

# Solomon Islands parliament rams through renewal of Australian-dominated RAMSI occupation

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The Solomon Islands government of Prime Minister Derek Sikua pushed the 2003 Facilitation of International Assistance Act (FIAA) renewal notice through parliament last Thursday without any discussion or debate.

The FIAA is the legislation underpinning the ongoing occupation of the impoverished South Pacific country by the Australian-dominated Regional Assistance Mission to Solomon Islands (RAMSI). Australian officials in Honiara no doubt exerted behind the scenes pressure to ensure the act was approved for another 12 months, thereby ensuring that RAMSI forces continue to enjoy *carte blanche* powers, including immunity from Solomon Islands law.

Parliament's approval of the renewal notice coincided with the sixth anniversary of RAMSI's deployment. Promoted as a humanitarian intervention aimed at preventing a "failed state", the neo-colonial operation was motivated by Canberra's need to assert its hegemony amid intensifying great power rivalries in the region, fuelled by China's rising influence. RAMSI was seen as the means of taking direct control over the Solomons and creating a new intervention model that the Australian government hoped to apply in other countries, including the resource-rich former Australian colony of Papua New Guinea. More than 200 Australian Federal Police and about 140 Australian soldiers remain stationed in the Solomons, along with numerous officials, bureaucrats, and "advisors" who retain effective control over the country's state apparatus.

The RAMSI intervention has never been ratified by the United Nations and its validity under international law is highly doubtful.

The Facilitation of International Assistance Act was designed to provide the operation with a legal fig-leaf,

alongside an international treaty involving Australia, New Zealand, and other Pacific participants in RAMSI. The FIAA was drafted in Australia and then rubber stamped by the Solomon Islands' parliament in July 2003. It is now known that many MPs were refused permission to study the document prior to the parliamentary vote.

The Facilitation Act is an extraordinary legal document. The *World Socialist Web Site* has previously noted: "RAMSI personnel enjoy immunity from Solomons' criminal and civil law, including customs and immigration controls, are exempt from the country's taxation system, and have the right to use any road, bridge, port or airfield, and water, electricity and other public facilities free of charge. RAMSI headquarters and camps are 'inviolable' and 'subject to the exclusive control and authority' of the intervention force; no Solomon Islander, including police or other authorities, may enter the premises without RAMSI's permission. RAMSI personnel have the right to confiscate all firearms from Solomon Islanders—including those legally purchased and maintained—without compensation. RAMSI soldiers and police also have the right to 'use such force as is reasonably necessary', including lethal force, to maintain 'law and order in Solomon Islands.'" (See: "Solomon Islands' parliamentary review highlights illegality of Australian occupation")

The first review into the FIAA was initiated by the former Solomons' government of Prime Minister Manasseh Sogavare.

In August 2007, then attorney-general Julian Moti detailed for the parliament the dubious status of the legislation in relation to both international law and the Solomons' constitution. Moti noted that RAMSI was not even mentioned in the FIAA, leaving the legal standing of the intervention force entirely unclear. He also highlighted a

clause barring parliament from passing additional legislation amending or repealing the act—a blatant intrusion on the parliament’s constitutional authority to make and unmake laws.

The Australian government responded with open hostility to the proposed review. In an undiplomatic outburst, RAMSI head Tim George convened a press conference in Honiara to denounce Moti’s legal memorandum.

By this stage a vicious regime change campaign, orchestrated by Canberra against the Sogavare government, was already underway. After coming to power in May 2006, Sogavare was identified as a threat to RAMSI’s ongoing presence when he moved to end its control over the country’s public finances and review its personnel’s legal immunity. The Sogavare government then initiated an official investigation into the rioting that destroyed much of Honiara in April 2006. This threatened to expose what was, at the very least, criminal negligence on RAMSI’s part, and also raised the prospect of an investigation into the substantial evidence pointing to the possibility that Australian soldiers and police had been deliberately stood down in order to allow the rioting to proceed.

All those involved in Sogavare’s Commission of Inquiry were targeted. Former Federal Court justice Marcus Einfeld, the inquiry’s proposed chairman, was witch-hunted and ultimately imprisoned for his efforts to evade a speeding fine. Julian Moti, who played a central role in forming the inquiry, including drafting its terms of reference, became the subject of an Australian Federal Police pursuit on statutory rape charges that had been dismissed by a Vanuatu court in 1998. Moti is currently challenging the charges in the Australian courts on the grounds that the case against him was solely driven by political considerations and represents an abuse of judicial process.

The Sogavare government was finally ousted in December 2007 through a parliamentary no-confidence vote—preventing its planned review into the Facilitation Act from proceeding as planned.

The Canberra-friendly Sikua government has sought to ensure that the review—now being undertaken by the parliamentary Foreign Relations Committee—will cause no concern to Australian officials in Honiara and Canberra. The review was first headed by MP Laurie Chan and has recently been taken over by Peter Boyers—two parliamentarians regarded as among the most closely aligned to RAMSI. Their findings will no doubt be a whitewash.

Initially scheduled to be completed by November 2008, the review’s final report is now expected before the end of this year. The lengthy delay has proved convenient for Sikua, who last week insisted that the Facilitation Act could not be altered or even discussed by parliament because this would “interfere” with the ongoing work of the Foreign Relations Committee.

The government has ignored the many submissions made to the review by Solomons’ legal experts challenging various aspects of the FIAA. Former governor general Nathaniel Waena, for example, explained that RAMSI was an “illegal entity” on the grounds that it was not mentioned in the Facilitation Act. He also said that the clause limiting parliament’s authority to revise the act made the entire legislation “legally questionable”.

Also ignored by the Solomons’ government were the findings of the Commission of Inquiry into the April 2006 riots. After suppressing the final report for a year, Sikua released a censored version last April. One of the central findings was that the Facilitation Act be revised and that RAMSI’s legal immunity be revoked. “Immunity of policing is not an option in a democracy,” the Commission concluded. “The rule of law cannot have armed police who are unaccountable to the courts.”

After Sikua ensured the passage of the FIAA renewal notice through parliament—defeating opposition motions calling for a debate—he participated in RAMSI-sponsored sixth anniversary celebrations of the intervention force, demonstrating yet again his craven alignment with the neo-colonial interests of the Australian ruling elite.



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