



## Leader of the Opposition

### VERBAL SUBMISSION BY THE LEADER OF THE OPPOSITION TO THE FOREIGN RELATIONS COMMITTEE

ON

### THE REVIEW OF THE INTERNATIONAL ASSISTANCE NOTICE UNDER SECTION 23 OF THE FACILITATION OF INTERNATIONAL ASSISTANCE ACT 2003.

- 1** *After 5 years of operation, do you think RAMSI has achieved its initial mandate? Or is there any part of the mandate that you feel has not been addressed adequately within the constraints of the time available so far?*

The original mandate of RAMSI as carried in the *“Agreement concerning the operations and status of the police and armed forces and other personnel deployed to Solomon Islands to assist in the restoration of law and order and security”* were as follows:

- a) Restore law and order and security;
- b) Strengthen the Justice system;
- c) Restore the economy and basic services

More specifically the original scope of the strengthened assistance was focused on civil order and economic recovery as follows:

**Table 1**      **Mandate under civil order and Comments on the Existing legal Framework**

Mandate under civil order	Comments
1. Re-establish security in Honiara, enabling government, businesses and the community to operate free of intimidation. This is to be extended beyond Honiara	<ul style="list-style-type: none"><li>• Fully achieved.</li><li>• Law and order has returned in Solomon Islands. RAMSI officers are stationed in the main centers of the country. Five years out and RAMSI officers should now be familiar with the laws and</li></ul>

	<p>procedures.</p> <ul style="list-style-type: none"> <li>• Any fear that they may inadvertently breach Solomon Islands laws and customs should no longer be an issue for them</li> <li>• In any case they here to see that laws of the country are followed and therefore are expected to do the same.</li> </ul>
<p>2. In cooperation with the Police Commissioner, reform the Royal Solomon Islands Police, introducing expatriate police personnel into line positions, and providing increased resources;</p>	<ul style="list-style-type: none"> <li>• Ongoing. The Ministry is working on implementing the Police Capability Plan drawn up by RAMSI. RAMSI argued that they need protection to effectively perform this task. Expatriate police officers were engaged under the FIAA without taking oath of allegiance to the Commissioner of Police. My view is that this is totally unnecessary. TAs to supervise the implementation of the Police capability plan must now come under the supervision of the Commissioner of Police.</li> <li>• Budgetary allocations to the law and justice sector is about \$1billion annually, the majority of which is used to maintain a pool of highly paid Technical Assistance, which did very little to improve the capacity of the RSIP to do their work effectively and independently. Resources and logistics to assist the local police officers posted in provincial police stations are inadequate. RAMSI assistance to provincial police stations is by way of posting expatriate personnel who keep to themselves.</li> <li>• If this financial support is to improve the capacity of the police they must be diverted to acquire logistic support for the police and improve infrastructure in the provincial centers.</li> </ul>
<p>3. Launch a new effort to locate and confiscate illegal weapons;</p>	<ul style="list-style-type: none"> <li>• RAMSI successfully confiscated firearms from <del>security</del> body both legal and illegal arms.</li> <li>• RAMSI failed to remove all illegal arms in the country and will never do so even if they are here for 100 years.</li> <li>• Any more efforts would doom to fail and only create more hatred for RAMSI because affected Solomon Islanders can no longer trust RAMSI and view their presence as an occupying force.</li> </ul>
<p>4. Investigate and prosecute new criminal offences vigorously;</p>	<ul style="list-style-type: none"> <li>• Ongoing.</li> <li>• Because of the immunity, privileges and protection RAMSI is blatantly careless in prosecuting people suspected of crimes. The number of cases failed is phenomenal. This only raises more questions as to the qualification of these people. It would appear that many of them were picked green and introduced into the country.</li> <li>• Solomon Islands Police officers know what to do. There is no need for a back up with unfettered powers to get Solomon Islands police officers to do there job.</li> </ul>
<p>5. Strengthen the courts and prison system; and</p>	<ul style="list-style-type: none"> <li>• Ongoing.</li> <li>• Because of the immunities, expatriate magistrates were clearly careless in carrying out their duties. New prisons are being built in the main centers of the country.</li> </ul>
<p>6. Protect key institutions, such as the finance</p>	<ul style="list-style-type: none"> <li>• Achieved.</li> </ul>

ministry, courts and their personnel from intimidation.	<ul style="list-style-type: none"> <li>• Key Institutions are now free from harassments extortion, and intimidation.</li> </ul>
---	---

Source: Solomon Islands Government Policy Statement on the offer by the Government of Australia for Strengthen Assistance to Solomon Islands 2003

### Law & Order

On law and order, RAMSI had achieved what would have been difficult for the local police officers to achieve at the time because of poor logistics and the fact that the force was demoralized as a result of the coup. It would be simply unrealistic and contradictory for RAMSI or any one else to argue that after 5 years the country is still unsafe. The incidences of unlawful behavior in Honiara and elsewhere in the country is normal and comparable to any country in the Pacific. A fully resourced local police service can contain it.

### Police Capability Plan

A realistic implementation of the Police plan should involve the aggressive transfer of responsibility to the local police officers in Honiara and the provincial police stations, with improved logistic support and budgetary assistance. Right now the logistics are controlled by the PPF. The local police are supported from the country's meager resources through the annual budget.

### Illegal Arms

There are all the indications to suggest that the ongoing effort of RAMSI to confiscate illegal arms has hit a brick wall because it has now reached a stage after 5 years of occupation that Solomon Islanders begin to equate the program as a foreign regime trying to neutralize the country and enforce its will militarily on the country. This is hardly acceptable to the right thinking and sensible Solomon Islanders who are concerned about foreign occupation. There is all the indication that any more efforts would lead to confrontations.

### Prosecution of Criminal Cases

Prosecution of criminal cases by RAMSI is viewed differently by many Solomon Islanders. There is all the indication to suggest that RAMSI is pursuing selective justice and that is not acceptable. Furthermore like any normal human being Solomon Islanders would feel more comfortable to be dealt with by local officers. As long as RAMSI remains in the country, the people who still escape the law for tension related cases and will never come forward.

The government will also need to be consistent in the way it handles tension related cases or crimes committed that are incidental to the tension. If the policy now is to address these through the Truth & Reconciliation Commission then the people concern must be accorded immunity. The fact is that this is not the case, the people concern will not come forward. Likewise any attempts by the victims to report the cases will only create more problems.

