

WEDNESDAY 27TH AUGUST 2008

The Deputy Speaker, Mr Kengava took the Chair at 9.45am.

Prayers.

ATTENDANCE

At prayers, all were present with the exception of the Ministers for Environment and Conservations, Education and Human Resources Development, Public Service, Fisheries and Marine Resources, Culture and Tourism, Development Planning and Aid Coordination, Foreign Affairs, and Members for Shortlands, Central Makira, Temotu Vattu, East Makira, West Honiara, North Guadalcanal, Central Honiara, Malaita Outer Islands, West New Georgia/Vona Vona, Central Guadalcanal and South Choiseul.

PRESENTATION OF PAPERS AND OF REPORTS

By the Chairman of the Bills and Legislation Committee – Hon. Severino Nuaiasi: “Report of the Bills and Legislation Committee on “The Truth and Reconciliation Commission Bill 2008”. (*National Parliament Paper No. 17 of 2008*).

QUESTIONS AND ANSWERS

23. Mr SOGAVARE: Mr Speaker, I had consulted the Minister responsible for the portfolio and decided to withdraw this question, because the question as it is framed has already been adequately answered by the Minister on the debate of the Supplementary Appropriation Bill 2008.

Question N0.23 withdrawn

Ships for Outlying Constituencies

28. Mr SOGAVARE to the Minister for Infrastructure Development: Will the government acquire one or two more ships to service outlying constituencies under its infrastructure development program this year?

Hon. SOFU: Mr Speaker, I wish to thank the Opposition Leader and Member of Parliament for East Choiseul for asking me this very important question.

Mr Speaker, under the 2008 Budget there was no allocation made towards buying of new vessels under the CNURA Government instead we are continuing with the subsidy arrangement on uneconomical routes to certain parts of this country.

Mr Sogavare: Mr Speaker, just a supplementary question. This question is taken straight from the intention of the government to acquire one or two more ships to service outlying constituencies.

What is the government's plans to look at rationalizing the various policies because they are still being pursued, like we supply ships to constituencies, ships are also run by provinces through devolution orders, ships are run by provincial business arms. That is what it is like. While the issue is not who owns shipping but shipping services to properly rationalize the various policies.

What is the government's plan in the future to look at rationalizing the various policies so that we properly serve the shipping needs of our provinces, and especially the outlying islands where right now is not being adequately served by shipping services of the various categories we are talking about? Thank you Sir.

Hon. Sofu: Mr Speaker, I am not clear of the Leader of Opposition's question. Can he repeat his question?

Mr Sogavare: Mr Speaker, the question is requesting the Government to clear on the floor of Parliament its plans to rationalize the delivery of shipping services in the country. Right now, ships are being run by constituencies. We may leave the private sector aside because that is its own business. But the direct involvement of government is what we are concerned about here, and right now the government is delivering shipping through constituencies, through provinces through devolution orders, and is owned by provincial government and it is also delivered through provincial business arms.

The question is, does the government have plans to rationalize the various delivery methods in the interest of properly serving the shipping needs of our people in the rural areas and especially the outlying areas that shipping services are not adequately providing by the various methods that I have mentioned. Thank you Mr Speaker.

Hon. Fono: Mr Speaker, that question touches on the policy issue of shipping services in the country, and I can recall that last week during the debate of the Supplementary Budget a question in relation to shipping policy was raised and I informed the House that the government is currently reviewing the current shipping policy in light of assistance that successive governments as well as this government have made commitment towards assist provincial shipping.

Currently a study is being made by the ADB to look at the whole transport sector in terms of shipping. This is currently under review so as to come up with a policy to

identify which avenue the government should continue to support and make commitment in terms of the support we are giving.

As we know, Mr Speaker, successive governments have been supporting provincial shipping - provinces owning ships, whereby some are quite successful whilst others fail. Just recently the government went ahead and support constituency owned shipping. Now the ownership of constituency owned shipping is still in doubt whether it can get government assistance. This is because there is a very good case where a Member of Parliament lost his seat took over the boat that was bought by public funds for the constituents making the constituency no longer owning the shipping company. That is why shipping policy is currently under review to address areas like that so that government knows which avenues it will continue to support. Whether it is going to support private sector owned, provincial government owned or the Isabel Development Company (IDC) model where the ship belongs to the Province but it is privately owned through shares including the Provincial Government, or this new option where currently some constituencies own ships. After the review the government will be able to determine which policy option it will adopt. Thank you, Mr Speaker.

Mr Oti: Mr Speaker, perhaps my understanding of the gist of this question is to do with servicing the outlying constituencies which would otherwise not receive any assistance or is very difficult to be serviced by normal commercial arrangements whether the ships are under the provinces or the constituencies. For example, Mr Speaker, for the last 10 years, this is for education, the children of VATTU have had at no time sat the class 6 examination at the same time as the rest of the country. Now that service, education service requires standard where in the past, we sit for the exams at the same time. This provision of service by education belongs to the government, and for the last 10 years what have governments been doing or have not done and what are we contemplating to do so that this issue is not repeated.

Education has a standard, and that is for everyone to sit the exams on the same day and the provision of shipping to provide, whoever is providing it. The question is, can the government look into this itself because of the critical nature of meeting that common standard for the children to sit the exam at the same time. This is very important and, sorry, for prolonging, but to avoid filtering of examination papers to students that have yet to sit for the exams, and that is why they must sit at the same time so that no one is placed above another, which could be seen as unfair.

For the last 10 years, for example, the children of schools in VATTU have never sat the exams as the rest of the children in the country. This is critical. This is an area of the government which the question is driving at. It is not for service providers that are currently there, but is it not possible for the government to intervene directly into this?

Hon. Sofu: Mr Speaker, I support the sentiments expressed by the Honorable Member for Temotu Nende, which is very important. This present government recognizes such situations and that is why we are trying to come up with the idea of subsidizing the uneconomical routes.

Sir, currently the Ministry of Infrastructure Development is venturing into the franchising scheme, which needs compliance with Financial Instructions and processes. That is why in the first part of the year tender was put out to ship owners to serve the uneconomical routes. We hope that this final part of the year will see this arrangement implemented. Tenders will be put out, private ship owners apply and whoever wins the tender will serve the outlying islands of Temotu Province, the uneconomical routers. This would mean services to Temotu Province will no longer delay but will reach them in time, as expressed by the MP for Temotu Nende. Thank you, Mr Speaker.

Mr Waipora: Mr Speaker, is the government confident that this subsidy arrangement will work? I am asking because someone who runs shipping services is talking right now. Some of us are reluctant to take up this opportunity because it is quite risky for us because the money given cannot meet the requirement to go up there with, of course, the money raised yourself is quite expensive.

Mr Speaker, my question is, is it possible for the government to take a drastic move and buy a ship straightaway for Temotu? Talking about Honiara to Santa Cruz and from Santa Cruz to Anuta and Tikopia is just the same as traveling from Honiara to Santa Cruz. Mr Speaker, is it really impossible for the government to buy a ship especially for Temotu, which is a very difficult area and also the Malaita Outer Islands?

Hon. Sofu: Mr Speaker, if my colleague good Member of Parliament for West Makira had listened when I answered the first part of the question, he would understand the difficulty the government is experiencing.

The government is looking seriously at purchasing three ships to serve the outer islands of Temotu, but as I have already mentioned the Ministry of Infrastructure and Development will continue with subsidizing of uneconomical routes.

I would like to give an example here, Mr Speaker, that during the exam time, Baruku went to the outlying islands of Temotu. We did it. Baruku was sent there with examination papers and it arrived there on time and returned the papers to Honiara.

Mr Oti: Mr Speaker, just a correction. What the Minister has just said could be true perhaps in the past. For this year the Baruku is still berthing at the wharf. It has not yet sailed. May be what the Minister is saying is true for the past but definitely for this year the examination papers have not reached the children yet.

I take the Minister's response and I will perhaps hold that that is true for the past but not for the time being, for this year at least. Therefore, Mr Speaker, I think the question is, can the government seriously consider as part of the whole exercise because there is no economics of service delivery by government, even subsidizing and those. That is out of the question. The issue is delivery of government services which the government is delivering at a loss and it is a cost. I think that is the bottom line. The government delivers the service not counting the cost and so there is no profit out of that. In subsidy, as we all know, ship owners look at how much they will make out of it,

whereas the government when delivering examination papers does not count how much it will get in return for the investment. I think that is the bottom line.

Can the government now seriously consider and contemplate if what the Minister is saying is correct, at least for the time being, contemplate buying a government owned fleet or ship just to deliver health and education services , which are two critical areas. Do not put the question of profit/loss inside but just deliver the services. That is a little bit comment I would like to make. I would like to know the view of the government through the Minister on this issue.

Hon Sofu: Mr Speaker, that important point is taken note of.

Mr Sogavare: Mr Speaker, may be to put this question to rest; and this is taken straight out of the government's policy statements. Can the Minister assure this house that the government is going to seriously look at implementing this policy may be in next year's budget? This question is taken straight out of government policy statements. Can the Minister assure this house that the government is going to buy one or two ships to serve the outlying constituencies?

Hon SIKUA: Mr Speaker, the Government is currently considering a number of submissions; some of which come from Members of Parliament themselves and through various delegations that we have had from our provinces, especially Temotu where the need for such has been raised. Depending on the strategy we are going to adopt such considerations will be taken seriously so that shipping services in our outlying communities can be adequately addressed and met by the government.

Mr Speaker, I want to assure the House that the government is considering all these options and will work with all concerned to come up with an adequate strategy to meet the shipping service needs of our remote and outlying communities.

Mr Sogavare: Mr Speaker, I thank the Ministers for answering the question.

Privatization of ICSI Portfolio Companies

87. **Mr WAIPORA** to the Minister for Finance & Treasury: Which Investment Corporation of Solomon Islands (ICSI) portfolio companies will the government privatize?

Hon. RINI: Mr Speaker, I would like to thank the MP for West Makira for the question. The answer is, Marina Sasape Limited is the only ICSI portfolio company the government has agreed to privatize.

Mr SOGAVARE: Mr Speaker, a supplementary question. What strategy is the government adopting in privatizing this company? Are you selling it as an ongoing

concern or are you dismantling it and selling the assets? What strategy is the government adopting in the process?

Hon Rini: Mr Speaker, I would like to thank the Leader of Opposition for the supplementary question. The strategy the government is considering is selling it to a new owner after the assets have been valued.

Mr Waipora: Mr Speaker, I would like to thank the Minister for Finance & Treasury for giving a straight answer.

Correctional Services Act

88. **Mr WAIPORA** to the Minister for Justice and Legal Affairs: Now that we have the Correctional Services Act in place, can the Minister confirm that the Police and Prison Commission is now known as the Police and Correctional Services Commission? And if so, is it legal within the provisions of the Constitution considering that the words "Prison Services" is in the Constitution?

Mr Speaker, I raised this question because one day I was referring to something else in the Constitution and I came across section 119 and I can see that the term "Prison Services" is still in the Constitution, even the Superintendent is still called the Superintendent of Prisons, and that is why it came to mind that I must ask this question so that the Parliament is informed of the constitutionality of the "Correctional Services Act". Thank you.

Hon KAUA: Mr Speaker, I would like to say that I hope the Member knows which Minister he is supposed to be asking this question to. Correctional service is a matter of the Minister of Police and National Security, but if he thinks that I should answer the question then so be it, I will do so.

Mr Speaker: I think that point needs to be corrected. The question should be directed to the Minister of Police and National Security. If the MP would like to then he can refer the question to the Minister of Police.

Mr Waipora: With your indulgence, Mr Speaker, I would like to direct this question to the Honorable Minister for Police, but I expect a combined answer from the Minister for Justice & Legal Affairs and the Minister for Police because it is something to do with the Constitution, and it comes in two parts - the Police and Correctional Services Act as well as questioning the legality of the Act from the Constitution. So I expect answers from both Ministers.

Mr Speaker: Thank you. I will ask the Minister for Police to answer the question, and if there are any legal matters, we have the Attorney General here to help us on that.

Hon MANETOALI: Mr Speaker, I thank the MP for West Makira for the question. It is good that we will all combine against him this morning in answering his question.

First of all, Mr Speaker, I would like to thank the Honorable MP for West Makira, my good friend for this question. The Correctional Services Act is a baby of the GCC government. Its history is the GCC Government, which no government since 1978 until today has ever come up with this Correctional Services. It was the GCC Government that pushed this Act to the floor of Parliament last year, and it is history.

Now my friend, the MP for West Makira is questioning the legality of the Act this morning. Even His Excellency the Governor General has also questioned the Act, and that is why he took his question of constitutionality to the High Court sometimes this year. His Excellency is challenging this Act in the High Court and the case is still pending in the High Court. As such because it went to the High Court, this question in my view, Mr Speaker, does not conform or is not in line with Rule (g) of Standing Order 22. As it is framed, the question is likely to prejudice the pending case brought by the Governor General in the High Court. Therefore, I am not at liberty to answer the question.

Mr. Sogavare: Mr Speaker, thank you very much for clarifying the point. In fact this matter came before the Bills Committee when the Amendment to the Act was put before the committee. We raised it with them that the amendment comes because of the court case between His Excellency and the Government.

The question we put to them was whether they have taken care of all the issues His Excellency was concerned about in the amendment, the answer given to us was "yes". Can the Minister now confirm to Parliament that that is not the case? The amendment was brought and it was not. The way we understand it is that the court is asking them to settle this issue outside. They were asked to sort out the concerns of His Excellency outside so that the court will not entertain this issue. That is how we understand this issue Mr Speaker. So can the Minister confirm that consultations with His Excellency have been already done and that is why you brought the amendment to the floor of Parliament? That is what they seem to inform the Bills Committee when that question was put to them.

Attorney General: Mr Speaker, the amendments which were brought to Parliament were actually given to the counsel appointed by His Excellency the Governor General and he agreed to it before it was brought to Parliament today. However, after the debate I was summoned by His Excellency during which he expressed his desire to continue pursuing his case, which was still pending, if no constitutional amendment is done.

I returned to His Excellency and explained that we still maintain that the amendments are constitutional. I also expressed to His Excellency that despite our position that the amendments are constitutional, we had taken verbal instructions from the Honorable Prime Minister to look at amendments to the Constitution.

We discussed this with the Ministry of Police, particularly the Permanent Secretary and we are merely awaiting formal instructions before working on constitutional amendments. We hope that the constitutional amendments will come in November.

In the meantime the Chamber maintains constitutionality of the amendment. I have also given necessary instructions that we still want to test the provisions we have used in the Constitution, and this will be a further development of the case that is pending in Court. I see this as necessary for future purposes and for ensuring that the principles enshrined in the Constitution are properly applied in the country. Thank you, Mr Speaker.

