

3 Island jurisdictions in comparative constitutional perspective

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BALANCING SELF-RULE AND SHARED RULE

Island jurisdictions, even more than their mainland counterparts, are gripped by dual and seemingly contradictory pressures for both autonomous self-government, on the one hand, and for political partnership on the other. The need to balance these two sets of pressures is an ever-present fact of life for island communities, whether sovereign or not.

In surveying the international scene, it is worth noting that pressures for island autonomy have expressed themselves in the acceptance by the United Nations of 14 individual island states among its 192 members, some quite large, but a number quite small:

Barbados, Cuba, Cyprus, Dominica, Grenada, Iceland, Jamaica, Madagascar, Malta, Mauritius, Nauru, Singapore, Sri Lanka, St Lucia.

The UN also has 25 sets of islands (unions or federations) among its members:

Antigua and Barbuda, Bahamas, Cape Verde Islands, Comoros, Federated States of Micronesia, Fiji, Indonesia, Japan, Kiribati, Maldives, Marshall Islands, New Zealand, Palau, Philippines, São Tomé and Príncipe, Samoa, Seychelles, Solomon Islands, St Kitts and Nevis, St Vincent and the Grenadines, Tonga, Trinidad and Tobago, Tuvalu, United Kingdom, Vanuatu.

This accounts for a total of 39 sovereign island members in the UN. In addition, five other UN members represent significant portions of islands: the Dominican Republic and Haiti (sharing the island of Hispaniola), the Republic of Ireland (shared with Northern Ireland), and East Timor and Papua New Guinea (both sharing islands with Indonesia). Papua New Guinea itself includes a number of dependent islands (one of which, Bougainville, may itself emerge as an independent sovereign state within the next decade). One other island jurisdiction – Taiwan – has been and could be considered an independent state, although it is regarded by the Republic of China as a renegade province. (Indeed, Taiwan was a member of the United Nations, and even of the Security Council, until 1971, when ‘mainland’ China replaced Taiwan in the organization.)

At the same time, there are many other islands that possess various degrees of self-government but are linked in formal political partnerships with other territories or islands. Some 18 other islands, or groups of islands (some of them larger than islands

that are sovereign units and members of the UN), are states, provinces or territories in eight different federations:

In Argentina 1: Tierra del Fuego (shared with Chile); in Australia 1: Tasmania; in Canada 3: Prince Edward Island, Newfoundland and Labrador, and Nunavut (an archipelago with some mainland territory); in Comoros 3: Njazidja, Mwali and Nzwani (this federation has been torn by serious secession pressures); in Federated States of Micronesia 4: Kosrae, Pohnpei, Truk and Yap; in Malaysia 3: Penang, Sabah and Sarawak; in Spain 2: Balearics and Canary Islands; and in the USA 1: Hawai'i.¹

In addition, a variety of autonomy arrangements link small islands to larger states. Ten islands or groups of islands form federacy relationships with a larger polity, and three islands or sets of islands have developed associated-state relationships with a larger polity. Moreover, 18 other islands, or groups of islands, though having a measure of constitutional home rule, are directly administered by a larger polity. (Federacy, associated state, confederal and other arrangements are defined and examined later in this chapter.)

Since 1946, the United Nations has been keeping a controversial list of 'non-self-governing territories' which the UN, often following its own ideological agenda, sees as deserving of 'graduation' to sovereign status (see Connell, Chapter 11, this volume). Yet most of the citizens of these territories have democratically opted to maintain their associated-state status, and have rejected independence (Baldacchino, 2004). There were 16 jurisdictions on this UN list in 2007, of which all but two were island units:

American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falklands/Malvinas, Guam, Montserrat, New Caledonia, Pitcairn Islands, St Helena and its dependencies, Tokelau, Turks and Caicos Islands, the US Virgin Islands, and the two non-island units of Gibraltar and Western Sahara.

