

The responsibility to protect: Lessons from RAMSI

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Introduction

The Solomon Islands has once again become the focus of international attention: rioting has destroyed much of the capital; an ethnic group has been targeted; allegations of corruption and foreign interference surround the country's top politicians.

The orgy of violence and recrimination comes three years after a generally well-regarded Australian intervention, the Regional Assistance Mission to Solomon Islands (RAMSI), entered the Solomons to restore order after a devastating ethnic conflict.

These events show how far the Solomon Islands, and RAMSI, still have to go. But they should not disguise, either, how far the Solomons and RAMSI have already come. In 2004, the Solomons Islands economy grew by 5.5%; this, after it shrank by 14%, in the year before the RAMSI intervention.

How best to help the Solomon Islands is part of a wider international discussion about the 'responsibility to protect.' This is a debate about the obligations the international community has to prevent conflict occurring, to intervene in conflicts, and to assist in rebuilding after conflicts. Former Australian Foreign Minister Gareth Evans has played a key role in advancing the principle, firstly through his work with the International Commission on State Sovereignty and Intervention and its report, *The Responsibility to Protect*.¹ According to the report, the responsibility to protect embraces three specific responsibilities:

1. *the responsibility to prevent* – to address both the root causes and direct causes of internal conflict;
2. *the responsibility to react* – to respond to situations of compelling human need with appropriate measures; and
3. *the responsibility to rebuild* – to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert.²

The UN's High Level Panel on Threats, Challenges and Change (which Evans was also involved in) adopted the concept, stating 'We endorse the emerging norm that there is a collective international responsibility to protect.'³ In his report proposing UN reform, UN Secretary-General Kofi Annan wrote, 'I believe we must embrace the responsibility to

¹ International Commission on State Sovereignty and Intervention, *The responsibility to protect*, International Development Research Centre, Ottawa (2001).

² Ibid xi.

³ High Level Panel on Threats, *Challenges and Change, A More Secure World: Our Shared Responsibility*, United Nations, New York (2004) 66.

protect, and, when necessary, we must act on it.’⁴ The principle was subsequently endorsed by the General Assembly at the World Summit in 2005.⁵

The debate about the international community’s responsibility to protect has been sharpened by the recent events in Darfur, western Sudan, where 300,000 people have been killed and 1.8 million people displaced because of ethnic conflict.⁶

This paper aims to contribute to this international discussion by considering Australia’s recent Pacific interventions. The main focus will be on RAMSI, but the initial International Peace Monitoring Team in the Solomons, the Bougainville Peace Monitoring Group and the Enhanced Cooperation Program in Papua New Guinea will also be mentioned.

After providing a brief background to the Solomons’ intervention, we consider the lessons that can be drawn from RAMSI – and some of the problems that will need to be rectified in future interventions. We do not pretend there are glib answers to some of the challenges identified. However, they need to be wrestled with if future Australian interventions in the Pacific, and indeed international interventions generally, are to be successful. Scholars and commentators often draw a link between the challenges of Africa and the Pacific,⁷ so the lessons from Australia’s Pacific interventions may well have a broad application.

Our main argument will be that Australia’s interventions under the Howard Government have (belatedly) satisfied the ‘responsibility to react’ and ‘responsibility to rebuild’ principles, but much more could be done to realise the ‘responsibility to prevent’ principle. It is this failure, to adopt the policies needed to prevent Pacific crises, that has led to the other challenges, which may yet threaten the ultimate success of RAMSI.

A brief history⁸

The Solomon Islands started life as an independent state in 1978 with great potential, until economic mismanagement, corruption and high birthrates through the 1990s exacerbated inequalities and led to falling living standards.⁹

Residents of the Guadalcanal province felt particularly aggrieved by the settlers from the neighbouring island of Malaita, who they believed were taking communal land, jobs and

⁴ UN Secretary-General, *In Larger Freedom: Towards Development, Security and Human Rights for All*, United Nations, New York (2005) para 135.

⁵ See Gareth Evans, *From Humanitarian Intervention to the Responsibility to Protect*, address to the Symposium on Humanitarian Intervention, University of Wisconsin, Madison, 31 March 2006.

⁶ See <http://news.bbc.co.uk/1/hi/world/africa> Accessed 23 April 2006.

⁷ See, for example, Ben Reilly, ‘The Africanisation of the South Pacific’ (2000) 54 *Australian Journal of International Affairs* 261.

⁸ This section draws on Dave Peebles, *Pacific Regional Order*, Asia Pacific Press (2005), 27-29 and 165-168.

⁹ Mary-Louise O’Callaghan, ‘Peace of island paradise dissolves into law of the jungle’, *The Australian* (Sydney), 6 June 2000, 9.

business opportunities. This led to the formation of the Guadalcanal Revolutionary Army, later renamed the Isatabu Freedom Movement (IFM), which demanded compensation. From December 1998 the IFM embarked on a campaign of harassment of Malaitan communities. Some 20,000 Malaitans had to flee Honiara; more than 60 people were killed.¹⁰

By early 2000 a rival militia force had been established, the Malaita Eagle Force (MEF), which tried to counter IFM efforts to push Malaitans off Guadalcanal. The MEF likewise demanded compensation for the suffering and loss of property for which the IFM were responsible.¹¹

At this time, Solomon Islands Prime Minister Bartholomew Ulufa'alu asked Australia for 50 federal police to train and support the Solomon Islands police.¹² Australia refused, and the Solomon Islands then looked elsewhere for assistance. The Commonwealth provided some help but, increasingly desperate, the Solomon Islands government asked Cuba for assistance with a 'military solution.'¹³