Mr Speaker: With the Attorney General's explanation that the case is still pending High Court decision, I therefore would like to ask the Honorable Member to withdraw the question.

Mr. Waipora: Mr Speaker, before I thank the Minister and the Attorney General for answering my question, I am sorry that I did not know there is a case pending in the High Court and that is why I brought up this question. I want to make this very clear in here.

I was encouraged after I lodged my question here that one of the most distinguished lawyers of this country, a former Attorney General, a former judge, the President of the Bar Association has written an article, which encourages me after I put noticed this question. But I did not know that there was a dispute on this issue, and that is why I raised this question. But I think it is very good that I raise this question so that we clear the air and understand the position now. Thank you very much.

Mr Speaker: Honorable Members, that concludes our question session for today. We will now proceed to our next item of business.

BILLS

Bills - Second Reading

The Truth and Reconciliation Commission Bill 2008

Mr Speaker: Honorable Members, it was moved yesterday that the Truth and Reconciliation Commission Bill 2008 be read a second time. Debate was adjourned yesterday and today the debate continues.

When no further Member rises to speak to the motion, I will put the question. In speaking to the motion I remind all Members to adhere to rules of the debate and also to be mindful in allowing others the opportunity to contribute to the debate.

The floor is now open for debate.

Hon. HUNIEHU: Mr Speaker, thank you for the opportunity to briefly contribute to the Truth and Reconciliation Commission Bill 2008. I would like to thank the Minister for introducing this Bill at this appropriate time for the debate and sanction of this Parliament.

Mr Speaker, six years ago when our country was experiencing various atrocities and problems created by our selves when human rights violation was widespread throughout the country, there was lawlessness and so there was a popular call by the civil society and the churches to establish a truth and reconciliation commission. Because of that I have taken it upon my hands by moving a motion in this Honorable Chamber for the establishment of a truth and reconciliation commission. That is why I want to recap on some of the things I said, which are quite relevant to the debate of this motion.

In July 2002 my motion, Motion 4, was worded as follows: "That the government considers establishing a truth and reconciliation commission to look at the various crimes, atrocities and injustices committed during the social ethnic tension and to further establish the origin and the causes of the tension".

Mr Speaker, this Bill is not new to this Parliament but it went one step ahead by actually establishing an act of its own. My motion was only calling for the Prime Minister to establish a commission to look at the various issues and problems created during the social ethnic tension in those years.

Mr Speaker, I think the preamble to that motion is still relevant today and with your indulgence this are some of the things I said in that motion.

"Mr Speaker, the existence of our country in the world is by no means accidental but by divine intervention. Therefore, whatever is happening in our country bad and good are all in God's plan for our nation. It is my simple belief that one day this nation will arise from the shambles of shame, humiliation and distress and acclaim its rightful place in the world community. For this to happen we must lay the foundation now, and to begin with we are as the Parliament must continue to encourage and provide the enabling condition for the continuation of the process of reconciliation amongst our people. These reconciliations must be entirely traditionally and culturally proved and must not be hijacked with commercial motivation, which has been the predominant practice during the past four years.

Mr Speaker, may I take this opportunity to explain what is really meant by calling on the government to establish a truth and reconciliation commission. First of all, nothing but the truth about the ethnic tension must be unfolded so that future governments must develop strategies to avoid any repeat of this in the future. The truths advocated to the commission may hurt someone but at least it would provide the best insurance cover for the good of our united nation, Solomon Islands.

The Truth and Reconciliation Commission if established will be assigned with the following responsibilities, and these are only suggestions.

- Record all reported atrocities during the course of the social ethnic tension and encourage victims to report and record all forms of injustices inflicted on them.
- Investigate to bring to justice, crimes and criminal elements committed during the tension that were left unaccounted for.
- Investigate the origin of the social ethnic tension and to highlight the disappointment of the perpetrators.
- Investigate and iron out all injustice practices and inhuman treatment planted in the society during and after the social upheaval.
- Set up a framework to pursue a custom reconciliation amongst all people and perpetrators involved, and grassroots who have been victimized during the tension, and
- restore good relationships that have been dismantled.

Mr Speaker, those are what I said when moving the motion at that point in time six years ago. I am deeply gratified that the spirit of this Bill is exactly what is contained in the motion at that time. I wish to say that Parliament did exhaustively debate the motion, and the Minister then who is now His Excellency, the Governor General asked me to withdraw the motion because the government was already on its way in developing strategies of establishing a bill. And so I am delighted six years after this Bill is now finds its way to the floor of Parliament.

Mr Speaker, I believe this Bill as the Minister as explained is about justice; it is about what we can do to settle issues. This Bill is about development. This Bill is about what one of our famous Prime Ministers has said: "A country conceived but was not given birth to." It means that Britain and Solomon Islands have conceived a child that they did not nurse, and therefore when the child was born it has polio or scabies, or has no nose until something happened when colonies of imperial countries in the world did not plan development properly.

I believe that nobody in this House can really define what the late Mamaloni meant by the statement "a country conceived but not given birth". May be that was it. The Bill now is trying to identify the reasons as to why this problem erupted. May be it is the fault of politicians for not taking any notice of the wishes, issues and demands of the public giving rise to the social ethnic tension. Now that it has become a black chapter in the developing history of our country, I think this Parliament and this government is taking the right step by trying to identify the reasons and having them published. I hope that everyone who has been victimized during this tension will have their opportunity to report their grievances to this Commission now established under this Truth and Reconciliation Commission Bill 2008 so that we can avoid a repeat of the ethnic tension in the future. Although it may be difficult to totally avoid it but at least we have records there to guide our leaders, our planners, the provincial governments, the national members of parliament, the national government to at least adhere to some of the issues that will be raised during the process of the commission.

Mr Speaker, for me, this Bill is very detailed. It has a preamble and the objectives are well state. The administrative functions of the Committee and the establishment of

the Committee are all within the present government's policy, and I only hope and believe that this is the best way of bringing conflict resolution of the social ethnic tension that devastated our country to its end. This Bill, as I have said, is about justice for all.

Sir, I support the Bill.

Hon. KEMAKEZA: Thank you, Mr Speaker, for allowing me to contribute very briefly to this very, very important Bill.

Before going on any further, Mr Speaker, my first and foremost obligation is to read this Bill correspondingly with the Townsville Peace Agreement and the Marau Peace Agreement. Because if you miss the point, Mr Speaker, and I thank the Minister for not losing sight of these two very important documents because they are complimentary to each other.

I say this because if you read the Bill's title and the preamble of the Townsville Peace Agreement, this Bill is born out of this agreement. That is how these two are put together so that everything will be right because this is the basis of the long term sustainability of lasting peace in this country. I will come to this later on.

Sir, what was missing in the Townsville Peace Agreement, as mentioned on page 10 on one of the clauses of the Townsville Peace Agreement is that it has not been reviewed, and that is why it died naturally on 15th October 2000. That is the problem with this agreement.

It started off when we negotiated this agreement but unfortunately an incident happened and I thank the Prime Minister then for seeing the importance of this agreement and tried to review it but then a very serious incident happened again and so the negotiation was in deadlock. Since then it has not been reviewed. Therefore, if anybody stands on the Townsville Peace Agreement and blames anyone he must first of all read this Agreement because it was this Agreement that failed, and that is why RAMSI came. This Agreement failed and that is why this Bill came in. That is how we will read it. That is why I said in my general debate that in terms of darkness it belongs to the devil and in terms of daylight it belongs to God.

So the dark hours of our country were from 1998 to 2003 and lightness was from 2003 up until now. Mr Speaker, nobody wants to live in a country that is not peaceful. If a country is not peaceful nobody would want to live there. About 99.9% of people in Solomon Islands do not want to live in a country that is in trouble.

Sir, if you read the Townsville Peace Agreement, and I am going to quote one or two clauses so that it puts us into light, the title says: 'whereas in or around 1998 an armed conflict came up from Guadalcanal'. If you look at the preamble of this bill it says: "Whereas since late April 1998 armed groups came up from Guadalcanal". If you read this bill and the title of the Townsville Agreement, they are both the same. That is why I said that this Bill is born out of this Agreement.

Sir, the merit about this Bill is that it is just for a short time because it will come to the discussions done between myself and the Leader of the Opposition. During the course of this Parliament we were thinking that this Bill will not take on board considerations that will give us lasting peace. No, Sir, this Bill gives power to this

Commission. That is stated in the aims and objectives of the Bill, which has six parts and two schedules, and I do not think we can read it now. That is on this Bill. The commission will recommend to government, whatever government that is to look at these two words, 'truth' and 'reconciliation'. I also consulted the Bible on what truth means and also reconciliation. I tried looking up the Bible on what these words mean. Those of you who have the Bible can look it up as I am going to give you some verses later on.

The most important thing in considering the situation of our country is to look back to the period between 1998 until now, 2008. We should look at the picture of those years to be able to realize the importance of this Bill.

According to the Townsville Peace Agreement, Mr Speaker, and looking at the situation in Solomon Islands, the point I am pressing here is that nobody wants to live in a country that is not peaceful. This draws my mind back to some of the countries in Africa, in the Middle East, in Asia and back home at Bougainville or even in Ireland and England where fighting still continues. We will see the reason why all these things have happened.

Bougainville is about autonomy. The Solomon Islands conflict is not about power. It is not about breaking away like the West Wind of the past. It is not people talking about wanting to breakaway. No. It was very clear in the preamble of the Townsville Peace Agreement, and it says and I quote: "Since late April" and I questioned why April all the time because April 1998, April 2006 and April 2007 when a lot of trouble is happening in our country, Solomon Islands. I started to question why is it that Solomon Islands always had a problem on the month of April. So I went back and consulted my Bible to find out what April means. My Bible tells me that April means the judgment day. You must go and read your Bible. Go back and read your Bible. April, in the Bible, means the judgment day.

Mr Speaker, anyway forget about that; it is not important but the point is that we must make sure our country goes forward. It says, since late April 1998 armed groups of Guadalcanal youths angry about the government not addressing the grievances of the people of Guadalcanal since 1988 through peaceful and meaningful settlement although they demonstrated in 1988 when the Prime Minister was a man from Guadalcanal. Nothing was done and that is why they took up arms. What it really means is that they had not intended to chase away people from other provinces from Guadalcanal like what this book is talking about. It was because the government failed to address their demands, which they submitted to the PM then, a person from Guadalcanal. I will come to it later on why these things have happened. That is the bottom line of the situation in Solomon Islands.

The Bougainville problem is wanting to breakaway from the rest of Papua New Guinea. In the Middle East, the problem between Israel and Palestine is over land. Israel took over the Palestine land and does not want to give it back. And there are other reasons why conflicts happened in other countries, but let us come back to the situation in Solomon Islands.

Sir, when we implemented the Townsville Agreement Mr Speaker, I said it failed. Now I would like to make it clear to the people of Solomon Islands and to those who hate me in one form or another by continuing to take me to court, the reason why my government invited RAMSI to Solomon Islands. I think this is the right time for me to tell you in the general debate of this Bill. The reason is that the five (5) parties to this Agreement totally failed to honor the Agreement. They failed to honor the agreement. They are the Solomon Islands Government, the Malaita Eagle Force, the Isatambu Freedom Movement, the Guadalcanal Provincial Government and the Malaita Provincial Government. They are signatories to the Agreement and are supposed to honor it for the peaceful coexistence of Solomon and to ensure that what we have agreed on in this paper is honored. It is the failure of this Paper that led to RAMSI coming into the country and why I invited RAMSI.

Allow me to read this list, Mr Speaker:

1. Various agreements failed,
2. The general amnesty failed,
3. Armed individuals continue to attack communities for individual gains,
4. Crime has increased drastically,
5. Government machineries not functioning because of extortion,
6. Breakdown of law and order,
7. Major companies closing down,
8. A significant decline in the production of export commodities,
9. The economy is slipping down and slipping down to the bottom, zero,
10. Other provinces indicating intention to breakaway from the rest of the country,
11. Basic services like education and health severely affected.
12. Public servants six pay day arrears cannot be paid,
13. Suspension of payments and suppliers to provinces,
14. The country was divided,
15. The Solomon Islands Police Force highly compromised.
16. Massive break out from the Solomon Islands Prison Service.

No country can function in that sort of situation. That is the reason why we invited RAMSI to come in that time to restored those things that have broken down. We were already in peace at that time but there were what I would like to call 'potholes' which made the country not moving forward.

Mr Speaker, even you know the situation. When money is collected today and deposited in the Central Bank in the evening, tomorrow morning they will already know about the money. By the next day they come with their claims and when they are told there is no money they said they know that \$3million has been deposited yesterday.

What sort of government can function in that sort of situation? What sort of country can go on like this? You cannot, Mr Speaker. All these agreements are in this book. I warn all Members of Parliament that they must have a copy of this book because if you want to know more about Solomon Islands and how it went through the difficult period, the darkest hours of our country, which I used to say the darkest time is the

devil's time then you better get a copy. Fighting is of the devil, and peace belongs to God.

Mr Speaker, I would like to thank you and all of you and also thank God for giving us another chance. Our duty, and the duty of every single citizen of this country is to thank God for giving us another chance to go forward.

Sir, I also take this opportunity to thank the spokespeople of those days who helped mould this agreement under the leadership of the Leader of Opposition. I as his deputy that time took up the responsibility on his behalf but instead he always criticized me. What is that for?

Mr Speaker, even some people become martyrs of our churches for taking the trouble to be part of the instrument to bring peace back to our country.

The legal advisors, the provincial governments, NGOs, women groups and other stakeholders must be congratulated as they are part and partial of the process. They are very, very important for bringing us this far before the birth of this Bill. My warning to you is if you lose these broad based ideas then I want to tell you, Mr Speaker, that this Bill will not work. I will tell you why I said that.

Where is the Honiara Peace Accord signed on the 28th June 1999? Where is the Panatina Agreement signed on the 12th August 1999? Where is the Marau Communiqué which the MP for West Makira also signed? Where is it? Why did these agreements and communiqué not work?

Mr Speaker, I am warning this House because the moment you jump in the wrong direction on the very good work done by the MP for West Makira in Marau then you are stepping on the wrong stone at the wrong time. So put good guidelines MP for West Makira. I am not saying that you are not doing it.

Where is the memorandum of understanding between the Solomon Islands Government and the Guadalcanal Province? Where is the Buala Peace Accord signed on 5th May 2000, and where is the Auki Communiqué signed on 12th May 2000? Where is it?

