

CHAPTER 2

POLITICAL STRUCTURE

This chapter deals with the political structure of provincial governments. The first working paper examines the composition of the main political body, referred to here as the 'Provincial Assembly'. It is followed by a paper on the role and structure of the provincial executive or cabinet, including the procedures for selecting and removing the political head of the province, known in Solomon Islands as the 'president', and proposed to become the 'premier', except in the case of Honiara, which it is proposed should have a 'mayor'. The third paper discusses the more specific question of the role of traditional leaders in provincial governments, and the last paper considers the question of sub-provincial political units, known since independence as 'Area Councils' (Pacific Islands 1978: section 13(b)), but called 'local governments' by the Special Committee (Solomon Islands 1979b: 28-30).

Since this chapter is particularly concerned with the political aspects of decentralisation, it will be of only limited value in countries where it has already been decided that decentralisation should be primarily administrative in nature. However, it is likely to be relevant in countries where such a decision has not been firmly made. Some points are also likely to be useful in countries where powers either are, or are to be, decentralised to an integrated political and administrative body, which has some local involvement but is subject to national political control. In Zambia, for example, one of the contentious issues is whether chiefs should be represented on the new district councils, which include national and local government representatives and members of the national party.

In reading Working Paper 2.1 it is as well to bear in mind that it was written for use in a country where the constitution contains a commitment to political decentralisation ('participation of our people . . . and . . . decentralisation of power' - Solomon Islands 1978a: Preamble) and where it was, consequently, not appropriate to canvass the relative advantages and disadvantages of decentralisation in general, or of political as against administrative decentralisation in particular. The Working Paper was, moreover, written after the Special Committee on Provincial Government had decided not to change the number or boundaries of provinces established under the *Plan of Operations*. It is, therefore, concerned with outlining ways in which the composition of existing bodies might be changed when further powers are decentralised. It does not devote detailed attention to those problems which arise specifically when there is no existing body to which powers might be transferred (for example, how to consult the people of a province about which of a series of alternative arrangements they prefer, where flexibility is possible; whether to change the composition of an existing body at provincial level, say, by adding elected leaders, or to start afresh; etc.).

In like fashion, it is worth bearing in mind that Working Paper 2.2 was prepared for use in a country with a Westminster-style system of responsible ministerial government at the national level and a somewhat similar system at provincial level. It does not specifically canvass the relative advantages/disadvantages of an American-style separation of powers at provincial level, though the options presented in Working Papers 2.1 and 2.2 would have allowed Committee members to have recommended such a system or a form of executive presidency, had they so desired.

When it comes to Working Paper 2.3, it seems fair to say that the inclusion in this volume of a paper on 'chiefs' will probably surprise at least some students of the anthropology of Melanesia. The very idea of preparing such a paper was greeted with considerable scepticism by experienced anthropologists whose advice was sought before the original Background Paper was written.

However, the existence of chiefs has been recognised by a succession of influential bodies with

Solomon Islands members, and the question of giving them an official role in government has been a contentious issue in Solomon Islands politics (British Solomon Islands Protectorate 1972: 19-20; Solomon Islands 1973: 53-54, 1976: 5, and 1977: 16; United Kingdom Parliament 1977: 12). Chiefs are mentioned in the independence constitution (Solomon Islands 1978a: section 114 (2)) and in the terms of reference for the Special Committee on Provincial Government (see page 3 above). Many submissions received by the Committee dealt at length with the need to find a place for chiefs within the decentralised system of government.

In fact, some communities in pre-colonial Solomon Islands were ruled by chiefs - not only the small Polynesian outliers, Tikopia and Anuta, which have been described by Professor Raymond Firth (1954: 100 and 1960), but also some Melanesian communities (Goldie 1909: 24). In the case of Tikopia and Anuta, the British colonial authorities were so respectful of the chiefs that they did not bring their islands under the local council system, and District Officers did not land on them without the chiefs' permission (the future of the two islands under provincial government was an issue on which the Special Committee made specific recommendations - Solomon Islands 1979b: 14).

However, in many other communities, political leadership was exercised by 'big men'. Unlike chiefs, 'big men' did not accede to office. They built up personal followings on the basis of their abilities - at warfare, exchange or trade, hunting, fishing, gardening, sorcery, and other socially valued activities (Hogbin 1964: 62-71; Davenport 1964: 85-91).

