

## CHAPTER 1

### PROVINCIAL BOUNDARIES

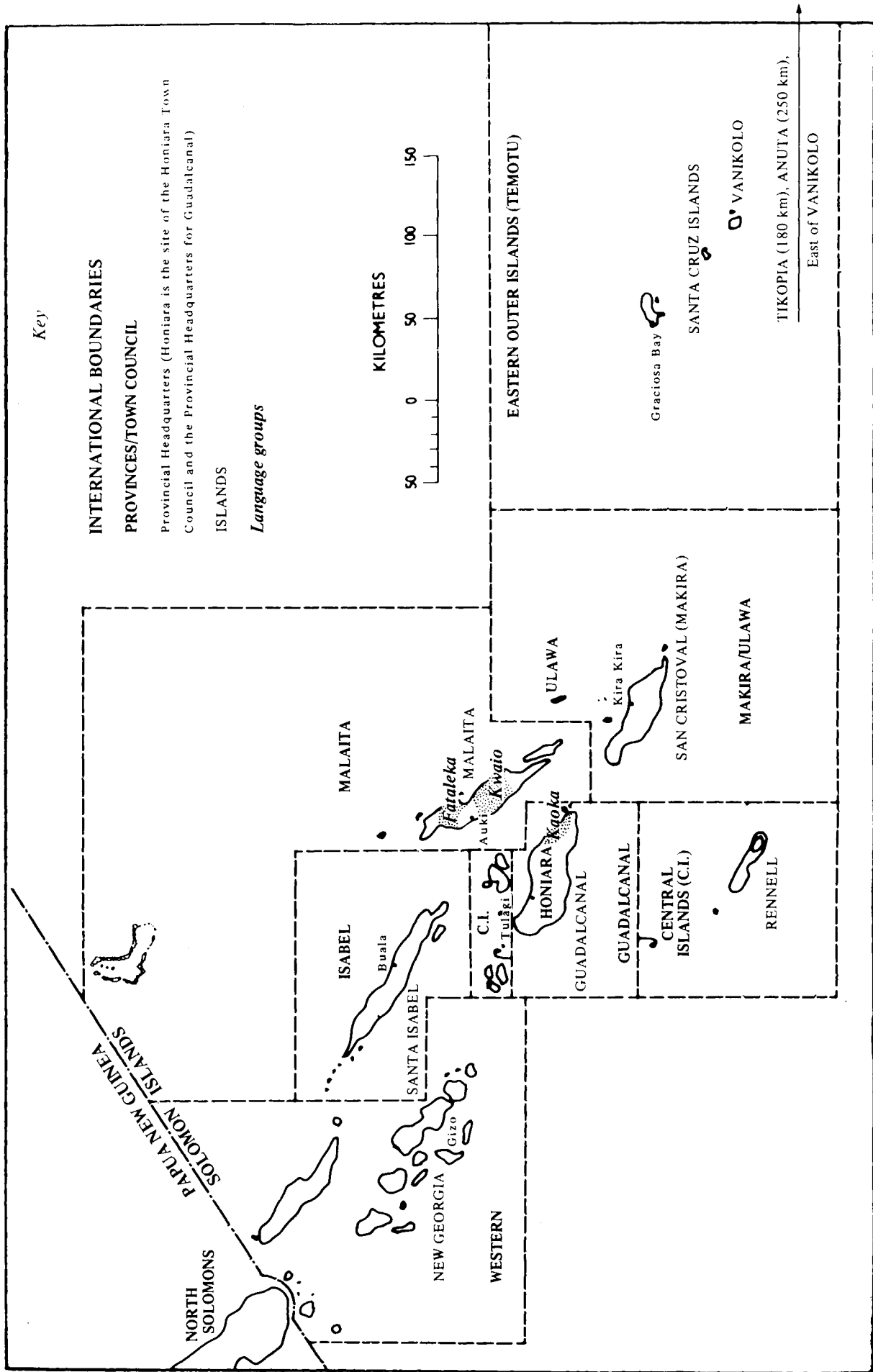
This chapter is concerned with the choice of areas to which powers are to be decentralised and the delimitation of the boundaries of these areas. It contains three working papers: the first deals with the general problems involved in defining provincial boundaries in Solomon Islands; the second considers the special case of the national capital, Honiara; and the third examines the question of sea boundaries.