By mid-2000, the MEF had teamed up with various members of the Solomon Islands police force. In June, they took Prime Minister Ulufa'alu and Governor-General John Ini Lapli hostage at gun point, and forced Ulufa'alu's resignation, only months after he had requested Australian assistance.¹⁴

Ulufa'alu was succeeded by Manasseh Sogavare. Australia and New Zealand backed Sogavare's efforts to broker a peace and in October, Australia flew 130 Solomon Islanders to Townsville to facilitate a comprehensive settlement. The *Townsville Agreement* aimed to promote disarmament, a restructuring of the police force and the decommissioning of militias.¹⁵ The Agreement also provided for compensation for individuals and areas affected by violence.¹⁶

The Agreement also created an International Peace Monitoring Team (IPMT), which was led by Australia and consisted of 49 personnel. These IPMT personnel were joined by representatives from the Commonwealth Secretariat, Tonga and the Cook Islands.

In December 2001, new elections were held, and Sir Allan Kemakeza was elected Prime Minister.

¹⁰ Australian Department of Foreign Affairs and Trade, *Solomon Islands Country Brief* (August 2003). Available at http://www.dfat.gov.au/geo/solomon_islands/solomon_islands_brief.html Accessed 19 December 2003 [Hereinafter 'Solomon Islands Country Brief'.]

¹¹ Ibid.

¹² The request came from the Solomon Islands' Prime Minister, Leader of the Opposition, Chief Justice and the Governor of the Western Province. *Interview with Laurie Brereton*, Sunday Program, 11 June 2000. Available at http://sunday.ninemsn.com.au/04_political_interviews/article_516.asp Accessed 13 June 2000.

¹³ 'Solomons to seal Cuban alliance' and 'A crisis brewing on our doorstep', *The Age* (Melbourne), 19 May 2000.

¹⁴ Solomon Islands Country Brief.

¹⁵ Part 2, *Townsville Peace Agreement* Available at

http://www.vanuatu.usp.ac.fj/pacttreaties/Treaties_etc/Townsville_Peace_Agt.html Accessed 27 August 2003.

¹⁶ Ibid, Part 3.

Unfortunately, the IPMT was only partially successful. Comprehensive disarmament and weapons disposal did not occur; the compensation-for-grievances process became corrupted; and 'ethnic conflict evolved into a broader pattern of criminality.'¹⁷ Ex-militias formed criminal gangs, and the police were involved in corruption and criminal activity. It became impossible to re-establish the rule of law.¹⁸ A former Police Commissioner was assassinated; ten people were killed in an attempt to arrest a most notorious warlord; and a cabinet minister was assassinated.¹⁹

The IPMT departed the Solomon Islands in June 2002, four months early, following agreement by the Solomon Islands, Australia and New Zealand that it 'had done all it could to assist the peace process.'²⁰

In April 2003, Kemakeza wrote to John Howard again seeking assistance to address the Solomon Islands' security crisis. Howard arranged for Kemakeza to be flown in for urgent talks.²¹ The Australian Government provisionally agreed to an intervention force, provided such an undertaking had backing from the Pacific Islands Forum (the region's preeminent political grouping), that there was a formal request from the Solomon Islands and that the Solomon Islands Parliament passed enabling legislation.²² These requirements were all met.

RAMSI commenced on 24 July 2003, and its initial phase was a success. Over 3,400 weapons, including 670 high-powered guns, were surrendered during a three-week amnesty period; this included some weapons held illegally by police.²³ Six hundred arrests were made and 1,000 charges laid in the first five months of the operation.²⁴ The more difficult phase, of long-term nation-building, then began. There were complaints that RAMSI was not doing enough, or was not consulting sufficiently.²⁵ However, peace continued and the economy improved.

¹⁷ Elsina Wainwright, 'Responding to state failure – the case of Australia and Solomon Islands', (2003) 57 *Australian Journal of International Affairs* 485, 488; Brendan Nicholson, 'Mystery shrouds Solomons killings', *The Age* (Melbourne), 14 July 2002.

¹⁸ Wainwright above n 17, 488; Mary-Louise O'Callaghan, 'PM considers Solomons force', *The Australian* (Sydney), 5 June 2003.

¹⁹ Brendan Nicholson, 'Mystery shrouds Solomons killings', *The Age* (Melbourne), 14 July 2002; Mary-Louise O'Callaghan, 'Ex-Solomons police chief shot dead', *The Australian* (Sydney), 12 February 2003; *Joint press conference – Prime Minister Sir Allan Kemakeza and Special Coordinator Nick Warner*, 24 July 2003. Available at http://www.dfat.gov.au/media/transcripts/2003/030724_kemakeza_warner.html Accessed 19 December 2003; Mary-Louise O'Callaghan, 'Pacific policeman', *The Australian* (Sydney), 14 June 2003.

²⁰ Solomon Islands Country Brief; Brendan Nicholson, 'Mystery shrouds Solomons killings', *The Age* (Melbourne), 14 July 2002.

²¹ Mary-Louise O'Callaghan, 'PM considers Solomons force', *The Australian* (Sydney), 5 June 2003.

²² John Howard, *Statement to Parliament on the Regional Assistance Mission to the Solomon Islands*, 12 August 2003. Available at <http://www.pm.gov.au/news/speeches/speeches/speech422.html> Accessed 19 December 2003. [Hereinafter 'John Howard Statement.']

