#### **Land Warfare Studies Centre**

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# A MODEL PACIFIC SOLUTION? A STUDY OF THE DEPLOYMENT OF THE REGIONAL ASSISTANCE MISSION TO SOLOMON ISLANDS

by

**James Watson** 

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#### ABBREVIATIONS AND ACRONYMS

ADF Australian Defence Force AFP Australian Federal Police

AusAID Australia's overseas aid agency
DPP Director of Public Prosecutions

FIA Act Facilitation of International Assistance Act 2003

GBR Guadalcanal Beach Resort
GLF Guadalcanal Liberation Force
IFM Isatabu Freedom Movement
IHL International humanitarian law

IPMT International Peace Monitoring Team

MEF Malaitan Eagle Force

MOU Memorandum of understanding

PIC 'Pacific Island Contingent'

PNG Papua New Guinea

RAMSI Regional Assistance Mission to Solomon Islands

RSIP Royal Solomon Islands Police TPA Townsville Peace Agreement

#### **ABSTRACT**

The paper A Model Pacific Solution? A Study of the Deployment of the Regional Assistance Mission to Solomon Islands examines the early stages of the multinational deployment of police, military and other personnel to Solomon Islands. The ongoing deployment is led by the police, with the military in close support. The paper addresses the legal and operational consequences of brining together a large multinational, multi-disciplinary force at short notice to conduct a policing operation. The author also examines the unique legal arrangements underpinning the deployment and considers why they were so critical to its success. He concludes by asking whether adopting a similar approach in other deployments would enable the replication of the success enjoyed by the Regional Assistance Mission to Solomon Islands.

# A MODEL PACIFIC SOLUTION? A STUDY OF THE DEPLOYMENT OF THE REGIONAL ASSISTANCE MISSION TO SOLOMON ISLANDS

23 July 2003 saw the commitment of a multinational and multidisciplinary force to Solomon Islands to assist in the restoration of law and order following years of internal chaos. The force—known as the Regional Assistance Mission to Solomon Islands (RAMSI), and comprising military personnel and police forces from across the region—was given the task of restoring peace to Solomon Islands to allow the rebuilding of a viable civil infrastructure.<sup>1</sup>

The deployment of military and police personnel to RAMSI was for many countries the first time that their military and law enforcement agencies had been asked to work together in a multinational environment. For the Australian Defence Force (ADF) and the Australian Federal Police (AFP), this bringing together was a crucial test for existing doctrine, as these major contributors to the operation had not previously engaged in joint work or planning for such a task.

<sup>1</sup> The precise goals of the mission vary from organisation to organisation. The military mission is different from the police mission, which is again different from the diplomatic and economic mission. The *Facilitation of International Assistance Act 2003* provides some guidance as to the overall mission by defining the tasks that RAMSI may undertake with immunity. Section 2 outlines the tasks that may be undertaken by RAMSI personnel under the FIA Act. They are tasks that are designed to 'ensur[e] the security and safety of persons and property, maintaining supplies and services essential to the life of the community, preventing and suppressing violence, intimidation and crime, maintaining law and order, supporting the administration of justice, supporting and developing Solomon Islands institutions and responding to natural catastrophic events'.

Internationally, there was little experience in our regional alliances that could have prepared the contributing nations for the combined operation. As has been noted elsewhere, there is no regional equivalent to NATO to provide cohesion among the troop-contributing nations.<sup>2</sup>

The legal environment for the operation was as challenging as the bringing together of the operation. The Solomon Islands parliament had passed domestic legislation that provided a legal framework for the deployment of personnel to RAMSI.<sup>3</sup> The framework was further supported by diplomatic agreements.<sup>4</sup> Undoubtedly the legal framework that underpinned the operation was a source of comfort to the military and police commanders; however, as in all things new, the devil was to be found in the detail. This was the first time that military, police, prison and foreign affairs personnel from Australia, Papua New Guinea, Fiji, Tonga, New Zealand and Samoa had operated together, creating the need to ensure consistency of approach to the interpretation of the enabling legislation.

The RAMSI deployment to Solomon Islands has been recognised internationally as an outstanding success. Following the initial deployment, the security situation has improved considerably, to the extent that many of the military personnel have been able to return home. The next

<sup>2</sup> Michael J. Kelly, Timothy L. H. McCormack, Paul Muggleton and Bruce M. Oswald, 'Legal aspects of Australia's involvement in the International Force for East Timor', *International Review of the Red Cross*, no. 841, pp. 101–39, at 101.

<sup>3</sup> Facilitation of International Assistance Act 2003.

<sup>4</sup> Agreement at Townsville on 24 July 2003, between Solomon Islands, Australia, New Zealand, Fiji, Papua New Guinea, Samoa and Tonga, 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.

and most important part of the RAMSI mission, namely the rebuilding of economic and social infrastructure, is yet to be completed. Such rebuilding remains RAMSI's current focus.<sup>5</sup>

What led to the breakdown of law and order in Solomon Islands, and what processes were used to attempt a peaceful settlement? Why was it necessary to deploy an international force, and has it been successful? This paper will consider these questions in two parts. In the first part, the background to the conflict will be considered with a view to understanding how it arose. This part will examine some of the legal measures that had previously been undertaken to resolve the conflict. The second part of the essay will examine some of the legal issues that arose during the first three months of the RAMSI deployment. It will consider the success of the mission and comment on possible areas for improvement. Finally, this essay will consider whether the peace process in Solomon Islands can be a model for future peace operations.

#### **Background to the conflict**

In order to appreciate the circumstances that led to the deployment of RAMSI personnel, it is first necessary to understand why law and order in Solomon Islands broke down in the first place.

Solomon Islands is an archipelagic nation comprising hundreds of tiny islands and some seventy language groups.<sup>6</sup>

<sup>5 &#</sup>x27;Operation *Helpem Fren*: Rebuilding the Nation of Solomon Islands'—speech to the National Security Conference by Nick Warner RAMSI Special Coordinator 23 March 2004, <www.dfat.gov.au/media/speeches/department/040323\_nsc\_ramsi .html>.

<sup>6</sup> Global Security Report, <a href="http://www.globalsecurity.org/military/world/para/solomons.htm">http://www.globalsecurity.org/military/world/para/solomons.htm</a>.

Its pre-colonial history consisted of longstanding conflicts between these groups. The remnants of those conflicts are the precursor to the significant trouble of 1998–2001. It is not unusual for many Solomon Islanders to see themselves first as part of a clan, second as descendants from a particular island, and a distant third as Solomon Islanders. With such a longstanding history of rivalry between clan groups, it is perhaps not surprising that there has been such a high level of internal conflict.