### Strengthen Courts and Prison Systems.

The effort by RAMSI to build more prisons is welcomed. While saying this, better result can be achieved by investing in economic development. It has to be appreciated that the cause of the tension is development related, and all common sense suggests that we should be investing more in getting the country to utilize its strength. This is not what is perceived by many Solomon Islanders in the work of RAMSI. Unless we start to aggressively address this area we will never solve the problem of this country. |

### Remove the perception of parallel Force.

The first step to addressing this issue is to remove the perception of the workings of parallel discipline force in the country and bring the entire operation of law enforcement under the authority of the Commissioner of Police. This means that all members of the VC who are police officers must take oath of allegiance to the Commissioner of Police and the people of this country.

This should bring the control and distribution of logistic support and budgetary resources under one control. PPF officers must be integrated into the structure of

the RSIP and appointed to posts that Solomon Islanders are not qualified to hold. They would be required to work with their local counter part and only leave when the local officer is ready to takeover.

**Table 2 Mandate under Economic Recovery under the Existing Legal Framework.**

Mandate under Economic Recovery	Comment
1 Stabilize government finances and balance budget by: Securing revenue collection and control outlays	Achieved.
2 Obtain donor and IFI financial and technical support;	Achieved.
3 Implement economic reform, consistent with the recommendations of the economic governance mission;	Ongoing. RAMSI personnel are posted in key ministries to implement economic reforms. They do not need the unfettered protection currently provided under the FIAA to do that job.
4 Focused efforts to deal with corruption	Ongoing. Special Police unit to address corruption was established. Offenders prosecuted. Because of the immunities RAMSI officers are careless in carrying out their duties. I do not see any reason why they insist on the protection provided under the present legal framework.
5 Downsizing the civil service, cleansing the payroll and stopping extortion; and	Ongoing. Public Service Ministry implements reform designed by RAMSI. The need for immunities and privileges in carrying out these duties is not justified after five years.
6 Improved debt management	Achieved. RAMSI argue that their personnel posted in line ministries still need immunities and privileges to perform. I would agree that some level of privileges is justified to provide the incentives but a full scale immunities and privileges is simply too generous and therefore unnecessary.

Source: Solomon Islands Government Policy Statement on the offer by the Government of Australia for Strengthen Assistance to Solomon Islands 2003

I appreciate that most of the work under the economic recovery mandate is still ongoing. It would be irresponsible however for RAMSI to say that they need another 5 years to work under an emergency scenario to complete the work. There should now be an aggressive process of identifying local counterparts for these posts and accord them with the appropriate training.

**2 What are your views on the Facilitation Act and the RAMSI Treaty?**

For the last five years Solomon Islanders have been observing and have on different occasions expressed their views and feelings about the partnership. The following is a summary of some of these observations and perceptions which clearly expresses the need for a review:

OBSERVATIONS & PERCEPTION	RELEVANT POWERS UNDER THE FIAA & INTERNATIONAL AGREEMENT.
<p>a) That RAMSI personnel are insensitive to our worthy customs and culture in the way they deal with our people and would not be bothered about the feelings of the people who are affected by their insensitive actions. Many family breakdowns have direct link to the insensitive behavior of certain members of the visiting contingent. The recent arrest of two elderly couples in the weather coast area of Guadalcanal is based on total ignorance and disregard of the way we relate to our immediate and extended family members in the Melanesian society. Under the FIAA the VC are immune against any proceedings that seeks to enforce customary law. In other words the VC under the provisions of the FIAA can get away with this gross breach of custom.</p>	<p>Article 10(2) to (9), Section 17 of FIAA</p>
<p>b) That RAMSI has no respect for our traditional chiefs in the way they handle village level breaches of national law by the village people who would normally be subject to the authority of the chiefs;</p>	<p>Article 10 of the International Assistance Agreement; Section 17 of FIAA</p>
<p>c) That RAMSI is running a parallel</p>	<p>Article 5 spell out in no uncertain terms</p>

government in Solomon Islands;	that the PPF is independent of SIPF; The non military component of RAMSI are answerable to Canberra.
d) That RAMSI has no respect for the country's sovereignty and would like to continue to perpetuate this state of affair by attempting to place the immunities and privileges provisions in the Facilitation of International Assistance Act 2003 beyond the powers of Parliament to amend;	Article 10; and Section 17 of FIAA
e) That RAMSI personnel are sometimes careless in the way they conduct themselves in carrying out their official duties because they are immune against prosecution for crimes committed or breaches of customary laws in the course of carrying out their official duties.	Section 17 of FIAA; Article 5, 10
f) That RAMSI police presence in the rural urban centers is poorly organized and suffers from the disease of parallel force. In terms of logistics Solomon Islands Police Force is poorly resourced to independently carry out their official duties. In this respect it is observed that the nearly \$1billion annual budget assistance to the police and national security achieved very little in terms of developing the capacity of RSIP and setting a sustainable base for long term effectiveness of police	They can do that because they are not answerable to the Commissioner of Police.

<p>work in Solomon Islands because it is spent largely on Technical Assistance.</p>	
<p>g) That RAMSI is pursuing selective justice in Solomon Islands with very poor success rate of prosecution according to the former Commissioner of Police. Serious still is the observation that many of the cases that were successfully prosecuted were highly questionable. This development casts doubt on the seriousness of RAMSI to sustain long term peace and stability in Solomon Islands.</p>	<p>They can do that because they are not answerable to the people of Solomon Islands</p>
<p>h) The absence of an exit strategy for RAMSI casts doubts on the credibility of anything they say about their seriousness and also encourages them to be careless and sluggish about achieving any goals and objectives. It also raised questions as to the real motives of the intervention.</p>	<p>Article 3 does not specify any time frame</p>
<p>i) RAMSI intervention is guided by the objectives of protecting the narrow strategic, national and commercial interests of Australia and therefore it failed miserably to address the real issues that matter to the country's peace process.</p>	<p>Australian aid policy</p>
<p>j) RAMSI has always trivialized the concerns raised by concerned Solomon Islanders that they must have a timeframe within which</p>	<p>Article 3 is silent on timeframe.</p>



