to the Constitution, this Act and any regulations or other subsidiary legislation made under this Act shall have effect notwithstanding any other law of Solomon Islands unless specifically enacted by Parliament to have such effect.

2) An Act enacted after the commencement of this Act is not to be interpreted as:

   a) amending or repealing, or otherwise altering the effect or operation of, this Act or subsidiary legislation made under this Act; or
   b) authorising the making of subsidiary legislation amending or repealing, or otherwise altering the effect or operation of, a provision of this Act or, of the subsidiary legislation made under it

   unless specifically enacted by Parliament to have such effect.

Recommendation 3 (page 54)
The Committee recommends that, subject to Recommendation 5 below, section 6 of the FIA Act be repealed.

Recommendation 4 (page 58)
The Committee recommends that, subject to Recommendation 5 below, the Government progress the Facilitation of International Assistance (Amendment) Bill 2009 to ensure that the process for review of the FIA Notice is flexible in terms of timing.

Recommendation 5 (page 60)
The Committee recommends that before seeking to amend the FIA Act, as recommended in Recommendations 2, 3, and 4, the SIG seek the concurrence of the parties to the FIA Treaty, in accordance with Solomon Islands’ international obligations.
<table>
<thead>
<tr>
<th>Recommendation 6 (page 80)</th>
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<tr>
<td>The Committee recommends that the Government take steps in consultation with RAMSI to ensure that taxes and duties are paid on work carried out by contractors and subcontractors providing logistics and support services to RAMSI.</td>
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<tr>
<th>Recommendation 7 (page 83)</th>
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<td>The Committee recommends that the Government work with RAMSI to formulate and implement a nationwide awareness program on the meaning, scope of application and limitations of the powers and privileges of RAMSI personnel under the FIA Act.</td>
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<th>Recommendation 8 (page 114)</th>
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<td>The Committee recommends that the SIG enter into a dialogue with RAMSI and the Pacific Islands Forum with a view to increasing where possible the number of Solomon Islanders that RAMSI employs and increasing spending on local goods and services where possible, particularly in provincial centres.</td>
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<th>Recommendation 9 (page 139)</th>
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<td>The Committee recommends that the CNURA Government, in consultation with RAMSI, consider the gradual rearmament of special units of the RSIPF while RAMSI is still present in the country, but only after steps have been taken to ensure that there is sufficient public confidence in the units to be rearmed; there is public awareness and acceptance of the proposed rearmament; and the selected units are appropriately equipped in terms of systems, skills and ethics.</td>
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<th>Recommendation 10 (page 139)</th>
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<td>The Committee recommends that the SIG, through the Ministry of Justice and Legal Affairs, negotiate with RAMSI within the context of the Partnership Framework to ensure that legal support for the Office of the DPP and other legal agencies remains sufficient.</td>
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<th>Recommendation 11 (page 161)</th>
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<td>The Committee recommends that the National Parliament take steps to ensure the regular receipt and timely review of reports of the Office of Auditor General.</td>
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<th>Recommendation 12 (page 188)</th>
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<td>The Committee recommends that the Solomon Islands Government and RAMSI commit additional resources as necessary to the Community Outreach Program and other initiatives to increase the understanding of the people of Solomon Islands, especially those in the provinces, of the role and mandate of RAMSI.</td>
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</tbody>
</table>
Recommendation 13 (page 191)

The Committee recommends that Solomon Islands Government fast track the establishment of the proposed taskforce to examine the kwaso problem in both Honiara and provincial communities while expanding its terms of reference to cover not just kwaso but other illegal drugs and brews.

Recommendation 14 (page 192)

The Committee recommends that the Solomon Islands Government, in consultation and collaboration with bilateral and multilateral donors to Solomon Islands, urgently examine investment in infrastructure in those areas, particularly Marau and Weather Coast, where infrastructure was destroyed during the period of ethnic tension and has not been rebuilt.

Recommendation 15 (page 221)

The Committee recommends that the SIG prioritise the completion of the current review of federalism being undertaken by the Constitutional Reform Unit within the Prime Minister’s Office.
## Terms and acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
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<tr>
<td>CNURA</td>
<td>Coalition for National Unity and Rural Advancement</td>
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<tr>
<td>CTF</td>
<td>Combined Task Force</td>
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<tr>
<td>DPP</td>
<td>Director of Public Prosecutions</td>
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<td>EDF</td>
<td>European Development Fund</td>
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<td>EU</td>
<td>European Union</td>
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<td>FIA Act</td>
<td>Facilitation of International Assistance Act 2003</td>
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<tr>
<td>FIA Notice</td>
<td>Facilitation of International Assistance Notice 2003</td>
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<tr>
<td>FMSC</td>
<td>Forum Ministerial Standing Committee</td>
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<td>FRC</td>
<td>Foreign Relations Committee</td>
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<td>PPF</td>
<td>Participating Police Force</td>
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<td>PRT</td>
<td>Police Response Team</td>
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<td>RAMSI</td>
<td>Regional Assistance Mission to Solomon Islands</td>
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<tr>
<td>RAMSI Treaty</td>
<td>Agreement between Solomon Islands, Australia, New Zealand, Fiji, Papua New Guinea, Samoa, and Tonga concerning the Operations and Status of the Police and Armed Forces and other personnel deployed to Solomon Islands to assist in the restoration of law and order and security.</td>
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<tr>
<td>SIG</td>
<td>Solomon Islands Government</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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Chapter 1: Introduction

This chapter provides an introduction to the inquiry, including information on the Foreign Relations Committee (FRC), the scope of the inquiry, the conduct of the inquiry and the civic education program, which was conducted simultaneously with the Committee’s public hearings in the provinces.

1.1 The Foreign Relations Committee

The FRC is established under Standing Order 71B of the Standing Orders of the National Parliament of Solomon Islands 1982:

There shall be a Standing Select Committee designated the Foreign Relations Committee whose functions shall be to examine and make its observations and recommendations on -

(a) the establishment of new diplomatic and consular relations and the severing of existing ties;

(b) the accession to and signing and ratification of international treaties and conventions;

(c) the appointment of Ambassadors and High Commissioners or other principal representatives of Solomon Islands in any other country or accredited to any international organisation;

(d) the application of the Geneva Convention relating to diplomatic immunities and privileges;

(e) the receiving of foreign assistance and the administration and management thereof;

(f) the regulations, terms and conditions of service of employees of regional bodies of which Solomon Islands is a member;

(g) the Government’s conduct of its foreign policy.

The terms of reference of this inquiry are at page vii. As indicated, the terms of reference were referred to the Committee by resolution of the House. The inquiry could equally have been conducted under the terms of Standing Order 71B (e) above. However, given that such an inquiry would obviously be a major task involving a wide range of interests, including at the provincial level, the Government thought it better to initiate this inquiry through the referral of specific terms of reference to the Committee. That way, the Committee would not be seen as undertaking its own inquiry for political reasons.

1.2 The scope of the inquiry

As indicated, the terms of reference for the inquiry refer the Facilitation of International Assistance Notice to the FRC for inquiry, review and report.
As is discussed further in Chapter 3 (The RAMSI Intervention) of this report, the Facilitation of International Assistance Notice 2003 is just one of a number of legal instruments governing the RAMSI intervention. They include:

- The *Facilitation of International Assistance Act* 2003 (FIA Act);
- The Facilitation of International Assistance Notice 2003 (FIA Notice), made under section 3 of the FIA Act; and
- The ‘Agreement concerning the Operations and Status of the Police and the Armed Forces and other Personnel Deployed to the Solomon Islands to assist in the Restoration of Law and Order and Security between the Government of the Solomon Islands and the Governments of certain Assisting Countries’ (the RAMSI Treaty).

Under paragraph 2 of the terms of reference, the FIA Act and the RAMSI Treaty also fall within the scope of this inquiry.

The scope of the inquiry is also dictated by the content of the FIA Notice. The notice provides in part:

1. This Notice may be cited as the Facilitation of International Assistance Notice 2003.


(b) The assistance will be provided by a contingent of persons (‘the visiting contingent’) from the assisting countries or other countries.

(c) The Act applies to the visiting contingent on the making of this Notice by reason of section 3(3) of the Act.\(^2\)

3. Pursuant to section 3(2) of the Act,\(^3\) the Agreement concerning the Operations and Status of the Police and Armed Forces and Other Personnel Deployed to Solomon Islands to Assist in the Restoration of Law and Order and Security between the Government of the Solomon Islands and the Governments of certain Assisting Countries is specified as an agreement that covers the operations and activities in Solomon Islands of the visiting contingent.

In his speech when the referral was moved, the Prime Minister, on the advice of the Acting Attorney General, outlined the scope of the proposed review as incorporating:

(a) The number and list of countries which form the visiting contingent (RAMSI);

(b) The public purposes (mandate) for which RAMSI intervened;

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\(^2\) Meaning the FIA Act.

\(^3\) Meaning the FIA Act.
(c) The Treaty between Solomon Islands Government and certain Forum countries inclusive of all its clauses; and

(d) The FIA Act.

Accordingly, the Committee approached the terms of reference for this inquiry as a review of all the components of the legal framework establishing RAMSI, its mandate and operations in Solomon Islands. In other words, the review of the FIA Notice was effectively a review of RAMSI in its entirety.

1.3 The conduct of the inquiry

Initial advertising of the inquiry

Following the referral of the inquiry, the Committee undertook extensive advertisement of the functions of the FRC and the scope of the inquiry. Media releases were published in both the Solomon Star and National Express in both English and Pidgin notifying Solomon Islanders of the inquiry and providing contact details for further information. The Chair also went on air explaining what the inquiry was about on One New’s ‘Talking Truth’ program. The audio recording of that interview was also later broadcast by the Solomon Islands Broadcasting Corporation.

During this period, many people and organizations called the Committee secretariat which then provided further information. The Chair and members of the Committee also spoke to interested persons through informal discussions outside the Committee.

Submissions

Following initial advertising of the inquiry, the Committee Secretariat sought public submissions by 5 September 2008.

Advertisements were placed in the newspapers informing the general public of the terms of reference of the inquiry, the role of parliamentary committees, particularly the FRC, and how to make a submission. The same information was also published by the Secretariat on the Parliament’s website.

The Secretariat also directed the call for submissions to Solomon Islanders in rural and remote areas through service messages broadcast by the Solomon Islands Broadcasting Corporation in both English and Pidgin.

In addition, packages containing all the relevant information about the Committee, the terms of reference of the inquiry, the call for submissions and how to make a submission were distributed through the following means:

(a) Police Stations: through the assistance of RAMSI, packages were sent out to police stations around the country.

(b) Parliamentarians: a number of packages were also given to parliamentarians to distribute in their respective constituencies. Some packages were also passed to members of provincial assemblies who were in town during this period.

Meaning the RAMSI Treaty.
Solomon Islands Christian Association: packages were also passed to the Solomon Islands Christian Association to send to rural based churches around the country.

While it was not possible to reach every village in the provinces, it was hoped that by giving information packages to provincial police stations, politicians and churches, a reasonable percentage of the populace was made aware of the inquiry.

In total the Committee received 19 submissions from a range of individuals and organisations, including notably RAMSI, the Australian High Commission, the New Zealand High Commissioner, the Leader of the Opposition, other Members of Parliament, the Director of Public Prosecutions, the Public Solicitor’s Office, Transparency Solomon Islands, provincial premiers, community chiefs, academics and members of the public. A list of submissions is at Appendix 1.

While the Committee’s call for submissions listed the closing date for submissions as 5 September 2008, the Committee continued to receive submissions after that date.

Initial consultations with the primary stakeholders

Before the conduct of public hearings, the Committee Chair and secretariat undertook preliminary discussion with RAMSI officials. The basis for these discussions was that the Chair was keen to establish a good rapport with the primary stakeholder in the inquiry. Senior RAMSI officers also needed to understand the full scope and extent of the inquiry to allow them to make a comprehensive submission to the inquiry.

The Chair and secretariat also met with representatives of the Pacific Islands Forum and the Australian High Commission, who took a similar interest in understanding the nature of the inquiry.

Public hearings

Following the initial advertising of the inquiry, call for and receipt of submission and initial consultation with the primary stakeholders, the Committee held an initial round of nine public hearings with key stakeholders to the inquiry between 10 and 29 October 2009. Witnesses included:

- The Hon Dr Derek Sikua, Prime Minister of Solomon Islands;
- Sir Albert Palmer, Chief Justice;
- The Rt Hon Sir Peter Kenilorea, Speaker of the National Parliament and former Prime Minister;
- The Hon Eric Muir, the Acting Auditor General;
- The Hon Manasseh Sogavare, Leader of the Opposition;
- Sir Allan Kemakeza, former Prime Minister of Solomon Islands;
- The Provincial Premiers and Lord Mayor of Honiara City;
- Ms Allison Duncan, the former Acting Australian High Commissioner;

Transparency Solomon Islands is a local NGO, registered as a charitable trust in 2002. It is affiliated to Transparency International, the international anti-corruption NGO which has chapters in over 90 countries around the world. The general objective of Transparency Solomon Islands is to encourage and facilitate activities to reduce corruption and promote good governance. See Submission 5, Transparency Solomon Islands, p 1.
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• Ms Deborah Panckhurst, New Zealand High Commissioner;
• Mr Tim George, the former Special Coordinator of RAMSI, and senior RAMSI officers;
• Mr Peter Marshall, Police Commissioner (then Acting);
• Mr Denis McDermott, former Commander of the PPF; and
• Dr Lesi Korovavala, the former Pacific Islands Forum Secretariat Representative to Solomon Islands.

Following this initial round of public hearings with key stakeholders, the Committee conducted a very extensive round of 21 public hearings in all nine provinces of Solomon Islands between 31 October 2008 and 7 June 2009. Given the nature of the Committee’s inquiry, it was very important to the Committee members to hear directly the views of the people of Solomon Islands, especially those residing in the provinces.

The Committee wishes to thank all the provincial leaders, chiefs, leaders and representatives of churches, women and youth who appeared before the Committee during its provincial hearings. The Committee also extends its gratitude to those who assisted the Committee secretariat in facilitating transport, hearing venues and accommodation. The assistance and generosity received by members of the Committee from all those involved was extraordinary. The conduct of such an extensive round of provincial hearings is without precedent for the National Parliament of Solomon Islands. The Committee heard from witnesses in every ward in every province of Solomon Islands.

The provincial hearings were all broadcast nationally by the Solomon Islands Broadcasting Corporation and One News. The Committee notes that this was very important in providing people in the provinces with an opportunity to have their views and opinions aired publicly. It also allowed the SIG and RAMSI to actively follow some of the key concerns of the rural communities during the course of the inquiry and perhaps even responded positively to some.

Following its provincial hearings, the Committee returned to Honiara for a final series of five public hearings between 28 May 2009 and 10 June 2009. During the first two hearings on 28 and 29 May 2009, the Committee heard from individuals and groups of individuals, including former militants, who were directly involved in the military groups that took part in the 1998 to 2003 ‘ethnic tension’.

On the final three days of public hearings, the Committee again heard from some of the key stakeholders to the inquiry, revisiting some of the issues raised through the provincial hearings and the inquiry in general. Witnesses included:

- The Hon Dr Derek Sikua, Prime Minister of Solomon Islands;
- Sir Baddeley Devesi, Senior statesman and former Governor-General;
- Mr Frank Ingruber, Australian High Commissioner;
- Ms Deborah Panckhurst, New Zealand High Commissioner;
- Mr Graeme Wilson, Special Coordinator of RAMSI, and senior RAMSI officers;
- Mr Peter Marshall, Police Commissioner;
- Mr Denis McDermott, former Commander of the PPF;  
- Mr Sakiusa Rabuka, Pacific Islands Forum Representative to Solomon Islands;

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6 The Committee notes that Mr McDermott appeared before the Committee on 10 June 2009. This was the Committee’s last public hearing and Mr McDermott’s last day of service in Solomon Islands. The Committee acknowledged Mr McDermott’s work in assisting Solomon Islands. He has been replaced as Commander of the PPF by Mr Wayne Buchhorn.
Inquiry into the Facilitation of International Assistance Notice 2003 and RAMSI intervention

• The Permanent Secretaries of key government ministries; and
• Representatives of various bilateral and multilateral aid agencies to Solomon Islands.

The Committee wishes to thank all the key stakeholders including the Prime Minister and senior RAMSI officials for their willingness to assist the Committee and provide evidence during the public hearings.

A list of witnesses is at Appendix 2.

Following the hearings, the Committee resolved to have the official transcripts published and made available for public viewing. Transcripts of the hearings are available on the National Parliament website at www.parliament.gov.sb

During the hearings, a number of witnesses also took questions on notice. The Committee also had occasion during the inquiry to write independently to various parties seeking further information in relation to particular matters.

1.4 The political context to the inquiry

This inquiry and report need to be placed in their political context.

The present Solomon Islands Government, formed by the Coalition for National Unity and Rural Advancement (CNURA), came to power on 20 December 2007 following a motion of no confidence in the former Prime Minister, the Hon Manasseh Sogavare, being passed by the National Parliament of Solomon Islands on 13 December 2007. The CNURA Government is lead by the Prime Minister, the Hon Dr Derek Sikua.

The previous Government, formed by the Grand Coalition for Change (GCCG), was led by the Hon Manasseh Sogavare, now the Leader of the Opposition in the National Parliament. Mr Sogavare was elected Prime Minister for the second time on 4 May 2006 by the National Parliament, having held the position previously between June 2000 and December 2001.

As indicated, both the Prime Minister and the Leader of the Opposition were key participants in the inquiry.

1.5 The impartiality of the inquiry

The Committee notes that in his written submission, the Hon Manasseh Sogavare raised serious concerns as to the impartiality of this review. For completeness, the Committee cites Mr Sogavare’s concerns in full:

Judging by the response of the provincial premiers on the role of RAMSI in Solomon Islands it is clear that the majority of Solomon Islanders have no clue whatsoever. Sadly this ignorance has been capitalised on by the proponents of RAMSI with unbridled power to continue their presence in Solomon Islands to exert their influence over the ill informed. This process is well coordinated by a network of very influential people to advance a biased view of RAMSI since it came into the country in 2003. This scenario calls into question the neutrality of any findings and content of the report that will be submitted to Parliament by the Foreign Relations Committee.
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Realising this weakness, the former GCC Government had suggested a possible process … that would at least provide minimum guarantees that our people will be expressing well informed views that are based on their understanding of the roles of RAMSI and the legal framework under which they operate. The process would have included a nationwide awareness program to inform our people every thing they need to know about RAMSI before they participate in the review. This is not happening in the review in progress.

Instead members of parliament were given four envelopes each containing a number of documents about the review and posters to bring to their constituencies to advertise the review and get people to express their views of RAMSI. It is a foregone conclusion that the views expressed would be based on layman’s understanding of the role of RAMSI and therefore will certainly be a distorted view.7

The Committee rejects this pre-emptive assessment of the ‘neutrality’ of the findings and content of this report. Throughout the inquiry and in this report, the Committee has attempted accurately and fairly to reflect the evidence of parties to the inquiry, and to draw from that evidence balanced and impartial conclusions and recommendations. The Committee has taken this responsibility very seriously.

It should also be understood that it was never the role or responsibility of the Committee to educate people about RAMSI before undertaking the inquiry. The Committee called for submissions from the people, irrespective of how much they knew about RAMSI at that point in time. If the Committee were to have first carried out awareness programs on RAMSI before holding its inquiry, it would have amounted to the Committee ‘coaching’ potential witnesses or ‘putting answers into their mouths’ prior to the commencement of the inquiry. Hence, the call for submissions was strictly focussed on awareness about the inquiry, not about RAMSI or its legal framework, mandate or operations. The Committee’s terms of reference also did not encompass an education function for the Committee.

1.6 The civic education program

The National Parliament of Solomon Islands is supported by the United Nations Development Programme (UNDP) through the UNDP Parliamentary Strengthening Project. The programme is currently in its second phase (2008-2012).

One of the objectives of the Parliamentary Strengthening Program is the strengthening of parliamentary education and community engagement services, specifically:

Parliamentary education and community engagement services will facilitate citizen engagement with and develop their knowledge of the National Parliament and representative democracy, reduce resistance to women’s candidacy, and to assist citizens to exercise their rights and responsibilities in a free and fair manner according to the Constitution.8

7 Submission 11, The Leader of the Opposition, p 3. Mr Sogavare maintained this stand in his evidence before the Committee: Hon Manasseh Sogavare, The Leader of the Opposition, Evidence, 28 October 2008, pp 30-34.

As part of the inquiry, parliamentary education officers took the opportunity to conduct awareness workshops on Parliament, its role and the work of the FRC at a number of schools, colleges and halls near the public hearing venues being used by the Committee. A total of 32 workshops were held, including at or with:

- Selwyn College,
- Auki Community High School,
- Kilusakwalo Community High School,
- Goldie College,
- Kokeqolo Community High School,
- Biulah Provincial Secondary School,
- Vonunu Provincial Secondary School,
- Kukundu Adventist High School,
- Ngari Primary and Community High School,
- Taro Primary School,
- Choiseul Bay Provincial Secondary School,
- Buala Village Women Group,
- Guguha Community High School,
- Sir Duddley Tuti College,
- Buala Village Youth and Women’s Groups,
- Tetere correctional service in-mates,
- Henua Community High School,
- West and East Rennell Women’s Group,
- Bellona Women’s Group,
- Niupeles Community High School,
- Lata Community High School,
- Mona Community High School,
- FM Campbell Provincial Secondary School,
- Waimapuru National High School,
- Pamua Provincial Secondary School,
- Pawa Provincial Secondary School,
- Laloato Community High School,
- Kuma Community High School,
- Kakaito Community High School, and
- Siota Provincial High School.

Some of the key issues arising out of the awareness workshops were:

- The clear lack of understanding by many Solomon Islands of parliamentary processes, including the roles and responsibilities of MPs, and the desirability of integrating such information into the school curriculum for both primary and secondary schools;

- The lack of understanding of the mandate of RAMSI, and the belief that RAMSI is only involved in addressing law and order issues;

- The lack of understanding of the powers and privileges of RAMSI personnel in Solomon Islands;

- The need for the government to address social issues such as community policing, provincial service delivery alcohol abuse, marijuana use, homelessness in Honiara, stealing and murder;
• The desirability of women being represented at the highest levels of decision making including bodies such as Parliament, the cultural constraints that hinder women’s representation, and the proposal to reserve 10 seats in the National Parliament for women.

The Committee notes that the lack of understanding of the mandate of RAMSI, and the belief that RAMSI is only involved in addressing law and order issues, is addressed later in this report. Similarly, the powers and privileges of RAMSI personnel are addressed later in this report. Social issues such as community policing, alcohol abuse and the representation of women are also addressed. However, in relation to the lack of understanding by many Solomon Islanders of the parliamentary process, including the role and responsibilities of MPs, the Committee makes the following recommendation.

**Recommendation 1**

*The Committee recommends that the Solomon Islands Government examine the integration of material on the parliamentary process, including the role and responsibilities of MPs, into the current primary and secondary school curriculum.*

1.7 **Structure of this report**

This report is in 14 chapters:

• Chapters 2 – 4 provide background information to the RAMSI intervention, including an examination of the ethnic conflict that led to RAMSI’s deployment, the establishment and deployment of RAMSI, RAMSI’s mandate, operational pillars, achievements, criticisms, legal challenges and reviews.

• Chapters 5 and 6 analyse the legal issues in relation to the RAMSI legal framework and the powers and privileges (sometime called immunities) of RAMSI personnel.

• Chapter 7 considers the issue of Solomon Islands’ sovereignty, and concerns that RAMSI is operating in Solomon Islands as a parallel government alongside the Solomon Islands Government.

• Chapter 8 examines the bilateral and multilateral aid programs to Solomon Islands alongside of RAMSI.

• Chapters 9, 10 and 11 examine the three ‘pillars’ of the RAMSI intervention: the restoration of law and order in Solomon Islands, the economic governance and growth program, and the machinery of government program.

• Chapter 12 focuses specifically on the impact of RAMSI on the provinces, with particular reference to law and order issues and the provision of infrastructure in the provinces.

• Chapter 13 examines the root causes of the ethnic tension in Solomon Islands between 1998 and 2003, and the responsibility for addressing those root causes.

• Chapter 14 examines issues pertaining to the future relationship between RAMSI and the Solomon Islands Government and the future of Solomon Islands.
Readers of this report should also be aware of the structure of individual chapters. In each chapter, the Committee presents the evidence of stakeholders to the inquiry in the body of the chapter. It attempts to do so fairly and impartially on a purely factual basis. It is only in the ‘Committee comment’ section at the end of each chapter that the Committee sets out its own views and recommendations to the Government, based on the evidence presented.

Chapters 1-3 are purely factual background chapters, and therefore do not include Committee comments.
Chapter 2: Background to the RAMSI intervention

This chapter provides background information to the RAMSI intervention, including an examination of the ethnic conflict that led to RAMSI’s deployment, together with a short discussion of the role performed by the Pacific Islands Forum.

2.1 Solomon Islands’ history, government, economy and society

Solomon Islands is a country in Melanesia, east of Papua New Guinea, consisting of nearly one thousand islands. Together they cover a land mass of 28,400 square kilometres (10,965 square miles). The capital is Honiara, located on the island of Guadalcanal.

Solomon Islands is believed to have been inhabited by Melanesian people for thousands of years. The population of Solomon Islands today is over 520,000. Melanesians remain the major ethnic group (95 per cent), with smaller Polynesian and Micronesian groups, and a small population of ethnic Chinese making up the rest. Most people live in small, widely dispersed settlements along the coasts, with less than 20 per cent residing in urban areas.

In 1893, the United Kingdom established a protectorate over Solomon Islands. Self governance was attained on 2 January 1976, with independence following on 7 July 1978. The first post-independence government was elected in August 1980.

Solomon Islands is a constitutional monarchy and has a parliamentary system of government. Her Majesty Queen Elizabeth II is the Head of State of Solomon Islands. She is represented by the Governor-General who is chosen by the Parliament for a five-year term.

The National Parliament of Solomon Islands is a unicameral parliament of 50 members, representing 50 constituencies, elected for four-year terms. Suffrage is universal for citizens over age 18. The head of government is the Prime Minister, who is elected by Parliament and who chooses the other members of the Cabinet.

Below the national government, the country is divided into 10 administrative areas, of which nine are provinces administered by elected provincial assemblies, and the 10th is the city of Honiara, administered by the Honiara City Council. The 10 administrative areas are: Central; Choiseul; Guadalcanal; Isabel; Makira-Ulawa; Malaita; Rennell and Bellona; Temotu; Western and Honiara City. Each province is in turn divided into wards.

The judicial system includes the Local Courts and the Magistrates Court (subordinate courts), the High Court (with unlimited original jurisdiction) and the Court of Appeal (the highest appellate court).

Solomon Islands society is based on kinship and communities. Ownership of land and maritime resources is based on customary use and law. Over 85 per cent of Solomon Islands land is held according to customary land ownership.

Solomon Islands economy is based on subsistence agriculture and fishing, timber exports and tourism.

Internationally, Solomon Islands is a member of the United Nations; the Commonwealth; the South Pacific Commission; the International Monetary Fund; the Partnership Agreement between the European Union and members of the African, Caribbean and Pacific Group of
States; and the Pacific Islands Forum (previously the South Pacific Forum). Solomon Islands’ membership of the Pacific Islands Forum is discussed further later in this chapter.

2.2 The long term ethnic tensions within Solomon Islands

Since independence in 1978, and even before it, Solomon Islands has always struggled to build a strong national consciousness and sense of unity. The country’s first 20 years following independence was characterised by threats of secession, demand for federalism and riots. This largely reflects the ethnic and geographic diversity of the country. Two particular long term challenges facing Solomon Islands have been the Western Breakaway Movement and the ethnic tensions between the people of Guadalcanal and Malaita.

The Western Breakaway Movement (1975 – 1979)

The Western Breakaway Movement had its origins even before independence in 1978. As early as 1975, westerners asked for a bigger share of the national budget to reflect what they felt was the western Solomon Islands’ contribution to national revenue. Later this call developed into a breakaway movement which was led by a handful of prominent westerners and partly inspired by the experiences of the neighbouring Bougainville. The key demand of the movement was for a federal system of government, failing which the westerners threatened to secede from Solomon Islands. It was further fuelled by a fear and resentment of migrants from Malaita Island and Gilbertese from Kiribati whom the British colonial government had earlier re-settled in western Solomons. The westerners were also apprehensive of 1977 amendments to land laws that transferred ownership of freehold land previously held by foreigners (including companies) to the central government. At the height of the breakaway movement, a month before independence, a poem entitled ‘Ode to the Westwind’ was published in the government-owned newspaper which the westerners found insulting and reflective of a Malaitan perspective (unproven).

The breakaway movement was resolved by the central government through a number of concessions to western Solomons in the form of key positions in the new administration and an increased budget allocation. Anger over the poem was pacified with a $9,000 compensation paid to the western Council by the central government.

While the central government was partly successful in defusing a potential rift within the new country, the western breakaway movement was the first example of provincial resentment against central government and perceptions that Honiara had monopolised government resources.

The bona fide demands of the people of Guadalcanal

The two largest central islands of Solomon Islands are Malaita and Guadalcanal. Prior to British colonial rule, the people of these islands were completely independent, reflecting their different cultures and ethnic background.

However, during colonial times, the British administration adopted the practice of moving the Malaitans off their island to work on the plantations on other islands, including Guadalcanal. Inevitably this provoked tension between the different ethnic groups, although at that time it was suppressed by the British.

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9 These estates were previously customary land before they were acquired by the colonial government as ‘wasteland’ and subsequently transferred to foreigners as freehold.
After independence, the pre-existing tensions between the people of Guadalcanal and Malaita grew. Many Malaitans moved to Guadalcanal to work in business and government. Inevitably, the relative affluence of these workers drew their immediate family and other relatives and friends to the area, causing resentment among the Guadalcanal population.

As early as 1978, certain persons claiming to represent the interests of the people of Guadalcanal against those of the Malaitans put in a petition to the central government demanding in part that a federal system of government be adopted, and that Guadalcanal customs be respected by migrants. There is no clear record of how the central government handled this petition.

In 1987 the central government established a Constitutional Review Committee to re-examine the constitutional arrangements. In its report, that Committee recommended, amongst other things, that Solomon Islands adopt federalism to grant greater autonomy and independence to the provinces. This report was either not tabled in Parliament or was tabled but not debated (there is no record of either). What can be ascertained is that no further action was taken by the government on this report.

In response, in 1988, a group of senior public officers and politicians representing Guadalcanal submitted a petition to the government outlining a number of demands – now commonly referred to as the ‘bona fide demands of the indigenous people of Guadalcanal’. The petition alleged that many Guadalcanal people had been murdered by migrants living on Guadalcanal (including squatters around Honiara), most of whom were Malaitans. Accordingly, the petition demanded an immediate response to halt the killings with the first steps being adoption of federalism as recommended by the Constitutional Review Committee in 1987 and repatriation of all illegal squatters. Other demands included shifting major development projects away from Guadalcanal; return of alienated land to the Guadalcanal provincial government; relocation of prisons from Guadalcanal; reducing internal migration and the pressures caused by it; registration of customary land by tribes/clans to avoid unscrupulous individuals selling the land without tribal consent; legislation to give every province exclusive authority over its 12 mile marine zone; and the re-introduction of capital punishment to further deter murders on Guadalcanal.

Again while there is ample evidence that the 1988 petition was duly presented to the national government, there is no record of any action formally taken to address these demands.

As a result of inaction in response to the 1988 petition, the opposition of the people of Guadalcanal to the constitutional setup of the country continued. In 1996 for instance, following the enactment of the Provincial Government Act, purporting to establish a modified system of provincial government, the Premier of Guadalcanal Province challenged the constitutionality of the legislation in the High Court. The High Court ruled that the Act was unconstitutional but this decision was later quashed by the Court of Appeal.

Then in 1998, the 1988 bona fide demands were resubmitted to the central government after a Guadalcanal woman was allegedly raped by a Malaitan migrant at Ruavatu Secondary School, located on east Guadalcanal. Again, there is no record of any discussion or action by the government.

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These issues are revisited further below.

Other issues

Apart from the questions surrounding nationhood and unity posed by western Solomons and Guadalcanalese discussed above, a number of other incidents occurred in the 1980s and 1990s which indicated a weak national consciousness at best, or ethnic antagonism at worst. For instance in 1989 a large number of Malaitans staged a riot in Honiara against people from Rennell and Bellona over a letter posted at a market, which was insulting towards Malaitans and allegedly written by a Rennell or Bellona person.

Later in 1996 there was another riot in Honiara which involved groups from Malaita and Temotu Province. In both instances, the government defused the situation through negotiations and the payment of monetary compensation, but without addressing the root causes of the ethnic conflict.

The Government’s failure to effectively tackle the Guadalcanal issue and to provide an effective response to the bona fide demands was the seed for the ethnic tension from 1998 onwards.

2.3 The ethnic tension of 1998 – 2003

Towards the end of 1998, the ethnic tensions between the people of Guadalcanal and Malaita, which the national government had failed to address for two decades, simmered over into armed conflict.

Guadalcanal youths formed the Guadalcanal Revolutionary Army, later called the Isatabu Freedom Movement. They forced many Malaitan settlers from parts of rural Guadalcanal resulting in the displacement of more than 20,000 Malaitans. In response, Malaitans formed the Honiara-based Malaita Eagle Force and the Marau Eagle Force of East Guadalcanal comprising South Malaitan settlers on that part of Guadalcanal.

During the conflict, many atrocities were committed by the militias on both sides against civilians and militants alike. These included abduction, rape and murder. Mistreatment, robbery, arson, criminal damage to property and the displacement of families from their homes was also commonplace.

At the outbreak of the tensions in late 1998, Prime Minister Bartholomew Ulufa’alu requested help from the Australian Government. However, on this occasion, Australia did not intervene due to the lack of an appropriate international framework for intervention.

In early 2000, at the height of the conflict, the Guadalcanal based Isatabu Freedom Movement again took up the bona fide demands and made similar demands. The Guadalcanal Provincial Government also submitted a set of demands on 18 February 2000 which essentially reiterated the 1998 bona fide demands but with further clarity. The 11 demands called for:

- the establishment of a federal system of government;
- review of fundamental rights;
- review of land laws to prevent persons owning land on another island;
- transfer of title in perpetual estates (formerly alienated land and later freehold estates) on Guadalcanal to the Guadalcanal Provincial Government for appropriate action;
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• payment to the Guadalcanal Provincial Government of rent for the use of Honiara as the national capital;

• transfer of shares in the then Solomon Islands Plantation Limited on east Guadalcanal to the Guadalcanal Provincial Government;

• payment of half of investment revenue raised on Guadalcanal to the province;

• long term relocation of the national capital elsewhere;

• legislative reform to control internal migration;

• amendment to election related legislation to prevent non-indigenous persons from contesting a seat (as is currently the case); and

• proper acquisition of the foreshore of Honiara from its customary owners.

In May 2000, the conflict took a further turn when the Honiara-based Malaita Eagle Force teamed up with some factions of the Royal Solomon Islands Police Force and raided the Rove Armoury. They subsequently put the then Prime Minister under house arrest whilst taking control of key installations in Honiara.

The Townsville Peace Agreement

From June 1999, various attempts were made to bring about peace in Solomon Islands. They included the Honiara Peace Accord of 28 June 1999, the Marau Communiqué of 15 July 1999, the Panatina Agreement of 12 August 1999, the arrival and work of the Multinational Police Peace Monitoring contingent from October 1999 onwards, the Buala Peace Communiqué of 5 May 2000, the Auki Communiqué of 12 May 2000, peace talks facilitated by New Zealand on board HMAS Tobruk in July 2000, and the Ceasefire Agreement of 3 August 2000.

On the 9 October 2000, militants from both sides of the ethnic conflict and their representatives were flown to the Royal Australian Air Force base in Townsville for further peace negotiations. On 15 October 2000, the Townsville Peace Agreement was signed between the Isatabu Freedom Movement and Malaita Eagle Force.

The Townsville Peace Agreement called for an amnesty in order to secure the cease fire. In the spirit of the Townsville Peace Agreement, the National Parliament of Solomon Islands subsequently enacted the Amnesty Act 2000 and the Amnesty Act 2001 granting wide amnesty to persons involved in the conflict for both criminal activities and civil liabilities.

However, while the Townsville Peace Agreement led to the formal cessation of the ethnic conflict, the pervasive unstable security and political situation remained, and the economic and social fabric of Solomon Islands continued to decay.

The economic and social impact of the conflict

The impact of the ethnic tension on the economic and social fabric of Solomon Islands was profound. Research published by the Australian Department of Foreign Affairs and Trade Economic Analysis Unit estimates that:

• From 1998 through to 2002, Solomon Islands’ gross domestic product decreased by an estimated 24 per cent.
In 2002 alone, formal Government debt increased by over 40 per cent as the government lost control of finances. Increasing debt servicing costs, uncontrolled expenditure by Government ministries and extortion by militants and police led to fiscal deficits which the Government was unable to finance. The Government defaulted on interest payments on loans in 2002.

Coupled with falling commodity prices, the value of merchandise exports fell by an average of 19 per cent per year between 1999 and 2002.

Falling exports led to substantial trade deficits which, together with the flight of capital, severely eroded the economy’s foreign exchange reserves. This resulted in substantial exchange-rate depreciation by the Central Bank. While depreciation helped stabilise foreign exchange reserves and improved the competitiveness of exports, it had a pronounced effect on the economy’s already high external debt levels.

At the same time, the economic decline in Solomon Islands and the financial crisis saw the withdrawal of government services from many areas of the country. A rapidly growing population placed further demand on already stretched services.

While a matter of conjecture, some commentators have argued that by early 2003, Solomon Islands had become or was well on the way to becoming a failed state. The Government could not enforce law and order, corruption and extortion drained Government resources and service provision faltered. Domestic production was collapsing and the economy’s spiralling debt was becoming unmanageable.

In evidence to the Committee, Sir Allan Kemakeza, who was Prime Minister of Solomon Islands at the time, summarised the situation as follows:

There was breaking into the Police armouries of Auki, the Police Headquarters, Yandina and Tulagi. Arming of unlawful society, yes! House arrest of the Prime Minister, yes! Six pay arrears of public servants. And as I said there were no services to the provinces, and even three provinces wanted to break away at that time - Makira, Temotu and Rennell and Bellona. The Police Force was highly compromised, the Prison Service was highly compromised, and there was even a breakaway at the Prison Service. Doors were broken down and every prisoner ran away, no one was left. Closure of companies, no debt servicing, and basic services like health, education were virtually none. Institutions were highly compromised; public service morale was very low because of no salary.

In response, as is examined in the next Chapter, Sir Allan Kemakeza again sought the assistance of Australia. On this occasion, Australia and the other 14 nations of the Pacific Islands Forum responded positively through the establishment and deployment of RAMSI.

Before examining the establishment and deployment of RAMSI, however, the Committee looks at the Pacific Islands Forum and the Biketawa Declaration under which RAMSI was deployed.

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13 Ibid, p xii.

14 Sir Allan Kemakeza, Former Prime Minister of Solomon Islands, Evidence, 15 September 2008, p 5.
2.4 The Pacific Islands Forum

The Pacific Islands Forum (previously the South Pacific Forum) is an intergovernmental organisation for coordinating cooperation between the following Pacific Ocean countries: Australia, the Cook Islands, the Federated States of Micronesia, Kiribati, the Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Since 2006, associate members territories are New Caledonia and French Polynesia. Fiji was suspended from membership of the Pacific Islands Forum on 2 May 2009.

The decisions of the Forum are implemented by the Pacific Islands Forum Secretariat.

As is discussed in the next chapter, the Pacific Islands Forum played a central role in the establishment and deployment of RAMSI, and continues to play a key role in oversight of RAMSI.

The Biketawa Declaration

At the 31st Summit of Pacific Islands Forum Leaders, held at Kiribati in October 2000, leaders of the Pacific Islands Forum agreed on a declaration called the Biketawa Declaration. The Declaration provides a framework for coordinating a regional response to regional crises, and was the basis for the RAMSI intervention in Solomon Islands in 2003. The Biketawa Declaration provides in part:

Forum Leaders recognised the need in time of crisis or in response to members’ request for assistance, for action to be taken on the basis of all members of the Forum being part of the Pacific Islands extended family. The Forum must constructively address difficult and sensitive issues including underlying causes of tensions and conflict (ethnic tensions, socio-economic disparities, lack of good governance, land disputes and erosion of cultural values).

RAMSI was the first regional engagement in a Pacific country by the Pacific Islands Forum under the terms of the Biketawa Declaration.

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15 The Biketawa Declaration takes its name from the Kiribati islet of Biketawa, where negotiators met in order to draft the agreement.
Chapter 3: The RAMSI intervention

This chapter examines the establishment and deployment of RAMSI, its mandate, structural pillars, achievements, criticisms and reviews. It also examines the new Partnership Framework between the Solomon Islands Government (SIG) and RAMSI which sets out the future goal and objectives of RAMSI.

3.1 The 2003 call for assistance from the Kemakeza Government

In April 2003, as general lawlessness added to the crisis facing Solomon Islands, the Prime Minister of Solomon Islands, Sir Allan Kemakeza, formally wrote to the Prime Minister of Australia, the Hon John Howard, requesting Australian assistance.\(^{16}\)

Subsequently, a high level meeting was held in Canberra from 4-6 June 2003 between representatives of the Australian and Solomon Islands Governments to discuss a proposed Australian led regional assistance mission to Solomon Islands.

This proposal was subsequently articulated in a document entitled Solomon Islands Government Policy Statement on the Offer by the Australian Government for Strengthening Assistance to Solomon Islands, 2003. This document contained the full text of the Australian Government’s ‘Framework for Strengthened Assistance to Solomon Islands: Proposed Scope and Requirements’. Significantly, in the document, the Solomon Islands Government noted that the offer of assistance from Australia was made with due recognition of the sovereignty of Solomon Islands:

> The guarantee [of sovereignty] that concerns us or which is relevant to the Australian proposal is the first one, i.e. no external force can interfere in the internal affairs of a state without the request or consent of the state concerned,\(^{17}\) in this case, Solomon Islands. The Australian proposal mindful of this important international principle requires Solomon Islands to provide a formal request by the Head of State, acting on the advice of Cabinet to the Australian Government before Australian assistance or intervention can proceed. The proposal also encourages wider political and community support and enabling legislation to be in place before the proposed intervention. Australia would not proceed with its offer of assistance if Solomon Islands does not accept it.\(^{18}\)

The assistance mission – involving the deployment of police, armed forces and associated personnel as a visiting contingent to Solomon Islands – was endorsed three weeks later by the Pacific Islands Forum Foreign Affairs Ministers at their meeting on the 30th of June in Sydney in accordance with the principles set out in the Biketawa Declaration.\(^{19}\)

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\(^{16}\) In evidence, Sir Allan Kemakeza indicated to the Committee that he undertook sensitive behind the scenes negotiations with the militias, the Opposition and other parties in order to take this step. See Sir Allan Kemakeza, former Prime Minister of Solomon Islands, Evidence, 15 September 2008, p 5.

\(^{17}\) This is the principle of non-intervention as provided in article 2(7) of the UN Charter.


However, the Ministers agreed that an essential condition for the provision of a program of strengthening assistance by Forum members was a clear, formal request from the SIG, and the passage of legislation through the National Parliament of Solomon Islands allowing police and, as necessary, armed peace-keepers from Forum members to support the Royal Solomon Islands Police Force in the performance of its duties.\textsuperscript{20}

On 4 July 2003, the Governor-General of Solomon Islands, Sir Reverend John Ini Lapli, acting on the advice of Prime Minister Kemakeza’s Cabinet, wrote to the Australian Prime Minister formally requesting assistance.


3.2 \textbf{The establishment of the RAMSI legal framework}

The RAMSI legal framework consists of three primary documents: the \textit{Facilitation of International Assistance Act 2003} (FIA Act), the Facilitation of International Assistance Notice 2003 (FIA Notice) and the RAMSI Treaty. These are examined below.

\textbf{The Facilitation of International Assistance Act 2003}

Following the passage on 11 July 2003 of the motion endorsing the program of strengthening assistance through the National Parliament, on 17 July 2003 the National Parliament of Solomon Islands passed the FIA Act to give legal basis for an intervention mission to Solomon Islands.

Fundamentally, the FIA Act provides for the provision of assistance by the government of another country through a visiting contingent and for the specification of an international agreement as an agreement that covers the operations of that visiting contingent. Section 3 of the Act specifically provides:

\textbf{International Assistance notice}

3. (1) The Governor-General may publish a notice that -

(a) states that the Government has requested assistance of the government of another country (the "assisting country") for a public purpose;

(b) states that the assistance will be provided by a contingent of persons (the "visiting contingent") from the assisting country or another country; and

(c) states that, because of subsection (3), this Act applies in relation to the visiting contingent.

(2) The notice may specify an agreement or arrangement between the Government and the government of the assisting country that covers the operations and activities in Solomon Islands of the visiting contingent (the "assistance agreement").

\textsuperscript{20} \textit{Ibid}, para 9.
It is notable that under the terms of section 3 above, the FIA Act allows the SIG to request and receive assistance from any visiting contingent. It is not limited to RAMSI, the current visiting contingent. In this regard, the legal framework that facilitates RAMSI’s presence in Solomon Islands is more flexible than the authorisations that form the basis of many UN or other international interventions.\textsuperscript{21}

**The Facilitation of International Assistance Notice 2003**

On 23 July 2003, the Governor-General of Solomon Islands, Sir Reverend John Ini Lapli, exercised the powers conferred under section 3 of the FIA Act to make the Facilitation of International Assistance Notice 2003 [Legal Notice 61], as published in a Supplement to Solomon Islands Gazette [SI No 20]. The full text of the Notice is as follows.

**THE FACILITATION OF INTERNATIONAL ASSISTANCE ACT 2003**

**(NO. 1 OF 2003)**

**THE FACILITATION OF INTERNATIONAL ASSISTANCE NOTICE 2003**

**(Section 3(1))**

IN exercise of the powers conferred upon me by section 3 of the Facilitation of International Assistance Act 2003, I, SIR. REV. JOHN INI LAPLI, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor-General and Commander-in-Chief of Solomon Islands, do hereby make the following notice -

(1) This Notice may be cited as the Facilitation of International Assistance Notice 2003.

(2) (a) On 4\textsuperscript{th} July, 2003, the Government of Solomon Islands requested the assistance of the Government of Australia, Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Tonga, Tuvalu and Vanuatu (‘assisting countries’) for a public purpose.

(b) The assistance will be provided by a contingent of persons (‘the visiting contingent’) from the assisting countries or other countries.

(c) The Act applies to the visiting contingent on the making of this Notice by reason of section 3(3) of the Act.

\textsuperscript{21} The legal basis for UN peacekeeping missions is derived from the *Charter of the United Nations*. The Charter gives the United Nations Security Council primary responsibility for the maintenance of international peace and security. In fulfilling this responsibility, the Security Council may adopt a range of measures, including the establishment of a UN peacekeeping operation. It is also notable that whereas RAMSI was mobilized and deployed with the consent of the Solomon Islands Government through the passage of the FIA Act and FIA Notice, the UN may take enforcement action without the consent of the main parties to the conflict, if it believes that the conflict presents a threat to international peace and security. See RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 20.
Pursuant to section 3(2) of the Act, the Agreement concerning the Operations and Status of the Police and Armed Forces and Other Personnel Deployed to Solomon Islands to Assist in the Restoration of Law and Order and Security between the Government of the Solomon Islands and the Governments of certain Assisting Countries is specified as an agreement that covers the operations and activities in Solomon Islands of the visiting contingent.

Dated at Honiara this twenty-third day of July, 2003.

SIR. REV. JOHN INI LAPLI
Governor-General

The RAMSI Treaty

On 24 July 2003, a day after the gazettal of the FIA Notice and in accordance with the provisions of the FIA Act and FIA Notice, representatives of six member states of the Pacific Islands Forum – Australia, New Zealand, Papua New Guinea, Fiji, Tonga and Samoa – signed an agreement with the Solomon Islands Government to allow the deployment of police and armed forces – later to become known as RAMSI – to the Solomon Islands to assist in the restoration of law and order and security. The agreement was entitled:

AGREEMENT BETWEEN SOLOMON ISLANDS, AUSTRALIA, NEW ZEALAND, FIJI, PAPUA NEW GUINEA, SAMOA, AND TONGA CONCERNING THE OPERATIONS AND STATUS OF THE POLICE AND ARMED FORCES AND OTHER PERSONNEL DEPLOYED TO SOLOMON ISLANDS TO ASSIST IN THE RESTORATION OF LAW AND ORDER AND SECURITY.

As previously indicated, the agreement is informally known as the RAMSI Treaty.

The Treaty was subsequently signed by all member states of the Pacific Islands Forum.

The RAMSI Treaty contains a total of 25 articles covering matters such as the duration of assistance, command and control of the visiting contingent, the carriage of weapons, the jurisdiction of the contingent, accommodation and facilities and communications.

3.3 The arrival of RAMSI

RAMSI officially commenced the mobilisation of its contingent to Solomon Islands on 24 July 2003, the same day on which the RAMSI Treaty was officially signed.

The initial contingent constituted the Participating Police Force (PPF) of 276 police officers drawn from nine member states of the Pacific Islands Forum, accompanied by the Combined Task Force (CTF), which is the military component of RAMSI providing security and support to the PPF.

3.4 The mandate of RAMSI

RAMSI's mandate on its arrival in Solomon Islands was specified in the Australian Government's 2003 'Framework for Strengthened Assistance to Solomon Islands: Proposed Scope and Requirements', as reproduced verbatim in Solomon Islands Government Policy Statement on the Offer by the Australian Government for Strengthening Assistance to Solomon Islands,
For completeness, since it arises later in this report, the Committee cites below the full text of RAMSI’s mandate as set out in these two documents:

1. SCOPE

Strengthened assistance will address the most serious specific threats to security and economic recovery in Solomon Islands. It should be provided by a cooperative effort between Solomon Islands and other members of the Pacific Islands Forum, led by Australia and New Zealand, engaging donors where possible, and cover both civil order and the economy.

2. Under civil order, the main task will be to re-establish security in Honiara enabling government, business and the community to operate free of intimidation. Improved security would later be extended beyond Honiara. Key elements will be to:

- in cooperation with the Police Commissioner, reform the Royal Solomon Islands Police, introducing expatriate police personnel into line positions, and providing increased resources;
- launch a new effort to locate and confiscate illegal weapons;
- investigate and prosecute new criminal offences vigorously;
- strengthen the courts and prison system; and,
- protect key institutions, such as the finance ministry, courts and their personnel from intimidation.

In this context, Australia would be prepared to consider whether there might be a requirement for expatriate military and police assistance.

3. The first task with the economy will be to stabilize government finances and balance the budget. The Key points will be to:

- secure revenue collection and control outlays;
- strengthen administrative safeguards in government financial systems, including by deploying expatriate personnel in key positions; and,
- obtain donor and IFI financial and technical support.

4. The second economy-related task will be to promote longer-term economic recovery and revive business confidence, building on better civil order and the stabilization of government finances. It will be important to pursue economic reform policies to regain credibility with the international donor community, and to rebuild the essential machinery of government to support stability and the delivery of services. Australia will support such efforts and continue its substantial support to health, the peace process and community-level development, and will make every effort to persuade other donors likewise to increase their support. Key points will include:
implementing economic reform, consistent with the recommendations of the recent economic governance mission;

• focused efforts to deal with corruption;

• downsizing the civil service, cleansing the payroll and stopping extortion; and

• improving debt management.

In summary of the above ‘Framework for Strengthened Assistance to Solomon Islands: Proposed Scope and Requirements’, as reproduced in Solomon Islands Government Policy Statement on the Offer by the Australian Government for Strengthening Assistance to Solomon Islands, 2003, RAMSI’s mandate on its arrival in Solomon Islands was to:

1) Restore civil order in Honiara and throughout the rest of the country, including confiscating illegal weapons, investigating and prosecuting new criminal offences, strengthening the courts and prison system and protecting key government ministries;

2) Stabilise government finances, including securing revenue collection and controlling expenditure, strengthening financial administrative safeguards and obtaining donor and international financial institutions’ support;

3) Promote longer-term economic recovery and revive business confidence, including implementing economic reform, dealing with corruption and improving debt management; and

4) Rebuild the machinery of government, including the functioning of the National Parliament, the Cabinet, the public service and the electoral process.

RAMSI’s mandate is also captured in Article 2 of the RAMSI Treaty, which provides that the visiting contingent is to assist in the maintenance of law and order in Solomon Islands:

The Assisting Countries may deploy a Visiting Contingent of police forces, armed forces and other personnel to Solomon Islands to assist in the provision of security and safety to persons and property; maintain supplies and services essential to the life of the Solomon Islands community; prevent and suppress violence, intimidation and crime; support and develop Solomon Islands institutions; and generally to assist in the maintenance of law and order in Solomon Islands.

The Committee notes that in fulfilling its mandate, RAMSI’s first priority upon its arrival in 2003 was the restoration of law and order and the stabilization of Government finances. Following the achievement of those objectives, RAMSI has since turned its attention to longer term challenges facing the people of Solomon Islands, notably: the restoration of the institutions of law and order such as the Royal Solomon Islands Police Force; the courts and prisons; strengthening and developing the capacity of the institutions of Government; and promoting economic growth. This is reflected in RAMSI’s three program pillars, as discussed below.

3.5 RAMSI’s leadership and three program pillars

RAMSI is led by the Special Coordinator of RAMSI, currently Mr Graeme Wilson, who is supported by a Deputy Special Coordinator and Assistant Special Coordinator. These three senior officers are appointed by the governments of Australia and New Zealand and the Pacific
Islands Forum respectively. Together with the Commander of the PPF, the Commander of the CTF and the Development Coordinator, these officials are RAMSI’s senior executive group.

The Special Coordinator of RAMSI is responsible for the overall coordination of RAMSI’s work, and for liaison and consultation with the SIG and with other parts of Solomon Islands society.

The Commander of the PPF serves as the Deputy Commissioner of the RSIPF under section 2 of the RAMSI Treaty, which states:

2. The head of the Participating Police Force shall be appointed a Deputy Commissioner of the Solomon Islands Police Force. Other members of the Participating Police Force may be appointed to the Solomon Islands Police Force.

RAMSI as an organisation is divided into three ‘pillars’, reflecting RAMSI’s mandate, each headed up by a Program Director. The three pillars are:

- Law and justice (including policing);
- Economic governance; and
- Machinery of government.

3.6 Summary of RAMSI’s achievements

Since its official mobilisation and deployment in July 2003, RAMSI has realised a number of significant achievements. These achievements are examined in detail throughout this report, however they may be briefly summarised as follows:

- The immediate restoration of law and order in Solomon Islands upon its arrival following the 1998 – 2003 period of ethnic tension, with weapons seized and removed permanently from the community and militant leaders arrested.

- The building of stable long term security arrangements with the rebuilding of the Royal Solomon Islands Police Force, the Correction Service of Solomon Islands and the courts.

- The stabilisation of government finances and the balancing of the national budget with the assistance of advisers deployed to the Ministry of Finance and Treasury. Government revenue has increased by over 50 per cent, and Solomon Islands’ economy has grown by an average of 5 per cent per year since RAMSI’s arrival.

- Machinery of government reforms such as the developing of a professional and committed Public Service, and the strengthening of formal accountability institutions such as the Office of the Auditor General and the Office of the Ombudsman.

- Rebuilding of Solomon Islands infrastructure. Table 3.2 shows the infrastructure projects that have been supported by RAMSI up to June 2009, categorised according to the RAMSI program pillars.

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22 Submission 6, RAMSI, p 5.
23 Ibid, pp 7-8.
<table>
<thead>
<tr>
<th>RAMSI Pillar</th>
<th>Project Title</th>
<th>Status at June 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law &amp; justice - corrections</td>
<td>Rove Prison: Communications, gate lodge, roof, laundry, fuel bund, waste water and sewerage</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td>Rove Prison: Fire alarms &amp; lighting</td>
<td>Under construction</td>
</tr>
<tr>
<td></td>
<td>Rove Prison: Stormwater upgrade</td>
<td>Yet to commence</td>
</tr>
<tr>
<td></td>
<td>National Referral Hospital: Secure ward</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td>Auki Prison: Site works &amp; buildings, alternative energy source</td>
<td>Under construction</td>
</tr>
<tr>
<td></td>
<td>Gizo Prison: Site works &amp; buildings</td>
<td>On hold</td>
</tr>
<tr>
<td></td>
<td>High Court Precinct: Court 4 &amp; 6 refurbishment, holding cells refurbishment, Sheriff/Registry Office, electrical upgrade to justice precinct</td>
<td>Completed</td>
</tr>
<tr>
<td>Law &amp; justice - justice</td>
<td>Central Magistrates Office: Case Support Unit refurbishment</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td>Kalala House refurbishment</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td>Auki Justice buildings</td>
<td>Under construction</td>
</tr>
<tr>
<td></td>
<td>Gizo Justice precinct</td>
<td>Yet to commence</td>
</tr>
<tr>
<td>Law &amp; Justice - police</td>
<td>NZAID/RAMSI Police Housing Project</td>
<td>On hold pending resolution of land issues</td>
</tr>
<tr>
<td>Machinery of Government</td>
<td>Ombudsman/LCC building</td>
<td>Under construction</td>
</tr>
<tr>
<td></td>
<td>Cabinet Office refurbishment</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td>PSIP office refurbishment</td>
<td>Completed</td>
</tr>
<tr>
<td>Economic governance &amp; growth</td>
<td>Lata water supply</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td>Post Conflict Emergency Rehabilitation Project: rehabilitation of approximately 160km of road and 51 bridges around Honiara and Auki</td>
<td>Completed</td>
</tr>
<tr>
<td></td>
<td>Solomon Islands Road Improvement Project: rehabilitation of 100 km of national roads from the SIG National Transport Plan</td>
<td>Ongoing*</td>
</tr>
<tr>
<td></td>
<td>Community Support Program - Malaita Roads Program: approximately 200km of national and provincial roads have been rehabilitated and maintained.</td>
<td>Ongoing*</td>
</tr>
<tr>
<td>Other</td>
<td>RAMSI/NZAID Police Housing Project</td>
<td>Pending resolution of land issues</td>
</tr>
</tbody>
</table>

* The Solomon Islands Road Improvement Project and the Community Support Program - Malaita Roads Program are currently being moved to the AusAID bilateral aid program.
Source: RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, pp 39-40.

The Committee notes that a large number of parties throughout the inquiry cited with gratitude the achievements of RAMSI since its arrival in 2003. In particular, many stakeholders in both their submissions and evidence prefaced their remarks by acknowledging the work done by RAMSI in restoring law and order since 2003. Reflecting and representative of this common sentiment, the Committee cites the evidence of the Hon Dr Derek Sikua, Prime Minister of Solomon Islands:
… I acknowledge and pay tribute to the huge contribution that this Mission has made to the re-establishment of law and order and security in Solomon Islands. Our country cannot deny the fact that this assistance has given our country space, the environment to re-build our country and the opportunity to map out a future for our people and make decisions and implement programs that address the root causes of the ethnic tension. RAMSI has given us and our development partners that opportunity, and I say thank you for coming at a time when this country needed such help.24

The Committee notes that the world is watching RAMSI as an unprecedented regional response to a regional problem from which the world can learn.25

3.7 Summary of RAMSI’s criticisms

While RAMSI has achieved some notable successes, it has also been the subject of some criticisms. These criticisms are again examined in detail throughout this report, however they may be briefly summarised as including:

- The legal framework establishing RAMSI is unconstitutional or at best poorly drafted;
- The legal framework establishing RAMSI provides powers and privileges to RAMSI personnel, such as a limited immunity from legal proceedings in Solomon Islands courts, which may have been necessary in 2003, but that are no longer necessary today;
- RAMSI is essentially operating as a parallel government within Solomon Islands alongside the SIG, compromising the sovereignty of the country;
- RAMSI should use its good name and reputation to expand its mandate and provide a ‘peace dividend’ to the people of Solomon Island, including the delivery of infrastructure currently funded under bilateral and multilateral aid arrangements;
- The opportunity has not been taken during RAMSI’s presence in the country to address some of the root causes of the ethnic tensions within Solomon Islands (this is perhaps more a criticism of successive Solomon Islands Governments than it is of RAMSI); and
- The RAMSI exit strategy is unclear.

3.8 Previous reviews of RAMSI

There have been a number of previous reviews and reports, discussed below, evaluating RAMSI since the RAMSI intervention in 2003. At various times throughout this report, reference is made to these reviews and reports.

24 The Hon Dr Derek Sikua, Evidence, 18 September 2008, p 3.
Inquiry into the Facilitation of International Assistance Notice 2003 and RAMSI intervention

The 2004 Report of the Solomon Islands Intervention Taskforce


In its report, the Intervention Task Force found that RAMSI had been very effective in helping rebuild the nation, with a restoration of law and order and improvements in the functioning of key government agencies, notably the courts and judiciary, the Royal Solomon Islands Police Force and the Ministry of Finance and Treasury. The Task Force also highlighted the great appreciation and support that many Solomon Islanders had expressed for the RAMSI intervention.

The 2004 Report of the Foreign Relations Committee

In 2004, this Committee looked into the receipt, administration and management of RAMSI. This was on the Committee’s own initiative under Standing Order 71B(e) but appears to have been considered as part of Parliament’s annual review under the FIA Act. The timing, however, suggests that it was not strictly a review by Parliament under the Act. In addition, the review was conducted through private deliberations of the Committee and was thus not a full review of RAMSI.

In its report the Committee considered issues such as the military, police and prisons, civil offices and budget support. The Committee made the following observations and recommendations:

- Military: The Committee noted that RAMSI military personnel are not answerable to any local authority. And recommended that military personnel should be gradually phased-out of the country.

- Police and prisons: The Committee noted that systems need to be put in place to ensure that skills and knowledge are passed on to local officers.

- Civil officers: The Committee expressed concern about the recruitment processes for RAMSI civil officers. The Committee was concerned that these personnel were not subject to the General Orders and other rules that are applicable to public officers. This fact, plus the conditions under which RAMSI personnel were recruited, were perceived by the Committee as giving the wrong impression of RAMSI.

- Budget support: The Committee commented that debt servicing appeared selective in that priority was given to World Bank and Asian Development Bank loans only. Providing budget support through Price Waterhouse Accountants instead of the Government Treasury was also identified as a concern.

The Solomon Islands Intervention Task Force was a bipartisan, broadly-based representative group established by the Prime Minister to monitor the activities and performance of RAMSI on behalf of the SIG and the people of Solomon Islands.

• Administration: The Committee noted that having an Australian lead RAMSI and
answerable to Canberra and not the Secretary General of the Pacific Islands Forum was
making RAMSI appear like a Canberra operation under the guise of a regional mission.

• Management: The Committee found the relationship between RAMSI and the
Intervention Task Force was unclear. There was also no clear strategy or outcomes for
the assistance. The Committee called for such strategy and outcomes to be developed
with the guidance of the National Economic Recovery, Rehabilitation and Development
Plan 2003-2006.28

The 2005 Review by the Eminent Persons Group

In 2005, the Pacific Islands Forum, at the request of the Prime Minister of Solomon Islands,
dispatched an Eminent Persons’ Group with the objective of assessing the impact of RAMSI and
the challenges facing Solomon Islands in the future. The key findings of the report were:

• Since the arrival of RAMSI, there had been a return to law and order in Solomon
Islands, the financial situation had stabilised, and there were signs of economic
recovery.

• The stable environment was solely due to the ongoing presence of the PPF.

• RAMSI was perceived as a predominantly Australian exercise. Given the desirability of
it being a regional exercise, the Pacific representation in both the policing and civilian
components of RAMSI should be strengthened where possible.

• There is a strong need for reconciliation in Solomon Islands, with efforts on this front
having lost some of their momentum.29

The report of the Eminent Persons Group was subsequently considered by this Committee in
July 2005. In its report tabled on 16 July 2005,30 the Committee approved the recommendations
of the Eminent Persons Group and urged the SIG to implement the recommendations.

The 2007 review by the RAMSI Review Task Force

In 2007, the Pacific Islands Forum conducted a major review of the operation of RAMSI through
the appointment of the RAMSI Review Task Force. The report of the Task Force was entitled
‘Report of the Pacific Islands Forum Review of The Regional Assistance Mission to Solomon
Islands April – June 2007’. This was a significant report, referred to frequently throughout this
report.

The 2007 RAMSI Review Task Force report contained significant recommendations for the
future monitoring of RAMSI. While the report noted RAMSI’s ‘strong and widespread support
throughout Solomon Islands’, it also included recommendations to strengthen the mechanism
by which RAMSI is monitored and reviewed, notably:

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28 Foreign Relations Committee’s, ‘Report on the Receipt, Administration and
Management of the Regional Assistance Mission to Solomon Islands (RAMSI),

29 Pacific Islands Forum Eminent Persons’ Group, A Review of the Regional Assistance

30 Foreign Relations Committee, ‘Report on the report of the Forum Eminent Persons

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• The establishment of a Forum Ministerial Standing Committee (FMSC), to comprise Foreign Members of the past, present and future Forum Chair countries, as well as the Foreign Ministers of Solomon Islands and Australia, to provide oversight and governance to RAMSI; and

• The establishment of a ‘triumvirate group’ of SIG, Forum and RAMSI representatives.\(^{31}\)

The Task Force also supported the maintenance of the ‘Enhanced Consultative Mechanism’ which was an interim consultative body set up in 2006 before the Task Force review involving senior official from RAMSI and the Forum.

In response to these recommendations, the FMSC was formed and held its first meeting in Honiara on 22 February 2008. The ‘triumvirate group’ was also formed to provide an enhanced mechanism for dialogue between the SIG, the Forum and RAMSI. It comprises:

• the Solomon Islands Government Permanent Secretary to RAMSI appointed by the SIG (previously referred to as the Special Envoy to RAMSI);

• the Pacific Islands Forum Representative to Solomon Islands in Honiara; and

• the Special Coordinator of RAMSI.

The Committee notes that the FMSC was instrumental in the development of the SIG-RAMSI Partnership Framework, discussed later in this chapter.\(^{32}\)

The People’s Surveys

In 2006 (pilot), 2007 and 2008, RAMSI commissioned an independent research body, ANU Enterprise, to conduct national surveys of Solomon Islanders’ perceptions of the work of RAMSI. The survey has been used by RAMSI, the SIG and Forum countries to measure how RAMSI is performing against its objectives. The results of the surveys are on the RAMSI website at www.ramsi.org/node/262.

The key findings of the most recent 2008 survey were:

• 56 per cent of respondents said there was less general crime compared with a year ago;

• 89 per cent of respondents support the presence of RAMSI in Solomon Islands;

• 59 per cent of respondents said primary schools had improved in the past year; and

• 56 per cent of respondents expected services to improve.\(^{33}\)

At the time of tabling of this report, the People’s Survey for 2009 was not publicly available, although the Committee anticipated its imminent release.

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\(^{32}\) Dr Lesi Korovavala, former Pacific Islands Forum Secretariat Representative to Solomon Islands, Evidence, 19 September 2008, p 2. The SIG-RAMSI Partnership Framework was still at its negotiation stages when Dr Korovavala made this observation. He was part of the negotiations.

