

**United Nations**  
**Universal Periodic Review**  
**Third Cycle**  
**38<sup>th</sup> Session**

**SOLOMON ISLANDS**

**Submission by the**  
**World Federalist Movement/Institute for Global Policy (WFM/IGP)**  
ECOSOC Special Consultative Status (1970)

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The World Federalist Movement/Institute for Global Policy (WFM/IGP), founded in 1947, is a non-profit, non-partisan civil society organization that campaigns for the establishment and strengthening of multilateral frameworks that can effectively address the causes and effects of violent conflict, human rights violations and other grave transnational challenges. The World Federalist Movement/Institute for Global Policy, Ltd., is a New York nonprofit corporation with tax-exempt Section 501(c)(3) status under U.S. law.

## **1. Introduction**

- 1.1. The World Federalist Movement/Institute for Global Policy (WFM/IGP), founded in 1947, is a non-profit, non-partisan civil society organization that campaigns for the establishment and strengthening of multilateral frameworks that can effectively address the causes and effects of violent conflict, human rights violations and other grave transnational challenges.
- 1.2. WFM/IGP uses a Coalition Operating Model and hosts the Secretariats of two hugely influential coalitions: the Coalition for the International Criminal Court, a global network of over 2,500 civil society organizations in 150 countries, and the International Coalition for the Responsibility to Protect, a global network of over 90 civil society organisations.
- 1.3. WFM/IGP hereby submits its written submission for the third cycle of the Universal Periodic Review (UPR) of the Solomon Islands. WFM/IGP's submission will focus on the need for the Solomon Islands to take concrete measures to ratify the Rome Statute of the International Criminal Court (ICC) and the Agreement on Privileges and Immunities of the ICC (APIC).

## **2. Context of the Solomon Islands' Ethnic Violence**

- 2.1. The Solomon Islands went through a violent period of internal unrest between 1998 and 2003, known as “the tensions”.<sup>i</sup> The unrest was triggered by successive governments' failure to address a number of issues raised by the indigenous people of Guadalcanal.<sup>ii</sup> As a result, key industries and infrastructure were destroyed, and a “breakdown of law and order, and the displacement of more than 30,000 people out of a population of 523,000” took place<sup>iii</sup>.
- 2.2. After the negotiation of a ceasefire, the Solomon Islands advanced towards the establishment of a peacebuilding process with the signing of the Townsville Peace Agreement in 2000.<sup>iv</sup> In 2003, the Australian government led an assistance mission, called the Regional Assistance Mission to the Solomon Islands (RAMSI), to support in restoring of the rule of law. The RAMSI stayed at the Solomon Islands until 2017.
- 2.3. After the withdrawal of the RAMSI, the UN Peacebuilding Fund has recognized the importance to support sustaining peace in Solomon Islands. The Fund is currently implementing a peacebuilding project aimed at addressing key peacebuilding challenges, including accountability, reparation and reconciliation.<sup>v</sup>
- 2.4. The Rome Statute and the APIC constitute key legal instruments in the global fight against impunity for atrocity crimes. States that ratify the Rome Statute, and its surrounding legal framework, commit themselves to the prevention and punishment of crimes against humanity, genocide, war crimes and the crime of aggression, and thus show resolve to build a more just, peaceful and safe world.
- 2.5. As its domestic peacebuilding efforts continue, the Solomon Islands find itself in a unique position to show its unwavering support to international peace and justice by ratifying the Rome Statute and the APIC. This would constitute a significant step in promoting peace, justice and strong institutions (UN's Sustainable Development Goal 16).

