



National Parliament of Solomon Islands

Foreign Relations Committee

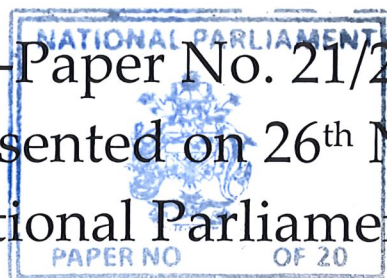
Committee Report

Report on the Inquiry into the
Question of severing existing ties
with the Republic of China
(Taiwan)

NP-Paper No. 21/2019

Presented on 26th November 2019

National Parliament Office



Committee Members

The Current Membership of the Foreign Relations Committee of the 11th Parliament are as follows;

Hon. Peter Kenilorea Jnr, Chairman

Hon. Charles Sigoto, Member

Hon. Rexon Annex Ramofafia, Member¹

Hon. Samson Maneka, Member

Hon. Chachabule Amoi, Member

Hon. Commis Ashton Mewa, Member²

Hon. Dr Tautai Kaitu'u, Member³

Committee Secretariat

Secretary: Mrs. Jasmine Waleafea

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Mr. Wilson Anii, Committee Secretary

Mr. Heston Kelly Rence, Committee Secretary

Ms. Ivory Iruha'a, Committee Secretary

Ms. Salome Pilumate, Committee Secretary

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Chair's Foreword



Hon. Peter Kenilorea Jnr

I am honoured to present the report of the Foreign Relations Committee (FRC) on the *Inquiry into the Question of severing existing ties with the Republic of China (Taiwan)*.

The intention to review the diplomatic relations between Solomon Islands and the Republic of China (Taiwan) was a key foreign policy objective in the DCGA's 100 day policy paper. A bi-partisan task force was established to assess the potential benefits of recognizing the one China policy.

It is in the midst of the appointment of the members of the task force, the publicity and controversy surrounding this issue of establishing ties with People's Republic of China (PRC) that the Committee, by virtue of Orders 71B(a)(g), pursued this inquiry on behalf of Parliament.

Given its mandate, the Committee has adopted subsidiary Terms of Reference specific to the issue, which has also been amended, in terms of its due date for the tabling of this report.

I wish to thank the Office of the Speaker and the Office of the Prime Minister for noting the Committee's intentions for pursuing this inquiry, prior to its hearings.

However the Committee wishes to stress that Parliamentary proceedings ought to be respected and any decisions regarding any issue being pursued by a Parliamentary Committee should be put on hold until a report on the issue is completed and presented to Parliament. This respect for the oversight role of parliament and the terms of reference of its standing committees, including the FRC, should be upheld even by the executive branch of government.

The Committee acknowledges that despite Parliament's consideration of this report, Taiwan had already severed diplomatic ties with Solomon Islands on the 16th September 2019 following the caucus and Cabinet's decision in favour of a diplomatic switch to recognize the PRC.

On the 09th of October 2019, Solomon Islands formally established diplomatic ties with the PRC.

Hence the Recommendations set forth in this report carry the essence of "what would have been" recommended for considerations, prior to the sequences of events above. And again I reiterate that the parliamentary oversight processes should be respected.

At this juncture, I would like to sincerely thank Members of Parliament, witnesses from the various government line ministries, state agencies and the civil societies who have rendered their participation in this inquiry process.

I would also like to thank the Committee Secretariat for their tireless efforts in ensuring that the administration and secretariat work for the inquiry are accomplished with efficiency.

Finally, may I thank my fellow Committee Members for their commitment and supportive participation in this inquiry.



Hon. Peter Kenilorea Jnr
Chairman
Foreign Relations Committee

Terms and Acronyms

CBSI	Central Bank of Solomon Islands
CDF	Constituency Development Fund
CCP	China Communist Party
CSO	Civil Society Organization
DCGA	Democratic Coalition Government for Advancement
EEZ	Exclusive economic Zone
FDI	Foreign Direct Investment
FFA	Forum Fisheries Agency
FIR	Flight Information Region
GDP	Gross Domestic Product
GPPOL	Guadalcanal Plains Palm Oil Limited
ICAO	International Civil Aviation Organization
ITU	International Telecommunication Unit
MRD	Ministry of Rural Development
NCD	Non-Communicable Disease
OECD	Organization for Economic Cooperation and Development
PIPSO	Pacific Islands Private Sector Organization
PRC	Peoples Republic of China
RAMSI	Regional Assistance Mission to Solomon Islands
RCDF	Rural Constituency Development Fund
ROC	Republic of China
SICCI	Solomon Islands Chamber of Commerce and Industry

SIFGA	Solomon Islands Full Gospel Association
SINU	Solomon Islands National University
SME	Small Medium Enterprises
SOE	State Owned Enterprises
TSI	Transparency Solomon Islands
UDP	United Democratic party
WWII	World War II

Chapter 1: Introduction

Foreign Relations Committee

1. The Foreign Relations Committee is established under Orders 71B of the National Parliament of Solomon Islands (1982):

There shall be a Standing Select Committee designated the Foreign Relations Committee whose function 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 organization;
 - (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 services of employees of regional bodies of which Solomon Islands is a member;
 - (g) the Government's conduct of its foreign policy.
2. Pursuant to Orders 71B(a)(g) the "Committee" initiates this inquiry to examine, observe and make recommendations on the question of severing existing ties with the Republic of China (Taiwan) and the conduct of government's foreign policy in light of the same.

Appointment of Members

3. The Speaker nominates the Chairman and Members of a Committee according to The *Standing Orders of the National Parliament of Solomon Islands*.⁵ They become members upon their formal acceptance of their nominations. The current Chairman and Members of the Foreign Relations Committee were nominated and appointed by the Speaker.

Inquiry into the Question of severing existing ties with the Republic of China (Taiwan)

4. The Inquiry into the Question of severing existing ties with the Republic of China (Taiwan) was initially mentioned during the "Committee's" deliberative meeting on the 5th of June 2019.
5. During which time, the "Committee" corresponded to the Office of the Speaker and the Office of the Prime Minister and Cabinet of its intention; - noting the recent endorsement of a Bipartisan Taskforce to review, assess, analyze and report on maintaining diplomatic relations with the Republic of China and prospects of normalizing relations with the Peoples Republic of China.
6. The Committee endorsed its inquiry proper on the 26th of August 2019.
7. The terms of reference (TOR) for this Inquiry were agreed upon by consensus by the Committee.

Expanded Scope of the Inquiry

8. On 3rd April 2019, Solomon Islands conducted its 11th National General Election. On 24th April the Democratic Coalition Government for Advancement elected the Prime Minister and formed the current executive.
9. The DCGA government's policy on matters pertaining to Foreign Affairs and External Trade were espoused in their DCGA Strategy and Translation document⁶.
10. On its Policy Arena for "Enhancing International Trade", the strategic action 5.1.3 (c) encompasses reviewing⁷ the Solomon Islands Foreign Relation engagement policy; and gave consideration for an inclusive Indo-Asia Pacific approach.
11. The Strategic Action was for a comprehensive assessment on the "China Question" which has emulated by the Our Party of the Coalition; it was noted that this question was in the campaign platform of the United Democratic Party (UDP)⁸, a party that, since the elections, has ceased to be active.

⁵ The Standing Orders of the National Parliament of Solomon Islands. Paper 41 of 1978. Standing Orders 68. p41

⁶ DCGA Strategy and Translation. 2019, p.26 -29

⁷ DCGA Strategy and Translation 5.1.3 (c). 2019, p.27

⁸ Hon. John Moffat Fugui, Evidence 4th September 2019, p.6

12. The Committee noted that a timeframe of six (6) months was factored for the duration of these comprehensive assessments.
13. Upon the completion of these assessments, the produced report ought to basis for any decision by the Solomon Islands Government, to alter existing diplomatic ties with the Republic of China (Taiwan).
14. On 31st May 2019 the DCGA government publicly launches its 100 Day Policy Framework. This Strategy and Translation document, and its policy statement 5.1.3 (c) in particular, received with mixed views from the wider public.
15. The commissioning of the Bipartisan Taskforce “to review, assess, analyze and report on maintaining diplomatic relations with the Republic of China and prospects of normalizing relations with the Peoples Republic of China”, triggered debate in the public domain and elicited mixed views on the potentials of a shift from the Republic of China (Taiwan) to the Peoples Republic of China.
16. The “Committee” sees the urgency to activate its own oversight role in light of a possible severing of diplomatic ties with the Republic of China (Taiwan) and review the government’s conduct of its foreign policy and informed Parliament accordingly of its intentions.
17. The above mentioned scope for FRC’s involvement are captured in the terms of reference for this Inquiry and are outlined on page 4 of this report - and in accordance with Orders 71B of the Standing Orders of the National Parliament of Solomon Islands, as mentioned on page 8 of this report.

Conduction of the Inquiry

18. The inquiry process includes seeking written submissions and held both public and private hearings.
19. All hearings were held in Honiara, specifically at the Conference Room II, at the National Parliament House, Vavaya Ridge.

Call for Submissions

20. The Committee advertised and made public calls for submissions through its Press Releases on the Parliament’s website, *The Solomon Star*, through social media and during Committee hearings themselves.
21. The Committee also wrote to Members of the House who had been commissioned on various political missions for assessments; key line ministries; state agencies, private entities, non-government organizations and members of the civil society organizations.

Hearings

22. The Committee held only three days of hearing. Since the Committee had agreed to hold its inquiry in Public, all hearings were this regarded as public hearings.

23. However, upon request, the hearings conducted with these following stakeholders were held in private; - the Ministry of Foreign Affairs and External Trade, the Ministry of Police, National Security and Correctional Services and the Ministry of Commerce, Industry, Labour and Immigration.

Site Visits

24. No site visit was conducted in the course of this inquiry.

Transcripts

25. Transcripts of the evidences from the hearings were transcribed and published by the Hansard Department. They can be made available by the National Parliament of Solomon Islands upon request.

Evidence

Number of Submission

26. The Committee received a total of 10 written submissions from individuals, government line ministries, agency and other accountability stakeholders.
27. A list of submissions can be found in Appendix 1 of this report.

Number of Hearing locations and Witnesses

28. There were a total of 10 hearings conducted for this Inquiry on the “question of severing existing ties with the Republic of China (Taiwan)”. This exercise involves key witnesses from both the public and private sector, including the civil society organizations.
29. Four hearings were held with government officials, one hearing with a state agency, one hearing with a private entity and four hearings with non-government organizations and civil society organization groups.
30. The Committee received evidences from 39 witnesses representing the Bipartisan Taskforce; the Ministerial Delegation to Beijing; the Office of the Prime Minister and Cabinet; the Ministry of Foreign Affairs and External Trade; the Ministry of Commerce, Industry, Labour and Immigration; the Ministry of Police, National Security and Correctional Services; the Solomon Islands Chamber of Commerce; Central Bank of Solomon Islands; Transparency Solomon Islands; Forum Solomon Islands International; Development Services Exchange; People With Disability Solomon Islands; Solomon Islands Social Accountability Coalition; National Council of Women; Vois Blo Mere; Young Women’s Parliamentary Group; Solomon Islands National Youth Congress; Young Women Christian Association and the Solomon Islands Full Gospel Association.
31. Detailed list of these witnesses can be found in Appendix 2 of this report.