<p>they should accomplish their given mandates. Because they fail to do this, concerned Solomon Islanders have all the reason to question their genuineness to help the country.</p>	
<p>k) The extension of the immunities and privileges to exempt members of the Visiting Contingent from taxation deprives Solomon Islands of the much needed revenues to sustain public investments in strategic sectors of the economy. Indeed the extension of the privileges to include tax exemption for Private Australian based companies in respect of income earned from services rendered or business carried out in Solomon Islands may be outside the ambit of the facilitating Multinational Agreement.</p>	
<p>l) The extension of the immunities and privileges to the Australian based companies who are contracted by RAMSI to carry out specific tasks is questionable. But if they are also entitled amounts to stretching the privileges and immunities too far.</p>	
<p><b>The Facilitation of International Assistance Act 2003</b></p>	
<p>m) Section 6 undermines the role of Parliament to make and unmake legislations and it is considered unconstitutional</p>	
<p>n) Section 7 irresponsibly allows the</p>	

<p>Visiting Contingent to exercise the powers of the police including the use of reasonable force to officers who do not pledge allegiance to the Commissioner of Police and the people of Solomon Islands. In other words they can afford to be careless and get away with it.</p>	
<p>o) Section 8 irresponsibly allows the appointments of foreign officers who do not pledge allegiance to the Commissioner and the people of Solomon Islands to line posts in the Police Force. This is unacceptable.</p>	
<p>p) Section 10 directly conflicts with the spirit of "The Facilitation of International Assistance (weapons surrender) Notice 2003. It illegally empowers the visiting contingent to siege all guns irrespective of the firearm being legally acquired.</p>	
<p>q) There are evidences that members of the VC may have abused the privilege of freedom of movement under Section 11 to involve in expeditions that have nothing to do with their official duties and engaged in activities that may be unacceptable under the laws of the country.</p>	
<p>r) There is a strong connection between the over pricing of house rents in the rental market with the high level of rents</p>	

<p>negotiated under the provisions of Section 12 with landlords by RAMSI without considering the general affordability in the property market. This is reducing senior local executives to accommodations that are well below their status, and secondly, perpetually threaten the collapse of the property market when the temporary boom in the sector is affected by the withdrawal of RAMSI</p>	
<p>s) There are concerns that Section 15(1) of the Act is opening up the country to people who may abuse the privilege to enter Solomon Islands in the pretext of being employed by RAMSI.</p>	
<p>t) There are concerns that the definition of public purpose is ambiguous and for the purpose of Section 15(3) raise the question as to what extent should personnel effects be allowed and what category of personal effects should qualify.</p>	
<p>u) There are concerns that the privileges accorded under Section 15(4) lack a monitoring mechanism to protect against possible abuse.</p>	
<p>v) There is also concern that no proper policing mechanism exists to properly regulate the implementation of Section 15(5). The concern here is that Goods</p>	

<p>other than those previously imported by members of VC may be re-exported.</p>	
<p>w) There are concerns that the perceived carelessness by the Visiting Contingent in carrying out their duties may be due to the understanding that they are immune from prosecution under Section 17.</p>	
<p>x) It is a concern that because the officers serving as PPF are not directly answerable to the Commissioner of Police, as provided under Section 19, there is all the indication that PPF is operating a parallel police force in the country. This breeds misunderstanding, misinformation and inefficient use of resources and logistics.</p>	
<p>y) It is a concern that section 20 and 21 concerning the control of guns may be taken overboard for the purpose of pleasing outsiders that we undermine our own security. In any case the entire Part III is totally unnecessary because it deals with guns illegally acquired, which is already illegal under present laws.</p>	
<p>z) It is a concern that the Office of the Governor General may be demeaned by involving His Excellency in the administration of the Act, as provided under</p>	

<p>section 22. The powers vested in the Governor General should really be exercised by a Minister of the Crown.</p>	
<p>aa) There are concerns that the sovereign parliament of Solomon Islands is being subjected to the orders of alien interests under Section 23 to convene the meeting of parliament on a set date to review its affairs. Parliament is a sovereign authority. In that regard, for the purpose of Section 23, Parliament should be at liberty to meet any time to review it.</p>	
<p>bb) Section 24 is most irresponsible. The changing situation in the country makes the protection of the Facilitation of International Assistance Act totally unnecessary. As it stands, it is a license to trample upon the laws of Solomon Islands.</p>	
<p><b>Agreement Between Solomon Islands and Certain Pacific Islands Country on the Status of Personnel deployed to Solomon Islands to restore law and Order</b></p>	
<p>cc) There are concerns that the duration of the assistance under <b>Article 3</b> is left too loose without tying it down to specific performance. As it stands currently, the visiting contingent can delay the implementation of key activities and there is nothing we can do about it. They must be tied down under a mutually agreed</p>	

<p>exit strategy to perform within a given time frame.</p>	
<p>dd) <b>Article 8</b> allows VC to detain and disarm people. The concern here is that while this power and the need for the VC to exercise it as a foreign force may be necessary in 2003, under the situation then prevailing, the changing environment now makes this provision out of touch with reality. Detaining and disarming of people who are criminals are powers that the RSIP already have. If there is still a need to maintain a RAMSI style operation to assist the RSIP, then members of the Police VC must be subject to the authority of the Commissioner of Police by taking oath of allegiance. This will guarantee discipline.</p>	
<p>ee) There are concerns that <b>Article 13</b> is put there only for the convenience of the VC. The general provision totally disregards the situation where the damage to state assets and property occur as a result of negligence by the VC. This is unacceptable. It is possible that RAMSI will certainly hide behind this clause to excuse itself of any responsibility of the damages caused to properties during the April 2006 riot. It is strongly argued that sub-clause 3 of this</p>	

Article must be reviewed to take up this concern.	
ff) Article 24 brings the Agreement into force on the 24 <sup>th</sup> of July 2003. The concern here is what is the position in law regarding the legality of all that happen on the 23 <sup>rd</sup> of July 2003? Is there a need to rectify that?	

These concerns definitely call for a review of the legal framework as follows:-

**(A) Test the Legality of Certain Provisions of the legal Framework.**

As mentioned above, the former Attorney General and the Special Coordinator of RAMSI have expressed counter legal opinions about the legality of certain provisions in the Facilitation of International Assistance Act. It is recommended that these opinions be presented to court for proper decisions. I have submitted these as Appendix 3 and 5 to my written submission.