Associated with the longstanding clan-related conflict was the conflict created as a result of colonial efforts to dispossess traditional landholders of their native land. Spanish and British rule, while bringing limited prosperity to some, also led to the alienation from traditional landowners of significant portions of the arable land on which Solomon Islanders relied for status, wealth and livelihood.<sup>8</sup>

The level of historical conflict between people on two of the islands, Guadalcanal and Malaita, has been examined by John Houainamo Naitoro, who describes the historical relationship between them as follows:

The pre-colonial Malaita (Mala) and Guadalcanal (Isatabu) were not always in conflict traditionally. Many generations from Malaita are currently traceable to Guadalcanal. In AreAre for example, people from the Tai region of currently West AreAre are able to trace their maternal kinship to Guadalcanal, especially the northern side of Guadalcanal ... there are also legends of marriage exchanges between Malaitan and Guadalcanal people. Therefore while conflicts between

<sup>7</sup> Ibid.

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<sup>8</sup> Solomon Islands Conflict: Demands for Historical Rectification and Restorative Justice, Asia Pacific School of Economics and Management, update papers, June 2000.

families, groups or even tribes have occurred in the past, there have also been relationships of kinship, marriage and exchange which suggests there were also friendly relationships.<sup>9</sup>

It is argued that a combination of traditional clan disputes and colonial measures to seize land led to the current ethnic tensions and the formation of warrior-like militia groups, such as the Isatabu Freedom Movement and the Malaitan Eagle Force.

### The British Protectorate of Solomon Islands

In 1893 the British Government declared the Solomon Islands a protectorate of the British Empire. The first resident British Commissioner, Charles Woodford, established the capital in the central province of Talagi. The British were keen to exploit the natural resources of the islands and so began the first large-scale commercial development in Solomon Islands.

The Pacific Islands Company, a large British-based trading company with extensive operations in the Pacific, commenced large-scale trading operations out of Solomon Islands. During its trading activity, it acquired large portions of land to support its growing operations. Because of the expansion of colonial commercial interests in Solomon Islands, and in order to promote business activity among the British companies, laws were passed which effectively dispossessed traditional owners of their land.<sup>10</sup>

By 1906, the Pacific Islands Company had sold the land that it had acquired under the favourable land laws to Levers

<sup>9</sup> Ibid.

<sup>10</sup> *Ibid.*, p. 5. In particular, see Queens Regulations No. 4 of 1896 and Queens Regulation No. 3 of 1900 as amended by No. 1 of 1901 and No. 2 of 1904.

Pacific Plantations, which acquired control of about 200 000 acres of fertile coastal land. By 1956, the company is said to have been in control of 90 per cent of the fertile coastal land—almost 6 per cent of the total landmass of Solomon Islands. 2

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While World War II brought a dramatic halt to the development of the Solomon Islands agricultural sector, it also brought the development of significant infrastructure to support the Japanese and American war efforts. At the cessation of hostilities in 1945, the United States was determined to keep a large military presence in the Pacific. As a result, the United States Marine Corps and the United States Navy operated bases in Solomon Islands until the late 1960s. In 1953 the capital was moved from the island of Tulagi to Honiara, on Guadalcanal, to take advantage of the infrastructure left by the war. Port facilities, an international airport and several kilometres of sealed road were seen as key advantages to the economic development of Honiara as the capital. The years after World War II also saw the emergence of the first group opposed to British rule. The Guadalcanal-based 'Massina Ruru' movement agitated for the return of traditional land and opposed British colonial interests. This group saw strong links between customary law and land ownership.

In 1957, Chief Moro from south-east Guadalcanal started what became known as the 'Moro Movement'. The movement sought the formal recognition of the traditional kinship system, including customary laws, and the return of land that had been acquired by colonial commercial interests.

<sup>11</sup> This company, with significant presence in the Pacific in the early part of the 20th century, was owned by the famous soap manufacturer Sir William Lever.

<sup>12</sup> Solomon Islands Conflict.

The relocation of the capital to Guadalcanal was not without its detractors. The growing business activity saw an influx of people from other islands to Honiara. The traditional owners of Guadalcanal, the Isatabu, saw their traditional land and customs being eroded by people whom they considered 'migrants'. In particular, the expansion of the palm oil industry saw the large Solomon Islands Plantation Limited grow from around 400 labourers in 1973 to around 8000 in the late 1990s. The opportunities for paid employment attracted a large influx of workers from other islands, particularly Malaita. This caused widespread social unrest between the Isatabu and the Malaitans as it placed significant pressure on the traditional land ownership system. The Isatabu opposed the Malaitans gaining access to Isatabu land, either through purchase or through marriage relationships.

With independence in 1978, the opportunity arose for the Isatabu and the Malaitans to reach an agreement on the loss of Isatabu traditional land to the Malaitan workers. While this was recognised in the 1970s as an important issue for the peaceful coexistence of the Isatabu and the Malaitans, the new Constitution regrettably failed to provide for formal recognition of traditional kinship rights; nor did it deal with the alienation of ownership of traditional land. This allowed the dispute to grow to the extent that significant violence was to occur to protect traditional Isatabu land ownership, with significant loss of lives.

#### The 1998–99 conflict

The ethnic tension between Malaitan and Guadalcanal tribes escalated to a point at which armed organisations were formed to fight for control of land. In 1998, Guadalcanal tribes formed the Isatabu Freedom Movement (IFM)—also

<sup>13</sup> Amnesty International Report 2002.

known as the Guadalcanal Liberation Force (GLF). The IFM sought to forcibly expel the Malaitan population from Guadalcanal by conducting a terror campaign against the Malaitan settlers. Eighteen Malaitans were murdered during the campaign in 1999. The IFM created massive fear in the Malaitan community on Guadalcanal. As a result, some 20 000 Malaitans abandoned their homes and sought shelter in the urban surrounds of Honiara. The capital became a virtual enclave for the Malaitan villagers as they sought protection from the well-armed and highly motivated IFM.

In response to the ethnic violence, a group of about 150–300 Malaitans formed the Malaitan Eagle Force (MEF). They, too, were a well-trained and armed organisation, with the backing of many indigenous Malaitans from the Royal Solomon Islands Police (RSIP). As a result of their police contacts, the group was able to get access to military-style weapons from police armouries in Malaita and Honiara. The MEF was said to have been led by lawyer and former finance minister Andrew Nori, and they effectively controlled Honiara during the tensions.