Terms of Reference

In accordance with Orders 71B(a)(ag) of the National Parliament of Solomon Islands, the "Committee" is examining the executive's foreign conduct specifically on the *severing of existing ties*, thus resolved to:

1. That the Committee inquiries into the government's conduct of its foreign policy
2. That in undertaking this inquiry the Committee may inquiry into any matters relating to:
 - (a) The existing relations between Solomon Islands and the Republic of China (Taiwan)
 - (b) Severing of existing ties with the Republic of China (Taiwan)
 - (c) The Impacts of a diplomatic relations in any shift from the Republic of China (Taiwan) to the People's Republic of China
 - (d) And any other related matters
3. That the Committee reports to Parliament no later than 31st October 2019⁴. Notwithstanding anything contrary in the Standing Orders for the purpose of this inquiry
4. Members may at any time be discharged from the Committee by the Speaker and other members appointed or added
5. The Committee shall have power;
 - (a) To adjourn from time to time
 - (b) To adjourn from place to place
 - (c) To send for and examine persons, papers, records and things
 - (d) To request the attendance of and examine members of the House.
6. The Committee shall take all evidences in public unless the Committee decides otherwise.
7. The Committee may authorize the recording of its public hearings and require an official record to be prepared by Hansard.
8. Any persons or bodies may make written or recorded submissions to the Committee in respect of the inquiry; and that the Committee has power to authorize publication, before presentation its report to the House, of any submissions received and evidence taken.
9. The Committee may engage persons with expert knowledge to assist the Committee on this inquiry.

⁴ Amended during its 6th Deliberative Meeting on the 30/10/2019 to November 2019.

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Executive Summary

The National Parliament of Solomon Islands in deploying its Constitutional mandate, will continue to provide a platform for public participation and inclusiveness in decision making. It will remain a mechanism for scrutiny on behalf of the people it represents.

The Foreign Relations Committee (FRC) by virtue of the Standing Orders of the National Parliament of Solomon Islands may exercise parliamentary powers and function in its oversight role on the executive's conduct of foreign policy; as and when deemed appropriate and as approved by Parliament.

While the mandate of the Committee is clear and absolute in Orders 71B, in practice the Committee's role in the subject matter of this report and broader foreign policy have often been bypassed by the executive.

The Committee wishes to express that it is good governance practice, that courtesy to the Committee are accorded in the future to leverage for transparency and accountability to the people Parliament represents.

The Committee also wishes to emphasize that should any future national decision on matters of diplomatic relations are intended to be undertaken by the executive on behalf of the people, a considered timeline ought to be in place that allows for wider consultations to be conducted.

Diplomatically related decisions often involve a number of considerations, including potential budgetary and financial implications. As such, it is only just and appropriate that the FRC plays a role in such considerations. This should be the case when the ToRs of the committee are clear and expressly stated, as is the case on the questions of establishing diplomatic ties and the severing of the same.

The Committee regrets that it could not sought views from equally important stakeholders including governmental and other stakeholders from the provinces and across the country for the purpose of this exercise.

However upon the completion of its inquiry, the Committee made the following recommendations below.

Summary of Recommendations

Recommendation 1

The Committee recommends that the Executive respects all parliamentary inquiry processes; and any decisions regarding the issue being inquired into, should be placed on hold until the inquiry and a Committee report has been completed, submitted to and considered by parliament.

Recommendation 2

The Committee recommends that the government of the day should avoid placing undue weight on expired and outdated United Nations (UN) General Assembly Resolutions in any of its considerations and deliberations to justify any current policy decisions, particularly as they relate to foreign affairs.

Recommendation 3

The Committee recommends that the government should pursue deepening trade relations, in both goods and services, with the Republic of China (Taiwan) and the Peoples Republic of China given that ROC, PRC and Solomon Islands are members of the World Trade Organization.

Recommendation 4

The Committee recommends that the Solomon Islands Government should deepen its relationship with the Republic of China (Taiwan) instead of severing its existing ties.

Recommendation 5

The Committee recommends that Solomon Islands Government, given the notion of a sense of inevitability in a switch in recognition from ROC to PRC, should put in place a process that involves nationwide consultations, and one that instills a more predictable, transparent and orderly arrangements in the severing of ties that is respectful to a long time diplomatic partner like ROC.

Recommendation 6

The Committee recommends that in the future the executive refrains from making hasty and rushed decisions when considering establishing new diplomatic ties allowing for a reasonable period of robust assessment to be adhered to.

Recommendation 7

The Committee recommends that wider public consultations should be conducted by the government (executive) in considering severing of ties with the Republic of China (Taiwan).

Recommendation 8

The Committee in light of Recommendation 7, recommends that the consultation should be pursued at the Constituency level by all 50 Member of Parliament in their respective constituencies.

Recommendation 9

The Committee recommends that in decisions where geopolitics is at play which could involve, global and regional repercussions, appropriate consideration must be undertaken, including by FRC, to carefully consider questions and options before any decision is taken.

Recommendation 10

The Committee recommends, given that the switch has been made in diplomatic recognition from ROC to PRC, that the SIG pursue the continuation of a relationship with the Republic of China Taiwan at the appropriate level.

Recommendation 11

The committee recommends that the executive has mechanisms in place to handle the transition of the RCDF.

Recommendation 12

The Committee recommends that Parliament endorses an inquiry to investigate and review the powers of the executive to effectively override parliamentary processes.

Recommendation 13

The Committee Recommends the government through the Ministry of Foreign Affairs and External Trade carry out a comprehensive review on the Solomon Islands stated foreign policy of "friends to all, enemy to none", given the failure of this policy in the rushed decision to switch diplomatic recognition from ROC to PRC .

Report structure

32. This report consists of Seven (7) Chapters. A Brief overview of each chapter is outlined below.

33. **Chapter 2: Background**

This Chapter discusses the background information on the broader Solomon Islands Foreign Policies. In light of the existing China's geopolitics, this Chapter refers to related United Resolution and Convention that sets the background to the evolution of both "Chinas", their governances, diplomatic relations and policies.

34. **Chapter 3: Solomon Islands "China" Relationship**

This Chapter discusses and describes the existing Solomon Islands diplomatic relations with the Republic of China (Taiwan) and the informal trade relations with the Peoples Republic of China in the last three decades.

35. **Chapter 4: The Question of severing ties with the Republic of China (Taiwan)**

This Chapter discusses the "question of China" which gave raise to the "question of severing ties with the Republic of China (Taiwan)". It outlines the argument for and against any pending shift in this regards. It also discusses the executive's conduct for any future shift within an existing diplomatic relationship.

36. **Chapter 5: The Impacts of a diplomatic relation in any shift from the Republic of China (Taiwan) to the Peoples Republic of China**

This Chapter discusses the likely impacts of a diplomatic shift in any way, and outline the current impacts in the recent discussions for a shift from the Republic of China (Taiwan) to the Peoples Republic of China.

37. **Chapter 6: Other related Matters**

This Chapter captures other emerging lines of discussions that are besides the terms of reference but are of relevance to this discussion.

38. **Chapter 7: Conclusion**

This Chapter outlines the Committee's finding and conclusion as per its examinations and observation on the issue. It contains, in totality the Committee's recommendation to Parliament for consideration.

Committee Comment

39. The Committee intends to clarify that in the content of this report, the Republic of China (Taiwan) and the Peoples Republic of China would be refer to as, two separate entities.

40. Furthermore, the Committee wishes to register its disappointment that the executive branch of government knowingly and willfully disregarded and undermined the efforts of a parliamentary Committee to execute on its mandate of delivering on its oversight role; which in this case, was on crucially important matters of foreign relations.

Recommendation 1

The Committee recommends that the Executive respects all parliamentary inquiry processes; and any decisions regarding the issue being inquired into, should be placed on hold until the inquiry and a Committee report has been completed, submitted to and considered by parliament..

Chapter 2: Background

This Chapter discusses the background information on the broader Solomon Islands Foreign Policies. In light of the existing China's position globally, this Chapter refers to related United Nations Resolution and Convention that sets the background to the evolution of the two "Chinas", the One China policy, their governances, diplomatic relations and policies.

Solomon Island Foreign Policy

Regional and International Relations

1. The Solomon Islands Foreign Policy Framework⁹ is guided by the broad objectives to promote democracy and respect for human rights; and contribute to effective global governance and international security.
2. It aspires to collaborate effectively with the UN and development partners in attaining the Sustainable Development Goals (SDGs) for Solomon Islands as well as meet other appropriate and relevant international norms and standards.
3. This framework endeavors to enhance engagements and strengthen partnerships with international organizations and donor partners; more so enhance strengthening engagements and partnership with the European Union (EU).
4. Besides exploring greater opportunities through the South-South relations by building on existing regional frameworks; the Solomon Islands Foreign Policy Framework aspires for an improved management of bilateral cooperation and border issues.
5. The framework also seeks to establish bilateral Technical Cooperation partnerships. Paramount to a globalized world, such are the foundations for capacitating diplomatic engagement, deliver competently and respond to any opportunities and challenge.
6. With the underpinning foreign policy statement of "friend to all, enemy to none", the vision has played out well over the years for Solomon Islands, in maintaining cooperation on regional and international diplomacy.
7. However this foreign policy "motto" over the years has not gone unchallenged and its intentions been claimed to have been unclear. Practically "friends to all" can be vague and poses risks when not aligned to parties of common goals and interest (Tuhenuku)¹⁰.
8. In 1982 and 1983 Solomon Islands began its quest to look "east", hence considered forging diplomatic relationships with South East Asia (SEA), including; Indonesia, Malaysia, Singapore, China (mainland), Taiwan, India and Bangladesh (Mamalani).¹¹
9. It was emphasized that forging ties with these countries is crucial not only because of their historical background but because of shared values that are similar to Solomon Islands'. This included placing significant effort on maintaining and recognizing indigenous cultures as well.

⁹ <http://www.mfaet.gov.sb/about-us/foreign-policy.ht\\>

¹⁰ Foreign Relation Policy not clear says Tuhenuku, *Solomon Star*, 11th Feb 1983, p.1

¹¹ Solomon Islands looks to South East Asia, *Solomon Star*, 7th Jan 1983, p.1.

10. In addition there were Industrial giants which Solomon Islands could benefit from, including through technology transfer which are appreciated and appropriate for the south pacific¹².
11. The processes of a comprehensive study to assess the possibilities for forging diplomatic relationship also included exchanges of visits, which requires at least a time frame of six (6) months.

Chinese Geopolitics at the aftermath of WWII

Emerging of two ruling powers in China

12. The period from 1945 towards the end of the Second World War, that era saw a clearer emergence of “two ruling powers” in China.¹³
13. China, once an empire, saw the overthrowing of its emperor in 1912¹⁴. The “Mao Zedong” led intervention of Communism put an end to reigning dynasties. Simultaneously, this era also witnessed the emergence of the affluent governing Kuomintang (KMT) Chinese Nationalist Party.
14. From 1946 to 1948, both parties claimed legitimate political leadership and waged political conflicts that resulted in considerable destruction and death toll that was estimated to have claimed between six to 18.5 million lives. Attempts by the United States and other allies to encourage and negotiate peace talks proved unsuccessful¹⁵.
15. Taiwan and other parts of China which had been previously under Japan’s control at the end of the Second World War were then liberated.
16. Under the leadership of the Nationalist Party (KMT), China was a party to the United Nations’ Charter and occupied China’s Seat at the United Nations.
17. On 8th December 1948, the Nationalist Party, under the leadership of Chiang Kai-Shek retreated, regrouped and took control over Taiwan and other islands close by. From there, the existence of the Republic of China and the claimed sovereignty as the sole legitimate Chinese Government was pronounced.
18. Mainland China remained a communistic regime, and also claimed to be the legitimate government of the Peoples Republic of China.
19. This political rift gave rise to the notion of the existence of “two China”¹⁶.
20. Almost a decade later, Taiwan became a party to the Vienna Convention on diplomatic relations.