**(B) Consequential Amendments to Options 1 & 3**

Options A & C suggest the continuance of RAMSI under a reviewed legal and administrative framework with very limited powers and a set and definite timeframe for the remnant of RAMSI to accomplish agreed tasks. The following amendments are suggested to complement these options:-

- (i) *Suggested Amendments to “The Facilitation of International Assistance Act 2003”.*

On the basis of the critical analysis in Appendix 1, the following recommendations are made:

- (a) That section 6 of the FIAA 2003 to be amended to allow Parliament to exercise its legislative powers to amend the sections placed beyond the legislative jurisdiction of Parliament. These are sections 7,15,16,17,and 19. The section as it stands may be unconstitutional.
- (b) Section 7 must be amended to restrict the use of police powers under the Police Act only to officers who pledge loyalty to the Commissioner of Police. The amendment basically requires all recruits under RAMSI [except the military component] to take oath of allegiance to the Commissioner of Police, effectively bringing the Police element of the VC under the command of the Commissioner of Police.
- (c) Section 8, subsections (1) and (2) must be amended to require that only officers who are duly appointed under the Police Act be allowed to exercise the powers of a police officer. Again this amendment effectively brings the VC under the command of the Commissioner of Police.
- (d) Section 10 must be amended to require that only guns illegally acquired are to be subject to the treatment outlined in the section. This is to bring it in line with the intentions of "The Facilitation of International Assistance (Weapons Surrender) Notice 2003.
- (e) Section 11 must be amended to subject the VC freedom of movement to be checked by appropriate Solomon Islands Government Authority due to the reasons tendered in the analysis.
- (f) Section 12 must be amended to require that all negotiation for rental must be reflective and in par with the general affordability of the rental market.
- (g) Section 15(1) must be amended to require as follows: That the officers must have proper travel documents and ID, and must be subject to inspection on arrival and departure. Restriction on members of VC who are homosexuals to bring their partners because same sex marriage is illegal in Solomon Islands.
- (h) Section 15(3) must be amended to define the term public purpose in this section. There is also a need to decide on what extent should we allow personal effects and what category of personal effects should qualify?
- (i) Section 15(4) must also be amended to incorporate the mechanism to monitor the requirement of this provision?



- (j) Section 15(5) must be amended to incorporate a mechanism to police this provision. It may be necessary to require that Customs officers must be allowed to inspect all exports.
- (k) Section 16 must be amended to subject the VC to Solomon Islands Taxation laws. There is also the option to strike a compromise to subject the VC under a special rate of tax. Australian based companies contracted to perform tasks in Solomon Islands and earn income in Solomon Islands should not be entitled to tax exemptions and must be subject to the laws of Solomon Islands.
- (l) Section 17 must be repealed in its entirety. All offences committed by the VC must be subject to Solomon Islands laws. The VC must also recognize their obligation to settle customary wrongs, and disrespect of chiefs.
- (m) Section 19 must be repealed and replaced by a new provision that will subject all police component of the VC under the direct command of the Commissioner of Police. As it stands now the provision does not make sense. How can one respect the laws of Solomon Islands and at the same time not subject to it?
- (n) The entire guns control provisions in sections 20 and 21 under Part III must be repealed. The issue that the country should be concerned about is guns illegally acquired, which are already illegal under the existing laws of the country.
- (o) Section 22 must be amended to bring the exercise of the powers specified in the section under a Minister of the Crown.
- (p) Section 23 of the Act must be amended to allow Parliament to review the notice any time it wants.
- (q) Section 24 must be appropriately amended to recognize the changing situation in the country. The amendments suggested in this submission would automatically make this requirement defunct.

**3 During the premiers' hearings, the Committee got the impression that the level of engagement between RAMSI and the Provincial Governments was somewhat problematic.**

- **Do you think this is the case?**

I would agree with that observation and in fact can cite examples. Solomon Islanders understand the term helpim fren in the Solomon Islands context of its usage, where RAMSI is here to literally help when they are needed and sometimes in areas that would be considered outside of RAMSI's mandate. RAMSI on the other hand is guided by its mandate and would not walk the extra mile.

We need to appreciate that the attitude and expectation of the provinces from RAMSI is influenced by years of poor budgetary support from the Central Government and they see the presence of RAMSI in the provinces as an opportunity to get the support they need to improve service delivery. This is not happening and they question whether RAMSI is really here to help.

- i. Airlifting sick patients to Honiara.
  - ii. Use of RAMSI assets located in the provincial headquarters to assist provincial government's service delivery.
  - iii. RAMSI police personnel posted in the provincial headquarters and the logistics are not actively involved in law enforcement in the rural area. They consider their role as advisors and therefore would not actively involve in law enforcement or allow their assets to be used by the local officers to enforce the law.
  - iv. The PPCs have no effective control over RAMSI officers posted in the provinces and because they are answerable to their organization's hierarchy they do
- **If so, what steps, in your opinion, should the CNURA government take to improve the relationship between RAMSI and Provincial Governments?**

There is nothing really that the CNURA led Solomon Islands Government can do outside of an agreed framework to get RAMSI. Moreover RAMSI is not answerable to the Government. They relate to the government in the so-called partnership through the agreed framework. In other words RAMSI is a structured entity and therefore the way to address this problem is to review the legal and administrative framework to be sensitive to the areas that the provinces are concerned about.

- 4 Do you think RAMSI has done enough for Solomon Islands Police Force officers in terms of capacity building over the past five years or are there other considerations that need to be taken into account?

The capacity building for the police is addressed under the Police capability plan drawn up by RAMSI and implemented according to RAMSI's time framework. I would express general satisfaction on the progress of the capacity building program. However I would think that it can be speeded up, placing more emphasis on the improvement and reorganization of the strategic units that really matter to national security.

- The Intelligent Unit [formerly the special branch] should be transferred to the Office of the Prime Minister. It is my view that the prime Minister as head of the political government is not fully informed of the events and other developments both domestically and internationally that would carry security threat for Solomon Islands.
- The recruitment and training policy must take into consideration the need to improve police presence in the rural area and the planned greater urbanization of the provincial headquarters under the proposed state government system. The present recruitment policy does take this into consideration. I would suggest a recruitment strategy that is based on 1:200 police to population ratio. This

basically means doubling the number of recruits from the present level.