The IFM controlled a significant proportion of Guadalcanal territory outside Honiara. It conducted military-style training for its personnel in camps set up on the Weather Coast, in the south of the island. The IFM was a militia organisation whose members wore army-style uniforms and displayed their weapons openly. They were led by Harold Keke, a former police officer who in 1998 was charged with robbery and attempted murder after stealing weapons from a police armoury.

14 Amnesty International Report 2002.

The Solomon Islands Government initially sought to control the surging violence by establishing a state of emergency. <sup>15</sup> The parliament gave increased powers to the RSIP and outlawed the warring ethnic factions. The state of emergency lasted for four months but was not successful in quelling the violence. The government relied on the RSIP to enforce the state of emergency. However, because the RSIP was effectively one of the parties to the dispute by virtue of its close links with the MEF, the problem was always going to be difficult to resolve without international assistance.

Regional efforts were made to bring the warring parties together to negotiate a peaceful resolution to the trouble. Former Fijian leader Sitaveni Rabuka brokered the Honiara Peace Accord, which was signed by members of the national and provincial governments, and the parliamentary opposition. However, the accord failed to resolve the conflict, and the subsequent breakdown of law and order in Solomon Islands was rapid and devastating. The Solomon Islands Government, led by Prime Minister Bart Ulufa'alu, and the divided RSIP faced serious challenges in dealing with growing tensions. As a result of the IFM campaign to rid Guadalcanal of Malaitan settlers, the Red Cross repatriated many of the more than 20 000 Malaitans to the relative safety of Malaita. <sup>16</sup>

On 5 June 2000, in perhaps the most serious escalation of violence, the MEF, with rogue members of the RSIP (who were called the 'Joint Operations Group'), placed the prime minister under house arrest and took control of several key

<sup>15</sup> The Emergency Powers (Islands of Guadalcanal) Regulations 1999 of 14 June 1999 and amendments of 28 June 1999.

<sup>16</sup> Amnesty International Report 2002.

installations around Honiara. The following week, Bart Ulufa'alu resigned from office and the opposition leader was installed as prime minister.

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There was considerable fighting between the MEF and the IFM after the house arrest of Ulufa'alu. The simmering feud between the IFM and the MEF erupted, and dozens of people were killed in bitter fighting around Honiara. This led to the MEF declaring, through its spokesman, a state of war with the IFM. A fourteen-day truce was eventually negotiated to allow for peace talks. In July 2000, the Australian Government, seeing a nation on the brink of allout civil war, responded by sending military forces to the region on board HMAS *Tobruk* to provide a safe and neutral location for further peace talks between the two warring groups. On 2 August, a ceasefire agreement was reached, which led directly to successful peace talks in Townsville in October 2000.

#### The Townsville Peace Agreement

Before negotiating the Townsville Peace Agreement (TPA), the various parties to the conflict made several agreements in an effort to find a peaceful resolution to the crisis. In its preamble, the TPA lists six previous agreements made between June 1999 and May 2000, all of which sought to bring an end to the violence. The TPA sought to comprehensively resolve the grievances of both the IFM and the MEF. It put in place a Peace and Reconciliation Committee, with the responsibility of progressing the previous peace agreements.<sup>17</sup> The TPA also provided for an International Peace Monitoring Team (IPMT), whose main objective was to disarm the factions. At this very early

<sup>17</sup> Townsville Peace Agreement, Part 5, paragraph 2.

stage of the peace process, it was recognised that the possession of guns by the militias was a significant obstacle to ending the dispute.

In exchange for adherence to the TPA, the parties to the conflict were to be granted immunity from criminal and civil proceedings. Further, members of the RSIP who had taken part in the unrest would be permitted to return to their previous positions.<sup>18</sup> Significantly, the IFM did not choose to become a party to this agreement, and accordingly the subsequent amnesty for serious offences under the Amnesty Acts (see below) do not apply to them. The IPMT was mostly successful in quelling the violence and, despite the lack of progress on implementing the provisions in the TPA, withdrew from Solomon Islands on 25 June 2002. The IPMT saw the surrender of some 1300 weapons, of which about 150 were military-style. 19 While the number of weapons surrendered was low, the surrender boosted the local community's confidence that progress could be made in restoring law and order. It was also apparent at the time that the total disarming of the militias was going to require international assistance.

#### The Amnesty Acts 2000 and 2001

In order to give effect to the agreements reached in Townsville, domestic legislation was introduced to provide a framework for the promised amnesty from criminal and civil prosecution. The subsequent Solomon Islands Amnesty Act 2000 and the Amnesty Act 2001 were enacted to provide the necessary incentive for the IFM and the MEF to hand in their weapons. The Acts were controversial, in that they provided amnesty for offences including murder and theft.

<sup>18</sup> Townsville Peace Agreement, Part 2, paragraphs 1 and 2.

<sup>19</sup> Ibid., para. 13.

In the end, two Amnesty Acts were necessary. The violence did not subside, as anticipated, after the first Act and, in an effort to once again stop the violence, a further amnesty was offered on the proviso that fighting between the IFM and the MEF ceased. The Amnesty Acts provided that amnesty would only be available to a limited number of people and only if certain criteria were met. The criteria are found in section 3:

Amnesty or immunity from criminal prosecution 3. (1) Notwithstanding any provisions of the Penal Code or any other law, the following persons shall be granted an amnesty or immunity from criminal prosecution as hereinafter provided—

- (a) leaders, members and other civilian advisors associated with the Marau Eagle Force; and
- (b) leaders, members and other civilian advisors associated with the Isatambu Freedom Movement.
- (2) Subject to the provisions of section 4, the amnesty or immunity from criminal prosecution referred to in subsection (1), shall be in respect of any criminal acts committed in the execution or purported execution by any person—
- (a) of the Isatambu Freedom Movement on Guadalcanal in connection with the Marau conflict during the period commencing 1st January 1999 and ending 7th February 2001; and
- (b) of the Marau Eagle Force on Guadalcanal in retaliation against the acts committed by Isatambu Freedom Movement on Marau during the period commencing 10th June 2000 and ending 7th February 2001.
- (3) The amnesty or immunity from prosecution referred to in this section shall be on condition that all weapons and ammunition and stolen property in possession and in the custody of the militant groups referred to in subsection (2) are surrendered and returned in the manner and within the periods specified in the Marau Peace Agreement or such of other date the Minister may specify by Notice published in the Gazette.