Several international regional associations include a significant number of island members. Some 16 of the sovereign island states that are UN members are linked in a confederal partnership in the Caribbean Community and Common Market (CARICOM) (17 full and associate island members). The 12 full island members of CARICOM are:

Antigua and Barbuda, the Bahamas, Barbados, Dominica, Grenada, Haiti, Jamaica, Montserrat, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, and Trinidad and Tobago. In addition, there are five associate island members: Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands and the Turks and Caicos. The three non-island members are Belize, Guyana and Suriname. A number of other islands (Dominican Republic, Netherlands Antilles, Puerto Rico and Cuba) maintain observer status, as do Mexico and Venezuela.

Moreover, there are four island members in the European Union, namely the United Kingdom and Ireland (which joined the then European Economic Community in 1973), and Cyprus and Malta (which joined the European Union in 2004).

Yet another four islands or groups of islands are members of the Nordic Council, namely:

Iceland, Greenland, Faeroe Islands, and Åland Islands. (The Nordic Council also includes Denmark, Finland, Norway and Sweden.)

The South Asian Association for Regional Cooperation (SAARC) includes two island members, Sri Lanka and Maldives;² while the Association of South East Asian Nations (ASEAN) in addition to Brunei Darussalam, Cambodia, Laos, Malaysia, Myanmar, Thailand and Vietnam, also includes Indonesia, the Philippines and Singapore.

Of the 53 freely associated members of the British Commonwealth, 27 are islands or groups of islands:

Antigua and Barbuda, the Bahamas, Barbados, Cyprus, Dominica, Grenada, Jamaica, Kiribati, Maldives, Malta, Mauritius, New Zealand, Papua New Guinea, Samoa, Seychelles, Singapore, Solomon Islands, Sri Lanka, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Tuvalu, Tonga, Trinidad and Tobago, United Kingdom and Vanuatu. Fiji, a long-time member, was suspended from the Commonwealth in December 2006 following a military coup. Nauru was declared a special member of the Commonwealth in January 2006.

Thus, altogether at least 89 islands or sets of islands are involved in some combination of autonomous self-government combined with formal collaboration in a wider political partnership. These comprise:

- 22 islands as fully fledged constituent units in federations,
- 10 island federacies,
- three island associate states,
- 18 islands with some form of constitutional home rule,
- 36 islands involved in one or more of CARICOM, the Nordic Council, SAARC, ASEAN and the Commonwealth not already included in the preceding categories.

Although much has been written elsewhere about federal and autonomy arrangements and about international collaborative relations, little of that literature has focused specifically on islands as participating members. This chapter therefore sets out to map in a general comparative way the various types of federal and autonomy arrangements and international collaborative relationships involving islands today.

The 89 different island 'units' identified for further analysis in this chapter comprise a considerably shorter list than the over 100 SNIJs (sub-national island jurisdictions) that Stuart treats in her contribution to this volume. This notable discrepancy arises principally because Stuart admits examples of islands undergoing actual or imminent constitutional change, as in the Netherlands Antilles, and of other island territories having either:

- formal (but non-constitutional) or otherwise informal 'special' or asymmetrical arrangements for elements of self-rule struck with central powers (such as Kish Island in Iran; Jeju Island Autonomous Province in South Korea; Rotuma in Fiji;

- Gozo in Malta; Hong Kong and Macau Special Autonomous Regions in the People's Republic of China); or
- indigenous island-based communities with some sovereignty within another state (such as Haida Gwaii/Queen Charlotte Islands in Canada; Aleutians in Alaska, USA; and the Torres Strait Islands in Australia); or
 - *de facto* island powers sometimes in open confrontation or contestation with a central state (such as the Turkish Republic of Northern Cyprus, Tamil Eelam in Sri Lanka, Southern Mindanao in the Philippines).