In Solomon Islands, the basic administrative units to which powers are being decentralised are known as 'provinces'. The country is divided into seven rural provinces and an urban area, Honiara. The provinces vary in population from a little over 10,000 to approximately 60,000 (the population of Honiara is 15,000 - Solomon Islands 1978b:5). One province, Guadalcanal, is located on a single island (which it shares with Honiara), while others, such as the Western and Eastern Outer Islands ('Temotu') provinces, consist of many small and widely scattered islands. In two cases, Western and Malaita, the areas covered by the provinces are the same as those administered as 'districts' under colonial rule. In all cases, they coincide with the boundaries of local councils when implementation of the *Plan of Operations* was complete.

The first working paper examines the advantages and disadvantages of using the existing provinces as the basis for decentralisation, and considers whether any changes are needed in the present provincial boundaries. In most countries, there are considerable advantages to be gained by using existing administrative areas, particularly if they already have well-established headquarters and their existence is generally recognised by the people. In many cases, there will be a choice between two or more administrative levels (for example, where provinces are subdivided into districts, should decentralisation be to the provincial or the district level?), and it will be necessary to consider the advantages and disadvantages of each. Important factors to consider will be the economic and administrative viability of the areas, their acceptance by the people, and in some countries the possibility of endangering national unity by encouraging existing regional tensions. In Papua New Guinea, for example, the principal units of colonial administration, the 'districts', were chosen in preference to either the larger regions, which were sometimes used for administrative purposes, or the usually much smaller local government councils. Councils were generally too small to be viable units of government, and, at least in some areas, were not held in much respect by the people, while regions were too big to be meaningful to village people and could also become powerful enough to threaten national unity (Papua New Guinea 1974: Part 1, 10/2-4). The 'districts' were renamed 'provinces' to symbolise a break with the colonial past.

The status of the national capital, which is the subject of the second working paper, is likely to be an issue in any case of decentralisation. Normally, the size and importance of the capital city are such that it cannot be administered as just a part of the province in which it is located. Moreover, interests other than those of the people of a single province tend to be concerned with its government. Working Paper 1.2 discusses the main alternatives available, with particular reference to Honiara, which is located on the island of Guadalcanal. Similar questions to those raised in relation to the national capital, especially those which bear on the relationship between a town and a largely rural province, may arise in the case of other large urban areas. They are particularly likely to arise with towns which are already administered as separate units or have their own local government bodies.

It is important that the individual characteristics of urban areas are not ignored in a decentralisation programme, even if national priorities are directed towards rural rather than urban development. In Tanzania, for example, urban councils were abolished when decentralisation was introduced, but they have since been reintroduced because it was found that urban services were deteriorating.



PROVINCIAL BOUNDARIES AND ADMINISTRATIVE HEADQUARTERS, PLACES AND LANGUAGE GROUPS MENTIONED IN THE TEXT

The question of sea boundaries is particularly important in an island country like Solomon Islands, but it has to be considered in any country which has a coastline. The basic issue is whether provinces should have any powers over sea areas bordering their provinces, and if so, what sort of powers these should be and how far out to sea they should extend. The issue can become exceedingly complicated because it raises questions of access to maritime resources, including strategic resources such as oil and minerals, and 'mobile' resources like fish and crustaceans. It tends to become all the more contentious in countries where a 200-mile fisheries or economic zone has been declared, as in almost all of the South-West Pacific, especially where there are international disputes over national jurisdiction. The main issues involved and the alternatives available are outlined in Working Paper 1.3.

## WORKING PAPER 1.1

### PROVINCIAL BOUNDARIES

1. Members have received a summary of submissions and tour reports about people's attitudes on the subject of provincial boundaries. After looking at the summary, do members feel that the number or boundaries of existing provinces should be changed? For example:

- Are some provinces too big?
- Are some provinces too small?
- Should all provinces have about the same area and/or population?
- Should the boundaries of some provinces be changed because of difficulties or ease of communication within provinces?
- Should every island be part of a province?

2. The constitution says that there shall be a Constituency Boundaries Commission consisting of the following people:

- a Chairman and two other members chosen by the Judicial and Legal Services Commission (and appointed by the Governor-General);
- the Chief Surveyor; and
- the Head of the Statistical Services.

The Commission has the job of recommending to the National Parliament how many provinces there shall be and where their boundaries shall lie. The Commission must report to the National Parliament at least once every ten years, and Parliament has the power to decide whether the recommendations in the report shall be carried out (Solomon Islands 1978a: sections 53, 114).