- (4) In this section 'criminal acts' means unlawful acts which are directly connected with matters specified in subsection (2) and in particular—
- (a) offences relating to arms and ammunition;
- (b) killing or wounding in combat conditions or in connection with the armed conflict on Guadalcanal; or
- (c) damage done or loss caused to any and property during or in connection with military or security operations.
- (5) The amnesty or immunity referred to in this section does not apply to any criminal acts done in violation of international humanitarian laws, human rights violations or abuses or which have no direct connection with the circumstances referred to in subsection (2)(a) and (b) of this section.

It is worth noting that subsection 5 may have been included to allay potential international concerns that the Acts had been drafted so as to provide amnesty for grave breaches of the Geneva Conventions that had been allegedly committed by the IFM and the MEF. It is contrary to the Geneva Conventions to offer an amnesty for grave breaches, which include torture, hostage taking and unlawful killing.<sup>20</sup> These offences are alleged to have been committed by militia during the tensions.

The operation of the Amnesty Acts was limited to certain events between January 1999 and February 2001. Amnesty for criminal activity could only be sought if the relevant militia group had done all things necessary under the Amnesty Acts within a timeframe determined by the Minister for Justice. Significantly, the minister twice

<sup>20</sup> See Geneva Convention I, Art. 51; Geneva Convention II, Art. 52; Geneva Convention III, Art. 131; and Geneva Convention IV, Art. 148.

extended the deadline by placing the relevant notice in the government gazette, the second time immediately before the conclusion of the August 2003 gun amnesty.

### **Regional Assistance Mission to Solomon Islands**

Despite the operation of the amnesty and the significant international pressure on the parties to resolve the fighting, the situation did not improve. In particular, the murder of former Police Commissioner and National Peace Councillor Sir Fred Soaki in Auki on 10 February 2003 highlighted the extent of the problem. As a result, the Solomon Islands Government once again asked for international assistance in an effort to bring an end to the hostilities. The international community, led by Australia, indicated that it would be prepared to send in an intervention force to disarm the militia groups and restore law and order.

The Solomon Islands Parliament passed the Facilitation of International Assistance Act 2003 (FIA Act) to pave the way for the intervention force. The Act came into force on 21 July 2003, just three days before the first arrival of RAMSI personnel. The FIA Act gave RAMSI personnel strong powers to remove weapons, in order to end the ethnic violence once and for all. The FIA Act gives power to members of the 'visiting contingent' to carry out a 'public purpose'. All police and military members of RAMSI are members of the visiting contingent.

# A public purpose is defined in section 3 of the Act:

'public purpose' means the purposes of ensuring the security and safety of persons and property, maintaining supplies and services essential to the life of the community, preventing and suppressing violence, intimidation and crime, maintaining law and order, supporting the administration of justice, supporting and developing Solomon Islands institutions and responding to natural catastrophic events.

Further, the Act provides that members of the armed forces or police members, as well as having powers of police officers of Solomon Islands, are permitted to use force in order to achieve a public purpose if force is reasonably necessary. Section 7 provides:

- (1) Armed forces and police members of the visiting contingent may exercise any powers that may be exercised by police officers appointed under the Police Act.
- (2) In addition to the powers under subsection (1), armed forces and police members of the visiting contingent may use such force as is reasonably necessary to achieve a public purpose.

In exercising the powers, the police and military personnel are immune from Solomon Islands criminal and disciplinary proceedings<sup>21</sup> and immune from civil court proceedings if the proceedings arise in connection with, or in the course of, the member's duties.<sup>22</sup> Where a member of the visiting contingent commits an offence, it is expected that the contributing nation will be responsible for overseeing any prosecution.

Recognising that the key to restoring peace to Solomon Islands would revolve around the ability to remove firearms from militants, the FIA Act provided significant powers to the military and police members of the visiting contingent to

<sup>21</sup> FIA Act, s. 17(2).

<sup>22</sup> FIA Act, s. 17(1).

seize weapons.<sup>23</sup> This was combined with the ability of RAMSI personnel to enjoy freedom of movement throughout the country.<sup>24</sup>

While the FIA Act remains the most significant source of authority for the presence of international personnel, other documents were also required before the deployment. On 24 July 2003, an agreement came into force which was called the 'Agreement between Solomon Islands, Australia, New Zealand, Fiji, Papua New Guinea, Samoa and Tonga 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'. This agreement was born out of the Pacific Islands Forum meeting of 30 June 2003. While the agreement covers substantially the same matters as the FIA Act, it is important because it nonetheless demonstrates the significant level of international and regional support for the intervention. Any action taken by Australia to put armed military and police personnel in Solomon Islands needed to be sanctioned by the Pacific Islands Forum, if for no other reason than to show that the deployment was not a new colonialist measure.

#### Legal aspects of the RAMSI deployment

This part of the paper examines some of the operational legal aspects of the RAMSI deployment. It will focus both on police operations and on military operations, and will examine operational issues that arose during the first four months of the intervention.

<sup>23</sup> FIA Act, ss 19 and 20.

<sup>24</sup> FIA Act, s. 11(1).

At the earliest stages of the planning for the intervention, it was determined that the roles of the police and military would need to be carefully defined. As this was a police-led operation, the police would assume responsibility for the management of criminal investigations and prosecutions at the summary court level. The military would provide logistical and security support to the police in their activities.

Unlike in other trouble spots where civilian infrastructure had been destroyed by conflict, in Solomon Islands the infrastructure and institutions remained basically intact. The parliament continued to sit throughout the tensions; the courts, at least in Honiara, continued to sit; and the public service, despite not being paid, continued to function, albeit in a very rudimentary fashion. For two reasons, the ability to use the existing infrastructure was the basis for all RAMSI investigations. First, it was easier for RAMSI personnel to conduct investigations and prosecutions because RAMSI did not have to replicate existing investigative structures. Second, by continuing to use existing structures, RAMSI supported their rehabilitation, ensuring the long-term survival of critical institutions such as the Director of Public Prosecutions, the courts and the police agencies.

#### RAMSI personnel

The military component of the RAMSI mission came from defence forces from Australia, New Zealand, Papua New Guinea (PNG), Tonga and Fiji. The PNG Defence Force had never deployed offshore operationally, and Tonga had a limited history of international deployments. On the other hand, Australia, New Zealand and Fiji have had extensive overseas operational deployments. While it may have been a significant concern at the commencement of the operation, the ability of the RAMSI military forces to work in a multinational environment was very quickly self-evident.

Combined national patrols from Tonga, Papua New Guinea and Fiji were deployed right across Guadalcanal and eventually into Malaita.

