



SOLOMON ISLANDS

TRUTH AND RECONCILIATION COMMISSION

Confronting the Truth for a better Solomon Islands

FINAL REPORT

VOLUME III

FEBRUARY 2012

Honiara, Solomon Islands

TABLE OF CONTENTS

Volume III

The tension and its impact on women and children	538
5.1 Women	539
5.2 Children	626
Consequences of the conflict	648
6.1 Economic impact	649
6.2 Sectoral impacts: health and education	662
6.2.1 Health	662
6.2.2 Education	676
The TRC Exhumations and Victims Program	689
A pathway towards national unity and reconciliation	704
Conclusions	732
Recommendations	747

5.

THE IMPACT OF THE TENSION ON WOMEN AND CHILDREN

The TRC was mandated to give “special attention to the subject of sexual abuses and to the experiences of children within the armed conflict.”¹

This chapter shall attempt to fulfil this mandate in greater depth beyond simply documenting human rights abuses against women. The Commission understands that patterns of gender-based human rights violations may be explained, at least in part, by prevailing social norms and ideologies on sexual differences and identities, and the institutional structures that maintain and reproduce them. However, emergencies, such as a violent conflict, often aggravate normal situations. In societies where aggression against women is prevalent even in peaceful times, as has been documented for Solomon Islands in the 2009 Family Health and Safety Study (FHSS), during a violent conflict women become one of the most vulnerable groups in society. Wishing to make a contribution for building a society without any kind of violence against women, the Commission thus sought to understand, in addition to sexual violence against women, also the gendered background, experiences and impacts of the conflict.² On the other hand, the Commission also understood that women played a key role in building peace during the conflict and has sought to document this invaluable contribution.

The chapter on children documents a double-edged situation. During the tension in Solomon Islands, young men below the age of 18 years were actively involved in the hostilities and responsible for a great number of human rights violations. According to the definitions employed in international humanitarian law, they served, voluntarily or under duress, as “child soldiers”. At the same time, political violence had a tremendous impact on children’s life opportunities, which situates them, together with women, among the most affected victims and who still have to struggle with the consequences of the conflict. The chapter tries to document their expectations and frustrations as well as, in the case of ex-combatants, their motives for joining one of the militant groups and the ways they participated.

¹ TRC Act, Section (5)(2)(c).

² Women have always been the main victims of sexual abuses during armed conflicts, but the TRC is aware that sexual violence also affects men and children. See chapter 4.2.4 for the complete findings of the Commission regarding sexual violence.

5.1 WOMEN

*Violence against women has eluded
the global human rights agenda
for almost fifty years.³*

Expensive smile

Who can tell the cost of my smile?
Who can bear my smile and who can ignore it?
Stimulating it may be: there is also a side effect.

Though soft, sweet and harmless it seems,
My smile can bring my whole tribe from the hills and
valleys of Malaita against you.

Don't move a step closer when I smile, though
it burns deep into your nerves;
Just turn and walk away because my smile costs
Ten Tafuliae⁴

Ellen Fera, 'Expensive Smile'
in *Mi Mere: Poetry and Prose by Solomon Islands Women Writers*,
USP Center, 1983, p. 103.

1. Introduction

This chapter documents the patterns of gender-based human rights violations against women which occurred during the tension. It explores women's experiences of the conflict, the violations they survived and the effect these had on their lives. It documents some of the ways women coped with the challenges at the time, surviving a time of fear and violence, and how women encouraged and brought peace to their communities and nation.

In accordance with the mandate of TRC Act, special attention will be given to the subject of sexual violence. Although a sensitive topic for victims and families and a culturally taboo topic in Solomon Islands, this purposeful consideration is necessary to avoid perpetuating the silence surrounding this grave violation of a woman's human rights. Recognizing that women's experiences of conflict permeate all facets of life, extending beyond sexual violence, the chapter will also give a gendered account and analysis of the tensions as

³ Conway Henderson: "The Political Repression of Women," *Human Rights Quarterly* 26, 2004, p. 1029.

⁴ Ten lengths of shell-money, now worth over SBD\$5,000.

experienced by women, exploring the various social, economic, psychological, and physical consequences of the conflict on women.

The violations and challenges that women experienced and survived were not isolated in the period of the conflict alone. The prevailing cultural and religious protocols and social conditions of Solomon Islands and the pre-existing established gender roles of males and females in society had a direct relationship to women's experiences of the conflict. This chapter therefore also looks at the roles and status of women in Solomon Islands outside of the conflict context. It will discuss women's traditional roles in communities and families, their experience of violence and gender-based crimes and their roles in land, politics and business.

Special effort is made here to give voice to the women of Solomon Islands and to allow a space for their experiences during the tensions to be documented and acknowledged. What is revealed is that the tension created a situation of vulnerability and risk for civilians which had particular consequences for women. Women survived extended periods of displacement, disrupted social norms, personal attack and violence, ill-treatment, and punishment. They helped one another through pregnancy and birth with limited access to medical facilities. They witnessed their relatives or families being hurt or killed, kidnapped or tortured. They worried about their sons, brothers, husbands and fathers who provided security to their communities, joined the militant activities, or were victims of attacks. They did this while providing for their families with food and shelter, supporting each other and praying and working for peace. They took on additional roles to compensate for the absence of men and to ensure the survival of their families through times of displacement and fear. They supported one another, shared their belongings, provided hospitality, and found ways to survive. The broad range of women's experiences during the conflict attests to their strength, resourcefulness and valuable contribution to their families, communities and the nation. Their stories of courage, resilience, compassion, suffering, and survival are documented below.

2. Gender and the TRC

Gender equality was a criterion in the composition of the Commission. Two of the five Commissioners were women, one Solomon Islander, Commissioner Caroline Laore, and one from Peru, Commissioner Sofia Macher. Gender balance was similarly a criterion for the employment of statement takers whose work was to visit communities across the country to

record statements of human rights violations. Of the total 30 statement takers employed, 16 were male and 14 were female. Realizing from the outset the tendency for women to suffer in silence, the TRC specifically encouraged statement takers in their training to obtain statements from women and to strive for gender balance in their work.

2.1 Women's engagement and participation with the TRC

In order to achieve its mandate, the TRC conducted public hearings, closed private hearings, collected statements, performed exhumations and carried out research which involved further interviews and the collection of secondary data and resources. Through these processes, women of Solomon Islands told the TRC about their experiences during the conflict and the impact it has had on their lives until today.

The statement-taking process strived to achieve equal gender representation in collected statements. A total of 2,362 statements were collected from across nine provinces, of which 879, or 37 percent, were provided by women (36 of these statements were given with their male partners). A number of challenges were overcome to reach this figure; these challenges also acted as a barrier to reaching the objective of 50 percent. Entrenched gender segregation and cultural practices limited the number of statements provided by women to the Commission. Statement takers explained that as men are culturally the traditional leaders in the families and communities and the spokespersons for these groups, when outsiders (such as themselves) arrive in a community, men will approach them, enquire about their agenda, and talk with them. Women often feel that it is not their place to speak on behalf of their family or community, or even themselves. Further factors also may have inhibited women's participation in the statement-taking process. Women spend a large proportion of their week attending their gardens which are often located far from villages. Therefore, due to the short notice of statement takers' awareness-raising meetings and cultural protocols which see men talking at meetings while women sit back and listen, the full potential for their participation was not reached.

An in-depth case study on women was conducted to produce this chapter. Three female researchers over the time period of the Commission were engaged to document women's experiences. In addition to information from the public and closed hearings and statement transcripts, a further 100 interviews and 11 focus groups were conducted in Honiara, Guadalcanal, Malaita and Western Province. Interviews and focus groups involved the

participation of women at the village and grass-roots level, as well as women and community leaders, such as police officers, pastors, and women's group leaders.

With the assistance of the International Center for Transitional Justice (ICTJ), women leaders from around Solomon Islands gathered in a series of provincial and national workshops to share their experiences and compile and produce a women's submission to TRC. This submission, "Herem Kam: Stori Blong Mifala Olketa Mere", referred to throughout this report as a supporting document, gives a voice to women's experiences during the conflict and peace process. Written by leading Solomon Islands women following the above participatory workshops that involved approximately 60 women, it offers a moving account of women's experiences, sufferings and courage during the conflict and a commentary on the impact it still has on their lives today. It also includes the recommendations for changes they want for the future of Solomon Islands.

2.2 Methodology

Due to the sensitive nature of some of the topics discussed in this chapter, a note on methodology and recognition of this chapter's limitations is necessary. The Commission gathered information through personal accounts, either through statements, interviews or public hearings and published reports. Women were invited and welcomed to tell their stories to the Commission, and here we have endeavored to document salient experiences and stories and present an analysis of the patterns of human rights violations through a gendered lens.

Considering the highly sensitive nature of the topics, the risk of re-traumatization and the already high incidence of domestic and sexual violence in Solomon Islands, care was taken to prioritize women's well-being and to respect their boundaries in the discussions. As a result, full disclosure of their experiences may not have been a choice for some women. See section 8.4.3 for a discussion on women's choice of silence:

It's been some time. There are some things that I choose not to say here. I choose to forget it since they are not pleasant to lament about.

Ruth Liloqula, TRC closed hearing

The methodology for this chapter involved a combination of documentary and field research. Documentary research was primarily review of existing and relevant research and reports, prioritizing works commissioned by the Solomon Islands Government or written by Solomon Islanders; and review of data generated from the TRC's activities, including transcripts from

statements (where the statement giver allowed their conversation to be recorded), focus groups, closed interviews, public hearings and further research interviews. Field research involved in-depth interviews, focus groups and gathering of empirical data, in addition to the TRC's public and closed hearing activities. Focus group interviews were with women participants only, and therefore all testimonies quoted here from focus groups are from women. Interviews, statements and public hearing testimonies are from both women and men.

3. Women in Solomon Islands

The experiences of women during the tension were the result of a culmination of factors which cannot be solely ascribed to the period of conflict alone. While the conflict precipitated experiences of increased violence, decreased security, and mass displacement, the impact of these experiences on women's lives was influenced by the gendered roles and status ascribed to women in Solomon Islands society. Understanding the different cultures, traditions, roles and expectations of men and women in Solomon Islands society prior to the period of violent conflict provides a context for understanding the consequences of the conflict in terms of social disruption and violence, and their gendered implications.

Described here is an overview of men's and women's traditional roles in Solomon Islands society, with a focus on the aspects of women's situations and roles that are pertinent to their experiences during conflict, such as matrilineality, political and economic representation, education, gender-based and domestic violence, and women's access to justice. While reference is made to "traditional" roles and cultural protocols, it is necessary to note that these are dynamic constructs which have formed, adapted and changed over time, and, at times, very rapidly. A brief situational analysis of women before the conflict is provided here to give a context to the violations and changes which they speak of through their stories to TRC. While comment will be made on matrilineal societies, it is worth noting that the general roles, status and situations of women are not necessarily higher even in matrilineal societies.⁵ While some areas practice matrilineal systems of land tenure (where land is inherited and transferred through female lines), Solomon Islands communities are highly patriarchal (where men maintain positions of higher status and power). Segregation of sexes

⁵ *Herem kam: Stori blong mifala olketa mere. Women's Submission to the Solomon Islands Truth and Reconciliation Commission.* Written by Judith Fangalasuu, Ruth Maetala, Patricia Rodi, Anah Vota, and Elsie Wickham on behalf of Stori Blong Mere Workshop participants. Honiara, 2011, section 2, p. 5. (Hereafter referred to as Women's Submission).

is relatively common, and men and women continue to maintain fairly strictly defined gender roles.⁶

3.1 Men's traditional roles

Men play many important roles in family and community life. They are the leaders of the family and in the communities, responsible for resolving disputes and setting rules and guidelines to maintain peace in the communities. Men are chiefs, pastors and community leaders, responsible for conducting meetings and organizing village programs.

In patrilineal societies, men are custodians of land, and in both patrilineal and matrilineal societies hold decision-making powers regarding land use, development and the exploitation of natural resources. As leaders in their families and communities, men have authority to advise others on daily activities, organizing them to work together. They are viewed as the strength of a community and are responsible for providing for the well-being of their families:

The men have a big role in the community, especially with their own family. The men must make sure they build a good house for the family, make gardens, make piggery fence, cut copra to make money, they also go fishing. Men have a big role in the family; they also perform some activities which women cannot do, for example, brushing of new gardens and even sometimes they also feed the pigs. As we all know men are the heads of the family.

Visale Focus Group participant

Men are responsible for completing the heavy tasks required for their family's well-being. They build houses, make canoes, go fishing and hunting, build piggery fences, brush for gardens, plant and harvest cocoa and coconut, and earn money for the family in the labor force. While men fulfil a range of crucial roles, their work is mostly cyclical, resulting in their having more leisure time than women.⁷ Many women identify men's workload as being less than their own.

Men are traditionally the fighters and warriors of tribes, which has led them to be the protectors and defenders of families today.⁸ They provide safety and security for their families at all times. During times of conflict, they are the fighters and defenders, and as leaders, the ones responsible for settling disputes.

⁶ Abby McLeod: *Women, Peace and Security in Melanesia*. Paper presented for "Women and Policing in the Asia Pacific Region". State Society and Governance in Melanesia Project, Australian National University, 2005, p. 2.

⁷ Women's Submission, p. 5.

⁸ *Ibid.*

3.2 Women's traditional roles

Women and Housework

Work, work, work,
I am tired
Of marriage.
He bosses me:
Do this,
Do that.
He thinks I am
A machine,
There's always plenty to do.

He is inconsiderate;
I wish he was a woman
To taste work

Work, work, work,
I am exhausted.
I loved the family
It is everything
To me:

But when in high spirits
He steps out and calls:
"Shut up!"
Please pass my love,
I am not what he thinks.

**Lemu Darcy, 'Women and Housework',
in *Mi Mere: Poetry and Prose by Solomon Islands Women Writers*,
USP Center, 1983, p. 107.**

Cultural practices in Solomon Islands are dynamic and continually changing. Throughout its history of continual new influences through migration, missionaries and trade, dynamic changes continually occur in regards to social norms which govern the status and roles of men and women in communities. Certain practices become no longer relevant, *kastom* may become something that people learn about rather than experience, and some people lose touch with the tradition and *kastom* of their tribes. As these changes continue to occur, gaps in social norms develop, and certain groups of society, such as women, become increasingly vulnerable.

Historically, women were highly valued in the community and certain cultural protocols and taboos were developed to protect their position and roles. In a land of small tribal populations dispersed over islands and remote areas, the marriages of women to other tribes

served two integral purposes for tribal groups' survival: an increase in population and as a means of making peace and forming bonds with surrounding tribes. Through their marriage, blood relationships were created with surrounding tribes, building strong bonds and peace between communities.

Women's traditional roles in Solomon Islands involve the ongoing maintenance of family and community life. Women are the child bearers and keepers of the family, and participate in community and church activities.⁹ While men are the heads of households, women are mostly responsible for its daily functions. While cultures vary across the provinces, women's roles across Solomon Islands generally include work such as food production and preparation, domestic duties, fetching water, child care and taking care of the elderly and sick. Women ensure there is enough food for the family as well as any guests or visitors:

Usually, the woman is the first person to wake early, to prepare breakfast for the morning. After the preparation of breakfast in the morning, a woman must do the washing up, cleaning up, sweeping of the house; she must make sure that the house is in order before she takes off to the garden. While she works in the garden, she must watch the time, so she watches the position of the sun in order to come home and then prepare the meal. That is the usual work of a woman in any community in Solomon Islands. A woman is a very busy person. She must make sure she washes the clothes, feeds the children in the evening and she is the last person to go to bed. That is some of the work of a woman in her life time in the family.

West Guadalcanal Focus Group participant

She must make sure there is enough food in the house. When there are visitors in the house, she should know the quantity of food to feed the extra people. This is the most important role of women in the community.

Marau Focus Group Participant

Women maintain the house and surrounding areas, keeping areas tidy and clean. They feed pigs and livestock, weave mats and string bags, and show hospitality to extended family and visitors, welcoming them and taking care of them. Their work is continuous, their tasks many.

Women fulfil both reproductive and productive roles, which traditionally provided them certain prestige: "traditionally the amount of work which women did would give them status in their societies and tribes."¹⁰ Women's contribution to and expertise in community life afforded them a level of status in their communities and the ability to exercise some power in decision-making processes in otherwise essentially patriarchal societies. In some places,

⁹ *Ibid.*

¹⁰ Ruth Maetala and Alice Pollard: "Turning the Tide: Celebrating Women's history in the Solomon Islands: 1948-2009", in Alice Aruhe'eta Pollard and Marilyn J. Waring (eds.): *Being the First: Storis Blong Oloketa Mere Lo Solomon Aelan*. Honiara: Pacific Media Center and RAMSI, 2010, p. 10.

women's intimate knowledge of land, gardening, harvesting and crop rotation meant that they were pivotal to the preparation of a successful feast which would require months of planning.¹¹ This responsibility afforded women an important role in the *kastom* and economy of the village.

During times of conflict, women traditionally did not participate in fighting, while men defended the family and community or actively fought in war. While men were absent during hostilities, women remained at home and carried out domestic and village responsibilities. In the absence of men, women fulfilled traditionally masculine tasks, such as preparing bush materials and building houses, in addition to their reproductive roles such as caring for children, the sick and the elderly and providing food.¹² Upon their return, men would be publicly acknowledged and recognized for their efforts and contributions in the war. Despite being the sole decision makers when men were at war and maintaining the family, community and peace in the village, women's contributions were not publicly recognized or rewarded with formal feasting.¹³

Although women were strictly forbidden from participating in tribal conflicts, they could use their gendered roles and honor to mediate or intervene in conflicts. For example, fights between men could be stopped by an intervening woman who would make comments relating to any part of her body, such as "if you are man, pass over my walking stick", or "pass over my head", or "pass over my legs".¹⁴ Because this is considered taboo, the men would stop fighting.¹⁵ Disobedience or disregard of these words would have consequences for the men involved such as the payment of compensation, sickness or even death.¹⁶ While these practices are not strictly adhered to in today's societies, a high regard and respect for women

¹¹ Ruth Maetala: "Matrilineal Land Tenure Systems in Solomon Islands: The Cases of Guadalcanal, Makira and Isabel Provinces", in Elise Huffer (ed.): *Land and Women: The Matrilineal Factor*, Suva, Fiji: Pacific Island Forum Secretariat, 2008, p. 49.

¹² Ruth Maetala: "Matrilineal Land Tenure", *op. cit.*, p. 41.

¹³ *Ibid.*

¹⁴ Nancy D. Kwalea and Selina Aleziru: "Review of Women Field Monitors on Guadalcanal, Solomon Islands", Honiara: Peace Monitoring Council, 2002, p. 18. Alice Pollard: "The Women for Peace. Analysis and Approach", in Ruth Liloqula and Alice Pollard, *Understanding Conflict in Solomon Islands: A Practical Means to Peacemaking*, Canberra: ANU, State, Society and Governance in Melanesia Discussion Paper 00/07, 2000, p. 9.

¹⁵ Dalcý Tovosia Paina: "Peacemaking in Solomon Islands: The Experience of the Guadalcanal Women for Peace Movement", in *Development Bulletin*, Issue 53, 2000, p. 47.

¹⁶ Nancy D. Kwalea and Selina Aleziru: "Review of Women Field Monitors", *op. cit.*, p. 18. Dalcý Tovosia Paina: "Peacemaking in Solomon Islands", *op. cit.*, p. 47.

remains in society, and this quality was seen in women's contribution to making peace during the tension, discussed below in section 9.2.

Claims for compensation of killings and rape of Solomon Islands women by foreign groups remain outstanding from violent incidents prior to the tension. The punitive expedition led by the British police in 1927 to capture the murderers of Malaita District Officer William Bell involved the rape of women.¹⁷ Chiefs continue to claim compensation for this crime. In 1992, the Papua New Guinea Defence Force was responsible for two deaths in the Shortlands, killing a woman, Jacinta Teibi, and a male relative. The Solomon Islands Government sought and received compensation from Papua New Guinea to compensate these deaths; however the money has reportedly not been given to the relatives of the victims and remains an outstanding matter.

Today, women's role in Solomon Islands society is dynamic, varied and diverse. Women are involved in a range of civic, political, economic and church activities incorporating a wide spectrum of participation from the village level to international activities and conferences. Women are involved with agriculture, income generation, fellowship groups, land administration, rights advocacy, leadership and politics, and administration in public affairs.¹⁸

Despite this diverse set of valuable contributions, women continue to face perpetuating inequalities in many aspects of life. There is a gender gap in education and literacy levels and there are currently no women among the 50 elected members of the Solomon Islands Parliament.¹⁹ While women contribute important roles to society, they are often largely excluded from decision-making processes:

Gender imbalances between men and women are embedded in Solomon Islands culture, history, and contemporary socio-economic conditions. Women's power to make decisions has been undermined by their non-participation in forums and processes at the family, tribal, community and national levels.²⁰

Women today thus inhabit a fragile and tentative position in Solomon Islands society. They are respected for their roles as mothers, carers, and, in some areas, as custodians of land, and are traditionally afforded a certain reverence for the fulfilment of these positions. In public

¹⁷ David Akin: "Compensation and the Melanesian State: Why the Kwaio Keep Claiming", in *The Contemporary Pacific*, Vol. 11, N°1, 1999, p. 42.

¹⁸ Ruth Maetala and Alice Pollard: "Turning the tide", *op. cit.*, p. 11.

¹⁹ *Solomon Islands Family Health and Safety Study. A Study on Violence Against Women and Children*. Report prepared by the Secretariat of the Pacific Community for the Ministry of Women, Health and Children's Affairs; Honiara: SPC, 2009, p. 28. (Hereafter referred to as FHSS).

²⁰ Ruth Maetala: "Matrilineal Land Tenure Systems", *op. cit.*, p. 39.

life, advancement has been made towards women's empowerment in Solomon Islands, with increasing advocacy for women's rights and representation in the National Parliament. Simultaneously, however, women generally have less status than men, which is said to be worsening as the shift to the nuclear family structures further promotes men's control over the family unit.²¹ Gender roles are culturally structured and maintained, and positively reinforced from infancy with children raised accordingly.²² Socially constructed protocols are dynamic and fluid as societies continue to experience shifts in cultural norms which govern behaviour; nevertheless, they continue to reinforce gendered roles and maintain gendered differences in communities.

3.3 Matrilineality

Access to land was a key factor contributing to the tension, and is an ongoing issue and cause for conflict in many communities across Solomon Islands. Land is central to the lives of Solomon Islander women, who place great value on its ownership and usage.²³ Traditionally, land is communally owned and managed, with land rights being inherited according to family and tribal lines. In some provinces in Solomon Islands land ownership follows a patrilineal system, while in others it is matrilineal or cognatic (that is, both through the father's and mother's lines). Of the ten provinces in Solomon Islands, five actively practice a matrilineal land tenure system: Guadalcanal, Isabel, Makira/Ulawa, Central and Western.²⁴

While women in matrilineal societies may enjoy increased decision-making power over land compared to women in patrilineal societies, this power does not necessarily result in equal decision-making responsibilities with their men folk. Even when land is inherited through matrilineal practices, as in Guadalcanal, decisions regarding the management of the land still tend to be made by men, and women landowners are not expected to contradict their male relatives:²⁵

Traditionally on Guadalcanal, land is transacted through the matrilineal system and women play a significant role in this aspect. However, nowadays men do not want to involve us women in any land dealings and in most cases they sell the lands or arrange for logging companies to come and operate on our lands without the consent of us women; we end up in

²¹ UNICEF: *Solomon Islands: A Situation Analysis of Children, Women and Youth*. Suva, Fiji; UNICEF Pacific Office, 2005, p. 40.

²² Dalcy Tovosia Paina: "Peacemaking in Solomon Islands", *op. cit.*, p. 47.

²³ Ruth Maetala: "Matrilineal Land Tenure", *op. cit.*, p. 44.

²⁴ *Ibid.*

²⁵ UNICEF: *Solomon Islands*, *op. cit.*, p. 40.

arguments and disputes. Nowadays men in our societies tend to look down on us, especially our leaders and our chiefs. In Guadalcanal customs, women are the boss over the land; they hold the birth right ownership over the land. These newly adopted attitudes reflected by males contradict the original Guadalcanal custom. They want to be the boss.

Peochakuri Focus Group participant

Women's existing roles and decision-making powers are increasingly constrained by male dominance in the public sphere. Transactions of land for economic development are made between men; and royalties from such developments are paid to male leaders, even when they occur on matrilineal land:

Another factor that characterises the relationship between logging and land tenure is the alienation of women, not only as land users, but as custodians of land. In the matrilineal societies of Guadalcanal, Ysabel and Roviana (on New Georgia Island) women traditionally had authority as custodians of land. However, throughout Solomon Islands I have not yet found a logging agreement in which women have been included as signatories.²⁶

Ruth Maetala's anthropological research into matrilineal land systems in Guadalcanal, Isabel and Makira noted that in the past, matrilineal protocols encouraged and promoted women as equal partners in decision-making, which afforded them respect in regards to land tenure, but that this was implicit and not acknowledged or celebrated publicly.²⁷ She goes on to explain that women's strength and status lies in the community, so as community has weakened with the marked shift from communalism to individualism, women's positions as landowners have also diminished.²⁸ Cultural shifts that have weakened traditions and norms which govern social life have caused further havoc with the status and roles of men and women in society. In rural matrilineal communities, women continue to exercise some decision-making as part of overall community decisions in relation to land and its use and in conservation of resources; however in practice their male relatives are the respected spokespersons and the women may only provide advice and opinions to them.

As a society with a matrilineal land tenure system, land in Guadalcanal is inherited through women and, when married, women tend to remain on their family's land. In Malaita, land is inherited from both parents, but ownership and decision-making rests with the men and, when married, women usually move to reside on their husband's land.

²⁶ Tarcicius Tara Kabutaulaka: "Rumble in the jungle: land, culture and (un)sustainable development in the Solomon Islands", in Anthony Hooper (ed.): *Culture and Sustainable Development in the Pacific*; Canberra: ANU Press, 2000, p. 94.

²⁷ Ruth Maetala: "Matrilineal Land Tenure", *op. cit.*, p. 39.

²⁸ *Ibid.*, p. 43.

In the cases of inter-marriage between provincial groups the clash of different land ownership practices can be a cause for tension between families and social disruption within communities. This was an influential factor in some women's experiences during the tension, such as for Guadalcanal women married to Malaitan men who were displaced from their land and followed their displaced husbands back to Malaita. When returning to their husbands' area they were challenged to integrate into a completely new environment, away from their matrilineal community, their land, and their extended families.

3.4 Women's political representation and decision-making

A major hurdle to women's equality as landowners and decision makers has been the lack of women's representation in the national Parliament and in decision-making bodies. Due to entrenched cultural and religious norms, women's exclusion from decision-making continues to occur at both the community and national level.²⁹

When married into different tribes, women traditionally hold less status in communities to which they are relatively new. Women's status in communities is generally dependent on the status of their husbands, as well as their personal contributions to their tribe or village. While both men and women contribute to decision-making in communities based on the merit of their status in their tribes, it is generally harder for women to attain such status compared to their men folk. Although, even in patrilineal societies, some women who hold status are respected in the community and referred to for advice in public meetings (if the meetings are held in a place open to women). Other women contribute their opinions and influence through providing advice to their husbands, who attend and contribute to public meetings and decisions and speak on their family's behalf. Therefore, while men are responsible for speaking and making decisions, women contribute towards decision-making processes through their husbands, and the few influential women of status in the community.

Although women are traditional mediators and are able to intervene between fighting men, their involvement in official community resolution of land disputes and other community matters is limited.³⁰ During village meetings, men are the speakers and decision-makers,

²⁹ UNIFEM and Solomon Islands Government: *Monitoring Peace and Conflict in the Solomon Islands: Gendered Early Warning*. Report No. 1; Honiara: UNIFEM, SIG, 2005, p. 6.

³⁰ *Ibid*, p. 7.

usually occupying the front, while women express their views to their husbands prior to the meeting, and during meetings sit behind the men to listen.³¹

Low levels of women's participation in decision-making processes extend to the highest level of government, where women currently hold no seats in the national Parliament. Since independence, just one woman, Hilda Thugea Kari from Guadalcanal, has been a Member of Parliament, following a by-election in 1989. Before independence Lily Ogatina Poznanski from Isabel was the first woman to contest and succeed a national election, serving for one term in the Legislative Assembly from 1965.

Before the tension, women's affairs were represented in government through the Ministry for Women, Youth and Sports. Government policy on women was completed in 1998, and in 2002 the Solomon Islands Government ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). During this time the highest representative of women at the Government level, Father Augustine Geve, Minister for Women, Youth and Sports, was brutally murdered on the Weather Coast by Guadalcanal militants. Shortly afterwards, the Ministry was disbanded and women's affairs became the responsibility of the Department of Home Affairs.³²

Much later, in 2007, the Ministry for Women, Youth and Children's Affairs was formed and has since played a key role in advocating for women's empowerment and political representation in Solomon Islands. Their efforts have seen a "National Policy on Gender Equality and Women's Development" developed and approved by Cabinet, as well as a "Policy on Eliminating Violence against Women". The Solomon Islands Law Reform Commission has also included a gender perspective in its review of the Penal Code, revising relevant sections which relate to violence against women and abuse of children.

3.5 Women, economic representation and labor force

Economic dependence of women on the family and community increases their vulnerability and the risk of experiencing violence during times of conflict and peace. While economic independence does not protect women from violence, it increases their ability to seek recourse against violence, attain justice, and make meaningful choices, such as escaping violent situations.

³¹ Nancy D. Kwalea and Selina Aleziru: "Review of Women Field Monitors", *op. cit.*, p. 18.

³² UNICEF: *Solomon Islands*, *op. cit.*, p. 41.

The basic economic unit in Solomon Islands is the family household, within which many individuals operate.³³ Women contribute towards economic activities in the family and community; however, their poor economic status and representation mirrors their lack of political representation.³⁴

Women face discrimination in formal and informal sectors of the economy, resulting in increased dependence on others for economic security.³⁵ Women are under-represented in the labor force and in paid employment – a key determinant to the status of women. At the beginning of the tension in 1999, census data showed that in every province women were much less likely than men to be in paid employment, with 31 percent of working age men in paid employment, compared to just 15 percent working age women.³⁶ The 2002 Human Development Report showed women's employment in the formal (non-agricultural) sector as restricted to low-paid, low-status jobs in the tertiary and services sector and noted the unequal distribution of job opportunities and other related opportunities between genders as a key issue of concern.³⁷ There are currently no specific laws in the Solomon Islands on equal opportunity for women and men, or on equal pay, or that address sexual discrimination or sexual harassment in the workplace.³⁸

Women play an important role in the informal economy, a role that served as a coping mechanism during the conflict. The informal economy in Solomon Islands plays a key role in rural communities. A study of rural livelihoods in 2006 by the Community Sector Program across 300 communities showed that 91 percent of the total population cited dependence on selling food at markets for income while handicrafts and baskets (produced disproportionately by women) accounted for 70 percent of income, above cocoa production, oil palm and timber.³⁹ Subsistence agriculture accounts for one-third of GDP and provides economic activity for 80 percent of the population.⁴⁰ Knowledge and skill development of

³³ Government of Solomon Islands: *Human Development Report 2002. Building a Nation*. Honiara: SIG, 2002, p. 59.

³⁴ Anna Hutchens, with contributions from Sonali Bishop: "Women in Business in Solomon Islands, Key Findings from 2008 Scoping Mission for International Finance Corporation and AusAID", 2008, p. 3. Available at http://www.aisaid.gov.au/publications/pdf/pwpsd_solomon.pdf; accessed 15/10/2011.

³⁵ FHSS, p. 29.

³⁶ UNICEF: *Solomon Islands, op. cit.*, p. 42.

³⁷ Anna Hutchens: "Women in Business", *op. cit.*, p. 2.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid*, references 2002 Solomon Islands Human Development Report.

most rural women is geared towards the traditional subsistence economy. In addition to their reproductive roles in the family unit, this responsibility creates a formidable workload for rural women, many of whom suffer a lack of support from family members. During the conflict, women's skills and involvement in the informal economy and agriculture provided them the ability to sustain their families through severe economic hardship as they, along with their husbands and families, were isolated from regular economic activities or employment.

3.6 Women and education

International evidence demonstrates that education of women makes strong economic sense. There is a direct relationship between women's education and a nation's GDP, and the benefits of education for women extend to the health and well-being of families and communities. The 2002 Human Development Report found that gender differences in educational standards were more noticeable in Solomon Islands than any other country in the region.⁴¹ The 1999 Population and Housing Census recorded higher literacy rates for males compared to females in all provinces except Choiseul. The following table shows data from this census, according to percentage of population, disaggregated by sex and province.

Table 5.1.-1
Population 5 years and over, by literacy, sex and by province, 1999

Province	Females	Males
Malaita	44.9	57.8
Central Islands	50.9	65.4
Guadalcanal	55.5	64.9
Isabel	58.1	68.1
Renbel	68.6	76.4
Choiseul	73.5	73.3
Western Province	78.6	79.6

Source: 1999 National Census

Widely held social attitudes regarding gender roles in Solomon Islands society have a strong impact on girls' educational attainment and subsequent benefits such as increased health and family planning awareness, further educational opportunities, and business and employment opportunities. Many women expressed the importance of equal education for girls and boys

⁴¹ Human Development Report, *op. cit.*, p. 51.

to the Commission in order for girls to be qualified for employment, earn money, and increase the well-being of the family. While recognizing the importance of education for women today, many women shared that their own experiences of education were limited due to cultural protocol or the inability to pay for school fees:

In the past only boys were educated, whilst girls were not allowed to attend school, because culturally the girls place is in the kitchen and garden.

Visale Focus Group participant

I should say that education is one of keys of success in life. In my case I was not educated. My dad did not allow me to attend school when I was a small girl, so when I look back what happened to me I feel very sorry for myself. What I do now is for my children to go through formal education so that they are qualified to work in future to help themselves and their families.

Marau Are'Are Focus Group participant

Women in Solomon Islands continue to experience inequality in regards to education, with significantly fewer girls reaching secondary and tertiary levels than their male counterparts. Gendered social roles serve to disempower young women, and families commonly withdraw their daughters from schooling rather than their sons if they cannot afford school fees. This disparity in education serves to perpetuate gender inequalities in communities.

3.7 Gender-based violence and domestic violence

Violence against women is defined by the United Nations in Article 1 of the Declaration on the Elimination of Violence Against Women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”⁴² Article 2 of the same document further defines violence against women to include:

- a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

⁴² Article 1, Declaration on the Elimination of Violence Against Women, available at <http://www.un.org/documents/ga/res/48/a48r104.htm>, accessed on 8/12/11.

- c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Stemming from gender inequality and discrimination, gender-based violence both reflects and reinforces inequalities between men and women. Violence against women and girls has a devastating impact on their lives. It reduces their likelihood of finishing school, increases their risks of early or unwanted pregnancies and means they are more likely to suffer from mental and physical health issues.⁴³ Women who have experienced violence from their partner are significantly more likely to have health problems, emotional distress and suicidal thoughts than those who have not. Violence against women is also a serious barrier to development, with consequences affecting not only the women experiencing the violence, but also their families and communities.⁴⁴

In 2009 the Solomon Islands Family Health and Safety Study published its findings on quantitative and qualitative research on violence against women and children in Solomon Islands, with a focus on intimate partner violence. With no prior statistical data available on the prevalence of violence before or during the conflict, this study serves as a valuable contribution to understanding core elements of gender-based violence in Solomon Islands.⁴⁵ While the study was conducted after the tensions, it enquired about the experience of violence throughout women's lives not just at the time of the research, and so provides an indication to the level and prevalence of gender-based violence before, during and after the conflict.

The study found that almost two in three women aged 15 to 49 (64 percent) who had ever been in a relationship had experienced physical and/or sexual violence by their partner.⁴⁶ The violence experienced was more likely to be considered severe, such as punching, kicking or having a weapon used against them, rather than moderate forms of violence, such as slapping or having objects thrown at them. Prevalence of violence outside of intimate partner relationships were also shown to be high, with 29 percent of women aged 15-49 in Solomon

⁴³ AusAID: *Violence Against Women in Melanesia and East Timor: Building on Global and Regional Promising Approaches*. Canberra: Commonwealth of Australia, 2008, p. 64.

⁴⁴ *Ibid*, p. 130.

⁴⁵ FHSS, p. 38.

⁴⁶ FHSS, p. 75.

Islands experiencing some form of physical or sexual violence by someone other than an intimate partner since the age of 15.⁴⁷

Incidents of sexual abuse, and forced or coercive sex were also shown to be high, with 37 percent of women aged between 15 and 49 being sexually abused before the age of 15, and 38 percent of sexually active women describing their first sexual experience as either forced or coerced.⁴⁸ Of the women surveyed who had ever been pregnant, 11 percent reported being beaten during pregnancy, with 18 percent of these women reporting severe physical abuse at that time such as being punched or kicked in the abdomen.⁴⁹

The study found that women are expected to be obedient, faithful, perform household chores, defer to their husbands on decision-making and bear children. It found that physical punishment is often used to discipline women who are seen as stepping out of their prescribed gender roles.⁵⁰ Entrenched cultural and religious practices result in both men and women generally accepting the subservient role of women within the marital relationship and domestic violence is sometimes viewed as a legitimate form of discipline against women, often validated by the practice of bride price.⁵¹

In most cases of domestic violence, men mistreat their wives on the grounds that women were being bought through bride price and they have the right to treat them in any way they wish.

Visale Focus Group participant

According to the Islanders Marriage Act, marriage is allowed for children under 18 years of age, so long as consent is provided by their parent or guardian, and a minister of religion (clergy) or District Registrar ascertains that each party has reached the age of 15 years.⁵² According to the United Nations Convention on the Rights of the Child, this practice is in contravention to the rights of children.⁵³

⁴⁷ FHSS, p. 79.

⁴⁸ FHSS, p. 87.

⁴⁹ FHSS, p. 115.

⁵⁰ FHSS, p. 30.

⁵¹ Abby McLeod: *Women, Peace and Security*, *op. cit.*, p. 2.

⁵² Cap 171, 1996, Revised Edition, Section 10(1).

⁵³ Ratified by Solomon Islands in 1995.

A Woman's Lament

I'm scared,
I really am,
Please night, don't go,
Oh daybreak, I detest you,
For with you,
Is the end of my hopes.

Oh my father,
Oh my mother,
When will you learn?
See what you've done to
my big sister.
You care more for the
Shell-money,
You ignore my feelings.

Oh come, my handsome Mani,
Free me from the wicked
bond of tradition
Make me break the chain
of respect,
The customs of duty and
obedience,
Which I show to my parents.

You ugly old man!
Ha! who wants your money?
It satisfies my parents –
not me!
Find someone your age,
With wrinkles all over
her face,
And knees that knock louder,
than the 'O'O'.⁵⁴

Come my little sister,
Come my little brother,
Cry with me,
For tomorrow I go,
To marry the man of
someone else's choice.
I'm a woman.⁵⁵

⁵⁴ 'O'O – The Are'Are word for drum.

⁵⁵ Anonymous: "A Woman's Lament", in *Mi Mere: Poetry and Prose by Solomon Islands Women Writers*, USP Center, 1983, p. 98-9.

Custom and legal marriages are both practiced in Solomon Islands. Arranged marriage is a form of custom marriage practiced in traditional societies. Arrangements are made by the parents of the boy and girl to be married and payment of bride price or shell money is made. Historically this practice built relationships between tribes and villages, and thus, women marrying into other communities were a source of peace and blood connection between tribes. However in recent years the practice has changed significantly. Today the practice has been increasingly commoditized, and “purchased” brides are viewed by many to be property of the husband, who is presumed to have acquired the right to control all aspects of his bride’s life.⁵⁶ Bride price has been found to be a risk factor for women’s experiences of partner violence, creating an obligation for women to remain in relationships despite physical abuse. Practices such as demanding that a wife pay compensation if she returns to her husband after leaving due to an act of domestic violence is a barrier to women’s disclosure regarding their experiences, as there is little incentive or support to leave their violent situations.⁵⁷

3.8 Women and justice

In contexts of entrenched cultural protocols and communal practices, the meaning of justice for communities and individuals in Solomon Islands often differ depending on the social norms and values held by the parties involved. There is a gap between indigenous perceptions of the role of women and what is considered justice for them, and international human rights standards. In terms of gender-based violence, for example, the determining factor for achieving justice for some communities in Solomon Islands is the protection of the status of the woman involved, such as through the arranged marriage of a victim of sexual violence and her perpetrator, rather than the punishment of the perpetrator or addressing the needs of the victim. In such cases, ensuring the victim is able to secure a husband is viewed as valuable and a means to achieving justice, whereas this practice neglects the individual rights and needs of the victim and her personal view of justice.

Victims of gender-based violence have limited access to justice in both formal and informal systems in Solomon Islands. Formal justice is out of reach for many women (and men) who may not be educated about their rights or formal judicial processes, and furthermore may not have access to its representation in rural and remote areas. The current formal justice system

⁵⁶ UNICEF: *Solomon Islands, op. cit.*, p. 40.

⁵⁷ Women’s Submission, p. 13.

and legislation is limited in its ability to prevent and respond to violence against women.⁵⁸ No legislation specifically relates to domestic violence, and marital rape is not considered a criminal offence. Protection orders are only available to people who are married, and not to girlfriends or those in *de facto* relationships.⁵⁹ The RSIPF includes a functioning Sexual Assault Unit, established in February 2005, and developments are being made on a Family Violence Unit, also to be included under National Investigations.⁶⁰ Formal justice measures, however, are out of reach for many victims of gender-based violence who instead rely on informal or traditional forms of justice administered in the community:

In domestic violence cases the chief and the elders of the community are the ones who normally settle the cases in our community. Sometime church leaders will intervene and try to settle the case.

Malu'u Focus Group participant

In cases of sexual violence and domestic violence before, during and after the tension, traditional reconciliation ceremonies were often used to resolve the matter in the community. Compensation is usually transferred between male relatives (uncles, brothers, fathers), and served to pacify the male relatives and reconcile the families involved, rather than compensating the victim directly or addressing her specific needs, such as medical attention, counselling and access to justice.⁶¹ In some cases of sexual violence, if both the perpetrator and the victim are single, they may be forced by relatives to marry.⁶² Cultural approaches to resolving domestic violence place great importance on reconciliation and often involve the payment of compensation towards the wife's family if the husband is believed to be at fault or towards the husband's family if the wife is believed to be at fault.⁶³

The objective of customary reconciliation and traditional justice mechanisms is the restoration of harmony and peace between the members of the community who have been affected by a wrongdoing.⁶⁴ While compensation is a mechanism used to appease, dispose of

⁵⁸ AusAID, 'Solomon Islands Country Report', in *Stop Violence: Responding to Violence against Women*, Canberra, 2008, p. 55.

⁵⁹ The Law Reform Commission is currently reviewing these laws in its review of the Penal Code.

⁶⁰ Communication with head of Sexual Assault Unit, 8/12/2011.

⁶¹ Women's Submission, p. 14

⁶² Women's Submission, p14.

⁶³ FHSS, p. 31.

⁶⁴ SI Law Reform Commission Penal Code Review version 7, 2009, section 6.12

matters and reconcile disgruntled relatives, women may not always benefit from these processes or achieve justice for the crimes committed.⁶⁵

4. Women and violent conflict

Violent social conflict represents something of a special period for women in terms of the articulation of gender roles and responsibilities. In many nations experiencing conflict, women can be found to be engaging in activities that may clearly disrupt sex role stereotypes. . . . In other cases, however, and often as a result of such activities, women find themselves being targeted in ways that denigrate and further entrench their gendered identities.⁶⁶

The experiences and consequences of conflict differ for men and women. As citizens, community leaders, church leaders, displaced persons, militants, activists and peace builders, men and women contribute to, experience, and are impacted by conflict in varying ways. Men and women die in different circumstances and they are tortured and abused in different ways. While more men are killed in direct conflict related deaths as combatants and soldiers, women disproportionately suffer from the manifestation and consequences of conflict. They experience displacement, torture and abuse, unwanted and forced pregnancies and sexual violence. The deterioration of health and education systems has immediate and ongoing ramifications for women, and the consequences of conflict exacerbate pre-existing marginalization and unequal power relations in society. Meanwhile, women often assume new roles to compensate for the absence of men, challenging established sex-based divisions of labor and presenting an opportunity for empowerment and a shift in gendered roles. These new tasks, however, are often taken on in addition to regular tasks, creating additional burdens for women.

Important is the understanding that the violence women experience during conflict is not solely caused by the conditions of war itself, but is directly related to the violence that exists in women's lived realities during times of peace. Peace and conflict are both gendered situations. The roles, status and expectations of men and women during times of peace and conflict are rooted in socially and culturally constructed understandings of gender in society. This means they are shaped by the social characteristics or attributes and opportunities

⁶⁵ *Ibid.*

⁶⁶ Helen Leslie and Selina Boso: "Gender-related violence in the Solomon Islands: The work of local women's organizations", in *Asia Pacific Viewpoint* Vol. 14, N° 3, 2003, p. 325.

associated with being male or female. Gender defines power relations in society and determines what is expected, allowed and valued in a woman or a man in a given context.⁶⁷

Conflict exacerbates pre-existing societal and cultural gender roles and inequalities, rendering women particularly vulnerable during times of violence and war. The meaning and experiences of conflict-related activities is influenced by unequal gendered power relations, while the increased vulnerability that women experience during conflict means that they suffer disproportionate consequences from the conflict-related violations.

Literature from crises worldwide show that during times of conflict, women experience increased gender-based violence during conflict and are targets of sexual and sex-specific forms of violence, such as systematic rape, forced marriage, forced pregnancy and sexual slavery. Women shoulder the burden of providing for their families and extended families in terms of food, water and survival; shelter for children, sick and elderly; and basic protection and security. When men are separated from families for conflict-related activities, women assume new roles and tasks in the household and community in addition to their already heavy workload. Due to their position, status and role in many traditional societies, women also disproportionately suffer social and economic rights violations. Prevailing conditions such as under-representation of women in political and socio-economic decision making structures, limited decision-making rights over land, and limited educational or employment opportunities, shape the experiences of conflict and its impact on women.

Other violations women experience during conflict include a lack of access to basic services and means of survival; forced displacement facilitating conditions for increased levels of violence and insecurity; and lack of access to justice as a result of deteriorated or destroyed criminal justice systems: “Women have the least access to justice precisely when they need it most – in periods of conflict and post conflict.”⁶⁸

In the absence of formal justice mechanisms – either due to conflict-related deterioration of formal systems, cultural practices, or rural isolation – traditional and informal justice processes become, or continue to be, the principal legal recourse for many citizens in post-conflict countries. While an accessible avenue of justice and conflict resolution, traditional

⁶⁷ UNIFEM: *Addressing Conflict Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice*; New York: United Nations, 2010, p. 5. Available at: http://www.unifem.org/attachments/products/Analytical_Inventory_of_Peacekeeping_Practice_online.pdf; accessed 01/10/2011.

⁶⁸ UN Women: *2011-2012 Progress of the Worlds Women: In Pursuit of Justice*, p. 101. Available at <http://progress.unwomen.org>; date of access 24/10/2011.

justice processes are often inherently gender-biased, reinforcing prevailing cultural or traditional norms and inequalities. For example, in many countries including Solomon Islands, the rape of a woman may be “resolved” by providing compensation to the victim or her family, or arranging for her to marry the perpetrator, therefore protecting her and her family from shame.⁶⁹ However, compensation payments usually exclude the victim, and are intended to pacify her male relatives rather than heal the victim herself.

5. Legal framework of women, conflict and peace

In the past, the impact of conflict on women has barely been acknowledged in international law and as a result, women’s experiences have been largely denied, kept private and written out of history.⁷⁰

Over the last two decades, significant advances have been made internationally in the recognition of the threat of gender-based crimes committed during conflict and peace. Once regarded as an unavoidable side-effect of conflict, governments around the world no longer view violence against women and girls as a private affair and have endorsed a range of legal conventions and resolutions which ensure the protection of women and commit to breaking down the barriers to achieving gender equality and justice. During conflict, the protection from rape and sexual violence is specifically regulated. International human rights law provides comprehensive guarantees of the rights of women and girls to be protected from sexual violence and abuse.

All parties to a conflict are bound by the provisions of international humanitarian law enshrined in common Article 3 to the four Geneva Conventions, which prohibits violence to life and person and outrages upon personal dignity. International jurisprudence has substantially developed in regard to sexual violence during war with ground-breaking cases following conflicts in Rwanda and the former Yugoslavia broadening previous definitions of sex crimes.

The International Criminal Court, established in 2002, was the first such court with the authority to punish crimes in armed conflicts. Its governing document, the Rome Statute, to which Solomon Islands is a signatory (December 3, 1998), makes particular reference to gender-based crimes during conflict including rape, sexual slavery, enforced prostitution,

⁶⁹ Women’s Submission, p. 14.

⁷⁰ UN Women: *2011-2012 Progress of the Worlds Women: In Pursuit of Justice*, p. 85.

forced pregnancy, enforced sterilization and any other form of sexual violence of comparable gravity, in its definition of crimes against humanity.⁷¹

In addition to these international laws which are designed to protect women and prosecute gender-based crimes during conflict, a number of UN resolutions also explicitly recognize the roles of women in peace and security, and the specific need for protection from sexual violence.

Solomon Islands is a signatory to UNSCR 1325 (2000) on Women, Peace and Security, a landmark Security Council resolution which firmly commits the international community to acknowledge the disproportionate effects of armed conflict on women and explicitly recognizes the important role of women in the prevention and resolution of conflict.⁷² Building on the Beijing Declaration and Platform for Action which Solomon Islands signed in 1995, it urges the United Nations to increase women's involvement in efforts to maintain and promote peace and security and calls upon member states to respect the human rights of women and girls.

Several years following UNSCR 1325, subsequent resolutions further defined crimes against women, targeting conflict-related sexual violence and reinforcing the requirement to ensure participation of women in peace processes and post-conflict activities. Resolution 1889 (2009) aims to strengthen the implementation and monitoring of SCR 1325 by calling for the establishment of global indicators for SCR 1325, reiterating its mandate for increasing women's participation and reinforcing calls for mainstreaming gender perspectives in all decision-making processes, especially in the early stages of post-conflict peace building.⁷³

Two Security Council resolutions specifically target sexual violence during conflict. Resolution 1820 (2008) recognized conflict-related sexual violence as a tactic of war and a matter of international peace and security which requires a dedicated response. It was followed closely by Resolution 1888 (2009) which strengthened the tools for implementing 1820 and ending sexual violence in armed conflict by calling for the inclusion of sexual violence in peace negotiations and the development of approaches to address the effects of sexual violence.

In Solomon Islands, national law prohibits rape, defined as follows:

⁷¹ UN Women: *2011-2012 Progress, op. cit.*, p. 86.

⁷² Available at http://www.un.org/events/res_1325e.pdf; accessed 04/11/2011.

⁷³ http://www.unifem.org/gender_issues/women_war_peace/unscr_1889.php accessed 14/10/2011.

Any person who has unlawful sexual intercourse with a woman or girl, without her consent, or with her consent if the consent has been obtained by force or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false misrepresentations as to the nature of the act, or in the case of a married woman, by personating her husband, is guilty of the felony of rape.

Solomon Islands Penal Code, Section 136

The Penal Code, section 141, also makes it a crime to unlawfully and indecently assault any woman or girl through words, sounds, gestures, exhibition of any object or act, while section 142 makes the attempt or successful attempt of unlawful intercourse with a girl under the age of 13 a crime. Section 160 makes “buggery” or “unnatural offence” a crime, whether committed by males or females. Section 139 makes any person who detains a woman with intent to marry her or have sexual intercourse with her, against her will, guilty of abduction.

As noted above, on a national level, the National Women’s Policy was first established in 1998 but had little impact at the time, partly due to the escalation of tension-related social disruption and violence. In 2002, the Solomon Islands Government ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), a pivotal convention which established international standards for guaranteeing equality between women and men within the family. In 2010 a National Policy on Gender Equality and Women’s Development was launched, supported by a National Policy to Eliminate Violence against Women.

As a signatory to CEDAW and the Convention on the Rights of the Child (CRC), as well as ratifying the UN resolutions on Women, Peace and Security, the Solomon Islands Government has made a strong commitment to address violence against women and children in times of conflict and peace. Together, these commitments legally bind Solomon Islands to comply with clear provisions to eliminate discrimination and violence against women, to ensure gender equality, and to ensure the protection of women from human rights violations, including sexual violence, during times of peace and conflict.

6. Women's lives during the tension

Noisy in the Happy Isles

Innocent citizens of the Happy Isles
Are positive with
Traumatic stress
Caused by the fearful sounds of guns
They tremble unnecessarily
In street corners
And home villages.
Gun lovers –
Stop frightening children
Cut the frightening sounds
There's enough
Noise in the Happy Isles⁷⁴

Women are not a homogenous group and during conflict their experiences were as complex and varied as they were during times of peace. Discussion of women's experiences of conflict often narrowly focuses on their roles as victims and peacemakers. During the tension, women were victims and survivors of bodily harm and sexual violence. They also played courageous, empowering and influential roles as peacemakers. Broadening the lens on their experiences, however, reveals that they also demonstrated a remarkable capacity to adapt to and survive violence, widespread displacement, loss and social disruption that occurred during the tension. Women assumed roles in the family and community beyond their traditional responsibilities to ensure the survival of their families and compensate for the absence of their male relatives. In some cases, women also contributed to the conflict by supporting their militant relatives or fuelling the conflict through gossip.

Women and men suffered from violence and a breakdown in law and order during the conflict. They were victims of displacement, torture, killings, violence, ill-treatment and violation of property. Due to women's gendered roles and responsibilities these experiences had specific implications and consequences for them. Women were also specific targets and victims of gender-related violence such as sexual violence, rape, forced marriage and increased domestic violence. While less visible, secondary consequences from the violations suffered further impacted women's lives, health, safety, well-being and security. Women particularly suffered from the lack of security, limited access to health facilities, reduced access to education for their children, family separation, grief, threat of violence, family

⁷⁴ Written by Maria Goretti Marion, unpublished.

breakdown, widowhood, loss of means of livelihood and loss of political agency. Secondary harm from sexual violence and rape in particular included pregnancy, birth and bearing of children, contraction of sexually transmitted infections, shame, stigmatization and psychological trauma.

While the situation of conflict compelled many women to undertake additional roles beyond their regular family and community responsibilities, it also directly inhibited their ability to fulfil those roles and tasks. Explored below are the impediments that women experienced and overcame to fulfil their roles and to survive the conflict. Women's accounts of the challenges they faced during the tension also tell of their methods of survival, and their incredible courage, strength and hospitality.

6.1 Fear

It caused fear and the feeling of insecurity loomed around everywhere you went. Being a female we felt really insecure in our own home.

‘Y’, displaced from Honiara to Malaita, Kibokosi

When asked about their experiences during the conflict, the majority of women who testified before the Commission immediately referred to a pervasive and inescapable sense of fear – “everyone had panic in their hearts.”⁷⁵ Disrupted social norms, heightened violence, lawlessness and the presence and sound of weapons generated fear which permeated the daily lives of women and girls and shaped how they carried out their everyday tasks and responsibilities.

During the conflict, weapons distorted traditional dynamics of authority and respect, ascribing to their owners disproportionate levels of power and control. This situation had particular consequences for women as their regular forms of protection were undermined, and thus they became increasingly vulnerable to violence. Traditionally, chiefs, pastors, fathers and brothers protected their women relatives and community members from physical harm. These social structures which provided women and girls with a level of physical protection and safety were undermined or not present during the conflict.

Women were unaccustomed to weapons and the sounds of gunfire, and many women mentioned their presence as a significant cause of their fear:

Most of what they [the militants] have caused [is] fear, especially for us mothers and children. They normally walked around openly with guns, discharging them around Auki town. All the

⁷⁵ R, Weather Coast.

things that happened during that period were a total new experience for everyone, it never happened before. As a mother and parent I was always worried over the safety of my children especially when they went to school – we were not free to move around freely

‘R’, Auki

As the matron of a hostel I was responsible for looking after many girls. During that period there were men going around with guns, causing fear among my girls. I lived separately in a small house allocated by the company; however, every night the girls would come and spend the night with me in my house, the matron’s residence. We squeezed together every night, and some slept under the table and beds in my house. We found the environment very uncomfortable, several times men tried to enter the hostel. Generally we were vulnerable since these men were armed with guns.

‘M’, Noro

Due to the level of fear they experienced, women’s freedom of movement was severely limited. While women in areas controlled by Guadalcanal militants were generally unable to move freely due to imposed rules and ill-treatment, discussed further below, women outside of these areas spoke of limiting their movements out of fear of violence. In Malaita, women told the Commission that they were afraid to move around their villages or towns because of the number of armed young men present in their communities:

If we heard a truck approaching we would jump and hide in the bush. We were afraid of being raped or killed by the militants. Whenever going to our gardens we would go in large groups together.

‘M’, Malaita

6.2 Women and health

Mothers gave birth in the middle of the bush. Some in pouring rain, some in heat, but all in fear.

Testimony of Martha Horiwapu at TRC National Leaders’ public hearing, 04/11/2011

Basic health services were severely disrupted during the conflict and access to remaining services were restricted due to security concerns and limitations on movement. This disruption had serious consequences for victims of gender-based violence, pregnant women, women caring for children, and the sick and elderly.

Pregnant and nursing women are at particular risk during conflict because they often face life-threatening emergencies that require immediate medical assistance.⁷⁶ During the tension, antenatal and postnatal services around the country were affected as health clinics lacked

⁷⁶ Medina Haeri and Nadine Puechguirbal: “From helplessness to agency: examining the plurality of women’s experiences in armed conflict”; *International Review of the Red Cross* Vol. 22, N° 877, March 2010, p. 114.

resources such as medical supplies and transport to provide satellite clinics. Logistical difficulties, safety concerns and short-supplies of medicines contributed to an increase in pregnancy complications.

A nurse at the time in Auki commented on women's reluctance to attend health clinics and hospitals due to security concerns, and noted how this particularly affected pregnant and nursing mothers and their children:

Women were afraid to come to the hospital because at that time in Auki people were around with guns and one time the hospital was threatened. . . . At the time a lot of women had home deliveries because they were afraid to come to the hospital. . . . From the deliveries at home, a lot of children were sick, but they were afraid to come to the hospital too, because of fear. Many didn't come for antenatal checks because they were afraid.

'J', Auki

For women living around Honiara and in Guadalcanal, accessing the National Referral Hospital involved passing militant road blocks and check points. Women utilized services such as the Red Cross to transport them through the hostilities to the hospital:

We did not have enough food to eat and our children were starving, so we called for Red Cross to come since there were a lot of pregnant mothers who needed to come down to the referral hospital since their month for delivery was due. The Red Cross came and we were transported down to town, we came through the GRA check points and when we reached the Alligator creek we saw the MEF militants, they were holding on to high power rifles and painted their faces. They checked us and we were allowed to go through. As soon as we reached the hospital one of the pregnant mothers went straight into the theater and delivered her baby.

Statement N° 1308

Pregnant and women in childbirth were particularly vulnerable when displaced for up to months at a time in the bush or in insecure and unsafe villages. Sometimes, with no access to health care, clinics or medicine, giving birth was dangerous for both mother and child. Women helped each other and pooled resources such as clothes to assist new mothers. Due to the limits on their movement, some women were unable to attend clinics or hospitals, or obtain soap, nappies and other essential items:

For those women who had babies during the tension, they did not have the necessary things for their babies. There were many women who gave birth during the tension but they did not get the necessary things for the babies could. It was very difficult for us to get anything from Honiara.

'J', Tasmania

It was a sad thing, some of the women they fled into the bush and they gave birth there. Women were giving birth in the bush when there was no soap, napkins and they got hungry as there was no food.

Peochakuri Focus Group participant

Mothers struggled to keep their children healthy while displaced and without access to medical facilities. They bore the burden of guilt for not being able to vaccinate their children against deadly diseases.⁷⁷ The death of women and children due to lack of access to medical facilities are hidden deaths caused by the conditions of the conflict:

During these times our children also fell ill, especially by influenza since they were exposed to extreme cold conditions at night; we did not bring enough blankets and warm clothes for them. There was no medical assistance provided at that time. Since all our nurses had also fled to their respective village in fear of these armed men.

‘E’, Western Province

I had a baby too that time and up until now he has been a sick child because during the ethnic tension we lived mostly in the bush and were exposed to cold and rain and even to sickness. We had no access to medical facilities and our only means of medicine was lemon fruit. We boiled it and he drank while it was warm and even rubbed on our bodies.

Statement N° 0979

Nurses told of the difficulty they experienced in providing health services in the context of heightened violence and how they were often threatened by militants:

In year 2000 and 2001, I was a nurse posted at Malu’u area health center. Every time the militants would come and push their immediate families for us to attend first. We were so scared and had to attend to them quickly since they always came around carrying guns with them. On some occasions when under the influence of alcohol they would normally come and demanded us to give them treatments and drugs of their specific choice, unfortunately most of the drugs they demanded can only be ordered by the doctors; however whenever they arrive they would point their guns at us – the situation was so different and we had been living in fear the whole of that time while carrying out our duties as nurses..

‘R’, Malu’u

6.3 Family breakdown and domestic violence

Tensions penetrated into the domestic sphere, resulting in increased domestic violence and family breakdown, all of which had particular implications for women. Solely female-headed households reportedly increased during the tensions as families lived apart; marriages broke down and men died from conflict-related deaths.

Men were often occupied with activities related to the conflict which removed them from their family and their responsibilities at home. They left their families to join militant groups, provide security to assets elsewhere, file compensation claims, or earn an income in another location. Women struggled to survive without the support of their husbands.

⁷⁷ Dalcy Tovosia Paina: “Peacemaking in Solomon Islands”, *op. cit.*, p. 48.

Displaced women who returned to Malaita faced particular challenges when they found themselves supporting their family without the assistance of their husbands on an island struggling to cope with the sudden influx of migrants. Women assumed roles and fulfilled tasks that were traditionally completed by men:

My husband stayed behind and joined the activities of the Eagles. During that time life was not easy. Families broke apart. There was no support. Men didn't stay faithful; they were involved with drinking and that sort of things. There was no financial support. So as a woman I found it very hard.

'M', Auki

The men would go and wouldn't help. So the women alone would do the work that men should do. We found it very hard.

'X', Matakwalao

On Guadalcanal, civilian men were targeted by militants and police operations, prompting some to flee further inland than their families, many of whom were temporarily displaced in the bush, surviving in the remote areas without them. Other men were forced to join militant groups or provided security for them, again taking them away from their responsibilities at home:

They joined Harold [Keke] and actually they did not want to join him but they were afraid of him and they joined his boys working as securities. They worked for him night and day and they could not go fishing or gardening because they had to work for him as securities. No one was providing us security. The men followed Harold and their children and their wives stayed at home. Our husbands and sons they went to Harold's place and they worked as security and we stayed at home in our houses.

'R', Weather Coast

As the conflict took many men away from their families and social norms were disrupted, women spoke of the rise in infidelity or "02" affairs.⁷⁸ Many women told TRC that their husbands had affairs while their families were living separately, leaving the women to look after the family alone with little support:

My husband had an affair with another woman leaving us behind. We were not at peace and I had to struggle to support and feed my children. Because we were overcrowded there was shortage of food and our common practice of sharing food with other families did not happen anymore. Besides, there was not enough space for us to make food gardens. The mass exodus of people demanded spaces for them to make their own garden. We had to share areas with other families. It was really hard for us and caused us to become unhappy and frustrated. My children were in school and I struggled to pay for their fees, my husband did not help me.

'D', Malu'u, mother of 7 children during the tension

⁷⁸ "02", "03", etc., is pijin slang meaning extra-marital affairs.

Economic need, social disruption and newly acquired wealth for some militants and others saw the increase of prostitution and girls and women, engaging in transactional sex in exchange for money, gifts and an improved lifestyle. Occurring in a context of high rates of coercive or forced sexual relations, high levels of fear, the presence of weapons and increased infidelity, lines were blurred between transactional sex and sexual exploitation (see section 8 for further discussion). Nevertheless, many women spoke of the desire some girls and women had towards militants and others due to their wealth (mostly newly acquired during the conflict due to illegal activities or compensation payments) and the manner in which they engaged in transactional sexual relationships with them:

Yes, this is true even now; girls used mobile phones to contact married men. These are some of the things that contributed to broken homes and families. Girls called up men and asked them out without any hesitation if they had money.

‘C’, Auki

During that period boys and the MEF men have a lot of money from stealing and demanding money, so the girls fall for them – later when they got pregnant the boys or men do not want to marry or have them. Females were enticed by money to have sex with the MEF men.

‘J’, Malu’u

The increase in extra-marital affairs reportedly resulted in family separation, divorce and family breakdowns. Women who were left with their children struggled to support their family as their husbands used their money for their new girlfriends and lifestyle.

Some woman responded to their husband’s infidelity with violence against their new girlfriends:

The ethnic tension did have a huge impact on my family because my husband was very much involved in the MEF group; his involvement went to the extent where he went around with the so called MEF men and they hung around with girls. We went around looking for the girls who had affairs with our husbands. We actually harmed them. I wounded the girl that used to hang around with my husband, I stabbed her.