The RAMSI Annual Performance Reports

RAMSI has published Annual Performance Reports for the years 2005-2006, 2006-2007 and 2007-2008 which are available on the RAMSI website at www.ramsi.org/node/262. These reports, prepared by the RAMSI Performance Assessment Advisory Team, contain detailed assessments of RAMSI’s performance for the relevant time period against RAMSI’s mandate and program pillars. The key highlights identified in the most recent Annual Performance Report 2007-2008 were:

- Support among Solomon Islanders for RAMSI’s presence in the country remains high at around 90%.
- There has been some increase in the public understanding that RAMSI is active in a number of areas other than law and justice.
- Gains in security, public financial management and economic growth are being maintained. However, all gains are to some extent fragile and may be reversed.
- All programs have moved away from dependence on RAMSI technical assistance. However, more effort needs to be made to ensure that judgements about transitions are shared by RAMSI and SIG and seen within the context of overall plans to leave behind reasonably effective and resilient institutions.
- Problems with recruitment and retention in the Public Service, and sustainability of levels of RAMSI financial subsidy in some areas, remain risks to the achievement of RAMSI/SIG objectives and merit closer attention in strategic discussions.
- RAMSI remains committed to the principle of gender equality. There are examples of good practice within RAMSI in reporting outcomes on the effects of programs on women and men (including the rich set of disaggregated data in the People’s Survey), but practice overall needs to be strengthened.
- Performance reporting is still in some cases not giving managers the information they need. While all programs now have clear objectives, more consistent and substantive reporting is needed against them, together with greater convergence with SIG reporting systems.34

At the time of tabling of this report, the Annual Performance Report for 2008-2009 was not publicly available, although the Committee anticipated its imminent release.

3.9 The Partnership Framework and the future of RAMSI

In April 2009, the Solomon Islands Government and RAMSI concluded the development of its Partnership Framework between Solomon Islands Government and Regional Assistance Mission to Solomon Islands. The Partnership Framework was endorsed by the Cabinet on 14 May 2009, and by the FMSC on 15 May 2009.

The development of the Partnership Framework arose out of the 2007 report of the Forum RAMSI Review Task Force. As indicated previously in this chapter, the Taskforce recommended that steps be taken to strengthen mechanisms for dialogue between RAMSI and the SIG, including the establishment of the FMSC on RAMSI. It also recommended that RAMSI’s drawdown over

time should not involve a blanket, arbitrary exit deadline, but rather a series of jointly agreed indicative and conditions-based timelines. These timelines would be met as key institutions across several sectors built capacity and attained sustainability.

In February 2008, at the inaugural FMSC meeting on RAMSI, it was decided that these conditions-based timelines would be achieved through the development of a Solomon Islands Government – RAMSI Partnership Framework, to align more closely the work of RAMSI with the priorities set by the SIG. Providing evidence in 2008 prior to the adoption of the final Partnership Framework, the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, observed:

In the preface of that document my government has emphasized that firstly we wish to continue this relationship, but as equal respectful partners; and secondly, we believe that the assistance would be most valuable if it could address the current priority needs of Solomon Islands, and the current priority needs of Solomon Islands that Solomon Islanders can claim ownership for.35

The introduction to the Partnership Framework, as concluded in April 2009, makes the following statement in relation to the goals and objective of RAMSI’s work with the SIG, together with the long-term future and withdrawal of RAMSI from Solomon Islands:

The Partnership Framework sets out the overall goal and objectives for RAMSI’s work with the Solomon Islands Government. It also outlines aspirational goals that are aligned with Solomon Islands Government objectives and identifies specific verifiable targets and indicative timeframes for their achievement. This is intended to reduce RAMSI’s engagement as Solomon Islands capacity grows. The Partnership Framework also provides a detailed list of the main areas of RAMSI activity.

The Committee notes that the Partnership Framework does not change RAMSI’s mandate. However, it does provide a clear statement of RAMSI’s goals and objective in fulfilling its mandate.

The goals and objectives set out in the Partnership Framework, which draw directly on RAMSI’s mandate and program pillars, are set out below:

OVERALL GOAL

A peaceful Solomon Islands where key national institutions and functions of law and justice, public administration and economic management are effective, affordable and have the capacity to be sustained without RAMSI’s further assistance.

Law and Justice Aspiration

A secure, safe, ordered and just Solomon Islands society where laws are administered fairly regardless of position or status, giving due recognition to traditional values and customs.

Economic Governance and Growth Aspiration

35 The Hon Dr Derek Sikua, Evidence, 18 September 2008, p 10.
A Solomon Islands achieving broad-based economic growth and a more prosperous society (including for those living in rural areas) supported by a fiscally responsible government which promotes sound economic policies.

Machinery of Government Aspiration

A public administration that is strategic, professional, transparent and accountable in the delivery of services and priority programs of the government of the day.

A key feature of the Partnership Framework is the foreshadowed development of a draft performance matrix to underpin the framework. This matrix will provide a means for jointly monitoring progress towards the targets set in the framework.

A SIG/RAMSI Performance Oversight Group, assisted by a small, independent, external team of performance experts, will be responsible for overseeing the Matrix and performance issues. The Performance Oversight Group will provide interim reports every six months, and a more formal report following the end of each calendar year. This work will form the basis of performance reporting to the FMSC and Forum Leaders.36

Significantly, the Partnership Framework does not set any specific deadlines for RAMSI’s exit from Solomon Islands. Rather, the Partnership Framework establishes mutually-agreed, conditions-based timelines to reduce RAMSI’s engagement in program areas as the SIG’s capacity continues to grow.37 RAMSI’s exit strategy is revisited in the final chapter of this report.

36 Partnership Framework between Solomon Islands Government and Regional Assistance Mission to Solomon Islands, April 2009, p 12.
37 Submission 6, RAMSI, p 11.
Chapter 4: Judicial decisions on RAMSI and the FIA Act

This chapter examines two significant challenges initiated in the courts in 2005 to the constitutionality of the FIA Act, the legal status of RAMSI and the immunities given to RAMSI personnel under the FIA Act: Nori’s Case (decided in 2006) and Makasi’s Case (decided in 2007). These cases are referred to later in this report in Chapter 5 (The RAMSI Legal Framework) and Chapter 6 (The powers and privileges of RAMSI personnel).

4.1 Nori’s Case (2006)

The first of the legal challenges to the constitutionality of the FIA Act, the legal status of RAMSI and the immunities given to RAMSI personnel under the FIA Act was the case of Andrew H. Nori v Attorney-General, Sandy Piesley (Commander of the Participating Police Force under RAMSI) and others (Nori’s Case).38

This case arose from events of February 2005, although the final High Court judgment was not delivered until 4 April 2006. The plaintiff in the case was Mr Andrew Nori, a legal practitioner who was widely known as the legal advisor and/or spokesman of the Malaita Eagle Force during the ethnic tension. In an investigation related to criminal activities that occurred during the ethnic tension, PPF officers obtained warrants from the Magistrates’ Court to search Mr Nori’s residence and his law firm around February 2005. Certain documents were removed from both. He was also invited to the police headquarters for questioning. Charges were subsequently laid against Mr Nori. He was later granted bail with restrictive conditions on his movement.

The plaintiff initiated proceedings in the High Court against the Attorney General (representing the RSIPF), the Commander of the PPF and certain officers of the PPF. Mr Nori alleged that the searches conducted by the PPF at his residence and firm caused him, his family and employees psychological stress, embarrassment and loss of profit because his clients stopped consulting his firm.

Mr Nori sought from the High Court a total of 12 declarations. The first, and key, declaration sought was that the FIA Act was unconstitutional and void to the extent that the Act:

- establishes or provides for an independent police force which is not under the full command of the Commissioner of Police (the Commissioner) as required by the Constitution;
- establishes or provides for the operation in Solomon Islands of a police force the members of which are not appointed by the Police and Prisons Service Commission or by the Commissioner as required by section 120 (1) and (2) of the Constitution;
- provides for immunity from legal proceedings of members of the illegal force; and
- directs the Director of Public Prosecutions not to initiate any action against members of the illegal force for criminal actions committed in Solomon Islands.

38 Unreported, High Court, Palmer CJ, 4 April 2006). This case may also be accessed online at the PacLii website: www.paclii.org/sb/cases/SBHC/2006/134.html (accessed on 19 October 2009).
Mr Nori also sought declarations that the PPF is unconstitutional and illegal; that the offices of the PPF Commander and PPF personnel involved in the case are unconstitutional and illegal; that as non-members of the RSIPF, the PPF Commander and all PPF personnel have no legal power to exercise police functions/powers in Solomon Islands; and that the PPF Commander and all PPF personnel entered the country in breach of customs and immigration laws and are therefore in the country illegally.

The last 7 declarations sought related to the plaintiff’s allegation regarding the searches of his home and office.

In his judgement, His Lordship, Chief Justice Palmer, considered that all other declarations depended on the outcome of the ruling on the first (constitutionality of the Act) so he focused primarily on that issue. The ruling of Palmer CJ on the first 5 declarations sought by the plaintiff are summarised below.

**FIA Act unconstitutional because it allows an independent police force operating contrary to the Constitution**

When considering this ground, his Lordship noted that under existing laws there are provisions for another police force operating in Solomon Islands. Palmer CJ then considered section 19 of the FIA Act which vests in the visiting contingent (in this case RAMSI) sole responsibility for the ‘internal command, control, discipline and administration of the personnel of the visiting contingent’. His Lordship did not find this provision in breach of the Constitution. He ruled that while section 19 of the Act leaves internal command, control and discipline of RAMSI/PPF personnel to RAMSI and the PPF, that does not undermine or remove overall command and control of the Commissioner of Police. Further, the Act does not allow the PPF to usurp the functions and powers of the RSIPF; and it makes the head of the PPF a Deputy Commissioner of Police, thus bringing the PPF under the Commissioner’s command and control in terms of police powers and functions.

**FIA Act unconstitutional because it allows persons to carry out police functions although they are not duly appointed by the Police and Prison Services Commission**

When considering this ground, Palmer CJ acknowledged that the power to appoint police officers is vested solely in the Police and Prison Services Commission, but noted that the Executive (through assignment of responsibility to a Minister) is permitted by section 43(5) of the Constitution to assign responsibility for the organisation, maintenance and administration of the police force. As such, the Executive can create whatever position within the RSIPF it wishes and fill these positions with whomever the Executive prefers. On that basis, the creation of the office of Deputy Commissioner of Police and the filling of that position with the PPF Commander was not in breach of any law. Moreover, appointment of PPF officers as officers of

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39 For instance, where there is war, section 6 of the Police Act (Cap. 110) allows the Prime Minister to invite another police to enter and operate in the country. Similarly, under Part VII of the same Act, another police force may enter and operate in Solomon Islands if it is part of a reciprocal arrangements between Solomon Islands and another country. Further, the definition of a ‘disciplined force’ in section 19(4)(g) of the Constitution recognises policing arrangements between Solomon Islands and other countries or international organizations.

40 This body is now called the Police and Correctional Services Commission. The change came about with the enactment of the Correctional Services Act 2008 (which repealed the Prisons Act (Cap. 111) and the consequential amendment of the Constitution through the Constitution (Amendment) (No.1) Act 2008.
another police force is an internal matter and there is no requirement that they be appointed by the Police and Prison Services Commissioner.

**FIA Act unconstitutional because it allows RAMSI to discipline its own personnel, a constitutional function of the Police and Prison Services Commission**

Palmer CJ also rejected this submission. He ruled that the Commission’s power to deal with discipline is one that is exercised under normal circumstances and applies only to the local police force. However, both the Police Act (Cap. 110) and the Constitution recognise that where another police force is operating in Solomon Islands, that force is entitled to deal with its own officers under its own internal disciplinary processes.

**FIA Act unconstitutional because it provides immunity from legal proceedings which is unfettered and deprives citizens of their right of recourse to the courts**

The plaintiff argued that section 17 of the FIA Act, which provides limited legal immunity to personnel of a visiting contingent, is unconstitutional because it is unfettered. Where incidents occurred whilst performing official duties, it allows PPF officers to interfere with citizens’ fundamental rights but without recourse to the courts.

Nori also argued that the extent of the immunity provided by section 17 of the Act is such that it threatens the fundamental rights of citizens under the Constitution in that even breach of such rights would be immune from legal proceedings.

Palmer CJ rejected both arguments. He held that section 17 of the FIA Act does not create unfettered immunity because any action arising from conduct outside official duties (or incidental to such) is not immune. While acknowledging that under the Constitution nothing in or done under the authority of disciplinary law of a disciplined force (including the PPF) is to be held as inconsistent with fundamental rights enshrined in Section 19(4) of the Constitution, his Lordship noted that the determination whether an action under question was taken during the course of duty, and whether such action is sanctioned by disciplinary law, are decisions that will ultimately be for the courts to make.

His Lordship further noted that section 24 of the FIA Act expressly subjects that Act to the Constitution. This includes subjection to the jurisdiction of the courts to determine the ambit of immunity and any breaches of constitutional rights.

Palmer CJ also made a comparison between FIA Act immunity and diplomatic immunity. The latter is granted to the staff and heads of diplomatic missions under the Diplomatic Privileges and Immunities Act (Cap. 67). Drawing from a judicial precedent from Tonga and the Vienna Convention on Diplomatic Relations 1961, his Lordship found that under the FIA Act immunity is not immunity from criminal jurisdiction of the courts but is an exemption from suit, which will be dealt with by the sending state. Accordingly, Palmer CJ ruled that section 17 of the FIA Act is not inconsistent with the Constitution.

His Lordship reiterated that where breach of constitutional right is alleged, the courts still have ultimate jurisdiction to consider whether or not such breach was committed, and whether immunity under the Act applies. Thus, the FIA Act retains the jurisdiction of the courts and does not remove recourse to the courts.
Inquiry into the Facilitation of International Assistance Notice 2003 and RAMSI intervention

FIA Act unconstitutional because it interferes with the Minister’s and Director of Public Prosecutions’ independence

Section 17(5) of the FIA Act provides that if the action of a PPF officer is immune under the Act, the Minister responsible for justice is to be deemed to have directed the Director of Public Prosecutions (DPP) not to initiate action against that officer. The plaintiff submitted that this provision interferes with the independence of the Minister and the DPP in breach of the Constitution. Palmer CJ, however, dismissed this argument on the basis of a proviso of the relevant provision that if a case concerns the defence, security or international relations of Solomon Islands, the DPP must notify the Minister of justice of the same, and thereafter act in accordance with the directions of the Minister regarding that case. His Lordship accordingly held that the deeming provision of section 17(5) of the FIA Act is permitted by the said proviso and is thus consistent with the Constitution.

Summary

In summary, Palmer CJ ruled that the FIA Act was not unconstitutional in any of the areas raised by the plaintiff. He accordingly held that:

(a) the PPF is a lawful police force operating in Solomon Islands that is entitled to control its internal affairs, including appointment and discipline of its personnel;

(b) the PPF is still under the overall command and control of the Commissioner of Police and does not in any way remove or reduce the powers of the Commissioner or the Police and Prison Services Commission;

(c) the immunity provided by the FIA Act does not oust the jurisdiction of the courts to make preliminary determinations as to the ambit of the immunity and full proceedings where action is found to be outside the scope of the immunity; and

(d) the FIA Act does not interfere with the independence of the Minister of Justice or the DPP because the relevant provisions of the Act deals with matters of security and international relations – areas that the Constitution permits the DPP to be directed by the Minister.

This ruling thus struck out the first declaration sought by the plaintiff. Since the rest of the declarations sought hinged on the first, the entire case was dismissed by Palmer CJ. There was no further appeal against this decision.

4.2 Makasi’s Case (2007)

The only other case in which constitutional issues pertaining to RAMSI were considered was that of John Makasi v Commander of the Participating Police Force under RAMSI and Attorney-General (Makasi’s Case).

This case stemmed from the investigation following the shooting of a PPF officer in December 2004. As part of the investigation, PPF personnel took Mr John Makasi, the plaintiff, for

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41 Section 91 (7), Constitution.

42 Unreported, High Court, Mwanesalua J, 14 December 2007. This case may also be accessed online at the PacLii website: www.paclii.org/sb/cases/SBHC/2007/160.html (accessed on 19 October 2009).
questioning. Mr Makasi subsequently sued the Commander of the PPF and the Attorney General alleging that he had been arrested and questioned, and his home searched, by PPF officers in breach of his constitutional rights.

Mr Makasi thus sought from the High Court declarations that the actions of the PPF officers were in breach a number of constitutional freedoms/rights. In addition, the plaintiff sought a further declaration to the effect that section 19 of the FIA Act\footnote{Section 19 of the FIA Act provides: While respecting the laws of Solomon Islands, the visiting contingent shall have sole responsibility for the internal command, control, discipline and administration of the personnel of the visiting contingent.} is subject to section 43(3) of the Constitution.\footnote{Section 43(3) of the Constitution provides: The Police Force shall be under the command of the Commissioner of Police.}

This case was initiated in 2005 before Nori's Case was decided but the final judgement was handed down by Mwanesalua, Judge (puisne) on 14 December 2007 after Nori's Case had been disposed of.

**The High Court ruling**

On the evidence adduced during the trial, Mwanesalua J found that PPF officers did not unlawfully arrest, question or detain Mr Makasi; nor was the plaintiff subjected to the actions he alleged. The search of his house was undertaken pursuant to a warrant that was lawfully obtained from the Magistrates' Court and as such was not in breach of the plaintiff's constitutional rights.

In terms of the legality of the FIA Act, his Lordship followed the ruling in Nori's Case and held that while section 19 of the Act gives responsibility to the visiting contingent over internal command, control and discipline of its own personnel, this does not in any way take away the overall command and control of the police force by the Commissioner of Police. That line of command is retained by having the PPF Commander serve as the Deputy Commissioner who is then answerable to the Commissioner.

The PPF Commander did not seek to defend the claims on the basis of immunity from legal proceedings under section 17 of the FIA Act. Accordingly, the issue of immunity did not arise.

Mwanesalua J dismissed the case for failing to disclose a reasonable cause of action. Mr Makasi subsequently appealed this decision to the Court of Appeal.

**The Court of Appeal ruling**

Before the Court of Appeal, Mr Makasi raised essentially the same issues that the High Court had ruled on.

The court accepted the trial judge's findings of facts and his ruling that the PPF officers involved did not do anything that contravened the constitutional rights of Makasi. In its judgment, the Court of Appeal confirmed the precedent in Nori's Case that the FIA Act does not undermine the overall command and control of the Commissioner of Police over the police force. Their Lordships found that existing laws provide for the presence and operation of another police force in Solomon Islands and the FIA Act, read with the RAMSI Treaty, has the same effect.
As far as section 43 of the Constitution is concerned, the Court of Appeal held that the provision only deals with the relationship between the Commissioner and the local police force, but has no bearing on any arrangement between the SIG and other police forces; nor does the provision require that all police functions (including those vested in the PPF) be under the control of the Commissioner.

Accordingly, the Court of Appeal unanimously dismissed the appeal on 18 July 2008.

4.3 Committee comment

The decision in Nori’s Case made it clear that there are indeed two separate police forces operating in Solomon Islands – the RSIPF and the PPF – but that the arrangement established by the FIA Act and the RAMSI Treaty is such that both police forces can operate side by side without undermining the authority of the Commissioner of Police under the Constitution and the Police Act (Cap 110). Nori’s Case also lay to rest suggestions that the powers and privileges of RAMSI personnel under the FIA Act are unconstitutional.

Makasi’s Case, on the other hand, was an opportunity for the courts to re-examine the relationship between the FIA Act and fundamental rights, especially in light of the immunity from legal proceedings. This opportunity was, however, lost because the PPF Commander opted not to rely on that immunity. As such, the scope of application of the immunity was not fully explored by the High Court or the Court of Appeal.

The ruling of Palmer CJ in Nori’s Case on this issue thus remains the precedent – the immunity accorded to RAMSI personnel against prosecution:

- does not apply where the actions concerned are not related to the duties of the officer;
- is immunity from suit and not from criminal prosecution, which can be undertaken in Solomon Islands or by the officer’s sending country; and
- does not oust the jurisdiction of the High Court to determine the ambit of the immunity and the question of whether there has been a constitutional breach.

In the final analysis, the real value of Makasi’s Case lies in its weight as a judicial precedent, given that it went to the highest appellate court. However, the case did no more than confirm the ruling in Nori’s Case confirming that the FIA Act is not unconstitutional, RAMSI/PPF has the legal authority to remain and operate in Solomon Islands, and that RAMSI/PPF personnel have the legal authority to enter, reside and perform police functions in Solomon Islands notwithstanding customs, immigration, policing and appointment laws.
Chapter 5: The RAMSI legal framework

This chapter analyses a number of legal issues that have been raised in relation to the operation of the RAMSI legal framework.

5.1 ‘RAMSI’ is not in the FIA Act or RAMSI Treaty

In a memorandum of advice to Government dated 27 August 2007, the former Attorney General, Mr Julian Moti, observed that the colloquial name of the visiting contingent, the ‘Regional Assistance Mission to Solomon Islands’ or ‘RAMSI’ is not created by the FIA Act or the RAMSI Agreement (the RAMSI Treaty). The legal entity prescribed in the FIA Act is the ‘Visiting Contingent’ and not ‘The Regional Assistance Mission to Solomon Islands (RAMSI)’.

In response to this issue, RAMSI argued that the FIA Act does not require that the name of the visiting contingent be set out in a legislative instrument. Rather, the important legal matter is that the personnel who make up the visiting contingent, in this case RAMSI personnel, are authorised in law to be in Solomon Islands to undertake their work under the FIA Act, the FIA Notice and RAMSI Treaty.

In evidence, Mr Tim George, the former Special Coordinator of RAMSI, reiterated this position. The legal position put forward consistently by RAMSI is that it does not need legal personality because RAMSI actually operates through the participating Pacific Forum countries, which do have legal personality. Moreover, Mr George noted that the FIA Act was deliberately written to apply to a ‘visiting contingent’ rather than a specific body such as RAMSI, so that if a request for further assistance was made by the SIG in the future, the Act could be applied to a new visiting contingent without amendment.

The derivation of the name ‘RAMSI’

Given that the name ‘RAMSI’ does not appear in the legal framework establishing RAMSI, the Committee sought clarification from RAMSI during the inquiry as to its derivation.

In response, RAMSI indicated that reference to the ‘Regional Assistance Mission’ was used by the first Special Coordinator in his arrival speech as Special Coordinator in Honiara in 2003. RAMSI further advised that ‘Regional Assistance Mission to Solomon Islands’ was likely first used officially in the SIG Firearms Amnesty statement dated 31 July 2003. The acronym for Regional Assistance Mission to Solomon Islands, RAMSI, was also used by the then Australian Minister for Foreign Affairs, the Hon Alexander Downer, during his visit to Honiara commencing the same day.

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46 Submission 20, Sir Nathaniel Waena, p 2.

47 ‘RAMSI’s response to a series of legal questions raised by the Attorney General (Carried in a letter dated 26th September 2007)’, cited in Submission 11, The Leader of the Opposition, p 64.

48 Mr Tim George, Evidence, 16 September 2008, pp 7-8.
On 16 August 2003, the Communiqué of the Pacific Islands Forum Leaders Meeting called the visiting contingent the ‘Regional Assistance Mission to Solomon Islands’, thereby officially sanctioning the name of the mission as ‘RAMSI’. Since then, ‘RAMSI’ has continued to be used as a convenient short-form and day-to-day identifier for the visiting contingent.\(^{49}\)

In evidence, Mr Tim George, the former Special Coordinator of RAMSI, suggested that the name ‘RAMSI’ is very well known in both Solomon Islands and abroad, and that it would be unfortunate if the name was removed unless there was a very good legal or constitutional reason to do so.\(^{50}\)

**The FIA Act may nevertheless establish RAMSI as separate legal entity**

As indicated above, RAMSI does not operate as a separate legal entity in Solomon Islands. However, in his written submission, Professor Don Paterson, Emeritus Professor of Law at the University of the South Pacific, noted that while most sections of the FIA Act refer to ‘the members of the visiting contingent,’ certain sections (sections 2, 3, 10, 18 and 19) refer only to ‘the visiting contingent’. Professor Paterson argued that this difference of terminology provides some uncertainty as to whether there is an intention on the part of the Act to give legal status to the visiting contingent as a corporate body in its own right. As this was presumably not the intention, Professor Paterson argued that the Act should be amended to remove any cause for ambiguity by adding the words ‘the members of’ in front of the words ‘the visiting contingent’ in sections 2, 3, 10, 18 and 19.\(^{51}\)

### 5.2 The ‘Pacific Islands Forum’ is not in the FIA Act or RAMSI Treaty

In his memorandum of advice to Government dated 27 August 2007, the former Attorney General, Mr Julian Moti, also observed that neither the FIA Act nor the RAMSI Agreement (the RAMSI Treaty) refers to or gives any function to the Pacific Islands Forum in relation to RAMSI.\(^{52}\)

In response, RAMSI suggested that it is not surprising that the Pacific Islands Forum is not a party to the RAMSI Treaty, being an international agreement between states. Moreover, the fact that the Pacific Islands Forum is not referred to in the FIA Act has no effect on the validity of the Act.\(^{53}\)

In evidence, Dr Lesi Korovavala, the former Pacific Islands Forum Secretariat Representative to Solomon Islands, observed that RAMSI is a Forum mission deployed under the Biketawa Declaration.\(^{54}\) This was discussed previously in Chapter 2 (Background to the RAMSI intervention).

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\(^{49}\) RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 12.

\(^{50}\) Mr Tim George, Evidence, 16 September 2008, p 20.

\(^{51}\) Submission 14, Professor Don Paterson, p 3.


\(^{53}\) ‘RAMSI’s response to a series of legal questions raised by the Attorney General (Carried in a letter dated 26th September 2007), cited in Submission 11, The Leader of the Opposition, p 64.

\(^{54}\) Dr Lesi Korovavala, former Pacific Islands Forum Secretariat Representative to Solomon Islands, Evidence, 19 September 2008, p 2.
5.3 The RAMSI Treaty was concluded after the FIA Notice

In his memorandum of advice to Government dated 27 August 2007, the former Attorney General, Mr Julian Moti, observed that the FIA Notice was made and published in the Gazette on 23 July 2003. As indicated previously in Chapter 3 (The RAMSI Intervention), paragraph 3 of the Notice provides:

Pursuant to section 3(2) of the Act, the Agreement concerning the Operations and Status of the Police and Armed Forces and Other Personnel Deployed to Solomon Islands to Assist in the Restoration of Law and Order and Security between the Government of the Solomon Islands and the Governments of certain Assisting Countries is specified as an agreement that covers the operations and activities in Solomon Islands of the visiting contingent.

However, as was also previously noted in Chapter 3, Mr Moti highlighted that the Agreement referred to in paragraph 3 of the FIA Notice above, the RAMSI Treaty, was not concluded on or before 23 July 2009. Rather it was not made until 24 July 2009 when the visiting contingent arrived in Solomon Islands.\(^{55}\)

In response, RAMSI argued that the fact that the Agreement was not concluded until after the FIA Notice was made and published in the Gazette does not detract from the legal validity of either the Notice or Agreement. RAMSI argued that the FIA Act does not require that there be an international agreement in place before an international assistance notice can be made.\(^{56}\)

5.4 Section 3 of the FIA Act and the FIA Notice are unconstitutional

In his written submission, Mr Frank Ofagioro Kabui, Chairman of the Law Reform Commission\(^{57}\), argued that section 3(1) of the FIA Act, under which the Governor-General made the FIA Notice, is inconsistent with the provisions of section 3(1) of the Constitution and is therefore unconstitutional.

Section 3(1) of the FIA Act provides:

3. (1) The Governor-General may publish a notice that -

(a) states that the Government has requested assistance of the government of another country (the "assisting country") for a public purpose;

(b) states that the assistance will be provided by a contingent of persons (the "visiting contingent") from the assisting country or another country; and

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\(^{57}\) Mr Kabui appeared as the Chairman of the Law Reform Commission in 2008 but was subsequently appointed Governor-General of Solomon Islands in July 2009. His Excellency commenced duties on 7 July 2009.
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(c) states that, because of subsection (3), this Act applies in relation to the visiting contingent.

In turn, section 31(1) of the Constitution provides:

In the exercise of his functions under the Constitution or any other law, the Governor-General shall act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of Cabinet except in cases where he is required by the Constitution to act in accordance with the advice of, or after consultation with, any person or authority other than the Cabinet or in his own deliberate judgement.

Mr Kabui submitted that Section 3(1) of the FIA Act does not comply with the condition stipulated under section 31(1) of the Constitution in that it omits to state that the Governor-General may publish a notice that states (a), (b) and (c) in section 3(1) when acting upon the advice of the Cabinet or upon the advice of the relevant Minister. To this extent, he argued that section 3 of the FIA Act is inconsistent with section 31(1) of the Constitution, and would therefore appear to be unconstitutional.58

To address this concern, Mr Kabui advocated that the Government seek in the National Parliament to amend section 3 and then validate in retrospect the status and activities of RAMSI since its arrival in 2003.

5.5 The FIA Act constrains the legislative power of Parliament

Section 24: Act to have effect notwithstanding other legislation

In his memorandum of advice to Government dated 27 August 2007, the former Attorney General, Mr Julian Moti, raised concerns that section 24 of the FIA Act constrains the legislative power of the National Parliament. Section 24 provides in part:

Act to have effect notwithstanding other legislation

(1) Subject to the Constitution, this Act and any regulations or other subsidiary legislation made under this Act shall have effect notwithstanding any other law of Solomon Islands.

(2) An Act enacted after the commencement of this Act is not to be interpreted as –

(a) amending or repealing, or otherwise altering the effect or operation of, this Act or subsidiary legislation made under this Act; or

(b) authorising the making of subsidiary legislation amending or repealing, or otherwise altering the effect or operation of, a provision of this Act or, of the subsidiary legislation made under it.

Mr Moti argued that section 24 trespasses on the rights of the Parliament to make and unmake any laws as it likes.59

58 Submission 1, Mr Frank Ofagioro Kabui, pp 1-3.
Similarly, Professor Paterson argued that the power of the National Parliament to make laws for the peace, order and good governance of Solomon Islands granted by the Constitution can only be restricted by the Constitution, not by legislation. As such, he suggested that subsection 24(2) would seem to be unconstitutional, and therefore should be removed.  

In response, RAMSI argued that the purpose of section 24 has been misunderstood. Section 24 does not constrain Parliament’s legislative power, rather its purpose is to prevent the FIA Act being amended or replaced by an Act or regulation where it was not the express purpose of the Parliament to do so. The Parliament retains the power to amend or repeal the FIA Act as it sees fit.  

Section 6: Powers and privileges may be varied

As with section 24 cited above, the submissions by the Hon Manasseh Sogavare, the Leader of the Opposition, and by Professor Paterson also raised concerns in relation to the constitutionality of section 6 of the FIA Act. Section 6 provides that the powers and privileges of the visiting contingent may be varied by regulation, with the exception of those powers and privileges set out in sections 7, 15, 16, 17 and 19 of the Act. Section 6 specifically states:

Powers and privileges may be varied

6. The regulations may limit, vary or add to the powers and privileges set out in this Part, but not so as to limit the effect of sections 7, 15, 16, 17 and 19.

The power to make regulations under the FIA Act (except as relates to sections 7, 15, 16, 17 and 19) is provided in section 22, which states that the Governor-General may make regulations providing for any matter which is necessary or convenient to give effect to the Act.

Professor Patterson argued that section 6 allows the sections of the FIA Act, as made by Parliament, and excluding those specified, to be varied or amended by subsequent subsidiary legislation. Good legislative practice dictates that the terms of legislation made by Parliament should only be varied or amended by primary legislation made by Parliament.

The Committee notes that any regulation made under the FIA Act is subject to Section 62 of the Interpretation and General Provisions Act which provides for the disallowance of subsidiary legislation:

(1) Subject to subsection (3), subsidiary legislation made under an Act after the commencement of this Act shall be laid before Parliament.

(2) If Parliament passes a resolution, within three months after any subsidiary legislation is laid before it, to the effect that the subsidiary legislation is annulled, the subsidiary legislation shall thereupon cease to have effect, but

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60 Submission 14, Professor Don Paterson, p 2.
61 ‘RAMSI’s response to a series of legal questions raised by the Attorney General (Carried in a letter dated 26th September 2007), cited in Submission 11, The Leader of the Opposition, p 64.
63 Submission 14, Professor Don Paterson, p 1.
without prejudice to the validity of anything previously done under the subsidiary legislation.

(3) Subsection (1) does not apply to any subsidiary legislation a draft of which is laid before, and approved by resolution by, Parliament before the making of the subsidiary legislation.

The effect of the above provision, when applied to any regulations made by the Governor-General under the FIA Act, is that after their making, such regulations, once tabled in Parliament, can still be annulled by Parliament by resolution. As such, even if the Governor-General makes regulations that keep within the limitations of Section 6 of the FIA Act, Parliament has the ultimate say as to whether or not such regulations will be allowed to continue in force.

5.6 **The FIA Act does not incorporate all three RAMSI ‘pillars’**

In his evidence to the Committee in September 2008, the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, argued that the FIA Act does not support all three pillars of the RAMSI intervention: restoration of law and justice (including policing); reform of economic governance; and machinery of government reform.

By way of background, as indicated in Chapter 3 (The RAMSI Intervention), the *Solomon Islands Government Policy Statement on the Offer by the Australian Government for Strengthening Assistance to Solomon Islands, 2003*, developed prior to the FIA Act, reproduced in full the Australian assistance proposal in a document entitled ‘Framework for Strengthened Assistance to Solomon Islands: Proposed Scope and Requirements’. Dr Sikua argued that this document included a commitment to only two of the subsequent RAMSI pillars:

- The law and justice pillar. The Framework states: ‘Under civil order, the main task will be to re-establish security in Honiara, enabling government, business and the community to operate free of intimidation. Improved security would later be extended beyond Honiara.’

- The economic governance pillar. The Framework states: ‘The first task with the economy will be to stabilize government finances and balance the budget.’ … ‘The second economy-related task will be to promote longer-term economic recovery and revive business confidence, building on better civil order and the stabilization of government finances’.

Dr Sikua argued that the third pillar – rebuilding the machinery of government – is referred to in the ‘Framework for Strengthened Assistance to Solomon Islands: Proposed Scope and Requirements’, 64 however it does not stand alone as a pillar in its own right.

The Committee notes that the full text of the ‘Framework for Strengthened Assistance to Solomon Islands: Proposed Scope and Requirements’, from which Dr Sikua drew these references, was reproduced in Chapter 3 (The RAMSI intervention) under the heading ‘The mandate of RAMSI’.

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64 For example, under the economic governance pillar, reference is made to the need to ‘rebuild the essential machinery of government to support stability and the delivery of services’.
Based on his analysis, Dr Sikua argued that the machinery of governance pillar was ‘never formally included in any agreements under its current scale and scope’. Nor was it extensively discussed by the then Solomon Islands Government.\(^65\)

Accordingly, Dr Sikua argued that the subsequent FIA Act was drafted with reference mainly to the law and order pillar. The long title of the Act is: ‘An act to make provisions for the requesting of international assistance for the restoration of law and order in Solomon Islands, and for matters connected therewith or incidental thereto.’ Dr Sikua continued:

> Under that Act … there are no provisions for the economic reform assistance clearly prioritized within the preceding agreements and frameworks, and most certainly nothing that ratifies the emergent and evolving machinery of government ‘pillar’.\(^66\)

Based on this analysis, Dr Sikua suggested that the FIA Act as it currently stands is not sufficient to allow two of the three RAMSI pillars of assistance – the economic governance and growth pillar and the machinery of government pillar – and it certainly would not support any expansion of assistance into other areas of need.\(^67\)

### 5.7 The FIA Act’s definition of ‘public purpose’

Section 2 of the FIA Act provides a definition of ‘public purpose’ which is used through the Act to set the boundaries for the operation of a ‘visiting contingent’. The definition of ‘public purpose’ in section 2 is as follows:

> “public purpose” means the purposes of ensuring the security and safety of persons and property, maintaining supplies and services essential to the life of the community, preventing and suppressing violence, intimidation and crime, maintaining law and order, supporting the administration of justice, supporting and developing Solomon Islands institutions and responding to natural catastrophic events;

In his memorandum of advice to Government dated 27 August 2007, the former Attorney General, Mr Julian Moti, argued that this definition of ‘public purpose’ is ‘vague’. Mr Moti argued that it would be desirable for greater legal clarity to be given to the meaning of a ‘public purpose’, and in doing so dispel any doubts as to the boundaries of permissible intervention by a visiting contingent.\(^68\)

By contrast, others such as Mr Gabriel Taloikwai, former Director of the Solomon Islands College of Higher Education, argued that the definition of ‘public purpose’ should if necessary be broadened so as to capture the economic development activities of RAMSI.\(^69\)

In response to this issue, RAMSI argued that the definition of ‘public purpose’ is consistent with Article 2 of the RAMSI Treaty, and that this definition was agreed to by the National Parliament

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\(^{65}\) The Hon Dr Derek Sikua, Evidence, 18 September 2008, pp 5-7.


\(^{67}\) *Ibid*.


\(^{69}\) Submission 12, Mr Gabriel Taloikwai, p 2.
when it unanimously passed the FIA Act in 2003. In addition, RAMSI noted that there are many mechanisms in place to ensure that RAMSI remains accountable and transparent in its operations, without seeking to redefine the definition of ‘public purpose’.70

5.8 The FIA Act and RAMSI Treaty lack an exit strategy for RAMSI

In his memorandum of advice to Government dated 27 August 2007, the former Attorney General, Mr Julian Moti, noted that the provisions of the FIA Act and RAMSI Treaty fail to discuss an exit strategy.

In raising this issue, it seems that Mr Moti was not so much questioning the legality of either the FIA Act or RAMSI Treaty, but simply wished to point out that lack of an exit strategy was not a prudent policy position for the SIG.

The Committee notes that an exit strategy for RAMSI has since been articulated in the Partnership Framework, as discussed in Chapter 3 (The RAMSI intervention). RAMSI’s exit strategy is revisited in the final chapter of this report.

5.9 The power of the Governor-General to make regulations demeans the office

As indicated previously in this chapter, section 22 of the FIA Act provides that the Governor-General may make regulations on any matter that is necessary or convenient to give effect to the Act.

In his written submission, the Hon Manasseh Sogavare, the Leader of the Opposition, expressed concern that the office of the Governor-General, the Head of State, had been demeaned by being involved in the regulations of RAMSI. He argued that the Governor-General should only perform symbolic functions and should never have been given regulatory or executive functions. Mr Sogavare suggested that the power to make regulations under the FIA Act should rightly rest with a Minister of the Crown.71

5.10 The timing of this review under section 23 of the FIA Act

Section 23 of the FIA Act 2003 provides for the National Parliament of Solomon Islands to debate and review the operation of RAMSI each year. Section 23 provides in part:

(1) The Parliament shall be given the opportunity to review the international assistance notice every 1 year in accordance with this section.

(2) For this section, the review dates of the international assistance notice are the following:

(a) the day 1 year after the day on which the notice was published; and

(b) the day each 1 year after that day.

70 ‘RAMSI’s response to a series of legal questions raised by the Attorney General (Carried in a letter dated 26th September 2007), cited in Submission 11, The Leader of the Opposition, p 64.

71 Submission 11, The Leader of the Opposition, pp 7, 38.
Between 2004 and 2007, the FIA Notice was not reviewed as provided for in section 23 above. As indicated previously, the Parliament only referred this inquiry to the Committee on 24 July 2008 on the motion of the Prime Minister, the Hon Dr Derek Sikua.

The previous Government, the Grand Coalition for Change Government (GCCG), led by the Hon Manasseh Sogavare, had previously attempted to establish an inquiry into RAMSI. On Monday 27 August 2007, Mr Sogavare moved as follows in the National Parliament of Solomon Islands:

That, pursuant to Section 23(1) of the Facilitation of International Assistance Act 2003 (No. 1 of 2003) (“FIAA”), Parliament review the “international assistance notice” (as defined in Section 2 of FIAA) and take any necessary action resulting therefrom.

The motion, as amended, was passed, however in the event the inquiry never commenced after the Sogavare administration lost office in November 2007.

In his written submission, Mr Sogavare raised serious concerns about the five-year delay in the review of RAMSI, which has seen RAMSI continue to operate under the legal framework established in 2003.

5.11 The findings of the 2007 RAMSI Review Task Force

The Committee notes that the 2007 review by the Pacific Islands Forum RAMSI Review Task Force addressed RAMSI’s legislative framework in some detail. Given the importance of this issue, the Committee cites the conclusions of the Task Force in full:

The Task Force paid close attention to the questions of RAMSI’s legal framework. The FIA Act was, of necessity, drafted and passed into law as a matter of high urgency. We were told that one or two provisions – for example dealing with some aspects of immigration – sit awkwardly with other pieces of Solomon Islands legislation. Moreover, the Act is largely silent on how some of its provisions will actually be implemented. Nevertheless, when read in conjunction with other documents such as the International Treaty, the Foreign Ministers Outcome Statement and the Framework Agreement, it seems to the Task Force still to provide an adequate and workable legal basis for RAMSI’s activities.

In the Task Force’s view many of the recent issues and concerns stem from inadequacies in the engagement mechanisms between the SIG and RAMSI. The Task Force was not persuaded that amendments to the legal framework underpinning RAMSI were required at this juncture. Any unilateral amendments to the Facilitation of International Assistance Act would inevitably have serious implications for the willingness of participating nations to continue contributing to RAMSI. They would also damage the greater sense of partnership that is now emerging in Honiara.

The Task Force concluded that if the SIG-RAMSI partnership continues to strengthen under the “package” proposed in this report, many of the concerns underpinning the push for legislative changes to the legal framework will be resolved. If, following the successful tabling of the Motion to renew the FIA Act during the July 2007 session of Solomon Islands Parliament, the Solomon Islands Government feels that certain aspects of the FIA Act still required revision to enable it to discharge its responsibilities, then a review of the Act – and related
documents – should be conducted in full consultation with all participating countries. This approach, we were told, is acceptable to the Solomon Islands Government.\textsuperscript{72}

Separately, the Task Force also:

- welcomed the SIG’s decision at the time to proceed to renew RAMSI’s mandate unchanged for a further year from July 2007 as provided for in the FIA Act;

- welcomed the assurances given it by the SIG that any proposal to amend the FIA Act in order to enhance its effectiveness would be the subject of consultations with all contributing countries; and

- noted that there are four inter-related documents (the Framework Agreement on Strengthened Assistance, the June 2003 Forum Foreign Ministers’ Outcome statement, the July 2003 Treaty between Solomon Islands and contributing Forum countries and the Facilitation of International Assistance Act of July 2003) that, taken together constitute both the legal framework and the mandate for RAMSI and that changes made to any of these documents may require the opening up of all of them.\textsuperscript{73}

The Committee notes that this view was reiterated in evidence by Dr Lesi Korovavala, the former Pacific Islands Forum Secretariat Representative to Solomon Islands. Dr Korovavala observed that while there may still be room for improvement in the implementation of the FIA Act, ‘when read in conjunction with other documents … the Forum Secretariat believes that the FIA Act still provides an adequate and workable legal basis for RAMSI’s activities’. He also observed that any changes to RAMSI’s legal framework would have to be balanced against any impacts on the political, social and economic aspects of RAMSI’s role.\textsuperscript{74}

Dr Korovavala did, however, acknowledged that there may be a further need to make regulations under the FIA Act to guide the SIG and RAMSI in implementing the provisions of the Act and to ease concern that the FIA Act, on face value, sits awkwardly with other pieces of local legislation.\textsuperscript{75}

Other parties to the inquiry also did not support changes to the RAMSI legal framework. In particular, the submission of the New Zealand High Commissioner, while deferring to the finding of the RAMSI Review Task Force cited above, emphasised that the FIA Act ‘provides the legal underpinning for RAMSI’s operations and as such is of significant importance to RAMSI contributing countries’. The High Commission argued that any amendments to that Act should only be considered in close consultation with all contributing countries, and if agreed to, such amendments would require amendments to the RAMSI Treaty as well.\textsuperscript{76}

\section*{5.12 Committee comment}

As indicated in Chapter 3 (The RAMSI Intervention) and the 2007 review by the Pacific Islands Forum RAMSI Review Task Force, the FIA Act was of necessity considered by Cabinet and

\begin{footnotesize}
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\item \textsuperscript{73} \textit{Ibid}, p 7.
\item \textsuperscript{74} Dr Lesi Korovavala, Evidence, 19 September 2008, p 4.
\item \textsuperscript{75} \textit{Ibid}.
\item \textsuperscript{76} Submission 8, New Zealand High Commissioner, p 4.
\end{itemize}
\end{footnotesize}
passed by the National Parliament into law as a matter of urgency. This may offer some explanations as to why some aspects of the FIA Act have raised concerns, including as to their constitutionality. However, it must also be emphasised that the FIA Act must be read in conjunction with other documents such as the RAMSI Treaty and FIA Notice.

In view of the various important issues raised in this Chapter, the Committee’s view on each issue is considered separately below.

‘RAMSI’ is not in the FIA Act or RAMSI Treaty

The Committee is satisfied that there is no legal or constitutional reason to amend the FIA Act to include the colloquial name of the current visiting contingent under the Act. The FIA Act applies to any visiting contingent that may be invited under the Act to assist Solomon Islands for a public purpose. The FIA Act did not establish RAMSI; it only provides the mechanism (the FIA Notice) through which the current visiting contingent, later known as RAMSI, was invited in 2003.

Any proposal to formally recognise the name RAMSI should be considered in the context of the RAMSI Treaty and the RAMSI Notice, which specifically invited the current visiting contingent. While it would be possible for the SIG to pursue amendment to the RAMSI Treaty, and subsequently the FIA Notice, to formally recognise the name ‘RAMSI’, the Committee is not convinced that there is a pressing need to give legal personality to RAMSI, as opposed to the participating Pacific Forum countries that constitute RAMSI, which do have legal personality. Doing so would require the opening up of the RAMSI Treaty for renegotiation.

At the same time, the Committee supports the ongoing colloquial use of the title ‘RAMSI’, which the Committee believes is a well recognised and useful acronym for the visiting contingent.

The FIA Act may nevertheless establish RAMSI as separate legal entity

The Committee also notes the opinion of Professor Paterson on the use of the term “visiting contingent” in the FIA Act. The Committee is of the view that the term as used in sections 2, 3, 10, 18 and 19 of the FIA Act should be read in light of section 4 which outlines the membership of the visiting contingent. Thus, when interpreting the term “visiting contingent” in the Act, it should be read in the context of the powers and functions so conferred, or actions required, being conferred on, or required from, members of the visiting contingent as defined in section 4.

In any event, the Committee recalls the ruling of the High Court in Nori’s Case on the meaning of section 19 which vests in the “visiting contingent” exclusive responsibility for the internal command, control, discipline and administration of the personnel of the visiting contingent. The High Court had no difficulty reconciling this provision with the RAMSI Treaty which outlines the leadership of the visiting contingent and the line of command for each of its components. Thus, the High Court read section 19 of the FIA Act as giving exclusive responsibility over internal matters to the head of the visiting contingent (the Special Coordinator) and through that office to the internal hierarchy of RAMSI; and not as giving such responsibility to a separate legal entity.

On the basis of section 4 of the FIA Act and the High Court’s ruling, the Committee sees no need to amend sections 2, 3, 10, 18 or 19 of the FIA Act.
The ‘Pacific Islands Forum’ is not in the FIA Act or RAMSI Treaty

The Committee does not believe that it is necessary, nor is it legally required, that the Forum be specifically referred to in the FIA Act or the RAMSI Treaty.

As a member of regional and international organizations, Solomon Islands has regional and international obligations that it carries out without the need to have these obligations, or the relevant regional/international bodies, spelled out in local legislation. Since RAMSI is a Forum initiative conceived from a Forum instrument, any undertaking of Solomon Islands and other Forum countries to the Forum in terms of the oversight of RAMSI at the regional level is valid and does not need to be given domestic legislative force or effect.

The RAMSI Treaty was concluded after the FIA Notice

The Committee acknowledges that the FIA Notice was published and RAMSI personnel deployed to Honiara before the RAMSI Treaty was signed on 24 July 2003. The question is whether the visiting contingent mentioned in the Notice had the legal authority to enter and operate in Solomon Islands before the Treaty was signed.

In addressing this question, it is worth noting that negotiations relating to the RAMSI Treaty had commenced well before 23 July 2003 and it was only after the parties had agreed in principle to the terms of the proposed intervention that the Act was introduced and enacted. Again, the FIA Notice was not based on abstract principles, but on the undertaking of all participating countries, which was made in principle before the Act was enacted.

Thus, even though the Treaty was not formally signed until the FIA Act had been enacted and the Notice published, this was a mere formality at the regional level, whereas authority under domestic law had already been granted via the Act. On this basis, the Committee considers the deployment of RAMSI personnel to Honiara before signing of the Treaty as having been legally sanctioned.

Section 3 of the FIA Act and the FIA Notice are unconstitutional

The Committee notes that all powers and functions of the Governor-General under the FIA Act must be read in conjunction with the powers and function of the Governor-General under the Constitution. This is confirmed by section 25 of the FIA Act which subjects the Act to the Constitution. This means that section 3 of the FIA Act must thus be read in conjunction with section 31(1) of the Constitution, with the result that the Governor-General may only publish an international assistance notice pursuant to section 3 of the FIA Act on the advice of the Cabinet. Neither the Constitution nor the FIA Act expressly subjects the Governor-General’s function under section 3 to the advice or recommendation of any other person or authority. As such, the default position of section 31(1) of the Constitution applies: the Governor-General must only act on the advice of the Cabinet.

The silence of section 3 of the FIA Act on the constitutional qualification to the Governor-General’s exercise of his function is not inconsistent with the Constitution because that qualification applies automatically and will thus be implied in section 3 by the courts.

The FIA Act constrains the legislative power of Parliament

Section 24: Act to have effect notwithstanding other legislation

The Committee accepts the explanation of RAMSI that the intention behind section 24 of the FIA Act was only to prevent the FIA Act being amended or replaced by an Act or regulation
where it was not the express purpose of the Parliament to do so. The Parliament has not restricted its overarching law making powers. The only purpose of section 24 is to ensure that subsequent written laws are not interpreted in such a manner that the effect of the FIA Act is diluted.

The Committee however agrees that this intention is not clear enough on the face of section 24 in its current form, which may be subject to misinterpretation in the future. Rather than waiting for this issue to be determined by the courts, the Committee believes section 24 should be amended to bring clarity to its true intent. To do this, the Committee proposes that section 24 should be amended as follows (changes underlined)

Act to have effect notwithstanding other legislation

(1) Subject to the Constitution, this Act and any regulations or other subsidiary legislation made under this Act shall have effect notwithstanding any other law of Solomon Islands unless specifically enacted by Parliament to have such effect.

(2) An Act enacted after the commencement of this Act is not to be interpreted as –

(a) amending or repealing, or otherwise altering the effect or operation of, this Act or subsidiary legislation made under this Act; or

(b) authorising the making of subsidiary legislation amending or repealing, or otherwise altering the effect or operation of, a provision of this Act or, of the subsidiary legislation made under it

unless specifically enacted by Parliament to have such effect.

Recommendation 2

The Committee recommends that, subject to Recommendation 5 below, section 24 of the FIA Act be amended as follows (changes underlined):

Act to have effect notwithstanding other legislation

1) Subject to the Constitution, this Act and any regulations or other subsidiary legislation made under this Act shall have effect notwithstanding any other law of Solomon Islands unless specifically enacted by Parliament to have such effect.

2) An Act enacted after the commencement of this Act is not to be interpreted as:

   a) amending or repealing, or otherwise altering the effect or operation of, this Act or subsidiary legislation made under this Act; or

   b) authorising the making of subsidiary legislation amending or repealing, or otherwise altering the effect or operation of, a provision of this Act or, of the subsidiary legislation made under it

   unless specifically enacted by Parliament to have such effect.
Section 6: Powers and privileges may be varied

The Committee is of the view that although any regulation made by the Governor-General to vary, limit or add to the powers and privileges set out in Part II of the FIA Act may be annulled by Parliament under section 62 of the Interpretation and General Provisions Act (Cap 85), the point raised by Professor Paterson is valid and has not been explained satisfactorily by anyone during the course of the inquiry. In its current form, section 6 of the FIA Act appears to allow variation or limitation of or addition to the provisions of Part II of the FIA Act (except sections 7, 15, 16, 17 and 19) by regulation. In other words, section 6 permits amendment of an Act of Parliament through subsidiary legislation.

This appears to be an inappropriate delegation by the Parliament of its legislative power, which should be removed from the Act.

**Recommendation 3**

The Committee recommends that, subject to Recommendation 5 below, section 6 of the FIA Act be repealed.

The FIA Act does not incorporate all three RAMSI ‘pillars’

The Committee notes the evidence of the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, that the FIA does not incorporate all three RAMSI ‘pillars’. However, the Committee notes that the three pillars of RAMSI are operational and administrative aspects of the visiting contingent and do not necessarily require specific legal authorisation for their setup and employment. They simply reflect the three broad aspects of the mandate of RAMSI.

The Committee is of the opinion that the mandate of RAMSI is appropriately authorised and that the three pillars draw upon such authority. The mandate of RAMSI derives from the FIA Notice, read with the RAMSI Treaty and section 2 of the FIA Act. The Act allows the Governor-General to invite a visiting contingent for a “public purpose” (section 3), a list of which is defined in section 2. Through the FIA Notice of 23 July 2003, the Governor-General invited RAMSI into Solomon Islands for certain public purposes to which participating countries had earlier agreed in the RAMSI Treaty (Article 2). One such purpose is to support and develop Solomon Islands institutions. This clearly covers all institutions of the SIG (also known as machineries of government). This is reflected in the preamble of the Treaty in which the parties, including Solomon Islands, acknowledged, *inter alia*, ‘the need to assist the effective functioning of government’.

Thus, the FIA Act, read with the FIA Notice and the RAMSI Treaty, does provide the legal authority for the current visiting contingent, RAMSI, to undertake work aimed at supporting and developing the institutions of Solomon Islands, including SIG institutions or machineries. How RAMSI goes about achieving a public purpose, including that relating to SIG institutions, is an operational and administrative matter for RAMSI and the SIG to negotiate and establish; not a matter to be specified in the Act. If the administrative or operational aspect of RAMSI were to be incorporated in the Act, these would clearly be irrelevant or inappropriate for another visiting contingent in the future.

It appears that the Prime Minister’s point of contention in 2008 was not so much the legality of having a third pillar, but the fact that this pillar was not negotiated properly with the SIG before RAMSI started implementing it. The Committee also notes that irrespective of the legality of this issue, it would be materially very difficult for RAMSI to achieve its mandate under the law and justice and economic governance and growth pillars only, without the machinery of
government. This is because it is now accepted that many outstanding issues pertaining to law
and order, and economic governance, have their roots in government institutions – institutions
that at one stage were referred to as ‘failed institutions’. The committee also notes that
successive governments have engaged with and supported the work of this RAMSI pillar in
exactly the same terms as they have dealt with the other pillars.

In any event, it appears that the SIG and RAMSI have since settled this issue as reflected in the
SIG-RAMSI Partnership Framework which incorporates all three pillars. This issue which was
raised in 2008 is thus a moot point.

The FIA Act’s definition of ‘public purpose’

In the Committee’s opinion, the view that the definition of a ‘public purpose’ in the FIA Act is
not clear enough is heavily influenced by the history of the ethnic tension and the circumstances
in which RAMSI was invited to intervene.

It is not disputed that the FIA Act was a response to the ethnic tension. However, instead of
passing an Act that specifically addressed the ethnic tension, Parliament chose to enact
legislation that is intended to apply not only to the circumstances created by the ethnic tension,
but also to any other major crisis in the country that might require outside assistance.

Given the broad and long term intentions of the FIA Act, the definition of ‘public purpose’
needed to be all encompassing in order to cover all foreseeable crises that might occur in
Solomon Islands in the future. As such, that definition would apply to major national crises
such as civil war, widespread civil unrest, coup d’état, revolutions, major terrorist attacks, major
disasters (natural or man-made), invasion by another country, major pandemics, ethnic
cleansing and so forth. The conflict of 1998-2003 was just one crisis which gave rise to some of
the ‘public purposes’ as defined in the FIA Act.

In the future, after RAMSI leaves, if any of the crises listed were to occur, the government of the
day will have a mechanism in place to seek external assistance (if it cannot handle the situation)
through the publication of another international assistance notice and signing of a treaty with
countries willing to assist.

The definition of ‘public purpose’ should therefore be left as broad and all-encompassing as
possible to ensure that it covers future major crises, no matter how unforeseeable or unexpected
they may be.

The FIA Act and RAMSI Treaty lack an exit strategy for RAMSI

The Committee is of the view that the FIA Act only provided the legal authority and process for
RAMSI to enter and operate in the country in 2003. Thus, section 3 of the FIA Act provides for
an international assistance notice which in turn should specify the particular international
arrangement through which assistance will be rendered. In RAMSI’s case, the notice referred to
the RAMSI Treaty in which the parties (including Solomon Islands) agreed that RAMSI is to be
in Solomon Islands until they are asked to leave by the SIG.

The FIA Act does not contain an exit strategy because that is a policy matter that has no place in
an Act of Parliament. The Act however does provide for exit of a visiting contingent – namely
by revocation of the international assistance notice that brought that visiting contingent in the
first place (section 23 (4)).

Reading the FIA Act with the RAMSI Treaty, the exit of RAMSI from Solomon Islands is
adequately covered. Article 3 of the RAMSI Treaty allows RAMSI to withdraw if it so wishes
and for the SIG to request complete withdrawal of RAMSI. On its part, the FIA Act permits Parliament to annul the FIA Notice of 2003, in which case the FIA Act will cease to apply to RAMSI. Clearly, if the SIG believes that RAMSI is no longer needed in Solomon Islands, the SIG may invoke the provisions of the RAMSI Treaty and the FIA Act (with the sanction of the Forum as a matter of regional undertaking).

How SIG, RAMSI and the Forum will determine when RAMSI is no longer needed (timing) is an issue that all three parties must negotiate and agree to in the form of an exit strategy. The Committee strongly feels, however, that such a strategy should be a flexible arrangement that depends on many variables (financial, economic, administrative, operational and so forth) as well as ongoing negotiations, and was thus not meant to be, and should not be, incorporated in the Act or ‘written in stone’.

The power of the Governor-General to make regulations demeans the office

The Committee notes that delegating power to make subsidiary legislation to the Governor-General is not unprecedented. Under section 2 of the Emergency Powers Act (Cap. 11), for instance, Parliament delegated to the Governor-General power to make regulations to deal with situations where Solomon Islands is at war or is in a state of emergency declared pursuant to section 16 of the Constitution.

Given the kinds of situations envisaged by the FIA Act in which a visiting contingent could be invited to assist (major national crises), delegating to the Governor-General the power to make regulations that apply to a visiting contingent was appropriate and in line with the mechanisms put in place by the Constitution and the Emergency Powers Act to deal with major national crises. Moreover, as discussed earlier, section 31(1) of the Constitution implies that in making regulations under section 22 of the FIA Act, the Governor-General must act in accordance with the advice of the Cabinet.

The Committee does not consider section 22 of the FIA Act as abnormal or as demeaning the office of the Governor-General.

The timing of this review under section 23 of the FIA Act

The Committee acknowledges that between 2004 and 2006 there was no parliamentary review of the Notice under section 23 of the FIA Act. This failure to review, however, was not in breach of any statutory obligation. Under section 23(1) of the FIA Act, review by Parliament is not mandatory; what is mandatory is that Parliament must be given the opportunity to review the notice. Once that opportunity is given, it is entirely up to Parliament whether or not to undertake a review of the FIA Notice. Such an opportunity is given if the FIA Notice is laid before Parliament before the review date (24 July) of each year. This is where the real failure was between 2004 and 2006: failure to table the Notice in Parliament pursuant to section 23(3) of the FIA Act.

This statutory obligation to table the FIA Notice falls squarely on the shoulders of the government of the day and not on RAMSI or the Governor-General. Thus, from 2004 to 2006, successive governments failed to fulfil their statutory obligation when they did not table the Notice in Parliament before 24 July of each year. That in turn made it procedurally impossible for Parliament to consider reviewing the Notice.

In 2007, there was an attempt to adhere to the FIA Act on the part of the GCC Government but even that attempt did not, strictly speaking, comply with the Act. The FIA Notice was tabled outside the 3 months specified by section 23(3) of the Act (24 April to 24 July 2007). Further, the
review of the Notice was undertaken by Parliament on a date other than the review date (24 July 2007).

Accordingly, between 2004 and 2007, review of the FIA Notice by Parliament did not occur, or when it did occur, took place outside specified timeframes, because the Notice was either not tabled as required by section 23(3) of the FIA Act, or was tabled outside the tabling period.

The question then is whether failure to table the Notice (which deprived Parliament of the opportunity to review the Notice) by successive governments since 2004 has any legal implication on the FIA Act or Notice.

The FIA Act is silent on this issue. Section 23 does not deal with the consequences of breach of its mandatory provisions. The Committee is, however, of the view that if the government does not lay the Notice before Parliament within the stipulated timeframe, that simply amounts to a breach of a mandatory duty imposed by section 23(1) on the government of the day. Such a breach, while it may have some repercussion on the government, does not affect the validity of the Notice. Nor does it prevent Parliament from dealing with the matter in other ways, for example by way of a substantive motion on the subject or other options available to the government or members under the standing orders.

The Committee holds this view on the basis that the validity of the Notice and its review are two very distinct aspects of the FIA Act that should be treated separately.

The FIA Notice may only be invalidated by an annulment resolution made under section 23(4) of the FIA Act, or by the repeal of the entire FIA Act by Parliament under its overarching law-making powers conferred by section 59 of the Constitution.

By contrast, review of the FIA Notice is governed by section 23 (1), (2) and (3) of the FIA Act and there is nothing in those provisions to indicate that a lack of review has the same effect as an annulment. Thus, while Parliament’s failure to review the FIA Notice may well attract criticism of the government of the day for not tabling the Notice on time, the Notice remains valid (with or without annual review) until it is annulled by Parliament or until FIAA is repealed.

As such, the fact that the FIA Notice was not duly laid before Parliament between 2004 and 2007 does not in any way invalidate the Notice, the FIA Act or any action taken on the authority of both instruments during this period.

The Committee, however, does note the restrictiveness of section 23 of the FIA Act. The section fixes a period within which the Notice must be tabled each year (24 April to 24 July) as well as the review date (fixed at 24 July) and the period within which the Notice may be annulled by Parliament (24 July to 24 October). Fixing these periods and dates is too restrictive on Parliament and has created difficulties with timing of tabling and review of the Notice if Parliament is not sitting when these dates and periods fall.

The Committee therefore recommends that section 23 of the FIA Act be amended to allow more flexibility as to the timing for tabling and reviewing the Notice by Parliament. The Committee notes with approval that the CNURA Government has circulated a draft bill, the Facilitation of International Assistance (Amendment) Bill 2009, which seeks to amend section 23 along these lines.
Inquiry into the Facilitation of International Assistance Notice 2003 and RAMSI intervention

**Recommendation 4**

The Committee recommends that, subject to Recommendation 5 below, the Government progress the Facilitation of International Assistance (Amendment) Bill 2009 to ensure that the process for review of the FIA Notice is flexible in terms of timing.

The findings of the 2007 RAMSI Review Task Force

In view of the concerns raised during the inquiry regarding the findings of the 2007 Taskforce report, the Committee reiterates that RAMSI is a visiting contingent that was invited under the FIA Act through the Notice of 2003. RAMSI, however, is a regional response by the Forum which was agreed to on the basis of the Biketawa Declaration and formalised in the RAMSI Treaty.

If there are to be any changes to RAMSI’s mandate, powers or privileges, or any other aspect of RAMSI’s legal framework, this would require re-negotiation between the SIG and other Forum countries with a view to amending the RAMSI Treaty. Since that Treaty was a Forum initiative in the first place and involves other countries, amending it would clearly require the agreement of all signatories, as is the case with any other multilateral treaty.

Thus, any proposed amendment, withdrawal from, or suspension of the RAMSI Treaty (as a multilateral treaty) should be dealt with under that Treaty, with the guidance of the *Vienna Convention on the Law of Treaties* 1969 in terms of interpretation.77

**Amending a multilateral treaty**

The Committee does not propose in this report any amendment to the RAMSI Treaty.

However, if Solomon Islands wishes to amend the RAMSI Treaty, Article 40(2) of the *Vienna Convention on the Law of Treaties* requires that Solomon Islands notify all contracting states of its proposal and on being so notified each contracting state has the right to take part in the decision in regard to such proposals as well as the negotiation and conclusion of any agreement to amend the treaty.

Under the RAMSI Treaty itself, any such proposal must be dealt with by all parties through consultation or negotiation (Article 22). The parties may by agreement vary or suspend the whole Treaty or parts of it (Article 23).

Clearly, the RAMSI Treaty, read with international law in mind, cannot be unilaterally amended by Solomon Islands or another party to that Treaty.

**Terminating a multilateral treaty**

If on the other hand Solomon Islands no longer wishes to be bound by the RAMSI Treaty, this would involve termination of the whole Treaty (since it is solely for the benefit of Solomon Islands). Under Article 54 of the *Vienna Convention on the Law of Treaties*, termination of a multilateral treaty must be done in conformity with the provisions of that treaty, or at any time by consent of all parties after consultation.

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77 The *Vienna Convention on the Law of Treaties* is in force (since 1980) and was acceded to by Solomon Islands on 9 August 1989: http://treaties.un.org/Pages/ViewDetailsIII.aspx?&src=UNTSONLINE&mtdsg_no=XXIII~1&chapter=23&Temp=mtdsg3&lang=en (accessed 24 October 2009).
The RAMSI Treaty does not provide specifically for termination of the Treaty but instead provides for its expiry. As such, in order to terminate the Treaty, Solomon Islands must invoke provisions of the Treaty that will result in its expiry. Under Article 24 (3) of the RAMSI Treaty, that Treaty expires on the complete withdrawal of the visiting contingent (RAMSI) from the area of operation (Solomon Islands). To affect such withdrawal, the SIG must give written notice to the visiting contingent to withdraw within 3 months of receipt of that notice (Article 3 (3), RAMSI Treaty).

Alternatively, Solomon Islands could propose termination to all other parties and seek their collective consent pursuant to Article 54 (b) of the Vienna Convention on the Law of Treaties.

**Effect of amending the FIA Act on the RAMSI Treaty**

As indicated previously in this chapter, the Committee proposes amendments to the FIA Act. The FIA Act is a piece of local legislation that was enacted by the Solomon Islands Parliament (on the initiative of the government) which forms part of Solomon Islands’ commitment to the intervention of RAMSI under the RAMSI Treaty and other related instruments. Thus, while Parliament retains its overarching constitutional power to amend or repeal the FIA Act, exercise of that power will need to be cognizant of the effect of such amendment or repeal on Solomon Islands’ treaty obligations under the RAMSI Treaty and related instruments.

The RAMSI Treaty is supported legally by the FIA Act. If Parliament unilaterally amends the Act or repeals the same, it would have serious implications for the RAMSI Treaty.

Under Article 60(2) of the Vienna Convention on the Law of Treaties a ‘material breach’ of a multilateral treaty by one party entitles other parties by unanimous agreement to suspend the operation of the treaty (or parts of it) or to terminate it. A ‘material breach’ of a treaty is a repudiation of the treaty not sanctioned by the Law of Treaties or the violation of a provision essential to the accomplishment of the object or purpose of the treaty.78

Unilateral amendment or repeal of the FIA Act would clearly be a material breach of the RAMSI Treaty (as read with related instruments).