It is worth making a couple of observations about the military contribution of the 'Pacific Island Contingent' (PIC) as they became known. Tonga, Fiji and Papua New Guinea share with Solomon Islands a 'wontok' system of tribal relationships. Wontok relationships permeate every aspect of Solomon Islanders' lives, and understanding them proved to be very important in the overall conduct of the mission. As noted above, the history of this conflict is based to a large extent on feuding between tribal groups. Australian and New Zealand personnel had very limited understanding of the wontok system, whereas Tonga, Fiji and PNG personnel understood these relationships implicitly.

A significant challenge for RAMSI lawyers was to ensure that all PIC personnel had a sound understanding of the rules of engagement. Some pre-deployment training on this issue was conducted, but the training was in English and was not intensive. In work with the deployed lawyers from Papua New Guinea and Tonga, the rules were translated and rewritten in Pijin and Tongan.

## The plan to restore law and order

The initial planning for RAMSI was based on ensuring that a firm base would be established in Honiara before the mission moved to provide a secure presence in the regions. It was anticipated that the process of securing the Honiara district would take some weeks, after which a gradual movement of operations to the outlying areas would occur. Once Honiara was stable, it would be possible to conduct operations further afield without compromising the security of the main forces.

The plan required significant work by the military to establish a firm base at the Guadalcanal Beach Resort (GBR). The base needed to have secure living, medical, logistics, communications and transport facilities. The legal efforts to meet these requirements were difficult. On the one hand, the FIA Act provided that facilities would be made available to the visiting contingent free of charge or tax. However, the economy of Solomon Islands was in ruins; if RAMSI were to enforce the Act's generous provisions, it would certainly have an impact on long-term prospects for the Solomon Islands' economy. Consequently, RAMSI required contracts to engage local goods and services. RAMSI was not a legal entity, so nominating who should enter into the contracts required much negotiation between the military and police. During the establishment of the GBR, joint training would be conducted with police and military forces to ensure the smooth running of future operations.

However, within a week of the first forces landing at the GBR, there was a major change to the original planning.<sup>25</sup> It was decided that there should be a significant early focus on three issues: first, to rid Solomon Islands of illegal guns; second, to resolve the situation on the Weather Coast on the southern side of Guadalcanal; and third, to review professional standards within the RSIP to rid it of corrupt officers.<sup>26</sup> Resolving the situation on the Weather Coast meant, in effect, that the police were going to attempt to arrest Harold Keke, the notorious criminal leader of the GLF, who was in hiding in the village of Mbiti.

<sup>25</sup> See 'Instant results in Honiara—the first week', <a href="http://www.afp.gov.au/page.asp?ref=/News/Solomons/01Updates/02\_InstantResults.xml">http://www.afp.gov.au/page.asp?ref=/News/Solomons/01Updates/02\_InstantResults.xml</a>.

<sup>26</sup> Ibid.

While a large diplomatic effort was made to encourage Keke to surrender voluntarily, plans had to be made in case force became necessary. The immediate focus on Keke meant that significant work on the interoperability of police and military forces had to occur in a very short time. In line with the roles that had been determined before deployment, the military would provide the security for the police, while the police would conduct the investigation and any arrest. It was known that Keke and his supporters had access to a significant number of military-style weapons, so planning for his arrest needed to ensure that personnel had appropriate training in the use of force.

Particular consideration had to be given to the procedure for handing control of an emergency security situation from the police to the military. While a great deal of legal effort was expended to get an operational agreement, in the end it was not necessary because Keke surrendered peacefully.

#### Joint police-military operations

RAMSI personnel recognised very early in the operation that, in order to return Solomon Islands to relative stability, they would need to recover the many military-style weapons that the populace had taken from police armouries.

A considerable difference between the operational planning processes of the police and the military quickly became evident. The police tend to plan operations at very short notice. If an incident required police assistance, they would plan 'on the run'. Military planning was somewhat different, and tended to follow a set appreciation process whereby several options were examined before the best course was selected. Further, while the military planned for operations using the rules of engagement as the basis for conduct, the police relied on their own internal guidelines

for the use of force. That differing internal rules existed concerning the way in which force may be used had the potential to cause confusion.

Further operational considerations related to the use of weapon systems. The fact that the police and military employed differing weapons systems meant that different considerations had to be used in the planning process. For example, the military were trained to use automatic light support weapons, which are not designed for pinpoint fire but are instead 'area' weapons. The military were well aware of international humanitarian law (IHL) on the deployment of such weapons, whereas the police were not. It was necessary to educate police on weapons restrictions to ensure that there was no doubt about the level of assistance that could be provided to them in an emergency. Both the police and the military worked on the principle that any use of force had to be necessary in self-defence or in defence of others. The use of force to protect property was strictly regulated.

# Application of international humanitarian law to policing operations

The nature of the RAMSI deployment required some consideration of the application of IHL to policing operations. There can be little doubt that when police and military forces arrived in Honiara on 24 July 2003 there was no state of armed conflict. It is argued below that the preconditions for additional Protocol II<sup>27</sup> applied at an earlier point in time, but not at the time of the arrival of RAMSI forces.

<sup>27</sup> More fully known as 'Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977'.

Notwithstanding an absence of armed conflict, military deployments by Australian personnel are subject to the spirit of IHL, even if there is no legal requirement that they be so. An example of this, it has been argued, was the INTERFET deployment to East Timor in 1999. The international credibility of any military operation is enhanced by the commitment to follow the rules of IHL, and it was essential for RAMSI to make this commitment.

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In policing, the commitment to the application of IHL creates some operational difficulties. For example, IHL requires that ammunition be designed to cause no unnecessary suffering. Police, however, are issued with ammunition designed to fragment or flatten inside a target, which is considered essential to stop violent offenders instantly. This type of ammunition could be perceived to breach IHL requirements.<sup>28</sup> While there may be some practical difficulties in ensuring compliance with all IHL requirements during policing operations, those operations will nonetheless benefit from a commitment to the principles of IHL as a method and means of restoring peace.

# Weapons amnesty

As noted above, it was recognised very early in the operation that, in order to restore Solomon Islands to a peaceful state, it would first be necessary to remove illegal firearms from the community.

The Solomon Islands Firearms and Ammunition Act provided that all weapons needed to be re-licensed each year—that is, all gun licences need to be renewed before 31 December in each calendar year. As a result of the ethnic

<sup>28</sup> See, for example, Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight, Saint Petersburg, 29 November – 11 December 1868.

tensions, Commissioner of Police Bill Morrell decided to prohibit the renewal of all gun licences. This prohibition came into effect in 2002. Theoretically, at the time RAMSI arrived, there were no valid gun licences within the community since, pursuant to the commissioner's direction, no licences should have been issued.