### 3. Ratification and Implementation of International Criminal Law Treaties

#### *Background*

- 3.1. While the Solomon Islands signed the Rome Statute on December 3, 1998, it still has neither deposited its instrument of ratification with the UN Secretary-General nor acceded to the APIC. This issue has been raised in previous UPR sessions.
- 3.2. During the UPR's First Cycle (2011), Ecuador recommended Solomon Islands to ratify the Rome Statute,<sup>vi</sup> and the Solomon Islands accepted the recommendation.<sup>vii</sup>
- 3.3. Notwithstanding, during the UPR's Second Cycle, the Solomon Islands just noted the recommendation and declined to accept similar recommendations made by six (6) other countries: Canada, Cyprus, Estonia, Ghana, New Zealand, and Portugal. The country argued that it "will continue efforts in addressing all its overdue human rights reporting within next 10 years before acceding/ratifying any additional international human rights instruments".<sup>viii</sup>
- 3.4. Canada, Ghana, and New Zealand recommended Solomon Islands to consider ratifying the Rome Statute<sup>ix</sup>. Portugal recommended Solomon Islands to ratify the Rome Statute and fully align its national legislation with its provisions<sup>x</sup>. Cyprus recommended it to take concrete steps towards acceding to/ratifying the Rome Statute.<sup>xi</sup> Finally, only Estonia recommended Solomon Islands to ratify the Rome Statute and accede to the APIC.<sup>xii</sup>
- 3.5. However, despite having accepted the recommendation of Ecuador during the UPR's First Cycle and having received numerous recommendations by several States to do so during the Second Cycle, the Solomon Islands has not made progress towards ratifying the Rome Statute or acceding to the APIC.
- 3.6. The Solomon Islands' mere noting of—instead of accepting—such recommendations during the UPR's Second Cycle constitutes a concerning step back in strengthening its commitment to international peace and justice. This is particularly important in light of the Solomon Islands' own legacy of ethnic violence and other crimes that are covered by the Rome Statute.

#### *Access to Justice and the Fight against Impunity*

- 3.7. By ratifying the Rome Statute and accepting the ICC's complementary jurisdiction, States strengthen international justice; support the deterrence atrocity crimes; and respect, protect, and fulfill human Rights, including the rights to truth, justice, reparations, and guarantees of non-recurrence; and support the principle that no one is above the law.
- 3.8. Because the ICC is complementary to national criminal jurisdictions,<sup>xiii</sup> States retain the primary obligation to prevent and prosecute international crimes. Accordingly, ratifying the Rome Statute and enacting legislation to implement the Statute into national legislation is a necessary step in not only strengthening States' domestic criminal justice systems, but also ending impunity for crimes committed by State actors, as "all too often, such crimes were part of a systematic State policy and the worst criminals might be found at the pinnacle of State power".<sup>xiv</sup>

- 3.9. As part of the international legal framework, the ICC Rome Statute provides a complementary judicial avenue for the protection of fundamental rights recognized in numerous international instruments, many of which have been ratified by the Solomon Islands. Ratifying the Rome Statute would further facilitate the respect, protection, and fulfilment of fundamental human rights recognized in the following international instruments to which the Solomon Islands is a State Party: the International Convention on the Elimination of All Forms of Racial Discrimination;<sup>xv</sup> the International Covenant on Economic, Social and Cultural Rights;<sup>xvi</sup> the Geneva Conventions and their Protocols;<sup>xvii</sup> and other specific agreements protecting vulnerable groups, such as the Convention on the Rights of the Child<sup>xviii</sup> and the Convention on the Elimination of All Forms of Discrimination Against Women.<sup>xix</sup>
- 3.10. Furthermore, the ICC promotes the respect of human rights and sustainable peace and justice in line with the purposes and principles set in Articles 1 and 2 of the UN Charter.<sup>xx</sup> The Preamble of the Rome Statute reaffirms “the Purposes and Principles of the Charter of the United Nations”.<sup>xxi</sup> This same idea was repeated in the 2010 Kampala Declaration.<sup>xxii</sup>
- 3.11. Therefore, the ratification and implementation of the Rome Statute and the APIC by the Solomon Islands can only advance the respect, protection and fulfilment of the human rights protected in the aforementioned instruments by which the Solomon Islands is already bound.

#### 4. Recommendations

- 4.1. WFM/IGP calls on the Government of the Solomon Islands to:
- 4.1.1. Ratify the Rome Statute of the International Criminal Court before the Fourth Cycle UPR of the Solomon Islands; and
- 4.1.2. Ratify the Agreement on Privileges and Immunities of the International Criminal Court before the Fourth Cycle UPR of the Solomon Islands.

<sup>i</sup>United Nations Peacebuilding, ‘Consolidating peace, stability and social cohesion in Solomon Islands post-RAMSI’, page 1, available at: [https://info.undp.org/docs/pdc/Documents/SLB/171204\\_Solomon%20Islands%20IRF%20project\\_Peaceful%20Transition\\_ProDoc%20\(002\).pdf](https://info.undp.org/docs/pdc/Documents/SLB/171204_Solomon%20Islands%20IRF%20project_Peaceful%20Transition_ProDoc%20(002).pdf).

<sup>ii</sup> UNDP, ‘Human Development Report 2005: Case Study of Solomon Islands Peace and Conflict-related Development Analysis’, available at: [http://hdr.undp.org/sites/default/files/hdr2005\\_mcgovern\\_and\\_choulai\\_33.pdf](http://hdr.undp.org/sites/default/files/hdr2005_mcgovern_and_choulai_33.pdf).