²³ 'New Office in Solomon Islands Assistance Mission', (2003) 11 *DFAT News* 1, 1; *RAMSI Press Conference, Honiara*, 29 July 2003. Available at http://www.dfat.gov.au/media/transcripts/2003/030729_RAMSI_press_conference_honiara Accessed 19 December 2003.

²⁴ *Arrest of Andrew Te'e*, 8 December 2003. Available at http://www.dfat.gov.au/media/releases/department/RAMSI_031208.html Accessed 19 December 2003. In total, as of April 2006, over 3,600 guns have been collected or seized, and over 5,500 people arrested. Australian Department of Foreign Affairs and Trade, *Regional Assistance Mission to Solomon Islands*. Available at <http://www.dfat.gov.au> Accessed 23 April 2006.

²⁵ See, for example, Bishop Terry Brown, *Current Issues in Solomon Islands Politics: RAMSI and Beyond*, address to the State, Society and Governance in Melanesia Project, ANU, Canberra, 7 July 2005.

Elections held in April 2006 proceeded with few problems. However, trouble began when members of Parliament convened and elected Snyder Rini as Prime Minister. There were allegations that Taiwanese and business interests had helped secure Rini the position. The subsequent rioting led Australia to deploy additional troops and police, and to Rini's resignation a week after his appointment.

Lesson 1: The need for a multinational force

Although Australia has provided the majority of personnel, representatives from the Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Papua New Guinea, Samoa, Tonga, Tuvalu, and Vanuatu have also been part of the RAMSI mission. The multinational character of the operation has been vital for gaining the acceptance of Solomon Islanders. More broadly, the endorsement of the Pacific Islands Forum has also helped to legitimatise RAMSI.

The contribution of Fiji and Vanuatu to the Bougainville Peace Monitoring Group was likewise critical to its success. The Ni-van members of the teamsites throughout Bougainville served as translators, and the Fijians and Ni-vans were a point of Melanesian identification for the local people. Bougainvilleans felt they could open up to the Fijians and Ni-vans, and receive a sympathetic understanding of their issues.

These two operations can be contrasted with the Enhanced Cooperation Program (ECP), which Australia sought to implement in Papua New Guinea in 2005. The ECP consisted only of Australian personnel, and did not have Forum endorsement. It involved Australian police and public servants being placed in in-line positions. However, the ECP was controversial, and following a court challenge was ultimately ruled unconstitutional by the Papua New Guinea Supreme Court. Arguably, much of the angst surrounding the ECP could have been avoided had it been a regional initiative, instead of being limited to Australia, as the former colonial power, intervening. (There may be broader lessons here about the sensitivities surrounding interventions by colonial powers.)

Lesson 2: The need for a display of overwhelming force

A key factor in RAMSI's early success was its display of overwhelming force on deployment. RAMSI initially consisted of 2,225 police, military and civilian personnel. The police component consisted of 325 personnel, and the military component some 1,800 personnel, which included 450 combat troops, as well as logistics, engineering and medical personnel.²⁶ This had the effect of demonstrating a seriousness of intent and immediately restoring order. Decisive wins, such as the initial arrests and the successful

²⁶ Wainwright above n 17, 492; John Howard Statement.

gun amnesty, helped to secure RAMSI's reputation in the critical early days, sending an unambiguous signal to Solomon Islanders that things had changed.²⁷

The Bougainville Peace Monitoring Group, although not as large, consisted of 300 military, police and civilian personnel located at teamsites throughout the island. In contrast, the initial International Peace Monitoring Team in the Solomon Islands consisted of 49 civilian personnel. One person who was involved has noted 'the resources available to the two operations also differed substantially.'²⁸ Although the International Peace Monitoring Team was an attempt to create a 'lighter' operation than Bougainville, and one that did not draw on the resources of the Australian military, it was obviously unsuccessful in creating an environment conducive to peace.

Lesson 3: The need to intervene at a sufficient depth

The earlier International Peace Monitoring Team in the Solomon Islands had a mandate limited to weapons disposal, and monitoring the implementation of the *Townsville Agreement*.²⁹ In contrast, RAMSI's mission was twofold, involving:

1. a police and military operation to restore law and order, by removing weapons from gangs and militias;³⁰ and
2. a state-building program, involving the insertion of foreign advisers into key positions, to improve economic management, the delivery of essential services, policing and the administration of the legal system, and to promote an effective democratic process.³¹

The Australian Strategic Policy Institute has argued that when institutional decline reaches a certain point, a higher degree of intervention and a deeper long-term commitment is necessary.³² RAMSI has been more successful than the IPMT because it attempts to address the underlying causes of the Solomon Islands' difficulties, not just the manifestations, and the necessary resources and degree of intervention have been somewhat better aligned with the nature of the problem. However, as will be discussed below, RAMSI's focus on assistance to government departments has had its own limitations.

²⁷ Elsin Wainwright, *How is RAMSI faring? Progress, challenges, and lessons learned*, Australian Strategic Policy Institute, Canberra (2005) 8.

²⁸ David Hegarty, *Peace Interventions in the South Pacific: Lessons from Bougainville and Solomon Islands*, SSGM Working Paper No 4, ANU, Canberra (2003).

²⁹ Annex II *Townsville Peace Agreement* Available at http://www.vanuatu.usp.ac.fj/pact/treaties/Treaties_etc/Townsville_Peace_Agt.html Accessed 27 August 2003.

³⁰ Solomon Islands Country Brief; 'New Office in Solomon Islands Assistance Mission', (2003) 11 *DFAT News* 1, 1.

