

Why have the findings of the Solomon Islands Commission of Inquiry into the 2006 riots not been released?

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It is now more than a month since the Solomon Islands' government of Prime Minister Derek Sikua received the final report of a Commission of Inquiry investigating rioting that destroyed much of the capital, Honiara in April 2006. Yet no indication has been given as to when the official findings will be made public. There is little doubt that the Sikua government is attempting to suppress the report, and that it has the full backing of Canberra—which opposed the Commission from the outset and tried to derail it through a series of dirty tricks and illegal manoeuvres.

The riots were sparked by the installation of Snyder Rini as prime minister in a parliamentary vote on April 18, 2006. A crowd that had gathered outside the Solomons' parliament to hear the result reacted with fury to the outcome and clashed with Australian Federal Police (AFP) who were deployed under the Regional Assistance Mission to Solomon Islands (RAMSI). After the AFP fired tear gas into the demonstration, anger boiled over, with Australian police targeted by people throwing stones and torching police vehicles. On both April 18 and 19, unrest quickly spread throughout the capital, as the poverty stricken residents of Honiara looted shops and razed much of Chinatown.

Rini's election was widely believed to be corrupt and illegitimate. He had been deputy prime minister under the former government of Allan Kemakeza, which had suffered a resounding defeat in the April 5 general election. Kemakeza, who has since been convicted on larceny and intimidation charges, was regarded as being in the pocket of various business interests and entirely subservient to RAMSI.

More than 2,000 Australian soldiers, police, and officials were deployed in the Solomons in July 2003—shortly after the invasion of Iraq—as part of a supposedly humanitarian intervention into a “failed” state. In reality, the operation marked a shift on the part of the Australian ruling elite towards more militaristic and openly neo-colonial methods of shutting out rival powers from the South Pacific and maintaining its own strategic and corporate interests. Australian personnel in Honiara viewed the 2006 elections, the first held under RAMSI, with enormous trepidation. They knew that Kemakeza would likely be voted out of office and feared the installation of a less compliant prime minister, potentially threatening their control of the country's state apparatus.

The *World Socialist Web Site* has previously raised the question as to whether RAMSI forces were deliberately stood down on April 18 and 19 in order to permit the violence to proceed. (See “The Howard government, RAMSI, and the April 2006 Solomon Islands' riots”) Not even the most elementary security precautions were taken for the parliamentary vote. Moreover, the reported 100 Australian soldiers stationed in Honiara were nowhere to be seen on April 18 and 19, while scores of experienced and heavily armed AFP officers somehow proved unable to prevent the destruction of much of Honiara by unarmed youths. The violence provided a convenient pretext for the dispatch of an additional 300 police

and 100 soldiers, potentially setting the stage for Canberra's direct intervention into the political crisis.

In the end Rini was forced to resign and was succeeded by Manasseh Sogavare. The Sogavare government represented a section of the Solomons' elite that was dissatisfied with aspects of the Australian intervention and hoped to recast RAMSI on a new basis more favourable to its own commercial and political interests. Making a definite appeal to growing anti-RAMSI sentiment among ordinary Solomon Islanders, in mid-July 2006 the new prime minister announced the formation of a Commission of Inquiry into the April riots, to be chaired by former Australian Federal Court judge Marcus Einfeld.

Canberra responded by launching a series of extraordinary attacks and mounting a “regime change” campaign against Sogavare. The Howard government mounted a slander campaign—with bipartisan support from the Labor opposition—against the two leading legal figures involved in the investigation, Julian Moti and Marcus Einfeld. Within days of the announcement of the Commission, Einfeld became the subject of a ferocious Australian media campaign involving everything from an unpaid speeding fine to alleged inaccuracies in his résumé. The barrage of stories, which aimed at discrediting the former judge, eventually forced him to withdraw from the Solomons' inquiry.

Julian Moti—a respected international lawyer and academic who had practiced and taught at universities in Australia, India, and the South Pacific—had recommended Einfeld, drawn up the terms of reference for the Commission, and was also known to be Sogavare's favoured appointee as attorney-general. The Howard government, with the Australian media in tow, accused Moti of committing child sex offences in Vanuatu in 1997. In 1998, a Vanuatu magistrate had thrown the case out of court before it even reached trial, describing the attempted prosecution as “unjust and oppressive”. Abusing Australia's Child Sex Tourism legislation, the Howard government demanded Moti's extradition. The filthy campaign was aimed at destroying the reputation, career and standing of an individual identified as an opponent of Canberra's agenda.