During that period a lot of women harmed girls who hung out with their husbands. It was a very painful experience being a wife at that time and moreover in my case, I was so angry because I was pregnant at that time.

‘E’, Auki

Women displaced to Malaita were particularly affected by family separation as they struggled to re-settle into new environments and communities. While many women who were left by their husbands chose to return to their own family’s village, some women stayed in their husband’s family’s village, often under difficult circumstances. Remaining in their husband’s village placed women in extremely vulnerable positions, as they relied on their in-

laws for their safety and security. While they may have been provided space for gardening, they were most vulnerable to poverty as they were disconnected from a means of earning cash income. Women in such positions are more likely to be targeted by younger men in the village for sexual affairs, and their status as single mothers was likely to be well known to others. Residing amongst others with whom they are not connected through direct blood lines, such women suffered from feeling like a perpetual guest in the village. For these reasons, many women who separated from their husbands during the tension chose to return to their own family's village. Although they would confront similar challenges, they would generally have increased safety and financial security with their immediate kin and would be included as part of the family.

Children of separated families would either stay with the mother (if she returned to her own village) or remain in their father's village. This was dependant on factors such as whether the marriage was formalized and the age of the children. Older children were generally valued as they contribute to the community, whereas single women with younger children were seen as a burden, and during the tension were most vulnerable to poverty when displaced.

Domestic violence was cited as both a cause and consequence of reportedly increased family separation and extra-marital affairs (of men and women) during the conflict.⁷⁹ Other reported contributing factors were alcohol consumption, economic insecurity, increased violence in communities and trauma:

Yes, during that time domestic violence was at a high rate, fathers indulged in extra marital affairs so there were a lot of domestic violence cases in our communities.

Malu'u Focus Group participant

The Family Support Center in Honiara, a key first point of contact for women victims of violence, reported an increase in the number of women seeking assistance from the center during the conflict, with a reported increase in clientele from 71 in 1997 to an average of 200 annually from 1998-2001, to 676 in 2002.⁸⁰ This figure is just a snapshot of those women who had access to Honiara and who asked for assistance. The Family Health and Safety Study found that women who seek formal help following physical or sexual violence are the

⁷⁹ Women's Submission, p. 21.

⁸⁰ UNICEF: *Solomon Islands, op. cit.*, p. 6.

minority,⁸¹ indicating that these figures are just a glimpse of what happened during that time, but nevertheless provide an indication as to the increase in violence that occurred during the conflict.

In some situations, however, domestic violence reportedly decreased or stayed the same. For example, women *who were already victims of domestic violence* reported to the Family Health and Safety Study that the domestic violence they experienced either stayed the same or declined during the conflict.⁸² Suggested reasons for this decline included men's feeling an increased sense of responsibility for their families and communities, their preoccupation with conflict-related activities and security, and that families worked together to overcome the challenges they faced. Some women who spoke to the Commission along the Weather Coast and in West Guadalcanal reported that domestic violence did not increase at that time, as they lived under the rule of the militants and families were frightened to cause problems for fear of retribution by them:

During the ethnic tension there were not many cases of domestic violence, we did not have time to get cross with each because we lived in fear. Some of the militants were just watching the whole village and if anything went wrong we would be killed.

'N', Weather Coast

During the ethnic tension nobody thought about domestic violence. As said, everybody only worried what would come next. We were also advised by the Commanders not to cause any disharmonies amongst ourselves.

Visale Focus Group participant

6.4 Women's work: everyday strength and survival

I did my best to feed my family that time because there was not much available in terms of food or basic supplies from Honiara. During the night we had to stay in the dark. The next day we had to look for something to feed our family. This was a routine thing during the ethnic tension. We had to find something for survival the next day; however we managed to go through to this day.

West Guadalcanal Focus Group participant

Women are traditionally responsible for providing food for their family and guests and ensuring their daily survival. This work involves planning gardens, planting crops, caring for gardens, and harvesting, as well as cooking and preparing the daily meals. The pervasive fear and subsequent limits on people's freedoms during the tension had specific implications for

⁸¹ The 2009 Family Health and Safety Study found that 70 percent of the women who had reported to the study experiencing either physical or sexual violence had never told anyone about the incident prior to the research (FHSS, p. 123)

⁸² FHSS, p. 86.

women as the caretakers of the family. High levels of violence in communities and rules imposed by militants around Guadalcanal prevented them from accessing their gardens and markets:

We were not allowed to go to town or to the market or even to buy things we needed for our families, like soap or kerosene or other basic needs. If we did things without the knowledge of the militants we would suffer, they would demand us to give money and pig or they would threaten us. We had to do this if we did not obey their rulings. We suffered because we were not allowed to go anywhere.

‘B’, Visale

We could not go to Honiara because Harold Keke did not allow anyone to go. Because of this we did not have the basic things we should have at that time. We did not have things like kerosene and other basic items

‘B’, Weather Coast

In addition to meeting the needs of their own families in difficult circumstances, women in communities along the Weather Coast were also forced to host residing militants and Joint Operation members, doing domestic duties for them without payment:

He always demanded us to bring him food and other things. He treated us just like slaves. We found this very difficult to cope with.

‘J’, Weather Coast

Women serving men in these villages were at very high risk of sexual violence and abuse from residing militants and members of the Joint Operation:

My daughter was also affected on that during Harold Keke’s time here. There were several of them who were raped at gun point including my own daughter. We were under his rule and we did not have freedom of movement during that time.

During that time all the women and girls were kept at his place [Harold Keke’s]. They were under their care and did all the work for them. She was one of them and while she was there, she was threatened and raped by Harold Keke’s men.

Statement N° 0474

Women’s experiences of sexual violence are discussed further in section 8.

As industries collapsed and opportunities for earning an income became scarce, increased importance was placed on women’s economic activities and small businesses in rural households.⁸³ Under increased pressure, women faced and overcame adverse conditions to continue informal and self-employment income generation. These activities made a major contribution to the economy during the conflict and ensured the economic survival of families. In a Peace and Conflict Gender Analysis conducted by UNIFEM in 2005, the most

⁸³ UNICEF: *Solomon Islands, op. cit.*, p. 42.

frequently mentioned role for women during the conflict was the productive role of providing for their family.⁸⁴ For example, as violence and insecurity increased in Honiara, women were the ones with access to the market and income generation; they faced increased safety risks to access the market, sell goods and produce, and earn money for their family:

I would go to the market. At the time the men couldn't go to town to earn money and find work. Women were the only ones with access. So I made cakes in the morning and sold them at the market.

'L', Mataniko

Outside of Honiara, access to markets was restricted and trading was impeded, so women adapted to earn money where they could. In west Guadalcanal, women who could no longer sell their produce at Honiara Central Market walked to Kohimarama to sell there:

At the time women tried their best to find means of survival for their families. The women took their garden produce to the market at Kohimarama, that's where we could find money to buy basic things. They did not go by truck but had to walk to Kohi because there were no means of transport during that time. That was how we could buy basic things for us like kerosene, salt, sugar, soap and other basic things. Not all of us could get the same things so we had to share with those families who did not manage to get those things. Even food and other belongings we also shared with the families who could not afford them.

'M', Visale

As the conflict worsened, women supported each other with basic requirements for survival, namely, food and security. In turn, the support that women provided one another created a space where women could share and where psycho-social healing could take place. A woman in Auki told the Commission how during the tension she had less support from her husband and the *wantok* system but that relations with other women gave her strength:

If we were not strong during these hard times I think some of us would have committed suicide; most of the women who were affected during that period normally grouped together and encouraged each other. We normally sat down and discussed and shared our problems. We helped each other with money and worked closely together to support our families. Sometimes my friend would come and give me a bag of rice and when I had money; I would do the same for her. We developed a strong bond between ourselves.

'P', Auki.

The Sisters of the Church and other religious groups were also a great support to women and families in communities, giving generously when they could to all who needed help:

We made our way to the Totongo Clinic, but had to sleep at Kaoka. This was where we stayed and then my child had to complete her medical treatment. While we were at Kaoka,

⁸⁴ Annalise Moser: *Peace and Conflict Gender Analysis: Community-Level Data from the Solomon Islands*; Honiara: UNIFEM, 2005, p. 4.

Available at: http://www.peacewomen.org/portal_resources_resource.php?id=951, accessed 14/10/2011.

the SDA people assisted us with clothes, food, kerosene, soap, salt and sugar. I would like to thank the Dorcas women for their assistance during that time. We stayed at Kaoka until there was a Reconciliation which took place at CDC.

Marau Focus Group participant

For reasons of safety, women began to complete their daily tasks together, assisting each other in gardens, cooking together, and sleeping together. While these tasks were done together out of concern for safety, women gained support and strength from each other:

Before the tensions, women gardened and cooked separately. During the tensions, when we stayed in the bush, we ate together, slept together and went to the gardens together. It felt good. It helped us to forget our fear. We prayed together even though we are from different churches – Anglican and SSEC. We were one at that time. Women that didn't pray before, they prayed too. They saw the real power of God to help us.

'E', Weather Coast

Women united together over prayer to support one another as survivors, leaders and advocates for peace. Prayer and faith provided women strength to cope with challenges and survive the violations they witnessed and suffered.

7. Women and human rights violations during the tension

The above discussion offers a gendered perspective on the conditions of the conflict and the impact this had on the lives of women and girls. In this section, gendered considerations of each of the human rights violations will be discussed, with a focus on women as victims of these violations, including their gendered implications and consequences. Women and men suffered from the conflict in different ways; they were targeted for attack for different reasons and experienced different forms of torture and abuse. Conflict is a gendered activity, and the violence that women experienced during the tensions stemmed from their gendered positions in society and the violence they survive every day in their lives during peace.

The human rights violations are presented separately here to identify their gendered dimensions; however they were not experienced in isolation of one another. The occurrence, implications and consequences of the human rights violations are complex and inter-related. They occurred simultaneously, against a backdrop of disrupted social norms, militarization and decreased security. Sexual violence is treated separately in section 8.

7.1 Death

The Commission gathered information on 200 tension-related deaths, compiling this from data provided by Guadalcanal Province, RAMSI exhumations, the Missing Persons

Committee, as well as additional cases where individual families approached the Commission themselves. Of the 200 recorded tension related deaths, six were women victims.

Men were the majority of the victims of direct, conflict-related deaths. Of the six recorded deaths of women, two were victims of targeted killing due to their relationship to a targeted male. The death of Samoa Pitakere on 1 December 2001 in Tetere, north Guadalcanal was the result of an argument between the alleged perpetrators and the victim's brother. Pitakere was preparing flowers to sell at the market when she walked onto the veranda from her house. Gunmen were allegedly across the road, targeting the house for attack. When Samoa came onto the verandah she was shot and killed.

In one case in Mbiti on the Weather Coast, SSEC Pastor Francis Gemo was targeted and killed by GLF militants, accused of supporting the Joint Operation in his area. Two days later, on 29 May 2003, his mother and father, Kisele Lepo and Huavai Lepo were also targeted and killed by GLF militants. His mother was humiliated, stripped of her clothes and forced to dance before being killed.

Other women died when fleeing outbreaks of armed conflict or in cross-fire between militants or from random shoot-outs. The mother of Hilda Saeni, who was shot and killed while travelling in a truck, told the Commission about the circumstances of her daughter's death:

The incident happened one Saturday in 1999. They picked her up at the boom gate and were following the old Selwyn road between the oil palm trees. On their way at the grass hill they heard the sound of guns. She was on the side of the truck at the back and they heard the sound of the gun fired and then they heard her scream, "I am dying." She died that Saturday and we buried her on the 2nd of November. To us in the family it was a great loss as she was very young and we later realized that she came to us as she was pregnant and was intending to go to the clinic. Actually she was three months pregnant.

Statement N° 0490

While almost all the victims of direct conflict-related killings were men, women, the elderly and children suffered disproportionately from tension-related deaths. The conflict had consequences which permeated the lives of civilians beyond immediate armed violence. The limitation on movement and lack of access to medical services and support affected civilians who required medical care. Women spoke of deaths due to sickness, childbirth and shock while displaced, fleeing armed violence, or without transport or access to medical assistance. The prevalence of serious diseases such as malaria reportedly increased as regular interventions to reduce risk ceased, and some women were unable to ensure the vaccination

of their children against deadly diseases such as whooping cough, polio and measles or seek medical care for tuberculosis and infections.⁸⁵

The deaths of men during conflict also had particular consequences for women. Women witnessed their male relatives being beaten to death:

I could see my brother being tortured and we could not recognize him, he was at the point of death. He was continuously beaten while we sat and watched what was going on. After more than half an hour he was pronounced dead. That was one incident that happened to my family.

Marasa Focus Group participant.

Women also carried the burden of ascertaining the fate of those who disappeared or were killed. Waiting for news of their loved ones had ongoing emotional consequences for the wives, mothers and daughters of missing or killed men. Affected families lived in limbo, at times unable to mourn the death or give up the search for their loved ones:

As a mother I find it hard to get over the loss or disappearance of my son, it is heart breaking. Every day I stay and watch expecting my son would show up but up until now I lose all hope of seeing my son ever again.

Statement N° 2721

7.2 Abduction/illegal detention

While men were often detained when believed to be supporting an enemy militant group, women were generally abducted as the female relatives of men that the perpetrators wanted. Some women, however, were also specifically targeted as alleged “spears” or sources of information for the rival group:

One day I was at home and then the militants came and they wanted to arrest me. At that time they did not allow anyone to go to Honiara but I went to Honiara and I stayed with my relatives, and then I returned home and they came to my house and they bashed me and I had been badly hurt. When I came back they called me a spy. They took me from here to Tambea, they bashed me when we were still on the truck and when we arrived they took me out and they bashed me again. They demanded compensation from me and then I gave them \$50 and then they released me.

Statement N° 0291

While some women were detained or abducted in targeted attacks against them as individuals, many women spoke of situations where whole villages were detained for extended periods of time. As men were often occupied with conflict related activities or in hiding, women, children and the elderly particularly suffered from these events. Women

⁸⁵ UNICEF: Solomon Islands, *op. cit.*, p. 15; Daley Tovosia Paina: “Peacemaking in Solomon Islands”, *op. cit.*, p. 48.

along the Weather Coast occupied a precarious position between fighting GLF and Joint Operation groups. These women provided the majority of statements to the Commission regarding women and abduction or illegal detention.

Abduction and illegal detention occurred in conjunction with other human rights violations such as killing, property violation, torture and ill-treatment, and sexual violence. When abducted by militants or members of the Joint Operation, civilians were subject to particularly harsh conditions, threats of violence, beatings, and death. Several women spoke of their forced detention at Malaheti by the Joint Operation (see chapter 3.2.2). Women were harassed about the whereabouts of their husbands and other men of the village:

While we were on our way they also harassed us and threatened us and used very bad language at us. They treated us just like animals. At Malaheti we were treated as prisoners of war. They treated us very badly but we could not do anything because we were under the barrel of guns.

Statement N° 1036

They told us that we were supposed to go to Malaheti and stay there. We had no choice but to go. We were taken there as prisoners. They told us to stay for only three days, the next day they told us to go and get our pots, plates, spoons and other cooking utensils. We went back and we were asked to build our houses at Malaheti. The Joint Operation officers told us that we were not going back to our respective villages. We were told not to go back to our villages until they told us to go back. What they told us was that RAMSI was going to come and all of us were going to go to prison; the patrol boat was going to take all the women to Rove.

Statement N° 1042

At Marasa, in another case of mass abduction, GLF militants reportedly used women and children to shield themselves against an approaching patrol boat:

Early morning on Tuesday the patrol boat went past Marasa. When they [GLF] saw the patrol boat, they ordered all the children and women and put them right at the front as human shields. They went and stood at the back.

Statement N° 0375

In other cases of abduction and illegal detention, women were targeted as the wives of suspected militants or supporters of the Joint Operation:

When they [Joint Operation] took us to Mbiti, we experienced ill-treatment from the members of the Joint Operation, like saying abusive words to us and harassing us. They said to us, if you do not tell us where your husband is, we have no alternative but to kill you and your children. I told them that I did not know where he is, he could be in the bush somewhere. Why should I tell you where he is, if I tell you his whereabouts you will kill him. We were kept at Mbiti for one-and-a-half weeks, we lived in fear all through and did not have enough to eat.

Statement N° 0726

While women were detained, they were required to continue their roles as providers of food and going to the surrounding gardens under strict conditions, usually accompanied by armed men and allowed to go only certain hours of the day. In addition to providing food for their families, women were also required to retrieve food for the Joint Operation. Visiting their gardens without their male relatives in the presence of armed men, women were vulnerable to further violence.

7.3 Torture and ill-treatment

During the Joint Operation, activities which were carried on the Weather Coast of Guadalcanal, the people were frightened and went and hid in the bush. I was also hiding in the bush when members of the Joint Operation came to us. One of them pointed his gun at me and said to me that I was going to marry one of them because my husband was going to die.

Statement N° 1037

While men were the majority of the targeted victims of torture and ill-treatment in the conflict, women were also targeted during the attacks. They were victims of torture and ill-treatment targeted against them specifically or as female relatives of the intended target. Personal attacks of violence were not widely discussed or acknowledged, and incidents of violence against women were hugely under-reported to police.⁸⁶ While men were occupied with conflict-related tasks or hiding from militants for their own security, women continued to fulfil their gendered roles of providing for the family. This put women at increased risk for accusations and attacks from militants as they attended markets and gardens without the protection of their male relatives. Women were accused of being “spears”, insulted, and threatened with guns. The absence of many men from their communities left them more vulnerable to these attacks:

I was ready to go to the market to make some money for my children when I saw armed men at my house. It was 6:00 a.m. and they told me to go outside. They accused me of going to the market in Honiara and then talking to the Malaitans and they called me a “spear”. They said that they would shoot me and tied my hands with a rope. People from the village came but they could not say anything. At that time everyone in the village was very scared, they could not say anything because they were afraid. I stood there until 10:30 a.m. when they released me. I went to my house and thanked God that my children were still sleeping. They demanded compensation from me and I did give them compensation.

Statement N° 0237

The militants came at night and told us to pay compensation because we had gone to Honiara. They asked for a pig and \$200. They tied me up. My mother came and told them that we

⁸⁶ Amnesty International: *Solomon Islands: Women Confronting Violence*, 2004, p. 13; available at <http://www.amnesty.org/en/library/info/ASA43/001/2004/en>, date of access 15/10/2011.

were going to give them the pig and the money later. They were not happy with this and they continued to bash me. They ordered me to kneel and they cut my hair, they took my earrings and chain. They asked me if I met Malaitans when in Honiara. They then continued to bash me with a “queen head”. They were stopped when the chief came and told them that the people were ready to give them a pig and the money, and they left me. They took my hair with them.

Statement N° 0052

Malaitan women married to Guadalcanal men told the Commission they were targeted due to their provincial identity:

Since I went with my husband to live in their village at Marasa, I found it very difficult. When I arrived at Marasa Bay, a GRA militant came and took me away from my husband. At that time I was returning from church service with other women; along the way we sat down for a rest under a rain tree. I didn’t expect anything to happen to me. As we were sitting, I saw all the GRA members lining up in a military style parade. I asked another woman why those men were parading and dressing in camouflage uniforms.

As we were talking a man came to me and said, “I doubt if you will still be alive at the end of the day.” Shortly afterwards one of the militants approached me with a machete and asked if I was a Malaitan woman. I was so scared and remained silent. He told me not to cry or he will chop my neck off. He took the machete and put it on my neck. As he was talking another man came and pointed his gun on my head. I was so terrified and thought that will be my last day, since I do not have any family members around to help me. At that time there was nothing else on my mind, I thought only of my parents, but they were far away from me.

They tied my hands and marched me down. They mocked and teased me with the marching band style singing group that Malaitans normally do in their churches. They continued to mock me sarcastically. One of them ordered me to face towards him, and he said right to my face that today is my last day and he will cut my throat with his knife. On hearing these continuous death threats, I had already anticipated my death and thought I will never see my husband again, and that he would only come to collect my body for burial. Fortunately, news reached my husband; he ran to where we were and cut the ropes from my hand. As he was trying to free me, the church bishop came and my husband pleaded for him to help us. The bishop came and took me away from the militants to his house. When we arrived at his place, he shared with me from the Bible, encouraged and prayed with me. . . . Shortly after we were rescued by the bishop, the militants burnt down our house with all the contents inside. We were left only with the clothes we wore that day.

Testimony of Helen Lovilia, TRC regional public hearing at Airahu on Malaita, 27/05/2010

7.4 Violation of Property

Violation of property was a major feature of the conflict during the tension. It was perpetrated by Guadalcanal and Malaitan militants and the Joint Operation. It was perpetrated against targeted individual families and whole villages in conjunction with displacement, abduction, torture, and ill-treatment. Household items of value were often targeted, including kitchen items, foodstuffs and cooking utensils. For women, these items hold significant value and the consequence of their loss went far beyond their monetary value. The loss of kitchen items such as cups, plates and saucepans directly affected

women's ability to provide for their families and generate an income from small businesses such as cooking and baking. The loss of gardens and livestock also affected women's access to livelihood and wealth and their ability to feed their families:

We were at our village and the militants came and attacked us. They came and destroyed our properties. They lined up some of our things and destroyed them; they urinated in our cups, cut up our pots and plates and cut our bags of rice and poured them out. We were frightened and ran away into the bush. When we came back there was nothing left. They also destroyed our beddings and other things including boxes and kitchen trays and others things they could get hold on.

Statement N° 1326

Threatened by militants with weapons and in the absence of men, women were vulnerable to direct attacks and unable to protect themselves and their property. A woman told the Commission of an incident where "Satan's" group were looking for her husband who was hiding from them:

When they came into the kitchen, they emptied my pots of rice and cabbage. They went into our house and cut my bucket, my hurricane lamp and also my kettle plus other household items. They set fire to my kitchen and also harassed one of my daughters. They went to the main house and cut whatever they could see with bush knives. They were looking for my husband but in fact he went and hid himself in the bush. To us women those things are very important in our house and they are our pride to own them.

Statement N° 1347

Along with property destruction, militants looted or simply stole items they wanted. Market sellers and canteen owners were often harassed by militants who stole their goods or money:

Sometimes if they wanted something from the canteen, they just came and helped themselves. They did not pay for anything they took from those canteens. We would not say a thing; if we did we would be shot.

'J', Weather Coast

For women, the loss of property had long-lasting consequences for their economic empowerment and their ability to fulfil their roles in the family as providers of food, clothing and school fees. The loss of gardens, livestock such as chicken and pigs, and household items such as plates, pots and clothing were an important part of women's experience of displacement and often referred to by them as serious human rights violations. As well as being essential items for the daily welfare of their families, women's access to garden, livestock and kitchen items enabled them access to income by selling produce at the market.

7.5 Forced displacement

Stories of displacement set the scene for many women's experiences during the conflict. The displaced population included people from all provinces and island groups who fled Honiara and Guadalcanal at the height of the tension, including long-term Malaitan residents of Guadalcanal who were forcibly displaced from their homes and people from villages around Guadalcanal who fled into the interior as militants or Joint Operation personnel occupied their villages and presented security threats.

Displacement was closely linked with other human rights violations and resulted in widespread and pervasive consequences for affected families. For those who were displaced it was difficult to meet basic needs such as adequate food and shelter; families were separated, women were vulnerable to increased violence, access to education and health was impeded, properties were lost or destroyed, livelihoods were affected and grief and trauma was suffered. Displaying strength and courage, women in Guadalcanal helped protect their husbands by sending them further inland while they survived with their children in temporary shelters in the bush:

We were afraid of the Joint Operation so we had to run away and live in the bush for three months. We built houses and stayed there and later we heard news that they were going to kill all the men but not the women. We asked the men to go further up the hills and live there. So the women had to stay at the front in order to save our husbands.

'E', Weather Coast

Women continued to provide for their children and families through both productive and reproductive roles in unsettled and unsecure circumstances. Women fulfilled traditional gendered roles as well as assuming extra responsibilities in the absence of men. Women's stories of displacement as told to the Commission centered on the loss of their homes and personal belongings, the struggle to find food and shelter for their families, and the challenge of looking after their children in these circumstances. This work reflects their traditional roles and responsibilities of being the providers of food, carers of children, and caretakers of the home. In particular, women spoke of the loss of gardens and kitchen items – their sources of providing food and ensuring survival of their family:

To me as a mother, it really affected me as a mother when we had to move from our gardens and other things.

Marau Are'Are Focus Group participant

I managed to save a few pots that I threw away in the bush before we ran away. These helped us a lot.

Marau Focus Group participant

Often separated from their male relatives, women were responsible for maintaining the survival of their children and each other. The struggle for food and shelter were primary concerns:

We stayed in the bush for three months. We had to suffer with our new born babies but we could not help it. When we ran away, the men went separately and the women and the children also ran away separately. This was hard because the women had to look after the children alone. The men had to run away further up the mountains. We found it very hard because we depended on the men to provide things for us but this was not the case. The women at that time found it very hard to move around because we were frightened of guns

‘I’, Weather Coast

The stories of displacement shared by displaced Malaitan women with the Commission centered on their struggle to fulfil their gendered roles and responsibilities in their families and communities as caretakers of the house and garden, producers of food, and caregivers of their families in unfamiliar and challenging surrounds. The loss of personal belongings, gardens and livestock in Guadalcanal affected women particularly as it hindered their efforts to provide for their families:

We left our beddings, furniture, utensils, tools and other valuable belongings. A few days after arriving in town we heard that our houses were burnt to the ground. We arrived empty handed when arriving back in our village; we did not have any garden, cooking utensil and tools. Luckily, our relatives in the village helped in giving us food. We found out that the environment was not conducive; it was also overcrowded in our community.

Statement N° 1677

When we came to Malaita, we didn’t have a house, we didn’t have a garden. We were very hungry. We stayed with my brother and made a house. A small house, when it was ready we stayed inside.

‘E’, Matakwalao.

Some families had lived their whole lives in Guadalcanal and no longer had connections to their villages in Malaita. Women in these situations particularly suffered and were most vulnerable to poverty and exclusion as they sought land on which to settle and establish gardens:

For mothers life was very hard. Since they had been living on Guadalcanal for quite a long time, for more than two or three generations, when returning after the crisis their own people disliked them. They were treated as outcasts by their people. We helped in giving them food; it was very sad since they had to go and look for somewhere else to build houses. They often recalled the things they owned and left back on Guadalcanal. You could notice that they were psychologically affected, the tension has had a huge impact on their lives and remains a scar on their life

‘R’, Auki

Compared to their livelihood in Guadalcanal, with its flat, accessible land and coconut and cocoa plantations, establishing gardens and produce in Malaita was difficult. The landscape was new to many and challenging to cultivate. As land was in high demand, gardens were increasingly located far from houses and over steep mountains, long walking distances from villages. Some women had to learn new skills to make gardens in the hills, prepare goods for the market, and carry them down the hills.

Women from other provinces who were displaced from Guadalcanal with their Malaitan husbands faced particular challenges as they adapted to a foreign land without the support of their family or relatives:

Arriving in Auki we came over to my husband's village. Life was even harder for me because I didn't have any relatives around. We struggled to find food and on most occasions we resorted to eating only coconut for lunch and dinner. After a month I started to adapt to the environment and then I started cultivating gardens. I asked my husband to show me his father's land and I started planting food and vegetables. It was hard to toil and cultivate gardens on Malaitan soil since you have to walk a far distance to reach better and fertile soil. Also, their technique for making gardens is different from ours on Savo. I planted kumara, cassava, taro and bananas. The other problem I faced here was the market; we had to carry a long distance to reach the market place. Life is tough even though now I have adapted to the lifestyle here.

'M', Silolo

The return of thousands of families from Guadalcanal to Malaita also placed pressure on families who hosted the displaced population. Women extended hospitality to their displaced relatives for extended periods of time while they resettled. Women in Malaita told the Commission how houses were filled to capacity to accommodate the displaced population:

I found it very hard when we had four families staying with us. One family had five children, another also had five children, another one had three children and another family had two. I already had five children of my own. We cooked in the house in one kitchen. We cooked together. When the food was ready we would all eat from a few plates, like a party. So every time I went to the garden I would take the vegetables and then use the money from the canteen and buy extra food from the market, like rice. When they moved to their new houses I gave them some of my plates, saucepans and spoons.

'B', Silolo (hosted four families for four years, until they built their houses)

8. Sexual violence

Sexual violence was perpetrated against both men and women, in various forms and with differing intent. This section will consider sexual violence against women during the tension. It will discuss how sexual violence was used as a tactic in the conflict, and how it was perpetrated opportunistically in the conditions created by the conflict.

Sexual violence was committed by all groups in the conflict, both state and non-state actors. While it was not a systematic or widespread strategy of the conflict, it was tolerated and normalized by higher commanders, many of whom exhibited acceptance of sexual violence through their own behaviour of requesting girls and women for themselves.

Access to justice and redress were non-existent for victims and survivors, as both informal and formal justice systems were undermined by militants with disproportionate power, weapons, and disregard for traditional norms of respect. None of the tension trials have included crimes of sexual violence.

As in many contexts around the world, in Solomon Islands there is a cultural disinclination to disclose sexual abuse due to fear of reprisal, shame, social stigma and cultural protocols. There are limited, if any, benefits for women who report abuse or pursue justice. The impacts and consequences of sexual violence continue well after the crime, resulting in devastating situations for individuals, families and communities who must cope with consequences such as unplanned pregnancies, sexually transmitted diseases, reproductive health issues, stigmatization, rejection and psychological trauma.

Sexual violence during conflict is internationally recognized as a serious security threat and one of the most challenging issues to address in conflict and post-conflict environments. Regarded as one of “history’s greatest silences”, the urgent need to give special attention to the subject of sexual abuses which occur during periods of conflict is both warranted and necessary to cease the deafening silence surrounding sexual violence and its implications for the women, families and communities involved.

While given special attention in the mandate of TRC, and discussed separately here, sexual violence did not occur in isolation from other human rights violations. Woven throughout women’s stories, statements and testimonies about sexual violence are the impact, consequences and causes of abduction, forced displacement and ill-treatment. Sexual violence during conflict is intimately related to the social disruption, insecurity, and limited protection which occurred as a consequence of the conflict.

8.1 Legal context

International human rights law provides comprehensive guarantees of the rights of women and girls to be protected from sexual violence and abuse during conflict. All parties to a conflict are bound by the provisions of international humanitarian law enshrined in common Article 3 to the four Geneva Conventions, which prohibit violence to life and person and

outrages upon personal dignity. The Solomon Islands Government has adopted a number of women-specific international and regional agreements, including the UN Security Council Resolutions on Women, Peace and Security 1325 (2000), the Beijing Platform for Action (1995), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, ratified in 2002).

For the purpose of the Commission's investigations, sexual violence was included as one of the six identified human rights violations to be investigated. The following definition was provided for the TRC staff employed to receive statements:

Sexual violence can affect women, men and children. It includes rape, forced marriage, and any sexual abuse such as forced nudity, forced sexual relations, violence against sexual organs, forced behavior of a sexual nature or exposure of sexual parts.

TRC: Statement takers training manual

Sexual violence, therefore, is not limited to rape alone but also refers to a broader range of sexual-based crimes such as non-penetrating sexual assault, sexual slavery, enforced prostitution, enforced sterilization and forced pregnancy.

The Rome Statute, the governing document of the International Criminal Court, provides international legal definitions for sexual violence crimes which will be discussed in this section, in addition to relevant sections of the Solomon Islands Penal Code. To be considered a crime against humanity, according to the Rome Statute, the crimes must satisfy the definitions as provided in the Elements of Crimes and occur in a context where the conduct was committed as part of a widespread or systematic attack directed against a civilian population, of which the perpetrator was thus aware.⁸⁷ The definitions are used here to provide a benchmark from international standards on human rights. According to this document, sexual violence is defined as when:

The perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent.

Elements of Crimes, Article 7 (1) (g)-6

In the same document, rape is further defined as when:

The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body, and

⁸⁷ Elements of Crimes, Article 7, Introduction.

The invasion was committed by force or by threat of force or coercion, such that caused by fear of violence, duress, detention, psychological oppression or abuse of power, such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.

Elements of Crimes, Article 7 (1) (g)-1

Crimes of sexual violence contravene international law, as well as additional conventions which the Solomon Islands Government has endorsed. They also contravene common law in the Solomon Islands which deems rape and attempted rape (section 136-138), abduction with intent to marry or have sexual intercourse (section 139) and indecent assault (section 141) as punishable crimes in the Penal Code.

According to the Penal Code, rape is defined as:

Any person who has unlawful sexual intercourse with a woman or girl, without her consent, or with her consent if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband, is guilty of the felony termed rape.

Solomon Islands Penal Code, Section 136

The Solomon Islands Penal Code is currently under review by the Law Reform Commission, with special consideration being given to gender-based crimes.

8.2 TRC statement data

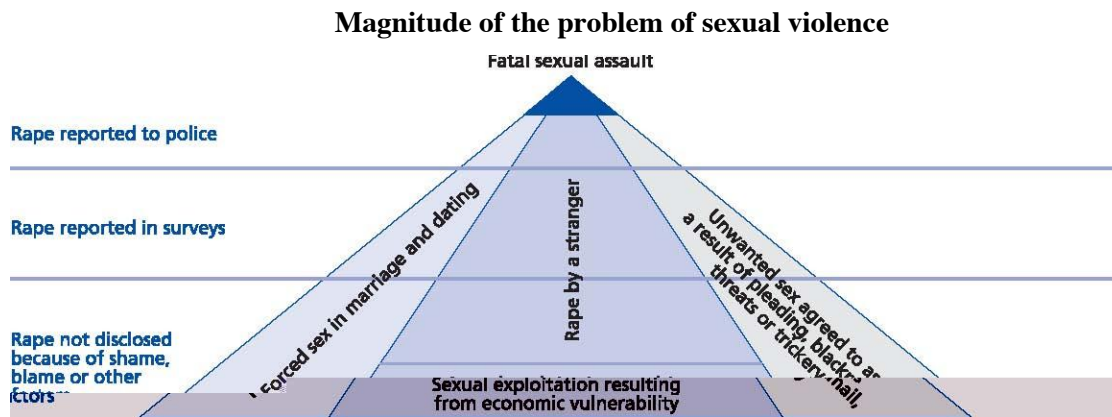
Sixty-three statements collected by TRC were about sexual violence, three percent of all statements. This percentage is relatively high compared to other Truth Commissions, but it is well known that statements do not cover the full extent of its occurrence. Of these statements, 50 concerned sexual violence against women and 13 against men.

Sexual violence during conflict around the world is regarded as one of “history’s greatest silences” and reasons perpetuating that silence persist today. Statistics on sexual violence during conflict are notoriously difficult to gather. Given the stigma, shame and cultural and religious taboos associated with being a victim of sexual violence, in addition to the traumatic nature of the event(s), women and girls are generally reluctant to come forward and disclose that they were victims of sexual violence.⁸⁸ Reported cases represent but a fraction of sexual violence (see Figure 5.1.1):

⁸⁸ Medina Haeri and Nadine Puechguirbal: “From helplessness to agency”, *op. cit.*, p. 116.

Typically, when rape happens in the midst of war, no individual soldier-rapists are identified by the victims, by their senior command, or by the media (if it is there). The women who suffer rape in wartime usually remain faceless as well.⁸⁹

Figure 5.1.1



Source: World Health Organization: *World Report on Violence and Health*, Geneva, 2002, p. 173

The statistics in the Commissions' statement-taking process did not capture the full nature and extent of sexual violence during the conflict for many interlinking reasons. The statement-taking process itself did not conduct deep inquiry into people's stories, but collected data from what people were willing to share. As sexual violence is a sensitive and culturally taboo topic in Solomon Islands, many families did not disclose stories and statement takers did not ask. Fear of reprisals from perpetrators or their families, trauma, shame and cultural taboos prevented women from disclosing sexual violence to friends, family, social services and authorities. Victims rarely had access to support. The 2009 Family Health and Safety Study found that 70 percent of the women who had reported experiencing either physical or sexual violence had never told anyone about the incident.⁹⁰ Cultural taboos prevent married women from talking about past sexual experiences.

8.3 Sexual violence in Solomon Islands

While definitions of sexual violence in the Solomon Islands Penal Code and international law describe acts which constitute these violations, pre-existing understandings of sexual violence in the local context directly affect the interpretation of these laws and the reporting of the

⁸⁹ Cynthia Enloe: "Militarizing Women's Lives: When Soldiers Rape", in Uli Linke and Danielle Taana Smith: *Cultures of Fear. A Critical Reader*, London: Pluto Press, 2009, p. 238.

⁹⁰ FHSS, p. 123

crimes. Social and cultural constructions of what is considered acceptable or prohibited in society shape the conversations around sexual violence, such that the terms used in the international legal sphere may imply differing meanings or interpretations in the local context.

The nature of sexual violence and its consequences vary across Solomon Islands according to local cultural protocols and *kastom*. The understanding and definition of “sexual violence” itself is influenced by established social norms. Woven throughout the stories, statements and testimonies regarding sexual violence provided to the Commission were the concepts of *consent*, *compensation* and *coercion*. Crimes of sexual violence committed during the tensions occurred against a backdrop of pre-existing cultural protocols such as arranged marriages and bride price, Christian doctrine, conflict-related disrupted social norms, debilitating fear and unrelenting threat.

Sexual violence which occurred in different contexts during the conflict appeared to prompt different community responses and reactions. Generally, sexual violence and rape which: were committed against a married woman, resulting in an illegitimate child was seen as a breach of local *kastom* needing to be addressed and “reconciled”, for example, through compensation payments, and more likely to be publicly condemned. But many incidents of sexual violence which occurred in the private or semi-private sphere, such as in homes, surrounding bushes or gardens, against young, unmarried girls were not widely acknowledged or discussed. The presence of weapons and threat of violence served to further silence an already taboo and sensitive topic. Blurred lines between consensual, coercive and transactional sex suppressed the acknowledgement of rape and sexual violence for many. In a context of fear, weapons and economic hardship, many women and girls either felt they had no choice but to go with men who demanded sex from them, or they did so for the exchange of goods or money. Also, some young women were willingly involved with militants, attracted to their perceived popularity and power at the time. For many of these women and girls, disclosure would have been met with repercussions such as shame or compensation demands from their families, and so for many silence was a choice made in their best interest.

Sexual relations outside of marriage in Solomon Islands are complicated by cultural factors which set accepted and expected modes of behavior. These vary across the provinces according to different customs and local cultural protocols. Male relatives are typically protective of their female kin, and fear of retribution serves to protect women and girls

against advances of other men. Meanwhile, male relatives are also protected from hearing about sexual activities of their female relatives, with breaches requiring compensation payments, paid either by the female involved or the male she was involved with, to “resolve” the matter and “close the ears” of her male relatives. In Malaita, males are typically protective over their female relatives, with breaches becoming a source of compensation demands or retribution against other men. In some areas, marriage between couples known to have engaged in sexual activity, or the payment of compensation to the woman’s family (usually her brother or uncle), mitigates offense caused by the knowledge of sexual activity and “resolves” the incident according to the family and community, reconciling the families involved. These practices are often followed no matter whether the act was consensual or not:

In our custom if a boy takes a girl by force he has to marry her, or if he has sex with a girl and she has a baby then later on he has to marry her.

‘H’, Weather Coast

One mother told the Commission how her daughter was raped when staying with her son. When her husband was made aware of the attack, he wanted his daughter to marry her attacker:

When the militants came, one by the name of “M” came to her and pointed the gun at her and sexually abused her. As the result of this sexual abuse she was pregnant. She had a baby girl but when she came back to us, she did not reveal what had happened to her. She only told her aunty about her pregnancy and that she was sexually abused. When we knew about this her dad was very angry with her. He asked her about the father of the child and she told her dad the whole story. She told her dad that he was one of Satan’s militants. He was very cross with her and told her that she should go and marry that man. In fact that girl did not marry that boy and she decided to stay single.

Statement N° 0554

According to the family and community, the importance of the provision of consent in sexual relations is often overridden by the importance of following appropriate cultural protocol such as marriage, bride price and compensation. Many girls and women engage in sexual activity in which they have not given consent, or that is somewhat coerced or forced.⁹¹ This pre-existing level of coercive and forced sexual activity can blur the boundaries between what people in communities regard as sexual violence during conflict and what is considered culturally appropriate by the community during times of conflict and peace.

⁹¹ The Family Health and Safety Study found that of the sexually active respondents, 37 percent described their first sexual encounter as somewhat coerced or forced (FHSS, p. 91)

For example, during the conflict, the payment of compensation following sexual activity which contravened cultural protocol sometimes served to “resolve” the issue in the family and community. The effect of this practice was that many reports provided to the Commission placed importance on whether compensation had been paid following sexual activity, rather than if the act itself was consensual:

They said to me I was going to get compensation from Bougainville and then they mentioned something about going to court too. So far I do not know anything about the case or even the compensation promised.

‘B’, Gizo

The use of *kastom* payment of compensation by the perpetrator’s family to the victim’s family has consequences for the victim of sexual violence as it somewhat annuls the crime without addressing the victim’s specific needs, such as medical attention, counselling and legal assistance to ensure justice for the victim and possible payment of future compensation for the victim. Often the compensation paid goes to the family of the victim and not the victim herself, and in some cases it is required to be given by the victim to her family. Nevertheless, compensation is regarded by the community as a form of reconciliation and justice which is accessible and removes culpability from the victim. In some cases, the requests for the perpetrator and victim to marry following sexual violence is also utilized as a means of justice for the victim, in the way that it maintains her integrity in the community and assures her a husband. Non-payment of bride price after *de facto* marriage during the tension was considered particularly offensive and remained a topic of importance for women who testified before the Commission:

When the Joint Operation came and set up their camp here at Kolina, they went with some of our girls and they got pregnant. Three of them, they took them but they did not pay bride price. They also took some others but they did not get pregnant. The parents of the girls got angry at the boys and asked them to pay bride price, but up until today they have not paid those girls bride price as yet.

‘H’, Weather Coast

8.4 Sexual violence during the tension

Available data and evidence on the occurrence of sexual violence during the conflict is limited to a few reports or brief mentions in reports on wider gender-based violence in the Pacific.⁹² The Commission was informed that additional reports had been prepared but

⁹² FHSS, *op. cit.*; Helen Leslie and Selina Boso: “Gender-related violence”, *op. cit.*; AusAID: *Violence against Women in Melanesia and East Timor*, *op. cit.*

remained unpublished due to the data being deemed too anecdotal, of a sensitive nature, or potentially harmful for those involved. Concerns for the safety of victims notwithstanding, the hesitance to publish such reports and stories serves to further perpetuate the silence surrounding sexual violence in Solomon Islands, particularly that which was experienced during the period of conflict. With gender-based violence difficult to quantify with statistics, women's stories provide powerful material to illuminate this topic.

As the following information demonstrates, sexual violence was widespread during the tension and a feature of the conflict in Solomon Islands. Women's bodies were targeted by the state (Joint Operation and RSIP), militant groups, and civilians in acts that were both *deliberate* methods of conflict as well as *opportunistic* of the context at the time. While the discussion will be divided into sexual violence which was *deliberate and tactical* and sexual violence which was *opportunistic* of the conditions of conflict, it must be kept in mind that the empirical pattern of variation is much wider and the motivations behind the crimes more complex.⁹³ The circumstances surrounding sexual violence during the tension in Solomon Islands is interrelated with the pre-existing context, women's gendered position in society, other human rights violations, security, justice and disrupted social norms during conflict.

8.4.1 Types of sexual violence

Sexual violence in conflict takes different forms, occurs in a variety of contexts, and is perpetrated with a range of motivations to serve varying purposes. During times of peace and conflict, sexual violence is perpetrated with motivations beyond sexual gratification of the perpetrators, such as exerting power over others. In conflict, it is used to exert power and domination over women's bodies, their male relatives, and the wider community.

During the tension, sexual violence occurred *between* members of provincial identity groups, such as when Guadalcanal militants were displacing Malaitan settlers from their land. However, additionally, sexual violence occurred *within* these identity groups, as when Guadalcanal militants violated girls and women from Guadalcanal, and Malaitan militants did the same to girls and women from Malaita. These acts occurred alongside the conflict, as men exploited the conditions of conflict at the time.⁹⁴ While these acts were opportunistic in

⁹³ Elisabeth Jean Wood: "War and Sexual Violence", in Uli Linke and Danielle Taana Smith (eds.): *Cultures of Fear. A Critical Reader*, London: Pluto Press, 2009, p. 233.

⁹⁴ In the statements collected by the TRC, all perpetrators of both male and female victims of sexual violence were identified as males.

nature, they were intimately related to the context of the conflict, often involving weapons, domination and power, and a breakdown in law and order.

Women were therefore victims of sexual violence as an act of conflict as well as a consequence of disrupted social norms and limited or absent security. Many were targeted while doing the tasks which fulfil their gendered role in the community – collecting water, going to the garden, or walking around the village. In some cases, women belonging to particular families or groups were targeted, in others, attacks were much less discriminating. Some acts were perpetrated by individuals, however many were committed by groups of men. Some incidents occurred in private and semi-private settings, such as the home or garden. Others occurred in public, in front of family members, as a form of punishment and/or humiliation.

Some acts were limited to one event, day, or evening. Others were repeated over time, as militants chose women to be their “girlfriends” or “wives”. Cases of forced relationships and marriage, or sexual slavery, were also identified and will be considered below.

8.4.1.1 Sexual violence and rape in conflict: deliberate/tactical crimes

Notwithstanding its explicit prohibition in international humanitarian law, sexual violence continues to be an ugly component of many conflicts all over the world.⁹⁵

In many war zones, sexual violence is utilized as a weapon of war to violate a person mentally, physically, emotionally and psychologically. It is used to target and demoralize the male opponents through women’s bodies. During the tension in Solomon Islands, sexual violence and rape were used as a weapon during the conflict to instil fear in the population, to show power when forcibly displacing civilians, and to intimidate, threaten and humiliate targeted civilians. It was used between, as well as within, ethnic groups.

This sub-section has been titled “sexual violence and rape in conflict – deliberate/tactical crimes” to denote the nature of the context in which these crimes took place. While it is acknowledged that sexual violence was not utilized as part of an overall strategic or systematic plan during the tension, its occurrence was widespread and patterns of sexual violence emerge from the statements and reports provided to the Commission. The following cases of sexual violence were deliberate and tactical in that they served a purpose directly related to the conflict.

⁹⁵ Medina Haeri and Nadine Puechguirbal: “From helplessness to agency”, *op.cit.*, p. 119.

Some of the cases reportedly perpetrated by Guadalcanal militants served a purpose in the displacement of Malaitans, and were used to instil terror and fear and to humiliate women who were being displaced. These acts were explicitly committed during an act of war – the forcible displacement of a group of people belonging to the opposing provincial identity. There were also cases of rape and sexual violence against victims of the perpetrators’ own provincial identity group which served a tactical purpose in the conflict and were explicitly conflict-related. These militants targeted families through the victim’s body, and used sexual violence and rape as a form of punishment, domination and humiliation.

All of the statements and reports in this section identify Guadalcanal militants (GRA/IFM/GLF) as the perpetrators. There were no *reported* cases provided to the Commission of Malaitan militants’ sexually violating civilians (Guadalcanal, Malaitan or others), *as a tactical means in the conflict itself*. There were, however, statements and testimony of Malaitan militants’ abducting, raping and sexually violating girls and women under the barrel of the gun, in both Honiara and Malaita. While these crimes were not specifically tactical crimes related to the conflict, they were an abuse of power and control related to the context of the conflict. Malaitan militants also exploited their control and domination over large populations, the breakdown in law and order, social disruption, and possession of high powered weapons to sexually violate girls and women. A discussion pertaining to these crimes is included in the section below, “sexual violence and rape along conflict – opportunistic crimes”.

Against the “other” – weapons of war

Sexual violence was used as a weapon of war by Guadalcanal militants against Malaitan women and girls when they were forcibly removed from their settlements at the beginning of the tensions.

A Roman Catholic priest who assisted displaced Malaitans told the Commission of incidents of sexual harassment of Malaitan women by Guadalcanal militants. Several men and women had reported incidents to him which occurred in the outer settlements of Honiara. Reports involved Guadalcanal militants’ touching women’s genitals, with some then putting their fingers in a male relative’s mouth; women and girls being raped at gun point, or having objects or weapons inserted in their vagina or anus.

One Malaitan woman told the Commission of her experience of rape when she was displaced from CDC 5 in East Guadalcanal in June 1999. Two groups from the GRA came, first, a

group of child soldiers holding knives and guns, and second, a group of men. As these men attacked her house, she locked herself into her bedroom. One of the militants kicked in her door and anally raped her. She was nine months pregnant at the time. After the incident she met up with her husband nearby with whom she travelled with to Honiara and they then moved to Malaita.⁹⁶

Similar stories emerged from West Guadalcanal, as girls were sexually harassed when being displaced while their male relatives were made to walk ahead of them. A young male who was 13 years old at the time told of how his sisters were harassed when he and others were escorted from LDA to Kakabona by Guadalcanal militants when being displaced from their homes in West Guadalcanal:

The distance from LDA to Kakabona was seven kilometers; they marched us along the road as if we were prisoners or some kind of a domestic animal that was led to be slaughtered. They were walking all around us as we were marched along the main road; they abused us along the way and sexually harassed my sisters by touching their private parts. We were instructed not to look back or will be shot. It was a very tormenting moment in our life.

Testimony of Luke, TRC regional public hearing at Airahu on Malaita, 27/05/2010

A church women's leader who received many of the displaced victims as they arrived at Holy Cross Cathedral in Honiara also told the Commission of how Malaitan women were victims of sexual abuse by Guadalcanal militants when they were being displaced:

I started talking with the women and I could notice something was wrong, men were very quiet, and girls had fear in them, they were very emotional. Due to our culture they could not talk about what happened to them. When I started to build trust with those people they started to talk. I asked them what actually happened. They told me, "they chased us out of our village; with guns, they ordered the men to go in front and told them not to look back. We were at the back with the militants. They started touching our private parts and some of our girls were raped." In some incidents the militants put guns in their private parts. There were children and they could see the militants putting guns in the private parts of their mothers. The men and young boys were at the front. They were ordered not to look back. The men knew exactly what happened to their wives, they did not allow the women to scream or to say anything. There was a lot sexual abuse. It's good that we share this.

Women's leader, TRC closed hearing in Honiara, 22/11/2010.

Other stories emerged of sexual violence being planned when displacing Malaitans, or being used to threaten male relatives. A young woman who spoke at the public hearing described how her older sister had overheard a conversation in which Guadalcanal militants asked a fellow student to mark the beds of female Malaitan students for them and allow them access into the building in the evening, presumably to harass the girls:

⁹⁶ Statement N° 1708.

One day in 1999, my elder sister and her girlfriend went for a swim at Tangarare River near the school. While they were in the river, one of the militants came and called my sister's friend. The militant asked my sister's friend if she could do a favour for him, then my sister's friend asked the militant what the favour was all about. The militant asked my sister's friend to go and mark all the Malaita girls' bed and leave the door unlocked. My sister heard what the militant was saying to her friend, but when they got back they did not carry out what the other girl was supposed to do.

Testimony of Tracy, TRC public hearing for Youth in Honiara, 22/11/2010

The threat of rape against female relatives was also used as a weapon against men to instil terror and fear. This attacked men's traditional role of providing protection for their family. A Malaitan man told of an encounter with Guadalcanal militants the day after his family fled to Honiara from rural Guadalcanal:

He asked me for my sisters. I lied to them saying my sisters are down at the river. . . . He then told me straight in my face that today they will rape all my sisters along with my mother down at the river. They then went over to the river and I sneaked out and escaped.

Statement N° 2108

Citing rape as a justification for war – the power of stories and rumor

The sexual violation of women by Guadalcanal militants had far-reaching consequences for women, their families, and the dynamic of the conflict itself. Stories of forced nakedness, rape and humiliating sexual harassment caused widespread fear amongst women and girls from both sides of the conflict and served as a justification for male relatives of the victims to join opposing militant groups. Anger at the treatment of Malaitan women by Guadalcanal militants and the defence of their female relatives' honor was often noted as a motivating factor for recruitment by ex-MEF militants:

It really made us very angry, especially what the Guadalcanal militants did to our innocent people. Women were stripped of their clothing in front of their husbands and children and were told to march. They held their private parts and told them "is this how Malaitan women's private parts smell?" Also, in one incident a woman from Malaitan Outer Islands was raped right in front of her husband. These are things that made me angry and I decided to join the MEF.

'C', former MEF field commander

The frequency of which sexual violence was cited as a justification for participating in militant activities by ex-MEF members is apparently disproportionate to the reported incidents of sexual violence by Guadalcanal militants against Malaitan women. While it is acknowledged that many women did not disclose abuse for a range of factors, this pattern suggests that the news, and in some cases rumor, of sexual violence served as a convenient cause for militants to justify their participation in the conflict and provide it with an

honourable purpose. Despite this seemingly respectable motivation to join opposing forces, as outlined below, many people identified MEF militants as perpetrators of sexual violence in Honiara and Malaita, indicating that MEF militants were not innocent of this crime.

The publicity and rumor regarding sexual violence as a tactic of war therefore served purposes for both militant groups – it further instilled fear in the Malaitan population on Guadalcanal and encouraged their displacement from Guadalcanal. The fear this produced undoubtedly affected women and girls the most. It also served as a convenient justification, amongst others, for Malaitan militants to fight back and retaliate. A few particularly confronting stories of rape were widely circulated and mentioned during the Commission’s research, however no statements or testimony attesting their validity were received. These stories perhaps served a particular social function in the conflict context – inciting fear amongst the Malaitan population, while simultaneously providing some justification for the retaliation of the MEF. For example, the story regarding a Malaitan father being forced to watch his daughter and wife raped by Guadalcanal militants was widely cited by many who spoke to the Commission, and published in a reputable book on the tensions.⁹⁷ It could not, however, be confirmed or validated by statements or testimonies. Nevertheless, the existence of the story itself, along with the publicity of other acts of sexual violence, served a purpose in the conflict, as evidenced by the testimonies of ex-MEF militants who spoke at the public hearings and stated, amongst other reasons, that they joined the militant group because of the attacks on women and girls when being chased out of Guadalcanal:

When we got to Honiara we heard that the ethnic tension was getting worse in the Marau area; people did not know where to go and started running all over the place. They started to harass and rape females and demanded money and pigs, this went on for some time. Why did I join? Because the way the people from Marau were being treated was really bad. Our girls and women were raped and our people were harassed, tortured and demanded money and pigs as compensation at gun point

Testimony of Jerry, former MEF from Marau, TRC public hearing at Buma village on Malaita, 02/05/2011

Then another day I went to town and when I got to the White River Bridge I saw a three-ton truck full of people. I asked around about what had happened and the answer I received was they were Malaita people who were attacked by GRA on the west side. I was still there when the second and third trucks came up. I watched, there were people with scratch marks, torn bodies, women who had been raped, and indecently manhandled them. These were the ones who were on the truck.

Testimony of Robert, former MEF from Fataleka, TRC public hearing at Buma village on Malaita, 02/05/2011

⁹⁷ Clive Moore: *Happy isles in Crisis*, p 112. His footnote supports the inclusion of this statement by saying “This rape was also reported to me by my Malaitan friends”; see p.122.

Against our own – punishment and power

Sexual violence was also used as a tactical weapon by militants against members of their own provincial identity group. The Commission received several statements detailing Guadalcanal militants' using sexual violence to intimidate, punish or humiliate Guadalcanal men and women. While women's stories are provided here, see chapter 4.2.4 for examples of sexual violence against men.

In many of these cases, the victim herself, or a member of her family, were accused of being a “spear”, or spy, and this was cited as a reason for the rape. In this context, sexual violence was used to dominate and exhibit power over the victim and her family and punish the accused for perceived non-support of the militant group. In all but one case, where the victim was accused of supporting the Joint Operation, the victim or her family were accused of supporting the MEF. For example, the Commission was told of one incident in Avu Avu, Guadalcanal, where a group of five militants entered the family home while the family were eating dinner. The militants accused the father of being a “spear” for the MEF and forced him to release his 11-year-old daughter to them. The daughter was taken out of the house into the dark, where the militants tore off her clothes. She was forced to touch her genitals in front of the militants, after which all the militants raped her.⁹⁸

In other cases, demands were made on the victim's family to pay compensation following the accusation of being a “spear” for the MEF. If no compensation was provided, a female member of the family was raped as a form of punishment or retribution. Compensation claims during the tension were often made on unreasonable grounds and were used to take money or valuable goods from, and instil fear into civilians. The Commission was informed of an incident such as this in Talise, Guadalcanal. Four men arrived at the residence of the 15-year-old victim and accused her father of being a “spear” for the MEF and demanded compensation. They threatened that if no compensation was paid, they will take his daughter. The family did not have any money to give as compensation, so the militants took the victim and raped her in front of the family members.⁹⁹

Raping women or girls in public or in front of family members is a distinct act of conflict designed to exhibit power and domination while humiliating the family and victim involved. Guadalcanal militants committed this crime as a means to target the father, brother or family

⁹⁸ Statement N° 0759.

⁹⁹ Statement N° 0853.

through their female relative's body. In another case in Talise in 2000, a group of militants identified as members of the GRA demanded a man's sister, accusing her of being a "spear" for the MEF. The man was threatened with a gun and beaten by the militants. His sister was then taken and raped in front of him.¹⁰⁰

In all but one of the cases which involved an accusation of being a "spear" or a demand of compensation, the victim was raped by a group of men. Survivors described incidents where they were raped by up to five men at one time.

Under the threat of guns, families were unable to offer protection for their daughters and sisters. They were also prevented from attempting to seek justice through traditional means such as compensation:

The families [of the victims] got angry with them [the perpetrators], but they could not talk as they were fearful of the guns. They did not even demand that they pay compensation; and until now they have not paid compensation.

'R', Weather Coast

A father in Marau told how IFM militants came to his house one night, demanding compensation because someone from his community had fought with their leader. While the militants were at his house, his two daughters arrived home; one of them "was just a little girl":

[One of the militants] came and pointed to [name withheld] and ordered her to go to him to see the Boss. Then she asked me what to do and then I told her to go and see what they wanted. Really we could not say anything at all. That man was holding the rifle and he ordered her to go with him.

So from there I did not know what they might have done. We stayed there just waiting and then my daughter arrived alone.

So she arrived and then I asked her, "what did he do to you?" She said "he made trouble for me" [had sex with me]. I could not say anything, it was a very difficult situation. That was what really happened that night. I said it was okay. We could not do anything or even say anything.

What I want to tell TRC and the Government to do is to try and address this issue where this man has done this to my daughter. According to the custom it's very wrong and I cannot live with this. If it could be in a form of small compensation I would be very happy. This would help us with the hardship.

Statement N° 0345

While a pattern of sexual violence emerges involving the accusation of non-allegiance, compensation demands and gang rape of a female family member, all with the threat of

¹⁰⁰ Statement N° 0857.

weapons, TRC did not find that sexual violence was used as a systematic strategy in the conflict. However, while not ordered by higher commanders, behaviour exhibited by those in the upper echelons of the militants' hierarchy served to normalize and tolerate sexual violence. In some cases it was reported that militants hid their activities from their commander (Harold Keke) who himself was known regularly to request girls for massage and sexual activities:

Some of the girls they refused the militants, so they threatened them with guns. But Harold did not know that. Only his men knew what was going on.

'R', Weather Coast

8.4.1.2 Sexual violence and rape alongside conflict: opportunistic crimes

The Commission found that rape and sexual violation of girls and women during the tension was common. During the period of conflict institutions of social control weakened, law and order broke down, militants and police travelled away from their homes and communities, and norms of respect for elders were undermined by new sources of authority such as guns and armed leaders. Militants from Guadalcanal and Malaita and members of the Joint Operation took advantage of their ability to intimidate their possession of weapons, the breakdown in law and order, and the vulnerable situation of civilians, to rape and sexually harass women and girls. Although these crimes were opportunistic in nature, they were intimately linked with the conflict and the conditions of war.

The cases of sexual violence reported to the Commission demonstrated that women were at risk of sexual violence in both public and private spheres. Many were attacked when completing gendered tasks in their community, such as collecting water, travelling between home and the garden, going to the market or town, or going to the river. While both men and women regularly were present in these areas, during the tension many men were diverted to other activities or limited their public exposure for security concerns. Women, however, were required to continue accessing these areas during the conflict to fulfil their gendered roles as caretakers of the home and family. In some areas, such as around Honiara, women were able to continue going to the market while men could not due to security risks.

Women travelling to or from the garden were particularly vulnerable to rape and sexual violence. The Commission heard from victims who were threatened with guns, beaten, and gang raped when at their gardens or while travelling between the garden and the home. These attacks were brutal, violent, and under the threat of guns. A young woman told the

Commission of an incident in Nalighe, Talise when she was a teenager. She was on her way to the garden when a group of about five men whom she identified as members of the GLF grabbed her and pulled her into a bush. They forced her to undress and beat her. When one of them asked to have sex with her she refused and cried. The men then pushed her to the ground and they all raped her and left.¹⁰¹ In another incident in Talise, in Tiro village, a woman told of how, when she was returning from her garden in 2001, a group of six men pointed their guns at her and ordered her to follow them to a nearby camp. When she refused, they beat her, tore off her clothes, raped her, and left her to walk home. She did not know if the men were affiliated with a militant group.¹⁰²

Sexual violence took other forms aside from rape. Also in Talise, in Sughu village, a young woman told how when she was a teenager in 2001 she was on her way to a spring to collect drinking water. She was grabbed by a man whom she identified as a member of the GLF. He pulled her into a nearby bush and demanded sex from her. When the young woman refused, he tore her clothes and forcefully penetrated her vagina with sticks and leaves.¹⁰³

Girls travelling to or attending schools were also targets of attacks; the threat of these attacks became one reason for girls to withdraw from school and remain at home during the conflict. On Guadalcanal, women told of militants' breaking into the schools which they attended. One woman who was 18 years old at the time told the Commission that a group of men broke into Ruavatu Secondary School and forced the school to dismiss the students and close immediately due to the mixed enrolment of students from different provincial groups, including Malaitans. She told the Commission that they broke the dormitory windows, the house doors and raped her.¹⁰⁴

Another woman in Avu Avu told of how two militants came to her school and called for her and her friend. She did not disclose if she was sexually violated:

They came and called for me and another girl. They shouted out loud in the school for us two claiming that we were their wives and they wanted us to go if we did not go to them they would set fire to the school. When I heard them calling my name I was so frightened so the other girl and myself ran to our shower blocks. We heard them coming towards our dormitory shouting louder because they were drunk; we both ran out from the shower block and went our own ways, I did not know where the other girl ran but I ran into our field in a bush but it was so dark outside. . .

¹⁰¹ Statement N° 0219.

¹⁰² Statement N° 0775.

¹⁰³ Statement N° 0774.

¹⁰⁴ Statement N° 0756.

Whatever they did that time was against our culture, since some of the staff in school including the deputy principal was my cousin brother and they should be given some kind of compensation for what they did to me. That incident really demoralized me and I wanted to withdraw from my studies but the teachers encouraged me and I manage to complete my third form that year.

Statement N° 0838

Women in Malaita also spoke of incidents of rape and sexual violence perpetrated by members of the MEF. A nurse stationed at Malu'u at the time told that student nurses at the area health center were targets of attacks and later withdrew from their studies:

Most of the men from the MEF group were our close relatives; instead of helping us they were the ones who go come around to scare us, they even raped some of the student nurses at Malu'u – as a result some of the student fled from their studies and they failed their exams.

'R', Malu'u

Another told of how her classmate was abducted and harassed when walking to school in Malaita:

One day in year 1999, when I was doing my first year in high school. I was walking home with two other classmates when a taxi came stopped by and pulled my friend into the cab and they took off. I do not know who the men were and where they were heading. She was taken away and raped – there were four occupants inside the truck including the driver.

'J', Auki, then 14 years old

The possession of weapons by young men and militants disrupted usual forms of social control and undermined traditional norms of respect for elders, chiefs, and community leaders. Bearing arms afforded boys and men power to intimidate and harass women and girls. Women spoke of being raped at gun point and feeling helpless to fight back because of fear of the weapons and for their safety. A young woman in Guadalcanal told the Commission of a humiliating and brutal rape by GRA members that left her unconscious. She was working for the SIPL Company in CDC1 when a group of men approached her in the oil palm plantation, pointed a gun at her and demanded she undress herself and touch her genitals in front of them. They then raped her "one after the other" until she lost consciousness. She later woke in the dark and realized that the perpetrators had left.¹⁰⁵

Many of the cases of sexual violence were reported to the Commission by relatives or carers of the victims. Cultural taboos often prevent women from discussing matters relating to their sexual history once they are married, and for others the stories were too painful to repeat themselves.

¹⁰⁵ Statement N° 0211.

A mother told of how her daughter was raped in Marau by a group of GRA militants at gun point. Her daughter was 25 years old at the time and alone at their property while the parents were residing elsewhere on Guadalcanal for work. The family was from neither Guadalcanal nor Malaita:

What happened was, my daughter was asleep and those militants came during the night. When they came they pointed their guns and told her not to talk or shout; if she did they would shoot her. Those militants came and raped her one by one; there were quite a number of them who committed that crime. After they fulfilled their lust they told her not to say a word the next day, if she spread the news she would not see the sun set. She cried all night and by morning she could not keep what happened to herself so she told a woman that she had been raped during the night and she wanted to see her parents. She came to Marau Police Station and told the police officers that she wanted to speak to her mum and not her dad.