³¹ *Ibid.*

³² Australian Strategic Policy Institute, *Our Failing Neighbour: Australia and the Future of the Solomon Islands*, Australian Strategic Policy Institute, Canberra (2003) 30. [Hereinafter 'Australian Strategic Policy Institute.']

Lesson 4: The society must be ready for intervention

Before it was deployed, RAMSI received formal support from the Solomon Islands Cabinet and Parliament. However, the Australian Government also cited implicit general support from the Solomon Islands' population for the intervention. At the time of RAMSI's deployment, Australian Foreign Minister Alexander Downer referred to 'broad community support' and 'wholehearted support in the Solomon Islands for an intervention.' Australian Prime Minister John Howard referred to 'overwhelming support from the people of the Solomon Islands.'³³

It is difficult to imagine any Australian Government committing to such an operation without such broad support, as such an operation would be unlikely to succeed without it, and Australian personnel would be exposed to considerable risk.

Lesson 5: Someone must be prepared to bankroll the intervention

On current projections, RASMI will cost Australian taxpayers well over a billion dollars. Substantial numbers of troops and police have been tied up at various points of the operation. Few, if any, states would make this sort of commitment to another country, unless they believed their interests were directly affected.

In June 2003, the Australian Strategic Policy Institute released a report, *Our Failing Neighbour: Australia and the Future of the Solomon Islands*,³⁴ which, arguably, led directly to the RAMSI mission. The report warned that the 'process of state failure' in the Solomon Islands was 'far advanced', and that it had 'virtually ceased to function as an effective national entity.'³⁵ The report warned that Australia's

*present cautious policy approach offers no real prospect that the Solomon Islands can be turned around. The most likely outcome is therefore... the cessation of effective government. It would be a very serious step for Australia to decide that this was an acceptable trajectory for our immediate neighbourhood.*³⁶

Without intervention, the Solomons Islands could become a 'post-modern badlands, ruled by criminals and governed by violence.'³⁷ The consequences for Australia could include terrorism and the fall-out from transnational criminal operations. The report correctly identified Australia as the only country with the interest, and the capacity, to act.³⁸

³³ Alexander Downer, *Australia welcomes passage of legislation in Solomon Islands*, 17 July 2003. Available at http://www.foreignminister.gov.au/releases/2003/fa088_03.html Accessed 19 December 2003; Alexander Downer, *Statement to Parliament on the Regional Assistance Mission to the Solomon Islands*, 12 August 2003. Available at http://www.dfat.gov.au/media/transcripts/2003/030812_downer_in_pment.html Accessed 19 December 2003; John Howard Statement; Wainwright above n 17, 494.

³⁴ Australian Strategic Policy Institute 31.

³⁵ Ibid 1, 3.

³⁶ Ibid 4.

³⁷ Ibid 13.

³⁸ Ibid 16-17.

The use of the term ‘failing state’ has been criticised, and the link between Pacific states and terrorism questioned.³⁹ Hegarty asked ‘Was there not another, less hyperbolic, rationale for intervention, for example, in the concept of a “responsibility to protect”?’⁴⁰ We believe future interventions could usefully refer to international principles such as the responsibility to protect - over-emphasising Australian security and interests leads Pacific governments and citizens to ask ‘What about our security? What about our interests?’ Nonetheless, the perceived threat from failing states, and the risk of transnational terrorists taking advantage of them, helped frame the issue in way that made the commitment to an expensive – and potentially dangerous – operation necessary in the eyes of the Howard Government.

One of the consistent problems with realising the responsibility to protect principle in Africa has been in engaging the interests of a state with sufficient capacity to act. This highlights the importance of the global community, not just individual states, committing to the principle.

Problem 1: A failure to intervene early enough

A key issue is whether earlier intervention in the Solomon Islands could have reduced tensions, saved lives and prevented the country bankrupting itself. The national police force was so heavily identified with one ethnic group – 70% of the force were Malaitan⁴¹ – that it could not resolve the conflict. As Amnesty International noted, ‘There is no one to create order.’⁴²

For a long time, Australia resisted intervention.⁴³ Alexander Downer wrote an extensive opinion piece as late as January 2003 arguing that ‘Sending in Australian troops to occupy the Solomon Islands would be folly in the extreme... foreigners do not have answers for the deep-seated problems afflicting the Solomon Islands.’⁴⁴ Yet leaders of the various militia groups told Alexander Downer in June 2000 that ‘only a neutral force could save the country from civil war.’⁴⁵ As he resigned, Prime Minister Ulufa’alu said

In our Melanesian culture, when two brothers are fighting you need a third party. And I will keep saying this until Australia and New Zealand listen. Because two fighting brothers – you cannot ask them to resolve their problem. You need a third person that it is of status, that is of

³⁹ See Tarcisus Tara Kabutaulaka, ‘Australian Foreign Policy and the RAMSI Intervention in Solomon Islands’ (2005) 17 *The Contemporary Pacific* 283, 296-297.

⁴⁰ David Hegarty, *Intervention, Regionalism, Engagement: New forms of security management in the South Pacific?*, SSGM Working Paper No 3, ANU, Canberra (2004).

⁴¹ Mary-Louise O’Callaghan, ‘Andy, get your gun’, *The Australian* (Sydney), 10 June 2000.

⁴² Patrick Smellie, ‘The Semiautomatic Solution’, *Time*, 19 June 2000.

⁴³ Graeme Dobell, *The South Pacific: Policy Taboos, Popular Amnesia and Political Failure*, The Menzies Research Centre Lecture Series: Australian Security in the 21st Century, Canberra (February 2003) 14; Paul Daley, ‘Canberra to step up aid to Solomons’, *The Age* (Melbourne), 13 May 2000; Wainwright above n 17, 491.