<sup>iii</sup> UN Trust Fund for Human Security, ‘Human Security initiatives for tensions reduction, reconciliation and rehabilitation in the Solomon Islands’, available at: <https://www.un.org/humansecurity/wp-content/uploads/2017/08/Programme-summary-47.pdf>.

<sup>iv</sup> UNDP, ‘Human Development Report 2005: Case Study of Solomon Islands Peace and Conflict-related Development Analysis’, available at: [http://hdr.undp.org/sites/default/files/hdr2005\\_mcgovern\\_and\\_choulai\\_33.pdf](http://hdr.undp.org/sites/default/files/hdr2005_mcgovern_and_choulai_33.pdf).

<sup>v</sup> UNDP, ‘Peace Building Project Phase II’, available at: <https://www.pacific.undp.org/content/pacific/en/home/projects/peacebuildingproject.html>. Accessed 8 October 2020.

<sup>vi</sup> Report of the Working Group on the Universal Periodic Review, Solomon Islands, for the HRC’s 18<sup>th</sup> Session, para 81.5, Ecuador.

<sup>vii</sup> UPR, ‘Data base of the recommendations’, available at: <https://upr-info-database.uwazi.io/en/entity/j2y971613x>. Accessed 8 October 2020.

<sup>viii</sup> Report of the Working Group on the Universal Periodic Review, ‘Solomon Islands, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies by the State under review’, for the 32<sup>nd</sup> Session, page 2.

<sup>ix</sup> Report of the Working Group on the Universal Periodic Review, Solomon Islands, for the 32<sup>nd</sup> Session, para 100.33, Ghana; Report of the Working Group on the Universal Periodic Review, Solomon Islands, for the HRC’s 32<sup>nd</sup>

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Session, para 100.35, Canada and New Zealand

<sup>x</sup> Report of the Working Group on the Universal Periodic Review, Solomon Islands, for the HRC's 32<sup>nd</sup> Session, para 100.34, Portugal.

<sup>xi</sup> Report of the Working Group on the Universal Periodic Review, Solomon Islands, for the HRC's 32<sup>nd</sup> Session, para 100.33, Cyprus.

<sup>xii</sup> Report of the Working Group on the Universal Periodic Review, Solomon Islands, for the HRC's 32<sup>nd</sup> Session, para 100.36, Estonia.

<sup>xiii</sup> Article 1 of the Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002), 2187 UNTS 3.

<sup>xiv</sup> United Nations, 'Summary records of the plenary meetings and of the Committee of the Whole', A/Conf.183/13 (Vol.II).

<sup>xv</sup> International Convention on the Elimination of All Forms of Racial Discrimination (adopted 03 March 1966, entered into force 4 January 1969), 660 UNTS 1, available at: <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280008954&clang=en>.

<sup>xvi</sup> International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976), 993 UNTS 3, available at: [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-3&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=en).

<sup>xvii</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted 12 August 1949, entered into force 21 October 1950), 75 UNTS 287 available at: <https://treaties.un.org/pages/showdetails.aspx?objid=0800000280158b1a>; Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at the Sea (adopted 12 August 1949, entered into force 21 October 1950), 75 UNTS 85, available at: <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002801591b0>; Geneva Convention Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950), 75 UNTS 135, available at: <https://treaties.un.org/pages/showDetails.aspx?objid=0800000280159839>; Geneva Convention relative to the Protection of Civilian Persons in Time of War (Adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, available at: <https://treaties.un.org/pages/showdetails.aspx?objid=0800000280158b1a>; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), (adopted 08 June 1977, entered into force 1 July 1978), 1125 UNTS 3; Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts (Protocol II), (adopted 08 June 1977, entered into force 7 December 1978), 1125 UNTS 609.

<sup>xviii</sup> Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, available at: <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800007fe&clang=en>.

<sup>xix</sup> Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981), 1249 UNTS 1, available at: <https://treaties.un.org/Pages/showDetails.aspx?objid=080000028000309d&clang=en>.

<sup>xx</sup> Charter of the United Nations and Statute of the International Court of Justice (adopted 26 June 1945, entered into force 24 October 1945), available at: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

<sup>xxi</sup> Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3, available at: [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-10&chapter=18&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-10&chapter=18&lang=en).

<sup>xxii</sup> ICC Assembly of State Parties, Kampala Declaration, 1 June 2010, Declaration RC/Decl.1, adopted by consensus, available at: [https://asp.icc-cpi.int/iccdocs/asp\\_docs/Resolutions/RC-Decl.1-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/Resolutions/RC-Decl.1-ENG.pdf).