Statement N° 5239

In Malaita, a male nurse who was stationed in Malu'u during the tensions told of how militants used their weapons to coerce women and girls to have sex with them:

Armed men would go around and grab the girls and force them inside their car although their brothers were watching. There was nothing the girls can do since these men were armed so they followed whatever they wanted; they used the girls by forcing them to have sex with them.

Statement N° 4236

Another woman told of how when militants demanded sex from her and two of her fellow students at the Divit Center at Visale in west Guadalcanal, they were unable to say no. The militants held guns and pressured the young girls to sleep with them because they were fighting for Guadalcanal. Eventually all three became pregnant:

It was in 2000, I was at the Divit Center at Visale. At that time, the militants usually came around where we lived. This group belonged to Harold Keke and Joe Sangu. They came in through the gate and approached us to have sex with them. At that time there were three of us. They asked us to have sex with them and we could not say anything because we were held at gun point. So they had sex with us.

When they came in the dormitory, they would ask us to make beds for them so that we could sleep with them. They told us that we must have sex with them because they were the ones fighting for the right of the Guadalcanal people. When they asked us we could not say no but just allowed our body to them. This went on for a while. The three of us got pregnant during that time.

'E', Marau

Similarly, in Western Province, the presence of weapons saw members of Black Sharks and BRA sexually violated girls and women. A caretaker of a hostel at the time of the tension told of how girls in her care were raped during the conflict:

They were on their way back to the hostel when they caught up with the boys from Bougainville (Black Sharks). [The Commander] called her to go over to him, she refused.

He walked over and grabbed her by the arm, saying he wanted to tell her something. She refused and they argued for some time. They continued arguing for some time outside the hostel. He asked her if he could have sex with her; she refused and he pulled him over to the grass pushed her down with his gun across her chest. She continued to struggle. He told her to stop struggling since it would do her no good. He ended up having sex with her against her will. After that incident on the next morning she came and told me of that incident.

‘M’, Noro

Women were targeted when completing daily tasks and fulfilling gendered roles such as going to the garden, market or town. Subsequently, the fear of such attacks inhibited women’s ability to fulfil their roles, attend schools or continue their jobs. Many women and girls modified their behaviour in response to the security situation. Women began to go to gardens in groups, or not at all. Young girls ceased attending schools. Women were not free to move as they did normally. Young girls were deemed especially vulnerable by communities as targets of sexual violence and were specifically kept safe by older women and men in villages:

The other thing too was we were in the bush. For the safety of our girls we did not allow them to come down to the road for walks. We managed to keep them in one place along with our women and children.

‘M’, Visale

The conditions created by the conflict saw men from all groups engage in opportunistic sexual violence against women – Guadalcanal and Malaitan militants, “security forces” in Western Province, members of the Joint Operation and the RSIPF, and civilians. Many of the statements received identified well-known leaders of the militant groups as the perpetrators of sexual violence. While sexual violence was not *strategic* in the conflict, it was tolerated and conducted openly by leaders of militant groups who held power and influence over their men.

8.4.2 Forced relationships and sexual slavery

Included in the statements and testimonies of sexual violence reported to the Commission were descriptions of situations of sexual slavery and forced marriage-like relationships which also took place during the tension. The Commission was informed of several situations where women or girls were repeatedly raped by the same perpetrator who exhibited ownership and possession over the victim and forced or coerced her into a marriage-like relationship. These situations commonly resulted in unplanned pregnancies and the bearing of children.

The length of time women were forced into sexual relationship situations and sexual slavery varied. A young woman in Gizo told the Commission how she was forced to stay at a hotel

for a week with a BRA leader who was supposed to be providing security in Gizo. She had met him in the hotel, and later he sent men to take her from her parents' home and stay with him. She was 16 years old at the time:

He saw me at the hotel when I was out drinking with my girl friends. When he saw me he sent one of his men to come and call me. I was frightened but I could not do anything but had to go to him. I went and sat on his lap. He did not want me to sit on the chair but on his lap as a baby. I sat on his lap just like a stupid girl while watching different types of people going in and out of the hotel.

[Later, he came and demanded her from her house.]

He came and pointed the gun at me so I was frightened and went with him. His name was 'C. I followed him and he used me at the hotel. I was frightened but he used me under the barrel of gun.

I spent one week at the hotel with him. He would allow me to go for walks in town, chew betel nut and smoke and then come back. I was not allowed to go far away or to go back where I was used to stay. I was frightened so I went with him because he had a small pistol with him. I stayed with him until the Gizo Hotel shooting took place then we left each other. He gave me money but in kina and not Solomon Island dollars. We did not report the matter to the police because if we did they would not do anything too, they were frightened as well.

'Y', was 16 years old at the time

In another incident in Western Province, a man told of how a cousin of his wife formed a relationship with a BRA member after a night out at the hotel. She was allegedly frightened to go with him initially; however, she then formed a relationship with him after he took her to Bougainville:

One of the BRA men came and asked the girl for a dance but she was reluctant but he kept on insisting. One of them negotiated with the girl so he gave her drinks and she got drunk. She was very drunk so she wildly danced with them. After the dance they went out with the girl. She was frightened because he pointed a knife to her so she went out with them.

What they said was they had guns and their canoes were at such-and-such a place; I was listening to what they were saying. Nobody could say anything though, not even the police because there was no law and order. While we were still dancing they took the girl out.

We wondered what could happen to her because she was already in the hands of those BRA men. We were also frightened, that the parents of the girl would accuse us of not looking after her during the night. The next day her parents came and asked about her but we told that she was still at Gizo. In fact she went with the Black Shark men to Bougainville and after a week they came back and the girl had to go to Nusabangara for safety reasons. Then one day I met her at the market and seemed not frightened of those men anymore. She was involved with Greg.

Statement N° 4411

The following statement shows how families on Guadalcanal were at the mercy of militants from their own island:

This incident occurred when I was at Kochichi village. One day a man with a bush knife and a high-powered rifle came to our house and demanded of us that he wanted the young girl

living with us, slashing his knife on the entrance door. My mother was so scared that she told him to take the girl with him. The militant was accompanied by another man who was holding a radio tape. The girl left with him and there was nothing we could do. The girl went and stayed with him. After two months we heard that he had left her for another woman.

Which militant group do you think these two men were from?

The two men were from the militant group called the Isatabu Freedom Fighters.

Statement N° 1306

One woman on the Weather Coast told of how she was repeatedly threatened by militants, one of whom wanted to have sex with her. After she refused him several times, the militant visited her, held a gun to her, and demanded that she sleep with him. This was repeated several times over a period of months. She fell pregnant by him and gave birth to his child.

When they [Guadalcanal militants] arrived at the village they would ask for women and girls for sex. One of them usually came and asked for me to have an affair with me. He sent two other boys to come to me, they were holding one gun each, and they told me that he wanted me to go to him. I told them, sorry I will not go, and then he sent them again and he told me if I refused he would come and shoot me with his gun. He asked for me more than ten times and if I refused he threatened he would have me shot.

At one time we were in our house and he came over to the house. At the time I was sleeping and I could feel the gun and at first I thought it was someone's hand, but later I could feel it was iron. At that time I could not run away anywhere. At that time I could not do anything. So he slept with me that night, and the next day again. He came with his gun and I was about to shout for my father but it was too late for me.

He came and then he took off his shirt and then he tied it around my mouth so that I could not talk or shout. I was so scared and he had threatened me if I shout he would then kill me and we had seen such killing. . . .

This went on for some time and it ended up that I got pregnant and I got my little child.

‘Z’, Weather Coast of Guadalcanal

Another woman on Guadalcanal told of her relationship with a militant leader. She felt ashamed for what had happened and reluctant to return home in fear of retaliation from her family, so she stayed with him despite being raped and beaten:

He treated me like his wife but he had others besides me. The first night when I was with him, he forced me to open my legs; he forced me just like raping me. He was a Commander. He said to me to open my legs, but I did not cooperate with him, so he beat me up. So I had to sleep with him. Because it was hard for me to come back home I said to myself, seeing that I have done this with this man, I decided to stay, so I stayed there. I did not know what to do, but I just stayed there, because I had already given myself to him. It was a shameful thing, but I already had given myself to him so I decided to stay with him because I already spoiled myself by giving in to him.

Sleeping in the room, there would be guns, even 100 rounds ammunitions, SLR and pump guns lying on the bed. It was like . . . when he heard something, he grabbed the guns and went out, and sometimes when I talked to him he did not want to listen to me. Sometimes, he would just bash me up. . . .

All through the time I was with him, he always harassed me, and beat me up and called me a “spear”, passing information to the MEF. When I was with him, he used to beat me and treated me badly. Sometimes he would force me into having sex when I did not want to.

Later I heard that he was put in prison for being drunk and disorderly. I came up to town and my parents did not accept me into the family anymore. Because my parents were Malaitans, they did not want to have anything to do with me.

‘X’, former partner of an IFM Commander

In Honiara, a woman from Temotu told the Commission how she was forced into a relationship with a member of the MEF. He visited her relative’s house in 2002 where she was residing and demanded that she marry him. Her relatives were afraid of him and so did not refuse his demand. She then stayed with the militant for some time and later became pregnant. By the time she gave birth the militant had left her and she has remained a single parent since.¹⁰⁶

The situations of sexual slavery and forced marriage-like relationships which the Commission was informed of were opportunistic in nature and the consequence of the social disruption at the time which allowed men with power and guns to make demands as they wished. There was no discernible pattern of targeted sexual slavery or forced marriage against women of the opponents, nor was it part of a systematic plan to demoralize or “ethnically infiltrate” the other side. It was a consequence of pre-existing perceptions of women as objects which ownership could be exerted over, combined with social disruption, irreverent behaviour by militants with power and guns, and the breakdown in traditional forms of security for women and girls.

8.4.3 Women’s silence

Solomon Islands is a talking community. During the tension, people would sit outside, chewing betel nut, eating something and they would talk about what was happening. They would talk about killings, what had happened the same day or the day before yesterday or yesterday. If there was anything to do with sexual harassment they would not talk about it.¹⁰⁷

For women, sometimes their silence is louder, stronger and safer than anything they say out loud because of the risks involved in telling their stories.¹⁰⁸

As already mentioned in section 8.2 above, women who survive sexual violence and rape often choose to not disclose their experiences. For many, silence is perceived as a safer

¹⁰⁶ Statement N° 5038.

¹⁰⁷ Martha Horiwapu, closed hearing

¹⁰⁸ Women’s Submission

choice because of the risks involved in telling their stories.¹⁰⁹ Fear of retribution, shame, trauma and cultural taboos inhibit disclosure. There is little incentive for women to tell the truth and share their stories, since they may suffer from repercussions in the community, and traditional justice mechanisms such as the payment of compensation may exclude the victim herself or even place extra burdens on her.¹¹⁰

Yes, it did happen, but the women were afraid to come out and report the matter. Possibly because of our cultural boundaries and they do not want people to know what really happened to them. They do not want to remain with a guilty conscience or to be seen as a victim or rape by others in the community moreover they do not want to put shame on their family name.

Police officer, Malu'u

Here in Malaita we do not come across many sexual violence cases, possibly because victims were afraid to report these cases due to fear of being intimidated by the offenders. Or they were afraid of being embarrassed culturally. Besides, on the other hand, possibly they wanted to protect their dignity and identity – they do not want to be seen by people as victims of sexual violence, especially if they were raped. I believe a lot of rape incidents occurred during that specific period but they were unreported because of the reasons mentioned

Police Officer, Auki

The hushed reality surrounding sexual violence and the limited formal support or counselling available has left many women suffering alone the consequences of the crimes or attempting to forget what happened. Trauma related to these crimes is prevalent in the communities today and continues to be a burden for the survivors.

I tried my best not to remember what had happened during that time. I do not want to recall these past events.

‘C’ was raped by a BRA commander in Western Province

Sexual violence challenges conventional notions of security threats in conflicts as it continues and, at times, even worsens, after disarmament or peace agreements take place. Occurring mostly in the private or semi-private spheres and silenced by shame and cultural taboos, sexual violence remains hidden from the public domain. It is not witnessed to the same degree as other public forms of violence, harassment and destruction, and is resistant to disarmament processes and ceasefire monitoring. In some cases, disarmament can serve to exacerbate sexual violence as ex-combatants are re-inserted into civilian settings or integrated into national security forces.¹¹¹ Many women noted the increase of sexual exploitation of

¹⁰⁹ Women's Submission, p. 3.

¹¹⁰ Women's Submission, p 14.

¹¹¹ UNIFEM: *Addressing Conflict Related Sexual Violence*, op. cit., p. 12.

young girls in return for money both during the tension and following the TPA. As militants and ex-militants had access to increased finances from compensation payments, they also had the means to utilize sex workers.

For all the statements and stories provided to the Commission on sexual violence, there undoubtedly exist many more:

Rape cases are difficult to obtain by statement takers. Such cases are usually suppressed by victims and families from public knowledge due to traditional taboos that guard social dignity of sexually abused women in the community. Rape cases have great impact on family dignity as it undermines integrity of immediate family members of the victims.

TRC: Five Month Report, Malaita Region.

Whether they were assaulted as an act of conflict or individually targeted, the consequences of rape and sexual violence permeate the life of the survivor, her family and community. Physical consequences, psychological trauma, and unplanned pregnancies remain with victims for a lifetime. While difficult to quantify, the occurrence of rape and sexual violence was common during the conflict, and the consequences remain with the survivors today.

9. Women as actors

9.1 Women's involvement in the conflict

Women survived and suffered a range of violations and challenges due to the conflict and the circumstances it created. TRC found that all perpetrators of violations provided in statements were male. Women, however, also contributed to the conflict in several ways. Many women believed in the causes their husbands and sons were advocating, and supported their male relatives in their conflict-related activities, believing they would bring justice and peace. Some women encouraged men to fight, supported their militancy-related activities, and at times fuelled the conflict through gossip.¹¹² A few women assisted in safeguarding or transporting guns or money.

While some women were coerced into supporting their male relatives and partners during the conflict, others did so because they cared for their loved ones, and believed in the cause for which they were fighting:

At one stage they made a public announcement at the Malu'u market, requesting people to help the MEF men who were fighting with the Guale militants. Mothers especially helped in

¹¹² Annalise Moser: *Peace and Conflict Gender Analysis*; op. cit., p. 4.

giving potatoes and cash for the MEF group. I was there but I did not give anything. At that time, I believe women pledged their support simply because of fear; they did this simply because of fear.

‘M’, Auki

Women took care of and fed their sons, brothers, husbands and fathers whom they saw as providing them with security and defending their rights through conflict-related activities:

Yes, we had to feed them [the militants] because they were our close relatives, it would not be in our interest to see them go hungry. We were happy that someone was standing up for Guadalcanal at that time. We prayed together each morning and evening, we prayed for the militants and for the people of Solomon Islands so that we could achieve peace quickly.

‘A’, Visale

Some women reportedly supported their sons in the conflict, as it was the first time their sons had brought them money or material goods – gained through illegal activity. A women’s leader in Honiara told of how some women were thankful for the items they received:

During the visit a lot of the mothers said they liked the ethnic tension – because that was the first time their sons had ever sent them anything. We were in a prayer and the women admittedly thanked God for the ethnic tension because during that course their sons would send them money and material things – things they never gave to their parents before. Their sons sent them things like money, copper roofing iron and other valuable items. All these were stolen and looted in Honiara.

Women’s leader, closed hearing

Some women reportedly stayed with the militants for protection, and some young women formed relationships with militants, attracted to their status and lifestyle. Women were also reportedly used as spies, either willingly, for money, or by coercion.¹¹³

9.2 Women for Peace

Historically, women in Solomon Islands have been active participants in traditional conflict resolution and peacemaking (see section 3.2). During the tension, women and women’s groups provided essential support to each other in informal, semi-formal and formal spheres. With “God in one hand, and culture and tradition in the other,”¹¹⁴ women utilized their gendered positions to intervene, mediate and protect others in an increasingly hostile environment. Through their participation in civil society and church organizations, and in their gendered family roles as mothers, women displayed courage, agency and leadership skills in approaching militants and national leaders, praying and advocating for peace.

¹¹³ Women’s submission, p. 35.

¹¹⁴ Ruth Liloqua, TRC closed hearing.

Women reached out to one another across “ethnic” divides to provide resources to each other, and in so doing, built trust amongst each other.

Let's Live in Peace

We talk about peace but yet we kill
We talk about love but yet we hate
Loved ones are dying on a nearby street
Mothers are crying painfully
My husband, my son, I love you
Stop the fighting, stop the hatred
Let's live in peace

We talk about unity but yet we separate
We talk about cultures but we don't live them
Children are crying
My parents, my leaders,
Stop the selfishness, stop the pride
Let's humble ourselves and live in peace

We talk about development
But yet we destroy
Our children call for peace, but nobody listens
To live in peace, depends on each individual
It's you and me. To listen to the cry
Of our young children. No more guns!
Don't spoil our future. We want peace

To live in peace is to break the barriers
That hinder us from our differences
So let us unite
Between nations
Races
Cultures
Churches
We are all different but one people
So let's live in peace.

To live in peace is to accept the struggles
Of our uncertainties
By understanding the rights and dignity
Of each person
In order to maintain good relationships
Among our people
So let's work for peace.

A call for peace is a call for change
Young people raise your voices
Make a change today
The future is in your hands

To make a change
Is to forget the past
Accept the present and work for the future.
Where our people will live in unity, peace and harmony.

Written by Maria Gorreti Marion, unpublished.

Through a range of organizations, affiliations and informal groups, women initiated actions for peace in their communities. Civil society organizations played a key role in diffusing the conflict through advocacy, service delivery, mobilizing against militant elements, actively engaging in peace and reconciliation and promoting good governance.¹¹⁵ Women's groups were integral to the civil society network, further strengthening as they mobilized to support each other.

Orders of sisters of various church denominations held a privileged position even amongst other church representatives. Sometimes Sisters were allowed past the checkpoints around Honiara while the Brothers were not. Making use of this access, Sisters supported affected families in their areas by assisting with transport, access to essential items from town, and by mediating between the two militant groups:

I was at our headquarters during that period doing my training to be a sister. At that time we were between the two warring factions, the Isatabu Freedom Fighters and on the other side of the Alligator Bridge were the MEF group.

During that period we were the mediator between the groups. One day our head sister instructed the sisters to go and dig up cassava and give it to the militants. It was simply to show our love towards the two warring factions, and we tried to talk them into making peace with their rivals. We shared a lot of good news and Bible sessions with them.

Sister Lilian Mary, Auki.

Later on I came back to Honiara and with the DMI sisters we decided that we must go to the boys and talk to them. As soon as they saw the Sisters they listened to us. Boys from both islands – Guadalcanal and Malaita. The Sisters helped to calm the boys and later on the women decided to get together.

Sister Juliana, Visale

Gathering under a national women's body, *Women for Peace*, religious sisters of the Catholic Church and Church of Melanesia, grassroots women, and women leaders, of all ages and denominations, mobilized to support each other and develop a strategy to organize and plan their contributions to the peace process. As many families fled Honiara to the provinces to

¹¹⁵ Pacific Island Forum Secretariat: "Social Impact Assessment of Peace Restoration Initiatives in Solomon Islands", March 2004, p 36.

escape the worsening situation, women who remained in town were eager to encourage the militants to “start to talk”:

For me, during the tensions, every day I was afraid. . . . That’s why I really wanted to work with women for doing peace.

‘L’, Honiara.

Referring to cultural traditions of women as mediators, Christian principles, and their roles as mothers, the women found that despite the escalating fighting at the time, the militants and members of the Government afforded them a level of respect. Women for Peace committed themselves to working with traditional leaders, churches, community organizations, militant groups, the national government, and the international community. They approached leaders such as politicians and the Governor General, and visited the bunkers of militants from both sides, asking them to lay down their arms.

On 19 May 2000, the Women for Peace held a roundtable conference in Honiara which produced a “Women’s Communiqué on Peace”. In the Preamble to this document, the women stated:

We women of Solomon Islands have come together in unity and with one voice in pursuit of lasting peace. We come together in recognition of women and children’s suffering, fear and hardship arising from this ethnic tension.¹¹⁶

The document outlined the group’s intention to foster discussion and support within the communities affected by the tension in order to develop a practical and meaningful response from those advocating for peace. They outlined activities they would undertake constructively to contribute to the peace process and recommendations to the Government to address their concerns. Their overall objective was actively and effectively to support and encourage women’s initiatives at all levels, in the search for a peaceful solution to the escalating crisis.¹¹⁷ To achieve their objectives, Women for Peace members were involved in a variety of activities.

Taking a neutral stand towards the militant groups, women endeavoured to build trust and confidence with militants and their leaders and encouraged the different groups to come together and discuss their concerns and issues in negotiating talks. Women approached militants, spoke to them in their languages, and shared with them food and prayers:

¹¹⁶ Women’s Round Table Conference Communiqué, 19 May, 2000, p.1

¹¹⁷ Alice Pollard: “Resolving Conflict in the Solomon Islands: The Women for Peace Approach”, in *Development Bulletin*, Issue 53, 2000, p. 44.

They had the feeling that we were concerned about them and that they should lay down their weapons so that peace could be achieved. We prayed lots of times with them and we asked people from town to give us food so that we could distribute it to them.

Sister Juliana, Visale

Women also visited displaced groups in Honiara, sharing essential resources, encouragement and prayers. The Catholic Sisters organized a basket exchange for women in Honiara to exchange essential items from town with fresh produce from women outside the capital. A basket from Honiara would contain items such as rice, tinned fish, noodles, soap, kerosene, matches, salt and sugar, while a basket from Guadalcanal province contained food such as potatoes, cassava, vegetables, fruits and betel nut.¹¹⁸ While the exchange served a practical purpose for women to acquire items they otherwise could not get, the exchange also fostered trust building between the women of Honiara and the women of Guadalcanal.

Women approached government leaders, sharing women's issues and concerns, and emphasized the need for politicians to be united and work together. They held weekly prayer meetings, attended forums and conferences, gathered donations from themselves and the community to distribute to displaced families, and wore distinctive uniforms in the national colors.¹¹⁹ Women conducted provincial tours in Guadalcanal and Malaita, and emphasized the importance of rehabilitation of militants to reintegrate them back into their communities.¹²⁰

They also liaised with other women in Guadalcanal and Malaita who were working for peace. Other women's groups, such as Guadalcanal Women for Peace,¹²¹ women's prayer groups in Malaita, and Westside Women for Peace also advocated that militants lay down their arms. Claudetta Lilau, the Chairwoman of Tanaghai Parish during the height of the tension, told the Commission at the public hearing for women about women's actions for peace in her area. In June 2000, women from Tamboko walked to Kakabona, meeting more women there, and together they approached MEF militants at their bunkers at White River"

When we got to the bunker one of the Commanders asked the militants to put their guns down, so the militants did and we prayed and shared God's word together. After the prayer,

¹¹⁸ Alice Pollard: "The Women for Peace. Analysis and Approach", *op. cit.*, p. 12.

¹¹⁹ Alice Pollard: "Resolving Conflict in the Solomon Islands", *op. cit.*, p. 45.

¹²⁰ Alice Pollard: "The Women for Peace. Analysis and Approach", *op. cit.*, p. 12.

¹²¹ See Dalcy Tovosia Paina: "Peacemaking in Solomon Islands", *op. cit.*, for further details of this group.

the Commander thanked us and we shook hands. We were all very emotional and cried. . . . The MEF militants assured us that we could come to town to do our shopping and even go to the market.

Claudetta Lilau, TRC public hearing for Women in Honiara, 26/11/2010.

After passing through the bunkers and praying with the militants, the women also prayed with the women in White River:

The women came and prayed with us at White River. Those women came and made peace with us first. They brought with them coconuts, betel nuts and leaves as part of our culture. It was not easy to say prayers during those times because we were surrounded by militants.

Alice B, Honiara

Women in Visale also told of a powerful peace demonstration women in their parish held when Harold Keke and Joseph Sangu were staying nearby at Vila. Around 200 women gathered and approached the militants to express their views and pray with them:

We told them that we suffered very much and we did not feel free about what was going on; they understood what we told them and they accepted it; that's why they left the area and went away to another location.

'M', Visale

The mothers wanted to sit together so that we could plan something out that we could present to the militants. We discussed with the militants and they accepted a date and time that we could see them. That time the militants were based at Vila and the women on both sides decided to march so that we could meet at Vila. The mothers went to the militants at Vila and talked to them about peace so as to cool them down. When we talked to them they were emotional and they told us that without the mothers they would find it hard to settle down.

They did not react aggressively but kept quiet and accepted the group of women. We prayed together with them and we had a meal with them. They also acknowledged our presence and said that they were going to settle down.

'A', Visale

Following this demonstration, Harold Keke allowed the women increased freedom of movement to access the market at Tabalia at the Melanesian Brotherhood. This allowed them to produce a small income by selling fish, pudding and garden products.

These actions for peace were conducted during the height of the conflict in often hostile and intimidating conditions. Many women told the Commission how they feared for their safety and lives when pursuing their work for peace. One woman told the Commission of a time she visited Mt. Austin with some Sisters to deliver essential items to women there:

We took firewood and went to Mt. Austen, to take some things there. I know those people at Mt. Austin very well. So when they went through hardships, I was sorry for them. So I had to go through. They [militants] put a gun to my head. The man that did it knew me. Because I was hiding food, rice, soap, panadol, medicine. . . . They came and poured petrol around my truck, saying we could be spies or passing on secrets to others. So I said, "We are simple

women coming to help the women and children. Your problem is a fight amongst yourselves. It's a fight between men, not women. Can you let us through?"

The Sisters in the car kept praying and I spoke, "I am a woman from Isabel, not connected to the Gualaes. It's like when your mothers and sisters and children are suffering. Do you not suffer too? Are you not sorry? Same with the people up there. The fight is between the men, not the women, so please let us through."

"L", Honiara

Recruited on a trial basis in 2001, some women were also involved in the work of the Peace Monitoring Council (PMC). In these roles they encouraged the surrendering of guns, gave awareness talks about the PMC and the TPA, and manned the monitoring posts situated around Guadalcanal. A review of their participation attested to their important and valuable contribution and encouraged further official involvement of women in formal peace work. Women were reportedly perceived as neutral, were respected for the work that women had conducted with militants outside of the official peace processes such as sharing food and praying with them, and were influential both as mothers and as leaders.¹²²

As mothers, sisters or daughters, women monitors will know how to deal with ex-militants or criminals. They have the ability and boldness to express the difficulties women and children faced during the tensions, and influence those in possession of guns to surrender them and return back to normal life

Nancy D. Kwalea and Selina Aleziru: "Review of Women Field Monitors", p. 12.

Women and men played important roles in mediation and peace building during the tension. Drawing from their gendered roles in society, men's roles were primarily associated with decision-making and formal representation. Women's roles were associated with rebuilding social capital such through counselling, improving relationships between former enemies, healing, promoting peace awareness, praying for peace and exchanging gifts with other women's organizations.¹²³ Women's general exclusion from formal decision-making resulted in their work for peace being located and influential in the domain in which they had access and held influence – in the home and the community, as mothers and caregivers. This location of power and influence proved to be an effective feature of women's peace building work, as it occurred directly on the level that the violence was taking place and, therefore, where it was needed most.

Creating peace is a complex act which extends beyond the cessation of armed violence. It involves rebuilding trust, addressing underlying issues non-violently and reconciling with

¹²² Nancy D. Kwalea and Selina Aleziru: "Review of Women Field Monitors", *op. cit.*, p. 8.

¹²³ Annalise Moser: *Peace and Conflict Gender Analysis*; *op. cit.*, p. 6.

one's self, family, community, and others. Women's actions to create peace demonstrated skill, leadership and agency as they built trust amongst their own networks, and together courageously overcame fear to approach armed militants and national leaders. Women utilized their gendered and culturally constructed roles and their presence in the informal and grassroots sectors of society effectively and meaningfully to create trust and peace in their communities.

10. Aftermath

10.1 Trauma

The experiences of many women during the tension were typified by exceptionally high levels of fear, accompanied with decreased or absent security. Very few mechanisms existed to protect women, youth and children from becoming victims or to address their needs. This absence had subsequent consequences for victims of crimes who later had little or no access to formal justice, psycho-social support, counselling or debriefing, resulting in a high level of trauma which clearly remains with many women today.

The psycho-social impact of the trauma experienced during the tension is not confined to victims or witnesses of violations and horrors alone. People throughout the country experienced severe disruptions to social norms. In addition to experiencing direct violations, losing loved ones, and seeing the social fabric of their country disintegrate, Solomon Islanders' own sense of personal security and confidence in the future was undermined and instilled with fear.¹²⁴

As mothers, women worried for the safety of their sons who were involved with militant activities, often far away from their homes. Fear was internalized and continued to affect them in the post-conflict period:

Some of those women had trauma because of their sons who went to join the conflict and they were wondering whether they would return home again. That's one of the worries of the mothers at that time because they did not know whether their sons would ever return home.

Sister Juliana, Visale

For women, the suffering was much more severe than over matters of violence alone. They were more worried over their own children and whom they should trust. It was over security issues. They were worried about their sons who were not there with them during that period.

Ruth Liloqula, TRC closed hearing.

The constraints on fulfilling gender obligations created guilt for women which became a further burden to shoulder. Women suffered from increased stress, grief, mourning, sleeplessness and depression. Living in fear for substantial lengths of time, women remained alert and ready to flee. The constant state of arousal and fear has affected their lives until today, and some say, their unborn children and small children at the time:

For me I was affected because I was pregnant with my twin daughters. During the course of my pregnancy people discharged firearms around our residences. As a result I noticed that it

¹²⁴ UNICEF: *Solomon Islands, op. cit.*, p. 6.

affected my twin daughters. They are very sensitive and would always react to any loud noise uncontrollably.

‘P’, Auki

At the time when Harold was here some of the women they got pregnant. And when the women gave birth, these children are now traumatized and this is because when they were still in their mother’s belly the mothers who were pregnant heard gunshots and they got pressured. And this affected the growth of the children.

‘B’, Weather Coast

The stress and trauma experienced during the conflict continues to manifest itself in people’s behavior and mental health today, and communities have continually requested support and services to address the ill effects. Many women today remain traumatized, and note the need for support services in their communities:

What happened to us cannot be forgotten; it is still fresh in our mind and this is the first time for me to speak out openly on what happened to us. . . . It is evident that my children are still traumatized over what happened when residing at Tangarare; whenever we hear a sudden loud noise, it shivers down to our spine, it causes us to become more afraid. Our children would always tremble and cry whenever they hear men shouting around the village area. Fear is still in us until today

‘M’, Malaita

10.2 Women’s exclusion from formal peace building processes

Women played a powerful and meaningful role creating peace in the tensions. They evoked cultural and historical gender constructions to advocate for and build a culture of peace in society, often referring to their roles as mothers, their cultural heritage as mediators, and Christian faith.

Women’s active participation in the peace, reconciliation and post-conflict reconstruction period, starting with peace negotiations, is critical for bringing about lasting and fundamental change in post-conflict societies.¹²⁵ The importance of women’s inclusion in peace processes is enshrined in UNSCR 1325, to which Solomon Islands is a signatory. However, despite women’s contributions to peacemaking during the tension, they were largely excluded from participating in the official peace process, and continue to remain mostly excluded from political decision-making at the national level in the post conflict context.¹²⁶ No women were included in the Townsville peace talks that produced the TPA and no women have been elected to Parliament since the conflict: “While there is political support for the efforts of

¹²⁵ UN Women: *2011-2012 Progress*, *op. cit.*, p. 100.

¹²⁶ Helen Leslie and Selina Boso: “Gender-related violence”, *op. cit.*, p. 329.

women, this has not been translated into practical action to allow for their participation, which partially results from the stereotyping of men and women and the lack of acceptance of all people and their contribution towards peace being equally deserving.”¹²⁷

Conflict can offer the potential for the transformation of women’s roles in society. As men were increasingly absent due to their involvement in conflict-related activities, women took on roles outside of their traditional responsibilities, challenging the traditional gender-based division of labor. A few women noted the changes in gender dynamics in communities since the conflict in a positive way. Some women experienced increased status and empowerment resulting from the responsibilities they held during the conflict. For some women empowerment resulted in increased confidence to participate in community affairs and public life:

Before the tension, the women in our community did not come out in the open. During those times, only men have the power to speak out in the public, women could not do that due to culture reasons. This time during meetings or public talks, women can contribute and men give their support to whatever they said in terms of planning for the work of the community. After the tension we also formed a women’s group to assist in community activities or church activities. We have a few women elected as members of our parish. Now whatever the same responsibilities held by men in the past can be shared by women.

Marasa Focus Group participant

Women assumed elevated positions within the home as solely female-headed households increased, and, as discussed above, women acted with courage and agency to be leaders and mediators in their quest for peace.

The under-representation of women in decision-making bodies, however, means that their experiences during conflict are rarely credited and their social gains rarely endure into the post-conflict phase.¹²⁸ While the disruption to the status quo allowed space for issues of concern to women to be raised and advocated for by some organizations, women have been largely excluded from the formal post-conflict reconstruction process.

Parties to peace are not the same as parties to conflict. Peace building and reconciliation must be inclusive of all sectors of society with an interest in peace, including men and women. They are all stakeholders to the process and their active participation is required for lasting and meaningful change.

¹²⁷ Alice Pollard: “Resolving Conflict in the Solomon Islands”, *op. cit.*, pp. 44-45.

¹²⁸ Medina Haeri and Nadine Puechguirbal: “From helplessness to agency”, *op. cit.*, p. 108.

11. Conclusions

Essentialist paradigms often present narrow depictions of women's experiences during conflict as either "women as victims" or "women as peacemakers". What has been shown to be true, however, is that women's experiences of conflict are diverse and complex. Women coped with the conflict by adopting multiple and multifaceted roles and taking on new responsibilities. During the tension in Solomon Islands, women faced a myriad of hardships and challenges. They showed a remarkable capacity to adapt to these circumstances, changing the way they lived their lives to continue their roles and ensure the safety and well-being of their families.

As illustrated by the above discussion, women assumed a range of roles during the conflict in an effort to support their families, care for their relatives and communities and to promote peace. In addition to the productive roles regularly undertaken in the family before the conflict, such as producing food gardens and income generation, many women took on additional roles to provide for their families. Households headed by women alone increased as families were displaced and men joined militant groups, followed employment opportunities, left their wives for other women or died in the conflict. Women engaged in work typically done by men and developed new methods of generating income.¹²⁹ Some women engaged in prostitution for money, some by choice, others forced to do so by militants. Food and money that women obtained during this time were used to support the family or to provide compensation to ensure the safety of others.

Women also continued to undertake reproductive roles in the family as they did before the conflict, albeit under more difficult circumstances and while facing considerable challenges. These roles broadened to include community and social welfare responsibilities. Women continued to bear and look after children, care for the elderly, sick and injured, and maintain domestic duties. Drawing strength from *kastom*, their traditional roles and Christianity, women played significant roles in creating peace, reaching out to militants, victims and each other.

Women survived displacement, killings, property violations, torture and ill-treatment, abduction and sexual violence. The trauma and ongoing consequences from these experiences continue to affect many women today. While peace agreements may stop public forms of violence, killing and destruction which occurred during the conflict, "crimes against

¹²⁹ Annalise Moser: *Peace and Conflict Gender Analysis*, op. cit., p. 4.

women often do not stop when the guns fall silent.”¹³⁰ Post-conflict contexts are often characterized by ongoing and sometimes increased levels of violence and insecurity for women.¹³¹ The widespread occurrence of rape and sexual violence has continuing ramifications for victims and survivors, particularly where children were born as a result.

The findings of the Commission confirm that the patterns of gender-based human rights violations and the impact these violations had on women are rooted in existing gendered social roles and inequalities in Solomon Islands. Therefore, even when men and women experienced the same violations, they were affected differently. In addition to shared experiences of violations, women were also targets of gender-specific crimes such as domestic and sexual violence and rape. It was also found that many of the consequences of the conflict became primary threats to women’s safety, health and well-being – such as lack of medical facilities for pregnant and delivering mothers and sexual violence survivors, absence of security or police-protection for victims of crimes, and unsafe public areas restricting women’s movement to gardens or other food sources.

These findings mean that to address the impacts and consequences of the conflict for women, the root causes of their experiences, such as their pre-existing lower status in society compared to men, must also be addressed for lasting changes and peace to occur. Women’s experiences during conflict offer potential for social transformation by challenging the traditional gender-based division of labor.¹³² With women heading households, they took on a number of roles usually assumed by men, such as heavy work in the garden and preparation of building materials. These tasks, however, were taken on in addition to the regular demands of women’s roles and responsibilities. So while women assumed greater responsibilities and took on tasks in addition to their traditional roles, these new responsibilities did not necessarily result in increased gender equality. Women’s role in peace building helped dissolve some of the barriers to their involvement in public life, however, without representation in decision-making bodies, this new role did not transform into decision-making and representation roles in the post-conflict context.¹³³

¹³⁰ UN Women: *2011-2012 Progress, op. cit.*, p. 84.

¹³¹ Ibid.

¹³² Medina Haeri and Nadine Puechguirbal: “From helplessness to agency”, *op. cit.*, p. 108.

¹³³ Jennifer Corrin: *Ples Bilong Mere: Law, Gender and Peace-Building in Solomon Islands*, in *Feminist Legal Studies* N° 16, 2008, p. 170.

Before the conflict, Solomon Islands had a fairly strong women's movement dedicated to addressing women's rights and violence against women. The gains made were virtually wiped out by the conflict and the circumstances it created.¹³⁴ The disruption of the conflict, however, did create space for women's organizations to mobilise and advocate on issues of importance and concern to them since the tension, such as domestic violence and women's representation in Parliament. Women's groups and civil society organizations, such as the Family Support Center, Christian Care Center, SICA Federation of Women, Caritas trauma counsellors, Vois Blong Mere, and the National Council of Women, all play a role in working towards women's rights and a change in community attitudes towards violence against women.

Conflict and post-conflict offer opportunity for transformation of social systems which perpetuate gender inequalities. These inequalities must be addressed so that women and girls in Solomon Islands do not experience the vulnerability and risk they encountered during the tension again. For society to be reconciled, repaired and transformed following conflict, it is critical that the role of gender in shaping conflict dynamics (before, during and after) is recognized, documented and understood. The massive social disruption, violations and displacements which occur during conflict have particular impacts for women due to their gendered roles and status in society, and the consequences of these experiences need to be addressed with sensitivity, commitment and importance.

¹³⁴ AusAID: *Violence against Women in Melanesia and East Timor*, op. cit., p. 133.

5.2. CHILDREN

*Children are both our reason to struggle to eliminate the worst aspects of armed conflict and our best hope of succeeding in that charge.*¹³⁵

1. Introduction

This chapter recapitulates the experiences of children caught within the armed conflict, as mandated by section 5(2) (c) of the TRC Act 2008. It is based on the review of some studies on children and youth in Solomon Islands and other relevant texts on children and violent conflicts.¹³⁶ Another important source is the public hearing for the youth of Solomon Islands organized by the TRC in November 2010. In addition, the research unit carried out eight focus group interviews on Guadalcanal and Malaita with men and women who were under 18 years of age during the tension years. Half of them collaborated with former militants and, according to the prevailing definitions in international humanitarian law, served as “child soldiers”. Another four focus group interviews were held with children who are currently between 17 and 20 years old. Finally, the statements gathered by the TRC are relevant for the experiences of children during the conflict.

¹³⁵ Graça Machel: *Impact of armed conflict on children*. Report of the expert of the Secretary-General, Ms. Graça Machel, submitted pursuant to General Assembly resolution 48/157, 1996. Available at: <http://www.unhcr.ch/huridocda/huridoca.nsf/%28Symbol%29/A.51.306.En?Opendocument>; date of access 25/08/2011.

¹³⁶ Christine Jourdan: *Youth and mental health in Solomon Islands: a situation analysis*. Suva, Fiji: Foundation of the Peoples of the South Pacific International, 2008; available at: http://www.fsfi.org.fj/index.php/publications-a-resources/doc_download/34-solomon-islands-youth-and-mental-health-analysis-situation-analysis-march-08.html; date of access 15/09/2011;

Hassall and Associates International: *Youth in Solomon Islands*; unpublished report commissioned by AusAid, 2003; available at: http://www.ausaid.gov.au/publications/pubout.cfm?ID=4887_6009_597_3136_2251; date of access 15/09/2011;

UNICEF: *Solomon Islands. A situation analysis of children, women and youth*. Suva, Fiji, UNICEF Pacific Office, 2005; available at: http://www.unicef.org/pacificislands/Solomon_Island_Sitan_Latest_pdf.pdf; date of access 15/09/2011;

UNDP, Pacific Center: *Urban Youth in the Pacific. Chapter 6: Honiara*. Solomon Islands. Suva, Fiji: UNDP, Pacific Island Secretariat, UNFPA, ILO, UNICEF and others, 2011.

Available at http://www.undppc.org.fj/resources/article/files/UrbanYouth_in_the_Pacific.pdf; date of access 15/10/2011.

2. The legal framework to protect children in armed conflicts

The United Nations Convention on the Rights of the Child (CRC), which was ratified by Solomon Islands on 10 April 1995, defines a child as “a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier” (Article 1).¹³⁷ According to this definition, half of Solomon Islands’ population were still children in 1999 when the tension got under way.¹³⁸

There is a significant body of international laws and standards for the protection of children. The 1977 Additional Protocols I & II to the 1949 Geneva Conventions relate to the protection of victims of international and non-international armed conflict, and include specific articles referring to children. For example, Additional Protocol I, Article 77 (Protection of Children) states that “parties to the conflict shall take all feasible measures in order that children who have not attained the age of 15 years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces.”¹³⁹ Additional Protocol II, covering the majority of conflicts and wars, formulates the above more firmly in Article 4 (Fundamental guarantees) in stating that “children who have not attained the age of 15 years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.”

The Rome Statute of the International Criminal Court (ICC), which was signed by Solomon Islands on 3 December 1998 but has not yet been ratified, defines conscripting or enlisting children under the age of 15 years into the national armed forces or actively using them in hostilities as a war crime when committed in either an international or non-international armed conflict (Article 8).

The International Labor Organization (ILO) Convention 182, which came into force in November 2000, defines a child as any person under the age of 18 (Article 2) and includes forced or compulsory recruitment of children for use in armed conflict among the worst forms of child labor (Article 3).

¹³⁷ The 1978 Solomon Islands Constitution is consistent with the CRC and defines a ‘child’ also as up to 18 years. The so-called “Straight 18” position is not without problems because of its western roots, while “for the rest of the world, however, it is by no means clear that that all persons under age eighteen are or even should be deemed children” (David M. Rosen: *Armies of the Young. Child Soldiers in War and Terrorism*. New Brunswick, New Jersey and London: Rutgers University Press, 2005, p. 3). Sociological flaws apart, the “Straight 18” position should be understood as a *political* course of action that tries to keep out from armed conflict as many young people as possible.

¹³⁸ The National Census of 1999 reports 207,149 persons out of a total population of 409,042, that is, 50.6 percent, that were between 0 and 18 years old.

¹³⁹ In Solomon Islands there are no armed forces. According to the Police Act, “no person shall be enlisted in the Force unless . . . he is of or above the age of eighteen years and under the age of twenty-eight years”.

The 1989 UN Convention on the Rights of the Child is the most widely signed and ratified convention ever, and it lays out the civil, political, economic, social, and cultural human rights of children. Three articles are of particular relevance to situations of armed conflict: Article 38 (Armed conflicts); Article 39 (Rehabilitative care); and Article 40 (Administration of juvenile justice). Article 38 refers to the obligations of state parties under international humanitarian law with respect to children in situations of armed conflict. It marks 15 years as the cut-off point for lawful armed recruitment and participation in hostilities. Article 39 states that “state parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of . . . armed conflict.” Article 40 is of particular relevance where children have been involved in, for instance, acts of atrocities. It asks state parties “to recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law . . . to take into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.”

The CRC was strengthened with the Optional Protocol to the CRC on the involvement of children in armed conflict, which came into force in 2002. While under the CRC, recruitment into armed forces or direct participation in hostilities is prohibited for children under age 15, the Optional Protocol on the involvement of children in armed conflict increases the minimum age to 18 years (Articles 1 and 2) and extends the prohibition of both voluntary and coercive recruitment of children to “armed groups distinct from the armed forces of a State” (Article 4).¹⁴⁰ The Optional Protocol was signed by Solomon Islands on 24 September 2009, but has not yet been ratified.¹⁴¹

In Solomon Islands, no national law has been enacted so far to protect children from their involvement in armed conflict.¹⁴²

¹⁴⁰ Promoting the ratification of the Optional Protocol to enhance child protection in armed conflict is part of the respective mandates of the Special Representative of the Secretary-General on Children and Armed Conflict (SRSG-CAAC), UNICEF and the Office of the High Commissioner for Human Rights (OHCHR). On the occasion of the tenth anniversary of the Optional Protocol’s adoption (2010), the Office of the SRSG-CAAC launched a two-year global campaign called “Zero under 18” to promote the Optional Protocol’s universal ratification by the tenth anniversary of its entry into force (2012).

¹⁴¹ Status as at 10/09/2011; see: http://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11-b&chapter=4&lang=en; date of access 17/09/2011.

¹⁴² Coalition to Stop the Use of Child Soldiers: *Child Soldiers Global Report 2008*, p. 305; available at: <http://www.child-soldiers.org/library/global-reports>; date of access 01/09/2011.

3. Children as victims

Children are the most vulnerable to the effects of violent conflict for a number of reasons and in a number of different ways. A UNICEF report notes that:

Children in armed conflict routinely experience emotionally and psychologically painful events such as the violent death of a parent or close relative; separation from family; witnessing loved ones killed or being tortured; displacement from home or country; exposure to combat; shelling and other life threatening situations; acts of abuse such as being abducted; arrested; held in detention; raped; tortured; disruption of school routines and community life; destitution and uncertain future.¹⁴³

Many of these issues apply to the conflict in Solomon Islands. Notwithstanding the voluminous legal apparatus related to international humanitarian law outlined in the previous subchapter, neither the Solomon Island Government nor the militant groups were concerned about protecting children from the impact of violence. Child protection was simply not a priority.

On 26 May 2003, Solomon Islands presented its initial CRC Implementation Report to the Committee on the Rights of the Child (required under article 4 of the CRC) in Geneva, Switzerland. The Head of Delegation, Dennie Iniakwala, outlined the impact of the conflict on children in the report presentation speech as follows:

Many of the programs and initiatives undertaken to implement the obligations under the convention, along with other social services initiatives, were put off or given less priority as the government diverted resources and all efforts to address the deteriorating law and order issues and restoration of peace and justice.

The socio-economic impact of the conflict is far reaching in terms of lack of funding support for social services such as health and education. The country becomes more reliant on the support *from* donor countries and external sources. Non-payment of salary and wages of public servants, including health workers and teachers for long periods, leads to disruption of these services. Lack of funding also leads to shortages of basic medical supplies and education facilities a situation where implementation of obligations within the CRC becomes very difficult and impossible.¹⁴⁴

Focusing on the cutting of funds for social services, this presentation took into account only the *indirect* impact of the tension on children. While this was without doubt an important point (see chapter 6.2 on the impact of the tension on health and education), it barely touched on the range of emotional and mental pain and the direct, often violent physical abuse, and in extreme cases even death, minors suffered.

¹⁴³ http://www.essex.ac.uk/armedcon/story_id/000483.html; date of access 15/09/2011.

¹⁴⁴ <http://www.ohchr.org/EN/HRBodies/CRC/Documents/statement/ds-solomonislands-1.pdf>; date of access 24/10/2011.

A three-year-old boy was killed when Guadalcanal militants opened fire on a truck whose passengers were travelling to the market in Honiara (Statement N° 0005). In Marau, three teenagers were killed in an act of retaliation by members of the Marau Eagle Force (see chapter 3.2.4).

Children were also victims of ill-treatment by armed groups, including the RSIPF. This happened, for example, in mid-1999 when the GRA assaulted Tangarare School with the aim of evicting Malaitan students:

It was in 1999 and I was doing my studies at Tangarare School. It was about the month of June when the GRA came to the school. They came for the students from Malaita and they came to chase them. They asked us where the students from Malaita were and we were very scared and told them that they were sleeping at the dormitory in the middle. They then went there and some of the boys jumped through the window. They managed to catch two of them. They led them to the clinic area and they bashed them and whipped them and butted them with the back of the gun. They punched them badly and they took off their clothes. They were naked and they still whipped them and bashed them. One of the men who was holding one of the students let him free and he ran away to the Catholic sisters' mission place and the sisters gave him clothes; but the militants saw him and punched them again until they were unconscious. When the militants left we washed their bodies as they were covered with blood then the school principal came and told us to leave. The next morning we tried to find transport to our village.

Statement N° 0234

Children who were suspected of being “spears” for the MEF were not spared the inhumane penalty:

I was also threatened by the GRA militants. They said that I was a spy for the MEF. I was tied to a tree for three days. I was released after three days.

Testimony of ‘GH’, TRC public hearing for Youth, Honiara 22/11/2010

Among the suspected supporters of Harold Keke who were maltreated by former Malaita Eagles on the Joint Operation patrol boat en route to Honiara (see chapter 3.2.2) was a 14-year-old boy who was not only severely beaten but also forced to drink his own urine:

The Joint Operation suspected that we were involved with Harold Keke's group. We did not know anything about Harold Keke because we were just living our normal life at home. They told us that the whole community had to move to Mbiti. When we got to Mbiti they tied us up with only one rope. All the time we were tied up and there were seven of us. They treated us like animals; whenever they had their meals they would throw some food just in front of us. We could not move because we were tied up with a rope. The next morning they started to beat us up again. They beat all of us, and this was the type of beating that would result in death.

The patrol boat was waiting to take us to Honiara. When we got on board they started to beat us up again. I was told to urinate and drink it, if not they would shoot me. I thought of my own life so I had to drink it. Then we got to Rove.

Statement N° 0167

In Choiseul, a 12-year-old boy was first bashed and then abandoned on a raft in the open sea by William Amalo's Lauru Civilian Security Force (see chapter 3.2.5). The same group also sexually humiliated some boys whom they accidentally encountered on their way to school:

One Friday morning I was on my way to school, and when I got half way I thought of picking up some mangoes. I was with my other two brothers and while we were picking mangoes, William Amalo came and asked us to put up our hands. He asked us what time Rev. Leslie Boseto will come around for his campaign. I replied that he was coming around on Sunday to our area. He asked us again if we heard anything about who would be the favorite candidate and I told him that it could be the Rev. Leslie Boseto. He was very cross and he told the other brother to strip off and skin his penis. One of the boys peeled his mango, took the skin and rubbed the other boy's penis with it. . . . [The two boys] could have been eight years old at that time, too. The two boys were afraid so we decided to go back to the house. So we were absent from class that morning.

Statement N° 4670

Police officers were also accused of maltreating children. The officer in the following statement was part of the Joint Operation in the Weather Coast:

The officer asked me once more whether the bag of kumara was meant for my family or for Harold Keke. I honestly told him that the bag of kumara was for my family, some of it had already been cooked by my mother. He then got angry and pointed the gun at me saying that I was telling lies. He turned the butt of the gun and hit me on the head twice. He then turned the gun again and pointed it at my head and said if I did not tell the truth he would shoot me on the head. I just bowed my head and cried.

Statement N° 0738; victim was only 14 years old when the incident happened.

Young, unmarried girls were targets of sexual violence. Under the threat of guns, families were unable to offer protection of their daughters and sisters:

The statement giver was at his village on a day in 2000 when a group of men arrived and demanded the statement giver's sister. They pointed a gun at him and ordered him to release his sister. He tried to rescue his sister but the militants beat him and raped his sister in front of him. They accused her of being a spear for MEF.

Statement N° 0857

One day in year 1999, when I was doing my first year in high school, I was walking home with two other class mates when a truck came and stopped by and pulled my friend into the cab and they took off. I do not know who the men were and where they were heading. She was taken away and raped. There were four occupants inside the truck including the driver.

Testimony of "J", Auki, who was 15 years old at that time

The statement giver was on her way from her village to Turarana village through a short cut road that goes to the school. She was with two other girls. When they reached the school they met about six boys (members of IFM) drinking beer under the trees in the school compound. This was at about 6 p.m. in the evening. On seeing the girls the boys stood up and walked towards them. The three girls fled the scene, running along the bush track. The statement giver fell down. She was grabbed, her clothes torn, and carried into the bush. She was forced at gun point to lie down. She was then raped by all the boys.

Statement N° 1330¹⁴⁵

The above cases of human rights violations against children are just few of the total reported during the statement taking process and the public hearing for youth in November 2010 (see Annex 1: TRC Public Hearings). They might serve as examples for the findings of the UN Study on the Impact of Armed Conflict on Children (the “Machel Report”) that highlighted that children are not just bystanders in armed conflicts, but frequently deliberate targets.¹⁴⁶

However, without minimizing the ruthlessness of those events, TRC research shows that children usually were not targeted *because* they were children, as was the case in rape cases against women. They were treated just like everybody else, without consideration of their particular vulnerability. There were no mechanisms to protect them.

In the overwhelming majority of cases, children were affected as members of a family that suffered a human rights violation. They had to endure the consequences of forced displacement; they had to grow up in poverty when their parents lost all their belongings because their house was burned down; and they became ill with malnutrition when their family had to hide in the bush for months:

In the bush we were afraid and there was no food, we were hungry and we did not have the freedom to move around. Little children were everywhere and they panicked and were sad, hungry and miserable.

Statement N° 0805

However, as was the case with women, the *way* and *intensity* children suffer from violent conflict is different from other members of the family. Children are still developing physically and psychologically and this immaturity renders them vulnerable to trauma that would not hurt adults as badly because they are stronger.¹⁴⁷ When children are involved in hostilities, they may suffer long-lasting psychological damage.¹⁴⁸ This damage does not only come from situations where they were victims of aggression themselves, but also from witnessing acts of unleashed violence, the ill-treatment or, in the worst of cases, even the death of a close relative.

¹⁴⁵ See chapter 5.1 for more statements on sexual violence.

¹⁴⁶ Graça Machel: *Impact of armed conflict on children*, *op. cit.*

¹⁴⁷ James Garbarino and Joseph A. Vorrasi: “Long-Term Effects of War on Children”, in Lester Kurtz (ed.): *Encyclopedia of Violence, Peace and Conflict*, vol. 2. San Diego, London: Academic Press, 1999, p. 350.

¹⁴⁸ Rachel Harvey: *Children and armed conflict. A guide to international humanitarian and human rights law*. Montreal: International Bureau for Children’s Rights, 2003. Kendra E. Dupuy and Krijn Peters: *War and Children. A Reference Handbook*. Santa Barbara, Denver, Oxford: ABC CLIO, 2010, p. 23.

While the impact of the tension in Solomon Islands on mental health is still an enigma (see chapter 6.2), there are more tangible consequences that are deeply engraved in the consciousness of young people. When asked during the focus groups and interviews to reflect about the impact that the tension had on their lives, the overwhelming majority of young adults who had been children during the tension lament the loss of educational opportunities, whether because their school had to close down, or from loss of concentration born out of fear, or because they dropped out of school to join one of the militant groups:

Life was hard during the ethnic tension, no fuel for lighting, no education, no soap for washing, no nothing. Sometimes we had to eat root crops and other food crops too young to be eaten. The impacts are seen today: some of our youths who joined the militants then have no education at all. In fact if you ask around here how many students did reach tertiary studies, they will tell you only two or none at all. We believe that it was because of the ethnic tension that they cannot concentrate well or totally jeopardize their education. Life at this moment is starting to get better and we want this improvement.

Testimony from former IFM militant, West Guadalcanal

After the ethnic tension, we went back to school, but it seemed that the mentality of continuing with our education was no longer there. When we got back to school it was just like we started all over again. It took us time to adjust back to the normal education system and to concentrate with our education. So for us students it really affected us.

Testimony of former IFM militant, Guadalcanal

My parents did not like me to follow the militants but I disobeyed and followed them on my own. Teachers too did not want their students involved in the tension as it will affect our future. I find this true today as I do not do well in my schooling. Today I end up doing nothing at home.

Focus group participation, former MEF militant, Auki

I also regret not completing my schooling. Instead I just followed the militants drinking, smoking, and hanging around with them in their vehicles. During the tension it was good for me to join the boys, but today it is no good for me because I do not have a job or anything to gain money out of.

Focus group participation, former MEF militant, Malu'u

The TRC has collected hundreds of testimonies from focus groups, interviews, public hearings and statements that lament the impact of the tension on educational opportunities.

At the societal level, there has been a deterioration of social behaviour among young people as a long-term result of the conflict, as is seen in the widespread “*masta liu*” phenomenon¹⁴⁹ and the increase of youth gangs.

¹⁴⁹ “Masta liu” is a local term to denominate unemployed boys and young men who hang around the town. See Christine Jourdan: “Masta Liu”, in Vered Amit-Talai and Helena Wulff (eds.): *Youth cultures. A cross-cultural Perspective*. London and New York: Routledge, 1995. The use of drugs and alcohol is common among “masta liu”; see Rolf Kuschel, 'Angikinui Francis T. Takiika and Kiu 'Angiki: “Alcohol and Drug Use in Honiara, Solomon Islands: A Cause for Concern”, in Anthony J. Marsella, Ayda Aukani Austin and

The ethnic tension pushed a lot of young people out from their normal activities. Most got involved in drinking, smoking, and all sorts of criminal activities even today.

Testimony of Darcy Belapit, a youth, TRC public hearing, Honiara 23/11/2011

A number of informants referred to “the gangs” in many settlement areas. These are said to be made up of disaffected “ex-combatants” from the Tensions who were promised much by their leaders at the time of the fighting and have not had their expectations met nor promises fulfilled. They are also said to have no respect for authority, tradition or otherwise, having experienced a degree of power and are now reluctant relinquish that power as they have no education or employment related skills other than their strength and muscle. This large group of disaffected young people from the tensions range in age from mid-teens to early-thirties. It is now ten years on from when these young men were “child soldiers” and young combatants.¹⁵⁰

These examples of social digression lead us to the twilight zone between children as victims and children as perpetrators.

4. “Raskols” and militants: Children as perpetrators

A 2008 World Bank study on the situation of the youth in Solomon Islands makes the following observation about the involvement of young people in the tension:

Young people were heavily involved in the civil conflict, both as victims as well as perpetrators of violence. While most accounts conclude that individual politicians and associated militants were responsible for mobilizing and politicizing (or “ethnicizing”) the violence, a subgroup of youths acted as the foot soldiers in the looting and violence that came to characterize the Tensions. There are signs that political agitators and militants successfully used the Tensions to entrench amongst some young people resentment and grievances against the state; and to foment ethnic tensions amongst different linguist groupings.¹⁵¹

While youth involvement in the tension was strong in general terms, as the World Bank study rightly states, the degree and quality of participation varied according to the region and the moment of the conflict. One common mode of taking part was a “*raskol*”-style of law-breaking activities.¹⁵² This is highlighted in a study of Christine Jourdan on youth and mental health in Solomon Islands:

Many of the guerrillas and thugs who took control of Honiara during those years were young men between the age of 17 and 29. Some joined the fight because of political or cultural convictions while others, who were contacted as part of this study said, that they “enjoyed the

Bruce Grant (eds.): *Social Change and Psychosocial Adaptation in the Pacific Islands. Cultures in Transition*. New York: Springer, 2005, pp. 211-254.

¹⁵⁰ UNICEF: Universal Periodic Review – Human Rights Council: available at: <http://lib.ohchr.org/HRBodies/UPR/Documents/session11/SB/UNICEF-eng.pdf>; date of access 12/10/2011.

¹⁵¹ World Bank: *Solomon Islands Youth in Transition. Summary Note. Key Findings, Options and Recommendations of the Youth Scoping Mission*, 2008, p. 4. Available at: <http://siteresources.worldbank.org/INTEAPREGTOPSOCDEV/Resources/081201WorldBankSolomonIslandsYouthinTransition.pdf>; date of access 29/08/2011.

¹⁵² *Raskol* is a pidgin word deriving from English *rascal*, in use to refer to gang members or criminals in general.

excitement and the power that was now in their hands”; they referred to the fact that they commandeered cars from neighbours and friends and went on joy rides throughout the town and often crashed them; they entered shops owned by *wantoks* and demanded that household goods and food be given to them; they threatened people with guns and rifles and demanded money. Youth gangs, some ethnically based, appeared in areas of the town such as Burns Creek and Fulisango Zion and started to fight each other to establish territories. Marijuana and *kwaso*, the home brewed distilled alcohol made with yeast, became readily available at prices that were lower than that of beer.¹⁵³

Jourdan’s work includes testimonies that give insight into the law and order vacuum that was exploited by unscrupulous and adventurous young men, generating an exacerbation of the “masta liu” phenomenon described by the same author for the years preceding the tension.

“At those times the members of the MEF were dressing in army fatigues and took their guns everywhere. Even in the nightclubs. When you went inside, you saw no one dressed in street clothing; they all were wearing army fatigues. So one night, I thought I would try too. I put fatigues on, took the family car, and I went to the roadblock at Rove. They stopped me; looked inside the car, saw that I was wearing a uniform the opened the gate and let me through. I went to the club, the nightclub and started to drink. I did not pay for my drinks. On the way back, because they recognized me, they waved me through. It was great!”¹⁵⁴

“During the tension, everyone had a car. Whether you worked or not, you had a car, a Hilux. People stole them because no one was complaining. No one complained because there was no policing. Everyone else was in charge of the town, except the police. So one night, my cousin tells me to come with him and his friends. We reached a house and he said: ‘Go in and take the Hilux parked inside the gate.’ But it was the house of one of my mother’s closest friends. So I was hesitant, I did not want to do it. My cousin and the other guys said that I had to do it. So I told them: ‘Okay! If I go and take it, I am the one who keeps it and drives it, not you.’ I went to the front door, knocked on the door and the women opened. She recognized me and I asked her about the Hilux. ‘It belongs to a man from Guale,’ she said. I told her: ‘OK, I am taking the car, because otherwise some else might steal it.’ Her daughter gave me the keys and I drove off. I kept it for a few months and drove it everywhere, especially to go drink in the clubs. One day, another cousin came to borrow the Hilux. He was drinking and went into a ditch in Lengakiki. The car was totalled. When he came to tell me about it, I said: ‘Don’t worry, we have not paid for it, we just took it.’”¹⁵⁵

While the young men quoted by Jourdan acted autonomously as a sort of “free riders” who took advantage of a situation that had gone out of control, another mode of involvement was participation in one of the militant groups.

Young people caught up in a militant group are usually referred to as “child soldiers”. The definition that is most widely accepted is the one found in UNICEF’s 1997 Cape Town Principles which defines a child soldier as “any person under 18 years of age who is part of

¹⁵³ Christine Jourdan: *Youth and mental health in Solomon Islands: a situation analysis*. Suva, Fiji: Foundation of the Peoples of the South Pacific International, 2008, p. 18.

¹⁵⁴ Young male, Fulisonga, quoted in Jourdan: *Youth and mental health*, *op. cit.*, p. 18

¹⁵⁵ Young male, Koa Hill, quoted in Jourdan: *Youth and mental health*, *op. cit.*, p. 18-19.

any kind of regular or irregular armed force or armed group in any capacity.”¹⁵⁶ Similarly, the Coalition to Stop the Use of Child Soldiers defines a child soldier as “any person under 18 years of age who is a member of or attached to the armed forces or an armed group, whether or not there is an armed conflict.”¹⁵⁷ It is important to note that these definitions do not only refer to children who carried a weapon, but also to children who worked as cooks or porters. They too were exposed to the negative emotional and mental impact of being part of an armed group. “Participation in hostilities” is explained in relation to the provisions in the Rome Statute of the International Criminal Court:

The words “using” and “participate” . . . cover both direct participation in combat and also active participation in military activities linked to combat such as scouting, spying, sabotage and the use of children as decoys, couriers or at military checkpoints. It would not cover activities clearly unrelated to the hostilities such as food deliveries to an airbase or the use of domestic staff in an officer’s married accommodation. However, use of children in a direct support function such as acting as bearers to take supplies to the front line, or activities at the front line itself, would be included within the terminology.¹⁵⁸

Research has shown that children need not necessarily be “combatants” to be perceived as members of or attached to armed forces or groups:

They may perform a variety of other tasks, both military and non-military, including: scouting, spying, sabotage, training, drill and other preparations; actions as decoys, couriers, guards, porters, sexual slaves; as well as carrying out various domestic tasks and forces labor. While some children volunteer for recruitment, many others are conscripted or forcibly recruited and may be serving against their will. Additionally, “the lines between compulsory, voluntary and forced recruitment are often blurred. Children may be subjected to various political and economic pressures that provide them with little alternative than to ‘voluntarily’ join armed forces or armed groups” Child Soldiers Global Report 2001, p. 21).¹⁵⁹

The following statement shows that merely being a cook in a militant camp could have severe consequences for the children:

I was in class five when the tension broke out. We were usually frightened when the police truck came to our village. Those living near the road had to leave their houses and went to the Tasiboko area. I was alone in my parents’ house because they had run away to Tasiboko, too. The militants came and asked me whether I wanted to join them. So I jumped in the truck and went with them. They told me that I would be at the base to do cooking and other

¹⁵⁶ UNICEF, “Cape Town Principles and Best Practice on the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa,” April 30, 1997. Available at: <http://www.pitt.edu/~ginie/mounzer/conventions.html#Capetown%20Principles>; date of access 10/09/2011.