⁴⁴ Alexander Downer, ‘Neighbours cannot be re-colonised’, *The Australian* (Sydney), 8 January 2003.

⁴⁵ Mary-Louise O’Callaghan, ‘Downer refuses to send forces’, *The Australian* (Sydney), 12 June 2000.

*integrity, that is of repute, to intervene to bring these two to a peaceful solution.*⁴⁶

Although the exact cost of late intervention in the Solomons has not been quantified, GDP fell by 14 percent in 2000 and 10 percent in 2001.⁴⁷ The Solomon Islands Central Bank wrote in 2003, ‘Since 2000, the Solomon Islands economy has severely contracted, causing a fall in incomes, increased unemployment and widespread poverty, and the poor delivery of social services, particularly in the education and health sectors.’⁴⁸

Wainwright has usefully quantified the UK’s costs in its various Balkans interventions, to illustrate the benefits of preventive action: ‘Britain became involved in Bosnia after several years of civil war; Britain spent at least £1.5 billion on this involvement. Kosovo, which saw a quicker British response, cost Britain in the order of £200 million. The preventive action taken in Macedonia, however, meant that Britain spent just £14 million.’⁴⁹ Likewise, the Carnegie Commission on Preventing Deadly Conflict estimates that the international community spent US\$200 billion on conflict management in seven major interventions in the 1990s, but could have saved US\$130 billion through a more effective preventive approach.⁵⁰

In the Solomon Islands, the need for an international, neutral force was apparent from 2000, and firm, early action would have saved lives and the economy, and avoided the need for a greater intervention force later. It would also have been less of a burden for the intervening states, particularly Australia.⁵¹ Mephram and Cooper suggest that countries should ‘aim to shift resources decisively “upstream”: to invest in prevention and to tackle problems early before they have developed into full-blown crises, which are costly in financial and human terms.’⁵²

The delay in intervention led to the need to intervene at a greater depth – which created its own set of challenges.

Problem 2: A failure to intervene deeply enough

Notwithstanding the Solomon Islands parliament’s approval for the RAMSI deployment, Wainwright has argued that RAMSI is ‘vulnerable to the fluctuations of political alignment in Honiara... this remains a delicate basis for such an operation.’⁵³

⁴⁶ Michael Maher and Sean Dorney, ‘Melanesian meltdown’, *The Bulletin* (Sydney), 27 June 2000, 38.

⁴⁷ Kabutaulaka above n 39, 293; see also Satish Chand, ‘Conflict to crisis in Solomon Islands’, (2002) 17 *Pacific Economic Bulletin* 154.

⁴⁸ Kabutaulaka above n 39, 293.

⁴⁹ Wainwright above n 17, 487.

⁵⁰ International Commission on State Sovereignty and Intervention, *The responsibility to protect*, International Development Research Centre, Ottawa (2001) 20.

⁵¹ Wainwright above n 17, 487.

⁵² David Mephram and Jane Cooper, *Human Rights and Global Responsibility – An international agenda for the UK*, Institute for Public Policy Research, London (2004) 60.

⁵³ Wainwright above n 17, 493.

One consequence is that RAMSI has been accused of avoiding or delaying corruption charges against key figures.⁵⁴ For example, Kabataulaka suggested that the RAMSI intervention ‘propped up’ the Prime Minister’s position and ‘sheltered him from parliamentary and public challenges’;⁵⁵ Brown criticised RAMSI for ‘continuing to work very closely with a Prime Minister and other Ministers who many think should have faced criminal charges by now’;⁵⁶ Hegarty et al warned that ‘in working with the government of the day RAMSI runs the risk of bestowing “false” legitimacy on a government the popularity and integrity of which are strongly contested by the Solomon Islands public.’⁵⁷

This highlights the tension between ‘maintaining the peace’ and discharging an investigating role. As O’Callaghan has asked, ‘a fundamental conundrum was never really resolved at the design stage of RAMSI - how do you intervene to clean up bad governance without cleaning up the very government that invited you in?’⁵⁸ Thus, RAMSI may have planned a deep intervention, but it has always been constrained by its uncertain political standing. Whether the resignation of Prime Minister Rini assists RAMSI’s reputation remains to be seen.

RAMSI has been criticised, too, for focusing too narrowly on building the capacity of the state.⁵⁹ Kabutaulaka asks,

*Can a strong state apparatus alone create a stable nation committed to a shared identity and mission among its peoples? To achieve sustainable peace and rebuild Solomon Islands, both state and non-state entities must be strengthened. This is especially important in a plural society where the state will always share and compete for power with other organisations... In actual conflict resolution in Solomon Islands, the state often plays a secondary role. For these reasons, it is vital that other entities – churches, landowners, community leaders, women’s organisations, youth groups, civil society – feature prominently in the complex processes of peace building and national rebuilding. There is a need to look beyond the state for ways in which Solomon Islanders themselves could be involved.*⁶⁰

Thus, while improving the capacity of the *state* apparatus is obviously critical for the Solomons’ long-term success, developing a cohesive sense of *nation*, and a viable civil society, are also important. The state-centred approach ‘assumes that an effective state apparatus can not only impose order and deliver goods and services but also create a loyal

⁵⁴ Mary-Louise O’Callaghan, ‘Mission’s flaws lie exposed in the ruins’, *The Australian* (Sydney), 21 April 2006.

⁵⁵ Kabutaulaka above n 39, 300.