In some communities, political leadership was open to competition, but eligibility for at least certain offices was restricted to members of a specified kin group (Chowning 1979: 70; Fox 1924; Russell 1950).

However, the term 'chief' has not always been employed with scholarly precision in Solomon Islands. It has been widely and loosely used to refer to local leaders of diverse types, including men of relatively little consequence, even locally, as well as 'big men' (Codrington 1891: 46). It has also been used to refer to a 'big man' who used his skills in alliance with a Christian mission to make himself the first 'paramount chief' of the various communities which live on the island of Isabel (White 1979: 128). During and after World War II, the term was used by Solomon Islanders to designate the members of the hierarchy of officials who organised and ran the *Ma'asina Ruru* movement which pressed the British administration for a greater say by Solomon Islanders in the government of the protectorate (Allan 1951: 93). It has often been used by Solomon Islanders to lend dignity to local leaders when describing them to foreigners who have expected to find 'chiefs', or who have been unable to understand how community affairs could be managed without chiefs. In some cases, 'chiefs' have been created and given limited functions to meet external demands for Solomon Islands communities to produce them (Codrington 1891: 46; Keesing 1968; cf. Knibbs 1929: 222-223). There are also Solomon Islanders who use chiefly and other titles to claim ascendancy over others for themselves or for kin or ethnic groups to which they belong. Some of the genealogical justifications which accompany such claims have millenarian overtones.

The Special Committee on Provincial Government tended to use the term 'chief' as a generic term for leaders of standing in local politics who had become important by customary or traditional means, rather than ballot box, or by such of those means as continue to provide avenues to leadership in a country where warfare has been outlawed, Christianity has become the majority religion, the economy is becoming increasingly monetized, and political leaders at both the national and provincial levels are elected on a universal, adult franchise.

Like previous constitutional bodies, the Special Committee dealt with 'chiefs' and other customary or traditional leaders at the same time. Working Paper 2.3 may, therefore, be useful in other

countries where the status and role of traditional local leaders is an issue in decentralisation.

Area Councils, which are dealt with in Working Paper 2.4, are the most local units of the introduced system of government in Solomon Islands, with only traditional political units 'below' them. Before independence, they were known by a variety of different names, including 'area' and 'subdistrict committees', while the Special Committee on Provincial Government recommended that they be called 'local governments' (Solomon Islands 1979b: 28-30).

Working Paper 2.4 is concerned with the composition of Area Councils, their relationship to provincial governments, and the powers and functions which they should be given. One of the most important questions with which it deals is the question of whether decisions about the existence, structure, powers, functions and resources of Area Councils should be made at the national level or left to individual provincial governments. Should provincial governments be trusted to decentralise beyond the provincial level? What should be done if they create provincial 'mini-Honiaras'? The issues canvassed will be relevant whenever consideration is being given to decentralisation to lower levels of government. It should, however, be remembered that the small size of Area Councils in Solomon Islands, combined with a relative lack of development in some areas, imposes limits on the kinds of structures which can be set up and on the resources at their disposal. The powers and functions of Area Councils in Solomon Islands are, almost inevitably, more limited than they need be in more populous, wealthier and more highly developed countries.

WORKING PAPER 2.1

STRUCTURE OF PROVINCIAL ASSEMBLIES

NAME OF PROVINCIAL ASSEMBLY

1. Under the Solomon Islands Independence Order, Local Councils have been renamed 'Provincial Assemblies' (Pacific Islands 1978: section 13(b)). There are three options available for the future:

Option (i): The Committee could decide that the name 'Provincial Assembly' should be kept and applied to all provinces

Advantages

- name new but already becoming known
- name would be same all over country
- new name shows system different from old Council system
- short accurate name

Disadvantages

- name not chosen by provinces
- name not well known
- name like name used in other countries, so might lead to confusion

Option (ii): The Committee could decide that provinces should be able to choose from a list of names set out in a national law or the constitution

Advantages

- more flexible
- some guidelines

Disadvantages

- not same in all parts of country
- provinces cannot choose any name they like

Option (iii): The Committee could decide to leave the choice of name completely to provinces

Advantages

- provinces choose

Disadvantages

- names might not be same in different parts of country so may be confusion.