Mr Speaker, why I am asking is because we have enough materials to work from. We have a lot of wisdoms in these agreements and communiqués, like the wisdom from the MP for West Makira.

It is good, Mr Speaker, that one of the objectives and reasons of this Bill is to go back and look at these agreements and communiqués. Mr Speaker, these agreements talk about parliamentary matters, national security and war claims, loss of lives and properties, political, social and economic issues, reconciliation, peace, implementation of costs, declaration of peace and harmony, and the list goes on and on. The same old issues in here are the same issues we are going to discuss in this Bill, and the same old issues the Commission is going to look for, and when we are going to start, where we will end, what the likely costs would be for taxpayers, and who is to come and help us out of this because we are very good at signing things but very poor in honoring them. We are very poor in honoring things. But I am not surprised, Sir.

But, Mr Speaker, the most important point to drive home is the preamble of the Townsville Agreement on the agreement itself and the annexes attached to it.

Part 3 of the Agreement is an obligation by the IFM, the MEF and the Guadalcanal Provincial Government, as I have said failed to address. So the TPA expired on the 15th October 2000. This book expired and is of no use unless it is reviewed. And to review it is why the Minister is bringing this Bill to Parliament and from here we will stay for another one where maybe we will look back at issues talked about by the Malaita Leaders Summit, the Guadalcanal Leaders' Summit, the Western Leaders' Summit, the Choiseul Leaders' Summit and the Makira Leaders' Summit. Are you going to look back into those for lasting peace in this country? Or are we going to follow the strategy of Chaundry in India, which is also a good strategy worth looking into? Is that what the Leader of Opposition is jumping up and down on? Is that the right way of finding lasting peace for this country?

Let us study the case of Aceh in India. After the great tsunami destroyed India do you know what happened? Every political prisoner was released, but on one condition that they go back and develop their own province. They were released provided that they do not go to other provinces. Is that a good strategy? Is that what we want?

It would seem to me that that is what the Leader of Opposition is also always driving at. Nonetheless he seems to forget, the Leader of Opposition seems to forget the policy of peace which he told me to carry out in 2000. He seemed to be talking very far and forgot all about what he ordered me to do at that time, but I can still remember it, Mr Speaker. Or is it because of political expediency that he can say this and that but that person is concerned about us. No.

His policy was peace first and justice later on and not justice first before peace because that is going to bring trouble. I would like to congratulate him for this policy of peace first then justice. Now that peace is here and therefore justice is taking its course and so many of us are going to court today. That is how cunning he is, Mr Speaker.

But it is a good policy and I like it. And it is not the policy of those on the other side who said that everyone shoots at each other and someone is killed, everyone goes to prison and then we come to make peace later on. Not so, but peace first and then later on those of you who cause problems will easily go to court. Mr Speaker, that is the rule of the Leader of Opposition at that time. Now he turned differently or the other way round and is asking for release of those people from prison and forgive them

But yet we failed to comply with the provisions of the Townsville Peace Agreement. We failed to comply with the provisions of the Amnesty Act both general and weaponry. Because weaponry amnesty is like this: you surrender your gun, we give you a certificate, you are forgiven and so you can go home. A lot of them did this. But yet a lot of guns were still out there at that time, and that is why we failed and RAMSI came in before the guns were surrendered. But it is not yet finished because some guns are still hiding out there.

Mr Speaker, if some guns are still hiding away in our places, it means that peace in this country is still fragile. So who are you to tell me that this country is going towards peace?

Mr Speaker, what I am saying was proven during the April riot here in this building. And do you know, Mr Speaker, who is causing all these things? It is us Members, the politicians who are causing all these problems for our country. We are eating what we planted. Who caused the riot that happened in April last year? It was the politicians. Who caused the ethnic tension in 1998? It was the politicians. I am going to give a full submission on this to the commission. It is very clear. There is no need for you to go far to find out who has been causing all these problems. It was the politicians using the ignorance of our people for our own political benefits. That is it.

Mr Speaker: Point of order Minister, could you withdraw the word 'ignorance' of our people please.

Hon Kemakeza: Sorry, using the foolishness of our people.

Mr Speaker: Find a better word.

Hon Kemakeza: I say this because only two or three people started it, and some people take advantage of the situation as a joy ride and then burn down all the shops. It is us the politicians who started it. That is what I mean. So we have to blame ourselves for causing the ups and downs of this country, and then you let other people to go ahead and do it.

Mr Speaker, truth and reconciliation is very important. Let us look at the concept of South Africa or some countries in Africa. I heard in the Minister's statement yesterday that the situation in Africa is quite different from ours. Later on the Leader of Opposition and the Minister talked and agreed that there is enough time to include some thinking inside.

What I am trying to say here, Mr Speaker, is that the Panatina Accord, the Buala Communiqué, the Auki Communiqué, the Marau Communiqué failed because we took the wrong people to settle the problem. We took the wrong people to settle the dispute because they are not qualified to do the work. For example, the Prime Minister, the Premier of Malaita Province and the Premier of Guadalcanal Province were the ones who sat down together and came up with the communiqué.

Hey, do you think the three of you, with your officials and the Member for West Makira are the ones fighting? That is a wrong strategy; it did not work because those people were not the ones fighting in the grasses. You must take the real people who were lying in the grass under the sun and rain shooting at each other, some were injured and some have died. Those are the people you should have brought together and talk with. The Premiers and Ministers went over having cups of tea, sleep well in the hotels to do this thing and then you try to talk with those people later. Do you think they will listen to you? No, not at all.

Yes, you are saying 'yeah, yeah' but you sent me at three o'clock in the morning to Harold Keke to sign the ceasefire agreement in the Weather Coast. Is that a good thing the Leader of Opposition did to the Member for Savo/Russell? That is unkind. He should be looking after my welfare if I have been shot dead. However, because I am an

obedient servant I followed his instructions and so I went and I succeeded. Thank you Leader of Opposition for the trust and confidence you have on me.

At about 3 o'clock in the early hours of the morning I went into the bush of Guadalcanal to sign the ceasefire that night and came back to Honiara – an order from the Prime Minister. I mean that was a hard thing we have done during those days. Here you are, some people are taking a joy ride but later on we scratch our backs.

Sir, generally I am happy that this Bill is a stepping stone to the TPA and Marau. However, we must be careful. I warn the Minister, the Permanent Secretary and their officers that they must select the right people to deal with this issue. If not, it would be another failure for our country and these failures at the end of time will repeat the things that have happened in the past.

With those, Mr. Speaker, I support

Hon. TAUSINGA: Mr. Speaker, I rise to make my contribution to the Bill – the Truth and Reconciliation Bill 2008 moved by the honorable Minister of National Unity and Reconciliation. In doing so, I would like to first of all thank the honorable Minister responsible for the vision embodied in the Bill and the ultimate benefits that shall come about through the passage of the Bill. I would like also to take this opportunity to thank the officers of the Ministry responsible as well as the Attorney General's Chamber for their time and efforts put into the preparation of the Bill, which made it possible for our debate today.

Sir, many that will speak perhaps, will debate the Bill from economic perspectives, others may wish to debate the Bill from social perspectives, and others still might approach it from moral perspectives. On my part, I would just like to make general observation on the principles and perhaps the vision embodied in the Bill.

Mr. Speaker, though the events that necessitated the introduction of the Bill have long gone and which appeared to make its introduction rather belated, the impact and the injury it had caused is still unblemished in the minds of the people, and our search for a united Solomon Islands made it essentially important to have the Bill passed through this House without hindrance.

Sir, I do not profess to be free from prejudice but at the same time I can confidently confess that I am not a slave of intolerance, and so like other peace-loving leaders of this country I love to see a peaceful and united Solomon Islands for my children and their off springs into perpetuity. And on these underlying principles sir, lies the verity that this Bill belongs to the people who love the truth, who love to forgive and be forgiven, who love to reconcile and be at peace with each other, who love to be tolerant for purposes of unity in diversity for Solomon Islands.

In other words, the establishment of the Truth and Reconciliation Commission to aid advance national unity amongst the citizens of this country is a desire that we all aspire to achieve. Therefore, in our search to advance our desire for national unity, we perceive that the Bill or the fundamental optimism in the Bill is that its core functions, the investigations, the gathering of information and the conducting of research into the

events, into the causes and effects of the ethnic crisis recently experienced, shall form the basis of promoting peace and unity in the country.

To establish an environment where truth is confessed by all who are involved in the ethnic crisis in order to forgive each other, forgive each other in order to atone and reconcile with each other, reconcile in order to be at peace with each other, to be at peace with each other in order to create a united and peaceful country called the Solomon Islands. This is the actuality of the Bill, Mr. Speaker.

No peace-loving and united-minded people would ever reject such a noble intention because there can be no righteous options that are available in our search for national reconstruction and nation building. The way forward is crystal clear - we must make Solomon Islands livable, likable and where peace and unity shall reign at all times.

The country will not be without challenges; more challenges will be faced continuously and into the future. The world is not without tribulations and misfortunes, but it is not a bad place to live in either, and likewise Solomon Islands is not without tribulation and hardships but the ultimate duty of all citizens is to face these challenges together with courage and dedication and within the bounds of the laws of the country and to make it better and likable and livable place for all. This I suppose, Mr. Speaker, is the task of all living souls of the country into perpetuity.

So I welcome, the Bill, Mr. Speaker. The commission that is to be established by the Bill is vested with important tasks, and the findings and recommendation from the commissioners shall give the government and the people the direction on which reconciliation and peace can be best achieved.

We have, Mr. Speaker as you can recollect, concluded the reaffirmation on reconciliation that was held at Lawson Tama prior to the Independence Anniversary of 7th of July 2008. It was indeed a fitting ceremony - putting together the pieces or repairing a broken cross, which symbolizes our tormented lives from the snares of hatred and killings but that we have accepted the ethnic crisis experiences in a renewed hope for peace for all.

Mr. Speaker, the Bill is set out in parts. The first part is the preamble, which is the background from which the Bill is structured or founded. Part 1 is the Preliminary which consists of the short title, commencement and interpretation. Part 2 is the establishment of the commission and the duration of the commission. Part 3 outlines the functions of the commission, objects and functions of the commission, mode of operation, protection of witnesses, powers of the commission and further powers. Part 4, the administrative provision outlines staff of the commission, committees and independence of the commission, and protection of the commissioners as well. Part 5, the financial provisions outlines funds of the commission and the account to be laid before Parliament. Part 6 is on report and recommendations outlining the release and implementation of the recommendation, protection of publication of statements, dissolution of the commission, avoidance of doubts and regulations. Attached to the Bill are Schedules one and two which are enabling schedules for Sections two and three of the Bill to materialize.

Mr. Speaker, that is the way the Bill is set out, and all the provisions are important because each connects with each other in terms of the task and time frame given and for which the commission is required to accomplish.

The part that is of interest to me is Part 3, the objects and functions of the Commission because in my view and apart from the establishment provision of the Commission, herein lies the significance of the method of operation as well as the power of the Commission. In other words, Mr. Speaker, that is the part that illustrates the human dimension of the Bill. In order for us to really understand the scope and extent of the outcome, one needs to ask a few questions. We have been informed by the honorable Minister of the ultimate objectives of the exercise that is facilitated by this Bill, and that is to establish the truth to enable us provide an environment for national healing and reconciliation.

The questions that are relevant in this context therefore are:

- are the objects encompass the overall impact of the ethnic crisis?
- are the objects relevant to the crisis?
- will the functions conducive to the facilitation of truth?
- is the mode of operation helpful in establishing the truth?

It is not my intention to answer all these questions but merely to guide my discussion in what is really envisaged in the Bill or of what we aim to achieve.

An important consideration in such a sad situation, and in particular that which involved warring parties and which needs healing and reconciliation is to truthfully confess the transgression one commits to another. This simply means, Mr. Speaker, the transgressor must feel remorseful and sorry for the wrongs committed. The victim must accept and forgive the perpetrator.

What I am trying to say here is that truth is the prerequisite to healing and reconciliation process, and against this prerequisite, the objects and the functions both sufficiently encompasses the scope that the Commission is obliged to investigate into and to establish the truth.

Is the mode of operation helpful in establishing the truth? For the Commission to achieve its objectives, it needs to perform its functions, and in performing its functions the Commission must put in place operation guidelines or operation methods, and because the task involves information gathering to enable it report back and make recommendation to the government, the Commission is asked to devise information gathering methods which include investigate and research into key events, causes and patterns of abuse or violation of human rights and the parties responsible, hold public sessions to hear from victims and perpetrators or other interested persons any abuses or violations, the Commissioner may in special circumstances hold close hearing, take individual statements and gathering additional information with the agreement of the Director of Public Prosecution to supervise exhumations of bodies, the Commissioner is allowed to solicit assistance from traditional, religious and community as well as political leaders to facilitate its public session, and others as well.

Mr. Speaker, I agree on the observation that for truth to be established, one must be free from fear of being incriminated or subjected to civil or criminal actions. This brings in the idea of volunteering information because when one is free from fear, one is free to volunteer information and confess the wrongs with remorse. This manner of confession is the most heartening approach and is healing to the perpetrators and the victims alike.

But I am equally happy to observe that the Bill provides for the protection of witnesses, and I think this is the human dimension of the Bill. No statements written or oral made by person or witness shall be admissible in any action, suit or proceedings. No witness shall be compelled to incriminate him or himself. No witness shall be compelled to incriminate his or her spouse, parents and children. Witness or person required appearing before the Commission shall be informed of his rights. Any question that is likely to incriminate the witness or person, the Commission is required to re-advise the witness or person of his or her rights not to answer the question.

This particular protection is interesting, Mr. Speaker because as much as we hope to protect and to avoid incriminating witness, the provision is cautioning that in an unlikely circumstance, should there be a question that is likely to incriminate a witness, the Commission is obliged to advise the witness of his or her rights not to answer the question.

The other way of putting it, Mr Speaker, is that the Commission must as far as possible, ask questions that are not incriminating, thus protect the witness and free him from fear in order to give information truthfully.

I observe this to be so, Mr Speaker, because the protection of the witness is subject to the power of the Commission. Although the powers of the Commission do not directly extend to the rights of the witness to remain silent on a question that can be incriminating, the tendency is that when one starts asking such a question, and being human as we are, one tends to withdraw from telling the truth. And this will unnecessarily invoke the power of summoning or subpoenas and a possible exercise of the relevant penalty in the Bill. This is an observation or words of caution, Mr Speaker, in order to encourage the Commission to seek utmost support from the general public and to make the mode of operation helpful for our cause.