¹² Solomon Islands looks to South East Asia, Solomon Star, 7th Jan 1983, p.1

¹³ https://en.wikipedia.org/wiki/United_Nations_General_Assembly_Resolution_2758

¹⁴ Submission 4. Mr. Sam Alasia, p.4

¹⁵ https://en.wikipedia.org/wiki/Chiang_Kai-shek

¹⁶ <https://www.nationalgeographic.org/thisday/dec8/two-chinas/>

United Nations Resolution 2758 of 1971

21. Being a signatory to the Vienna Convention on Diplomatic Relations and the fallout of the application of this convention by Taiwan were among the main drivers that effected the impetus behind UN's General Assembly Resolution 1688 (See appendix 5)¹⁷ of 1961.
22. This raised concerns and discussions amongst several UN Member countries in the same year and the years thereafter.
23. In 1971, Albania and 16 other UN Member countries sought to sanction the question of the "Restoration of the lawful rights of the People's Republic of China in the United Nations" to be included as an agenda for discussion.
24. The refined third draft of the proposed agenda (A/L.632 and Add.1 and 2) was agreed to and published on 29th September 1971. It was sponsored by 19 Member countries.
25. The proposed agenda affirmed the rightful representation of the Peoples Republic of China at the United Nations. It was also further recommended that PRC be one of the five permanent members of the UN Security Council.
26. It expelled any representation of Chiang Kai-shek and its unlawful occupation of the United Nations seat; and all organizations related to it. Deliberation on UN Resolution 2758 (See Appendix 4) was conducted by the UN General Assembly at its 1976th Plenary Meeting.
27. The resolution was passed on the 25th October 1971 by a majority of 76 voting in favor of the resolution, 35 against and 17 abstaining. Therefore, this resolution was not passed by consensus. It was not a consensus UN General Assembly decision meaning the international community was divided in the support for the resolution¹⁸.
28. As a result, the regime of Chiang Kai-shek and the legitimacy of Republic of China (Taiwan) was perceived by many as illegitimate not only by the Peoples Republic of China, but by many others in the international community as well.
29. The Committee heard that Solomon Islands is Member of the United Nations and thus is obligated to uphold Conventions and Resolutions by the UN, including Resolution 2758. At the same time, the UN Charter, the constitution of the UN, recognized the right to self-determination as well.
30. The Committee heard that if Solomon Islands "allows ourselves to be guided by the United Nation Resolution 2758; - we adhere to the principle of the United Nations Resolution 2758, then it is about China's One Policy, one government and one country and Taiwan is an integral part of Mainland China¹⁹.

¹⁷ https://en.wikipedia.org/wiki/United_Nations_General_Assembly_Resolution_1688

¹⁸ Hon. Peter Kenilorea Jnr, Evidence 4th September 2019, .p35

¹⁹ Hon. Peter Shanel Agovaka, Evidence 4th September 2019, p.24

The “two China” foreign diplomacy

31. The Republic of China (Taiwan) and the Peoples Republic of China have emulated each other’s positions with regard to their respective foreign diplomatic relations and recognition. Both would not accept a dual recognition by a diplomatic partner.
32. Since 1971 global diplomatic relations have evolved, and it is noted that many of those who had voted against UN Resolution 2857 are now enjoying diplomatic relations with the Peoples Republic of China²⁰.
33. Solomon Islands on 09th October 2019 became the 179th country to have normalized diplomatic ties with the Peoples Republic of China since the resolution, leaving the Republic of China (Taiwan) with only 16 Allies.

Committee Comments

34. The Committee notes that Solomon Islands as a member of the United Nations, is inclined to uphold its resolutions²¹, including Resolution 2758. It is noted that the resolution was passed in 1971, seven years before Solomon Islands attained independence and was admitted as a member of the UN General Assembly. It should also be noted that UN General Assembly resolutions are non-binding. As a member of the United Nations, Solomon Islands also adheres to the UN Charter which enshrines the right to self-determination.
35. The Committee heard that Solomon Islands has enjoyed a cordial relationship with the Republic of China (Taiwan) over the last 36 years and the government anticipated maintaining it; besides giving consideration to forge diplomatic relations with the People’s Republic of China.
36. The Committee also heard that the Solomon Islands Government should still maintain, that it would make its endeavor to negotiate leverage for Taiwan from human right suppression and its own aspirations for self-determination²².
37. However, the Committee noted that the decision to establish a new diplomatic ties with the Peoples Republic of China was carried out in a hasty manner and strongly condemns the manner in which the decision was reached.
38. The Committee agrees that the issue of severing ties with the Republic of China (Taiwan) is of great importance and requires wider consultation, leaving no stones unturned²³.
39. It is crucial and equally important to make people aware of the consequences of such a decision by the executive and to mitigate any shock to the people by such decision²⁴.

²⁰ Hon. Peter Kenilorea Jnr Evidence 4th September 2019, p.27

²¹ Hon. Peter Shanel Agovaka, Evidence, 4th September 2019, p.20

²² Ibid, p.24

²³ Ibid, p.29

²⁴ Ibid, p.30

Recommendation 2

The Committee recommends that the government of the day should avoid placing undue weight on expired and outdated United Nations (UN) General Assembly Resolutions in any of its considerations and deliberations to justify any current policy decisions, particularly as they relate to foreign affairs.

Chapter 3: Solomon Islands “China” Relationships

This Chapter discusses and describes the Solomon Islands diplomatic relations with the Republic of China (Taiwan) and informal trade relations with the Peoples Republic of China over the last three decades.

Solomon Islands conduct of foreign relations with the “two China”

Republic of China (Taiwan): Trade

1. The Island of Taiwan lies 23.7 degree north and 121 degree east of the Asian continent. It has a land mass of 36,000 square kilometers with a population of 23.6 million as of 2017²⁵.
2. The nation practices a democratic system to their context whereby their governance transpires within five (5) existing Yuan (Arms of Governance); (a) the Executive Yuan, (b) the Legislative Yuan, (c) the Judicial, (d) the Examination and (e) Control Yuan²⁶. This nationalist power’s intention to adopt a democratic governing system, emerges as early as 1921. Its Legislative Yuan was only formalized in 1928.
3. The dominant religions in the Republic of China (Taiwan) includes Buddhism, Taoism and Traditional (Folk) Chinese religion. In fact the freedom of religion is enshrined in Taiwan’s Constitution.
4. Taiwanese culture and groupings are made up of 16 (aborigines) indigenous tribes of Taiwan and decedents of mainland China.
5. Taiwan’s economic performance indicators recent figures show a GDP per capita estimated at USD26, 244.6; with a Real GDP Growth of 2.9 for 2019²⁷.
6. The United States Dollar (USD) to New Taiwanese Dollar (NTD) is performing at a rated of 1:30; the New Taiwanese Dollar (NTD) to Solomon Islands (SBD) is performing at a rate of 1:3.7.
7. Of the overall Taiwanese global merchandise trade relationships, only three countries (principle export destination) were already responsible for 52.7% of its foreign income.
8. These countries include: (i) China as the highest trading partner at **28.2%**, (ii) Hong Kong at **12.9%** and (iii) United State at **11.6%**.
9. Taiwan’s principle importers are China as number one importer with a total of **19.2%**, followed by Japan with **16.1%** and the United States at **11.6%** in 2017 alone.
10. Though Taiwan has diplomatic ties with Solomon Islands, there has been no trade agreements. However Taiwanese exports to Solomon Islands amounts to only **USD0.003m** and ranks 135 on its global merchandise trade scale.

²⁵ Submission #1 Min. Foreign Affairs & External Trade, p.1

²⁶ *Legislative Yuan of Republic of China*, 2016. p.ii

²⁷ Submission #1. Min. Foreign Affairs & External Trade, p.1

11. Taiwanese total imports from Solomon Islands amounts to **USD0.006m** and ranks 107 on its global merchandise trade scale.
12. Solomon Islands trade balance with Taiwan has been a minus trend, as such the figures for 2017, which sits at **USD (55.3m)**²⁸.
13. Through trade trend has shown been a significant and steady growth in Solomon Islands export to Taiwan; there has been a significant decline on imports from Taiwan, in the last nine (9) years.
14. Solomon Islands main export to Taiwan in order of quantity includes; (a) wood in the rough; (b) wood for veneering or sliced; (c) non coniferous wood and (d) fish (yellowfin tuna).
15. Taiwanese exports to Solomon Islands includes; (a) other articles of tin; (b) sugar and (c) iron/non-alloy steel flat roll.

Republic of China (Taiwan): Diplomatic Relations

16. Solomon Islands is a member state of the UN upon its admission in 1978 and established Diplomatic relations with the Taiwan more than a decade (12 years) after the adoption of Resolution 2758.
17. Taiwan's initial approach was to rally support from UN Member Countries to reinstate its participation at the United Nations²⁹.
18. Solomon Islands sent executive task forces to Peking and Taipei simultaneously to undertake comprehensive studies and assessments of these two "Chinas".
19. It was obvious at that time that the Republic of China (Taiwan) was faring better than the Peoples Republic of China which not performing economically with widespread poverty, which was a consequence, in part, of its communist governing system.
20. The reasons for choosing to establish diplomatic relationship with the Republic of China (Taiwan) over the Peoples Republic of China by Solomon Islands in 1983, premises on establishing an economy that is livelier and has a better footing; and subsequently not an economy that relied on foreign aid (Mamaloni)³⁰.
21. The Committee also heard that the thinking of the leaders at that time was that, they saw it fitting for the country to support Taiwan because of our size and population. And perhaps at that time, despite the enforcement of martial law, Taiwan had the most potential to be a flourishing democratic country.
22. In the 80s, China was not a major economy. The Committee heard that by 1978, GDP per capita was only about \$100. Currently, it is said to be higher at around \$20,000 per head. At that time, China was a struggling nation³¹.

²⁸ Submission #1. Min. Foreign Affairs & External Trade

²⁹ https://www.taiwanembassy.org/sb_en/post/12.html

³⁰ Solomon Islands looks to South East Asia, *Solomon Star*, 7th Jan 1983, p.1

³¹ Hon. John Moffat Fugui, Evidence 4th September 2019, p.9

23. The Solomon Islands Government established diplomatic relations with the Republic of China (Taiwan) on 24th March 1983.
24. Taiwan had a special arrangement of assistance to Solomon Islands through the disbursement of Rural Constituency Development Fund (RCDF). These funds are “at Members of Parliament discretionary for targeting project to sustain Solomon Islands rural people and their livelihood³².”
25. Amidst the height of the ethnic conflict, it was widely reported that and the Committee continually heard that the only Diplomatic Office that remained open and provided continuous financial support to the Solomon Islands underperforming economy was Taiwan.
26. Hence the Republic of China (Taiwan)’s assistance³³ during those dark times, remains close to heart for many Solomon Islanders.
27. Even at the dying hours prior to caucus’ decision on the “shift” to recognize the Peoples Republic of China; the Republic of China (Taiwan) continued to make efforts to save the relationship.