Do Committee members agree that the Constituency Boundaries Commission should recommend the number and boundaries of provinces to the National Parliament? and that Parliament should decide the question?

3. If the system should be changed, then it is necessary to consider the following:

- (i) who should decide the number and boundaries of provinces?
- (ii) should a separate body prepare a report first?
- (iii) should provincial governments have a say in deciding the number and boundaries of provinces?
- (iv) should the constitution or a national law say how many provinces there shall be?
- (v) who should decide whether provinces may join together or be divided?  
Should provincial governments be able to initiate or to carry out such changes on their own? Or should there be some national controls?
  - and, if so, of what kind?

Should the constitution or a national law provide for regular reviews of the number and boundaries of provinces? If so, who should carry out such a review? and how often?

Should the constitution or a national law set down rules for such reviews? Such rules might say -

- exactly how many provinces shall be allowed

or

- the greatest number of provinces allowed

and/or

- the smallest number of provinces allowed.

Or they might tell the people who carry out the review to pay attention to the population, area, or internal communications of each province or to the common interests of its various parts, or to some other factor, such as the boundaries of National Parliament constituencies.

4. Some provinces are named after an island or islands (Guadalcanal, Isabel, Makira/Ulawa, Malaita) or a place (Honiara), while others describe the part of the country they cover (Central islands, Eastern Outer Islands, Western).

Should the names of any provinces be changed? If so, which ones? Do Committee members want to decide what they should be called?

Should the names of particular provinces be set out in the constitution or a national law? Who should in future decide on the names of provinces? Who should have the power to change them?

- each Provincial Assembly for itself?
- the National Parliament?
- or some special body?

5. The powers and functions of provincial governments (for example, in relation to fisheries, internal migration) may be closely related to the numbers and boundaries of provinces. Committee members might find it useful to look at the questions asked above in light of decisions they will make about the powers and functions of provincial governments (see especially Chapter 3).

## WORKING PAPER 1.2

### THE STATUS OF THE NATIONAL CAPITAL

1. This paper considers alternative ways of dealing with the relationship between the national capital, Honiara, and its hinterland, which comes under the Guadalcanal Provincial Government.

**Option (i):** Honiara and Guadalcanal could both be provincial governments

#### *Advantages*

- same powers and functions (and so autonomy) for both

#### *Disadvantages*

- regional planning might be more difficult
- conflicts might not be resolved  
*unless* both provincial governments negotiate  
*but* what happens if they do not finally agree?

**Option (ii):** Two separate provincial governments under a higher authority, including representatives of both provincial governments

#### *Advantages*

- makes joint planning possible
- resolves conflicts

#### *Disadvantages*

- reduces the autonomy of both provincial governments
- might draw outsiders into conflicts

**Option (iii):** Guadalcanal a provincial government and Honiara a special case (for example, a national capital territory)

#### *Advantages*

- might preserve national interest in Honiara
- might preserve Guadalcanal autonomy outside Honiara boundary

#### *Disadvantages*

- conflicts not resolved
- regional planning might be difficult
- might limit the rights of Honiara people to have a say in government below national level

**Option (iv):** Honiara an Area Council of Guadalcanal Province (that is, a unit of government subordinate to the provincial government)

***Advantages***

- Guadalcanal would have same powers and functions over the whole island as other provincial governments
- might help solve some Guadalcanal problems
- might help regional planning
- no conflict between provincial governments with equal powers

***Disadvantages***

- might not look after national interest in Honiara
- might lead to resources leaving Honiara
- might give more outsiders a say in Guadalcanal government
- Honiara might lose autonomy

**Option (v):** Honiara an Area Council (perhaps called City/Town Council) of Guadalcanal with special safeguards such as certain grants to Guadalcanal tied for Honiara to spend, representation in the Provincial Assembly, internal devolution to Area Council level, and a requirement that neither Guadalcanal nor Honiara can do some things unless the other agrees

***Advantages***

- might help Guadalcanal to deal with problems on the boundary
- helps devolution within the province
- can lead to efficient coordination of services (therefore savings)

***Disadvantages***

- gives Honiara less autonomy than other provinces
- gives Guadalcanal less autonomy than other provinces
- conflicts between Honiara and Guadalcanal might still arise
- gives Honiara and Guadalcanal veto powers over one another (and so Guadalcanal is less powerful than other provincial governments).