In a sense, all of these examples, illustrating complex *de facto* and *de jure* features, disclose once again the tensions between autonomy and partnership that arise with special force in island relationships. It remains to be seen how these various arrangements of SNIJs are resolved and what ultimate constitutional form they may take, but in all cases, these islands too wrestle with the same contemporary conditions as follows:

- the simultaneous pressures upon political units for both autonomy and political collaboration;
- the search for formal political and institutional arrangements within the variety of combinations of self-rule and shared rule;
- and within each of these forms, the selection and sharing of jurisdiction within the variety of forms actually exercised by islands in such constitutional arrangements.

CONTEMPORARY CONDITIONS INDUCING PRESSURES BOTH FOR AUTONOMY AND PARTNERSHIP

A notable trend affecting not only islands but all polities at the turn of the twenty-first century is the growing constraints upon the sovereignty of nation-states. Indeed, the concept of the sovereign nation-state itself has become regarded as increasingly obsolete. Accordingly, some scholars have pointed to the emergence of a fundamental paradigm shift from a world of nation-states to a world of constrained state sovereignty and increased inter-state linkages of a constitutionally confederal or federal character (Elazar, 1994, pp. x–xii). Thus, for example, there are at present some 25 polities that in practice operate as federations containing some two billion people or 40% of the world population and encompassing some 510 constituent or federated states. This can be compared to some 168 other politically sovereign member states in the United Nations. Moreover, a variety of forms of looser political partnerships and collaborative intergovernmental functional agencies have also been developing.

In addition, there have emerged some new variants of the federal idea. These include the European Union, in which individual federations, unions and unitary states have 'pooled their sovereignty' in a hybrid structure involving elements of confederation and of federation. The 2007 edition of the *CIA World Factbook*, an authoritative collection of 'country' data, justifies the inclusion of the European Union in its compendium as follows:

Although the EU is not a federation in the strict sense, it is far more than a free-trade association such as ASEAN, NAFTA, or Mercosur, and it has many of the

attributes associated with independent nations: its own flag, anthem, founding date, and currency, as well as an incipient common foreign and security policy in its dealings with other nations. In the future, many of these nation-like characteristics are likely to be expanded.

(CIA, 2007)

There are several reasons for this international trend towards various forms of pooling of sovereignty among states. First, modern developments in transportation, social communications, technology and industrial organization have produced pressures at one and the same time both for larger political organizations and for smaller ones (Geertz, 1963, p. 108; Watts, 1981, pp. 3–4; Simeon and Swinton, 1995, p. 3). The pressure for larger political units has been generated by the goals shared by most societies today: a desire for progress, a rising standard of living, social justice, and influence in the world arena. Furthermore, these have been reinforced by a growing awareness of world-wide interdependence in an era when advancing technology has made both mass destruction and mass production possible. This has led to the pressures for various forms of supranational organizations, confederations and federations.

At the same time, the motivation for smaller, self-governing political units has been accentuated by the desires to make government more responsive to the individual citizen and to give expression to primary group attachments such as linguistic, ethnic and cultural ties, religious connections, historical traditions and social practices, which provide the distinctive basis for a community's sense of identity and yearning for self-determination. As a result, the world has seen the rise of many microstates. Indeed, the late 1960s has been referred to as a period "not only of miniskirts but of ministates" (Duchacek, 1970, p. 2). In part, this motivation for political autonomy has arisen at least as a reaction to the growth of large supranational organizations with their tendency to submerge the sense of identity, to be remote from the influence of the individual citizen, and to create a sense of powerlessness and political impotence (Friedman, 1994, p. 1143). Such pressures have been reinforced in island communities where their geographical location and specificity have emphasized the sense of distinctiveness.

Given these dual pressures, more and more peoples throughout the world have come to see the need for some form of federal political partnership that would combine elements of shared rule for specified common purposes with autonomous self-government for purposes related to maintaining regional or island distinctiveness (Elazar, 1995). Indeed, such a combination of shared rule and self-rule would appear to provide the closest institutional approximation to the multinational reality of the contemporary world (Boeckelman, 1996, p. 3).

