



State, Society and Governance in Melanesia
Research School of Pacific and Asian Studies
ANU College of Asia and the Pacific

Seminar Series

State, Society and Governance in Melanesia

**Rebuilding a Police Service - Restoring Law and Order:
An Overview of the Activities of the Participating Police Force in
the Solomon Islands**

by

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**Presented on: 15 November 2007
At the Coombs Lecture Theatre, Coombs Building, ANU**

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I do not intend to go into detail on the history of the conflict/tensions in the Solomon Islands nor the history of RAMSI, the Regional Assistance Mission to the Solomon Islands, as there has already been a myriad of papers detailing that aspect and perspective. Instead, today I will attempt to address the concept of *nation building* in a law enforcement context in the Solomon Islands from a practitioner's perspective.

This paper will focus upon the challenges faced and strategies adopted by the Participating Police Force (PPF) in order to meet stakeholder expectations in rebuilding the Solomon Islands Police Force (SIPF) as an arm of government within a framework of governance.

The Regional Assistance Mission to the Solomon Islands (RAMSI) was created under the Townsville Treaty in 2003 and is what I describe as a police led mission with a strategic purpose to "engender an environment (my emphasis) for *development and reconciliation*".

It comprises three sectors, Law & Justice, Machinery of Government and Economic Reform, these sectors are sometimes referred to as the pillars of RAMSI. The PPF, the policing component of RAMSI operates under the Law & Justice Sector and is integral to the holistic approach of RAMSI. This blending I feel makes RAMSI unique in the peace keeping and development worlds.

What do I mean by a police led mission? RAMSI commenced on 23 July 2003 with the deployment of police and military in what I would consider a traditional role of peacekeeping in restoring law and order, taking up the functions and responsibilities of the SIPF with clear objectives to seize and remove guns from the community. This invasive approach was necessary in order to give the community confidence for their personal safety and security. The PPF evolved from there and it now comprises a multinational police force with representatives from fifteen nations of the Pacific Island Forum (PIF). This provides a regional context for the mission, although some commentators make the claim that the participation of the various South Pacific nations is merely window dressing and they do not bring real value to the mission. I soundly reject this notion and argue that while there is a very strong considered strategy to continue with such a level of engagement by police from all the Pacific Island Countries, each police officer brings and incredible value in diversity and cultural experience that could not be achieved in any other way. So the fact that this is recognised gives the PPF a very sound grounding to undertake current and future tasks.

The PPF mission has three broad phases which I describe as: Restoration of Law & Order, Consolidation / Stabilisation, and Capacity Development.

The restoration of law and order, I would contend was achieved very early in the mission, in an effective way and with great sensitivity, although there was a level of collateral damage as is to be expected with this type of intervention. The

collateral damage I refer to relates to the fact that the PPF took over the policing of the Solomon Islands in the early part of the mission. For the PPF to achieve its objectives it pushed aside a somewhat dysfunctional SIPF. This was demonstrated to the extent where a significant number of police were investigated, arrested and charged with serious criminal offences including, corruption, murder, rape, kidnapping and arson. The actions by the PPF inadvertently created factions and disaffected groups within the SIPF.

The consolidation and stabilisation phase, as a matter of convenience, is identified at the time of replacing the original Commander, twelve months after the intervention. In reality, this phase had started much earlier, but real concerted efforts were made in this period. The PPF is what I would describe as transitioning out of this phase and transitioning into the next and continues along this path.

Capacity development, although in reality commenced the day of the intervention, and continued in various forms, it is documented as starting when the third Commander took up the role. Capacity development was certainly the focus of the PPF during this period, with deliberate strategies targeting planned deliverables based on measures for development rather than traditional police performance models.

The concept of a police led mission is based upon the restoration of law and order and providing a safe and secure environment for the community and people of the Solomon Islands. This level of safety and security engenders economic recovery through, increased community confidence in the police and the attraction of investment, enterprise and industry. This covers the full spectrum ranging from women being able to work in their gardens, sending the children to school through to multi-national corporations investing in enterprises such as Gold Ridge Mine, on Guadalcanal. RAMSI claims a major success in this endeavour, however some detractors claim that it is a veneer of peace with no real reconciliation base or depth of political or community will to maintain the peace that exists in the Solomon Islands. We need to be reminded that RAMSI's mandate was never to undertake reconciliation, although clearly it can engender an environment where such a process can flourish.

There has been some commentary and questions as to the success of RAMSI particularly in light of the riots in Honiara on 18th and 19th April 2006. Has law and order really been restored or is it only a veneer with a lot more work that needs to be done.

The riots were an interesting event and based on the facts with some simple analysis we can make some informed conclusions. There is the consideration that the riots were politically motivated and just got out of hand. That is my contention. The first element of this situation is to understand that community safety and security is not purely a police remit, but rests with a broader

government agenda responsibility and policy reform including economic and a focus upon governance particularly on accountability.