Yes, the Bill is straightforward and its passage in this House will pave the way for true healing and reconciliation and we shall then appreciate the power of forgiveness.

Mr Speaker, I support the Bill.

Mr SOGAVARE: Thank you very much, Mr Speaker, for giving me the floor of Parliament to contribute to the debate on the motion in the second reading of this Truth and Reconciliation Commission Bill, which the Minister responsible for Peace and National Unity introduced on the floor of Parliament.

Mr Speaker, I am very much encouraged by the speakers that have spoken on the floor on this Bill. And, I couldn't agree any more with the sentiments that have been

raised, and I would just join them to continue may be give us advice on how we should proceed with the implementation of the intention of this particular Bill.

Sir, this is an initiative by the SICA and the Civil Society Group, which was originally taken by the Grand Coalition for Change Government (GCCG). It would have taken a different form had we continue in government but we have something before us and so I guess we just need to concentrate on it.

I say this because it was the policy intention then in addition to hearing submissions from victims and perpetrators of atrocities that have been committed during the period the Bill is looking at, to use the avenue to wrap up all the outstanding issues that have potentials to undermine the peaceful coexistence of our people in the country. The intention then was to use the finding of this Commission, the Commission of Inquiry on the April 2006 riot, the Commission of Inquiry on land dealings on Guadalcanal and with, of course an expanded TOR to look at the same concerns in other provinces as the basis for the formulation of a comprehensive peace strategy for discussions with our development partners. The reason for this approach was that it is our conviction that lasting peace can only come about if all the issues that our people are concerned about are addressed. That needs a comprehensive approach and the avenue provided under the Truth and Reconciliation Commission can go along way in establishing a comprehensive position on the issues to be addressed.

Mr Speaker, we have something before us and so we must work on but it falls short of what was originally envisaged. I say this because the Bill before us only focuses on establishing what really happened during the years between 1998 and 2003 in establishing the question of who was involved in the planning of the events that led to what happened in 2000 and the atrocities committed during the period we would be looking at.

We appreciate that it is the conviction of the present CNURA Government that the outcome of this strategy will lead to genuine and lasting reconciliation between the parties involved in the conflict.

Sir, just by way of observation this is a long shot because this position is premised on the assumption that the only people to be put right if we want to have lasting peace in Solomon Islands are those who were involved in the chain of events that occurred during the period 1998 to 2003. This is where some views differ.

The point that needs to be made here is that if the Truth and Reconciliation Commission is to be confined to addressing the perpetrators and their victim's atrocities that were inflicted during 1998 to 2003, then the government must strengthen the other mechanism to identify the other equally important issues that need to be addressed in order to guarantee lasting peace in Solomon Islands. This is not a stand alone policy or strategy but it links with other things put in place to the current objective of attaining lasting peace in Solomon Islands. I am saying this because we appear not to be serious about it. I just want to flag that concern at this point in time.

Sir, having said that and before I proceed, I would like to join those who spoke before in thanking the members of the Truth and Reconciliation working committee for putting a lot of work and effort into this Bill. The Committee is made up of very

reputable individuals in the society and they put together this particular Bill to come up with the work that is to be undertaken by the Commission to address peace and national unity through the working of a formalized reconciliation process. And I think the key word used is in the context of our situation.

I believe that the term 'context' in our situation is a very important phrase to take serious note of. It is very important to appreciate at the outset because unlike other countries where atrocities committed that led to the establishment of a Truth and Reconciliation Commission were committed by servants of the state, and therefore the call and initiative to tell the truth about what has happened comes from the concerned members of the civil society and human rights organizations. The objective clearly is to get the people, especially the victims to tell the truth about what servants of the state at the command of the state did to them. So it is people versus the state or the servants of the state and ultimately the state, and the issue of concern as I have mentioned already that is bothering the people are the atrocities and human rights violations, Mr Speaker.

Now, the situation in Solomon Islands is what we need to really appreciate because we are talking about retaining peace and stability in the country. This is very different, Mr Speaker, if we can say this is that the involvement of the state is by way of neglecting issues that finally caused the frustrations which eventually led to the original frustrated people taking the law into their own hands to enforce their will upon fellow Solomon Islanders, Mr Speaker, which is a very sad state of affair. Solomon Islanders taking the law into their own hands and inflicting other fellow Solomon Islanders.

Sir, the major concern of the Bill is the atrocities incidental to the responses and counter responses and the planning of the responses by the conflicting forces, and other people who take advantage of the situation then prevailing to commit crimes. These issues form a big part of the issues that will be the subject of hearing by this Commission. That is a very important point to appreciate in order for us to understand what actually happened in the periods 1998 to 2003 if the work of the Commission is to produce any meaningful outcome that will lead to arriving at a lasting solution to what is yet a very temporary peace that we are currently enjoying Mr Speaker.

Right here, I guess the first warning is coming, Mr Speaker. The fact that we could be taken up by our emotions that in the final analysis we find ourselves bogged down in addressing the narrow interests, with due respect, of a few that we disregard the issues that really matter to lasting peace, Mr Speaker. We could be bogged down.

I say this while fully agreeing with the objective of this Bill, Mr Speaker. I am not disputing it. The perpetrators and the victims must be encouraged to come out and express themselves and to be encouraged to reconcile. I fully agree with the sentiments raised by the Minister of Education on this aspect. People must be encouraged to come and do that.

I guess that as well lead me to the first concern that I have, and is shared generally by this side of the house about this fear and emphasis of the work of the Commission. We must not forget that the broader objective of the work of the Commission is to recommend to the government what needs to be done to address to achieve lasting peace. If that objective is achieved then we would be responsible for

complicating our peace process through the operation of a law that we pass in Parliament.

I say this, Mr Speaker, because it is very, very, easy for the Commission under the present structure of the law, and using this phrase 'we head straight for the trees' and miss the forest. Why I am saying this is because it is very easy for the Commission under the law as presented, and I raised this sentiment earlier, to be bogged down on getting people to tell the truth about what other Solomon Islanders had done to them that we forget about why these Solomon Islanders that we branded as perpetrators did what they did from 1998 to 2003, and in the end we did not address issues that really matter to sustaining peace.

Sir, I say this because we see the introduction of this Bill as a wonderful opportunity for us to fully investigate the reasons for the frustrations that led to the collapse of our country in year 2000. Our concern is that we could be misled by a static picture that presents itself in 1998 to 2003. It is like a video screen that has something wrong with the screen and so it stops to operate and the only picture on the screen is presented - the 1998 to 2003 picture is presented through atrocities. We might miss the whole reasons behind why the picture happened. Why people responded the way they did during the period under consideration and inference we miss the real driving force behind the ethnic crisis. This is just a friendly warning and reminder to all of us.

What happened in 1998 to 2003 is a result of years of neglect and it can be the tendency that we are misled on what we saw in 1998 to 2003 that we are bogged down addressing those issues and we forget what led to what happened during those periods. For example, the preamble carries that there is an erroneous conclusion that the cause of the ethnic crisis was the raid of various armories throughout the country, and so this led us to come up with some strange policies too. We went through the pain of disciplining ourselves unnecessarily, even to the extent of disarming the country and placing our security in the hands of other people, Mr Speaker.

Let it be known to the people of this country that the deliberate taking of sides by police officers at that time was a direct response to the situation that presented itself at that time forcing those officers to compromise their loyalty to the state in support of an ethnic agenda, which to the assessment of the officers concerned, threatens the very survival of their ethnic groups. No amount of pledge of allegiance would deter anyone when survival becomes an issue, Mr Speaker.

Sir, there is no other place to start identifying the reasons behind what happened in the period that we will be looking into, and then, of course of all the reports that the Minister of Forestry has mentioned such as the bona fide demands of the people of Guadalcanal, the various communiqués and the various agreements that we have signed. There is no better place to start than those documents so that we summarize what have been happening already, and that is why we have the situation that presented itself from 1998 to 2000, Mr Speaker. These issues fully represent the concerns that have been around for donkey, donkey years, and successive governments have not been able to fully and properly address them. It is just unfortunate, Mr Speaker, that Solomon Islanders concerned had decided to take their anger and frustrations against each other.

Why I am saying this, Mr Speaker, is because it is important that we place the whole range of happenings during the period that we would like to look at in question within context so that we appreciate it. And it is not my intention to go through all the issues because these are common knowledge; they are things that we already know about. Only to say that there is no question that the country paid dearly for neglecting the concerns of the people of Guadalcanal, which at the end of the day these issues are now known in government and the academic circles as the bona fide demands of the people of Guadalcanal.

The interesting thing about the demands, Mr Speaker, is that they are not unique to the people of Guadalcanal but are issues that any Solomon Islanders would be willing to sign their signatures on affirming their support are issues that we should be addressing because they have national applications.

The other two issues I would like to raise to the notice of the government before I take my seat is that the government has already preempted what it will do through a very selective approach in addressing the losses suffered by Solomon Islands. This came out very clearly from questions asked on the floor of this Parliament and responses that came from the government.

My only concern and the concern of this side, Mr Speaker, is that we cannot expect people to reconcile when the government flatly refused to even consider the losses incurred by the people who lost so much during the ethnic crisis and have yet to be properly addressed. This is where the issue reparation comes in, Mr Speaker.

Mr Speaker, in our view we cannot adopt a selective approach to addressing these issues that would cause frustration and expect our people to forget it and reconcile. We are human beings and this is only common sense.

In this regard, we are concerned that the government has already made up its mind about a number of issues before the avenue to get people to come forward and tell what they are not happy about is established. I say this because we cannot rule out people coming forward telling the Commission that as long as their losses are not addressed they are not happy and will not be willing to reconcile with the people doing those things to them.

This is just a friendly advice to the government, Mr Speaker. May be let us allow the Commission to listen to these people, even if some decisions have been made on some of these issues, Mr Speaker, let us open our ears and listen to them. Because probably at the end of the day it may be only these issues that need to be addressed, and will return peace to this country. In other words, what we have here is a situation where the government is taking a very long shot in saying that it wants people to reconcile but it does not want to be part of their losses. This is akin to trying the impossibility.

I guess the question that our people will be asking if this is the situation they understand to be the position taken by the government, is this Parliament genuine about getting to the bottom of the issues that causes people to hate other Solomon Islanders? What is the point of setting up an avenue to listen to people's concern when we have already made up our minds not to address their concerns in our very selective approach to addressing outstanding issues?

It simply does not make any logical sense.

We are expressing this concern, Mr Speaker, because the strategy envisaged in this Bill is a golden opportunity for us to address peace once and for all by not only pretending to listen to our people but also to be genuine about addressing their concerns, Mr Speaker.

The final issue I would like to add to the sentiments raised by the Minister of Education on this point, Mr Speaker, is to do with providing maximum comfort for people to come forward without fear that they would not be incriminating themselves by admitting their actions.

We are raising this concern, Mr Speaker, because the Bill does not provide immunity against prosecution if the police decide to pursue an issue against anyone, whom may have been implicated in the course of action that may have disadvantaged the victim who appear before the Commission to tell his/her story. Although there are some kind of protection mechanisms that if a person happens to come before the Commission he/she would be advised of his/her rights, and what to say and what not to say. But the fact remains that the Police can still continue to pursue that person if they decide to.

This is a very important point of concern, Mr Speaker, because the success of the work of Commission depends very much on people coming forward to testify to the Commission. If people do not come forward then the Commission will just sit down idle with nothing to do because people are not coming. In other words, the objective of the Commission is to get people to tell the truth, as the Minister of Education rightly pointed out about an issue or issues that they have personal knowledge about or may have been directly involved themselves.

Mr Speaker, we note that the Bill also empowers the Commission to summon people to appear before the panel to testify. And I join the Minister of Education again on this sentiment. This policy is removing an important element in the work of a commission that is seeking for truth about issues - the importance of providing an environment where people will come forward to tell their stories without fear that their freedom is at risk. Freedom, Mr Speaker, is a very precious thing and no one in his/her right mind would just give it away.

The concern for safety also applies to the victims. If somebody's freedom is potentially at risk because of the likely incriminating testimony of the victim, he/she would be a potential target of strategies to silence him/her. It will work like that on both sides. This is totally unnecessary if the Bill guarantees the safety of people who come before it. And I think it must do that, Mr Speaker; it must do that. In its present form the Bill does not provide that guarantee.

In the end, Mr Speaker, in my own view and is generally shared by this side of the House, the ideal structure of a TRC that would guarantee lasting peace and workable is one that will have the following characteristics.

First it must provide an environment where both the victims and the perpetrators can without fear come forward and testify the truth before the Commission. They will not fear but come forward. This means the people must be immune against

prosecution. As argued this is common sense because if we want people to tell the truth then we must encourage them to tell the truth.

The Bill in its present form would seem to discourage some people from telling the truth, let alone coming forward in the first place or even if they come forward their tongues would entangle everywhere and they will not be able to tell the truth. This is the truth and reconciliation bill. R

The second characteristic is that it must have as its ultimate objective in addition to reconciliation things like forgiveness, pardon, reparation, acceptance and tolerance, which are Christian values. It will work if these objectives are clearly set out within the law. It would be an ideal situation for things like that to be guaranteed within the law.

Right now it is not clear where we are heading. All it says is that the report will be submitted to the Government or some task force or something to decide on what actions to be taken. I feel that if we want our people to come forward, and in the interest of peace and reconciliation, the objectives must be clearly spelt out inside this law. The Bill should spell out that when people go before the Commission they will tell the truth and in return they will be forgiven or pardoned. Reparation is the end of the line or the ultimate objective of all the pains that they have to bear to come before the commission and tell the truth.

I am saying this, Mr Speaker, because it would be hypocritical for this Parliament to expect people to forgive each other and rule out any suggestion of the state forgiving the perpetrators. It is a two way thing. It is horizontal, which is forgiveness and there must be the assurance that the state too must be prepared to forgive these persons. Forgiveness, as I have already said must apply both horizontally and vertically.

I must repeat that we, and is Members of this House would be seen as hypocrites because the logical expectation is if we want people to forgive each other then the state must also be willing to forgive the people who have come forward telling the truth.

The state also, Mr Speaker, must be willing to pardon people who have served or currently serving sentence for ethnic tension related crimes. I am saying this with all genuineness, irrespective of the seriousness of the crimes committed and resort to traditional and Christian principles of dealing with the wrongs committed against fellow Solomon Islanders.

As I have said already people may raise their eyebrows at this proposition, Mr Speaker, but there is a point to be proven here. It is a real test for this country to stand up and say we are real Christians and are prepared to forgive and pardon. There is justification for this because the wrongs committed by Solomon Islanders during this period of time were committed in a given environment where under normal situation Solomon Islanders would not even think about committing these crimes. They were influenced by the given environment.