For instance, such action would effectively remove the legal basis for the presence of RAMSI in the country so that although the RAMSI Treaty may be technically still in force, it would, in the absence of the FIA Act, suddenly be inconsistent with the local laws of Solomon Islands to such an extent that continued presence of RAMSI personnel would be illegal and unlawful. This would be a material breach of the RAMSI Treaty on the part of Solomon Islands and the other parties (Forum participating countries) would thus be entitled under Article 60 (2) of the Vienna Convention on the Law of Treaties to terminate the Treaty by unanimous agreement.

The Committee therefore concludes that under international law and practice, Solomon Islands has an obligation not to amend or repeal the FIA Act except with the consent of other parties to the RAMSI Treaty, consent that would also be reflected in mutually agreed amendments to the RAMSI Treaty.

Any unilateral action in respect of the FIA Act on the other hand will result in termination of the RAMSI Treaty and withdrawal of RAMSI from Solomon Islands, not only as a matter of regional commitment, but also as a matter of international law.

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78 Vienna Convention on the Law of Treaties, Article 60 (3).
<table>
<thead>
<tr>
<th>Recommendation 5</th>
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<tbody>
<tr>
<td><strong>The Committee recommends that before seeking to amend the FIA Act, as recommended in Recommendations 2, 3, and 4, the SIG seek the concurrence of the parties to the FIA Treaty, in accordance with Solomon Islands’ international obligations.</strong></td>
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</tbody>
</table>
Chapter 6: The powers and privileges of RAMSI personnel

This chapter examines the powers and privileges (sometime called immunities) of RAMSI personnel, with particular reference to their partial immunity from legal proceedings and the provision to them of tax-free and duty-free status. It also compares the powers and privileges of RAMSI personnel under the FIA Act with international and regional practice, and discusses whether those powers and privileges are still needed.

6.1 Summary of the powers and privileges of the visiting contingent

Part II of the FIA Act provides members of a ‘visiting contingent’, such as RAMSI, with various powers and privileges. In its written submission, RAMSI stated that these powers and privileges are designed to facilitate the RAMSI mission by insulating RAMSI personnel from politically-motivated or vexatious litigation, which could distract RAMSI personnel from their core objective of assisting Solomon Islanders.\(^79\)

The powers and privileges enjoyed by a ‘visiting contingent’ under Part II of the FIA Act are listed in sections 6 to 19 of the Act, and include:

- Section 7: Members of the visiting contingent may exercise any powers that may be exercised by police officers appointed under the Police Act (Cap. 110).

- Section 8: Members of the visiting contingent shall be deemed to be eligible for appointment to any office in the Police Force.

- Section 9: Members of the visiting contingent may possess, carry and use arms to protect themselves or the visiting contingent, to protect others, to protect property or to achieve a public purpose.

- Section 10: Members of the visiting contingent may seize and destroy weapons.

- Section 11: Members of the visiting contingent, together with their vehicles and equipment, shall enjoy freedom of movement throughout Solomon Islands, including the use of infrastructure without a permit or licence.

- Section 12: Members of the visiting contingent may establish premises for accommodation and may use public utilities free of charge, unless otherwise negotiated.

- Section 15: Members of the visiting contingent may be exempt from any visa laws and immigration inspections when entering or departing Solomon Islands, and are exempt from any taxes, customs or duties that may be levied. Members of the visiting contingent may import personal effects free of customs, duties, taxes and other charges.

- Section 16: Members of the visiting contingent may be exempt from taxes, including income tax and death duties.

\(^79\) Submission 6, RAMSI, p 5.
• Section 17: Members of the visiting contingent shall have immunity from legal proceedings in Solomon Islands courts and tribunals in relation to actions taken in the course of, or incidental to, official duties. An assisting country may waive immunity granted under this section.

• Section 19: While respecting the laws of Solomon Islands, the visiting contingent shall have sole responsibility for the internal command, control, discipline and administration of the personnel of the visiting contingent.

The Committee examines below issues raised during the inquiry in relation to each of these various sections. The Committee notes that two of the immunities – the partial immunity of RAMSI personnel from legal proceedings in Solomon Islands courts (section 17) and the provision of duty-free and tax-free status to RAMSI personnel (sections 15 and 16) – are particularly contentious.

6.2 The partial immunity of RAMSI personnel from legal proceedings

As indicated above, section 17 of the FIA Act provides that members of the visiting contingent may have immunity from legal proceedings in Solomon Islands courts and tribunals in relation to actions taken in the course of, or incidental to, official duties. However, unlike diplomats, this immunity does not extend to the conduct of RAMSI personnel when not acting in the course of, or incidental to, official duties (that is, it does not extend to actions taken by RAMSI personnel in their private lives). An assisting country may also waive immunity granted under this section. If the immunity is not waived, a RAMSI officer may nevertheless still face criminal proceedings in his or her home country. Section 17 specifically provides:

(1) Members of the visiting contingent, the assisting country, and any other country whose personnel are members of the visiting contingent, shall have immunity from legal proceedings in Solomon Islands courts and tribunals in relation to actions of the visiting contingent or its members that are taken in the course of, or are incidental to, official duties.

(2) Criminal and disciplinary jurisdiction shall not be exercised over a member of the visiting contingent arising out of an action taking place in Solomon Islands if such jurisdiction is asserted over that member in respect of that action by a country referred to in section 3(l)(b).

(3) Where criminal and disciplinary jurisdiction has been exercised over a member of the visiting contingent arising out of an action taking place in Solomon Islands, that jurisdiction will be relinquished to a country referred to in section 3(1)(b) if that country asserts jurisdiction over that member in respect of that action.

(4) In this section, "legal proceedings" include criminal, civil, disciplinary and administrative proceedings, and proceedings seeking to enforce customary law.

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80 In evidence, Ms Allison Duncan, former Acting Australian High Commissioner to Solomon Islands, cited the example of a RAMSI officer stealing a television: such an officer would not be immune from prosecution. See Ms Allison Duncan, Evidence, 16 September 2008, p 35. See also RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 21.
(5) For this section, the Minister responsible for justice shall be deemed to have directed the Director for Public Prosecutions that he is to initiate no action with respect to members of the visiting contingent for actions referred to in subsections (1) and (2), unless the assisting country has expressly consented to the exercise of such jurisdiction.

(6) The assisting country may waive immunity granted by this section.

During the inquiry, RAMSI provided an ‘Immunities and jurisdiction flow chart’ showing the application of section 17 to RAMSI personnel, reproduced in Figure 6.1 below.

Figure 6.1: Immunities and jurisdiction flow chart

Source: RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, Attachment E.

In his written submission, Mr Joseph Foukona, a lecturer at the University of the South Pacific Law School, argued that the immunity granted to members of the visiting contingent under section 17 may be inconsistent with section 18(1) of the Constitution, which provides that an aggrieved party may apply to the High Court for redress for the contravention of his/her fundamental rights:

…if any person alleges that any of the [human rights provisions] of this Constitution has been, is being or is likely to be contravened in relation to him (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person) then, without prejudice to any other action with respect to the same matter which is lawfully available, that person (or that other person) may apply to the High Court for redress.81

Separately, Professor Don Paterson, Emeritus Professor of Law at the University of the South Pacific, argued in his submission that the immunity granted by section 17(1) may be too wide in

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81 Cited in Submission 7, Mr Joseph Foukona, p 4.
that it would seem to protect actions taken in the course of official duties even where those actions were negligent, reckless or intentional.\textsuperscript{82}

In his written submission, the Hon Manasseh Sogavare, the Leader of the Opposition, raised the further concern that RAMSI personnel may sometimes be careless in the conduct of their official duties because they are immune from prosecution for actions in the course of carrying out those duties.\textsuperscript{83} As examples of such carelessness, Mr Sogavare cited cases involving the arrest of the elderly parents of a fugitive on the Weather Coast, the raid of the Prime Minister's Office by RAMSI personnel in 2007, and a fight in North Malaita involving Tongan RAMSI personnel.\textsuperscript{84} In arguing for the review of this immunity, Mr Sogavare commented that:

If the VC [visiting contingent] is here to restore law and order then they must comply with our laws. It does not make any logical sense for them to break our laws in order to make us comply with our laws.\textsuperscript{85}

Commenting on the argument that RAMSI personnel who commit a wrong will be dealt with appropriately in their home countries, Mr Sogavare expressed concern that even if this occurs, there is still no formal process or mechanism whereby aggrieved Solomon Islanders can be informed of how an accused RAMSI officer is dealt with overseas.\textsuperscript{86}

In response to these concerns, Dr Lesi Korovavala, the former Pacific Islands Forum Secretariat Representative to Solomon Islands, argued that the immunity provided under section 17 of the FIA Act is not to benefit individual RAMSI personnel but rather to ensure the effective performance of the functions of RAMSI. The immunity may still be waived by the sending government under the FIA Act, however as it stands, the immunity prevents RAMSI officers being prosecuted in two different jurisdictions for the same charge. In addition, the immunity (together with the whole Act) is subject to the Constitution, and only covers actions related to official duties, and not, as discussed, private actions. Moreover, the provisions of section 17 reflect standard international practice and are similarly provided to staff of regional and international organizations including the Forum Secretariat.\textsuperscript{87}

Section 17(5) of the FIA Act provides that the DPP is deemed to have been directed by the Minister for Justice not to initiate action against members of the visiting contingent who are covered by the partial immunity. Clearly, the provision was drafted with the overall purpose of section 17 of the FIA Act (immunity) in mind as well as section 91(7) of the Constitution. The latter provision stipulates:

In the exercise of the powers conferred on him by this section the Director of Public Prosecutions shall not be subject to the direction or control of any person or authority:

Provided that, where any case in any way concerns the defence, security or international relations of Solomon Islands, the Director of Public Prosecutions shall bring the matter to the attention of the Minister responsible for justice and shall, in

\textsuperscript{82} Submission 14, Professor Don Paterson, p 1.
\textsuperscript{83} Submission 11, The Leader of the Opposition, pp 5, 7.
\textsuperscript{84} \textit{Ibid}, pp 4, 34.
\textsuperscript{85} \textit{Ibid}, p 34.
\textsuperscript{86} \textit{Ibid}.
\textsuperscript{87} Dr Lesi Korovavala, Evidence, 19 September 2008, pp 4-5.
the exercise of his powers in relation to that case, act in accordance with any directions that the Minister may give him.

In evidence, Mr Ronald Bei Talasasa, the Director of Public Prosecutions, was of the view that the immunity from legal proceedings created by section 17 of the FIA Act is appropriate; but was concerned that section 17(5) is an example where the authority of the DPP and potentially the sovereign jurisdiction of Solomon Islands may be improperly restricted. While he accepted the wisdom of the proviso in section 91(7) of the Constitution, Mr Talasasa argued that the situation created by the FIA Act is one that the proviso was not meant to be applied to. He believed that deeming the DPP to have been directed is appropriate in a case involving a police or military officer of RAMSI. Such a deeming provision, however, is inappropriate in the case of civilian personnel. In other words, in such cases, it may be contrary to the interests of justice that the DPP is subject to a direction from the Minister for Justice in such a situation.88

While the Committee notes these conflicting views on the legality and appropriateness of the provision of section 17 of the FIA Act, the Committee also notes that this issue has already been dealt with by the courts in Nori’s Case and Makasi’s Case, cited in detail in Chapter 4 (Judicial decisions on RAMSI and the FIA Act). In Nori’s Case, the High Court held, inter alia, that immunity from suit provided by section 17 of the FIA Act is not unconstitutional and does not oust the jurisdiction of the High Court to determine questions relating to the scope of the immunity and alleged constitutional breaches. Further, section 17(5) was found not to be an unconstitutional interference with the independence of the Minister for Justice or the DPP. This decision was subsequently confirmed by the Court of Appeal in Makasi’s Case.

The guidelines for the conduct of RAMSI personnel

During the inquiry, RAMSI argued that despite the provision of RAMSI personnel with partial immunity from legal proceedings under section 17 of the FIA Act, they are nevertheless accountable to the appropriate authorities for their actions, and are subject to strict rules and instructions as to their behaviour. In evidence, Mr Graeme Wilson, Special Coordinator of RAMSI, stated:

I wish to reassure all Solomon Islanders that RAMSI personnel operate under strict codes of conduct including respect for Solomon Islands laws as well as its culture, its customs, its government and its people.89

In material provided to the Committee, RAMSI detailed the legal and disciplinary obligations imposed on RAMSI personnel as follows:

- The RAMSI Code of Conduct, which applies to all civilian, police and military personnel deployed to RAMSI;
- All RAMSI officers must respect the people, the cultures and the laws of Solomon Islands;
- RAMSI does not tolerate misconduct by its officers and ensures high standards of behaviour are maintained at all times;
- RAMSI will investigate any complaints of misconduct and will take appropriate action if misconduct is proven. In certain circumstances, such action may include court action;

88 Mr Ronald Bay Talasasa, Evidence, 29 October 2008, p 51.
89 Mr Graeme Wilson, Evidence, 10 June 2009, p 8.
• Police personnel serving with the PPF are bound by the disciplinary and criminal jurisdictions of their home countries (in cases in which home countries can assert such jurisdiction) as well as by the PPF Commander’s Orders;

• All military personnel serving with the CTF are bound by their separate national disciplinary directions (for example, Australian military personnel serving with the CTF are bound by the Australian Defence Force Discipline Act);

• All military personnel serving with the CTF are also subject to local directions issued by the Commander of the CTF;

• Australian public servants serving with RAMSI must comply with the Australian Public Service Code of Conduct. They must also comply with all applicable Australian laws, regulations, directions and guidelines relating to their official and personal conduct;

• Fijian public servants serving with RAMSI must strictly adhere to the Fiji Public Service Act and Regulation, Fiji Public Service Code of Conduct and Values;

• New Zealand public servants serving with RAMSI must comply with the New Zealand Public Service Code of Conduct that applies to all New Zealand public servants. They are also bound by their own departmental codes of conduct and those in their work units. They must also comply with all applicable New Zealand laws and regulations; and

• Civilian contractors serving with RAMSI’s Law and Justice, Economic Governance and Machinery of Government programs are bound by the managing contractor’s (GRM International Ltd) Code of Conduct. Civilian contractors are orally briefed about the Code of Conduct and are required to verify they have read the Code of Conduct at the time they sign their RAMSI contract.  

6.3 The provision of tax-free and duty-free status to RAMSI personnel

Section 16 of the FIA Act provides that members of the visiting contingent may be exempt from taxes, including income tax and death duties. It specifically provides:

16. Members of the visiting contingent shall be exempt from direct taxes, including income tax and death duties, and all other fees and charges.

Section 15 of the FIA Act also provides that members of the visiting contingent may be exempt from any taxes, customs or duties that may be levied when entering or departing Solomon Islands. Members of the visiting contingent may import personal effects free of customs, duties, taxes and other charges. Section 15 specifically provides:

(1) Members of the visiting contingent shall be exempt from any visa laws and immigration inspection and restrictions when entering or departing from Solomon Islands.

(2) Members of the visiting contingent shall be exempted from departure tax.

90 Submission 6, RAMSI, p 6. See also RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, pp 17-18.
(3) The visiting contingent may import into Solomon Islands without licence or other restriction or registration and free of customs, duties and taxes or any other charge that may be sought to be levied, equipment (including vehicles and weapons) and other supplies required for a public purpose, together with personal effects of and items for the support of members of the visiting contingent.

(4) Any material belonging to an individual member of the visiting contingent that is imported under this section and later sold in Solomon Islands to a person other than those entitled to tax-free privileges shall be subject to customs and other duties at the time of its sale.

(5) Any material imported under this section may be re-exported without licence or other restriction or registration and free of customs, duties and taxes or any other charge that may be sought to be levied.

In his written submission, the Hon Manasseh Sogavare argued that the exemption from taxation for RAMSI personnel deprives Solomon Islands of much needed revenue to sustain public investment. He argued that if RAMSI’s mandate is in part to restore Solomon Islands’ economy, RAMSI’s discharge of that mandate becomes highly questionable when, as a result of its privileges, 80 per cent of RAMSI funding is returned to Australia.91

Mr Sogavare also questioned how RAMSI personnel are treated by the taxation departments of their own countries. He raised this question in view of the general taxation rule that the jurisdiction where the income is earned has primary right to tax the income, unless the taxing jurisdiction has a double taxation agreement with the taxing authority where the employee comes from.92

The Committee notes that in response to a question on notice from the Committee, Mr John Dafanisi, Deputy Controller of the Customs and Excise Division of the Ministry of Finance and Treasury, provided the following estimates of foregone revenue by the SIG through the provision of tax-free and duty-free status to RAMSI personnel.

Table 6.1: Foregone revenue through the provision of tax-free and duty-free status to RAMSI personnel

<table>
<thead>
<tr>
<th>Year</th>
<th>Foregone revenue (SBD$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$107,860</td>
</tr>
<tr>
<td>2004</td>
<td>$2.73 m</td>
</tr>
<tr>
<td>2005</td>
<td>$5.33 m</td>
</tr>
<tr>
<td>2006</td>
<td>$8.95 m</td>
</tr>
<tr>
<td>2007</td>
<td>$8.51 m</td>
</tr>
<tr>
<td>2008</td>
<td>$8.00 m (est)</td>
</tr>
<tr>
<td>2009</td>
<td>$8.00 m (est)</td>
</tr>
<tr>
<td>Total</td>
<td>$41.62 m (est)</td>
</tr>
</tbody>
</table>

Source: Mr John Dafanisi, Deputy Controller, Customs and Excise Division, Ministry of Finance and Treasury, Response to questions on notice from 9 June 2009.

Based on Table 6.1 above, the Committee notes that the SIG has, through the provision of tax free and duty free status to RAMSI personnel, foregone an estimated SBD$41.6 million in revenue since 2003.

91 Submission 11, The Leader of the Opposition, p 33.
92 Ibid.
In response to this issue, RAMSI argued in its written submission that the provision of tax-exempt and duty-free status to RAMSI personnel is not unusual and reflects standard international and regional practice in development cooperation projects, international representative missions, regional organisations and peace-keeping operations. These privileges are similar to those accorded to personnel participating in bilateral donor programs to Solomon Islands, including participants from Taiwan, Australia, New Zealand and the US.\(^{93}\)

Nevertheless, RAMSI noted that in mid 2007, it voluntarily introduced guidelines for the use of tax and duty free exemption on personal items imported by RAMSI personnel to ensure that individuals do not obtain personal gain, benefit or advantage (financial or non-financial) from using the provisions of the FIA Act.\(^{94}\)

The Committee also understands that after consultation between the SIG and RAMSI, RAMSI’s civilian personnel are now paying immigration fees as required under the *Immigration Act*, unlike the situation in 2003.\(^{95}\)

### 6.4 Other contentious powers and privileges of the visiting contingent

**The exemption of members of the visiting contingent from visa laws and immigration inspections**

Section 15 of the FIA Act, reproduced above, also provides that members of the visiting contingent may be exempt from any visa laws and immigration inspections when entering or departing Solomon Islands.

In his written submission, the Hon Manasseh Sogavare argued that the inclusion of this provision in the FIA Act is ‘akin to opening Solomon Islands for any Tom, Dick and Harry to enter and reside’. He argued that there is no justification whatsoever for such a blanket exemption, and that RAMSI officers should have proper travel documents and identification, and must be subject to inspection on arrival and departure. He continued:

> There is also the issue of members of the VC [visiting contingent] bringing into the country partners of same sex. This cannot be accepted in Solomon Islands. Marriage of same sex is illegal in Solomon Islands and must not be allowed into the country. But if they do then they must be subject to the immigration laws of the country.\(^{96}\)

The Leader of the Opposition subsequently recommended that section 15(1) be amended to require that officers must have proper travel documents and identification, and must be subject to inspections on arrival and departure. He also argued that restrictions should be placed on the entry of homosexuals bringing their partners into the country, given that homosexuality is illegal.\(^{97}\)

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\(^{93}\) Submission 6, RAMSI, p 5.

\(^{94}\) *Ibid.*

\(^{95}\) Mr George Hiele, Permanent Secretary, Ministry of Foreign Affairs and External Trade, Evidence, 9 June 2009, p 73.

\(^{96}\) Submission 11, The Leader of the Opposition, p 32.

\(^{97}\) *Ibid*, p 23.
The exercise of police powers by members of the visiting contingent

Section 7 of the FIA Act provides that members of the visiting contingent may exercise any powers that may be exercised by police officers appointed under the Police Act. It specifically states:

(1) Armed forces and police members of the visiting contingent may exercise any powers that may be exercised by police officers appointed under the Police Act.

(2) In addition to the powers under subsection (1), armed forces and police members of the visiting contingent may use such force as is reasonably necessary to achieve a public purpose.

In turn, section 8 of the FIA Act provides that members of the visiting contingent shall be deemed to be eligible for appointment to any office in the Police Force. It specifically states:

(1) A member of the visiting contingent shall be deemed to be eligible for appointment to any office in the Police Force (but the exercise by a member of powers under section 7 does not depend on such an appointment).

(2) Section 11 of the Police Act shall not apply to any person appointed to an office in the Police Force by reason of this section.

In his written submission, the Hon Manasseh Sogavare argued that it is unacceptable to allow the appointment of foreign officers to the RSIPF if they do not pledge allegiance to the Commissioner of Police. He further suggested that this arrangement is more a matter of convenience to RAMSI than anything.\footnote{Ibid, pp 6, 27-28.}

Moreover, Mr Sogavare questioned why the visiting contingent, who are not subject to the command of the Commissioner of Police, are nevertheless able to exercise the powers of police officers. To address this, he suggested that the power of police officers to use reasonable force must now be restricted to members of the RSIPF. Alternatively, the PPF should now be brought under the jurisdiction of the Commissioner of Police.\footnote{Ibid.}

The carriage of firearms by members of the visiting contingent

Section 9 of the FIA Act provides that members of the visiting contingent may possess, carry and use arms to protect themselves or the visiting contingent, to protect others, to protect property or to achieve a public purpose. It specifically provides:

Members of the visiting contingent may possess, carry and use arms in accordance with their internal orders or rules in order to -

(a) protect themselves or the visiting contingent; or

(b) protect other persons; or

(c) protect property of the visiting contingent; or

\footnote{Ibid, pp 6, 27-28.}

\footnote{Ibid.}
The ongoing carriage of firearms by RAMSI personnel, notably the PPF and CTF, was a particular issue of contention during the inquiry, notably in the provinces. The issue is discussed in more detail in Chapter 12 (Supporting the provinces).

### The seizure and destruction of weapons by members of the visiting contingent

Section 10 of the FIA Act provides that members of the visiting contingent may seize and destroy weapons. It specifically provides:

1. The visiting contingent may seize any weapons, as necessary for the achievement of a public purpose.
2. The visiting contingent may, with the permission in writing of the Solomon Islands Commissioner of Police, destroy seized weapons.
3. The visiting contingent shall, as far as practicable, record particulars of weapons seized or destroyed, including serial numbers (if applicable) and the dates and places of seizures or destruction, and the particulars of the persons from whom they were seized.
4. In considering whether to give permission under subsection (2), the Commissioner shall take into account whether it is likely that the weapons will be required for production as evidence in ongoing criminal investigation or civil matters.

Once again, the seizure and destruction of weapons by RAMSI was again an issue of some contention during the inquiry. Issues included the success of RAMSI in seizing all weapons, whether compensation should be paid to legal firearm owners who were forced to forfeit their weapons, and whether Solomon Islands should indeed be a gun free society. These issues are examined in more detail in Chapter 9 (Pillar One – Law and Justice).

### The freedom of movement provided to members of the visiting contingent

Section 11 of the FIA Act provides that members of the visiting contingent, together with their vehicles and equipment, shall enjoy freedom of movement throughout Solomon Islands, including the use of infrastructure without a permit or licence. It specifically provides:

1. Members of the visiting contingent, together with service vehicles, vessels, aircraft and equipment, shall enjoy freedom of movement throughout the area to which this Act applies.
2. The visiting contingent may use roads, bridges, canals and other waters, port and airfield facilities without payment of dues, tolls or any other charges or fees.
3. Members of the visiting contingent may operate vehicles, vessels, aircraft and other equipment without a permit or licence.
4. Vehicles, vessels, aircraft or other equipment provided and used by the visiting contingent shall not be subject to registration and licensing laws.
In his written submission, the Hon Manasseh Sogavare cited evidence that members of the visiting contingent have been abusing the privilege of freedom of movement under section 11 to participate in expeditions that have nothing to do with their official duties and engage in activities that may be unacceptable under Solomon Islands’ law. Mr Sogavare also expressed concern that allowing RAMSI personnel to drive vehicles without licences and to move vehicles/vessels in and out of Solomon Islands without clearance could potentially put the lives and safety of Solomon Islanders at risk. He argued that the SIG should reserve the right to board, check, and clear incoming and outgoing aircraft and helicopter trips into and around the country.100

**Accommodation of the members of the visiting contingent and its impact on inflation**

Section 12 of the FIA Act provides that members of the visiting contingent may establish premises for accommodation and may use public utilities free of charge, unless otherwise negotiated. It specifically provides:

1. Members of the visiting contingent may use such premises, including facilities, as may be necessary for their accommodation while engaged in fulfilling a public purpose free of charge, unless otherwise negotiated.

2. Members of the visiting contingent may use water, electricity and other public utilities free of charge, unless otherwise negotiated.

3. The visiting contingent may generate, transmit and distribute electricity for its own use without being subject to regulation or licensing requirement and free of charge.

In his memorandum of advice to Government dated 27 August 2007, the former Attorney General, Mr Julian Moti, argued that this immunity had led the Central Bank of Solomon Islands to express concern regarding the impact of RAMSI on inflation.101

In response to this issue, RAMSI disputed the claim that the availability of immunities impacts on inflation. In support, RAMSI cited data that inflation has fallen since RAMSI’s arrival from 10.3 per cent in 2003 to an expected 7 per cent in 2007.102

In his written submission, the Hon Manasseh Sogavare also argued that there is a strong connection between over pricing of rental properties and the negotiation of inflated rental prices by RAMSI personnel, without reference to the affordability of the property market. He also suggested that privileges relating to public utilities are unreasonable given the lucrative packages under which RAMSI personnel are engaged and should therefore be removed.103 In evidence, however, Mr Sogavare admitted that the relationship between RAMSI’s presence and inflated rental prices has yet to be established through empirical data.104

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100 Submission 11, The Leader of the Opposition, pp 6, 30.
102 ‘RAMSI’s response to a series of legal questions raised by the Attorney General (Carried in a letter dated 26th September 2007), cited in Submission 11, The Leader of the Opposition, p 64.
103 Submission 11, The Leader of the Opposition, pp 6, 29-30.
In response to this issue, Mr Tim George, the former Special Coordinator of RAMSI, acknowledged in evidence that the presence of RAMSI personnel in Honiara in particular may have placed pressure on the rental market, although it would be hard to quantify the impact given the range of factors affecting rental prices. At the same time, however, Mr George observed that the economic factors cut both ways: the money spent by RAMSI personnel goes to support local individuals and businesses.\(^{105}\)

On the question of what the SIG could do to deal with inflated rental prices and its impacts on ordinary Solomon Islanders, Mr Sogavare observed in his evidence that it is perhaps too late. He submitted that while the SIG could take administrative steps to avoid further impact of RAMSI’s presence on inflation in the future, any attempt to counter inflation in the real estate market will have serious and unfair results on property owners who have made financial commitments such as big loans based on the inflated rentals.\(^{106}\)

**Command and control of the visiting contingent**

Section 19 of the FIA Act provides that while respecting the laws of Solomon Islands, the visiting contingent shall have sole responsibility for the internal command, control, discipline and administration of the personnel of the visiting contingent.

This independent operation of RAMSI is a part of concerns that RAMSI is operating as a parallel government alongside the SIG, compromising the sovereignty of Solomon Islands. This issue is discussed in detail in the following Chapter 7 (The sovereignty of the Solomon Islands Government).

### 6.5 Comparison of the powers and privileges under the FIA Act with international and regional practice

During the inquiry, various parties argued in defence of the powers and privileges of the visiting contingent under the FIA Act, listed above, that they are consistent with the powers and privileges provided to other visiting contingents.

For example, in its written submission, RAMSI argued that the privileges and immunities extended to RAMSI staff under the FIA Act are ‘standard international and regional practice’. It argued that such privileges and immunities are typically provided to the members of visiting contingents for international organisations and missions such as the United Nations (non-diplomatic or peacekeeping) missions, including the operation in East Timor. It also argued that the powers and privileges are consistent with the provisions of the ‘United Nations Model Status of Forces Agreement for Peacekeeping Operations’.\(^{107}\)

In its subsequent response to issues and questions raised by the Committee dated 8 June 2009, RAMSI reiterated that it is normal for international organisations to be granted powers and privileges in the countries where they operate, including in Solomon Islands. As an example, RAMSI cited the officers of the Forum Fisheries Agency, who have been granted the same jurisdictional protections under the Forum Fisheries Agency Treaty as officers working in diplomatic missions (which are in fact broader than the immunities enjoyed by RAMSI).

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105 Mr Tim George, Evidence, 16 September 2008, pp 22-23.


107 Submission 6, RAMSI, pp 5-6. See also Submission 3, Australian High Commission, p 4. See also Ms Allison Duncan, former Acting Australian High Commissioner to Solomon Islands, Evidence, 16 September 2008, p 35.
personnel). Forum Fisheries Agency officers have complete immunity from criminal prosecution in the countries where they operate, irrespective of whether an alleged criminal act is committed in the course of official duties or in a private capacity.\textsuperscript{108}

The submission of the New Zealand High Commissioner also argued that the immunities granted to RAMSI personnel under the FIA Act reflect fairly standard provisions in Status of Forces Agreements and argued there are appropriate safeguards to ensure that the immunities are not abused.\textsuperscript{109}

The Committee notes that a Status of Forces Agreement is typically entered into to establish the framework under which military and police personnel operate in a foreign country, addressing the issue of how the domestic laws of the home jurisdiction shall be applied to the international personnel. Formal requirements of Status of Force Agreements such as their form, content, length, or title do not exist, but they generally address criminal and civil jurisdiction, the wearing of uniforms, taxes and fees, carrying of weapons, use of radio frequencies, license requirements, and customs regulations. More detailed administrative and operational matters may be included as well.

The ‘Status of Forces Agreements between Timor-Leste and Australia, New Zealand and Portugal’, referred to by RAMSI in its written submission, was signed prior to the deployment of Operation Astute in East Timor in May 2006. It was in similar terms to the FIA Act. Annexure A to the agreement provided, amongst other things, for freedom of access for military personnel to East Timor; exemption from customs, duties and taxes; use of public utilities; occupation of premises; and visiting personnel to remain under the national and administrative control of their contributing Government.\textsuperscript{110}

The Committee has also cited the ‘United Nations Model Status of Forces Agreement for Peacekeeping Operations’ and notes that it provides similar privileges and immunities.\textsuperscript{111}

\textbf{6.6 Are the powers and privileges of the visiting contingent still needed?}

A number of parties to the inquiry questioned whether the powers and privileges of the visiting contingent, as adopted by the National Parliament in the FIA Act in 2003, are still needed in 2009. This argument was based on the considerable change in circumstances from 2003 to 2009.\textsuperscript{112}

In his written submission, the Hon Manasseh Sogavare provided tables comparing the original mandate of RAMSI in 2003 with the outcomes that have been achieved, both in terms of law and order and economic reform and recovery. He subsequently submitted that the security situation has changed considerably since 2003 and that the insistence by RAMSI that RAMSI personnel must continue to enjoy their current powers and immunities ‘is akin to deliberate

\textsuperscript{108} RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 15.

\textsuperscript{109} Submission 8, New Zealand High Commissioner, p 4.

\textsuperscript{110} See ‘Status of Forces Agreements between Timor-Leste and Australia, New Zealand and Portugal’, signed prior to the deployment of Operation Astute in East Timor in May 2006, cited at www.laohamutuk.org/reports/UN/06SOFAs.html (accessed 22 September 2009).


\textsuperscript{112} See for example Submission 17, Mr Whitlam Khalegedi, p 4.
exaggeration of the situation on the ground’. ‘The fact of the matter is that RAMSI does not need the current level of protection to carry out its work’.

A large number of other witnesses, particularly from the provinces, expressed similar views. By way of example, Mr David Maefunu, Aimela Ward, Malaita, expressed the view that RAMSI has too much immunity to break the rules and Constitution of the country.

At the same time, other parties to the inquiry supported the provision of the existing powers and privileges to the visiting contingent. In his evidence, Dr Transform Aqorau, appearing in a private capacity, observed that the National Parliament of Solomon Islands has in the past legislated to provide certain immunities to various parties and that the idea is not new. He continued:

… in the case of RAMSI it is a necessary mechanism to have, because you have visiting forces in place, and the only way in which they are able to carry out their functions effectively and independently is through the granting of immunity, which is not an unusual practice internationally. That’s what everyone does when you have visiting forces in your territory.

The Rt Hon Sir Peter Kenilorea, Speaker of the National Parliament and former Prime Minister, also agreed that the powers and privileges of RAMSI personnel are standard and are still appropriate. He suggested that the granting of the privileges to RAMSI in the first place reflected Solomon Islanders’ appreciation of the assistance provided by RAMSI. It would be unfair had Solomon Islands asked for assistance and in return demanded that RAMSI personnel pay high duties.

The Committee raised the question with RAMSI during the inquiry whether the powers and privileges of the ‘visiting contingent’ under Part II of the FIA Act are still needed after 6 years of RAMSI’s operation, given the drastic changes in the circumstances of Solomon Islands in that period. Given the importance of this issue, the Committee cites RAMSI’s response in full:

The reasons for the privileges and jurisdictional arrangements that apply to RAMSI officials in Solomon Islands are as applicable today as they were in 2003. As outlined above, the privileges and immunities accorded personnel of RAMSI reflect standard practice in development cooperation projects, international representative missions, regional organisations and peace-keeping operations. These privileges and immunities are also applicable to Solomon Islanders working for international missions overseas.

The privileges provided for RAMSI under the FIA Act are more limited than those provided to many such missions. For example, some other missions provide for exclusive jurisdiction while the Commonwealth Secretariat’s immunities include full personal immunity extending to family members of senior staff. In addition, RAMSI has voluntarily imposed stricter rules on RAMSI personnel than is provided under the FIA Act. For example, RAMSI has restricted the period during which RAMSI personnel may import goods tax and duty free to the first six months of a posting only.

113 Submission 11, The Leader of the Opposition, p 11.
114 Mr David Maefunu, Evidence, 12 November 2008, p 5.
115 Dr Transform Aqorau, Evidence, 16 September 2008, p 75.
116 The Rt Hon Sir Peter Kenilorea, Evidence, 28 October 2008, p 43.
Regarding jurisdictional protections applying to RAMSI personnel, as mentioned above, these exist to ensure that the RAMSI Mission can perform its functions effectively. Over the nearly six years that RAMSI has been in Solomon Islands, the issue of jurisdictional protections has come up only very rarely.\textsuperscript{117}

The Committee also notes the response of RAMSI to the memorandum of advice to Government dated 27 August 2007 from the former Attorney General, Mr Julian Moti, in which RAMSI observed:

The questions raised in his memorandum of Advice about immunities and privileges appear to overlook the important fact that Solomon Islands is under an international law obligation to provide privileges and immunities to members of the visiting contingent, consistent with the commitment contained in the RAMSI Treaty. The current provisions of the FIA Act ensure that Solomon Islands meets its international law obligations.

It is worth noting that RAMSI is a partnership between the Solomon Islands Government and the contributing countries. One of the Solomon Islands Government’s contributions to this partnership is the provision of privileges and immunities which are required to facilitate the work of RAMSI.\textsuperscript{118}

In its written submission, the Australian High Commission also argued that it is important for RAMSI personnel to continue to have access to the immunities provided under the FIA Act. Without these immunities, the Commission submitted that RAMSI personnel would face the threat of vexatious legal claims which could distract from their core objective of assisting Solomon Islanders.\textsuperscript{119} The Commission also argued:

Removal of these core legal protections would mark a significant departure from both international and regional practice. The obligation to accord the immunities would remain as a matter of international law under the RAMSI Treaty. Any amendment to the RAMSI Treaty to mirror changes to the FIA Act would require fresh agreement by the fifteen contributing Pacific island countries (as outlined in the PIF RAMSI Task Force report and the outcomes statement of the 17 July 2008 Forum Ministerial Standing Committee meeting).\textsuperscript{120}

Accordingly, the Australian High Commission indicated that the Australian Government considers the FIA Act remains appropriate and consistent with international practice.\textsuperscript{121}

When asked in evidence what would be Australia’s reaction if the SIG moved to withdraw the powers and privileges of the visiting contingent, Ms Allison Duncan, the former Acting

\textsuperscript{117} RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, pp 15-16. See also Mr Tim George, the former Special Coordinator of RAMSI, Evidence, 16 September 2008, p 6.

\textsuperscript{118} Mr Tim George, ‘RAMSI’s response to a series of legal questions raised by the Attorney General (Carried in a letter dated 26th September 2007), cited in Submission 11, The Leader of the Opposition, p 66.

\textsuperscript{119} Submission 3, Australian High Commission, p 4. See also Ms Allison Duncan, former Acting Australian High Commissioner to Solomon Islands, Evidence, 16 September 2008, p 34.

\textsuperscript{120} Submission 3, Australian High Commission, p 5.

\textsuperscript{121} \textit{Ibid}, p 2.
Australian High Commissioner, observed that this would be a matter for consultation with all the contributing countries to RAMSI. However, she did raise possible difficulties in finding personnel to undertake the RAMSI mission if the powers and privileges of the visiting contingent were withdrawn.  

Similarly, the New Zealand High Commissioner shared the assessment that the immunities granted to RAMSI personnel under the FIA Act are standard provisions for Status of Force Agreements and a number of safeguards are in place to ensure that they are not abused. 

The Committee also notes the findings of the 2007 RAMSI Review Task Force report which concluded that the safeguards put in place for RAMSI personnel, that is to say the guidelines for the conduct of RAMSI personnel outlined earlier in this chapter, were sufficient to ensure that the immunity provisions of the FIA Act were not abused.

In his evidence, the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, while not ruling out a review of the powers and privileges provisions of the FIA Act, indicated that any such review would only be undertaken by the SIG in consultation with the RAMSI contributing countries and the Pacific Islands Forum.

The Committee also finds it helpful to note the evidence of Rev Philemon Riti, Secretary General of the Solomon Islands Christian Association, who observed in his evidence that while the immunities provided by the FIA Act are standard international practice, the real issue is the lack of understanding of the immunities amongst ordinary citizens. He suggested that RAMSI should focus less on defending its immunity and more on clarifying to the general public the application of the immunities.

### 6.7 The extension of the powers and privileges of the visiting contingent to others

Another issue related to powers and privileges under the FIA Act is the perceived extension of those powers and privileges to persons and entities that are not part of the visiting contingent, in this case the RAMSI visiting contingent.

Section 4 (1) of the FIA Act defines the visiting contingent as follows:

(1) The visiting contingent shall consist of -

(a) members of the police forces or armed forces of the assisting country, or of another country notified by the assisting country to the Ministry responsible for foreign affairs and accepted by the Ministry; and

(b) other individuals notified by the assisting country to the Ministry responsible for foreign affairs.

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123 Submission 8, New Zealand High Commissioner, p 4.


126 Rev Philemon Riti, Evidence, 19 September 2008, p 35.
In his memorandum of advice to Government dated 27 August 2007, the former Attorney General, Mr Julian Moti, argued that the availability of immunities to certain multinational service and support corporations that do not fall within the definition of ‘other individuals within section 4(1)(b) of the FIA Act cannot be justified, and had led the Central Bank of Solomon Islands to express concern regarding the impact on inflation of these corporations’ operations in Solomon Islands.\textsuperscript{127}

In his written submission, the Hon Manasseh Sogavare also argued that the extension of this privilege to Australian based companies may have been granted in breach of the RAMSI Treaty.\textsuperscript{128}

6.8 Committee comment

Partial immunity from legal proceedings

The privilege of RAMSI personnel which attracted most criticism during the inquiry was the partial immunity from legal proceedings provided by section 17 of the FIA Act.

It was argued that this immunity deprives citizens of their constitutional right of recourse to the High Court. It was also suggested that the immunity is so broad or unfettered that it might protect negligent, reckless and intentional actions by RAMSI personnel so long as these were performed in the course of, or incidental to, official duties. Another concern is that part of section 17 interferes with the independence of the DPP’s Office and the Minister for Justice.

However, the Committee is satisfied that these concerns as to legality have been satisfactorily settled in the High Court in \textit{Nori’s Case} and confirmed by the Court of Appeal in \textit{Makasi’s Case}. Chapter 4 discusses in detail the rulings in both cases and the Committee defers to the wisdom of the High Court in this regard.

It has also been argued that the partial immunity from legal proceedings breeds carelessness and abuse by RAMSI personnel. However, the Committee feels that most allegations of carelessness and abuse by RAMSI personnel remain unproven and thus make it difficult for any independent assessment. That is however a matter for the RSIPF and the courts. The courts are the proper channel to resolve all allegations against RAMSI personnel and the Committee urges all citizens to utilise this channel. If allegations turn out to be true, the courts have confirmed in \textit{Nori’s Case} and \textit{Makasi’s Case} that the High Court has original jurisdiction to consider such cases in the context of the immunity.

Publishing allegations against RAMSI in the media or elsewhere without any attempt to deal with these through the proper avenues, on the other hand, suggests motives other than a real desire to see justice done.

With regard to the view that the immunity is inappropriate and allows RAMSI personnel to operate outside the law, the Committee is satisfied on the balance of evidence presented during the inquiry that this is simply not true.

Every RAMSI officer is, at all times (whether on or off duty), subject to the laws of his/her sending country and the internal rules of RAMSI. It is worth noting that participating countries


\textsuperscript{128} Submission 11, The Leader of the Opposition, p 6-7, 31.
to RAMSI share two things in common with Solomon Islands in terms of laws and legal systems. First, most are island nations with laws tailored for circumstances that are quite similar to those of Solomon Islands. Second, all are common law jurisdictions (as opposed to civil law) which derive most of their written laws from England and also apply principles of common law and equity; as is the case in Solomon Islands.\(^{129}\)

With such commonalities, the Committee finds no solid basis for the view that RAMSI officers are above the law simply because they might be immune under section 17 of the FIA Act. They are not above the law. They are subject to their own laws which are very similar to those of Solomon Islands.

In the case of Australians and New Zealanders serving in RAMSI, the Committee further notes that these two jurisdictions have much more developed laws and legal systems, which Solomon Islands courts and Parliament often turn to for precedent in terms of law making and application. This suggests that their nationals serving in Solomon Islands are subject to many more, and clearly more stringent, laws (written or otherwise) than they would have been had they been subject only to Solomon Islands laws.

In any event, the Committee is cognizant of the fact that while technically RAMSI personnel might be immune from legal proceedings under section 17 of the FIA Act, they are encouraged, and indeed expected by their superiors, to respect Solomon Islands laws and customs. Besides, the question of immunity is not automatic and remains uncertain for a RAMSI officer until his/her actions are challenged and the High Court makes a ruling on immunity.

No right thinking RAMSI officer would act recklessly on the assumption that the High Court will find his/her action immune, or that his/her sending country will claim jurisdiction. Moreover, a crime is a crime, whether in Solomon Islands or in the sending country, so immunity from suit in Solomon Islands simply means prosecution or other legal action in another jurisdiction.

The Committee therefore believes that the immunity from legal proceedings provided by section 17 of the FIA Act is not inconsistent with other local laws, does not inherently breed carelessness or abuse, and remains as appropriate as it was in 2003.

**Exemption from taxes and fees**

Based on the evidence discussed in this Chapter, the Committee is satisfied that the exemption from taxes and fees granted to RAMSI personnel under section 15 of the FIA Act is standard regional and international practice, and also consistent with current local laws on taxation (see further discussion below).

**Exemption from visa requirements and immigration inspections**

Again, the Committee accepts the bulk of the evidence which suggests that this type of exemption is standard international practice. Such exemption is also in line with local immigration laws (as discussed further below).

Another sub-issue regarding this privilege stems from comments made by Mr Sogavare that this privilege allows RAMSI officers to bring into Solomon Islands homosexual partners. On this issue, the Committee notes that although section 15 the Constitution prohibits laws and administrative actions that are discriminatory against a person on the basis of, *inter alia*, sex, the

\(^{129}\) See section 76, read with Schedule 3, of the Constitution.
Islanders’ Marriage Act (Cap. 171), though silent on this issue, is expressly premised on the assumption that marriage is between a man and woman. Furthermore, by virtue of section 162 of the Penal Code (Cap. 26), indecent acts between persons of the same sex are an offence. It would therefore be safe to assume that Solomon Islands laws in general have yet to fully accommodate the rights of homosexual persons despite Solomon Islands’ international human rights obligations.

In light of the above observation, it should be noted that the complaint regarding homosexuality is also a moral, cultural and religious issue. The concern appears to be that because of the privilege, homosexuality is passively condoned by Solomon Islands despite its cultural, moral and religious values. Homosexuality and its acceptance or rejection is an issue that is experienced in every country in the world whatever its cultural and religious setting; and is one that constantly brings a country’s laws and values in conflict with its human rights commitments. As such, this issue is one rightly for the government, citizens, churches and NGOs of Solomon Islands to address.

The Committee, however, considers this issue to be outside its terms of reference and accordingly declines to comment further on it.

The exercise of police powers by members of the visiting contingent

The Committee has considered the arguments against RAMSI personnel’s use of police powers while not answerable to the Commissioner of Police but accepts the High Court’s ruling on this issue in Nori’s Case as confirmed by the Court of Appeal in Makasi’s Case. In Nori’s Case, as indicated in Chapter 4 (Judicial Decisions on RAMSI and the FIA Act), the High Court held the exercise of police powers by PPF officers under the FIA Act is not unconstitutional and does not undermine the overall command and control of the Commissioner of Police, to whom the Commander of the PPF and Deputy Commissioner is accountable.

Freedom of movement throughout Solomon Islands

The Committee gathers that the gist of complaints about this privilege is two-fold: that it allows RAMSI personnel to be engaged in private activities, some of which are allegedly unlawful; and that it exempts such personnel from licence/permit requirements.

During the inquiry no witness provided any solid evidence that this privilege was being abused. The Committee fails to see how private actions of RAMSI personnel are considered as an abuse of their privilege of freedom of movement. It is common sense that every foreigner who resides in or visits Solomon Islands always has time off duty, during which he/she is completely at liberty to move about and to do whatever he or she wishes as long as such private action is not illegal or unlawful.

It makes no sense to expect RAMSI officers to be constantly undertaking official duties 24 hours a day. During off duty periods an officer is, as with any other worker, entitled to takes trips and engage in other sports or recreational activities as he/she wishes. Any suggestion that this basic freedom be curtailed is not only illogical but also unconstitutional and undemocratic.

If it is alleged that a RAMSI officer is engaged in private activities while on official duties, the appropriate action to take is to report the matter to that officer’s superiors to be investigated in light of applicable rules of conduct.

The Committee also rejects the suggestion that this privilege is being abused by RAMSI by allowing its personnel to drive vessels, vehicles and aircraft without the necessary qualifications. Apart from the fact that there is no proof of such assertions, the Committee is
aware that RAMSI under its internal structure, as with any other organization, has designated drivers, captains and pilots who are recruited on merit based assessment. These officers are no doubt subject to RAMSI's rules of conduct in terms of use of RAMSI vehicles, aircraft and vessels.

There is no need for inspection of RAMSI vehicles, aircraft or vessels because these are clearly operated under high standards. By contrast, the Committee notes that there is very little inspection of local drivers and that traffic and licensing laws continue to be breached by citizens every day without check because of the lack of resources of local authorities. It would be a pointless exercise for local authorities to stretch their limited resources just to inspect RAMSI vessels, aircraft and vehicles when they do not have the resources to undertake their domestic duties.

**Rights relating to accommodation**

The Committee was unable to establish a direct correlation between inflation in rental prices and the presence of RAMSI and thus is unable to draw any conclusion in this regard. This is an exercise that the SIG, through the Ministry of Finance and Treasury and the Central Bank of Solomon Islands, might wish to undertake as part of its ongoing efforts to deal with inflation in general.

**Extending privileges to ‘other individuals’**

On this issue, the Committee did not ascertain the process that RAMSI uses to determine ‘other individuals’ who are to be considered part of RAMSI under section 4(1)(b) of the FIA Act. Further, the Committee was not advised on whether a foreign corporation falls under this category.

The Committee notes that there is a particular issue in relation to subcontractors to RAMSI and the immunities available to the visiting contingent. The Committee believes that taxes and duties must be paid on work carried out by contractors and subcontracts providing logistics and support services to RAMSI.

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<th>Recommendation 6</th>
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<tr>
<td>The Committee recommends that the Government take steps in consultation with RAMSI to ensure that taxes and duties are paid on work carried out by contractors and subcontractors providing logistics and support services to RAMSI.</td>
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**Consistency of RAMSI’s privileges and immunities with existing local laws**

As indicated, the Committee is satisfied that the powers and privileges of RAMSI personnel raised in this chapter are consistent with standard regional and international practice in respect of similar arrangements.

However, one area that was not explored fully by witnesses is the consistency of RAMSI’s powers and immunities with local laws that existed prior to the FIA Act.

During the inquiry, it was often argued that RAMSI’s privileges and immunities should be no more than that of technical assistants and other foreigners working in Solomon Islands. This argument suggests that RAMSI’s privileges and immunities are more extensive or special than those of other foreigners residing and working in the country.
This in turn raised the question: if RAMSI had been established as a separate legal entity (for example as an international organization) or relied instead on the legal personalities of the participating countries, what kinds of privileges and immunities would RAMSI personnel have had under existing laws?

The Committee understands that international organizations and foreigners who intend to enter and operate/work in Solomon Islands would normally apply beforehand for privileges and immunities in respect of immigration, labour, customs and excise and taxation laws. In some cases, these could all be granted as a package. In other cases, it would involve separate applications to different Ministries for different purposes.

If RAMSI came into Solomon Islands under normal bilateral arrangements or as an international organization, its personnel would draw their privileges and immunities from the Diplomatic Privileges and Immunities Act (Cap. 67). Under section 6 of that Act, the Minister may make an order bringing an international organization under the provisions of the Act.130 Once formally recognized, that organization is conferred broad privileges and immunities set out in the Second Schedule, including immunity from suit and legal process (whether or not it concerns action taken in the course of duty); immunity of its property and assets from search, requisition, confiscation, expropriation, or any other form of interference; exemption from taxes and rates (except import tax); and exemption from taxes for importation of goods for official purposes. The Minister may also grant similar but lesser privileges and immunities to persons who are part of, or connected to, such international organizations, such as exemption from income tax for individuals.131

Further, under section 11 of the Act, the Minister may, with the concurrence of the Minister of Finance, grant exemption from taxes, rates, duties, levies or fee to, inter alia, representatives or officers of governments, committees, international organizations or other authorities recognised by Solomon Islands.

Exemptions relating to immigration are covered by the Immigration Act (Cap. 60). Under section 7 of that Act, the Principal Immigration Officer may exempt from the requirement for a permit persons who fall under certain classes. These include, inter alia, persons covered by the Diplomatic Privileges and Immunities Act, persons employed in the service of the Solomon Islands government, or of the government of a Commonwealth nation, and persons (or classes) declared by the Minister responsible for immigration.

Clearly, if RAMSI were present in the Solomon Islands under ‘normal’ arrangements, its personnel would still be granted extensive privileges and immunities under the Diplomatic Privileges and Immunities Act (as an international organization or as representatives of the governments of participating countries), and exemptions from visa requirements under the Immigration Act. Of these, immunity from legal proceedings provided by the Diplomatic Privileges and Immunities Act stands out because it protects both official and non-official actions, unlike section 17 of the FIA Act.

Accordingly, the Committee believes that the privileges and immunities provided by the FIA Act are indeed consistent with pre-FIA Act laws and, in the case of immunity from legal

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130 To date, organizations given formal recognition by ministerial orders include the International Monetary Fund, World Bank, Asian Development Bank, United Nations and its agencies, Commonwealth Secretariat, South Pacific Commission (now the South Pacific Community), certain offices of the European Union, Forum Fisheries Agency and the Pacific Islands Forum.

131 Paragraph 2, Fourth Schedule to the Diplomatic Privileges and Immunities Act (Cap. 67).
proceedings, less extensive than those which would have been granted under such laws. The Committee is also satisfied that RAMSI’s powers and privileges are consistent with regional and international standards. On this basis, the Committee does not find any compelling reason to remove or reduce these powers and privileges.

Are the FIA Act powers and privileges still necessary in 2009?

As indicated, some parties to the inquiry suggested that the powers and privileges, as provided to RAMSI in 2003, are no longer necessary in 2009.

This argument appears to be based on the fact that the country is now in a peaceful period, unlike the situation in 2003, and thus RAMSI personnel do not warrant the 2003 privileges and immunities. The Committee, however, fails to see how the changes in circumstances since 2003 impacts on the need of RAMSI personnel for the powers and privileges. As concluded earlier, these are no more special than privileges and immunities that Solomon Islands grants to international organizations and other foreigners working in Solomon Islands. It thus makes no sense to tie powers and privileges to changes in circumstances (conflict or peace). It would be extremely unfair to gradually phase down RAMSI’s powers and privileges as it achieves its mandate of bringing and maintaining normalcy to Solomon Islands, while other foreigners and organizations operating in Solomon Islands continue to enjoy their powers and privileges regardless of the changes of circumstances. This would be tantamount to suggesting that the more successful RAMSI is, the less powers and privileges its personnel should enjoy.

The Committee recalls that all provincial witnesses who called for removal or reduction of RAMSI’s powers and privileges made that call without a full understanding of comparable regional or international standards and practices, or of the local laws that confer similar treatment to diplomatic missions, international organizations and a whole range of other foreigners working in Solomon Islands. This call was also not supported by any financial or statistical evidence. In view of these observations, the Committee acknowledges the sentiments of provincial witnesses but is not convinced that such sentiments disclose a solid basis for removal or reduction of RAMSI’s powers and privileges. The Committee believes that with increased understanding of the powers and privileges of RAMSI personnel, people from the provinces would be less inclined to make such a judgement.

By contrast, the Committee notes with approval the fact that RAMSI has taken steps to limit the privileges of RAMSI personnel in relation to taxes and immigration fees, and to regulate their conduct in Solomon Islands. These proactive steps were not demanded by any written law but demonstrate a willingness to use broad privileges and immunities conservatively and wisely.

The Committee therefore believes that all powers and privileges granted to RAMSI personnel by the FIA Act are still appropriate and necessary in 2009 and should not be removed or limited. Any limitation should rightly come from RAMSI itself in the form of internal regulations, rules and directives.

The Committee also notes the widespread perception in the provinces that the powers and privileges of RAMSI personnel are inappropriate. The Committee believes this perception is based on inadequate understanding of the powers and privileges (noted above), but takes heed of the suggestion by Rev Riti and makes the following recommendation.
Recommendation 7

The Committee recommends that the Government work with RAMSI to formulate and implement a nationwide awareness program on the meaning, scope of application and limitations of the powers and privileges of RAMSI personnel under the FIA Act.
Chapter 7: The sovereignty of Solomon Islands

This chapter examines issues regarding the relationship between the SIG, RAMSI and the Pacific Islands Forum, including criticisms that RAMSI is dominated by Australia, and the perception that RAMSI is operating in Solomon Islands as a parallel government. Issues of sovereignty raised by the powers and privileges afforded to RAMSI personnel under the FIA Act were addressed in the previous chapter.

7.1 Claims of Australian self interest in the Pacific region

During the inquiry, various parties argued that RAMSI is dominated and driven by the Australian Government, and is being used as a mechanism to drive Australia’s own self interest in the Pacific region.

Of note, in his written submission, the Hon Manasseh Sogavare, the Leader of the Opposition, indicated his belief that the Australian Government’s motivation in the RAMSI intervention is to protect ‘the narrow strategic, national and commercial interests of Australia’, rather than to address the peace process in Solomon Islands.132

As indicated previously in Chapter 5 (The RAMSI legal framework), the 2007 RAMSI Review Task Force welcomed the decision of the SIG at the time not to undertake a review of the RAMSI legal framework and to maintain the existing RAMSI mandate. Mr Sogavare argued that this outcome in 2007 reflected the wishes of the Pacific Islands Forum, and in particular that of the Australian Government as a Forum member with strong and direct vested interests in keeping RAMSI in Solomon Islands.133

These vested interests, Mr Sogavare further argued, are premised on Australia’s self proclaimed exclusive responsibility for the security of the Pacific region; Australia’s economic interests in the region as reflected in substantial Australian business interests in Fiji and the high number of Australian citizens residing throughout the region; and Australia’s fear of and response to terrorism that is moving closer to the Pacific region.134

Mr Sogavare supported this perception of Australia’s foreign and military policy objectives by an analysis of the 2003 ‘Australian White Paper on Defence, Foreign Affairs and Trade: Advancing the National Interest’, which Mr Sogavare claimed supports the view that:

- The Australian Government regards the security of the Pacific region as its primary or sole responsibility and that Australia will take steps to protect it against other powers in the region;

- The Australian Government and nation has economic interests to protect in the region, together with an obligation to protect its citizens in the region; and

- The Australian Government takes any form of instability in the region very seriously, on the basis that weak or failing states in the region may be used by extremist groups

132 Submission 11, The Leader of the Opposition, p 5.
133 Ibid, p 2.
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such as the Moro Islamic Liberation Front, the Abu Sayyaf Group and Jemaah Islamiyah as a springboard to infiltrate Australia.\(^{135}\)

Accordingly, Mr Sogavare summed up Australia’s strategic interest in Solomon Islands as securing the safety of its citizens by strengthening institutions such as the courts, prisons and police to deter people from resorting to violence and lawlessness. Australia’s intervention through RAMSI is therefore designed to serve the best interests of Australia, with ‘very little impact on the lives of ordinary citizens of Solomon Islands’.\(^{136}\)

Partly in response to this issue, the Committee notes the evidence of Mr Frank Ingruber, Australian High Commissioner, in which he indicated that there are a number of factors in Australia’s financial and military commitment to Solomon Islands:

To answer your question about the reasons for the Australian Government’s and the Australian taxpayers’ commitment to this country, I think there are a number of factors in play. One is that Solomon Islands is a close neighbour. It is an important Pacific Islands country and a member of the Pacific Islands Forum. It is in Australia’s strategic, political and economic interests to build strong stable nations in our region and we do not want a failed state on our borders with all the attendant dangers involving transnational crime including, money laundering, drug and gun trafficking, people trafficking, prostitution trafficking and terrorist financing. But beyond that, the government and people of Australia have a strong and genuine commitment to achieving the millennium development goals that Australians believe sincerely in, being good international citizens and helping their neighbours, and that is being demonstrated around the world continually. And Australians and taxpayers such as me and those who are here with me expect the Australian Government to act in that way to be a good international citizen and to help.\(^{137}\)

7.2 The perceived domination of RAMSI by Australia

Closely related to the argument that RAMSI is dominated and driven by Australian self interest is the view that RAMSI, which was originally intended to be a regional initiative through the Pacific Islands Forum, is dominated by Australia and has at best only token regional identity.

For example, Dr John Roughan, the former Director of the Solomon Islands Development Trust and former Special Secretary to the Prime Minister in 2007, has argued that:

The original underpinning of this military/public service intervention by Pacific countries was to be consistent with and directed by the Biketawa Declaration passed years ago by Pacific Forum Island members. This meant that RAMSI should be answerable and accountable to the Pacific Forum’s Secretary General, yet consistent with Solomon’s sovereignty and integrity. However, the public perception … is that RAMSI is a Canberra run operation with little or no input from the Pacific Forum’s Secretary General.\(^{138}\)

\(^{135}\) Ibid, pp 45-46.

\(^{136}\) Ibid, p 46.

\(^{137}\) Mr Frank Ingruber, Evidence, 9 June 2009, pp 29-30.

\(^{138}\) John Roughan, ‘Put the “R” into RAMSI’, Solomon Star (9 February 2005), p 7; cited in Submission 9, Mr Gordon Nanau, p 255.
This view was expressed strongly in the provinces. By way of example, Mr David Maefunu, Aimela Ward, Malaita, indicated in evidence his belief that RAMSI is being led from Canberra, with little collective decision making from the other countries participating in RAMSI.139

During the hearing on 12 November 2008, the Committee discussed this issue at some length with Dr Lesi Korovavala, the former Pacific Islands Forum Secretariat Representative to Solomon Islands. Dr Lesi Korovavala defended the regional nature of RAMSI. He noted that RAMSI has its roots in the Biketawa Declaration and that RAMSI was deployed as a Forum mission under that Declaration. Commenting on the initial deployment of RAMSI in 2003, Dr Korovavala observed:

Might I return to the signing of the Treaty by the 16 Members of the Forum at that time, 14 of which were heads of states and heads of governments, and only 2 were represented by their high commissions. That, in itself, indicates the seriousness which members of the Forum attach to their being called to assist a neighbour as a member of the regional family, Solomon Islands.140

In relation to the continued commitment of nations of the Pacific Islands Forum to RAMSI, Dr Korovavala cited the support the Forum leaders gave to RAMSI at the 2007 Pacific Islands Forum Leaders’ meeting in Tonga and the subsequent meeting in Niue in 2008.141

Dr Korovavala also cited Niue as a classic example of the commitment of Pacific countries to RAMSI. Niue has a very small police force (9) and yet it had (as at September 2009) committed more than 20% of its police force (2) to serve Solomon Islands through RAMSI.142

That said, Dr Korovavala acknowledged that there is still much work left on engaging more Pacific Islanders in RAMSI, particularly in the civilian advisor categories. This has been discussed at all levels of the RAMSI oversight structure but depends very much on the availability of personnel from participating countries for deployment to RAMSI given individual countries’ own needs.143 However, on the specific question of whether the Forum would entertain the idea of filling the office of Special Coordinator of RAMSI with a Pacific Islander, Dr Korovavala cited Article 4(1) of the RAMSI Treaty which states that the head of the visiting contingent shall be someone nominated by the Australian Government, in consultation with the SIG.144

In the final analysis, however, Dr Korovavala admitted that neither the Forum nor any other sub-regional organization has the capability to provide the kind of regional policing that RAMSI is providing to Solomon Islands without the assistance of Australia and New Zealand. He cited the conclusions of the 2007 RAMSI Review Task Force in support of this observation.145

As to whether Australia and New Zealand fit comfortably within the Pacific Islands Forum, Dr Korovavala observed in a subsequent response to questions on notice:

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139 David Maefunu, Evidence, 12 November 2008, p 5.
140 Dr Lesi Korovavala, Evidence, 19 September 2008, p 7.
141 Ibid, p 2.
143 Ibid, p 12.
144 Ibid, p 16.
145 Ibid, p 11.
To quote Forum Secretary General Tuiloma Neroni Slade who was recently asked a similar question ‘Australia and NZ are Pacific countries and founding members of the Forum: along with other Pacific island members, they provide important leadership roles and are generous providers of financial and capacity contributions to the Forum and PIFS, as well as to all other regional organizations and their activities; and both play vital roles in Pacific regional endeavours in every respect. It is the reality of our region that we have larger and smaller country members; and, as I say, the history and track record testifies to the Forum structure as effectively accommodating this.”

The Committee notes that other witnesses also addressed the regional nature of RAMSI. In his evidence, Mr Tim George, the former Special Coordinator of RAMSI, argued that RAMSI’s regional nature is one of its fundamental strengths:

I think it’s particularly positive for the Mission that all members of the Forum are active in RAMSI, they take a close interest in the work and the future of RAMSI, and I think there’s a sense of pride amongst the regional members in the organization as well. I think being a regional organization does bring a number of strengths both in a broader sense and also at more practical levels.

Mr Graeme Wilson, the current Special Coordinator of RAMSI, reiterated this evidence in 2009. In particular, he noted that every Forum country participates in RAMSI and the mission benefits from the diverse cultures and experience of the fifteen contributing members. Since 2003, thousands of police, military and civilian personnel from across the region have served with RAMSI and worked side by side with Solomon Islanders.

The submission of the New Zealand High Commissioner also noted that RAMSI’s regional nature continues to be one of its key strengths and acknowledges the Forum’s ongoing support for RAMSI.

The Committee also notes the evidence of the Ms Allison Duncan, the former Acting Australian High Commissioner, in 2008:

I note that the 2007 Pacific Islands Forum RAMSI Task Force Review noted that RAMSI had strong and widespread support throughout Solomon Islands. The Pacific Islands Leaders Meeting last year commended and confirmed the continuing support of all Forum countries as contributors to RAMSI. That was an outstanding example of regional cooperation.

Similar sentiments were reiterated in 2009 by Mr Frank Ingruber, the new Australian High Commissioner.

\[146\] Ibid, p 1.
\[147\] Mr Tim George, Evidence, 16 September 2008, p 4.
\[148\] Mr Graeme Wilson, Evidence, 10 June 2009, p 8.
\[149\] Submission 8, New Zealand High Commissioner, p 4.
\[150\] Ms Allison Duncan, Evidence, 16 September 2008, p 35.
\[151\] Mr Frank Ingruber, Evidence, 9 June 2009, pp 31-32.
Requests from outside the Pacific Islands Forum to join RAMSI

The Committee notes that certain other countries in the Asia Pacific region, notably Japan, have at time expressed interest in joining or in some way contributing to RAMSI.

In his written submission, the Hon Manasseh Sogavare welcomed the possibility of Asian countries with existing ties to Solomon Islands joining RAMSI. He pointed out that these countries have assisted Solomon Islands in many ways over the past decades and should be given the opportunity to extend their support through RAMSI. However, he argued that Australia is not so supportive of this possibility because Australia wishes to maintain responsibility for security in the region in pursuit of its own security agenda.\footnote{152}{Submission 11, The Leader of the Opposition, p 21.}

In his evidence, Mr Sogavare used India as an example of an Asian country which, if it joined RAMSI, could assist Solomon Islands significantly through measures to address rural development.\footnote{153}{The Hon Manasseh Sogavare, Evidence, 28 October 2008, p 23.}

Other witnesses to the inquiry also supported countries such as Japan being able to contribute to RAMSI but, unlike Mr Sogavare, did not advance any further arguments regarding Australia’s stand.\footnote{154}{See for example the Hon Alex Lokopio, Premier, Western Province, Evidence, 10 September 2008, p 9.}

Once again the Committee raised this issue, and notably Japan’s interest in RAMSI, with Dr Korovavala during evidence. In response, Dr Korovavala observed that this matter was discussed during the third meeting of the FMSC on RAMSI that was held in Honiara on 15 May 2009. The FMSC welcomed Japan’s continuing interest in engaging in the Pacific and the informal offer of assistance by the Government of Japan to appoint a liaison officer to RAMSI. Accordingly the FMSC sought further information. However, the FMSC also reiterated the importance of retaining the regional character of RAMSI.\footnote{155}{Dr Lesi Korovavala, Response to question on notice from 19 September 2008, pp 1-2.}

In evidence, Mr George Chan, Ambassador for the Republic of China (Taiwan), indicated that the Republic of China (Taiwan) would also willingly make a contribution to RAMSI. Presently the Republic of China (Taiwan) provides assistance to RAMSI through bilateral arrangements.\footnote{156}{Mr George Chan, Evidence, 9 June 2009, pp 63, 70.}

In response to these offers of assistance, Ms Allison Duncan, the former Acting Australian High Commissioner, reiterated that the regional nature of RAMSI is one of its strengths, and that the preference of Australia would be to preserve that. At the same time, Ms Duncan indicated that the make-up of RAMSI is for all the participating countries together to determine.\footnote{157}{Ms Allison Duncan, Evidence, 16 September 2008, p 41.}

Similarly, in her evidence to the Committee, Ms Deborah Panckhurst, the New Zealand High Commissioner, indicated that New Zealand’s position, should this issue arise directly, would likely be that RAMSI should retain its regional nature, but that New Zealand would work alongside its Forum partners as necessary.\footnote{158}{Ms Deborah Panckhurst, Evidence, 16 September 2008, p 58.}
7.3  Concerns that RAMSI is acting as a parallel government

A key issue considered by the Committee during this inquiry was the perception that since its arrival in 2003, RAMSI has tended to operate as a parallel government within Solomon Islands, implementing its own agenda without reference to the SIG, and effectively undermining the sovereignty of Solomon Islands.