MEMBERSHIP OF PROVINCIAL ASSEMBLY

2. Under the Solomon Islands Independence Order, the membership of Provincial Assemblies is the same for the time being as for Local Councils (Pacific Islands 1978: section 13(b)). The following options are available for the future:

Option (i): The Committee could decide that there should be no more changes to the membership of Provincial Assemblies

Advantages

- present system known
- all members elected

Disadvantages

- no change
- no flexibility

Option (ii): The Committee could decide there should be changes set out in the constitution or another national law

Advantages

- not old system
- would depend on what changes were made

Disadvantages

- changes not made by provinces
- would depend on what changes made

Option (iii): The Committee could decide that provinces can make choices from a list of options set out in the constitution or a national law

Advantages

- choice made by provinces
- choice within a single national system
- some flexibility

Disadvantages

- provinces not all the same
- provinces do not make a free choice

Option (iv): The Committee could decide that provinces should decide for themselves

Advantages

- choices made by provinces
- flexibility

Disadvantages

- system not same in all parts of country
- might give too much say to members not directly elected by the people.

3. If the Committee decides there should be changes to the membership of Provincial Assemblies *or* that provinces should be able to make changes to the present membership of Provincial Assemblies, then there are a number of changes which might be considered:

Option (i): Members chosen by Area Councils

Advantages

- Area Councils directly represented at provincial level
- Area Councils might know better what is happening at provincial level
- might reduce conflict between provincial and area leaders

Disadvantages

- these members not directly elected
- might lead to conflict between area and provincial leaders

N.B. Should it be possible for a Provincial Assembly to consist entirely of members chosen by Area Councils?

Option (ii): Members of National Parliament become Provincial Assembly members

Advantages

- Provincial Assemblies can make views known directly to national politicians
- issues raised in National Parliament can be brought directly to provincial leaders
- might reduce conflict between provincial and national leaders

Disadvantages

- national and provincial leaders elected at different levels
- might confuse national and provincial issues
- might increase conflict between national and provincial leaders

Option (iii): Other important local leaders (for example, churchmen, leaders of commercial or trades union bodies) and/or public servants become Provincial Assembly members

Advantages

- important leaders included
- important interests involved

Disadvantages

- not elected by people
- might give some interests too much say.

4. If the Committee recommends any of the above changes, it could decide that members of Area Councils, members of the National Parliament and/or other important leaders should be:

(i) co-opted by Provincial Assemblies after each election

or

(ii) co-opted at regular intervals, say each year

or

(iii) be made members of Provincial Assemblies by right (that is, by national or provincial law).

5. The Committee could also recommend that these members:

(i) speak and vote

or

(ii) only speak

or

(iii) speak only when asked for advice

or

(iv) decision should be left to Provincial Assemblies.

6. The Committee could also decide whether these members should:

(i) be paid

or

(ii) receive sitting allowances and travelling expenses to help them attend meetings

or

(iii) receive nothing.

7. If there are members of Provincial Assemblies not directly elected by the people, the Committee could recommend either of the following:

Option (i): That there should be a limit on the number of them

Advantages

– keeps balance between elected and unelected

Disadvantages

- less flexible

Option (ii): That there should be no limit on the number of them

Advantages

- more flexible

Disadvantages

- might not be balance between elected and other members.

NATIONAL CONTROL OVER STRUCTURE, COMPOSITION AND PROCEDURES OF PROVINCIAL ASSEMBLIES

8. The Committee should consider how much control the national government should have over the structure, composition and procedures of Provincial Assemblies. There are three options:

Option (i): There could be a national law setting out:

- (i) the exact size of provincial assemblies
or
- (ii) maximum/minimum size of provincial assemblies
or
- (iii) area/population of electorates
and/or
- (iv) relationship between Area Councils, Provincial Assemblies and National Parliament constituency boundaries
and/or
- (v) a body to decide on Provincial Assembly electorates (the Constituency Boundaries Commission or another body?)
and/or
- (vi) qualifications of electors and members (for example, they could be the same as in national elections so same rolls used)
and/or
- (vii) timing of Provincial Assembly elections (for example, money could be saved, but confusion caused, if held simultaneously with National Parliament or Area Council elections)

and/or

- (viii) whether elections for Provincial Assemblies can be held before term is complete

and/or

- (ix) when Provincial Assemblies should meet (for example, how soon after elections, a minimum number of times per year, and/or when a certain number of members ask for meeting)

and/or

- (x) who should preside at meetings of Provincial Assemblies (for example, the head of the executive - as in some local government systems; a member chosen from among the elected members - as in most Westminster-system parliaments; or a person who is not necessarily an elected member chosen by the elected members - as in the Solomon Islands National Parliament)

and/or

- (xi) who should summon members of Provincial Assemblies to the first meeting after a general election and/or at other times (for example, a national government minister, the presiding officer or a senior public servant)

and/or

- (xii) the legislative procedures, privileges and immunities of Provincial Assemblies

Advantages

- might be greater certainty
- might save money

Disadvantages

- might not suit local conditions well
- might be less flexible

Option (ii): There could be national guidelines or options from which provinces choose

Advantages

- a national framework
- some flexibility

Disadvantages

- might not be completely what provinces want
- limits choice

Option (iii): It could be left to provinces to decide

Advantages

- flexibility
- free choice

Disadvantages

- no national framework
- might cost more.