⁵⁶ Bishop Terry Brown, *Current Issues in Solomon Islands Politics: RAMSI and Beyond*, address to the State, Society and Governance in Melanesia Project, ANU, Canberra, 7 July 2005.

⁵⁷ David Hegarty, Ron May, Anthony Regan, Sinclair Dimmen, Hank Nelson and Ron Duncan, *Rebuilding State and Nation in Solomon Islands: Policy Options for the Regional Assistance Mission*, SSGM Discussion Paper 2, ANU, Canberra (2004) 14.

⁵⁸ Mary-Louise O’Callaghan, ‘Mission’s flaws lie exposed in the ruins’, *The Australian*, 21 April 2006.

⁵⁹ See, for example, Tarcisus Tara Kabutaulaka, ‘Australian Foreign Policy and the RAMSI Intervention in Solomon Islands’ (2005) 17 *The Contemporary Pacific* 283.

⁶⁰ *Ibid* 283-284, 299.

nation and harmony among a body of people who feel they are its citizens.’⁶¹ Far more work needs to happen at the grassroots level to give citizens, especially young people, a stake in their society and the economy. Such initiatives are difficult, and necessarily long-term, but they are essential if RAMSI’s legacy is to be a peaceful, prosperous country, rather than just an effective bureaucracy. As the International Commission on State Sovereignty and Intervention found, ‘true reconciliation is best generated by ground level reconstruction efforts’,⁶² and Mephram and Cooper suggest that intervention ‘should involve extensive responsibility for ordinary people living in the country concerned.’⁶³

Finally, RAMSI has focused on the *machinery* of government while avoiding larger questions about the appropriate *structure* of government – whether, for instance, a federal model, or a presidential model, or both, would give more citizens a greater stake in their political system. The problems leading to the RAMSI intervention, and the rioting following the 2006 election, may have been avoided if the political system had seemed more relevant, and accountable, to more citizens.

The appropriateness of the Westminster model of government left behind by colonial administrators in the Solomon Islands and other Pacific island countries is questionable. The indirect process of the selection of governments allows political choices to be made on extremely local and community bases by the voters, and leaves the way open for horse trading and allegations (if not the fact) of corruption at the centre. No one gets a real chance to choose between competing visions and programs about the future of the country when they vote.

A presidential-type model may be preferable. It is not possible to run for election on a directly elected national franchise merely by stressing local village or community issues. It creates at least the possibility of a choice between alternative national leadership teams and possibly alternative programs. If such a change were to be made, it would mean that if there was to be a choice between Snyder Rini and Job Dudley Tausinga, in future it would be in the hands of the people, not just the parliamentarians. Yet RAMSI has so far avoided facilitating a discussion in the Solomon Islands about these issues.

Mephram and Cooper warn that ‘if people feel they have no stake in the system, there is a real danger that society will slip back into violence and conflict, with very adverse consequences for human rights.’⁶⁴ The International Commission on State Sovereignty and Intervention anticipated this sort of need when it wrote that addressing root causes should include ‘addressing political needs and deficiencies, and this might involve democratic institution and capacity building; constitutional power sharing, power-alternating and redistribution arrangements.’⁶⁵

⁶¹ Ibid 300.

⁶² International Commission on State Sovereignty and Intervention, *The responsibility to protect*, International Development Research Centre, Ottawa (2001) 39.

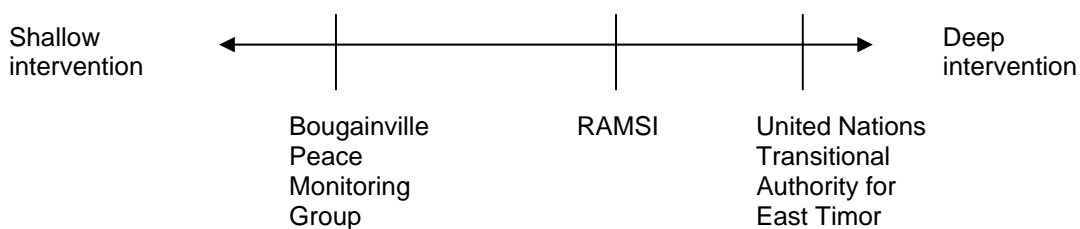
⁶³ Mephram and Cooper above n 52, 67.

⁶⁴ Mephram and Cooper above n 52, 71.

⁶⁵ International Commission on State Sovereignty and Intervention, *The responsibility to protect*, International Development Research Centre, Ottawa (2001) 23.

In a sense, RAMSI seems awkwardly caught between a shallow intervention that involves only a limited impact on a country's sovereignty, such as the Bougainville Peace Monitoring Group, and a deep intervention, such as the United Nations Transitional Authority for East Timor (UNTAET). In the latter case, UNTAET assumed responsibility for all aspects of East Timor's sovereignty. (Other examples of deep interventions are UNTAG in Namibia and UNTAC in Cambodia.) This can be illustrated by the following diagram.

Diagram 1: Depth of intervention



Thus, RAMSI is an interesting, arguably unique, attempt to assume a lot of a country's sovereignty, but not all – it is, perhaps, like being a little bit pregnant. It remains to be seen whether RAMSI will succeed in its twin goals of instituting substantive long-term reform, while maintaining the support of the current Solomon Islands polity.

We believe this situation again highlights the importance of early intervention, before problems become much broader and more complex to resolve. It also suggests that when deeper intervention is required, a UN mandate may give an operation the additional authority to stay above the political fray while pursuing difficult but necessary reform.