In his memorandum of advice to Government dated 27 August 2007, the former Attorney General, Mr Julian Moti, concluded by observing:

If Parliament’s intention is to incubate a permanent state of exception in Solomon Islands by retaining the presence of the visiting contingent here indefinitely, it might simply achieve that by delegating its plenary legislative power to “make laws for the peace, order and good governance of Solomon Islands” to the head of the visiting contingent.\(^{159}\)

In his written submission, made in mid 2008, the Hon Manasseh Sogavare also argued that the assistance from RAMSI has amounted to the forceful dictating of how the authority of the SIG is to be used. He stated:

Under the present RAMSI arrangement Australia cannot deny the fact that it has an upper hand over the right to decide how much right does Solomon Islands Government have to exercise authority over its people and the government system.\(^{160}\)

In adopting this position, Mr Sogavare acknowledged that the situation in 2003 was such that it was justified that RAMSI did not trust the elected Government and therefore took steps to control the affairs of the country. However, he argued that this encroachment on Solomon Islands’ sovereignty can no longer be justified.\(^{161}\)

Mr Sogavare subsequently accused the current CNURA Government of being prepared to continue to allow Australia to exercise its authority over the government.\(^{162}\)

As an aside, the Committee notes below that in 2008, the current Prime Minister was also not happy about the working relationship between RAMSI and the Government.

The Committee notes that this criticism of RAMSI as a parallel government, disrespecting the sovereignty of Solomon Islands, initially came from former militants together with their advisors and supporters following RAMSI’s arrival. However, in later years this view has been taken up by other Solomon Islanders who do not necessarily have any connection to the former militants. During the Committee’s provincial hearings, a number of witnesses argued that RAMSI is trespassing on the sovereignty of Solomon Islands.

However, other witnesses took a different view on issues of sovereignty and concerns that RAMSI has been operating as a parallel government.


\(^{160}\) Submission 11, The Leader of the Opposition, p 53.

\(^{161}\) Ibid, p 38.

\(^{162}\) Ibid, p 53.
In evidence the Rt Hon Sir Peter Kenilorea, Speaker of the National Parliament and former Prime Minister, observed that:

People were talking about sovereignty, but these days, what is sovereignty? You jump up and down about sovereignty when there does not seem to be any real sign of you having a sovereign authority over your own activities.\textsuperscript{163}

Sir Peter also explained in evidence why RAMSI was set up the way it was. He indicated that during the period in which leaders were contemplating intervention, the only two other alternatives were inappropriate. First, a UN-styled peacekeeping mission was untenable because it would have had to rely on an external system, without any input from the SIG. Second, having an intervention arranged through bilateral ties with Australia and New Zealand was also inappropriate because there was a real need for an ‘island content’ (regional identity). The RAMSI arrangement was therefore the best approach and the only one in which the SIG was able to set down conditions for intervention.\textsuperscript{164} Sir Peter also made the following observation, with a caution:

People talk about parallel and alternative government created by the Facilitation Act, I can quite understand that. And when RAMSI came in, I was the first one who was jumping up saying ‘Please, don’t come and form another government because the Facilitation Act gives you some leeway to do that; I know because the Facilitation Act was created to be superior to all other laws of Solomon Islands except the Constitution.’ The Facilitation Act gave control, independent control, to the visiting contingent. The Facilitation Act provides for the kind of situation which, if not properly interpreted, could be seen as taking the government out of our hand. But I quite appreciate it at that time it was meant by Parliament for a good reason so that they will work uninterrupted at a very difficult time, and that difficult time, some of it is still around us.\textsuperscript{165}

Mr Paul Tovua, former Chairman of the National Peace Council, was more frank about this issue. In evidence, he observed:

Certainly before RAMSI came, I’d like to tell you Chairman and your committee members that the sovereignty of this country has been compromised by none other than Solomon Islanders themselves.\textsuperscript{166}

Mr Tovua considered the view that RAMSI is operating as a parallel government to be a misconception of the situation.\textsuperscript{167}

As foreshadowed, in his evidence in mid 2008, the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, acknowledged sovereignty concerns. Dr Sikua argued that at the time of the RAMSI intervention in 2003, the mission was modelled along the lines of a UN or NATO force, accountable to countries that sent them and not to the host country. However, Dr Sikua submitted that this situation had been perpetuated since 2003, and that the RAMSI remained of the view that it is the ‘guiding hand, the holder of the purse strings’, and accountable first to a forum of our regional partners. Dr Sikua continued:

\begin{itemize}
  \item \textsuperscript{163} The Rt Hon Sir Peter Kenilorea, Evidence, 28 October 2008, p 31.
  \item \textsuperscript{164} \textit{Ibid}, p 32.
  \item \textsuperscript{165} \textit{Ibid}, p 31.
  \item \textsuperscript{166} Mr Paul Tovua, Evidence, 29 October 2008, p 21.
  \item \textsuperscript{167} \textit{Ibid}, p 21.
\end{itemize}
There is an underlying current of belief on the part of many advisors and RAMSI personnel that this government should gratefully follow and accept whatever assistance is designed and funded for us. Further, we should then accommodate the technical advisers they select for us, whether we believe they are suitable or not. In fact, the assessment of the value of those advisers is made by the quality of the reports they provide to RAMSI rather than the value of their contribution to strengthening the Ministries they have been attached to.\(^{168}\)

In response to these concerns, the Committee notes that recent developments have, at least to some extent, addressed the concerns that RAMSI is operating independently of the SIG and without regard to direction from the Pacific Islands Forum. These developments are discussed below.

### 7.4 Improved mechanisms for engagement between the SIG and RAMSI

#### The ‘triumvirate’ group

A key theme of the report of the 2007 RAMSI Review Task Force was the sense amongst Solomon Islands' elected political leaders that they did not have full control over the direction in which their country was headed. The report noted that:

> Notwithstanding the extensive consultation that has taken place at officials’ level between the SIG and RAMSI, the absence of effective information flows and the inadequacy of mechanisms for engagement at the higher levels of SIG emerged as a constant theme.\(^ {169}\)

The report also separately referred to the reporting line between RAMSI and the SIG Cabinet as the ‘weakest link’ in the reporting arrangements.\(^ {170}\)

As a result, as indicated in Chapter 3 (The RAMSI Intervention), the Task Force recommended the establishment of a ‘triumvirate group’ of SIG, Forum and RAMSI comprising:

- the Solomon Islands Government Permanent Secretary to RAMSI appointed by the SIG (previously referred to as the Special Envoy to RAMSI);
- the Pacific Islands Forum Representative to Solomon Islands in Honiara; and
- the Special Coordinator of RAMSI.

Indeed, the Committee notes that the ‘triumvirate group’ was already established by the time of the Task Force’s second visit to Solomon Islands prior to completing its report in 2007, and was already addressing the lack of communication between the SIG and RAMSI.\(^ {171}\)

Under the ‘triumvirate’ group arrangement, the Ministry of Foreign Affairs and External Trade is responsible for bringing RAMSI reports to Cabinet.\(^ {172}\)

\(^{168}\) The Hon Dr Derek Sikua, Evidence, 18 September 2008, p 10.


\(^{170}\) Ibid, p 10.

\(^{171}\) Ibid, p 5.
A process has also been established whereby the Ministry of Foreign Affairs and External Trade is charged with conveying the outcomes of this process back to the Forum Island countries via the Standing Committee of Foreign Ministers. 173 Commenting on this development, Mr John Wasi, First Assistant Secretary for Pacific Affairs, Ministry of Foreign Affairs and External Trade, observed:

This is a very important process in which dialogue and consultation has been established to discuss very pertinent issues regarding RAMSI. 174

The Committee also notes that the Prime Minister of Solomon Islands and Foreign Affairs Minister have direct access to RAMSI and the Forum at all times.

As indicated previously, Mr Paul Tovua considered the view that RAMSI is a parallel government as a misconception. However, he was also pleased that RAMSI and the SIG are dealing with this misconception partially by putting into place the ‘triumvirate group’ with a person who represents the SIG and works closely with RAMSI. 175

The Forum Ministerial Standing Committee

Another important recommendation by the 2007 RAMSI Review Task Force for strengthening the mechanisms for communication between RAMSI, the SIG and the Forum was the establishment of the Forum Ministerial Standing Committee (FMSC), comprising Foreign Members of the past, present and future Forum Chair countries, as well as the Foreign Ministers of Solomon Islands and Australia.

As indicated previously in Chapter 3 (The RAMSI Intervention), the FMSC has since been formed and meets every six months. Its first meeting was on 22 February 2008 and its second on 17 July 2008.

The third meeting of the FMSC was on 15 May 2009 in Honiara. In addition to ministerial representatives, the meeting was also attended by the Special Coordinator of RAMSI, Mr Graeme Wilson and the Pacific Islands Forum Representative to Solomon Islands, Mr Sakiusa Rabuka. Amongst other things, the FMSC:

• commended the finalisation of the Partnership Framework between the SIG and RAMSI which had been endorsed by the SIG Cabinet the previous day;

• acknowledged the establishment of the Truth and Reconciliation Commission and its successful launching by Archbishop Emeritus Desmond Tutu in April 2009; 176

• commended the excellent cooperation between the SIG and the Special Coordinator of RAMSI and his staff; and

172 The Hon Dr Derek Sikua, Evidence, 18 September 2008, p 5. See also Mr George Hiele, Permanent Secretary, Ministry of Foreign Affairs and External Trade, Evidence, 9 June 2009, p 73.

173 Mr George Hiele, Permanent Secretary, Ministry of Foreign Affairs and External Trade, Evidence, 9 June 2009, p 79.

174 Mr John Wasi, Evidence, 9 June 2009, pp 74-75.

175 Mr Paul Tovua, Evidence, 29 October 2008, p 21.

176 See the discussion in Chapter 13 (Addressing the root causes of the ethnic tension).
• warmly welcomed the advice of the Australian Government that it had recently decided to extend its commitment to RAMSI for at least another four years to June 2013.\textsuperscript{177}

In evidence, Dr Lesi Korovavala, the former Pacific Islands Forum Secretariat Representative to Solomon Islands, also cited the work of the Enhanced Consultative Mechanism below the level of the FMSC. This body meets on a quarterly basis and discusses issues that pertain to the operation of RAMSI. These meetings have become the preparatory meeting for the FMSC.

Dr Korovavala accordingly argued that the appropriate mechanisms for liaison between the SIG, RAMSI and the Forum are in place via the ‘triumvirate’ group, the FMSC and Enhanced Consultative Mechanism.\textsuperscript{178}

These mechanisms for engagement between the SIG, RAMSI and the Pacific Islands Forum are shown in Figure 7.1 below, taken from RAMSI’s website.

\textit{Figure 7.1: Mechanisms for engagement between the SIG, RAMSI and the Pacific Islands Forum}

\begin{center}
\includegraphics[width=\textwidth]{figure7.1.png}
\end{center}

Source: www.ramsi.org/node/269 (accessed 19 October 2009)

The Partnership Framework

As indicated in Chapter 3 (The RAMSI intervention), in April 2009, the Solomon Islands Government and RAMSI concluded the development of its Partnership Framework between Solomon Islands Government and Regional Assistance Mission to Solomon Island. The Partnership Framework was endorsed by the SIG Cabinet on 14 May, and by the FMSC on 15 May 2009.


\textsuperscript{178} Dr Lesi Korovavala, Evidence, 19 September 2008, p 11.
The development of the *Partnership Framework* also arose out of the 2007 report of the Forum RAMSI Review Task Force and the imperative to take steps to strengthen mechanisms for dialogue between RAMSI and the SIG.

In his evidence to the Committee in July 2009, following the finalisation of the *Partnership Framework*, Dr Sikua observed:

> The aims and objectives of the framework closely align RAMSI’s activities with Solomon Islands priority aims and objectives.\(^{179}\)

Similarly, Mr Graeme Wilson, Special Coordinator of RAMSI, commented in evidence:

> The recent finalisation of the SIG/RAMSI partnership framework represents a significant milestone in the relationship between Solomon Islands and RAMSI and in developing a sense of joint ownership in the way we propose to work together. The framework has been endorsed by the Solomon Islands Cabinet and commended by the Forum Ministerial Standing Committee for endorsement by Leaders at the Pacific Islands Forum in Cairns in August. The framework which is a living document provides a strategic work plan to guide RAMSI’s assistance to the Solomon Islands within the Mission’s mandate and in accordance with Solomon Islands Government priorities. It sets out goals and objectives for RAMSI’s work with the Government and identifies specific and very viable targets as well as indicative timeframes for their achievement. The Government, RAMSI and the Forum Representative to Solomon Islands will report jointly on progress against this framework. This will provide a mechanism for accessing when conditions have been met to enable a phased down of RAMSI’s involvement in particular areas and eventually to enable RAMSI’s departure.\(^{180}\)

### 7.5 Concerns that the PPF is acting as a parallel police force

Article 5 of the RAMSI Treaty deals with the status of the PPF. It provides that the most senior Australian Police Officer of the PPF shall be the head of the PPF, with responsibility for control of that Force. The head of the PPF shall also be appointed a Deputy Commissioner of the RSIPF. Other members of the PPF may be appointed to the RSIPF, but they shall not be required to make an oath or affirmation of allegiance. Article 5 provides in part:

1. The most senior Australian Police Officer of the Participating Police Force, shall be the head of the Participating Police Force, with responsibility for control of that Force. In exercising that control, the head of the Participating Police Force shall consult with the head of the Visiting Contingent.

2. The head of the Participating Police Force shall be appointed a Deputy Commissioner of the Solomon Islands Police Force. Other members of the Participating Police Force may be appointed to the Solomon Islands Police Force.

3. Members of the Participating Police Force appointed to the Solomon Islands Police Force shall not be required to make an oath or affirmation of allegiance.

\(^{179}\) The Hon Dr Derek Sikua, Evidence, 10 June 2009, p 7.

\(^{180}\) Mr Graeme Wilson, Evidence, 10 June 2009, p 7.
4. (a) Members of the Participating Police Force are subject only to the orders of, and instructions from:

i) the head of the Participating Police Force; and

ii) where appointed to the Solomon Islands Police Force, the Commissioner of the Solomon Islands Police Force, in consultation with the head of the Participating Police Force.

(b) Subject to subparagraph (a)(ii), members of the Participating Police Force shall not be subject to the orders of or instructions from any other member of the Solomon Islands Police Force.

5. The Participating Police Force shall work co-operatively with the Government of Solomon Islands and its authorities, and consult with the Commissioner of the Solomon Islands Police Force, to achieve the purposes set out in Article 2.

In his written submission, the Hon Manasseh Sogavare argued that these provisions have effectively implemented two parallel forces, with PPF personnel exercising powers normally reserved for the RSIPF, but reporting to the head of the PPF instead of the Commissioner of Police. He was adamant that if PPF officers are to continue to exercise these powers, a clear line of command needs to be put in place whereby PPF officers must pledge allegiance to, and be made subject to, the Commissioner of Police.\(^{181}\) Elaborating on this view, Mr Sogavare argued:

The first step to addressing this issue is to remove the perception of the workings of a parallel disciplined force in the country and bring the entire operation of law enforcement under the authority of the Commissioner of Police. This means that all members of the VC who are police officers must take oath or allegiance to the Commissioner of Police and the people of this country. This should bring the control and distribution of logistic support and budgetary resources under one control. PPF officers must be integrated into the structure of the RSIP and appointed to posts that Solomon Islanders are not qualified to hold. They would be required to work with their local counterpart and only leave when the local officer is ready to take over.\(^{182}\)

In his written submission, Mr Gabriel Taloikwai, former Director of the Solomon Islands College of Higher Education, indicated that in his view Article 5 gives the impression that the PPF and the RSIPF are working separately. While this is not necessarily the case, he emphasised the importance of the two forces working together.\(^{183}\)

By contrast, in his evidence, the Hon Lonsdale Manasseh, Deputy Premier of Isabel Province, disputed claims that PPF officers were acting as a second police force:

On the question of RAMSI taking over or not respecting the laws of the country, for us in Isabel we do not experience that. As leader of the Province, what I would like to register here is that Solomon Islands is a sovereign country and therefore RAMSI must respect our sovereignty and the laws of the country. Hence RAMSI’s undertakings and deliberations in the Province has been very good. They are

\(^{181}\) Submission 11, The Leader of the Opposition, pp 4-5, 6, 12, 27.

\(^{182}\) Ibid, p 12.

\(^{183}\) Submission 12, Mr Gabriel Taloikwai, p 2.
working very well with my government and they have a lot of respect in the Province … 184

In response to these concerns, the Committee notes the evidence of Mr Peter Marshall, the Commissioner of Police, highlighting the close working relationship between the RSIPF and the PPF:

In terms of the relationship with the Participating Police Force, all I can say is that it is very, very good and very supportive. The Commander of the PPF, Dennis McDermott is actually sworn in as Deputy Commissioner of the Solomon Islands Police Force as well as his PPF Commander role. He is present at all executive meetings. His personnel are aligned to each of the significant areas of the Solomon Islands Police Force. I want to dispel any notion that there is a parallel police force.185

Mr Marshall subsequently noted that in each of the divisions within the RSIPF – whether it be national investigations, prosecutions, the police training academy, emergency planning, finance or human resource, to name a few – the PPF have appropriate counterparts aligned to RSIPF directors and staff. Similarly, PPF officers are on the streets with their RSIPF counterparts around the clock. Each Provincial Police Commander has his own PPF advisor. Essentially PPF officers are working throughout the RSIPF. Mr Marshall continued that this arrangement is working very well:

If it wasn’t working very well, I would be making it quite clear to Commander McDermott and other senior members within RAMSI that I am not satisfied but that is not the case.186

This evidence was reiterated by Mr Walter Kola, Deputy Commissioner of Police, with more than 30 years experience in the RSIPF:

Indeed I agree with what the Acting Commissioner has said. I can assure this Committee that our working relationship is admirable. It is now the situation that the Solomon Islands Police takes the lead in every incident that occurs. For example, if there is a confrontation the SIPF makes the approaches. We only seek assistance when there is need and when it is necessary. But we are proud and it is time that the SIPF takes on the responsibility. We are taking the initial steps.187

The assistance being provided by the PPF to rebuild the RSIPF is discussed further in the following chapter.

7.6 Committee comment

Australia’s interests in Solomon Islands and RAMSI

During the inquiry, it was alleged that Australia’s involvement with RAMSI is purely to promote Australia’s alleged self interest.

185 Mr Peter Marshall, Evidence, 18 September 2008, p 51.
186 Ibid, p 53.
187 Mr Walter Kola, Evidence, 18 September 2008, p 54.
It is clear that the Australian Government has its own reasons for participating in the RAMSI intervention, notably to avoid having a failed state as a neighbour and the risks associated with that. However, the Committee does not accept that Australia’s motives for involvement in RAMSI are purely selfish, and that Australia, as a regional neighbour, does not also have the interests of Solomon Islands in mind in supporting the RAMSI intervention.

Regardless, whatever the real motives of Australia and other Forum nations for their involvement in RAMSI in 2003, it is clear to the Committee that such motives nevertheless yielded outcomes that served the immediate needs of Solomon Islands at the time: restoring law and order and sustaining peace. At least in the short term both countries benefited from Australia’s contribution. Moreover, the Committee believes that such contribution should be viewed in light of Australia’s long standing relationship with Solomon Islands which predates RAMSI.

In terms of Australia’s direct role in RAMSI, the Committee notes that statistically and financially, there is no dispute that RAMSI is indeed dominated by Australia. However, this simple fact cannot be held against Australia because other Forum countries do not have the same capacity as Australia when it comes to contributions. The real concern appears to be Australia’s perceived domination of policy formulation for RAMSI at the Forum, and control of operations in Solomon Islands.

Although many who addressed the Committee alluded to these concerns, none could explain satisfactorily how and why Australia would seek such dominance. In the absence of such explanations, the Committee is of the view that if there is indeed such dominance at the Forum level and on the ground, this can only be attributed to the fact that Australia is the largest contributor to RAMSI both in terms of funding and personnel and, as such, plays a leading role in decision-making at all levels of RAMSI.

It is therefore almost expected that the Australian Government will actively seek to ensure that its contribution to RAMSI simultaneously serves the mutual interests of both Solomon Islands and Australia. No doubt this has given rise, and will continue to give rise, to some resentment; but realistically, there is no way around this short of asking Australia to pull out of RAMSI and the Forum.

**Participation of non-Forum nations in RAMSI**

It was evident during the inquiry that both Australia and New Zealand support RAMSI remaining a Forum initiative. The Committee does not find this surprising. Allowing powerful and influential Asian powers on board would obviously upset the balance of power that has been the status quo in the region for many decades. The Committee is also cognizant of the differences in approach to aid delivery between Australia and New Zealand, on the one hand, and Asian countries on the other, particularly the Republic of China (Taiwan).

The Committee notes that some Asian countries have been major partners and donors of Solomon Islands for many decades now. The Committee also notes that many Asian countries possess technologies and experiences that could be very helpful to Solomon Islands.

Having said that, the Committee also shares concerns about compromising the regional nature of RAMSI, and agrees that its strength indeed lies in the fact that it is planned, funded and implemented by Forum comprising nations who have been working together in areas of common interests for a very long time. This makes cooperation and mutual understanding easy, as evident in the flexible manner in which RAMSI is operated. Introducing outside countries runs the risk of undermining these vital features of RAMSI. It is also uncertain how Asian...
countries could participate meaningfully in formulating policies for RAMSI without being members of the Forum.

Despite the varying views discussed above, the CNURA Government has yet to take an official stand on this issue. In any event, Japan has already made an informal offer so it would be prudent to wait for Japan to elaborate on its proposal in order to see how well that could fit into the current setup of RAMSI. Japan should be a pilot project, the success or failure of which should determine whether the Forum goes down this path or not.

The concern that RAMSI is acting as a parallel government

The Committee notes from the 2005 Eminent Persons Report that the primary reason why perceptions of RAMSI as a parallel government emerged in the first place related to difficulties with the initial counter-parting arrangements between RAMSI and SIG ministries. This was compounded by the fact that public officers report to the government whilst RAMSI personnel report first to their heads and countries. By 2008 this perception was further fuelled by concerns that RAMSI’s activities and priorities were not aligned with the priorities of the SIG.

Perceptions of parallel governments appear to be more evident in respect of the RSIPF and PPF, where the latter is seen to be operating as a parallel police force. This view is quite strong, particularly in the provinces where people observe the obvious disparities between PPF officers and their RSIPF counterparts in terms of logistical support and attitude. This perception is not so much a legal issue (as discussed earlier). Legally, there are two separate forces but the overall command and control of the Commissioner of Police is retained through the appointment of the PPF Commander as the Deputy Commissioner of Police (see Nori’s Case discussed in Chapter 4).

Clearly, complaints about RAMSI being a parallel government had some merits in the early years following the RAMSI intervention and were premised on the inadequate counter-parting arrangements within various government ministries and agencies (including the RSIPF). As discussed, however, engagement between RAMSI and the SIG has since been improved considerably through the establishment of the triumvirate group and the FMSC (with its own reporting structure), and the formulation of the new SIG-RAMSI Partnership Framework in 2009.

The Committee believes that these improvements will result in better reporting and more clarity in the respective roles played by the SIG, RAMSI and the Forum in the partnership.
Chapter 8: RAMSI, bilateral and multilateral aid programs to Solomon Islands

This chapter examines the RAMSI, bilateral and multilateral aid programs to Solomon Islands. While RAMSI is a major channel for aid to Solomon Islands, the country also receives significant bilateral and multilateral aid outside of RAMSI. The major bilateral aid donors are Australia, New Zealand, Japan and the Republic of China (Taiwan). The major multilateral aid donors are the UN agencies, the European Union, the World Bank and the Asian Development Bank.

8.1 RAMSI’s funding arrangements

All Pacific Island countries contribute to RAMSI, but Australia and New Zealand are the primary financiers, with Australia providing the most funding. Since RAMSI was deployed, Australia’s funding commitment has totalled AUD$1.4 billion. New Zealand’s funding commitment has totalled NZ$76.9 million. A breakdown of these commitments by years is shown in Table 8.1 below.

<table>
<thead>
<tr>
<th>Year</th>
<th>Australia (AUD$)</th>
<th>New Zealand (NZ$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-2004</td>
<td>$248.4m</td>
<td>$15.2m</td>
</tr>
<tr>
<td>2004-2005</td>
<td>$224.8m</td>
<td>$7.3m</td>
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<tr>
<td>2005-2006</td>
<td>$234.5m</td>
<td>$9.9m</td>
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<tr>
<td>2006-2007</td>
<td>$238.8m</td>
<td>$11.9m</td>
</tr>
<tr>
<td>2007-2008</td>
<td>$229.1m</td>
<td>$14.7m</td>
</tr>
<tr>
<td>2008-2009</td>
<td>$237.5m (estimate)</td>
<td>$18.0m</td>
</tr>
</tbody>
</table>

Source: Correspondence from Mr Graeme Wilson, Special Coordinator of RAMSI, to Chair, 16 October 2009.

Pacific island countries contribute funding to RAMSI by paying base salaries for their personnel serving with RAMSI.

8.2 Boomerang aid

An issue in relation to RAMSI’s funding arrangements that arose during the inquiry was the percentage of RAMSI’s funding that is actually spent in Solomon Islands supporting local industry and employment. For example, Mr Eliam Berei from Kulusawkalo Village, Malaita, submitted in evidence:

One thing I see is that the money they said they are pouring into Solomon Islands has been taken back to their country instead of developing Solomon Islands. Our people should be doing some of the work that RAMSI officers are doing. That is discouraging a bit to us in the community because they are doing work that we can do ourselves.188

In evidence taken in Temotu, Mr Francis Batunogo, Member for Temotu North seventeen, submitted:

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188 Mr Eliam Berei, Evidence, 12 November 2008, p 3.
According to report RAMSI has spent $800m in Solomon Islands. I am not sure if that figure is correct. To me I will say this with due respect to aborigines is like a boomerang service. Boomerang when you throw it, it will come back and then you pick it up and hold it, it will come back to you. That is what is going on. Where do you think that $800m is spent on? Maybe directly, we benefit from it but most of them go back to Australia but I want us to find out how much really is the amount that is spent inside Solomon Islands.\textsuperscript{189}

In response to this issue, Mr Tim George, the former Special Coordinator of RAMSI, suggested that a large component of RAMSI is the police and military intervention, which is not a typical or traditional aid donor or development donor arrangement, and does not have the same spending patterns for very good reasons. Accordingly, it is to be expected that a certain amount of RAMSI’s spending and remuneration of personnel is offshore. Mr George also indicated that some of the purchase orders of RAMSI need to meet certain health and safety guidelines, as an example, making it harder for local companies to meet such contracts unless they are of sufficient size or resources. At the same time, Mr George indicated that this is something that RAMSI has discussed with the Solomon Islands Chamber of Commerce and Industry to explore what opportunities are available.\textsuperscript{190}

In terms of RAMSI’s development programs, as opposed to its policing and military component, Mr Paul Kelly, Development Coordinator, RAMSI, indicated that there are greater opportunities for RAMSI to be sourcing from local suppliers. For example, Mr Kelly indicated that:

- In 2007, there was over $6 million worth of contracts in the areas of logistics, communications and IT.

- Since 2006 there’s been over $132 million in terms of infrastructure and construction services.\textsuperscript{191}

RAMSI subsequently provided further information to the Committee on this issue in which it indicated that locally procured goods and services sourced by the PPF include the provision of water, food stuffs, electricity, banking services, education, building services, accommodation, security and mechanical repairs and servicing – amounting to an estimated SBD$46 million per annum and involving the direct employment of around 150 Solomon Islanders. This represents 12 per cent of the RAMSI policing supplier budget for 2008/2009 of SBD$365.1 million.\textsuperscript{192}

In addition, RAMSI indicated that within the last six months, the RAMSI Development Program has required its logistics provider, the RAMSI Governance Support Facility, which is contracted to GRM International Pty Ltd, to develop a local procurement policy to further increase the scope for involvement of local businesses in logistics support to RAMSI’s civilian programs.\textsuperscript{193}

\section*{8.3 The Australian bilateral aid program}

In the 2009/2010 Australian Federal Government Budget, the Australian Government allocated AUD$45.7 million or around SBD$300 million in bilateral aid to Solomon Islands. This is in

\textsuperscript{189} Mr Francis Batunogo, Evidence, 5 May 2009, p 19.
\textsuperscript{190} Mr Tim George, Evidence, 16 September 2008, p 31.
\textsuperscript{191} Mr Paul Kelly, Evidence, 16 September 2008, p 31.
\textsuperscript{192} RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 43.
\textsuperscript{193} Ibid.
addition to the AUD$183 million in allocated funding to RAMSI (the actual sum spent in previous years has been considerably greater). Australia’s bilateral aid to Solomon Islands has grown by 50 per cent in the last two years.\(^{194}\)

In evidence, Mr Frank Ingruber, Australian High Commissioner, commented on the distinction between Australia’s bilateral aid program and RAMSI:

> Of course, our bilateral aid program is coordinated with and complements RAMSI’s activities but each program is separate and has different priorities. And if I could sum it up in brief, RAMSI aims to achieve a peaceful, well governed and a prosperous Solomon Islands while the bilateral aid program aims to improve the quality of life of Solomon Islanders over the long term.\(^{195}\)

**The Port Moresby Declaration**

On 6 March 2008, the Prime Minister of Australia signed the Port Moresby Declaration. The Declaration symbolised the commitment of the new Australian Government, following the November 2007 Australian federal election, to the Pacific region. It included a commitment to develop a Partnership for Development between Australia and Solomon Islands to improve governance, increase investment in economic infrastructure and achieve better outcomes in health and education. The first two paragraphs of the Port Moresby Declaration state:

1. The Government of Australia is committed to beginning a new era of cooperation with the island nations of the Pacific.

2. Australia respects the independence of the island nations, and the diversity and complexity of development challenges across our shared region.

The Committee notes that Ms Allison Duncan, the former Acting Australian High Commissioner, cited the Port Moresby Declaration in her evidence to the Committee:

> Our government is committed to a partnership with the Pacific and part of that is a proposal to pursue Pacific partnership for development with our Pacific Island neighbours. These partnerships for development will provide a new framework for Australia and our neighbours in the Pacific to commit jointly to achieving shared goals.

> Under the Pacific Partnerships for Development, the Government of Australia is prepared to provide increased development assistance over time in a spirit of mutual responsibility embracing commitments by the Pacific Island nations to improve governance, to increase investment in economic infrastructure and to achieve better outcomes in health and education.\(^{196}\)

**The Solomon Islands-Australia Partnership for Development**

The Hon Dr Derek Sikua, Prime Minister of Solomon Islands, and the Hon Kevin Rudd, Prime Minister of Australia, signed the Solomon Islands-Australia Partnership for Development at the Special Pacific Islands Forum Leaders Meeting in Port Moresby on 27 January 2009. It

\(^{194}\) Mr Frank Ingruber, Australian High Commissioner to Solomon Islands, Evidence, 9 June 2009, p 26.

\(^{195}\) Ibid.

\(^{196}\) Ms Allison Duncan, Evidence, 16 September 2008, p 33.
establishes a shared vision to work together to meet common challenges and achieve improved development outcomes and sustainable improvements in the quality of life of all Solomon Islanders. Its duration is until 2013.

The Solomon Islands-Australia Partnership for Development sets out four initial priority outcomes:

- To improve service delivery by strengthening public health functions so they are responsive to community health needs and support primary and secondary care. The Partnership will also investigate options for provision of new Australian assistance to the education sector.

- To improve economic livelihoods by working to create long-term economic opportunities and livelihood security for Solomon Islanders, particularly those living in rural areas. The partnership will support more productive and sustainable utilisation of agricultural land, forests and marine resources, and the improved operation of markets.

- To improve economic infrastructure to facilitate market access and service delivery by increasing access to reliable transport, energy and telecommunication services.

- To address economic and fiscal challenges by increasing the effectiveness of public expenditure and assisting in the delivery of broad-based economic growth.

In evidence, Mr Frank Ingruber indicated that these priorities were agreed through discussions between the two Governments and reflect SIG priorities as outlined in the Solomon Islands Government’s Medium Term Development Strategy 2008/2010.197

A mid-term independent review of the Partnership will be undertaken in 2011-12.198

**Bilateral aid programs funded by Australia**

In evidence in 2008, Ms Aileen Croghan, representing AusAID Bilateral Development, provided the Committee with an indication of some of the programs funded under Australia’s bilateral aid program:

- A forestry program of approximately $1.5 million a year;
- A lands program of approximately $1.5 million a year;
- A school scholarships program of approximately $3 million a year;
- A health support program of approximately $12 million a year;
- A clean water and effective sanitation program of approximately $10 million a year;
- The Community Sector Program of approximately $9 million a year;
- Support for the 2009 Solomon Islands Census of approximately $2 million;
- An HIV Prevention Program; and

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197  Mr Frank Ingruber, Evidence, 9 June 2009, p 27.
• A gender violence program.\textsuperscript{199}

Subsequently, in his evidence to the Committee in June 2009, Mr Frank Ingruber highlighted some of the achievements of the Australian bilateral aid program to Solomon Islands in the previous year:

• The opening of a health clinic in Vella La Vella as part of tsunami relief and rehabilitation efforts;

• The refurbishment and installation of new equipment at the National Disaster Management Office;

• The completion of 31 schools and classrooms, providing better access to education for 14,000 children;

• The completion of 12 new water supply systems to provide clean water to over 7,000 people;

• Weekly discussions on reproductive health which have reached some 5,000 youths resulting in reports from several communities of a reduction in teenage pregnancies and a greater awareness of problems of sexually transmitted infections;

• The rehabilitation of 87 kilometres of road on Malaita resulting in improved access to services and markets and increased incomes to farmers; and

• The improved productivity of subsistence food gardens throughout the country through an increase in the availability of higher quality crop varieties.\textsuperscript{200}

In 2009, Australia is also supporting the SIG to respond to challenges related to the global economic crisis by reprioritizing up to AUD$4.5 million to fund small-scale labour based infrastructure projects which will provide much needed employment opportunities and inject money into local economies.\textsuperscript{201}

\section*{8.4 The New Zealand bilateral aid program}

New Zealand’s bilateral aid commitment to Solomon Islands through the New Zealand Agency for International Development (NZAID) is New Zealand’s largest bilateral aid program. In 2007/2008, New Zealand’s provided approximately SBD$120 million in bilateral aid. This is in addition to the approximately SBD$101 million provided to RAMSI.\textsuperscript{202} Total aid support for 2009/10 is forecast at SBD$241 million. Further potential for growth in aid in the longer term is expected.\textsuperscript{203}

\begin{flushleft}
\textsuperscript{199} Ms Aileen Croghan, Evidence, 16 September 2008, pp 44-45
\textsuperscript{200} Mr Frank Ingruber, Evidence, 9 June 2009, pp 27-28.
\textsuperscript{201} \textit{Ibid}, p 28.
\textsuperscript{202} Submission 8, New Zealand High Commissioner, p 1.
\textsuperscript{203} Submission 8, New Zealand High Commissioner, pp 1-2. See also Ms Deborah Panckhurst, New Zealand High Commissioner, Evidence, 16 September 2008, p 55.
\end{flushleft}
The New Zealand/Solomon Islands Programme Strategy (2009-2018)

In March 2009, the New Zealand and Solomon Islands Governments finalised the 10-year New Zealand/Solomon Islands Programme Strategy (2009-2018). The Programme Strategy provides the strategic direction for the New Zealand/Solomon Islands development cooperation programme for the period 2009-2018. The Programme Strategy is focussed on investing in people through education and skills development, and improving livelihoods and promoting broad-based economic growth.204

Commenting on the scope of the New Zealand/Solomon Islands Programme Strategy (2009-2018), Ms Deborah Panckhurst, The New Zealand High Commissioner, observed in evidence:

... the strategy covers New Zealand’s Development Assistance Program delivered both bilaterally and through RAMSI. Time frames have not been specified in relation to specific RAMSI activities, as these will be determined through separate RAMSI/Solomon Islands Government processes and discussions. It is envisaged that some activities will transition from RAMSI to bilateral programs over the life of the strategy, for instance, support for the Inland Revenue Division.205

Other New Zealand Assistance to Solomon Islands

In her written submission, the New Zealand High Commissioner indicated that New Zealand is providing other forms of assistance to Solomon Islands outside of RAMSI and the formal bilateral aid program:

- The New Zealand Police has three senior officers seconded to the RSIPF (not through RAMSI) as part of a bilateral capacity building arrangement. The current Solomon Islands Commissioner of Police is from the New Zealand Police and is supported by an Operations Advisor and a Corporate Services and Logistics Advisor, also from New Zealand.

- Solomon Islanders may participate in New Zealand’s Recognised Seasonal Employer scheme. In the first year of the scheme alone, 238 workers from Solomon Islands went to New Zealand as seasonal workers.206

In evidence, Ms Deborah Panckhurst commented further on Solomon Islanders working as seasonal workers in New Zealand:

I emphasize that the seasonal work opportunities in New Zealand are not offered under an aid program. They are simply a commercial request because there are not enough New Zealanders to do the work and so our government has agreement with employers to go out and recruit from certain countries including Solomon Islands. I’ve recently seen newspaper reports with employers saying that Solomon Islanders are the best employees that they’ve had. They’ve said that there is an extremely good work ethic and also they appreciate their very good English, which makes it much easier for them to work in New Zealand. I think we can say that is


205 Ms Deborah Panckhurst, Evidence, 9 June 2009, pp 40-41.

206 Submission 8, New Zealand High Commissioner, p 1-2. See also Ms Deborah Panckhurst, New Zealand High Commissioner, Evidence, 16 September 2008, p 55.
going well and we would expect it to continue. But again it’s not an aid program but it is a straight commercial need.207

8.5 The Republic of China (Taiwan) bilateral aid program

The Republic of China (Taiwan) provides bilateral aid to Solomon Islands through various aid programs, most notably the Rural Constituency Development Fund. Under the Rural Constituency Development Fund scheme, each of the country’s 50 constituencies is given an annual allocation of $1 million each for constituency development projects, subject to certain criteria.

8.6 Japan’s bilateral aid program

Japan’s bilateral aid program to Solomon Islands has traditionally involved funding for grass roots projects and responding to specific requests for assistance, such as projects to restore the international airport at Honiara, to rehabilitate the domestic tuna fishery, to improve Honiara’s power supply and to reconstruct bridges in East Guadalcanal.208

8.7 Multilateral aid programs

The United Nations

In evidence to the Committee, Ms Christina Carlson, Deputy Resident of the United Nations Development Programme (UNDP) Honiara Office, indicated that the UNDP has been in Solomon Islands since 2000. In that time, the UNDP has been involved in a number of initiatives and programs including:

- The Provincial Governance Strengthening Program, in collaboration with the United Nations Capital Development Fund and with funding provided by AusAID through RAMSI and the EU;
- The Conflict Related Development Analysis to examine the underlying causes of the 1998 – 2003 ‘ethnic tension’;209
- The Isabel Provincial Development Program and Isabel Conservation Project;
- Support for the Statistical Office in Solomon Islands;
- The Parliamentary Strengthening Programme, again in partnership with RAMSI;210
- Support for the establishment and functioning of the Truth and Reconciliation Commission in Solomon Islands;211

207 Ms Deborah Panckhurst, Evidence, 9 June 2009, pp 45-46.
209 Considered in more detail in Chapter 13 (Addressing the root causes of the ethnic tension).
210 Considered in more detail in Chapter 11 (The Machinery of Government).
211 Considered in more detail in Chapter 13 (Addressing the root causes of the ethnic tension).
• The Strengthening Capacities for Peace Building and Post Conflict Solomon Islands project, in collaboration with the United Nations Children’s Fund (UNICEF), the Ministry of National Unity and the Ministry of Women, Youth and Children’s Affairs; and

• the development and application of peace and conflict development assessment tools within the SIG.\(^\text{212}\)

UNICEF is also playing a significant role in Solomon Islands. UNICEF is working closely with many government agencies such as the Ministry of Women, Youth and Children, the Ministry of Education and the Ministry of Health to address issues affecting women and children such as education, immunization, maternal mortality, child protection and HIV Aids awareness.\(^\text{213}\)

### The European Union

Solomon Islands is a signatory to the ‘Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part and the European Community and its Member States of the other part’. This partnership agreement is a treaty between the EU and 79 African, Caribbean and Pacific states, including Solomon Islands, aimed at the reduction and eventual eradication of poverty while contributing to sustainable development and to the gradual integration of African, Caribbean and Pacific countries into the world economy.

The agreement was signed on 23 June 2000 in Cotonou, Bénin, from which it derives its short title: the ‘Cotonou Agreement’. It was concluded for a twenty-year period from March 2000 to February 2020, and came into force in April 2003. It was revised for the first time in June 2005, with the revision coming into force on 1 July 2008.

The European Development Fund (EDF) is the main instrument for providing EU development assistance under the Cotonou Agreement. The EDF is funded by the EU member states. The current 10th EDF covers the period from 2008 to 2013 and has been allocated €22.7 billion.\(^\text{214}\)

In evidence, Dr Abdoul Aziz Mbaye, Chargé d’Affaire of the European Commission, indicated that the EU is supporting development in Solomon Islands through the EDF and the Cotonou Agreement through a number of programs:

• The Provincial Government Strengthening Program, executed by the UNDP, as indicated previously, but supported by RAMSI and the EU;

• The Rural Development Program, which is executed by the World Bank, but with the major contributor being the EU in partnership with RAMSI;\(^\text{215}\)

• Bridge, road and wharf construction programs through the Asian Development Bank; and

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\(^\text{212}\) Ms Christina Carlson, Evidence, 9 June 2009, pp 84-86.

\(^\text{213}\) Mr Roy Bowen, Chief Field Officer, UNICEF, Evidence, 9 June 2009, pp 86-89.


\(^\text{215}\) Considered in more detail in Chapter 10 (The Economic Governance and Growth Program).
• The micro project program, which is funding micro projects submitted for funding by local communities.216

Dr Abdoul Aziz Mbaye also indicated the EU’s strong support for RAMSI and its objective of bringing peace and law and order to Solomon Islands, together with the strong working relationship between them:

We are partners in the region because several of the member states of the region are Cotonou Partnership Agreement members like the Pacific countries. The others are global partners like New Zealand and Australia. So we have very strong ties in this region. The intervention of the region in this country is a partner to us with the objective to bring peace, with the objective to bring development, improve governance, and all the objectives of RAMSI are the things that we support. We have expressed our support to these regional efforts at several occasions and we will continue to do so as long as it brings peace, a level playing field for economic development in the country.217

The World Bank Rural Development Program

Solomon Islands has been a member of the World Bank since independence in 1978. In that time, the World Bank has facilitated eleven projects in Solomon Islands totalling US$63.4 million. These projects have been in the areas of education, roads, rural development, health and energy as well as one project on structural adjustment of public finances in 1990s.218

The World Bank currently has five projects in Solomon Islands, including notably the Rural Development Program, which is a five-year program from 2007 – 2012, co-financed by RAMSI and the EU.219 The Rural Development Program is considered in more detail in Chapter 10 (Economic Governance and Growth). The other four projects are:

• the Sustainable Energy Finance Project, which seeks to make renewable energy affordable for households by providing credit guarantees for the purchase of solar cells, piko hydro units and coconut oil conversion kits;

• a project aimed at improving the supply and reliability of electricity through supporting the Solomon Islands Electricity Authority;

• a small project in the Ministry of Health to support improvements in expenditure management and planning; and

• a program of economic analysis called the Sources of Growth Program being undertaken at the request of the Ministry of Finance and Treasury to assess likely areas of growth following the decline in natural forest logging.220

In the future, the World Bank is anticipating participating in two new projects: the planned Tina River hydro power scheme and telecommunications reform.221

219 Ibid, p 94.
220 Ibid, pp 94-95.
The Asian Development Bank

The Committee notes that since joining the Asian Development Bank (ADB) in 1973, Solomon Islands has received 16 loans amounting to US$79.3 million, three Asian Development Fund grants amounting to US$19.3 million, and 59 technical assistance projects amounting to US$18.2 million. Including co-financed amounts, ADB’s ongoing program in Solomon Islands totals US$49.87 million.222

One key area of development that the ADB has been heavily involved in is maritime and shipping. In 2009 for instance, ADB (in partnership with EU in some projects) made the following commitments:

- US$4.1 million to support the Franchise Shipping Scheme to provide subsidies for private shipping operators to provide regular scheduled services to remote locations on uneconomical shipping routes.
- US$9.2 million for wharf re-construction in remote locations to promote safer shipping operations and to assist in the generation of economic activity and wealth in areas where shipping services are clearly lacking.
- US$1.6 million for institutional support for the establishment and operations of the newly established Solomon Islands Maritime Safety Administration as part of major reforms to the regulatory arrangements in the shipping sector.223

ADB has also been instrumental in the ongoing company law reform, discussed further in Chapter 10 (Economic Governance and Growth).

8.8 Coordination amongst aid agencies

The Ministry of Development Planning and Aid Coordination is responsible for coordinating the various aid agencies operating in Solomon Islands and their respective programs, and for aligning those aid programs with the priorities of the SIG.

The Committee understands that every month, the various aid agencies in the country meet together with the SIG economic working group under the banner of the Ministry of Development Planning and Aid Coordination. The purpose is to coordinate the aid programs effectively.224

As also indicated above, in many cases aid agencies are coordinating their effort by directly funding the programs of other aid agencies. For example, Dr Abdoul Aziz Mbaye indicated in evidence that:

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221 Ibid, p 95.
223 This information is from the Second Reading speech of the Minister of Infrastructure Development in respect of the National Transport Bill 2009.
224 See Mr Frank Ingruber, Australian High Commissioner to Solomon Islands, Evidence, 9 June 2009, p 32. See also Dr Abdoul Aziz Mbaye, Chargé d’Affaire of the European Commission, Evidence, 9 June 2009, p 51.
• Most donors in Solomon Islands, including the EU, are coordinating at least part of their infrastructure projects through the ADB because they have particular tools and expertise in the delivery of infrastructure on the ground.

• The EU is coordinating its rural development funding through the World Bank, given its experience around the world in this matter.\textsuperscript{225}

The Committee is also aware that in 2009 the Ministry of Development Planning and Aid Coordination developed, in consultation with donors, another mechanism for pooling aid and delivering services in a well coordinated manner: the use of a special fund.

A special fund is one that Parliament may create by legislation and does not form part of the Consolidated Fund.\textsuperscript{226} Although Parliament had established special funds in the past for specific areas (such as civil aviation), in 2009, the Ministry initiated the creation of the National Transport Fund for the transport sector which was, unlike previous special funds, more comprehensive with its own internal checks and balances.

This Fund was established by the \textit{National Transport Fund Act} 2009 and is designed to enable monies from both bilateral and multilateral donors to be applied to projects in the transport sector, along with the SIG’s contribution. These monies are to be applied to projects relating to the provision of transport services and the development and maintenance of all types of transport infrastructure throughout the country.

Oversight and audit of the Fund are provided by a National Transport Fund Board which is responsible to Parliament through the Minister, while coordination is retained by the Ministry. Membership of the Board includes the Permanent Secretary of the Ministry of Finance and Treasury as the Chair; three Permanent Secretaries of the Ministries responsible for transport, civil aviation and national planning; and representatives of major donors who have contributed to the Fund. Representatives of donors have a say on the types of projects that will be funded, and also monitor the management of the Fund. However, they do not have control over the affairs of the Fund – a role that is left to the SIG component of the Board.

The Committee notes with interest the unique set-up of the Fund, in particular the direct involvement of donors in coordination and oversight of a pool of resources targeted at a specific area of development. This Fund has yet to be fully tested but in principle it does provide a mechanism where the SIG and donors ‘meet in the middle’ without one treading on the other’s area of responsibility. Further, from the donors’ point of view, the Fund keeps their contributions earmarked for specific areas away from the Consolidated Fund as well as the potential control of politicians.

8.9 The impact of the financial crisis on aid programs

The Committee notes that the global financial crisis of 2008-2009 has had implications for the level of funding available through aid programs to Solomon Islands.

For example, Ms Barbara Williams, Development Counsellor, the New Zealand High Commission, indicated in evidence that the Minister of Foreign Affairs in New Zealand has confirmed that the New Zealand overseas aid program will grow more slowly than had been

\textsuperscript{225} Dr Abdoul Aziz Mbaye, Evidence, 9 June 2009, p 51.

\textsuperscript{226} Authority to create such funds lies in section 100 (2) of the \textit{Constitution} which provides: ‘Parliament may make provisions for the establishment of Special Funds, which shall not form part of the Consolidated Fund.’
anticipated due to the pressures of the economic crisis. While New Zealand indicated that it will maintain its current levels of funding and meet its commitments under the New Zealand/Solomon Islands Programme Strategy (2009-2018), aid to the Solomon Islands Government is anticipated to increase more gradually.\textsuperscript{227}

However, while aid funding to Solomon Islands may grow more gradually, the evidence provided to the Committee during the inquiry indicated that funding will not decline. For example, Mr Frank Ingruber indicated in evidence that Australia managed to increase its aid budget for the 2009-2010 financial year despite the impact of the financial crisis.\textsuperscript{228}

Similarly, in his evidence, Dr Abdoul Aziz Mbaye indicated that the EU has committed to increasing aid to 0.56\% of the GDP of all Europe by 2010, and that partners such as Solomon Islands will not be forgotten.\textsuperscript{229}

Mr George Chan, Ambassador for the Republic of China (Taiwan), also indicated that the commitment of the Republic of China (Taiwan) to funding the RCDF will not change.\textsuperscript{230}

The Committee also notes that the financial crisis has had a significant impact on the revenue of the Solomon Islands Government. This is discussed further in Chapter 10 (Pillar two – Economic Governance and Growth).

8.10 Committee comment

Relationship between RAMSI and other aid agencies

The Committee notes that there is a clear distinction between RAMSI’s objectives in undertaking its mandate and the longer term goals of traditional aid agencies in Solomon Islands. RAMSI aims to create a peaceful environment in Solomon Islands and build the institutions of state, but leaves long term development and improvement to the quality of life of Solomon Islanders to bilateral and multilateral donors.

It is also evident that bilateral and multilateral donors to Solomon Islands are very clear as to their role in Solomon Islands. Some, such as UNDP, appear to have a strong interest in development initiatives aimed at supporting long term peace and peace building, while the majority focus on basic services and infrastructure development.

Although the Committee was not fully informed during the inquiry of how RAMSI determines which donor it teams up with for its programs, the fact that RAMSI has been working with the likes of UNDP, EU and AusAID on programs that fall under RAMSI’s pillars suggest that a process is in place for this purpose. Presumably this process is coordinated by the Ministry of Development Planning and Aid Coordination.

The Committee is also aware that RAMSI is pursuing a strategy of progressively drawing down particular functions and programs and allowing other bilateral donors and institutions to work directly with the SIG in the delivery of aid.\textsuperscript{231} Such a strategy suggests that contrary to calls for

\begin{itemize}
\item \textsuperscript{227} Ms Barbara Williams, Evidence, 9 June 2009, p 43.
\item \textsuperscript{228} Mr Frank Ingruber, Evidence, 9 June 2009, p 36.
\item \textsuperscript{229} Dr Abdoul Aziz Mbaye, Evidence, 9 June 2009, pp 59-60.
\item \textsuperscript{230} Mr George Chan, Evidence, 9 June 2009, p 67.
\item \textsuperscript{231} Mr Tim George, Evidence, 16 September 2008, p 15.
\end{itemize}
RAMSI to assist in long term economic development, RAMSI wishes instead to hand certain areas over to donors. This issue is revisited later in this report.

**Coordination amongst aid agencies**

The Committee feels that there is a good level of coordination of aid delivery amongst aid agencies to Solomon Islands. The Committee applauds the concerted efforts of the Ministry of Development Planning and Aid Coordination and donors to ensure that foreign aid is prioritised in accordance with the SIG’s Medium Term Development Strategy while avoiding duplication.

The Committee further acknowledges the commitment of key donors to continue with their respective programs (and in some cases increase support) despite the impacts of the global financial crisis.

The Committee also welcomes the development of new mechanisms to refine aid coordination and delivery such as the National Transport Fund. If this fund proves successful, the model could be refined and used as an effective, transparent and coordinated mechanism for service delivery in key areas.

**Boomerang aid**

During the inquiry, the issue of boomerang aid was voiced throughout the country, particularly in the provinces. However, the Committee does not feel that it has sufficient data to be able to draw any specific conclusions on this issue.

The facts of the matter are, however, quite clear. As a result of the particular set up and role performed by RAMSI, a significant share of its overall budget is spent offshore on remuneration of personnel, and on goods and services which are then brought to Solomon Islands. The Committee acknowledges the honest response of the former Special Coordinator that RAMSI does not have the same spending patterns as aid agencies for very good reasons and agrees that in its current form it is quite difficult for RAMSI to avoid spending offshore.

The Committee is aware of the clear distinction between the role performed by RAMSI and that performed by bilateral aid agencies. Bilateral aid agencies usually involve a relatively small group of staff on the ground to deal with projects and programs. In some cases they simply provide funding directly to the recipient, be it a Ministry, organization or individual, and leave implementation of projects and programs to the recipients. By contrast, RAMSI was designed to be directly engaged in Solomon Islands with its own pillars, programs and activities. This involves not only funding programs but also implementing them as well, hence the significantly larger number of personnel deployed by RAMSI.

In light of the above observation, the Committee believes that if RAMSI were really to address the concerns about the ‘boomerang’ effect of its financial assistance to Solomon Islands, significant steps would need to be taken such as relying on the SIG to implement RAMSI programs and activities under the three pillars, reducing the number of personnel from Forum countries deployed to RAMSI or redirecting most of RAMSI’s programs and activities through existing aid agencies. However, these options would all entail drastic changes to RAMSI’s legal framework, mandate and operations. They would also require recourse to the Pacific Islands Forum to renegotiate the RAMSI framework; and would also take away the very nature of RAMSI which has resulted in its success over the past six years. Clearly these options are not realistic or desirable.
Failing these drastic options, however, the Committee does urge RAMSI to look to increase where possible the number of Solomon Islanders that it employs and increase its spending on local goods and services where possible, particularly in provincial centres.

**Recommendation 8**

The Committee recommends that the SIG enter into a dialogue with RAMSI and the Pacific Islands Forum with a view to increasing where possible the number of Solomon Islanders that RAMSI employs and increasing spending on local goods and services where possible, particularly in provincial centres.
Chapter 9: Pillar One – Law and Justice

The Partnership Framework includes the following long-term objective for the SIG and RAMSI in relation to law and justice:

A secure, safe, ordered and just Solomon Islands society where laws are administered fairly regardless of position or status, giving due recognition to traditional values and customs.\textsuperscript{232}

This chapter initially examines the restoration of law and order in Solomon Islands since RAMSI’s arrival in 2003, and issues in relation to the seizure and destruction of firearms by RAMSI. Subsequently it examines the operation and performance of the RSIPF. Finally it examines RAMSI’s Law and Justice Program, which incorporates a justice component and a corrections component, and the tension trials.

9.1 The restoration of law and order by RAMSI

As indicated in Chapter 3 (The RAMSI intervention), RAMSI commenced the mobilisation of its contingent to Solomon Islands on 24 July 2003. The initial contingent included 276 PPF personnel from Australia, New Zealand, Fiji, Tonga, Vanuatu, Samoa, Kiribati, Nauru and Cook Islands. The PPF was supported by the CTF.

On RAMSI’s arrival, the SIG instituted an amnesty period during which all firearms were required to be surrendered to RAMSI. The text of the Firearms Amnesty, dated 31 October 2003, and signed by the Prime Minister, Commissioner of Police and Deputy Commissioner of Police/Commander of the PPF stated:

The Solomon Islands Government has sought the assistance of the Regional Assistance Mission to Solomon Islands to implement a firearm amnesty as part of the measures to restore law and order and make Solomon Islands a safer place.

The amnesty period commences at midnight on 31 July 2003 and ends at midnight on 21 August 2003. During that period, all firearms and ammunition must be delivered to a member of the Regional Assistance Mission to Solomon Islands or other authorised personnel at identified collection points. A receipt will be issued for any firearm or ammunition that is so delivered. No person will be prosecuted for the theft or illegal possession of a firearm that is delivered to the Regional Assistance Mission to Solomon Islands during the amnesty period.

The amnesty will cover all firearms including shot guns, semi automatic rifles, pistols, home made guns, hand guns, machine guns, grenade launchers, all police weapons and any other type of firearm or ammunition.

After 21 August 2003, any person found in illegal possession of a firearm, whether stolen or not, will be subject to the full force of the law. There are severe penalties, including imprisonment and fines, for illegal possession of a firearm.

\textsuperscript{232} Partnership Framework between Solomon Islands Government and Regional Assistance Mission to Solomon Islands, April 2009, p 6.
In written material provided to the Committee, RAMSI indicated that in the first year of its deployment, it removed 3,700 firearms from the community, including about 700 high-powered military-style weapons. In addition, more than 3,300 people were arrested, including around 50 former militants.  

Since then, the law and order focus of RAMSI has switched to rebuilding the RSIPF through the Law and Justice Program, discussed later in this chapter. While there have been certain security incidents since 2003, notably the April 2006 riots, the law and order situation across Solomon Islands is stable, and the militant activity that existed prior to RAMSI’s arrival has dissipated.

The Committee notes that a large number of parties to the inquiry expressed their gratitude to RAMSI for the restoration of law and order. As representative of this sentiment, the Committee cites the evidence of the Hon Dr Derek Sikua, Prime Minister of Solomon Islands:

… I acknowledge and pay tribute to the huge contribution that this Mission has made to the re-establishment of law and order and security in Solomon Islands. Our country cannot deny the fact that this assistance has given our country space, the environment to re-build our country and the opportunity to map out a future for our people and make decisions and implement programs that address the root causes of the ethnic tension. RAMSI has given us and our development partners that opportunity, and I say thank you for coming at a time when this country needed such help.

The Committee notes that Sir Albert Palmer, the Chief Justice, also acknowledged the role played by RAMSI in restoring law and order, and in re-establishing the rule of law, which he labelled the ‘foundational cornerstone’ of every major and successful country.

However, while law and order has been restored and RAMSI has switched its focus to the Law and Justice Program, Mr Tim George, the former Special Coordinator of RAMSI, observed that there remains a law and order role to be played by the PPF:

The focus of the Participating Police Force work is very rightly, I think now very much on capacity development of the Solomon Islands Police Force. That doesn’t mean to say, of course, that there’s not still a security role to be played by the PPF backed up by the CTF always working in partnership with the Solomon Islands Police Force. But I think we maintain a sufficient presence just to ensure that law and order, stability and so on can be maintained. I think this is obviously very important.

Our impression is that this is something the people of Solomon Islands as well as the Government and other stakeholders clearly do appreciate. It’s a key part of RAMSI’s work. The focus has changed but I think it remains important.

The Committee notes that similar evidence was presented during the provincial hearings and by the provincial Premiers.

233 RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 12.
234 The April 2006 riots erupted in response to the election of the Hon Snyder Rini as Prime Minister.
235 The Hon Dr Derek Sikua, Evidence, 18 September 2008, p 3.
237 Mr Tim George, 16 September 2008, p 5.
9.2 The seizure and destruction of firearms by RAMSI

As indicated, upon its arrival in 2003, RAMSI moved quickly to remove a large number of firearms from the community. The Committee notes below a number of issues arising out of this process.

The continued existence of certain firearms in the community

In his written submission, the Hon Manasseh Sogavare, the Leader of the Opposition, argued that since 2003, the ongoing effort of RAMSI to confiscate any remaining illegal firearms ‘has hit a brick wall’ because Solomon Islanders are now equating RAMSI with a foreign regime.239

In hearings, the Committee raised with RAMSI the perception that there are still a number of guns in the community which RAMSI has given up attempting to collect. In response, Mr Denis McDermott, former Commander of the PPF, observed that from the time of the ethnic tension, there are still 184 guns in Solomon Islands unaccounted for. A few more have been handed in recently. Mr McDermott continued:

Like all the issues around those times we have not given up and neither has the RSIPF for that matter. There is their ongoing investigation … and we will continue to do and continue to provide support to the SIPF to make sure it’s done.240

Compensation for the seizure of legal firearms?

An issue that arose during the inquiry was the seizure and destruction of legal firearms during the firearms amnesty in 2003.

In his written submission, the Hon Manasseh Sogavare argued that there was no justification for the removal of legally acquired firearms in 2003 in provinces other than Malaita and Guadalcanal. In his view this was unfair on innocent villagers who did not participate in the ethnic tension and needed firearms to protect themselves and their properties from wild animals and for other legitimate reasons.241

Similarly, in his written submission, Mr Frank Ofagioro Kabui, Chairman of the Law Reform Commission, noted in a private capacity that he was a registered gun owner who was obliged to surrender his weapon in 2003.242

Similar concerns were expressed by witnesses representing the provinces.243 For example, witnesses in Kira Kira submitted that as they did not participate directly in the conflict at the time of the ethnic tension, their firearms should be returned and kept at Kira Kira police station, so that it is convenient for them to go to the nearest police station to collect them.

238 See for example the Hon Lonsdale Manasseh, Deputy Premier of Isabel Province, Evidence, 10 September 2008, p 36; The Hon Patrick Vasuni, Premier of Central Islands, Evidence, 10 September 2008, p 37.
239 Submission 11, The Leader of the Opposition, p 11.
240 The Hon Dr Derek Sikua, Evidence, 18 September 2008, p 3.
241 Submission 11, The Leader of the Opposition, p 37.
242 Submission 1, Mr Frank Ofagioro Kabui, p 1.
243 See for example, the Hon Patrick Vasuni, Premier of Central Islands, Evidence, 10 September 2008, p 29.
In his memorandum of advice to Government dated 27 August 2007, the former Attorney General, Mr Julian Moti, raised the question whether firearms licensees forced to surrender their legal firearms in 2003 under the Firearms Amnesty should be compensated.\textsuperscript{244}

In response to this issue, RAMSI indicated that the payment of compensation to former gun owners is a matter of policy for the SIG.\textsuperscript{245}

This position was also taken by the Rt Hon Sir Peter Kenilorea, Speaker of the National Parliament and former Prime Minister.\textsuperscript{246}

**Should Solomon Islands be a gun free society?**

Another broader question that arose during the inquiry in relation to firearms is whether Solomon Islands should be a gun free society.

Sections 20 and 21 of Part III of the FIA Act, dealing with the control of weapons in Solomon Islands, provide as follows:

21. (1) The Governor-General may publish a notice that -

   (a) declares an area in the territory of Solomon Islands to be a weapons surrender area;

   (b) states that members of the visiting contingent permitted to possess weapons in the area;

   (c) specifies other persons who are possess weapons in the area; and

   (d) prohibits all other persons from possessing weapons in the area.

(2) A person who -

   (a) is prohibited from possessing a weapon by a declaration under subsection (1); and

   (b) is in, comes into, possession of a weapon; and

   (c) fails to give the weapon, as soon as practicable, to a member of the visiting contingent, shall be guilty of offence and liable to a fine of $25,000 or imprisonment for years, or both.

In his written submission, the Hon Manasseh Sogavare suggested that the CNURA Government has adopted a policy of a ‘gun-free’ Solomon Islands. However, he argued that this policy has


\textsuperscript{245} Mr Tim George, ‘RAMSI’s response to a series of legal questions raised by the Attorney General (Carried in a letter dated 26th September 2007), cited in Submission 11, The Leader of the Opposition, p 67.

\textsuperscript{246} The Rt Hon Sir Peter Kenilorea, Evidence, 28 October 2008, p 40.
no solid basis because all guns used during the ethnic tension were acquired and used illegally; those guns were used by certain groups not to terrifyse but to defend themselves; generally only two ethnic groups, Malaitans and Guadalcanalese, used illegal guns continuously; and because not many registered guns were used at all.

Mr Sogavare further suggested that the use of firearms during the period of ethnic tension has been over sensationalised by certain Solomon Islanders and RAMSI, and indeed that RAMSI has used this issue to its own advantage. His submission continues:

If the reason for making Solomon Islands gun-free is due to the fact that guns were used during the tension then we are taking the matter beyond reason. Yes guns were used, but they were illegally acquired guns used by the militant groups against each other.\textsuperscript{247}

Accordingly, Mr Sogavare argued that the provisions of sections 20 and 21 are excessive and unnecessary, on the basis that guns illegally acquired were already managed under pre-existing laws.\textsuperscript{248} Commenting further on section 21, he observed:

It is the view here that as long as these laws remain in force, the restrictions imposed will be seen as outsiders trying to determine the security needs of Solomon Islands.

It is therefore suggested that this section must be repealed and any restrictions to the issuance and use of firearms in Solomon Islands must be regulated in the governing laws of the country, not one that is imposed on Solomon Islands by foreigners.\textsuperscript{249}

Mr Sogavare also commented that if Solomon Islands pursues a gun-free policy, there is a high chance that this will only encourage people to actively acquire guns illegally, as he suggested occurred in Australia after the Port Arthur massacre.\textsuperscript{250}

9.3 The RSIPF

The Committee examines below a number of issues in relation to the RSIPF, including capacity building, rearmament and returning full policing responsibilities to the RSIPF. Issues in relation to the operation of the RSIPF in provincial areas are discussed in more detail in Chapter 12 (Supporting the Provinces).

The Partnership Framework

The Partnership Framework includes the following long-term objective for the SIG and RAMSI in relation to the RSIPF:

The RSIPF is fully capable of carrying out its mandated functions and has no need of a permanent PPF presence.\textsuperscript{251}

\textsuperscript{247} Submission 11, The Leader of the Opposition, p 18.
\textsuperscript{248} Ibid, p 7.
\textsuperscript{249} Ibid, pp 37-38.
\textsuperscript{250} Ibid, pp 19-20.
\textsuperscript{251} Partnership Framework, p 14.
This overall objective is to be achieved through the following broad strategy:

A continuation of the approach of focusing on building the capacity of the RSIPF to independently carry out its constitutionally and statutory mandated functions of the maintenance and enforcement of law and order and order, the preservation of the peace, the protection of life and property, the prevention and detection of crime and the apprehension of offenders.\textsuperscript{252}

This broad strategy has two broad targets:

1. The RSIPF is capable of independently carrying out its mandated functions under law, maintaining law and order and targeting corrupt conduct in Solomon Islands.

2. For the RSIPF to be able to carry out their functions in support of SIG’s rural based platform, it will be essential for it to have the ability to locate and/or visit all areas of the nation. This requires adequate logistics, communications and budget to cover a diverse archipelago.

To achieve the above targets, the broad strategy will be implemented under 5 themes, each with its own specific target:

1. Building greater community confidence in the RSIPF – aimed at ensuring that the RSIPF is again recognized as a trusted and professional policing operation in Solomon Islands.

2. Building capability and leadership – aimed at ensuring that senior RSIPF officers are identified for future leadership and succession planning is in place for senior leadership positions. Apart from regular policing skills, they will be proficient in relationships management.