- Work on the armed units of the force must start now. Solomon Islands cannot rely on foreign forces forever for its first line of defense. In other words Solomon Islanders must be encouraged to trust the local police.
- The budgetary allocations and logistic support to the provincial based police stations must be improved now as a strategy to get the force to effectively carry out its work as a strategy to get the people's confidence.

**5 What are your thoughts on the view that there is an increasing dependency of the local police on RAMSI while public confidence in local police officers is declining?**

This is a situation encouraged by a systematic neglect of the local police in terms of logistics and budgetary support. The situation is a direct challenge to the police capacity building program implemented by RAMSI. A distrust of the force questions the effectiveness of this program. The public's perception of an effective force is one which responds to the call for police service in the shortest possible time. This is where the local police falls victim. The fact of the matter is that the local police are not properly resourced. This in turn reflects on the effectiveness of the force to respond to calls.

This is where RAMSI is effective because they have vehicles and other logistics to carry out their work and respond to calls for police service. Obviously the people will trust RAMSI more than the local police. We cannot allow this situation to continue. As part of the confidence building RAMSI and Solomon Islands Government must now properly resource the local police to carry out its work. Failing that I would see the neglect of the force as a deliberate action to get Solomon Islanders to continue to distrust the local police.

**6 RAMSI is a partnership with the Government of Solomon Islands and as such this inquiry is not just about what RAMSI has done or is doing:**

**a. What are your views on this partnership?**

The fact of the matter is that Solomon Islands Government has very little say in the way the partnership is conducted. As mentioned earlier RAMSI is structured interventionist force and Solomon Islands government relates to it through the legal and administrative framework of RAMSI. Anything done or said outside of the framework is not considered.

**b. Do you consider the SIG has played its part fully and effectively?**

The Solomon Islands Government was expected to play the following role in its part in the partnership:-

- i. Provide a formal request for the assistance from the Governor-General, acting on the advice of Cabinet;
- ii. Encourage widespread political and community support for such assistance;
- iii. Support Australia's efforts to obtain international support and endorsement, including from members of the Pacific Islands Forum;
- iv. Pass necessary legislation and conclude arrangements to cover the deployment of expatriate personnel;
- v. Pass legislation and take administrative action necessary to restore security and bring about economic recovery;
- vi. Accept and cooperate with expatriates brought into the RSIP, judiciary, prisons, and other government ministries;
- vii. Cooperate with efforts to achieve disarmament and pursue criminal activity;

- viii. Cooperate with efforts to stabilize government finances, including revenue and expenditure control, civil service downsizing, payroll cleansing and an end to extortion;
- ix. Implement a rigorous economic package;
- x. Demonstrate its commitment to sustained implementation of sound economic policies, including cooperation with International Financial Institutions; and
- xi. Support the rebuilding of essential institutions and capacities to support the functioning of government.

I would like to believe that the Solomon Islands Government made an honest attempt to carry out these responsibilities within the meager resources at its disposal.

- c. **Would you say that SIG has resourced adequately its side of the partnership with RAMSI?**

It may be argued that Solomon Islands Government did not adequately resource its side of the partnership but the fact of the matter is that in addition to its obligation under the RAMSI partnership Solomon Islands Government must deliver service to the people of Solomon Islands. Solomon Islands Government is faced with the challenge of fulfilling its obligation under the partnership and provide services. It can only do so much.

My view on this is that it is grossly unfair to expect Solomon Islands Government to spend its meager resources on the intervention when RAMSI sees fit to spend nearly 70% of the financial resources tied to the assistance on Technical Assistance and less on the areas that really matter to the economy.

- d. **At the time of your government, what was the most frustrating or the least productive aspect of the partnership for your government? Do you think that this has improved for the CNURA government?**

To get an agreement on how to review the legal framework of RAMSI. It is clear that RAMSI is very protective of the legal framework and would not want to have it reviewed. The government is of the view that all the concerns about the disrespect for our sovereignty by RAMSI is authorized by the Facilitation Act. We argued that the situation in the country has improved dramatically and therefore RAMSI is stuck with powers it does really need. A review therefore is necessary.

**e. What do you see as the future of the partnership?**

The future of the partnership will depend very much on any agreement on the future role of RAMSI in Solomon Islands. I am saying this because the situation that gave rise to the RAMSI style intervention in 2003 no longer exists.

Furthermore, the future of the partnership will also depend very much on how RAMSI deals with the concern of Solomon Islanders that the VC are enjoying privileges, immunities and powers that contributes to the careless attitude demonstrated by some members of the VC in how they relate to issues that affects Solomon islanders. This is already demonstrated in the general decline in the support for RAMSI nationwide according to the latest RAMSI survey.

The situation is that the further we move from the 2003 when law and order was the biggest issue and therefore a RAMSI style intervention with the powers provided under FIAA was necessary and fully supported, the excessive powers, privileges and immunity will play a bigger influencing role in how people will see RAMSI.

Furthermore I do not see the prospect of RAMSI taking on the role of an agency in the future. In fact I will not support such a role for RAMSI.

**f. When and how do you think the partnership should end?**

There is no straight answer to this question. I believe Solomon Islands will need to consider a number of options as follows:-

**Option One**

1) Allow RAMSI to continue to operate within the current legal framework but within a mutually agreed exit strategy and a time frame, which should not be more than five years. Such mutually agreed time frame should also be specific about what RAMSI is specifically required to achieve; OR

**Option two**

2) A decision has to be made now that RAMSI has achieved the objectives of its original mandate and should now allow the established traditional aid agencies to continue to assist in the long term recovery and rehabilitation of the economy. What this effectively means is that the existing manpower deployment under RAMSI should now come under the existing aid programs addressing the specific sectors.

In the case of Police the PPF should now come under the authority of the Commissioner of Police as discussed above. All other deployments should either take up line posts under supplementation scheme, working with Solomon Islands counterpart or as fully funded advisors answerable to the Solomon Islands Government;



Military support when required should now be confined to Australia under the existing defense corporation, which should be reviewed to accommodate the operational need of the personnels; OR

### **Option Three**

3) Allow RAMSI to continue but review the legal and administrative framework, the scale of operation, and time frame to accommodate the concerns raised by Solomon Islanders. This option combines *options one and two*. A clear exit strategy is to be agreed with RAMSI and a date is to be set for their complete withdrawal. During the scaling down period the available resources should be directed to address the underlying issues including outstanding issues of the tension and public investment in strategic sectors. Military support when required should be confined to Australia under the existing defense corporation which should be reviewed.