The Solomon Islands Government decided to address the guns problem in two ways: first, by holding an amnesty for three weeks, inviting all members of the public to surrender weapons; and second, by subsequently declaring the entire Solomon Islands a 'weapons surrender area' under the FIA Act.<sup>29</sup> A significant media campaign was launched to spell out the government's intention to force all guns from the community. During the three-week amnesty, some 3000 firearms were surrendered for destruction. At the conclusion of the amnesty, the Governor-General, pursuant to section 21 of the Facilitation of International Assistance Act, declared the entire Solomon Islands a weapons surrender area.

<sup>29</sup> s. 21 of the Facilitation of International Assistance Act provides:

<sup>(1)</sup> The Governor-General may publish a notice that

<sup>(</sup>a) declares an area in the territory of Solomon Islands to be a weapons surrender area; (b) states that members of the visiting contingent permitted to possess weapons in the area; (c) specifies other persons who are possess weapons in the area; and (d) prohibits all other persons from possessing weapons in the area.

<sup>(2)</sup> A person who (a) is prohibited from possessing a weapon by a declaration under subsection (1); and (b) is in, comes into, possession of a weapon; and (c) fails to give the weapon, as soon as practicable, to a member of the visiting contingent, shall be guilty of offence and liable to a fine of \$25,000 or imprisonment for 10 years, or both.

During the amnesty, there was significant disquiet among some senior members of the Solomon Islands community that they would now have to hand in their weapons. Rex Injini, a public servant, brought proceedings in the Solomon Islands High Court seeking a declaration that the provisions of section 21 did not apply to him because he had a lawful licence. Further, he argued that, because no compensation was offered to him, as would be required by the Solomon Islands Constitution when property is forcibly acquired, the declaration was unconstitutional. This application surprised officials, and RAMSI as it was their government understanding that there were no valid gun licences. Unbeknown to RAMSI, a corrupt official within the RSIP had been issuing gun licences in contradiction of the ban by the Police Commissioner, and had been renewing licences for periods of up to five years (although, as previously noted, it was only lawful for licences to be issued for one year).

In order to prevent possible unfavourable litigation, the result of which may have affected the overall success of the amnesty, the declaration under the Facilitation of International Assistance Act provided a specific exemption to licensed gun owners, provided they could produce a valid licence. A review of the firearms registry revealed that as few as twenty-five valid licences might be in existence at the conclusion of the gun amnesty.

### Privileges and immunities of RAMSI personnel

As indicated above, RAMSI personnel enjoyed immunity from criminal and civil proceedings in Solomon Islands courts and tribunals.<sup>30</sup> This immunity was to be tested by the Director of Public Prosecutions (DPP) for Solomon Islands.

<sup>30</sup> FIA Act, s. 17.

An incident arose in which a member of the RAMSI contingent is alleged to have committed a criminal offence.<sup>31</sup> In accordance with the provisions of the FIA Act, Australia asserted jurisdiction over the member and proceeded to deal with the matter.

The Solomon Islands DPP is granted power to undertake prosecutions under the Constitution.<sup>32</sup> Included in these powers is the ability to prosecute in any court with respect to any offence, other than in a court martial.<sup>33</sup> The DPP argued that this constitutional requirement meant that he should be consulted before any decision to assert jurisdiction was made. This could have developed into a dispute over competing jurisdictions, and become particularly difficult if the RAMSI officer was sent out of the country as a result of the incident. The DPP was particularly concerned to ensure not only that justice was done, but also that it was seen to be done, as he had watched his office become almost ineffective during the breakdown of law and order. Therefore, RAMSI needed to support the DPP's efforts to rehabilitate his office.

The incident was a reminder to RAMSI personnel of the need to engage with local institutions. A briefing was prepared for the DPP, explaining the military and police discipline systems. The DPP had no previous knowledge of

<sup>31</sup> Several disciplinary offences were committed by RAMSI personnel during 2003. One matter, which received widespread publication in the *Solomon Star* in November 2003, concerned allegations that RAMSI personnel had been involved in a drunken incident with local civilians in Gizo while on rest and recreation leave. A report of the incident can be found at <a href="http://www.antenna.nl/ecsiep/conflict/si/14-11-03.html">http://www.antenna.nl/ecsiep/conflict/si/14-11-03.html</a>.

<sup>32</sup> See Solomon Islands Constitution, s. 75(4).

<sup>33</sup> The Police Act contains provision for disciplining police officers by way of court martial.

the military or police discipline processes, and therefore wanted to be satisfied that appropriate steps were taken to bring those accused of wrongdoing to justice. The DPP was satisfied that RAMSI could lawfully deal with its personnel under the FIA Act, which effectively removed the ability of the DPP to commence such proceedings.

### Legal officer involvement

The force deployed to Solomon Islands included two Australian military legal officers (one based in the headquarters and one at sea on HMAS *Manoora*), two PNG Defence Force legal officers (both based with their national command element) and two Tongan Defence Force legal officers (both based with their national command element). Significantly, neither the police nor the diplomatic services brought their own legal officers.

The Australian legal officers also worked closely with their international counterparts to ensure that a consistent approach to operations was maintained. Weekly meetings were arranged to consider fully any differences in interpretation of the rules of engagement. Further, as this was the first time that legal officers from the PNG and Tongan defence forces had been involved in offshore operations, it was important to ensure that the national interests of each contingent were being fully considered in operational planning and execution.

#### Arrest and detention issues

At the outset of the operation in July 2003, it was recognised that the detention of suspects arrested by RAMSI was going to be difficult. The main prison on Solomon Islands, located in Rove, Honiara, was overcrowded and lacked the necessary security required to hold arrested militants. During

the tensions, there had been a mass breakout from Rove when the MEF seized control of the prison and released those inside. Recognising that the existing prison was unsatisfactory, Australia's overseas aid agency (AusAID) agreed to build a new prison. However, in July 2003 the prison was not ready for occupation and was unlikely to be ready for several months.

When Harold Keke decided in August 2003 to surrender to RAMSI police, a safe and secure environment had to be found quickly for him. Keke would almost certainly suffer violence if he were kept among the already overcrowded general prison population. After liaison with the Solomon Islands magistracy, it was decided that a special facility would be built by RAMSI to hold Keke. The facility would be built, but would not be run, by the military. In keeping with the predetermined roles assigned to each of the RAMSI organisations, the operation of the facility would rest entirely with the police. RAMSI was concerned to ensure that the facility would withstand any possible international criticism. The Honiara representative of the International Committee of the Red Cross was invited to inspect the facility and interview those held, in order to ensure that basic protections were being afforded.