SALARIES/ALLOWANCES FOR MEMBERS OF PROVINCIAL ASSEMBLIES

9. There are three options to be considered:

Option (i): Salaries/allowances could be set at national level

Advantages

- same in all parts of the country
- might limit costs

Disadvantages

- provinces do not decide
- less flexible

Option (ii): Salaries/allowances could be required to be within national limits

Advantages

- some flexibility
- might save money

Disadvantages

- provinces do not decide
- might not suit local conditions

Option (iii): Salaries/allowances could be set at provincial level

Advantages

- provinces decide how much money used
- flexibility for local conditions

Disadvantages

- might cost more
- might weaken financial standing of country as a whole
- might increase inequalities between provinces.

If option (iii) is chosen, the Committee might like to consider whether payments to members of Provincial Assemblies should be set by Provincial Assemblies themselves or by an independent body.

OTHER ISSUES

10. It has been suggested that a Governor should be appointed in each province to represent the head of state at provincial level. The Committee might like to consider the desirability of having such an office.

11. It has also been suggested that provincial governments should be represented in the National Parliament. The Committee might like to consider this suggestion.

12. The Committee might also like to consider whether the Provincial Assembly should be able to dissolve itself (for example, by a special majority)

Advantages

- flexibility in difficult times
- elected leaders decide

Disadvantages

- fixed terms more certain
- elected leaders should compromise.

WORKING PAPER 2.2

PROVINCIAL EXECUTIVES

1. It is necessary to decide how much control the national government should have over the structure and organisation of provincial executives, including:

- (a) size of provincial executives;
- (b) organisation of executives (for example, committee or portfolio system);
- (c) title of head of executive;
- (d) choosing head of executive;
- (e) removing head of executive.

There are three options available:

Option (i): There could be a national law setting out how provincial executives should be structured and organised

Advantages

- system the same in all parts of country
- might limit costs

Disadvantages

- provinces would not be free to choose
- might not suit some provinces

Option (ii): There could be a set of options in the constitution or in a national law from which provinces could choose

Advantages

- national framework
- some flexibility
- might limit costs

Disadvantages

- provinces do not have complete freedom of choice
- might not suit some provinces.

Option (iii): It could be left to provinces to decide how their executives are organised

Advantages

- provinces choose
- flexibility

Disadvantages

- no national framework

- no guidance for provincial governments
- might cost more.

2. If it is decided that the national government should have some control over the above issues, it is necessary to look at the alternatives available. These are discussed in the following paragraphs.

A. SIZE OF PROVINCIAL EXECUTIVES

3. It is possible to set the actual or maximum/minimum size of provincial executives

Advantages

- might limit costs

Disadvantages

- less flexible.

B. ORGANISATION OF PROVINCIAL EXECUTIVES

4. There are several alternative ways of organising provincial executives

Option (i): Executive committee

Advantages

- responsibility/power shared
- might help coordination/planning between departments

Disadvantages

- might be slow to make decisions
- lines to/from departments may not be clear.

Option (ii): Specialist committees

Advantages

- responsibility/power shared

Disadvantages

- might be slow to make decisions
- lines to/from departments may not be clear

Option (iii): Portfolio system (like ministers)

Advantages

- lines to/from departments clear
- might be easier to get decisions between meetings
- members may be more available between meetings

Disadvantages

- portfolio holders might act on their own, thus discouraging interdepartmental co-ordination

- portfolio holders might interfere in day-to-day running of departments
- portfolio holders might become an elite
- might cost more.

C. TITLE OF HEAD OF EXECUTIVE

5. There is no inherent advantage in any particular title. However, it should be remembered that there will be a tendency to make comparisons with other countries and this could cause some confusion. For example, in the South Pacific, the term 'premier' is likely to be associated with the premiers of Australian states.