3. Building broad community crime prevention and problem solving capability – aimed at ensuring that every provincial police commander and director has established relationships with villages and communities with a goal of facilitating local problem solving.

4. Infrastructure and logistics – aimed at ensuring that affordable, sustainable and appropriate logistics support is in place enabling the RSIPF to exercise full independent operational control of all its day to day operations.

5. Upholding ethics and integrity in the RSIPF – aimed at ensuring that the RSIPF has commenced implementation of the enabling actions of the PICP Future Directions in Pacific Policing – Ethical and Integrity strategy (which was signed by the former Commissioner of Police in October 2007).

The details of the specific strategies that each of these themes will employ and expected outcomes from such strategies are contained in the matrix of the Partnership Framework.\textsuperscript{253}

The SIG and RAMSI anticipate that if all five themes of the broad strategy are achieved, the two broad targets outlined above will be fulfilled. That would in turn mean achievement of the

\begin{itemize}
\item \textsuperscript{252} \textit{Ibid}, pp 14-15.
\item \textsuperscript{253} \textit{Ibid}, pp 14-29.
\end{itemize}
National Development Goal in the long term. In other words, only then could the RSIPF be able to resume its full responsibilities without relying on the PPF. Until that time reliance on the PPF will no doubt continue.

It is expected that the proposals outlined above will undergo annual review to gauge progress, but in 2013 there will be a review by an external independent evaluator.\textsuperscript{254}

The RSIPF Strategic Directions 2010 – 2013

Besides the SIG-RAMSI \textit{Partnership Framework}, the Committee further notes that the RSIPF, in consultation with the PPF, had developed a Strategic Directions 2010-2013 document. This document contains the mission, vision, goals and values of the RSIPF for the future, which the Committee is pleased to endorse and reproduce below:

\begin{description}
\item[Mission] Working in partnership with the community; building confidence in the RSIPF for a safe, peaceful and prosperous Solomon Islands.
\item[Vision] The RSIPF is a leading professional organisation of excellence; capable, trusted and accountable for its actions.
\item[Goals]
\begin{enumerate}
\item Improve community confidence in the RSIPF.
\item Improve RSIPF resource management, capability and leadership.
\item Protect sovereignty of Solomon Islands.
\item Reduce crime and the fear of crime.
\item Improve road safety.
\item Protect natural resources.
\item Provide emergency response and management.
\item Provide support to the criminal justice system.
\end{enumerate}
\item[Values]
\begin{itemize}
\item Upholding the \textit{Constitution} and laws of Solomon Islands.
\item Ethical leadership inspiring confidence.
\item Transparency and accountability.
\item Respect, trust and fairness to all.
\item Honesty, integrity, professionalism and discipline.\textsuperscript{255}
\end{itemize}
\end{description}

Building the capacity of the RSIPF

As indicated above, the broad strategy of the \textit{Partnership Framework} is a continuation of the focus on building the capacity of the RSIPF.

The RSIPF has a little over 1,100 established posts. Its headquarters are at Rove in Honiara. Its mandate is very broad: it provides the policing, national security, defence and fire fighting capacity for Solomon Islands. The national security, defence and fire fighting functions are currently undertaken by the PPF and CTF.\textsuperscript{256}

\begin{footnotesize}
\textsuperscript{254} \textit{Ibid}, p 14.
\textsuperscript{255} RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, Attachment K.
\textsuperscript{256} Mr Walter Kola, Deputy Police Commissioner, Evidence, 18 September 2008, p 49.
\end{footnotesize}
As indicated previously, the work of RAMSI with the RSIPF is now focused on capacity building – building a professional, disciplined and sustainable police service in terms of human resources and institutions. However, the Committee notes the evidence of Mr George Hiele, former Permanent Secretary for the Ministry of Police, National Security and Correctional Services, that this overall goal is not an easy or short term task:

Let us not forget that during the tension there was no police force; and to build a police force from practically nothing to what it is today is an achievement in itself.257

Nevertheless, in its written submission, RAMSI argued that since 2003, considerable progress has been made in rebuilding the RSIPF, which it argued had become severely compromised prior to the intervention. In the first year, more than 50 RSIPF members were arrested, and over 400 sacked.258 During the inquiry, the Committee was informed that a total of 332 new police recruits have now graduated,259 although this figure may have increased since it was provided to the Committee.

On the other hand, the Hon Manasseh Sogavare argued in his evidence that capacity building within the RSIPF is not progressing well because most of the funding provided for capacity building is used to maintain a pool of highly paid technical assistants and advisors rather than to improve the capacity of the RSIPF to carry out its functions effectively and independently.260

Funding for capacity building in the RSIPF, outside that provided by the SIG, is provided by the Australian and New Zealand Governments through RAMSI and their bilateral aid programs.261

The Committee examines some of the initiatives aimed at building the capacity of the RSIPF below.

**The Royal Solomon Islands Police Force Academy**

The new Royal Solomon Islands Police Force Academy at the Police Headquarters at Rove is responsible for the recruitment and training of new RSIPF officers.

The Committee understands that since July 2004, four batches of new recruits – representing all provinces of the country – have completed training at the Academy and have now commenced policing duties. These are the first new recruits to the RSIPF for many years.262

Speaking in 2008 of the success of the Academy after three years of operation, Mr Denis McDermott, former Commander of the PPF, observed:

… there’s a Leadership Development Program been running now for three years within the Police Academy here run by the Australian Institute of Police Management, and there are about 80 in round figures of middle management that have undertaken a significant level of training. It has actually, of course, started

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257 Mr George Hiele, Evidence, 29 October 2008, p 10.
258 RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 12.
259 Submission 6, RAMSI, p 7.
261 Mr Henry Pika, Permanent Secretary, Ministry of Police, National Security & Correctional Services, Evidence, 8 June 2009, p 45.
again yesterday but there are not all successful outcomes, but individually there are certainly improvements. But also in the last three years we have seen about, a round figure again of about 200 new recruits on the streets in Solomon Islands; that’s very positive.\textsuperscript{263}

The training model at the Academy was described by RAMSI as a ‘Systems Approach to Training’ model – a pre-competency based training framework used in Australia in the 1980s. RAMSI submitted that this training system has worked well, with the Academy staff having embraced the training. Instructor training has now been delivered to approximately 40 trainers within the RSIPF, including provincial and specialist unit trainers.

Training material is currently sourced from the Pacific Regional Policing Initiative (Workbooks 1 to 9). It is also the intention of RAMSI, over time, to deliver many other smaller training programs via this project.\textsuperscript{264}

An example of the training that the PPF and RSIPF are undertaking is the Middle Management Supervisor workshop, referred to by Mr McDermott above. It aims to graduate police supervisors capable of performing their roles effectively in the RSIPF and independent of the PPF. The subjects covered in the course include: supervisors’ roles and responsibilities; staff briefings and debriefings; communication in the workplace; RSIPF mission, vision, goals and values; code of ethics; discipline process; equity and diversity; planning for daily work; audit and inspection; supervising shift duties; first response incident management; performance reporting; solving problems in the workplace; and Standing Orders and Commissioner’s policies.\textsuperscript{265}

In evidence, Mr George Hiele, former Permanent Secretary for the Ministry of Police, National Security and Correctional Services, expressed satisfaction with training of the RSIPF by the PPF but suggested that the PPF still needs to improve its selection criteria for trainers in order to recruit trainers with the right skills to meet the capacity development needs of the RSIPF. He also indicated that the biggest constraint to capacity building is the lack of housing and infrastructure, especially in the provinces. This situation means that it was very difficult to post more local officers to the provinces, thus limiting delivery of police service by the RSIPF.\textsuperscript{266} This issue is addressed further in Chapter 12 (Supporting the provinces).

In its written submission, Transparency Solomon Islands commended the PPF technical advisers for their work in greatly improving the capacity and professionalism of the RSIPF, including the development of regionally recognised training programs.\textsuperscript{267}

By contrast, however, the Hon Manasseh Sogavare argued in his written submission that RSIPF recruitment should be done independently of RAMSI. This, he argued, would ensure that local police officers are independent of RAMSI and owe their primary loyalty to the Solomon Islands Government. Continuing down the present path, Mr Sogavare warned, would most likely result in the RSIPF being a completely ‘undisciplined force’.\textsuperscript{268}

\begin{flushright}
\textsuperscript{263} Mr Denis McDermott, Evidence, 16 September 2008, p 17.
\textsuperscript{264} RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 35.
\textsuperscript{265} \textit{Ibid}, pp 30-31.
\textsuperscript{266} Mr George Hiele, Evidence, 29 October 2008, p 2.
\textsuperscript{267} Submission 5, Transparency Solomon Islands, p 4.
\textsuperscript{268} Submission 11, The Leader of the Opposition, pp 7, 28.
\end{flushright}
The Police Response Team

The Police Response Team (PRT) is a rapid response police unit that has been established within the RSIPF to respond to public order disturbances. The Committee understands that the PRT now constitutes 32 officers in total.

In material provided to the Committee in 2009, RAMSI indicated that the PRT has been operating very effectively and is well versed in public order management. During 2008, the PRT participated in a number of successful RSIPF-led operations in Honiara and was deployed as part of an investigation at Avu Avu on the Weathercoast. The work of the PRT was also demonstrated during high profile visits such as that of Desmond Tutu and the RSIPF/PPF/CTF Public Order demonstration in May 2009.269

In addition, since the establishment of the PRT, the RSIPF Academy has provided training in the use of non-lethal force to 860 RSIPF officers. They have access to over 200 riot kits if required, including shields, helmets, guards and batons. This has allowed the RSIPF to develop a greater capability in relation to public order management requirements and responses.270

During the inquiry, the question arose whether the PRT was in a position to have responded to the April 2006 riots. In response, Mr Peter Marshall, Police Commissioner, indicated that at the time, the Team was only 11 officers in training, and was not in a position to respond to the riots.271

The Committee understands that the PRT and RSIPF conduct unannounced trial runs simulating a response to public order disturbances three times a year at which turnouts are measured. At a recent trial, the call went out at 9.00 pm. By 9.20 pm, the RSIPF had 120 officers on parade at Rove. Within an hour, the RSIPF had 200 officers including members of the PPF.272

The Transnational Crime Unit

In the last year, the Committee understands that the RSIPF has established a Transnational Crime Unit at the Police Headquarters at Rove. Its role is to work with similar transnational crime units in Papua New Guinea, Vanuatu, Fiji, Samoa and Australia to track criminal issues of an international nature across the region.273

The Explosives Ordinances Division

The RSIPF has also established an Explosives Ordinances Division, with about 10 officers, for managing the destruction of World War II munitions around the country.274

269 RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 32.
270 RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 32. See also Mr Denis McDermott, Evidence, 16 September 2008, p 18.
271 Mr Peter Marshall, Evidence, 18 September 2008, p 52.
272 Mr Peter Marshall, Evidence, 8 June 2009, p 43.
273 Ibid, p 42.
274 Ibid, p 38.
**Absenteeism**

The Committee understands that absenteeism is an ongoing concern in the RSIPF. In evidence, Mr Denis McDermott, former Commander of the PPF, observed that while 80 per cent of the organisation does a good job, he noted that there are a few RSIPF officers who do not.275

RAMSI subsequently indicated that the RSIPF has implemented a policy to deal with absenteeism, which is a focus of the RSIPF Executive.276

**Rearming the RSIPF?**

The RSIPF was disarmed following RAMSI’s arrival in 2003 and the gun amnesty period. The policy of the Government is that the police should remain unarmed. Even the Protection Unit that provides security and protection for VIPs is currently not armed, although it is supported by a RAMSI unit that is armed.277

The issue of rearming the RSIPF was the focus of considerable commentary during the inquiry.

In his written submission, the Hon Manasseh Sogavare argued that the Government’s policy against rearmament of the RSIPF is based on an over-emphasised fear of some Solomon Islanders who had bad experiences during the ethnic tension. He further argued that RAMSI has capitalised on this fear and is urging the SIG and Solomon Islanders to reject rearmament; but for reasons related to Australia’s own gun policy.278

Mr Sogavare also questioned why RAMSI disarmed the entire RSIPF in the first place. In his view disarming the RSIPF was effectively disarming the state. As a result, at present, the RSIPF cannot protect the Government or citizens, as demonstrated in the April 2006 riot.279

Accordingly, Mr Sogavare argued that RAMSI should now initiate a strategy which should see the re-establishment of the armed units of the RSIPF within 12 months. To do otherwise would be to doubt the good work that RAMSI has done to rehabilitate the RSIPF. In addition, if there is ever an appropriate time to rearm the RSIPF, it would be whilst RAMSI is still present in the country to oversee the process and to allay any concerns about local officers having access to guns.280

In his evidence, Dr Transform Aqorau, appearing in a private capacity, also suggested that one of the hallmarks of a sovereign state is the ability to protect its citizens and borders. If that requires that the RSIPF should have firearms, Dr Aqorau supported that.281

In evidence, the Rt Hon Sir Peter Kenilorea, Speaker of the National Parliament and former Prime Minister, was also of the view that this is the right time to rearm the RSIPF. He noted that as a sovereign nation, Solomon Islands still has laws that provide for the use of firearms where necessary; laws that have not been repealed. He also argued that the RSIPF and people of

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275 Mr Denis McDermott, Evidence, 16 September 2008, p 18.
276 RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 34.
277 Mr George Hiele, Evidence, 29 October 2008, p 11.
278 Submission 11, The Leader of the Opposition, p 29.
281 Dr Transform Aqorau, Evidence, 16 September 2008, p 72.
Solomon Islands are ready for rearmament of the police, especially while RAMSI is still in the country.

Sir Peter also submitted the view that disarming the RSIPF in the long run amounted to disarming the government and the nation. While this may be ideal in a utopian society, the realities of the world are such that it would be wise to gradually rearm the RSIPF. He continued:

We are really working on trust at the moment. If trust really prevails then that’s not a problem but we are not living in an ideal world. There’s always a practical world and we must be aware of what we need to equip our police officers or our law enforcement officers. We need to consider this carefully. At the moment we’ve disarmed our nation.282

By contrast, the National Council of Women argued that women of Solomon Islands prefer to work on trust if that guarantees a gun-free Solomon Islands. This view was expressed by Ms Hilda Kari, President of the Council, in the following terms:

We prefer a gun free country, if at all possible we are going to trust in God to help us in our security. For me, my trust is in Him, of course, all the time.283

Ms Kari continued that the simple fact is that women would prefer a gun-free Solomon Islands because they fear firearms. She explains this stand as follows:

Gun is a lethal thing and we the women stand on that; we are frightened of guns, full stop!284

Other officers of the Council supported this view but on two other bases. First, not arming the RSIPF demonstrates a stable society;285 and second, there is no need for firearms because Solomon Islands has no external enemies.286

Ultimately, however, Ms Kari acknowledged that this issue is really one for the SIG to determine.

In his submission, Chief Dennis Carlos Lulei of Isabel Province also argued strongly against the rearmament of the RSIPF, and indeed prison officers. He argued that inter-island distrust is still very strong, and that certain groups would still use firearms to rob, kill, intimidate and blackmail the government, women, the courts and politicians. He continued:

The majority of Isabel people have full trust and confidence in RAMSI. We do not have confidence in the local police and our politicians to deliver security and maintain peace and order.287

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284 Ibid, p 58.
285 Ms Ella Kahue, Secretary General, National Council of Women, Evidence, 28 October 2008, p 59.
287 Submission 4, Chief Dennis Carlos Lulei, p 4.
Another strong critic of the call to rearm the RSIPF was the former Chairman of the National Peace Council, Mr Paul Tovua. In evidence, he recalled the role of the local police force in the ethnic tension and observed that:

… to me we use state owned properties to desecrate the sovereignty and the pride of the people of this country. It is our own guns that our people, Solomon Islanders, took up and almost destroyed this country, the sanctity of this country, God’s country, the holy land and its people …

We preach the principle of ‘friends to all and enemy to none’. So far we do not have any enemies outside except, of course, ourselves and these are enemies that are eminent in the country …

On the above basis, Mr Tovua strongly believed that the RSIPF must earn the people’s trust. Only when that happens would the RSIPF be ready to be rearmed.

In response to this issue in 2008, Mr Tim George, the former Special Coordinator of RAMSI, indicated that from RAMSI’s perspective, the time for rearming the RSIPF will come, especially in relation to particular capabilities such as border protection, the close personal protection of VIPs and the control of dangerous wildlife (mainly crocodiles). However, from his perspective, Mr George suggested that the general public do not have confidence in the rearming of the police force at this stage.

The timing of any rearmament was also addressed by Mr Peter Marshall, Police Commissioner, in evidence in 2009:

There will be a period of withdrawal [of RAMSI] and at that stage, I would like to see slowly, but surely our Royal Solomon Islands Police Force officers being exposed to firearms and being re-trained in firearm use in a very progressive way and in selective areas such as the ones I have just mentioned; the airport, the close personal protection and assistance in the provinces and the borders, if need be. I don’t think we need to move into that straightaway. There are all sorts of funding and related issues aligned to that plus, of course, the current government has made it quite clear that the Royal Solomon Islands Police Force will not be armed.

The Committee also notes that while RSIPF officers do not have access to firearms, in 2008, all members of the RSIPF were issued with handcuffs and batons. In addition, the RSIPF has access to 200 sets of riot equipment which are now at Police Headquarters at Rove.

In evidence, the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, expressed the CNURA Government’s ongoing firm position that the RSIPF should not be rearmed at this time:

The CNURA says no to guns, and that is very simple and very clear. We say no to guns and we say no to rearming any part of the Police Force including the Close Protection Unit of the Prime Minister and Governor General.

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288 Mr Paul Tovua, Evidence, 29 October 2008, p 22.
289 Mr Tim George, Evidence, 16 September 2008, p 19.
290 Mr Peter Marshall, Evidence, 8 June 2009, p 29.
291 Mr Denis McDermott, Evidence, 16 September 2008, p 19.
292 Mr Peter Marshall, Evidence, 8 June 2009, p 26.
If we want to talk about this issue, as I said very clearly we must carry out a national referendum on this for people to decide on whether we need guns or not. But the government I am leading at this time is saying no to guns and no to rearming any particular division of the Police Force.293

Returning full policing responsibility to the RSIPF

In his written submission, the Hon Manasseh Sogavare also argued that full responsibility for policing should be returned to the RSIPF. Mr Sogavare argued that five years after RAMSI’s arrival, it is unrealistic for RAMSI to argue that the country is unsafe, and that a fully resourced local police service cannot operate effectively. Accordingly, he advocated the accelerated transfer of responsibilities back to the local police officers in Honiara and provincial police stations, together with improved logistical support and budgetary assistance.294

Taking a slightly different approach, Sir Albert Palmer, the Chief Justice, argued in evidence that the PPF should be absorbed into the RSIPF, for the following reasons:

- It would mean that the assistance available from the police is not divided or spread thin, and would redirect focus to actual policing on the ground;
- It would strengthen and rebuild the image of the RSIPF, and ensure that assistance to the RSIPF from RAMSI is maximised;
- It would remove the image of a parallel force or a dual force working in the country; and
- The current system is not sustainable and there is no continuity.295

The Committee notes that this issue is tied up with the restoration of full confidence in the RSIPF amongst the community, particularly in the provinces. This issue is examined further in Chapter 12 (Supporting the provinces). The Committee is aware that at this time, issues remain in relation to community trust in the RSIPF.

Although neither the RSIPF nor RAMSI had the opportunity to respond to the arguments discussed above, the Committee notes that the return of full policing powers to the RSIPF has been addressed in two separate initiatives: the SIG-RAMSI Partnership Framework and the RSIPF Strategic Directions 2010 – 2013. These have been discussed separately earlier.

9.4 The law and justice system framework

The Strategic Framework Document 2005-2010

RAMSI has been working with the Ministry of Justice and Legal Affairs to implement reforms in the justice system since 2005. In 2005, the Strategic Framework Document 2005-2010 was put into place to coordinate work towards seven broad objectives targeted at assisting the justice sector:

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293 The Hon Dr Derek Sikua, Evidence, 18 September 2008, p 23.
294 Submission 11, The Leader of the Opposition, p 11.
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- to build the justice sector’s capacity to plan, budget for and implement the policies, strategies, structures and infrastructures necessary to meet the current and future needs of Solomon Islands;

- to enhance the capacity of the justice sector, reform and introduce new laws, procedures and practices that reflect contemporary requirements and to support widespread freedom of access by all Solomon Islanders to laws including statutes, case laws and legal information;

- to contribute to the creation of a safe, stable and prosperous community through the implementation of collaborative crime reduction, community safety and proactive security initiatives;

- to improve the timelines, efficiency and effectiveness of civil and criminal court practices and procedures in the operation of government legal services;

- to introduce new diversionary practices, sentencing options and justice sector procedures and thus support the use of imprisonment as a sentence of last resort;

- to provide a culturally appropriate corrections systems, ensure acceptable standards of prisoner safety and welfare, address recidivism, strengthen the rehabilitative impact of the correction system and further develop the sector’s physical infrastructure to instil community confidence in the security of the correctional services; and

- to develop the capacity of the Solomon Islands Correctional Service to build a professional, respectable and sustainable correctional service.296

The Partnership Framework

Coming after the development of the Strategic Framework Document 2005-2010, the new Partnership Framework includes the following long-term objective for the SIG and RAMSI in relation to the justice system

The law is administered through a capable and independent justice system.297

This overall objective is to be achieved through the following broad strategy:

Continued assistance with building the capacity of the Courts, legal staff, and the various systems to achieve an effective justice system that is aligned with the priority needs of the SI government.298

To achieve the above targets, the broad strategy will be implemented under four themes, each with its own specific target: infrastructure and resourcing; capability building; access to justice and a community justice systems and gender.

296 Mr James Remobatu, Permanent Secretary, Ministry of Justice and Legal Affairs, Evidence, 29 October 2008, pp 4-5.
298 Ibid, p 36.
9.5 The Law and Justice Program

RAMSI’s Law and Justice Program supports two components: a justice component and a corrections component.

The justice component incorporates the Ministry of Justice and Legal Affairs, together with the following agencies:

- the High Court;
- the Magistrates Court;
- the Attorney’s Chambers;
- the Office of the Director of Public Prosecutions;
- The Public Solicitors Office; and
- the Law Reform Commission.

In turn, the corrections component of Law and Justice Program incorporates the Ministry of Police and two agencies: the Correctional Service and the Case Support Unit.299

These two components of the Law and Justice Program, incorporating their respective ministries and agencies, are shown in Figure 9.1 below.

Figure 9.1: RAMSI’s Law and Justice Program


The justice component of the Law and Justice Program

The Partnership Framework includes the following long-term objective for the SIG and RAMSI in relation to the justice system and the courts:

A capable and independent justice system.300

The Committee notes from evidence throughout the inquiry that in the first five years of RAMSI’s Law and Justice Program, some of the notable achievements of the program in relation to the justice component have been:

- A rejuvenation of the Local Court system to the point that it is now functioning effectively;301

- The assumption by Solomon Islanders of the positions of the Director of Public Prosecutions and the Public Solicitor;302

- The revitalisation of the Law Reform Commission to the point where it is functioning virtually independent of inputs from the Law and Justice Program;303

- The successful establishment of a Court Transcribing Unit within the National Judiciary for recording court proceedings such as the notes of the evidence, the notes of the submissions that were made by counsel and details of judgments;304

- The development of a case support unit to facilitate effective and efficient court services, and to allow material to be available immediately when matters go to the Court of Appeal;305

- The management of cases in a timely manner without inordinate delay, with more courtrooms, more judges, the Court Transcribing Unit and the case support unit all contributing;306

- The refurbishment of the main court chamber of the High Court;307

- Regular sittings of the Court of Appeal twice a year;308

- The development of two effective bodies to coordinate the justice sector: the Justice Sector Consultative Committee, chaired by the Chief Justice, which meets monthly; and the Criminal Justice Consultative Forum that meets quarterly and is chaired alternately

300 Partnership Framework, p 9.
301 RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 8.
303 Ibid, pp 6, 8-9.
307 RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 13.
Inquiry into the Facilitation of International Assistance Notice 2003 and RAMSI intervention by the two Permanent Secretaries of the Ministry of Justice and Legal Affairs, and the Ministry of Police, National Security and Correctional Services.\(^{309}\)

In his opening remarks to the Committee in evidence, Sir Albert Palmer, the Chief Justice, welcomed many of these developments, and observed:

The assistance to the Judiciary has been remarkable, in the sense that the Judiciary has been strengthened and supported through the criminal and civil justice system, to establish confidence in the rule of law, police prosecutions, defence and prisons. There was also institutional strengthening; support to the court, the legal sector agencies, the court processes and infrastructure activities were also strengthened. There was a lot of capacity building and development on an individual and organizational basis and there was provision of technical assistance. The delivery of justice was enhanced and strengthened.\(^{310}\)

However, while acknowledging the achievements of the justice component of the Law and Justice Program over its first five years, Sir Albert also argued that going forward, there should be a paradigm shift so that the assistance from RAMSI through the Law and Justice Program is henceforth channelled through the SIG, bringing greater certainty to funding, greater utilisation of local expertise and skills, further strengthening of local institutions, reduced delays, greater transparency and accountability, greater ownership of the process by the Government and community, and ultimately a justice system more responsive to the needs of Solomon Islands.\(^{311}\)

Expanding on some of these themes, Justice Palmer observed:

- In terms of funding arrangements, requests for funding are currently made through the Law and Justice Program. However in the future, Justice Palmer argued that it would be preferable if funding arrangements were more transparent and accountable through the SIG.

- In terms of recruitment of expatriate legal officers, officers should be required to commit to placements of at least two years, and while their salaries may be paid by RAMSI, their accountability and loyalty should be to their individual justice sector agency.\(^{312}\)

In his evidence, Mr Ronald Bei Talasasa, the Director of Public Prosecutions (DPP), expressed his satisfaction with RAMSI’s assistance to the Office of the DPP to date. He indicated that at the practical level RAMSI’s assistance to his office is a good example of how institutional strengthening can occur without improper influence while maintaining the independence of the office.\(^{313}\)

Mr Talasasa also indicated that in 2008 his office had 10 local prosecutors, the DPP included, and 6 RAMSI advisors. Previously there were more than 10 RAMSI advisors but that number was recently reduced to 6 with a view to reducing it further to 4 in 2009.\(^{314}\)

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\(^{309}\) Mr Paul Griffiths, Evidence, 17 September 2008, p 7.

\(^{310}\) Sir Albert Palmer, Evidence, 18 September 2008, p 29.

\(^{311}\) Ibid, p 30.

\(^{312}\) Ibid, pp 30-31.

\(^{313}\) Mr Ronald Bei Talasasa, Evidence, 29 October 2008, p 50.

\(^{314}\) Ibid, p 53.
However, Mr Talasasa raised two concerns in evidence. First, retaining local prosecutors has always been difficult. For instance, in 1991 when Mr Talasasa first joined the DPP’s Office, there were only 3 prosecutors including himself. It was only when RAMSI started assisting that the number increased. Retention of local prosecutors has been very much hampered by lack of housing and low salary levels.\(^{315}\)

Second, with the gradual reduction of the number of RAMSI advisors, and the increasing complexity of cases coming before the Office of the DPP, Mr Talasasa expressed concern that it would take more than 5 years to train up a local prosecutor with the right skills – a period which needs the supervision of RAMSI advisors.\(^{316}\)

On these bases, Mr Talasasa was concerned that premature reduction of the assistance from RAMSI might have negative impacts on his office in the long term. He continued:

> Unfortunately at this critical stage, the provision of advisors and resources to the Office of the DPP is being reduced. This reduction at such a critical time is leading to the undermining of the foundation that has been built and is premature. Without continued support, the capacity development of new prosecutors will not be possible and the institutional strengthening that has occurred to date will likely crumble. This same trend can be observed in other agencies in the Justice Sector such as the Public Solicitor’s Office and the Courts, and it is disappointing to observe that the full potential of the Solomon Islands Justice Sector may not be reached in the foreseeable future.\(^{317}\)

In evidence, Mr James Remobatu, Permanent Secretary for the Ministry of Justice and Legal Affairs, also identified the need to improve access to justice in the provinces. He observed that despite all efforts to date there still remains dismal access to judicial and legal services in the provinces. The main challenge in this area appears to be the insufficient number of lawyers; and even if more lawyers are recruited to the provinces, inadequate housing would still be an obstacle.\(^{318}\)

The Committee notes that the recruitment, mentoring and training of legal professionals within the law and justice sector also remains an acute challenge. In evidence, Mr Paul Griffiths, Team Leader of the Law and Justice Program, indicated that as of 30 June 2007 the vacancy rate for all lawyer positions across the sector was 61 per cent (36 of 59 positions were vacant). After 30 June 2008, the vacancy rate had dropped to 41 per cent (25 positions vacant). However, this improvement was attributable solely to the recruitment of legal professionals at the entry level. The number of vacant senior level positions unfilled remained at 12 over the period.\(^{319}\)

One of the reasons for this shortfall cited by Mr Remobatu was that over the last few years the Ministry of Education and Human Resource Development, on whom the Ministry of Justice and Legal Affairs rely for training of local lawyers, has imposed a moratorium on law scholarships, leading to insufficient lawyers being trained. Mr James Remobatu also suggested that the


\(^{317}\) *Ibid*, p 52.

\(^{318}\) Mr James Remobatu, Evidence, 29 October 2008, p 8.

packages currently offered to lawyers working under the Ministry of Justice and Legal Affairs are inadequate to secure retention.\footnote{320}

In response to these capacity constraints, the SIG and RAMSI Partnership Framework identifies as a broad strategy:

\begin{quote}
Continued assistance with building the capacity of the courts, legal staff, and the various systems to achieve an effective justice system that is aligned with the priority needs of the SI government.
\end{quote}

This strategy is expected to be achieved through four themes, each with its own strategies and targets. Those four themes are: infrastructure and resourcing; capability building; access to justice and a community justice system; and gender issues.

Of the concerns raised by the Chief Justice, the DPP and Mr Remobatu, the Framework only addresses the provinces’ lack of access to justice (theme 3 above) and recruitment and retention of lawyers in the justice sector (theme 1). The Framework, however, is silent on questions regarding the rate of phasing-out of RAMSI advisors, and funding of the judiciary.

**The corrections component of the Law and Justice Program**

The Partnership Framework includes the following long-term objective for the SIG and RAMSI in relation to the Correction Service of Solomon Islands (CSSI):

\begin{quote}
A Correction Service of Solomon Islands that is managed effectively and independently of RAMSI.\footnote{321}
\end{quote}

In its written submission, RAMSI indicated that it has provided significant support to the CSSI with personnel and specialist advisers, training and improvements to infrastructure and equipment. As a result, since 2006, Solomon Islands prisons have met UN Minimum Standards for the Treatment of Prisoners.\footnote{322}

In evidence, Mr Paul Griffiths, Team Leader of the Law and Justice Program, indicated that the position of Commissioner of the Correctional Service has been taken over by a Solomon Islander.\footnote{323} He also indicated that CSSI is an employer of choice, with strong terms and conditions of employment, and strong interest in positions within the agency.\footnote{324} Moreover, the CSSI has been particularly successful in developing its core functions, consistent with a modern correctional service, including a professional standards unit that investigates breaches of discipline and ethical standards, an intelligence unit, an emergency response unit, and a rehabilitation and vocational programs unit that operates the rehabilitative or correctional aspects of the correctional service.\footnote{325}

There has been a significant investment by the SIG in CSSI staff housing. In 2006, the CSSI spent SBD$493,770 on staff housing, rising to SBD$751,000 in 2007, and rising significantly to

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\footnote{320}{Mr James Remobatu, Evidence, 29 October 2008, p 8.}
\footnote{321}{Partnership Framework, p 9.}
\footnote{322}{Submission 6, RAMSI, p 7.}
\footnote{323}{Mr Paul Griffiths, Evidence, 17 September 2008, p 6.}
\footnote{324}{Ibid, p 7.}
\footnote{325}{Ibid, p 9.}
SBDS$7.140 million in 2008. New housing for staff has been built at Tetere, the barracks at Naha and some of the other staff housing has been upgraded.\(^{326}\)

In evidence, Mr George Hiele, former Permanent Secretary for the Ministry of Police, National Security and Correctional Services, acknowledged RAMSI’s assistance to the CSSI as well as that of the SIG in terms of correctional centres and housing CSSI officers. However, as with the RSIPF, inadequate housing and infrastructure remain the primary constraints to capacity building within the CSSI.\(^{327}\)

The *Partnership Framework* seeks to ensure the ‘capability of the CSSI to effectively transition to independent Solomon Islands management and operations’ (national development objective) by 2012. To achieve this objective, the Framework relies on the broad strategy of ‘continued support that focuses on building the capability of CSSI’. Implementing this strategy will be undertaken under 3 themes: infrastructure, capability building and prisoner rehabilitation.

### 9.6 The tension trials

The *Partnership Framework* includes as one of its targets the finalisation of the ‘tension trials’.\(^{328}\)

These trials involve criminal charges that RAMSI laid against those who participated actively in the ethnic tension. While there were many arrests, the judiciary initially had difficulties with managing the cases while continuing to deal with its ordinary work.

The Committee understands that the backlog of tension trials continues to reduce. As at June 2009, the Committee was informed that a total of 31 tension trials had been completed, with a further 24 before the courts at that time.\(^{329}\)

In evidence, Mr Ronald Bei Talasasa, the DPP, informed the Committee that as at September 2008, the Office of the DPP had 15 to 20 tension cases yet to be dealt with. He indicated that a recent audit of cases with the DPP’s Office identified the backlog in tension trials as an ongoing issue. Mr Talasasa further advised that with such a backlog and the gradual reduction of RAMSI advisors, his office can only handle 2 or 3 tension cases per month.\(^{330}\)

A number of issues have been raised in respect of the tension trials. These are considered below.

#### Selective justice

In his written submission, the Hon Manasseh Sogavare took the view that RAMSI was ‘pursuing selective justice in Solomon Islands’ through the tension trials process. He argued that not only was RAMSI selective in the cases it wished to prosecute, but even tension trials that RAMSI successfully prosecuted were highly questionable in terms of how such convictions were secured.\(^{331}\) Separately, Mr Sogavare continued:


\(^{327}\) Mr George Hiele, Evidence, 19 October 2008, p 3.

\(^{328}\) *Partnership Framework*, p 46.

\(^{329}\) RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 13.

\(^{330}\) Mr Ronald Bei Talasasa, Evidence, 29 October 2008, pp 54-54.

\(^{331}\) Submission 11, The Leader of the Opposition, p 5.
Prosecution of criminal cases by RAMSI is viewed differently by many Solomon Islanders. There is all the indications to suggest that RAMSI is pursuing selective justice and that is not acceptable.\textsuperscript{332}

Accusations of ‘selective justice’ in respect of tension trials have been taken a step further by certain ethnic based groups. For instance, in 2005, the Malaita Ma’asina Rule Forum\textsuperscript{333} and the Malaita Separatist Movement\textsuperscript{334} accused RAMSI in the media of being driven by hatred of Malaitans and that RAMSI favoured other ethnic groups except Malaita.\textsuperscript{335}

However, in his journal article submitted to the Committee, Mr Gordon Nanau, a local academic, argued that contrary to the claims of the two Malaita based groups, RAMSI was not discriminatory in its initial arrests, which included leaders and members of both unlawful militias (the Isatabu Freedom Movement and the Malaita Eagle Force) involved in the ethnic tension. He argued further that to most Solomon Islanders, RAMSI is neutral because its personnel are not influenced by the wantok system as was the case with the RSIPF.\textsuperscript{336}

In support of his argument, Mr Nanau also cited the response of former RAMSI Special Coordinator, Mr James Batley:

\begin{quote}
RAMSI does not discriminate against, or work in favour of, any one group or province. The only thing we favour is the rule of law. RAMSI takes the partnership we have with all Solomon Islanders very seriously and we work hard to ensure that all our people respect all groups and customs in Solomon Islands.\textsuperscript{337}
\end{quote}

In evidence, the Committee raised with Mr Ronald Bei Talasasa, the DPP, the reason why some tension trials which resulted in convictions were later overturned on appeal. Mr Talasasa declined to respond because to do so would be unfair on his predecessor.\textsuperscript{338} However, he indicated that he is happy with progress so far with the tension trials.\textsuperscript{339}

\textsuperscript{332} Ibid, p 12.

\textsuperscript{333} Ma’asina forum was established in 2003 as an advocacy group for Malaitans. Its objective is to raise perceived social and economic injustices affecting Malaitans. It is registered under the Charitable Trusts Act.

\textsuperscript{334} The Malaita Separatist Movement was formed in 2005 on the island of Malaita and had about 66 members, most of whom were former Malaita Eagle Force members also wanted by the police at the time. In an exclusive interview with a Solomon Star journalist, the Malaita Separatist Movement called on Sir Allan Kemakeza, then the Prime Minister of Solomon Islands, to step down. The group’s main point of contention was that Sir Kemakeza’s pro-Australian approach was putting Solomon Islands’ sovereignty at risk and handing over key organizations to foreigners. The Malaita Separatist Movement was vocal in the media for some time and then went silent, presumed to have disbanded. See Robert Iroga, ‘Rebel Militants demand PM steps down,’ Solomon Star (10 May 2005), Issue No. 2852.

\textsuperscript{335} Solomon Star (10 May 2005), p 1; cited in Submission 9, Mr Gordon Nanau, p 255.

\textsuperscript{336} Submission 9, Mr Gordon Nanau, pp 255-256.

\textsuperscript{337} Solomon Star (11 May 2005); cited in Submission 9, Mr Gordon Nanau, p 256.

\textsuperscript{338} The Committee notes that Mr Talasasa’s predecessor was Mr John Cauchi, a RAMSI lawyer who served as DPP from 2005 to 2006.

\textsuperscript{339} Mr Ronald Bei Talasasa, Evidence, 29 October 2008, p 54.
Apprehending the ‘Big Fish’

Another concern related to the tension trials stems from frustrations of some Solomon Islanders that leaders who were allegedly involved in initiating and sustaining the ethnic tension have not been apprehended. This has already been noted in past reviews. For instance, the 2005 Report of the Eminent Persons Group on RAMSI observed that:

We heard many times of the need for RAMSI and the Government of Solomon Islands to continue to pursue the instigators of the tensions – the “big fish” – not just the followers. At the community level some felt that those that have been prosecuted and convicted have tended to be lower level players, although equally liable for their share of blame. The senior figures who have been arrested were perceived to have been so for activities, for example, relating to corruption rather than instigating the tensions.\textsuperscript{340}

Prosecution versus reconciliation

In his written submission, the Hon Manasseh Sogavare also questioned the policy rationale behind tension trials. He observed that while the tension trials are ongoing, the Government has also set up a Truth and Reconciliation Commission that may well deal with citizens involved in the same cases. The Government should therefore be consistent and decide whether to go down the path of transitional justice (reconciliation) or prosecution.\textsuperscript{341}

9.7  Committee comment

The restoration of law and order

\textit{The continued existence of firearms in the community}

The Committee acknowledges concerns that some firearms remain in the community from the ethnic tension period. The emergence of the Malaita Separatist Movement in 2005 and the shooting of a PPF officer in December 2004 in Honiara are indications that RAMSI and the RSIPF need to continue to pursue this issue.

This is, however, a matter that only RAMSI and the RSIPF can deal with using whatever means are available to them. The Committee urges both to continue their efforts to recover the missing firearms.

\textit{Compensation for the seizure of legal firearms}

The Committee believes that this is an issue for the SIG to deal with, and not RAMSI. The Committee accepts that many private firearms owned by people from the provinces were not used during the ethnic tension. Further, there was overwhelming evidence during the inquiry that ordinary citizens who possessed legal firearms used these for purposes that were not only lawful but essential to their livelihoods, such as protecting their property from wild animals. In certain parts of the country where crocodiles pose a serious risk to lives, use of these firearms was on many occasions a matter of life and death.


\textsuperscript{341}  Submission 11, The Leader of the Opposition, p 12. For discussion on the Truth and Reconciliation Commission and transitional justice initiatives, see Chapter 13 (Addressing the root causes of the ethnic tension).
On the basis of these observations, the Committee believes that the SIG should compensate the former owners of private firearms which were legally acquired but subsequently seized and destroyed by the PPF. The Committee does not have the necessary information to suggest a specific formula for compensation but suggests that such an exercise should not be limited to the market price of the firearms, but should take into account factors such as the increased threat to people’s lives and the inability of people to hunt for certain food.

The Royal Solomon Islands Police Force

Recruitment and training

The Committee commends the efforts of the RSIPF and RAMSI in recruiting more officers and establishing effective training programs for them. Nevertheless, there remains a shortage of local officers, particularly in the provinces. This is discussed in more detail in Chapter 12 (Supporting the provinces).

Moreover, the Committee was not informed of the strategies that RAMSI and the RSIPF employ to make the RSIPF an attractive workplace, especially to young Solomon Islanders. One would expect these strategies to involve media advertisements and campaigns supported by a reasonable package and benefits. This does not appear to be happening.

The Committee however rejects the suggestion that RAMSI should not be part of the recruitment process. Rebuilding the RSIPF is obviously one of RAMSI’s primary roles under its current mandate. The Committee believes that RAMSI has high standards and useful processes for recruitment, which are borrowed from the rich experiences of the 16 participating countries. The RSIPF should not squander the opportunity to draw on this experience.

Rearming the RSIPF

During the inquiry, the issue of rearming the RSIPF was understandably one of the most hotly debated issues.

The current CNURA Government has made its stand on this very clear; so have RAMSI and the RSIPF. The Committee also notes the reasons advanced earlier by both proponents and opponents of rearmament in this chapter.

The Committee feels that rearmament of the RSIPF at this stage could potentially create undesirable frictions between the SIG and citizens, and extinguish any hope of regaining citizens’ trust in the RSIPF. Conversely, maintaining a guns-free policy for an indefinite period might result in complete reliance on another armed force for security when RAMSI leaves the country.

Accordingly, the Committee supports the evidence of Mr Tim George (RAMSI) and Mr Peter Marshall (RSIPF) in support of gradual rearmament of special units of the RSIPF while RAMSI is still present in the country, but only after steps have been taken to ensure that there is sufficient public confidence in the units to be rearmed; there is public awareness and acceptance of the proposed rearmament; and the selected units are appropriately equipped in terms of systems, skills and ethics. Accordingly, the Committee recommends as follows.
Recommendation 9

The Committee recommends that the CNURA Government, in consultation with RAMSI, consider the gradual rearmament of special units of the RSIPF while RAMSI is still present in the country, but only after steps have been taken to ensure that there is sufficient public confidence in the units to be rearmed; there is public awareness and acceptance of the proposed rearmament; and the selected units are appropriately equipped in terms of systems, skills and ethics.

Returning full policing responsibility to the RSIPF

While the Committee sees some merits in the call for an accelerated transfer of full responsibilities back to the RSIPF and the merging of the RSIPF and the PPF in terms of operations, logistics and budget, these suggestions are currently being addressed by the SIG and RAMSI through their Partnership Framework, and by the RSIPF and the PPF in the RSIPF Strategic Directions 2010-2013. The Committee is satisfied that between these two initiatives, full policing responsibilities will be returned to the RSIPF in due course.

The Law and Justice Program

The justice component

The Committee notes that the Law and Justice Program has had significant success. As indicated earlier, however, there are still some areas that need improvement in the justice sector. These include difficulties with the rapid phasing-out of RAMSI advisors and concerns about funding.

As the head of the judiciary, Sir Albert Palmer would like to see funding from the Law and Justice Program channelled through the SIG in the future to ensure greater certainty, transparency and accountability. While the Committee sympathises with this wish, it is very unlikely that RAMSI would relinquish full control of its financial assistance to the SIG. As discussed in Chapter 8 (RAMSI, bilateral and multilateral aid programs to Solomon Islands), by its very nature, RAMSI not only provides financial assistance but it is quite engaged in implementation of its own program.

On the issue of rapid phasing-out of RAMSI advisors from the judiciary, particularly the Office of the DPP, the Committee supports the call of the DPP for this process to be slowed. The Chief Justice’s view supports this call: that expatriate lawyers should be requested to stay for at least two years. It seems that the DPP’s Office is not ready for the handover of full responsibilities, but instead needs more mentoring time with RAMSI advisors.

Recommendation 10

The Committee recommends that the SIG, through the Ministry of Justice and Legal Affairs, negotiate with RAMSI within the context of the Partnership Framework to ensure that legal support for the Office of the DPP and other legal agencies remains sufficient.

The corrections component

The Committee understands that the corrections component of the Law and Justice Program is performing very well. The key concern raised about the Correctional Service during the inquiry was the lack of suitable housing, especially in the provinces. This issue is discussed further in Chapter 12 (Supporting the provinces).
Inquiry into the Facilitation of International Assistance Notice 2003 and RAMSI intervention

The tension trials

In relation to the tension trials, the Committee acknowledges that the initial operation of RAMSI when it arrived in Solomon Islands might have given the impression of selective justice. However, the environment at the time was hostile and the focus was obviously on arresting known offenders and removing the threat that they posed to society as soon as possible. Since that initial stage of arrests, and with the restoration of law and order, RAMSI has modified its approach towards apprehending the perpetrators of the ethnic violence. The Committee is not persuaded that RAMSI has any ethnic bias or prejudice in relation to tension cases. There is no evidence to support that suggestion.

With regard to pleas to arrest and catch the ‘big fish’, the Committee believes that this is indeed an outstanding issue that the RSIPF and RAMSI must continue to pursue. From the provincial hearings, the Committee notes that the identity of the ‘big fish’ varied according to different people. Some believed the ‘big fish’ to be national leaders and senior public officers who used the well known frustrations of ordinary citizens to stir tensions even prior to 2000. Others cited the ‘big fish’ as the actual instigators of the ethnic tension from 1998 onwards who continued to perpetuate that conflict up until RAMSI’s arrived.

While the Committee sympathises with the nationwide plea to address this issue, it is also aware that the CNURA Government has since taken steps in that direction through the establishment of the Truth and Reconciliation Commission (TRC). The TRC and its work is discussed further in Chapter 13 (Root Causes of the ethnic tension). Here, however, the Committee notes that one of the key functions of the TRC is to investigate and report on the causes of human rights violations/abuses which occurred during the ethnic tension including, inter alia, ‘the question of, whether those violation and abuses were the result of deliberate planning, policy or authorization by any government, group or individual, and the role of both internal and external factors in the conflict’.342

In light of this mandate of the TRC, the Committee believes that the ‘big fish’ could potentially be identified and dealt with through the work of the TRC, even if the RSIPF and RAMSI are still unable to apprehend these people. That being said, the Committee considers that the perception that RAMSI is deliberately ignoring the ‘big fish’ simply cannot be supported by admissible evidence. Whoever the real instigators of the ethnic tension were, it should be understood that their actions took place when there was no law and order and local authorities were all but moribund. As such, evidence against these ‘big fish’ was either lost or too weak by the time RAMSI arrived. The Committee does not believe, however, that failure to apprehend these people demonstrates an unwillingness to go after influential figures. RAMSI and the RSIPF have successfully prosecuted many politicians and senior public officers since 2003, but only where there was sufficient evidence.

Finally, on the question of prosecution or reconciliation, the Committee is of the view that both approaches can be taken simultaneously. Here, the Committee has in mind section 20 of the Truth and Reconciliation Commission Act 2008 which provides in part that no fact or information disclosed pursuant to the Act or findings or recommendations of the Truth and Reconciliation Commission is to be interpreted as affecting criminal prosecutions which are pending or yet to be commenced. In other words, tension cases pending full trial or yet to be prosecuted will not be affected by the work of the Commission. Thus, the intention appears to be that both reconciliation and prosecution of outstanding tension cases can occur at the same time.

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342 Truth and Reconciliation Commission Act 2008, section 5(2)(a)
The bigger picture

While the issues discussed above require the consideration of both the SIG and RAMSI, the Committee urges all stakeholders not to lose sight of the bigger picture – the ultimate role of RAMSI under this pillar. That role, in the Committee’s view, is to create through training and support for a RSIPF that is highly disciplined, and which has the full confidence of Solomon Islanders, together with a justice system and correctional system that is operating efficiently and equitably.

Through its efforts under this pillar, RAMSI has given Solomon Islanders a renewed confidence in the institutions of law and justice and a new hope for rebuilding the country. To them RAMSI has effectively returned the sovereignty of Solomon Islands which had been taken away by criminals, militants and dishonest public officers.343

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343 Submission 9, Mr Gordon Nanau, p 253.
Chapter 10: Pillar two – Economic Governance and Growth

This chapter examines initiatives being pursued under the economic governance and growth pillar.

10.1 The Partnership Framework

The Partnership Framework includes the following long-term objective for the SIG and RAMSI in relation to economic governance and growth:

A Solomon Islands achieving broad-based economic growth and a more prosperous society (including for those living in rural areas) supported by a fiscally responsible government which promotes sound economic policies.

10.2 The Economic Governance and Growth Program

RAMSI’s Economic Governance and Growth Program incorporates two elements:

- economic governance, which entails almost entirely providing support for the Ministry of Finance and Treasury; and

- economic growth, which is focused on development type expenditure such as investment in infrastructure.

These two elements of the program are shown in Figure 10.1 below.

Figure 10.1: RAMSI’s Economic Governance and Growth Program


10.3 The economic governance program

As per Figure 10.1 above, RAMSI’s Economic Governance program incorporates the Financial Management Strengthening Program, the Economic Reform Unit and the Customs Modernisation Project, all within the Ministry of Finance and Treasury. The program’s overall objective is to enable the SIG to operate a stable budget strategy, including good financial management, proper and affordable expenditure programs, and to promote laws and management arrangements that encourage overseas and local investors.

Under the Honiara Club Agreement, the SIG has committed to no new borrowings or government guarantees, surplus recurrent budgets and the setting aside of 10 per cent of revenue for debt servicing.345

The Committee examines the Financial Management Strengthening Program, the Economic Reform Unit and the Customs Modernisation Project below.

The Financial Management Strengthening Program

When RAMSI first arrived, the early focus of the economic governance team was very much on stabilising the financial position of the SIG. This was achieved through the work of the budget stabilisation team.

However since then, the focus of RAMSI’s support within the Ministry of Treasury and Finance has shifted to capacity building under the Financial Management and Strengthening Program. Through the program, there are 25 RAMSI advisors spread fairly broadly across the functions that the Ministry performs including:

- The Budget Unit;
- The Treasury;
- The Debt Management Unit;
- Internal revenue; and
- Corporate support.346

The Budget Unit

The Partnership Framework includes as one of its targets the implementation of a budget management system in the Ministry of Finance and Treasury by 2010.347

The Committee notes that the RAMSI Annual Performance Report 2007-2008 indicated however that budget processes were poorly observed in 2008, with large additional spending being agreed late in the process, and the expenditure review committee not formed.348

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346 Mr Jeff Byrne, Team Leader of the Financial Management Strengthening Program, Evidence, 17 September 2008, pp 4-5; Mr Shadrack Fanega, Permanent Secretary, Ministry of Finance and Treasury, Evidence, 9 June 2009, pp 103-104.
347 Partnership Framework, p 49.
The Debt Management Unit

The *Partnership Framework* includes as one of its targets the stabilisation of government finances including through medium term fiscal and debt management strategies.\(^{349}\)

In evidence, Mr Shadrack Fanega, Permanent Secretary of the Ministry of Finance and Treasury, indicated that in the last five years Solomon Islands has successfully stabilised and reduced its foreign debt to agencies such as the Asian Development Bank, the World Bank and OPEC. Payments have been regularised and debt has fallen from 100 per cent of GDP to 53 per cent of GDP.\(^{350}\)

This is shown in Table 10.1 later in this chapter.

The benchmark target for the debt to GDP ratio is 30 per cent. As such, the current level of debt remains at uncomfortably high levels.\(^{351}\)

The Inland Revenue Division

The *Partnership Framework* includes as one of its targets improved revenue collecting with tax reforms – including inland revenue, customs and excise policies – that support economic growth.\(^{352}\)

The RAMSI *Annual Performance Report 2007-2008* noted strong growth in revenue collections in Solomon Islands over 2007 and 2008, prior to the financial crisis. Tax revenue at May 2008 was $25.5 m ahead of Budget forecasts.\(^{353}\)

In evidence, Mr Shadrack Fanega provided information on initiatives of the Inland Revenue Division to secure revenue including:

- A new system for provisional tax and monitoring outstanding returns;
- A restructuring of the compliance area to manage compliance risk better; and
- The development of new Debt Policy Guidelines for the management of all debts.\(^{354}\)

To combat the impact of the global financial crisis, the SIG has also increased the tax on alcohol and tobacco, and established a task force to assist Ministries to raise revenues in areas that include fees, licences, rentals and so forth. For example, old pieces of legislation made 10 or 20 years ago which include fines for breaches of the law are being updated.\(^{355}\)

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\(^{349}\) *Partnership Framework*, p 58.

\(^{350}\) Mr Shadrack Fanega, Evidence, 9 June 2009, p 105.


\(^{352}\) *Partnership Framework*, p 56.


The Committee notes that support for the Internal Revenue Division, which previously fell under the umbrella of RAMSI, is now being provided by New Zealand with the assistance of NZAID under a five year program.  

*Financial reporting*

In evidence, Mr Shadrack Fanega indicated that the Ministry now has the capacity to produce monthly expenditure reports in a timely fashion. Progress has also been made on the backlog of financial statements, and accounts and audited statements for 2007 are nearing completion.

The Committee notes from the RAMSI Annual Performance Report 2007-2008 concern that while the timeliness of financial reporting has improved, the reliability of the information is not strong as it is likely that the accounts will be heavily qualified at least over the medium term.

*The Economic Reform Unit*

The Partnership Framework includes the following targets:

- Improved business regulations; and
- Improved performance, governance and accountability of state owned enterprises.

The Committee notes that a number of substantial reforms have been undertaken in relation to these targets such as:

- The enactment of the Foreign Investment Act 2005;
- The enactment of the Companies Act 2009 and the Companies (Insolvency and Receivership) Act 2009;
- The enactment of the Secured Transactions Act 2008, and the establishment of a Rural Banking Scheme and the Small Business Guarantee Scheme aimed at enhancing access to finance by people, ordinary Solomon Islanders;
- The enactment of the State Owned Enterprise Act 2008, which has standardised the operation of State owned enterprises; and
- a reduction in tariff to 10 per cent and standardised and transparent approaches to duty and tax exemptions.

In evidence, the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, highlighted the reform of state owned enterprises under the State Owned Enterprise Act 2008 in reducing the risk that these businesses pose to the Government’s budget and in ensuring that they run efficiently. He also noted the reform to the telecommunications sector, including negotiations with Solomon Islands Telekom Ltd to open up the sector to competition. The Committee

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360 Mr Shadrack Fanega, Evidence, 9 June 2009, pp 105-106.
understands that these negotiations were successful and resulted in the revocation of Telekom’s exclusive licence and the end of its monopoly in the *Telecommunication Act 2009.*

In addition, Dr Sikua noted the passage of a range of modern business legislation, including the two Acts on companies law in 2009 and the *Secured Transactions Act 2008,* cited above. New insolvency arrangements have also been put in place and the Solomon Islands tax system will continue to be made more transparent by providing clear processes and guidelines for tax exemptions and by developing a framework for resource taxation which ensures the country receives a fair return for its resources.\(^{361}\)

The Committee understands that as a result of the simpler investment conditions, planned new foreign investment has continued to outperform pre-tension levels.\(^{362}\)

**The Customs Modernisation Project**

In evidence to the Committee in 2008, Mr Jeff Byrne, Team Leader of the Financial Management Strengthening Program, addressed some of the taxation and revenue raising issues facing Solomon Islands. He indicated that at present, the priority in terms of taxation is bedding down the current regime. A key element of that is focussing on even-handed treatment of the business community. Solomon Islands has also successfully moved to a more uniform import duty rate. In the future, consideration may be given to a value added tax for Solomon Islands.\(^{363}\)

The Committee notes the subsequent commitment of the Prime Minister in June 2009 to reform of customs laws:

> The legislation governing our customs operations, Mr Chairman and members of the Committee, is badly out-dated and will be reviewed to implement appropriate penalties and modern valuation methods.\(^{364}\)

This commitment was fulfilled in September 2009 through the enactment by Parliament of the *Customs Valuation Act 2009.*

**10.4 The economic growth program**

The second element of RAMSI’s Economic Governance and Growth Program is promoting economic growth. As indicated in Figure 10.1, this incorporates both economic infrastructure investment programs and agriculture and rural development programs, discussed below.

**Economic Infrastructure programs**

As previously indicated in Table 3.2 in Chapter 3, RAMSI has been involved in three infrastructure projects to the provinces:

- the Post Conflict Emergency Rehabilitation Project, led by the Asian Development Bank, but with funding from NZAID and RAMSI.\(^{365}\)

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\(^{361}\) The Hon Dr Derek Sikua, Evidence, 10 June 2009, p 72.


\(^{363}\) Mr Jeff Byrne, Evidence, 17 September 2008, pp 16-17.

\(^{364}\) The Hon Dr Derek Sikua, Evidence, 10 June 2009, p 72.
• the Solomon Islands Road Improvement Program,\textsuperscript{366} again funded by the Asian Development Bank, NZAID and RAMSI; and

• the Community Support Program – Malaita Roads Program.

Both the Community Support Program – Malaita Roads Program and the Post Conflict Emergency Rehabilitation Project have now come to an end, but they involved the rehabilitation of 150 km of roads and 51 bridges on Guadalcanal and Malaita.

RAMSI is also continuing to contribute to the Solomon Islands Road Improvement Project, worth SBD $128 million.\textsuperscript{367}

\textbf{Agriculture and rural development programs}

As indicated previously in Chapter 8 (RAMSI, bilateral and multilateral aid programs to Solomon Islands), the World Bank, in association with RAMSI and the EU, is currently financing the Rural Development Program, which is a five-year program from 2007 – 2012, co-financed by RAMSI and the EU.\textsuperscript{368} The program has three components:

• The delivery of local infrastructure and services – specifically to increase access to and use of infrastructure and services in rural areas through participatory planning, budgeting and execution mechanisms at community and provincial level.

• Improving agricultural services – specifically improving access of smallholder households to quality agricultural services to support rural income growth.

• Rural business development – specifically facilitating rural enterprise development through provision of an equity financing facility and associated training and technical assistance.\textsuperscript{369}

\textsuperscript{365} This project undertook road and bridge rehabilitation in Guadalcanal and Malaita from 2005 to 2007. Approximately 150 km of road and 51 bridges were rehabilitated over this period.

\textsuperscript{366} The Solomon Islands Road Improvement Program is a four year project, scheduled to conclude in 2011. It will finance rehabilitation of 100 km of national roads selected from a list of ‘candidate roads’ contained in the SIG National Transport Plan on the basis of a multi-criteria analysis. SIRIP is co-funded by RAMSI (to 2009), AusAID, NZAID and the ADB and comprises three components: 1) road and bridge rehabilitation, 2) road maintenance and improvement, and 3) project management and capacity building in the Solomon Islands Ministry of Infrastructure Development.


\textsuperscript{368} Ms Edith Bowles, Country Manager, The World Bank Honiara Office, Evidence, 9 June 2009, p 94.

10.5 The recent economic performance of Solomon Islands

The Committee reproduces below the key economic indicators for Solomon Islands from the RAMSI Annual Performance Report 2007-2008. Regrettably, at the time of publication of this report, the RAMSI Annual Performance Report for the year 2008-2009 was not available.

Table 10.1: Solomon Islands macro-economic outcomes 2005 - 2008

<table>
<thead>
<tr>
<th>Economic indicator</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008 (est)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real GDP Growth</td>
<td>5.0%</td>
<td>6.1%</td>
<td>10.3%</td>
<td>8.2%</td>
</tr>
<tr>
<td>Annual inflation</td>
<td>8.4%</td>
<td>7.5%</td>
<td>10.9%</td>
<td>-</td>
</tr>
<tr>
<td>Budget balance</td>
<td>$44.4m</td>
<td>$105.4m</td>
<td>-$36.3m*</td>
<td>-$152.1m#</td>
</tr>
<tr>
<td>Total debt</td>
<td>$2,049m</td>
<td>$1,995m</td>
<td>$1,668m</td>
<td>$1,548m</td>
</tr>
<tr>
<td>Debt to GDP ratio at June</td>
<td>100%</td>
<td>63%</td>
<td>53%</td>
<td></td>
</tr>
</tbody>
</table>

* Preliminary estimate
# Budget estimate (see the discussion of the impact of the financial crisis on the Solomon Islands Budget below)


The Committee notes that in the five years leading up to 2008, Solomon Islands achieved strong economic growth of over 5 per cent per annum. As indicated in Table 10.1, in 2007 growth peaked at 10.3 per cent, well above rate of 6.1 per cent in 2006.

Logging activity accounted for 16 per cent of total GDP in 2007, and 70 per cent of export earnings.370

10.6 The impact of the financial crisis on the Solomon Islands budget

The financial crisis has had a significant impact on revenue to the Solomon Islands Government, with a drop in demand for timber logs for export. In September 2008, the Government announced a SBD$261 million budget deficit, which will prevent it from spending up to SBD$300 million on many projects and programs outlined by the Government when it came into office. In addition, the Government has reduced its spending, with a 10 per cent reservation in the 2009 Budget on recurrent expenditure across all ministries, and a further 25 per cent reservation for all ministerial decisions to be endorsed by the Central Tender Board.371

Recruitment by the Solomon Islands Public Service has been frozen. Commenting on these funding restrictions, Mr Shadrack Fanega, Permanent Secretary of the Ministry of Finance and Treasury, observed:

... these are not discretionary decisions of the government, they are necessary decisions and are prudent given the worsening global economic situation and our situation so far has not bottomed out yet, it is still going down at least maybe levelling off but at least we haven't seen any signs of bottom out yet.372

At the same time, as noted earlier in this chapter, the Government has also increased the tax on alcohol and tobacco, and established a task force to assist Ministries to raise revenues in areas that include fees, licences, rentals, and so forth.

371 The Hon Dr Derek Sikua, Evidence, 10 June 2009, pp 69, 73.
372 Mr Shadrack Fanega, Evidence, 9 June 2009, p 110.
The Government is also pressing ahead with the structural reforms noted earlier in this chapter, and the Ministry of Finance and Treasury has been asked to prepare a new submission on reform of public financial management. Donor countries have also been asked to assist by a range of measures including:

- depositing their project funds through the Central Bank of Solomon Islands;
- increasing the local procurement of materials in projects;
- expediting the implementation of existing development projects;
- ensuring projects include a greater component of capital expenditure as opposed to technical assistance;
- redesigning current projects to be more labour intensive;
- reprioritizing aid programs towards economic growth sectors;
- seeking budgetary support and balance of payments support from international financial institutions such as the International Monetary Fund, the World Bank, Asian Development Bank, the EU and the G20; and
- front loading the implementation of their funding support programs.

Solomon Islands will, however, continue to meet its obligations under the Honiara Club Debt Agreement, and will not be raising further debt in response to the crisis.373

In evidence, the Hon Dr Derek Sikua commented on suggestions that the SIG should be increasing spending in response to the financial crisis to generate economic growth:

Mr Chairman and members of the Committee, this shows a misunderstanding of how serious the cash problems are at the moment. The government must act prudently to ensure essential services continue to be funded. The Development Budget, Mr Chairman and members of the Committee, will be reprioritized to favour projects which can directly improve economic growth, but there is no funding available for the Government to begin funding a significant range of new activities on the basis that they might encourage economic growth. Now a lot of money can sometimes be spent on projects like these but as you know with very little result.374

Witnesses before the Committee also indicated that the world financial crisis, which has had a significantly adverse affect on the budget position of the SIG, will in turn significantly affect the delivery by the SIG of services such as police services and infrastructure services.

For example, in evidence, Mr Henry Pika, Permanent Secretary of the Ministry of Police, National Security & Correctional Services, indicated that the budget cuts would affect policing services and police recruitment and retention, but that he would be campaigning strongly with the Budget Unit for maintenance of funding.375

373 The Hon Dr Derek Sikua, Evidence, 10 June 2009, pp 69-71.
374 Ibid, p 73.
375 Mr Henry Pika, Evidence, 8 June 2009, p 31.
Similarly, Mr John Ta’aru, Permanent Secretary of the Ministry of Infrastructure Development, indicated in evidence that certain SIG infrastructure programs will have to be suspended or deferred.376

10.7 Committee comment

The Committee commends progress made by RAMSI through its Economic Governance and Growth Program, notably in:

- regularising debt repayment and reducing debt;
- securing taxation and customs revenue, including through updating applicable legislation;
- improving financial reporting systems;
- implementing legislative reforms in key areas such as foreign investment, company and business law, access to finance (loans), state owned enterprises, tariffs and duty/tax exemptions;
- reducing tariffs, and
- updating customs valuation methods.

The Committee further notes and welcomes two major steps taken since the Committee’s 2008 hearings: liberalisation of the telecommunication sector through the Telecommunication Act 2009; and modernisation of customs valuation methods through the Customs Valuation Act 2009.

However, ongoing work is needed, particularly, as the Committee understands, in the areas of budget processes and ongoing debt reduction. The Committee is pleased that under the Partnership Framework, there is commitment to a strategy ensuring improved budget processes, presentation and economic forecasting.

In relation to RAMSI’s direct role in the delivery of certain infrastructure projects in the provinces, the Committee notes that this work has given the impression (especially to people in provincial areas) that RAMSI should have a greater role in economic and infrastructure development. The issue is discussed further in Chapter 12 (Supporting the provinces).

During the inquiry, the Committee asked many permanent secretaries about the impact of the global financial crisis on their projects/activities and the answer was in every case the same: the 10 per cent reservation on the 2009 Budget had resulted in major setbacks for every ministry. This concerns the Committee because some ministries have urgent projects in areas such as health and policing which have been put on hold because of the reservation. While the Committee accepts that this was a necessary measure to counter the global crisis, the Committee notes with concern that this justification has come under constant criticism over the past months in light of the many overseas trips that Ministers and their public officers have taken since mid 2008.

Nevertheless, the Committee feels that the economic governance and growth pillar has been very successful to date with very visible achievements.

376 Mr John Ta’aru, Evidence, 8 June 2009, pp 103-104.
Chapter 11: Pillar three – The Machinery of Government

This chapter examines RAMSI’s Machinery of Government Program and capacity building initiatives.

11.1 The Partnership Framework

The Partnership Framework includes the following long-term objective for the SIG and RAMSI in relation to the machinery of government:

A Government Administration that is strategic, professional, transparent and accountable in the delivery of services and priority programs of the government of the day, and that is inclusive of the needs of Solomon Islanders and those residing in Solomon Islands.\(^\text{377}\)

The broad strategy listed under this objective is:

Reform and strengthen the central agency administrative framework that supports the government of the day in the delivery of its policies and priorities.\(^\text{378}\)

11.2 The Machinery of Government Program

Although RAMSI has been operating since July 2003, the Machinery of Government Program was only approved in late 2004, and not established until early 2005. The period 2005 – 2006 was considered a start-up phase. In the five years from 2007 to 2012, the program aims to assist the SIG with capacity building in five program areas:

- The Accountability Program, targeted at the Office of the Auditor General, the Office of the Ombudsman and the Leadership Code Commission;
- The Public Sector Improvement Program, targeted at the Office of the Prime Minister and Cabinet, the Ministry of Public Service and the Institute of Public Administration and Management;
- The Electoral Strengthening Program, targeted at the Office of Solomon Islands Electoral Commission;
- The Parliamentary Strengthening Program, targeted at the National Parliament Office; and
- The Provincial Government Strengthening Program, targeted at the provincial governments and working with the Ministry for Provincial Government.
- The ICT Capacity Development Project, based at the Ministry of Finance and Treasury;

\(^{377}\) Partnership Framework between Solomon Islands Government and Regional Assistance Mission to Solomon Islands, April 2009, p 65.