Of course, Mr Speaker, we must also be concerned about the victims, it is not a one way traffic. That is where reparation comes in and it must be spelt out clearly in this law. Reparation must be an indispensable component of the process to assist the wrong doer settle his/her wrongs with the victim. This will certainly cost millions of dollars,

but what is that compared with lasting peace that would be enjoyed by this country as a result.

The Minister for Forestry this morning talked about justice before peace or peace before justice, Mr Speaker. Sir, that time was a very difficult time. In fact we uphold right from the very beginning this principle of justice before peace. It is because of the payment of \$10million that necessitated and enabled the parties to even come and talk about peace. That was done in front of Terebe Beach. I ordered, with due respect to the present Minister of Forestry who was a loyal deputy that time and the current Minister of Finance who was also the Minister of Finance that time, and the Governor of the Central Bank to come up with \$10million by 7 o'clock tomorrow to address the problem. And they did, they came up with that money and we went and sort the thing out, pay them and that enabled the parties to come together and start to talk about peace. So that principle has been consistent all along, and I continue to maintain and to hold that position.

Sir, talking about millions of dollars, if the Coalition of the Willing is prepared to fight wars that cost billions of US dollars in the name of freedom, democracy and all the values of good governance, surely they can spare a little fraction of that expenditure to free this country from this burden and guarantee lasting peace in Solomon Islands.

Having expressed these concerns, Mr Speaker, I think we need to start somewhere. The important thing is that we need to have a mechanism that facilitates the voluntary appearance of people before the Commission to express their concerns under the protection and safety of the law. With the exception of the need to place witnesses beyond their reach of the law for crimes reported, which needs to be spelt out clearly, if the need arises at some point in time, I believe there is a scope under the proposed legislation to address most of the concerns that I raised this morning as well as other speakers who have spoken before me. The Commission will submit a report to the government whereupon the government will decide on the course of action to take, Mr Speaker.

I think with that understanding Mr Speaker, we lend our support to this Bill.

Sitting suspended for lunch break until 2.00 pm

Parliament resumed at 2:00pm

(Debate on the Truth and Reconciliation Commission Bill 2008 continues)

Mr. WALE: Thank you, Mr Speaker, for the opportunity to contribute a few thoughts to the debate of this most important bill now before this House.

Sir, I also wish to thank the Honorable Minister, his staff, the learned chairman of the stirring committee and his members for their work in ensuring that this Bill is now before the House. Mr Speaker, I also wish to acknowledge the important role played by the Solomon Islands Christian Association, the Bar Association, the National Council of Women, the Council of Trade Unions, the Chamber of Commerce and other members of

the Civil Society Network in their search for meaningful reconciliation for our country. These organizations spent the last few years and much of their meager resources to give birth to the process that has now culminated in this important Bill.

Sir, for any society that has gone through conflict to begin the process of moving forward it must look back. For our history not to trap us, we as a society need to learn its lessons well. We are doomed to repeat history if we fail to heed the lessons. Sir, to date one can make a strong case that we have refused to learn from our past. We often fall to the temptation of the cheap and easy road and ignore our past problems in the vain hope that they will go away.

Questions that require resolution are often termed 'sensitive' and so we give ourselves the license to sidestep the issues involved. Often in these zigzagging, truth is the first casualty. Sir, we have had little interest in truth because knowledge of the truth necessarily poses upon us choices we perceive to be difficult to make.

Sir, at the leadership level we carry on as we have always done prior to the conflict. Our politics continue to be 'divide and rule' and the abuse of government for personal and vested interest has continued unabated. The revolts of the people against these abuses have either fallen on deaf or unwilling ears.

Sir, our people are used to resorting to violence now as an effective means of pursuing grievances or perceived wrongs. It has simply worked, worked much better than other processes and mechanisms. At the leadership level it would appear that if violence is helpful to our cause, we condone it - we the leaders that are looking for reconciliation.

Sir, we have demonstrated that we prefer to react to situations than to take proactive, substantive and perhaps risky steps to move the country forward. It is easy to be reactionary but often this is plagued with risks that are mid to long term resolution of issues. Sir, the mid to long term is often sacrificed or perceived short term appeasement.

What causes people to move outside the bounds of law and the system of government and resort to violence in pursuit of issues they perceive as important? Has our parliamentary system of government been inadequate to hear the cries of its own people and has it lacked the capacity to substantively address them? Or conversely, have our leaders been unable and/or unwilling to listen to the people for as we know, Sir, even a good system of government can be compromised by the people mandated to make it work. On the other hand, an inadequate system of government could be made to work well.

Mr Speaker, when the leadership of any nation seek out ways of manipulating the law and procedures to suit their interests, the deliberate search for weaknesses in our legal system to be exploited speaks very loudly to our people that it is okay as a way of advancing oneself and one's interests over and above side that of others in society.

Mr Speaker, we ought to ask ourselves what sort of society do we want to build in Solomon Islands? Or put in another way, Sir, what would characterize our society in the future? Do we want to see a future Solomon Islands society that values its rich cultural diversity and has mutual respect for each other?

Sir, do you want to see a people whose allegiance and pride is to Solomon Islands more than just to a wantok or island group as important as these are? Sir, do we want to see a people that are confident about themselves and their country. Do we want to see a united Solomon Islands within existing geographical boundaries?

Sir, these and other similar questions need to be answered as part of the process of charting a future in which all Solomon Islanders remain equal under one body of law.

Given the demographics of our country, Sir, in one generation from today, around 70% or more of our population will not have any memory of the pre-conflict years. Sir, a major reference point for them will be the conflict and its consequences. Failure to substantively deal with issues giving rise to and arising out of the conflict would be a dangerous heritage to pass on to the next generation of Solomon Islanders.

Our leadership has a collective responsibility to ensure that as a society we constructively look back into our past and with maturity reach deep within us for the resources that deal with the difficult issues, so that as a society and nation we can see clearly forward and exercise greater care and responsibility in forging a common future for our peoples.

Mr Speaker, the call for state federal government reform is an important part of the issue for resolution. This is a significant piece of reform, and with it the proposal to adopt a whole new untried constitution.

The lay person's perception of the reform is that it will limit freedom of movement between the states to be. This, it is argued will fix the problem of settlers from other islands to the associated derivative issues that come with that.

Sir, a constitution is the foundation of any society. What kind of foundation are we laying for the future Solomon Islands society we want to build when we begin by dividing our people into 'us' and 'them'? It would seem that we would be laying a foundation based on fear and one that would perpetuate mutual fear. Do we now accept mutual fear as an acceptable tool for ensuring social cohesion, one might ask?

Sir, these are difficult but important questions we need to ponder and answer with some basic honesty.

Mr Speaker, the Truth and Reconciliation Commission process, which this Bill is proposing is a process that is a significant step in the direction of seeking honest answers to some of these difficult problems and issues. It is an important statement that we accept responsibility for our problems and do not blame others for them. It is when we accept responsibility that we constructively seek solutions.

Sir, much of what happened during the conflict years has remain in the realm of speculation, rumor and under the cover of group responsibility. To date there is no evidence of individualized responsibility for offenses suffered by victims, saved the few that have been dealt with by the courts.

We know only too well the consequences of collective guilt on our communities - innocent people suffer. We also know that much reconciliation have occurred at various levels within our communities and some of these have indeed been very useful whilst others have been cosmetic.

There have been reconciliations in which the victim's party were never given the truth, but were expected to make assumptions about offenses being reconciled over. Mr Speaker, we know that reconciliation is of God. In reconciling us to Himself God showed us what makes reconciliation meaningful. Only meaningful reconciliation can afford victims, families, communities and the nation healing.

How can a victim have closure and healing when truth remains unknown, and there is no sense of justice, because truth carries with it a sense of justice? It is when truth is known that the victim is afforded the difficult but necessary choice to forgive. Sir, how can anyone forgive without the truth? Blanket confessions and apologies are meaningless attempts to cover up the truth that is so essential to healing.

Mr Speaker, I agree with other speakers before me that truth is foundational to a truth and reconciliation process. Truth opens the way for forgiveness to take place even if the offender is unrepentant. If there is repentance on the part of the offender, restitution can take place restoring relationships. Sir, restitution is a form of justice if offered with sincerity. It would seem to me, Sir, that in its attempt to address issues of justice, the Bill has not gone far enough.

Mr Speaker, a successful truth and reconciliation commission process must cause truth to be known leading to repentance, forgiveness, restitution, justice – the important ingredients for meaningful and lasting reconciliation.

Mr Speaker, we also know that the truth and reconciliation commission process will only as effective as people make it to be. Offenders true to human nature will find it very difficult to volunteer the truth they know, and so it is important that the Commission has powers to compel people to appear and answer. It is important that the process remains focused on the victims. Our peace process has focused a disproportionate amount of attention and resources on perpetrators and largely neglecting the plight of victims.

The ordinary mother, Sir, who has suffered at the hands of others, must have the opportunity to tell the story. Sir, that mother story is important to Solomon Islands. The formal process is public acknowledgement and recognition of the suffering of the mother.

Mr Speaker, as the country listens in to the stories and testimonies of the suffering of individuals and families, it will become clear that we share a common humanity that we bind to what is common and not accentuate what is different amongst us. Sir, that common humanity is degraded when one suffers atrocities at the hands of another. Such stories will galvanize the hearts and spirit of the nation and hopefully move the nation to promise itself to never again resort to violence as a means of resolving issues.

Mr Speaker, a peace process that is heavily monetized cannot be sustainable into the long term future. Monetization may work in the short term but outside other key processes and reforms, it cannot under write a sustainable peace. Monetization is often abused to reward wrong behavior, and those in the ascendancy tend to have greater access to such resources. We need to be extremely careful in this regard.

Mr Speaker, there was much speculation about the role of national and provincial leaders in the conflict. Sir, leadership has the potential to either energize the truth and reconciliation commission process or undermine it. We must exercise discipline and refrain at the political level from using the process for political point scoring. Sir, this will serve no meaningful purpose but only serve to undermine the process.

Further, Mr Speaker, the process will be dealing with issues of the heart touching on basic identity, and as such there is always the risk that the process will scratch old wounds and cause severe bleeding.

Sir, as you know truth carries the risk that it will precipitate un-forgiveness and bitterness leading to revenge. This is a serious risk but one that is worth taking. Reconciliation is costly not in material terms perhaps but more in spiritual terms. Reconciliation represents the door we must walk through to chart a common future based on mutual respect and trust. As a society we must count the cost for choosing a better future for our children.

Mr Speaker, reconciliations that have been happening to date have been important aspects of mitigating against this risk. But most importantly, Sir, it requires positive, proactive, matured and responsible leadership at all levels of our society, to motivate our people to embrace the path of truth, forgiveness, repentance, restitution and reconciliation over and against the temptation to harbor hatred and revenge.

As leaders, we must give everything we can to encourage constructive participation in the truth and reconciliation process. A successful process will liberate our people and nation to participate more fully and constructively in the constitutional reform process.

Mr Speaker, public policy and ongoing reform must seek to address the underlying issues that were the initial drivers of the tensions that were catalysts of the conflicts. Reforms in land, redistribution of national wealth, electoral representation, human rights legislation and commission, strengthen provincial or state or island level governments, and so forth.

Sir, it is not the role of the truth and reconciliation commission process to seek to give direction to these reforms. The reconciliation process would be seeking to do too much if it were geared to do this or is weighed down with these expectations. It cannot be an end or in all of our problems.

Sir, it is important that our children learn about their history and the findings of the Commission due course ought to be taught in schools. Our children need to be taught that no society can exist meaningfully if it resorts to violence as a legitimate means of resolving issues.

Mr Speaker, I am greatly encouraged by the intentions of this Bill and encourage our people to embrace this process and seek to participate fully in it. Its success depends on the people's participation.

With these brief remarks, Sir, I support the Bill.

Mr MAELANGA: Mr Speaker, first of all I would like to thank the Minister for National Unity, Reconciliation and Peace for this Bill. I also would like to thank the Reconciliation Committee for its work in bringing this Bill to Parliament.

Mr Speaker, first I would like to touch on amnesty as it is important for our people to be aware of what has been given in the Townsville Peace Agreement between 2000 and 2001.

Today I just learn that it was because of our leaders not taking action to review the amnesty and that is why things do not happen accordingly and that is why we see a lot of them facing problems and have to go to court because amnesty is not working. Mr Speaker, I stand here because I myself faced this problem. I must say in this Parliament that this is because of us leaders who did not have concern for our people.

Mr Speaker, I understand that amnesty was given to those involved in the ethnic conflict covering crimes that happened during that period, and crimes committed after the signing of the Townsville Peace Agreement. For those crimes, people have to face justice.

Mr. Speaker, I just want the Commission to clearly explain to the parties involved through this Truth and Reconciliation Bill so that they are fully aware before they come forward giving their stories. The Commission that will be set up needs to clearly explain so that our people do not fear in coming forward to tell issues affecting them, especially the victims and the offenders. What will happen if people come forward to tell the truth?

Sir, some of our people do not understand things, and that is why I started off with amnesty. Without understanding what the amnesty act means, people might think that they covered under amnesty without realizing that our leaders have not moved on to do their part so that it covers those involved in the conflict.

Mr Speaker, I ask this question because it was the Townsville Peace Agreement that brought about peace among the two parties involved in the ethnic tension leading to traditional and church reconciliations taking place at that time. Those reconciliations are meaningful to our country because this is a Melanesian country and our culture is very important. We are born with our culture and we live with it and so when we start to forget about our traditional cultures and those church reconciliations problems are still there.

We have not seen any true peace or true reconciliations. It can only be meaningful when we start to look at our justice system. That is why I talk about traditional and church reconciliations. This is a Melanesian country and it is true that justice is there, but we have to consider our cultures and our church. I for one believe that only traditional and church reconciliation can bring about lasting solution. It cannot bring hatred, un-forgiveness but it can bring about forgiveness and peace.

Mr Speaker, I do not intend to talk very much, but just to share a few of my thoughts to this House. I can see that the way forward is what the Committee and the Ministry are trying to bring to us. Let us try and work on it as some Members have said that true reconciliation must come from our heart and to explain more clearly to our people so that they can come forward, especially the victims and offenders.

I am saying this because I attended a reconciliation ceremony at the Rove Prison on Sunday last week. I accompanied the PS for Peace and Reconciliation and I witness how reconciliation took place. That is the kind of reconciliation that can bring about peace. A victim came forward and the offender also came forward and they said sorry to each other. That is the kind of true reconciliation we want to happen.