Peoples Republic of China

28. The Peoples Republic of China lies 35.9 degree north and 104.1 east degree in the Asian continent. It has a land mass of 9,388,211 square kilometers with a population of 1390.08million as of 2017³⁴.
29. The governing system is headed by the Chinese Communist Party Communist Party Government which rules throughout 26 provinces. The nation is predominantly Buddhism and Atheism.
30. China’s (PRC) economic performance indicators shows recent figures of a faring GDP per capita estimates are reportedly as high as USD27, 438.3 (although some estimates are as low as USD 9770³⁵; with a Real GDP Growth of 10.3 for 2019³⁶.
31. The United State Dollar (USD) to the Chinese Yuan Renminbi ratio is 1:17; while the Chinese Yuan Renminbi to Solomon Islands Dollar (SBD) ratio is 1:17.
32. On China’s (PRC) global merchandised trade relationships, there are also three countries that are responsible for 80.2% of its foreign income. These principles exports destinations includes (a) USA at 38.5%, (b) Hong Kong at 28.7% and (c) Japan at 13%.
33. China’s (PRC) principle importers includes; (a) the Republic of Korea at 15.8%, followed by (b) Taiwan with 13.8% and (c) United States at 13.4% in 2017 alone³⁷.

³² Hon. John Moffat Fugui, Evidence 4th September 2019, p16

³³ Hon. Peter Shanel Agovaka, Evidence 4th September 2019 p.28

³⁴ Submission # 2. Min. Foreign Affairs & External Trade, p.1

³⁵<https://data.worldbank.org/indicator/ny.gdp.pcap.cd>

³⁶ Submission #1. Min. Foreign Affairs & External Trade, p.1

³⁷ *Ibid*

34. Though China has no diplomatic ties nor trade agreements with Solomon Islands, however there has been a lot of trading between the two countries as both countries are members of the World Trade Organization.
35. China's exports to Solomon Islands amounts to **USD550.4m** in 2017, while Solomon Islands' export to China has amounted to an **USD2565.6m**.
36. Solomon Islands' trade balance with the Peoples Republic of China has recorded a positive **USD2015m** in 2017 and reported a steady trade trend over the last 9 years.
37. A total of **USD1,328m** returns from major Solomon Islands export to China includes; (a) wood in the rough (*cedar super small*), (b) wood in the rough (*beabea*) and (c) wood in the rough (*calophyllum low grade*).
38. China's major export to Solomon Islands includes communication apparatus, pasta or dried noodles and iron or steel – flat rallied, which stands at **USD91.2m** in 2017 alone.
39. The Committee heard that the Peoples Republic of China as a nation is rising very quickly since the presidency of Xi Jinping. His leadership style maintained governance in terms of communism or as a socialist, but also promoting a capitalized or market based economy, which did a miracle for China³⁸.

Committee Comments

40. The Committee is of the view that both the Republic of China (Taiwan) and the Peoples Republic of China are both important players in Solomon Islands economy, therefore it is prudent to maintain both partners with due regard.
41. Solomon Islands and both ROC and PRC are members of the World Trade Organization. Through their respective membership of this global trading body, Solomon Islands should take full advantage of the international rules based system to forge and strengthen trade relations, including through strategic utilization of Solomon Islands' LDC status which is recognized by WTO to explore economic opportunities through trade in both goods and services.
42. The Committee is only disappointed that the proposed shift was not well managed and without prior consultations, negotiations and understanding with the Republic of China (Taiwan) to ensure trade continues and is further enhanced.
43. The Committee also heard of neatly negotiated relations with both Chinas by our pacific neighboring countries including Fiji and Papua New Guinea and Solomon Islands should sought guidance from them³⁹.
44. It was also suggested that Solomon Islands could be a mediator in resolving the differences between the Peoples Republic of China and the Republic of China (Taiwan). The Committee noted that it would be a challenging endeavor.

³⁸ Hon. John Moffat Fugui, Evidence 4th September 2019, p.7

³⁹ Ibid, p.6

Recommendation 3

The Committee recommends that the government should pursue deepening trade relations, in both goods and services, with the Republic of China (Taiwan) and the Peoples Republic of China given that ROC, PRC and Solomon Islands are members of the World Trade Organization.

Chapter 4: The question of severing ties with the ROC

This Chapter discusses the “question of China” which gave rise to the “question of severing ties with the Republic of China (Taiwan)”. It outlines the argument for and against any pending shift in this regards. It also discusses the executive’s conduct for any future shift within an existing diplomatic relationship. This Chapter captures the essence of the Committee’s inquiry.

Transaction of Foreign Relations with the Republic of China (Taiwan)

Severing of diplomatic relations with the Republic of China (Taiwan)

1. Severing of ties are rarely done except when both parties are at war or because violence is involved⁴⁰
2. The Committee heard that it was the newly considered foreign relations policy by the DCGA that bears the “question of China (PRC)”. This policy direction thus gave birth to whether it means severing existing ties with the Republic of China (Taiwan).
3. However, as it turned out, it was the Republic of China that severed ties with Solomon Islands on the 16th September 2019, in response to a caucus decision in favour of establishing diplomatic relations with the Peoples Republic of China.

Policy directions “for” a shift

4. The Committee heard that the argument for reconsidering and recognizing Beijing by the executive, is based on a number of factors.
5. First and foremost, the Committee heard that the intention for a shift is to re-align Solomon Islands’ recognition of the One China Policy⁴¹. Given the increasing businesses with Beijing, the government of the day hoped to also formalize such trade relations with China (PRC).
6. The Committee also heard arguments that it is not so much a matter of strategic timing for the shift⁴² or whether this is strictly a Taiwan or China issue, but rather it was more about Solomon Islands and what Solomon Islands could gain out of these diplomatic relationships⁴³
7. It was also expressed before the Committee that Solomon Islands has enjoyed a lot of mutual benefit from its relationship with the Republic of China (Taiwan), it also needed to quantify the benefits flowing from this relationship and investigate other opportunities to better maximize returns from Solomon Islands resources.
8. The Committee also heard that there are gaps however on the issue of extracting of our resources, and in particular Solomon Islands’ Tuna resources; with the argument being made that our partner Taiwan getting was more value out of our fisheries than the amount of assistance they put back into the country through aid and such⁴⁴.

⁴⁰ Hon. Peter Kenilorea Jnr, Evidence 4th September 2019, p.87

⁴¹ Dr. Jimmie Rogers, Evidence 4th September 2019, p.48

⁴² Ibid

⁴³ Hon. Peter Shanel Agovaka, Evidence 4th September 2019, p.24

⁴⁴ Hon. Peter Shanel Agovaka, Evidence 4th September 2019, p.38

9. The Committee heard, similar observations and sentiments being expressed as generally applicable across the board to all other partners.
10. The Committee also heard that the government of the day, saw it fitting to pursue relationships with the Peoples Republic of China given their perceived reception and treatment given to their diplomatic partners.
11. The Committee also heard that China's approach on foreign policy is accessible and convenient; it is a people to people relationship. The Committee heard that China (PRC) has pitched its engagement at a level where they can understand and see you, an approach, it was argued was different to all other diplomatic partners⁴⁵.
12. The Committee heard the opinion that in an arrangement with PRC there are not so many red tapes and decisions are done swiftly. The view was expressed before the Committee that such arrangements are conducive in matters of urgency that would require immediate response⁴⁶ as in the case of Solomon Islands.
13. The Committee heard that Solomon Islands is in the Post RAMSI era and there were endeavors that Solomon Islands, as a post-conflict country, needed to pursue.
14. The Committee heard that in pursuing diplomatic ties with the PRC, Solomon Islands is embarking on efforts to fulfill "unmet" Townsville Peace Agreement undertakings. Solomon Islands needed to realize infrastructural development as a driver for economic growth at all levels.
15. Furthermore, the Committee heard arguments supporting the need for Solomon Islands to pursue much needed infrastructural development whereby revenue could lead to sourcing of revenue in the attempts to resolve its "unmet" economic needs⁴⁷, and that PRC could contribute towards addressing the current infrastructure deficit.

Public outcry on the "shift"

16. The Committee heard that Solomon Islands will always be grateful for the relationship it has with the Republic of China (Taiwan). ROC (Taiwan) has been described as a helpful friend, an ally and diplomatic partner in the running of this country Solomon Islands⁴⁸.
17. The Committee was also cautioned on numerous factors that pointed towards levels of anxiety and hesitation regarding a shift from the status quo as it relates to diplomatic ties with Taiwan.
18. The Committee heard opinions expressed that, it is no secret that China (PRC) is the most assertive donor nation that offers development assistance that exploits governance gaps in countries with weak or corrupted structures.⁴⁹

⁴⁵ Hon. John Moffat Fugui, Evidence 4th September 2019, p.8

⁴⁶ Ibid, p.15 -16

⁴⁷ Dr. Jimmie Rogers, Evidence 4th September 2019, p.51

⁴⁸ Hon. John Moffat Fugui, Evidence 4th September 2019, p.5

⁴⁹ Mrs. Ruth Liloqula, Evidence 5th September 2019, p.15

19. Examples of such displays of dominance, it was argued, was evident in the neighboring Vanuatu and Papua New Guinea and others including in Kadavu in Fiji⁵⁰.
20. The Committee heard caution being expressed to take into consideration Solomon Islands' weak governance and weak or non-existent good governance institutions which are reflected in our current poor ranking in the global corruption index and that such weakness could be exploited by a dominant diplomatic partner.
21. Given the limited absorptive capacity and lack of policy making processes, monitoring and tighter controls for revenue collection the current environment is conducive for further exploitation of our resources by unscrupulous actors.
22. The Committee was reminded that the government does not own much of the natural resources of Solomon Islands. These resources belong to the people. The Committee was further reminded that most of the nation's forestry products have already been sold to PRC. Strong views were expressed about the modus operandi of PRC that most of the assistance are through loans that countries might not be able to pay back. In this connection, the Committee heard views being expressed that we should not sell our country⁵¹.
23. The Committee further heard that any decision on the severing of ties should not be left to the Bi-Partisan Taskforce. Rather views were expressed that it should be left to the legislature to discuss and the people to have a say in it⁵².
24. The Committee heard sentiments being expressed which were based on obvious frustration that may not be completely accurate stating that Chinese businesses had marginalized indigenous SME already, and if Solomon Islands authorities could not handle these well, then how much more could they handle an authoritarian regime that wants to exert its influence⁵³?
25. The Committee also heard that any infrastructure development will be centralized in Honiara⁵⁴ and the burden of loan repayments could lead to debt trap situations which will impact the whole nation and her ability to repay such loans.
26. The Committee also heard the views expressed that Solomon Islands was not ready to enter into diplomatic relations with a dominant partner like the PRC. The need to strengthen governance structures and institutions as well as tighten laws and enforcement of the same were expressed.
27. The Committee also heard that a more predictable, transparent and ordered switch that is as respective as possible to ROC and PRC positions could be utilized. The view was expressed that consideration on severing of ties with ROC be postponed for 25 years and an assessment be carried out weighing the pros and cons of a switch from Taiwan to PRC once the 25 years lapses.