¹⁵⁷ Coalition to Stop the Use of Child Soldiers: *Global Report on Child Soldiers 2001*, p. 493.

¹⁵⁸ 2179 UN Document A/CONF.183/2/Add.1, quoted in Child Soldiers Report 2001, p. 497.

¹⁵⁹ Lisa Alfredson: “Child Soldiers, displacement and human security”, in *Disarmament Forum* 2002. Available at <http://www.unidir.org/pdf/articles/pdf-art1728.pdf>; date of access 25/08/2011.

activities. That time the GRA militants put up their base at the Tenaru road. We were at the bunker for three days. On Sunday the MEF attacked us. Some of them had high powered guns and others had .22 guns etc. Some of the boys jumped up from where they were and I left the pot and also ran away. They all jumped in the drain and hid there. I was so busy with the pots on the fire so I did not have enough time to run away and I was hit by a bullet. The GRA fired back at the MEF so they went back to their base. I was carried to the main road and after two hours I was taken by Hilux to Komuvatha Clinic by the members of the Skipping Force. Supply of medicines was not available at the clinic but the nurses managed to give me an antibiotics injection.

Statement N° 6082

Active involvement of young men in fighting seemed to be higher among the Guadalcanal Liberation Front, the group formed by Harold Keke on the Weather Coast after the Townsville Peace Agreement, than other militant groups. A police officer who participated in “Operation Liberation Strike” told the TRC about his first encounter with GLF militants:

There were about 50 of them, most of them were children. They were carrying homemade guns, their ages ranged from 12 to 16 years. I invited them and told them not to be afraid and we had a good discussion.¹⁶⁰

It should be taken into account, however, that this is impressionistic evidence as no statistical records are available regarding children’s participation in militant groups.

4.1 Findings of the focus groups and interviews

The information about the involvement of children in the conflict is extracted from eight focus group interviews, a public hearing with young people and some interviews with men and women who were under 18 during the tension, as well as professionals, mostly teachers, who worked with children, and with key witnesses. The information gathered here is mainly about *motivations* and *ways* of participation in one of the militant groups.

A first important observation by researchers was that child participation in militant groups did happen, even though it was denied by some former militant leaders during the closed hearings. The second significant observation is that no girls participated in the militancy.¹⁶¹

Were children involved or encouraged in carrying guns too?

Yes, small boys, some of them were only 16 years old, 17 or 18 years old. They possessed guns, pump guns and home-made guns. What they said was “everybody is a militant”, that was their motto.

¹⁶⁰ Ronnie Cawa, Keke’s second in charge in the GLF, serves several life sentences for murder cases he committed when he was about 17 years old.

¹⁶¹ This explains why the participants in the focus groups with former “child soldiers” were all male. It should be noted, however, that there were very few exceptions where young women assisted, for example, in transporting weapons for the IFM (see chapter 5.1).

Were there any girls?

No, no girls.

Interview with spouse of a former IFM leader

Almost all former militants who participated in the focus groups insisted that their involvement was voluntary. However, international research on child soldiers found that the line between free will and coercion is quite flimsy:

Voluntary recruitment is often a choice not exercised freely; it is rarely based exclusively on the volition of the child, but tends to be conditioned by factors beyond his/her control. The line between voluntary, compulsory and forced recruitment is often ambiguous in view of various environmental factors that may coerce children to “volunteer”.¹⁶²

This description seems to be the case at least with young men that were linked to the GRA/IFM; participants of the focus groups emphasized that they were subject to fear, some sort of social pressure and occasionally even duress:

The decision [to join or not] was up to the elders. So I had relatives who were former police officers who had an interest in the tension and they started to influence some of our boys to join them, and slowly everyone started to join in. Later it came to a stage where our elders could not stop us because the tension escalated beyond anybody’s control. If you were not involved you would be regarded as a coward because the tension affected the whole island of Guadalcanal. These were some of the reasons why we had to get involved. So all our young boys joined in.

Focus group with former IFM militants, Honiara

It would not make any sense if I did not join while the rest were fighting in the bush. The rest of the men in the bush would think we were women and that’s why we did not join the fight. If in my family all the boys would just sit down, other boys would tease us for doing nothing and this would cause us problems as well. This too made us join the group.

Focus group with former IFM militants, Tambea

In the village all the boys were involved, everyone had to get involved. Our parents would say that we could die, but they could not do anything. We could not talk us out of it; we feared that something would happen to our families if we did not join. We could not speak our minds out.

Focus group with former IFM militants, Tambea

In my community our boys did not want to join Harold Keke’s group. They formed a group to look after the security of our community. The other thing was some of the boys, due to pressure from Harold Keke, had to join him. If they did not join him he would kill them.

Focus group with young adults who did not join a militant group, Honiara

Involvement in a militant group under duress was also observed in the case of the Lauru Civilian Security Force in Choiseul:

¹⁶² Coalition to Stop the Use of Child Soldiers: *Global Report on Child Soldiers 2001*, p. 21.

[William Amalo] married a girl from our village; he came and settled with us throughout the period of the tension. He ordered us to do whatever he wanted I was doing my Grade Five in primary at that time; as a result I was unable to continue with my primary education because he always used me as a messenger boy and forced me to follow him.

Statement N° 4037

Malaitans were more emphatic in claiming that they joined voluntarily. Having been the victims of aggression by Guadalcanal militants at the beginning of the conflict gave them a moral stand that the youth of Guadalcanal found more difficult to claim:

My heart was definitely with the MEF militants. I joined them because I am Malaitan. I joined voluntarily just like others who wanted to support the militants. I was motivated because I am Malaitan, the killing and harassment done to Malaitans was like hurting me and my family. I joined because I wanted to share the burden of the militants for all Malaitans.

Focus group with former MEF militants, Malu'u

I joined the conflict as a youth because I saw that the lives of Malaitans living in Honiara were under threat. I did not join as a militant who held guns and went to the fighting zones like Alligator Creek and White River; I just followed them patrolling the town areas and helping out at the MEF camp in Honiara that was manned by the militants from Kwara'ae. No one forced me to join; it was my own choice that I joined the boys during the tension.

Focus group with former MEF militants, Auki

Retaliation for harm inflicted to a family member was also a motive for joining the militants that was mentioned more from the Malaitans, though there were also cases among the Guadalcanal militants. Death or injury of a close relative caused resentment and often hatred among the children for the rival ethnic group:

“S”: The reason why I joined up with MEF was that one of our uncles was killed by the GRA militants. I thought of revenge but because I was too young. I didn't have the courage to go over to Guadalcanal by myself for retribution. What I did was getting involved with the leaders of the MEF because they were the ones who would go out and fight. I just assisted them in any way possible like cooking for them at the camps, doing whatever they wanted me to do for them as long as they went out fighting and killing anybody from Guadalcanal. I just joined the militants voluntarily.

“F”: Me too, no one forced me to join, I just joined because I had relatives and I used to follow them. I liked the militants to kill the Guadalcanal militants because they had killed some of our relatives.

Focus group with former MEF militants, Auki

What really motivated me to join the militants was that one of my close relatives died at the hands of the Guadalcanal militants.

Focus group with former MEF militants, Malu'u

At that time I really hated some of those Malaitans. I was at St. Joseph Tenaru and I was threatened by some of the Malaitan students and that same year one of my cousins was murdered by Malaitans too. That made me really hate the Malaitans. That's why I wanted to join the militants.

Focus group with former IFM militants, Honiara

Such sentiments, however, were not the dominant motive for joining a militant group. Much more common were rather trivial reasons like curiosity, boredom, some sort of masculine excitement, or just following adult members of the family:

“P”: My dad used to teach at Tangarare. Tangarare was the first place where they chased the Malaitans out. They chased out all the Malaita students and after that the militants used the school as their base. I used to go to them and as time went on the story started to become interesting so I felt as though I was part of the group and I wanted to join as a militant.

“C”: There was no school attendance and there was nothing to do at home, so you could see different types of grouping, youths, children and elderly. If you saw some of the boys smoking you wanted to join in too; like smoking marijuana or *savusavu* [local tobacco], everyone would like to do that too.

Focus group with former IFM militants, Honiara

“M”: Here in Malu’u and Loina, most of the young boys joined the militants and the mafias. Most of them joined because they had brothers and relatives in the militants or the mafias. Some of the young boys joined because they wanted to be seen with the militants. Most of them did not fight; they just wanted to be with the militants to get other people’s valuables.

“D”: I joined the militants because most of them were my *wantoks* and relatives. No one asked me to join them. I just followed them, following my own decision. I had relatives in the MEF so I was not scared of joining them. I also joined them just to get drunk and hang around with them.

Focus group with former MEF militants, Malu’u

“RS”: Most of the young boys like me followed the militants because the militants were their brothers, uncles or relatives. Most of them came just to enjoy foods, smokes, drinks, and telling stories with the militants.

Focus group with former MEF militants, Auki

Hanging around with the militants, being seen with them gave the youths the sensation of power, of being respected even by the big men of their communities. The testimony of “S”, who had joined the MEF as a juvenile, given at the focus group with former MEF militants in Malu’u, is an eloquent example of how children’s involvement with a militant group disturbed the traditional social order:

“S”: I also joined the militants sometimes during the tension even though I was very young at that time. Being a militant I could do anything; I could talk and override anyone who was not a militant, even if he was a “bigman”. I could threaten him using the names of the militants I used to go with. I also saw the mafias; the small boys did not care about anyone even if you were a “bigman”. They were the small boys that would cause trouble and later the “bigman” of their group would come and demand from you compensation or threaten you with guns. They just joined in because they wanted to be bigheaded.

Focus group with former MEF militants, Malu’u

As mentioned in the chapter on the Malaita Eagle Force (chapter 3.3.2), the “mafia” was a gang led by two brothers from the To’obaita region who used the label of MEF as a cover for criminal activities. Participation in this gang turned out to be very attractive for the youth of north Malaita because it offered access to many material possessions that otherwise would have been out of reach:

“TA”: I was 15 when the tension started. Our family lived in Honiara but all of us who resided in Kaibia Heights ran away to Malaita. At home in Malu’u I started to hear stories about a group dominated by our boys from Malu’u and Loina called the mafias and based at Mbokona area. That time I was very young when I heard about the mafias. I definitely wanted to join them so I left my home in Malaita and went back to Honiara to join the mafias as most of them were my brothers and *wantoks*. Everyone was from our area. When I arrived the mafias already had trucks; later we got about six vehicles, foods of all kinds were loaded at our base. We had TV and everything, we really enjoyed life. It was one of the relaxed and enjoyable moments in my life as everything was available in our base. We stayed until the PPF came and raided us.

“RP”: I was in Honiara when the tension started. At that time I was about 17. First I ran away back to Malu’u. Later I saw young boys like me driving vehicles up and down the road. They did not own the vehicles. They were not well educated but yet they had vehicles and many nice things. Because of that I and another boy planned to go back to Honiara to join the mafias so we can get a truck or have some good things like the others. Arriving in Honiara we searched around until we found the mafia base. When we entered the base I could see all our boys there. They welcomed us and said that it was our base. When the night came the house was empty as everyone had to go out to steal and rob other people’s valuables. In the base there were all kinds of foods, clothes, vehicles, everything. We stayed until the story of the mafias became very big in town. So the PPF came and raided our base.

Focus group with former members of the “mafia” group

Like everybody else in the “mafia camp”, children were employed as “snipers”, which meant they went out every night to steal. The camp in Mbokona was finally closed by the police and many children went back to Malu’u where the “mafia” continued with its unlawful activities (see chapter 3.2.1). Far from showing remorse, participants of the focus groups look back longingly to those times of plenty:

“S”: I really enjoyed staying with the mafias because everything that people need was available in the mafia base. You talk about food, clothes, vehicles and many other things, all of them were in the mafia base. You would never eat dry food in the mafia base.

“T”: I see it as one of the enjoyable times in my entire life. As others had said earlier, everything was there in the mafia. I enjoyed staying in the mafia base just to eat and be relaxed.

Focus group with former members of the “mafia” group

The “mafia” was certainly a case of ethnic militancy camouflaging criminal activities where children were used for illegal activities like forcing businessmen to hand over vehicles or fuel. In this regard both Malaitan and Guadalcanal militants were culpable:

“JB”: Some of the young boys had joined the militants just to go around for stealing in town. They wore army uniforms and could use the name MEF to threatened shop owners, businessmen, and vehicle owners just to rob their valuables.

“E”: A lot of young boys had joined the boys especially going around town and staying in the camp. Some young boys joined the boys to get the courage for stealing, others joined because they wanted to be seen with the militants, and others also came especially to the camp because in the camp there is no shortage of food. Some young boys saw the camp as the safest place for them to stay.

Focus group with former MEF militants, Malu’u

Most of us we were students, so we just stayed around the bunkers, helping the militants who were having their shifts. That time the commanders would tell us to go and ask for any trucks or diesel or petrol from those who had those things. The owners would not say no if they heard those famous names and because of this they would try as much as possible to hide whatever valuables they had.

Focus Group with former IFM militants, Honiara

Among Guadalcanal militants, children were well integrated into a set of activities that were directly related to the conflict. Among their assignments were digging for World War II bullets and weapons, assembling homemade guns, and serving as security guards for their villages:

Most of the time I spent with the militants and they would ask us to go and dig bullets to make homemade guns. During that time you would not be interested to do anything else but to be involved with militants. You could not be involved in sports because there was no time to do that. It was interesting to hold guns because there was no law to stop it. In some ways when the parents talked about the people of Malaita and the children listened, this made them want to join too. That’s why I said everyone was involved in one way or the other. Our grannies too contributed because they told us where to dig for the World War II relics. They knew the areas where the Americans and Japanese wreckages were and we dug the bullets and pistols and we put them together to make homemade guns.

Focus Group with former IFM militants, Honiara

My work was to make homemade guns. I put up a small workshop and I worked from there to make homemade guns to be used during the fighting. The cooking of food was done by women. My work was to make guns and after they were completed, to go and test them at the seaside. One of our jobs was to carry guns. They would ask us to carry guns from the camp to the canoe so they could go to the frontline. After the shift those boys would come back and have their sleep and then we looked after them while they slept and the next shift they went to the frontline. This was the process during the tension. We had to follow what orders we were directed to carry out.

Focus Group with former IFM militants, Honiara

I was a militant too, even at only 16 years of age. We had to obey what the commanders directed us to do. We did not think too far during that time, all we had in mind was to be involved in the fighting. We were given security work to do and the next thing we would be asked to take up guns and fight. Luckily we were not given real guns but only homemade guns. In fact we were using local weapons like bows and arrows, spears, iron and knives. We had guns like 304, pigeon guns, some of these guns did not have bullets but we just held them

to scare away the enemy when they saw us. Some of these things motivated us joining the main group.

Focus Group with former IFM militants, Tambea

Those young ones around 12 years of age had to stay to look after the village. They used to have shifts and if one group finished its shift they came back and the next lot of militants would go to the frontline to take up their shift.

Focus Group with former IFM militants, Tambea

Young boys were also employed as scouts for the IFM and the GLF where they had to explore the terrain before the militants undertook any action.

Harold Keke used to engage a small boy to go with him. He used him as a spy before he went to a place he had to drop him off to look around the area. This also applied to us; each of the camps had someone like that too. He had to go first so that he could check the area and upon his return he could report of his findings and if it was all clear then we could go to the particular location.

Focus Group with former IFM militants - Honiara

In the camps of the Malaita Eagle Force, small boys were also employed to buy betel nuts and cigarettes, etc:

“J”: I did not actually go out with the militants to fight, but I supported the boys sometimes just providing them with smokes or betel nuts. I supported the boys because I wanted them to see that I was with them. What motivates me to support the boys was to show the MEF militants that my heart is with them. I supported them following my own free will. No one came to force me or influence me. It is my own free will that I joined and supported the militants.

Focus group with former MEF militants, Malu’u

“S”: Most of us were very young at that time and our main job was to go to the shops or market to buy beer, cigarettes, betel nuts and food for those in the camp. We also sometimes cooked for them in the camp. I did not carry any weapon but I could touch weapons in the camp. The camp was open for anyone from Malaita to visit.

“RS”: I did not get involved directly in any fight. I sometimes helped friends in transporting food supplied from shops in town to the camps. I touched guns but I did not carry them.

Focus group with former MEF militants, Auki

Those who were old enough to carry a weapon, however, also took part in safeguarding the town boundaries and were part of the MEF crews at the checkpoints at Alligator Creek or White River:

“B”: I joined the militant in the camp, carried weapon and went in the actual fight. I secured the town boundaries and I wanted to see the MEF kill Guadalcanal militants because the GRA’s had killed my relatives and others also had died, women and girls were raped, and properties belonging to them were destroyed. They were treated very inhumanely. I did not kill anyone but I wanted to be with the militants supporting them in any way and to show that I am a Malaitan.

“E”: I joined the militants mainly to secure the town boundaries like in Alligator Creek and securing the bank around Rove area. I carried a gun. Sometimes I also cooked for the militants in the camp. There were many young boys like me doing the job of securing the town. For missions outside the town boundaries that involved killings and fighting, only the grown men in the MEF could go.

Focus group with former MEF militants, Malu’u

On the IFM side, many young men under 18 were directly involved in fighting.

Did the big men do more fighting than the younger boys?

We did almost the same job. The leaders would arrange for some of the young boys to go with the older men to do a certain job. One of two of the mature men would remain in the camp with few younger boys to do the cooking. On the side of the fighting it all depended on those who were brave enough or had done some sort of training. It was all up to the commander to do the selection and put whoever at the front. For us at home, if the leaders selected some of us to go to the front we had to go. Some of those “big men” were just there to command us to do things.

Focus Group with former IFM militants, Tambea

4.2 Treatment of juvenile defendants

Two juveniles were charged with murder in the tension trials. Under the Penal Code murder incurs a mandatory life sentence.

a) “K”

In *Regina v. ‘K’*, a 14-year-old member of the Guadalcanal Liberation Front was charged with the murder of one of the Melanesian Brothers (see chapter 3.2.2).¹⁶³ He claimed he had acted under orders from a senior member of the GLF. Application for a permanent stay of proceedings on the basis that prosecution would be an abuse of process, relying on international norms and that the defendant was a child soldier, failed. A bail application was also unsuccessful. By the time of the trial, the defendant had spent almost three years in pre-trial custody, at a time when there was no juvenile detention facility in Rove prison. The defence of compulsion (that is, duress) was unsuccessful and he was sentenced to life imprisonment. The appeal court preferred an interpretation of the legislation in which discretion could be used in applying the mandatory life sentence when it concerned juvenile defendants, relying on the application of the Juvenile Offender’s Act (cap. 14) and international law. The defendant was re-sentenced to eight years and was released immediately.

¹⁶³ *Regina v K* [2006] SBHC 35; HC-CRC 419 of 2005 (4 August 2006).

b) Pese

In *Regina v. Pese*, a member of the GLF was a juvenile at the time of commission of offences of murder and abduction pursuant to the Penal Code.¹⁶⁴ The offence with which he was charged occurred in April 2003 when the defendant was 15 years old; he was arrested in August 2005 when he was 18 years old. The trial was held in 2007. The defendant was held in custody prior to the trial and two bail applications partly based on the age of the defendant were refused. A “no case to answer” application after the Crown case was also unsuccessful. No application for stay of proceedings was made. The defendant was sentenced to life imprisonment for murder and seven years for the abduction. On appeal against conviction and sentence, several matters were raised, including inconsistencies of the evidence of the main eye-witness; the reliability of evidence after such a long period of time between the allegations and the trial; and the lack of forensic evidence of cause of death. The court found that the Juvenile Offender’s Act applied to the defendant because of his age at the time of commission of the offence, thus, the discretion as to mandatory sentence could be applied. The appeal against conviction was dismissed and the appeal against sentence was allowed. In February 2009 the defendant was re-sentenced to seven years for murder and four years for abduction, and released immediately into the custody of family.

The case of ‘K’ can be seen as domestic law being affected by the international rights of the child as the Court of Appeal viewed as relevant the international treaties and conventions when determining whether the juvenile justice provisions should displace the mandatory life sentence for murder.

5. Conclusions

Children were affected by the tension in many ways. They were victims of human rights violations and the breakdown of social services. Most of them lament the loss of education opportunities.

According to the definitions in international humanitarian law, children were also involved in the tension as child soldiers. In Guadalcanal, they had to serve as security guards in their village, dig for World War II weapons and bullets, and fabricate homemade guns. Some of them were used as spies; others accompanied their commanders to carry out militant actions. In the MEF camps around Honiara, male children served mainly as cooks and porters or

¹⁶⁴ *Regina v Pese* [2007] SBHC 120; HCSI-CRC 594 of 2005 (2 July 2007).

shopped for the militants. The older children carried weapons and helped to guard the town borders.

All these activities are defined in international humanitarian law as “participation in hostilities”. On both sides, children were involved in criminal activities on behalf of the militants, the most infamous example being the “mafia” group from north Malaita.

Even if most of the former child soldiers insist their involvement was voluntary, the adult members of their respective militant group failed in their responsibility to protect them. This also applies also for the Solomon Island Government, who because of the tension failed to implement the *2000 National Youth Policy*.

There is emerging consensus that children associated with armed groups, who may have been involved in the commission of crimes under international law, should be considered primarily as victims and not as perpetrators. A conference of experts at Harvard University in 2009 concluded that children must be treated in accordance with the United Nations Convention on the Rights of the Child (CRC) and related international juvenile justice and fair trial standards. Neither the death penalty nor life imprisonment should ever be imposed on children.¹⁶⁵ The TRC is committed to this policy and salutes the decision of the Solomon Islands Court of Appeal in dismissing the life sentences against two juvenile offenders.

UNICEF and the international NGO *Save the Children* organized a number of counselling sessions for children affected by the conflict. In general terms, though, mental health is a problem not addressed adequately. Another omission is that former child soldiers were not considered in the Disarmament, Demobilization and Reintegration (DDR) Programme of the United Nations Development Program:¹⁶⁶

UNDP helped to demobilize over 1,000 police special constables between July 2002 and July 2004, most of them recruited from former armed groups. Children did not benefit from the UNDP program, and concerns remain for hundreds of former child soldiers for whom few provisions had been made.¹⁶⁷

¹⁶⁵ “Key Principles for Children and Transitional Justice: Involvement of Children and Consideration of Children’s Right in Truth, Justice and Reconciliation Processes”. Outcome of Children and Transitional Justice Conference, Harvard Law School, Cambridge, Massachusetts, USA, 27-19 April 2009. Quoted in Sharanjeet Parmar, Mindy Jane Roseman, Saudamini Siegrist and Theo Sowa (eds.): *Children and Transitional Justice. Truth-Telling, Accountability and Reconciliation*. Cambridge MA: Harvard Law School, UNICEF, 2010, p. 408, 410.

¹⁶⁶ <http://www.unddr.org/countryprogrammes.php?c=180>; date of access 25/10/2011.

¹⁶⁷ Coalition to Stop the Use of Child Soldiers: *Child Soldiers Global Report 2008*, p. 305.

According to the 2009 National Census, the median age in Solomon Islands is 19.7 years; about 40 percent of the population are 15 years or younger.¹⁶⁸ Studies have demonstrated that relatively large youth cohorts, the so-called “youth bulge”, are associated with a significantly increased risk of domestic armed conflict and riots or violent demonstrations.¹⁶⁹ This reality presents a huge challenge for a peaceful future for the country and on this subject the TRC welcomes the presentation of the *National Children’s Policy* and the *National Youth Policy 2010-2015*¹⁷⁰ in 2010 and urges the Government to facilitate its immediate and thorough implementation.

¹⁶⁸ Solomon Islands Government: *Statistical Bulletin 06/2011*, p. 1.

¹⁶⁹ Henrik Urdal: “A Clash of Generations? Youth Bulges and Political Violence”. In *International Studies Quarterly* N° 50, 2006, pp. 607–629. The World Bank’s *World Development Report 2011* mentions youth unemployment as one of the most frequent sources of social violence (available at wdr2011.worldbank.org).

¹⁷⁰ Solomon Islands Government. Ministry of Women, Youth and Children Affairs: *National Children’s Policy with National Plan of Action*. Honiara, April 2010. Solomon Islands Government. Ministry of Women, Youth and Children Affairs: *Solomon Islands National Youth Policy 2010-2015*. Honiara, June 2010.

6.

ECONOMIC AND SOCIAL COSTS OF THE CONFLICT

Violent conflicts are costly as they introduce tremendous uncertainty into the economic environment and affect human capital.¹⁷¹ They have been described as “development in reverse”,¹⁷² as they disrupt and destroy infrastructure, resulting in severe cuts to states’ capacity to provide essential services such as education and health care.

This chapter tries to give a brief overview of the economic and social costs of the tension on health and education in Solomon Islands. However, a word of caution is necessary. Assessing the cost of conflict is an extremely complex exercise. A thorough account would have to consider *direct costs* as well as *indirect costs*. Direct costs relate to microeconomic effects like destroyed public infrastructure, destroyed housing and other personal property, and lost equipment. Indirect costs relate to macroeconomic effects like population displacement, reduced production and trade, and decline of growth.¹⁷³

This is virtually an unachievable task for a research unit that has to work within limitations of a Truth and Reconciliation Commission and where reliable data are generally unavailable. Information on the tension’s impact on the economy, education and health services in Solomon Islands is scarce and dispersed in public and private institutions. Even data on public spending is not always reliable, as different ministries hold different numbers.

The following discussion is based on the examination of a great variety of sources, although, as noted, they cannot cover the entire scope of the economic impact and the deterioration of health and education services during the conflict years. Even with these limitations, it should become clear that the tension in Solomon Islands was disastrous in many ways.

¹⁷¹ Kosuke Imai and Jeremy Weinstein: *Measuring the Economic Impact of Civil War*. University of Harvard, CID Working Paper No. 51, 2000, p. 1. Available at: <http://www.cid.harvard.edu/cidwp/051.pdf>; date of access 05/08/2011.

¹⁷² Paul Collier, Lani Elliott, Håvard Hegre, Anke Hoeffler, Marta Reynal-Querol and Nicholas Sambanis: *Breaking the Conflict Trap: Civil War and Development Policy*. Washington DC; The World Bank, Oxford University Press, 2003, p. 13.

¹⁷³ Stergios Skaperdas: “The Costs of Organized Violence: a Review of the Evidence”, in Stergios Skaperdas, Rodrigo Soares, Alys Willman, and Stephen C. Miller: *The Costs of Violence*. Washington DC: The World Bank, Social Development Department, 2009, pp. 3-4.

6.1 ECONOMIC IMPACT

Solomon Islands is a “small, fragile and open economy largely dependent on primary export industries, heavily reliant on imports and international aid flows.”¹⁷⁴ Main economic activities are fishing and logging, which since the 1970’s have made up more than 50 percent of the export income, rising to an average of 72 percent between 1990 and 1997.¹⁷⁵ Other important sectors include minerals, palm oil, cocoa, rice, and tourism.

The economy was already sluggish before the conflict due in part to the decline of prices in the world market for local export products such as fish, round logs, copra and cocoa. In 1987 cyclone Namu struck the country and destroyed the Guadalcanal rice industry and a great deal of the nation’s infrastructure. Economic activities were greatly reduced because funds designated for economic activities were diverted to cyclone rehabilitation. Given that most of Solomon Islands overseas markets are located in Asia, the country was drastically affected by the Asian financial crisis of 1997 as local export commodities prices declined massively. It was also during those years that corruption, fraud and large-scale mismanagement began to surface.¹⁷⁶ In a speech given to the Economic Association of Solomon Islands (EASI) on 16 November 2001, the former President of the Central Bank of Solomon Islands (CBSI) summarized the situation as follows:

As a matter of fact, before the social unrest even started in late 1998, the Solomon Islands economy had already been under tremendous stress. For instance, before the Asian financial crises in 1997, public finances had already been under enormous pressure due to mismanagement and an irresponsible fiscal policy. At that time the investment climate and business activities had already been very subdued. . . .

The economy had been riding on the back of a handful of export commodities, namely round logs, fish and palm oil in the four years previous to 1997. Copra, the traditional mainstay of the economy was already experiencing serious problems. The decline in the economy thereby accelerated as the country’s export markets in Asia collapsed following the Asian financial crisis in 1997. . . .

The real [production] sector was dealt the hardest blow by the ethnic tensions. However, well before the outbreak of the conflict, some industries had already been under stress. Fish and round logs for example experienced declining world prices. Production costs for these commodities have therefore been difficult to contain within revenue streams. Naturally, the outbreak of the crisis caused production to further decline, as the resulting security situation

¹⁷⁴ *Solomon Islands Human Development Report 2002: Building a Nation*, p. 69.

¹⁷⁵ Wardlow Friesen: “Economic Impacts of the ‘ethnic tension’ in Solomon Islands”, unpublished.

¹⁷⁶ “By the late 1990s . . . the standards of political morality were falling and corruption and self-serving among the so-called elite so obvious that none could miss it” (Judith A. Bennett: *Roots of Conflict in Solomon Islands. Though much is taken, much abides: Legacies of Tradition and Colonialism*. The Australian University Research School of Pacific and Asian Studies. State, Society and Governance in Melanesia Discussion Paper 2002/5. 2002, p. 9).

and deterioration in law and order finally forced operators and traders to either scale down or close operations.¹⁷⁷

The same source identifies four causes for the economic woes of the country: The tension and mismanagement of public finance are one cause, *self-inflicted perils*. The other causes are *external factors* such as declining commodity prices for the exports and the Asian financial crisis; *structural factors* such as the land tenure system, unskilled labor market and underdeveloped socio-economic infrastructure system; and the *lack of a sound and coherent policy framework* which would provide the environment for sustainable economic growth.¹⁷⁸ While this analysis confirms what was mentioned earlier, namely that the assessment of the cost of the conflict effectively is an extremely complex exercise, there are still indicators that can be connected to the conflict and its “deep and far-reaching effects on the economic and social life in the country”.¹⁷⁹

1. The impact of the tension on state revenues

Between 1999 and 2000, all major industries either closed or scaled down operations due to the prevailing security situation and the deterioration in law and order. The Solomon Islands economy was “in a disastrous condition due to the closure of these major revenue-earning businesses such as Solomon Taiyo Limited (STL), Gold Ridge Mine, Solomon Islands Plantation Ltd. (SIPL), some logging operations, reduction in tourism, and closure of many businesses in Honiara”.¹⁸⁰ It was estimated to have contracted by 14.3 percent in 2000, another nine percent in 2001, and a further 2.4 percent in 2002, primarily as a result of the closure of many major firms after June 2000.¹⁸¹ Exports of palm oil and palm oil products fell from SBD\$97.9 million in 1998 to SBD\$65.1 million in 1999 and subsequently to an estimated SBD\$6.5 million in 2000 before production ceased altogether in late 2000. Fish export revenue, which suffered as a result of low prices and civil unrest, sank from SBD\$195

¹⁷⁷ Rick N. Hou: “The Economic and Financial State of the Solomon Islands,” Address to the Economic Association of Solomon Islands (EASI), Honiara, 16 November 2001. Available at: http://www.cbsi.com.sb/fileadmin/press_releases/speeches/EASI.pdf; date of access 01/09/2011.

¹⁷⁸ *Ibid.*

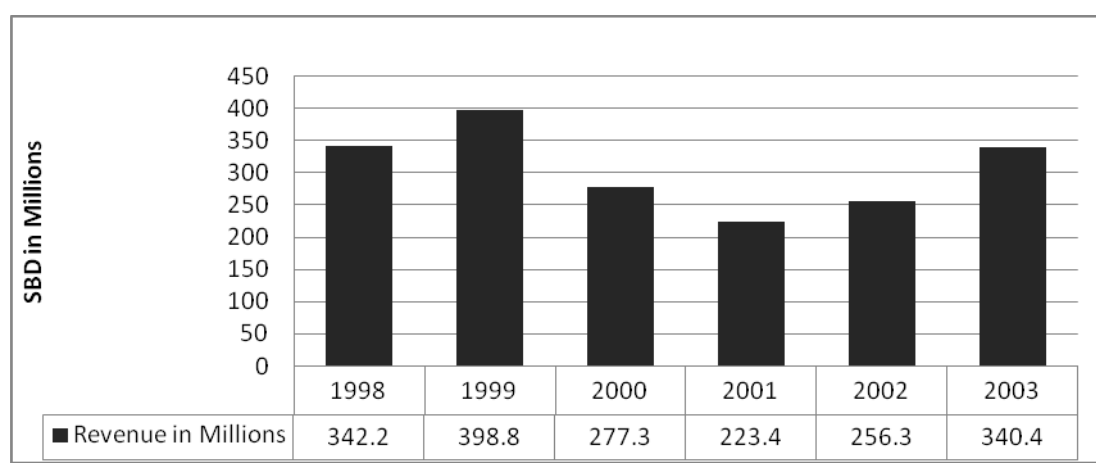
¹⁷⁹ *Ibid.*

¹⁸⁰ Christopher Chevalier: “Threats and opportunities in Solomon Islands: Sinking or swimming in uncharted waters”. *Development Bulletin* N° 53, 2000, p. 84.

¹⁸¹ The World Bank: *Solomon Islands: Study to Support the Development of National Skills Training Plan*. Washington DC: The World Bank, 2007, p. ii.

million in 1999 to SBD\$45 million in 2000.¹⁸² As a result, Government revenues declined by 50 percent during the tension years (see Figure 6.1.-1). Usual collections from Inland Revenue and Customs and Excise departments, which averaged SBD\$500,000 daily, were reduced to less than SBD\$100,000 daily.¹⁸³ This decline was coupled with ongoing disbursement of large cash payouts (see chapter 3.4.1.2 on compensation payments), compounded on an already precarious cash flow situation (CBSI, Annual Report 2000, p. 7).

Figure 6.1.-1
State revenue collection 1998-2003



Source: Central Bank of Solomon Islands Annual Reports (1998-2003)

The Government tried to recuperate from the deepened economic crisis by borrowing money from monetary institutions and countries abroad. The continual borrowing of money from these financial institutions resulted in a debt level beyond the country's capacity to repay. According to economist Satish Chand of the Australian National University, Government debt in 2001 accounted for close to one-third of the total assets of the domestic financial sector.¹⁸⁴ The inability of the Government to service its debt commitments made domestic financial institutions, including the National Provident Fund (NPF), vulnerable to risks; and contrary to experience elsewhere, treasury bills in Solomon Islands constituted a serious financial risk to their holders. In such a climate, cash-flow management by the Treasury became extremely difficult.

¹⁸² UNDP: *Emerging Priorities in Preventing Future Conflict*. Honiara: UNDP, 2004, p. 14; based on *Solomon Islands Human Development Report 2002*.

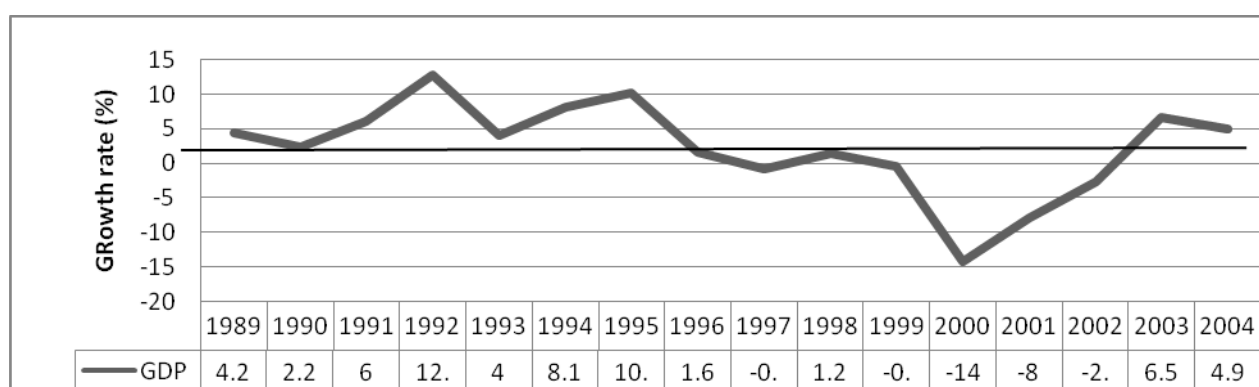
¹⁸³ Rick N. Hou: "The Economic and Financial State ...", *op. cit.*

¹⁸⁴ Satish Chand: "Conflict to Crisis in Solomon Islands". *Pacific Economic Bulletin* Vol. 17, N° 1, 2002, pp.154-159.

2. Gross Domestic Product

The economic consequences of the tension culminated in the drop in gross domestic product (GDP). A report produced by the Australian Government states: “Following the outbreak of ethnic tensions in 1999 and the decline in law and order, the Solomon Islands’ economy began to collapse. From 1998 through to 2002, gross domestic product decreased by an estimated 24 percent.”¹⁸⁵

Figure 6.1.-2
Gross Domestic Product from 1989-2004



Source: IMF World Economic Outlook 2011

The sharp drop in GDP was not only attributed to tension-related issues such as closing of companies and other locally invested businesses, but was also due to effects of the global economy:

Based on real GDP estimates, overall economic growth in 2000 declined further by negative 14 percent, following 0.5 percent in 1999. The decline reflected the subdued business activity caused by the tension and as well as weak performance in Solomon Islands international trade. The closure of major companies, namely SIPL, Gold Ridge Mine, and Solomon Taiyo Limited (STL) primarily contributed to the decline in the value of final goods and services produced in the country. In addition to that, the scaling down of business operations, especially after June 2000 during the coup, compounded the declining trend, as investors left the country and businesses minimized operations.¹⁸⁶

3. Production

Lack of investor confidence and fear of isolation during the tension years contributed to the decline in production of the most important commodities. The production of palm oil and palm kernel ceased completely after the closure of SIPL in 2000, which was entirely because

¹⁸⁵ Australian Government, Department of Foreign Affairs and Trade: *Solomon Islands: Rebuilding an Island Economy*. Canberra: Commonwealth of Australia, 2004, p. ix.

¹⁸⁶ Central Bank of Solomon Islands: Annual Report 2000, p. 7.

of the conflict. The fall in global market prices for the commodities and the prolonged unrest contributed to the lowering of copra and cocoa production. Agricultural output dropped by over 50 percent between 1999 and 2000.¹⁸⁷

Table 6.1.-1
Production of major commodities

Commodity	1995	1996	1997	1998	1999	2000	2001	
							Q1	Q2
Copra (metric ton)	26,148	21,989	28,679	26,971	23,242	19,004	585	315
Coconut Oil (metric ton)	4,372	3,520	5,399	8,339	10,345	8,553	117	-
Palm oil (metric ton)	29,562	28,680	28,863	29,077	12,877	-	-	-
Palm kernel (metric ton)	6,861	6,834	7,005	6,821	3,182	-	-	-
Cocoa (metric ton)	2,482	2,464	3,907	3,454	2,395	2,316	223	881
Fish (metric ton)	56,133	41,199	40,654	49,390	47,961	21,163	1,335	3,074
Timber/Log ('000 Cu.M)	850	792	650	604	622	536	138	102
Gold ('000 Ounces)	-	-	-	45	110	50	-	-
Silver ('000 Ounces)	-	-	-	47	67	21	-	-

Source: Rick N. Hou: The Economic and Financial State of the Solomon Islands: CBSI

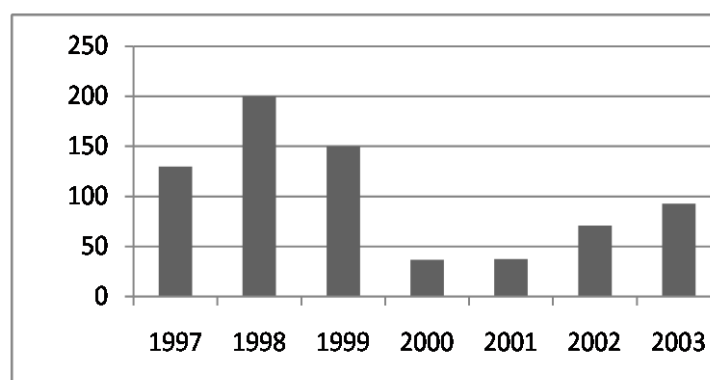
¹⁸⁷ UNDP: *Emerging Priorities* ..., op. cit. p. 14

3.1 Fisheries

In the 1980's, the fisheries sector accounted for the largest export, and though the catch varied during the 1990's it was still high until 1999, when the National Fisheries Development (NFD) ceased operation because of low world market prices and the sale of its fishing vessels. Solgreen Enterprises Ltd. was another locally-based long-line operation with 16 boats. According to the CBSI Annual Report the company registered a 40 percent drop in its revenue in 1999, also caused by the depressed prices in the world market (CBSI 1999 Annual Report, p. 17). In mid-2000, Solomon Taiyo Ltd. also closed its fishing activities, but continued processing canned tuna from its reserve stocks till the latter part of the year, when members of the Black Sharks entered the facility and threatened workers there. The fisheries sector was thus affected by two factors: depressed world market prices (CBSI 1999 Report, p. 18) from 1999 to 2000, and issues related to the tension.

The year 2000 registered the lowest catch ever in fish (CBSI 2000 Annual Report, p. 18), and the logical result was a decline in revenue generated:

Figure 6.1.-3
Export value of fish 1997-2003 (million SB\$)



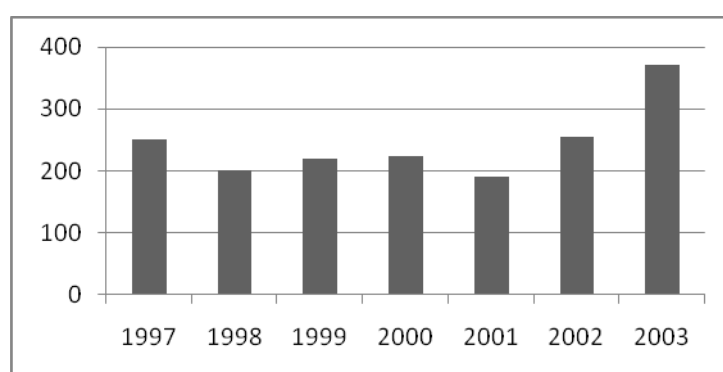
Source: Central Bank of Solomon Islands, Annual Reports

Fishing activities increased again after 2000 as prices rose, but did not reach the level of the years before the crisis. In 2001 Solomon Islands Fishing and Processing Limited (SIFPL) succeeded STL after Japanese Maruha Corporation withdrew its partnership in 2000. SIFPL became a shareholding company of the Western Province (49 percent) and the Solomon Islands Government (51 percent).

3.2 Logging

The government relied heavily on log export for income, given the closure of other industries. Logging operations continued steadily until the coup of 5 June 2000 when investors were frightened away, causing a slight decline in production. While commercial logging was halted on Guadalcanal where some of the bigger companies operated, there was little effect on log exports because some of the major companies were relocated to other provinces. Levels of logging in Western, Isabel and Malaita provinces remained high during the tension. Also, as a result of world market prices of timber going up in 1999, export values for forest products were stable during the tension, as shown in Figure 6.1.-4. Thus, the conflict affected the sector only slightly, though the closure of some logging companies on Guadalcanal resulted in the loss of a few hundred jobs and also entailed some loss of royalties.¹⁸⁸

Figure 6.1.-4
Export value of forests products 1997-2003 (million SB\$)



Source: Central Bank of Solomon Islands, Annual Reports

A problem that is obscured by these macro-economic figures is the exploitation of forests. The issue of unsustainable logging emerged well before the tension. The logging industry was riddled with corruption; for example, some companies were given permission to operate despite exceeding sustainable levels of harvest. Some were exempted from paying taxes, while in some cases volume of logs were under-reported or tree species were not properly identified. Millions of dollars that should have been collected were lost because of these practices.

Transparency Solomon Islands stated in an interview with TRC researchers that one of the key problems was that some of the most important political leaders at the time were loggers themselves; therefore any attempt to regulate the logging industry was always defeated in

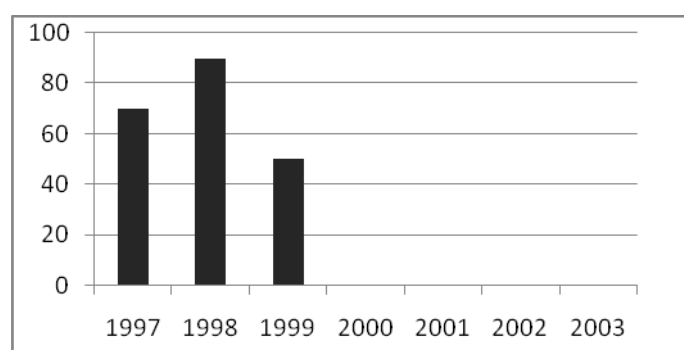
¹⁸⁸ Rick N Hou: "The Economic and Financial State ...", *op. cit.*

Parliament. Public officers who were responsible for ensuring accountability and transparency on logging operations were being bribed with large sums of money.

3.3 Plantations

Plantations were the most affected by the tension, given that one of the hot spots of the tension was the Guadalcanal plains, the location of huge cultivated areas. Palm oil and palm kernel production halted completely in 2000 when Solomon Islands Plantation Ltd closed its plantation and milling operations on Guadalcanal (Figure 6.1.-5a). At the time of SIPL's closure, some 70 percent of the workforce was from Malaita and had to be evacuated to Honiara due to Guadalcanal militant activity. The mill was badly damaged during the civil unrest and the plantation fell into disuse.

Figure 6.1.-5a
Plantations export value commodities: Palm



As with the fish industry, the fall of global market prices that started in 1999 was held responsible for the low production of copra and cocoa during the tension years. Nevertheless, the tension also contributed to decline. Most households in north Guadalcanal stopped producing copra and cocoa, and the Russell Islands Plantations Limited (RIPEL) in Tenaru was forced to close in mid June 1999 (CBSI Annual Report 1999, p. 19).

In the provinces, rural farmers' production was also affected as they were faced with two problems: (1) the reduction of prices which led to the Commodities Export Marketing Authority (CEMA) discontinuing the purchase of dried copra; and (2) the disruption of transportation services. Farmers in the provinces had to wait for a month or two before the ship arrived for collection. Shortage in fuel made transporting the produce to the nearest port extremely difficult. As a result, production at the village level outside Guadalcanal was also severely affected. In 2001 copra production plunged sharply to only 1,701 tons from 19,004 tons in 2000.

Production of cocoa also dropped drastically during the conflict as Guadalcanal was the key supplier of cocoa before the conflict. RIPEL, the only cocoa plantation in the country, in 2001 produced an average of 24 tons per month compared to 83 tons per month in normal years (CBSI Annual Report 2002, p. 27).

Figure 6.1.-5b
Plantations export value commodities: Copra and coconut oil (million SBD\$)

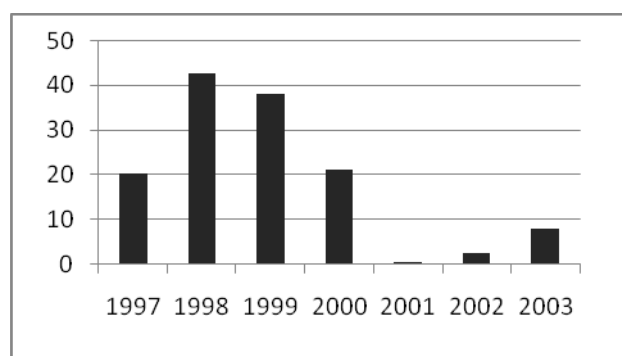
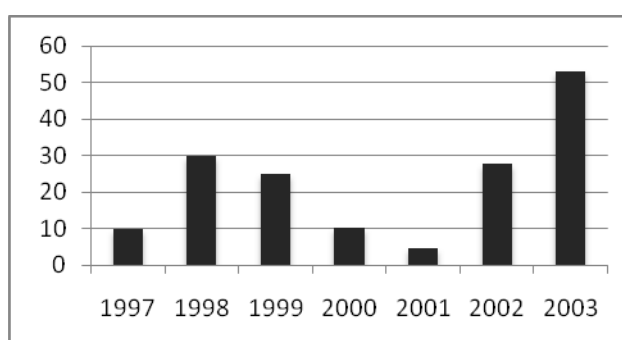


Figure 6.1.-5c
Plantations export value commodities: Cocoa (million SBD\$)



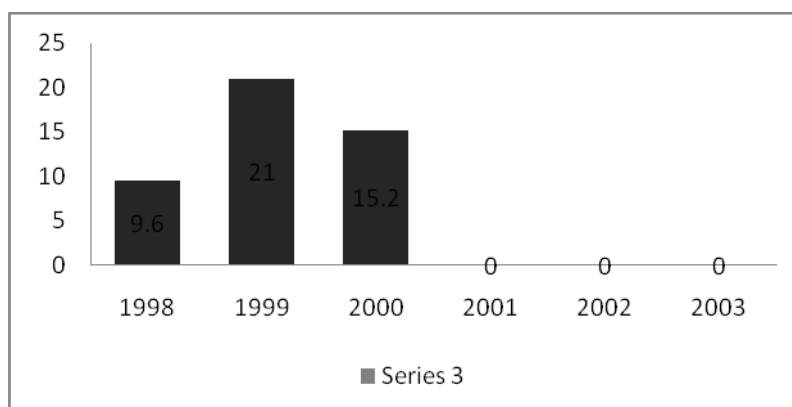
Source: Central Bank of Solomon Islands, Annual Reports

In 2000 CEMA and RIPEL incurred losses of about SBD\$9.8 million and SBD\$14.0 million respectively due to the social unrest (CBSI Annual Report 2000, p. 20). CEMA through SIG successfully negotiated a SBD\$10.2 million grant from the Republic of China-Taiwan that was scheduled for disbursement in 2001 and 2002. By December 2001, CEMA received SBD\$6 million of which only a fraction was used to purchase copra from farmers, as the Authority had other financial obligations such as servicing of domestic loans, financing operational costs, as well as assisting the ailing RIPEL. However, the grant enabled the Authority and the copra industry as a whole to remain afloat for another two years.

3.4 Minerals

Gold Ridge mining was opened in mid-1998. During its operation, the mine contributed one-third of the country's foreign export revenue: SBD\$9.6 million in 1998, increasing to SBD\$21 million in 1999 and SBD\$15.2 million until its closure in mid-2000 (CBSI Annual Report 2000, p. 23). The company incurred an additional cost of SBD\$1.5 million to upgrade its security measures to avoid any disturbance to the mine site, an addition to officers of the Rapid Response Unit of the RSIPF who were deployed to the mine. However, in mid June 2000 the mining was suspended due to continuous incursions of the IFM. Moreover, reduction in workforce and disturbances to the mine's fleet of vehicles and equipment during the conflict affected the mine's operation and eventually closed it down in mid-2000 (Figure 6.1.-6).

Figure 6.1.-6
Injection into the local economy as a result of Gold Production (million SBD\$)



Source: CBSI Annual Report 2000

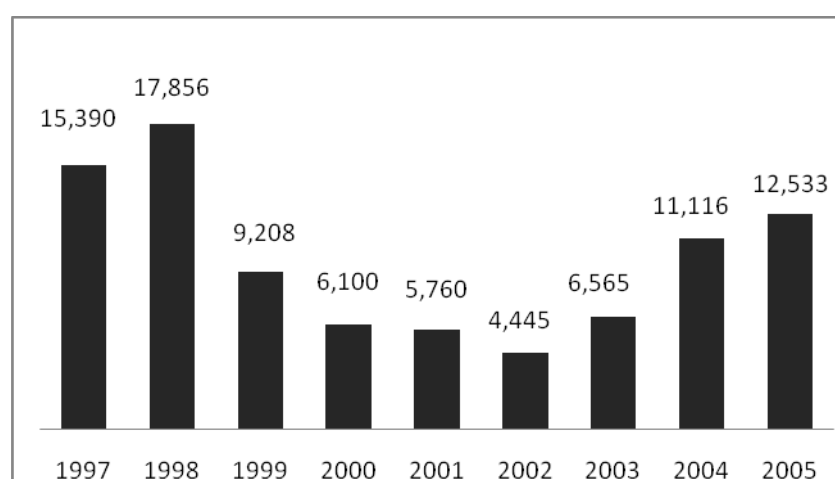
4. Tourism

Tourism is another important sector of the Solomon Islands economy that was depressingly affected by the tension. There was a sharp decline in visitors to the Solomon Islands, from 17,856 visitors in 1998, when the conflict started, to 4,445 visitors in 2002 (see Figure 6.1.-7). Security problems in the country were to blame for this reduction and it incurred losses both to the business sector and the government.

As a consequence of the decline in visitors, Solomon Islands lost revenue from foreign exchange earnings on goods and services that would have come from tourist spending; loss of

employment in tourism, as businesses scaled down their operations; and loss of local and foreign investment in tourism.¹⁸⁹

Figure 6.1.-7
Number of visitors visited Solomon Islands from 1997-2005



Source: Solomon Islands Visitors Bureau

5. Micro-level

The economic consequences of the conflict for individual families are even more difficult to assess than the macro-economic impact. To set a price on the loss of hundreds of houses that were burned down and all the properties that were lost is impossible. The closure and/or scaling down of major industries and businesses resulted in the loss of many jobs. SIPL had to lay off more than 1,700 employees (CBSI 1999 Report) and RIPEL over 2,000. The closing of Gold Ridge Mining Ltd. and Solomon Taiyo Ltd in mid-2000 cost more than 2,200 jobs (CBSI Annual Report 2000, p. 17). Private companies and businesses also scaled down their work forces as the economic crisis deepened.

The unemployment problem worsened when the public service was downsized between 1998 and 1999 and the Government sent about “800 public servants on unpaid leave in October 2000 to relieve its strained finances” (CBSI Annual Report 2000, p. 17). By the end of 2000 the CBSI estimated that 8,000 people had lost their jobs, nearly all on Guadalcanal, through redundancies, eviction or indefinite unpaid leave.

¹⁸⁹ Information provided by Michael Tokuru, General Manager of the Solomon Islands Visitors Bureau.

Local people who relied on these major companies for their economic prosperity were also affected. The local economy on northwest Guadalcanal used to thrive from SIPL, but these income opportunities for villagers in terms of royalties, land rents, community service grants, and vegetable and meat marketing ceased when the company closed its operations.¹⁹⁰ Many family businesses also went broke because of direct violence from militant groups. The following statements bear witness to this:

Before the ethnic tension, from 1996 to 1998, I was running a shop at GPPOL I here at Ngalibiu. In 1998, when the ethnic tension started, I was frightened so when the militants came I gave away all my available stocks to them. My wife and I went to live in town, but the town was not normal at that time, we could not move around freely; hatred was still in the hearts of the people of the two islands. So we made a plan that we should buy a canoe and engine so that we could go to the Weather Coast and start a small business. So we withdrew \$50,000 and we bought a boat and engine. Three weeks later we went over to the Weather Coast close to where Harold Keke's base was. We arrived on a Thursday and on Sunday the same week they came and took the boat and engine to Harold Keke's camp. We have not seen it again until today.

Statement N° 0967

When the ethnic tension started we ran away to the bush. We were frightened because there was a lot of shooting taking place down at Alligator Creek between the MEF and GRA. When we ran away we left most of our belongings behind, so the GRA militants came and stole most of them. They came and loaded them in trucks and took them away. We could not say anything because we were frightened of them, otherwise they might shoot us too. They also took our three-ton truck. This was our business truck. That time we ran a poultry business on a very big scale. So when we ran away they came and slaughtered the chickens and took them for their consumption. We could not do anything because it meant life and death. According to our records we lost about \$1.5 million during the ethnic tension.

Statement N° 0363

I was doing petrol retailing but due to the ethnic tension everything was lost. I had about 15 drums of petrol. I do not know who took them.

Statement N° 0827

I had a store business and I went through hard times as any other victims of war. My store ran out of goods and I could not restock it because I could not go to Honiara to get new stock.

Statement N° 5244

6. Conclusions

Lack of reliable data compounded with external factors like decreasing world market prices does not allow for an accurate statistical assessment of the tension's economic impact. Besides, many kinds of cost do not easily translate into monetary units; it is difficult, if not impossible, for example, to set economic values on casualties, refugees or displaced persons.

¹⁹⁰ Rick N. Hou: "The Economic and Financial State of the Solomon Islands", *op. cit.*

It is even more difficult to set values on the more diverse consequences of war, such as social chaos and loss of political authority. Even if data were available, there is the conceptual problem of what to include in estimates of costs.¹⁹¹ Affirmations like the one that states that “the damage the tension inflicted on the economy and social infrastructure is estimated to be over \$250 million or about 20 percent of Solomon Islands GDP”¹⁹² cannot be more than gross estimates. But even accepting these limitations, there can be no doubt that the economic consequences were far reaching and the tension crippled the country economically both on a macro and on a micro level.

¹⁹¹ Elisabeth Sköns: “The Costs of Armed Conflict”, in *Peace and Security: Expert Papers Series Five, International Task Force on Global Public Goods*. Stockholm: Stockholm International Peace Research Institute, 2005, p. 172.

¹⁹² Rick N. Hou: “The Economic and Financial State of the Solomon Islands”, *op. cit.*

6.2 SECTORAL IMPACT: HEALTH AND EDUCATION

Access to health services and education are fundamental human rights.¹⁹³ Both sectors are usually among the most severely affected when a violent conflict occurs, as political violence is often associated with the destruction of educational infrastructure. The United Nations Educational Scientific Cultural Organization (UNESCO) regards conflicts and their consequences as the largest obstacle to the realization of the *Education for All* objective. The effects on health, on the other hand, are multifaceted and range from physical wounds to closure of health services. The following discussion gives an overview of the impact of the tension in Solomon Islands on both sectors.

6.2.1 THE IMPACT OF THE TENSION ON HEALTH SERVICES

1. Funding of the health sector by the Solomon Island Government

The tension led to the collapse of major industries like the oil palm plantation, logging and gold mining, as well as a huge reduction in fishing activities (see chapter 6.1). Consequently, unemployment increased and Government revenue drastically declined, causing general deterioration in service delivery, including health services:

The economic effects include declining production, employment, revenues and investment and destruction of productive investment. The general economic crisis forced cuts in the budgets to the social services including health. Procurement of essential drugs and medical supplies becomes a major concern.

National Annual Health Report 2000, p. 13.

This situation brought about a dramatic decline in public spending for the health sector, since “the Solomon Islands Government [is] a major health provider, funder and regulator of health services for the people in the country”.¹⁹⁴ According to information provided by the Ministry

¹⁹³ “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services.”

Universal Declaration of Human Rights. Article 25

“Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”

Universal Declaration of Human Rights, Article 26 (1)

¹⁹⁴ Solomon Islands Health Report 2005, p. 3.

of Finance and Treasury, the budget of the Ministry of Health decreased by almost 40 percent between 1998 and 2003 (see Table 6.2.-1 and Figure 6.2.-2).

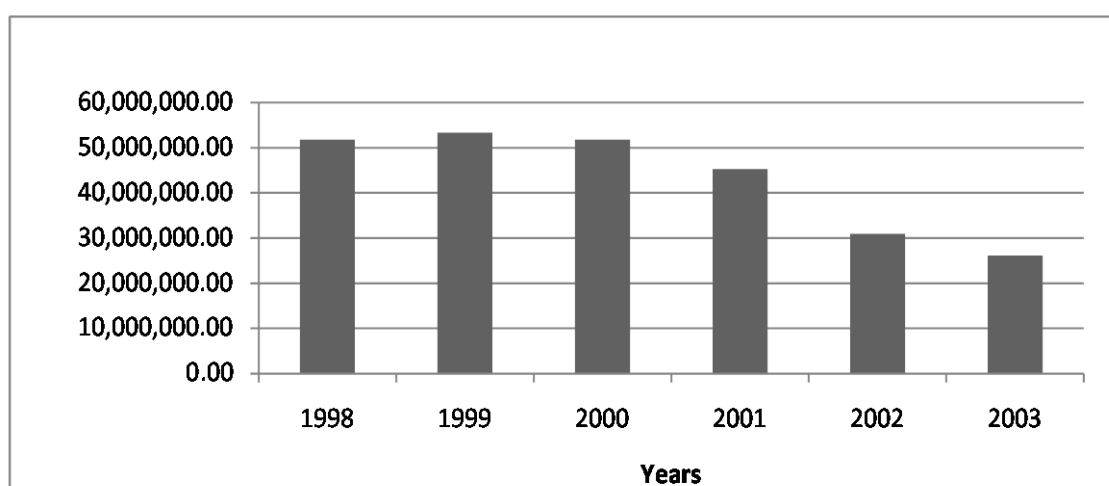
Table 6.2.-1

Expenditures of the Ministry Of Health (1998-2003 (SBD))					
1998	1999	2000	2001	2002	2003
51,785,035.57	53,292,407.46	51,802,700.07	45,229,494.47	30,909,080.72	26,102,319.27

Source: Ministry of Finance & Treasury (MOF)

Figure 6.2.-2

Expenditures of the Ministry of Health, 1998-2003 (SBD)



Source: Ministry of Finance and Treasury

As we shall see, the decline in public spending, together with other factors, had a critical effect on public health. Malaria and maternal mortality increased considerably during the tension years.

In 2000, 2001, and 2002, when the Government had problems maintaining effective health services, donors stepped in and increased their support to the sector. An administrator in the Ministry of Health and Medical Services (MHMS) claimed in an interview that the “Ministry of Health was lucky to survive through the mercies of donors as they poured in more support directly and indirectly”. The Annual Report of the Solomon Islands Central Bank for 2001 similarly reported that without the goodwill of the donor community, services in health would have been discontinued.

According to the Pacific Island Forum Secretariat Report (PIFS) 2004, the governments of New Zealand and Australia, the World Health Organization (WHO) and the International Red Cross provided funds to prevent the collapse of the health services in Solomon Islands. AusAID increased and extended their normal anti-malaria program to include other drugs and equipments. Costs for medicines and other pharmaceutical items were paid by AusAID until at least 2006; the Solomon Island Government still had outstanding debts to providers of medical supplies such as UNICEF.¹⁹⁵

Fortunately the economic recovery has enabled the return of health services as it is evident in the reports from the provinces. Nonetheless, whilst we have improved in increasing Solomon Islands Government's share in the health expenditure in 2005 and also in 2006, all the cost of the medicines and other essential pharmaceutical supplies are currently paid by the AusAid-funded Health Sector Trust Fund. SIG is still faced with USD 120,000 debts to UNICEF for vaccines used and these were some of the outstanding financial issues, which had cost our incredibility to external supporting organizations.¹⁹⁶

Because of the lack of funds for medicine, the Government started to collect fees for certain equipments:

Fees for medical services had to be introduced to supplement the government budget and sustain basic services. Although the fees were generally only a few Solomon Island dollars per service, this acted as a considerable deterrent to use of health services by people who had little or no access to cash.¹⁹⁷

Mosquito nets were purchased at \$10 in the provinces and \$30 in Honiara. Medical cards were sold for around two dollars and malaria test fees were two dollars. Tablets such as panadol, aspirin and septrin were still free, but given out on a minimal basis. Drugs for serious and rare diseases were dispatched to pharmacies where they were sold.

2. Impact on medical facilities

As provincial grants were halted, the quality of health services deteriorated. Some rural clinics were almost non-functioning due to lack of medical supplies. Nurses interviewed by TRC researchers reported that they were not following proper medical procedures in treating patients or supplying health services. Given that they had limited medical equipment, they had to use whatever was available. Sometimes they could not sterilize their hands and at times used water instead of disinfectants on patients:

¹⁹⁵ Attempts to get details on the current status of the debt incurred for health services during the tension years from the Ministry of Health and/or the Ministry of Finance were unsuccessful.

¹⁹⁶ Solomon Islands Health Report 2005, p. 3.

¹⁹⁷ UNICEF: *Solomon Island: A Situation Analysis of Children, Women and Youth*, UNICEF Pacific, Suva, 2005, p. 16.

In Mana'abu (Malaita) some of the medical equipments were reused and in extreme situations, nurses used bamboos, new razor blades, and mangrove shells during pregnancy to remove the umbilical cord. In parts of Guadalcanal such as Veretambao, Poisuhu and Chimba they used the same techniques when it came to delivery.¹⁹⁸

Quality of health services declined with the suspension of many health care services and downgrading of a number of nurse aide posts. Immunization coverage, family planning services, antenatal care, and community outreach programs, to name just a few, deteriorated. There was even a shortage of basic necessities, such as fuel for fridges:

Due to the financial difficulties faced by the government during the tension, the provincial health grants, usually paid out to provincial health authorities, have been overdue for more than two months during the tension. For cold chain and extended immunization programs, it meant that the fuel supply for fridges needed for storing vaccines could not be obtained resulting in fridges closing down, especially at the clinics in the rural areas. This would affect the successful immunization program of the country. Requests on this problem were made and WHO responded favourably by providing US\$15,200, but this was sufficient to provide fuel supplies to one province for only 6 months in the year 2000.¹⁹⁹

The shortage of funds for health services meant the situation was even worse for remote provinces like Choiseul or Temotu, where people's access to medical services was deficient even before the crisis. Islands like Tikopia, Anuta, and the Duffs had to wait almost six months for medical supplies to arrive.

