

Solomon Islands report demands legal immunity of RAMSI occupation force be revoked

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1 May 2009

The Solomon Islands government of Prime Minister Derek Sikua earlier this month released the long suppressed final report of the Commission of Inquiry into the April 2006 riots, which destroyed much of the country's capital, Honiara. In a major blow to the Australian government, the report recommends that the legal basis of the Australian-dominated occupation force, the Regional Assistance Mission to Solomon Islands, be revised and that the immunity of RAMSI personnel from local laws be revoked.

The Sikua government received the report twelve months ago but refused to release it. Its full contents still remain publicly unavailable, with only a censored version being released. In a preface to the report, Sikua declared that "the two volumes [of the full report] contain certain contentious and sensitive materials which are potentially harmful if read by unguided minds."

There is no doubt that the Australian Labor government of Prime Minister Kevin Rudd encouraged the Solomons' prime minister to first suppress and then censor the report.

When the Commission of Inquiry into the April riots was first proposed by former Solomons prime minister Manasseh Sogavare, shortly after he came to power in May 2006, Canberra mounted a protracted regime change campaign featuring a series of reckless and unlawful manoeuvres. Key figures involved in establishing the investigation were targeted. Former Australian Federal Court Justice Marcus Einfeld, who was to head the Commission, was forced to withdraw after an extraordinary media campaign was whipped up over his attempt to evade payment of a minor speeding fine and constitutional lawyer Julian Moti, who was to be appointed Solomons Attorney-General, was the subject of an even more vicious witch-hunt, based on statutory rape allegations that were thrown out of a Vanuatu court in 1998. Moti, now on bail after being illegally seized in the Solomons and transported to Australia, recently filed for a permanent stay of proceedings on

the grounds that the Australian Federal Police investigation was an abuse of the judicial process.

The Commission of Inquiry was finally headed by former PNG judge Brian Brunton. In the publicly released report, he noted that the idea of an investigation into the 2006 riots "was not welcomed, and the strongest objection came from Australia and New Zealand". RAMSI personnel attempted to stymie the inquiry; the Commission condemned the "administrative and financial impediments encountered with officials in the Ministries of the Prime Minister, Finance, and Treasury [which] became almost chronic as the Commission progressed".

The Australian government was fearful that any examination of the unrest in Honiara on April 18 and 19, 2006 threatened to expose RAMSI's role in the events. In addition to highlighting the responsibility of Australian police for triggering the initial violence outside the parliament by provocatively firing tear gas into a crowd of demonstrators, there is also substantial evidence that RAMSI forces were subsequently stood down in order to allow the violence to unfold, creating the justification for the beefing up the Australian-led intervention force (see "The Howard government, RAMSI, and the April 2006 Solomon Islands' riots". At the very least, RAMSI's failure to take basic security precautions during a contentious parliamentary vote for prime minister represented criminal negligence.

In addition, the riots themselves focussed attention on the growing hostility among ordinary Solomon Islanders to the Australian occupying forces. RAMSI police and equipment were especially targeted by youth from the impoverished Honiara squatter settlements.

While the Australian government claimed that its intervention into the Solomons was driven by humanitarian concerns, this is belied by its failure to direct any significant aid money to desperately needed basic health and education services. As a result, the Commission of Inquiry concluded, more than one-

third of Honiara's population live in the squatter settlements, many featuring "large numbers of people with no employment, with little economic opportunity, with poor housing, poor sanitation, poor water supply, poor power supply, and poor road access".

The Commission of Inquiry did not even consider the possibility that the failure of RAMSI police and soldiers to challenge the Honiara rioters and looters over two days was due to a deliberate stand down. It attributed the unrest to poor police preparation, combined with "bad governance" on the part of Solomons' parliamentarians and a failure "to deliver development to the Honiara settlements".

Despite the Commission's extraordinary failure to raise basic outstanding questions about the riots, and despite the Sikua government's censorship, the final report was sharply critical of RAMSI and the Australian government.

The Commission concluded that "ultimate political responsibility [for the riots] must lie with the government of Australia", because it controlled the foreign police and military forces responsible for maintaining security in Honiara. The report dismissed the claim made by Australian officials that because RAMSI was merely an "assistance mission" it was not legally obliged to ensure civil peace. Australia was included among a number of former colonial powers in the South Pacific regarded by the Commission of Inquiry as having a "moral obligation" to compensate victims of the April riots.

One of the Commission's central recommendations was that the Townsville Treaty and Facilitation Act, drawn up by Canberra in 2003 to provide its intervention into the Solomons with a legal and multi-lateral cover, be revised. "[T]he issue of liability, immunity, and accountability of any visiting contingent is fundamental in a democratic society, and should be re-examined in any review," the Commission concluded. "Immunity of policing is not an option in a democracy. The rule of law cannot have armed police who are unaccountable to the courts."

The Australian government insisted that its forces be legally immune from Solomons' law precisely to ensure that RAMSI was never accountable. The neo-colonial intervention was aimed at securing the economic and strategic interests of Australian imperialism in the region amid heightened great power rivalry driven by Beijing's growing influence. RAMSI was heralded by Australian authorities as a model for potential interventions in other Pacific countries, including Papua New Guinea.

In 2005 the PNG government was bullied into accepting the so-called Enhanced Cooperation Program (ECP), which saw

more than 200 Australian police and bureaucrats deployed to Port Moresby. After a local court ruling stripped these forces of their immunity from PNG laws, the Australian government withdrew the federal police contingent, leading to the effective disintegration of the ECP. That episode underscores what is at stake in the Solomons' Commission of Inquiry finding on RAMSI's legal immunity.

Any alteration to the 2003 treaties and acts of parliament that facilitated the deployment would inevitably provide a focus for the mounting anti-RAMSI sentiment among ordinary Solomon Islanders, as well as a section of the Honiara political elite, and would threaten the viability of Canberra's indefinite occupation. With the Fijian military junta now openly defying the Australian government's dictates, the collapse or even winding back of RAMSI would mark a major crisis for Canberra's operations throughout the South Pacific.

The Rudd government is no doubt exerting immense behind-the-scenes pressure to try to ensure that the Commission of Inquiry's recommendations on RAMSI are ignored.

In its formal response to the Commission's findings, the Sikua government referred all issues involving RAMSI to an inquiry that is currently being conducted into the 2003 Facilitation Act by the parliamentary Foreign Relations Committee. The inquiry has been underway for several months and has received more than 30 submissions. These relate to different legal and political issues concerning RAMSI's presence; public hearings have also been held in a number of provinces. The Foreign Relations Committee, headed by government MP Laurie Chan, is due to report its findings to the parliament by July 23.



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