The approach to the detention of Keke was consistent with the overall approach of the mission; that is, it was understood that Keke was being held as a person who was a suspect in a murder investigation under Solomon Islands domestic law and no more. It was essential to RAMSI that the Red Cross and the Solomon Islands magistracy had complete faith in Keke's treatment in RAMSI custody. Keke's detention by RAMSI personnel complied with the requirements of the Fourth Geneva Conventions and the

Additional Protocol II to the Geneva Conventions;<sup>34</sup> that is, he was able to send and receive mail, access medical treatment, have suitable accommodation and have adequate food and water, and he was provided with significant protection from possible harm.<sup>35</sup>

While the FIA Act provided extensive powers to the visiting contingent to achieve a public purpose, it was determined that those powers should not override the requirements for the treatment of arrested persons, as described in the Solomon Islands Penal Code. The mission was, after all, designed to restore law and order; therefore, the need for RAMSI personnel to be seen to be acting consistently with Solomon Islands law was paramount.

Consistent with the successful approach taken by military forces during INTERFET,<sup>36</sup> strict orders were given to military personnel who might be involved in detaining civilians. If it was necessary to use force to arrest a person, the minimum force necessary was to be used, the person was to be told the reason for their arrest and where they were being taken, and a friend or relative was also to be advised of this information. Orders were also given about searching people and property, including a requirement for minimum force. If a woman had to be searched, it was expected that, where practicable, another woman would conduct the search. There was also a requirement to consider cultural sensitivities before conducting a search.

<sup>34</sup> See Article 5.

<sup>35</sup> Keke's accommodation was the subject of some discussion among RAMSI personnel. The facility holding him was one of two buildings with working airconditioning.

<sup>36</sup> Michael J Kelly, Timothy L. H. McCormack, Paul Muggleton and Bruce M Oswald, 'Legal aspects of Australia's involvement in the International Force for East Timor'.

<sup>36</sup> Facilitation of International Assistance Act 2003.

The provisions for arrest and detention were considered vital to the overall success of the mission. Winning the confidence of the local community was necessary if RAMSI was to expect to receive information about criminal activity. As has been seen recently in Iraq, mistreating arrested or detained people can be disastrous.

## Maritime operations

Because Solomon Islands consists of almost a thousand islands, and has as its closest neighbour the troubled PNG island of Bougainville, maritime operations were always going to play a large part in RAMSI's efforts to restore law and order. There were two dimensions to RAMSI's maritime operations. The first centred on inter-island maritime transport, while the second focused on cross-border traffic.

The FIA Act gave the visiting RAMSI contingent freedom of movement throughout Solomon Islands.<sup>37</sup> One of the greatest concerns for the mission was the movement of weapons by former militia in an attempt to hide them from RAMSI. When the entire country was declared a 'weapons surrender area' in August 2003, RAMSI officers began to use their powers to board and search vessels of interest. It was determined that this action was not only justified under the Police Act, but would also constitute a 'public purpose' as defined by the FIA Act.

RAMSI sought to enforce fisheries and customs regulations through boarding fishing and commercial vessels. Fishery and customs patrols were always done with a member of the RAMSI police present. It was standard procedure for RAMSI police to exercise powers of search and seizure on these patrols. While there was little doubt that the military

<sup>37</sup> FIA Act, s. 11.

had sufficient power to conduct these tasks, it was considered that if a matter came before a court it was better to have a police officer rather than a military officer giving evidence. While not guaranteeing that military officers would not end up being required to give evidence in court, this was nevertheless a prudent step.

# Prosecution of offences

The Solomon Islands Penal Code is, by international standards, a fairly sophisticated criminal law code. Solomon Islands is a common-law jurisdiction that provides for a trial by judge and 'assessors'. Assessors are similar to jurors; however, they do not decide the guilt of the accused, but provide an opinion to a trial judge, who may take it into account when deciding guilt. It was important for RAMSI to work within the existing criminal justice system in order to support the return of the rule of law.

As discussed above, the operation of the Amnesty Acts on people arrested by RAMSI personnel for committing offences between January 1999 and February 2001 needs to be carefully considered. There is strong evidence that during the ethnic tension both the GLF and the MEF committed serious crimes against people not connected with the warring militias. These acts, which may have included torture and murder, may have taken place during the period of amnesty offered under the Amnesty Acts.<sup>39</sup>

It was important for RAMSI to consider the operation of the Acts and determine an investigative priority. Should RAMSI be investigating historical offences, or should it concentrate

<sup>38</sup> See Criminal Procedure Code (Solomon Islands), s. 275.

<sup>39</sup> See, for example, Amnesty International Report on Solomon Islands, 7 September 2000, at <a href="http://web.amnesty.org/library/index/ENGASA430052000">http://web.amnesty.org/library/index/ENGASA430052000</a>>

on new offences committed outside the operation of the Amnesty Acts? To make an informed decision, it would be necessary to examine whether the suspect qualified for the amnesty under section 3 of the Act. In many instances, there was considerable doubt about whether suspects had returned 'all weapons and ammunition and stolen property in possession and in [their] custody'. In the light of the uncertainty of who might qualify for amnesty, and in order to pursue actively those responsible for criminal acts, it was determined that all allegations of criminal behaviour would be investigated, no matter when the offence was said to have been committed. 41

Further considerations about the investigation of offences said to have been committed during the amnesty period arise by virtue of section 3(5) of both Amnesty Acts. Section 3(5) provides:

The amnesty or immunity referred to in this section does not apply to any criminal acts done in violation of international humanitarian laws, human rights violations or abuses or which have no direct connection with the circumstances referred to in subsection (2)(a) and (b) of this section.

This section presents some practical difficulties. What were the international humanitarian laws that applied, and what is meant by 'human rights violations'? Solomon Islands is a signatory to, and therefore bound by, the four Geneva Conventions and has acceded to the two Additional Protocols of 1977.

It is useful to attempt to categorise the conflict of 1998–2001 in order to determine what law applied to the participants.

<sup>40</sup> Amnesty Act 2000 and 2001, s. 3.

<sup>41</sup> Reported on ABC website, 18 May 2004, <a href="www.abc.net.au/asiapacific/location/pacific/.GAPLocPacificStories\_11110435.htm">www.abc.net.au/asiapacific/location/pacific/.GAPLocPacificStories\_11110435.htm</a>.