Before the tension, Taro Hospital in Choiseul provided satellite clinics to outlying villages two or three times a week; but satellite clinics have become infrequent since the conflict, mostly because of shortages of fuel needed for the boat to reach outlying areas. Timely Mother and Child Health (MCH) services therefore became unavailable to mothers who could not afford the boat trip to Taro:

Before the tensions, Taro Hospital provided satellite clinics in outlying villages two or three times a week, but since the tensions satellite clinics have become infrequent, mostly because of shortages of fuel for the boat used to reach outlying areas. As a consequence, timely MCH services are generally available only to those mothers who can afford the boat trip to Taro. This reduction in satellite antenatal care and reliance on clients' capacity to afford transport means that some mothers may not come to the hospital to give birth. Other important aspects of primary health care that also have had to be neglected include nutrition and hygiene education and family planning. Taro hospital averages 10 deliveries per month, but cannot perform Caesarean sections. In practice its activities are confined to those of a clinic, as it lacks capacity to handle major birth complications, severe illnesses and any form of surgical

¹⁹⁸ Solomon Islands Red Cross Society Report 2004, p. 25.

¹⁹⁹ Donald Kudu: "Impact of the Ethnic Unrest on Social Development and Disadvantaged Groups in Solomon Islands", p. 13. Available at [http://www.internal-displacement.org/8025708F004CE90B/%28httpDocuments%29/09D726A85399A43F802570B70059F72E/\\$file/EGM_Report_AnnexE3.pdf](http://www.internal-displacement.org/8025708F004CE90B/%28httpDocuments%29/09D726A85399A43F802570B70059F72E/$file/EGM_Report_AnnexE3.pdf); date of access 06/06/2011.

intervention. All such cases are referred to Gizo Hospital, which can be reached only by infrequent air flights that are unaffordable for most residents, or by outboard powered boat. The boat trip takes around six hours, even on a calm day, and can be longer and very dangerous in rough seas. Patients sometimes die en route, and some are unable to attempt the trip at all because their families cannot afford the auxiliary costs of caring for them in Gizo. Deaths of critically ill patients, including mothers with delivery complications, often occur.²⁰⁰

The National Pharmacy had large unpaid bills which were creating drug shortages. Lack of radios, canoes and outboard motors limited provincial access to health services.

Understaffing of health facilities was another problem. Due to the delay in provincial grants, some nurse aide workers were laid off, resulting in the closure of their posts. Many expatriate doctors and health workers left because of the security situation. The Government's inability to pay the wages of health staff lowered morale and prompted the provincial health authorities to allow their officers to go on unpaid leave. The number of primary health care workers in the communities was severely reduced:

At the end of 2003, a total of 57 doctors (ratio of 1 doctor per 7176 population) were employed by the Government and working in the country (the minimum need is 75 doctors). Of these 57 doctors, 29 (50.8%) were based at the Honiara National Referral Hospital, 21 in the other eight provincial hospitals, four at the Guadalcanal Province and Honiara City Council, and three at the Ministry of Health and Medical Services Headquarters. In terms of nurses, a total 605 nurses (including 61 nurse aides) were employed by the Ministry of Health and Medical Services (a ratio of 1 nurse per 676 population) during the same period (the minimum needed is 730 registered nurses). Unlike doctors, nurses are more or less evenly distributed among the hospitals and the area and rural centers and clinics. There are also five private medical practitioners, practicing mainly in Honiara and Gizo.²⁰¹

The National Referral Hospital closed most of its wards (including surgical) due to security concerns and the shortage of doctors. One of the nurses told the TRC that her department was left with only three health workers, a doctor and two nurses, which caused serious delays in attending to patients. Another nurse stated:

If you walked around this facility you would notice that there was a shortage in staff. Sometimes in the Outpatient sick people waited for long hours before they got treatment or even returned home untreated. In some other wards you could not breathe as some patients had sores that were left untreated for weeks during the height of the unrest.

Testimony of a nurse from National Referral Hospital.

²⁰⁰ UNICEF: *Solomon Island: A Situation Analysis of Children, Women and Youth*, UNICEF Pacific, Suva, 2005, p. 15.

²⁰¹ WHO: Solomon Islands Country Health Information Profile 2005, p. 313. Available at: <http://www.wpro.who.int/NR/rdonlyres/00AE28CD-4515-4784-ABDE-9CB453E9B62C/0/sol.pdf>; date of accessed 29/06/2011.

On the Weather Coast, many of the qualified personnel fled the area and the clinics were looted, resulting in poorly equipped and understaffed rural health centers.²⁰² In Marubo, for example, militants stole the emergency fuel of the clinic (Statement N° 0484).

The disturbance of key infrastructures such as roads, water supplies and communication also restricted health services. Large territories controlled by militant groups became inaccessible. As the 2000 Annual Health Report stated:

Due to insecurity and military operations on Guadalcanal, access was restricted to large areas of territory and it constrained the delivery of health services, as well as general response and recovery operations. Drugs and essential medical supplies were virtually ceased in restricted areas.²⁰³

On the Weather Coast, health clinics were looted and destroyed by militants, so villagers had to go to health centers located farther away. For example, the people from Mbiti village had to walk two-and-a-half hours, going through militant camps and crossing several rivers for treatment. Inland communities in northern Malaita had the same problem because bridges had been destroyed.

Primary health care clinics around Guadalcanal were permanently unrepaired, short of medicine and without most of their nurses due to lack of security for health workers. On the western side of Guadalcanal, almost all the clinics had closed due to lack of medicine and medical equipment. In Mbabanikira on the southern part of Guadalcanal the clinic received threats when Harold Keke's followers entered the area; remote villages were cut off from health services: "Given the distance of Mbabanikira from certain villages such as Urahai, Taguliva, Vasavolavola and Ogio on a 2-3 hours walk and the fear of militants made them inaccessible to the health centers."²⁰⁴ Women often felt the brunt of these situations:

There were quite a lot of women who had their babies in the bush during the ethnic tension. Those women who had their babies at home were forced to take them to the bush. Some of them survived; unfortunately some of them could not make it. I had a baby too that time and up until now he has been a sick child because during the ethnic tension we lived mostly in the bush and were exposed to cold and rain and even to sickness. We had no access to medical facilities and our only means of medicine was lemon fruit. We boiled it and he drank while it was warm and I even rubbed on his body.

Statement N° 0979

My auntie gave birth to a pair of twins, but during the tension there were no medical facilities. The clinic was closed down and there was no nurse because everyone lived in fear. The twins

²⁰² Solomon Islands Red Cross Society Report 2004, p. 5.

²⁰³ National Annual Health Report 2000, p. 12.

²⁰⁴ Solomon Islands Red Cross Society Report 2004, pp. 5, 19-20.

were all right after birth, but some time later they died because the mother did not attend any antenatal or postnatal care. The mother herself almost died too because there was no medical attention.

Statement N° 0468

In Malaita, the likelihood of children dying at birth was also high because medicines were running out. A nurse interviewed by TRC mentioned that due to difficulties in transportation several women gave birth on their way to Malu'u. Some refused to give birth at the clinic because of fear of the militants.

Understaffing and deterioration of health facilities, lack of medicine and the overall security situation resulted in an increase of maternal mortality from 125 per 100,000 in 1999 to 295 per 100,000 in 2003.²⁰⁵

3. Health control programs

Most of the programs designed to enhance the effectiveness of the health sector were totally disrupted because of lack of funds, shortages of medical supplies and expertise in the areas of effective health campaigns:

Due to a severe shortage in of funding skills, health programs have not taken off the momentum. Many of the HPO's lack resources such as teaching aids and participatory tools. The same constraints that local populations face in attempting to access health care services pertain to the government in its attempts to deliver effective services.²⁰⁶

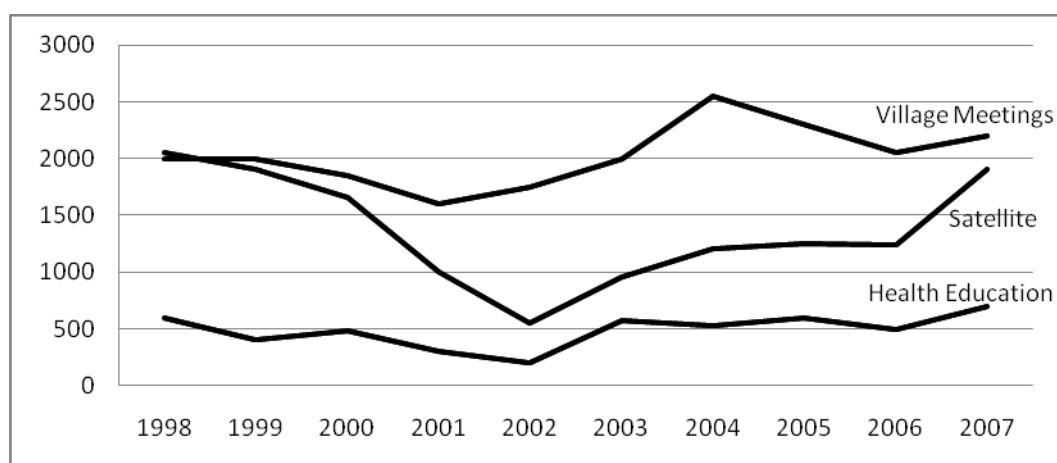
Figure 6.2.-2 shows how village meetings, satellites and health education campaigns were severely cut down between 1998 and 2003:

²⁰⁵ WHO: Solomon Islands Country Health Information Profile 2005, p. 312.

²⁰⁶ Solomon Islands Red Cross Society Report 2004, p. 5.

Figure 6.2.-2

Outreach Activities performed in Solomon Islands 1998-2007



Source: Annual Health Report 2007

The financial difficulty faced by the Government resulted in the reduction of health control programs, medicine available to patients and an increase in diseases such as leprosy, yaws and tuberculosis:

2002 was a terrible year for the National TB Control Program with regards to drug supply and logistics. There was shortage of some anti-TB drugs experienced throughout the country, especially Rifampicin and Isoniazid. This is the first time the country has gone through this problem due to the problem of finances. The drug shortage resulted in some patients being treated with only two drugs.²⁰⁷

The year 2002 has been recorded as the year with the highest number of leprosy cases. The 2003 National Health Report stated that there was an increase of 28 patients from the previous year. One reason for this was insufficient funds secured from the Pacific Leprosy Foundation to carry out elimination campaigns.²⁰⁸ There were also not enough experts as expatriates went back to their home countries because of the violence.

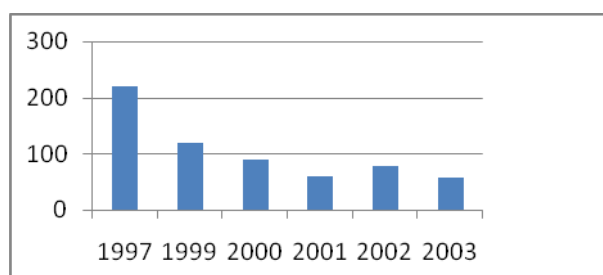
The economic collapse also forced a suspension of most malaria control activities and the destruction of many of the programme vehicles, boats and outboard engines. Malaria control programs were downscaled or even suspended. Figure 6.2.-3 shows the number of mosquito nets being treated:

Figure 6.2.-3

Number of mosquito nets treated (thousands)

²⁰⁷ National Health Report 2003, p. 59.

²⁰⁸ *Ibid*, p. 60.



Source: Solomon Islands Country Health Profile Report.

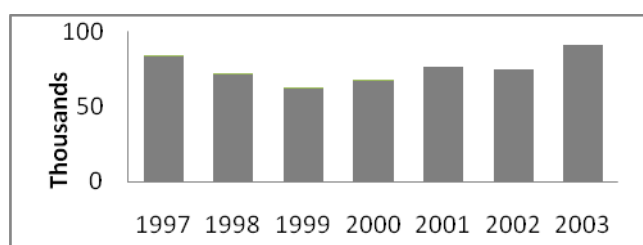
Between 1995 and 1999, the National Malaria Control Policy achieved an 80 percent reduction in malaria cases. The positive impact of this programme ended during the tension years. Table 6.2.-2 and Figure 6.2.-4 show that between 1999 and 2003, Malaria incidence increased by 45 percent (with a small improvement between 2001 and 2002); the real numbers were probably even higher as many people escaped inland during the crises and most of the malaria cases were never reported. The worst period was between 2002 and 2003 (Table 6.2.-3):

Table 6.2.-2
Report of malaria cases

Year	1997	1998	1999	2000	2001	2002	2003
No. of persons with Malaria	84 795	72 808	63 169	67 884	76 417	74 865	91 606

Source: Roll Back Malaria: Solomon Islands Country Profile²⁰⁹

Figure 6.2.-4
Report of malaria cases



Source: Roll Back Malaria: Solomon Islands Country Profile

²⁰⁹ <http://www.rollbackmalaria.org/wmr2005/profiles/solomonislands.pdf>, p. 2; date of access 18/04/2011.

Table 6.2.-3
Malaria incidence 2002-2003

Indicators	2002	2003	% change
No. of patients tested for Malaria	278,261	297,897	+ 7 %
No. of confirmed cases	74,865	91,606	+ 18%
No. of <i>Plasmodium falciparum</i> positive cases	50,105	64,302	+ 22 %
No. of <i>Plasmodium vivax</i> positive cases	24,736	27,234	+ 9%
No. of admissions due to malaria	1,886	1,344*	
No. of deaths	61	41*	
No. of nets treated per year	79,538	55,435*	- 30 %
No. of persons protected by house spraying	18,899	32,213	+ 41 %
Annual incidence rate per 1000 population	168	200	+ 16 %

*excluding Choiseul, Central and Makira-Ulawa provinces as no reports were received

Source: National Health Report 2003, p. 29.

According to the Annual Health Report 2003, although the health system did not collapse completely during the tension, there was an increase in malaria cases:

The reasons attributed to the increase were as follows: firstly, the environmental factors such as socio-economical status of the country in the past three years derailed communities from the momentum to protect themselves from malaria. Secondly, due to the significant reduction in the intervention programs in all provinces because diminished funding, resulting in shortage of larvicidal chemicals for spraying, and declining mosquito treated bed use throughout the country. Thirdly, there were limited malaria awareness campaigns for communities to prevent malaria in their areas. Malaria incidence rate rose by 16% from 168 per 1,000 population in 2002 to 200 per 1,000 population. This indicator signifies the negative impact of the ethnic crisis and the poor economic situation. The Vector Borne Disease Control Programme has faced insurmountable problems in 2003 and the result could be seen from the provincial malaria epidemiology and situation. Problems faced by the Programme include the following: administration, socio-economic, financial and technical obstacles. The seriousness of each problem varies with each province. However with all the problems faced the VBDCP had managed to suppress malaria and did not allow it to go uncontrolled.²¹⁰

4. The impact of forced displacement

The forced displacement of thousands of families resulted in the overcrowding of provincial hospitals. Gizo Hospital in the Western Province and Kilu'ufi Hospital in Malaita Province reported almost a threefold increase in patients, especially women and children. Expatriate doctors as well as staff from other provinces were evacuated from these provincial hospitals,

²¹⁰ Annual Health Report 2003, p. 28-29.

exacerbating the shortage of doctors and increasing the workload on the remaining few who were struggling to cope:

When the tension started to take its toll and displaced people started pouring in from Honiara, we often found ourselves being overstretched over our normal working hours, since our colleagues from other province had left simply because they had anticipated that the situation would get to a worst stage.

Testimony of a dentist from Kilu'ufi hospital.

Even though the situation was alleviated somewhat with the help of a mobile team from the Red Cross, the monthly reports of clinics show that the number of patients increased significantly while the number of qualified staff decreased. For example:

At the Kilu'ufi hospital, the total number of antenatal attendance, child welfare clinic, and out-patient attendance for the months of June, July and August of 1999 as compared to the same period in 1998 has increased by about 78, 115, and 185 percent respectively. The increase at other health facilities is also similar, but not as high as Kilu'ufi hospital.²¹¹

5. Security issues

Security was a serious issue during the tension when fear and intimidation continued around the country. Health professionals sometimes were forced to do their job at gunpoint. In Auki, militants destroyed the outpatient area of Kilu'ufi Hospital where a member of a rival MEF faction was being treated:

Medical staffs carried out their delegated responsibilities, but in fear. The situation was different, the attitudes of the MEF members was unacceptable because there was no law and order. On one occasion they fired shots in front of the clinic, and all the patients fled out from the clinic. They had no respect at all for anyone. In another fighting incident which resulted in severe bodily injuries, when the casualties were brought to the hospital for treatment, militants came to the clinic to cause more harm to the injured person. They damaged the outpatient area and fighting erupted again. So that feeling of insecurity remained among all the medical staff all of the time, until RAMSI arrived.

Testimony of a medical staff member of Kilu'ufi Hospital in Auki,

In Malu'u, in northern Malaita, the situation was similar; militants entered the hospital with guns demanding money from health workers and patients. Even more serious incidents happened at the National Referral Hospital in Honiara, making the main hospital of the Solomon Islands insecure for treatment and working. In July 2000, two men who were suspected to be GRA militants were shot dead, allegedly by members of the MEF, while recovering in the hospital. Also in July 2000 Malaita Eagles and members of the Paramilitary

²¹¹ Donald Kudu, "Impact of the Ethnic Unrest ...", *op. cit.*, p. 14.

Police attacked the clinic in Visale, West Guadalcanal, shot two men dead and damaged the interior of the clinic.²¹²

Another incident occurred at the National Referral Hospital on the night of 31 August-1 September 2000. A group of MEF militants commanded by Jimmy Lusibaea shot a patient in each of his knees.²¹³ Incidents like this made people feel that the National Referral Hospital was no longer safe for patients and workers. Some of the nurses fled home in fear and never returned:

We worked with fear and no concentration at all because militants came in with guns, killed patients, threatened nurses and move around the facility with guns. It was a pity to see that militants came in and shot to death patients while we were working. Nurses were threatened at gunpoint and the militants, when they entered the facility, demanded that we serve them first and give whatever they want; if not we could be shot.

Testimony of the Assistant Head of Orthopaedic Ward, National Referral Hospital.

Because of lack of security, people in the provinces were refused admittance to the National Referral Hospital and moved to provincial hospitals with help of the Red Cross, putting more pressure on local clinics that lacked medicines and drugs because of the Government's inability to finance provincial hospitals and clinics.

People on the Weather Coast, who were forbidden by Harold Keke's GLF to go to Honiara seeking medical treatment, were especially affected:

My child was sick so I took him to the clinic. The nurse checked him and said he had malaria and pneumonia. When we got back we tried to give him some kind of treatments and tablets but all this did not work. During the ethnic tension it was hard to go to town to get medicine so I stayed with my sick child and after three days he died.

Statement N° 0979

6. Mental Health

A report by UNICEF states that it is difficult to evaluate the psychological impact of the tension on the people of Solomon Islands because victims include not only people who suffered human rights violations such as physical violence, loss of property or forced displacement, but also those who lost their sense of personal security and confidence in the future. Many were also traumatized by the breakdown of basic needs such as salaries and essential public services:

²¹² See the testimony of Domitila Kauhiri during the public hearing in Visale.

²¹³ High Court Criminal Case: *R. v. Lusibaea and Saeni*, unrep CC 291/2007.

The extent of traumatization of the population is unknown. A poll of Honiara people attending markets and other meeting places in 2004 found that the families of 85 percent of men and women had been directly affected, with 75 percent of men and 73 percent of women suffering direct personal trauma, including rape, death of family members, violence, intimidation and being held up at gunpoint. The Family Support Centre, a Honiara NGO that assists victims of violence and trauma, reported an increase in its clientele from 71 in 1997 to an average of 200 annually from 1998-2001 to 676 in 2002. Some of the violence was perpetrated within families to demonstrate allegiance to the militia.²¹⁴

In 1997, for every 10,000 persons, 15.6 persons asked for treatment because of mental health problems. By 1999 the number had increased to 19.9 persons. The total number of mental health cases seen at the National Psychiatric Hospital and Kilu'ufi Hospital increased from 663 in 1997 to 915 in 1999.²¹⁵

Increase in mental patients compounded by financial problems of the government seriously over-stretched the Psychiatric Unit:

Over the past years the number of people seeking psychiatric treatment has been increasing. It is expected to increase further in the next five years. The gap between the demand for services and the limited supply would continue further. The utilization of this service was very low compared to general medical services because of limited access to the services. Most other provincial hospitals did not offer any psychiatric counseling or treatment but did follow-ups, and supplied psychiatric drugs. Unless something is done, the situation would become more difficult. Social problems such as alcohol and drug abuse are now recognized in the communities as significant problems. Criminal offences are on the rise. The need for psychiatric counseling and treatment is great.²¹⁶

Many victims who gave statements to TRC requested counselling programmes. The psychological effect of the tension on people has not been adequately treated. The following testimony is only one example of victims still reliving their trauma:

I was schooling at Tangarare when the GRA chased the students. I jumped from the building injuring my back. I was admitted at Kilu'ufi Hospital for almost six months. Even today I still feel the pain on my back and sometimes feel like falling when walking. During the past years I often scream at night while sleeping. This affects me from the day the GRA chased us until today.

Testimony of Lionel, Malaita

7. Conclusions

The World Health Organization (WHO) defines health services as all activities intended to restore and maintain health. These include vaccinations, medical care, and sanitary services relating to water and hygiene, as well as all activities ensuring access to food. Those

²¹⁴ UNICEF: *Solomon Island: A Situation Analysis of Children, Women and Youth*, UNICEF Pacific, Suva, 2005, p. 22.

²¹⁵ Ministry of Health: *National Health Report 1997-1999*, p. 89.

²¹⁶ National Health Report 2003, p. 66.

“underlying determinants of health” imply consideration of the right to health in a broader perspective, which is the basis of Article 25 of the Universal Declaration of Human Rights.

This right, in effect, expounds the idea that states are responsible for adopting appropriate measures for the population to have effective access to those services. Such obligations are found in several legal instruments, including the International Covenant on Economic, Social and Cultural Rights (Articles 12, 24), the International Convention on the Elimination of All Forms of Racial Discrimination (Article 5), the Convention on the Elimination of All Forms of Discrimination Against Women (Articles 10, 12, and 14), and the Convention on the Rights of the Child (Article 24).

During the tension, the Solomon Island Government was not able to guarantee these rights. Tension-related budget cuts led to the deterioration of health services not only in Guadalcanal and Malaita, but also in remote provinces like Choiseul and Temotu. Health-effective campaigns had to be downscaled, and even suspended. The forced displacement of thousands of families to Auki, Malu'u, and Gizo exhausted the resources of their local clinics. Doctors and nurses abandoned their health centers because of lack of security.

Several articles in the Geneva Conventions and their Additional Protocols protect medical structures and medical personnel. It is forbidden to attack hospitals, and medical staff must be able to perform their work without any discrimination whatsoever. Protection is also required for essential services aimed at maintaining health, namely food, drinking water, hygienic measures, and habitat. To ensure such protection, it is prohibited to attack or destroy these services, or to render them inoperable.

All this was blatantly disregarded both by Guadalcanal and Malaitan militants. Health personnel were forced under threat to give preferential treatment to militants. Hospitalized, wounded and defenceless members of rival militant groups or factions were further injured and sometimes even killed within hospitals. The theft of supplies, including fuel, disrupted essential medical services. Roadblocks made it difficult for people to access health services. Clinics were looted on the Weather Coast by GLF militants or, like Visale, suffered attacks by the MEF.

One important unaddressed issue is mental health. A quick analysis of the statements, interviews and hearings can leave no doubt that the trauma of the conflict is still present in victims who lost everything during the tension. Many of them asked for some sort of counselling. Unfortunately, no complete assessment of the psychological impact of the

tension has been made so far, nor has there been any public programme for healing psychological trauma.

6.2.2 THE IMPACT OF THE TENSION ON EDUCATION

1. Financial Impact

Reliable information about the funding of the education sector during the tension years is difficult to obtain as different sources provide different data. Table 6.2.-4 and Figure 6.2.-5 show the expenditures for education supplied to TRC upon request by the Ministry of Finance and Treasury:

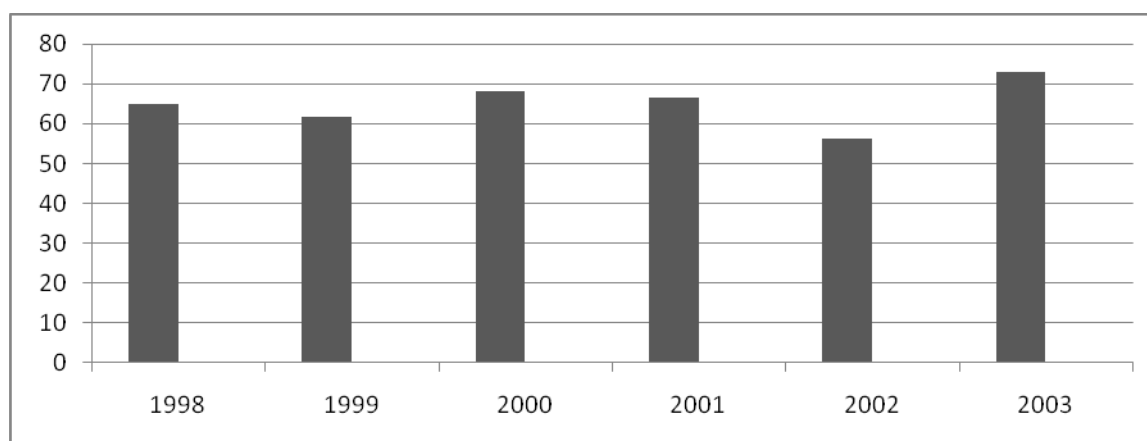
Table 6.2.-4

Expenditures on education (SBD) according to the Ministry of Finance and Treasury					
1998	1999	2000	2001	2002	2003
65,008,294	61,641,266	68,042,828	66,355,366	56,203,278	73,052,022

Source: Ministry of Finance and Treasury, Reporting Unit

Figure 6.2.-5

Expenditures for education according (million SBD)

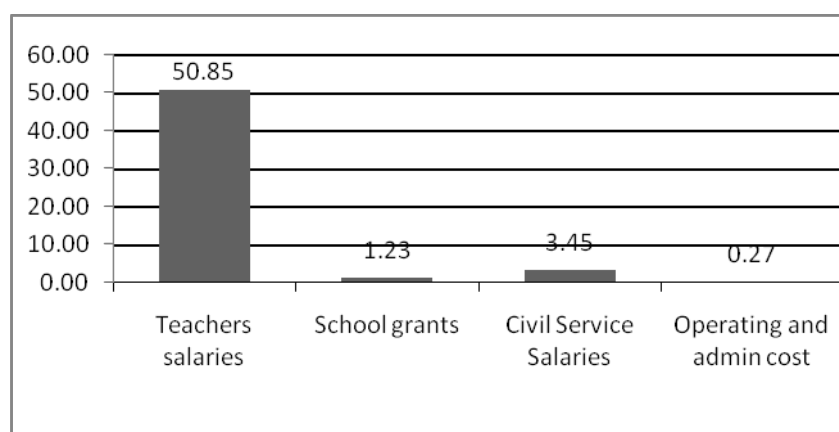


Source: Ministry of Finance and Treasury, Reporting Unit

The difference in expenditures for the health and the education sectors is striking. While health suffered a harsh decrease in public funding, the education sector generally maintained its budget, even reaching an unprecedented peak in 2003 (at least according to the data provided by the Ministry of Finance).

However, this seemingly smooth performance of the education sector is misleading when we categorize the expenditure (see Figure 6.2.-6). Salaries were overspent by 43 percent, school grants underwent huge cuts – from the budgeted SBD\$8,869,768 to an actual SBD\$1,031,113 and operation costs made up less than one percent of the full education expenditure. This amount was used exclusively for the two national secondary schools, King George VI in Honiara and Waimapuru in Makira.²¹⁷ The Government had to admit that “the financial problems of the government continue to impact on the quality of educational provision in all provinces.” (Solomon Island Government: *National Economic Recovery Development Plan 2003-2006*, p. 54).

Figure 6.2.-6
Education recurrent expenditure by category, 2002 (million SBD)



Source: Ministry of Education, 2002 Annual Report, p. 16.

Unfortunately no data for other years are available. In his assessment of the social impacts of the tension, the former Permanent Secretary of the Ministry of National Planning & Human Resource Development (MNPHRD) recalls that provincial primary schools were the ones most affected by the lack of school grants:

Except for church and private primary schools, payments of school grants have been severely affected. The situation was worse for provincial primary schools which, by August, received only 25 percent of their grant entitlement. As of end of July 1999, most of the educational authorities and provincial governments have not received any educational grants since the first quarter of the year. The situation was bleak especially for boarding schools, which have higher overheads than day schools.²¹⁸

²¹⁷ Ministry of Education, 2002 Annual Report, p. 15.

²¹⁸ Donald Kudu: “Impact of the Ethnic Unrest ...”, *op. cit.*, p. 9.

Like health services, the operation of the education sector depended on the intervention of external donors. In 2000 and 2001, for example, schools operated on grants provided by the New Zealand Government:²¹⁹

Minimal education services were sustained only through donor support: by the end of 2002, New Zealand had provided at least SI\$3 million to fund the operation of secondary schools affected by conflict; the EU provided an operating grant of SI\$5.8 million for secondary schools in 2002; while primary schools received emergency assistance with school supplies from DFID [United Kingdom] (SI\$5.4 million) and Taiwan (SI\$4.5 million), but no cash grants. In addition, Australian Aid financed some school facilities in particularly conflict affected communities through a Community Peace Restoration Fund (CPRF) designed to support the implementation of the 2000 peace agreement. Funding for the CPRF was progressively increased, to reach AU\$21 million by the end of 2004, though education was just one of many sectors that received small-scale support; others included health, community facilities, training, roads, women, youth, and agriculture.²²⁰

While important, the donor assistance “provided only minimal education services in an already overstretched system.”²²¹ The lack of school grants affected primary, secondary and tertiary institutions. Programmes of the Solomon Islands College of Higher Education (SICHE), the only national tertiary institution where teachers, nurses and agriculture workers are trained, were disrupted and had to be scaled down. The Solomon Island Government’s sponsoring of students in overseas institutions was also heavily affected. In 1998 there were 644 students abroad; this figure declined to 496 in 2000. In 2000 about 180 students could not resume studies at the University of the South Pacific in Fiji due to lack of finance from the Government.²²² The Solomon Islands Human Development Report 2002 described the desperate situation of the education sector during the tension years:

SICHE is experiencing the worst financial crisis in its history and has not been able to start semester 2 for the 2001 academic year. Teachers and lecturers, like other government employees, have not been paid their salaries on schedule. The fees and allowances of many SIG sponsored students studying both in country and overseas have not been paid and this has negatively impacted the morale of many students.²²³

²¹⁹ *Solomon Islands Human Development Report 2002: Building a Nation*, pp. 54-55.

²²⁰ Jeni Whalan: “Education for All: Solomon Islands”. Background Paper prepared for the Education for All Global Monitoring Report 2011, *The Hidden Crises: Armed Conflict and Education*, 2010, p. 4-5.

²²¹ *Ibid*, p. 5.

²²² *Solomon Islands Human Development Report 2002: Building a Nation*, p. 50.

²²³ *Ibid*, p. 55.

2. The performance of schools

School performance was affected on all levels. More than half of primary schools on Guadalcanal had to close temporarily as teachers and students fled the violence.²²⁴ Secondary schools such as Tangarare, Ruavatu and Selwyn also shut down one after another. In May 2000, St. Joseph's, Tenaru, closed operations:

In May 2000, Tenaru School closed its doors. The order of the evacuation was that the Guadalcanal students left first, followed by Malaitan students and staff and then the rest of the students from other provinces. Some students were transferred to schools in Honiara, while others had to wait for the school to resume classes. One Guadalcanal girl decided to stay with her teacher in fear of returning to her village. She did not want to wear grass skirts and was afraid of rape and abuse from the militants.

The school compound was left behind at the mercy of the Guadalcanal militants. The interviewees reported that they used the classrooms and dormitories as their camp after the students left, but kept their promise to look after the school properties. It was after the signing of the Townsville Peace Agreement that most of the school properties were damaged. These damages, according to the interviewees, were done by the members of the Malaita Eagle Force. They removed louvers, glasses, sewing machines, science lab equipments, broke walls of classrooms, shot cows and took away any valuables they could lay their hands on.

In 2001 the majority of the students returned and classes were resumed. However, the teachers identified elements of no-care attitudes on students, probably influenced by the crisis and the fact that students had spent almost a year away from school. Academic performance returned to normalcy in 2002.

Summary of an interview with teachers from Tenaru School

The Solomon Island College of Higher Education closed after the Rove armory raid. In 2001, the USP Distance Flexible Centre in Honiara stopped operating:

[Beyond] the capital in the surrounding rural areas the conflict was more dramatic. Here the physical and emotional violence of the conflict was experienced in overt ways. Schools closed more frequently, for longer periods and in some cases closed altogether. Away from these areas it was perhaps the length of the conflict rather than the intensity that affected most people. There was a continual uncertainty about what would happen next and how long it would last that produced the fear that all teachers mentioned. . . . Elsewhere on Guadalcanal schools closed when children stopped coming as a result of militant activity in the area. Teachers also had difficulty travelling safely between home and school. Sometimes schools made independent decisions whether to continue, at other times central government issued directives.²²⁵

In Malaita many schools had to close temporarily because of instability caused by unruly MEF militants. St. Paul's Kindergarten in the heart of Auki had to close for a full year

²²⁴ Ministry of Education and Human Resource Development: *Annual Report 2004*, p. 46.

²²⁵ Greg Burnett and Jeremy Dorovolomo: "Teaching in difficult times: Solomon Island teachers' narratives of perseverance". *Journal of Peace, Conflict and Development*, Issue 12, May 2008, pp. 10, 11.

because teachers feared for their lives. Nearby, Auki Community High School opened and closed sporadically. North Malaitan schools faced the same situation:

I was a student at that time here at Loina Primary school. At that time the school was closed down for one whole year. I was in class five at that time. The teachers and students were afraid to attend class so the school was closed down for an indefinite period, basically because many of the MEF members were from Loina village. Jimmy Lusibaea is from Loina village.

Testimony of L. W., Malu'u

Schools were also completely destroyed by militants, both Guadalcanal and Malaitan. The University of the South Pacific's Institute of Marine Resources at Aruligo, for example, was burnt to the ground. The charred remains can still be seen today. The same happened to many schools in the CDC area, Foxwood, Marau and from Kakabona to Visale.

Some schools that managed to continue their operations were harassed by militants. White River High School on the outskirts of Honiara was one of them:

During the tension the school was in a chaotic situation. Firing of guns at the nearby hilltops was almost daily and teachers had to cancel classes and send students home. The school administration took measures to train students on how to take cover when there was gunfire: students marched to the school playing ground and had to listen for an alert bell indicating threat; when the bell was rang everybody was to quickly take cover on the ground. Extra activities like sports were cancelled. The interviewee also stated that during this time the school was at a declining rate of students. Many students stayed at home, while others escaped to Malaita or to villages in rural Guadalcanal.

During the nights the school was used by MEF militants as camping ground. The interviewee mentioned that the militants were not stopping the school from operating; they even safeguarded the White River School from any invasion from the GRA. But there were outsiders who took advantage of the situation and posed threats to the school. Louvers, zinc and other school valuables were stolen.

School rules were almost ineffective. Some students got involved in drunkenness, smoking and hanging around with peers. One student who was told by a teacher to behave respectably within the school informed a militant known to him. Under the influence of liquor the militant demanded a certain amount of money from the school administration at gunpoint.

One of the reasons stated by the interviewee as to why the school did not close was the fear of staff members that their salary would be ceased if the school did not operate. After the Townsville Peace Agreement, the school resumed its normal operations.

Summary of interview with senior staff members of White River High School

Ethnic divisions did not stop outside classrooms, and disturbed the harmonious coexistence of students from different backgrounds:

At the start of the ethnic tension the first people to be chased out from Guadalcanal were the Malaitans living on the Weather Coast. While we were at school we treated each other the same, even if sometimes we had differences, but these were normal things in school. We did not talk to each other about the ethnic crisis. In 1998 the militants came to the school and started to harass the students. Since that day we started to have differences between us and

the Malaitans. Before the tension there were no differences between us: we played together, ate together and intermingled.

Focus group with young citizens, Visale, Western Guadalcanal

At that time I really hated some of those Malaitans. I was at St. Joseph Tenaru and I was threatened by some of the Malaitan students and that same year one of my cousins was murdered by Malaitans too. That made me really hate the Malaitans. That's why I wanted to join the militants.

Focus group with former GRA militants who were under 18 years old when they joined the militant group, Honiara

The following account of a former student of Selwyn College gives insight into what being a student was actually like during those times.

In 1999 the conflict started to get worse. More than 100 Malaitan students withdrew and were transferred to other schools around town or in other provinces. The IFM militants had enforced the "back to culture" rules where everyone around Guadalcanal had to wear traditional costumes. There were roadblocks and bunkers along the road running from Kakabona to Maravovo. Travelling to town on the school truck was next to suicide for Malaita students as the tension intensified. Trucks had to stop at every checkpoint for check up by the GRA militants. This was even worse when the militants were drunk. At one occasion a teacher from Isabel almost got killed at one of the bunkers because he was misrepresented as Malaitan because of his blond hair.

As Malaitans we felt like we were living behind the enemy lines and vulnerable to possible attacks from the GRA. Militants with homemade guns and .22 rifles were regular faces day in and day out around Selwyn College. Sometimes at night when the lights went out we would sit beside our dormitories and watch those militants walking pass. Some Guadalcanal students took advantage of the situation and acted like Rambos or cowboys from the Wild West that we knew from movies. They thought they were untouchable and could do whatever they wanted because of their connection to some members of the GRA militia. Some of them were said to act as spies for the GRA. They would report any rumours of any negative comments made by Malaitan students about the GRA or the people of Guadalcanal. At one incident, a group of students were chatting and laughing in the dining hall when some Guadalcanal girls from the village walked pass wearing grass skirts. Upon hearing the boys laughing, the girls thought they were making fun of them and reported the incident to the militants. Later in the evening, GRA militants came to the school and demanded compensation. The school administration had no choice but to give them what they wanted. This case is just one example of several compensation cases that the militants demanded from the school.

I was elected as a school prefect in 1998-2000. Dealing with school rules at that time was very difficult especially with students from Guadalcanal who were dominating the dormitories I was looking after. Nobody dared to deal with them, most of them were small boys from forms 1, 2 and 3, but because they had relatives among the militants they never listened to anyone. The only way to deal with them was just let them enjoy their time and do whatever they wanted.

There were continuous threats and the students had to meet in the church chapel for advice from the principal on what to do if the militants attacked us. We were advised that every time we heard the chapel bell ringing at odd hours we all had to move quickly to the chapel to listen to advice. This happened on several occasions and the students cooperated.

Although Harold Keke and Joseph Sangu had made an agreement with the school authority that they would respect the school, there were incidents where Malaitan students received

abusive and swearing words from members of the GRA passing by. Several times the school received threats from GRA militants. Towards the end of the first semester 1999 the school could not go further. The church arranged for evacuation of students to Honiara. I remember it was Saturday afternoon about 6 p.m. and we were preparing for evening worship when members of the Rapid Response Unit (RSIPF) arrived in two vehicles with fully armed officers. They arrived after a battle with the GRA militia along the road. They guarded the school that night and on Sunday morning we were all evacuated to Honiara onboard the two Church vessels MV *Southern Cross* and MV *Kopuria*.

Later on talks were held between the GRA commanders and the Church of Melanesia and the militants agreed to let the school continue, as many Guadalcanal students from other schools that already had ceased operation like Ruavatu and Tangarare were attending Selwyn College. We all went back to school at the start of second semester to continue our studies. Things were getting worse than ever. The militants were acting as if they owned the school. They used the school fuel house to refill their vehicles and the school warehouse as their arsenal to make their homemade rifles. I saw them making their homemade guns at the school warehouse with my own eyes.

During the second half of school year 1999 things were starting to get worse and Malaitans were even fearful to go to the school market outside the school compound just next to the main gate. One evening I and a fellow Malaitan student went to the Kujuku River for a shower. Some youths from the nearby villages were playing on the hill nearby and when they looked down to the river and saw us there they shouted at us swearing not only on us but Malaitans as a whole. We couldn't even to reply because these youths had their relatives in the GRA.

The tension intensified when we came back again in 2000. Students were all banned from keeping radio and tape recorders because news about the conflict made the headlines in every news release. We were even banned from discussing anything relating to the conflict. The aim was to keep the students' unity and to isolate us from accessing any information relating to the conflict. We were totally unaware of what was happening in town.

The school continued under fear and duress until 5 June 2000 when the Rove armory was raided. After that we were all evacuated to Honiara. In 2001 we went back to Selwyn College to resume studies. Many of us had to repeat the grade we had been in 2000; all my colleagues had to repeat Form 5.

School continued as normal until September 2001 when Selwyn Saki was murdered and Guadalcanal militants demanded that Malaitan students have to leave the school. Many of us were at Form 5 and our examination was supposed to start the next morning. After a quick arrangement made by the Church of Melanesia and the School Administration, the Malaitan students had to move over to Honiara on a pickup truck escorted by the Franciscan Brothers of the Anglican Church. We came over to Honiara that night and resided at the Pavilion at the Solomon Islands College of Higher Education. Later other Malaitan students who were attending form 1, 2, 3 and 4 joined us. The 2001 September evacuation was the last time I have seen Selwyn College.

Testimony of Rex Akomae²²⁶

Fear among students and teachers worsened when hundreds of weapons were stolen from the Rove Armory. In Honiara the raid mostly affected Guadalcanal students who were living in fear of retaliation:

²²⁶ See also the testimony of Ms Serima Jas during the public hearing in Honiara.

Guadalcanal students and staffs in SICHE were living in fear that Malaitans could do something to them, given the dominance of Malaitans in town and the presence of militants around the school campus. Most Guadalcanal students and staffs withdrew and escaped for their safety. Some Malaitan students and students and teachers from other provinces also withdrew when they started to experience the calamity of the tension. From 1999 to the beginning of 2000, the school still operated regardless the drop in the number of staffs and students, though some teachers and students are reluctantly committed to classes due to personal security. Likewise, College staffs started to experience the problem with their payment; it took months before they received their salaries. SICHE gave SBD\$100 to each staff member who taught in College to compensate for the delay in payment. In the second semester in 2000 the school was officially closed down until 2001.

Summary of interview with Senior Lecturer, SICHE

School staff also received threats throughout the entire period of the tension. They were intimidated by militants and even students who engaged with militant groups.²²⁷ For example, three teachers from Mbabanikira School, southern Guadalcanal, were lucky to escape GLF militants looking to capture them. One of them was Malaitan, another was from Temotu and a woman teacher was from Isabel province. The school principal, whom the militants suspected of hiding the three staff members, was bashed with the barrel of the gun and ordered to pay a compensation of \$500.²²⁸ Normal school life was impossible in most of Guadalcanal during the tension:

I attended Ruavatu School for only two weeks; the road block was already set up at Alligator Creek. At that time we did not listen to the teachers, we could do anything; I started to smoke cigarettes and marijuana. The teachers even came and joined with us to smoke, I don't know why but we smoked together, teachers and students.

Focus groups with former GRA militants who were under 18 years old when they joined the militant group, Honiara

In Malaita, school buildings and properties were ransacked and looted by juveniles from surrounding villages (see chapter 3.2.3). As was the case in Guadalcanal, teachers in Malaita were also afraid to enforce school rules because many students were related to militants. The difference was that teachers and militants were of the same ethnic background. Classrooms were too crowded as students flooded in from Guadalcanal and other provinces:

One former student who joined the MEF came and demanded the school to refund his school fees. He entered the school office and demanded the money from the head master. It was very hard for us teachers to control him at that time. He was drunk and I came in to assist our school principal. We tried to calm him down and later the police arrived and they came and took him away

²²⁷ See chapter 5.2.

²²⁸ Interview with Deputy Principal, Mbabanikira School, south Guadalcanal.

During that time attitudes and behavior of the students changed a lot because their brothers, cousins and uncles joined in with the MEF group; I find them sometimes aggressive and violent and do not want to listen to teachers.

Did you notice any change of behavior among the girls in your school?

Their attitude also changed, especially those that went over to Honiara during the period of the tension. Even girls do not want to abide with the school rules at that time. We teachers were not effective in controlling students, we often advised their parents to control their children during the period of the tension.

Interview with school teacher, Malu'u

We came over in year in 2001. During that time the effect of the tension was very much felt around here in Malu'u since the leading figures in the MEF were from this area. In school the attendance from students was very poor, parents were reluctant to send their children to school, especially those who had to walk long distance. In 2001 after arriving I still saw men walking around with guns, generally life was not normal and people lived in fear. It also had a huge impact on us teachers because of the tense atmosphere, there was less concentration in class, and teachers themselves did not attend class for safety reasons.

Was there an increase in the number of students enrolled during the course of the conflict?

During the time there was a rapid increase in the number of students enrolled, mostly from children displaced from Guadalcanal. There were fewer teachers for an overwhelming number of students; classes were overcrowded and teachers were stretched in their duties.

Interview with school teacher, Malu'u

Pre-schools were unable to accommodate all applicants from displaced families largely due to shortage of teaching staff. In 1999, over 41 percent of the primary and secondary school age population were not attending school. Financial difficulties, closure of schools and lack of space were stated as the most common problems.²²⁹

The Malaita schools were overcrowded. It was a case of more than 40 children to one teacher. The quality of education was affected. Some rural schools were particularly badly affected. The Malaita province made an attempt to combine schools to further resources, especially teachers. Teachers went on strike and others did not go to work because the Education Authority did not pay their wages. No one could reprimand anyone. The Education Division of the Province could not do much either because the staff in there too were facing problems of no salaries. It was a very difficult and chaotic situation. Children did not have classes and were very badly affected by this situation. Resources were insufficient. Text books have always been a problem within the schools. Due to poor storage, the remaining text books deteriorated further, books were also stolen. School facilities remained with no improvements and thus experienced further wear and tear. School fees were expected to be paid. Some schools heard that Parliament was going easy on school fees so they relaxed the payment of school fees as well. Schools were less able to rely on fees to assist in keeping the schools functioning.²³⁰

²²⁹ Department of Development Planning: *Analytical report on monitoring and planning for displaced families, case study Malaita*, January 2000; quoted in Donald Kudu: "Impact of the Ethnic Unrest ...", p. 4.

²³⁰ Pacific Island Forum Secretariat: "Social Impact Assessment of Peace Restoration Initiatives in Solomon Islands", March 2004, p. 33.

3. The quantitative impact of the tension on education

The impact of violent conflicts on education is measured basically by household surveys on years of school attendance and literacy rates.²³¹ Using the variable of literacy, a comparison of the Solomon Islands National Census from 1999 and 2009 displays no decline between those years (table 6.2.-5a). This applies fully for the generation that attended school during the tension years (table 6.2.-5b). Census data summarized in table 6.2.-5c lead to the conclusion that school attendance was stable or even increased in the most affected provinces between 1999 and 2009.

Table 6.2.-5a
Literacy rates 1999 and 2009

	Both sexes	Males	Females	Both sexes	Males	Females
	1999 Census			2009 Census		
Solomon Islands	64.4	69.1	59.4	69.0	72.9	64.9
15-19 years	84.3	86.4	82.0	86.2	86.6	85.6
20-24 years	84.6	88.5	80.8	83.7	86.0	81.6
25-29 years	83.2	89.4	77.0	83.0	86.4	79.7
30-34 years	78.8	87.8	69.4	80.9	86.4	75.5

Table 6.2.-5b
Development of literacy rate in the same age group between 1999 and 2009

1999 Census				2009 Census			
Age	Both sexes	Males	Females	Age	Both sexes	Males	Females
5 - 9	13.4	13.4	13.4	15-19	86.2	86.6	85.6
10 - 14	64.8	64.3	65.3	20-24	83.7	86.0	81.6
15 - 19	84.3	86.4	82.0	25-29	83.0	86.4	79.7
20 - 24	84.6	88.5	80.8	30-34	80.9	86.4	75.5

²³¹ UNESCO, Institute for Statistics: *The quantitative impact of conflict on education*. Think piece prepared for the Education for All Global Monitoring Report 2011. *The hidden crisis: Armed conflict and education*. New York: UNESCO, 2010.

Table 6.2.-5c

Literacy rate in provinces most affected by the tension

Province	1999			2009		
	Both sexes	Males	Females	Both sexes	Males	Females
Guadalcanal	60.4	64.9	55.5	66.7	70.6	62.5
Malaita	51.3	57.8	44.9	56.1	61.7	50.2
Western	79.1	79.6	78.6	79.5	80.0	78.8

Source: National Census 1999 and data from the 2009 census.

These statistics seem to confirm what United Nations consultant Graça Machel found in her 1996 study on the impact of armed conflict on children. According to Machel, schools usually continue to function in countries with low-intensity conflicts where outbreaks of open violence are discontinuous: “It is less difficult to maintain educational services during low-intensity conflicts . . . and schooling is likely to continue during periodic lulls in countries where fighting is intermittent or seasonal.”²³²

A comparative study by the UNESCO Institute for Statistics found the same to be true even for countries like Colombia, Bosnia and Herzegovina and Tajikistan where conflicts have claimed thousands of lives and displaced millions of people. Census data of the study show political violence having no visible impact on education at the national or sub-national level in these countries.²³³ In such cases the study recommends “a more fine-grained municipal level analysis to pinpoint the conflict-exposed population.”²³⁴ This is a task that exceeds the capability of the TRC.

One limitation of statistical assessments is that they do not reflect the quality of education. It is reasonable to assume that under the conditions described above, with overcrowded classes and/or continuous interruptions, no regular teaching and learning was possible. The Machel Report states that even where services are maintained during conflict, quality will be compromised:

²³² Graça Machel: *Impact of Armed Conflict on Children. Report submitted to the General Assembly of the United Nations*, 1996, p. 44.

²³³ UNESCO, Institute for Statistics: *The quantitative impact of conflict on education*, *op. cit.*

²³⁴ *Ibid*, p. 5.

Funds will be short and the supply of materials slow or erratic. In addition, fear and disruption make it difficult to create an atmosphere conducive to learning and the morale of both teachers and pupils is likely to be low.²³⁵

People usually expect education services to provide more than basic literacy. A complete assessment of the impact of the tension on education would have to take into account the suspension or delay in people's careers. This applies equally to victims of forced displacement or loss of property as well as adolescents who joined one of the militant groups:

What about your education, was it affected as well?

Yes, it was affected in a way that instead of going up the ladder you got stagnant because of the tension. After the tension I went back to school, but my mind was not settled properly as I could still feel the effect.

Did you all of the students go back to school after the tension?

Some of the students went back to school whereas others did not continue with their education. Some of them went back, but they were not interested in continuing with their education so they remained at home.

Focus group with former IFM militants, Visale

During those times I was in secondary school at Malu'u Community High School and when the MEF was formed. I decided to leave school and join the militants. I followed Mr. Lusibaea from Malu'u to Honiara. Now I regret the decision I made as I missed education opportunities, my dreams to pursue further studies and so on. However, at that time I really enjoyed the decision to join MEF as I was very close with the big guns like Lusibaea, Patteson Saeni and so on. If not for MEF I should have reached universities just like other Solomon Islands youths. If not for MEF I should be studying at universities or doing something worthwhile for my family and my country.

Interview with former MEF militant

4. Conclusions

The importance of education to human development is emphasized by its central place in achieving the Millennium Development Goals and has been translated into a global initiative known as Education for All (EFA) aimed at securing primary education for all children by the year 2015. The Additional Protocol II of the Fourth Geneva Convention from 1949 on the protection of victims of non-international armed conflicts decrees that education for children is one of the fundamental guarantees even in civil war situations and states under Article 4 (3):

Children will be given the care and assistance they need, in particular (a) they receive the education, including religious and moral education in line with the wishes of their parents, or – if there are no parents – the persons who have to take care of the children.

²³⁵ Graça Machel: *Impact of Armed Conflict ...*, op. cit., p. 44.

Both Guadalcanal and Malaitan militants systematically violated these fundamental rights. They either burned down schools or forced them to close for security reasons. Education services were continuously interrupted and some education centers, like SICHE, experienced ethnic-related tension among students. There were cases where militants entered the school compound harassing students or demanding money from the staff. Schools that were used as camps by militants were damaged.

All these activities generated a high rate of school children who were deprived of their right to complete their education, especially in Guadalcanal and Malaita. Even though most of the schools continued classes, they occurred in circumstances that could not provide a high-quality education. The main impact of the tension on education, then, is to be found in the interruption and/or suspension of life opportunities for young citizens of Solomon Islands, the onus being on militant groups from Guadalcanal and Malaita.

The Solomon Island Government tried to maintain the education services in spite of the situation. As is indicated by the figures provided by the Ministry of Finance and Treasury, it did not suffer a considerable reduction of its budget. However, the money was used almost exclusively for salaries, leaving nothing for the operational costs of the schools.

In Malaita, Western and Choiseul provinces, teachers had problems coping with the increased number of students because of forced displacements. Continued delays in payment forced many of them to abandon their classes to look for alternative income and in March 2003 they went on strike. Even so, it was primarily the personal commitment of teachers that enabled schools to maintain at least a minimum level of educational services.

7.

THE TRC EXHUMATIONS AND VICTIMS PROGRAM (EVP)

*Is the person really dead?
If so, at what point did s/he die?
Did s/he suffer a great deal first?
Where is the body now?
At what point should the family finally
accept their love-one is never coming home?
How should this acceptance be expressed?
How does one mourn
when there is no body to weep over?*

1. Introduction

The Commission recognizes the importance of exhumation as a contribution to national healing and reconciliation. Exhumation is a very sensitive process for the family members of the deceased and the society. It puts a closure and healing to the long-suffering of grief of family members.

Healing of individuals often has a ripple effect that leads to healing concurrently at the level of the society and its value system. In any culture, the lack of a body to mourn for can cause serious trauma to families and relatives. Human beings have sensed the mystery of death and experience of grief since time immemorial. Hence, every society has developed rites to mark the passage from life through death and to commemorate the dead with dignity.

All the cases of death during the tension were brutal incidents in which the family members have no knowledge of the whereabouts or what happened to their love-ones. For the families, their missing loved ones were deprived of their place among the living community and also denied their place among the dead. Thus all are left to suffer in a kind of limbo, or relatives are left with many heart-breaking and unanswered questions in their minds.

The Exhumations and Victims program (EVP) was included in the mandate of the TRC. The aim of this program was to investigate the number of victims who died as a result of the ethnic crisis between 1998 and 2003 and determine name, cause of death, burial site and, if possible, circumstances of death of each victim. If the victim was buried elsewhere than his or her family home or village and the family made a request for the body to be disinterred and relocated, then the EVP mandate also covered the exhumation of the body.

The EVP officially began in November 2010. The TRC EVP started with a list of 146 victims, gathered by a Ministry of National Unity, Reconciliation and Peace (MNURP)-endorsed project of Sycamore Tree Ministry. This project had the same purpose as the EVP but did not eventuate after attempts to get formal Solomon Islands Government endorsement did not succeed. From the experience of other international special commissions, exhumations were always going to be a major component of the Commission's work and thus the TRC had formal Government endorsement for this work at its establishment. The nature of the EVP was to be as follows:

1. A multi-tasked and massive undertaking that would involve extensive consultations, including with victims' families, perpetrators, communities where the grave sites were located, people who have information about locations and details of grave sites, the courts, police forensic teams, counselors, forensic experts, laboratories, the Government and the TRC as steering body;
2. Highly sensitive work, involving careful research and its application, proper process, negotiation of *kastom* and traditional rules, response to attitudes of people, knowledge of relevant national legislation, provision of information to the right people at the right time, and a good relationship with grieving and sometimes angry families and their various expectations;
3. An expensive exercise: in the Solomon Islands context it would involve establishing dialogues with communities and individuals, performing traditional ceremonies, transporting people from place to place, researching, utilizing physical resources, and employing labor, including specialists such as pathologists and anthropologists to study and analyze remains (for example, with DNA testing in foreign laboratories).
4. A time-consuming exercise: the TRC was anticipating more than 200 deaths to verify and investigate. Fifty-two bodies were officially exhumed by RAMSI in 2002-2003. From the very start was realized that more exhumations would be required.

The first task for the Commission was a plan of approach for the work to be done in 2011. It was agreed from the beginning of the EVP that the TRC would:

- 1) Try to establish some form of guiding protocol for the program, including a policy document for the whole EVP process.
- 2) Document accurately every person who died as a direct result of the ethnic crisis by creating a simple database. This task would be done by consulting as many different credible sources of information as possible to correlate victims' names and data.

- 3) Consider exhumations based requests put forward by individual victims' families. Therefore, TRC staff needed to undergo some form of technical mentoring and guidance for their work. This training included how to conduct grave mapping when identifying the burial sites and ante-mortem data collection about victims to help support in the identification process. Ante-mortem data training included how to collect DNA samples from relatives and families of the victims and the preparation of the samples to be shipped overseas for testing.

By the end of December 2010, a draft Exhumation Policy was in place and TRC EVP began to work to find data to verify the names of all the victims who died as a result of the ethnic tension.

2. Exhumation Context

2.1 Humanitarian

The TRC's approach in its exhumation program was purely humanitarian, where the family of the deceased victim was the focus. The humanitarian context recognizes that:

- all persons must be treated humanely, respected and protected by virtue of their inherent dignity as human beings;
- everyone has the right to respect for their family life, which includes the right to information about the fate of their loved ones.²³⁶

The categorization of the initial list of victims provided to the office made clear how deeply affected were some families in the aftermath of the crisis. One category was victims who were known but their burial sites were unknown; another category was victims who were known as were their burial sites. Most victims in the latter category had been recovered and reburied by their families in their home villages. In the former category were cases of disappeared and missing persons and unknown burial sites, and many families who were in total ignorance of what really happened to a loved one. These victims had to be confirmed real people (rather than rumored deaths) and assumed to be already dead, which required the TRC to cross-check information and compare sources to verify names. Along with the initial list of victims' names that the TRC had at its disposal, were other sources such as the compensation claims list from the MNURP; the Missing Persons' Committee 2000 Report of names of missing persons, provided by the Committee's chair, Archbishop Adrian Smith;

²³⁶ "The Missing", International Commission of the Red Cross, 2002, p. 11.

Guadalcanal Province's deceased persons list (1998-2003); the RAMSI list of exhumations conducted between 2003 and 2006; and additional research and data gathered in the field. All the lists identified names of the victims, their villages and provinces, and usually the cause of death, time of disappearance or date when killed. Thus, names were able to be cross-checked and verified from field research to produce a much fuller picture.

The TRC's humanitarian approach posed some challenges. It was realized very early into the program that for some of the families of the victims, the psychological and emotional effects of the disappearance or death was still very real and often destructive. Families would break down in tears giving testimony of a loved one whom they had not seen for years and would ask the TRC to assist. The TRC Exhumation Team (TRCET) also heard accounts of children who displayed high anti-social behavior due to the effect of witnessing the death or disappearance of a parent. In the case of disappearances, this "ambiguous loss" is a state of mind where no tangible evidence exists that a missing person is dead or alive, robbing families of the visual cues that would help them acknowledge the death of a loved one and pass through the stages of mourning and grief. Because ambiguous loss is a loss that goes on and on, those who experience it often become physically and emotionally exhausted from the relentless uncertainty. There is also little validation of what they are experiencing and feeling. It is this very experience that shapes the basis of the EVP's humanitarian approach.

That said, equally important were legal issues and the involvement of other jurisdictions such as the police. The TRC was looking into victims of the ethnic unrest between 1997 and 2003 where many of the deaths were of police interest. In March 2011, during an exhumation workshop held at the Police headquarters in Rove, Director of Public Prosecutions Ronald Bei Talasasa declared that according to his office's records, there were about 80 outstanding cases that were ethnic tension-related. Thus, for each victim the TRC had to cross-check files with the DPP's office and the police. The TRC also met in March 2011 with executive members of the RSIPF/PPF who stated clearly that the RSIPF considers all deaths as criminal acts which warrant full investigation. It was obvious in that meeting and others that there was a general police scepticism that exhumations would interfere with the judicial process in some way, a view thought to be shared by the DPP's office.²³⁷ But by August 2011, the TRC broke through some of the most overdue cases that the police had long had on their desks. The first exhumations that TRC undertook were cases dating back to 1998, including that of

²³⁷ *Island Sun*: Prosecution Office Fears TRC Exhumation Process. 2 March 2011

Jacinth Fioga, a case that for some time made headlines when the family had tried in vain to search for their missing relative only to meet setbacks with police and judicial bureaucracies.²³⁸ The TRC realized that this failure was a frustrating experience for families and relatives of the deceased. Some family members eventually gave up pursuing legal processes, in the hope that the perpetrators and communities responsible would cooperate and disclose the locations of some of the graves belonging to their deceased relatives. Again, this route was not possible as an opened case with the police or courts was considered still open and the families had no influence in closing it.²³⁹ The resulting impasse was a matter of the law being respected yet, in practice, there was very little progress in bringing the cases before the courts, at least from the point of view of the victims' families.

The approach taken by TRC was based on the assurance that the TRC Act 2008 gave the TRC the right to protect its sources from being implicated.²⁴⁰ Though experience of the clause was not extensive, it at least allowed people who had some information of the whereabouts of particular graves of interest to come forward. Assisted by the staff of the TRC EVP, a good number of clandestine grave sites of interest were identified, as it was easier for the public, because of the assurance, to cooperate with the TRC than with the police.

Secondly, the humanitarian approach was based on the will of communities, witnesses, and perpetrators' and victims' families to come forward and resolve uncertainties by compromise over certain issues. For example, communities finally cooperated in agreeing to show grave sites on the belief that it was proper for the healing of the land, its people and the future of their children. Showing the sites would yield total freedom for the community from any reminders of its past, particular killings, that occurred in its area. Some saw the spiritual significance of these offers to assist, as the true Christian way for lasting reconciliation between the perpetrator's community where the grave was located and the victim's family. Some of the victims' families wanted to know the real assailants of their deceased loved one and, accepting an admission of guilt from the perpetrators, offered them forgiveness as the way for true peace. The TRC humanitarian approach encompassed all of the above practices and envisioned different scenarios where one case did not necessarily apply to the others and all methods were to be respected.

²³⁸ *Solomon Star*: Family query cases with Police. Murder Files Missing. 19 March 2010.

²³⁹ DPP during TRC Exhumation workshop at Rove, 3-5 March 2011.

²⁴⁰ TRC Act 2008, Section 7 (1-4)

The humanitarian approach was about respect and honoring of the dead irrespective of the circumstances and events surrounding how each died. Particularly, it hinged on the opportunity that disinterring remains would offer closure and contribute to the healing process of the families concerned. When TRC first broke news of what was to happen to some of the relatives of the first four victims who were exhumed in August, the first expression was one of delight; the long-awaited moment had come.

2.2 Judiciary

The judicial context of exhumations is well known. For example, following the beginning of “Operation Anode” in July 2003, RAMSI conducted over 50 exhumations from 2003 through 2006. Most were for tension-related cases that were coming before the courts. These cases and court records became another source of information for the EVP.

In Solomon Islands, exhumation is provided for under Crown Law in the “Fire and Deaths Enquiries Act”. However, according to Robert Cavanagh of the Solomon Islands Public Solicitor’s Office, this Act appears to be ignored by most of those in the law and justice sector having responsibility for ensuring that it is followed.²⁴¹ For the police in particular, this failure could be due to the uncertainty about whether they should follow the directions of a magistrate exercising Crown powers under that Act.²⁴² Simply, if an exhumation was to be carried out, the police would apply for an exhumation order through the magistrate and upon approval by the magistrate, the exhumation can proceed. However, most suspicious deaths go uninvestigated in Solomon Islands. For the TRC, exhumation, as stipulated under the TRC Act 2008, had to be carried out in agreement with the Director of Public Prosecutions office.²⁴³ In July 2011 when the proposal was put forward to the DPP and RSIPF, both parties were immediately reserved about the idea of the TRC’s carrying out exhumations. The TRC’s plan for doing exhumations required great thoughtfulness, particularly around the legal implications. On 17 July 2011, an MOU between the TRC, DPP and RSIPF was signed, allowing the TRC to go ahead with the exhumations with the RSIPF as the lead agency. The TRC could, however, use experts whom the DPP officially recognized and accepted as qualified to produce opinions that the RSIPF and DPP could use in courts should that be the case.

²⁴¹ Cavanaugh. R. 2009: *Coronial Law and Practice in the Solomon Islands*, Memorandum of Advice, p.1.

²⁴² SITRC International Commissioner Ratu Joni Madraiwiwi commenting on the Coronial Law.

²⁴³ Section 1(d)

It is also important to note the PPF support to RSIPF which provided logistics, tools and equipment, storage space for the remains collected and security on site while the exhumation proceeded. The arrangement turned out very positively as the TRC could fulfill an important part of its mandate while meeting the legal requirements of both the DPP's office and RSIPF. Among the agreements were that the DPP's office could have one of its staff present at the exhumations; that the RSIPF would assist with logistics and provide an investigator and forensic officers; while the TRC undertook the exhumations and provided expert opinion on the exhumation findings, which the DPP deemed as recognizable in court.

