

## 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 capacity of 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 causes 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.*

*Recommendation 6 (page 80)*

*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.*

*Recommendation 7 (page 83)*

*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.*

*Recommendation 8 (page 114)*

*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.*

*Recommendation 9 (page 139)*

*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.*

*Recommendation 10 (page 139)*

*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.*

*Recommendation 11 (page 161)*

*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.*

*Recommendation 12 (page 188)*

*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.*

*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.*