2. Option (v) can be set up so that other cities or big projects, like mine sites, might be proclaimed in the same way as Honiara so that they can be separately governed within a provincial framework. If this is done, who should decide whether further cities or big projects should be proclaimed?

## WORKING PAPER 1.3

### PROVINCIAL SEA BOUNDARIES

1. Under existing legislation, the territorial waters of Solomon Islands extend to twelve miles from designated baselines. Each baseline is drawn up according to the principles governing archipelagic waters, so that the twelve miles will start to run, in many places, not from the low water mark but from points further away. In addition to the territorial waters, Solomon Islands has declared an economic zone which stretches for 200 miles from the baselines.

In relation to the territorial waters, the government of Solomon Islands has complete sovereignty and full law-making powers. In relation to the economic zone, the national government has more limited rights: it has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, including those in the seabed.

2. At present, all marine resources up to the outer end of the economic zone belong to the national government. Provincial governments do not as such have any seas as part of their areas..

Ascribing a sea, or some parts of the seas, to a state or province has various functions:

- (a) the jurisdiction, and therefore the laws, of the state or province extend to those parts of the sea (which, among other things, means that it is not so easy to evade the laws by doing particular activities from the sea just off the coast);
- (b) a state/province is better able to organise its defence and the land area is better protected if a state/province can regulate shipping within so many miles of its coastline;
- (c) it gives the state/province ownership of marine resources.

3. In deciding on the question of provincial sea boundaries, the Committee should bear in mind that:

- (a) some of the functions of ascribing territorial seas outlined in para. 2 can be achieved without actually allocating territorial seas to a province, for example, by providing that certain marine *resources* shall belong to a province;
- (b) some functions may best be discharged nationally (for example, defence, provision of navigational maps);
- (c) many questions of the use of the seas are now determined by international law, and would thus be the responsibility of the national government;
- (d) having provincial sea boundaries will make it more complex to administer fishing, navigational laws, etc.;
- (e) the capacity of provincial governments to undertake the administration of the seas must be considered.

4. There are two options available:

**Option (i):** To declare that a part of the national territorial seas belongs to the provinces (for example, three miles from the baseline)

***Advantages***

- increases resources of province
- ensures provincial laws are not easily evaded
- preserves traditional fishing rights

***Disadvantages***

- makes administration of sea complex
- makes it difficult for Solomon Islands government to negotiate treaties, etc. on sea questions
- imposes heavy administrative demands on provincial governments
- nature of some resources (for example, migratory fish) makes it more sensible to have national rather than provincial regulation

**Option (ii):** To leave the seas and their administration with the national government but to deal specifically with issues where provincial governments have an interest, for example, revenue from marine resources, ownership and control of traditional fishing areas and reefs, etc.

***Advantages***

- keeps the law and regulation of seas and marine resources simple
- minimises burden on provincial administrative capacity
- safeguards the essential interests of the provinces
- exploitation of marine resources requires sophisticated and expensive technology and complex international transactions for which the national government is better qualified.

***Disadvantages***

- may not be possible to anticipate all the essential interests of provinces which need specific regulation
- weakens bargaining position of provinces.

5. If Option (ii) is adopted, the following matters might be specifically regulated:

- (a) traditional fishing grounds and reefs should be vested in (or belong to) the province or the particular community which has exercised the traditional rights;
- (b) all waters above the low water mark (that is, towards the land) should be declared provincial internal waters to be subject to the usual provincial powers;

- (c) the jurisdiction of the province should extend to, say, three miles below the low water mark, so that its law would apply to houses built into the sea;
- (d) the Fisheries Department or other relevant authority should not give a licence to fish (on a commercial scale) within three miles of the coast of a province without the consent of the Provincial Assembly;
- (e) there should be a formula for the sharing of the revenue from the exploitation of the marine resources (at present ten per cent of export duties on fish are shared between the provinces on a roughly per capita basis; the formula can be entrenched in relation to fisheries, with possibly a higher percentage to go to the provinces);
- (f) this will still leave unresolved the question of other mineral resources; the Committee may wish to recommend the establishment of a revenue-sharing principle for these as well;
- (g) if it is desired to give provincial governments powers over provincial shipping (including disciplining of crews), this should be expressly provided for, so that there is no doubt that laws and regulations made by them will be valid, even though they affect conduct in seas more than three miles from the baseline.