\(^{378}\) Ibid.
The SIG Housing Management Project, based in the Ministry of Lands, Housing and Survey.

In addition, the Machinery of Government Program incorporates the Women in Government Strategy, working with the Ministry of Women, Youth and Children’s Affairs, aimed explicitly at the advancement of women in government, both political and administrative.379

These elements of the Machinery of Government Program are shown in Figure 11.1 below.

Figure 11.1: RAMSI’s Machinery of Government Program

The Committee notes that most of the Machinery of Government Programs, such as the Public Sector Improvement Program and the Provincial Government Strengthening Program, are long term projects, with timeframes of at least 10 years. However, as RAMSI is a short term intervention, some of these programs may move to bilateral funding arrangements in the future, such as future phases of the Parliamentary Strengthening Program.380

The Accountability Program

The Partnership Framework includes as one of its objectives strengthening the capacity of the Office of the Ombudsman, Leadership Code Commission, and Office of the Auditor General.381


381 Partnership Framework, p 75.
The Accountability Program is designed to improve the transparency of SIG operations by strengthening the Office of the Auditor General, the Office of the Ombudsman and the Leadership Code Commission.\textsuperscript{382}

In evidence, the Hon Eric Muir, then Acting Auditor General,\textsuperscript{383} indicated that since the RAMSI intervention, the Office of the Auditor General has made considerable progress in a number of key areas:

- In 2007, the Auditor General tabled his annual report for the years 2002 to 2006, his first annual report in five years. In that report, the Auditor General indicated that since the RAMSI intervention, the Auditor General’s Office has gone from an office of 3 people, which had not done an audit for 20 years, to an office of 30 local Solomon Islanders and a small number RAMSI personnel who regularly make reports to Parliament. The Office has recruited and trained many new graduates and has in place a core of committed personnel who are showing enormous development, although there is always a challenge in retaining them.

- In August 2007, the Office tabled a composite report summarising the results of 20 separate audits undertaken up to that time, allowing the Parliament to concentrate on common issues.

- The Auditor General’s Office has undertaken a very robust program of revenue and expenditure audits of all key systems in government which has revealed widespread non-compliance with various financial instructions, serious breakdowns of critical management controls, lack of any good financial records, and documentation lost or deliberately destroyed.

- The Office, working with the Department of Finance and Treasury, has fast tracked a full audit of the accounts of the Solomon Islands Government, which were last audited in 1998.

- The Office has undertaken a huge exercise in auditing the accounts of provincial governments. In many instances these accounts had not been audited for up to 18 years.

- The Office is undertaking a project to audit the accounts of all state owned enterprises and all the statutory bodies. This is critical as, unlike the provincial governments which have revenue and expenditure only, some of these statutory bodies have huge infrastructure assets, and again there has not been any proper accountability for many years.\textsuperscript{384}

At the same time, Mr Muir noted that the Auditor General’s Office faces many challenges. While the Office has developed a good working relationship with the Public Accounts Committee at the National Parliament, there is a challenge to try to increase and enhance the Committee’s skill sets and to get them to meet more frequently on some of the Auditor General’s significant reports. The Auditor General’s Office has tabled some excellent documents that are yet to be reviewed by the Public Accounts Committee. In addition, there is a need to finalise and implement a new Public Finance and Audit Act.\textsuperscript{385}

\begin{flushright}
382 Submission 6, RAMSI, p 8.
383 The current Auditor-General is Mr Edward Ronia.
\end{flushright}
The Committee notes that some of the provincial Premiers commented in evidence on the positive work that the Auditor General’s Office has been doing in auditing their finances.\(^\text{386}\)

Amongst those who commended RAMSI’s work with the Office of the Auditor General was Transparency Solomon Islands.\(^\text{387}\) Mr Bob Pollard, Chairman of Transparency Solomon Islands, cited this as a good example of RAMSI’s success and effectiveness. However, he pointed out that despite success stories such as the Office of the Auditor General, there is still a strong perception amongst Solomon Islanders that Solomon Islands leadership is still weak.\(^\text{388}\)

Separately, the Committee notes that the Office of the Ombudsman has also tabled in Parliament its first report since the 1990s, covering the period September 2006 to July 2008.\(^\text{389}\)

During the inquiry, concerns were raised in relation to the sustainability of some of the improvements in transparency and accountability in the face of what is seen as systemic corruption in the political machinery and public administration of Solomon Islands.

In response, the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, committed the Solomon Islands Government to continuing to work with RAMSI to put in place mechanisms to continue to tackle and address this problem.\(^\text{390}\)

### The Public Sector Improvement Program

The Partnership Framework includes as one of its objectives the implementation of the Public Sector Improvement Program.\(^\text{391}\)

In its submission, RAMSI cited as one of its achievements the development of a professional and committed public service through the Public Sector Improvement Program.\(^\text{392}\) The program is designed to reform and improve human resource management in the public service. The Ministry of Public Service is responsible for implementing the Public Sector Improvement Program.

The Committee notes that the RAMSI Annual Performance Report 2007-2008 indicated that in 2007-2008, the program was significantly hampered by the failure of the contracting process for technical assistance for the program, and the failure to recruit a substantive Program Director.\(^\text{393}\) Since then, however, the Committee understands that consistent efforts have been made to bring the program back on track, and that the project is now progressing very effectively.

\(^{386}\) See for example the Hon Richard Irosaea, Premier Malaita Province, Evidence, 10 September 2008, p 3; the Hon Alex Lokopio, Premier, Western Province, Evidence, 10 September 2008, p 22.

\(^{387}\) Submission 5, Transparency Solomon Islands, p 3.

\(^{388}\) Mr Bob Pollard, Evidence, 19 September 2008, p 25.

\(^{389}\) RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 13.

\(^{390}\) The Hon Dr Derek Sikua, Evidence, 10 June 2009, p 77.

\(^{391}\) Partnership Framework, p 69

\(^{392}\) Submission 6, RAMSI, p 8. See also Submission 3, Australian High Commission, p 3.

The Ministry of Public Service has also developed and is implementing a new Code of Conduct for Public Servants.\footnote{RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, pp 6, 13.}

The Institute of Public Administration and Management has been re-established since RAMSI’s arrival to provide training for public servants across government. It has continued to provide entry level and train-the-trainer courses to public servants since 2007. However, the RAMSI \textit{Annual Performance Report 2007-2008} found that it had some way to go before it could be regarded as the primary training body for the whole Solomon Islands public service.\footnote{RAMSI \textit{Annual Performance Report 2007-2008}, July 2008, key highlights, p 18.}

**The Electoral Strengthening Program**

The \textit{Partnership Framework} includes as one of its objectives that elections in the Solomon Islands are free and fair.\footnote{\textit{Partnership Framework}, p 69.}

The committee notes that it did not receive any evidence on the Electoral Strengthening Program during its inquiry.

**The Parliamentary Strengthening Programme**

The \textit{Partnership Framework} includes as one of its objectives that the National Parliament fulfil its role as a legislative, representative and oversight body in accordance with the Solomon Islands Constitution.\footnote{Ibid.}

In its written submission, RAMSI noted that it is contributing to the UNDP Parliamentary Strengthening Programme, working with the National Parliamentary Office to strengthen Parliament’s representative and oversight functions through improved support to Members in the performance of their roles.\footnote{Submission 6, RAMSI, p 8. See also Submission 3, Australian High Commission, pp 3-4.}

In evidence, Ms Dawn Casey, Director of the Machinery of Government Program, further observed that the combination of SIG leadership, external technical advice and a highly motivated and energized team of new graduates has led to significantly improved services for Members of Parliament and reinvigorated committees.\footnote{Ms Dawn Casey, Evidence, 17 September 2008, p 11.}

Speaking on the successes of the project, the Rt Hon Sir Peter Kenilorea, Speaker of the National Parliament and former Prime Minister, confirmed in his evidence that the National Parliament is one of the institutions in the country that has benefited from the UNDP and RAMSI Machinery of Government Program.\footnote{The Rt Hon Sir Peter Kenilorea, Evidence, 28 October 2008, p 40.}

However, during the inquiry, concerns were expressed that the strengthening of parliamentary and cabinet processes under the Parliamentary Strengthening Programme may infringe on the sovereignty of Solomon Islands. Responding to this concern from the Cabinet perspective, Mr Jeremiah Manele, Secretary to the Prime Minister, argued in his evidence that:


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I don’t think RAMSI’s support or support from other donors to help improve Cabinet administrative processes infringe on our sovereignty. What they are basically doing is to improve on some of the things that we should have improved on in the past in terms of updating certain documents, for example, or ensuring that we comply with the timeframes for which Cabinet Papers should be submitted to Cabinet for Cabinet to deal with them. Some of those programs basically help us to revive what we already have in place that we do not really implement. I don’t think that is actually happening. Cabinet is still Cabinet, confidential information is there, and as far as I see it, administratively, they are basically helping to improve on those administrative processes which would facilitate the cabinet process and they should make it.

The Provincial Government Strengthening Program

The Partnership Framework includes as one of its objectives more responsive service delivery and improved local development in provinces for all men and women. Once again, the Committee did not receive any evidence on the Provincial Government Strengthening Program during the inquiry. However, the RAMSI Annual Performance Report 2007-2008 indicated that RAMSI has supported training for provincial financial staff and has participated in a review of provincial grant allocation arrangements. As indicated previously, the Auditor General’s Office has been involved in a significant program to audit provincial government’s financial statements.

Projects in transition

It appears that since the 2008 hearings there have been two additional projects to the MOG program, both in transition. These are the ICT Capacity Development Project based in the Ministry of Finance and Treasury and the SIG Housing Management Project based in the Ministry of Lands, Housing and Survey. These two projects were not part of the original structure discussed with the Committee in 2008 and the Committee did not receive any evidence on either in the June 2009 hearings in which the heads of the pillars appeared.

The Women in Government Strategy

The Partnership Framework includes the following long-term objective for the SIG and RAMSI in relation to advancing gender equity:

Solomon Islands Government policy commitments to gender are advanced consistently across government.

The Committee notes that there are a number of initiatives being undertaken by RAMSI to advance gender issues across government.

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401 Mr Jeremiah Manele, Secretary to the Prime Minister, Evidence, 29 October 2008, p 32. A detailed discussion on concerns about the sovereignty of the Solomon Islands Government is in Chapter 7 (The sovereignty of Solomon Islands).

402 Partnership Framework, p 69

403 The Provincial Government Strengthening Program is a UNDP project with funding assistance from RAMSI.


405 Partnership Framework, p 90.
First, under the Women in Government program, an adviser, Dr Alice Pollard, has been appointed and has visited several provinces, working with the women and training them in doing strategic planning, often in conjunction with members of Parliament. The Committee understands that this program has been very successful.\footnote{Ms Dawn Casey, Evidence, 10 June 2009, p 33.}

Second, more generally, all RAMSI’s development programs require consideration to be given to the different impacts of the program on men and women. RAMSI is also aiming to get more female representation within all levels of the Public Service.\footnote{Mr Paul Kelly, Evidence, 16 September 2008, p 24.}

Third, RAMSI is putting effort into building the capacity of organizations that support women in elected decision-making positions, including strengthening bodies such as the National Council of Women.\footnote{\textit{Ibid}, p 24.}

However, in her evidence, Ms Hilda Kari, President of the National Council of Women, disputed the assistance that RAMSI is providing to the National Council of Women. Rather than supporting the Council, she indicated that instead, RAMSI is running its Women in Government program independent of the Council. Ms Kari argued that if RAMSI wishes to assist women, it should direct such assistance through existing structures, the National Council of Women being the umbrella organization on women’s issues in the country.\footnote{Ms Hilda Kari, Evidence, 28 October 2008, pp 48-49.}

In support of this call, Ms Sarah Dyer, Women’s Leadership Desk Officer, National Council of Women, recalled that although the Council used to receive assistance from AusAID, this ceased in 2005. Since then no further assistance has been forthcoming from Australia. Instead, RAMSI has started undertaking programs that basically duplicate what the Council is mandated to do. This is confusing people in the villages because the relationship between RAMSI and the National Council of Women remains unclear.\footnote{Ms Sarah Dyer, Evidence, 28 October 2008, pp 51-52.}

Similarly, Ms Ella Kahue, Secretary General of the National Council of Women, argued in her evidence that RAMSI’s assistance to Solomon Islands’ women should be directed through the Ministry of Women, Youth and Children’s Affairs (the appropriate body for service delivery), which in turn will work with the Council on implementing such assistance at the national and provincial levels. Two areas that RAMSI might wish to look into are food security and health.\footnote{Ms Ella Kahue, Evidence, 28 October 2008, pp 52-53.}

Finally and separately, the Committee also notes that women constitute approximately 15 per cent of the RSIPF, although the organisation is aiming to recruit far more female police officers in the future. Women have also recently been promoted to a number of high profile positions including the Director of Human Resources, the Director of the Royal Solomon Islands Police Force Academy, and the Head of the Sexual Assault Unit.\footnote{Mr Peter Marshall, Police Commissioner, Evidence, 18 September 2008, p 47.}
11.3 Capacity Building

A key feature of the Partnership Framework, listed as cutting across all three pillars, is capacity building: building the capacity of the public institutions and agencies of Solomon Islands to identify their own directions, to lead and manage change and to continuously improve performance. The Partnership Framework includes the following objective:

All Ministries and agencies involved in RAMSI programs have the capacity, and capability, to sustain their performance after the drawdown of RAMSI of relevant activities.\(^{413}\)

To this end, the Partnership Framework includes a commitment from RAMSI to ensure that its capacity development processes are increasingly aligned with Solomon Islands’ needs and expectations.\(^{414}\)

The Committee notes that the Eminent Persons Group Report of 2005 noted difficulty with RAMSI aligning some of its activities with the policies of the SIG, partly because of SIG’s failure to provide a local counter-parting arrangement.\(^{415}\) During the inquiry the Committee was interested to know what successive governments since RAMSI’s arrival have done to ensure that counter-parting arrangements put in place by SIG are conducive to an alignment of RAMSI and SIG policies and activities.

In response, Mr Jeremiah Manele, Secretary to the Prime Minister, acknowledged the Eminent Persons Group’s observation but advised that the initial difficulties of the SIG with counter-parting arrangements was related to limitations within the Public Service in terms of institutional capacity. He indicated however that the Ministry of Public Service has taken measures to improve counter-parting arrangements since the 2005 report.\(^{416}\)

In its written submission, RAMSI indicated that capacity building is now mainstreamed throughout the RAMSI mission. A joint Capacity Building Working Group has been established to provide oversight of capacity development activities and, at a working level, a Capacity Development Networking Group of RAMSI advisers and their Solomon Islands counterparts meets regularly to discuss key capacity development challenges.\(^{417}\)

The Office of the Auditor General continues to be an example of best practice in planning and capacity development from which RAMSI and the public service has much to learn.\(^{418}\)

11.4 Committee comment

The Committee recognises the achievements of the Office of the Auditor-General as one of the true successes of the RAMSI intervention. The development of an effective and vigorous Office of the Auditor-General has done much to improve transparency and accountability in the Solomon Islands system of government.

\(^{413}\) Partnership Framework, p 88.
\(^{414}\) Ibid, p 6.
\(^{417}\) Submission 6, RAMSI, p 10.
In this regard, the failure of the Public Accounts Committee of the National Parliament to meet regularly to receive and review the reports of the Office of Auditor-General should be addressed by the Parliament as a matter of urgency. There is a certain reluctance on the part of a committee of the House, such as the Foreign Relations Committee, to make adverse comment concerning the operation of another committee of the House, in this case the Public Accounts Committee. However, it is appropriate that this Committee make recommendations to the House for this matter to be addressed.

**Recommendation 11**

The Committee recommends that the National Parliament take steps to ensure the regular receipt and timely review of reports of the Office of Auditor General.

The Committee does not have any comments on the many other elements of the Machinery of Government Program. While the Committee is aware that significant achievements have been made through the Public Sector Improvement Program and the Parliamentary Strengthening Program, the Committee received no evidence on the Electoral Strengthening and Provincial Government Strengthening Programs. The Committee does observe, however, that the well recognised success of the UNDP Parliamentary Strengthening Program was fundamental to the Committee being able to undertake this inquiry in the first place.

In relation to the Women in Government Strategy, the Committee believes that there may be merit in the request by the National Council of Women for greater involvement in RAMSI’s activities. This Council is not a governmental body but it has a quasi governmental nature. It has always worked with Ministries responsible for women’s affairs since the 1980s. The Council also has affiliate councils in every province.

The Committee is unsure of the reason why funding assistance to the National Council of Women from AusAID was apparently withdrawn in 2005. Accordingly, the Committee does not feel it has sufficient information to make a recommendation on this matter. However, the Committee does urge RAMSI, AusAID and the SIG to investigate whether funding for women’s programs could be better coordinated through the involvement of the National Council of Women.
Chapter 12: Supporting the provinces

This chapter examines RAMSI’s mandate and operations in Solomon Islands with particular reference to the provinces. Reference is made to RAMSI’s communications and outreach program to the provinces, law and order issues in the provinces such as the resourcing of the RSIPF and customary law, and the call for RAMSI to become more involved in the delivery of infrastructure projects in the provinces.

12.1 The provincial governance structure

As indicated in Chapter 2 (Background to the RAMSI intervention), beneath the national government level, Solomon Islands is divided into 10 administrative areas, of which nine are provinces administered by elected provincial assemblies, and the 10th is the city of Honiara, administered by the Honiara City Council. The 10 administrative areas are: Central; Choiseul; Guadalcanal; Isabel; Makira-Ulawa; Malaita; Rennell and Bellona; Temotu; Western and Honiara City.

This provincial governance structure has changed significantly since colonial times. In colonial times there were initially 12 administrative districts. After World War II, they were reorganised into just four districts, and the capital was moved from Tulagi to Honiara. In 1981 the nation was reorganized into seven provinces by splitting some of the districts. In 1983, the 22 square-kilometre Honiara was split off from Guadalcanal province and became a separately-governed Capital Territory. Then in 1995, Choiseul was split off from Western province, and Rennell and Bellona was split off from Central province, making the nine provinces of today.

Provincial governments are provided for in section 114 of the Constitution and were established in Solomon Islands law through the Provincial Government Act 1981, which was re-enacted in 1997 legislation. This Act creates a provincial assembly for each province, with elected politicians empowered to pass ordinances not in conflict with national policy or legislation. The size of each provincial assembly varies according to the number of wards but is typically between 9 and 30 members.

Under the Act, each provincial assembly is headed by an executive. The provincial executive is led by the premier, who is elected by an absolute majority of provincial assembly members. Once elected, the premier appoints a deputy premier and ministers with portfolio responsibilities, even where the sectoral responsibilities of the province for services delivery are minimal.419

12.2 Consultation between RAMSI and provincial premiers

A significant issue raised during hearings was the relationship between RAMSI and the provincial governments and premiers. The Committee took evidence from the provincial premiers for two days at the commencement of the Committee’s hearing program. During those hearings, a number of the premiers claimed that they were in the dark concerning RAMSI’s

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activities and operations. As an example of these sentiments, the Hon Stephen Panga, Premier of Guadalcanal Province, stated that:

My Provincial Government would like to have monthly meetings with RAMSI and the police on issues concerning our province, and to be consulted on special issues aside from the regular meetings. We believe that both the Guadalcanal Provincial Government and RAMSI’s underlining intentions for our province are the same, however, without regular communications and understanding there could be counter-productive actions taken.\textsuperscript{420}

While not a region, the Committee also notes the evidence of Mr Andrew Mua, Mayor of Honiara City, that RAMSI has no direct relationship with the Council.\textsuperscript{421}

The Committee subsequently raised with RAMSI the level of consultation, meetings and outreach visits between the Special Coordinator of RAMSI, the Commander of the PPF and the provincial premiers and leaders.

In his initial response, Mr Tim George, the former Special Coordinator of RAMSI, observed in evidence that RAMSI officials meet regularly with the premiers through the annual Premiers’ Conference. In addition there is more informal or ad hoc contact.\textsuperscript{422}

RAMSI subsequently provided a detailed list of consultations, meetings and outreach visits that were undertaken in the provinces by RAMSI principals between September 2008 and May 2009. While not reproducing the details, the Committee notes that it indicated a regular series of contact between the RAMSI principals and provincial communities.

In addition, RAMSI noted that the Assistant Special Coordinator, Mr Mataiasi Lomaloma, has during his term in office over the last four years undertaken regular consultations with the Minister for Provincial Affairs, provincial authorities and a range of relevant national and provincial members.

RAMSI principals also took part in the annual Premiers Conferences in 2007 and 2008. In addition, the Commander of the PPF has had a number of separate meetings with the Premier of Guadalcanal to discuss policing issues and, on 23 May, the former Police Minister joined the Commander of the PPF in a visit to a village in Isabel Province.\textsuperscript{423}

The material provided by RAMSI also indicated that at the time of writing, June 2009, RAMSI was in discussions regarding the establishment of an ongoing program of joint SIG-RAMSI provincial consultations and outreach visits.\textsuperscript{424}

12.3 Community understanding of RAMSI’s role

During the Committee’s provincial hearings, it was apparent that there was limited understanding of the role and mandate of RAMSI beyond the restoration of law and order. Almost all community representatives spoke positively and gratefully about the restoration of law and order by RAMSI since 2003. However, few understood the other roles being performed

\textsuperscript{420} The Hon Stephen Panga, Evidence, 10 September 2008, p 5.
\textsuperscript{421} Mr Andrew Mua, Evidence, 10 September 2008, p 55.
\textsuperscript{422} Mr Tim George, Evidence, 16 September 2008, pp 9-10.
\textsuperscript{423} RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 23.
\textsuperscript{424} \textit{Ibid}, p 24.
by RAMSI such as building the institutions of government and promoting economic governance and growth.

As an example, the Committee cites the evidence of the Hon Thomas Weape, Premier of Makira Province:

To tell the truth, the work of RAMSI and what RAMSI is supposed to be doing in the Province is not well known to my people. My people do not have fair idea what RAMSI is supposed to be doing.\textsuperscript{425}

In response to these concerns, Mr Graeme Wilson, Special Coordinator of RAMSI, acknowledged that improved communication of the role and mandate of RAMSI has been identified as a priority. One of the initiatives being pursued is the Community Outreach Program, discussed below. In addition, RAMSI is using a number of other mediums such as community workshops and radio to communicate.

Mr Wilson also indicated that under the new Partnership Framework, there is a new shared commitment on the part of RAMSI and the SIG to do more community outreach together. In particular, RAMSI is looking to adopt a more systematic approach to accompanying Government representatives when they visit the provinces.\textsuperscript{426}

RAMSI also indicated that over the past two years, the PPF and RSIPF have been involved in a range of community activities. These have included: Pink Ribbon Day, Clean Up Honiara Day, Carols in the Islands, Reconciliation visits, the Honiara International Trade Show, the 30th Anniversary of Independence celebrations, a Royal visit, global peace celebrations, International Women’s Day, RAMSI Family Day, tours by Australian entertainers (“FACE” Tours), and the Honiara Fun Run.\textsuperscript{427}

**RAMSI’s Community Outreach Program**

In an attempt to educate Solomon Islanders about its work and to communicate directly with local communities, RAMSI has instituted a Community Outreach Program, incorporating workshops, visits and the like.

In written material provided to the Committee, RAMSI indicated that in the period January to June 2008, RAMSI undertook the following outreach activities under the Community Outreach Program:

- Honiara outreach: 7 communities – 1,000 people;
- School outreach: 10 schools – 3,000 students;
- Provincial outreach: 6 provinces, Guadalcanal, Isabel, Choiseul, Central Islands – 5,500 people;
- Wakabaot toktok Honiara workshops: 5 women’s groups, teachers, youths and church leaders – 246 people;

\textsuperscript{425} The Hon Thomas Weape, Evidence, 10 September 2008, p 30.
\textsuperscript{426} Mr Graeme Wilson, Evidence, 10 June 2009, p 11.
\textsuperscript{427} RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 36.
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- Wakabaot toktok provincial workshops: 3 wakabaot toktoks, Tulagi, Rarumana and Fiu – 250 people; and
- Trade show outreach: Honiara 30th Anniversary – 20,000 people.\(^\text{428}\)

However, despite the efforts of RAMSI to communicate through their Community Outreach Program, concerns remain in relation to RAMSI’s ability to communicate effectively with communities, especially in the provinces.

For example, the Hon Alex Lokopio, Premier of Western Province, submitted that RAMSI needs to carry out more awareness programs about its roles at the community level.\(^\text{429}\)

### 12.4 Law and order in the provinces

Law and order in the provinces was a key issue during this inquiry. It was the issue raised most commonly and repeatedly by witnesses during the provincial hearings. The discussion encompassed the performance and resourcing of both the RSIPF and RAMSI/the PPF\(^\text{430}\) in the provinces.

#### The resources of the RSIPF and PPF

As indicated previously in Chapter 9 (Pillar One – Law and Order), the *Partnership Framework* includes two broad targets in terms of the RSIPF, the second of which is:

2. For the RSIPF to be able to carry out their functions in support of SIG’s rural based platform, it will be essential for it to have the ability to locate and/or visit all areas of the nation. This requires adequate logistics, communications and budget to cover a diverse archipelago.\(^\text{431}\)

Consistent with this, the Committee notes that the resources of the RSIPF were identified as a key issue during the Committee’s hearings.

**The number of RSIPF and PPF officers in provincial communities**

A common theme raised during the inquiry was that outside of Honiara, the RSIPF and the PPF simply do not have the officers to visit many local communities and to enforce law and order.

For example, the Hon Alex Lokopio, Premier of Western Province, reported that RAMSI has not had a significant presence in Western Province since about 2005; while RAMSI has bases in Gizo, Noro, Munda and Shortlands, it has only intermittent presence in other parts of the province, and only as and when required.\(^\text{432}\) Similarly, the Hon Vasuni, Premier of Central Islands, submitted:

\[^{428}\] *Ibid*, Attachment I.

\[^{429}\] The Hon Alex Lokopio, Evidence, 10 September 2008, p 8.

\[^{430}\] The Committee notes that the Police arm of RAMSI is the PPF, however to many Solomon Islanders in the provinces in particular, they are simply identified as ‘RAMSI’.


\[^{432}\] The Hon Alex Lokopio, Evidence, 10 September 2008, p 7.
... it appears that RAMSI assistance has being reduced. For instance, Central Province at times only has one [RAMSI officer], compared to other sister provinces that have four, five or perhaps more than that. They are accommodated in Tulagi, but as I said currently we only have one personnel. There is need to increase the number of RAMSI personnel in our Province.433

This evidence was repeated by local community members. Mr Caleb Tonisi from Kilusakwalo community in Malaita argued that RAMSI and RSIPF officers are no longer doing 'beat' work in the provinces.434 Mr John Meke from Fiu Village in Malaita observed:

The government may think that peace is here now, but that’s only in Honiara, but those of us in the rural areas are not yet in peace. We still suffer, for example, for us in Fiu, more than 20 pigs were stolen and we reported this to the police but there was no action. Why? At the moment here in Auki there are no RAMSI officers, may be only two or three. Why is that?435

In its written submission, Transparency Solomon Islands also raised concern that progress on law and order in the provinces is well short of that in Honiara, partly because police are rarely seen on patrol outside their stations.436

In response to these issues, Mr Peter Marshall, Police Commissioner, emphasised the personnel constraints on the police:

I understand absolutely the need and the desire of the people in Solomon Islands to have access to their police. But the reality is you have a land that is over 1500 kilometres from one end to the other and you are not going to be able to satisfy the requests all the time. It may actually be not that wise to split up staff and have them isolated in various locations as opposed to having centres where police officers work 24 hours a day and can get out to the various locations. There is the tyranny of distance that needs to be looked up in terms of available staff. That is an issue for us.437

The Committee notes the evidence from Chapter 9 (Pillar One – Law and Justice) that the strength of the RSIPF is just over 1000 officers, and the strength of the PPF is something over 200 officers. While new officers are being recruited to the RSIPF through the work of the RSIPF Academy, there are clearly personnel constraints on both organisations. The Committee also notes the evidence from Chapter 10 that the financial crisis and associated budget cuts has affected policing services and police recruitment and retention.

Closely related to this issue of the number of RSIPF and PPF officers in provincial communities is the availability of police stations and police posts in local communities, together with appropriate logistical support. Both issues are discussed below.

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436 Submission 5, Transparency Solomon Islands, p 4.
437 Mr Peter Marshall, Evidence, 8 June 2009, p 18.
Police stations and houses

The RSIPF is also one of the most geographically dispersed government agencies in Solomon Islands, with over 30 police stations outside Honiara located in every province.\footnote{Ibid, p 41.}

Fundamental to the operation of the RSIPF and the PPF in the provinces is adequate and appropriate police stations and housing. However, the Committee understands that there is an acute shortage of police housing in the provinces. At June 2009, the RSIPF housing stock was numbered at 529, leaving approximately 400 police families across Solomon Islands requiring housing, mostly in the provinces.\footnote{RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 44.}

As a result of this shortage of housing, while most of the population of Solomon Islands lives outside Honiara, currently most RSIPF officers are stationed in Honiara.\footnote{Mr Peter Marshall, Evidence, 18 September 2008, p 44.}

During provincial hearings, a large number of witnesses before the Committee argued for more police posts and housing across the provinces. For example, the Hon Stephen Panga, Premier of Guadalcanal Province, indicated in evidence:

> The RAMSI posts around Guadalcanal are working well, and their presence is appreciated, although we do not need to boost the presence of Police across all communities. Therefore we need more RAMSI/Police posts across the province. Many of our communities are in remote areas and this creates problems of logistic. We believe that all communities should have access to police to ensure that all our people feel the presence and have the peace of mind that any Police Force should bring.\footnote{The Hon Stephen Panga, Evidence, 10 September 2008, p 4.}

In Temotu Province, witnesses suggested that the lack of police housing is a particular problem. For example, the Hon Edward Daiwo, Premier of Temotu Province, submitted in evidence:

> Police housing here is below standard. It causes a lot of frustrations in the Police Force. If you went inside one of the Police man’s house you would not believe that this man lives inside this house.\footnote{The Hon Edward Daiwo, Evidence, 5 May 2009, p 12.}

Mr Daiwo continued that Temotu Province has only one police station at Lata. There are no stations in Utupua, Vanikoro, Duffs, Tikopia, Anuta and other areas, and for police to reach those areas is very hard. To reach Tikopia and Anuta requires a boat.\footnote{Ibid.}

In another example, in Makira, it was noted that there are only two police stations at Kirakira and Namunga. Various witnesses suggested that another police station on the other side of the island of Tetere would allow the workload to be divided and dealt with in Tetere.\footnote{Witness, Evidence, 8 May 2009, p 16.}

Without repeating the evidence, various other provincial premiers made similar observations in their evidence.\footnote{Ibid.}
In his evidence to the Committee in 2008, Mr Peter Marshall, Police Commissioner, indicated that he often receives requests from the premiers or their representatives asking that police posts be established in their province. However, as much as he might like to agree to these requests, often the RSIPF simply does not have the resources to do so. He reiterated this comment in evidence in June 2009:

Nothing has changed since I made the comment late last year that housing is still one of our primary issues. I would like to move scores and scores of police officers into the far flung provinces away from Honiara. Most of our police officers are in Honiara. I can’t move them out to places down in Makira or up into the Shortlands or Choiseul locations at the moment because I don’t have the ability to house them in those specific locations.

Mr Marshall also indicated in evidence in 2009 that he also often gets proposals from communities and private firms to build a police post nearby. Again, however, he indicated that he is often obliged to decline such offers. For each offer, the RSIPF has to budget also for accommodation at the location, transport for the officers, communications, logistical equipment, electricity and water costs and so on. So in many cases, opening up new police posts is thus not possible.

Nevertheless, the Committee notes that some progress is being made in making more police housing and stations available. Speaking in 2008, Mr Marshall observed:

1. A new police, customs, immigration and quarantine station is being completed at Kulitana Bay in the Shortland Islands and will soon be operational to replace the police station at Korovou;
2. Police housing in Naha, Atori, Malu’u is being repaired or replaced;
3. Work has commenced to repair barracks in Yandina;
4. Plans are well underway for housing to be constructed in Gizo and Auki; and
5. Work is well advanced on new police housing and a new police station at Marau Sound, Guadalcanal Province, to replace housing and the police station lost during ethnic tension.

On 6 November 2008, the New Zealand Government announced funding for 34 police houses to be constructed by RAMSI at a cost of approximately SDB$18m. Progress has been slowed however because of problems the SIG has encountered acquiring land with secure tenure.

On 21 May, 2009, the Australian Federal Police announced funding of approximately SBD$100 million, for the next four years, for the purpose of constructing police housing. This should result in a net increase of approximately 200 new police residences.

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445 See for example the Hon Stephen Panga, Premier of Guadalcanal Province, Evidence, 10 September 2008, p 20; the Hon Patrick Vasuni, Premier of Central Islands, Evidence, 10 September 2008, p 34.
446 Mr Peter Marshall, Evidence, 18 September 2008, p 46.
447 Mr Peter Marshall, Evidence, 8 June 2009, p 13.
449 Mr Peter Marshall, Evidence, 18 September 2008, p 42.
Accordingly, in total, RAMSI expects that 234 new houses for RSIPF officers and their families will be constructed over the next four years.\footnote{RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 44. See also Mr Denis McDermott, former Commander of the PPF, Evidence, 10 June 2009, pp 34-35.}

At the same time, the Committee understands that the financial crisis has forced the SIG to delay construction of other building projects.\footnote{RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 12. See also Mr Peter Marshall, Evidence, 8 June 2009, p 14.}

\textit{Logistical support for the RSIPF from the PPF}

In addition to appropriate housing, another key factor in the operation of the RSIPF in the provinces is the availability of appropriate logistical support. During the inquiry, the concern was raised repeatedly that RAMSI is not providing sufficient logistical support to the RSIPF in the provinces.

As an example, the Hon Lonsdale Manasseh, Deputy Premier of Isabel Province, indicated in evidence that despite the successes of RAMSI:

\begin{quote}
\ldots the expectation of my province on RAMSI is that it should play a more active role, especially in policing the communities, working together with the Solomon Islands Police Force. Given the understanding that RAMSI has more logistic support, it is the desire of my province to see more participation in terms of logistic support, like what is in their programs, what are the priority needs of my province, especially to carry out the task of law and order and maintaining policing.\footnote{The Hon Lonsdale Manasseh, Evidence, 10 September 2008, p 25.}
\end{quote}

Various other premiers also raised this issue.\footnote{See for example the Hon Alex Lokopio, Premier, Western Province, Evidence, 10 September 2008, p 17; the Hon Stephen Panga, Premier, Guadalcanal Province, Evidence, 10 September 2008, pp 17-18; the Hon Lonsdale Manasseh, Deputy Premier of Isabel Province, Evidence, 10 September 2008, p 39.} The Hon Vasuni, Premier of Central Islands, noted that his province consists of three islands, and that RSIPF officers need access to logistical support such as boats and fuel.\footnote{The Hon Patrick Vasuni, Evidence, 10 September 2008, p 38.} The Hon Richard Irosaea, Premier of Malaita Province, submitted that some of his local RSIPF officers are stuck with two run down Toyota Hiluxes that break down ‘every second day’.\footnote{The Hon Richard Irosaea, Evidence, 10 September 2008, p 7.}

Anecdotally, Sir Baddeley Devesi, Senior statesman and former Governor-General, also indicated in evidence that on the occasions he has sought police assistance by dialling 999, he has received excuses such as there is no vehicle.\footnote{Sir Baddeley Devesi, Evidence, 9 June 2009, p 10.}

In his publication submitted to the Committee, Mr Gordon Nanau also observed the general sentiment that RAMSI continues to develop its own logistical capacity to deal with crimes in the country while ignoring the capacity of the RSIPF.\footnote{Mr Peter Marshall, Evidence, 8 June 2009, p 15.}
In response to this issue, however, Mr Peter Marshall, Police Commissioner, sought to reassure the Committee. He indicated in evidence that there has never been an occasion where he has sought assistance from RAMSI in terms of logistics and transport and it has not been forthcoming. In corroboration, he noted that RAMSI has supplied equipment such as helicopters, two patrol boats and vehicles. He continued later:

But I make the point again that I have received 100 per cent support from RAMSI, in particular the Participating Police Force. If I needed additional personnel to a location or if I needed additional logistical support or I needed some extra assistance in terms of training to get our Royal Solomon Islands Police officers better positioned then that would be forthcoming. It is still open to me today, and so I am not restricted or I don’t feel inhibited by the change that we are trying to bring about in having police officers from Solomon Islands standing up, being accountable and taking responsibility to a greater extent. There is that degree of flexibility, which I have been enjoying with my PPF counterparts.

Mr Marshall did, however, emphasise that the RSIPF is increasingly attempting to stand alone and to be independent in terms of resources and dealing with issues as they arise in the provinces.

Mr Denis McDermott, former Commander of the PPF, also emphasised that under no circumstances would the PPF leave RSIPF officers in a situation where they cannot do their job due to a lack of equipment, as that would be defeating the whole purpose of building capacity and community confidence in the RSIPF.

**Restoration of confidence in the RSIPF**

The *Partnership Framework* includes a number of strategies under the goal of building community confidence in the RSIPF, the first of which is:

Support the RSIPF to become a leading and respected provider of policing services and facilitator of community based crime prevention and problem solving.

The Committee is aware that this is a key challenge facing the RSIPF: reconciliation with the Solomon Islands community and regaining the trust and confidence of the people following the 1998 – 2003 ethnic tensions.

Various witnesses raised the issue of trust of the officers of the RSIPF during the inquiry. As a single example of many such statements, Mr Andrew Mua, Mayor of Honiara City, submitted in evidence:

The problem with our Police Force today is you and me. We are the problem, the Solomon Islanders. We don’t trust our own Police Officers to do the work that you and I want. We seem to think there is nepotism within the Police Force. If we have that attitude of trusting our police officers, I think RAMSI will be able to build a

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458 Submission 9, Mr Gordon Nanau, p 259.
459 Mr Peter Marshall, Evidence, 8 June 2009, p 20.
462 Mr Denis McDermott, Evidence, 10 June 2009, p 31.
better force for us because they have everything in place at the moment for the Police Force. But you and me, the people of Solomon Islands have to trust our own Police Force. Right now nobody trusts our own Solomon Islander policemen.\textsuperscript{464}

In his evidence, the Hon Jackson Kiloe, Premier of Choiseul Province, acknowledged that the RSIPF face impediments to the restoration of community confidence in the RSIPF, including their lack of resources and police stations, which makes it very difficult for the RSIPF to respond rapidly in some instances. At the same time, however, Mr Kiloe also expressed disappointment in the performance of some officers in the Police Office at Taro.\textsuperscript{465}

In her evidence, Mrs Hilda Kari, President of the National Council of Women, indicated that from women’s point of view, there is still lack of discipline amongst local police officers as evident in their behaviour when in uniform and on duty – conduct that is careless and which undermines attempts to build public confidence in the RSIPF. Further, the local police are still ineffective in preventing underage girls going to clubs, dealing with domestic violence in the provinces, and addressing sexual exploitation of young girls by foreign companies operating in the provinces.\textsuperscript{466}

In response to this issue of community confidence in the RSIPF, Mr Peter Marshall, Police Commissioner, acknowledged that in some locations the locals prefer to deal with RAMSI officers, however he argued that it is still a relatively short time since the tension of 1998 – 2003, and suspicions are still deeply held by people in the provinces. At the same time, the RSIPF is making progress, citing two locations – Atoifi and Tulagi – where the PPF have withdrawn, and the RSIPF has been operating independently for several months.\textsuperscript{467}

RAMSI subsequently indicated that over the previous six months, there had been a range of discussions between the RSIPF and PPF on the way forward on the subject of reconciliation. However, RAMSI indicated that it would be better for the RSIPF to manage the process of community acceptance of the RSIPF.\textsuperscript{468}

Commenting on this issue, the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, acknowledged that the RSIPF and RAMSI need to continue to work to address the issue of community confidence in the RRIPF, and noted that the Partnership Framework includes a number of initiatives to build RSIPC ethics and integrity, community crime prevention and problem solving capacity and to establish provincial community based crime prevention committees.\textsuperscript{469}

**Perceived inaction by RSIPF officers when PPF officers are not present**

Another issue that arose in the Committee’s hearings with provincial leaders and in the provinces was the perception that RSIPF officers will not act to enforce law and order when PPF officers are not present.

\begin{footnotes}
\footnote{464}{Mr Andrew Mua, Evidence, 10 September 2008, p 63.}
\footnote{465}{The Hon Jackson Kiloe, Evidence, 10 September 2008, p 65.}
\footnote{466}{Mrs Hilda Kari, Evidence, 28 October 2008, pp 46-47.}
\footnote{467}{Mr Peter Marshall, Evidence, 8 June 2009, pp 10-11.}
\footnote{468}{RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 32.}
\footnote{469}{The Hon Dr Derek Sikua, Evidence, 10 June 2009, p 81.}
\end{footnotes}
In evidence, the Hon Jackson Kiloe, Premier of Choiseul Province, submitted that many RSIPF officers are reluctant to carry out their duties when PPF officers are not present. He stated:

It is apparent that Royal Solomon Islands Police officers are somewhat inactive or reluctant in carrying out duties, especially the arrest of misbehaving drunks when RAMSI PPF officers are not around. This may breed our dependency on RAMSI, and poses a very big question on the local officers’ ability or willingness to maintain law and order once RAMSI pulls out of the province.\textsuperscript{470}

In response, Mr Kiloe suggested that RSIPF officers must be encouraged to be confident and to carry out their roles, rather than taking a back seat and allowing RAMSI officers to do the policing duties.\textsuperscript{471}

Similarly, the Hon Alex Lokopio, Premier of Western Province, stated in evidence:

Now take for example in Gizo if the RAMSI vehicle breaks down there is nothing they will do but they all just sit down. If any logging ships go there and get birds, and if there is no logistic support because only RAMSI has it, nothing will be done by our local police. We can see here the reliance of the local police on RAMSI.\textsuperscript{472}

Mr Alex Lokopio subsequently indicated that in many instances community members prefer raising an incident with RAMSI officers rather than local officers on the basis that they are more likely to get a favourable outcome.\textsuperscript{473}

Some witnesses attributed this problem to the wantok system.\textsuperscript{474} For example, Mr Barnabas Kini, a community leader from Malaita indicated:

In my view, as a leader, I tend to see that sometimes our police officers have this wantok system and so favouritism is often seen. They may favour their brother or cousin or uncle and so forth.

This issue was also raised by Sir Baddeley Devesi, Senior statesman and former Governor-General. He argued that under the former British colonial system, the British did away with favouritism and the wantok system amongst the police. Today, however, he argued that this is no longer the case. When someone is reported to the police, the first reaction of the police is to see whether he is your relation or wantok. Sir Baddeley argued that before RAMSI leaves, they must ensure that the RSIPF officers taking over from them ‘do it properly and there’s no favour or fear’.\textsuperscript{475}

\textsuperscript{470} The Hon Jackson Kiloe, Evidence, 10 September 2008, p 51.

\textsuperscript{471} \textit{Ibid}, p 62.

\textsuperscript{472} The Hon Alex Lokopio, Evidence, 10 September 2008, p 17.

\textsuperscript{473} \textit{Ibid}, pp 18-19.

\textsuperscript{474} The Hon Jackson Kiloe, Premier, Choiseul Province, Evidence, 10 September 2008, p 62; the Hon Lonsdale Manasseh, Deputy Premier, Isabel Province, Evidence, 10 September 2008, p 37.

\textsuperscript{475} Sir Baddeley Devesi, Evidence, 9 June 2009, pp 7-9.
Customary law

The Solomon Islands Constitution preserves the operation of customary law in Solomon Islands, save where it is expressly displaced by legislation or common law.476

However, as was noted repeatedly throughout this inquiry, Solomon Islands faces a significant challenge in strengthening and clarifying the linkages between customary law and the traditional justice system and the formal justice sector.

In the 2007 People’s Survey, 93 per cent of the people surveyed said that they would resolve a dispute with a neighbour entirely within their own community through the chief, customary law, or through the Church. In the 2008 People’s Survey, that percentage remained high at 84 per cent. In evidence, Mr Andrew Nori, a former Member of Parliament, expressed it this way:

… if we are talking about improving the capacity, capacity building of our justice administration system, of our law enforcement system, we should be building the capacity of those people who are dealing with 90 percent of the disputes and grievances in Solomon Islands, and they are down in the villages, the chiefs and our church leaders. In other words, in that area we need to persuade RAMSI and ourselves to allocate more resources to the rural mass where the volume of disputes are great and where the population is located and where there is need to ensure that leaders in the churches and in the chiefly tribes are placed in a position to manage disputes at a community level.477

However, in evidence, Mr Paul Griffiths, Team Leader of the Law and Justice Program, noted that support for customary law and the traditional justice system raises two issues:

• First, customary law is not uniform throughout the country but it varies from community to community; and

• Second, the Constitution does not spell out the linkage between the traditional system and the formal system. Nor does other legislation.

Accordingly, Mr Griffiths indicated that RAMSI is endeavouring to do a ‘stock take’ of the health of the traditional customary law system around the country, such as the physical infrastructure used and the level of support or compliance with the system. Based on that, it is hoped that the SIG will be able to develop some interventions to strengthen customary law and the traditional justice system.478

The Committee notes that a number of other initiatives are also being taken to strengthen the traditional justice system. These are discussed below.

The Community Policing Initiative

The Partnership Framework includes the following objective:

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476 See the Constitution, sections 75, 76 and schedule 3.
477 Mr Andrew Nori, Evidence, 28 May 2009, pp 10-11.
Establish a Community Policing program within the RSIPF together with a structured relationship with SINCPC, Provincial Councils and local crime prevention committees.

Consistent with this objective, RAMSI is working with the RSIPF to develop a new community policing initiative which will combine some of the traditional methodologies of policing in Solomon Islands with contemporary policing. When implemented, the initiative should help improve the level of trust and understanding between the police and the local community.

The following is a summary of the ‘Headman’ community policing model that was in existence in Solomon Islands prior to independence. It is taken from briefing material provided by RAMSI.

**The ‘Headman’ village policing model pre-independence**

In the time before independence the Headman was an appointment that was voted for by the villagers, paid for by the provincial government and provided the conduit between the community and the police. The Headman in a district, as the geographical boundaries were called then, would be the first point of contact with the local community for the reporting of crime. For example, a murder may occur in Mage, Malaita, and the Headman would be summoned by villagers. The Headman would then set about investigating the incident, obtaining potential witnesses, suspects and preparing the matter for the police. The Headman would then contact the police who would take over the matter, or alternatively he would deliver the suspects to the police. An important point regarding this appointment was that the Headman had statutory powers of arrest which gave his position legitimacy amongst the villagers and credibility with the police.

The benefits of this system were that the villagers had a representative in the Headman who had been elected by them, had a standing within that district and with the local police.

The Headman also undertook another function as mediator of civil disputes. The public would bring their grievances to the market each Monday and Wednesday to be dealt with by him. This intervention by mediation ensured on many occasions that the dispute between members of the public did not escalate to a matter involving breaches of criminal law and subsequent police intervention.

The Headman system worked quite effectively pre-independence. With independence the architects of the new police regime decided, for whatever reason, to discontinue this concept. They did not however replace the role and therefore created an operational vacuum and in time this vacuum has created a rift between some elements of the RSIPF and the public.

Source: RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, Attachment L.

The Committee understands that the RSIPF and RAMSI is moving towards a new community policing model, whereby each ward will have a high level representative who would work between the community and the RSIPF. Such a system would provide the support to the RSIPF that is needed, particularly in remote locations. It would also help to address the problem that many Solomon Islanders do not have confidence in the police, partly because there are not enough officers to go around.

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479 The Solomon Islands National Crime Prevention Council, which is the umbrella body for the village-based crime prevention committees.

480 RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 31.

481 Mr Denis McDermott, Evidence, 10 June 2009, pp 34-35.
Under this initiative, respected people in the community would be identified and paid a stipend to administer customary law. More serious offences would still come under the purview of the criminal law.\footnote{482}{Mr Peter Marshall, Evidence, 8 June 2009, pp 47-48.}

The Committee notes that during its provincial hearings, there was strong support for a restoration of community policing, and enhancing the role of chiefs in maintaining law and order at a local level. As a representative example, the Committee cites the evidence of Mr Noel Mamau, a representative of the business sector in Ulawa:

I’m now interested very much in community policing because it is perhaps an alternative to replace RAMSI and if there is any assistance for RAMSI to continue in within Solomon Islands, perhaps, it should be focused towards the development of community policing in this country. This is because community policing really goes down to the people at their village homes.\footnote{483}{Mr Noel Mamau, Evidence, 8 May 2009, p 145.}

**The Tribal Lands Disputes Resolutions Panels Bill**

The Tribal Land Disputes Resolution Panels Bill is an initiative being undertaken by the Ministry of Justice and Legal Affairs in consultation with RAMSI. Under the bill, the Ministry of Justice and Legal Affairs is proposing a new scheme to hear and determine disputes about the usage, rights and interests in tribal land.

The scheme replaces the courts and the legal practitioners (lawyers) with panels of chiefs and leaders from the local area in the resolution of land disputes. It sets up a formal mechanism and allows chiefs to receive appropriate support and remuneration for their decision-making role.

The Committee understands that The Ministry of Justice and Legal Affairs has received approval from the Cabinet to undertake nationwide consultation in relation to the bill. A draft of the bill has been circulated widely to stakeholders, Members of Parliament, Permanent Secretaries, Government officials, Provincial Premiers, media, lawyers and legal stakeholders (Judges, Magistrates etc). Provincial visits are also planned as part of the consultations with provincial stakeholders.\footnote{484}{RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 10.}

The Committee notes, however, that work is still progressing on this initiative.\footnote{485}{Mr Henry Pika, Permanent Secretary, Ministry of Police, National Security & Correctional Services, Evidence, 8 June 2009, p 6.}

**The Justice Delivered Locally Program**

The Justice Delivered Locally Program is an initiative being undertaken by the Ministry of Justice and Legal Affairs to improve access to justice for people at the local village level.

The Committee understands that following the decision of the former Minister of Justice and Legal Affairs (Hon Toswell Kaua) to recognise the Tribal Land Disputes Resolution Panels Bill as the preferred method for resolving outstanding tribal lands disputes, the Justice Delivered Locally Program has been used to develop and advance this legislative solution. As a result of this initiative, the Justice Delivered Locally Program is being refocused on the most effective
approach to strengthening the role of chiefs and other customary elders in the village governance systems.\textsuperscript{486}

**RAMSI in the provinces**

*Claims that RAMSI is insensitive to traditional customs and cultures*

In his written submission, the Hon Manasseh Sogavare, the Leader of the Opposition, stated his belief that RAMSI personnel are insensitive to the traditional customs and cultures of many Solomon Islanders. He also argued that RAMSI personnel have no respect for chiefs who have traditionally been responsible for enforcing customary law.\textsuperscript{487}

Similarly, in his written submission, Mr Whitlam Khalegedi, writing in a private capacity, noted that village chiefs have traditionally been responsible for local law, but that RAMSI tend to enter villages and impose their own justice systems. Indeed, Mr Khalegedi noted that in some instances, villagers are using RAMSI as an alternative dispute resolution process, breeding distrust between individuals and families.\textsuperscript{488}

In his written submission, Mr Treadaway cited the following examples where RAMSI personnel have been insensitive to traditional laws and customs:

- The first was a case where RAMSI officers sought to arrest the parents of a man who broke the law by helping him avoid arrest. However, under Melanesian custom, which values family and community before everything else, the first duty of parents is to their children. By ignoring this, the RAMSI officers put ‘western’ law before traditional customs.

- The second instance occurred when the son of the former Deputy Prime Minister was taken to court for assaulting his father. However, by the time the case came up, the family, using Melanesian laws and customs, had sorted the matter out in a traditional way. Instead of recognising this good example of the workings of traditional laws and customs the magistrate insisted on continuing the case and sentencing the boy to prison.

Mr Treadaway subsequently argued that a much greater recognition of the strong points of traditional customs and cultures, rather than an arrogant assumption that the ‘western’ concept of law and justice is the only valid one, would enable RAMSI to do their job much more effectively.\textsuperscript{489}

The importance of RAMSI respecting traditional justice systems was also expressed by witnesses during the Committee’s provincial hearings.

The Committee notes, however, that in his evidence, the Rt Hon Sir Peter Kenilorea, Speaker of the National Parliament and former Prime Minister, did not share these concerns about cultural sensitivity. He observed that when RAMSI was invited to Solomon Islands, it was for the purpose of restoring law and order. Solomon Islands did not specify any particular expectation regarding local cultures. In view of this, Sir Peter was of the opinion that RAMSI should be

\textsuperscript{486} RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, pp 6-7.
\textsuperscript{487} Submission 11, The Leader of the Opposition, p 4.
\textsuperscript{488} Submission 17, Mr Whitlam Khalegedi, pp 4-5.
\textsuperscript{489} Submission 13, Mr Julian Treadaway, p 3.
allowed to enforce the law strictly instead of watering down the process with concerns about cultural interactions. Any complaints about RAMSI and police work should be channelled through the proper avenue, the courts. Sir Peter was also mindful that not every case that the police bring before the courts will be settled satisfactorily to the citizens involved. This, however, should not be the basis to demand changes to how RAMSI and the RSIPF undertake law enforcement.490

In response to this issue, Mr Tim George, the former Special Coordinator of RAMSI, and Lt Colonel Neil Grimes, Commander of the CTF, indicated in evidence that RAMSI personnel do put significant effort into understanding the different cultures and languages of Solomon Islands, including undertaking training before they arrive.491

The Committee notes that the RAMSI Code of Conduct provides at clause 7:

> RAMSI personnel shall be sensitive to, and fully respect, the culture and local customs of Solomon Islands, including local standards of modesty wherever practicable. RAMSI personnel shall respect customs that are protective of local cultural property, including war relics.492

**Carriage of firearms by RAMSI personnel**

Considerable disquiet was also expressed during the inquiry about the ongoing carriage of firearms by RAMSI personnel in the provinces.

For example, in his submission, Mr Whitlam Khalegedi indicated that he does not like RAMSI military personnel carrying weapons in his local village of Isabel, on the basis that it scares the children and the community in general.493

The Hon Alex Lokopio, Premier of Western Province, argued in evidence that RAMSI should scale back on the carriage of firearms by its personnel. Rather, he argued that firearms should be kept nearby in patrol vehicles or canoes as circumstances dictate, but without being carried openly.494 The Hon Stephen Panga, Premier of Guadalcanal Province, indicated:

> Seeing them carrying guns around in public is causing fear in the communities. It is best if they put their guns in their bases. In their routine patrols they should go on patrol without guns, only where there is need for it that guns can be carried with them. They have not done anything to the people with the guns, but the fear that is within the people when seeing the guns that is affecting them. Now that we see improvement in law and order coming up this time, we want to see a reduction in the carrying of firearms in public.495

In his evidence, Rev Philemon Riti, Secretary General of the Solomon Islands Christian Association, commented that while the churches appreciate the necessity for the visiting

490 The Rt Hon Sir Peter Kenilorea, Evidence, 28 October 2008, p 37.
491 Mr Tim George, Evidence, 16 September 2008, pp 13, 26-27. See also Lt Colonel Neil Grimes, Commander of the CTF, Evidence, 10 June 2009, p 40.
492 Code of Conduct for Regional Assistance Mission to Solomon Islands Personnel, clause 7.
493 Submission 17, Mr Whitlam Khalegedi, p 4.
494 The Hon Alex Lokopio, Evidence, 10 September 2008, pp 9, 21.

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contingent to carry firearms in public, this need must be balanced against its potential impact on Solomon Islanders. One such impact is that many women and children are still traumatised by the mere sight of firearms because the ethnic tension is still fresh in their minds. Another impact is that carriage of firearms openly in public has the potential to give the wrong impression that Solomon Islands can only have peace and stability through armed law enforcement. It is in the long term interests of Solomon Islanders that they regain their confidence in the police and the judiciary carrying out their functions without the use of firearms. On this basis, therefore, Rev Riti suggested that perhaps RAMSI should consider managing carriage of firearms in public sensitively, and slowly phase out the practice.\textsuperscript{496}

By contrast, however, in his written submission, Chief Dennis Carlos Lulei argued that RAMSI personnel must be armed when on duty and patrol, for without arms nobody would respect them.\textsuperscript{497}

In response to this issue on behalf of the CTF, Lt Colonel Neil Grimes, Commander of the CTF, observed that the CTF needs access to its firearms in order to provide the necessary support to the RSIPF and PPR in accordance with its mandate. However, he did observe that CTF officers attempt to carry their weapons as unobtrusively as possible:

Recognizing that we are sensitive to the issue, particularly among provincial communities and we do our very best to carry the weapons in a state which renders them very safe. And also we carry them in a way which is as unobtrusive as possible. Where we are on patrol we will carry them but they will generally not be in a condition which can be brought into action very quickly. So that it gives us the opportunity to respond appropriately to a situation without moving towards the application of a firearm to the situation.\textsuperscript{498}

Lt Colonel Grimes also observed that when CTF personnel are engaging in liaison activities such as the Community Outreach Program or performing administrative tasks such as moving supplies around Honiara, they do not carry firearms.\textsuperscript{499}

In turn, Mr Denis McDermott, former Commander of the PPF, indicated that the PPF applies the same principles. He further observed that there are still some firearms in the community from the time of the ethnic tension, and that as a result the PPF has an obligation to its own personnel to provide them with the necessary security and protection.\textsuperscript{500}

In this regard, the Committee notes RAMSI’s observation that there are still elements within Solomon Islands that might attack a CTF or PPF officer, citing recent examples in September and December 2008.\textsuperscript{501} Given the sensitivity of this issue, the Committee cites RAMSI’s response as follows:

As it is difficult to identify those individuals or situations that would pose harm to RAMSI officers and as there is no clear delineation between rural and urban areas regarding safety, some PPF officers remain armed.

\textsuperscript{496} Rev Philemon Riti, Evidence, 19 September 2008, p 35.
\textsuperscript{497} Submission 18, Chief Dennis Carlos Lulei, p 2.
\textsuperscript{498} Lt Colonel Neil Grimes, Evidence, 10 June 2009, p 37.
\textsuperscript{499} Ibid.
\textsuperscript{500} Mr Denis McDermott, Evidence, 10 June 2009, p 38.
\textsuperscript{501} See RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 41.
The Combined Task Force is deployed to Solomon Islands with a clearly defined role to assist the RSIPF and PPF to maintain law and order. It does so by being a deterrent to elements that may seek to destabilise Solomon Islands. An important part of that deterrence is the carriage of rifles and the training and ability to respond to situations that threaten people’s lives. The carriage of rifles is also an important part of broader force protection and enables the CTF to reinforce the police at any time, regardless of location. The CTF is very much aware of the need to be sensitive to, and respectful of, the interests of local people at all times. In that light, the CTF carries weapons as unobtrusively as possible. For some tasks, such as routine administration in Honiara and for Civil Military Liaison tasks, no weapons are carried by those personnel. Regular assessments are undertaken as to the level of threat evident in different parts of the Solomon Islands. The CTF adjusts its force posture, which includes the need to carry weapons or not, depending on the task, location and current threat assessments.\textsuperscript{502}

**Youth violence and abuse of kwaso**

Another issue raised in relation to law and order in the provinces was that of youth violence, particularly where it arises from the abuse of kwaso, marijuana and alcohol.

In addressing this issue, many witnesses to the inquiry cited the need to provide young people with appropriate development opportunities. The Committee noted particularly evidence from Malaita. For example, in his evidence, Mr Barnabas Kini, a community leader from Malaita, argued that:

> Criminal activity is increasing every day because of the fast growing population in Central Kwara’ae. And when there is a huge number of young people (youths) we are surely going to experience many problems taking place in our communities. Even leaders, especially church leaders and chiefs, are finding it hard to deal with problems, new problems coming up inside our communities. These are problems like brewing of alcohol, selling of marijuana, production of kwaso, which are greatly affecting the communities.\textsuperscript{503}

To solve these problems, Mr Kini urged that the Government and RAMSI should develop programs to educate young people so that they are involved in economic development and in their communities.\textsuperscript{504}

Similarly, Mr Baton Raomae from Aimela Ward, Malaita, argued in evidence:

> A lot of criminal activities and social problems are happening in the communities because young people are drinking kwaso, which is causing a lot of worry to elderly people in our communities. I wonder if RAMSI could address that problem by providing development in the villages so that our young people go back to the villages instead of wasting their time in town, and becoming dependent on people working in town. You as our leaders in parliament must look into this. My view is that RAMSI should help financially by getting people back to the rural areas so

\textsuperscript{502} RAMSI, Response to issues and questions raised by the FRC, 8 June 2009, p 42.

\textsuperscript{503} Mr Barnabas Kini, Evidence, 12 November 2008, p 19.

\textsuperscript{504} Ibid, p 19.
that they are involved in economic development instead of wasting time in town. Money should be provided to them so that they can do something back home.\footnote{Mr Baton Raomae, Evidence, 12 November 2008, p 8.}

The Hon Thomas Weape, Premier of Makira Province, also submitted that the illegal brewing of kwaso is a big problem in his province, and requested that RAMSI take more steps to try to prevent it, both by arresting the culprits and by educating them through awareness programs.

Sir Baddeley Devesi, Senior statesman and former Governor-General, advocated a re-examination of the school curriculum by the Ministry of Education to promote an understanding amongst young people of their responsibility to the people and the country.\footnote{Sir Baddeley Devesi, Evidence, 9 June 2009, p 12.}

It was also argued during the inquiry that RAMSI and the RSIPF should be doing more to engage with young people through community programs, sporting activities and the like. For example, the Hon Stephen Panga, Premier of Guadalcanal Province, suggested in evidence:

... RAMSI should extend its work to foster good relationship with youths, the young people and people in the communities through awareness programs and doing things to involve them. In that way the youths will better understand the work of RAMSI and they can become good friends. So that whenever any youth misbehaves like being drunk or doing something nasty, those other youths can assist RAMSI by providing information, which can easily lead to the arrest of the drunkard or the one committing crime.\footnote{The Hon Stephen Panga, Evidence, 10 September 2008, p 24.}

In response, Mr Graeme Wilson, Special Coordinator of RAMSI, argued that issues in relation to youth development opportunities and youth programs are the responsibility of the SIG and leaders and chiefs at the local level. Youth programs are not part of RAMSI’s mandate, beyond establishing a broader enabling environment of law and order in which such programs can be promoted.\footnote{Mr Graeme Wilson, Evidence, 10 June 2009, p 23.} At the same time, Mr Wilson indicated that many RAMSI officers voluntarily get involved in community activities outside of work, including youth work.\footnote{Ibid, pp 24-25.}

In response to the specific issue of kwaso use, Mr Peter Marshall, Police Commissioner, observed that kwaso use is an increasing concern, and that police are taking various steps to seize it where possible. He also canvassed higher penalties for the selling and use of kwaso. While acknowledging that police face a difficult task, he also observed, that ‘every day of the week people are being arrested and charged with kwaso related offences’.\footnote{Mr Peter Marshall, Evidence, 8 June 2009, p 33.}

Finally, the Committee notes that Mr Henry Pika, Permanent Secretary, Ministry of Police, National Security & Correctional Services, indicated that the Ministry is seeking the appointment of a taskforce which will look into the kwaso problem in consultation with community leaders.\footnote{Mr Henry Pika, Evidence, 8 June 2009, 34.}
12.5 Infrastructure projects in the provinces and a ‘peace dividend’

As previously indicated in Table 3.2 in Chapter 3 (The RAMSI intervention), RAMSI has been involved in three infrastructure projects to the regions:

- the Post Conflict Emergency Rehabilitation Project, led by the Asian Development Bank, but with funding from NZAID and RAMSI;
- the Solomon Islands Road Improvement Program, again funded by the Asian Development Bank, NZAID and RAMSI; and
- the Community Support Program – Malaita Roads Program.

Both the Community Support Program – Malaita Roads Program and the Post Conflict Emergency Rehabilitation Project have now come to an end, but they involved the rehabilitation of 150 km of roads and 51 bridges on Guadalcanal and Malaita.

The Committee notes that these programs were not strictly within RAMSI’s mandate. In evidence, Mr Paul Kelly, Development Coordinator, RAMSI, explained how RAMSI nevertheless became involved in these programs:

In terms of the mandate, RAMSI became involved in this work … [as] a follow on from the post-conflict and reconstruction program that RAMSI started. The reason RAMSI got into this kind of activity is that it’s not strictly speaking within the mandate, but it was at a time before the conditions were right for other donors to be active, particularly in some of these environments, and RAMSI wanted to generate some early development gains and to show to communities what is referred to as a peace dividend.

This kind of work, of course, is significant, it requires significant investments, they are a long term work and is not really consistent with the mandate of a short term intervention like RAMSI. So RAMSI is currently looking at transitioning out of this kind of work and it is doing it very closely with its other donor partners and in close consultation with the SIG.\footnote{512}

However, during the inquiry, it emerged that some Solomon Islanders, especially in the provinces, would like to see RAMSI’s mandate expanded to allow RAMSI to assist with other infrastructure projects – in essence to continue to deliver a ‘peace dividend’. While RAMSI has achieved a return of law and order in the provinces, many of the provincial premiers and others expressed a desire for RAMSI to do more.\footnote{513} For example, the Hon Stephen Panga, Premier of Guadalcanal Province, stated in evidence:

If RAMSI’s roles could be broadened to target specific projects such as what the Premier of Western Province has said. The trans-insular road across the island of Guadalcanal should be constructed to open up development so that people in the Weather Coast can also participate in economic development. The Marau wharf,

\footnote{512}{Mr Paul Kelly, Evidence, 16 September 2008, pp 11-12.}

\footnote{513}{See for example the Hon Alex Lokopio, Premier of Western Province, Evidence, 10 September 2008, p 13; the Hon Jackson Kiloe, Premier, Choiseul Province, Evidence, 10 September 2008, p 49; the Hon Timothy Johnston, Premier, Rennel-Bellona Province, Evidence, 10 September 2008, p 53.}
and so on. Projects in the Townsville Peace Agreement must be implemented and taken on board by RAMSI in its programs in the country.514

In turn, the Hon Jackson Kiloe, Premier of Choiseul Province, indicated that it would be of great assistance to Choiseul Province if RAMSI’s role could be broadened to assist in provincial capacity building. While Mr Kiloe recognised the limitations of RAMSI’s mandate under the legislative framework establishing RAMSI, he noted that many people expect RAMSI to do more than it is legally allowed to do. This has resulted in disappointments when RAMSI appears to be doing little, which he argued has contributed to the general drop in respect for RAMSI.515

The Committee notes in particular that during its hearings in Weather Coast and Marau, witnesses expressed the concern that they had been particularly affected by the ethnic conflict, but had received little or no assistance. These areas were essentially hot spots during the ethnic conflict, which saw the destruction of what little infrastructure existed during the ethnic conflict.

The Committee was further advised that following the arrival of RAMSI, the people of these areas naturally had an expectation that ‘normalcy’ would entail in part rehabilitating or rebuilding infrastructure such as wharves and roads that connected people, and brought them together before the conflict. To date, however, people of Marau and Weather Coast have yet to see any such rehabilitation.

By contrast, the Committee notes that other parts of Guadalcanal which are closer to Honiara, and certain parts of Malaita, have enjoyed infrastructure rehabilitation by RAMSI and later by donors under the banner of the ‘peace dividend’.