Problem 3: A failure to intervene with prior UN approval

The UN's High Level Panel on Threats, Challenges and Change wrote that:

*Authorisation from the Security Council should in all cases be sought for regional peace operations... the key is to organise regional action within the framework of the [UN] Charter and the purposes of the United Nations, and to ensure that the United Nations and any regional organisation with which it works do so in a more integrated fashion that has up to now occurred.*⁶⁶

⁶⁶ High Level Panel on Threats, *Challenges and Change, A More Secure World: Our Shared Responsibility*, United Nations, New York (2004) 85.

Unfortunately, Australia did not seek UN Security Council approval for RAMSI *prior* to its deployment (the Security Council was notified after the operation had commenced). A complicating political factor was that the Solomon Islands grants diplomatic recognition to Taiwan rather than China.⁶⁷ Some suggested that Australia did not seek a Security Council resolution for fear of a Chinese veto;⁶⁸ however, it may be the case that the Howard Government's scepticism about multilateral institutions⁶⁹ played a part.

Chapter Eight of the UN Charter encourages regional arrangements to settle disputes, but Article 53 states that '*no enforcement action shall be taken under regional arrangements or by regional agencies without the authorisation of the Security Council*' (italics added). A *prima facie* argument could be made that RAMSI had at least *some* of the features of peace enforcement operation: RAMSI involved an external intervention force, whose personnel were given the authority to use lethal force in the discharge of their duties.⁷⁰ Further, Australia committed naval assets to interdiction, to prevent weapons being taken from the Solomon Islands and stored in Bougainville.⁷¹ Arguably, RAMSI is closer to an East Timor-style enforcement operation, where the intervention force was granted Security Council authority to 'take all necessary measures' to restore peace and security.⁷²

We believe there should be a presumption in favour of UN approval and involvement in future operations. This would provide a more secure legal basis for an intervention, but is also important for political reasons.

RAMSI involves a large external security force, authorised to use lethal force, as well as foreign personnel assuming responsibility for key parts of the Solomon Islands government apparatus: finance and economic management; the judicial and prison system; and law enforcement.⁷³ This represents a surrender of a considerable part of the Solomon Islands' sovereignty – assuming this sovereignty represents a substantial responsibility, and risk, to Australia.

The addition of the UN's impartiality, credibility and standing politically assists any country in these circumstances. In future operations, if resentment builds over the loss of

⁶⁷ The Solomon Islands receives grants from Taiwan in return for its diplomatic recognition of Taiwan. Australian Strategic Policy Institute 24.

⁶⁸ Paul Kelly, 'Solomons mission ushers in new role', *The Australian* (Sydney), 2 July 2003.

⁶⁹ See Michael Wesley, 'Perspectives on Australian foreign policy, 2001' (2002) 56 *Australian Journal of International Affairs* 47, 51, 58; Daniel Flitton, 'Perspectives on Australian foreign policy, 2002' (2003) 57 *Australian Journal of International Affairs* 37, 42, 43, 47; and John Howard, *Address to the Sydney Institute*, 1 July 2003. Available at <http://www.pm.gov.au> Accessed 5 July 2003.

⁷⁰ The Australian Defence Minister, Robert Hill, said that he had permitted the use of lethal force under the rules of engagement. This was confirmed by Australian Prime Minister John Howard. Patricia Karvelas, 'Taskforce police in greatest danger', *The Australian* (Sydney), 21 July 2003; *Transcript of the Prime Minister's Press Conference*, 22 July 2003. Available at <http://www.pm.gov.au/news/interviews/Interview382.html> Accessed 19 December 2003.

⁷¹ *RAMSI Press Conference, Iron Bottom Sound, Honiara*, 28 July 2003. Available at http://www.dfat.gov.au/media/transcripts/2003/030728_RAMSI_press_conference.html Accessed 19 December 2003.

⁷² UN Security Council resolution 1264/99.

⁷³ Solomon Islands Country Brief; see also the Forum Foreign Affairs Ministers Meeting Outcome Statement, 30 June 2003. Available at http://www.dfat.gov.au/geo/spacific/regional_orgs/ffamm_solomons_0306.html Accessed 22 July 2003.

sovereignty, it will not be directed solely at one country. As it is, particularly given the current troubles in the Solomons, Australia and Australians are particularly vulnerable if popular sentiment shifts. It is not difficult to imagine, for example, the current arrests of opposition MPs leading to a backlash against RAMSI. Burden-sharing avoids a single country – in this case Australia - being blamed when setbacks inevitably occur.

Wainwright has identified the dilemma that Australia would face if the Solomon Islands Government requested RAMSI to leave, even though many Solomon Islanders might not want it to: ‘revocation of the invitation, or a request to roll back some of RAMSI’s elements would place Australia in a very difficult position.’⁷⁴ A UN mandate, and a UN presence (even if small), would make RAMSI’s political situation more secure, and make it less vulnerable to short-term politicking.

In anticipation of the need for high-level interventions in the future, and to help avoid an inappropriate Security Council veto over an individual operation, the Pacific Islands Forum should establish a security framework agreement with the UN, as other regional organisations have done.⁷⁵ The framework agreement between the UN and the Forum would then delineate the areas of Forum responsibility, specifying those instances where the Forum would act; the type of action; the notification and reporting requirements; and the degree of assistance that could be expected from the UN in any future intervention. (The UN observer mission in Bougainville was small, but it usefully reinforced to the parties that the ‘eyes of the world’ were watching.) The Forum could then seek Security Council approval for this framework.

These added protections would increase the authority and neutrality of any future regional intervention force.

Conclusion - The responsibility to protect

There are a number of lessons we can draw from RAMSI, for future Australian interventions in the Pacific, and more broadly, for giving effect to the three principles that make up the ‘responsibility to protect.’