It was in this context that the Commission of Inquiry commenced its work under the chairmanship of Brian Brunton, a former Papua New Guinea judge. Severely hampered by Canberra's manoeuvres, a lack of funding due to the refusal of Australia and other aid donors to finance the investigation, and obstruction from various quarters, including the Australian-controlled finance department in Honiara, the investigation took far longer than initially forecast. Between June 2007 and March 2008, the Commission held 90 hearings and received sworn testimony from RAMSI officials including former Solomons' police commissioner and AFP officer Shane Castles, Solomons' police, parliamentarians, witnesses and alleged participants in the riot, and many others including

journalists, non-governmental organisational workers, and various experts.

The Commission handed down its first interim report in July 2007 and a second interim report last September. Both were publicly released by the Sogavare government.

So why then has the Sikua government—which came to power last December after the parliamentary opposition succeeded in the third of its Australian-backed attempts to move a no-confidence motion against Sogavare—refused to release the final report? What does it have to hide? And what about the Australian Labor government of Kevin Rudd? There is no question that it would be in possession of the findings, yet it has failed to make any public comment. Foreign Minister Stephen Smith and the Department of Foreign Affairs (DFAT) failed to return phone calls from the *World Socialist Web Site* wanting information on when the Commission's report would be publicly released. The question must therefore be asked: Has Canberra encouraged Sikua to keep the final report secret? Is it hoping to bury the findings entirely?

The final submissions issued to the Commission by the RAMSI Special Coordinator and by counsel assisting Chairman Brunton point to what is ultimately at stake—the legal and political basis of RAMSI's ongoing presence in the Solomons.

At no point did the Commission raise the possibility that Australian forces were consciously stood down on April 18. It did, however, examine in detail the alleged incompetence and failings of both Shane Castles and senior RAMSI personnel. RAMSI's central defence involved the false claim that there were no prior warnings of the April 2006 riots; it insisted that its (virtually non-existent) security preparations were entirely appropriate given the alleged lack of intelligence.

The final submission from counsel assisting Chairman Brunton—which, one would assume, has formed the basis of the final report—strongly rejected RAMSI's position, stating it was “a shallow defence of the breach of duty to be *ready*”. He noted that the election of a prime minister was always a fraught period in the Solomons and “is a matter that should be flagged as being a security issue”. He also described how “Operation New Vision”, the operational plan for April 18 that had been drafted by a junior Solomons' police officer on Castles' orders, centred on securing the ceremonial aspects of the prime minister's election and contained no provisions for protests or any other potential security risk. “There was no critique of it at all [from Australian police]; there was no asking the questions ‘well what if, what if so and so happened, what if things went bad?’”

Counsel pointed to three “areas of evidence”. After first noting that there was “some evidence, although it is not strong evidence, that a group of [Solomon Islands'] leaders certainly encouraged the riot or to the extent that there is no really strong evidence that they encouraged the riot, that they did nothing to stop it once it started”, he discussed the role of poverty and police failures in the riots.

An examination of these issues exposes Canberra's claim to be engaged in a humanitarian mission in the Solomons. In the five years since the 2003 intervention, virtually no Australian aid money has gone towards alleviating poverty or meeting the population's health and educational needs. Hundreds of millions of dollars in so-called aid money has instead been funnelled into the Australian Federal Police as well as to the Packer family's GRM company, which operates the Solomons' draconian penal system.

The Commission highlighted the plight of the thousands of predominantly young people living in Honiara's squalid settlements who have receive no assistance whatsoever from Australia. “There are very large numbers of people living in the settlements around Honiara ... with no employment, with little economic opportunity, with poor housing, poor sanitation, poor water supply, poor power supply, poor roading, and that has been the situation since during the times of the ethnic tension [i.e., since 2003],” counsel declared. “Things really have not got any better,

and certainly by the 18th of April 2006 the Honiara settlements were overcrowded, were desperate in the sense that they had a hard time with money and they had a hard time with food and in particular there were large numbers of youth, both male and female, who had really no hope for the future.”

On police failings, counsel concluded that former RAMSI special coordinator James Batley and former head of RAMSI's policing component Will Jamieson should be referred to the “appropriate statutory authorities” for “breaches of their duty”. Counsel concluded that Shane Castles was “completely responsible, under his statutory duty, for what went on between the 18th to 20th of April 2006”, but noted there “does not appear to be an appropriate mechanism” to refer him to any statutory authority given that he had retired from the AFP.