Speaking in 2008 in response to this issue of infrastructure development, Mr Tim George, the former Special Coordinator of RAMSI, confirmed that infrastructure development in the provinces raises issues concerning RAMSI’s mandate and resources. He suggested matters such as infrastructure development may be better coordinated by bilateral donors, including Australia and New Zealand.516

Similarly, Ms Aileen Croghan, AusAID Bilateral Development, indicated to the Committee that in the long term, infrastructure building such as roads should fit within the bilateral aid program between Australia and Solomon Islands and not with RAMSI.517

In his comments on this issue, Dr Judson Leafasia, Permanent Secretary of the Ministry of Rural Development and Indigenous Affairs, observed:

I think this is where the difficulty lies because both people in the communities and even government expecting RAMSI to do these things. I think we should get out of that mentality. I think the reason why government is not performing is because, and in fact government is actually failing before RAMSI came here. I think one of the reasons why RAMSI is here is to strengthen the government mechanisms and

514 The Hon Stephen Panga, Evidence, 10 September 2008, p 15.
515 The Hon Jackson Kiloe, Evidence, 10 September 2008, p 50.
516 Mr Tim George, Evidence, 16 September 2008, pp 10-11.
517 Ms Aileen Croghan, Evidence, 16 September 2008, p 46.
systems to make it work. I don’t think RAMSI’s role is to get involved in the economic and social development of this country *per se*.518

He continued that the only reason RAMSI has become involved in infrastructure development is that the SIG is currently too weak to undertake the task itself, but that RAMSI does not want to be delayed in their timelines by the lack of infrastructure.519

In her evidence, Ms Allison Duncan, the former Acting Australian High Commissioner, also observed:

> From the Australian Government’s position we think it’s appropriate that RAMSI fulfils the mandate it has been given. It shouldn’t do any more and it shouldn’t do any less, because if it goes outside that mandate then it’s going against the wishes of the Solomon Islands Government.

> If the Solomon Islands Government wants to talk to the RAMSI contributing countries about changing that mandate then it should do that. We think and the Pacific Islands Forum Leaders think that the mandate remains appropriate, but there’s certainly room for discussion if you don’t think that it does remain appropriate. But as I said, until that mandate were to be changed, our position as the Australian Government is that RAMSI should stick to that mandate because we don’t want to breach the sovereignty of the Solomon Islands Government by trying to do more or less than what we have been asked to do.520

That said, Ms Duncan noted that there is certainly scope within the bilateral arrangements between Australia and Solomon Islands for greater investment in infrastructure in the provinces. Within that bilateral framework, it is at the initiative of the SIG what priorities it brings to the table.521

The Committee notes in this regard the 2009 evidence of Mr Kamal Azmi, Counsellor for Development Cooperation with the Australian High Commission. He indicated that in response to the need for infrastructure development in the regions, funding for the provision of economic infrastructure has increased within Australia’s bilateral aid budget in 2008/2009 to AUD$8.4 million from AUD$2.8 million in 2007/2008. Mr Azmi suggested that this is a very concrete example of the aid program being adjusted to the priorities of the SIG.

Mr Azmi also indicated that under the Community Sector Program, 181 social infrastructure projects have been completed since 2005, including schools, clinics, water supply systems, community halls and markets. As at June 2009, the Australian bilateral aid program was implementing 84 infrastructure projects across every province in the country, potentially affecting 52,000 beneficiaries.522

In her written submission, the New Zealand High Commissioner also argued that infrastructure development activities should continue to be undertaken by donors and not RAMSI, on the basis that RAMSI is making good progress towards its goals, and should not be diverted into

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518 Dr Judson Lefasia, Evidence, 8 June 2009, p 97.
520 Ms Allison Duncan, Evidence, 16 September 2008, p 47.
522 Mr Kamal Azmi, Evidence, 9 June 2009, p 35.
other areas that could be better supported by bilateral donors.\textsuperscript{523} This was reiterated by Ms Deborah Panckhurst, New Zealand High Commissioner, in evidence:

\begin{quote}
My government is keen to see RAMSI’s mandate stay concentrated as it is and to see RAMSI move towards its natural conclusion having achieved its goals in agreement with the Solomon Islands Government.\textsuperscript{524}
\end{quote}

The Committee also notes the evidence on this issue from Dr Transform Aqorau, appearing in a private capacity:

\begin{quote}
I feel that there has been a lot of unfair expectations placed on RAMSI … to actually go in and promote development assistance in the provinces. That raises, in my view, an unrealistic expectation because that responsibility belongs to us, it belongs to the government, it belongs to Solomon Islanders and it belongs to our resource owners.\textsuperscript{525}
\end{quote}

Dr Aqorau subsequently observed that to expect RAMSI to undertake infrastructure building projects in addition to its mandate would only perpetuate the dependency and expectations that Solomon Islanders have on RAMSI. Rather, Dr Aqorau argued, this role should be a function for the people of Solomon Islands.\textsuperscript{526}

Finally, the Committee noted that the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, addressed in evidence the appropriate boundary between RAMSI and bilateral aid donors in relation to infrastructure projects:

\begin{quote}
… once we start to see areas of cooperation [with RAMSI] infringing into what are traditionally bilateral areas, then I think we should stand back a bit because there are some things that are done better on a bilateral level through our traditional donor partners and there are other things that can be done on a multilateral level or by inputs by a number of donors into that kind of particular program.\textsuperscript{527}
\end{quote}

12.6 Investment in the provinces

Aside from infrastructure investment, discussed above, other investment opportunities in the provinces were also raised during the inquiry.

For example, in evidence, the Hon Thomas Weape, Premier of Makira Province, indicated that Makira is looking to revive its cattle and rice industries, and suggested that RAMSI should be providing funds for investment projects. Mr Weape also indicated that he would like to see Makira’s provincial business arm called MUPIC revived in order to generate funds.\textsuperscript{528}

In turn, the Hon Richard Irosaea, Premier of Malaita Province, indicated in evidence that Malaita is still waiting for investment in national projects such as Auluta Oil Palm, Bina and

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\textsuperscript{523} Submission 8, New Zealand High Commissioner, p 3. See also Ms Deborah Panckhurst, New Zealand High Commissioner, Evidence, 16 September 2008, p 56.
\textsuperscript{524} Ms Deborah Panckhurst, Evidence, 16 September 2008, p 59.
\textsuperscript{525} Dr Transform Aqorau, Evidence, 16 September 2008, p 66.
\textsuperscript{526} Ibid, p 77.
\textsuperscript{527} The Hon Dr Derek Sikua, Evidence, 18 September 2008, p 16.
\textsuperscript{528} The Hon Thomas Weape, Evidence, 10 September 2008, p 38.
\end{flushright}
Suava. While several million dollars have been spent on these projects, they have been in the pipeline for 15 to 20 years. Without them, Mr Irosae indicated, there are limited economic opportunities in the province. He continued:

If we are serious about these projects then give us the money and let us do it. Let the Province take it on. That is what I am saying.\textsuperscript{529}

Concerning the specific issue of investment in Malaita, the Committee notes the evidence of Mr Frank Ingruber, Australian High Commissioner, that in response to the Sikua Government’s prioritising investment and growth in Malaita, Australia is spending approximately AUD$7.9 million on programs directly targeting Malaita as part of its bilateral aid program.\textsuperscript{530}

\subsection*{12.7 Border protection}

During the Committee’s provincial hearings, the people of Western, Shortlands and Choiseul expressed concerns about surveillance and patrolling of the PNG – Solomon Islands border. Similarly, witnesses in Temotu province raised like concerns in relation to the Vanuatu – Solomon Islands border.

For example, the Hon Alex Lokopio, Premier of Western Province, indicated in evidence:

RAMSI in the West, in my view, should focus more on the border between Bougainville and Solomon Islands, on illegal activities of loggers, on community policing and on other programs that would strengthen security at the village level.\textsuperscript{531}

Commenting on this issue in evidence, Mr Marshall, Police Commissioner, indicated that early in 2009, the RSIPF opened a new police complex at Kulitana Bay in the Shortland Islands with up to nine officers posted there. He argued that this was a significant step forward in terms of maintaining a law enforcement presence at the western border with PNG and Bougainville. At the same time, he argued for increased presence from ministries like immigration, customs and quarantine in the future to combat criminal movements in the area.\textsuperscript{532}

The Committee also notes that witnesses in Temotu asked the SIG to enter into negotiations with the Vanuatu government to establish a trade link between Vanuatu and Temotu Province.

\subsection*{12.8 The April 2007 tsunami and other emergency relief}

On 2 April 2007, Western Province was hit by a tsunami following a strong undersea earthquake, the epicentre of which was just 10 kilometres SSE of Gizo. Gizo was hit by waves several metres high that swamped buildings and caused considerable loss of life.

During the Committee’s hearings in Western, a key request was that RAMSI should play a greater role in distributing disaster relief to the victims of such disasters. Most of those who spoke on this issue expressed disappointment at the current Government’s procedures for distributing funds and materials to the victims. For example, a representative of Tapurai, the worst stricken village on Simbo Islands, where 9 people lost their lives, stated:

\begin{flushleft}
\textsuperscript{529} The Hon Richard Irosae, Evidence, 10 September 2008, p 5. \\
\textsuperscript{530} Mr Frank Ingruber, Evidence, 9 June 2009, p 27. \\
\textsuperscript{531} The Hon Alex Lokopio, Evidence, 10 September 2008, p 8. \\
\textsuperscript{532} Mr Peter Marshall, Evidence, 8 June 2009, pp 39-40. 
\end{flushleft}
My people in Tapurai during the Tsunami have been devastated by the disaster but were never given proper assistance by the government. Today our school is yet to function; there are no classrooms, no teachers, no school materials and so forth. Much of our daily living has been affected. Can RAMSI assist us? We have provincial government members, national government leaders but we don’t know who will help us. Perhaps RAMSI might and if it can, I want to request RAMSI to help us restore our way of life.533

Similarly, in the Committee’s hearing at Gizo, Mr Obed Joi representing Nusa Simbo community asked the question whether RAMSI could fast track or assume the leadership role in responding to the tsunami.534

In Rendova Islands, witnesses expressed gratitude to RAMSI for its quick intervention following the tsunami. They noted that RAMSI helicopters were the first to land in their villages bringing immediate supplies like tents and food. However, in the longer term, they expressed the desire for RAMSI to assist the SIG and the various stakeholders interesting in disaster management in coming up with a permanent structure for coordinating natural disaster relief.

It was also submitted during hearings that RAMSI has been outstanding at other times of emergency in using its fast boats and planes to airlift supplies to provincial communities affected by natural disasters. For example, Mr Solomon Gagososa from Mondo, in Rannogga, testified:

We find RAMSI to be very good. Since this earthquake and tsunami RAMSI was the first person to arrive at Mondo. RAMSI arrived with twenty bags of rice and six cartons of mineral water. So we found out that RAMSI is good. So we think RAMSI is very helpful, therefore we would like RAMSI to remain here with us for a few more years (2 or 3) so that we continue to receive assistance in these areas.535

In addition, the Committee notes evidence that RAMSI has been of assistance in rapidly transporting sick patients from the provinces to hospitals using helicopters, in the process saving many lives.536

12.9 Control of wild animals including crocodiles

As previously indicated in Chapter 9 (Pillar One – Law and Justice), the removal of firearms, including previously legal firearms, by RAMSI after its arrival in 2003 has meant that licensed gun owners are no longer in a position to use their firearms to control wild animals, notably crocodiles.537

As a result, in areas such as Ngella, Russells and Choiseul, the population of crocodiles has grown to the point where they now pose a significant threat. Most communities in Solomon

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534 Mr Obed Joi, Evidence, Monday 16 February 2009, p 22.
535 Mr Solomon Gagososa, Church pastor, Mondo village, Evidence, 16 February 2009, p 26.
536 See for example Rev Abraham Toribule, United Church Minister, Rannogga Islands, Evidence, 16 February 2009, pp 31-32.
537 In his evidence, the Hon Timothy Johnston, Premier of Rennel-Bellona Province, also raised the use of firearms to control birds that are destroying gardens; Evidence, 10 September 2008, pp 53-54.
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Islands rely heavily on lagoons, estuaries, and coastal strips for their livelihoods and day-to-day administration and recreation. However, these are the areas where crocodiles have been increasingly encroaching. More than 10 people have been killed by crocodiles.\textsuperscript{538}

In response to this issue, the Committee understands that RAMSI has in place a crocodile eradication program, whereby community leaders may apply in writing for assistance from the PPF. Once a destruction task has been approved, Operations Response Group members from RAMSI are deployed with a high powered rifle to hunt and kill the problem crocodile.

However, RAMSI has also been investigating a crocodile trapping program. This would likely be more effective, as once a trap has been set it can be left in place and monitored by the local community for longer periods of time, thereby increasing the chance of successfully locating the animal. The offending animal can then be dealt with either by traditional methods, precluding the use of firearms, or by relocation by professional personnel.

In evidence, Mr Denis McDermott, former Commander of the PPF, noted that control of crocodiles through a crocodile control program may ultimately be a commercial enterprise for a business in Solomon Islands, possibly in conjunction with crocodile farming enterprises.\textsuperscript{539}

\section*{12.10 Committee comment}

\textbf{Communication between RAMSI and provincial leaders and communities}

The Committee notes that communication between RAMSI and provincial leaders has in the past perhaps been neglected. Between 2003 and 2008, there was apparently no ongoing program whereby the principals of RAMSI could meet with the premiers and their executives, although there was frequent contact at more informal levels. Accordingly, the Committee applauds the initiative that the current Special Coordinator, Mr Graeme Wilson, has taken to establish an annual provincial visitation program.

Equally, communication between RAMSI and Solomon Islanders in the provincial communities remains a challenge. Most people in the communities that the Committee visited during its public hearings do not fully understand the role or mandate of RAMSI. For many, the only clearly visible aspect of RAMSI are the officers of the PPF.

The Committee acknowledges that there is a huge challenge here to increase community understanding of RAMSI, and notes that in the \textit{Partnership Framework}, there is a new shared commitment on the part of RAMSI and the SIG to do more community outreach together. The Committee strongly supports this initiative. It is imperative if community support for RAMSI is to remain at its current high levels that the people of Solomon Islands come to a good understanding of the role and mandate of RAMSI.

\textbf{Recommendation 12}

\textit{The Committee recommends that the Solomon Islands Government and RAMSI commit additional resources as necessary to the Community Outreach Program and other initiatives to increase the understanding of the people of Solomon Islands, especially those in the provinces, of the role and mandate of RAMSI.}

\textsuperscript{538} The Hon Patrick Vasuni, Premier, Central Islands, Evidence, 10 September 2008, p 28.

\textsuperscript{539} Mr Denis McDermott, Evidence, 10 June 2009, pp 44-45.
Law and order in the provinces

Police resources in the provinces

The Committee is highly cognisant of the fact that provincial premiers, chiefs, community leaders, women, and community members in general in the provinces almost universally would like to see a greater presence of RSIPF and PPF officers in their provinces. In certain parts of Solomon Islands, there are also demands for RSIPF and PPF officers to do more in terms of border protection. At the same time, the Committee is acutely aware that the RSIPF simply lacks the officers, infrastructure and logistical equipment to be present in every village or district at this time. This is not a problem that can be addressed overnight. While the RSIPF continues to recruit personnel and to build new police posts, the current funding cuts imposed on the Government by the financial crisis will only further delay the delivery of sufficient police resources to the provinces.

The Committee does not have any ready solution to this challenge. It will be many years before the police resources available in the provinces are adequate. In the meantime, the work of building the RSIPF and its infrastructure will continue. However, the Committee believes that initiatives such as the community policing initiative discussed later in this chapter may help to reduce the demands on police resources in the provinces.

Restoring confidence in the RSIPF

During the Committee’s provincial hearings, a significant number of witnesses openly declared their lack of confidence in RSIPF officers. This is one reason why the CNURA Government rejects rearmament of the RSIPF at this time.

The Committee appreciates that rebuilding community confidence in the RSIPF is a long term project. In addition, as indicated by Mr Marshall, it is still a relatively short time since the tensions of 1998 to 2003, and suspicions are still deeply held by people in the provinces. On this basis, the Committee is of the view that it is still too early to expect people to start trusting the local police again. However, this is clearly a major challenge for the RSIPF that needs to be addressed.

The Committee is aware that the Partnership Framework includes a number of strategies aimed at restoring the people's confidence in the RSIPF. The Committee endorses the strong focus that the Partnership Framework places on this issue, and urges the RSIPF and RAMSI to do all they can to continue to address this problem.

The Committee also notes comments from provincial witnesses suggesting that local officers tend to neglect their duties when their PPF counterparts are not present. The Committee is not in a position to make a judgement on this claim. However, the Committee acknowledges that many factors could potentially make local officers behave this way. These include a culture of reliance amongst the RSIPF on the officers of the PPF, low self esteem amongst the officers of the RSIPF and, as history has proven, the wantok system. Clearly, such issues also affect the confidence of the people in the RSIPF.

Customary law

Since independence, an aspect of Solomon Islands’ legal system that has never been settled is the relationship between introduced law and customary law; and that between introduced authority structures and traditional leadership systems. Custom and traditional systems have received different treatment in different contexts over the past 30 years. For instance, the criminal justice system has tended to attach less weight to customs compared to family law
systems. The Committee thus supports RAMSI’s proposed ‘stock take’ of the health of the traditional customary law system around the country.

The Committee also notes with interest the proposal to reinstate community policing with a new approach that is based on an old model, the headman system. The potential benefits from this initiative have been discussed above. There may however be some risks attendant on the headman model. The Committee notes in particular the risk of partiality given that the designated person would most likely be handling cases involving relatives and tribesmen. Another risk lies in how the designated person investigates cases that might eventually end up in the courts of law where strict rules of evidence and natural justice apply.

Having said that, however, the Committee acknowledges the overwhelming call and support for the reintroduction of community policing, and applauds the RSIPF, RAMSI and the SIG for responding to this call. This may well be the first step towards regaining the people’s confidence in policing in remote communities.

On the same basis, the Committee welcomes steps taken to progress the proposed Tribal Land Dispute Resolution Panels Bill and the Justice Delivered Locally Program, although the committee urges very careful research and analysis of both proposals before their implementation.

**RAMSI in the provinces**

The complaint that RAMSI personnel do not respect the customs of Solomon Islands has been present since RAMSI’s arrival in 2003. The Committee notes, however, that it seems less prevalent today than in the past. Even those who raised this concern during the provincial hearings did not speak with the passion that this issue once engendered. The Committee believes that the reason for this is that RAMSI has taken concrete steps to address this issue through its cultural sensitivity training arrangements. The Committee commends RAMSI for this.

On the issue of RAMSI officers carrying firearms, the Committee appreciates the concern and fear of villagers. The Committee, however, is also convinced that CTF and PPF personnel can never be completely complacent while on duty, especially in areas they may not be familiar with, and should continue to have access to their firearms. Clearly, over the years RAMSI has introduced measures to minimize peoples’ fear and the Committee encourages RAMSI to continue with such measures.

The Committee suggests that one means of addressing this issue is for RAMSI personnel to work through community chiefs and leaders to obtain permission to carry their firearms in the villages. This way the chief/leader can reassure his people before RAMSI personnel enter the village with firearms.

**Youth violence and kwaso**

During the Committee’s provincial hearings, it became very clear that there is a significant problem posed by abuse of kwaso, marijuana and other forms of illegal alcohol by young people. Resolving this issue requires both police action and longer term measures to address the underlying causes of youth misconduct, including unemployment, lack of basic education and lack of opportunities. Longer term measures could take the form of recreational activities, sports and other engaging activities to assist youths realise self-worth and their potential.

The Committee was informed in all provinces that one of the reasons it is difficult to police the kwaso problem amongst youths is that there was inadequate penalties for kwaso production.
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and consumptions. In that regard, however, the Committee notes with approval the positive step taken by the CNURA Government in the recent enactment of the Miscellaneous Penalties Amendment Act 2009, which made certain important amendments to the Liquor Act (Cap. 144). These include increasing the penalties for illegally distilling liquor to SBD$30,000 (maximum), and for unauthorised sale of liquor to SBD$2,000 on first offence and SBD$10,000 on each subsequent offence.\footnote{Section 8 read with the schedule of the Miscellaneous Penalties Amendment Act 2009 made these amendments to section 50 (illegal distilling) and section 57 (unauthorised sale) of the Liquor Act (Cap. 144).}

On the issue of addressing the socio-economic aspect of this problem, however, the Committee agrees that these are not matters for the RSIPF and PPF. The RSIPF and PPF are responsible for enforcing the law and preventing the illegal use of prohibited substances. Providing opportunities for youths and engaging them in alternative activities is rightly a matter for the SIG to address.

The Committee understands that the Ministry of Police, National Security and Correctional Services is seeking the appointment of a taskforce which will look into the kwaso problem in consultation with community leaders. The Committee calls on the SIG to fast track this proposed taskforce, while expanding its terms of reference to cover not just kwaso but other illegal drugs and brews.

**Recommendation 13**

*The Committee recommends that Solomon Islands Government fast track the establishment of the proposed taskforce to examine the kwaso problem in both Honiara and provincial communities while expanding its terms of reference to cover not just kwaso but other illegal drugs and brews.*

**Infrastructure development and investment in the provinces**

During its provincial hearings, the Committee received the very clear message that Solomon Islanders in the provinces would like to see RAMSI take on additional responsibility for the delivery of infrastructure. This expectation perhaps derives from RAMSI's initial delivery of a ‘peace dividend’ after its arrival, when RAMSI did participate in various infrastructure projects. It may also derive from the fact that RAMSI has ventured into almost every district of the country, is highly visible, and has been widely welcomed. As such, RAMSI has the public recognition, support and legitimacy to undertake projects that other aid organisations may not have.

The Committee understands these pressures. To many Solomon Islanders, RAMSI is a foreign intervention force which has been broadly welcomed, is backed by a large budget, has significant equipment, is protected by broad powers and privileges, and has a mandate to venture into many areas of the state – the economy, the law, the judiciary, government institutions, to name a few. On top of this, RAMSI has proven itself to be extremely successful in achieving its aims in a short period of time. To many in the provinces who have had to live with insufficient government services and investment for 30 years, RAMSI is a ‘dream government’; the perfect mechanism to achieve any mandate whatsoever.

The Committee sympathises with the people’s wishes. However, as discussed previously in this report, RAMSI has a very clear mandate, and has clear understandings with the SIG and other bilateral and multilateral aid donors as to its roles and responsibilities. That mandate and those
roles do not extend to infrastructure development and the like. This has been acknowledged by the Prime Minister.

In making this observation, the Committee recognises that the provinces are in serious need of investment assistance, including infrastructure investment. This is the responsibility of the SIG, in consultation and collaboration with bilateral and multilateral donors to Solomon Islands.

The Committee notes in particular the evidence during the inquiry that there are certain areas, particularly Marau and Weather Coast, where infrastructure such as wharves and bridges were destroyed during the period of ethnic tension, and has not been rebuilt. The Committee believes that the people of these areas which bore the brunt of the ethnic conflict are entitled to a ‘peace dividend’, and that the Solomon Islands Government should take responsibility for this.

**Recommendation 14**

*The Committee recommends that the Solomon Islands Government, in consultation and collaboration with bilateral and multilateral donors to Solomon Islands, urgently examine investment in infrastructure in those areas, particularly Marau and Weather Coast, where infrastructure was destroyed during the period of ethnic tension and has not been rebuilt.*

The Committee also notes, however, that this issue of infrastructure investment in the provinces comes with risks to RAMSI and the SIG. As indicated previously in this report, RAMSI continues to receive strong support amongst Solomon Islanders. However, this support may be eroded over time if RAMSI is seen to be failing to deliver on such issues as infrastructure investment in provinces, even though it is outside RAMSI’s mandate. For this reason, the need for greater community understanding of the mandate and role of RAMSI, as discussed earlier in this chapter, is paramount.

**The 2007 tsunami**

The Committee is not in a position to comment with confidence on RAMSI’s role in responding to the 2007 tsunami. Under section 2 of the FIA Act, ‘responding to natural catastrophic events’ is one of the public purposes for which a visiting contingent may enter Solomon Islands. In RAMSI’s case, however, the RAMSI Treaty excluded this particular public purpose, so technically speaking disaster relief and similar work is outside RAMSI’s mandate.

The Committee notes, however, that RAMSI was involved in responding to the 2007 tsunami, and has responded to natural disasters such as the floods in Honiara since.

Separately, the Committee is aware that the question has arisen whether money collected for tsunami victims was misdirected. The appropriate body to look into use (or misuse) of the tsunami funds or other funds for disaster relief is the Office of the Auditor General. The Office of the Auditor General has in fact audited the tsunami funds and its audit report is currently with the Public Accounts Committee. This lends weight to the earlier recommendation of the Committee in Chapter 11 (Pillar Three – The Machinery of Government) that the National Parliament take steps to ensure the regular receipt and review of reports of the Office of Auditor General.

**The control of wild animals**

Beyond the observation that the control of wild animals is tied up with issues relating to the confiscation of legal firearms, discussed previously in Chapter 9 (Pillar One – Law and Order), the Committee does not have any further comment to make on this issue.
Chapter 13: Addressing the root causes of the ethnic tension

This chapter examines the root causes of the ethnic tension in Solomon Islands between 1998 and 2003, and the responsibility for addressing those root causes.

13.1 The 2004 UNDP Conflict Related Development Analysis

The Committee notes that in 2004, the United Nations Development Programme (UNDP) commissioned a Conflict Related Development Analysis in Solomon Islands to examine the root causes of the ethnic tension.

The report identified five themes as core issues affecting peace, conflict and development in Solomon Islands. Not only were these issues seen as integral to understanding the root causes of the tension but it also became apparent that they formed the basis of understanding structural and proximate causes of conflicts that have occurred in Solomon Islands since colonial times. The five themes were:

- Land (fundamental to Melanesian people’s identity, group allegiances, spiritual beliefs and livelihoods);
- The clash between traditional and non-traditional authority structures;
- Government services, public resources and information;
- Economic opportunity; and
- Law and justice.

The report found that while peace had been, for a time, successfully imposed from the outside by RAMSI, few if any of the underlying causes of the conflict had been addressed.

In evidence, Ms Christina Carlson, Deputy Resident, UNDP Honiara Office, indicated that the report included 12 recommendations to address the root causes of the conflict:

- The first recommendation was to traditionalize non-traditional authority structures and work to obtain better agreement on the role of traditional structures such as the church, chiefs and other actors;
- The second recommendation was to support political reforms that contribute to peace building as well as service delivery such as constitutional reform and decentralization;
- The third recommendation was to identify practical bases for the use of land;

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541 Ms Christina Carlson, Deputy Resident, UNDP Honiara Office, Evidence, 9 June 2009, p 83.

• The fourth recommendation was that the international community promote economic reform to enhance peace building and remove the causes and factors that led to the violent conflict;

• The fifth recommendation was to strengthen civil society and create a climate for a constructive interaction between civil society and government;

• The sixth recommendation was that the international community examine transitional justice mechanisms for Solomon Islands;

• The seventh recommendation was to strengthen and expand existing anti-corruption institutions;

• The eighth recommendation was to establish standards and verifiable codes of conduct for expatriate officials and advisors working within the Solomon Islands Government to ensure ‘ownership’ by Solomon Islanders;

• The ninth recommendation was to educate and build the capacity of public authorities in relation to their roles and responsibilities in the post conflict environment;

• The tenth recommendation was to ensure more effective communication to break cycles of conflict;

• The eleventh recommendation was to review youth policies to identify and address the role of economic grievances and perceptions in creating conflict; and

• The final recommendation was to develop and apply peace and conflict development assessment tools within the Solomon Islands Government.543

The Committee notes that the underlying causes of the ethnic tension identified by the UNDP Conflict Related Development Analysis in 2004 remain the same today. As such, many of the issues in relation to the root causes of the conflict raised with the Committee during its inquiry and discussed below reiterate the themes identified by the UNDP in 2004.

13.2 Root Causes

Cultural and ethnic differences

As indicated in Chapter 2, cultural and ethnic differences between the different islands of Solomon Islands played a major part in the ethnic tension of 1998 to 2003, especially the differences between the Malaitans and Guadalcanalese.

These ethnic and cultural differences were exposed when labour mobility and the consequent intermingling of different tribal groups, associated with the loss of land by some groups, were imposed on them by the governance systems.

During the inquiry, this root cause of the ethnic tensions was reiterated by many. Some openly blamed the colonial administration for putting people of different ethnic backgrounds together in plantations and other areas of employment. In the case of Guadalcanal, the Committee notes that the original 1998 bona fide demands alleged a lack of respect for Guadalcanal customs by migrants, particularly those from Malaita. The same sentiments were raised again in hearings that were conducted in four districts of Guadalcanal.

543 Ms Christina Carlson, Evidence, 9 June 2009, pp 84-86.
These issues stem from the fact that while the islands of Solomon Islands are neighbours geographically, inter-island conflicts and raid were a common feature of the archipelago long before the explorers, whalers and missionaries arrived. The arrival of westerners for a time suppressed these inter-island conflicts, while at the same time exacerbating them by the transport of people from different islands around the archipelago.

**Traditional and non-traditional authority systems**

As indicated previously in Chapter 2 (Background to the RAMSI intervention), Solomon Islands society is built on traditional customs and cultures, incorporating unwritten laws and understandings, based on Melanesian and Polynesian traditions.

Upon this system of traditional customs and cultures, a western system of constitutional and common law and of colonial institutions of state has been superimposed.

In his written submission, Mr Julian Treadaway highlighted the distinction to be drawn in Solomon Islands between the written laws enshrined in the *Constitution* and inherited from Britain, and traditional unwritten laws based on Melanesian and Polynesian customs and traditions. Mr Treadaway argued that conflict between the two sets of laws, and the underlying values and concepts on which they are based, is one of the basic causes of the tension within Solomon Islands society.544

Similarly, in evidence, Sir Allan Kemakeza, former Prime Minister of Solomon Islands, emphasised the importance of the traditional justice system in Solomon Islands, and the fact that it has broken down.545

The Committee examined in Chapter 12 (Supporting the provinces) some of the issues that have arisen in relation to customary law in the provinces and some of the proposals for reform such as a re-institution of the traditional headman system.

In response to this matter, the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, accepted in evidence that there is a disconnection in Solomon Islands between traditional custom and law and western laws:

> When we adopted our form of government upon independence, what we have done is putting our worthy customs and traditions outside of government. We have put our laws, our traditions, our customs, our practices outside of government and we put a government in that doesn’t link in very nicely to our worthy customs and traditions and practices, and so there is no connection.546

Dr Sikua subsequently indicated that the *Constitution*547 and the *Provincial Government Act* make provision for the application of customary laws within Solomon Islands. In this regard, the Committee notes that section 75 of the *Constitution* provides:

> (1) Parliament shall make provision for the application of laws, including customary laws.

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544 Submission 13, Mr Julian Treadaway, p 1.
546 The Hon Dr Derek Sikua, Evidence, 18 September 2008, p 18.
547 See sections 75, 76 and schedule 3.
(2) In making provision under this section, Parliament shall have particular regard to the customs, values and aspirations of the people of Solomon Islands.

However, Dr Sikua observed that the provincial and national government have failed to make sufficient provision for the application of customary law in Solomon Islands to date, and that as a result it remains outside the system of governance.\textsuperscript{548}

This position was supported by Sir Albert Palmer, the Chief Justice. He acknowledged the lack of legislation recognising the role played by community chiefs. As a result, there is no means of enforcing the rulings of a chief or a chiefs’ committee should the matter subsequently come before the local courts or the Magistrates Courts. To address this, he supported chiefs’ committees being recognised and remunerated by the government in a similar fashion to the local courts.\textsuperscript{549}

\textbf{Customary land tenure}

A key area of difference between western and customary law is in relation to land. The written laws of Solomon Islands are based on the 'western' concept that land is a commodity which can be bought and sold, and once it changes hands through the payment of money the new owner has a 'freehold' right to do what he or she likes with it, including selling it to others and passing it on to their children. By contrast, in Melanesian 'law', land is not a commodity which can be bought and sold. People can be given certain rights to use the land, either by gift or the payment of money, but the people who have occupied it for generations and whose ancestors are buried there are still the legal 'owners' of the land, and can demand that it be returned to them at any time.

In his evidence to the Committee, Mr Treadaway argued:

\begin{quote}
Much of the origin of the tension was based on outsiders, especially but not only Malaitans, who followed the 'rule of law', that is the written 'western-based' laws of Solomon Islands. They paid money for pieces of land to people of Guadalcanal and then claimed that they were the owners in perpetuity according to 'western' customs and laws. The people of Guadalcanal, following Melanesian laws, said 'NO', this is still our land and we now want it returned, so you have to leave.\textsuperscript{550}
\end{quote}

In his written submission, the Hon Manasseh Sogavare, the Leader of the Opposition, raised the legacy of colonial administrations and colonial land policies as insensitive to traditional land tenure systems and depriving tribes of their tribal lands.\textsuperscript{551}

In his evidence, Dr Transform Aqorau, appearing in a private capacity, argued that the Government has so far missed the opportunity, since the RAMSI intervention, to address issues in relation to land ownership and tenure, and to prevent a re-occurrence of some of the problems that have gone before.\textsuperscript{552}

\begin{footnotesize}
\begin{enumerate}
\item The Hon Dr Derek Sikua, Evidence, 18 September 2008, p 19.
\item Sir Albert Palmer, Evidence, 18 September 2008, p 39.
\item Submission 13, Mr Julian Treadaway, p 1.
\item Submission 11, The Leader of the Opposition, p 48.
\item Dr Transform Aqorau, Evidence, 16 September 2008, pp 66-67.
\end{enumerate}
\end{footnotesize}
The Committee notes that this is again another major feature of the post colonial Solomon Islands that no government has addressed. It is very much tied to the clashes between traditional and western systems of authority. Many have called, even before the ethnic tension, for amendments to introduce traditional land laws to Solomon Islands. No such action has been taken. The issue has in turn led to other problems such as exploitation of natural resources (such as logging) and internal migration, to name a few examples. The issue has also been blamed for the lack of development in rural areas and, as indicated above, for the clashes between Guadalcanalese and Malaitans over customary land on Guadalcanal.

**Access to Government services and public resources**

Solomon Islands has one of the highest population growth rates in the world, but at the same time a narrow economic base and low levels of education. External aid as a proportion of GDP is over 50 per cent, and 70 per cent of export earnings are derived from logging, which is not sustainable in the long term.\(^{553}\)

As a result, the pressure on public resources and access to government services is high. Concerns exist about the exploitation of natural resources in some islands and the unequal distribution of financial benefits.\(^{554}\) Coupled with this are perceptions of inadequate public investment in health, education, infrastructure development and other essential services.\(^{555}\)

In the provinces, there is a feeling that the national government extracts a lot of natural resources (fish, timber, copra, cocoa) from the provinces, but they do not receive benefits in return.

Underlying these problems are issues in relation to the system of government of Solomon Islands, and whether there has been an overcentralisation of political and economic structures in the country. For example, the Hon Manasseh Sogavare advocated in his written submission decentralisation of government to move major economic and political systems to other centres in the country as a strategy to create economic opportunities for people outside Honiara.\(^{556}\)

In response to these issues, the Committee notes the evidence of the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, acknowledging that work still needs to be done in the delivery of services to rural populations, but that the *Partnership Framework* sets out programs and policies for the SIG, working in collaboration with RAMSI, to strengthen services.\(^{557}\)

**The Guadalcanal perspective**

The above discussion identifies what are generally thought to be the root causes of the ethnic tension. These issues, however, are very broad and have been around since colonial times; and they could explain every instance of inter-ethnic tension or stand-off that has taken place in Solomon Islands since independence. These include, for instance, the clashes between Malaitans and the people of Rennell and Bellona in 1989 and that between Malaitans and people of Temotu in 1996.


\(^{554}\) Submission 15, Mr Jezreel Irofanua, p 3.

\(^{555}\) Submission 11, The Leader of the Opposition, p 47.


\(^{557}\) The Hon Dr Derek Sikua, Evidence, 10 June 2009, p 79.
However, the root causes of the ethnic tension between Guadalcanalese and Malaitans between 1998 – 2003 need specific mention. While this conflict involved two distinct groups (who did not necessarily represent their islands or provinces), the Committee notes that the Malaitan groups did not, and still do not, identify themselves with any particular set of ‘root causes’.

By contrast, the Guadalcanal groups expressed their demands very clearly in as early as 1988 in what are now known as the *bona fide* demands of the indigenous people of Guadalcanal. As explained in Chapter 2 (Background to the RAMSI intervention), these demands, read with the additional demands made by the then provincial government of Guadalcanal Province, were, and still remain as:

- adoption of federalism as recommended by the Constitutional Review Committee in 1987;
- repatriation of all illegal squatters;
- shifting major development projects away from Guadalcanal;
- transfer of title in perpetual estates (formerly alienated land and later freehold estates) on Guadalcanal to the Guadalcanal Provincial Government for appropriate action;
- relocation of prisons from Guadalcanal;
- reducing internal migration and its pressures;
- registration of customary land by tribes/clans;
- legislation to give every province exclusive authority over its 12 mile marine zone;
- re-introduction of capital punishment to further deter murders on Guadalcanal;
- review of fundamental rights;
- review of land laws to prevent persons owning land on another island;
- payment to the Guadalcanal Provincial Government of rent for the use of Honiara as the national capital;
- payment of half of investment revenue raised on Guadalcanal to the province;
- long term relocation of the national capital elsewhere;
- legislative reform to control internal migration;
- amendment to election related legislation to prevent non-indigenous persons from contesting a seat (as they may, currently); and
- proper acquisition of the foreshore of Honiara from its customary owners.

These demands are captured in the five themes identified as the underlying root causes of the ethnic tension by the UNDP analysis in 2004 – land, authority structures, government services/public resources and information, economic opportunity and law and justice.

Malaitans, on the other hand, did not present any such comprehensive set of demands. Consequently, after the ethnic tension, whenever the SIG or a group talks of the root causes,
they are referring to the root causes from the perspective of Guadalcanal. This however does not detract from the fact that the concerns of the people of Guadalcanal (except those relating to specific events that occurred on Guadalcanal) apply equally to all other provinces.

For instance, as discussed in Chapter 12 (Supporting the provinces), all provinces equally grapple with issues in relation to land use, authority structures, government services/public resources and information, economic opportunity and law and justice. However, they have never made their demands in the manner, and at the level, that the people of Guadalcanal eventually did.

13.3 Which ‘root causes’ should be addressed?

While there is no question that Solomon Islands must address the root causes of the ethnic tension, the question arises, which root causes should be addressed – the root causes as identified by the bona fide demands of the people of Guadalcanal, or the broader issues that have been around since before independence?

The Committee notes evidence during the inquiry that the ‘root causes’ affect all Solomon Islanders. However, in his evidence, Mr Andrew Nori, a former member of Parliament, argued that the demands of Solomon Islands from all the provinces should be considered equally alongside the bona fide demands:

No one in this nation should demand constitutional change or should demand development activities, other than going through the normal processes of government, and that is through the provincial authorities, through parliamentarians and through recognized organs of the government. When we start entertaining demands by a certain group of people in this nation, even to the point of using militancy, we are deciding the fate and the collapse of this country.

Every province should channel their requests, demands and development plans through accepted formulas in the government. On that basis, it is surprising to me that successive governments in the last six years still refer to and still entertain the so called bona fide demands of the Guadalcanal people.

Demands of western voters, eastern voters, Malaitan voters and voters from all provinces are normally put through their parliamentarians, through their provincial governments, and the answer cannot always be yes. That is the way we should advise our population, our voters, that if they have a demand or request for development assistance they go through the normal process of government.558

The Committee also notes, however, that some witnesses from Guadalcanal warned during the inquiry that if their bona fide demands are not addressed, the ethnic tension might resurface when RAMSI leaves. Similar sentiments were also expressed by witnesses from Malaita, although clearly not in relation to the bona fide demands.

13.4 Responsibility for addressing the root causes of the ethnic tension

The Solomon Islands Government and the people of Solomon Islands

The need to address the root causes of the ethnic tension, and specifically the bona fide demands of the people of Guadalcanal, was raised repeatedly during the inquiry. The Committee notes,

558 Mr Andrew Nori, Evidence, 28 May 2009, p 7.
in particular, the evidence of Sir Baddeley Devesi, senior statesman and former Governor-General:

Now we are talking about reconciliation and reconciliation cannot come about until the demands of the people of Guadalcanal are addressed. And I am sorry to say that the government is very weak indeed to deal with these issues.559

Sir Baddeley further argued that it is the responsibility of the Prime Minister to take responsibility for addressing the bona fide demands of the people of Guadalcanal.560

The CNURA Government has taken up this call as reflected in the fact that reconciliation has been its first priority in terms of policy. Thus, the CNURA Government National Policy Statement stipulates:

Reconciliation is the number one priority of the Government. True and meaningful reconciliation which comes right from the hearts of our people must take place at all levels of our society and this will lead to national healing and forgiveness. In addition, rehabilitation of social dislocations in relation to our youth who were unfortunately involved in the recent tensions would be addressed together with the rehabilitation of infrastructure damaged as a result of natural and man made disasters.

The Government will carry out these measures:

(i) Reconciliation amongst individuals, families, tribes, communities and constituencies/wards in Guadalcanal Province.

(ii) Reconciliation amongst individuals, families, tribes, communities and constituencies/wards in Malaita Province.

(iii) Reconciliation between individuals, families, tribes, communities in Malaita and Guadalcanal Provinces.

(iv) Reconciliation between Malaita Province and Guadalcanal Province.

(v) Reconciliation between Malaita/Guadalcanal and the rest of the provinces in the country including Honiara City Council.

(vi) Reconciliation between Malaita Province, Guadalcanal Province and the National Government.

(vii) Establishment of the Truth and Reconciliation Commission.

(viii) Table a Pardon/Forgiveness Bill in Parliament for enactment.561

The Truth and Reconciliation Commission

The Truth and Reconciliation Commission has been established by Parliament on the initiative of the Solomon Islands Government to investigate the causes of the ethnic tensions between

1998 and 2003. The *Truth and Reconciliation Commission Act 2008* was passed by the National Parliament of Solomon Islands on 28 August 2008, and the Commission was officially established on 29 April 2009.

The Truth and Reconciliation Commission is composed of five members, three of whom are citizens of Solomon Islands, while two others are from outside the country:

- Father Sam Ata of Malaita Province, Solomon Islands (Chairman);
- George Kejoa of Guadalcanal, Solomon Islands;
- Caroline Laore of Western Province, Solomon Islands;
- Ratu Joni Madraiwiwi of Fiji; and
- Sofia Macher, a human rights activist from Peru. (Deputy Chair).

Under the *Truth and Reconciliation Commission Act 2008*, the Truth and Reconciliation Commission’s primary role is to promote national unity and reconciliation. The Commission’s mandate under the Act is:

- to investigate the circumstances that led to and which enabled the violence and destruction to take place during the tension years;
- to examine the truth about human rights violations and abuses that occurred between 1 January 1998 and 23 July 2003;
- to gather individual statements and information from various individuals and communities and people or groups;
- to provide victims the opportunity for them to come forward and relate their accounts about the violence; and
- to provide an opportunity for perpetrators to come forward and relate their experiences for the purpose of reconciliation.\(^{562}\)

At the end of 12 months, the Commission is due to submit its report to the Government of the day.

It is anticipated that the Truth and Reconciliation Commission will take the leading role alongside other institutions of the SIG in identifying the root causes of the ethnic tension and recommending measures to address them.

In evidence, Father Sam Ata, Chairman of the Truth and Reconciliation Commission, indicated that since its appointment the Commission has established its offices, and has identified its staffing requirements and budget needs. It is anticipated that much of the work of the Commission will be in the provinces, although Guadalcanal and Malaita will obviously be priorities.\(^{563}\)

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\(^{562}\) Father Sam Ata, Chairman, Truth and Reconciliation Commission, Evidence, 8 June 2009, p 60. See also section 5 of the Truth and Reconciliation Commission Act 2008.

\(^{563}\) Father Sam Ata, Evidence, 8 June 2009, pp 59-60, 72.
An important aspect of the Commission’s work is that evidence given to the Commission will not be admissible in a court of law in any action against an individual, and that information given to the Commission will not be disclosed publicly or to the police. Section 7 of the Act specifically provides:

(1) No statement written or oral made by any person before the Commission shall be admissible against the person in any action, suit or proceeding.

(2) No witness shall be compelled to incriminate him or herself.

(3) Every person who is invited or required to come before the Commission shall be informed of this right, and if at any stage, it appears to the Commission, that a question asked of a witness is likely to elicit a response that may incriminate the witness, the Commission is required to re-advice the witness of his or her right not to answer the question.

(4) No witness shall be compelled to incriminate his or her spouse, parents or children.

As such, the focus of the Commission is very much upon reconciliation between individuals and communities.564 Father Ata elaborated on this in evidence:

… the Act is quite clear the information that is provided will not be used to incriminate a person giving evidence. The TRC does not take the place of our laws. Our criminal justice system is there, it is a different process and the TRC is another process. Actually, it is not a commission that people should be frightened of. It is not to prosecute any one. It is actually to help people, the so-called perpetrators or the victims of the violence. More awareness is needed and I think the Commission is totally aware of the frequently asked areas that people are concerned about, and hopefully that will be clarified.565

The Committee understands that the Truth and Reconciliation Commission receives funding support from donors like the EU, the UNDP, the Australian Government and New Zealand Government.566

During the inquiry, it was alleged by various parties that the SIG has done nothing to address the ethnic tensions that are the root cause of the breakdown of Solomon Islands society. In response to this, Father Ata suggested that it is too early to make that comment, and that the Truth and Reconciliation Commission is just beginning its work.567

The work of the Ministry of National Unity, Reconciliation and Peace

The Committee notes that the Truth and Reconciliation Commission is supported by the Ministry of National Unity, Reconciliation and Peace.

This Ministry was created at the time of the Townsville Peace Agreement, in 2000, specifically to address the ethnic tensions within the country. It was initially called the Department of

564 Ibid, p 69.
565 Ibid, p 77.
566 Ms Joy Kere, Permanent Secretary, Ministry of National Unity, Reconciliation and Peace, Evidence, 8 June 2009, 65.
567 Father Sam Ata, Evidence, 8 June 2009, pp 70-71.
National Unity, Reconciliation and Peace within the Ministry of Provincial Government. Solomon Islands is one of only three countries in the world that has a Ministry specifically dedicated to issues of peace, reconciliation and national unity.

The Ministry’s work on the reconciliation and peace process is primarily through its National Reconciliation and Peace Program. This program is SIG funded with a budget of SBD$5 million in 2008. The program has the following specific outcomes:

- Completing the truth and reconciliation process and establishing what happened during the years of the conflict. This also means providing an opportunity for reconciliation at all levels of society and addressing the concerns of victims.
- Creating functioning networks and partnerships between stakeholders that identify and recognize potential conflict and work to resolve tensions.
- Empowering community leaders to be able to deal with conflict and prevent outbreaks of violence.\footnote{Ms Joy Kere, Permanent Secretary, Ministry of National Unity, Reconciliation and Peace, Evidence, 29 October 2008, pp 35, 44.}

The Cabinet has also approved the appointment of a national reconciliation eminent persons group to look at the issue at the provincial level.\footnote{Ibid, pp 41, 48.}

In her evidence in 2008, Ms Kere, Permanent Secretary of the Ministry of National Unity, Reconciliation and Peace, commented on the relationship between her Ministry and RAMSI. She pointed out in her evidence that both entities were born as a result of the ethnic tension and both aim to assist the country in restoring peace and stability in the country. However, despite the similarities and commonness of overall goals, RAMSI’s assistance to the Ministry up until 2008 had been limited and provided on an \textit{ad hoc} basis only (such as providing a helicopter for visits to Weather Coast). There is no direct partnership between the two and the Ministry does not come directly under any of RAMSI’s pillars.\footnote{Ibid, pp 34-35, 36, 38.}

Comparing the respective approaches of RAMSI and the Ministry, Ms Kere believed that RAMSI’s focus lies in strengthening state institutions based on theories relating to state building in post conflict recovery. The Ministry on the other hand focuses on facilitating and supporting national reconciliation and peace building as evident in the expected outcomes of the National Reconciliation and Peace Program (discussed above).\footnote{Ibid, p 35.}

\textbf{Does RAMSI have a role to play?}

The Committee notes that some parties to the inquiry also suggested that RAMSI should take a role in helping to address the outstanding cultural/ethnic differences and antagonism within the country. For example, when asked whether RAMSI should be assisting in the reconciliation process and meeting some of the \textit{bona fide} demands of the people of Guadalcanal, Sir Baddeley Devesi replied:
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... that’s a very good suggestion because in my view it would be always like that. I think while RAMSI is here, maybe they should go in for that too ... 572

Another proponent of expanding RAMSI’s mandate in order to assist with the peace and reconciliation process was Ms Joy Kere, Permanent Secretary for the Ministry of Peace, National Unity and Reconciliation. In evidence, she argued that there is a real need to harmonise the efforts of the two entities, and that RAMSI should assist the SIG (through her Ministry) in the peace process. She explained the rationale for her view as follows:

If RAMSI’s role is to assist in the long term stability of Solomon Islands then some effort and assistance is required to enable the Solomon Islands Government and its people to address and reconcile grievances in a manner that is meaningful to Solomon Islanders. As we are all aware, if grievances are not addressed appropriately and avenues for reconciliation are not provided then all the good work that has been presented by RAMSI might unravel. 573

If RAMSI were to assist in this way, Ms Kere suggested that a partnership between the Ministry and RAMSI should be guided by the following principles:

- That meaningful reconciliation and law and order be considered as conditions for RAMSI’s phase down.
- That RAMSI provide support where appropriate for the national reconciliation process, for example through logistical support for the Ministry’s work.
- That RAMSI facilitate through the Pacific Islands Forum the SIG request for timely support from other organizations such as the Commonwealth Secretariat and the United Nations towards a national reconciliation program. 574

Mr Paul Tovua, former Chairman of the National Peace Council, also partly supported the call for expanding RAMSI’s mandate to incorporate the reconciliation process. He argued in his evidence that if the goal is to restore and maintain peace in Solomon Islands, the people who were affected by the ethnic tension should be involved, and that RAMSI has a role to play in facilitating this. Mr Tovua, however, qualified his view in that he believed that any expansion to RAMSI’s mandate must be sanctioned by the Forum. 575

By contrast, the Rt Hon Sir Peter Kenilorea, Speaker of the National Parliament and former Prime Minister, did not have any expectations of RAMSI in this regard. He observed in his evidence that:

The root causes of the ethnic tension will be with us for as long as Solomon Islands is here because they are based on land matters, human prejudices, greed and selfishness, and all these sorts of things and they’ll be here as long as the Solomon Islands country exists. We are different, we have our own different cultures, 80 different languages speak of the fact that this is a very diverse country, and I don’t think RAMSI is going to solve that, nor should it be expected to solve it. Well, it is not the government of this country; RAMSI is not the government of this country.

572 Sir Baddeley Devesi, Evidence, 9 June 2009, p 22.
574 Ibid.
575 Mr Paul Tovua, Evidence, 29 October 2008, p 23.
It is the government of this country that needs to set its policies right and make RAMSI fully understand that this is the way we want to go and so can you help us in whatever way you can help us with logistically, financially, personally and all these other areas ... But we should not expect RAMSI to eliminate or solve the basic problems of Solomon Islands.  

Sir Peter also cautioned that if RAMSI is to assist the Truth and Reconciliation Commission, this should be confined to logistical support so as to avoid the appearance of RAMSI involvement in a body that is supposed to be independent.  

The suggestion that RAMSI should play a role in addressing the root causes of the ethnic tension was specifically addressed in the report of the 2007 RAMSI Review Task Force. In its report the Task Force observed:

Although they fall outside its strict Terms of Reference for the Forum review, the Task Force felt that the challenges of identifying and dealing with the causes of ethnic tension, moving ahead with reconciliation and charting the course of Federalism are of such overriding importance to the future of Solomon Islands that they should be drawn to the attention of the Forum. These activities are squarely the responsibility and prerogative of the SIG’s political leadership and fall outside RAMSI’s mandate. Nevertheless, RAMSI will, on request, stand ready to provide logistical support to the SIG as it pursues these goals, subject to its resource limitations. Moreover, RAMSI’s capacity-building and institution-strengthening work is already making an important contribution to nation-building and peace building as well as to the ability of the SIG to exercise effective sovereignty.

For its part, RAMSI took a neutral stand on this issue. In evidence to the Committee in 2008, Mr Tim George, the former Special Coordinator of RAMSI, indicated that RAMSI has not taken a direct role, preferring to follow the guidance of the SIG in relation to such matters. This was reiterated by Mr Graeme Wilson, the current Special Coordinator of RAMSI, in 2009:

… I think clearly this is a fundamental issue for Solomon Islands and I think what RAMSI has been able to do in the time it has been here is to provide an enabling environment which has allowed, for example, the truth and reconciliation commission to be established. It has provided peace and stability. ... But I think fundamentally this is the responsibility of the Solomon Islands Government to address the root causes.

Similarly, in evidence, Mr Frank Ingruber, the Australian High Commissioner, and Ms Deborah Panckhurst, the New Zealand High Commissioner, indicated that identifying the root causes of the ethnic tensions and how best to address them is an issue for the SIG.

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576 The Rt Hon Sir Peter Kenilorea, Evidence, 28 October 2008, p 34.
577 Ibid, p 38.
579 Mr Tim George, Evidence, 16 September 2008, p 12.
580 Mr Graeme Wilson, Special Coordinator, RAMSI, Evidence, 10 June 2009, p 17.
Dr Lesi Korovavala, the former Pacific Islands Forum Secretariat Representative to Solomon Islands, took the same view. He commented that while RAMSI continuously strives to provide the environment in which the peace and reconciliation process may flourish, it is ultimately the prerogative of the Government and people of Solomon Islands to see this process taken to fruition. As such, RAMSI is better suited for a more supportive (as opposed to leading) role in this process, particularly in terms of providing logistical assistance.\footnote{582}

In his evidence to the Committee, the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, noted that the Government has been heavily criticised in some quarters for failing to address the issue of reconciliation and the \textit{bona fide} demands. In response, however, Dr Sikua pointed to the work of the Truth and Reconciliation Commission and the Ministry of National Unity, Reconciliation and Peace.\footnote{583} This is discussed below.

\section*{The role of the churches}

In evidence to the Committee, Rev Philemon Riti, Secretary General of the Solomon Islands Christian Association, acknowledged that during the ethnic tension, Solomon Islanders belonging to different faiths came in to conflict. Accordingly, he suggested that the churches also have a role to play in addressing the root causes of the conflict and in strengthening the moral and religious fabric of Solomon Islands society.\footnote{584} However, Rev Riti noted that the churches currently have no place in the formal structures and initiatives to assist in the peace and reconciliation process at the community level. He argued that churches can contribute much to this process and that this role should be formally recognized by the SIG and RAMSI.\footnote{585}

As far as the relationship between RAMSI and the churches goes, the only occasion on which the SICA and RAMSI have engaged with one another was to participate in a ‘Talking Truth’ One News Television program.\footnote{586} Apart from that, Rev Riti maintained that both SIG and RAMSI need to appreciate and utilise the role of churches in the peace and reconciliation process because, in his words, ‘the only organization that reaches the people and stays with people everyday is the church’.\footnote{587} This suggestion received strong support from other witnesses in Honiara and in the provinces.\footnote{588}

In terms of how best to approach reconciliation, Rev Riti indicated that from the churches’ point of view, the process must involve both cultural and spiritual aspects. In Solomon Islands, cultural processes allow warring parties to come to the table and compensate each other where necessary; while religious processes/beliefs allow reconciliation and peace to be lasting by cementing cultural reconciliation in people’s hearts, thus making way for forgiveness.\footnote{589}

Mr Paul Tovua, former Chairman of the National Peace Council, also suggested that the Ministry of National Unity, Reconciliation and Peace should place greater emphasis on the

\begin{footnotesize}
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\item[582] Dr Lesi Korovavala, Evidence, 19 September 2008, p 14.
\item[583] The Hon Dr Derek Sikua, Evidence, 10 June 2009, p 78.
\item[584] Rev Philemon Riti, Evidence, 19 September 2008, p 41.
\item[585] \textit{Ibid}, pp 34-35.
\item[586] \textit{Ibid}, p 39.
\item[587] \textit{Ibid}, p 38.
\item[588] For example the Rt Hon Sir Peter Kenilorea, Evidence, 28 October 2008, p 43.
\item[589] Rev Philemon Riti, Evidence, 19 September 2008, pp 38, 40, 43.
\end{footnotes}
\end{footnotesize}
work of indigenous organizations and churches on the ground. He cited the ongoing work of the Church of Melanesia as an example. This approach, he argued, would avoid duplication, which seems to be what is happening at present.\(^{590}\)

In evidence, Mr Masi Lomaloma, Assistant Special Coordinator of RAMSI, indicated that RAMSI is working closely with the Ministry of National Unity, Reconciliation and Peace in building the foundations for peace in Solomon Islands. While RAMSI is aware that the churches are involved in a lot of programs concerning reconciliation and peace building, Ms Lomaloma indicated that RAMSI is guided by the Ministry in such matters, as it is the Ministry which is responsible for coordinating peace building efforts in Solomon Islands. Mr Graeme Wilson, Special Coordinator of RAMSI, further added:

> I absolutely agree with the point that the churches play a fundamental role at that village level, at the local level, and that we need to make the most of that where we can, but it is I think the best to do that in cooperation with the government. But we certainly welcome the contribution of the churches and look forward to doing more with them.\(^{591}\)

Mr Dennis McDermott, former Commander of the PPF, also noted that the churches play an important role in the development of community policing in the provinces, together with the crime prevention committees being established around the country.\(^{592}\)

### The role of international aid agencies

The role of aid agencies and donors in addressing root causes and reconciliation was not raised during the inquiry.

However, as discussed in Chapter 8 (RAMSI, bilateral and multilateral aid programs to Solomon Islands), all bilateral and multilateral donors operating in Solomon Islands have been, and continue to be, involved in economic and infrastructure development, particularly in the provinces. Some, such as UNDP, put more emphasis on good governance in the provinces and peace building initiatives.

Whether in partnership with RAMSI or not, every aid agency in Solomon Islands does assist those parts of Solomon Islands that were affected by the ethnic tension through the agency’s normal processes.

### The role of the Pacific Islands Forum

In 2005, the Eminent Persons Group report recommended that the Office of the Secretary General of the Forum be used to facilitate reconciliation in Malaita and Guadalcanal.\(^{593}\) Although the Committee was cognizant during the inquiry of the fact that the SIG had taken the initiative to establish the Truth and Reconciliation Commission, the Committee sought from the Forum further information on the outcome of that recommendation from the Group’s report.

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\(^{590}\) Mr Paul Tovua, Evidence, 29 October 2008, p 24.

\(^{591}\) Mr Graeme Wilson, Evidence, 10 June 2009, p 16.

\(^{592}\) Mr Denis McDermott, Evidence, 10 June 2009, p 19.

In response Dr Lesi Korovavala, the former Pacific Islands Forum Secretariat Representative to Solomon Islands, advised that the Forum, UNDP and the Ministry of National Unity, Peace and Reconciliation, had entered into a project for peace building that will delve into the area of reconciliation. A coordinator for the project has already been appointed and will be working with the Ministry.\footnote{594}

There was, however, no direct response to the question of any attempt by the Secretary General of the Forum to assist with reconciliation between Malaita and Guadalcanal.

**The role of indigenous organisations**

In evidence Mr Paul Tovua, former Chairman of the National Peace Council, argued that indigenous organisations such as the National Peace Council played a significant role during the period of ethnic tension, and should play a role in the process of reconciliation. However, organisations such as the National Peace Council have been disbanded. Mr Tovua advocated its reestablishment and funding.\footnote{595}

In response, Ms Joy Kere, Permanent Secretary, Ministry of National Unity, Reconciliation and Peace, acknowledged the role of the indigenous organisations during the ethnic tension, particularly the National Peace Council, in attempting to fill the gap when law enforcement institutions could no longer guarantee protection and security for Solomon Islanders. She argued however that with RAMSI’s arrival, there was an opportunity to harmonise local level governance with the formal institutions of government.\footnote{596}

It appears that it was during this harmonisation exercise that the National Peace Council and other indigenous organizations were disbanded. Ms Kere however advised the Committee that the Ministry was still discussing whether to establish a Peace and Integrity Council.\footnote{597}

**The role of women**

Finally, the Committee notes the evidence of representatives from the National Council of Women that women have been left out of the peace and reconciliation process. For instance, in her evidence, Mrs Hilda Kari, President of the Council, argued that:

> Women are very active peace builders, but when it comes to established organizations, women are the ones that are left out in participating, or if they are involved in any way, it is always one odd figure in the room, and people wonder why conflicts are escalating.\footnote{598}

Mrs Kari submitted that women have a significant role to play in reconciliation and peace building.

**13.5 Committee comment**

Addressing the root causes of the ethnic tension is a significant challenge. To date, no government has had the necessary political will and public support to address issues such as

\footnote{594} Dr Lesi Korovavala, Evidence, 19 September 2008, p 14.  
\footnote{595} Mr Paul Tovua, Evidence, 29 October 2008, pp 16, 18.  
\footnote{596} Ms Joy Kere, Evidence, 29 October 2008, p 34.  
\footnote{597} Ibid, p 48.  
\footnote{598} Ms Hilda Kari, Evidence, 28 October 2008, p 47.
land rights, federalism, repatriation of ‘illegal squatters’, control over internal migration, and so on. However, following the RAMSI intervention, the CNURA Government is today in a far better position to do so than any of its predecessors. It is also clear from the provincial hearings that there is a huge nationwide expectation of the SIG in this regard.

The Committee notes that much of the responsibility for identifying the root causes of the ethnic tension and suggesting strategies to deal with them lies with the Truth and Reconciliation Commission. The Ministry of National Unity, Reconciliation and Peace also has a significant role to play. While dealing with the *bona fide* demands of the people of Guadalcanal is one priority for the Commission, the Committee also notes the evidence of Mr Nori that the root causes of the conflict also encompass broader issues of relevance to the entire nation. While not widely canvassed during the inquiry, the root causes of the ethnic tension also include the political power struggle that predated the outbreak of violence, and the manipulation of the *bona fide* demands for political influence by certain individuals. The influence of the Bougainville crises on events in Solomon Islands must also be considered.

Following the work of the Truth and Reconciliation Commission, it is then up to the SIG to set the direction on how to address the Commission’s findings and recommendations. Whatever approach is identified and implemented, the SIG must maintain its leadership throughout. While it is perhaps premature to speculate at this point, it is unclear what steps the SIG plans to take once the work of the Truth and Reconciliation Commission is complete.

As far as RAMSI is concerned, the Committee feels strongly that it is not RAMSI’s role to be directly involved in seeking to address the root causes of the conflict. However, if a particular step or activity in the process falls directly under the mandate of RAMSI, the SIG should seek RAMSI’s assistance in that area. Further, RAMSI should consider establishing formal partnerships with the Ministry of Reconciliation, National Unity and Peace, churches and the National Council of Women in areas that are in line with RAMSI’s mandate.

In terms of the Pacific Islands Forum and international aid donors, the Committee does not see the need to involve them in the reconciliation process. The Forum will continue to assist through RAMSI. Aid donors will continue with their good work in promoting development programs in Solomon Islands. The long term impact of donors’ assistance in infrastructure and economic development will no doubt go some way in addressing some of the longer term root causes.

Finally, the Committee makes the observation that many of the root causes of the ethnic tension relating to economic disadvantage, resource distribution and access to services are problems confronted by many developing countries world wide. As such, any plan to address the root causes of the ethnic tension will effectively entail the economic development of Solomon Islands, including the provinces.
Chapter 14: The future for Solomon Islands and RAMSI

This chapter examines issues concerning the future relationship between RAMSI and the SIG, and issues concerning the future of Solomon Islands. The issues raised in this chapter all have at least been touched on in earlier chapters. However, this chapter seeks to draw out new questions that stand out as key questions for the future of Solomon Islands.

14.1 The transition from RAMSI to bilateral and multilateral aid

As touched on in Chapter 8 (RAMSI, bilateral and multilateral aid programs to Solomon Islands) and Chapter 12 (Supporting the provinces), a key question for the future of RAMSI is whether it has a long term role as an agency for coordinating bilateral and multilateral aid assistance to Solomon Islands. The CNURA Government National Policy Statement stipulates:

When RAMSI completes the work it was requested to do, Forum leaders will meet to consider whether the Mission should eventually withdraw or set up a permanent military and police presence as police backup support service and continue to act as an avenue through which economic development assistance can be channelled.\(^{599}\)

In some quarters of the community and perhaps Government there is a feeling that the delivery of aid assistance in Solomon Islands can be managed more effectively, potentially through RAMSI.

In his written submission, the Hon Manasseh Sogavare, the Leader of the Opposition, criticised this approach. He argued that the CNURA Government is attempting, through the Partnership Framework, to replace the traditional role of aid delivery agencies with RAMSI. He continued:

Rehabilitation and long term recovery are rightly the roles of the traditional aid agencies working with Solomon Islands Government. In fact, it has never been the intention of RAMSI to take over the roles of the traditional aid agencies already operating in the country well before the birth of RAMSI itself. In this respect, I am of the view that RAMSI has accomplished its restoration task, and it is now time to hand over the rehabilitation and recovery tasks to the traditional aid agencies.\(^{600}\)

Mr Sogavare further noted that as rehabilitation and long term recovery are handed back to the traditional aid agencies, RAMSI personnel may be brought under aid programs or retained as advisors to the programs or the Government.\(^{601}\)

Similarly, the Rt Hon Sir Peter Kenilorea, Speaker of the National Parliament and former Prime Minister, submitted that it is unrealistic to expect RAMSI to promote long term economic recovery. This is the responsibility of the SIG which must take the lead in terms of policy, with donors and partners providing support if they so wish. Sir Peter observed, however, that the


\(^{600}\) Submission 11, The Leader of the Opposition, pp 16, 20.

\(^{601}\) Ibid, p 17.
SIG has not been clear on policy guidelines, which may have resulted in RAMSI venturing into areas that are the SIG’s responsibilities.\textsuperscript{602}

As discussed in Chapter 8 (Bilateral and multilateral aid programs to Solomon Islands), there are already processes in place for coordinating aid amongst bilateral and multilateral aid agencies in Solomon Islands. In addition, it is clear that these organisations have a close working relationship, both amongst themselves and with RAMSI. The joint delivery of many aid programs by different bilateral and multilateral aid agencies, sometimes with and sometimes without the participation of RAMSI, is proof of this.

Moreover, there are several precedents noted throughout this report where programs that were previously run under the auspices of RAMSI have been transferred back to traditional aid agencies.

13.6 Should RAMSI’s mandate be changed?

As indicated throughout this report, RAMSI’s legislative mandate has not changed since it was established in 2003. However, the role being performed by RAMSI in meeting that mandate has changed considerably since 2003. For some time now, RAMSI has been focussed less on enforcing law and order and more on building capacity and strengthening institutions, on economic growth and reinforcing systems of justice and governance.

This led to some discussion during the inquiry whether the role now being performed by RAMSI should be better reflected in the legal framework establishing RAMSI and the RAMSI mandate. This position was expressed most clearly by the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, in his evidence cited in Chapter 5 (The RAMSI legal framework), in which he argued that the three pillars of RAMSI are not supported under the FIA Act.