- 7 **In your written submission, you expressed the view that RAMSI is operating as an alternative or parallel government to the Solomon Islands Government and Police. Could you please elaborate on this view?**

One only need to read the FIAA and the International Agreement to form this opinion. Article 5 of the Agreement expressed in no uncertain terms that the PPF and military component is independent of SIPF and not answerable Solomon Islands Government. (Read Article 5). The non-military component of RAMSI are answerable to Canberra through the office of the Special Coordinator.

- 8 **In the previous hearings, this Committee heard much about the ongoing negotiations regarding the Partnership Framework between the Government and RAMSI. It is said that the Framework will establish mutually-agreed, condition-based timelines to phase down RAMSI's engagement in critical areas of government as the Solomon Islands Government's capacity continues to grow.**

- **Do you believe that this framework is necessary?**

Absolutely! This is in line with the various options I suggested on the review of RAMSI's operations.

- **Do you think the CNURA Government is in the position to undertake this change on its own or would you rather have the Government consult other stakeholders first (e.g., Provincial Premiers, community leaders, businesses or NGOs).**

I have expressed a view on this matter in response to the prime ministers debate at the UNGA. The people of Solomon Islands are very much part of the partnership and they must have a say on the future of RAMSI. The government cannot unilaterally decide on this matter with RAMSI. I would have thought that this review is an opportunity for Solomon Islanders to express their views on the question.

The future of RAMSI and how the partnership will look like would depend very much on the people's view on the following issues which in my view deal with the very existence of RAMSI. They are as follows:-

- (a) Would it be fair and reasonable to say that after five years of operation in the country and given the changing environment RAMSI is now stuck with powers, privileges and immunities it does not need and therefore there is now a need to review them and realign the activities of RAMSI with the normal operations of the government subjecting them to the prevailing rules, procedures, regulations and laws? If this proposition is accepted how should RAMSI be reorganized?
- (b) Should RAMSI be now formally considered as an aid agency and coordinator of all development assistance to Solomon Islands by the different donor countries that Solomon Islands has bi-lateral ties with, effectively taking over the roles of the aid coordinating ministry and the existing aid agencies? If that

proposition is adopted what do we do with the powers and immunities and privileges they are accorded under the FIAA and the Regional Agreement, which effectively placed them beyond the control and direction of the Government?

- (c) Since the underlying reasons for the intervention is to ensure that lasting peace returns to Solomon Islands should the financial assistance available under a reorganized RAMSI be now strategically applied to address the issues that drove the country to the ethnic unrest, effectively addressing the causes of the tension.
- (d) There is no clear distinction as to who under RAMSI is entitled to the privileges, immunities and powers provided under RAMSI legal framework. There is a need to clarify this issue. It is generally perceived that the components of RAMSI includes, the military and police; the non-military TAs and Advisors; the Australian companies and businesses that are contracted by RAMSI to serve RAMSI, and the locally recruited Solomon Islanders who work for RAMSI. Who is entitled to immunities, privileges and powers under the FIAA and the Regional Agreement?
- (e) Should RAMSI remain the domain of Australia and the regional countries?

Only after establishing the people's views on these fundamental questions can we be in a better position to talk about how RAMSI or the partnership will look like in the future.

**9 The Committee understands from RAMSI's submission that in the negotiation of the new Partnership Framework, the CNURA Government is proposing to expand the mandate of RAMSI to cover economic development. The Committee has also been advised that donors of RAMSI do not support any such expansion to RAMSI's mandate into areas that are covered by regular bilateral development programs.**

- **Do you think that RAMSI's mandate should be expanded to cover areas such as economic and infrastructure development?**

I have expressed some views on this. I will not support any suggestions to expand the mandate of RAMSI operating under the present legal framework to cover these areas. This view is based on the following arguments.

RAMSI is a forum responsive initiative to address a break down of the formal system that supports the effective workings of the economy. In other words it is a specific response for a specific situation. Its role should effectively end at the completion of the restoration stage.

What the CNURA Government is trying to do is to replace the role of the traditional aid delivery agencies with RAMSI. Indeed, what CNURA Government is effectively saying is that they favored a delivery system that is backed by firepower and unfettered legal powers with a team of highly paid individuals who sucked up all the aid assistance that should be channeled to real development and the outstanding issues of the tension. This is a very harsh assessment but unavoidable and necessary to express the reality.

Rehabilitation and long term recovery are rightly the roles of the traditional aid agencies working with Solomon Islands Government. In fact, it has never been the intention of RAMSI to take over the roles of the traditional aid agencies already operating in the country well before the birth of RAMSI itself. In this respect, I am of the view that RAMSI has accomplished its restoration tasks, and it is now time to handover the rehabilitation and recovery tasks to the traditional aid delivery agencies.

In other words we have gone past the emergency stage of the break down in social order and government system that had warranted a RAMSI interventionist style force to address. They have addressed that situation and therefore any suggestion for RAMSI to stay on and effectively take over the responsibility of the traditional aid agencies under the present legal and administrative framework would be

irresponsible on the part of the Government and question the real motives of RAMSI.

It must be acknowledged here that RAMSI is now performing all the activities that would normally be performed under aid programs in the different sectors of the government set up and the economy as a whole. RAMSI has effectively become the coordinating body of all the aid agencies in the country, basically taking over the role of the Ministry responsible for aid coordination and the representatives of donor countries in Solomon Islands. This should be discontinued.

The only difference is that the personnel assigned under the aid programs do not enjoy the same level of privileges and immunities, and might I add the same level of remuneration. This makes assignment under RAMSI very attractive and one can understand why there is so much resistance over any moves to frustrate it.

It has to be appreciated that Solomon Islands has bilateral arrangements with all its bilateral friends and they have the right to express how they would want their assistance to be used in Solomon Islands and not to be sucked in to the agenda of RAMSI to please the narrow strategic and national interests of one country.

**10 In your view is there effective communication between RAMSI, the Pacific Islands Forum, and the Solomon Islands Government?**

I do not believe there is effective communication between RAMSI, the PIF and Solomon Islands Government. It depends on what we mean by effective communication. Effective communication in my view is one which is based on the willingness on the part of all the parties to understand each other and to accommodate the feelings and views of each other. So far it has been the powerful party dictating its will on the one with less bargaining power. In this case Solomon Islands Government. The Forum and RAMSI have

repeatedly ignored the concerns expressed by Solomon Islands Government. This needs to be improved.