Diplomatic conduct in any shift

⁵⁰ Miss Regina Lepping, Evidence 5th September 2019, p.63

⁵¹ Mrs. Ruth Liloqula, Evidence 5th September 2019, p.23

⁵² Ibid, p.15

⁵³ Ibid, p.23

⁵⁴ Ibid, p.25

28. The Committee heard the view expressed that International diplomacy for Solomon Islands is not the issue, but rather the more likely issue is the management of a new relationship with China and the acceptance by Taiwan of that relationship⁵⁵.
29. In light of the process leading to the shift in diplomatic relations from the Republic of China (Taiwan) to the Peoples Republic of China, there is a need for clarity on which processes should take precedence in the order of sequence leading up to the decision to switch and sever ties with Taiwan.
30. Such a clarity could benefit from legal interpretation by the courts on matters surrounding the question that perhaps executive prerogative may be limited in matters that are clearly expressed in the ToR of the FRC as contained in the Parliamentary Standing Orders, including in the severing of diplomatic ties and in the establishment of the same.
31. It has been the practice that the executive initiates, negotiates and decides on the establishment of diplomatic relations, while other arms of government, including the legislature which provides oversight, were never consulted.
32. Such practice disregards the oversight and scrutiny roles of the FRC as expressed in Orders 71B (a). Both the Executive and the legislature have their respect roles to play on the question of severing diplomatic ties. Essentially it is a matter of sequencing the processes of these two arms of government to ensure that these processes flow seamlessly into the other. It is deeply troubling that and an affront to the sovereignty of parliament and the sovereignty of Solomon Islands that legislative processes are usurped by external considerations and pressures by foreign actors with little regard for Solomon Islands' internal processes.
33. The recommendation by the bipartisan task force appointed by the executive that overrides a standing committee with expressed ToRs in the relevant parliamentary standing orders is a travesty.
34. The Committee concurs that in this scenario, Solomon Islands was already marching to the beat of PRC as clearly shown by the arbitrary deadline of October 1, 2019, which was the foreign imposed date by which the switch was to be made. The Committee is concerned that a proper transitional plan for such shift was not in place for Solomon Islands to allow for a wider consultation and avoid the humiliation of Taiwan, a then development partner.
35. The Committee acknowledges that the initial timing stated for a thorough assessment to be conducted prior to a decision was six (6) months. Alas the Committee noted it took the DCGA only three (3) months to conclude on its decision to establish ties with the Peoples Republic of China.
36. The Committee reiterates that the government's purpose for establishing new relationships must never be made purely on transactional basis that are hinged solely on promises of material gain or economic benefit alone. Rather, diplomatic relations should be entered into in the spirit of partnership.
37. That the value that each partner offers outweighs considerations that are premised on material gain. This view was expressed clearly throughout the hearings by witnesses representing civil

⁵⁵ Dr. Jimmie Rogers, Evidence 4th September 2019, p.48

society who highlighted and underscored the argument that in establishing diplomatic ties shared fundamental values such as, democracy, respect for human rights and rule of law trump promises of material gain.

38. As such, the Committee reaffirms that the executive's pursuit to establish new diplomatic relations must be underlined by intangible yet fundamental Shared values such as democracy, respect for rule of law over other considerations that are strictly based on tangible outcomes. Aligned and shared common interest and values are the lasting foundation upon which authentic and durable partnerships that lead to tangible outcomes are based.
39. To date, Solomon Islands already has about 120 formalized diplomatic relations with countries around the world. In the case of the two "China's", the Committee heard that, for Solomon Islands, the reason for the choosing ROC or PRC, was never based solely on the attributes of democracy but rather the choice of diplomatic partners was premised on economic gain . However, it is clear that ROC has and continues to be on the ascendancy in upholding the fundamental values shared by Solomon Islands on democracy, respect for rule of law and such.

Committee Comments

40. The severing of diplomatic ties is a rare event. It should be handled with utmost respect and dignity. The Committee is of the view the executive's decision to switch would have benefitted from its outcomes and findings of the inquiry.
41. The inquiry found that the overwhelming number of witnesses who attended the hearings and submitted written submissions that are averse to changing the status quo and Solomon Islands diplomatic ties with Taiwan.
42. The Committee also found that except for the economic rise of China, which seemed to be the main reason advanced by government representatives for the switch besides recognizing the One China Principle, there was very little discussion on the reasons for choosing ROC over PRC in 1983 and if there has been a fundamental change in these reasons over the last 36 years that warranted the need for the severing of ties with ROC.
43. It was clear that except for the two government MPs who appeared before the Committee, a number of government ministries, institutions and organizations who took the more neutral middle ground, the overwhelming sentiment expressed by the civil society group representatives did not support the severing of ties with Taiwan - the main question for which the Committee set up the inquiry.
44. The Committee also noted the views expressed that if ties with Taiwan was to be severed it should be done through wider consultations with the public. The issue surrounding arguments on the inevitability of the switch, given PRC's impressive rise as an economic power was also noted.
45. The Committee is of the view that any such severing of ties should be done in a manner that highlights predictability, transparency, and order which preserves elements of friendship which is a trait of not only the nation's foreign policy of 'friend to all, enemies to none' but one which is embedded in Solomon Islands culture.
46. The Committee noted that Singapore had reached an understanding with Taiwan which provided some prediction of when a switch could occur while on the other hand, Nauru's

enactment of legislation that underpinned their deep engagement with Taiwan provide concrete examples of how other nations have dealt with the ROC and PRC situation which Solomon Islands could learn from.

Recommendation 4

The Committee recommends that the Solomon Islands Government should deepen its relationship with the Republic of China (Taiwan) instead of severing its existing ties.

Recommendation 5

The Committee recommends that Solomon Islands Government, given the notion of a sense of inevitability in a switch in recognition from ROC to PRC, should put in place a process that involves nationwide consultations, and one that instills a more predictable, transparent and orderly arrangements in the severing of ties that is respectful to a long time diplomatic partner like ROC.

Recommendation 6

The Committee recommends that in the future the executive refrains from making hasty and rushed decisions when considering establishing new diplomatic ties allowing for a reasonable period of robust assessment to be adhered to.

Recommendation 7

The Committee recommends that wider public consultations should be conducted by the government (executive) in considering severing of ties with the Republic of China (Taiwan).

Recommendation 8

The Committee in light of Recommendation 7, recommends that the consultation should be pursued at the Constituency level by all 50 Member of Parliament in their respective constituencies.

Chapter 5: Impacts of a diplomatic shift

This Chapter discusses the likely impacts of a diplomatic shift in any way, and outline the current impacts in the recent shift from the Republic of China (Taiwan) to the Peoples Republic of China.

Global diplomacy and propaganda

Super powers' control in the pacific

1. The Committee heard that in any given diplomatic controversy and power play, it is inevitable that propaganda will play a significant part of the discussions. The view was expressed that the currency, the air that we breathe in the whole world in terms of globalization and global governance is propaganda⁵⁶.
2. The pacific as part of the international community and is not isolated. The Battle of Guadalcanal was a pivotal momentum shift that favored the United States of America and allied forces during WWII. In the efforts to maintain global peace following the war, the world witnessed the establishment of universal bodies such as the United Nations system, the Bretton Woods Institutions like the World Bank and the International Monetary Fund.
3. The Cold War which followed the Second World War saw the tug-o-war between the Soviet Union and the United States of America both of whom represented two opposing world views driven by ideologies which pitted communism against democracy.
4. The Vietnam and Korean wars in the 50s and 60s are legacies of this titanic struggle for global ideological supremacy. The US and the Soviet Union, the two superpowers that emerged following the Second World War were locked in a series of proxy wars and standoffs which spanned across the globe from Europe to South East Asia to Latin America to the Middle East.
5. The pacific Islands Region and Solomon Islands, for the most part, was unscathed by this struggle between those two superpowers. This situation emanated from the fact that pacific Islands chose to adopt democracy as their preferred governance model when they attained their independence from their colonial rulers who themselves are allies of US and still practice democracy, advanced free markets and capitalism, and promoted the freedoms that are found in democratic constitutions and systems of governance.
6. With the fall of the Berlin Wall in 1991 which paved the way for German reunification, the Soviet Union crumbled leaving the world with a sole superpower, the US. In the meantime newly independent pacific island countries like Solomon Islands face their own development challenges, many of which are inherent in the characteristics of small island developing states.
7. These characteristics include narrow resource base, smallness which prohibit island countries from taking advantage of economies of scale. Solomon Islands like other pacific island countries are isolated from markets and its archipelagic make up also lends itself to fragmentation which are even more pronounced by the ethnic diversity that is found in the Melanesia region in particular.

⁵⁶ Hon. John Moffat Fugui, Evidence 4th September 2019, p.7

8. It can be argued that since the end of the Second World War, the Pacific Islands region has largely been uncontested by the super powers. But with the emergence of a powerful China the Pacific Islands region is perhaps entering into an era where great powers are again looking to exert and develop their spheres of influence in the Pacific Islands region.
9. In this regard, Solomon Islands has always been aligned with the US and its allies. Solomon Islands is the only independent Melanesian country that is not a member of the so-called Non-Aligned Movement (NAM) a grouping that was founded at the height of the Cold War. By virtue of not being a member of NAM, Solomon Islands was unique. And indeed the US and its allies would have seen Solomon Islands as such.
10. The lack of infrastructure development was in itself a legacy of Solomon Islands' 'Protectorate' status during colonial rule which saw Great Britain invest only lightly in the country compared to other territories which were fully colonized and witnessed more development in their infrastructure sector.
11. Traditional partners have focused on softer policy and manpower resources development including good governance, institutional strengthening, as well as gender equity, health and education sectors. While there is now increasing focus on infrastructure, it would be fair to say that this was not the focus in the past. Like any other Pacific Islands state that strives for infrastructure development, negotiating the types of development with partners can be a daunting prospect. Donor partners may have certain priority target areas to negotiate with rigid financial measures and rigorous monitoring and evaluation mechanisms.
12. It must be said that the Committee, rather surprisingly, did not hear much evidence from the fact that Solomon Islands' development growth had suffered a massive setback due to the tension years. Indeed commentators have said that the nation lost about two decades in economic growth because of the tensions.
13. This 20 year setback would have also impacted on infrastructure development throughout the nation. As such, comparisons between Solomon Islands with other Pacific countries' more developed infrastructure and the links drawn between these developments that are attributed to diplomatic ties with PRC may not be a full and fair comparison.
14. On the other hand, the Committee heard evidence that infrastructure development has changed the landscapes and provided the impetus for development in other neighboring Pacific countries who have established diplomatic relations with the Peoples Republic of China which have evolved in the last twenty years.
15. This includes Papua New Guinea, Fiji, Vanuatu, Samoa, Tonga and other African countries⁵⁷. They have moved on. It should be said that most of the infrastructure continued to be built in and around respective capitals and urban areas. There are a number of infrastructures that are built in sparsely populated areas where economic growth prospects are less clear.
16. The Committee has heard that Solomon Islands is at liberty to establish such diplomatic relations to optimize trade, yet is aware of propaganda.