This Bill is very important so that people come forward because we want to find lasting solution to the problems in this nation. We are looking for peace and so how can this peace come about? If not we will continue to be the same. True reconciliation can only come about between an offender and the victim coming forward.

The Commission must clearly explain to the people what would happen when they come forward and talk to each other because some of them will have fear, as the Minister for Education had said today. I just ask the Commission to continue educate our people about this Bill that is now before us.

Mr Speaker, I just want to thank all our churches throughout the country for their prayers for this nation where we now enjoy peace and move freely. I also would like to thank our pastors, priests and the Melanesian Brotherhood for doing their best in bringing together both parties that are involved in the tension, which led to us now realize stability in our country today.

Mr. Speaker, lastly I would like to ask our people to listen in to what we are talking about so that they can understand and must also come forward to help out on this truth and reconciliation processes so that we can work together to bring about lasting peace to our nation, Solomon Islands.

With those brief remarks, I once thank again the Minister for bringing this Bill before the House, and I support the Bill.

Mr. OTI: Mr. Speaker, I thank the Minister for Public Service for allowing me to take this opportunity first before him to talk on the Bill.

Mr. Speaker, like others have said I also take this opportunity to thank the Minister and his Ministry as well as the working committee under whose efforts this Bill has finally come through Parliament. Mr. Speaker, a lot of issues have been raised in relation to certain aspects, certain expectations of the Bill and what it drives to achieve, particularly in regards to the expected outcomes of the work that this Commission is going to do.

Mr. Speaker, the object of the Bill before us says, of course amongst other pertinent objectives, but one which I would like to particularly touch on is one which says that this Bill is to supplement customary reconciliation ceremonies or processes. This is important because this is the formal process we will legislate and work to be done or carried out by the Commission. But the actual implementation of those processes must fall squarely on our traditional customary practices based on how the communities affected have lived with. It must not be taken out of context.

I think that objective although the legislation says that it is to complement that particular aspect of our practice, there is nowhere to show where and what those practices are, hence Part 6 of the Act, perhaps when the Ministry further looks at the enabling regulation on Part 6 of the legislation, we must at least try to factor in somehow the customary practices prevailing in Solomon Islands, particularly as it applies to those communities concerned. And in this instance and immediately at the forefront would be our people of Guadalcanal and the practices of our people of Malaita. It is critical that it has to be done or commensurate with the practices of those communities concerned.

That is the first issue I want to raise here, and it is not reflected anywhere in the legislation so I am trying to see where else can we look to take this particular process into account. May be there are others that the Minister and our law officers will tell us, but as a layman I think this is one of the areas that should be carried in the development of the regulations under Part 6 to implement the provisions of the law.

Mr. Speaker, another point I also would like to raise is in relation to some happenings on the amnesty provision of the Amnesty Act 2001 I would like to specifically raise because according to the legislation, it does not take on the responsibility that is vested on Section 17 of the Constitution on the right to compensation. This does not usurp that; it does not take over that responsibility. It still lies valid to any individual who is aggrieved through loss of property to resort, to revert and to seek redress under our normal processes, under our laws as provided for on Section 17 of the Constitution.

This brings me to this point where the aggrieved party result in the loss of life, and on loss of life it is true that it cannot be replaced, but loss of property which is recoverable and which the Constitution says that whoever takes away must pay back, the forgiveness and reconciliation, are we expecting people to forgive without repaying? Mr. Speaker, that is really a big demand on human thought.

Who will just say "I will forgive you, I am prepared to forego my claim on my properties that you have destroyed. "You are the one who burnt my house but I forgive you, even though I lost my house, it is okay". That is critical too. Because this process does not cover those, and independently can be pursued under other laws, to what extent therefore is this process going to be, and I hope it is not, an end in itself because an opening still remains through other avenues I have mentioned.

Therefore, the thinking that we would like to achieve for this country and its people for sustainable peace, can this Commission through its recommendations and findings bring about lasting sustainable peace? May be not and obviously it could not and should not too, Mr. Speaker, because there are ways of addressing these issues that have befallen us, not necessarily through this kind of mechanism. But for the time being because of commitments made under the Townsville Peace Agreement in 2000 or through previous consequential arrangements, agreements entered into by the parties then, all those need to be visited and see how we can slowly water down the areas that we can disagree on and identify areas that would bring us common understanding and a common acceptance of where we are going to drive the way forward. Therefore, this legislation must not be seen as the answer to everything for the future peace of this

country. No, Mr. Speaker, it targets specifically at a situation given the time the legislation is trying to look into those incidences. This is where it is so critical that we do not widen too much the call for witnesses to come forward to go outside of the scope of this legislation, even to the extent of, with due respect to those who advance the causes of the ethnic tension, I think it would be too much for us to bear, and of course we are taking on or putting that responsibility on a commission, whose task should really be looking at crimes committed against each other never mind for what reason, because we all know the reason. But when a crime is committed, who is the victim; it should be pinned on that. All the other consequential and subsequent reasons should be addressed outside of the scope of the Truth and Reconciliation Commission.

That being said, Mr Speaker, Part 3 of the Bill talks about the objective of the Commission, the mode of operation, powers of the Commission, is once again critical as others have raised is the issue of subpoena where the Commission can compel a witness to come before it to testify, particularly when a witness is on the side of the victim, and says somebody like this is committing a crime like this. For example, it might be killing of his/her daughter or has raped my relatives etc. The expectation is that the perpetrator will come forward. Of course, Mr Speaker, it might be difficult to a certain extent hence the application of the powers of the Commission to compel to subpoena a witness that committed a particular crime when a victim testified before the Commission. If the perpetrator or a committer of the crime does not come according to this Bill before us, the Commission can compel the witness to come because if not it will amount to contempt of the proceedings of the Commission and can therefore be charged under our other courts for not agreeing to make a submission before the Commission. In a way, this is instilling fear on the victims and also on the perpetrators to come freely to testify before the Commission. That, again, Mr Speaker, although the intention is right but the practical application of it is that we must not be disappointed if perhaps it does not turn out the way we expect it. But for purposes of this legislation, for purposes of telling the nation that the government and Parliament has moved this particular Bill to address the situation at that point in time, indeed is a very big thing to us. And I would like to thank the Prime Minister then in 2000, the Deputy Prime Minister then and now the Minister of Forest who were very instrumental in bringing the process to at least a stand still and for us to have a benchmark and a springboard on which we can take off. And today that process still continues, it has not ended yet.

Sir, I would like once again to commend the government, and this has been a common objective. Although the government in 2001 to 2006 because of the circumstances at that time was not able to bring this in because of the volatility of the situation at that point in time, but the government in 2006 up to 2007, of course, it was part of the agenda of now the Leader of Opposition and the new government in late 2008 continues to carry it forward. And so it is not a political agenda of any particular government but it is an agenda of this country, regardless of which government comes, it must take on this particular agenda for the purposes of putting this nation on a sustainable footing for the future.

With those remarks, Mr Speaker, I would like to thank you for giving me the opportunity to contribute briefly to this Bill. I support the Bill.

Hon. TOZAKA: Mr Speaker, firstly I would like to join other colleagues in thanking and congratulating my honorable colleague Minister for National Unity, Reconciliation and Peace and his Ministry for successfully completing the task given in producing this Bill and also to lay this Bill before us for Parliament's consideration.

I would also like to join other colleagues in acknowledging the good work of the Truth and Reconciliation Commission steering committee headed by the Chairman of the Law Commission, and his administration for successfully carrying out this task to its completion.

Sir, I recognize this Bill as a homegrown one, and I also recognize this Bill that in principle it reminds us of the importance and the best interest of our people and our country Solomon Islands to forget the past and move on into the future. This means that the Committee has done a very good job in that it has conducted nation wide consultations with our Churches and provincial authorities, our traditional leaders and chiefs, the women and youth organizations and those affected by the ethnic tension. In a way this Bill has the full representational support of our people and government.

Mr Speaker, this Bill as the honorable Minister stated in his speech, apart from the Townsville Peace Agreement, it is basically in pursuit of government policies and framework goal for both the GCCG and the present government CNURA Government. For example, in the policy framework goal of the last government, it states and I quote: "set up a truth and reconciliation commission, the main objective of which would be to involve all relevant stakeholders in the reconciliation process premised on genuine facts and confession, and the examination of the root causes of the ethnic conflict and the Honiara riots and to devise strategic policy options that would prevent similar situations reoccurring" end of quote.

Sir, also our government policy basically says: "to complete truth and reconciliation process that establishes what happened during the years of the conflict and opportunities for reconciliation at all levels of the society and the concern of victims to be appropriately addressed".

My point here is that both sides of the House have equal concerns and great intention in bringing about lasting peace, lasting true reconciliation and healing in our family units, in our communities, and the country as a whole. Hence this particular Bill we are debating now and are going to pass.

Sir, as we are aware, we know that currently the situation of the effects of the ethnic tension has been compounded by other issues, old and new emerging issues and is therefore becoming more complicated and difficult. There is still the issue of people not being compensated for their lost properties. Whilst we do not want to hear about such things, inevitably the government of the day and future governments will still need to address this head on. Therefore, given the situation we need to look for a suitable mechanism to advise the government and Parliament of options on how to address this in the best interest of the people.

Mr Speaker, therefore, the government considers the Truth and Reconciliation Commission as a neutral and impartial body to do this job by getting down and analyze what has gone wrong that made us have the problems we are experiencing. What has actually gone wrong? The underlying structural root causes of the ethnic tension.

The TRC, therefore, would involve, as I see it implied in the Bill that all relevant stakeholders in the reconciliation process premised on genuine facts and confession, examination of the root causes of the conflict and then device strategic policy option that would prevent the situation in reoccurring.

Mr Speaker, I believe that if the TRC is to be appointed to demonstrate the qualities and values expected of it in Part 2 of the Bill, it would remove or minimize the fears that we all have and seem to share.

Mr Speaker, I believe this is not a destination whereby this body would be appointed and then expecting it to come up with a resolution. No. It is a journey and a process for us to find lasting peace and reconciliation.

Mr Speaker, our people also have the characteristic of keeping things in our minds and hearts, of which some are good and some are bad things. Our people would like a system of confession like in the Church, and they would like to do it privately to someone whom they trust and someone whom they have confidence in. This is one objective of the Bill, as I see it that when the opportunity is given to our people to share their problems and needs like what I referred to as confession in the Church, it is an opportunity for all not to go down the same path again, and this will hopefully sustain unity and peace in the country. Therefore, this Bill is not to enable another layer of courts. I am very pleased that I myself was asking that particular information out of this Bill and I found it myself in Section 20 of the Bill of the assurance that it is not a court. It is not that a person who appears before the TRC will be taken to court. No. This is a body that will be very helpful. It will help us freely express ourselves and come up with recommendation to the government to make policies from recommendations put forward, whatever policies the government see fit.

Sir, as I said, it is not a court system, but it is a commission that would provide the opportunity for our people to share their problems and their experiences of the ethnic tension, after which the Commission will submit to the government its recommendation for solution to the problems in order to achieve lasting peace in our country. For example, may be what people would share with the TRC are obstacles relating to our institutions that may be are not working, which could be obstacles to us achieving lasting peace.

My colleague Member for Aoke/Langa Langa mentioned the federal system of government as may be the way to go or may be not. I know these people would love to share that sort of sentiment, may be not in the government systems that we have but in another way they can get the opportunity. This is why the government has considered it necessary that we introduce this system so that our people can express their feelings and their needs.

An example too is that it may be a land matter that they would like to express or policies relating to land or policies relating to amnesty. I heard one of my colleagues

mentioned amnesty. It does not mean amnesty is over. The TRC may come up with a recommendation on amnesty as the way forward. It may recommend an amnesty solution to the government. It may come up with a compensation proposal too. These are things our people would like to share openly with this body that we are going to establish out of this Bill. So it is a good thing. It is a good opportunity for our people to be able to share their problems to this body that we put our trust and confidence in. Through the qualities we expect out of Part 2 of this Bill, we hope to achieve the objective of the work of the TRC.

Sir, we also need to understand our society well in order to bring about true peace. No one can deny that we are struggling. We are struggling with our people in trying our best to bring about lasting peace, reconciliation and healing to the country. We cannot deny it; we are all trying our best.

Sir, in this context, I also recognize that passing this Bill does not mean that it supersedes or take over the good work done by other organizations in our country, in our communities. It does not take the place of our traditional systems. This Bill is not taking over those responsibilities. This Bill is not going to take over the responsibility of the good work the churches are doing in achieving the same objective of this Bill. This Bill is not going to take over the responsibilities of the non-government organizations; they are doing a very good job. This Bill is actually supplementing those genuine efforts. And I would like to join other colleagues to thank the good work going on in our country at this time.

Mr. Speaker, to allow our country to achieve true reconciliation and healing so that we move on in our development, let us give this legislation a chance to perform its tasks. With those few comments, I support the Bill.

Mr. ZAMA: Thank you, Mr. Speaker, for giving me the floor to briefly raise a few comments and observations on this important Bill. Before doing so, I would like to thank the honorable Minister for introducing this Bill to Parliament. I would also like to thank other colleagues who have made comments in support of this Bill.

Mr. Speaker, I just want to bring back to the attention of Parliament that our Constitution has three arms. We have the Legislature, the Executive and the Judiciary. And here we have the Executive through its policies is trying to introduce this Bill to Parliament for the establishment of the Truth and Reconciliation Commission. This is a government policy. In order to achieve true reconciliation and harmony, communities and the government consider it desirable that the informal customary reconciliation ceremony be supplemented by a formal process.

Mr. Speaker, I do not have difficulty with this Bill, but looking through it, especially Part 3 of this Bill, started to make me have some reservations, especially the mode of operation and the powers of the Commission.

Looking back and may be sharing the comments made by the MP for East Malaita, it looks as though we are trying to use the legislature in a much more civilized way. That is how I see it in that we are trying to force people to come to some sort of reconciliation and lasting harmony. Whilst this has been achieved in some sectors of our

communities, I find it a little bit difficult, especially if we want to use regulation to bring people forward to achieve the goals of the government, especially people who will appear before the Commission. I have my reservation on that because we have seen the issue of amnesty.

What I am raising here is that what guarantee there that when people appear before the Commission their reports do not end up with the other arm of the Constitution? That is my reservation on this.

Yes, whilst it is good that the Executive and the Legislature would want to work together to introduce this body so that we can achieve the objectives of the Bill, my only reservation is that we cannot stop these two organs of the Constitution cannot stop the other organ to reach out with its long arms and try to get the reports. Are we trying to use the civilized approach?