- 11 In your written submission, you strongly expressed disapproval for full immunities and privileges conferred by the Facilitation Act. Could you please explain to the Committee the basis of your disapproval?

The incorporation of the immunities, privileges and protection in the legal framework according to RAMSI is a normal requirement under any comprehensive multinational intervention like RAMSI. RAMSI also claims that Solomon Islands is under international obligations to grant immunities and privileges to the Visiting Contingent. *(see relevant section in Appendix 5)*

On immunities and legal protection, the rationale clearly is to provide legal and administrative protection to the foreign intervention force that may not be familiar with the systems and may in the process of carrying out their agreed mandate break the laws of the country. This is relevant in an emergency situation, where a quick response is necessary to restore some order in the operation of the government system. The provision of immunities as legal protection is important to assist them to carry out their job without fear of being subjected to legal challenges.

One can understand the situation in 2003, which would be rightly described as emergency and which would have warranted the granting of the immunities then. The argument now is that the situation has improved tremendously with most of the original mandates fully achieved. Any extended mandate would be performed in an environment that is far different from what was experienced in 2003.

Therefore the persistence by RAMSI that they must continue to enjoy full immunities and privileges in order to continue their work in Solomon Islands is akin to a deliberate exaggeration of the situation on the ground to benefit, which tantamount to dishonesty. The fact of the matter is that RAMSI does not need the current level of protection to carry out its work.

On privileges the argument is that the officers are giving up the comforts of a working environment that is peaceful and friendly to come and work in an unfriendly environment that is fraught with danger and therefore the personnel are endangering their lives. In order to attract people to come, their assignment must be attached to attractive privileges.

After 5 years, I would agree to certain level of privileges, but nothing more than what is enjoyed by the Technical Assistants that are attached to the existing donor programs in the country. Anything more would be over-generous and unnecessary gesture on the part of the government and people of Solomon Islands. In fact contrary to the argument that the TAs are working in an unfriendly environment they are enjoying life in Solomon Islands now.

**12 In your written submission, you argued that the Solomon Islands Police Force should be rearmed while RAMSI is still here. You further argued that “no gun policy” is really an Australian policy which is in effect disarmament of this sovereign state.**

- In light of views raised before this Committee that there is very little confidence in our local police officers, do you still believe that rearmament of these same officers is in the public interest?**

First, I need to correct the thinking that we are rearming the same police officers who took part in the coup. For the information of the Committee, the officers concerned have been removed from the force. That action by RAMSI since its arrival has addressed the concerns of the public. The force was virtually cleansed of the elements that took part in the coup.

Unfortunately there are people including RAMSI who still cannot get over the events of 2000 when disciplined police officers turned against the state with the use of state firearms. All law abiding Solomon Islanders are fully entitled to condemn this action but we cannot cry over this incidence and throw the baby with the water. The

issue here is national security and we cannot continue to rely on RAMSI forever to provide our first line of defense.

This issue is really about believing and trusting the rehabilitation of the police force by RAMSI. In other words when we continue to cast doubts on the trust worthiness of Solomon Islanders to have access to firearms, we are actually casting doubt on the rehabilitation work carried out by RAMSI. We are not talking about police officers carrying guns on the streets of Honiara. Far from it! What we are talking about is for the officers to have access to firearms when they needed to. In fact that has always been the case in Solomon Islands.

I would like to think and still believe that the most appropriate time for officers of the RSIP to have access to firearms is when RAMSI is still here to supervise the process. Accordingly, I strongly suggest that the training to get the RSIP to be armed must start now.

- **It has been suggested that firearms owners whose firearms were collected and destroyed by RAMSI on its arrival should be compensated by RAMSI instead of the Government. Do you have any comments on that suggestion?**

I would agree with that view. The general rule of responsibility applies here. That is, he who is primarily responsible for the wrongful act must bare the cost of rectifying it. It is beyond all questions that the destruction of the firearms was carried out at the direction of RAMSI. They should be responsible to compensate the owners of firearms.

**13 It is been argued that under RAMSI's privileges under the Facilitation Act, accommodation arrangements for RAMSI personnel has resulted in inflation and high rental affecting residents of Honiara.**

- **What is your personal view on this argument?**



I believe there is a strong connection between the over pricing of house rents in the rental market with the high level of rents house rents negotiated under the provisions of Section 12 with landlords by RAMSI without considering the general affordability in the property market. This is reducing senior local executives to accommodations that are well below their status, and secondly, perpetually threaten the collapse of the property market when the temporary boom in the sector is affected by the withdrawal of RAMSI

- **What in your opinion should the CNURA Government do to address this issue?**

There is very little or nothing that the CNURA Government can do outside of the legal framework. In fact the inflated rents have been structured into the loan repayments of the land lords who obtained loan from banks to finance the houses, and therefore any forced reduction of rents would affect loan repayments. We can only deal with future arrangements. That means that Section 12 needs to be amended to require that all negotiations for rental must be reflective and in par with the general affordability of the rental market.

**14 In your written submission, you argued that RAMSI should allow interested Asian countries to join RAMSI and that it is Australia who is preventing this from occurring because of its self interest and dislike for these Asian countries. However, in the same submission, you argued that RAMSI has completed its mandate and need not stay any longer or expand its mandate to areas that are traditional carried out by donors.**

- **In your view, what additional benefit would these countries bring to RAMSI and to this country that current RAMSI members cannot offer?**

My contention is based on the assumption that the present RAMSI style intervention would continue. If that is the case then the Asian countries have a lot to offer. Unlike the present arrangement where the other 13 member countries only provide human resources, with

Australia and New Zealand taking up the full cost RAMSI, the Asian countries have the capacity to contribute to the cost of RAMSI.

Taiwan and Japan and India for example have a lot to offer in the rehabilitation of rural economy in terms of appropriate technology to assist the rural people in simple downstream processing of local crops. Not all rural Solomon Islanders can involve in big resource based economic activities but every body knows how to plant kumara, Casava, pawpaw, pineapple, etc.

The present RAMSI arrangement is heavily involved in institutional strengthening and less on economic development.