⁵⁷ Hon. John Moffat Fugui, Evidence 4th September 2019, p.28

Impacts of a shift from the ROC (Taiwan)

17. The Committee heard with concern that the government has set aside SBD\$6million alone on an assessment effort, for the impending diplomatic relations with China. The allocation is to enable the Bipartisan Taskforce to visit China and other countries in the region⁵⁸.
18. It was also clear that the shift from the Republic of China (Taiwan) is “losing” one of its longtime allies.
19. The basis for the Republic of China (Taiwan)’s friendship with Solomon Islands stems from its objectives to regain participation and recognition within the United Nations. Those objectives are founded on the values of human rights, democracy and self-determination from a communistic regime.
20. However the Committee heard that the China is known for its criminal syndicates around the world⁵⁹ and has no respect for human rights⁶⁰.
21. The Committee noted that the hasty planning to leave the Republic of China (Taiwan) without negotiating an exist-plan was harsh on a longtime friend. It also poses a larger question as to the advocacy role that Solomon Islands has been championing internationally for other peoples around the world who have and continue to strive for their own right to self-determination on the basis of their human and political rights, including West Papua, New Caledonia and French Polynesia.
22. The Committee heard repeatedly that the departure of the Republic of China (Taiwan) will leave a vacuum that the government will have to fill in to ensure that the lives our rural Solomon Islanders are not Jeopardized.
23. The Republic of China (Taiwan) has been a big player in the development and distribution of livelihood projects at the rural level in our 50 constituencies.
24. The Committee noted that diplomatically, the most drastic measure to show displeasure is to recall your ambassador from a country or close your office/embassy and that the severing of ties is an extremely rare event that only arises in specific situations.

Impacts and potential fallout from establishing ties with PRC

25. The Committee noted with concern that the decision to sever ties with Taiwan and effectively establish ties with PRC occurred at a time at a time when the latter is in a “trade war” with the United States of America and at a time when economic growth has slowed down in PRC.
26. Solomon Islands and much of the world are trading in US dollar and to upset the status quo may have result in economic repercussions on our ability to conduct international trade and transactions smoothly with all of our reserves held in US dollars⁶¹.

⁵⁸ Mrs. Ruth Liloqula, Evidence 5th September 2019, p.14

⁵⁹ Miss. Regina Lepping, Evidence 5th September 2019, p.65

⁶⁰ Mrs. Josephine Teakeni, Evidence 5th September 2019, p.65

⁶¹ Central Bank of Solomon Islands, Evidence 13th September 2019, Notes

27. While Solomon Islands as an independent state may negotiate its diplomatic relations, it is advisable that built-in mechanism to counter attempts and provide safeguards from infiltration of national security remains paramount. Adequate security analysis that looks at all levels of perceived threats should be part of any process for the severing and establishment of diplomatic ties.
28. The Committee is aware of the widely published debt trap situations that have befallen nations that have borrowed more than they can repay. The Committee noted that the national debt management framework is already in place. It would be advisable to adhere to the framework and avoid borrowing that would put the nation at a disadvantaged situation and possibly falling into a debt trap situation.
29. The Committee noted that the nation's natural resources remain as the nation's greatest assets. As such all necessary measures to safeguard these assets and the people who own them is of paramount importance. This is particularly the case when a development partners begin to show interest in investing in the extraction of these resources. Prior consultation with resources and land owners should be the norm.

Committee Comments

30. The Committee is only concerned that the Solomon Islands endeavor to establish diplomatic relations with the Peoples Republic of China coincides with the ongoing "trade war" with USA, a close ally to Solomon Islands.
31. In this regard, the Committee is also concerned that implications on our economic performances, international transactions and reserves can be affected, in that the global market is trading in USD.
32. The Committee suggest that in the future such assessments on diplomatic relations be carried out appropriately qualified technical persons.
33. The Committee is also concerned and strongly expresses the position that in terms of diplomacy, shared values, respect and integrity are the bedrock of international relations, and hence should not be left out of the terms when negotiating a new diplomatic relationship.
34. The Committee was also informed that the Peoples Republic of China has pledged to provide resources and fill in, as a transition measure for RCDF that would have been provided by Republic of China (Taiwan).
35. The Committee also cautions, that the Solomon Islands government should be vigilant nevertheless in its conduct to avoid any possible debt-trap.

Recommendation 9

The Committee recommends that in decisions where geopolitics is at play which could involve, global and regional repercussions, appropriate consideration must be undertaken, including by FRC, to carefully consider questions and options before any decision is taken.

Recommendation 10

The Committee recommends, given that the switch has been made in diplomatic recognition from ROC to PRC, that the SIG pursue the continuation of a relationship with the Republic of China Taiwan at the appropriate level.

Recommendation 11

The committee recommends that the executive has mechanisms in place to handle the transition of the RCDF.

Chapter 6: Other related matters

1. The Committee stresses that Solomon Islands should learn some very important lessons from the processes involved in recent diplomatic conduction with the Republic of China (Taiwan).
2. Solomon Islands has around 120 bilateral relations with other nations. The crucial question to ask ourselves in all these relations is how well have we conducted, negotiated and utilized these existing arrangements and our bilateral relations and what mutual benefits can be gained from these relations.
3. The Committee believes that Solomon Islands should have been questioning what benefits there are in forging a relationship with a potential partner. How strategic and relevant are we fulfilling any obligations we may have with our partners as well as maximize opportunities in our overall foreign policy endeavor.
4. The Peoples Republic of China's "Belt and Road Initiative" foreign policy is that nation's key strategic policy. Solomons Islands should carefully look into the advantages and disadvantages of signing on to this initiative.
5. Following the switch and the manner in which it was done, a question now hangs over our marquee foreign policy of "friends to all, enemy to none". Is it still relevant especially when as a result of the decision to Solomon Islands has lost a friend?
6. With the recent action does not reflect this policy. The Republic of China (Taiwan) is definitely not happy with Solomon Islands. There may be times when cannot be 'friends to all'. Perhaps the time has come to review this policy perhaps along the lines of 'friends to many' and of course 'enemies to none'
7. There were other options for Solomon Islands to continue to work closely with the Peoples Republic of China, for instance, both being members of G77 and as well as the being members of the WTO and other international organizations. PRC interests, including business, commercial and industrial ones, were already in Solomon Islands prior to the switch.
8. The Committee is of the view that the assessment process for establishing a new diplomatic should be at least conduct over a timeframe of 6 months, before a decision is concluded upon. The Committee only hopes that the executive adhere to this timeframe.
9. The Committee also heard that it is good governance practice that parliament is involved including through the FRC in the discussions on any the intention to sever or establish diplomatic relations.
10. The Committee remains firmly of the view that parliamentary Committee processes be respected in this regard.

Recommendation 12

The Committee recommends that Parliament endorses an inquiry to investigate and review the powers of the executive to effectively override parliamentary processes.

Recommendation 13

The Committee Recommends the government through the Ministry of Foreign Affairs and External Trade carry out a comprehensive review on the Solomon Islands stated foreign policy of "friends to all, enemy to none" and present a report on the same to parliament through the FRC.

Chapter 7: Conclusion

1. The report contains 13 recommendations. But essentially this Inquiry into the Question of severing existing ties with the Republic of China (Taiwan), only two of these recommendations directly correspond to the question posed by the inquiry
2. These two recommendations are recommendations 4 and 5 of the report. They represent the Committees' views following the conduct of hearings and having reviewed the written submissions. These two recommendations fairly represent the sentiments, views, and opinions of the witnesses that appeared before the Committee and reflected the views of those that took the time to submit their written submissions to the Committee.

3. Recommendation 4 reads as follows:

The Committee recommends that the Solomon Islands Government should deepen its relationship with the Republic of China (Taiwan) instead of severing its existing ties.

4. Recommendation 5 reads as follows:

The Committee recommends that Solomon Islands Government, given the notion of a sense of inevitability in a switch in recognition from ROC to PRC, should put in place a process that involves nationwide consultations, and one that instills a more predictable, transparent and orderly arrangements in the severing of ties that is respectful to a long time diplomatic partner like ROC.

5. There will be a number of occasions that will arise in the course of governance which will demand wider consultations with the public on policy matters that on the face of it seems to be one which the executive can directly deal through executive prerogative. In such situations the Committee encourages the executive to view such a matter within the context of Solomon Islands even if such matters may seem trivial by global standards.
6. The Committee is firmly of the view that the situation of the severing of ties with a diplomatic partner is one such occasion which merited wider public consultations to ensure that as wide as possible views are ascertained before a decisions are taken and that such decisions should not be rushed.
7. The Committee again underscores the need for parliamentary oversight processes to be respected - including by the executive. The situation which arose in the middle of a parliamentary inquiry effectively rendering the inquiries, which carry the voice the people, moot is deeply regrettable. This anomaly should not set a precedent for the future.

Appendices

Appendix 1: Submission

Author

1. Trade and Economic Factsheet: China, Ministry of Foreign Affairs & External Trade (05/09/2019)
2. Trade and Economic Factsheet: Taiwan, Ministry of Foreign Affairs & External Trade (05/09/2019)
3. Submission to the Parliamentary Foreign Relations Committee (PFRC) on the China/Taiwan issue, Sam Alasia (05/09/2019)
4. Solomon's wisdom: the China/Taiwan issue;- a personal perspective, Sam Alasia (05/09/2019)
5. CBSI Assessment of the potential economic impacts of a Bilateral Relation switch to China: Economics, Research & Statistic Department, Central Bank of Solomon Islands (11/09/2109)
6. Briefing Paper (a), Office of the Prime Minister and Cabinet (11/09/2019)
7. Briefing Paper (b), Office of the Prime Minister and Cabinet (11/09/2019)
8. Formal submission for the Foreign Relations Committee, Dr Rogers Dunstan Tauariki (12/09/2019)
9. Submission, Development Services Exchange (12/09/2019)
10. TSI Submission to Parliament Foreign Relations Committee on the Committee Inquiry into the question of severing ties with the Republic of China (Taiwan). (12/09/2019)

Appendix 2: Witnesses

HEARINGS HELD AT THE CONFERENCE ROOM II, NATIONAL PARLIAMENT

Date & Location	Name	Position and Organization
HEARINGS HELD IN HONIARA		
National Parliament House 04 th September 2019 Conference Room II	Hon. John Moffat Fugui	Chairman of the Bipartisan Taskforce, Office of the Prime Minister & Cabinet
	Hon. Peter Shanel Agovaka	Team Leader, Ministerial Delegates to Beijing, Office of the Prime Minister & Cabinet
	Dr. Jimmie Rogers	Secretary to the Prime Minister. Office of the Prime Minister & Cabinet
	Mr. Collin Beck	Permanent Secretary, Ministry of Foreign Affairs and External Trade
	Mr. Riley Mesepitu	Permanent Secretary, Ministry of Commerce, Industry, Labour & Immigration
	Ms. Karen Galokale	Permanent Secretary, Ministry of Police, National Security & Correctional Services
	Mr. David Diosi	Director National Security, Ministry of Police, National Security & Correctional Services
National Parliament House 05 th September 2019 Conference Room II	Mrs. Atenasi Ata Wasuka	Chief Executive Officer, Solomon Islands Chamber of Commerce & Industry
	Mrs. Ruth Liloqula	Executive Officer, Transparency Solomon Islands
	Mrs. Florence Naesol	Chairperson, Transparency Solomon Islands
	Ms. Joy Abia	Legal Officer, Transparency Solomon Islands
	Mr. Patrick Reoka	Chairman, Forum Solomon Islands International
	Mr. Maverick Seda	Executive Member, Forum Solomon Islands International
	Mr. Joe Billy Oge	Board Member, National Youth Congress
	Mr. Harry James Oilikwailafia	Vice Chairperson, National Youth Congress
	Mr. Simon Uesikoke	Project Manager, Solomon Islands Social Accountability Coalition
	Ms. Ethel Diana Salini	Member, Solomon Islands Social Accountability Coalition
Mr. Davis L Ladofoa	DPO Manager, People with Disability Solomon Islands	