It must be stressed that the priority for judicial agents such as the police and prosecution in the exhumation process was the determination of cause of death, which only a qualified forensic pathologist can do. The TRC exhumations allowed all parties better to appreciate and distinguish the different roles the different experts play in the process, particularly the anthropologists, archeologists and pathologists who were involved. The successful cooperation was a positive step in showing the ability of different institutions with differing mandates and objectives to work together for a common goal. They were also able to identify issues and make recommendations to any future body that will continue in the work of exhumations in the country.

At the conclusion of the exhumation process, the TRC returned the remains of the victims to their families through a National Memorial Service held at St Barnabas Provincial Cathedral, Honiara, on 27 November 2011. By then the pathologists' identification reports of all four victims were complete and at least in the process of being written up.

3. Exhumation operating budget

The EVP had an initial budget for 2011 of almost SBD\$700,000 from the International Support Facility (ISF) of the United Nations Development Program (UNDP). Only 18.6 percent of this amount was actually spent by August, when, just before the first the EVP national exhumations, ISF/UNDP stopped all operational funding. The EVP was a victim of this change. The Solomon Islands Government then became the main financial backer of the program, providing over SBD\$500,000, including for the first national exhumations. The TRC found that operating financially through another administering body was a challenge. Every single field task had to be justified to the funding organization. Many times there was lack of technical understanding about the work, about what was involved or needed to happen and delays were common. The TRC arrangement with ISF/UNDP for financial dispensing of

operational money is not recommended for any future continuation of the exhumations program. The TRC also placed a request through to the International Committee of the Red Cross (ICRC) in Geneva for assistance. They, through the Solomon Islands Red Cross, assisted with logistics, coffins, and construction materials for graves.

4. Exhumation workshop, training and assistance

As mentioned above, one TRC need was to train its staff to handle the work. The TRC needed guidance to fulfill its intended objectives, namely, to log all deaths from the ethnic tension period since 1997, to carry out mapping of the individual graves, and to see how best to involve all the stakeholders important in the process. A workshop was suggested, conducted by experts in the field who had had experiences with organizations similar to the TRC. In January 2011, the TRC made contact with the Argentinean Forensic Anthropology Team (EAAF) leader, Luis Fondebrider, and coordination for the workshop began. EAAF is a reputable global body established in 1984 and has worked in many conflict-affected regions in the world, with human rights organizations, international tribunals, and special commissions of inquiry. EAAF has been involved with East Timor, a close Pacific neighbor, assisting with exhumations of those killed since 1979 by Indonesian Forces and supporters. It was felt that guidance and advice by the EAAF would help the TRC as it set up own plan and prepared recommendations for post-TRC exhumations. The workshop took place on 3-5 March at the Police Academy, RSIPF Headquarters, Rove. It was attended by police officers, PPF advisors, NGOs such as the SI Red Cross, the DPP's office, ICTJ staff and others. The workshop covered many different and detailed areas related to the exhumations program and the EAAF instructors offered useful technical advice based on real experiences. The workshop was conducted by Luis Fondebrider, founder of the EAAF; Dr. Soren Blau, Forensic Anthropologist from the Victoria Institute of Forensic Medicine (VIFM), and Dr. Malcolm Dodd, forensic pathologist from the VIFM. Dr. Dodd was the forensic pathologist in more than 50 exhumations carried out in Solomon Islands by RAMSI, including the seven Melanesian Brothers and the "Kwaio Ten". He gave a lively presentation to the audience during his presentation. The workshop set out to achieve a number of key points:

1. bring together potential stakeholders of the TRC exhumation process and develop in them an understanding about the exhumation process;
2. establish a work plan for the exhumation program in 2011;
3. reconcile and shed light on the different contexts of exhumation, namely judiciary and humanitarian, based on real experiences in other countries;

4. help design a standard protocol for exhumations in the country.

The workshop was an eye-opener and the TRC and the different parties that attended appreciated it very much. EAAF agreed that it would follow up, providing training to the TRCET on grave mapping and ante-mortem work in the months ahead. A plan was agreed upon and tasks were set out.

Immediately after the workshop, Shuala Drawdy, forensic advisor of the ICRC, visited, following up on an earlier visit from the ICRC regional representative in Suva, Fiji. The aim of the visit was to gain a brief overview of the TRC EVP. The ICRC focus was humanitarian, paying special attention to the families of the victims. The EVP convened two meetings for the ICRC advisor, one with the stakeholder bodies identified in the March workshop and another with the families of victims. The purpose of the second meeting was to gain a good overview of the families' experiences, their expectations of both the Government and the TRC and the social and economic impacts of losing a loved one in this way. The meetings were important because families were frustrated over the lack of assistance rendered both by the Government and different organizations touring their areas. They were tired of answering the same questions with no satisfaction of any physical assistance. In the minds of many families, the TRC was just another organization and many were highly suspicious of TRC as just a waste of money.

The ICRC visit also included a visit to some of the grave sites of the victims around the Titige area. The ICRC advisor left Solomon Islands with an understanding of the issues here. The ICRC could assist TRC with its program but it would direct its assistance to the families based on detailed recommendation and requests put through the SI Red Cross to the ICRC in Geneva. When the August exhumations were implemented five months later, the ICRC provided over SBD\$70,000 in assistance towards the exhumations of the first four victims.

5. Victims

The TRC developed its victims list from several different sources, as noted above (see Table 1 below). It was important that verification and confirmation of each victim was made through the correlation of different sources.

Table 1
Sources of Information on ethnic tension victims

No	Source	No. of victims cited
1	MNURP	136
2	Missing Persons Committee	51
3	Guadalcanal Province	110
5	www.paclii.org [SI court cases]	40
6	RAMSI Exhumations	52
7	MNURP Compensation List	43

Many deaths during the ethnic tension occurred on the island of Guadalcanal; very few happened elsewhere, for example, the few in the Western Province. Between 1997 and 1999, most deaths stemmed from conflict between the MEF and IFM, including deaths in direct combat and abductions and kidnappings of both militants and civilians. Deaths in 2000-2001 were moderately low, reflecting the peace initiatives that were going on, culminating in the Townsville Peace Agreement on 15 October 2000. In 2002-2003 the number of deaths increased, concentrated on the Weather Coast, South Guadalcanal, from the activities of Harold Keke and the SIG-authorized Joint Operation against him and the GLF. Included were isolated deaths relating to attempts to negotiate with Keke or capture him. This was the case for the seven Melanesian Brothers killed on Ghorambau and Inakona and the Kwaio mercenaries killed by GLF at Ravu. Despite many other human rights violations that took place, the EVP was tasked only to look into actual deaths that occurred. The EVP's consolidated list of April 2011 identified 202 victims from the crisis of 1998-2003. By province, Guadalcanal had the highest number of deaths, followed by Malaita. There were also deaths of persons from Temotu, Isabel, Makira-Ulawa, and Choiseul Provinces. In Guadalcanal, the Weather Coast comprised the highest number of deaths as discussed above. The Weather Coast alone made up about 35 percent of the total number of deaths.

6. Grave mapping deployments

Finding out the actual number of deaths during the tension was one task; another was discovering the graves of these victims. Grave mapping became the focus of the work of the EVP from March to August 2011. The term "grave mapping" is simply a term describing the exercise of actually locating the grave sites of the victims registered by the EVP. In April the

first EAAF experts arrived; Jonathan Sterenberg, a forensic archeologist, spent a week with the TRCET for training in grave mapping work. This training included on-site visits to some of the grave sites in West Guadalcanal and getting information both on the victims and location in which they were found. The task was heavily practical, requiring much patience and understanding towards those families who were interviewed about particular victims, hearing their side of the story.

In Solomon Islands talking about deceased people is a sensitive issue and can be *tabu*, for example, in some parts of Guadalcanal. The *kastom* context of EVP grave mapping work was a challenge for TRC staff, as one could not just walk into any community and ask them to talk about a particular person who was already deceased. The importance of this issue was highlighted in one case around May when a TRCET member travelled to South Guadalcanal. A village elder who had lost a son and nephews in the tension period became offended when the TRC staff started to talk about them and demanded SBD\$10,000 from TRC in compensation weeks after the visit.

Grave mapping work involved locating the grave sites and taking GPS positions to confirm them. The task was not at all simple. The TRC was also looking into disappearances of known victims with no confirmation of the whereabouts of their burial sites. This situation was common with Malaitans killed in rural Guadalcanal and Guadalcanal people killed inside Honiara. Communities in these cases were highly reserved in their cooperation with TRC as there were fears of reprisals, of being implicated, and of being imprisoned for disclosing information to the TRCET. The TRC Act 2008 could protect the sources of information coming to TRC but this offered little comfort to key witnesses or reliable sources critical information. In most cases, communities were tight knit as perpetrators were living next door to the victims and suspicions were high about anyone talking with TRC staff. The TRCET strategically employed careful tactics to counter the hurdles faced out in the field. Witnesses or sources of information were met in the cover of night, at isolated locations and in some cases through another person. In this way, the dreadful stories of each victim's death come to light and were slowly confirmed.

One could not say that the TRCET was adequately funded and equipped for the field work; barely enough was provided to fulfill the objective of showcasing the value of exhumations in peace building. By the beginning of June, from the grave mapping carried out in Honiara, north, northeast, central and south Guadalcanal regions, close to 30 requests were forwarded by families and relatives to the TRC Exhumations Office as candidates for exhumation. At

the end of June, the TRC, with careful consideration of the operational budget, logistical costs, and resource availability, decided to exhume five bodies.

7. Burial sites

The burial sites of the victims varied from deep jungle graves to sandy coastal beaches. The grave depths varied from a meter and half to very shallow, forearm's length. There were exceptional cases where the victims were dumped at sea and the bodies were unlikely to be found. However, one case was reported in 2000 where partial remains were found at Aruligo point in west Guadalcanal seven days after the deceased was cast overboard from a moving barge; the body belonged to a member of the IFM killed by the MEF. Another Guadalcanal victim was found in the Lungga River while a Malaitan victim was also reportedly dumped in Tasiboko Bay, northeast Guadalcanal. All these cases reflected the gruesome realities of the tension period. Many killings were followed by the disposal of bodies wherever it was convenient, not necessarily even hiding them. In some cases, decomposing bodies were picked and buried days later. An IFM member was shot at Kogulai, and left lying in the grass for four months before the families retrieved the remains for burial at Doma. Many of the burials during the early stages of the conflict occurred in rural Guadalcanal, when Malaitan settlers and workers from SIPL were chased out. Within Honiara city, Guadalcanal persons were picked up by MEF elements and sympathizers and taken to close locations and killed. Some of these burial sites are inside Honiara though not known to current settlers. Most deaths were in South Guadalcanal and many of the burial sites are beach graves. Coconuts were planted on top some graves to mark a particular burial site. Comingled graves, which contain more than one person, were few. Eight of the Kwaio men killed by Keke and his men were buried in a comingled grave in Ravu, south Guadalcanal. Another burial site with six IFM members lies in the grasses of Mbinu, Mbalasuna; though not comingled they lie next to each other. These men were members of the IFM killed in June 2000 by the MEF at Alligator Creek when they walked openly and confronted the MEF bulldozer that was stationed at the Alligator Bridge. Although 200 deaths were documented by the TRC, the TRC has yet to establish their locations. The location of these graves remains a task for the Government to complete. Perhaps 70 percent of the victims are already buried in their home ground, therefore exhumation is not required. The TRCET were fortunate in having resources to reach some of the jungle graves-sites around east Guadalcanal, Marau Sound and

south Guadalcanal. Any future work should prioritize these regions as they are geographically challenging.

8. TRC national exhumations

The TRC national exhumations occurred between 7 August and 13 August 2011. Those participating were Francis Kapini, Coordinator of TRCEVP and forensic support; Betty Linah and Anna Pitaboe, EVP support assistants; Luis Fondebrider (EAAF), forensic anthropologist; Dr. Soren Blau (EAAF/VIFM), forensic anthropologist; John Sterenberg (EAAF), forensic archaeologist; Dr. Rodger Maraka, government pathologist; and a team from the RSIPF, including officers from the Forensic Division, the NCID and RAMSI PPF supporting team. The RSIPF and PPF provided field equipment and logistics to reach the designated exhumation sites. Before the exhumation dates, careful planning and coordination was done through the EVP office at the TRC. It was crucial that a good understanding existed with the RSIPF and DPP's office, so meetings were quickly convened to put forward the candidates the TRC had in mind for exhumation. The candidates were Jacinth Fioga, Walter Tarai, Steven Tango, Arthur Inia, and Bruce Magung. Magung's exhumation was cancelled after the first week as his grave site was in South Guadalcanal and the EVP encountered logistical difficulties after the first week.

For the TRC, first it was important to check whether the names had case files against them. This checking was done by the National Crime and Intelligence Branch of the RSIPF. The DPP then advised the TRC and RSIPF on how matters should be handled legally. The exhumation period was over two weeks. Two of the exhumation candidates were from Guadalcanal, two from Malaita. Most cases selected were from requests made through to TRC by their families. A decade after death would mean that the EVP was looking for basically skeletal remains, with little variation, depending on the soil conditions of the different localities and the way each victim was killed and buried. The four selected were all males, and work began on the planning phase by the beginning of June. The TRC estimated it would cost almost SBD\$700,000 to exhume four victims, including costs of bringing experts from overseas, logistical support, traditional protocols, food and other items, special allowances, transport hire, and fuel, etc.

The first exhumation took place in Koleasi, central Guadalcanal, followed by the second at Henderson, east Honiara, and the third at Belaha, central Guadalcanal, and the last at GPPOL 1, on the road towards Koli point. There were heavy consultations a week before the

exhumations. Communities were very reserved and were fearful about the implications of a victim being buried in their area, thinking back to past experiences where people were being attacked by the relatives of victims in Honiara. Especially when a case was between Malaitan and Guadalcanal parties there was the fear that the TRC exhumations might open up old wounds again.

Case: Jacinth Fioga

The most challenging case of the August exhumation was that of Jacinth Fioga, a Malaitan man who arrived on Guadalcanal in 1952 to work on the coconut plantations and during five decades ended up settling at Konga, Central Guadalcanal with his family. Fioga and his family were one of many Malaitan settlers on Guadalcanal who were chased from their homes in 1999. When he decided to return to check for food in his garden, he was arrested by IFM militants and later killed and buried in the GPPOL 1 area. When the request was put to TRC by his son to have his grave located and his father's body exhumed, the biggest task was to get the community of GPPOL 1 together and tell them the intention – that the TRC had located an area believed to be Fioga's burial site and wanted to exhume his body. Consultations with the area chiefs and leaders began, as well as a series of community held talks with TRC; finally the approval was given to exhume on the site the TRC had located. The dialogue was difficult, as community elders and members were highly sceptical of the work, and the community youths who had been militants had to be convinced of the good intentions of the program. For the Fioga case, the dialogue continued over two weeks and when it was plainly put to the chiefs that the TRC had already gathered good information, they decided to cooperate. Despite so much negativism surrounding the idea being put forward, the underlying truth is that communities that contain burial sites of different people than their own feel that it is the right thing to cooperate for the sake of themselves and the victim's family. People wanted to be free. As for the TRC's point of view, it preferred working with the communities, to understand community expectations, to listen and ensure that the process had respect of the community culture, and to see how the communities wanted to involve themselves in the exhumation process. The first attempt to exhume Fioga occurred on 9 August 2011, and began with an exchange of traditional food and gifts, attended and witnessed by Fioga's family, the community chiefs and people of Ngaobata village, the TRC Commissioners, SIG representatives and participating groups such as the RSIPF and PPF.

9. Exhumations after TRC

The case to continue exhumations is strong. Following the successful exhumation of the four victims in August, the TRC has received overwhelming encouragement to continue the work. Parents of several victims have approached the TRC office to find out if the program is able to look for their loved ones still missing or buried elsewhere and need to be relocated. The underlying aim of the EVP to offer closure and healing to all families of victims concerned is an important step to national peace and reconciliation.

The 14-month program has also given the basic understanding of the whole process, especially by the TRC's involvement. It has also identified the participation in the process of local communities, including chiefs, youths, women, and church leaders, as well as the Government, as a very important element for any future planning and implementation of the work.

TRC strongly believes that the work of exhumation is an urgent matter that must be addressed immediately, so that families can put a closure to their years of grief and waiting.

8.

A PATHWAY TOWARD NATIONAL UNITY AND RECONCILIATION

For how dare we speak of reconciliation in a world in which there is little justice for the victims of oppression, an immodest haste to forget atrocities and forgive perpetrators for their crimes? How dare we speak of reconciliation to a woman who has been raped by someone with HIV/AIDS? How dare we speak of reconciliation in a world where its rhetoric is hijacked by oppressors to prevent their prosecution and punishment? How dare we who are the beneficiaries of centuries of colonial injustice, speak of reconciliation between the races? As an Argentinean journalist, reflecting on the attempt in his country to subvert attempts to get at the truth about the disappeared, put it: "The political discourse of reconciliation is profoundly immoral, because it denies the reality of what people have experienced." We must recognize the danger of speaking about reconciliation.²⁴⁴

7.1. Introduction

The tension of 1998-2003 between the IFM and MEF engulfed and shattered Solomon Islands. Villages and homes were burnt to the ground. Women and girls were raped; there were torture, ill-treatment and forced displacements, and innocent civilians were killed or simply vanished.²⁴⁵ The tension also had direct impact on basic social services; the majority of the population experienced economic collapse, social disintegration, and strained relationships between individuals and communities. All these realities created an environment in which the people experienced disrespect, mistrust, hatred and fear, including lack of confidence in public institutions and national leadership. For more than a decade, but especially since the conflict of 1998-2003, Solomon Islands has been a nation of continuing tension. The complexities of the tension and the people's struggle for peace and justice are more apparent than ever.

The division between Guadalcanal, Malaita and other provinces cannot be regarded, however, only in calm, analytical ways. The human suffering of the people was too deep. Its magnitude was beyond either analysis or knowledge for most people. Hundreds of Solomon Islanders were killed or abducted; women and girls were raped; people were seriously ill-treated, tortured and sexually abused; they were displaced by force and deprived of their

²⁴⁴ John W. de Gruchy: *Reconciliation. Restoring Justice*, Minneapolis: Fortress Press, 2002, p.17.

²⁴⁵ See chapter 4.1 for killings; 4.2.3 for torture and ill-treatment; 4.2.4 for sexual violence and 4.2.6 for forced displacement for detailed information.

liberty and of their economic and social rights. Hundreds of villages and homes were burnt to the ground, causing many people to become separated from mother or father, brother or sister, son or daughter, wife or husband.

The tension also had direct impact on basic social services and the majority of the population experienced some form of economic disaster, social disintegration, and strained relationships between individuals and communities. All these events create today a climate of disrespect, mistrust, hatred, and fear, including lack of confidence in public institutions and national leadership. These issues have arisen in other parts of the country not so directly affected by the tension. As long as these issues remain unresolved, lasting peaceful solutions will be difficult to achieve. Indeed, peace as the result of justice will not be realized in Solomon Islands until the aspirations of its entire people for participatory democracy, equal social opportunity and human dignity are satisfied.

7.2. The meaning of reconciliation

Reflecting on the experiences of countries such as South Africa, Peru, Guatemala, Sierra Leone, and Timor Leste (East Timor), reconciliation has become a high-level concern following armed conflicts. Official apologies, memorials, exhumations and reconciliation events have become a common feature of post-conflict peace-building exercises, through the work of Truth and Reconciliation Commissions.

Reconciliation has a variety of meanings. Some definitions have religious connotations; others are social, political or psychological. As such, it remains an on-going process that demands action and commitment on many different levels. A common point of departure is needed for developing the process, about which little consensus has been reached thus far, to make the shift from tension to peace possible.

In general, reconciliation is the crucial aim of peace-building, in terms of creating a neutral environment in which trust, respect, and understanding interact, and where fairness and truth are recognized. It also includes bringing people together, empowering them to grow beyond the past to re-establish stabilized, peaceful, and trusting relationships in the present and for the future.

Forgiveness: an aspect of reconciliation

Forgiveness as a part of reconciliation suggests that the victim is supposed to know the offender and the latter is expected to be sorry. For forgiveness to be granted, it must first be

pursued. However, for some people this remains a difficult step. Ultimately there should be no preconditions placed in the path of reconciliation. The Truth and Reconciliation Commission has laid down no conditions, but rather offers guidelines and takes steps to facilitate the process.

Reconciliation as a national process

The process towards national healing and reconciliation in Solomon Islands is about building bridges. It involves respecting the society's diversity and giving the concerned parties equal opportunity to build on the strength of common vision. Thus, reconciliation as a national process can be achieved when Solomon Islands, in all its diversity, commits to make it a living reality at all levels of society.

In retrospect, the Government of Solomon Islands since the tension has taken a number of steps along the path to reconciliation. The establishment of the Truth and Reconciliation Commission was unanimously supported by all 50 members of the National Parliament in the hope to lead to a landmark institutional and societal reform.

Before and since the arrival of RAMSI on 23 July 2003, there have been many achievements in reconciliation by communities, sectors, organizations, and individuals. While acknowledging these achievements, we also recognize that there is much work either still successfully progressing or not yet undertaken. Dealing with the latter requires goodwill, continuing dialogue and a shared vision for a better future. The Government must have the courage and will to talk about difficult issues, such as the Bona Fide Demands of Guadalcanal, reparation, rehabilitation, and victim support. Failing to do so may cause the country to slide back into anarchy.

Reconciliation as a social process

In the Solomon Islands context, reconciliation is generally understood as a process in which the community helps the offender and victim to live together again in a renewed relationship. This process in no way suggests that the victim simply forgives and forgets the past, but rather an opportunity is provided for the offender to share the victim's perspective in a mutually supportive environment.

Reconciliation as such can be understood as a *social process* that involves common recognition of past suffering and the changing of negative attitudes and conduct into positive

relationships toward a sustainable peace.²⁴⁶ In this context, there is consensus that reconciliation requires forming a new and common approach to the past. The parties to the conflict for instance, must not just be aware of but truly acknowledge what happened in the past.²⁴⁷ The acknowledgment of the past entails recognizing the different versions of the conflict. This historical work is an important aspect in reconciliation since the parties' different memories can sustain the tension and obstruct the peace process.

Reconciliation as a political process

Reconciliation is not a naturally occurring process, but one that requires active efforts to overcome obstacles. Different groups, including national leaders, must take responsibility for their involvement in the outbreak of the conflict, as well as their contribution to the violence, including abuses of human rights. Thus, reconciliation is an exceptionally *political process* as it involves the development of policies that foster inclusion and integration of the population. Any resolution to that effect has to be satisfactory to both parties, who must perceive that it has fulfilled their basic needs and dealt with their fundamental aspirations. These are decisive necessities in any conflict resolution. If they are not upheld, the process is doomed to fail. The case in point is the reconciliation ceremony held at the Honiara Cultural Village Center on 23 May 1999.²⁴⁸ The occasion was organized by the Solomon Islands Government. Although the ceremony took place, it was unsuccessful as the GRA militant members, including Harold Keke, were unwilling to attend. This event was a classic example of a symbolic gesture of reconciliation that failed to recognize the participation of the parties to the tension. A "symbolic gesture of reconciliation" refers to a reconciliation ceremony which involves the community, politicians and chiefs but in the absence of key actors, perpetrators and victims. In this respect, national peace-building efforts need to engage ordinary people, not only representational leadership, if new relational patterns and structures are to be generated in an authentic and sustainable way.

The Ministry of National Unity, Reconciliation and Peace (MNURP), the government ministry responsible for peace-building in Solomon Islands, between 2007 and 2010

²⁴⁶ Karen Brounéus: *Reconciliation and Development. Dialogue on Globalization*. N° 36. Berlin: Friedrich Ebert Stiftung, 2007, p. 6.

²⁴⁷ Ervin Staub and Daniel Bar-Tal: "Genocide, mass killing, and intractable conflict: Roots, evolution, prevention, and reconciliation." In D. O. Sears, L. Huddy, & R. Jervis (eds.): *The Oxford Handbook of Political Psychology*. Oxford and New York: Oxford University Press, 2003, p. 733.

²⁴⁸ *Solomon Star*, 28/05/1999. The Malaita Eagle Force was not party to the ceremony as it was not formed until early 2000.

facilitated many and various reconciliation initiatives, mainly among local communities in Guadalcanal and Malaita provinces. Between 2007 and 2010, Malaita province organized 123 reconciliation ceremonies.²⁴⁹ Guadalcanal province organized a total of 31 reconciliation activities and consultations during the same period; of these, 15 ceremonies were successfully accomplished, while 16 are still in their consultation stages.²⁵⁰ Numerous reconciliation ceremonies between individuals, churches, communities were also observed following the tension.

Reconciliation depends on the will of the leaders to be involved and the goodwill and trustful relations they build with the people. It further depends on the activism and strength of those who support it and on mobilizing society's institutions to facilitate the process.²⁵¹

Reconciliation as a mental process

Reconciliation as a *mental process* is an important apparatus in peace-building. It assists in changing the beliefs, attitudes, motivations, goals, emotions, and behaviour that have been part of the psychological inventory of members of society during and possibly previous to the conflict. The following stories represent thousands of victims, who to this day are either left by themselves to heal their pain of loss, or simply forgotten:

We left the house in the morning to go to town. We had to walk down to Sali to catch a truck. We boarded a truck, came down as far as the bend road at Vutu, and then to the bend of road at the culvert; then they started to shoot at us. They started firing at us, and some of us got killed and were falling overboard, some were wounded. My three-year-old son Starson Chaevaka was also shot and killed. I fell to the ground and, when I got up, I saw his body lying down on the ground. I was very frightened too; I could be killed as well. I picked my dead son up and took him to his father. After the shooting was over, we took the body home and the next day buried him. There is no compensation or reconciliation done. We are still waiting.

Statement N° 0005

The lack of a funeral is also traumatic both in the case of disappearances and in the case of brutally massacred people, murdered with humiliation and degradation and then shockingly disposed of.

²⁴⁹ For detailed information see "Minutes of Malaita Peace and Reconciliation Office 2005 to 2010", Reconciliations.

²⁵⁰ Cited in "Assessment Report on The Status of the 'Bona Fide Demands' of The Indigenous People of Guadalcanal for Consultation between Guadalcanal Provincial Government and Solomon Islands Government", MNURP, Honiara, November 2010.

²⁵¹ Daniel Bar-Tal and Gemma H. Bennink: "The Nature of Reconciliation as an Outcome and as a Process", in Yaakov Bar-Siman-Tov (ed.): *From Conflict Resolution to Reconciliation*. Oxford: Oxford University Press, 2004, p. 35-36.

Loss of property also brings unresolved grief:

During the tension we ran away to the bush to a place called Vonu. After some time we came back, but when we were there my son-in-law wanted to shoot me with his gun. His name is Tony, he is married to Grace. When I saw them coming, I ran away to Pau. While I was trying to cook some food, they came and destroyed it. There were ten militants who came that time. Early in the morning they left and went to their place and I also went back to Vonu in the bush. We stayed in Vonu for one year. After that one year we came here with my children and my brother and his family. Some of the family members ran away to other villages like Visunauoro. After leaving that village we came but our houses were all burnt down including my house. Most of our things were packed in a big esky but the militants stole that esky. This belonged to my son. His family ran away to Komungelea and even today they are still there. I would like the Government to assist me in any way possible because I suffered a lot due to the tension

Statement N° 0021

This statement is an example of a feeling that is often present in communities where gross violence has taken place, that somebody must be to blame. The perpetual question of *why did this happen* to somebody who was so innocent is always there for families of victims. Psychologically speaking, these incidents cause enormous amounts of pain, anger and grief, and such overwhelming emotions will inevitably find an outlet:

We were not aware that the ethnic tension was going to reach us, but luckily some of the Gilbertese came and told us that there was going to be a shoot-out at our village. By then we started to think about our next move. The chief of the village told us that we had to move out from our village. So our first runaway was we went to a hill, on that hill they built small garden houses. They called that place Charanavera. While we were there, there were stories that a helicopter was coming to shoot us. When we heard this we moved up to Tamuni. When we got to Tamuni and the next day that was on a Sunday we came back to Kogulai. This particular Sunday we came down to get some food to go back up to Tamuni; that was when the helicopter fired at us. This was done by the [Police] Field Force. We ran away back to Tamuni because this shoot-out was carried-out at Kogulai. It was the first time I heard the sound of gun so I was frightened. I fell down with a bag of bananas. Those of us who came down were women and children, so as soon as the shooting was over I went straight back to Tamuni. On the way back I met one of my in-laws and I asked if he could carry the bag for me but he refused; he told me to throw it away but I said to him that if I did, then our children would not have anything to eat. I just found strength to carry the bag because I was frightened and shaky. I went back and managed to get to Tamuni; this was the second place we ran away to. The shoot-out that took place at Kogulai was carried out by the Field Force; but at Tamuni, it was the Malaita Eagle Force. At Kogulai the shoot-out happened more than once – that's why we had run away from Kogulai. My two daughters ran away to Tamuni and we came to here. We started to settle down, then the ethnic tension was escalated and then we ran away to Kogulai.

Later we went to Visale for medical attention. We went to Visale because my aunty was to have a baby. We had to walk through the bush to get to Visale. When we got to Visale my aunty gave birth to her baby and then we stayed there for a while and Harold Keke was there, too. At 2:00 a.m. in the morning he came and woke us and said that we had to take the baby and go back to Kogulai. "Something is going to happen here; I dreamed that there is going to be a shootout here, which will be carried by the patrol boat." Early in the morning we took a truck and came back and slept at Tanavasa. What Harold Keke said was true, the next day the MEF carried out a shoot-out at Visale and nearby villages. When we came back, then we learned that GRA blew up the Kogulai water source.

The Malaita Eagle Force went and carried out their shooting at Tamuni as well. They cut down our fruit trees and killed our livestock. They also burnt down our houses and even stole money from us. After they destroyed Tamuni, then we moved up to another place called Tamuni II. Later we were told that the helicopter would come do another shoot-out there. After leaving Tamuni II, we went down to Kovi. We were at Kovi when the Red Cross came and gave us food supply and other basic things. When we came down to collect those things supplied by the Red Cross, the MEF was following us. When we got to Kovi everybody had already moved to another place. So we moved from place to place within a short period of time. We moved from Kovi to Mara which is further up the mountains. The MEF got there too and one of them wanted to rape our girls; that girl has already died. We did not feel safe while we were there, so we moved up to Veraboli and from there we went to another village called Tongona. From there we came down to Poichuchu and then peace was pronounced.

Statement N° 0034

My story begins in year 1998 when the ethnic tension started, and I would share my experiences with the GRA group when we fled from Horabau village in Aruligo to the Weather Coast towards the end of 1998. We fled to the Weather Coast leaving all our properties behind; we left that day with only the clothes we had on; we carried our children and we fled. . . . [*The victim starts to cry*] . . . It was not an easy time for us. We got on board an OBM from Horabau to the Weather Coast. Arriving there, news reached us that all our properties and belongings we left back at Horabau were stolen, looted and ransacked. We stayed on the Weather Coast until peace was signed between the warring factions and we returned back to Horabau. We were here when the MEF group came over to Aruligo onboard the MV *Muva*; we carried our children and we fled into the bush; the MEF group came and raided our village and the area at Aruligo.

We went and took refuge at a place called Seven Brothers; when the MEF left we returned and discovered that the MEF group had burnt down most of the houses. We feared that they might return so we carried our children and walked all the way to Selwyn College; arriving at Maravovo village, families there felt sorry for us and invited us to stay with them. We stayed for a few weeks and later we returned back to Aruligo; we returned and tried to rebuild our lives back despite the situation. . . . We stayed for some time until the GRA group came and fired shots at Aruligo at the ICLAM center. I was there and at that time the militants pointed their guns at my daughter and me and instructed us not to move; they opened fire, discharging bullets into the air. I was shocked in fear and did not know what to do; I fell to the ground in fear and crawled on my tummy like a lizard; luckily it was going towards dark so we crawled in the grasses and hide. At that time I was so scared that my whole body went numb. After the militants had left we returned home and I fell sick afterwards; for more than two weeks, I was unable to stand or walk – I was traumatized.

At that time all the people from Horabau fled and hid in the bush. After two weeks I recovered and we had to flee into the bush again; this time it is the Joint Operation group that came and did a shoot-out in our village [Horabau]. I was frustrated, mad and confused. When we first fled over to the Weather Coast we bought material and built a house for us there; we settled in my village at Tuvunavo. When we returned back to Aruligo, Harold Keke and his men terrorized us. They dismantled our houses and used the materials to build their bunker. They looted all our belongings, took our OBM engine and boat; it was a 25 horsepower Tohatsu and a fiberglass boat. We end up with nothing – since the boat was the only means of transporting my family to and fro from all the fighting. We have no money and we struggled so much, but I believe God had never abandoned us and he still watches over us; sometimes we fled over and lived with the Anglican Church institutions like Kohimarama, the brothers at Tabalia, and Selwyn College. All of us from Horabau fled and took refuge within these church institutions. It was after peace was signed that we returned back to Aruligo, but the Keke and his men destroyed our houses and we are left with nothing until today.

Statement N° 0053

The cases above are examples of the overwhelming residues of unprocessed pain, anger, suspicion, and grief which remain in the community forum as a negative and silent weight, a dark, even humiliating secret that undermines shared community activities, causing finger-pointing and division.

Reconciliation as a mental process can remove old fears, mistrust, hatred, and legitimization of the offender, and adjust the victims' longstanding aspirations. This aspect of reconciliation can become a very long and complex process, marked by both progress and setbacks.²⁵²

7.3. Reconciliation and Truth

Because of the widespread attention given to the South African TRC, with its slogan "Truth: The Road to Reconciliation", truth and reconciliation have often been merged, suggesting that there is an essential and interdependent relationship between them. TRC's insist on the importance of truth, because it sanitizes the wounds and helps people to heal. The revelation of truth plays a pivotal role in reconciliation processes in a society marred by war. The underlying assumption is that truth-telling is therapeutic and healing for individuals as well as society, and thus will advance reconciliation.

Yet the relationship between truth and reconciliation is an exceptionally complex one, in the sense that no one can today guarantee that the challenge of reconciliation through truth will meet with success. To do so effectively, the historical facts must be acknowledged and integrated into mindfulness, both of individuals and society.²⁵³

Some critics even contend that the truth may obstruct reconciliation, because it can be so terrible that attitudes harden and forgiveness and empathy are all but impossible. Another argument against truth-seeking is that too much truth can be divisive in the process of nation-building. A common view is that all nations depend on forgetting; on forging myths of unity and identity that allows a society to forget its founding crimes, its hidden injuries and divisions or deep-seated injuries.²⁵⁴ Thus, one key question to be resolved is, how much truth can Solomon Islands society tolerate?

²⁵² Daniel Bar-Tal and Gemma H. Bennink: "The Nature of Reconciliation", *op. cit.*, p. 37.

²⁵³ See "The Atrocity Findings: The Historic Facts Must Be Recognized," *New York Times*, 26 February 1999.

²⁵⁴ See Ernest Renan: "What is a nation?" speech delivered at the Sorbonne 1882, standard text on the origins of nations in Europe.

It is important to realize that reconciliation is a dynamic and adaptive process aimed at building and healing the torn fabric of interpersonal and community lives and relationships. Therefore, it is first and last about people and their relationships. In this sense, confronting history and coming to terms with the truth is an essential component of reconciliation, since people on different sides of a conflict have different experiences and understandings. Each side generally holds beliefs that attribute blame to members of the opposing side for the injuries they have suffered; their partial truths often justify anger, hostility, and vengeance.²⁵⁵ Exposing each side to the “truth” of the other is a crucial step in eliciting understanding that may contribute to reconciliation.

7.4. Reconciliation and Justice

The link between reconciliation and justice becomes critical in societies where the past has been characterized by widespread violence and division. Reconciliation often comes up in the context of the question of what to do about the perpetrators. In part, punishing the perpetrators may increase tensions in the society, particularly if they retain political power and the state is not strong enough to pursue the path of justice, and thereby retard movement toward reconciliation.²⁵⁶ On the other hand, not punishing the perpetrators undermines the efforts to promote the democratic ethos and the rule of law.²⁵⁷

Reconciliation and justice are often considered incompatible in the sense that reconciliation obstructs justice and, likewise, retributive justice impedes the cause of reconciliation. This view of reconciliation rejects prosecution and therefore could potentially thwart, rather than advance, the cause of justice. In the process of national reconciliation it is often the victims, who have suffered the most, who are thought to be most duty-bound to reconcile. It is their forgiveness that puts the past to rest. Victims are asked to exchange the recognition of their pain for their rights to justice. As one youth who testified before TRC public hearing comments;

. . . After the ethnic tension, I filled in a form to claim compensation for injuries sustained during the ethnic tension. So far I still have not received any compensation on that, but I

²⁵⁵ Louis Kriesberg: “Comparing Reconciliation Actions within and between Countries.” In Yaakov Bar-Siman-Tov (ed.): *From Conflict Resolution to Reconciliation*. Oxford: Oxford University Press, 2004, p. 84.

²⁵⁶ Michael Humphrey: *The Politics of Atrocity and Reconciliation. From Terror to Trauma*. London and New York: Routledge, 2002, p. 98.

²⁵⁷ Erin Daly and Jeremy Sarkin: *Reconciliation in Divided Societies. Finding Common Ground*. Philadelphia: University of Pennsylvania Press, 2007, p. 6.

heard that others who had filled up the same form received their claims in respect of their injuries. I do not really know what happened with my claim for injuries.”²⁵⁸

For victims who received inhuman treatments or deep wounds to their lives demand restorative justice. This does not evade the legal justice process. The perpetrator must face justice. But the issue remains, what benefit will victims or survivors of gross inhuman abuse received in terms of recovery?

Within the literature on reconciliation, there has been much discourse in recent years concerning retributive versus restorative justice. Retributive justice, also called criminal, procedural, or legalistic justice, focuses on crime as the violation of law. Crime is a matter between the perpetrator and the state. Punishment is decided upon by the criminal justice system, transferring “the individuals’ desire for revenge to the state or official body.”²⁵⁹

Restorative or reparative justice, on the other hand, focuses on crime as a conflict between individuals as well as on the injuries crime inflicts on all parties, namely, the victim, perpetrator and the society. The interest of the justice system is to reconcile and heal conflictive relationships in order to end the vicious circle of crime, revenge, and recurring crime. Restorative justice emphasizes healing the victim and the community rather than punishing the offender; it offers the victim and offender an opportunity to close the gap between them through communication, allowing as much as possible of the harm to be repaired and relationships to be restored through cultural and religious processes.

Restorative justice works to resolve conflict and repair harm. It encourages those who have caused harm to acknowledge the impact of what they have done and gives them an opportunity to make reparation. It offers those who have suffered harm the opportunity to have their harm or loss acknowledged and amends made.²⁶⁰ Restorative justice is a process through which all those affected by an offence – victims, perpetrators and communities – collectively deal with the consequences. It is both a cultural and religious means of addressing wrongdoings that emphasizes the healing of wounds and rebuilding of relationships. It does not focus on punishment for crimes, but on repairing the damage done and offering restitution. The goals of restorative justice include:

²⁵⁸ Story of Joseph Mae, Jr. at the TRC thematic public hearing on 22-26th November 2010.

²⁵⁹ Martha Minow: *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. Boston: Beacon Press, 1998.

²⁶⁰ The Restorative Justice Consortium is a UK-based charity whose members are organizations and individuals interested in promoting restorative justice; see Marian Liebman: *Restorative Justice. How It Works*. London and Philadelphia: Jessica Kingsley Publishers, 2007, p. 25.

- resolving the original conflict;
- integrating all affected parties;
- healing the pain of victims through apologies and restitution; and
- preventing future wrongdoing through community-building measures.

The practice of restorative justice contributes to the possibility of reconciliation by enabling victims to confront perpetrators and learn how and when atrocities occurred. It confronts wrongdoers and victims, for example, by official acknowledgment of the past, formalized apologies, and reparations. The theory of restorative justice claims that such a method of truth finding and truth telling helps to achieve reconciliation and societal reorientation.²⁶¹

7.5. Reconciliation and the Solomon Islands TRC

The Commission has had no presumption of achieving national reconciliation in the course of its work. The national reconciliation has never been assumed to happen in the time given; indeed, there is resistance even to the suggestion of reconciliation taking place under the current conditions. Victims and others firmly rejected reconciliation with perpetrators of torture and disappearances. As one victim said,

After someone takes away your daughter, tortures her, abducts her, and then denies ever having done it – would you ever want to “reconcile” with those responsible? That word makes no sense here. The political discourse of reconciliation is profoundly immoral, because it denies the reality of what people have experienced. It isn’t reasonable to expect someone to reconcile after what happened here.²⁶²

Others viewed community reconciliation initiated by the Government as symbolic ceremonies for the sole interest of politicians, therefore, futile. As one victim from Nalipapa village stated,

Nobody talks of reconciliation because nobody wants to think about it. It’s not that anybody is actively opposed to it, but it’s that the victims are not recognized. It is only for bigmen and ex-militants. We small people are forgotten therefore reconciliation has no meaning for me.²⁶³

²⁶¹ Robert Rotberg: “Apology, Truth Commissions, and Intrastate Conflict” in Elazar Barkan and Alexander Karn (eds.): *Taking Wrongs Seriously: Apologies and Reconciliation*. Stanford: Stanford University Press, 2006, p. 37.

²⁶² For purposes of security, the victim remains anonymous.

²⁶³ The victim is from Ravu village in the Weather Coast of Guadalcanal. He was interviewed by TRC and wants to remain anonymous for security reasons.

In such cases, reconciliation is a code word for those who want nothing done. Reconciliation here is understood by victims to mean, “We are being asked to reconcile with our murderers, and they are being asked to do nothing.”²⁶⁴ On an individual level, reconciliation is even more complex, and much more difficult to achieve. Because knowing the overall truth or even knowing the specific truth about one’s own case will not necessarily lead to a victim’s reconciliation with his or her perpetrators. Forgiveness, healing, and reconciliation are deeply personal processes, and each person’s needs and reactions to peacemaking and truth-telling may be different.

Further, there are different ideologies associated with reconciliation which can be summarized as follows:

- A **non-ethnic** ideology of reconciliation, which focuses on dissolving ethnic identities through individuals’ confessing to their previous ethnic biases and committing to a new non-ethnic future.
- An **inter-communal** ideology of reconciliation, which focuses on greater co-operation and coexistence between communities by improving communication and understanding of different perspectives, cultural values and histories.
- A **religious** ideology of reconciliation, which focuses on the rediscovering of a common humanity through moral reflection, repentance, confession, forgiveness and rebirth.
- A **human-rights** ideology of reconciliation, which focuses on ensuring co-existence through regulating social behaviour by the setting up of appropriate institutional safeguards, including truth recovery and the bringing to court of all human rights violations.
- A **community-building** ideology of reconciliation, which focuses on reconstructing interpersonal relationships which have broken during the tension, through creating room for direct participation in society by way of conflict-resolution initiatives.

The Commission has identified the difficult task of facilitating reconciliation, particularly national reconciliation, and points out that these difficult issues highlight the potentially dangerous confusion between a religious, indeed Christian, understanding of reconciliation, more typically applied to interpersonal relationships, and the more limited political notion of reconciliation applicable to a democratic society. The Commission recognizes the position in

²⁶⁴ Priscilla B. Hayner: *Unspeakable Truths. Confronting State Terror and Atrocity*. New York and London: Routledge, 2001, p. 160.

which a religious, social, economic and political understanding of reconciliation is considered important.

Acknowledging that the overall task of the TRC is to promote national unity and reconciliation, the TRC affirms five levels of reconciliation that might become a common experience:

The first level is *coming to terms with the painful truth*. This is personal reconciliation for victim and offender. A victim is able to reconcile with human rights violations that he/she experienced, or that his/her loved ones experienced. An offender is able to reconcile him/herself with human rights violations he/she has committed.

The second level is *reconciliation between victim and offender*. In this process, a forum is created in order for both parties to come together and deal openly with their painful past.

The third level is *reconciliation at the community level*, where communities that had previously been in conflict come together to reconcile their differences.

The fourth level is the *promoting of national unity and reconciliation*, which is reconciliation at a national level.

The fifth level is identified as *reconciliation and redistribution*, which focuses on reparations and the redressing of inequalities.

To define what precisely is meant by reconciliation remains one of the great incomplete tasks of the nation. A national consultation carried out in 2010 and 2011 confirmed that two-thirds of the country believed that revelations resulting from the work of the Ministry of National Unity, Reconciliation and Peace in the provinces had made many victims more dissatisfied and led to a decline in relations between them and the Government. As one ex-militant comment:

I would like to say ten years has lapsed and the talk in the media, courtroom, streets, villages, mountains, valleys and islands and oceans is still peace and reconciliation. Why has all this been prolonged for another ten years without addressing our demands, without any answers or results?²⁶⁵

The premiers of provincial governments, church leaders, chiefs, women and youths also expressed their disappointments to TRC, stating that;

²⁶⁵ Testimony of Adrian Ronia at TRC's thematic public hearing on 11-12th May 2011.

The Government must not take advantage of the silence majority as any small issue of dissatisfaction can ignite to bigger problem. Silence does not mean they forgot what had happened to their livelihood in the past [ethnic tension].²⁶⁶

Similarly, the Government of Choiseul Province in particular has also expressed its dissatisfaction;

The tension between Guadalcanal and Malaita had caused additional effects to the rest of Solomon Islands population including, the outstanding issues affected our people through the ten years of conflict in Bougainville which has not been fully addressed by successive governments. This also includes the Batava Compensation claim which had already been submitted through Provincial Government to the Ministry of National Unity, Peace and Reconciliation, but was never implemented.²⁶⁷

Individuals also expressed their deep dissatisfaction:

In 2001 I was at White River at the place called Independence Valley. At that time the ethnic tension had begun. In Honiara the story became so famous and there was no disturbance; in 2001 the Malaitan people were all around the city and they had started to chase people and even harassed people from other islands, especially the Bellonese.

In year 2002 the ethnic tension grew bigger and the Bellonese people were affected. Particularly us, the Bellonese our island is far. Not only people of Bellona but also people from other islands.

The news and the events happening made everyone panic; the problem is between the Guadalcanal and the Malaitan people hating each other. People from different islands were not really afraid of the problem as it's between the Malaita and the Guadalcanal people.

Gunshots could be heard every time; in the year 2003 the situation became worse and we started to move to the provinces. There were rumors that the Malaitans were looking for people who had caused them problems, thus we decided to move. In 2003 gunshots could be heard from the hillside at White River.

Personally, I believe the problem came about when the Bougainville people took refuge in the Solomon Islands. Most of the Bougainvilleans were living in the Tanagai area. Making homemade weapon became famous; I believe the Bougainville people helped them manufacture homemade guns. It happens no one from Bougainville joined the Malaita Eagle Force.

When the ethnic tension happened, all the things came to a bad stage. When I went to Bellona I left my home; all the things are inside and I left behind my house, garden, generator and bicycle. All these things were locked and all of them were burnt. In mid-2003, I came and found no house, no garden, no anything. When I came, only few people from the West and were Malaita here; we heard people were fighting against each other and later we saw the Malaitans fighting amongst themselves.

The ethnic tension looks as they fought against each other, Malaitan against Malaitan and Guadalcanal against the Guadalcanal. I just like to say something here; the Government should pay the lost properties of not only Malaitan people but all the people who lost their properties. After all, most of the people lost their properties and the Government should have paid the people who lost their properties.

Statement N° 0007

²⁶⁶ TRC Consultation with Provincial leaders, Church leaders, Chiefs, Women & Youth leaders in 2010/2011.

²⁶⁷ TRC Consultation with Choiseul Provincial Government, Taro, 21/05/2011.

In situations where violence and trauma have been so widespread, there is the acknowledgement that thousands of people have proven themselves to be survivors rather than victims: while all have suffered terrible damage and this cannot be minimized or ignored, there has certainly been a wide range in the victims' ability to cope with such experiences. Patterns of resilience and support need to be recognized and facilitated, and the incredible courage and power of victims to carry on and to find the impulse to try to rebuild, even in settings of total loss, is a central part of the perceptive healer's resource base.

7.6 Views and Recommendation from provinces

The TRC 2008 Act gave the mandate for the Commission to carry-out consultations and workshops with stakeholders from society and to create and devise recommendations for the government to consider in an effort to prevent any future ethnic uprising, violence, or tension.²⁶⁸ In 2010 and 2011, the following represents the views and suggestions of society that emerged during the consultations with Government and church leaders, chiefs and community leaders, women and youths from the nine provinces in Solomon Islands:

Rehabilitation of victims of the tension

The tension in Solomon Islands caused many problems to the economy and the nation's citizens. During the tension thousands of people were displaced, tortured and killed; women were raped; children suffered and families were separated; properties were destroyed and essential services, especially schools and medical services, shut down. People lived and still live in precarious conditions. These are the victims of the tension. They include innocent men, women and children. Most have been excluded from schools and work and are condemned to lives of abject poverty. Now they are often seen as economic burdens. Responsible authorities and families are either unable or unwilling to provide them with the care they need to have a normal life. They are simply seen as another mouth to feed. They have no qualification for employment and lack awareness on how to improve their situation. They have lost all their dignity and hope for a better life. The tension created this situation for these people of the nation.

The situations of all the victims of the tension need to be looked into and addressed, and proper direction given to help these victims and rehabilitate them or bring them to a level where they can again see themselves as productive assets of this nation. It is the responsibility of the national Government to help these victims. As discussed, the Government must come up with ways to rehabilitate these people now. Most TRC participants suggested that the affected citizens must be helped or provided with special incentives. For example, they must be supported and provided with free education to help them gain the necessary skills and knowledge they need to sustain themselves and their families. The Government must provide free vocational training

²⁶⁸ See details of the TRC consultations and workshops in the chapter on "Institutional History" of TRC.

for them. Moreover, as shown in testimonies of TRC witnesses, the victims of the tension must be provided with an avenue where they can freely access counseling services. Counseling centers must be provided for them; as well other incentives that might help them rehabilitate their lives and become productive members of their societies.

Introduce state government system and fair rehabilitation of the provinces

In Solomon Islands, urbanization is also one of the main contributing factors to the problems the country has gone through. More people leave their homes and go to Honiara city to gain access to services that are not provided at their homes or in the rural areas. The rate of urbanization is very rapid because of the Government's failure to decentralize development and services that are essential to sustain life. Development is centered on Honiara, which has resulted in the migration of the population to it and has resulted in the growth of unemployment, drug abuse, crime and homelessness, conflicts, and other social problems.

This problem is getting worse and the associated problems are also increasingly affecting the process of development of this nation. And the problem will worsen if the Government does not decentralize development and introduce state government system. Development and opportunities must be created in rural areas to prevent migration to the cities. Rehabilitation of the provinces is of paramount importance to address the issue of urbanization in Honiara. Create and develop services in the provinces of Solomon Islands. Through this strategy, movement of people will be controlled and the problems associated with urbanization are minimised.

Promote social and cultural activities

Social and cultural activities are important events for any country, whether organized by local groups, non-government organizations or the Government. They are an important part of every society, every country, and every part of our planet. In one way or another, everyone is involved in sports and other activities, whether they are participating or watching. Social and cultural activities are very important for a country like Solomon Islands which has so many different cultural backgrounds. Such activities allow or involve participants from many different island and ethnic backgrounds. Taking part in the activities helps in sharing experiences with different colleagues from other provinces; getting together during the events, those present experience the competitive climate of the event make way for friendship and are special moments.

The variety of languages and cultures of participants make these experiences unique. Therefore the Government must be encouraged to promote these activities and ensure all the people in Solomon Islands participate. There is peace and stability in our country if the responsible authorities organize activities like sports, cultural shows and other events that bring citizen of this nation together.

Document the tension in the Solomon Islands school syllabus

The tension in Solomon Islands has created a crisis of an unprecedented level. It has caused both social and economic disruption for the country. Those who witnessed the tension and its consequences were fortunate in one sense because they often came to understand its roots causes and how Solomon Islands were able to restore peace and

solve the social unrest. However, the new generation after the tension has no idea of the tension, its impacts, root causes and how it was addressed. Therefore, the future of Solomon Islands is still fragile if the new generations of Solomon Islands come to rule this nation and are not educated about the tension.

Thus, to avoid repeating the same mistakes, the new generation must be educated about the tension. The best way they can understand the tension, its causes, impacts and solution, is to document this social unrest in the school syllabus. The new generation will learn and know the necessary steps to take in order to avoid another conflict. TRC participants recommended that the story of the tension must be documented in the school syllabus now. Also disciplinary subjects must be introduced and included in the school syllabus.

Bona Fide Demands of Guadalcanal people

The Bona Fide Demands of the Guadalcanal people and other underlying issues that instigated the ethnic crisis must be dealt with. The Bona Fide Demands affect and involve the social fabric of Guadalcanal people's society. Their survival, identity and sovereignty are reflected in these demands.

From this insight, many TRC participants from the provinces recommended that to avoid any repetition of the civil unrest, the Government must address the demands of the Guadalcanal people. Most national development is happening in Guadalcanal province; therefore, the Guadalcanal people must be respected and their demands attended to. Their demands are a long-standing issue and must be handled properly. This issue, if not settled, will cause reoccurrence of tension in the future.

Government to recognize traditional chiefs

Traditional chiefs have played an important role in community coherence and traditional justice systems, especially in Solomon Islands rural villages. During the colonial era, the positions of existing traditional authorities were recognized, and new chiefs were created to harmonize the system. Although this system has persisted until the present day, the rise of alternative centers of power, in particular, the local, provincial, and national governments, has undermined the powers of traditional leaders such as chiefs.

Traditional rulers' long history and the respect in which they are held make them more effective in conflict resolution than official mechanisms. They are also able to take pre-emptive action through their familiarity with the different sections of the community, where the government has been observed to be reactive. Some traditional rulers work extremely hard with little official recognition of their efforts. This failure to recognize them as key players in maintaining community coherence has weakened their enthusiasm to carry out their roles as chiefs. As was disclosed during the hearings, this was one of the main contributing factors to the recent tension in Solomon Islands.

Thus, the participants urged the government to strengthen the traditional leadership and governance systems by means of recognizing and providing support for this pillar – Traditional Leaders. The Government must develop the capacity of traditional leaders in settlement of disputes in the communities by improving and codifying procedures, mechanisms and structures, and codes of conduct. Traditional leaders must be provided training in leadership development, promoting *kastom* knowledge

and skills, and exercising judicial functions – in matters related to land, civil conflicts and disputes, adoption, compensation, breakdown of customs, custom agreement, community obligations and church affairs. They must be supported in terms of logistics, finance and other benefits. With this assistance from the national Government they will be active in carrying out their roles and ensure a safe environment for the citizen of this country.

Government to support churches

Churches are seen primarily as moral guardians and helpers of the needy and troubled. They are also seen as being important providers of opportunities for public worship and a range of social services. Churches are one of the most important pillars in our society. In Solomon Islands during the tension, churches played a vital role in bring together the warring parties to reconcile; they also promoted peace and encouraged citizens of this country to live peacefully. During the tension, the churches took the initiative of looking for ways to discuss the peace and start the healing process for this country. They played a very important role in bringing back peace to our nation.

From this history of the good work of the churches in helping this country to move forward to peace, the national Government must play its part in helping the churches. The Government must recognize the churches and their activities, for example, by way of assistance in finance, logistics and other means. This assistance would help the churches to do their part in building up and moving forward our country for a better and more prosperous future. Moreover, it is important for the Government to show its appreciation to the churches by giving them tithes. Most church leaders are requesting the government to recognize their potential in conflict resolution. They say that they have a system and structure already established all over Solomon Islands which could be a bonus for the government, which could work in partnership with them in peace-building.

Amend and revise land policies of the Government

Good and effective policies of the Government lead to economic growth and help to reduce poverty, create a middle class, and foster stability. It is in the interest of all governments to implement policies to foster development and reap the benefits associated with it. Without effective policies, the economy would head nowhere and development would not be forthcoming. The disputes over land were fundamental to the tension, and land issues were identified in many people's analyses as a structural cause of the conflict. At the root of the tension, particularly in Guadalcanal and Honiara, were illegal squatting and use of customary lands, the commercialization of land, rapid population growth and land pressure, and poor management of urban growth.

Unless the Government amends or revises its policies on land, we shall not see this country move forward. The Land Act must be revised and amended to allow for better development of land. There is a need to strengthen land administration in the country. Land administration systems are fundamental to any economic development related to land-based resources. Such systems must be developed within a strategic framework that supports wider government objectives and has clear goals. Policies regarding land must be effective to ensure better land management. The Government must take steps to evaluate the role of the local courts, customary land appeal courts

and, if necessary, introduce a new system for resolution of land disputes which is consistent with Solomon Islands' accepted practices of dispute resolution.

Equal participation in decision-making

Equal participation in decision-making in Solomon Islands is still an issue. Cultural values and norms play an important role in determining who makes decisions. There is no equal participation and men are still dominant in essential decision-making. In most cases women's concerns are not taken into account and unfair decisions are made to the disadvantage of the vulnerable, especially women.

Women account for about one-half the population of Solomon Islands; they have the right to be represented. Equal access of men and women to power, decision-making and leadership at all levels is a necessary precondition for the proper functioning of democracy. Equal participation of men and women in political affairs makes governments more representative of the composition of society; it makes them more accountable and transparent; and ensures that the interests of women are taken into account in policy-making. Women, however, have traditionally been excluded from power and decision-making processes.

Youth involvement in decision-making

Youth involvement in decision-making is very important. The Government must ensure that youth are recognized and supported if they are to be seen as productive citizens of this nation. Youth in Solomon Islands make up about 29 percent of the total population.

They are 36 percent of the urban population and about 27 percent of the population in rural areas. In Solomon Islands, leadership structure is based on seniority. Many of the decisions made are done by those who have rank. Youths in most cases are hardly given a chance to have a say or make decisions with regard to issues affecting this nation or even concerning themselves. They are not given the full support they should receive. They are neglected and ignored. Therefore, as noted, youth in Solomon Islands are entangled in many issues and problems. The situation of its youths is one of the reasons Solomon Islands is not moving forward. This nation will remain the same if youth are always left out in decision-making.

From TRC consultations, it is clear that the Government must recognize the youths, involve them in decision-making, hear their apprehension and create programs that will address their concerns. Give opportunities for young people to be involved in influencing, shaping, designing and contributing to the development of policy, services and programs.

Extension of TRC term

During the question and comments at TRC events, most of the participants commended the work of the TRC. As one participant commented, through the work of the TRC in the country, victims of the tension have confidence that their voices and concerns will be heard. For the TRC properly to complete its work and ensure true peace is achieved, the TRC's term must be extended for another year to allow the Commission to complete its work. TRC participants pointed out that victims and perpetrators of the tension who still need healing have faith in the TRC and its work. With further TRC work, they believe Solomon Islands will move forward and

experience everlasting peace. Most participants also pointed out that the TRC must be extended to other provinces to allow the whole nation opportunity to be healed.

Moreover, most victims and perpetrators are still in the process of healing and more work is still needed to rehabilitate them. Therefore TRC participants suggested that if the TRC term is not extended for another term, another Commission must be formed to push forward the TRC's recommendations and suggestions to the Government and ensure that they are implemented.

Independent judicial bodies to be established

It was clear to the TRC participants that the Solomon Islands judicial system is not fair enough. Most of the perpetrators of the tension are still around and have not been convicted for the crimes they committed during the tension. The participants think that this situation is because of the inability and incapability of the Solomon Islands court system to deal with these perpetrators and this inability causes injustice. They noted that for permanent peace to prevail, fair justice is of paramount importance.

Therefore, many recommended to the TRC that for true healing and fair justice in this nation, independent bodies must be established to deal with criminal cases. Criminal cases related to the tension that our court system cannot deal with properly must be referred to the independent judicial bodies. International courts, for example, must be allowed to investigate some of the criminal cases committed during the tension. Through this exercise our communities will be safe and the culprits will be charged accordingly for roles they played during the tension.

Reconciliation must be a continuous process

National healing and reconciliation is essential for national unity and the rebirth of a new nation founded on the principles of universal human rights, the rule of law, and justice for all. Such reconciliation is a process that requires the involvement of all citizens of Solomon Islands, beginning with individual apologies and forgiveness. That reconciliation cannot be fully achieved without justice, which will bring Solomon Islands' dark past to closure by the full implementation of the recommendation of the Truth and Reconciliation Commission.

Reconciliation has been long been recognized as the key element of a just and lasting peace. Reconciliation is the ultimate goal of peace-building. It occurs when disputants develop a new relationship based on apology, forgiveness, and newly established trust. It is a meeting ground where trust, mercy, justice, and peace are all embraced. Thus, reconciliation involves all four processes. It brings people together, enabling them to grow beyond the past to re-establish a normalized, peaceful, and trusting relationship in the present. For conflicts that have been going on for decades or centuries, reconciliation cannot take place in weeks or months – perhaps not even in a few years. It will take many years, perhaps decades or even centuries, to be fully accomplished. Yet progress can be made, and even incremental steps can have tremendous beneficial effects.

Thus, for reconciliation to achieve its purpose and ensure there is true and lasting peace, it is suggested that the reconciliation program must be a continuous process and must be done from the national Government to the grassroots people. All parties to the tension, including youth and women, must be involved in reconciliation

activities; and reconciliation awareness must be made, including reconciliation studies in the national school syllabus. The Solomon Islands Government must:

- a) introduce projects aimed at young people, children, families, ex-combatants and also run projects which are tailored to specific needs and address situations;
- b) offer a range of quality training programs to all segments of the community, public and private;
- c) provide a comprehensive mediation service and a full conflict management training program; and
- d) facilitate reconciliation that involves victims, perpetrators and the community in the reconciliation process.

Request the Government for another gun amnesty

As revealed during the TRC hearings, although RAMSI is here to help remove guns and ammunition from our communities, there are many Solomon Islanders still in possession of these weapons. These remaining weapons will be disastrous for us if nothing is done to collect them, as RAMSI cannot now make a thorough gun collection. Those still holding these guns, we were briefed, live in fear of being apprehended and prosecuted by the responsible authorities, especially the police, if they hand in these weapons. Thus, they cannot come forward freely and hand them in.

In response to this situation, TRC participants recommended the Government find some means to have a gun-free Solomon Islands. As one victim stated,

Peace will return to Solomon Islands when all the guns are collected and destroyed. We are not safe nor feel free to express our grievances when the guns are still in the hands of individual former-militants.²⁶⁹

The government must find a mechanism to resolve this problem. Some suggested a conditional amnesty be established as a way forward.

Recruitment of police officers

The country's stability and security depend very much on our police force. An effective police force means a safe and prosperous country. The tension in Solomon Islands was so serious because the Government, which the citizens of the country depended on for protection, could not do much in terms of providing security. The police force which was responsible for security and the protection of this nation was weak and incapable of controlling the situation. Police officers who were supposed to be loyal to the institution switched sides and served as militants. Neutral police officers could not do much for fear of being assaulted, harassed or even killed. Lawlessness was ripe and many gunshots were heard every day. This situation reflected the weak and incompetent police force.

In view of the above, civilian participants pointed out that police officers who are recruited must be thoroughly and fully screened; they must be well trained,

²⁶⁹ The person cannot be named for security reasons.

disciplined and every province in Solomon Islands must be represented. There should be equal percentage of new intake from the provinces. Through these policies, our police force will carry out their roles and functions as required and ensure a safe, peaceful and prosperous Solomon Islands. Moreover it is recommended that the Government needs to have a strong Intelligence Service to detect the early signs of any threat and put proper measures in place before something worse happens.

These sentiments received by TRC revealed that successive ruling Governments have seriously failed to fulfilled their policy programs and promises.

In addition, among those questioned by TRC, 53 percent of the participants feel more angry and bitter due to lack of concern by responsible authorities, 30 percent said the Government had caused more hurt and pain to them. Only 17 percent predicted people opted for reconciliation. These results were cited to support the conclusion that the Government's past efforts towards national recovery were not in the end much success since the inception of the peace initiative in 2003.²⁷⁰ The TRC findings established that initial claims of achieving national healing and reconciliation though assumed successful, in fact, have been unrealistic for thousands of victims of the tension in Solomon Islands.

Perhaps the more reasonable goal for the Government is to *promote* reconciliation rather than to achieve it, as indicated in the TRC Act 2008 that created the Commission. Despite a general sense of disappointment, there has been little serious reflection in the media or public about what reconciliation might really mean, or what might be required to attain it, in a society such as Solomon Islands, where communities have been long divided not only by ethnicity and physical isolation, but by economic conditions and opportunity.

In reality, reconciliation is a voluntary act that cannot be imposed or by any other legal measure. Rather, it requires a very wide range of activities to address deeply conflicted and fractured relationships.

The Commission puts forward a model for the reconciliation process in Solomon Islands which can be useful. It is a five-strand reconciliation model which sees reconciliation starting from the premise that to build peace relationships requires attention. The model promotes five interwoven and related strands:

1. Developing a shared vision

This action requires individuals across the society and at all levels to articulate a common vision of an interdependent, just, equitable and diverse society, even if they have different

²⁷⁰ See chapter 3.4.1.2 of this report.

opinions, goals or political beliefs. In Solomon Islands, this action would most likely refer to the process of nation-building.

2. Acknowledging and dealing with the past

This action entails acknowledging the hurt, losses, truths and suffering of the past, as well as establishing mechanisms to provide for justice, healing, truth, restitution or reparations and restoration, including apologies, if necessary, and steps aimed at redress. In addition, individuals and institutions need to acknowledge their own role in the conflicts of the past, accepting and learning from them in a constructive way to guarantee non-repetition.