I raise this on the floor of Parliament so that the government, especially the Attorney General can look carefully at it again. Is there guarantee that these reports are not going to be used? Solomon Islands, as we know, is a divided country and there is no need, in my view, for us to use force to make people come forward to have peace and reconciliation. I think it can be achieved through the normal process of custom. The issue that we want to supplement through a formal process is raising suspicion in my mind, especially the reports that will be sitting in the Prime Minister's Office, and whether that would be the end of the reports. Or are we trying to introduce another approach to allow the other arm of the Constitution to get those people who do not come in for these processes.

That is the concern I want to raise here because there is no guarantee. The amnesty like the other speakers have raised, did not work, and even our Constitution does not have any other way, especially on the issue of ownership of properties. I do not have to elaborate on that but I know you will understand what I am getting at here. These issues have been raised in court and there are questions that need to be raised. When our constitution is not respected, especially when the reports will sit there in the Prime Minister's Office, are we trying to provide an avenue? Are we trying to force our people and when they do not want to come forward you are going to summon them or you are going to subpoena them to appear before the Commission.

Mr Speaker, if we want to achieve true healing and true reconciliation there is no need, absolutely no need to use force. I want to raise that here so that we take note of it because I do not want the executive and the legislature to work together and providing an avenue for people that is like a trap. I do not want us to set a trap whereby people come out and at the end of the day they are caught. That is what I want to raise, and that is what I want the government and the Attorney General Chamber's to seriously take note of. The objectives of the bill is good, I do not have any difficulty with it as it is to supplement customary reconciliation ceremonies. However, Part 3 of this Bill seems to be using force. That is what I seriously and honestly have reservations on because it looks like this is a civilized approach to setting a trap for our people who would not be honestly coming out clear and clean. Because of that, Mr Speaker, I have reservations even though the intention is noble and good that Solomon Islands must truly achieve

lasting peace, especially when issues are still outstanding because we are trying to force people to come out and say what is in their hearts and mind.

With those few comments, Mr Speaker, I support the Bill.

Hon. MANETOALI: Thank you, Mr Speaker, for the opportunity for me to contribute to this Bill. First of all, Mr Speaker, I would like to thank the Minister of National Unity Reconciliation and Peace for the Bill.

Sir, the Bill is to set up a truth and reconciliation commission. The Commission's duties and responsibilities can be seen in the Bill. The Commission will be dissolved when those duties and responsibilities are completed.

Mr Speaker, the Commission is set out to find the truth about the ethnic tension that devastated our beloved nation, Solomon Islands - the truth nothing but the whole truth. It is not the false and reconciliation commission but it is the truth and reconciliation commission.

Sir, the first task of the Commission is to find the truth. In order for the truth to be known witnesses are needed; needed from who; needed from those people who are directly affected or involved in the ethnic tension.

The whole idea is to come to a reconciliation of those people directly affected. There will be no reconciliation if the truth is not established. Those who go before the Commission must go before the Commission in truth and honesty.

Truth, Mr Speaker, is opposite to false or lies. Truth is telling others exactly what you did or you perform. Truth is biblical and truth is a blessing. A lie is denying to others what you did, what you say is false. Normally a lie is said to belong to the devil. Sir, in Guale language truth means "utuni", in my constituency of Bugotu language it means "tutuni" and in the Maringe language truth means "tutuani".

In Solomon Islands, Mr Speaker, each society has their own words for truth. I only mentioned one or two of them that I know well. Even though truth is pronounced in our different languages, it means the same thing. In order for there to be true reconciliation all things must be done in truth.

Sir, sometimes it is very difficult to obtain truth; it is a difficult task getting truth and one of the most difficult task, but never give up because truth prevails over things that are false.

Sir, reconciliation – reconciliation is to reconcile differences between two parties. When two parties fight or in disagreement with each other later on they must come together, talk and settle the differences between them. When the parties come to a conclusion several things can be done such as shaking of hands, compensation payment, feasting, crying, and thereafter the two disputing parties live in harmony with each other again.

Reconciliation is not a simple task. It needs people with experience, experience in bringing the disputing parties together. We need traditional leaders, church elders and community leaders to fully participate in the reconciliation process, especially to lead the process. We also need trained mediators to carry out the task.

Reconciliation is part of our custom and culture. That is the very reason why the preamble to the Constitution recognizes our customary practices, which are consistent with the spirit of the Constitution. Reconciliation is a recognized customary practice and must be done and carried out.

Lastly, Mr Speaker, I once again thank the Minister for this Bill because I support the Bill and beg to take my seat.

Hon. FONON: Mr Speaker, I rise to utter my deep appreciation to the Honorable Minister for National Unity, Peace and Reconciliation for introducing and moving this historical Bill. Sir, I also would like to acknowledge and pay tribute to the tireless efforts of the Minister, his ministerial staff, the Truth and Reconciliation Stirring Committee, and the AG's Chambers for completing this Bill on time for it to be tabled at this meeting.

Sir, it is also my desire to join the Minister and other speakers in acknowledging the role played by institutions like SICA, the Bar Association, the Civil Society, the International Centre for Transitional Justice, donor partners and various individuals and communities in the process of making this Bill.

Sir, the policy statement of the CNURA Government clearly states that reconciliation and rehabilitation is a paramount priority of the Government. In the same policy statement the Government assured the nation that it would establish the Truth and Reconciliation Commission, hence the Bill now before this Honorable House, Mr Speaker.

Sir, it is not my intention to recount the history of our nation necessitating this Bill as it is well known to all of us parliamentarians as other speakers have already raised. It is history well documented, which my colleague Minister of Forestry has eloquently outlined this morning in his intervention. Sir, we all know that that was a dark period in our history but thank God through His divine intervention our nation has come out to see the light once again.

Sir, it is fitting that I should also extend my acknowledgement and appreciation to the various countries constituting RAMSI that came to our assistance on 23rd July 2003, and are still here with us as our friends.

Mr Speaker, whilst I do not wish to repeat the historical facts, let us remind ourselves of the words of an American Philosopher, George Santayana who said and I quote: "Those who cannot remember the past are condemned to repeat it". Sir, this quotation from Santayana is very relevant to us today, for it tells us not to be scared of our past but rather to confront it bravely, examine it frankly, learn from it objectively, reconcile with each other genuinely with honesty. Heal our wounds caringly; unite without fear or suspicion and move forward earnestly with a new national vision for our progressive and prosperous future.

Mr Speaker, the Bill now before this Parliament seeks approval of the establishment of Truth and Reconciliation Commission. The establishment of this Commission is highly necessary and significant, for this is the forum and frame within which the process of truth telling, reconciliation, hearing and national unity will occur.

Sir, the establishment of the Commission is indeed a legal supplement to the already existing reconciliation practices used in our country. The preamble to the Bill recognizes that there have been numerous informal traditional and church reconciliation ceremonies held at different levels. Sir, may I add that some practices may not be traditional but nevertheless accepted local practices. Sir, these are common reconciliation practices in our societies that we must continue to treasure and harness. Sir, the government itself has participated in some of the reconciliations.

Sir, our people must know that this commission is not a court of law. A commission of this kind is necessary because it provides suitable and non legalistic environment for people to recount verbally from memories easily.

Mr Speaker, like anything else not everyone will be happy. There will always be some discontented persons. The American philosopher I referred to earlier, George Santayana once said, and I quote "When men and women agree it is only in their conclusions their reasons are always different".

Sir, there will be some people fearing police investigation and prosecution if they come forward to tell their stories at the hearings of the Commission. May I inform such people that such a fear will not insulate or protect them from the truth. Whether the Commission is established or not those who commit criminal offences during the ethnic tension period who have not been investigated, arrested or prosecuted will still be sought by the police. The TRC Bill will not affect the normal duties of the police and the courts.

Sir, the Truth and Reconciliation Bill, however, provide the following protections which are not available in any criminal courts. Firstly, Mr Speaker closed hearing as provided for under Clause 61(b). In special circumstances the Commission can hold closed hearings that will not be open to the public.

Secondly, Mr Speaker, confidential information as provided for in Clause 6(3). Any person wishing to give confidential information to the Commission can do so if agreed to by the Commission. Such confidential information cannot be disclosed to any other person or authority.

Thirdly, Mr Speaker, protection of confidential information as provided for in Clause 19, Part 2 A2. After the completion of the work, the Commission shall take such measures as are necessary to protect the confidential information.

Fourthly, Mr Speaker, protection of witnesses as provided for in Clause 7(1). No witnesses shall be compelled to give detrimental statements against himself, his or her spouse, parents or children.

Fifthly, Mr Speaker, inadmissibility of evidence in Court as provided for in Clause 20(f). No courts will accept as evidence any facts, information or statements which have been disclosed to the Commission and no court will accept as evidence the findings or recommendations of the Commission.

Mr Speaker, some victims or those representing them will argue for full punishment to be handed down to perpetrators. They may argue that retributive justice is a prerequisite for reconciliation. May I inform victims or their representatives that it is not the function of the Commission to punish perpetrators. Mr Speaker, retributive

justice is a kind of justice that the state hands down as punishment to offenders in a rather impersonalized manner, but this is the function of the Police and not this Commission. The DPP and the criminal courts will continue to perform whether this Commission is established or not.

Sir, the Commission will be more concerned about retributive justice. This is the kind of justice that brings healing, rehabilitation and restoration of relationship between the victims and the perpetrators.

In terms of amnesty and immunity that a number of Members have raised, Mr Speaker, this Bill makes it clear that there will be no compensation and there will be no granting of amnesty or immunity, instead as alluded to earlier, the Bill guarantees protection to witnesses and information given to the Commission. However, based on the findings of the Commission and the recommendations of the Commission based on the Report that will be submitted to government, the government can look at another bill or amendments to the Amnesty Bill or another bill in terms of the immunity of perpetrators.

Sir, in South Africa, the granting of amnesty to individuals was based in exchange for a full disclosure relating to the crime for which the amnesty was sought. The chairman of the South African Truth and Reconciliation Commission, Bishop Desmond Tutu described amnesty as, and I quote Mr. Speaker "The carrot of possible freedom in exchange for truth and the stick was the prospect of lengthy prison sentences for those already in gaol and the probability of arrest, prosecution and imprisonment for those still free". End of quote.

Sir, it should be noted that in South Africa there are certain conditions to be satisfied before one qualifies for amnesty. A perpetrator who committed murder for personal greed would not qualify unless it was committed pursuant to the order or on behalf of a political organization. However, amnesty could only be considered for people who admitted guilt or accepted responsibility but not those who maintain their right of innocence.

Mr. Speaker, our Truth and Reconciliation Bill is not offering any carrot. On the other hand, it is not interfering with the duties of the Police and the courts either. As I stated earlier, our truth and reconciliation system depends very much on the voluntary attendance by victims, perpetrators and other witnesses.

Mr. Speaker, even the amnesty and immunity provided for under the Amnesty Act 2000 was dependent on certain conditions as well. It was also limited in its application for it does not apply to criminal acts than in violation of international humanitarian laws and human rights violations or abuses. I am optimistic that our own truth and reconciliation system will function because victims and reformed perpetrators who have gone through the retributive justice system provided by the criminal courts will now wish to restore their relationship through this Truth and Reconciliation Commission. There are also traumatized people who want to utilize this truth and reconciliation process to heal themselves.

Sir, on government obligation; the government itself will rely on report of the Commission to devise and undertake appropriate measures for national healing and

reconciliation. The Bill requires the Commission to submit its report to the government, which would contain recommendations for the government to consider. The report will also be tabled in this Parliament.

Sir, it is futile to guess what kind of recommendations the Commission will make. It is however, sufficient for us to note the expressed words of the Bill that any recommendation made by the Commission will be for the purpose of achieving the object of the Commission. Sir, you will see that the objects and functions of the Commission prescribed in the Bill, also include sectoral impacts on health, education, legal and other sectors. Therefore, the objective of the Commission is wider than just seeking healing and reconciliation between individuals and communities.

Mr. Speaker, if the Commission recommends granting of amnesty or pardoning of perpetrators, that would be a matter for the government to consider. I believe the government will look at those recommendations and introduce separate bills. As we have noted or you can see in the Policy Statement of CNURA Government, there is a policy relating to government bringing a pardon and forgiveness bill to Parliament.

Finally Mr. Speaker, the recommendations of the Commission will assist the government of the day, whether this current government or the government that will be formed after the next general elections to understand the root causes of our violent past and seek to correct the imbalances by adopting appropriate government policies and measures to address.

With these few remarks, I support the Bill.

Mr. BOSETO: Mr. Speaker, thank you for the opportunity to share my very brief contribution today.

Mr. Speaker, first I thank the honorable Minister of the Ministry of National Unity, Reconciliation and Peace for his presentation to this honorable Chamber on behalf of his Ministry, the working committee who has been actively involved in preparing the draft of this Truth and Reconciliation Commission Bill.

Mr. Speaker, I believe the message of truth and reconciliation is not only needed here in Solomon Islands but also mostly needed within and between other nations of our one planet earth. I also believe that this message of truth and reconciliation touches the very heart of God of truth and grace of His kingdom of righteousness, peace and joy which the Holy Spirit gives. Therefore, Mr. Speaker, this message of truth and reconciliation is people-centred, God-centred and heavenly-centred, hence, it is both local and universal, it is both temporary and eternal and it is both personal and collective.

Mr. Speaker, I noted in Section 16 under Part 6 the aim of this Bill is that in the end of the Commission's work, it will submit its reports to the Prime Minister. The report shall state the findings of the Commission, which shall make the recommendation concerning reforms and other measures for legal, political, administrative or otherwise needed to achieve the object of the Commission namely, the objective of providing an impartial historical report, preventing the repetition of violence or abuses suffered,

addressing impunity, responding to the needs of victims and promoting healing and reconciliation.

Mr. Speaker, I am interested to see that the final goal of the Act is to promote healing and reconciliation. Earlier I said that this Bill is people-centred, God-centred and heavenly-centred, hence the Commission should seek the guidance of the author of the Ministry of truth and reconciliation. In short, the Author is God in Christ reconciling the whole world to Himself and gave us the ministry of reconciliation.

Mr Speaker, St Paul experienced his ministry of reconciliation because by God's Grace he was first of all reconciled to God himself, and therefore, he said and I quote: "All this is from God who reconciled us to Himself through Christ and gave us the ministry of reconciliation that God was reconciling the world to Himself in Christ not counting men's sin against them and He has committed to us the message of reconciliation. We are therefore Christ's Ambassadors as though God were making His appeal to us so that in Him we might become the righteousness of God". *end quote.*

Mr Speaker, those of us who have faith in the living God as is rightly expressed in the written statement of the CNURA Government, namely, democracy, unity of purpose, and faith in the living God, Page 3 of the Speech from the Throne of His Excellency, our Governor General on the 17th March 2008. We are all ambassadors of Christ who in His cross of love has forgiven and reconciled us to God.