	Mr. Casper J Fa'asala	Vice President, People with Disability Solomon Islands
	Mr. Buddy W Noamasahu	General Secretary/ Board Member (SIIPHRAA), Development Services Exchange
	Mr. Inia Barry W	Chairman, Development Services Exchange
	Ms. Ella Kauhue	President, Solomon Islands National Council of Women
	Ms. Janet Tuhaika	General Secretary, Solomon Islands National Council of Women
	Ms. Doreen Iputu	Secretary, Solomon Islands National Council of Women
	Ms. Grace Palepu	University of the South Pacific Student Attachee, Solomon Islands National Council of Women
	Ms. Emily Peoa	Finance Officer, Solomon Islands National Council of Women
	Mrs. Josphine Teakeni	Director, Vois Blo Mere (Solomon Islands)
	Ms. Regina Lepping	Chairlady, Young Women's Parliamentary Group
	Ms. Raywin Taroaniara	Secretary, Young Women's Parliamentary Group
	Mrs. Jocelyn Lai	Secretary, Young Women Christian Association
	Ms. Kristina Sau	Project Manager, Young Women Christian Association
	Ms. Joan Haeta	Finance Officer, Young Women Christian Association
	Ms. Diana Ma'ahoro	Volunteer Program, Young Women Christian Association
National Parliament House	Mr. Geoffrey Alatau	Executive Member (R.I.M), Solomon Islands Full Gospel Association
13 th September 2019	Mr. Robins Mesepitu	Executive Member (C.O.C Solomon Islands) Solomon Islands Full Gospel Association
Conference Room II	Mr. Edward Ronia	Executive Member (Bible Way Centre), Solomon Islands Full Gospel Association
	Pr. Elison Bako	Execuitve Member (Kingdom Harvest), Solomon Islands Full Gospel Association
	Dr. Luke Forau	Deputy Governor, Central Bank of Solomon Islands
	Mr. Donald Kiriau	Chief Manager Economics, Central Bank of Solomon Islands

Appendix 3: Minutes of Public & Private Hearings

NATIONAL PARLIAMENT OF SOLOMON ISLANDS

P.O. Box G19,
Honiara.
Tel: 28520/2342
Fax: 24272

FOREIGN RELATIONS COMMITTEE

Minutes of Proceedings Committee Hearing No: 1

04th September 2019, Conference Room II, National Parliament House, 10: 13 am – 05:32 pm

1. **Members Present**
Hon Peter Kenilorea Jnr, Chairman
Hon Charles Sigoto, Member
Hon Rexon Annex Ramofafia, Member
2. **Apologies**
Hon. Commis Ashton Mewa, Member
Hon. Samson Maneka, Member
Hon. Chachabule Amoi, Member
3. **Secretariat**
Mrs. Jasmine Waleafea, Committee Secretary
Mr. Heston Kelly Rence, Committee Secretary
Mr Alwin Dola, Media Assistant
4. **Prayer**
Hon. Charles Sigoto said the opening prayer.
5. **Welcome/ Opening remarks**
The Chairman of the Foreign Relations Committee welcomes members of the committee, officials from the committee secretariat and witness and then said his opening remarks. The Chair informs the witness of the Parliamentary privileges.
6. **Inquiry into the question of severing existing ties with the Republic of China (Taiwan)**

The Chairperson made the opening statement. The Chair informs the witness of the Parliamentary privileges.

The Media and the public were present.

The following witness from the Taskforce to review, assess, analyse and report on maintaining diplomatic relations with the Republic of China and prospects of normalizing relations with the Peoples Republic of China was examined;

Hearing 1 Witness

- i. *Hon John Moffat Fugui, Chairman of the Taskforce*

Hearing Suspended at 11:26 am

The Hearing proper continued at 11:33 am and the following witness from the Ministerial Delegation Team to Beijing was admitted:

Hearing 2 Witness

- i. *Hon Peter Shanel Agovaka, Team Leader*

Hearing Suspended at 12:51 pm for Lunch

The Hearing proper resumed at 02:13 pm and the following witness from the Office of the Prime Minister and Cabinet was admitted:

Hearing 3 Witness

- i. *Dr. Jimmie Rogers, Secretary to Prime Minister*

Hearing Suspended at 03:30 pm

The Media and the Public were excluded at this juncture upon the request of the witnesses. The Committee inclined to this request.

The Hearing proper resumed at 03:45 pm and the following witnesses from the line ministries were admitted in a private session:

Hearing 4 Witness

- i. *Mr. Collin Beck, Permanent Secretary, Ministry of Foreign Affairs and External Trade*
- ii. *Ms. Karen Galokale, Permanent Secretary, Ministry of Police, National Security and Correctional Services*
- iii. *Mr. Riley Mesepitu, Permanent Secretary, Ministry of Commerce, Industry, Labor and Immigration*

7. Adjournment

The Chairman made his concluding remarks and thank the witnesses.

The hearing adjourned at 05:32 pm

Minutes of Proceedings

Committee Hearing No: 2

05th September 2019, Conference Room II, National Parliament House, 10:00 am – 05:00 pm

1. Members Present

Hon Peter Kenilorea Jnr, Chairman
Hon Charles Sigoto, Member
Hon Rexon Annex Ramofafia, Member

2. Apologies

Hon. Commis Ashton Mewa, Member
 Hon. Samson Maneka, Member
 Hon. Chachabule Amoi, Member

3. Secretariat

Mrs. Jasmine Waleafea, Committee Secretary
 Ms. Ivory Iruha'a, Committee Secretary
 Ms. Salome Iruha'a, Committee Secretary
 Ms. Cordney Wale, Committee Secretary
 Mr. Lawrence Scott, Media Officer
 Mr. Alwin Dola, Media Assistant
 Ms Hazel Fafale, Hansard Reporter
 Ms. Sherilyn Ragoso, Hansard Reporter

4. Prayer

The Secretary said the opening prayer.

5. Welcome/ Opening remarks

The Chairman of the Foreign Relations Committee welcomes members of the committee, officials from the committee secretariat and witness and then said his opening remarks. The Chair informs the witness of the Parliamentary privileges.

6. Inquiry into the question of severing existing ties with the Republic of China (Taiwan)

The Chairperson made the opening statement. The Chair informs the witness of the Parliamentary privileges.

The Media and the public were present.

The following witness from the Solomon Islands Chamber of Commerce and Industry was examined;

Hearing 5 Witness

- i. *Mrs. Atenasi Ata Wasuka, Chief Executive Officer*

Hearing Suspended at 10:59 am

The Hearing proper continued at 11:08 am and the following witnesses from the Transparency Solomon Islands were admitted:

Hearing 6 Witness

- i. *Mrs. Ruth Liloqula, Executive Officer*
- ii. *Mrs. Florence Naesol, Chairperson*
- iii. *Mrs. Joy Abia, Legal Officer*

Hearing Suspended at 12:23 pm

The Hearing proper Continued at 12:38 pm and the following witnesses from the Non-Government Organization and Civil Society Organizations were admitted:

Hearing 7 Witness

- i. *Mr. Patrick Reoka, Chairman Forum Solomon Islands International*

- ii. *Mr. Maverick Seda, Executive Member Forum Solomon Islands International*
- iii. *Mr. Harry James Oilikwailafa, Vice Chair Solomon Islands National Youth Congress*
- iv. *Mr. Joe Billy Oge, Member of the Board Solomon Islands National Youth Congress*
- v. *Mr. Simon Uesikoke, Project Manager Solomon Islands Social Accountability Coalition*
- vi. *Ms. Ethel Diana Salini, Member Solomon Islands Social Accountability Coalition*
- vii. *Mr. Davis Liadofooa, DPO Manager, People With Disability Solomon Islands*
- viii. *Mr. Casper Fa'asala, Vice President People With Disability Solomon Islands*
- ix. *Mr. Inia Barry Wickham, Development Services Exchange*
- x. *Mr. Buddy W Noamasahu, General Secretary/ Board Member Solomon Islands Peoples Human Right Advocacy Association*

Hearing Suspended at 02:50 pm

The Hearing proper continued 02:59 pm and the following witnesses from the remaining Non-Government Organizations and Civil Society Organizations were admitted:

Hearing 8 Witness

- i. *Ms. Ela Kauhue, President Solomon Islands National Council of Women*
- ii. *Mrs Janet Tuhaika, General Secretary Solomon Islands National Council of Women*
- iii. *Ms Doreen Iputu, Secretary Solomon Islands National Council of Women*
- iv. *Ms Grace Palapu, USP Student Attachee Solomon Islands National Council of Women*
- v. *Ms. Emily Peoa, Finance Officer Solomon Islands National Council of Women*
- vi. *Mrs. Josephine Teakeni, Director Vois Blo Mere*
- vii. *Ms Regina Lepping, Chairlady Young Womens Parliamentary Group*
- viii. *Ms Raywin Taroaniara, Secretary Young Womens Parliamentary Group*
- ix. *Mrs Jocelyn Lai, Secretary General Young Women Christian Association*
- x. *Ms Diana Ma'ahoro, Member Young Women Christian Association*
- xi. *Ms Kristina Sau, Member Young Women Christian Association*
- xii. *Ms Joan Haoto, Member Young Women Christian Association*

7. Adjournment

The Chairman made his concluding remarks and thank the witnesses.

The hearing adjourned at 05:00 pm

Minutes of Proceedings

Committee Hearing No: 3

13th September 2019, Conference Room II, National Parliament House, 11: 51 am – 03:56 pm

1. Members Present

Hon Peter Kenilorea Jnr, Chairman
 Hon Charles Sigoto, Member
 Hon Samson Maneka, Member
 Hon Rexon Annex Ramofafia, Member

2. Apologies

Hon. Commis Ashton Mewa, Member
 Hon. Chachabule Amoi, Member

3. Secretariat

Mrs. Jasmine Waleafea, Committee Secretary
Mr. Alwin Dola, Media Assistant

4. Prayer

The Chairman said the opening prayer.

5. Welcome/ Opening remarks

The Chairman of the Foreign Relations Committee welcomes members of the committee, officials from the committee secretariat and witness and then said his opening remarks. The Chair informs the witness of the Parliamentary privileges.

6. Inquiry into the question of severing existing ties with the Republic of China (Taiwan)

The Chairperson made the opening statement. The Chair informs the witness of the Parliamentary privileges.

The Media and the public were present.