Counsel noted that under the Facilitation Act—which the Australian government drafted in 2003 and had the Solomons' parliament ratify ahead of the intervention—RAMSI personnel have full immunity from Solomons' law. “However, under international law, there does appear to be a somewhat different arrangement,” he declared.

The 2003 Townsville Treaty, which was drafted together with the Facilitation Act, was an agreement between Canberra and Honiara that was supposed to provide some legal authorisation for the intervention. While the Townsville Treaty referred to the occupying forces as merely “assisting” the nominally sovereign Solomons' government to maintain security, counsel assisting the Commission concluded that by April 2006, Australian personnel had disarmed the Solomons' police and disbanded its intelligence and riot squad units, leaving the force “incapable of carrying out its constitutional and statutory functions”. As a consequence, the RAMSI police contingent accepted a “voluntary assumption of risk” involving responsibility for maintaining security in the Solomon Islands.

He concluded: “The question of ultimate political responsibility must lie with the Government of Australia because under the Townsville Treaty, it had control of who was appointed as the Coordinator of the visiting contingent and who were the officers in charge of the PPF [Participating Police Force, RAMSI's police component] and the CTF [Combined Tactical Force, Australian-led military]. There would appear to be a failure to provide, in my submission, sufficient manpower to manage the Solomon Islands security and the political responsibility of the then Prime Minister of Australia and his Cabinet must certainly arise, in my respectful submission.”

Counsel indicated that the constitutional basis of RAMSI's ongoing presence ought to be revised. “There is a need to re-visit the Townsville Peace Agreement and the agreements between the parties that integrate the political, economic, social agreements with mainstream development. I say there is a need to re-visit that, and I make a recommendation to do so because the current arrangements with RAMSI rose out of the Townsville Treaty in 2003 and there was no observable connectivity between the Townsville Peace Agreement which was an act of peacemaking between combatants in the Solomon Islands and the insertion of the RAMSI peacemaking forces in 2003.”

Notwithstanding counsel's carefully couched formulations, this recommendation constitutes a potential bombshell. Revisiting the Townsville Peace Agreement implies also reassessing the Townsville Treaty and the Facilitation Act, inevitably raising the question of RAMSI's legal immunity. This in turn throws the viability of the intervention force into question. The Howard government insisted upon legal immunity before entering into the Solomons in order to give Australian personnel a free hand to enforce Canberra's diktats. In Papua New Guinea in 2005, more than a hundred AFP officers were withdrawn after a local court ruling stripped the legal immunity of Australian personnel working in the Enhanced Cooperation Program, an intervention force modelled on RAMSI.

The final submission to the Commission issued by the Participating

Police Force, adamantly defended the AFP's immunity. It noted that "Commissioners have also raised their own concerns about the constitutional validity of the provisions of the Facilitation of International Assistance Act that facilitate the operation of the PPF", but insisted that "such concerns are unwarranted".

The final submission issued by Andrew Radclyffe, on behalf of RAMSI Special Coordinator Tim George, centred on the extraordinary argument that RAMSI had never been in any way responsible for maintaining security in the Solomons. "It is respectfully submitted that the RAMSI Treaty in no way requires the PPF and/or the RAMSI contributing countries to *ensure* security and stability in Solomon Islands," the RAMSI head insisted. "While the Parties to the RAMSI Treaty have agreed to assist Solomon Islands in 'provision of security and safety to persons and property', it cannot reasonably be said that they have undertaken an international legal obligation to guarantee Solomon Islands' internal security... Nowhere in the treaty does Solomon Islands or the Assisting Countries agree that the latter has *responsibility to ensure* law, order and security." [Original emphasis throughout.]

In other words, as an "assistance" mission, RAMSI is supposedly there to help the Solomons' government and police, but is in fact responsible for nothing and to no-one. This then raises the question—on what basis, either politically or legally, does Canberra now justify its ongoing occupation of the Pacific country? The RAMSI intervention was never authorised by the United Nations and has never been tested in the international courts. The last thing the Australian government wants is to have to publicly defend RAMSI in the International Court of Justice. Amid heightened tensions between the major powers internationally—including the rise of China as a new economic and political power in the South Pacific—such a development would have potentially grave implications for Canberra's predatory operations in the Solomons and throughout the Pacific region.

Perhaps this is why the Commission's findings have not seen the light of day.



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