Others parties to the inquiry argued that RAMSI’s mandate should be changed not simply to capture the three pillars better, but to broaden what RAMSI does. In particular, as discussed in Chapter 12 (Supporting the provinces), many witnesses from the provinces, including provincial Premiers, wished to see RAMSI expand its mandate into infrastructure construction, taking on some of the roles traditionally performed by bilateral and multilateral aid partners, as discussed above.

In Chapter 13 (Addressing the root causes of the ethnic tension), the Committee also considered the suggestion that RAMSI should expand its mandate in relation to the peace and reconciliation process. Some parties suggested that RAMSI should play a leading role in driving the peace and reconciliation process in consultation with the SIG, others proposed a less significant role in facilitating the process by providing logistical support.

The Committee notes, however, that various parties to the inquiry also argued that RAMSI’s mandate should remain unchanged.

In its written submission, the Australian High Commission acknowledged that RAMSI has not operated in a static political and economic environment and that the situation in Solomon Islands has changed since 2003. However, the High Commission argued that RAMSI has responded to the changing dynamics by regularly assessing and changing its programs to address the needs of Solomon Islands as they evolve. Accordingly, the High Commission

\textsuperscript{602} The Rt Hon Sir Peter Kenilorea, Evidence, 28 October 2008, p 36.
argued that RAMSI’s mandate remains appropriate. This was reiterated by Mr Frank Ingruber, Australian High Commissioner, in evidence.

Dr Lesi Korovavala, the former Pacific Islands Forum Secretariat Representative to Solomon Islands, took the same line in his evidence. He advised that while the Forum has noted the challenges that the SIG faces in the post-conflict period – such as reconciliation and addressing the causes of the ethnic tension – these fall outside the mandate of RAMSI and are rightly the responsibility of the SIG. Any assistance from RAMSI in addressing these issues should thus be guided by the Partnership Framework; but that does not necessarily require changes to RAMSI’s mandate.

In support, Dr Korovavala noted that at its meeting on 22 February 2008, the FMSC indicated that there is sufficient scope under the existing three pillars of RAMSI to accommodate the kinds of activities that the SIG has put forward in the Partnership Framework.

In evidence, The Hon Dr Derek Sikua, Prime Minister of Solomon Islands, made similar observations. He noted that while the role of RAMSI has changed from its initial role of restoring law and order, he argued that RAMSI’s functions have been realigned with the priorities of the SIG through the new Partnership Framework.

The Committee notes again that changing the legislative mandate of RAMSI would require a re-evaluation of the legal framework supporting RAMSI, notably the FIA Act and FIA Treaty.

14.2 The RAMSI exit strategy

As noted in Chapter 3, the Partnership Framework does not set any specific deadlines for RAMSI’s exit from Solomon Islands. Rather, the Partnership Framework establishes mutually-agreed, conditions-based timelines to draw down RAMSI’s engagement in program areas as the Solomon Islands Government’s capacity continues to grow. Commenting on this strategy, the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, indicated:

The phase-out strategy that we have is in a nutshell saying that RAMSI will go when we are ready. Overall that is what it means; that RAMSI will go when we are ready, not before and so forth, but it will only leave when we are ready.

Accordingly, there is no specific exit strategy for RAMSI at the national level.

During the inquiry, the Committee received mixed advice on the RAMSI exit strategy. In his evidence, the Hon Stephen Panga, Premier of Guadalcanal Province, argued strongly that

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604 Mr Frank Ingruber, Evidence, 9 June 2009, p 25.
605 Dr Lesi Korovavala, Evidence, 19 September 2008, pp 5-6.
606 Ibid.
607 The Hon Dr Derek Sikua, Evidence, 10 June 2009, pp 74-75.
608 Submission 6, RAMSI, p 11.
609 The Hon Dr Derek Sikua, Evidence, 18 September 2008, p 25.
610 The Hon Dr Derek Sikua, Evidence, 10 June 2009, p 76.
Inquiry into the Facilitation of International Assistance Notice 2003 and RAMSI intervention

RAMSI should remain to assist the reconciliation and healing process taking place in the country.\textsuperscript{611}

Chief Dennis Lulei of Isabel Province, who, as discussed in Chapter 12 (Supporting the provinces), expressed great distrust in the neutrality of the RSIPF, and urged that they should not be rearmed, argued that the stay of RAMSI in Solomon Islands must be long term – say, 50 years.\textsuperscript{612}

By contrast, in his written submission, the Hon Manasseh Sogavare, the Leader of the Opposition, suggested that RAMSI has completed its mandate and should pass responsibility to the SIG and bilateral aid donors.\textsuperscript{613}

In between these positions, Sir Allan Kemakeza, Former Prime Minister of Solomon Islands, argued that the RAMSI commitment to Solomon Islands and exit strategy continues to evolve:

Finally an exit strategy, to me, is not an issue. Exit strategy is not an issue we should be talking about because RAMSI has exited a long time ago – a long time ago. They are starting to exit and are going out. Have we not realized this? So it’s not an issue, to me, but it is a gradual exercise undertaken by them. If you don’t believe me then see for yourselves where are all the army personnel who used to be stationed at the Henderson Airport? They have all gone. Where are the protection officers of the Prime Minister? They have gone already. Where are those in other branches of the Police? They have gone back. The exit strategy is continuing now, people are leaving. Those whom I used to work with in the Prime Minister’s Office before have all gone. So it’s a gradual process and they will finally leave when the job is done.\textsuperscript{614}

Similarly, in evidence in 2008, Mr Tim George, the former Special Coordinator of RAMSI, suggested that the RAMSI exit strategy will vary between sectors and programs, depending very much on the completion of tasks and conditions for withdrawal, rather than particular dates.\textsuperscript{615} While RAMSI may obviously have an exit strategy in terms of some projects, such as road building projects, its exit strategy in other program areas such as the completion of RAMSI’s work with the RSIPF is far more complex, and will depend on performance outcomes rather than arbitrary dates.\textsuperscript{616}

This was reiterated by Mr Graeme Wilson, the current Special Coordinator of RAMSI, in evidence in 2009:

As I mentioned before I think we are not looking at a specific timeframe, really as is being said many times you know RAMSI will stay as long it is needed and there is work to be done and certainly that is the case now, there is much work to be done. But we do have a mechanism now for assessing how that work is going and assessing it jointly with the Solomon Islands government.\textsuperscript{617}

\begin{itemize}
  \item \textsuperscript{611} The Hon Stephen Panga, Evidence, 10 September 2008, pp 4-5.
  \item \textsuperscript{612} Ibid, p 2.
  \item \textsuperscript{613} Submission 11, The Leader of the Opposition, p 34.
  \item \textsuperscript{614} Sir Allan Kemakeza, Evidence, 15 September 2008, p 10.
  \item \textsuperscript{615} Mr Tim George, Evidence, 16 September 2008, p 22.
  \item \textsuperscript{616} Ibid, p 25.
  \item \textsuperscript{617} Mr Graeme Wilson, Evidence, 10 June 2009, p 25.
\end{itemize}
Similar positions were taken by Ms Allison Duncan, the former Acting Australian High Commissioner\textsuperscript{618} and by Ms Deborah Panckhurst, the New Zealand High Commissioner\textsuperscript{619}.

Finally, the Committee notes the cautionary note sounded by the Rt Hon Sir Peter Kenilorea, Speaker of the National Parliament and former Prime Minister. He cautioned that if RAMSI is not given any timelines for its exit, the incentive for RAMSI to meet that deadline and to perform efficiently is lost\textsuperscript{620}.

\section*{13.7 Leadership by the SIG of the SIG/RAMSI partnership}

As indicated in Chapter 7 (The sovereignty of Solomon Islands), since the 2007 report of the RAMSI Review Task Force, a number of key mechanisms have been put in place for engagement between the SIG, RAMSI and the Pacific Island Forum. The emphasis is now very much on a genuine partnership between all three parties, but with the SIG taking the lead in setting the priorities and goals for the SIG/RAMSI partnership, reflecting the needs of the people of Solomon Islands. The new \textit{Partnership Framework} is the most concrete example of this occurring.

During the inquiry, a number of parties emphasised the need for the SIG to take the lead in the partnership between the SIG and RAMSI. For example, in his evidence to the Committee, Sir Baddeley Devesi, Senior statesman and former Governor-General, indicated that while RAMSI is here, it is the responsibility of the people of Solomon Islands and the SIG to take responsibility for the future of the country:

\begin{quote}
I am happy that they are still here, and whilst they are still here it’s time for us to prove to ourselves that we can run our country and be responsible people, people of integrity and people of seriousness.\textsuperscript{621}
\end{quote}

Similarly, in its written submission, Transparency Solomon Islands emphasised the importance of leadership from the SIG in managing the partnership between the SIG and RAMSI:

\begin{quote}
Solomon Islands leaders cannot escape from the responsibility of making sure that the RAMSI partnership is a success. The primary reason that Solomon Islands found itself in the position of needing RAMSI was because of the poor SI leadership. The RAMSI partnership cannot be expected to succeed when the SI leader partners are behaving corruptly and not in the best interests of the nation.\textsuperscript{622}
\end{quote}

The Committee also notes the evidence of Dr Transform Aqorau, appearing in a private capacity:

\begin{quote}
RAMSI has also been very, very successful in supporting development through a number of its projects and programs. But I come back to my point I made right at the beginning that we cannot rely or continue to depend on RAMSI to do all these things for us. We as a government and as a people must take responsibility for a lot of these things, in particular the development, the direction of development, the
\end{quote}

\begin{footnotes}
\item[618] Ms Allison Duncan, Evidence, 16 September 2008, p 36.
\item[619] Ms Deborah Panckhurst, Evidence, 16 September 2008, p 61.
\item[620] The Rt Hon Sir Peter Kenilorea, Evidence, 28 October 2008, p 42.
\item[621] Sir Baddeley Devesi, Evidence, 9 June 2009, p 11.
\item[622] Submission 5, Transparency Solomon Islands, p 2.
\end{footnotes}
direction in which we want this country to go, where we want to end up in 10, 20, 30 years time; that rests on our shoulders.623

A similar position was expressed by the Hon Jackson Kiloe, Premier of Choiseul Province:

... we are focusing our attention on what RAMSI has done, what it can do and what it should do, or what it should not do. I firmly believe that we should be focusing more on what we, as a government and as a nation should do to ensure this partnership works.624

The Committee also notes evidence cautioning against a dependency mentality on RAMSI. Rev Philemon Riti, Secretary General of the Solomon Islands Christian Association, cautioned that Solomon Islands has had only 30 years of independence after coming out of an era of being dependent first on missionaries, and later on colonial administrations. As a result, he argued that RAMSI runs the risk of creating a dependency syndrome or mentality within the SIG and Solomon Islanders. By way of example, he cited the increasing call by the SIG for RAMSI to embark on rural development, noted earlier in this report. This kind of call only serves to encourage the view that the SIG cannot fulfil its responsibilities to Solomon Islanders without RAMSI’s assistance – a view that must be repudiated.625 RAMSI must therefore be vigilant that its departure does not plunge Solomon Islands into yet another long period of dependency.626

The Rt Hon Sir Peter Kenilorea shared the same sentiments. In his evidence, he warned that it is possible that RAMSI’s presence could form the basis for creating the dependency syndrome. He further explained this concern as follows:

That is why I was saying that whilst we talk in terms of partnership, it’s the government that must take the lead at all times and RAMSI must be seen as a partner helping the government to resolve or achieved desired and planned objectives; but it must be led by the government of the day. If not what you’ve said is very real and we don’t want to allow that because our Solomon Islanders’ tendency is that we enjoy handouts.627

14.3 A focus on the provinces

As indicated in Chapter 12 (Supporting the provinces) and Chapter 13 (Addressing the root causes of the ethnic tension), the provision of a ‘peace dividend’ to the provinces, and improvements in the delivery of services and infrastructure in the provinces, is a key challenge facing Solomon Islands and the SIG.

During the inquiry, certain parties advocated a shift in thinking to focus more on the needs of the provinces. For example, in its written submission, the Public Solicitor’s Office advocated assistance that can reach the remote villages by, for example, strengthening the local courts and empowering the chiefs, children, women and other vulnerable people in the communities in Solomon Islands.628

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623 Dr Transform Aqorau, Evidence, 16 September 2008, p 78.
624 The Hon Jackson Kiloe, Evidence, 10 September 2008, p 51.
625 Rev Philemon Riti, Evidence, 19 September 2008, p 36.
626 Ibid, p 45.
627 The Rt Hon Sir Peter Kenilorea, Evidence, 28 October 2008, p 41.
As indicated in Chapter 12, the delivery of law and order, justice systems and investment in infrastructure in the provinces are key challenges for the future.

The Committee notes that during the inquiry, it was suggested that the National Government should be giving more financial support to the provinces in order for them to provide better services to their inhabitants. For example, the Hon Timothy Johnston, Premier of Rennell-Bellona Province, stated:

I don’t know how the national government considers the provinces but the experiences we are following, we find it very hard with the limited budgetary support given by the government. We [the provincial governments] are at the level of our people, but we find it very hard to meet the needs of the people because we are with the people everyday.  

In his evidence, the Hon Patrick Vasuni, Premier of Central Islands, indicated that his provincial government is currently allocated a monthly service grant of $160,000.00 by the National Government. However, he submitted that this grant is not sufficient to service the needs of the whole population of Central Islands, and that the figure should be doubled or tripled.

Similarly, in evidence, the Hon Richard Irosaea, Premier of Malaita Province, indicated that his province has a population of 170,000, but a budget of only $7 million.

These matters go to the issue of federalism, discussed below.

14.4 A federal system?

Related to the issue of support for the provinces is that of a federal system.

Since Solomon Islands gained independence, there have been regular calls for the current unitary system of government, which incorporates nine provincial governments, to be replaced with a federal system incorporating the current provinces as States. This model was put forward in 1987 by a Constitutional Review Committee, as discussed in Chapter 2 (Background to the RAMSI intervention).

The federal model is often advocated as a solution to perceived over-centralisation of government in Honiara. At the core of these demands is the sense among provincial leaders that given appropriate resources they are better equipped to address the challenges Solomon Islands confronts than the central government. Also entailed in the discussion are issues relating to financial management, including the allocation of revenue raising capacity to the proposed states, which may entail greater capacity for the states to deliver services at the local level.

During the Committee’s provincial hearings, the Committee heard that federalism and devolution remain high on the list of priorities for regional governments. In particular, it was variously suggested that RAMSI should stay in place until federalism is achieved.

Many also asked why RAMSI continues to support pre-conflict institutions that a lot of Solomon Islanders now consider inadequate or which are perceived to have failed the people. As Mr Gordon Nanau pointed out in his publication submitted to the Committee, to many

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629 The Hon Timothy Johnston, Evidence, 10 September 2008, p 60.
Solomon Islanders it made no sense for Australia and RAMSI to partner with a government which the people did not trust. Further, some asked why RAMSI and Australia would continue to support a government and institutions that Australia had treated all along as ‘failed’. It would, on the other hand, make sense if RAMSI invested its time and resources in assisting Solomon Islands to identify an appropriate system of governance (together with its machineries and institutions), other than the current system, that is acceptable to Solomon Islanders.

At the same time, other witnesses to the inquiry urged that RAMSI should stay out of issues of federalism and aspirations for state government.

In evidence to the Committee, Sir Allan Kemakeza, former Prime Minister of Solomon Islands, argued that providing economic and investment opportunities and infrastructure to the people should be a greater priority than pursuing a federal system at this time.

Mr Andrew Nori, former Member of Parliament, also shared this view. In his evidence, he argued that the desire for federalism is based on an assumption that Solomon Islands’ current economic, social and political problems are constitutional problems. This, however, is inaccurate because what the people normally complain about is poor every day services.

Mr Nori subsequently blamed politicians for this misplaced assumption. He argued that when people complain about poor services, politicians take these complaints and translate them into constitutional problems, the solution to which is supposedly constitutional reform in the form of federalism. He explained this view further as follows:

The idea [of federalism] did not start from the rural mass. It started from us, we go to them and we said provincial government is good for you; state government is good for you. And then over the years they have the condition, they have learned to think that is the only best option for them. And I’m saying that we don’t need new structures of government, we have a national government. I don’t even agree with the provincial government set up.

Mr Nori also opposed federalism on another basis:

Personally, my opposition to federalism is based purely on technical and legal aspects. We have provincial governments now which are less empowered, and the amount of money we are pumping into provincial government is more than 70 million, and yet many people in the provinces still do not see any services coming from provincial governments. How much more if we replace them with a bigger expanded, structured state government to replace the current provincial government? That machinery will eat up all the resources that national government pumps to them as a result of which complains by our population would be more, perhaps 100 fold than we are receiving now.

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632 Submission 9, Mr Gordon Nanau, p 261.
633 The Hon Alex Lokopio, Premier, Western Province, Evidence, 10 September 2008, p 8.
635 Mr Andrew Nori, Evidence, 29 May 2009, p 14.
636 Ibid, p 23.
In a small nation like Solomon Islands, with due respect, I believe a well run national government, well resourced with good linkage and a sound delivery system to our people, can serve the interest of Solomon Islanders, because political structures only serve politicians. It is economic structures and commercial structures that benefit people in rural areas.\(^{637}\)

Accordingly, Mr Nori argued that Solomon Islanders should be re-educated to understand that the challenge of the future is not in changing the political systems of Solomon Islands but in ensuring that the communities have economic opportunities.\(^{638}\)

In his evidence, Mr Graeme Wilson, Special Coordinator of RAMSI, indicated that constitutional settlement and federalism is very much an issue for the SIG to address. As far as RAMSI is concerned, the exit strategy is linked to the *Partnership Framework* rather than the achievement of a federal system.\(^{639}\)

The Committee also notes the evidence of the Hon Dr Derek Sikua, Prime Minister of Solomon Islands, in which he indicated that the Government is pursuing a number of reports on the issue of federalism through the Constitutional Reform Unit within the Prime Minister’s Office. Following this, there will be a process of provincial consultations and a national convention on the issue before legislation may be presented to Parliament.\(^{640}\)

### 14.5 Transparency and accountability in government

While the delivery of services to the provinces and federalism are key challenges facing the national government, a key issue undermining public confidence in the national government’s delivery of those services is the perception that many politicians and bureaucrats are quite simply corrupt.

On this matter, Transparency Solomon Islands cited three issues: the management of the entitlements system of members of parliament, the appointment of members of parliament to the boards of State owned enterprises (SOEs), and the direct access of members of parliament to development funds.

In respect of parliamentarians’ entitlements, Mr Bob Pollard, Chairman of Transparency Solomon Islands, observed that the body which determines the entitlements of Members of Parliament, Members of Parliament (Entitlements) Commission, has members of parliament on its board. This is a clear conflict of interest.\(^{641}\)

In respect of the appointment of members of parliament to the boards of SOEs by the responsible minister, Mr Pollard indicated that this practice is inappropriate as it provides an avenue for buying support for the government in Parliament.\(^{642}\)

In relation to the direct access of members of parliament to development funds, Mr Pollard noted that parliamentarians have been allowed to directly handle development funds such as

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\(^{637}\) Mr Andrew Nori, Evidence, 29 May 2009, p 21.


\(^{639}\) Mr Graeme Wilson, Evidence, 10 June 2009, pp 20-21.

\(^{640}\) The Hon Dr Derek Sikua, Evidence, 10 June 2009, p 85.


the Rural Constituency Development Fund, cited earlier in Chapter 8 (Chapter 8: Bilateral and multilateral aid programs to Solomon Islands). In that regard he commented that:

I think it is well known and suggested that MPs [Members of Parliament] are no longer primarily law makers but they are now primarily project managers handling significantly large sums of money. I think it’s in that context it appears clear that there’s potential for corruption, potential for a Member of Parliament to use those funds in a way for their own best interests whether it be to individual friends or members or even used to gain support within their constituencies.643

In evidence, Mr Andrew Nori argued along the same line. He argued that when the British left, they left behind good and workable regulations and practices that left public officers in control of the public service, assets and so forth. However, he argued that things started to go wrong when politicians assumed the public officers’ responsibilities, and public officers started complying with political directives.644

Separately, in Chapter 11 (Pillar three – The Machinery of Government), the Committee noted that RAMSI has worked through its Accountability Program to improve the transparency of SIG operations by strengthening the Office of the Auditor General, the Office of the Ombudsman and the Leadership Code Commission.

In his evidence, the Rt Hon Sir Peter Kenilorea, Speaker of the National Parliament and former Prime Minister, observed that RAMSI has indeed done much in terms of strengthening the various anti-corruption bodies. He believed that fighting corruption requires ongoing improvements in independent bodies such as the Office of the Auditor General by giving these bodies adequate authority and independence to undertake their respective mandates.645

14.6 Committee comment

In this concluding chapter, the Committee has raised some of the issues that stand out as key questions for the future of Solomon Islands. The Committee offers the following observations.

First, the gradual withdrawal of RAMSI from the field of traditional bilateral and multilateral aid programs is already occurring, is appropriate and should continue. While the CNURA Government National Policy Statement stipulates that RAMSI may in the future act as an avenue through which economic development assistance can be channelled, the Committee feels that this field rightly belongs to the traditional aid agencies, which operative cooperatively and effectively in Solomon Islands.

Second, there are calls for changes to RAMSI’s mandate – some for RAMSI’s mandate and legal framework to reflect better the three pillars as they are now in 2009, some for RAMSI to expand its mandate to include infrastructure delivery and participation in the peace and reconciliation process. The Committee does not support these calls. As discussed in Chapter 5 of this report, opening up the RAMSI legal framework to wholesale renegotiation, especially when there appears to be sufficient flexibility through other mechanisms such as the Partnership Framework, would be problematic at best. As discussed elsewhere, the Committee believes that as RAMSI completes its mandate, it should withdraw, and where necessary its functions should be taken on by the traditional aid agencies.

643 Ibid, p 27.


645 The Rt Hon Sir Peter Kenilorea, Evidence, 28 October 2008, p 38.
Third, in supporting the maintenance of the RAMSI mandate within the new Partnership Framework, and in supporting the gradual transfer of RAMSI programs to bilateral and multilateral aid donors, the Committee also supports the exit strategy of RAMSI stipulated in the Partnership Framework – that is, that RAMSI will leave as it delivers on outcomes. As indicated, in some areas RAMSI has already left. In other areas, such as rebuilding the RSIPF, the task is large and much work still remains to be done.

Fourth, there were once concerns that RAMSI was compromising the sovereignty of Solomon Islands. As discussed in Chapter 7 (The sovereignty of Solomon Islands), that concern has now been effectively addressed. However, the need for the SIG to take the lead in the partnership between the SIG and RAMSI is paramount. As indicated early in this report, Solomon Islands has always struggled to build a strong sense of national consciousness and unity. This is a challenge that the Solomon Islands Government must confront.

Fifth, an area where the leadership of the SIG is paramount is in supporting the provinces. Solomon Islands is a developing country, and the country has not had the resources to devote to building infrastructure and social services in the provinces in the first 30 years of independence. This is not, however, the role of RAMSI. Supporting the provinces is a huge challenge, but it rests with the SIG, working in cooperation with bilateral and multilateral aid donors. Whether a part of the response to that challenge is a federal system of government is a matter for the SIG to address. The Committee notes that the issue of federalism is currently being reviewed by the Constitutional Reform Unit within the Prime Minister’s Office. The Committee urges that the completion of this review be a priority for the SIG. There must be significantly more consideration and public debate given to the advantages and disadvantages of federalism before the matter can be progressed.

**Recommendation 15**

The Committee recommends that the SIG prioritise the completion of the current review of federalism being undertaken by the Constitutional Reform Unit within the Prime Minister’s Office.

Finally, there is not a tradition of transparency and accountability in government in Solomon Islands – certainly not at the national government level, and the Committee suspects not at the provincial level. The evidence of Transparency Solomon Islands speaks for itself. Inappropriate allowances for Members of Parliament must be reformed. The perceived misuse of the Rural Constituency Development Fund must be addressed. The failure of the National Parliament to take steps to ensure the regular receipt and review of reports of the Office of Auditor General should not continue. Ultimately, transparency in government, and a proper system of checks and balances, and external review, is critical to the process of rebuilding the nation.
# Appendix 1: Submissions

<table>
<thead>
<tr>
<th>No</th>
<th>Author</th>
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<tbody>
<tr>
<td>1</td>
<td>Mr Frank Kabui (Chairman, Law Reform Commission)</td>
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<tr>
<td>2</td>
<td>Hon Rev Leslie Boseto (MP for South Choiseul)</td>
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<td>3</td>
<td>Ms Alison Duncan (Acting Australian High Commissioner)</td>
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<td>4</td>
<td>Mr Douglas Hou (Acting Public Solicitor)</td>
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<td>5</td>
<td>Ms Jean Tafoa (Executive Officer, Transparency Solomon Islands)</td>
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<td>6</td>
<td>Mr Tim George (RAMSI Special Coordinator)</td>
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<tr>
<td>7</td>
<td>Mr Joseph Foukona (University of the South Pacific Law School)</td>
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<td>8</td>
<td>Ms Deborah Pankhurst (New Zealand High Commissioner)</td>
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<td>9</td>
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<td>10</td>
<td>Ms Shahar Hameiri (Asia research centre, Murdoch University, Western Australia)</td>
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<td>11</td>
<td>Hon Manasseh Sogavare (Leader of the Opposition)</td>
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<tr>
<td>12</td>
<td>Mr Gabriel Taloikwai (former Director of the Solomon Islands College of Higher Education)</td>
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<td>13</td>
<td>Mr Julian Treadaway</td>
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<tr>
<td>14</td>
<td>Professor Don Paterson (Emeritus Professor of Law at the University of the South Pacific)</td>
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<tr>
<td>15</td>
<td>Mr Jezreel Irofanua (Form 6 Tutor, Aligegeo Provincial Secondary School, Malaita Province)</td>
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<tr>
<td>16</td>
<td>Mr Kandhi A. Elieisar (Assistant Secretary for Asia, Pacific, Africa and Multilateral Affairs, Department of Foreign Affairs, FSM National Government)</td>
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<td>17</td>
<td>Mr Whitlam Khalegedi (Principal, Whitlam K Togamae Lawyers, Barristers and Solicitors, Honiara)</td>
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<td>18</td>
<td>Chief Denis Carlos Lulei (Former Paramount Chief of Isabel Province)</td>
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<td>19</td>
<td>Mr Peter Junior (Selwyn College)</td>
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<td>20</td>
<td>Sir Nathaniel Rahumaea Waena GCMG CSI KStJ (Governor General)</td>
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# Appendix 2: Witnesses

## HEARINGS HELD AT PARLIAMENT HOUSE

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<th>Date</th>
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<td>Wednesday 10</td>
<td>Hon Steven Panga</td>
<td>Premier, Guadalcanal</td>
</tr>
<tr>
<td>September 2008</td>
<td>Hon Alex Lokopio</td>
<td>Premier, Western Province</td>
</tr>
<tr>
<td>Parliament House</td>
<td>Hon Lonsdale Manasse</td>
<td>Deputy Premier, Isabel Province</td>
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<td></td>
<td>Hon Patrick Vasuni</td>
<td>Premier, Central Islands</td>
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<td></td>
<td>Hon Thomas Weape</td>
<td>Premier, Makira Ulawa Province</td>
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<td></td>
<td>Hon Jackson Kiloe</td>
<td>Premier, Choiseul Province</td>
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<td></td>
<td>Hon Timothy Johnstone</td>
<td>Premier, Rennell &amp; Bellona Province</td>
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<tr>
<td></td>
<td>Hon Andrew Mua</td>
<td>Lord Mayor, Honiara City</td>
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<tr>
<td>Thursday 11</td>
<td>Hon Richard Irosaea</td>
<td>Premier, Malaita Province</td>
</tr>
<tr>
<td>September 2008</td>
<td>Mr Robert Kaua</td>
<td>Deputy Provincial Secretary for Malaita Province</td>
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<tr>
<td>Parliament House</td>
<td>Sir Allan Kemakeza</td>
<td>Former Member of Parliament for Savo/Russell and inmate at Rove</td>
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<td></td>
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<td>Prison</td>
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<tr>
<td>Monday 15</td>
<td>Mr Tim George</td>
<td>RAMSI Special Coordinator</td>
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<tr>
<td>September 2008</td>
<td>Mr Dennis McDermott</td>
<td>Commander, Participating Police Force and Deputy Police</td>
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<td></td>
<td></td>
<td>Commissioner of the RSIPF</td>
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<td>Lieutenant Col Glenn Weir</td>
<td>RAMSI Military Commander</td>
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<td>Ms Alison Duncan</td>
<td>Acting Australian High Commissioner</td>
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<td></td>
<td>Ms Aileen Croghan</td>
<td>Acting Development Cooperation Counsellor, Australian High</td>
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<td>Commission (AusAID)</td>
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<td>Ms Deborah Panckhurst</td>
<td>New Zealand High Commissioner</td>
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<td>Dr Transform Aqorau</td>
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<td>Tuesday 16</td>
<td>Mr Paul Kelly</td>
<td>RAMSI Development Coordinator</td>
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<tr>
<td>September 2008</td>
<td>Mr Jeff Byrne</td>
<td>Team Leader for the Financial Management Strengthening Program</td>
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<tr>
<td>Parliament House</td>
<td>Mr Paul Griffiths</td>
<td>RAMSI Law and Justice Program</td>
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<td></td>
<td>Ms Dawn Casey</td>
<td>Director of the Machinery of Government Program, RAMSI</td>
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<tr>
<td>Wednesday 17</td>
<td>Hon Dr Derek Sikua</td>
<td>Prime Minister of Solomon Islands</td>
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<td>Ms Ruth Liloqula</td>
<td>Secretary to Cabinet</td>
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<td>Mr Jeremiah Manele</td>
<td>Secretary to the Prime Minister</td>
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<td>Chief Justice</td>
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<td>Mr Eric Muir</td>
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<tr>
<td>Friday 19 September 2008</td>
<td>Dr Lesi Korovavala</td>
<td>Pacific Islands Forum Secretariat</td>
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<td>Parliament House</td>
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<td>Representative to Solomon Islands</td>
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<td></td>
<td>Ms Jean Tafoa</td>
<td>Executive Officer of Transparency</td>
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<td></td>
<td>Mr Bob Pollard</td>
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<td></td>
<td>Mr Primo Afeau</td>
<td>Board Member, Transparency</td>
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<tr>
<td></td>
<td>Rev Philemon Riti</td>
<td>General Secretary of the Solomon Islands Christian Association</td>
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<td>Tuesday 28 October 2008</td>
<td>Hon Manasseh Sogavare</td>
<td>Leader of the Opposition</td>
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<td>Parliament House</td>
<td>Rt Hon Sir Peter Kenilorea</td>
<td>Speaker of the National Parliament</td>
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<td>Ms Hilda Kari</td>
<td>President of the National Council of Women</td>
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<td></td>
<td>Ms Sarah Dyer</td>
<td>Women’s Leadership Desk Officer, National Council of Women</td>
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<td>Ms Ella Kahue</td>
<td>General Secretary of the National Council of Women</td>
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<td>Wednesday 29 October 2008</td>
<td>Mr George Hiele</td>
<td>Permanent Secretary for the Ministry of Police, National Security and Correctional Services</td>
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<td>Parliament House</td>
<td>Mr James Remobatu</td>
<td>Permanent Secretary for the Ministry of Justice and Legal Affairs</td>
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<td>Mr Paul Tovua</td>
<td>Former Speaker and former chairman of the National Peace Council</td>
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<td>Mr Jeremiah Manele</td>
<td>Secretary to the Prime Minister</td>
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<td></td>
<td>Ms Joy Kere</td>
<td>Permanent Secretary of the Ministry of National Unity, Reconciliation and Peace</td>
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<td>Mr Ronald Bei Talasasa</td>
<td>Director of Public Prosecutions</td>
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<td>Fr Peter Jim</td>
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<td>Mr George Asitewa</td>
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<td>Fr Patterson Tako</td>
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<td>Ms Joyce Bana</td>
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<td>Wednesday 12 November 2008</td>
<td>Mr Eriel Birei, community leader</td>
<td>CENTRAL KWARA’AE CONSTITUENCY</td>
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<tr>
<td>House of Glory</td>
<td>Ms Veronica Mame, women’s rep</td>
<td>Ward 2, Aimela</td>
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<td>Ms Emily Kwato’o, Mothers Union regional leader</td>
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<td>Ms Kate Kaura, Women’s Co-ordinator, Northern Region</td>
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<td>Mr Frank Daefa, Principal Chief of To’oambaita</td>
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<td>Mr Steven Subomea</td>
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<td>Mr Augustine Meti</td>
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<td>House of Glory,</td>
<td>Mr Daniel Aba</td>
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<td>Mr Silas Talota, Deputy Speaker of Malaita Provincial Assembly</td>
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<td>Mr Eden Sanga, Chief of Faálavu Village</td>
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<td>Mr Gabriel Ramo, Chief of Hatodea</td>
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<td>Mr John Kiri, Mamafua (Bit’a’ama) rep</td>
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<td>Ms Keti Kaura, Mamafua (Bit’a’ama) rep</td>
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<td>Mr Walter Rilifia, Malu’u Station rep</td>
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<td>Mr Alfred Akwai, Mana’abu rep</td>
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<td>Friday 14 November 2008</td>
<td>Mr Robert Mamali, Feranagono Village rep</td>
<td>FATALEKA CONSTITUENCY</td>
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<td>Mr Ishmael Oiomea, Wan’a Village rep</td>
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<td>Mr Alick Sira, Manu Village rep</td>
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<td>Mr Subukalia, Subobono Village rep</td>
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<td>Fr Gordon, Fourau Village rep</td>
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<td>Mr Jeflet Ritoo, Fasileta Village Representative</td>
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<td>Mr Felix Laumae, Gwaunatafu Village rep</td>
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<td>Mr Mark Sosoke</td>
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<td>Thursday 12 February 2009</td>
<td>Mr Simon Tahu, Pastor</td>
<td>SOUTH NEW GEORGIA/RENDOVA/ TETEPARE CONSTITUENCY</td>
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<td>Mr Chengi Philip, church rep</td>
<td>Ward 18, New Georgia and Tetepare</td>
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<td>Mr Jack Daniel, Chief and Chairman of the Tetepare Descendant’s</td>
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<td>Mr Masi Lianga, community elder</td>
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<td>Ms Joyce Kera, women’s rep</td>
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<td>Mr Nana Boso, village elder</td>
<td>Ward 19, North Rendova</td>
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<td>Ms Rose Pedro, women’s rep</td>
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<td>Mr Peza Lati, village elder</td>
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<td>Mr Mizon Agorau Kari, village elder</td>
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<td>Mr Nelson Kisa, village elder</td>
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<td>Mr Aaron Hitu, village elder</td>
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<td>Mr Patteson Tantani</td>
<td>WEST NEW GEORGIA/VOVONA CONSTITUENCY</td>
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<td>Mr Patrick Mare</td>
<td>Ward 17, Roviana Lagoon</td>
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<td>Mr Willie Dei Kama</td>
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<td>Mr Jacob Boliki</td>
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<td>Mr Hopeful Piosasa, Secretary for Council of Elders, Mandu</td>
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<td>Ms Patloe</td>
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<td>Mr Rich Boso, Chairman, Parara Kohego Council of Elders</td>
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<td>Mr Edwin Lilo, village organiser</td>
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<td>Mr Asery Kukui, Manager, Soltai Fishing and Processing Ltd</td>
<td>Ward 25, Noro</td>
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<td>Ms Gloria Sibisopere, Town Clerk, Noro Town Council</td>
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<td>Mr Pesika Chachaka, Prison Inspector, Noro Police Station</td>
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<td>Mr Ismail Kuvi, President, Noro Town Council</td>
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<td>Sgt. Naxion Gunbuketi, RSIPF</td>
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<td>Mr Christopher Sade, Harbour Master, Noro Port</td>
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<td>Ms Mel Anqarau, women’s rep</td>
<td>Ward 15, Lambete and Kindu</td>
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<td>Ms Florence Rove, women’s rep</td>
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<td>Mr Ronald Kevisi, School Board Chairman</td>
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<td>Rev Aron Bea, church rep</td>
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<td>Friday 13 February 2009 Dunde Community Hall, Munda, Western Province</td>
<td>Mr Kerry Buka</td>
<td>MAROVO CONSTITUENCY</td>
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<td></td>
<td>Hon Chris Muaia, MPA</td>
<td>Ward 24, Gatokae</td>
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<td>Mr Jonathan Kekevu</td>
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<td>Mr Tony J Mokolo</td>
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<td>Ms Sonta Michael</td>
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<td>Mr Abraham Lincoln</td>
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<td>Mr Rex Koba</td>
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<td>MacDonald Baba</td>
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<td>Monday 16 February 2009</td>
<td>Hon Danny Kennedy, MPA</td>
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<td>MSG Hall, Gizo, Western</td>
<td>Hon Richard Tekifono, Member for Vella and Gizo</td>
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<td>Province</td>
<td>Community Representative</td>
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<td>Ms Barbra Unusu, Western provincial Council of Women</td>
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<td>Ms Ruth Rebaio</td>
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<td>Mr Aiden Panasasa</td>
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<td>Mr Samson Maena</td>
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<td>Mr Ivan Maeke, community leader</td>
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<td>Mr George Taylor</td>
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<td>Mr John Sogabule</td>
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<td>Mr John Hopa, United Church rep</td>
<td>12- South Kolombangara</td>
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<td>Mr Jackson Piziki, village leader</td>
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<td>Ms Nathalie Veni, Kolombangara Council of Women</td>
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<td>Mr Adrian Ghele, community</td>
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<td>Mr Moses Bela</td>
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<td>Mr Tumi Zoma</td>
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<td>Mr Gideon Tuke</td>
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<td>Mr John Homelo, United Church leader</td>
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<td>Mr John Goldie, chiefs’ rep</td>
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<td>Ward 3, Simbo</td>
<td>Ms Marion Pana, United Church Women’s Leader</td>
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<td>Ward 4, North Ranongga</td>
<td>Ms Lisa Billy</td>
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<td>Ward 5, Central Ranongga</td>
<td>Mr Puke Lemara, youth leader</td>
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<td>Ms Stella Winnie, youth leader</td>
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<td>Mr Billy Maena</td>
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<td>Mr Solomon Gagososa, Pastor</td>
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<td>Ms Varina Leke, United Church Women’s Fellowship</td>
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<td>Mr Denmark Simi, Chiefs Representative</td>
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<td>Mr Albert Punigeto, Church Representative</td>
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<td>Mr Ronnie Tikira, Church Pastor</td>
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<td>Mr Mervyn Nangu, Community Representative</td>
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<td>Rev Abraham Toribule</td>
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<td>Mr Jeffrey Keni, Church Leader</td>
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<td>Mr Roni Berry, Youth leader</td>
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<td>Niuret Rario, women’s rep</td>
<td>NORTH VELLA LA VELLA CONSTITUENCY</td>
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<td>MSG Hall, Gizo, Western Province</td>
<td>Ms Hilda Domu, women’s rep</td>
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<td>Mr Russell Petakere, chiefs’ rep</td>
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<td>Pastor Obed Siako</td>
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<td>Pastor Ronald</td>
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<td>Mr Mahlon Kube, Chief</td>
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<td>Mr Granville Sariki, Chief, Council of Chiefs, South Vella</td>
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<td>Ward 7 &amp; 8, South Vella</td>
<td>Ms Serolyne Gasa, women’s rep</td>
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<td>Mr Trevor Hatakera, Chief</td>
<td>SHORTLANDS CONSTITUENCY</td>
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<td>Mr Stanley Kambokera, village elder</td>
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<td>Mr Samuel Clyde, village elder</td>
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<td>Mr Amos Jamo, Pastor</td>
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<td>Mr Francis Korabala, church rep</td>
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<td>Rev George Alu, church rep</td>
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<td>Mr Stephen Sukina, church worker</td>
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<td>Mr Remisio Alesae Laore, village leader</td>
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<td>Ms Caroline Laore, women’s rep</td>
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<td>Rev John Miliki, Chief</td>
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<td>Mr John Maeto, Chief</td>
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<td>Thursday 19</td>
<td>Hon Peter Tobere, MPA</td>
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<td>Mr Nelson Tapuke, youth rep</td>
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<td>Allan Gurusu Hall, Taro, Choiseul Province</td>
<td>Mr Chris Rebua, church representative</td>
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<td>Mr John Vona, Church rep</td>
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<td>Mr Simion Waev, village leader</td>
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<td>Mr Neson Lumukana, Chief</td>
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<td>Mr Remton Vava, church rep</td>
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<td>Hon Mathew Ngalavole, MPA</td>
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<td>Mr Jacob Tagasabo, church leader</td>
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<td>Mr Edson Qonoloni, youth rep</td>
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<td>Mr James Qalovae, community leader</td>
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<td>Ms Judith Tughea, women’s rep</td>
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<td>Hon Alpha Kimata, MPA</td>
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<td>Hon Clarence W. Qoloni, MPA</td>
<td>Ward 6, Pitezaka</td>
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<td>Mr Jason Dorovolomo, former MP</td>
<td>Ward 7, Batava</td>
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<td>Fr Calistos Tavisibato, Catholic priest</td>
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<td>Hon Billy Takubala, MPA</td>
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<td>Ms Mabel Sisiki</td>
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<td>Mr Fleming Alick Bukakogoro, youth rep</td>
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<td>Mr Thomas Takolo, chiefs’ rep</td>
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<td>Hon Macarthur Dokoma, MPA</td>
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<td>Mr James Ralulu, youth rep</td>
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<td>Mr Ronald Pitamana, Deputy School Principal</td>
<td>Ward 13, Kereparaqara</td>
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<td>Ms Salome Beko, women’s rep</td>
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<td>Mr John Zale, Chief</td>
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<td>Mr Alex Bau, Chief</td>
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<td>Saturday 21 March</td>
<td>Mr Chris Havi, youth rep</td>
<td>GAO/BUGOTU CONSTITUENCY</td>
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<td>Mr Selwyn Hiro, Chief</td>
<td>Ward 10, Tataba</td>
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<td>Isabel Diocese</td>
<td>Mr Ben Taluvunagi, Chief</td>
<td>Ward 9, Kaloka</td>
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<td>Conference Room,</td>
<td>Mr Alfred Bugoro, Chief</td>
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<td>Buala, Isabel</td>
<td>Mr Chris Bogoro, youth rep</td>
<td>Ward 9, Kaloka</td>
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<td>Province</td>
<td>Mr Paul Rington Fafale, General-Secretary of the Gao</td>
<td>Ward 8, Kmagga</td>
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<td>House of Chiefs</td>
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<td></td>
<td>Mr Cecil Legu, President of Isabel Youth Council</td>
<td>Ward 8, Kmagga</td>
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<td>Ms Derby, Mothers Union rep</td>
<td>Ward 8, Kmagga</td>
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<td>Ms Prica Hetamana, District Mothers Union Leader</td>
<td>Ward 4, Hovikoilo</td>
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<td>Mr Joseph Atkin, youth rep</td>
<td>Ward 7, Koviloko</td>
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<td></td>
<td>Hon David Bale, MPA and Minister of Agriculture and</td>
<td>Ward 6, Tirotonga</td>
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Inquiry into the Facilitation of International Assistance Notice 2003 and RAMSI intervention
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<td></td>
<td>Ms Catherine Volohi, Mothers Union District rep</td>
<td>GAO/BUGOTU CONSTITUENCY Ward 11, Sigana</td>
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<td></td>
<td>Mr Joseph Barista Supa, Catechist and youth rep</td>
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<td>Mr Calwic Strout, Secretary of Youth Council</td>
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<td>Mr Eddy Koti, Chairman Bogotu Council of Chiefs</td>
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<td></td>
<td>Hon Rhoda Sikilabu, MPA and Minister of Youth and Community Services</td>
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<td>Mr Cecil Togamae, Member of the Isabel House of Chiefs</td>
<td>MARINGE/KOKOTA CONSTITUENCY Ward 5, Buala</td>
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<td>Ms Rachael Theo, Isabel President, Council of Women</td>
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<td>Mr Chris Kokomana, Chief, House of Chiefs Maringe</td>
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<td>Ms Rachael Leka, Coordinator, Church Women’s Literacy</td>
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<td>Ms Doreen Ata, President, Mothers Union Isabel Representative</td>
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<td>Ms Sarina Lulei, Youth Representative, Buala</td>
<td>HOGARANO/HAVULEI CONSTITUENCY Ward 1, Kia</td>
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<td>Mr Regional Deimane, member of the Kia House of Chief</td>
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<td>Mr Henry Wood, member of the Isabel House of Chiefs</td>
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<td>Mr Leslie Miki, Chief, Kia House of Chiefs</td>
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<td>Ms Moira Darcy Pio, member of the Kia House of Chiefs</td>
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<td>Mr Derick Mane, Village Chief</td>
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<td>Ms Felestis Kana, Mothers Union Isabel Representative</td>
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<td>Ms Belda Malatugu, Mothers Union Isabel Representative</td>
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<td>Mr Eric Kofegita, Chief</td>
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<td>Mr Jason Leguhavi, Farmer</td>
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<td>Saturday 4 April 2009</td>
<td>Mr Timothy Govera, youth leader</td>
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<td>Mr B Hauliu, villager elder</td>
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<td>Fr Adrian Lima</td>
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Inquiry into the Facilitation of International Assistance Notice 2003 and RAMSI intervention
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<td>Mr John Hori, Chief</td>
<td>Mr Charles Tan, Belaha village rep</td>
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<td>Mr Jezrel Kesi, Malatoha village rep</td>
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<td>Mr George Vari</td>
<td>Mr Simon Tonavi</td>
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<td>Ms Bernadette Neda, Turarana women’s rep</td>
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<td>Mr Rolta Kuki, Napoli youth rep</td>
<td>Mr Titus Salani, Gold Ridge youth rep</td>
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<td>Mr Samson Churu, MPA</td>
<td>Mr Peter Shanel, former Member of Parliament (at time of the hearing)</td>
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<td>Mr John Baddeley Manebosa, Babani rep</td>
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<td>Mr James Pogula, Chief</td>
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<td>Mr Harry Barnabas, youth rep</td>
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<td>Mr David Kevu, Chief</td>
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<td>Mr Enoch Begua, Paramount Chief</td>
<td>Mr Belden Angi, church representative</td>
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<td>Mr Ezekiel Leua, Lengalau Village</td>
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<td>Mr Robert Patua, Chief of Tubosa Village</td>
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<td>Mr Douglas Pania, Nasege Village rep</td>
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<td>Ms Siteri Villia, women rep</td>
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<td>Mr John Laerau, Chief of Chokare Village</td>
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<td>Mr Joash Leni, Taylor Rural Training Centre</td>
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<td>Mr Liston Veni, youth rep</td>
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<td>Ms Linny Kambalua, Lubusa</td>
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<td>Rev Thomas Bele, Bulokalai Village rep</td>
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<td>Ms Nita Karoa, Bulokalai Village rep</td>
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<td>Thursday 23 April</td>
<td>Mr Hudson Teika</td>
<td>RENNELL &amp; BELLONA</td>
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<td>Mr Rhyno Teika</td>
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<td>Mr George Tauika</td>
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<td>Mr Aldrin Gukuna, Teacher</td>
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<td>Mr Greg Temoa, East Rennell Council of Chiefs rep</td>
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<td>Mr Rex Pugeika, School Principal</td>
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<td>Mr Thompson Teika, Clerk of the Renbel Provincial Assembly</td>
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<td>Mr Jesse, community rep</td>
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<td>Mr Raymond Sau, Pastor &amp; West Rennell Council of Chiefs rep</td>
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<td>Ms M. Niata, President of the TNT Women’s Group</td>
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<td>Ms Betsy Tangangiki, community health volunteer</td>
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<td>Mr Oris Pongi, Provincial HQ resident</td>
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<td>Mr Dori Teika, former MPA</td>
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<td>Ms Meltus Tautu’a, retired Nurse</td>
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<td>Tuesday 5 May 2009</td>
<td>Hon Edward Daiwo, MPA and Premier</td>
<td>Temotu Executive Government</td>
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<td>Luelta Conference,</td>
<td>Mr Fred Mesa, Provincial Secretary</td>
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<td>Hon Francis Badenogo, MPA and Minister for</td>
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<td>Ms Rosely Naua, women’s rep</td>
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<td>Fr Stanley, church rep</td>
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<td>Hon Noel Keniano, MPA, Deputy Premier and</td>
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<td>Mr Frank Melaniu, youth rep</td>
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<td>Ms Hellen Bomio, women’s rep</td>
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<td>Hon Thomas Natei, MPA and Minister for Home Affairs and Tourism</td>
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<td>Ms Doreen Sam, Women’s Representative</td>
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<td>Mr Michael Medai, Chief Representative</td>
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<td>Mr Henry Meeke, youth rep</td>
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<tr>
<td>Wednesday 6 May 2009</td>
<td>Hon Edward Daiwo, MPA and Premier</td>
<td>TEMOTU PELE CONSTITUENCY</td>
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<td></td>
<td>Mr Lonsdale Tuputa, Chief</td>
<td>Ward 2, Vaiakau</td>
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<td></td>
<td>Mr Edward Makiu, youth rep</td>
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<td>Mr Alfred Nambela, church rep</td>
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<td>Hon David Maina, MPA</td>
<td>Ward 3, Nipwa/Nopali</td>
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<td>Mr John Teangake, community leader</td>
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<td>Mr Eric Peniapu, Chief of Nipa</td>
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<td>Ms Priscilla Palusi, women’s rep</td>
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<td>Hon Frank Savi, MPA</td>
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<td>Mr David Temoa, Rep of the Chief of Lipe/Temea</td>
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<td>Ms Ellen Loara, youth rep</td>
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<td>Mr John Meliwe</td>
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<td>Hon Johnson Levela, MPA</td>
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<td>Mr John Melive, Pele Regional Secretary, Diocese of Temotu</td>
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<td>Ms Margaret Mabulou, women’s rep</td>
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<td>Mr Benjamin Teilo, Chief Representative and Chairman of the Fenualoa Council of Custom Chiefs</td>
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<td>Mr Philip Kobeto, youth rep</td>
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<td>Hon Ernest Fea, MPA</td>
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<td>Mr Duddley Kopele, Council of Chiefs of Vanikoro rep</td>
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<td>Mr Stanley Repoamu, youth rep</td>
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<td>Ms Dorothy Kapua, women’s rep</td>
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<td>Mr Bensa Piko, church rep</td>
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<td></td>
<td>Hon Godfrey Lusage, MPA and Minister for Health and Medical Services</td>
<td>Ward 14, Utupua</td>
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<td></td>
<td>Ms Priscilla Nimole, women’s rep</td>
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<td>Mr Drummond Nakepua, chiefs’ rep</td>
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<td>Friday 8 May 2009</td>
<td>Hon Nester Marahora, MPA</td>
<td>CENTRAL MAKIRA</td>
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<tr>
<td>Dioceses of Hanuato Conference Room, Kirakira, Makira-Ulawa Province</td>
<td>Mr Henry Tagamae</td>
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<td>Ms Salome To’omae, Teacher</td>
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<td>Mr Ata Lofo, MPA</td>
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<td>Mr Steward Masuraa, youth rep</td>
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<td>Hon Henry Taro, MPA</td>
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<td>Mr Benson Ha’amori, farmers’ rep</td>
<td>Ward 8, East Arosi</td>
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<td>Ms Ida Mae, women’s rep</td>
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<td>Mr Simon Dadau, chiefs’ rep</td>
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<td>Hon John Pasimae, MPA</td>
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<td>Mr Hicks Hani, chief’s rep</td>
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Committee Report No 1: November 2009
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<td>Saturday 9 May</td>
<td>Hon Brian Nahu, MPA</td>
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<td>Mr William Suru, youth rep</td>
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<td>Mr Henry Ha’aaina, Council of Chiefs rep</td>
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<td>Ms Annette Rata, women’s rep</td>
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<td>Mr Golden Kaia</td>
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<td>Mr Claudius Susumana, chiefs’ rep</td>
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<td>Ms Joyceline Asa, youth rep</td>
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<td>Mrs Betty Tafoa Gapu, women’s rep</td>
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<td>Mr Toswell Tawea, Chief</td>
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<td>Ms Joyce Marei, women’s rep</td>
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<td>Mr Moses Sautehi, Elder</td>
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<td>Ms Julia Harere, Council of Women’s rep</td>
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<td>Mr Jim Sautehi, chiefs’ rep</td>
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<td>Hon David Horesi, MPA</td>
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<td>Mr Zachariah Putaro, chiefs’ rep</td>
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<td>Mr Matthias Waro, youth rep</td>
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<td>Ms Rose Harui, Mothers Union rep</td>
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<td>Ms Constance Saugege</td>
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<td>Ms Ella Waeda, Council of Women’s rep</td>
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<td>Hon Peter Baewai, MPA</td>
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<td>Mr Michael Ngaraigiri, chiefs’ rep</td>
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<td>Mr Timothy Tariasi, youth rep</td>
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<td>Ms Rose Wateau, women’s rep</td>
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<td>Mr Joseph Hava, church rep</td>
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<td>Ms Gladys Muri, women’s rep</td>
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<td>Ms Cecelia Geli</td>
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<td>Mr Donald Tehimae, youth rep</td>
<td>Ward 16, Santa Catalina</td>
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<td>Mr Alfred Wabeasi, chiefs’ rep</td>
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<td>Mr John Mamafe, MPA</td>
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<td>Mr George Francis Asau, MPA</td>
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<td>Mr Patrick Takwani, chiefs’ rep</td>
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<td>Monday 25 May 2009</td>
<td>Hon Henry Ricky, MPA</td>
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<td>Kuma Village, Weather Coast</td>
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<td>Ms Kepara Vovo, women rep</td>
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<td>Mr Fredrick Nelson, youth rep</td>
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<td>Mr Doddridge Silas, youth rep</td>
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<td></td>
<td>Mr Fred Joshua, youth rep</td>
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<td>Mr Francis Koe, church leader &amp; chief</td>
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<td>Mr Baltasare Seitaovia, Chief</td>
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<td>Mr David Gua, community rep</td>
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<td>Mr Vence Hese, Chief</td>
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<td>Hon Albert H. Liti, MPA</td>
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<td>Mr Benjamin Ngauwaka, President (Ag.) Haliatu Council of Chiefs</td>
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<td>Mr Benedict Tughunua, chiefs rep</td>
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<td>Mr Francis Elisha, community rep</td>
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<td>Ms Jacinta Glyn, women’s rep</td>
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<td>Mr Fred Koelua, special rep</td>
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<td>Mr Patrick, Assistant Chief</td>
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<td>Mr Sade Tavehoto, Chief</td>
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<td>Mr Benedict Pitu, community rep</td>
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<td>Mr Daniel Deke, church rep</td>
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<td>Mr Jasper Wilfred, church rep</td>
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<td>Mr Apollos Piri, community rep</td>
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<td>Mr Patrick Ledi, community rep</td>
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<td>Mr Abraham Jonny Sigege, youth rep</td>
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<td>Mr John Pili, Chief</td>
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<td>Mr Raymond Tova</td>
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**HEARINGS HELD AT PARLIAMENT HOUSE**

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<tr>
<td>Thursday 28 May 2009</td>
<td>Mr Andrew Nori</td>
<td>Legal Practitioner and former Member of Parliament</td>
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<tr>
<td>Parliament House</td>
<td>Mr Alex Bartlett</td>
<td>Former Member of Parliament</td>
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<td></td>
<td>Mr Jimmy Lusibaea</td>
<td>Ex-combatant</td>
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<td>Mr Jeremy Rua</td>
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<td>Mr Andrew Fioga</td>
<td>Ex-combatant</td>
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<tr>
<td>Friday 29 May 2009</td>
<td>Mr Sethuel Kelly</td>
<td>Former Member of Parliament</td>
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<td>Mr Joseph Sangu</td>
<td>Ex-combatant</td>
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<td>Date</td>
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<td>30 May 2009</td>
<td>Mr Simon Getave, Paramount Chief of Lavukal House of Chiefs</td>
<td>SAVO/RUSSELLS CONSTITUENCY</td>
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<td></td>
<td>Mr Elia Ruani, Louna youth rep</td>
<td>Ward 6, Lavukal</td>
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<td></td>
<td>Ms Hilda Varou, women’s rep</td>
<td>(Russell Islands)</td>
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<td>Mr Ernest Baddeley</td>
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<td>Mr Peter Uri, Administrative Manager, RIPEL and Deputy Paramount Chief in East Lavukal Council of Chiefs</td>
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<td>Mr John Kiekie, Chief of Hae Village</td>
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<td>Mr Bernard Banisi, church leader</td>
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<td>Hon Ruxton Diwa, MPA</td>
<td>Ward 7, Banika</td>
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<td>Mr Moses Panda, rep of Sunlight Estate 1, 2, 3</td>
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<td>Mr Leonard Pitu, Parish Priest, Yandina Parish</td>
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<td>Hon Mark Vaka, MPA</td>
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<td>Mr Eddie Manima, youth rep</td>
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<td>Mr Aaron Pilaua, Chief</td>
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<td>Mr Clement Betea, Malaitans’ rep</td>
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<td>Hon Stanley Manetiva, MPA</td>
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<td>Ms Philemon Vagasi, Pokilo rep</td>
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<td>Ms Victoria Sakai, women’s rep</td>
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<td>Mr Patrick Vasuni, MPA and Premier</td>
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<td>Mr Melchior Vana, Deputy Chairman of the House of the Savo Chiefs</td>
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<td>Ms Mary Rova, women’s rep</td>
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<tr>
<td>Date</td>
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<tr>
<td>Wednesday 3 June 2009</td>
<td>Mr Charles Karoro, community leader</td>
<td>WEST ARE ARE CONSTITUENCY</td>
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<tr>
<td></td>
<td>Christina Asipara, Chair lady of Rokotanikeni Women’s Group</td>
<td>Ward 25, Tai</td>
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<td></td>
<td>Mr Koreti Hirisiko, village health worker</td>
<td>Ward 24, Mareho</td>
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<td></td>
<td>Mr Tobias Maimorisia, Chairman of the Church Committee &amp; President of the Are’Are House of Chiefs</td>
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<td></td>
<td>Mr Camilos Norikeni, community rep</td>
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<tr>
<td></td>
<td>Hon Jimmy Manewai, MPA</td>
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<tr>
<td></td>
<td>Ms Rachel Rerao, Teacher</td>
<td>EAST ARE ARE CONSTITUENCY</td>
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<tr>
<td></td>
<td>Mr Timothy, church worker</td>
<td>Ward 19, Aiaisi</td>
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<td></td>
<td>Mr John, youth leader</td>
<td>Ward 20, Are</td>
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<td></td>
<td>Mr Alick Ro’oau, Chief of Masuba</td>
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<td></td>
<td>Mr Emmanuel Horoi, Catechist</td>
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<td></td>
<td>Mr Donation Ha’apu, community leader</td>
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<td></td>
<td>Mr Richard Watekari, Speaker of Malaita Provincial Assembly</td>
<td>SMALL MALAITA CONSTITUENCY</td>
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<tr>
<td></td>
<td>Mr Gabriel Watepi, Haulutalu Council of Chiefs rep</td>
<td>Ward 21, Raroisuu</td>
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<td></td>
<td>Ms Caroline Mamani, women’s and youth rep</td>
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<td></td>
<td>Mr Donation Wakio, Chairman of Audalau Council of Chiefs</td>
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<td></td>
<td>Mr Morgan Mwei Wateorea, elder</td>
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<td></td>
<td>Mr Philip Ouou, Walande and Fanalei rep</td>
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<td></td>
<td>Ms Rose Hou, Wife of Assistant Bishop of Diocese of Malaita</td>
<td>Ward 22, Aba/Asimeuri</td>
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<td></td>
<td>Mr Alfred Ma’aramo, rep of the Chiefs of Iolairamo and a Forestry Officer</td>
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<tr>
<td></td>
<td>Ms Rose Aiwewe, Literacy Coordinator</td>
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<td></td>
<td>Hon Francis Wateliu, MPA</td>
<td>Ward 23, Asimae</td>
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<td>Mr Edwin Laealala, Chief of</td>
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### NGELLA CONSTITUENCY

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<tr>
<th>Date</th>
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<tr>
<td>Sunday 7 June 2009</td>
<td>Hon James Dick Manebona, MPA</td>
<td>NGELLA CONSTITUENCY</td>
</tr>
<tr>
<td></td>
<td>Mr Patterson Tako, Secretary for</td>
<td>Ward 3, South Ngella</td>
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<td></td>
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<td></td>
<td>Mr Steward Tiva,</td>
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<td></td>
<td>Hon Fred Samora, MPA</td>
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<td></td>
<td>Mr Daniel Maeke, North elders’ rep</td>
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<td></td>
<td>Mr Christian Marongo</td>
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<td></td>
<td>Fr George</td>
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<td></td>
<td>Mr Luke Toai</td>
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<td></td>
<td>Hon Robert Kande MPA</td>
<td>Ward 2, Central Ngella</td>
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<td>Mr Thomas Tome, High Chiefs of</td>
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<td></td>
<td>Longana District rep</td>
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<td></td>
<td>Mr Clement Pepa</td>
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<td></td>
<td>Mr John Manebona Raoni</td>
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<td></td>
<td>Mr Ray Mano, community leader</td>
<td>Ward 1, Sandfly/Buena Vista</td>
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<td></td>
<td>Rev David Kapu, Church rep</td>
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<td></td>
<td>Ms Margaret Pulemanu, Ngella</td>
<td>Ward 5, Tulagi</td>
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<td></td>
<td>Women’s rep and as an Executive</td>
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<tr>
<td></td>
<td>Member to the CIP civil society</td>
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<td></td>
<td>Mr John Misimisi, former MPA</td>
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<tr>
<td></td>
<td>(South Ngella) and Vice, Chairman</td>
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<td></td>
<td>of the Civil Society in the Central</td>
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<td>Province</td>
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<td></td>
<td>Mr Ezekiel Rapeasi</td>
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<td></td>
<td>Mr Ezekiel Alalo, Rhema Family</td>
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<td></td>
<td>Church Members rep</td>
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<td></td>
<td>Rector for the Cathedral of the</td>
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<td></td>
<td>Diocese of Central Solomons</td>
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### HEARINGS HELD AT PARLIAMENT HOUSE

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Position and Organisation</th>
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<tbody>
<tr>
<td>Monday 8 June 2009</td>
<td>Mr Henry Pika</td>
<td>Permanent Secretary, Ministry of Police, National Security &amp; Correctional Services</td>
</tr>
<tr>
<td>Parliament House</td>
<td>Mr Peter Marshall</td>
<td>Police Commissioner</td>
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<td></td>
<td>Mr Walter Kola</td>
<td>Deputy Police Commissioner</td>
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Committee Report No 1: November 2009
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<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Position and Organisation</th>
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<tbody>
<tr>
<td></td>
<td>Ms Joy Kere</td>
<td>Permanent Secretary, Ministry of National Unity, Reconciliation &amp; Peace</td>
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<tr>
<td></td>
<td>Fr Sam Ata</td>
<td>Chair, Truth and Reconciliation Commission</td>
</tr>
<tr>
<td></td>
<td>Mr John Tuhaika</td>
<td>Permanent Secretary, Ministry of Provincial Government &amp; Institutional Strengthening</td>
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<tr>
<td></td>
<td>Mr Judson Leafasia</td>
<td>Permanent Secretary, Ministry of Rural Development and Indigenous Affairs</td>
</tr>
<tr>
<td></td>
<td>Mr John Taaru</td>
<td>Permanent Secretary, Ministry of Infrastructure Development</td>
</tr>
<tr>
<td>Tuesday 9 June 2009</td>
<td>Sir Baddeley Devesi</td>
<td>Senior statesman and former Governor-General</td>
</tr>
<tr>
<td>Parliament House</td>
<td>Mr Frank Ingruber</td>
<td>Australian High Commissioner</td>
</tr>
<tr>
<td></td>
<td>Mr Kamal Azmi</td>
<td>Counsellor, Development Cooperation, Australia High Commission</td>
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<td></td>
<td>Ms Deborah Panckhurst</td>
<td>New Zealand High Commissioner</td>
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<td></td>
<td>Ms Barbara Williams</td>
<td>Counsellor, Development Cooperation, New Zealand High Commission</td>
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<td></td>
<td>Dr Abdoul Aziz Mbaye</td>
<td>Chargé d’Affaire of the European Commission</td>
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<td></td>
<td>Mr George Chan</td>
<td>Ambassador for the Republic of China (Taiwan),</td>
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<td></td>
<td>Mr George Hiele</td>
<td>Permanent Secretary for the Ministry of Police, National Security and Correctional Services</td>
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<td></td>
<td>Mr John Wasi</td>
<td>First Assistant Secretary for Pacific Affairs, Ministry of Foreign Affairs and External Trade</td>
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<tr>
<td></td>
<td>Ms Christina Carlson</td>
<td>Deputy Resident of the United Nations Development Programme (UNDP) Honiara Office</td>
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<tr>
<td></td>
<td>Mr Roy Bowen</td>
<td>Chief Field Officer, UNICEF</td>
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<tr>
<td></td>
<td>Ms Edith Bowles</td>
<td>Country Manager, World Bank</td>
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<td></td>
<td>Mr Shadrach Fanega</td>
<td>Permanent Secretary, Ministry of Finance and Treasury</td>
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<tr>
<td>Date</td>
<td>Name</td>
<td>Position and Organisation</td>
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<tr>
<td>Mr Nathan Kama</td>
<td>Controller of Customs, Ministry of Finance and Treasury</td>
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<tr>
<td>Mr Kavanagh</td>
<td>Accountant General (Ag) Ministry of Finance and Treasury</td>
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<td>Mr Dentana</td>
<td>Director, Economic Reform Unit, Ministry of Finance and Treasury</td>
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<tr>
<td>Mr Graeme Wilson</td>
<td>RAMSI Special Coordinator</td>
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<tr>
<td>Mr Justin Fepuleai</td>
<td>Deputy Special Coordinator</td>
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<tr>
<td>Mr Masi Lomaloma</td>
<td>Assistant Special Coordinator</td>
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<tr>
<td>Mr Paul Kelly</td>
<td>Development Coordinator</td>
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<tr>
<td>Mr James Hall</td>
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<tr>
<td>Lieutenant Col Glenn Weir</td>
<td>RAMSI Military Commander</td>
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<tr>
<td>Ms Mary Louise O'Callaghan</td>
<td>Director Public Affairs Unit, Office of the Special Coordinator</td>
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<tr>
<td>Mr Barry Apsey</td>
<td>Director Law and Justice Program</td>
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<tr>
<td>Ms Dawn Casey</td>
<td>Director Machinery of Government Program</td>
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<tr>
<td>Mr Shaun Anthony</td>
<td>Economic Governance Program</td>
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<tr>
<td>Mr Andrew Minto</td>
<td>Economic Governance Program</td>
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<tr>
<td>Mr Finnian Cheshire</td>
<td>Assistant Policy Officer, Office of the Special Coordinator</td>
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<tr>
<td>Mr Dennis McDermott</td>
<td>Commander, Participating Police Force (PPF) and Deputy Police Commissioner</td>
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<td>Mr Howard Allen</td>
<td>Participating Police Force</td>
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<tr>
<td>Mr David Jones</td>
<td>Participating Police Force</td>
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<tr>
<td>Mr Sakiusa Rabuka</td>
<td>Pacific Islands Forum Secretariat Representative to Solomon Islands</td>
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<tr>
<td>Hon Dr Derek Sikua</td>
<td>Prime Minister of Solomon Islands</td>
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<tr>
<td>Mr Paul Tovua</td>
<td>Permanent Secretary Special Representative (RAMSI), Office of the Prime Minister</td>
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Wednesday 10 June 2009 Parliament House