- **Could you explain to the Committee why on one hand, you are suggesting that RAMSI has completed its work and on the other hand, you are calling for an expansion to the membership and perhaps work of RAMSI?**

As explained, the statement is based on the assumption that a RAMSI style intervention under the present legal frame work will continue.

- 15 While you were in power, your view that certain actions of RAMSI were in breach of Solomon Islands sovereignty was well documented. In your written submission, you strongly reiterated this view. Yet in the same submission, you were also of the view that RAMSI should focus more on addressing the root causes of the Ethnic Tension and that RAMSI initiatives should now come under existing aid programmes addressing specific areas.**

- **Given that the root causes of the Tension might involve land issues, perceived unfair distribution of wealth, natural resources exploitation, the relationship between ethnic groups and so forth, how do you suppose RAMSI would be able to address these kinds of root cause without undermining Solomon Islands sovereignty?**

I was very specific about the areas that Solomon Islanders are concerned about as follows:-

These issues are contained in a series of demands that have been submitted to successive Solomon Islands Government over a period of 30 years. It is the neglect of these issues that caused the tension. Listings of the issues took on different formats during the thirty years but in summary Solomon Islanders are concerned mainly about the following fundamental issues:

- (i) Solomon Islanders are concerned that the highly centralized government system ***[even the provincial government system which is based on the principal/agents]*** does not recognize their aspirations and development needs and demanded the adoption of a state government system.
- (ii) Solomon Islanders want the government to rectify the injustices brought about by colonial land and other policies.
- (iii) Solomon Islanders demanded a fair distribution of the country's national wealth commensurate with the provincial contributions.
- (iv) Solomon Islanders wanted to see improved delivery and quality of basic social services, and provisions of quality education.
- (v) Solomon Islanders want to see the decentralization of major economic developments in all the provinces.
- (vi) Solomon Islanders want to see more public investment in important infrastructures in the rural areas to attract genuine investors to develop the rural economy.

A decisive redirection of available financial resources to these areas would go a long way in stabilizing the country. Of course it would be culturally sensitive for RAMSI to directly involve and decide on how to address the sensitive areas. What is envisaged is for RAMSI to finance Government's initiative in these areas, which would normally be beyond the government's ability.

In addition I suggest public investment in the following strategic areas:-

- (a) In tourism I suggest a direct annual investment of \$300million for 5 years into the sector in strategic locations throughout the country. Unlike other areas the tourism sector can respond quickly to such an initiative. I believe this would transform the country over night, improve revenue collection and improve public investment in strategic sectors in the long run.
- (b) Financial resources under RAMSI must also assist in physically preparing the provinces to adopt the state government system. I suggest a fixed \$160million [\$20million per province per annum] for a period of five years to improve the physical infrastructures in the provinces.
- (c) In forestry RAMSI can assist the Solomon Islands Government to take up the revenue gap and import cover created by loss of export tax and exporting earning for a period of 5 years to enable the country to immediately put a stop to logging and develop an alternative development strategy for the sector.

In other words what I am effectively saying is that RAMSI should now reduce its investment in TAs, which took up nearly 70% of their assistance and redirect them to address the issues outlined here.



- ***Had RAMSI come to Solomon Islands during your reign, what kind of alternative and practical framework would you have set up instead to avoid RAMSI undermining our sovereignty?***

It would have been a controlled intervention with a clear timeline to achieve clearly stated objectives and exit strategy. That is missing in the open ended permission granted to RAMSI under the Facilitation Act. The situation in 2000 to 2003 when RAMSI arrived was the machinery of Government still exists but ceased to function

effectively because it came under a lot pressure from the militants. What was needed then was to neutralize the effects of militancy to allow the system to work. That needed a military solution and the kind of powers accorded under the FIAA. The effect of the intervention on our sovereignty would have been minimized through a definite time frame within which the intervention would have been allowed.


All other technical assistance would have been accommodated under existing bilateral arrangements. Military intervention would have been arranged under existing defense corporation with Australia.

- 16 ***Do you think an independent audit to demonstrate the long term effectiveness of the mission is required separate from the monitoring and evaluation currently being undertaken by RAMSI and the Forum?***

I would support such an idea. It makes no sense for RAMSI to evaluate itself and report on the same. Such a report would be grossly biased. The case in point and example of a non-biased independent review conducted by Oxfam Australia on the achievements of RAMSI which expresses a lot of reservations and questioned the effectiveness of RAMSI's role.

- 17 ***In your written submission, you pointed out p7 of the CNURA Policy Statement which states that:***

***"When RAMSI completes the work it was requested to do, Forum leaders will need to consider whether the Mission should eventually withdraw or set up permanent military and police presence as police backup support service and continue to act as an avenue through which economic development assistance can be channeled"***

- 
- ***Could you elaborate further on your view of this policy?***
  - ***What risks do you see in such a proposal if implemented in the future?***

- You also argued that the attitude underlying the policy statement could lead to serious undermining of Solomon Island's security in the future. Could you please explain further, in practical terms, this argument?

**18** *Do you think Solomon Islands would be able to stand on its feet if, for whatever reasons, RAMSI suddenly pulls out of Solomon Islands in the near future?*

The notion that Solomon Islands cannot survive without RAMSI is taken overboard by the proponents of such a view. RAMSI is not actively involved in the economic sector that would sustain the peace process. The only reason why I would support such a view is if the real issues that caused the tension remained unattended to when RAMSI pull out. The concern here is that it was never the intention of RAMSI to address these issues under its mandate. So whether RAMSI will continue or pull out tomorrow will not make any difference to the issues that really matter.

I must therefore reiterate the point that if RAMSI is really interested in addressing the problems of Solomon Islands and ensure long term stability and peace, the underlying issues must be addressed.

**19** **What do you want the future of RAMSI and the Solomon Islands to be?**

The future of RAMSI should be decided by the people of Solomon Islands not me. However, if my personal view is sought on the question, I would recommend that allow RAMSI to continue but review its legal and administrative framework, the scale of operation, and the time frame to accommodate the concerns raised by Solomon Islanders. There has to be a clear exit strategy to be agreed with RAMSI and a date is to be set for their complete withdrawal. During the scaling down period the available resources should be directed to address issues that really matter to peace, stability and economic growth. With that I am seeing a peaceful and stable Solomon Islands that enjoyed economic growth.