The second element which is my contention that the riots were motivated to ensure that a certain group, in particular the MEF¹ and the various subgroups, to regain political power and influence within the Solomon Islands.

The performance of the police in restoring law and order can be judged on two levels, the first being simply the time it took to regain control and the loss of property and life. Of course, a more sophisticated approach would also include how the police went about this, for example important elements of accountability of the police particularly in relation to human rights issues. The second relates to the bringing to justice those involved and responsible for instigating the riots.

In support of this and as a matter of record I will state that, control was re-established by the police within thirty six hours, damage to property was limited to four areas within the city of Honiara, albeit in the end the damage was significant, there was no loss of life as a result of the riots and lastly, police responded appropriately and were very accountable in how they restored law and order.

Now taking this aspect to the next level, the alleged principal organisers and planners were arrested and placed before the Solomon Islands court system albeit that they have been subjected to that process and found to be not guilty. It is interesting to note that in the trials of the main offenders the prosecutor declared nine witnesses hostile. This meant that there was a significant change to their testimony between the committal process and going to trial. One can only take an educated guess as to what occurred to induce so many key witnesses to change their testimony in such a way.

I will now talk about capacity development and how the strategies applied cause an un-natural tension between RAMSI and the Solomon Islands Government. Capacity Development in the context of the PPF project has a different meaning from the general development context, but has been adapted from the principles espoused by AusAid.²

Our approach to Capacity Development in reality means Change Management and Change Implementation. This essentially means that we work with the systems we have and do not introduce inappropriate technologies under the principles of sustainability and engendering ownership in the host police service. It is a simplistic approach but one that works and is quite effective in the policing context.

¹ In the context of this paper the MEF is not described as an all powerful political/militant group but rather a loosely aligned coalition of mainly Malaitans to ensure a high level of economic and political influence within the Solomon Islands. There are well documented instances of groups and individuals using various names linked or associated with the MEF to further their interests.

² AusAid – Principles of Capacity Development

This guiding principle is fine in theory, however is more difficult to follow than imagined. A case in point is that while we were aware of the dangers of introducing systems into the SIPF environment, we found ourselves obligated to comply with Australian Occupational Health and Safety requirements and legislation. This arose as the Australian Federal Police (AFP), the main contributor in resources to the PPF, both financially and personnel required their governance framework to apply to the PPF. This arose as these resources were provided under direct appropriations from the Australian Government. Since the AFP owned many of the assets and many of the staff were Australian Government employees, we were obligated to provide equipment to Australian standards. This standard was significantly different and on occasions there was no comparative standard in the Solomon Islands. The mere exposure to such equipment meant that the local police were inadvertently made aware of this technology through such a policy position.

Although there were many challenges that we faced, today I will focus upon what I consider the most significant for us, corruption and accountable government. A governance framework, if you like, and if not managed in a balanced way poses the greatest risk to the success of the RAMSI mission.

As a result of the great success of the PPF it was clear that the Police had become central to government policy, as they were effective and central to the restoration of law and order. Government and other Departments/Agencies started to depend upon police to deliver outcomes relating to not only to law enforcement issues but other broader policy outcomes such as welfare, unemployment and youth issues.

In any post conflict environment there are certain areas within government that are high risk and open to corruption. They are the main income stream for the Solomon Islands Government and have found to be subject to gross levels of abuse and mismanagement. These areas include, but are not limited to, fishing, forestry and immigration.

Australia led the policy approach of accountability and governance, which was then followed by all donors to aid and development programs in the Solomon Islands. This progressed toward determining that greater levels of accountability and governance must be enforced, particularly in relation to fraud and corruption. The natural focus turned toward the police and it was expected that the police would investigate all the matters of corruption and malfeasance. The sole responsibility was thrust upon the PPF, although it was not a mandated activity.

The PPF alone and in conjunction with the SIPF investigated many matters ranging from murders by militants groups to fraud and corruption. A number of these corruption allegations resulted in the arrest of government ministers and officials. Now given that the overall strategic approach adopted by RAMSI requires support from government (Solomon Islands) and the expectation that

the law enforcement arm of RAMSI, the PPF, would investigate government corruption, there was always going to be some level of discomfort. This process leads to an unnatural tension in which the police are seen to be the persecutors and working against government practices and policy. This eventually impacts upon the will of the government to pursue such criminal activity with any enthusiasm and even question continued support for the local police and RAMSI. We have seen this manifest itself with the many public statements made by members of the Sogavare government.

This is where I would challenge the premise upon which aspects of RAMSI are based. The notion of “a nation” under a Westphalia concept is I believe a flawed premise. By this comment I mean that we plan and operate in an environment based on Australian experiences and context of government and governance. The basis of accountability and our definition of corruption can be questioned in its application in the Solomon Islands.