D. CHOOSING HEAD OF EXECUTIVE

6. There are three main ways in which the head of the executive might be chosen:

Option (i): Elected by provincial executive

Advantages

- easy to organise

Disadvantages

- may not be acceptable to other members of Assembly or province as whole

Option (ii): Elected by Provincial Assembly

Advantages

- easy to organise
- acceptable to whole of Assembly

Disadvantages

- may not be acceptable to province as whole

Option (iii): Elected by whole population in special election (which might be held at same time as election for Assembly members)

Advantages

- more likely to be acceptable to province as whole

Disadvantages

- more complicated and expensive to organise
- people may be confused by two elections.

E. REMOVING HEAD OF EXECUTIVE

7. The term of office of the head of the executive may be any of the following:

Option (i): Full life of Provincial Assembly

Advantages

- continuity
- experience

Disadvantages

- could become too powerful
- hard to remove if not working well

Option (ii): Re-elected at fixed intervals (for example, annually)

Advantages

- easier to remove if not effective

Disadvantages

- lack of continuity/experience

Option (iii): Until removed by Provincial Assembly

Advantages

- stays in office while has support

Disadvantages

- uncertainty regarding future
- could be removed for trivial reasons.

8. If it is decided that the head of executive may be removed by the Provincial Assembly, it is necessary to consider the circumstances in which this can be done:

Option (i): May be removed without any specific reasons (for example, if voted out by a specific majority or following a special motion)

Advantages

- enforces political responsibility
- elected leaders decide
- allows for removal in unexpected (or unspecified) circumstances

Disadvantages

- can be removed for political reasons
- circumstances of removal not specified
- may make removal of law breaker or sick person too hard.

Option (ii): May be removed in certain specified circumstances, for example,

- ineligibility to vote
- bankruptcy
- mental incapacity
- physical inability
- guilty of serious crime
- sentenced to imprisonment
- holding of public and/or electoral office
- electoral malpractice
- absence or delay in work
- misconduct in office (kind of misconduct may be specified).

Advantages

- reasons for removal must be clear
- cannot be removed for purely political reasons

Disadvantages

- removal may be too hard where there is doubt
- may be uncertainty while removal procedure under way.

9. If Option (ii) in para. 8 is chosen, the Committee might like to decide how the removal should actually be put into effect:

Option (i): Removal automatic following decision of appropriate body (for example, court, doctor, special committee of the Assembly)

Advantages

- removal certain
- no political compromise

Disadvantages

- no room for other things to be considered
- elected leaders do not decide

Option (ii): Removal subject to a vote of the Assembly

Advantages

- elected leaders decide
- good leader can be warned and kept on

Disadvantages

- may lead to political compromise
- uncertainty.

10. The Committee might also like to consider whether the removal of the head of the executive should also lead to his removal from the Provincial Assembly:

Advantages

- wrongdoers should be removed completely
- those incapable of good leadership should be removed completely

Disadvantages

- head of executive not an ordinary member
- two issues should be considered separately.

11. If he is removed from the Assembly as well, it is necessary to consider whether other members of the Assembly should be removed for the same reasons.

12. The Committee may also like to consider the following related issues:
- (a) whether the rest of the provincial executive should be removed with the head;
 - (b) whether provision should be made for suspension (perhaps for a limited period or subject to periodic votes) before removal;
 - (c) whether there should be safeguards when mental incapacity or physical inability is alleged (for example, the opinions of two doctors);
 - (d) whether there should be provision for the head to be stood down while under investigation for certain offences.
13. It may also be necessary to consider what should happen in the following circumstances:
- (a) if the head of the executive interferes, without breaking the law, in the administration of a province;
 - (b) if the head of the executive and the rest of the Provincial Assembly cannot agree on the annual budget;
 - (c) if the head of the executive behaves in a manner which embarrasses or annoys the Assembly and affects its reputation.

WORKING PAPER 2.3

THE ROLE OF CHIEFS

1. The constitution says that the Special Committee shall consider the role of traditional chiefs (Solomon Islands 1978a: section 114(2)), and many submissions have been received on the subject. There are four main options available:

Option (i) : There could be a national law saying what part chiefs should play in provincial governments and/or Area Councils

Advantages

- certainty about the part that chiefs will play
- system would be the same wherever there are chiefs

Disadvantages

- does not allow provincial governments or Area Councils to decide
- does not take account of local conditions

Option (ii): There could be national guidelines, without the force of law, recommending what part chiefs should play

Advantages

- would make clear what is intended
- allows for local conditions

Disadvantages

- may not be put into effect.