Mr Speaker, in the eyes of our faith in the living God we see that this ministry of truth and reconciliation is the ministry of God in Christ and through Christ for me and for us and for all of us who are here and for all our people in our nation of Solomon Islands and the world.

Mr Speaker, St Paul who was by the Grace of God an ambassador of Christ witnessed how this message of truth and reconciliation brought about peace and unity between Jews and Gentiles as one people. Mr Speaker, let me share with us here what St Paul said of the good news of the work of reconciliation carried out or implemented by Jesus on the cross. Paul said, and I quote: "For Christ Himself has brought us peace by making Jews and Gentiles one people with His own Body". This is very important because it is not with a piece of paper, but with His own Body, He broke down the wall that separated them and kept them enemies. He abolished the Jewish law with its commandments and rules in order to create out of the two races, one new people in union with Himself, in this way making peace. By His death on the cross Christ destroyed the enmity. By means of the cross He united both races into one body and brought them back to God. So Christ came and preached the Good News of peace to all you Gentiles who were far away from God and to the Jews who were near Him. It is through Christ that all of us, Jews and Gentiles, are able to come in one spirit into the presence of the Father.

Mr Speaker, I alluded earlier that this piece of human written Bill is people centred, God centred and heavenly centred. I say that because this Bill touches the very ministry of Christ who is the only mediator between God and humanity, between the old covenant and the new covenant in order to create a new family of God who share

the same spirit of the son and of the Father in the Kingdom of God, the Father, the Son and the Holy Spirit.

Mr Speaker, here St. Paul he reiterated further by saying, "There is now no condemnation to those who live in union with Christ Jesus. For the law of the Spirit which brings us life in union with Christ Jesus has set me free from the law of sin and the death. What the law could not do because human nature is weak God did. He condemned sin in human nature by sending His own Son who came with a nature like our sinful nature to do away with sin. God did this so that the righteous demands of the law might be fully satisfied in us who live according to the Spirit.

Mr Speaker, Jesus said, "I am telling you the truth that everyone who sin is a slave of sin. A slave does not belong to a family permanently but a son belongs there forever. If the son sets you free then you will be really free".

Mr Speaker, God deals with our sins not just with our crimes and because of this Jesus took my place and our place as a criminal and was crucified under the human standard of the law and as a sinner under the righteous demand and the merciful spirit of the purpose of the law. Therefore, Mr Speaker, Jesus in the cross had carried both the cost of our physical death temporarily and our second death or our eternal dying, and He lives and reigns as Lord today for ever.

Mr Speaker, personally, if this Bill is to be inclusive to reflect the multi-dimension of the Kingdom of grace and truth, then the following clusters should be taken note of by the Commission: The cluster will include the following in its inter-relatedness. Grace and truth - if you read, John Chapter 1:14 you will see that the word became a human being full of grace and truth. Those are two particular weapons Jesus was using. Grace embraces, and truth exposes. Grace embraces all, both sinners and righteous, but truth exposes. Truth is vulnerable to the power of this world or in other words truth is defenseless neither legally nor militarily.

Love and forgiveness, is the next cluster. Love is a painful love. We feel the pain when we forgive others because the prayer of forgiveness is the prayer from the cross, from the agony and from the pain. It is a painful love.

Healing and reconciliation go together. Peace, justice or righteousness, unity and participation and lastly, our whole nation's alignment with and to the family of God, the Father, the Son and the Holy Spirit so that God's Kingdom comes, His will be done on earth as it is in Heaven.

Mr Speaker, as this year is the year of the Bible, may I also conclude my contribution with another message from James. This is very important, and I quote: "Speak and act as people who will be judged by the law of love that sets us free. For God will not show mercy when He judges the person who has not been merciful, but mercy triumphs over judgment".

Mr Speaker, with those few remarks and my personal sharing, I beg to support the motion of the Truth and Reconciliation Bill 2008. Thank you.

Mr BOYERS: Mr Speaker, I too would like to join our colleagues here today in congratulating the government and also the previous government, especially the

Minister of Reconciliation for this very important Bill. My comments today are going to be brief as we have heard from many speakers the many aspects and perceptions of the bill. I will be brief just outlining three different areas that I believe are very important.

The most important aspect of this Bill, the Truth and Reconciliation Commission, is that we are now removing the process of denial and replacing it with truth. As we all know, Mr Speaker, the enemy of mankind is denial and truth is a good start.

What makes me to contribute is that we are very fortunate to have a constitution that protects our rights. The law that governs us produces the level of stability and respect within our country and our justice system reflects that. But the question that falls short of the mark of reflecting the diversity of laws of governance is the church that justice protects those that are perpetrated.

Sir, this year I was going to move a motion to reflect how there is need for modification to our system so that justice protects the innocent. I believe this Truth and Reconciliation Bill is the first step in protecting the innocent. I would like to give an example of how we should be reconciling our system so that our people can respect and love the law.

One of such issue is remand. I noted in certain circumstances that remandees have always been held for quite sometime, may be up to a year or more. And during such period of confinement they lost income, they lost civil liberties where they have not been able to bury their father or their mother upon death and in some stages lost their wives. But upon their release upon innocence they have been rewarded with freedom on the fact that they have not been found guilty.

On the other hand, a justice system, Mr Speaker, for a person that has been on remand and has been proven guilty and is sentenced for whatever crime committed, the period of remand has been taken off and compensated for. I believe the issue here is that the innocent person should find recourse, and of course, the recourse process is through the courts, unfortunately, if you check with the Public Solicitors there are many of them and so it is a very difficult process. This ends up leaving a bad taste in somebody's mouth, and if I was in that person's shoes, I too would feel as though I have been treated unjustly. But the fact of the matter is that that is our justice system, and I believe there is a lot of good in it, and there is only one aspect that needs to be reconciled.

The Truth and Reconciliation Commission reflects a process of victims and perpetrators. I noted that the Deputy Prime Minister has very eloquently related that. I would just like to say that we were all victims having been affected by the recent ethnic tension, but at the end of the day I believe that we have all been victims. The militants are victims. There were innocent victims that have been affected but who have not been involved. At the end of the day a victim has turned into a perpetrator.

I think the mindset that we should have is that there are more victims than perpetrators. And so it is good to see the Truth and Reconciliation Commission starting off on the right footing in the process of respecting victims. This then comes to the position of reconciliation, Mr Speaker, and I would like to just talk briefly about an experience back in 1995 when my family attended a multi-donor

national special retreat at Gold Coast in Australia. There was a guest speaker who was an Australian aboriginal in his 60's talking about his life experience in Victoria. He was an orphan living with his uncle and he befriended an Australian boy who was the only son of a farmer and his wife. During school holidays he would spend the time with his friend on the farm and over a number of years got to know him very well. Anyway one day during the weekend they went rabbit hunting. They each have a .22 rifle and during the course of the day he accidentally shot his best friend. He related how it was the most terrible experience in his life watching his friend dying in his arms. He went through the process of the court because the Police arrested him and so he went to court, he went through the whole process and the end result was death by misadventure. The fact of the matter is the guilt, the shame and the terrible feeling upon that this person was almost an irreconcilable feeling. But after the court case his friend's parents came and saw him and said to him that even though they have lost their son, who was your best friend, they would like me to now become their son and so I would go and live with them.

This was a man in his 60s who related to his parents who were not his biological parents. He said that was the biggest change he had ever experienced in his life as it recurred the whole process of his life. I believe that our court system as a minister of justice reflected in our Constitution processes of custom should be reflected and reconciled according to our laws.

There is a twofold approach. There is the approach where the law will be followed, but there is also the opposite that the court acknowledged the process of reconciliation as part of healing and can be reflected on the reduction of sentence.

In the process of being convicted, in our society it is not individual. We have a son of a mother and a father who is a perpetrator, created a crime. The guilt felt by the perpetrator, the sentence is also felt by the family, whereas the victim's family of the loss of may be one of their sons is also feeling the grief and the sorrow. A court system that produces sentence may initiate some sort of justice. But the grief, the loss and the guilt by the perpetrator's family and the loss by the victim's family needs to be reconciled. I suppose therefore that there is a difference between state and church. When we go to church on Sunday we pray for love and forgiveness. But on the other hand it is hard to reconcile that within our assistance.

I think this Truth and Reconciliation Commission is a wonderful start for the healing of this country in the process of moving forward reflecting the true identity, customs and the nature of the people of this country.

Mr Speaker, with those few words I would like to say that I am grateful we have a constitution that protects our rights, our human rights and I also feel very grateful that the government collectively has put together this Truth and Reconciliation Bill for a commission to be established to be the first stage in the healing of this country.

With those few words, I support the Bill.

Mr Speaker: Since no further Member rises to speak, I now call on the Honorable Minister for National Unity, Reconciliation and Peace to deliver his speech of reply.

Hon Iduri: Mr Speaker, thank you for giving me time to wind up the debate of this Bill. The MP for South Choiseul has summed up everything to the bottom line.

Sir, first of all, I would like to thank staff of the Ministry, the Attorney General's Chamber and the Steering Committee for producing this document. I also would like to thank the Opposition for their debate and contribution to the Bill. I would like to thank the Leader of the Opposition for his constructive comments.

This Bill has come through two governments, and the CNURA Government tabled it in Parliament this week.

Mr Speaker, in winding up the debate on this TRC Bill 2008, I thank those who have contributed to the debate of this very important Bill. Sir, generally we have all supported the Bill and the various areas that need further clarification and consideration, and this is what we will all have to agree on in this floor of Parliament. Both sides of the House have agreed that the Bill is timely.

Sir, there are not many contentious issue about the Bill but there have been some points and comments that may require clarification. Mr Speaker, in introducing the TRC Bill in my speech I made it quite clear that the Bill is to establish a Truth and Reconciliation Commission for Solomon Islands that has the prime objective of promoting national reconciliation and unity for Solomon Islands.

It is therefore hearting to hear Members' views and concerns on how the TRC can contribute to reconciliation. Sir, regardless of minor differences in our opinions, we all share its common goal.

Sir, the Bill has no intention of dwelling in the past, but to be forward looking into the future, particularly to safeguard our children from such violence and human rights abuses in the future by acknowledging and importantly understanding better the events impacting our recent past. It would greatly help in terms of policy directions, therefore, subsequent reforms that would help Solomon Islands in moving forward in peaceful coexistence amongst our people.

Mr Speaker, the government is mindful of the fact that establishment of such a commission is a undertaking for our small post conflict country. With our own contextual issues in our effort of strengthening our fragmented relationship, clearing mistrust and healing animosity between individuals, groups, communities and provinces. It is nevertheless a commitment that we undertook to look at the events that took place in a specific period from January 1998 to July 2003. The Commission's work will be only for a year with provision for one year extension if so required.

Mr Speaker, having said that, we need to be realistic and need to manage unrealistic expectations. The work of the Commission will not provide all the answers to all the outstanding issues that may stand in the way of reconciliation and healing amongst our people as a result of the conflict. The potential we charge the Commission is that of advancing and consolidating the process for our nation through important recommendations and suggestions of the Commission. It is an important part of our restorative justice system that respects and acknowledges the complimentary role of the traditional and our church reconciliation processes with such a formal mechanism.

Sir, I wish to turn now to some of the specific comments that have been raised by Members of this honorable House. Sir firstly, the principal objective of this Bill, as we have noted is to establish a Truth and Reconciliation Commission as a body corporate for Solomon Islands by legislation. In order to achieve true reconciliation and harmony with the communities, it is considered desirable that informal cultural reconciliation processes be supplemented by a formal process.

Secondly, on the point about the Bill falling short of its original intention of the TRC, several processes have already taken place, which have more or less addressed the issues of concern immediately after the ethnic tension. This Bill is to establish an additional mechanism to those already designed to bring about lasting peace and healing to the people of this country.

Sir, regarding protection to encourage victims and perpetrators to come forward and tell their stories to the Commission, the Bill does provide some protection. The Bill also does provide for people to freely come forward and make their statements.

Another point mentioned is about no lasting peace can be achieved until all issues of concern have been addressed. Sir, the Commission's work will assist in the whole process of identifying issues and finding solutions. Yes, the government has comprehensive mechanisms, and this is a very important consideration.

On the issue of amnesty and the Forgiveness Bill, the Acting PM has come out in detail on that already in his intervention.

Sir, on the issue of forgiveness, this will not happen during the work of the Commission. However, their work might lead to reaching understanding between people affected and eventually forgiveness and reconciliation.

Sir, on the point of reparation, which is a very important consideration by the TRC, besides the government there are no other mechanisms in place to take this into account.

Sir, the Bill is simple though quite sensitive because it is looking at past events, and therefore, a very important Bill. Confidently, we can say this in advancing our peace process. It is also a culmination of public consultations done at different stages of the peace process. One stage is from 2001 to 2003 and lately from 2006 to the tabling of this Bill at this Parliament sitting.

Fears were raised, Mr. Speaker, that the work of the TRC might re-open old wounds of hatred and might lead to reprisals that might hinder reconciliation and healing. Sir, have alluded to confronting and coming to terms with the truth, the past is never easy. Experiences should be painful and it is expected the different victims and groups will react differently. However, if people are clear about the roles and functions of the Commission and see the potential that the Commission would help, they should encourage people to come forward. Awareness raising will manage peoples' expectation too.

Mr. Speaker, there were skepticisms as to how the Commission's work will lead to reconciliation. What is the incentive for both victims and perpetrators to come forward? The Commission presents an opportunity where truth telling mechanisms can enable parties to relate statements and events between specified periods and follow up

would lead to reconciliation and rebuilding of relationships. It is emphasized that special committees will also provide the necessary support.

Sir, much debate was raised regarding the inconsistency of the TRC and the work of the Commission in relation to government policy on the proposed Forgiveness Bill.

Sir, the outcome of the Commission's recommendations and proposed reforms is very important. Community perspective on related issues as provided herewith might lead on to subsequent appropriate pieces of legislation but we cannot speculate on that. The issue of the Forgiveness Bill is another policy of government that would also require a specific process and consultation.

Finally, Mr. Speaker, the passage of this legislation is only the first step. The setting up of the Commission to work as expected will be the next major task. The success of the Commission proper will ultimately depend on our support.

Mr. Speaker, with these few remarks, I beg to move.

The Bill passed its second reading.

Hon Sikua: Mr Speaker, I move that the House do now adjourn.

The House adjourned at 4.30 pm.