Given this unnatural tension and the fact that RAMSI was invited into the Solomon Islands by the Solomon Islands Government to restore law & order and can be asked to leave at any time, there is a fundamental weakness in the partnership relationship. In the early phase of the mission success was measured by; the absence of guns being used openly in crimes, militants had been brought to heel in that they no longer ruled the streets through fear or force, citizens, the community and Government could go about their business with no or little disruption and a higher sense of confidence of security and safety. All partners in the relationships were happy with the progress to date. Then the operationalisation of the governance policy involving accountability and anticorruption measures commenced. The SIPF did not always have the skills or political will to undertake this type of investigation alone so therefore the strategic position of RAMSI is for the PPF in concert with the SIPF to undertake such complicated and sometimes politically sensitive investigations. Regardless of the policy intent to create a professional and independent police service it is sometimes difficult for government to separate policy from operations.

The police start exploring and investigating fraud and corruption allegations arresting politicians and officials. The government starts to realise that once a police investigation starts it is very difficult to stop or influence it. In an environment where facilitation and distribution of wealth is a common practice to maintain a position of power and influence, sometimes inappropriate processes or breaches of acceptable practices occur in order to meet expected gratuities. With the police investigating such behaviours in the criminal realm of corruption the government finds itself in a predicament.

Although the police, particularly the PPF investigated crimes under a priority regime, starting with the violent crimes and ultimately moving toward the corruption cases, it becomes obvious that the government could not sustain its position without being compromised. Given the policy position of RAMSI to push

for an accountability framework there is going to be a divergence, ultimately leading to significant tensions between RAMSI and SIG.

I divide the time continuum for this anticorruption activity into two periods, more for convenience rather than any other reason, the Kemakeza and the Sogavare periods.

Overall I do not see that there would be much distinction ultimately between the two eras as the approach by RAMSI would take us to the same destination, that is, a strained partnership/relationship, albeit along a different route. To reflect upon this premise I will summarise the situation with each government.

Under the Kemakeza government he became PM through the Solomon Island electoral system and invited RAMSI into the Solomon Islands. The SIG embraced and welcomed the change brought about by RAMSI, or at least held the public appearance of support because law & order was restored which allowed the government to go about its business with no or little interference. RAMSI had subdued the threats and danger from the militants. In essence the partnership was working and I would suggest the SIG would have been happy to leave it there.

RAMSI's focus moved toward governance and corruption around 2005, as the majority of militant leaders and those responsible or who we thought were responsible for the atrocities during the tension were in gaol or being processed through the Solomon Islands court system.

This was the start of strains on the SIG/RAMSI relationships even in these early days, they just weren't made as public

The Sogavare government came to power through politically motivated violence, the April 2006 riots in Honiara. Sogavare took a more aggressive stance in governing the country. He held and still holds the view and makes statements that RAMSI is a shadow government and controls the SIG. He used public rhetoric of sovereignty to challenge the status, power and influence of RAMSI.

His strategies to gain power were not as subtle or passive as Kemakeza. He appointed political advisers rather than rely upon the public service and spilled and filled all the Permanent Secretary positions. Through the MEF he controlled the Executive arm of government but RAMSI "controlled" the Administration arm with a question around the Judiciary. His strategy was to remove the RAMSI elements of control from the administration of SIG. This is now a direct conflict with the mandate of RAMSI for governance and accountability.

The tactics adopted by Sogavare can be divided into four distinct areas; physical threat, legal processes, public opinion and political expediency.

The physical threat against RAMSI had been tried before and failed. I refer to the shooting at and the murder of a PPF Officer, but RAMSI did not leave.

So the focus was now on the other three approaches. The legal process adopted by Sogavare includes the appointment of Dausebea and Ne'e, the main instigators in the riots as Ministers and eventually being granted bail. The charges against Moti, Hapa and Djokovic for entering the Solomon Islands unlawfully were dropped under suspicious circumstances. Moti was subsequently appointed the Attorney General. A number of Constitutional Office holders, some being RAMSI in line officials were removed by nefarious means, including the Solicitor General, Attorney General and the Commissioner SIPP.

Public opinion clearly supported RAMSI so a campaign denouncing the work of RAMSI ensued, including claims of breaches of sovereignty, incompetence by RAMSI officials as well as RAMSI officials being above the law, citing fabricated instances of abuse. This I believe was in preparation to amend certain provisions of the Facilitation International Assistance Act, 2003.

In the political arena, Sogavare adopted strategies to reduce the influence of RAMSI within SIG including the appointment of Dausabea as the Minister for Police and Ne'e the Minister for Justice.

In conclusion I believe we need to reassess our concept of "nation" in the context of the host/receiving community. This would naturally progress to a re-evaluation of governance and accountability frameworks placing them in an appropriate contextual environment suitable for the receiving community to survive in the global village.