Option (iii): Provincial governments could decide for themselves what part chiefs should play

Advantages

- takes account of local conditions

Disadvantages

- without a national law, provincial governments might not allow chiefs to play a part in Area Councils

Option (iv): Area Councils could decide for themselves what part chiefs should play

Advantages

- as for Option (ii) above

Disadvantages

- as for Option (ii) above.

2. If Option (i) or (ii) in para. 1 is chosen, the Committee could recommend one of three options:

Option (i): Chiefs should play a part at provincial level

Advantages

- brings in grassroots leaders
- shows respect for chiefs
- would mean that leaders who know custom take part

Disadvantages

- chiefs not elected
- chiefs might not be treated with due respect
- not all areas have chiefs
- too many chiefs
- chiefs usually concerned with more local matters

Option (ii): Chiefs should play a part in Area Councils

Advantages

- as for Option (i)
- close to level at which chiefs have led in past

Disadvantages

- as for Option (i), but not always the last point

Option (iii): Chiefs should not play a part in government at all

Advantages

- only elected leaders take part
- some kinds of change might be more easily approved

Disadvantages

- grassroots leaders not included in government
- shows no respect for local leaders
- knowledge about custom less readily available.

3. If the Committee decides that chiefs should play a part at provincial or Area Council levels, then there are further options to consider about what that part should be:

Option (i): Chiefs should be allowed to speak and vote

Advantages

- allows grassroots leaders to take full part in meetings
- shows respect for chiefs
- makes leaders who know custom more effective

Disadvantages

- not elected
- if overridden, not respected
- too many chiefs

Option (ii): Chiefs should be allowed only to speak

Advantages

- could give advice but not shamed if advice rejected

Disadvantages

- chiefs not fully effective

Option (iii): Chiefs could meet separately to give advice

Advantages

- avoids conflict between chiefs and elected leaders

Disadvantages

- chiefs not fully effective.

4. If the Committee believes that chiefs should play a part at the provincial or Area Council levels, it should consider -

- whether all chiefs or only paramount chiefs should be included; and
- how chiefs should be chosen -
 - by agreement at meetings of the people?
 - by co-option by Provincial Assemblies or Area Councils?
 - in some other way?

5. The Committee might like to consider suggestions which have been made that a role for chiefs should be found at the national level (for example, by holding conferences of chiefs).

WORKING PAPER 2.4

AREA COUNCILS

1. It is necessary to decide how much control the national government should have over the establishment of Area Councils or other sub-provincial bodies:

Option (i): There should be a national law which says that provincial governments must set up Area Councils

Advantages

- Committee could be sure that Area Councils will be set up
- might ensure devolution within provinces
- ensures grassroots participation in government
- there would be a national framework

Disadvantages

- means provincial governments/local communities would not decide
- framework might not suit some areas

Option (ii): There should be a national law which allows provincial governments to set up Area Councils - perhaps within certain guidelines

Advantages

- allows provincial governments to decide/consult local communities
- respects provincial autonomy
- more flexible

Disadvantages

- no certainty what would happen
- would allow provincial governments not to devolve further

Option (iii): It should be entirely up to provincial governments whether to set up Area Councils

Advantages

- respects provincial autonomy
- allows flexibility to suit local conditions

Disadvantages

- might be no further devolution from provincial governments
- decision made by provincial, not grassroots, leaders

Option (iv): Provincial governments must ask local communities whether they want Area Councils - and leave it to the people to decide how they should be set up

Advantages

- flexibility
- respects local opinion/autonomy

Disadvantages

- uncertainty about what would happen
- difficulties of consultation
- no national, and perhaps no provincial, framework.

2. If Option (iv) is selected, the Committee should consider how local communities might be consulted.

3. If Option (i) or (ii) is selected, the Committee could make recommendations about -

(a) the membership of Area Councils -

1. exact membership
2. maximum/minimum size
3. population/area covered
4. proportion of chiefs and other members
5. whether leaders other than chiefs should become members because of offices they hold, for example, National Parliamentarians, Provincial Assembly members, church leaders, public servants, etc.

