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CONFIDENTIAL

Honourable Laurie Chan
Chairman
The National Parliament's Standing Committee
on Foreign Relations.

Dear Hon Laurie Chan

SUBMISSION on INQUIRY into the FACILITATION OF INTERNATIONAL ASSISTANCE NOTICE.

I refer to your letter of 4/8/08 in respect of the above matter. This is my short reply.

Facts

1. The facts leading to the intervention or facilitation of international assistance (RAMSI) to the Solomon Islands are all too common to require any further mention at this juncture.
2. The RAMSI has been very successful in restoring the law and order problem then faced in the Solomon Islands prior to the intervention. Solomon Islands on its own could not have handled the problem.
3. A lot of money has been pumped into the peace efforts by RAMSI and the SI government could not have shouldered the expenses. New hope and light has dawned on the shores of the Islands as a result of the intervention and

assistance. Peace has again returned to the Islands after a period of lawlessness from 1998 to mid 2003.

4. Gone are the days when women and children repeatedly lived under fear and terror and this has only been made possible by RAMSI.

Opinion

5. The improvement of the law and order problem could not have been done without the help of RAMSI. Solomon Islands has been blessed and assisted by the RAMSI led assistance. Without this assistance Solomon Islands could not have been able to come out of the lawlessness it then faced. Economically it could not have recovered the way it did from the time in question until the restoration of the law and order problem by RAMSI.
6. The government of Solomon Islands and its people were totally helpless and was described as a failed state prior to the intervention of RAMSI.

Arguments:-

a) FOR

7. The job assigned to RAMSI at its formation is yet to be fully completed. The conclusion of all the ethnic related criminal cases is yet to be done. It is important that all the ethnic tension related cases be completed before the mandate given to RAMSI is completed satisfactorily.
8. We do not want a situation where only some of the ethnic tension cases have been done leaving the others out. This would have a great negative effect on the good work of RAMSI and would destroy the whole efforts put in to the cases already completed.
9. The continuation of the development of the capacity of all the local offices (SI govt) is also important to ensure that the vacuum to be left by RAMSI is taken on by the SI personal without any adverse effect to the continuation of the services and other duties necessary for the proper functioning of the govt offices. This is important to ensure that when the time comes for RAMSI to leave, the leadership in each govt office is competent and ready to take on leadership roles.

b) AGAINST

10. It has been repeatedly argued by the then SOGAVARE government that RAMSI is an attack and impediment to the Sovereignty of Solomon Islands as an independent nation.

11. Similarly, the immunity of the RAMSI personal while on duty in the Solomon Islands has been questioned time and time again.
12. These can only be properly weighed by taking into account the benefits and advantages brought about by RAMSI as briefly stated above. In my view the benefits brought about by RAMSI outweighs the many arguments against RAMSI.
13. Another way to put the sovereignty argument is that a State has over it no other authority than that of international law. It can also be referred to as the independence of a state. But any restrictions upon a State's Liberty, whether arising out of the ordinary international law or contractual engagements, do not as such in the least affect its independence provided that these restrictions do not place the state under the legal authority of another. RAMSI has not completely taken away all legal authority from Solomon Islands.
14. In respect of the immunity it is only applicable when the RAMSI officers are actually in the course of their official duties. This struck a very good balance. It is partly a contribution by the SIG to allow the countries providing the visiting contingent to come in. Anything otherwise would not have been accepted by the visiting contingent and RAMSI would not have come in the first place.
15. The arguments against RAMSI are therefore very negligible and have been outweighed by the benefits achieved by RAMSI.

Recommendations for action

16. Our recommendation is not very different from the many views expressed in several reports and public opinions. We would support the presence of RAMSI in the second phase but the focus should now be changed towards developing and strengthening Local Officers to take on leadership responsibilities in the different machineries of the SIG. Mentoring and training of identified leaders is necessary and so is developing and mentoring all other junior officers serving in the various offices of the SIG.
17. The focus should now also be directed to assistance that could reach the remote villages in the Islands such as strengthening the Local Courts and, empowering the chiefs, children, women and other vulnerable people in the communities in the Solomon Islands.

Yours faithfully

Douglas Hou
Acting Public Solicitor.