

Confronting the Past for a Better Solomon Islands

The Solomon Islands experienced a period of extreme unrest, known as the tensions, between 1998 and 2003. Since then, a number of positive steps have been taken to move toward a more stable democracy, including the establishment of a truth and reconciliation commission (TRC). It is important that the TRC is effective and works well with the different transitional justice mechanisms that have been implemented, that adequate funding and support is given to the TRC and to its recommendations, particularly those concerning reparations programs, and that the TRC operates with the highest integrity and with the support of civil society.

ESTABLISHMENT

The Solomon Islands government that took office in December 2007 made national reconciliation its top priority. As such, the Solomon Islands TRC was established under the Truth and Reconciliation Commission Act of 2008 that Parliament passed unanimously that August.

Pursuant to the act, a national selection committee, headed by the chief justice of the High Court, selected three national and two international commissioners who were appointed by the prime minister on April 24, 2009.¹ Retired archbishop Desmond Tutu, who was the chairman of South Africa's TRC, launched the commission in Honiara on April 29, 2009.

After a series of delays, the TRC officially began operations on January 15, 2010. It is funded by contributions from the Solomon Islands government, as well as the United Nations Development Program (UNDP), the European Union, Australia, and New Zealand. UNDP is managing the funds from foreign donors. ICTJ is providing technical assistance to the TRC, with the support of the EU.

TRC ACTIVITIES

To date, the TRC has consulted with a wide range of people and groups, including victims, former militants, women, youth,

community leaders, chiefs, elders, churches, nongovernmental organizations, donors, and the government. In 2010, it completed one national public hearing, five regional hearings, and two thematic ones that focused on youth and women respectively. The commission also conducted a series of closed hearings.

In September 2010, the TRC began taking statements; it hopes to take around 5,000, 50 percent of which would come from women and 30 percent from youths. Research, investigations, and community consultations also began in late 2010. The TRC is planning to conduct programs focusing on reconciliation and exhumations in 2011.

The TRC's work will culminate in a final report that includes findings and provides recommendations to the Solomon Islands government about measures or policy options that may prevent similar events from occurring in the future and promote long-term reconciliation.

MANDATE

According to the act, the goal of the TRC is to promote national unity and reconciliation. In order to achieve this, the commission is to investigate and report on a range of human rights violations and abuses including killings, abductions, enforced disappearances, torture, rape, sexual abuse, persecution of any identifiable group, forced displacements, deprivation of liberty, serious ill treatment, and deprivation of economic rights, such as the right to own property. The TRC is also mandated to report on the impact of the tensions on key sectors of society, such as health, education, and the legal sector.

The TRC will examine events that occurred between January 1998 and July 23, 2003, and report on the root causes of the conflict.

The commission's initial mandate of one year was extended by another year to January 15, 2012.

ISSUES TO CONSIDER

Although the establishment of the TRC represents a significant positive step toward facing the country's history of mass violations, the level of its achievements depends on how it will deal with a number of potential hurdles.

Putting the transitional justice pieces together: While there has been a wide range of transitional justice initiatives in Solomon Islands, as yet, they have not been coordinated to operate coherently. It is important that current and future initiatives build on the work of the past. For example, as the TRC plans to undertake reconciliation initiatives in 2011, it will be important for it to do so in harmony with the reconciliation work that has already been done by the Ministry of National Unity, Reconciliation and Peace and other civil society groups. If not, these initiatives could be undermined and civil society could become fatigued by the process.

Continued discussions around amnesty and pardons: The current government has put discussion of a Forgiveness Bill on the agenda. While no text has been drafted yet, there has been much public debate on the topic, and many say they do not believe forgiveness can be legislated.² The government has stated in Parliament that it will wait for the TRC's final report before reaching a decision. It is important that this commitment is respected.

Corruption hindering the process: Despite recent reform initiatives, corruption continues to undermine public confidence in many government institutions. A number of individuals alleged to have played a significant role in the tensions have retained public offices or senior positions in the government. It is important that the TRC and other transitional justice mechanisms are able to instill public trust by being independent, transparent, and by acting with the highest integrity at all times.

Reparations for victims must be seen as a priority: It is important that significant measures are taken to repair the damage done to victims and that they are given recognition and acknowledgement of their suffering during the tensions beyond monetary compensation. To date, many victims have spoken during public hearings about their need for reparations. Some ideas the TRC might consider recommending could include symbolic reparations, collective reparations, and reparations in the form of scholarships. Any recommendations the TRC makes regarding reparations should come at the end of extensive community consultations.

Timely administration of funds: The TRC's activities have been severely delayed by the slow administration of funds. It is imperative that the TRC has timely access to the resources it needs in order to be able to effectively implement its work program.

Strong community engagement: For the TRC and its final report to have a lasting effect on the people of Solomon Islands, civil society needs to be engaged in the process and feel a sense of ownership over it. To date, anecdotally, many Solomon Islanders have complained that they do not really understand the work of

the TRC or that the TRC has not come to their village. While the TRC's activities have been significantly hampered by the slow administration of funds, it is essential that in the coming year, with the extended mandate, that it prioritize outreach and community engagement.

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¹ The national commissioners are Chair Father Samuel Ata, Caroline Laore, and George Kejoa (deceased August 2010 and not replaced as of December 2010). The non national commissioners are Deputy Chair Sofia Macher (Peru) and Ratu Joni Madraiwiwi (Fiji).

² See, for example, "Letters to the Editor," *Solomon Star*, Oct. 15, 2010, <http://www.solomonstarnews.com/viewpoint/letters-to-the-editor/8477-forgiveness-bill>.