Advantages

- could be certain about membership of Area Councils
- could be certain of how much say elected/non-elected members have
- could see Area Councils are not too big so that they do not meet for too long or cost too much in sitting allowances

Disadvantages

- less flexible
- might not allow important local leaders to be included

(b) qualifications for voters and members

Advantages

- means same rolls could be used in national, provincial and Area Council elections
- might be fairer

Disadvantages

- less flexible
- might not suit local conditions

(c) whether Area Council elections should be held at the same time as Provincial Assembly elections

Advantages

- might cost less

- might save time

Disadvantages

- provincial and Area Council issues/candidates might be confused
- less flexible

- (d) name and kind of executive - or perhaps a set of options from which Area Councils might choose

Advantages

- certainty or at least guidance

Disadvantages

- might take less account of local conditions

- (e) whether members additional to chiefs and elected members should speak and vote, speak by right, or be advisory

Advantages

- balance between chiefs, elected members and others clear

Disadvantages

- might be less flexible

- (f) sitting allowances

Advantages

- might control spending

Disadvantages

- decision not made by local leaders.

4. It is also necessary to consider the powers and functions of Area Councils:

- Option (i):** There could be a national law setting out the powers and functions of Area Councils, or at least their minimum powers and functions

Advantages

- ensures that at least some devolution occurs within provinces
- might give Area Councils a sense of purpose

Disadvantages

- less autonomy for provincial governments
- less flexible

- Option (ii):** There could be national guidelines

Advantages

- might encourage devolution within provinces

Disadvantages

- devolution within provinces less certain than in Option (i)

Option (iii): The powers and functions of Area Councils could be left to Provincial Assemblies to decide - perhaps in consultation with Area Councils

Advantages

- more flexible
- respects provincial autonomy

Disadvantages

- devolution within provinces less certain.

5. There are a number of options concerning relations between Area Councils, Provincial Assemblies and the National Parliament:

Option (i): There could be a national law saying members of the National Parliament and/or Provincial Assemblies could speak *or* speak and vote *or* just give advice when asked at area Council meetings

Advantages

- helps communication between leaders at different levels
- provides information about national/provincial policies for Area Councils
- provides information about grassroots for national/provincial leaders

Disadvantages

- might mean national or provincial leaders dominate Area Councils
- national/provincial leaders short of time
- might increase conflict between leaders at different levels

Option (ii): There could be national guidelines

Advantages

- more flexible
- respects provincial/Area Council autonomy

Disadvantages

- less certain

Option (iii): Provincial governments should decide

Advantages

- respects provincial autonomy

Disadvantages

- National Parliament/Area Councils do not decide

Option (iv): Area Councils could decide

Advantages

- flexible
- respects Area Council autonomy

Disadvantages

- less certain
- might be breakdown in communication between different levels

Option (v): Provision could be made by national/provincial governments for Area Councils to be represented on Provincial Assemblies

Advantages

- increases communication between different levels

Disadvantages

- Area Council representatives not directly elected to provincial level
- might increase conflict.

6. If Option (v) is selected, the Committee could decide how many Area Council representatives there should be on Provincial Assemblies; how they should be chosen; whether they should speak and vote/speak/be advisory only.

7. Similar decisions to those in para. 5 must be made regarding the collection of a basic rate or tax by Area Councils:

Option (i): The Committee could decide that there should be a national law requiring a (minimum?) basic rate to be collected

Advantages

- ensures local contributions to government revenue
- minimum could allow flexibility
- means Provincial Assemblies/Area Councils do not have to decide whether to collect basic rate

Disadvantages

- does not allow provincial governments and/or Area Councils to decide
- basic rate unpopular
- minimum might be a problem in some areas

Option (ii): There could be a national law requiring provincial governments to allow Area Councils to collect basic rate

Advantages

- guarantees right to Area Councils to collect basic rate

Disadvantages

- Area Councils might be unpopular if they decide to collect basic rate
- does not help principle that everyone who can should contribute to costs of government

Option (iii): Decisions about the basic rate could be left to provincial governments/Area Councils

Advantages

- gives provincial governments/Area Councils power
- flexibility

Disadvantages

- no certainty that all who can contribute to the costs of government
- might be difficult for provincial governments/Area Councils to decide about rate.

8. The Committee could also decide whether it wants to say who should collect the basic rate; which level of government should keep how much of it; and what controls there should be over how the money should be spent.

9. The Committee could also decide whether it wants to make recommendation about financial grants to Area Councils - perhaps so much grant from the national/provincial governments for so much basic rate collected.

10. The Committee could also make recommendations about relations between Area Councils and national/provincial government staff.