The responsibility to prevent

The Howard Government has had ten long years to get its Pacific policies right. Over that time, it has become more adept at responding to crises. Its fundamental failure is its

⁷⁴ Elsinia Wainwright, *How is RAMSI faring? Progress, challenges, and lessons learned*, Australian Strategic Policy Institute, Canberra (2005) 6.

⁷⁵ Gareth Evans, ‘Preventive Action and Conflict Resolution’ in Olara Otunnu and Michael Doyle (eds), *Peacemaking and Peacekeeping for the New Century*, Rowman and Littlefield Publishers, New York (1996), 73; John McCarthy, *Promoting Cooperative Security: The Division of Labour Between the United Nations and Regional Organisations*, lecture delivered at ‘The United Nations: Between Sovereignty and Global Governance?’ conference, La Trobe University, 2-6 July 1995, 4.

inability to pursue the policies needed to prevent these crises. As the International Commission on State Sovereignty and Intervention found, 'prevention is the single most important dimension of the responsibility to protect.'⁷⁶ Unfortunately, the Howard Government seems unable to adopt the simple principle that prevention is better than cure.

We believe the best preventive action would be to develop a regional framework for promoting economic development, and for putting in place early warning mechanisms to prevent minor disagreements becoming elevated to the level of major conflicts. The Government has recently announced its intention to establish an Australia-Pacific Technical College (adapting an ALP policy) and a Pacific Land Mobilisation Program – while welcome, such piece-meal initiatives do not represent a holistic, strategic plan.⁷⁷

Bob Sercombe has outlined a comprehensive regional framework in his policy discussion paper, *Towards a Pacific Community*.⁷⁸ We believe there are three key policies that need to be adopted for Australia to fulfil its responsibility to prevent in the Pacific.

1. A permanent Pacific Peace and Security Centre should be established as part of the Pacific Islands Forum. The Centre would monitor developing situations, generate risk assessments, conduct fact-finding missions and give early warning to Forum members of potential crises.
2. A Pacific Peace Monitoring Group should also be established. Australian and Pacific island countries should be in a position to quickly deploy personnel (perhaps 100), if a situation would benefit from the presence of unarmed, neutral peace monitors (similar to the Bougainville Peace Monitoring Group).
3. Finally, new measures are needed to promote economic development in Pacific island countries, and to provide opportunities for young people. A Pacific common market should be established, which would provide limited labour mobility from Pacific island countries to Australia. This would allow Pacific citizens to help plug labour shortages in rural areas, and to earn the substantial remittances needed to kick-start their economies. Further, Australia should provide greater support for microenterprises, and facilitate access to microcredit.⁷⁹ As UN Secretary-General Kofi Annan has said, 'Every step taken towards reducing poverty and achieving broad-based economic growth is a step toward conflict prevention.'⁸⁰

⁷⁶ International Commission on State Sovereignty and Intervention, *The responsibility to protect*, International Development Research Centre, Ottawa (2001) xi.

⁷⁷ See Commonwealth of Australia, *Australian Aid – Promoting Growth and Stability: A White Paper on the Australian Government's Overseas Aid Program*, Commonwealth of Australia, Canberra (2006).

⁷⁸ Bob Sercombe, *Towards a Pacific Community*, Australian Labor Party, Canberra (2005)

⁷⁹ Ibid; Bob Sercombe, *Our Generation's Challenge*, Australian Labor Party, Canberra (2006).

⁸⁰ International Commission on State Sovereignty and Intervention, *The responsibility to protect*, International Development Research Centre, Ottawa (2001) 22.

These measures are also in Australia's national interest, if for no other reason than the financial argument – 'earlier action is always cheaper than later action.'⁸¹

The responsibility to react

The Howard Government finally reacted to the situation in the Solomon Islands in 2003, having tragically ignored requests for a much smaller level of assistance in 2000. The three years between 2000 and 2003 when RAMSI was deployed had a significant opportunity cost, turning a serious conflict into a case of almost total state collapse. This has been one of the Howard Government's key foreign policy failures, which has been immensely damaging for the Solomon Islands, and incredibly expensive for Australian taxpayers.

We believe it would be useful for such interventions in the future to have a UN mandate, and a UN presence. This could be accomplished now, by having the Pacific Islands Forum negotiate a security framework agreement with the UN, as other regional organisations have done. The addition of the UN's impartiality assists any country embarking on a major intervention in another country, adding to the standing and credibility of any mission, and avoiding resentment building up towards any single country.

The responsibility to rebuild

The Howard Government, to its credit, has made a long-term commitment to rebuilding in the Solomon Islands. Our concern, though, is that having allowed the crisis in the Solomons to worsen by not acting soon enough, RAMSI's intervention is not deep enough to resolve some of the underlying problems. For example, RAMSI's delicate political standing in the Solomons has led to the perception that it is not tackling high-level corruption. Further, RAMSI's focus on state-building is too narrow; more effort needs to go into building a cohesive nation, through grassroots initiatives to support civil society, and provide young people with a stake in the economy. Finally, RAMSI has not facilitated a dialogue on difficult political and constitutional issues, such as the need to explore a federal system, and/or a presidential system, to give citizens a greater stake in their polity.

The recent riots in Honiara should not be allowed to disguise the success of RAMSI so far, nor allow us to ignore the tests that still lie ahead. The crucial challenge is how Australia, with our Pacific neighbours, can better promote the responsibility to protect in the Pacific, and, working with the international community, give effect to it globally.

⁸¹ Ibid 71.