The following witnesses from the Solomon Islands Full Gospel Association were examined;

Hearing 9 Witness

- i. Pr. Ellison Bako, Chairman, Solomon Islands Full Gospel Association
- ii. Mr. Geoffrey Alatau, Executive Member, RIM
- iii. Mr. Edward Ronia, Executive Member, Bible Way Centre
- iv. Mr. Robins Mesepitu, Executive Member Church of Christ

Hearing Suspended at 01:32

The Hearing proper continued at 02:27 pm and the following witnesses from the Central Bank of Solomon Islands were admitted:

Hearing 10 Witness

- i. Dr. Luke Forau, Deputy Governor
- ii. Mr. Donald Kiriau, Chief Manager Economics

7. Adjournment

The Chairman made his concluding remarks and thank the witnesses.

The hearing adjourned at 04:00 pm

Appendix 4: UN Résolution 2758

UN General Assembly Resolution 2758

2758 (XXVI). Restoration of the lawful rights of the People's Republic of China in the United Nations

The General Assembly,

Recalling the principles of the Charter of the United Nations,

Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

*1976th plenary meeting,
25 October 1971*

United Nations General Assembly Resolution 2758

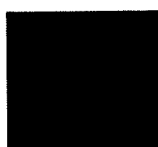
Date	October 25 1971
Meeting no.	1,976
Code	A/RES/2758(XXVI) (Document A)
Subject	Restoration of the lawful rights of the People's Republic of China in the United Nations
Voting summary	76 voted for 35 voted against 17 abstained
Result	Adopted

Appendix 5: Vienna Convention, 1961

Vienna Convention on Diplomatic Relations

1961

Done at Vienna on 18 April 1961. Entered into force on 24 April 1964. United Nations, *Treaty Series*, vol. 500, p. 95.



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2005

Vienna Convention on Diplomatic Relations

Done at Vienna on 18 April 1961

The States Parties to the present Convention,

Recalling that peoples of all nations from ancient times have recognized the status of diplomatic agents,

Having in mind the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

Believing that an international convention on diplomatic intercourse, privileges and immunities would contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

Realizing that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States,

Affirming that the rules of customary international law should continue to govern questions not expressly regulated by the provisions of the present Convention,

Have agreed as follows:

Article 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

(a) The “head of the mission” is the person charged by the sending State with the duty of acting in that capacity;

(b) The “members of the mission” are the head of the mission and the members of the staff of the mission;

(c) The “members of the staff of the mission” are the members of the diplomatic staff, of the

administrative and technical staff and of the service staff of the mission;

(d) The “members of the diplomatic staff” are the members of the staff of the mission having diplomatic rank;

(e) A “diplomatic agent” is the head of the mission or a member of the diplomatic staff of the mission;

(f) The “members of the administrative and technical staff” are the members of the staff of the mission employed in the administrative and technical service of the mission;

(g) The “members of the service staff” are the members of the staff of the mission in the domestic service of the mission;

(h) A “private servant” is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;

(i) The “premises of the mission” are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

Article 2

The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent.

Article 3

1. The functions of a diplomatic mission consist, inter alia, in: (a)

Representing the sending State in the receiving State;

(b) Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;

(c) Negotiating with the Government of the receiving State;

(d) Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;

(e) Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.

2. Nothing in the present Convention shall be construed as preventing the performance of consular functions by a diplomatic mission.

Article 4

1. The sending State must make certain that the *agrément* of the receiving State has been given for the person it proposes to accredit as head of the mission to that State.

2. The receiving State is not obliged to give reasons to the sending State for a refusal of *agrément*.

Article 5

1. The sending State may, after it has given due notification to the receiving States concerned, accredit a head of mission or assign any member of the diplomatic staff, as the case may be, to more than one State, unless there is express objection by any of the receiving States.

2. If the sending State accredits a head of mission to one or more other States it may establish a diplomatic mission headed by a *chargé d'affaires ad interim* in each State where the head of mission has not his permanent seat.

3. A head of mission or any member of the diplomatic staff of the mission may act as representative of the sending State to any international organization.

Article 6

Two or more States may accredit the same person as head of mission to another State, unless objection is offered by the receiving State.

Article 7

Subject to the provisions of articles 5, 8, 9 and 11, the sending State may freely appoint the members of the staff of the mission. In the case of military, naval or air attachés, the receiving State may require their names to be submitted beforehand, for its approval.

Article 8

1. Members of the diplomatic staff of the mission should in principle be of the nationality of the sending State.

2. Members of the diplomatic staff of the mission may not be appointed from among persons having the nationality of the receiving State, except with the consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

Article 9

1. The receiving State may at any time and without having to explain its decision, notify the sending State that the head of the mission or any member of the diplomatic staff of the mission is *persona non grata* or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared *non grata* or not acceptable before arriving in the territory of the receiving State.

2. If the sending State refuses or fails within a reasonable period to carry out its obligations under paragraph 1 of this article, the receiving State may refuse to recognize the person concerned as a member of the mission.

Article 10

1. The Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, shall be notified of:

(a) The appointment of members of the mission, their arrival and their final departure or the termination of their functions with the mission;

(b) The arrival and final departure of a person belonging to the family of a member of the mission and, where appropriate, the fact that a person becomes or ceases to be a member of the family of a member of the mission;

(c) The arrival and final departure of private servants in the employ of persons referred to in subparagraph (a) of this paragraph and, where appropriate, the fact that they are leaving the employ of such persons;

(d) The engagement and discharge of persons resident in the receiving State as members of the mission or private servants entitled to privileges and immunities.

2. Where possible, prior notification of arrival and final departure shall also be given.

Article 11

1. In the absence of specific agreement as to the size of the mission, the receiving State may require that the size of a mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission.

2. The receiving State may equally, within similar bounds and on a non-discriminatory basis, refuse to accept officials of a particular category.

Article 12

The sending State may not, without the prior express consent of the receiving State, establish offices forming part of the mission in localities other than those in which the mission itself is established.

Article 13

1. The head of the mission is considered as having taken up his functions in the receiving State either when he has presented his credentials or when he has notified his arrival and a true copy of his credentials has been presented to the Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, in accordance with the practice prevailing in the receiving State which shall be applied in a uniform manner.

2. The order of presentation of credentials or of a true copy thereof will be determined by the date and time of the arrival of the head of the mission.

Article 14

1. Heads of mission are divided into three classes, namely:

(a) That of ambassadors or nuncios accredited to Heads of State, and other heads of mission of

equivalent rank;

(b) That of envoys, ministers and internuncios accredited to Heads of State;

(c) That of chargés d'affaires accredited to Ministers for Foreign Affairs.

2. Except as concerns precedence and etiquette, there shall be no differentiation between heads of mission by reason of their class.

Article 15

The class to which the heads of their missions are to be assigned shall be agreed between States.

Article 16

1. Heads of mission shall take precedence in their respective classes in the order of the date and time of taking up their functions in accordance with article 13.

2. Alterations in the credentials of a head of mission not involving any change of class shall not affect his precedence.

3. This article is without prejudice to any practice accepted by the receiving State regarding the precedence of the representative of the Holy See.

Article 17

The precedence of the members of the diplomatic staff of the mission shall be notified by the head of the mission to the Ministry for Foreign Affairs or such other ministry as may be agreed.

Article 18

The procedure to be observed in each State for the reception of heads of mission shall be uniform in respect of each class.

Article 19

1. If the post of head of the mission is vacant, or if the head of the mission is unable to perform his functions a chargé d'affaires ad interim shall act provisionally as head of the mission. The name of the chargé d'affaires ad interim shall be notified, either by the head of the mission or, in case he is unable to do so, by the Ministry for Foreign Affairs of the sending State to the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.

2. In cases where no member of the diplomatic staff of the mission is present in the receiving State, a member of the administrative and technical staff may, with the consent of the receiving State, be designated by the sending State to be in charge of the current administrative affairs of the mission.

Article 20

The mission and its head shall have the right to use the flag and emblem of the sending State on the premises of the mission, including the residence of the head of the mission, and on his means of transport.

Article 21

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist missions in obtaining suitable accommodation for their members.

Article 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

Article 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

Article 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

Article 25

The receiving State shall accord full facilities for the performance of the functions of the mission.

Article 26

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure to all members of the mission freedom of movement and travel in its territory.

Article 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.
2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.
3. The diplomatic bag shall not be opened or detained.
4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.
5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy person inviolability and shall not be liable to any form of arrest or detention.
6. The sending State or the mission may designate diplomatic couriers ad hoc. In such cases the provisions of paragraph 5 of this article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.
7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

Article 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

Article 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

Article 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.
2. His papers, correspondence and, except as provided in paragraph 3 of article 31, his property, shall likewise enjoy inviolability.

Article 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

(a) A real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(b) An action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(c) An action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.

2. A diplomatic agent is not obliged to give evidence as a witness.

3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under subparagraphs (a), (b) and (c) of paragraph 1 of this article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

1. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

Article 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under article 37 may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

Article 33

1. Subject to the provisions of paragraph 3 of this article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition:

(a) That they are not nationals of or permanently resident in the receiving State; and

(b) That they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- (a) Indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) Dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- (c) Estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of article 39;
- (d) Dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;
- (e) Charges levied for specific services rendered;
- (f) Registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 23.

Article 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

- (a) Articles for the official use of the mission;
- (b) Articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious

grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorized representative.

Article 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 38

1. Except insofar as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with

respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

Article 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit, the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to force majeure.

Article 41

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. All official business with the receiving State entrusted to the mission by the sending State shall be conducted with or through the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.

3. The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the sending and the receiving State.

A diplomatic agent shall not in the receiving State practice for personal profit any professional or commercial activity.

Article 43

The function of a diplomatic agent comes to an end, inter alia:

- (a) On notification by the sending State to the receiving State that the function of the diplomatic agent has come to an end;
- (b) On notification by the receiving State to the sending State that, in accordance with paragraph 2 of article 9, it refuses to recognize the diplomatic agent as a member of the mission.

Article 44

The receiving State must, even in case of armed conflict, grant facilities in order to enable persons enjoying privileges and immunities, other than nationals of the receiving State, and members of the families of such persons irrespective of their nationality, to leave at the earliest possible moment. It must, in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property.

Article 45

If diplomatic relations are broken off between two States, or if a mission is permanently or temporarily recalled:

- (a) The receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives;
- (b) The sending State may entrust the custody of the premises of the mission, together with its property and archives, to a third State acceptable to the receiving State;
- (c) The sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

Article 46

A sending State may with the prior consent of a receiving State, and at the request of a third State not represented in the receiving State, undertake the temporary protection of the interests of the third State and of its nationals.

1. In the application of the provisions of the present Convention, the receiving State shall not discriminate as between States.

2. However, discrimination shall not be regarded as taking place:

- (a) Where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its mission in the sending State;

(b) Where by custom or agreement States extend to each other more favorable treatment than is required by the provisions of the present Convention.

Article 48

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows: until 31 October 1961 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March 1962, at the United Nations Headquarters in New York.

Article 49

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 50

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in article 48. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 51

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 52

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in article 48:

(a) Of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with articles 48, 49 and 50;

(b) Of the date on which the present Convention will enter into force, in accordance with article 51.

Article 53

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in article 48.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective

Governments, have signed the present Convention.

DONE at Vienna this eighteenth day of April one thousand nine hundred and sixty-one.

END