Both the MEF and the IFM were recognisable militia forces. Each was under a command and followed a set of beliefs, including distinguishing combatant from noncombatant. The MEF consisted of small 'tiger units' with commanders drawn from tribal groups. The MEF has admitted to conducting retaliation campaigns as part of their method of waging war. In one instance, it has admitted to retaliating against the IFM 'by attacking and burning all villages from Kakabona to Visale, all within a period of six hours'. This act of revenge was prompted by the IFM killing a Malaitan boy the day before. Amnesty International's report, covering the period January to December 2002, chronicles further serious crimes, which Amnesty International contends are war crimes.

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The IFM has also been accused of committing atrocities. Just before his arrest, Harold Keke is reported to have confirmed that six Melanesian Brothers who had been sent to the Weather Coast to assist in the peaceful return of a kidnapped fellow Brother had all been murdered. This is but one of many allegations of serious criminal activity by the IFM. In order to determine whether the crimes committed by the IFM and the MEF were war crimes, it is necessary to consider whether a state of 'non-international armed conflict' existed. Clearly, there were no international aspects to the dispute between the IFM and the MEF. In the *Tadic* case, <sup>46</sup> the appeal chamber confirmed that an 'armed

<sup>42</sup> Amnesty International Report on Solomon Islands 2002.

<sup>43</sup> Statement by Andrew Nori, 22 Nov 2003, <a href="http://www.lifhaus.com/Nori.htm">http://www.lifhaus.com/Nori.htm</a>.

<sup>44</sup> Amnesty International Report on Solomon Islands 2002, p. 10.

<sup>45</sup> See media statements following Keke's arrest, in particular <a href="http://www.newsaustralia.com/Solomons/solomons\_police\_link\_keke\_to\_mis.htm">http://www.newsaustralia.com/Solomons/solomons\_police\_link\_keke\_to\_mis.htm</a>.

<sup>46</sup> International Criminal Tribunal for the former Yugoslavia (ICTY) Appeals Chamber: Prosecutor v. Tadic, 2 October 1995,

conflict' exists 'wherever there is a resort to armed force between States or protracted armed violence between governmental authorities and organised armed groups or between such groups within a state'.

It is argued that there is sufficient evidence to conclude that, during the tensions from late 1998 to 2001, there was 'protracted armed violence between organised armed groups' within Solomon Islands so as to meet the definition outlined in the Tadic case. The non-international armed conflict is evidenced by the ongoing militia activity between the IFM and the MEF recorded by Amnesty International and other humanitarian organisations.<sup>47</sup> Having determined that an armed conflict existed, what are the protections that apply and what can be done to prosecute those found to have breached them?

Article 3, common to all four Geneva Conventions, extends protection to '[p]ersons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause ...'

Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, para. 70.

<sup>47</sup> See 2002 Amnesty International report on Solomon Islands for a useful summary of international findings.

## It prohibits:

at any time and in any place whatsoever with respect to the above mentioned persons:

- a) violence to life and person, in particular, murder of all kinds, mutilation, cruel treatment and torture;
- b) taking of hostages;
- c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court.

If, as argued, there was a state of non-international armed conflict between the IFM and the MEF, then they are bound by the basic principles set out in Common Article 3 and, importantly, can be prosecuted for their breaches. As described above, the Amnesty Acts were not intended to provide immunity from prosecution for people who acted contrary to 'international humanitarian laws'. Nor can the Amnesty Acts oust the operation of the Geneva Conventions, particularly Common Article 3.

As a result of these conclusions, RAMSI is able to investigate and prosecute IFM and MEF members who have perpetrated offences against innocent civilian parties. The thought that people will be prosecuted has brought disquiet to Andrew Nori, who has publicly expressed concern about potential prosecutions. In response, RAMSI has insisted that it will continue to investigate and charge former militants, and that, if the issue of amnesty arises, it can be dealt with by the courts.<sup>48</sup>

<sup>48</sup> Reported on ABC website on 18 May 2004, <a href="www.abc.net.au/asiapacific/location/pacific/.GAPLocPacificStories\_11110435.htm">www.abc.net.au/asiapacific/location/pacific/.GAPLocPacificStories\_11110435.htm</a>.

## **Improvements for future operations**

This paper has examined some areas of joint military—police operations that could benefit from improvements. First, there would be considerable merit in establishing a high-level education program for police on the operational requirements of IHL. While police are aware of the need to comply with IHL, the need might only arise well into an operation. Early consideration in the planning process will ensure that police and military know what support they can give each other, enabling sound operational planning.

Second, a police—military memorandum of understanding (MOU) dealing with the handover and hand-back of emergency security control would be of benefit. Such an MOU would remove possible confusion about who has control during joint operations. Third, deployments should have adequate linguistic and cultural capabilities. In Solomon Islands, it took some time to appreciate that not all personnel spoke English. Orders and official RAMSI documents, including documents on rules relating to the use of force, were in English. A large part of the success of the RAMSI operation derived from the ability of PIC personnel to communicate effectively with the Solomon Islands populace.

## **Conclusion**

The deployment of police and military personnel to Solomon Islands in 2003 represented a significant change in Australian foreign policy. The deployment proved that regional agreements between neighbouring countries can successfully assist a country to help itself. The importance of the Solomon Islands FIA Act in securing the surrender of a significant number of weapons during and after the amnesty cannot be underestimated.

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The success of the international deployment required the achievement of two primary goals: first, having the right people for the job; and second, having the right tools for the job. As Nick Warner, the Special Coordinator for RAMSI, has noted:

It is indisputable that the collection of such a large number of weapons has given the country a massive confidence boost. There have been no reports of militants or anyone else brandishing weapons and intimidating people. We are now working hard to ensure that this is a permanent change to life in Solomons.<sup>49</sup>

The situation in Solomon Islands has improved considerably since the arrival of RAMSI personnel on 24 July 2003. For the first time in many years, the civilian population can move freely about the country without fear of being attacked by armed militia. Basic health and welfare facilities are being improved. Schools are reopening, and children who have not been able to attend classes are now doing so. The improved management of the economy has resulted in taxes being collected, public servants being paid and infrastructure being repaired or renewed.

49 'Operation *Helpem Fren*: Rebuilding the Nation of Solomon Islands'—speech to the National Security Conference by Nick Warner, RAMSI Special Coordinator, 23 March 2004, <a href="https://www.dfat.gov.au/media/speeches/department/040323\_nsc\_ramsi.html">www.dfat.gov.au/media/speeches/department/040323\_nsc\_ramsi.html</a>>.

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With the rapid return of the rule of law in Solomon Islands and the dramatic improvement in the security situation, it must be asked whether the formula for this success is a model for future peaceful interventions. The outstanding success of the deployment to Solomon Islands and the adoption of similar processes for future deployments make it clear that the Solomon Islands formula is likely to become a model for future deployments.

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