3. Building positive relationships

This action entails actively building or renewing relationships between individuals, groups or individuals and the state, as well as addressing issues of trust, prejudice and intolerance between groups and individuals. This work results in accepting commonalities and differences, and embracing and engaging with those who are different from us.

4. Significant cultural and attitudinal change

This action entails changing how people relate to, and their attitudes toward, one another. Attention needs to be given to developing a culture of respect for human rights and human difference, creating a context in which each citizen becomes an active participant in society and feels a sense of belonging. The result is that a culture of suspicion, fear, mistrust and violence is broken down and opportunities and space opened where people can hear and be heard.

5. Substantial social, economic and political change – equity and equality

This action entails identifying, reconstructing or addressing, and ultimately transforming the social, economic and political structures that caused or contributed to conflict and estrangement. The result is socio-economic and political equality.

The work of the Commission is crucial in relation to point 2 (acknowledging and dealing with the past). Truth-telling contributes to the integration of past adversaries into a single political-economic-cultural system. The issue of establishing a shared identity between the aggrieved or separated parties is an important step in the process. Most importantly, the purpose of a shared identity is to create a common past and to provide a platform for a common future. This work is a complex undertaking, involving an analysis of current identities as well as adjudicating the different versions of history maintained by each party, that is, the conflicting memories of the conflict.

However, the building of positive relationships and cultural, economic and political change is beyond the reach of the people by themselves because it requires the political will of the Government and different parties involved. It requires the creation of institutions that allow and encourage conflicting parties to resolve their differences through non-violent means, a political climate where former enemies may continue to disagree, but nevertheless interact and communicate on the basis of a shared normative framework and mutual recognition.

Finally, there is no formula or strategy for reconciliation that will be applicable in every instance. Each reconciliation process needs to be designed according to the specific context: the country, the conflict the country has been through, and the culture and traditions it has that can strengthen reconciliation. The reconciliation process has to be understood and viewed from the broader perspective of people's cultural and social values. This assertion is based on the understanding that it is often the cultural factors that influence and sustain people's search for truth, justice, reconciliation and peace. In other words, reconciliation has to be understood from the cultural contexts of a people. For example:

1. Are there rituals of forgiveness and reconciliation already available within the culture that can be utilized in the process?
2. What are the rules about silence and the saving of face that can constrain certain kinds of reconciliation efforts?
3. These and other questions about cultural processes are important to bear in mind.

This is aptly captured by Archbishop Desmond Tutu, who noted that:

As our experience has taught us, each society must discover its own route to reconciliation. Reconciliation cannot be imposed from outside, nor can someone else's map get us to our destination: it must be our own solution. This involves a very long and painful journey, addressing the pain and suffering of the victims, understanding the motivation of the offenders, bringing together estranged communities, trying to find a path to justice, truth and ultimately peace. Faced with each new instance of violent conflict, new solutions must be devised that are appropriate to the particular context, history and culture in question.²⁷¹

The Commission recognized that reconciliation is a long-term process that must take place at the individual, community and national level and therefore places no prerequisite for the understanding of reconciliation. Reconciliation is a process that must be nourished and encouraged. The Commission can only offer guiding principles to assist reconciliation. However, it is eventually up to all Solomon Islanders to take on creative acts that will promote reconciliation and healing at all levels.

²⁷¹ Quoted in David Bloomfield et al.: *Reconciliation after Violent Conflict: A Handbook*, 2003, p.10.

In the long term, the Commission recognizes that national reconciliation ought to rest on certain fundamentals. These include the improvement of the socio-economic living conditions of the people; good governance; strong and functional institutions of oversight; the creation of a respected and professional security force; and the implementation of a reparations program that takes into account the needs of the victims of the conflict.

The Commission also recognizes that there are certain steps that will facilitate the reaching of national reconciliation. These steps include truth-telling, reconciliation between victims and perpetrators as well as the perpetrator with his or her community, the provision of adequate physical security, and the implementation of a reparation program.

The Commission believes that reconciliation activity should adhere to certain guiding principles. First and foremost, it should be initiated in consultation with all relevant stakeholders. Victims must be included in the process. In particular, special efforts should be made to include the victims of sexual violence, child ex-combatants, and victims with visible physical disabilities such as amputees and the war-wounded.

The Commission, therefore, recommends certain activities that can help to foster the reconciliation process. These include:

1. All actors involved in the tension must publicly apologize to victims;
2. There must be a National Peace Day;
3. The TRC Report must be made public and available to all;
4. Traditional and religious activities must be observed;
5. Social and recreational activities must be observed as an annual event;
6. Trauma counselling must be provided and accessible; and
7. The Government must support the continuation of reconciliation program activities of the provinces.

In order for the reconciliation process to be advanced, it must enjoy the committed support from all actors involved and all parties to the tension including the Government, communities, victims and former combatants.

Acknowledgement of wrongdoing, recognition of the long-suffering of victims, and apology to victims ought to be made by national and political leaders, Government representatives and other stakeholders in the national reconciliation process. The Commission also calls on leaders at all levels, down to chief level, to account to their communities and to take the lead in advancing reconciliation.

Reconciliation should also take place within the national security forces, in particular, the Royal Solomon Islands Police Force, which has integrated ex-combatants from different former fighting forces into their ranks. Reconciliation should also take place between the members of the RSIPF and the civilian population. Many civilians believe the armed police and paramilitary forces betrayed the country in its time of need. The RSIPF should work towards the fulfilment of this recommendation.

7.7. Reconciliation as a future process

The Commission recommends that the Government and other organizations seriously consider the initiation of the following activities to promote reconciliation:

- Symbolic activities such as the establishment of monuments on mass graves.
- A National Peace Day during which reconciliation and solidarity with those who suffered during the war is promoted. It should be a national holiday. Activities on this day should take place at all levels, from community, provincial to the national level. The Commission suggests that this be 18 January, the day on which the war was officially declared to be over in 2002 with the symbolic burning of 3000 weapons.

The Commission encourages victims and ex-combatants, as well as other members from the community to come together in joint projects for the development of their communities.

- Such projects can be symbolic in nature and can include activities that improve the lives of people such as the clearing of land for the creation of peace parks; the removal of rubbish and litter that is prevalent almost everywhere in urban Solomon Islands; the repairing of roads, etc.
- The Commission encourages traditional activities to reintegrate victims and ex-combatants into communities and to restore the social fabric in the community. Such activities can include traditional dances, cleansing ceremonies, blessing and healing of the bush, land, rivers and sea.
- The Commission encourages religious activities, such as the organization of commemoration ceremonies for the victims of the tension, symbolic reburials for those victims who are missing or who have not been buried according to religious and traditional customs and common prayers.

- The Commission encourages sports games and sporting competitions, involving victims, ex-combatants as well as other members from the community.
- The Commission encourages social and recreational activities, in which victims, ex-combatants as well as other members from the communities can meet at events such as religious festivals, ceremonies and peace carnivals.
- The Commission encourages artistic activities in which victims, ex-combatants as well as other members of the community can express themselves through drama, music, songs, story-telling, art, and poetry in order to promote tolerance, respect, and non-violent means of conflict resolution.
- The Commission recommends that regional reconciliation support committees be set up by the Government and in collaboration with SICA in order to promote reconciliation activities in the provinces.

Given the above, reconciliation is up to all Solomon Islanders and remains a challenge to all citizens – the whole community, that is, individuals, organizations and governments. All have a part in building together the future of Solomon Islands. Though partnership with all stakeholders is vital, the Government in particular must give priority to four important measures, namely, education, government accountability, legislation and leadership on reconciliation:

7.7.1 Education

If reconciliation is to be achieved, it will be based on an honest and deep understanding of the truth of our shared history and respect for each other. This common understanding will require new approaches to and additional activities in education, through formal schooling, the training of professionals and community awareness programs.

7.7.2 Government accountability

The Government provides most essential services. Yet serious disadvantages remain. All service providers must be held accountable through the setting of measurable targets and public reporting of performance.

7.7.3 Legislation

A process is needed to deal with unfinished business, including a legislative framework to allow for negotiated outcomes on matters such as rights, self-determination, traditional law, governance and strengthening, including constitutional reform and awareness.

7.7.4 Leadership on reconciliation

“Reconciliation Solomon Islands” will be a representative national body funded and supported by all sectors of the community. It will keep the reconciliation process going.

Conclusion

In summary, the importance of reconciliation is not about whether trials take place or not, but rather that actions are achievable to transform and reconstruct public confidence in the state institutions and leaders, as well as the rule of law, to address the historically-rooted legacy of public mistrust. As such, reconciliation needs to focus on a forward-looking contribution to the transformation of society, including state institutions. At the individual level, true reconciliation can only be achieved by taking into account the victims’ state of mind and feelings such as anger, sorrow and trauma, and deal with it.

Reconciliation is a long and painful process. It must begin by establishing the truth. The truth must be told objectively and heard officially and acknowledged by national leaders, parties to the conflict, and survivors. Of necessity, telling the truth will involve confession and acts of repentance, and ultimately forgiveness. Only then can reconciliation begin to take place. This is the long and painful road that Solomon Islands and its people must travel.

CONCLUSIONS

Fragile, tentative democracies time and again hurl themselves toward an abyss, struggling over this issue of truth. It's a mysteriously powerful, almost magical notion, because often everyone already knows the truth — everyone knows who the torturers were and what they did, the torturers know that everyone knows, and everyone knows that they know. Why then this needs to risk everything to render that knowledge explicit?

272

1. The Truth and Reconciliation Commission (TRC) was established by an Act of Parliament to shed light on human rights violations and abuses committed between 1 January 1998 and 23 July 2003. The Commission interpreted its role as a facilitator for the initiation of processes towards a more peaceful society where the dignity of all persons is promoted and respected.
2. In rescuing the memory of thousands of innocent victims, aspects of events that have either been concealed or denied emerged for the first time. The Commission considers that this form of truth recovery is an important step towards true reconciliation, which requires forming a new and common outlook on the conflict. The parties in the conflict must not only become aware of what happened in the past but must also truly acknowledge it.
3. Violence did not resolve any of the underlying problems of the conflict. Disrespect for state institutions, even though weak, dramatically interrupted the development of Solomon Islands as a unified nation.
4. By presenting the history of the conflict to the public, the Commission wishes to encourage national leaders and the entire Solomon Islands society to build solid institutions that guarantee sustainable peace based on respect for plural identities and human rights for everyone.

²⁷² Lawrence Weschler: *A Miracle, a Universe: Settling Accounts with Torturers*; New York: Pantheon Books, 1990, p. 4.

THE CONFLICT

5. The TRC has come to the conclusion that an *internal armed conflict* occurred in Solomon Islands from 1 January 1998 to 23 July, 2003. It began with the forced displacement of thousands settlers in parts of Guadalcanal. Although it peaked in May 1999, this phenomenon continued for the duration of the conflict as different groups of armed militants displaced different groups of people. Fighting persisted first between the Guadalcanal Revolutionary Army – which later changed its name to Isatabu Freedom Movement – and the Rapid Response Unit of the Royal Solomon Islands Police; then between the Isatabu Freedom Movement and the Malaita Eagle Force and Marau Eagle Force; and finally between the Joint Operation (the RSIPF, MEF and former IFM militants under the command of Andrew Te'e) and the Guadalcanal Liberation Front led by Harold Keke.
6. The TRC found that the internal armed conflict moved through different stages, distinguished by the armed groups that were involved and their objectives, targets, and performance:
 - 6.1 The first stage was between 1998 and the Rove armory raid on 5 June 2000. It included the eviction of settlers, mostly Malaitans, from Guadalcanal by the GRA/IFM and the retaliation of the Malaita Eagle Force. During this stage, the driving force of the conflict was *ethnicity* as is shown most clearly in the Marau case, described in chapter 3.2.4, and that most of the killings had an ethnic background (see chapter 4.2.1).

The definition of the conflict as “ethnic tension”, which has been popularized to describe the whole period between 1998 and 2003, strictly speaking, applies only to this first stage.

The TRC is aware that some analysts reject the term “ethnic tension” altogether. The Commission agrees that ethnicity does not, *sui generis*, cause people to do things and must always be understood in political and economic contexts. Ethnic antagonism does not explain *why* the tension happened. The roots of ethnic conflicts may in fact not be ethnic at all. But the mere fact that ethnicity could be activated as a political weapon and channelled towards violence shows the inherent conflict-generating potential of ethnic stereotyping.

The Commission considers that negating the importance of ethnic diversity and its impact on the dynamics of the tension would deflect attention from the important task to build a peaceful Solomon Islands as a *nation* based on “unity in diversity”.

- 6.2 A second period was roughly the period between 5 June 2000, when the police armory at Rove was raided by the MEF and Prime Minister Ulufa’alu forced to resign, and the signing of the Townsville Peace Agreement on 15 October 2000. This was a period of transition since ethnicity was fading as a driving force of the conflict, although still present. Among Guadalcanal militants, the appearance of the MEF generated suspicions against co-ethnics as possible “spears”, that is, spies supporting the enemy, and resulted in punishment and harassment of persons from the same ethnic background. The target of the Malaita Eagle Force, on the other hand, was no longer only the militants from Guadalcanal but, increasingly, the Solomon Islands Government, which was flooded with compensation claims.

In Western and Choiseul provinces, the Rove armory raid opened a secondary scene of the conflict which was overshadowed by the presence of elements of the Bougainville Revolutionary Army (BRA) and local quasi-militant groups such as the Black Sharks and the Lauru Civilian Security Force (LCSF).

- 6.3 The final stage of the tension was the time between the Townsville Peace Agreement and the arrival of RAMSI on 24 July 2003. This stage was characterised by ongoing intra-ethnic conflicts. On the Weather Coast of Guadalcanal, Harold Keke’s Guadalcanal Liberation Front (GLF) imposed a reign of terror upon its own people. Former enemies from the IFM and the MEF were hired as special constables and joined the RSIPF in the so-called Joint Operation to capture Keke. In the Gold Ridge area on Guadalcanal, Stanley Kaoni, also known as “Satan”, formed a new quasi-militant group to fight Keke’s GLF.

In Malaita, former MEF militants started to harass the local population of Malu’u, Auki and other rural areas. At the same time, former MEF militants used the name of the militant group to commit an increasing number of criminal activities in Honiara.

In the Western Province, South Bougainvillean militants commanded by Cornelius Galasa and local Black Sharks continued to terrorize indigenous people until the

Gizo Hotel incident on 12 November 2000. In Choiseul, William Amalo's LCSF did the same until his death on 10 December 2001.

7. The TRC identified a set of underlying socio-historical features, which upon merging at a particular moment, generated an unstable situation and might be considered as the "roots" of the conflict. These features included:
 - 7.1 The hybridization of pre-colonial forms of social organization with modern elements, particularly the adaption of local "bigman" and *wantok* systems to the requirements of state politics.
 - 7.2 The legacy of colonial domination which a) had given little room to indigenous participation in decision-making and precluded the formation of indigenous leadership beyond the local level and; b) had cast the seed for future conflict with large-scale land alienations.
 - 7.3 A decolonization process which placed a Western state model over a plethora of semi-autonomous social entities.
 - 7.4 The adoption of the Westminster parliamentary model despite widespread demand for an alternative system of governance.
 - 7.5 Uneven distribution of development investment after independence.
 - 7.6 Uncontrolled internal migrations supported by the 1978 Constitution that generated pressure on land resources on Guadalcanal.
 - 7.7 A sequence of national Governments unable to promote nation-building.
8. The destructive potential of these structural features came to the fore in the 1990's when Solomon Islands was hit by an economic crisis due to the decline of prices in the world market for local export products such as fish, round logs, copra and cocoa. In 1987 Cyclone Namu struck the country and destroyed the Guadalcanal rice industry and a great deal of the nation's infrastructure. As most of the Solomon Islands' overseas markets are located in Asia, the country was drastically affected by the Asian financial crisis of 1997. It was also during those years that corruption, fraud and large-scale mismanagement began to emerge.
9. The TRC considers that even though these structural features paved the way for the conflict, they are, on their own, insufficient explanation for the outbreak of violence. A

proper understanding of the armed conflict has to include *human agency* and the performance of key actors because *they* activated the conflict and defined its dynamics.

HUMAN RIGHTS VIOLATIONS AND ABUSES

10. The TRC registered 5,721 human rights violations. 2,501 (44%) of the victims were from Guadalcanal; 1,545 (27%) were from Malaita; 296 (5%) from Temotu; 155 (3%) from Western Province; 104 (2%) from Makira; 75 (1%) from Choiseul; 45 (1%) from Central Province; 29 (0.5%) Isabel; 3 (0.05%) from Renbel; 4 (0.07%) were expatriates. For 964 (17%) human rights violations, there is no information about the province of the victim.

11. Killings and disappearances:

Around 200 people died as a direct consequence of the conflict. Guadalcanal persons made up 71 percent of these deaths, Malaitans 24 percent, and the rest of the provinces about four percent. Most of the victims were civilians, followed by militants of the IFM and GLF.

12. Abduction and illegal detention:

The TRC received 212 cases of abduction and 95 cases of illegal detention. Abduction and illegal detentions was another kind of human rights violations that affected mostly civilians who did not belong to any militant group. Abductions were committed by the IFM, GLF and MEF militant groups, and illegal detentions by the RSIPF and the Joint Operations.

13. Torture / ill-treatment

The TRC recorded 1,413 cases of torture and ill-treatment. The violations were committed by all of the militant groups involved in the conflict, including the BRA/Black Sharks in the Western Province, the Luru Civilian Security Force in Choiseul and “Satan’s” group in the Gold Ridge area of Guadalcanal. The state, in form of the RSIPF and the Joint Operation, was also a perpetrator of torture and ill-treatment. Again, the absolute majority of the victims were civilians.

14. Sexual Violence

The TRC received 63 statements about sexual violence; 83 percent of the victims were female and 17 percent were male. This human rights violation was committed by all of the armed actors, including the Royal Solomon Islands Police Force; it consisted of rape, sexual slavery, forced nudity, violence against sexual organs, and forcing the victim to witness behaviour of a sexual nature. The Commission is aware that due to cultural taboos only a small number of sexual violence cases were reported.

15. Property Violation

The TRC received 1,856 cases of property violation, one of the most frequent human rights violations during the conflict. In the majority of cases, it took place in association with forced displacement, when houses were burnt down by one of the militant groups or the Joint Operation, with the pillaging of household goods, livestock and crops. Forced compensation payments were also common, as were extortion and robbery. Even schools and clinics were looted.

16. Forced Displacement

The TRC received testimonies of 1,882 forcibly displaced families with a total displaced population of 11,292. The TRC found three waves of forced displacement that together affected one-third of the population that lived on Guadalcanal during the outburst of violence. The victims of the first wave were Malaitan settlers and workers, but to a lesser degree, also migrants from other provinces, who were targeted by the GRA/IFM. When the MEF started “Operation Eagle Storm” after the Rove armory raid in June 2000, many Guadalcanal families were forced to leave their homes and hide in temporary homes in the bush for many months. Finally, first in 2001 and later in 2002-2003, the Joint Operation to the Weather Coast also forced many local families to escape into the bush for long periods of time.

THE ACTORS

17. The TRC identified as key actors of the conflict *a)* two militant groups from Guadalcanal (IFM and GLF); *b)* the Malaita Eagle Force (MEF) and the Marau Eagle Force; *c)* the Royal Solomon Islands Police Force; *d)* the Solomon Islands Government; and *e)* the provincial government of Guadalcanal.

18. The Isatabu Freedom Movement (IFM)

- 18.1 The TRC found evidence that the conflict was not a spontaneous outbreak of violence, but was carefully prepared during several months by a group of persons, foremost Harold Keke and Joseph Sangu, who were to become the leaders of the Guadalcanal Revolutionary Army (GRA), which later adopted the official name of Isatabu Freedom Movement (IFM).
- 18.2 The TRC also found evidence that the preparation and eventual outbreak of the conflict was supported by a majority of rural communities on Guadalcanal.
- 18.3 The TRC recognizes the legitimacy of the demands for “state government” and other requests in the Bona Fide Demands of the indigenous people of Guadalcanal, but condemns the application of violence. The IFM resorted to violence without making sufficient efforts to utilize the institutional channels offered in a parliamentary democracy.
- 18.4 Former leaders of the IFM claimed before the TRC that they resorted to violence because of the neglect of the Solomon Islands Government to consider the Bona Fide Demands of the indigenous people of Guadalcanal. They also claimed that the target of their uprising was the Solomon Islands Government and not Malaitans. However, the TRC found evidence that Malaitan settlers were targeted by the IFM from the very beginnings of the tension. Guadalcanal political and militant leaders instigated ethnic antagonism deliberately and used it as a political weapon to emphasize their demands.
- 18.5 The TRC found that after the first stage of the conflict, violent actions of the IFM were increasingly directed against co-ethnics from Guadalcanal. The credibility of the IFM’s political claims diminished to the degree that they were outweighed by the pursuit of personal goals.
- 18.6 The Isatabu Freedom Movement was responsible for 2,357 human rights violations reported to the TRC (41 percent of the total).
19. The Guadalcanal Liberation Front (GLF)
 - 19.1 The GLF was formed after the Townsville Peace Agreement by Harold Keke who refused to sign the peace accord.

- 19.2 From the end of 2000 until his surrender in August 2003, Keke imposed a system of harsh control over the population on the Weather Coast of Guadalcanal. Any transgression of his orders was severely punished, in some cases even with death.
- 19.3 The TRC found evidence that Keke's decision to continue the fight against the Government came with the support of many villagers on the Weather Coast; however because of Keke's violent behaviour against the local population, he lost much of his social base as many young men had decided to join the Joint Operation in 2002.
- 19.4 Under the command of Keke, the GLF committed some of the most ruthless crimes of the conflict. Keke and some other GLF militants serve life sentences for the murder of Father Augustine Geve, seven Melanesian Brothers, ten Kwaio men, and two youths killed at Marasa, among others.
- 19.5 Keke's refusal to sign the TPA provided an excuse for former militants of the MEF to refuse to surrender their weapons as agreed in the TPA.
- 19.6 The Guadalcanal Liberation Front was responsible for 710 human rights violations reported to the TRC (12 per cent of the total). Among them were 43 cases of killing (22%), 53 cases of abduction (17%) and 147 cases of torture (10%).
- 19.7 The TRC found that villagers on the Weather Coast felt that their life situation has not improved since the conflict. Many of them still consider the GLF as the lesser evil compared to the violence imposed by the RSIPF and special constables during the Joint Operation, and the ongoing negligence of the Government to develop the region.
20. The Malaita Eagle Force (MEF)
- 20.1 The Malaita Eagle Force appeared on the scene towards the end of 1999. The main objectives of the MEF were to counteract harassments of Malaitans by Guadalcanal militants and protect Honiara from a takeover, and to pressure the Government to pay compensation for lost properties and lives.
- 20.2. The TRC recognizes the right of any social group to defend its integrity against violent attacks when the state fails in its obligation to protect them. However, the Commission found that the actions of the MEF went beyond legitimate defence.

- 20.3 The MEF raided the police armouries in Auki and Rove with the help of police officers and distributed high-powered weapons to untrained and undisciplined civilians. This generated a preventable escalation of violence.
- 20.4 The Malaita Eagle Force also resorted to violence without making sufficient efforts to utilize the institutional channels offered by a parliamentary democracy. The MEF forced a democratically elected government to resign and obstructed the clean election of its successor, deliberately causing the collapse of fragile public institutions.
- 20.5 The TRC found evidence that weapons obtained through the Rove armory raid were often used by MEF militants, individually or in small groups, to pursue criminal activities. After the Townsville Peace Agreement, when hundreds of militants returned to Malaita taking their weapons with them, aggression was directed towards people from their own ethnic background.
- 20.6 Most of the affirmations made for the Malaita Eagle Force apply also to the Marau Eagle Force.
- 20.7 The Malaita Eagle Force and Marau Eagle Force were responsible for 1,144 human rights violations reported to the TRC (20 percent of the total).
- 20.8 It is important to note that many of the offences committed by Malaitan militants, like extorting civil servants and ransacking the Public Treasury, legally do not qualify as human rights violations. They are common crimes and as such are not registered in the TRC database which was developed on the basis of six human rights violations reported by victims.
21. During different times of the conflict there were also locally operating militants in the Gold Ridge area on Guadalcanal, and in Western and Choiseul provinces.
- 21.1 In the Western Province, most of the islands organized vigilante groups to avoid spill-over effects from the Guadalcanal crisis, the most notorious being the Black Sharks. After the Rove armory raid, a platoon of militants from the Bougainville Revolutionary Army arrived in Gizo, claiming to have been invited by the provincial government.
- 21.2 In Choiseul, local leaders formed the Lauru Civilian Security Force.

- 21.3 In the Gold Ridge area on Guadalcanal, Stanley Kaoni formed a militant group after the Townsville Peace Agreement to fight Harold Keke's GLF.
- 21.4 These groups acted without any mandate from the population in their respective territories and for the personal benefit of their leaders and themselves. All of them were involved in violations of human rights.
- 21.5 In the face of state collapse, the presence of these armed groups aggravated the security situation and left most of the population defenceless.
22. The Royal Solomon Islands Police Force (RSIPF)
- 22.1 The TRC believes that the leadership of the Royal Solomon Islands Police Force misjudged the situation when the conflict first began. The violent uprising was prepared over months and as such was predictable, but no adequate measures were taken to prevent it.
- 22.2 Among police officers and executives, ethnic allegiances prevailed over institutional loyalty. The Commission found evidence that some officers from Guadalcanal provided weapons and weapon-training to GRA/IFM militants. Malaitan police officers were directly involved in the Auki and Rove armory raids and joined the MEF in the coup against Prime Minister Ulufa'alu.
- 22.3 Ethnic allegiances prevailing over institutional loyalty led to the institutional breakdown of the RSIPF. During the conflict years, the police were unable to provide a minimum level of security to the citizens of Solomon Islands, depriving them of their right to receive protection from the state.
- 22.4 The collapse of the RSIPF left public institutions at the mercy of militant groups, mostly of the MEF who controlled Honiara.
- 22.5 The inclusion of about 2,000 former militants as special constables after the Townsville Peace Agreement further deteriorated the reputation and performance of the RSIPF.
- 22.6 During both "Operation Liberation Strike" and the "Joint Operation" on the Weather Coast, both regular police officers and special constables were involved in cases of killings, abductions, sexual violence, ill-treatment, property violations and forced displacement. These activities make the state responsible for the violation of human rights.

- 22.7 The Royal Solomon Islands Police Force and the Joint Operation were responsible for 831 human rights violations reported to the TRC (15 percent of the total).
- 22.8 Many of the police officers who were directly and actively involved in human rights violations and other unlawful activities during the conflict are still on duty.
23. The Solomon Islands Government
- 23.1 The Commission found that during the whole period of the conflict, the successive Governments were unable to provide security to its citizens, which is one of the basic tasks of the state.
- 23.2 Misjudgements by Prime Minister Ulufa'alu and his supporters about the underlying causes of the conflict prevented the Government from taking adequate precautions to avoid violence.
- 23.3 After the Rove armory raid, the *de facto* state power was in the hands of the Supreme Council comprising officers of the Paramilitary Police Force and the Malaita Eagle Force. The government of Prime Minister Sogavare acted frequently under duress due to pressure from the Malaita militants.
- 23.4 Compensation payments as a peace-building initiative, promoted by the Sogavare government, turned out to be counter-productive. They fostered corruption and accelerated the breakdown of state institutions.
24. Provincial governments
- 24.1 The Commission found evidence for a close and active relationship between the Provincial Government of Guadalcanal and the Isatabu Freedom Movement during the first stage of the conflict.
- 24.2 The Provincial Government of Malaita tried to remain independent from the MEF and was one of the victims of the militant group.
- 24.3 The Government of Western Province acted under duress from Black Sharks/BRA militants.

25. Civil society

25.1 The TRC found some valuable peace-building initiatives from civil society organizations, mostly church groups, including the Solomon Islands Christian Association (SICA). In general, however, civil society in the Solomon Islands is weak and fragmented, preventing them from assuming a protagonist role to avert violence. Peace-building activities should thus include the strengthening of social organizations.

25.2 The Commission expresses its highest appreciation for peace-building activities carried out by women groups, particularly the Women for Peace movement.

THE VICTIMS

26. The Commission found that the great majority of victims were innocent civilians who did not take sides with militant groups.

27. The trauma of violence – physical and mental injuries, loss of properties and loved ones, forced displacement – has caused profound physical and mental injuries which are still to be healed. The state failed in its obligation to protect the victims and has the obligation to offer them adequate reparation. A policy of “let bygones be bygones”, as pursued by former militants and/or political leaders, would mean to victimize the victims again by disdaining their suffering.

28. The Commission found that some sectors of the society were particularly vulnerable to the impact of the violent conflict. They were women and children, the population of the Weather Coast of Guadalcanal, and people from Malaita.

28.1 Women

- a. Women faced a myriad of hardships and challenges during the tension. They suffered displacement, killings, property violations, torture and ill-treatment, abduction and sexual violence. The patterns of these human rights violations and the impact they had on women reflected existing gendered social roles and inequalities in Solomon Islands. The trauma and ongoing consequences from these experiences continue to affect many women today.

- b. Women showed a remarkable capacity to survive these hardships and continue their roles to ensure the safety and well-being of their families.
- c. However, the findings of the Commission confirm that the greater responsibilities taken on by women during the conflict did not translate into increased gender equality. Conflict and post-conflict offer opportunity for transformation of social systems which perpetuate gender inequalities. These must be addressed so that women and girls in Solomon Islands do not again experience the vulnerability and risk they encountered during the conflict.

28.2 Children

- a. Children were victims of all kinds of human rights violations and the breakdown of social services investigated by the TRC. Most of them lament the loss of educational opportunities.
- b. Children were also involved in the conflict as child soldiers. Even if most of the former child soldiers insist their involvement was voluntary, the Commission considers that adult members of their respective militant groups failed in their responsibility to protect them. The Solomon Island Government failed to implement the *2000 National Youth Policy*.
- c. There is emerging consensus that children associated with armed groups, who may have been involved in the commission of crimes under international law, shall be considered primarily victims and not only as perpetrators. Neither the death penalty nor life imprisonment should ever be imposed on children. The TRC is devoted to this policy and salutes the decision of the Solomon Islands Court of Appeal in dismissing the life sentences against two juvenile offenders.

28.3 Weather Coast

- a. The Weather Coast is one of the least developed regions of the Solomon Islands, in sharp contrast to the rest of Guadalcanal. The Commission considers that violence was instigated by *inequality*, more than by poverty.
- b. The conflict left tremendous fissures between the people of the Weather Coast and the Government. The use of state-owned patrol boats is clearly seen as an offence of a Government turning against its own people.

- c. Persisting inequality and open wounds and grievances from the conflict could, if not adequately treated, generate outbursts of violence again.

28.4 Malaita

- a. Malaita is the island with the highest population in Solomon Islands but has continuously been denied sufficient development investments from the Solomon Islands Government and international investors, often leaving out-migration as the only option.
- b. This situation has not changed since the conflict. Many of the Malaitan victims of forced displacement saw no other option than to return to Guadalcanal after peace was restored, mainly to Honiara where Malaitan settlements like Burns Creek and Sun Valley are increasing again. If no precautions are taken, this could generate new civil unrest.

ECONOMIC AND SOCIAL CONSEQUENCES OF THE CONFLICT

- 29. Lack of reliable data does not allow for an accurate statistical assessment of the tension's economic impact. But even accepting these limitations, the Commission found that the economic consequences of the tension were far reaching both on a macro and on a micro level.
- 30. Health services were severely interrupted due to budget cuts from the Government and lack of security. Guadalcanal and Malaita militants systematically violated the fundamental right to health by threatening health personnel, looting or destroying clinics, and injuring and even killing wounded and defenceless members of rival militant groups while they were hospitalized.
- 31. Education was also affected because militants burned down schools or forced them to close for security reasons. Even the schools that continued classes could do so only in circumstances that failed to provide a high-quality education. In Malaita, the Western Province and Choiseul, teachers had problems coping with the increased number of students because of forced displacement. The main impact of the tension on education is to be found in the interruption and/or suspension of life opportunities for young citizens of Solomon Islands.

TOWARDS RECONCILIATION AND SUSTAINABLE PEACE

32. The Commission recognizes that reconciliation is a prerequisite for sustainable peace, but it is a long-term process that must produce changes and reforms at the individual, community, and national level. The TRC can only offer guiding principles to assist reconciliation.
33. The TRC pays tribute to the efforts of the Ministry of National Unity, Reconciliation and Peace and provincial governments, as well as individuals, churches and communities who have carried out various reconciliation initiatives. While acknowledging these achievements, the Commission also recognizes that much work has still to be done. Reconciliation on a national level requires an open space for dialogue in search of a social contract that includes all Solomon Islanders. It also requires the Government to have the courage and will to talk about difficult issues, such as the Bona Fide Demands of Guadalcanal, reparation, rehabilitation and victim support.
34. Reconciliation activities should adhere to certain guiding principles. First and foremost, it should be initiated in consultation with all relevant stakeholders. Victims must be included in the process. In particular, special efforts should be made to include the victims of sexual violence, child ex-combatants, and victims with visible physical disabilities.
35. In the long term, the Commission recognizes that national reconciliation ought to rest on certain fundamental principles. These include the improvement of the socio-economic living conditions of the people; good democratic governance; and strong and functional institutions.
36. The TRC makes a strong call to the Solomon Islands Government to establish a policy of reconciliation based on the grievances and demands of *the victims*. The Commission considers that a Forgiveness Bill, as raised by Prime Minister Danny Philip in October, 2010, would be envisaging some kind of process to remove the responsibility for crimes committed during conflict from former militants and perpetrators and rehabilitate them fully into society, without conceding justice to the victims. Impunity is not helpful for reconciliation. Forgiveness is the sole prerogative and domain of the victims of the conflict, and them alone.
37. Reconciliation and sustainable peace require justice and the respect for human rights. This path is the way to move Solomon Islands forward.

10.

RECOMMENDATIONS

The Solomon Islands Truth and Reconciliation Commission was been given the duty by the National Parliament of Solomon Islands through the Truth and Reconciliation Commission Act 2008 (the “Act”) to make recommendations to prevent a recurrence of the violations of the past. The TRC 2008 Act has given the mandate for the Commission to create and devise recommendations for the Government to consider in an effort to prevent any future ethnic uprising, violence or tension. Sections 16 (1) and (2) of the Act specifically outline the following with regards to the preparation of the recommendations:

16 (1) The Commission shall submit a report of its work to the Prime Minister at the end of its operation.

(2) The report shall state the findings of the Commission and shall make recommendations concerning the reforms and other measures, whether legal, political, administrative or otherwise, needed to achieve the object of the Commission; namely the object of providing an impartial historical record, preventing the repetition of the violations or abuses suffered, addressing impunity, responding to the needs of victims and promoting healing and reconciliation.

Section 17 deliberately spells out the eventual release of the report and the need to “appoint a person or a body to monitor the implementation of the recommendations of the Commission and provide necessary resources to facilitate its implementation.” The Act also stipulates that the “person or body appointed pursuant shall submit quarterly reports to the Cabinet summarizing the steps that have been taken towards implementation of the recommendations of the Commission.”

1. Introduction

The TRC and the work it carried out gives an opportunity for Solomon Islanders to rethink society and be able to obtain a clear picture of what changes are needed to create a better Solomon Islands in the future. These changes can be effective only if ample attention is given to the conditions that led to the violence experienced in the country between 1998 and 2003. Unless the causes of the tensions are acknowledged, true national reconciliation will remain a far-fetched idea. The TRC believes that the causes of the tension require both healing and preventive measures that can be implemented within both a short- and long-term timeframe. The recommendations set forth by the TRC have been made in the spirit of

building a better future for Solomon Islands with a guarantee that the violence of the past shall not be repeated. The TRC believes that by learning from the past, every citizen can attain his or her happiness, safety and security.

The recommendations reaffirmed and developed here raise issues that must be addressed by all citizens, but especially by political authorities: they have in their hands the power to make laws to create an environment and society in which people feel protected and secure; and they must possess the political will to implement the initiatives to ensure that outcome.

The TRC did not create new issues in its recommendations; rather, the intention is to highlight issues that are currently either ignored or being pursued in the different existing processes and their indirect and direct relationship to the root causes of the tension, realizing that these are the issues that have ruptured the long-term peace of Solomon Islands. The TRC has introduced in different ongoing discussions the views from the tension period of 1998-2003. The TRC believes that any approach should take into account these views, because the society had been torn apart and fragmented and it is of paramount importance to incorporate these reflections as matters of fact and avoid repeating the mistakes of the past. The tension sundered the society apart; the violence left deep divisions and scars in communities, some of which will probably never be forgotten. However, all efforts to restore our society should be made an urgent priority.

The recommendations are divided into two parts. The first addresses the outstanding issues from the tension. These are issues that have come about as a result of the tension and need immediate attention before we can close this chapter of our history. These issues will shape the priority healing recommendations for the Government to implement as soon as possible.

The second set of the recommendations concerns institutional reforms: they address issues that have been long inherent in the adopted governance system that the country embraced from Great Britain. The state institutions' inability to respond effectively before and during the tension reflected the weaknesses identified with certain institutions, thus the call for institutional reforms. Although the reforms will require a long-term commitment and understanding to fulfill, the TRC believes that in order for Solomon Islands to achieve and sustain long-term peace and security, it has to start reforming the institutions now.

The areas listed below as recommendations are based on the truth processes coordinated by the TRC. The recommendations represent the essential views of the people who have participated in either closed or public hearings initiated and organized by the TRC.

The recommendations are organized as follows:

Part I

1. Victims	1.1.Reparation 1.2.Exhumation
2. Vulnerable population	2.1.Women 2.2.Children/Youth 2.3.Weather Coast
3. Former combatants	3.1 Rehabilitation 3.2 Judiciary Trial
4. Reconciliation	4.1 Reconciliation as a future process

Part II

1. Institutional Reforms	1.1 Constitution 1.2 Land 1.3 Justice System 1.4 Security 1.5 Health 1.6 Education 1.7 Corruption
2. Historical outstanding issues	2.1 Marau 2.2 Bougainville crisis 2.3 East Kwaio Massacre

2. Mechanism for implementing the recommendations

Section 17 (3) of the Act states that the government will appoint a person or a body to keep the Government informed of its obligation to implement the recommendations put forward in this chapter of the Report:

The government shall, upon the release of the report of the Commission appoint a person or a body to monitor the implementation of the recommendations of the Commission and provide necessary resources to facilitate its implementation.

Due to the complexity of the recommendations, the Commission recommends that a body should be established to perform the task of monitoring and facilitating necessary support for the implementation of the recommendations.

For the implementation of the TRC Recommendations it is necessary to have a Commission created by an Act of Parliament. The TRC proposes the creation of:

A Commission to monitor implementation of the recommendations of the TRC

It shall be the leading public body responsible for the development and implementation of the TRC recommendations, to be established in the office of the Prime Minister.

Objectives

Strengthening the national reconciliation process through the implementation of the recommendations of TRC; formulating policies, actions plans and articulate public and private institutions and provide funding

Commission Composition

Seven independent and trusted persons with established records of public service and administration, having particular regard to gender balance, to be appointed by the Prime Minister.

Functions and powers

- a) Elect the Chairperson.
- b) Establish rules and give administrative directives in implementation of the recommendations of the TRC.
- c) Formulate draft legislation for the development of the Commission's programs
- d) Approve the annual plan of activities and budget.
- e) Direct the general policy of the Commission, including programs that are formed to develop its recommendations.
- f) Submit quarterly reports to Parliament on the progress of activities, detailing the obstacles encountered and indicating, if any, what public institutions have contributed to its management.
- g) Disseminate the results and progress annually on its work to the public.
- h) Appoint, supervise and, if necessary, remove the Executive Director of the Commission
- i) Coordinate with Government, NGOs, civil society and communities to implement the recommendations.

Commission Executive Director

The Executive Director of the Commission shall execute the annual plan and budget approved by the Commission. The Executive Director shall oversee the administration

and financial management of the Commission and supervise such other staff as may be appointed.

Programs

The Commission will have the following programs:

A. Priority Healing Programs

The implementation of these programs will demand more staff, specialists and funding. The Commission will be directly responsible for the implementation of these programs:

1. Reparations
2. Exhumations
3. Rehabilitation
4. Reconciliation

B. Institutional Reform Preventative Programs

The implementation of these programs will not demand much personnel; the Commission shall promote the implementation with the state entities that are in charge. The Commission shall promote the participation of the victims and other institutions from civil society and the private sector. It will establish processes with them to participate in the development of policies and strategies and facilitate participation of the community and beneficiaries in their implementation:

1. Women
2. Children/Youth
3. Weather Coast
4. Judiciary trials
5. Constitutional reform
6. Land reform
7. Justice system reform
8. Security reform
9. Health reform
10. Education reform
11. Corruption control

Funding

The financial resources of the Commission will be:

- a) all property used by TRC funded by either Government or international aid agencies;
- b) budget allocated by the Government;

- c) supporting international cooperation agencies.

Commission Rules of Procedure

The Commission will formulate, devise and adopt its own Rules of Procedure and any other administrative rules that it requires for its operation.

Commission Term

The Commissioners shall be appointed within 30 days from the date of enactment of Act of Parliament that creates the Commission.

The Commission shall be installed immediately after the appointment of its members. It should have a period of three months for internal organization. After that, the Commission has five years for the development and implementation of its objectives.

3. Recommendations

Part I

1. Victims

1.1 Reparations for victims

According to international human rights law, state responsibility arises when it does not fulfill its primary obligation to respect and ensure respect for human rights for its citizens. This obligation includes the duty to guarantee, which refers to a legal duty to prevent violations of human rights; the duty to investigate serious violations that have been committed within its jurisdiction and to identify those responsible; the duty to impose the appropriate punishment; and the duty to provide compensation for harm caused to victims.

The United Nations General Assembly has adopted the “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law” (Resolution 60/147 of 16 December 2005). The Solomon Islands as a member of the United Nations is obliged to provide adequate, effective and prompt reparation for human rights violations. This reparation should be proportional to the gravity of the violations and the harm suffered. This state obligation is for acts or omission with regard to the victims. The state should establish national programs for reparation and other assistance to victims that include restitution, compensation, rehabilitation, satisfaction, and a guarantee of non-repetition. It

should ensure that the domestic law provides the same level of protection for victims as that is required by international obligations.

There are some provisions in Solomon Islands domestic law in relation to compensation. In the Constitution, the chapter on “Fundamental Rights and Freedoms of the Individual”, Section 3 (c), focuses on properties:

(c) protection for the privacy of his home and other property and from deprivation of property without compensation.

The chapter on protection from deprivation of property, Section 8 of the Constitution, establishes some criteria for the taking of possession or acquisition:

(c) Provision is made by a law applicable to that taking of possession or acquisition –

(i) For the payment of reasonable compensation (the valuable consideration of which may take the form of cash or some other form and may be payable by way of lump sum or by installments) within a reasonable period of time having due regard to all the relevant circumstances; and

(ii) securing to any person having an interest in or right over the property a right of access to the High Court, whether direct or on appeal from any other authority, for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the reasonableness of the compensation and the period of time within which it shall be paid.

Also in relation to contravention of rights and freedoms, the Constitution says that any person whose right of freedom has been contravened shall be entitled to compensation from the person or authority which contravened it (Section 17). The High Court shall have original jurisdiction in relation to compensation (Section 18).

Section 17 (9) of the Penal Code considers compensation as a right of the victim and it is the obligation of the perpetrator to pay this compensation:

27. Any person convicted of an offence may be ordered to make compensation to any person injured by his offence and such compensation may be either in addition to or in substitution for any other punishment.

During the tension, the Solomon Islands Government failed to protect its citizens from human rights abuses and violence. The Governments of Solomon Islands assumed responsibility for compensation in the Townsville Peace Agreement on 15 October 2000. The TPA was signed by the Solomon Islands Government, Guadalcanal and Malaita provincial governments, and representatives of the Malaita Eagle Force and Isatabu Freedom Movement. In the Act, they identified compensation as a responsibility of the Solomon Islands Government. In part 3, they agreed to resolve the missing persons issue with compensation and give compensation for lost property, whether business or personal:

PART THREE

LOSS OF LIVES AND PROPERTY

[1] Identification of Remains of Missing persons

- (a) Within ninety days from the date of execution of this Agreement both the IFM and MEF shall locate, identify and allow remains of any persons known to be killed during the course of the crisis to be retrieved by their relatives.
- (b) Custom means of reconciliation and compensation may be agreed to between concerned persons and communities in connection with killing of persons during the course of the crisis.

[2] Claims for lost and damaged property

The SIG shall make all efforts to secure assistance from its development partners to assist persons who suffered loss or damage to property on Guadalcanal including those who lost–

- (a) Employment as the direct result of the crisis on Guadalcanal;
- (b) Businesses or investments; and
- (c) Personal property

The Government allocated over SBD\$300 million for such compensation, including the EXIM Bank loan of US\$25 million (SBD\$270 million). However, the process of payment was a total failure. Reparations provided by the Government did not have a policy to guide and administer their dispersal. Another problem with the TPA was that it only recognized as victims those who suffered material loss or lost business opportunities, but it did not take into account the serious human rights violations by those who signed it. Claims for serious violations were recognized but without equity. The implementation of the reparations was surrounded by corruption. What further aggravated the situation of victims who suffered many times was that they did not receive any form of reparation. It was a good decision by the Government to compensate the victims but the manner in which it administered the compensation was not adequate and lacked transparency; instead it produced a negative emotional response, as victims had the feeling of exclusion and not belonging to the state.

There are no complete records of those who have already been given reparations and those who are still waiting. Without this clarity it is not possible to answer compensation claims made to the MNURP. To attend to these demands, first the MNURP must complete the information as to who was already compensated and verify the outstanding claims.

Reparations Plan

The Solomon Islands TRC recommends the implementation of a Comprehensive Reparation Plan (CRP). This plan has as an ethical basis that the victims' losses are irreparable, but it is still necessary to restore the dignity of persons. It was the responsibility of the state to protect

its citizens and so it is obliged to repair the damage suffered by its citizens. The victims not only suffered losses of material goods, the destruction of their homes or properties, but they also lost hope about their future. Reparations should, then, generate hope for the future. The state must honor its obligation to reimburse the damages suffered by its citizens. This action is important to build trust with the citizens, restore the mutual respect and understanding shared amongst the different social groups that were broken during the conflict, and restore relations with the state. The reparation should be understood as a state gesture and action on behalf of society to reassert the dignity of the victims. Reparation is the recognition of their pain and suffering. The CRP will be an effort to establish relations of equality and respect and prepare for the process of reconciliation.

Victims

Those considered victims are all persons who have suffered acts or omissions that violated international human rights law during the internal conflict between 1998 and 2003. These violations include killings, disappearances, abduction/illegal detention, torture/ill treatment, sexual violence; property violations, forced displacement and other abuses the Commission in charge of the implementation of the recommendation decides should be included because of their gravity.

Components of the Comprehensive Reparation Plan (CRP)

The CRP will have four programs to be implemented together, consistent with the principles of an integrated plan. Each program with the others contributes to achieving the restitution of rights violated during the conflict and restoration of life:

- a) Reparation Program in Education
- b) Reparation Program in Mental Health
- c) Symbolic Reparation Program
- d) Reparation Program in Human Rehabilitation

Principles

Entities that will be responsible for implementation must be given due respect when carrying out the planning and execution of the Comprehensive Reparation Plan for victims in compliance with the following principles:

- a) Respect for the dignity and rights of the individual since the final end of society and the state is the human person. Therefore, any reparation program must fall within the strict respect for the victims' dignity and rights.
- b) Equity and proportionality. The determination and allocation of reparations in any program for victims shall be done equitably and proportionally to reparations for those who are in the same situation,
- c) No discrimination. The determination and allocation of reparation of any program for victims will proceed without any distinction, exclusion, restriction or preference of any kind, which would have the effect of nullifying or impairing the enjoyment of the allocation.

Approaches

State agencies implementing the Comprehensive Reparation Plan (CRP) should do so with a high quality of execution and performance. The following approaches should be adhered to:

- a) *Comprehensiveness* that takes into account all the interacting dimensions and factors of reparations such that there are possible positive effects in each intervention.
- b) *Sustainability* that enhances long-term positive effects and avoids negative ones.
- c) *Intergenerational relations* that take into account the movement of life from one generation to another and the need for generations to work together rather than opposing one another.
- d) *Psychosocial awareness* of the causes of violence, with contextual awareness and empathy with the affected populations as they move towards the reconstruction of their lives.
- e) *Participation* by the public in program decision-making, recognizing their right to define their own social, cultural, economic and material lives, and which incorporates and develops suggestions of the population involved.
- f) *Intercultural commitment* that recognizes the diverse ethnic and cultural population of Solomon Islands and its implications. The intercultural approach will respect the differences in the country and work with all groups from a perspective of dialogue, resulting in adapting to the specific actions of each population.

g) *Gender equity* and equality of opportunity that recognizes the disadvantage and difference between men and women in accessing resources and making decisions. This perspective will stimulate the creation of special conditions to facilitate the participation and presence of women in CRP programs. It also will raise awareness among the members of the community about the differences and inequalities in present gender structures and relationships.

h) *Symbolic expressions* of redress that appreciate the dignity and rights of victims. All acts of reparation must be designed to recognize the ways in which victims were affected during the violence, recognizing their status as citizens and the failure of the state to protect their fundamental rights.

i) *Human rights* of persons must be included, meeting national and international standards.

j) *Decentralization* is important to ensure that the planning and implementation of the CRP will be coordinated with provincial and local reparation processes, giving territorial integrity.

Aim

Comprehensive Reparation Plan aims to compensate the victims of physical, mental and moral harm to enable them to contribute to the strengthening of peace and harmony among Solomon Islanders and to promote national reconciliation.

Objectives

The objectives of the Comprehensive Reparation Plan are as follows:

- a) to ascertain, verify and recognize the victims of violence and human rights abuse during the tension period;
- b) to implement actions for restitution and restoration of the full exercise of citizenship rights for victims of violence;
- c) to contribute to the recovery of the skills and personal development opportunities lost by the victims as a result of the time of the tension;
- d) to repair and/or compensate victims for damages and human, social, moral, material and economic problems caused by violence on individuals, families and communities.

Programs

Education Reparation Program

The tension of 1998 to 2003 had an adverse effect on the education system, as most schools on Guadalcanal were forced to close prematurely as both teachers and school children fled for safety to their respective home provinces. The closure of schools on Guadalcanal in turn affected other schools in other provinces as many students were forced to transfer to schools already filled to capacity. The situation became worse when schools were forced to close altogether, as many of their supplies were in Honiara, the center of the tension. As a result, many school children were deprived of continuing their education. The tension brought discouragement to school children who were being taught that they were being educated to become the leaders of tomorrow.

In recognition of the education deprivation suffered by many during the tension, the CRP Commission will be given the responsibility to oversee some form of closure for those whose education was disrupted by the tension. The CRP Education Reparation Program will coordinate closely with the Ministry of Education and Human Resources Development (MEHRD) to develop a comprehensive plan to provide special training to those living at places once labeled as hotspots during the tension. The training will be tailored to meet the requirements of completing primary and/or secondary school. The Commission and MEHRD will also oversee the coordination of the distribution of scholarships to those appropriately identified as individuals whose education was disrupted during the tension. Under this program, the MEHRD will oblige educational institutions and universities to enter into an agreement whereby the beneficiaries of this program will be able to access education facilities on a fee-free basis, with the full cost to be borne by the Government and/or donors.

In close partnership between the Commission and the MEHRD, the following programs will be implemented:

- a) exemption from registration fees;
- b) implementation of a comprehensive scholarship program;
- c) implementation of an adult education program tailored to meet the specific needs of people identified as beneficiaries of this program;
- d) restoration of the right to education;
- e) access to adequate employment opportunities.

Other services under the Education Reparation Program will be the general overall improvement of education infrastructure, such as the construction of classrooms, better supply of text books and provision of well-trained teachers.

Mental Health Reparation Program

The mental health of people directly affected by the tension is another outstanding issue which relevant authorities have yet to address. People living in areas identified during the tension as hotspots particularly have a great need to undergo special mental healthcare programs. These people are either suffering from physical and/or mental impairment. They will be identified in a Registry of Victims to be created to identify victims of the tension.

The CRP Commission will work closely with the Ministry of Health and Medical Services (MHMS) to oversee the coordination of a comprehensive mental health service in the communities concerned, particularly including all identified in the Registry of Victims. The Commission will coordinate with the MHMS to implement awareness and training for health professionals to carry out healthcare service to the identified beneficiaries. The pattern of the healthcare service will be as follows:

- a) Recovery of integral community life, including:
 - Reconstruction of community support networks
 - Recovery of historical memory
 - Creating community spaces for emotional healing
- b) Individual attention when necessary

The implementation of mental health care is important to restore human integrity and happiness, not merely the absence of mental disorder.

Symbolic Reparation Program

The severed social ties caused by the tension are still an issue requiring special attention by both the Government and people and among people themselves. A public show of complete empathy is crucial to enhance the spirit of symbolic reparation.

The CRP Commission will coordinate with the Ministry of National Unity, Reconciliation and Peace (MNURP) to identify individuals and communities who should participate in symbolic reconciliations. The Commission and the MNURP will also coordinate preparations for a national reconciliation between the state and the people. The state has an obligation to take part in a public reconciliation as it deliberately failed to protect its citizens

from violence during the tension. Moreover, the state performed a most grievous act and turned on its people by the provision of state-owned patrol boats to former combatants to cause a horrendous a crime against humanity. The state's participation in a national reconciliation is therefore of paramount importance.

The Symbolic Reparation Program will be implemented as follows:

- a) public gestures, including an apology to the country and letters by the Prime Minister to the victims or their families; the TRC Report will serve an information base to avoid the repetition of the tension;
- b) acts of recognition of all victims of the tension; such recognition might take place in a special "National Remembrance Day", which remembers the victims of the conflict and affirms the participants' personal commitment to lasting peace and harmony in Solomon Islands;
- c) within acts of reconciliation, symbols associated with violence, such as weapons, redefined and reinterpreted as symbols of the violation of human rights;
- d) places for memory, perhaps at sites where major human rights violations took place.

In such ways of reconciliation, people will publicly show their remorse for what happened in the past and reaffirm not repeat the same mistakes that might lead to another conflict.

Rehabilitation Reparation Program

Those who lost their properties and/or were displaced as the result of the tension are a group of people to whom the state owes a form of closure. A "property" as used here means a house. A house is where a family or individuals resided before the tension and was abandoned or destroyed as the result of the conflict

The CRP Commission will coordinate closely with the Ministry of Lands, Housing and Survey to implement a ten-year plan to begin the gradual reconstruction of houses for people who genuinely lost their homes because of the conflict.

The program of the rehabilitation reparation will include:

- providing 24 sheets of iron 13 ft. roofing iron and ridge caps for each house burnt and/or destroyed;
- a cash donation of SBD\$5,000 per house, in lieu of provision of chainsaws, etc.

- cash consideration of SBD\$25,000.00 as an economic reparation.

The state's recognition of these people will reaffirm its commitment to provide basic services to its citizens regardless of their creed, color or ethnicity

Registration of Victims

The Register of Victims will have the overall objective of recording the names and details of all genuine victims of violence in the tension, who, individually or collectively, are entitled to be beneficiaries or recipients of reparation programs referred to in the CRP.

The CRP Commission will develop public protocols and guidelines for the registration of beneficiaries and the development of a data base of their names and details.

Reparation Recommendation 1

That the National Parliament enacts a law to govern the reparation process and the successful implementation of the Comprehensive Reparation Plan (CRP) providing funding as necessary.

Reparation Recommendation 2

Following the provisions of the legislation, designate a Commission which shall be in charge of the Victims Register and coordinate the implementation of the CRP.

Reparation Recommendation 3

Through the above process, complete payout of the compensation initiated by the SIG after the signing of the TPA. However, it will be first necessary to complete investigations into who received compensation under previous TPA compensation programs as well as verifying the outstanding compensation claims before payment is made.

1.2 Exhumations

The SIG in the TPA assumed the commitment to identify of remains of missing persons and return them to their families:

PART THREE

LOSS OF LIVES AND PROPERTY

[1] Identification of Remains of Missing persons

(a) Within ninety days from the date of execution of this Agreement both the IFM and MEF shall locate, identify and allow remains of any persons known to be killed during the course of the crisis to be retrieved by their relatives.

(b) Custom means of reconciliation and compensation may be agreed to between concerned persons and communities in connection with killing of persons during the course of the crisis.

The TRC was mandated to address exhumations under Article 6(1)d of the TRC Act 2008 which states:

6. (1) The Commission shall, subject to this Act, solely determine its operation procedures and mode of work with regard to its functions which shall include the following –

(d) Where it deems necessary, in agreement with the Director of Public Prosecutions and other relevant authorities or persons cause to be conducted or supervise the exhumation of bodies.

Before the formation of the TRC, RAMSI organized 52 exhumations but did not complete the task. The TRC verified information regarding the names of 200 deceased persons from the conflict of 1998-2003.²⁷³ The TRC organized four exhumations in cooperation with the Director of Public Prosecutions (DPP) and the RSIPF. These exhumations aimed to establish new standards for exhumation in Solomon Islands, including following the local cultural protocols with the full participation of the victim's family and the cooperation of the community. There are more remains to be identified and handed back to the relatives. It is necessary for the healing of society to complete this process, and reconciliation is not possible without this work.

Exhumation Plan

To complete the exhumations it is necessary to establish an exhumation plan and designate a committee to be in charge. This committee will work with the DPP and the RSIPF.

Objectives

The objectives of the Exhumation Plan will be to:

- promote national unity and reconciliation;
- affirm that justice is a central part of reconciliation – justice includes the right to know the truth and the restoration of the human dignity of the victims;
- help victims have closure and express to them the solidarity of the society;
- recognize, as an important part of the reconciliation process, the return of the remains of the deceased persons to their families for reburial in accordance with their religious

²⁷³ See the Table in chapter 4.2.1.

beliefs and rites; however exhumation sites are also scenes of crime and the forensic experts must treat them as such, requiring that evidence be collected and preserved.

The rights of the relatives

Forensic investigators should assist victims' families to:

- have access to sites where investigations are being carried out;
- provide them with basic information before, during and after forensic work is done, and inform them of possible outcomes;
- have their concerns, doubts, questions and objections taken into account;
- receive counseling;
- receive the results of forensic investigations.

Exhumation Committee

The Exhumation Committee shall be created and empowered by an Act of Parliament and will be in charge of the implementation of the exhumation plan

Membership qualifications

Commission members shall be chosen for their recognized impartiality and independence as individuals:

Impartiality: Commission members shall not be closely associated with any individual, government entity, political party or other organization potentially implicated in the execution or disappearance, or an organization or group associated with the victim, as this may damage the Commission's credibility.

Independence: Members of the Commission should have a reputation in their community for honesty and fairness.

Work of the Exhumation Committee

1. sign a Memorandum of Understanding with the DPP;
2. develop the exhumation plan;
3. do preliminary research through mapping and gathering information about the death;
4. establish a multidisciplinary forensic team;
5. coordinate with the family members of the deceased and the community near the grave site;

6. ensure that the dignity of the remains is preserved throughout the exhumation process, following best international practice guidelines;
7. ensure that the families involved are included and related with throughout the exhumation process; facilitate healing and closure for the families involved through appropriate handing over of the remains and any other assistance identified by the Exhumation Committee;
8. ensure that the exhumation process, including identification and actual exhumation, is conducted in accordance with international best practices and all relevant legislation;
9. The Exhumation Committee will support and assist all stakeholders and service providers in the exhumation process in carrying out their responsibilities.

The Exhumation Committee shall include the following key stakeholders:

- a) Director of Public Prosecutions;
- b) Magistrates;
- c) Forensics Division, Royal Solomon Islands Police Force;
- d) Solomon Islands Christian Association;
- e) Ministry of National Unity, Reconciliation and Peace;
- f) Solomon Islands Red Cross.

Exhumation Recommendation 1

Parliament to pass an Act that will establish and give powers to a Special Committee for Exhumation: Tension 1998-2003 (“Exhumation Committee”) to complete the process of exhumation.

Exhumation Recommendation 2

After the enactment of the Act, the Exhumation Committee shall be established within the next 30 days.

Exhumation Recommendation 3

Parliament shall guarantee funding for the exhumation program.

2. Vulnerable populations

The conflict affected persons in different ways and intensities, with some populations more vulnerable than others. Those who were already vulnerable and marginalized before the conflict found themselves worse off afterwards. The conflict aggravated so-called normal

situations. The TRC considers women and children/youth in this category, as having had pre-existing disadvantages in society. Also included in this category is the Weather Coast, whose situation is similar to many others in the Solomon Islands, but in the context of the conflict of 1998-2003 suffered from being caught between the GLF and the Government's Joint Operation.

2.1 Women

The findings of the Commission confirm that the gender-based human rights violations and their impact on women were derived from existing gendered social roles and inequalities in Solomon Islands. Therefore, even when men and women were confronted with the same violations, they were affected differently. In addition to shared experiences of violations, women were also targets of gender-specific crimes such as domestic violence, sexual violence and rape. It was also found that many of the consequences of the conflict became primary threats to women's safety, health and well-being, such as lack of medical facilities for pregnant mothers, mothers in delivery and survivors of sexual violence; absence of security or police for victims of crimes; and unsafe public areas restricting women's access to gardens or other food sources. For details see chapter 5.1 of this final TRC Report.

The Solomon Islands Government Ministry of Women, Youths and Children (MWYC) has incorporated into its 2011 Annual Plan a policy of gender equality, with an aim of "achieving equal participation of women and men in decision making and leadership and improve the economic status of women." It expects as outcomes: "Equitable access, legal protection and ownership by woman and men of land, property rights and royalty shares in the productive sectors." They also aim for "full and meaningful participation of women in training and development opportunities in the productive sectors especially in agriculture and fisheries." A necessary complement is, "access to, and legal protection and ownership of, financial resources and small medium enterprises for women is approximately equal with men's access."²⁷⁴ The Government must ensure that it implements the various goals, strategies and visions contained in the MWYC 2011 Annual Work Plan. The Government should put in place an effective monitoring system to ensure total implementation of the program. In relation to guaranteeing the equal participation of the women in decision-making processes, the Ministry has put forward a proposed outcome: "At least 30% female representation on boards, tribunals and public decision making bodies". The TRC

²⁷⁴ 2011 Annual Work Plan. Policy Issue No. 3. Ministry of Women, Youths and Children.

recommends giving special attention to the participation of women in Parliament, and that 30 percent of seats be reserved for women. This proposal is a longstanding compromise from several Governments and should be implemented before the next elections. Women played a crucial role during the tension as peacemakers. Solomon Islands women have strong leaders with the capacities to participate in Parliament. It is important to establish the National Steering Committee on Gender Equality and Women's Development for planning and monitoring the implementation of all these policies.

Government has a national policy on Eliminating Violence against Women (EVAW) which complements the national policy for Gender Equality and Women's Development (GEWD). The EVAW was set up to be updated annually to incorporate the ongoing plans of its stakeholders. The EVAW National Action Plan (NAP) will be reviewed after two years with further reviews every three years. These reviews will be important to ensure stakeholders are able to make changes to their plans and to keep EVAW policy and its NAP relevant. The key strategic areas have been identified as the main areas that the NAP will focus upon and address.

The NAP will work to:

1. develop a national commitment to eliminate violence against women;
2. strengthen legal frameworks, law enforcement and the justice system;
3. eliminate and prevent violence against women through public awareness and advocacy;
4. strengthen and improve protective, social and support services;
5. rehabilitate and treat perpetrators;
6. work with men to end violence against women;
7. coordinate policy and service.

Women Recommendation 1

Women's participation in the highest decision making body, Parliament, is crucial to attain equal and inclusive views on issues of national interest. The TRC recommends 30 percent reserved seats in Parliament for women.

Women Recommendation 2

To guarantee the implementation of the 2011 Annual Work Plan of the Ministry of Women, Youths, and Children, a National Steering Committee on Gender Equality and Women's

Development must be established and meet on a quarterly basis to evaluate and monitor the implementation of the Work Plan.

Women Recommendation 3

For their economic empowerment, legal protection for and ownership by women of land, property, and royalty shares in the productive sectors (including fisheries, agriculture, forestry, minerals and micro-credit schemes) must be provided and guaranteed.

Women Recommendation 4

On the issue of violence against women, legal frameworks, law enforcement, the justice system, and protective and support services must be strengthened to protect women against violence.

Likewise, data collection on violations in this area must be improved for better analysis and improved understanding of the problem of violence against women.

2.2 Children and youth

Children and youth were affected by the tension in many ways. They were victims of human rights violations and the breakdown of social services. Most of them lament the loss of educational opportunities. They were involved in the tension as child soldiers and in criminal behavior on behalf of the militants. Adult members of the militant groups and the Solomon Islands Government failed in their task to protect them. For details, see chapter 5.2. in this Report. According to the 2009 census, out of the total population of 515,870, 121,304 may be described as “youth” (that is, between the ages of 15 and 29), about 24 percent of the total population. This large and significant youth population calls for serious long-term planning from Government policy makers. The Governments’ long-term development plans should include youth in all aspects of its programs, from the planning and implementation stages to becoming beneficiaries of the programs. A number of youth reports have shown a growing alienation amongst youth over their exclusion from the structures of community decision-making. Youth- oriented NGOs have long feared that if youths are not given the attention they deserve, there is the danger of them becoming marginalized, a situation that may lead them into social problems such as substance abuse, anti-social behavior, depression, and suicide, etc. Indeed, this has already begun to happen. Community leaders, NGOs and the Government need to realize the importance of including youth in community decision-making.

Youth employment is a crucial issue as much well-documented research has already indicated. Much anti-social behavior has stemmed from youths who have nothing to do. Idleness and lack of encouragement have forced them to set aside their legitimate future ambitions in favor of daring but risky activities such as stealing, fighting, and drinking, etc. Although problems emanating from the outskirts settlements of Honiara are somewhat different than those in the rural areas, their common cause is unemployment. Many youths are involved in illegal activities because they have nothing worthwhile to become involved with. People who are supposed to be their role models have not taken them seriously, thus, many youth have turned to rogue leaders who present themselves as “ideal leaders.” Youth-oriented studies point to the immediate need for the Government, in close collaboration with NGOs, to devise long-term projects for sustainable youth employment. Short-term projects are effective but their life depends on the availability of funds, therefore, strategic long-term projects are highly recommended.

The activity status in paid work and unpaid as documented by the 2009 Census shows that 65 percent of youths between the ages of 15 and 29 are not active in paid work. This statistic is an alarming reality that the Government needs urgently to address. It is urgent to commit enough funds to create jobs and training for this population.

Table 9.-1
Activity status in paid and unpaid work

Age group	Total population	No employment	Males	Females
15 - 19	45,821	36,169	17,969	18,200
20 - 24	40,310	23,881	9,745	14,136
25 - 29	35,173	18,839	6,451	12,388
	121,304	78,889	34,165	44,724
	100%	65%		

Elaborated by TRC, source: National Census 1999

It is crucial to address the feelings of marginalization in the youth population of the country. Youth no longer have sense of belonging, as their homes were destroyed or they were simply not welcomed back to where they used to live on Guadalcanal. Most of the youth, especially those affected by the tension, feel that they are not part of the social and economic activities of the country, as their age and status have put them apart.

The trauma caused by tension cannot be underestimated. It lives on for many young people. There are many unresolved issues after years of unsatisfactory governance, struggles over resources, and corruption at all levels of administration, especially in the higher circles of government. The country's young people are looking for leadership and role models.

The National Youth Summit, "Youth at the Center of Our Work", on mainstreaming the Solomon Islands National Youth Policy, held at the CYP South Pacific Center in Honiara on 1-2 November 2010, approved the creation of a National Youth Congress and the representative Provincial Youth Councils as recognized mechanisms for representing young people's voices to the provincial and national government bodies. The Summit promoted the engagement of young people and recognized their important role in the facilitation and implementation of the Solomon Islands National Youth Policy and the provincial Youth Policies.

Youth Recommendation 1

That the Government promotes and encourages maximum youth participation in decision-making and leadership at all levels of government, that is real and meaningful, as a means to take seriously the concerns, aspirations, and wishes of the youth.

That the Government makes available mechanisms that will take account of the views of youth and incorporate them into Government policies.

That the Government support the National Youth Congress by paying attention to their views and concerns.

Youth Recommendation 2

That the Government create a fund, with the participation of the private sector, to develop jobs for youths, with the objective of creating 5,000 jobs each year for the next ten years. The program will consist of half-time work and half-time training.

This program will help to develop and decentralize technical skills. The Government must create a separate policy specifically addressing youth employment.

Youth Recommendation 3

As a way to promote understanding and tolerance among youth, they should be encouraged to know and learn from the tension of 1998-2003. One way is for youth to read, discuss and understand the TRC's Final Report

2.3 The Weather Coast of Guadalcanal

The conflict left tremendous fissures between the people of the Weather Coast and the Government. The use of state-owned patrol boats is clearly seen as the Government turning against its own people. The villagers interviewed by the TRC have directed their demands to the state because they feel that their life situation has not improved since the tension. Guadalcanal's case is similar to all other provinces in that they feel the Government has not taken into account their plight.

One of the components for a sustainable peace in the Solomon Islands is the development of all rural areas. This observation is especially so for areas like Guadalcanal where infrastructure was destroyed during the conflict and where there is a need for rebuilding and upgrading work on schools, clinics, bridges, wharves, airstrips, fisheries, and community centers, etc. Special attention is to be given to the upgrading of roads linking Honiara to Aola on the east and Lambi on the west and beyond.

Weather Coast Recommendation 1

Prioritize the construction of new roads linking the rest of the communities around the island of Guadalcanal to existing roads on the north side.

3. *Former combatants*

3.1 Rehabilitation

The Solomon Islands Government assumed the responsibility to rehabilitate former combatants. That commitment was reaffirmed in the Townsville Peace Agreement and the Marau Peace Agreement. Part of the rehabilitation was to send militants back to their homes and to create jobs and offer counselling for them:

PART TWO

[5] Rehabilitation of Militants

- (a) Within thirty days from the date of execution of this Agreement all MEF and IFM soldiers shall be repatriated to their home villages at cost to the Government. For members of the MEF home villages shall be their villages in Malaita Province; and For the IFM home villages shall be their villages on Guadalcanal.
- (d) Within three months after repatriation of soldiers the SIG shall take measures to launch public works programs to engage the services of MEF and IFM soldiers in their respective Provinces; and

- (b) Provide, through accredited Non-Government Organizations, counseling services for returning soldiers as well as for their families and close associates.

The Government, after the signing of the TPA and in compliance with the Agreement, hired 2,000 militants from Malaita and Guadalcanal as special constables in the police force. This decision incurred huge expense for the Government that it could not sustain. Besides the exorbitant cost, the Government recruited them without providing training for them; that, coupled with their apparent lack of qualifications, put public safety at risk. Consequently, the police force was increasingly perceived as a threat to security.

The Government organized a project, with the support of United Nations Development Program (UNDP), for the demobilization of the special constables, which included a package of investment for each of them to facilitate their reintegration. The consultant arrived in Solomon Islands on 12 June 2003 and remained until 15 September 2003. The program registered 1,180 Special Constables and selected 864 for demobilization.

At hearings of the TRC with former militants, all of them claimed they were not satisfied with the Government's support of their rehabilitation. For them, rehabilitation remains an outstanding issue of the TPA.

The first challenge for the Government will be to establish a register of former militants entitled to access rehabilitation programs that the Government is responsible to implement. This register must have precise definitions of who is regarded as a former militant and what will be the verification requirements.

3.1 Rehabilitation Plan

The objective of the rehabilitation program will be to assist the reintegration of the former militants back to the society.

Programs

- a) Education
- b) Business projects
- c) Counselling
- d) Reconciliation

Beneficiaries

The beneficiaries of this rehabilitation plan will be the former militants that joined any of the warring parties in the 1998-2003 tension conflict, that is, the MEF, IFM, GRA, GLF or the

Marau Eagle Force. The former militants in prison are also considered potential beneficiaries under this program.

Implementation

a) Education

The Government develop a special program for former militants to enable them to complete their basic formal education, pursue technical education to develop their skills for employment opportunities, and provide orientation so that they can choose the jobs that correspond with their skills. Components of democratic values and human rights must be incorporated within the different levels of education, as well as the insights of the TRC's Final Report to explain what happened in society during the tension. These programs may be accessed by former militants in prison as well.

b) Business projects

The Government or other donors provide funds for the development of small businesses for former combatants. This program would include the development of special workshops with the beneficiaries to help them to develop a business plan, to provide technical support and guidance and monitoring until the business project fulfils its objectives. The Ministry of Rural Development will give support in identifying potential market outlets for these small businesses.

c) Counselling

The Ministry of Health and Medical Services incorporate counselling programs in its work plan and also allocate funds for its implementation. Where necessary, the program would provide psychiatric care and appropriate medicines.

d) Reconciliation

That ceremonies of reconciliation between the former militants and their victims and communities be organized and facilitated.

Specific intervention by public entities for the rehabilitation plan

- e) That the CRP Commission coordinates with the MNURP to facilitate the planning and execution of the reconciliation ceremonies between the former combatants and the victims.

- f) That the CRP Commission coordinate with the Ministry of Education and Human Resources Development to implement the special programs of basic formal and technical education as well as the counseling program.
- g) That the CRP Commission coordinates with the Ministry of Rural Development to create funds to finance and develop the small businesses for ex-combatants.
- h) That the CRP Commission coordinate with the Commissioner of Correctional Services to facilitate the implementation of the rehabilitation plan for the former militants in prison.

Program Methodology

The Rehabilitation Plan will be implemented through the following methods:

- a) develop a Registry List of former militants who are to benefit under the CRP;
- b) develop with the different Ministries the plans and budgets of the different programs;
- c) the CRP Commission with the MNURP develop a project to finance the integrated CRP plan for ex-combatants; this plan should receive Government funding, complemented with external donor funds;
- d) Organize a consultation with the beneficiaries of the ex-combatants rehabilitation plan.

Exclusions

The following people are not qualified or entitled to receive benefits under the ex-combatants' rehabilitation plan:

- a) Former commanders who have received compensation from the Government in the past.
- b) Other former militants who have received Government compensation in the past.

Rehabilitation Recommendation 1

Identify and certify former militants from the Registry List who are to benefit from the rehabilitation plan.

Rehabilitation Recommendation 2

Implement the Ex-Combatants Rehabilitation Plan, providing the funds where necessary.

3.2 Conflict Trials

Although conflict trials and matters related to them fall outside the period of the conflict as defined in the TRC Act (1 January 1998 to 23 July 2003), they were a direct consequence of the conflict. Militants were charged with offences committed during that time and prosecuted accordingly.

It was critical for the rule of law to demonstrate that there would be no impunity for the commission of heinous crimes and violations of international humanitarian and human rights law. However, it was not possible to ensure all violations of international humanitarian and human rights laws were appropriately sanctioned as Solomon Islands has not ratified some of the relevant international instruments nor has it incorporated their provisions in domestic law. For example, Solomon Islands signed the Rome Treaty on 3 December 2000 but has not yet ratified the Treaty or incorporated its provisions in domestic legislation.

The TRC has noted that there have been some ongoing problems with the tension trials and the need for a review of them after their completion. Full details can be found in chapter 3.4.2 of this TRC Final Report.

Conflict Trials Recommendation 1

That the tension trials shall take their course with both extant and pending case to be disposed of expeditiously

Conflict Trials Recommendation 2

That the entire process of the tension trials shall be reviewed at their conclusion to ensure that the entire process was fair and that there was no miscarriage of justice.

Conflict Trials Recommendation 3

That a special court be established to expedite the hearing of tension cases and bring closure to those involved; this special court, as facilitated by the state, shall be accessible to victims in rural and remote areas.

4. *Reconciliation*

The TRC recognized that reconciliation is a long-term process that must take place at each individual, community and national level, and, therefore, puts forward no prerequisite understanding of reconciliation. Reconciliation is a process that must be nurtured and encouraged. The Commission can only offer guiding principles to assist reconciliation. However, it is in due course up to all Solomon Islanders to take on creative acts that will facilitate reconciliation and healing at all levels.

In the long term, the Commission recognizes that national reconciliation should rest on certain fundamentals. These include the improvement of the socio-economic living conditions of the people; good governance; strong and functional institutions of oversight; the creation of a respected and professional security force; and the implementation of a reparations program that takes into account the needs of the victims of the conflict.

The Commission also recognizes that there are certain steps that will facilitate the reaching of national reconciliation. These steps include truth-telling; reconciliation between victims and perpetrators, as well as the perpetrator with his or her community; the provision of adequate physical security; and the implementation of a reparation program.

The Commission believes that reconciliation activities should adhere to certain guiding principles. First and foremost, they should be initiated in consultation with all relevant stakeholders. Victims must be included in the process. In particular, special efforts should be made to include the victims of sexual violence, bush wives, child ex-combatants, and victims with visible physical disabilities such as amputees and the war wounded.

Reconciliation Process

The Commission recommends that the Government and other institutions consider the initiation of the following activities to promote reconciliation:

- Symbolic activities such as the establishment of monuments on mass graves.
- A National Peace Day during which reconciliation and solidarity with those who suffered during the war is promoted. This day should be a national holiday. Activities on this day would take place at all levels, from community and province to the national level. The Commission suggests that this be on 18 January, the day on which

the war was officially declared to be over in 2002 with the symbolic burning of 3000 weapons.

- The Commission encourages victims and ex-combatants, as well as other members from the community, to come together in joint projects for the development of their communities. Such projects can be symbolic in nature and can include activities that improve the lives of people such as the clearing of land for the creation of peace parks; the removal of rubbish and litter that is prevalent almost everywhere in urban Solomon Islands; the repairing of roads and other infrastructure.
- The Commission encourages traditional activities to reintegrate victims and ex-combatants into communities and to restore the social fabric in the community. Such activities might include traditional dances, cleansing ceremonies, blessing and healing of the bush, land, rivers, and sea.
- The Commission encourages religious activities, such as the organization of commemoration ceremonies for the victims of the tension, symbolic reburials for those victims who have not been buried according to religious and traditional customs and common prayers.
- The Commission encourages sports games and sporting competitions, involving victims, ex-combatants as well as other members of the community.
- The Commission encourages social and recreational activities, in which victims, ex-combatants as well as other members of the communities can meet at events such as religious festivals, ceremonies and peace carnivals.
- The Commission encourages artistic activities in which victims, ex-combatants as well as other members of the community can express themselves through drama, music, songs, story-telling, art and poetry, in order to promote tolerance, respect, and non-violent means of conflict resolution.
- The Commission recommends that regional reconciliation support committees be set up by the Government and in collaboration with SICA in order to promote reconciliation activities in the provinces.

Given the above, reconciliation is up to Solomon Islanders and remains a challenge to all citizens, whether individuals, communities, organizations and governments. All have a part in building the future of Solomon Islands. Though partnership with all stakeholders is vital, the Government in particular must give priority to four important measures, namely, education, government accountability, legislation and leadership on reconciliation.

Education

If reconciliation is to be achieved, it will be based on an honest and deep understanding of the truth of our shared history and respect for each other. This understanding will require new approaches to and additional activities in education, whether formal schooling, professional training or community awareness programs.

Government Accountability

The Government provides most essential services. Yet serious disadvantages remain. All service providers must be held accountable through the setting of measurable targets and public reporting of performance.

Legislation

A process is needed to deal with unfinished business, including a legislative framework to allow for negotiated outcomes on matters such as human rights, self-determination, traditional law, governance and strengthening, including constitutional reform and awareness.

Leadership on reconciliation

Reconciliation Solomon Islands will be a representative national body funded and supported by all sectors of the community. It will keep the reconciliation process going.

In summary, the importance of reconciliation is not about whether trials take place or not, but rather that actions are achieved to transform and reconstruct public confidence in the state institutions and people as well as the rule of law, to counter the historically-rooted legacy of public mistrust. As such, reconciliation needs to focus on a forward-looking contribution to the transformation of society, including state institutions. At the individual level, true reconciliation can only be achieved by taking into account the victim's state of mind and feelings such as anger, sorrow and trauma and deal with it.

Reconciliation is a long and painful process. It must begin by establishing the truth. The truth must be told objectively and heard officially, and acknowledged by the national leaders, the parties to the conflict, and the survivors. Telling the truth will involve necessity confession and acts of repentance and ultimately forgiveness. Only then can reconciliation begin to take place. This is the long and painful road that the Solomon Islands must travel.

Reconciliation Recommendation

That national healing and reconciliation is indispensable for national unity and rebirth of a new nation founded on the morality of universal human rights, the rule of law and justice for all.

That reconciliation is a course of action that requires the participation of all Solomon Islanders starting with individual confession of guilt and forgiveness.

That reconciliation cannot be wholly achieved devoid of justice for victims of human rights violation; justice will bring Solomon Islands' painful past to closure by the full implementation of the recommendation of the Commission.

PART II

1. Institutional Reforms

1.1 Constitutional Reform

The review of the Constitution was considered in the TPA:

PART FOUR

POLITICAL AND SOCIO-ECONOMIC ISSUES

[1] Political Issues

- (a) Malaita and Guadalcanal Provinces shall be given more autonomy by devolution or by constitutional amendment to effect self-governing status in order to allow the people of Malaita and Guadalcanal to look after their own affairs and to provide for the needs of their growing population.
- (b) Within twenty eight days from the date of execution of this Agreement or at a later date as may be agreed to amongst the parties hereto, the SIG shall establish a Constitutional Council to rewrite the Constitution which will provide for more autonomy to provinces, taking into account such recommendations as may be made by the committees currently reviewing the provincial government system and also noting the exclusive powers of Parliament to legislate on such matters.
- (c) The Prime Minister shall appoint members of the Constitutional Council after consultation with all provincial governments.

The National Development Plan (1985-89) introduced the intention to review the existing system of provincial government in Solomon Islands. On 13 February 1986, Cabinet approved the terms of reference for a committee to be appointed to conduct the review. The committee commenced its task on 7 March 1986. The Committee recommended that Solomon Islands adopt a system of "state government" in which there would be ten states. They also proposed that provincial governments be improved. On 14 May 1987, Cabinet

created a small in-house committee to provide detailed advice on the recommendations. The conclusion of this second committee was that “the system of Provincial Government provided for under the present Provincial Government Act 1981 be abolished” and be re-established as a decentralisation structure.

Under the Townsville Peace Agreement, the Solomon Islands Government was mandated to introduce a form of government system that would give autonomous political status to the people of Solomon Islands to manage their own affairs. The Ministry of Provincial Government and Rural Development organized the Premiers’ Conference at Buala, Isabel in 2000 to obtain the views of the premiers about the proposed change of governmental system and appointed a taskforce to revisit and redefine the Mamaloni 1987 Constitutional Review Committee Report. On 17 November 2000 nine provincial premiers signed the “Buala Communiqué” recommending that the Solomon Islands adopt a “home-grown state system of government” whereby each existing province should become a state with its own state constitution.

In November 2004 a new Solomon Islands draft constitution was released. In December 2004 Parliament asked Members to raise awareness of the text of the draft constitution with their constituents. The Constitutional Reform Unit, Office of the Prime Minister and Cabinet, organized consultations with all the provincial governments. These consultations produced the following reports: Western Provincial Government, June 2007; Isabel Province, September 2008; Central Province, October 2008; Guadalcanal Constitutional Congress, 2008; Honiara Constitutional Congress, October 2008; Temotu Constitutional Congress, 2007-2008-2009; Malaita Provincial Congress, 2007-2008. On 26 June 2009 a new draft Federal Constitution of Solomon Islands was presented, amended by the Solomon Islands National Constitutional Congress and the Eminent Persons Advisory Council, Honiara, with technical assistance from the Constitutional Reform Unit, Office of the Prime Minister and Cabinet.

The call for reform of the Constitution has become more pronounced after the conflict as more provinces made decisions for the adoption of a state government system or federalism. The desire for federalism comes from the widely held view that states will have more power or say over their resources, institutions and affairs. Although Guadalcanal Province has championed the call for federalism, other provinces have come to acknowledge that this system, if adopted, will be the threshold upon which lasting peace and security will be achieved. However, despite the apparent consensus, some have reservations about the

proposed federalism. They fear a fragmentation of the states, given the complex cultural differences found in Solomon Islands. Others hold that the current unitary system already bears the hallmarks of federalism and so only the Provincial Act 1981 needs to be repealed and revoked, and a subsequent change to the existing Constitution be effected to cater for the change. Yet others have suggested that what is needed is a change of attitude rather than a change of government system.

In relation to the participation of women, in November 2005, the Prime Minister and the Minister for Provincial Government and Constituency Development made the following statement to Parliament:

The new constitution must reflect a commitment to full, free and equal participation of women in the new Solomon Islands. Their role in contributing to and sustaining the national economy is grossly undervalued. Women have a rightful role in helping build democracy and to enable a new Solomon Islands to evolve. Adverse practices and discrimination have denied women their respect and overlooked the contributions they play in society. The new constitution will guarantee equal rights for women and men in all spheres of public and private life, create affirmative mechanism whereby the discrimination, disabilities and disadvantages to which women have been subjected are rapidly removed. . . ²⁷⁵

This matter must be finalized as a matter of urgency. The most important point is that the new constitution must be a new contract for the Solomon Islands society.

Constitutional Reform Recommendation 1

The new constitution must ensure that the country's differences do not again become a source of division or conflict or the means of discrimination or perpetuating and promoting group domination or privilege. A new constitution must provide clear and assessable avenues to enable issues of identity and difference and matters having constitutional or national significance to be expressed in a constructive, free and non-conflicting way. The tension 1998-2003 must not be repeated. The new constitution must guarantee formal space for citizen participation, consultation and resolution of disputes.

Constitutional Reform Recommendation 2

The constitutional integrity of the clan and tribal communities must be restored in recognition of them as the first-nation societies of Solomon Islands. The people will have dual loyalties to their respective states and to the nation, but all are Solomon Islanders. The constitution will represent a new social contract. It will promote tolerance and respect for each other.

²⁷⁵ White Paper on the Reform of Solomon Islands Constitution, November 2005, p. 33.

Constitutional Reform Recommendation 3

The traditional rights of Solomon Islands communities and fundamental rights and freedoms must be realized and guaranteed in a mutually compatible way for everyone. A human rights office shall be established to raise awareness and education of human rights. It shall assist human rights reform, especially in the interface of the concept of group rights and the affirmation of *kastom* with individual human rights.

Constitutional Reform Recommendation 4

The new constitution must reflect a commitment to full, free and equal participation of women. It shall guarantee equal rights for women and men in all spheres of public and private life; and create affirmative mechanisms whereby discrimination, disabilities and disadvantages to which women have been subjected are removed. A quota reserving 30 percent of seats in Parliament for women should be introduced.

1.2 Land Reform

The Bona Fide Demands made by people of Guadalcanal Province in from 1988 through 2000 have formed the basis for the Government's looking again at the manner in which land dealings on Guadalcanal have been undertaken. The call for the return of perpetual estate titles to landowners was featured second in the list of the Bona Fide Demands. It was spelt out in the following manner:

(ii) TRANSFER OF PERPETUAL ESTATE TITLES

That government to immediately transfer the Perpetual Estate Titles of the following Lands for which instruments have been completed without schedule.

- i) Russell Islands Property Enterprise Limited or Lunga Land
- ii) Mamara
- iii) Tasivarongo
- iv) Mavo
- v) Ruaniu
- vi) Lavuro
- vii) Brewers Solomons Associate Limited- Matapona

The transfers of the Perpetual Estate Titles (P.E.T) to the Province is a must, and that this be done immediately to enable the Province to commence the process of identifying the original landowners so that further transfers be made to them.

Successive Governments have created a number of state institutions aimed at resolving land issues on Guadalcanal and elsewhere. The Sogavare government established a Research Unit in the Ministry of Lands, Housing and Survey to undertake the task of identifying original

landowners of alienated lands around Honiara. Later, the same Government, consistent with the TPA, established the Commission of Inquiry into Land Dealings and Lost properties on Guadalcanal. It was mandated to find out how lands were sold on Guadalcanal and also to find and investigate properties lost during the tension on Guadalcanal. Recently the Danny Philip-led Government established a Land Bureau mandated to record customary lands for development purposes.

These institutions were established with a common aim to resolve the complex land issue on Guadalcanal and elsewhere. However, there have been notable overlaps identified in their respective work; for example, the Research Unit is working with landowners of Guadalcanal to identify original landowners of alienated lands and the Commission of Inquiry was also undertaking similar work. The Land Bureau was apparently heading the same direction also. It is obvious that the Government has created a duplication that is burdensome to the state. It would have saved Government money and other resources if it had integrated the work of these respective state institutions into a single body. These institutions should amalgamate their work into a single directorate for land reform.

The Commissioner of Lands is Government's land title holder as stipulated in the Land and Titles Act. The Commissioner holds the title of the alienated lands around Honiara. Although in Solomon Islands tradition, land is a matter that is dealt with by tribes, in the case of government, the power of ownership of land lies in the hands of a single person, the Commissioner of Lands. Over the past years, the post has changed hands on a very frequent basis, often the result of a close affiliation between the post and the Government of the day. The relation between the Commissioner and the Government is sometimes client-like with the Commissioner subjected to the Government in power. The Commissioner does not enjoy an environment where he or she can make independent decisions on land matters. Given such a situation, it is in the best interest of the general public that the Commissioner of Lands be a neutral person of integrity, having no affiliation with any political party, group, or individual.

Land Recommendation 1

Alienated lands in Guadalcanal Province are to be returned to the original landowners, in this case, Guadalcanal land owners whose identities have been discovered and recorded through established processes in place. In this regard, the work of the Commission of Inquiry into

Land Dealings on Guadalcanal shall be completed, whether by the Commissioner or another entity, in order to resolve the issue in a manner equitable to all parties.

Land Recommendation 2

The process in Guadalcanal of investigating land dealings with a view to returning alienated lands to the original landowners shall be applied with appropriate modifications to the other provinces of Solomon Islands with a view to regularizing land ownership throughout the country.

Land Recommendation 3

The Commissioner of Lands must be a person of good standing and integrity. He or she must be a neutral person, not seen or believed to have political interests or ties with any individual or group. Legislation must be enacted to ensure the appointment of such a person to the post. The Land and Titles Act must be implemented effectively and efficiently in rural areas of Solomon Islands. Changes in the Act should be made to discourage squatting. In particular, the issuance of Temporary Occupied Licences shall strictly comply with the Act and only in relation to land held by the Commissioner of Lands and not encroach on customary land.

1.3 Justice System

The judiciary system during the tension operated at only a superficial level. The courts and legal offices remained open but few cases were tried. They operated only for civil cases and did nothing in relation to tension cases. At the beginning of the tension in 1998, police investigated a few tension-related cases and prosecutors charged defendants with unlawful assembly, threats of violence, and possessing unlicensed firearms. But such cases stopped when prosecutors found it very difficult and risky to continue with these kinds of cases. Lawyers and judges were shocked and terrified as order disintegrated in Honiara. Judges and public lawyers reported being directly threatened and harassed by armed militants. During the tension some prisoners were freed and the jails were opened. Courts resumed functioning effectively only when RAMSI arrived. RAMSI has been working with the Ministry of Justice and Legal Affairs to implement reforms in the justice system since 2005.

The Strategic Framework Document 2005-2010, developed with RAMSI, was put into place to coordinate work with seven objectives to assist the justice sector: 1) build capacity to plan, budget and implement policies and strategies, structures and infrastructures; 2) reform and introduce new laws, procedures and practices that reflect contemporary requirements,

widespread freedom of access; 3) community collaboration in crime reduction, community safety and proactive security initiatives; 4) improve timelines, efficiency and effectiveness; 5) introduce new diversionary practices, sentencing options and justice sector procedures; 6) provide a culturally appropriate corrections systems; and 7) develop the capacity of the Correctional Service. This plan is still in operation.

In relation to international human rights treaties, Solomon Islands has not ratified the fundamental core of these treaties. During the conflict the SIG did not protect these human rights. It is important that the SIG to express a commitment to the protection of fundamental human rights in the future. The following actions need to be taken by the Solomon Islands Government:

Treaties for ratification:

1. Rome Statute of the International Criminal Court (1998)
2. Optional Protocol to the Convention on the Rights of Child on the Involvement of Children in armed conflict (2000)

Treaties to sign and ratify:

1. Convention on the Prevention and Punishment of the Crime of Genocide (1948)
2. International Covenant on Civil and Political Rights (1966)
3. Optional Protocol to the International Covenant on Civil and Political Rights
4. Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity (1968)
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
6. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989)
7. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002)
8. International Convention for the Protection of All Persons from Enforced Disappearance (2006)

Justice System Recommendation 1

The reform of the judiciary system must be completed. Special priority must be given to new laws, procedures and practices that reflect contemporary requirements, widespread freedom of access, and community collaboration in crime reduction, community safety and proactive

security initiatives. Special emphasis needs to be given to re-establishing local courts in provinces outside Honiara to enable the great majority of the population to have access to justice they presently lack.

Justice System Recommendation 2

Among various treaties awaiting signing or ratification the Rome Statute of the International Criminal Court should be given first priority for ratification as it is the most detailed codification of international law relating to conflict and criminal sanctions. Likewise, the Government should undertake the legislative changes necessary to implement all its international treaty and customary obligations.

Justice System Recommendation 3

The domestic legal system of Solomon Islands should define all crimes under international law as crimes under national law, in accordance with the standards of international law. In particular, the domestic legal system of Solomon Islands should define war crimes besides the grave breaches of the four 1949 Geneva Conventions, including grave breaches of Protocol I to the 1949 Geneva Conventions and war crimes committed in non-international armed conflicts; crimes against humanity; torture; extra-judicial execution; and enforced disappearance.

1.4 Security

The Royal Solomon Islands Police Force (RSIPF) was one of the state institutions most directly affected by the tension. In Honiara, the RSIPF became entangled with militant groups, which led to a breakdown of order, corrosion of the chain of command, and ultimately a permanent loss of community trust. The role of the RSIPF and state-supported paramilitary forces such as the Joint Operation can be found in chapter 3.4.2 of this Final Report of the TRC.

After the failure of the Joint Operation and the arrival of RAMSI, there was a shift to rebuilding community trust in the RSIPF. Perceptions created during the tension of a corrupt and biased RSIPF are difficult to uproot.

RAMSI has now entered a transition phase. It continues to support the RSIPF in maintaining the security. The RAMSI Participating Police Force (PPF) is supporting organizational change and training structure within the RSIPF.

Vetting Process

The TRC was not part of the RSIPF Early Retirement Steering Committee, but supported the Voluntary Early Retirement Scheme for the RSIPF. The Scheme aimed to restore the credibility and integrity of the RSIPF through a vetting process, which enabled the police officers who participated in the tension (referred as officers “tainted by tensions” in the documents of the Steering Committee of Early Retirement Scheme) to retire voluntarily without any loss of income. The TRC signed a Memorandum of Understanding with Committee of Early Retirement to “conduct private hearings with those officers named on the list administered and given in to the TRC by Voluntary Early Retirement Steering Committee through its legally mandated process for the purpose of reconciliation.” Officers were, therefore, given the opportunity to share testimonies as part of the truth-seeking process. The Early Retirement Committee received 194 nominations, out of which 50 were referred to the TRC. The TRC presents the following views on the whole process:

(1) Eligibility for early retirement under the scheme

Throughout the process, various complaints were received about the list that was submitted to the TRC, questioning the selection. Police officers questioned the inclusion or non-inclusion of themselves or others, claiming that they had evidence to the contrary.

The TRC believes that clear criteria should have been defined by the Steering Committee to justify the nominated list. And officers who were not included should receive a clear explanation of the decision taken.

The TRC also recommends that the list of officers that was approved by the Committee be verified, on the basis of a thorough investigation of those officers named as participating in the tension. Such investigation is necessary to determine with accuracy the officers eligible for the Early Retirement Scheme.

(2) Inclusion of command responsibility in the criteria of eligibility:

As decision-makers during the tension, the police executive should have been more systematically included in the Early Retirement Scheme of RSIPF.

The TRC received testimonies from police officers who carried out orders and were therefore perceived by the public as “tainted by the ethnic tension,” whereas those who gave the orders and were not visible to the public appear to have been overlooked by public opinion as they

were not known actors. This omission excludes the architects of the violations that were committed during the tension.

Under international human rights law, a commander, *de jure* or *de facto*, is to be held responsible when he or she knew or should have known about the crimes perpetrated by his or her forces and, by not taking “the necessary and reasonable measure to prevent, repress, or report the crimes committed,” did not act according to his or her duty of vigilance (Art 28 (a), Rome Statute of International Criminal Court).

The TRC recommends that RSIP executives who carried out orders or were said to have given orders resulting in major human rights abuses should be included in the Early Retirement Scheme.

(3) Access to counselling:

The majority of police officers who testified before TRC stressed the importance of the counselling received as part of the healing process. They considered that such counselling should not only be provided in the context of the Early Retirement Process, but to all police officers who encountered traumatic experiences whilst carrying out their duties. The TRC considers that this request should be dealt with by RSIP both in the context of the vetting process now under way, and long term.

(4) Request for pardon:

The majority of police officers who testified before the TRC agreed to take part in the national reconciliation process and expressed their willingness to ask their “pardon” of the nation. This willingness is a very positive measure from the perspective of the reconciliation process of which the Early Retirement Scheme is part.

The TRC recommends that the police officers who wish to do so can ask their pardon in the course of the Reaffirmation Ceremony which will be held in the later part of the Early Retirement Process.

(5) Status of testimonies provided to the TRC

The TRC was a non-judicial investigative body. Its role was limited to the gathering of information on human right violations, criminal offences and breaches of international humanitarian law committed during the tension as part of the truth seeking process that is

under its mandate. The TRC can therefore not enter into an investigation of the facts that have been brought to its knowledge through its participation in the Early Retirement Scheme.

The testimonies provided to the TRC will remain confidential, but this without prejudice to the rights of the victims or third parties to pursue judicial proceedings.

(6) Selecting criteria of the Officers to be covered by the Early Retirement Scheme:

Under the Terms of Reference of the Early Retirement Scheme Steering Committee, the only criteria for officers to be included in the Scheme, was that they were “tainted by the tension.” The difficulty with this criterion is that it too broad and covers all the police who came before the TRC, including others who were not included on the list but appeared before the TRC closed hearings.

Clear criteria should be established to clarify why an officer may qualify for the Scheme. On the basis of the testimonies received, the TRC recommends that five categories should be included:

- (i) The Executives of RSIP for their acts or omissions during the tensions, on the basis of their command responsibility.
- (ii) Special Constables recruited during the tension, who were integrated into the RSIP.
- (iii) Officers who, on their own initiative, were directly involved in criminal acts, human rights violations or breaches of international humanitarian law in the tension.
- (iv) Officers who gave instruction to commit criminal acts, human rights violations or breaches of international humanitarian law.
- (v) Officers who followed the instructions given by others to commit criminal acts, human rights violations or breaches of international humanitarian law.

Those applying under categories (iii), (iv) and (v) require individual investigations by the Early Retirement Steering Committee.

The TRC also recommends that special attention be paid to the few cases where officers were obligated, by force or by threats to themselves or their families, to take part in the Joint Operation. If investigations demonstrate that they did not commit any criminal act, human rights violation, or international law breaches, they should not be included in the Early Retirement Scheme, to avoid confusion as to their role and participation in the tension. Another process should be organized in the near future to give them the opportunity to leave

the RSIPF if they so wish, or to receive some compensation for the physical and psychological violation they suffered.

Security Recommendation 1

It is essential to revitalize community policing, allowing community leaders to police their own communities. Such policing will encourage cooperation and understanding among community members. Police will only address cases that are beyond the control of communities.

Security Recommendation 2

Adequate resources shall be given to the RSIPF to investigate cases to be brought to the Director of Public Prosecution.

Security Recommendation 3

It is essential to organize a vetting process in the RSIPF to “clean” the police and develop in Solomon Islands citizens a new confidence in the RSIPF. Given the porous border between Solomon Islands and Papua New Guinea, monitoring of movement between the two countries should be improved and strengthened to ensure there is no illicit trade of any kind.

Security Recommendation 4

The memorandum prohibiting the sale and manufacture of firearms in the Firearm and Ammunitions Act shall continue until such time as the outstanding firearms from the tension are recovered and destroyed.

Security Recommendation 5

The Solomon Islands owes RAMSI a debt of gratitude for restoring law and order. However, RAMSI and the Government must develop a clear exit strategy to enable the RSIPF to focus totally on the security and law-and-order role it will assume when RAMSI leaves.

1.5 Health

*Vision of Future Solomon Islands Health:
The People of the Solomon Islands
will be healthy, happy, and productive!*²⁷⁶

The Convention on Economic, Social and Cultural Rights, Article 12, requires that

. . . the States Parties recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. . . The steps to be taken by States Parties . . . to achieve the full realization of this right shall include . . . [the] creation of conditions which would assure to all medical service and medical attention in the event of sickness.

During the conflict, public spending in health services dropped and the quality of health services declined with the suspension of many health care services and the downgrading of many nurse aide posts. Immunization coverage, family planning services, ante-natal care, and community outreach programs, to name just a few, deteriorated. The forced displacement of thousands of families resulted in the overcrowding of provincial hospitals. Details of the effect of the conflict on Solomon Islands health may be found in chapter 6 of this TRC Final Report.

It is difficult to evaluate the psychological impact of the tension on the people. In 2004, UNICEF organized a poll to discover the extent of post-conflict trauma and found that the families of 85 percent of women who suffered direct personal trauma, including rape, death family members, violence, intimidation and being held up at gunpoint, continue to be affected.²⁷⁷ The psychological effects of the tension on people have not been adequately documented. Many victims who gave statements to the TRC requested counselling programs.

The mental health damage caused by stress from the conflict is expressed in a number of problems that affect the functioning of communities. Psychosomatic illnesses, depression, ongoing grief, feelings of helplessness, loss of confidence, learning difficulties, generalized anxiety, hyper-vigilance, insomnia, nightmares, fears, phobias, impulsiveness, and aggression are among the most frequent manifestations. Results of these emotional states include alcoholism, increased family violence, learning problems, inability to project a vision of the future, suicide and others behavioral issues.

²⁷⁶ National Health Strategic Plan. The Ministry of Health & Medical Services. Solomon Islands Government, 2011-2015, March 2011

²⁷⁷ UNICEF, Solomon Islands: *A Situation Analysis of Children, Women and Youth*, UNICEF, Pacific, Suva, 2005

The Ministry of Health and Medical Service produced an Integrated Mental Health Services plan in February 2009. This is an important document that establishes the vision, objectives and the strategy for the implementation of good mental health for Solomon Islands. The policy is based on a holistic concept of mental health reflected in the definition given of mental health:

Mental health is the foundation for well-being and effective functioning of individuals. It is more than the absence of mental disorder. Mental health is the ability to think and learn, and the ability to understand and live with one's emotions and the reactions of others. It is a state of balance within a person and between a person and the environment. Physical, psychological, social, cultural, spiritual and other related factors participate in producing this balance. The inseparable links between mental and physical health have been demonstrated.²⁷⁸

It is necessary to introduce a special program to address the consequences of the conflict as a priority. In the TRC's Final Report, many villages that were affected by the tension are identified. A special counselling program is necessary to be organized in each of the identified villages and provide individual counselling when necessary.

Health Recommendation 1

That the impact of the tension on the mental health be evaluated with the participation of the communities concerned. Evaluation is crucial to develop a strategy and methodology to provide mental health services. Priority should be given to communities that have been affected the most.

Health Recommendation 2

More public attention and recognition must be given to the new national Mental Health Policy completed in February 2009 and approved by the Solomon Islands Government.

Health Recommendation 3

That the Government create a National Mental Health Advisory Committee that shall coordinate mental health strategies at the national level, provide broad stakeholder input into policy and planning processes, and monitor the implementation of the national mental health policy.

²⁷⁸ World Health Organization Western Pacific Regional Office (2002). Solomon Islands National Mental Health Policy (2009)

Health Recommendation 4

That special programs be developed to give counseling to victims and former combatants in the conflict.

1.6 Education

*The Ministry's vision is that all Solomon Islanders will develop as individuals and possess knowledge, skills and attitudes needed to earn a living and to live in harmony with others and their environment. The Ministry's envisage a united and progressive society in which all can live in peace and harmony with fair and equitable opportunities for a better life. We envision an education and training system responsive to its clients and efficiently managed by stakeholders and clients. We wish to deliver quality education for everyone in Solomon Islands.*²⁷⁹

The Convention on Economic, Social and Cultural Rights, Article 13 provides that:

... the States Parties recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. ... The States Parties [are to be committed] to achieving the full realization of this right. (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education,

More than 50 percent of primary schools on Guadalcanal had to close temporarily as teachers and students fled the violence. The Solomon Island College of Higher Education (SICHE) closed after the Rove armory raid in 2001. Both Guadalcanal and Malaitan militants systematically damaged the schools. The main impact of the conflict on education, then, is to be found in the interruption and/or suspension of life opportunities for young citizens of Solomon Islands, the onus being on militant groups from Guadalcanal and Malaita. Details of the effects of the conflict on the educational system of Solomon Islands can be found in chapter 6 of this TRC Final Report.

The Solomon Islands Education System is undergoing restructuring and reform. Part of this process is the Curriculum Review and Reform Program. This is a process identified to develop a comprehensive curriculum that is fair and responsive to the needs of all Solomon Islanders in order to achieve a national vision and goals for the education system as advocated in the National Education Action Plans (NEAP 2007-2009 and 2010-2012) and

²⁷⁹ Ministry of Education and Human Resources Development: *Vision National Education Action Plan 2007-2009 and 2010-2012*

Education Strategy Framework (2007-2015). One of the aims of the curriculum reform is to “ensure that the National School Curriculum helps to develop a sense of national identity based on the concept of unity in diversity: respecting the value of all the diverse cultures in Solomon Islands and the strength of having many cultures, while recognizing the uniting factors which make us one nation”. Two of the “key learning outcomes” for the whole curriculum have a direct impact on strategic peace building in the country:

- Ethics and good citizenship – Development of positive moral and ethical values, with respect to others, based on personal integrity, leadership and social responsibility, focused on values education, civics and citizenship.
- Peace and Reconciliation – Development of positive attitudes and values with the mind and heart to create peace, reconciliation and be able to live in harmony in multi-ethnic and diverse communities and societies.²⁸⁰

This discussion in the Ministry of Education and Human Resources Development (MEHRD) is crucial for future peace in the Solomon Islands. It is critical that the curriculum includes values of democracy and human rights. It is important to incorporate into the social studies syllabus the history of the tension, 1998-2003, so that students will appreciate and understand its causes, its impact on society, what went wrong and how we can avoid its repetition. The TRC Final Report will be a source for students to reflect upon to produce a better future for Solomon Islands.

As the MEHRD recognizes, the Government should pay more attention in tertiary education. It should be a matter of high priority to create a national university:

The cost efficiency of local education as against investment in scholarships to study overseas needs to be examined. The high cost for a scholarships for Solomon Islands students to study overseas means it is more cost efficient to educate students locally, provided the quality of the programmes can be guaranteed.²⁸¹

The national university shall respond directly to the national necessities and promote the development of national research to contribute to the development of Solomon Islands.

Education Recommendation 1

Values of democracy and human rights need to be integrated into all school curricula. The Final Report of the TRC should be used as a textbook for students to learn and appreciate the history of the conflict.

²⁸⁰ National Curriculum Statement, Ministry of Education and Human Resources Development. 2011

²⁸¹ National Education Action Plan 2010-2012. Ministry of Education and Human Development. 15 April 2010

Education Recommendation 2

That the Government create a national university with a home-grown curriculum geared towards the development needs of the country.

Education Recommendation 3

Inter-cultural relations in educational institutions need to be encouraged. Currently provincial schools have utilized a quota system for student intake, whereby schools are obliged to enroll more students from the host province than from other provinces. This system will have to be done away with, if Solomon Islands is to move forward as a united nation. Inter-cultural relations are bringing together in friendly interaction all cultures, faiths, nationalities and island identities. Schools should become agents of inter-cultural relationships and understanding.

1.7 Corruption

*Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish. This evil phenomenon is found in all countries – big and small, rich and poor – but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government's ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development.*²⁸²

During the conflict, corruption in public institutions played a destructive role. Corruption infiltrated important institutions such as the RSIPF, the Cabinet and provincial Governments. The national budget was exploited and misappropriation was the standard of the day; the budgets of the Ministries of Police, National Security and Justice and of National Unity, Reconciliation and Peace, in particular, were inappropriately spent without proper authorization or records. In particular, no records could be traced on how funds were spent on the payment for special constables, danger allowances, and all the different kinds of compensation. No criminal investigation has ever been conducted to identify and bring to trial people who played a role in facilitating payments. Auditor Generals' reports have indicated incidences of extortion and misappropriation of funds with the strong recommendation that an investigation be initiated to recover from the individuals concerned

²⁸² Kofi A. Annan, Secretary-General, United Nations: Foreword, Convention against Corruption. United Nations, October 2003.

all overpayments emanating from invalid, false and unsubstantiated claims and, where necessary, prosecution be commenced. If nothing is done, corruption will again derail the current healing process in Solomon Islands.

The Convention against Corruption (October 2003), Article 36, obliges states to establish a body or person specialized in combating corruption through law enforcement. Such body or person shall be granted the necessary independence to carry out their functions effectively and without any undue influence. The Auditor General audits all state institutions every year. He or she is an independent public officer, appointed by the Governor General under section 108 of the Solomon Islands Constitution. The Auditor General plays a crucial role in the framework of public accountability. If any form of corruption is identified, it is reported to authorities such as the Leadership Code Commission, Office of the Ombudsman, the Director of Public Prosecutions or the police. In the case of the above payments, none of these bodies carried out further investigations. The Exim Bank loan audit was an example of this inaction. The audit report found enough evidence of corruption, and presented its report with a strong emphasis to start criminal investigation. To date no criminal investigation has started. It is necessary to designate a person to head a government institution that specialises in investigating corruption. The Covenant notes:

The domestic law shall ensure the punishment of the corruption, shall take measures to address consequences of corruption. The State may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action.²⁸³

For the better control of corruption it is necessary to enhance transparency in public administration, including its organization, functioning and decision-making processes, where appropriate. Members of the general public should be allowed to obtain information relevant to them and facilities should be provided facilities for public access.²⁸⁴ It is necessary to have an *Act to access information*; that is, to provide the right of access to information in records under the control of Government institutions.

It is crucial to promote the active participation of individuals and groups outside the public sector, such as civil society and non-government and community-based organizations, in the prevention of and fight against corruption, and to raise public awareness. This participation should enhance transparency. To ensure that the public has effective access to information and to promote education in non-tolerance of corruption,²⁸⁵ it is necessary to *develop civil*

²⁸³ United Nations Convention against corruption. October 2003. Article 34.

²⁸⁴ *Ibid*, Article 10.

²⁸⁵ *Ibid*, Article 13.

society in the Solomon Islands. Donor countries can play a crucial role in this work, by supporting the *funding of projects for national civil society initiatives.* Twenty percent of donor funding might go towards the support of projects that promote civil society. The Solomon Islands has not signed and ratified the United Nations Convention against Corruption. It is important that the Government sign and ratify the Convention so as to reaffirm the fight against corruption and gain access to technical support in this area.

Corruption Recommendation 1

Authority be given (through the amendment of domestic law, if necessary) to the Office of the Director of Public Prosecutions to start criminal investigation of alleged corruption by Government officials without having to wait for parliamentary approval.

Corruption Recommendation 2

That the Parliament approve an Access to Information Act that will give powers to ordinary citizens to request and access information from Government.

Corruption Recommendation 3

To empower civil society, 20 percent of donors' funding be dedicated to national civil society initiatives to strengthen and empower civil society.

Corruption Recommendation 4

That the Solomon Islands Government sign and ratify the United Nations Convention against Corruption.

2. Outstanding historical issues

The Solomon Islands Government has not completed its outstanding obligations in relation to conflict before the 1998-2003 tension. These obligations are not explicitly part of the TRC mandate, but they fall within the TRC's concern for peace and reconciliation. In order to achieve a sustainable peace and reconciliation in the country, it is important to honor these debts with the population affected during these previous conflicts.

2.1 Marau

The TRC recognizes the sensitivity surrounding the status of Marau for the people of Marau and Guadalcanal alike and it encourages both parties, with the assistance of the Government,

to engage in dialogue and take conciliatory steps to promote social peace and goodwill for the benefit of Marau and Solomon Islands as a whole.

Marau Recommendation

That Marau and Guadalcanal begin dialogue with the assistance of the Solomon Islands Government

2.2 Bougainville spill-over effects

The spill-over effect of the Bougainville Crisis is an issue that successive Governments have failed to address. Although Bougainville was the site where the heavy fighting took place, the effects of the war were felt at the border between Bougainville and Solomon Islands. Northwest Choiseul and the Shortlands, in particular, suffered the brunt of the effects of the conflict. People living there have gone through a great ordeal. Many suffered from trauma as they fled for safety into the jungle, others suffered from being kidnapped by either PNG Defence Force (PNGDF) or the South Bougainville Interim Authority (SBIA), and others endured the experience of losing their loved ones.

The conflict began with a dispute between landowners and the mining company at the Paguna mine on Bougainville. Since the PNG government had an economic interest in the mine, it defended the company when landowners confronted the company workers. The local conflict escalated into a full-scale war when landowners led by their elusive leader, the late Francis Ona, took guns from the mine's security force and threatened to close it. The PNG Government responded in a heavy-handed way by employing the PNGDF to intervene. The PNGDF received heavy resistance from the landowners who then formed the Bougainville Revolutionary Army (BRA), which used guerilla warfare tactics to stand against the might of the highly-armed PNGDF soldiers.

The conflict turned into an all out war with the PNGDF and SBIA on one side and the BRA on the other. Bougainvilleans fled into the interior and hinterlands of the island to seek refuge from the heavy fighting underway at that time. For those villages on the side of Bougainville facing Solomon Islands, the only escape route was crossing the border into Choiseul or Western Provinces. A meeting was held between chiefs of south Bougainville and Choiseul where both sides agreed that Bougainvilleans seeking medical assistance could enter Solomon Islands across the PNG-SI border. It was strongly emphasized at the time that those entering Solomon Islands must report to local police stationed at Taro, Choiseul Province. The Solomon Islands Government of the time approved the agreement, thus

opening the border so that persons from Bougainville seeking humanitarian assistance could enter Solomon Islands.

The SIG recognition of the arrangement backfired on the Solomon Islands Government as PNG viewed it as Solomon Islands' taking sides with the BRA, a force which they had spent millions of dollar trying to destroy. PNG increased its security on the border and on occasion entered Solomon Islands to harass people believed to be harboring Bougainvilleans. Kidnapping, violent harassment, and even killing were employed in response to any humanitarian assistance rendered by Solomon Islands to Bougainvilleans. As a result, the Bougainville crisis took its toll on people on northwest Choiseul and Shortlands Islands.

Reports and claims for compensation have been given to the Solomon Islands Government, but it has failed to respond in a positive manner. To date, ten years after the Bougainville war, people are still anticipating some form of reparation from the Government. With strong justification, people of northwest Choiseul and Shortlands are waiting patiently to be compensated for the spill-over effects of the crisis. They are indirect victims of a crisis that is not of their making; they have endured much suffering for standing up for the Bougainville people, with whom they have had long traditional ties and relationships

Bougainville Crisis Recommendation

That the Solomon Islands Government addresses the long outstanding Bougainville crisis issues, completing the matter in a way satisfactory to all.

2.3 East Kwaio Massacre, 1927

In 1927, a British party attacked east Kwaio villages in retaliation for Kwaio leaders' killing the District Office, William Bell, his assistant, Kenneth Lillies, and Solomon Islands police working with them to collect the hated British Protectorate head tax. Kwaio people continue to claim compensation for this brutal action. This event is an element in the alienation of Kwaio people from the Solomon Islands Government until today. While much has been written on the event, both from local and European perspectives, many questions remain. A basic question is whether compensation should be paid to the Kwaio people for the killings that took place and, if so, by whom.

East Kwaio Massacre Recommendation

That the Solomon Islands Government make an investigation into the 1927 Kwaio Massacre, especially taking into account the Kwaio version of events, and take necessary measures to reconcile the Kwaio population.

Summary of Recommendations

Part I

Victims	<p><u>Reparation</u></p> <p><u>Reparation Recommendation 1</u></p> <p>That the National Parliament enact a law to govern the reparation process and the successful implementation of the Comprehensive Reparation Plan (CPP), providing funds as necessary.</p> <p><u>Reparation Recommendation 2</u></p> <p>Following the provisions of the legislation, designate a Commission which shall be in charge of the Victims Register and coordinate the implementation of the CRP.</p> <p><u>Reparation Recommendation 3</u></p> <p>Complete payout of the compensation initiated by the SIG after the signing of the TPA. However, it will be first necessary to complete investigations into who received compensation under previous TPA compensation programs as well as verifying the outstanding compensation claims before payment is made.</p> <p><u>Exhumation</u></p> <p><u>Exhumation Recommendation 1</u></p> <p>Parliament to pass an Act that will establish and give powers to a Special Committee for Exhumation: Tension 1998-2003 (“Exhumation Committee”) to complete the process of exhumation.</p> <p><u>Exhumation Recommendation 2</u></p> <p>After the enactment of the Act, the Exhumation Committee shall be established within the next 30 days.</p> <p><u>Exhumation Recommendation 3</u></p> <p>Parliament should guarantee funding for the exhumation exercise.</p>
----------------	--

<p>Vulnerable population</p>	<p><u>Women</u></p> <p><u>Women Recommendation 1</u></p> <p>Women’s participation in the highest decision making body, the Parliament, is crucial to attain equal and inclusive views on issues of national interest.</p> <p>30 percent reserved seats in Parliament for women.</p> <p><u>Women Recommendation 2</u></p> <p>To guarantee the implementation of the 2011 Annual Work Plan of the Ministry of Women, Youths, and Children, a National Steering Committee on Gender Equality and Women’s Development must be established and meet on a quarterly basis to evaluate and monitor the implementation of the Work Plan.</p> <p><u>Women Recommendation 3</u></p> <p>For their economic empowerment, legal protection for and ownership by women of land, property, and royalty shares in the productive sectors (including fisheries, agriculture, forestry, minerals and micro-credit schemes) must be guaranteed and provided.</p> <p><u>Women Recommendation 4</u></p> <p>On the issue of violence against women, legal frameworks, law enforcement, the justice system, and protective and support services must be strengthened to protect women against violence.</p> <p>Likewise, data collection on violations in this area must be improved for better analysis and improved understanding of the problem of violence against women</p> <p><u>Children/Youth</u></p> <p><u>Youth Recommendation 1</u></p> <p>That the Government promote and encourage maximum youth participation in decision-making and leadership at all levels of government, that is real and meaningful as a means to take seriously the concerns, aspirations and wishes of the youth. That the Government make available mechanisms that will take account of the views of youth and incorporate them into Government policies.</p>
-------------------------------------	--

	<p>That the Government support the National Youth Congress by paying attention to their views and concerns.</p> <p><u>Youth Recommendation 2</u></p> <p>That the Government create a fund, with the participation of the private sector, to develop jobs for youths, with the objective of creating 5,000 jobs each year for the next ten years. The program will consist of half-time work and half-time training.</p> <p>This program will help to develop and decentralize technical skills. The Government must create a separate policy specifically addressing youth employment.</p> <p><u>Youth Recommendation 3</u></p> <p>As a way to promote understanding and tolerance among youth, youth should be encouraged to know and learn from the tension of 1998-2003. One way is for them to read, discuss and understand the TRC's Final Report</p> <p><u>Weather Coast</u></p> <p><u>Weather Coast Recommendation 1</u></p> <p>Prioritize the construction of new roads linking the rest of the communities around the island of Guadalcanal to existing roads on the north side.</p>
<p>Former combatants</p>	<p><u>Rehabilitation</u></p> <p><u>Rehabilitation Recommendation 1</u></p> <p>Identify and certify former militants from the Registry List who are to benefit from the rehabilitation plan.</p> <p><u>Rehabilitation Recommendation 2</u></p> <p>Implement the Ex-Combatants Rehabilitation Plan, providing the funds where necessary.</p> <p><u>Conflict Trials</u></p> <p><u>Conflict Trials Recommendation 1</u></p> <p>That the tension trials shall take their course with both extant and pending case to be disposed of expeditiously</p> <p><u>Conflict Trials Recommendation 2</u></p> <p>That the entire process of the tension trials shall be reviewed at their conclusion to ensure that the entire process was fair and that there was no miscarriage of justice.</p>

	<p><u>Conflict Trials Recommendation 3</u></p> <p>That a special court be established to expedite the hearing of tension cases and bring closure to those involved; this special court, as facilitated by the state, shall be accessible to victims in rural and remote areas.</p>
Reconciliation	<p><u>Reconciliation</u></p> <p><u>Reconciliation Recommendation 1</u></p> <p>That national healing and reconciliation is indispensable for national unity and rebirth of a new nation founded on the morality of universal human rights, the rule of law and justice for all.</p> <p><u>Reconciliation Recommendation 2</u></p> <p>That reconciliation is a course of action that requires the participation of all Solomon Islanders starting with individual admission of guilt and clemency.</p> <p><u>Reconciliation Recommendation 3</u></p> <p>That reconciliation cannot be wholly achieved devoid of justice for victims of human rights violation and justice will bring Solomon Islands' painful past to closure by the full implementation of the recommendation of the Commission.</p>

Part II

Institutional reforms	<p><u>Constitution</u></p> <p><u>Constitutional Reform Recommendation 1</u></p> <p>The new constitution must ensure that the country's differences do not again become a source of division or conflict or the means of discrimination or perpetuating and promoting group domination or privilege. A new constitution must provide clear and assessable avenues to enable issues of identity and difference and matters having constitutional or national significance to be expressed in a constructive, free and non-conflicting way. The tension 1998- 2003 must not be repeated. The new constitution must guarantee formal</p>
------------------------------	--

	<p>space for citizen participation, consultation and resolution of disputes.</p> <p><u>Constitutional Reform Recommendation 2</u></p> <p>The constitutional integrity of the clan and tribal communities must be restored in recognition of them as the first-nation societies of Solomon Islands. The people will have dual loyalties to their respective states and to the nation, but all are Solomon Islanders. The constitution will represent a new social contract. It will promote tolerance and respect for each other.</p> <p><u>Constitutional Reform Recommendation 3</u></p> <p>The traditional rights of Solomon Islands communities and fundamental rights and freedoms must be realized and guaranteed in a mutually compatible way for everyone. A human rights office shall be established to raise awareness and education of human rights. It shall assist human rights reform, especially in the interface of the concept of group rights and the affirmation of <i>kastom</i> with individual human rights.</p> <p><u>Constitutional Reform Recommendation 4</u></p> <p>The new constitution must reflect a commitment to full, free and equal participation of women. It shall guarantee equal rights for women and men in all spheres of public and private life; and create affirmative mechanisms whereby discrimination, disabilities and disadvantages to which women have been subjected are removed. A quota reserving 30 percent of seats in Parliament for women should be introduced.</p> <p><u>Land</u></p> <p><u>Land Recommendation 1</u></p> <p>Alienated lands in Guadalcanal Province are to be returned to the original landowners, in this case, Guadalcanal land owners whose identities have been discovered and recorded through established processes in place. In this regard, the work of the Commission of Inquiry into Land Dealings on Guadalcanal shall be completed, whether by the Commissioner or another entity, in order to resolve the issue in a manner equitable to all parties.</p> <p><u>Land Recommendation 2</u></p> <p>The process in Guadalcanal of investigating land dealings with a view to returning alienated lands to the original landowners shall be applied with appropriate modifications to</p>
--	---

	<p>the other provinces of Solomon Islands with a view to regularizing land ownership throughout the country.</p> <p><u>Land Recommendation 3</u></p> <p>The Commissioner of Lands must be a person of good standing and integrity. He or she must be a neutral person, not seen or believed to have political interests or ties with any individual or group. Legislation must be enacted to ensure the appointment of such a person to the post. The Land and Titles Act must be implemented effectively and efficiently in rural areas of Solomon Islands. Changes in the Act should be made to discourage squatting. In particular, the issuance of Temporary Occupied Licences shall strictly comply with the Act and only in relation to land held by the Commissioner of Lands and not encroach on customary land.</p> <p><u>Justice System</u></p> <p><u>Justice System Recommendation 1</u></p> <p>The reform of the judiciary system must be completed. Special priority must be given to new laws, procedures and practices that reflect contemporary requirements, widespread freedom of access, and community collaboration in crime reduction, community safety and proactive security initiatives. Special emphasis needs to be given to re-establishing local courts in provinces outside Honiara to enable the great majority of the population to have access to justice they presently lack.</p> <p><u>Justice System Recommendation 2</u></p> <p>Among various treaties waiting signing or ratification, the Rome Statute of the International Criminal Court should be given first priority for ratification as it is the most detailed codification of international law relating to conflict and criminal sanctions. Likewise, the Government should undertake the legislative changes necessary to implement all its international treaty and customary obligations.</p> <p><u>Justice System Recommendation 3</u></p> <p>The domestic legal system of Solomon Islands should define all crimes under international law as crimes under national law, in accordance with the standards of international law. In particular, the domestic legal system of Solomon Islands should define war crimes besides the grave breaches of the four 1949 Geneva Conventions, including grave breaches of Protocol I to the 1949 Geneva Conventions and war crimes committed in non-international armed conflicts; crimes against humanity; torture; extra-judicial execution; and enforced disappearance.</p>
--	--

	<p><u>Security</u></p> <p><u>Security Recommendation 1</u></p> <p>It is essential to revitalize community policing, allowing community leaders to police their own communities. Such policing will encourage cooperation and understanding among community members. Police will only address cases that are beyond the control of communities.</p> <p><u>Security Recommendation 2</u></p> <p>Adequate resources shall be given to the RSIPF to investigate cases in Honiara and throughout the Solomon Islands to be brought to the Office of the Director of Public Prosecutions.</p> <p><u>Security Recommendation 3</u></p> <p>It is essential to organize a vetting process in the RSIPF to “clean” the police and develop in the Solomon Islands citizens a new confidence in the RSIPF. Given the porous border between Solomon Islands and Papua New Guinea, monitoring of movement between the two countries should be improved and strengthened to ensure there is no illicit trade of any kind.</p> <p><u>Security Recommendation 4</u></p> <p>The memorandum prohibiting the sale and manufacture of firearms in the Firearm and Ammunitions Act shall continue until such time as the outstanding firearms from the tension are recovered and destroyed.</p> <p><u>Security Recommendation 5</u></p> <p>The Solomon Islands owes RAMSI a debt of gratitude for restoring law and order. However, RAMSI and the Government must develop a clear exit strategy to enable the RSIPF to focus totally on the security and law-and-order role it will assume when RAMSI leaves.</p> <p><u>Health</u></p> <p><u>Health Recommendation 1</u></p> <p>That the impact of the tension on the mental health be evaluated with the participation of the communities concerned. Evaluation is crucial to develop a strategy and methodology to provide mental health services. Priority should be given to communities that have been affected the most.</p>
--	--

	<p><u>Health Recommendation 2</u></p> <p>More public attention and recognition must be given to the new national Mental Health Policy completed in February 2009 and approved by the Solomon Islands Government.</p> <p><u>Health Recommendation 3</u></p> <p>That the Government create a National Mental Health Advisory Committee that shall coordinate mental health strategies at the national level, provide broad stakeholder input into policy and planning processes, and monitor the implementation of the national mental health policy.</p> <p><u>Health Recommendation 4</u></p> <p>That special programs be developed to give counseling to victims and former combatants of the conflict.</p> <p><u>Education</u></p> <p><u>Education Recommendation 1</u></p> <p>Values of democracy and human rights need to be integrated into all school curricula. The Final Report of the TRC should be used as a textbook for students to learn and appreciate the history of the conflict.</p> <p><u>Education Recommendation 2</u></p> <p>That the Government create a national university with a home-grown curriculum geared towards the development needs of the country.</p> <p><u>Education Recommendation 3</u></p> <p>Inter-cultural relations in educational institutions needs to be encouraged. Currently provincial schools have utilized a quota system of student intake, whereby schools are obliged to enroll more students from the host province than from other provinces. This system will have to be done away with, if Solomon Islands is to move forward as a united nation.</p> <p>Inter-cultural relations is bringing together in friendly interaction all cultures, faiths, nationalities and island identities. Schools should become agents of inter-cultural relationships and understanding.</p> <p><u>Corruption</u></p> <p><u>Corruption Recommendation 1</u></p> <p>Authority be given (through the amendment of domestic law, if necessary) to the Office of the Director of Public</p>
--	--

	<p>Prosecutions to start criminal investigation of alleged corruption by Government officials without having to wait for parliamentary approval.</p> <p><u>Corruption Recommendation 2</u></p> <p>Access to information – A Freedom of Information Act that will give powers to ordinary citizens alike to request and access information from government.</p> <p>That the Parliament approve an Access to Information Act that will give powers to ordinary citizens to request and access information from Government.</p> <p><u>Corruption Recommendation 3</u></p> <p>To empower civil society, 20 percent of donors’ funding be dedicated to national civil society initiatives to strengthen and empower civil society.</p> <p><u>Corruption Recommendation 4</u></p> <p>That the Solomon Islands Government sign and ratify the United Nations Convention against Corruption.</p>
Outstanding historical issues	<p><u>Marau</u></p> <p><u>Marau Recommendation</u></p> <p>That Marau and Guadalcanal begin dialogue with the assistance of the Solomon Islands Government</p> <p><u>Bougainville crisis</u></p> <p><u>Bougainville crisis Recommendation</u></p> <p>That the Solomon Islands Government addresses the long outstanding Bougainville crisis issues, completing the matter in a way satisfactory to all.</p> <p><u>East Kwaio Massacre 1927</u></p> <p><u>East Kwaio Massacre Recommendation</u></p> <p>That the Solomon Islands Government make an investigation into the 1927 Kwaio Massacre, especially taking into account the Kwaio version of events, and take necessary measures to reconcile the Kwaio population.</p>