A second closely related factor encouraging heightened interest in various forms of federal relationships is the recognition that an increasingly global economy has itself unleashed economic and political forces strengthening both international and local pressures at the expense of the traditional nation state (Ohmae, 1995, 1999). Cheaper transportation, information technology and communications costs have led to materials and components being acquired separately in several different countries, assembled in yet another by an international business, and marketed by still more firms under product mandates or other arrangements (Vernon, 1990, p. 24; Norrie, 1995, p. 24; Saxenian, 1994, p. 7; Storper, 1995). Furthermore, global communications and consumerism have wakened desires in the smallest and most remote villages

around the world for access to the global marketplace of goods and services. As a result, governments have been faced increasingly with the desires of their citizens to be both global consumers and local citizens at the same time, a trend which Tom Courchene, in his typically picturesque labelling, has called 'glocalization' (Courchene, 1995; see also sociologist Roland Robertson, 1995). In such a situation, the sovereign nation-state is simultaneously proving both too small and too large to serve all the desires of its citizens. Furthermore, in such a context, federal or confederal relationships with their different interacting levels of government appear to provide a way of mediating citizen preferences.

Third, the spread of market-based economics is creating socioeconomic conditions conducive to political partnerships embodying the broadly interpreted federal idea (Kincaid, 1993, pp. 4–5). Among these are the emphasis upon contractual relationships, the recognition of the non-centralized character of a market-based economy, entrepreneurial self-governance and consumer-rights consciousness, the thriving of markets on diversity rather than homogeneity, and the requirement of inter-jurisdictional mobility and competition as well as cooperation. The realization that people do not have to like each other in order to benefit each other in market relationships, the emphasis in market competition upon individual and group talent and merit, and the inherently anarchic character of a market economy which resists centralization and institutional immortality also encourage political relationships of a loose and horizontal, non-hierarchical character.

Fourth, changes in technology have been generating new and more federal models of industrial organization with decentralized flattened hierarchies involving non-centralized interactive networks (Kincaid, 1993, pp. 5–6). This in turn has influenced the attitudes of people to non-centralized forms of political organization. The industrial revolution of the nineteenth and early twentieth centuries spawned models of large, hierarchical, bureaucratic organizations. However, the inefficiencies and alienation produced by such organizations, whether the General Motors Corporation in Michigan or the Kremlin in Moscow, created demands in the later twentieth century for decentralization and flattened hierarchies. The emergence of cybernetic technology such as personal computers, the internet, cell (or mobile) phones, digital photography, fax machines, satellite television, and fibre optics has spawned models of organization – ranging from the Wikipedia to web blogs – that emphasize non-centralized interactive networks. The increasingly pervasive extent of such relationships has, not surprisingly, influenced public attitudes in favour of non-centralized forms of political organization.

A further factor encouraging a renewed interest in federal relationships has been the example of the classical modern federations: the USA (1789), Switzerland (1848), Canada (1867), Australia (1901) and Germany (1949) have shown a remarkable resilience to changing conditions and have all consistently been placed within the top 20 of the some 174 sovereign states in the annual United Nations ranking in terms of economic welfare, respect for rights and quality of life (UNDP, 2006). Indeed, in 2006 Australia ranked third, Canada ranked sixth, the USA eighth, Switzerland ninth, Belgium thirteenth, Austria fourteenth, Spain nineteenth and Germany twenty-first as 'the world's most livable countries'. The example of the European Union with its progressive widening and deepening has also provided an influential confederal model for closer collaboration among sovereign states (Hesse and Wright, 1995; Jones and Keating, 1995; Keating, 2004).

The issue of balancing political collaboration and autonomy is one that has had a particular cogency for political entities that are islands. The geographical character of islands accentuates their distinctiveness as communities, to the extent that they may even find it difficult to co-habit the same political structure as adjacent islands.³ 'Islandness' has been a major factor in their cases in accentuating the pressures for significant autonomy, both substantively and symbolically. But even islands find it difficult in the contemporary globalized world to be totally self-sufficient. They have felt the need, therefore, for forms of political partnership with other political entities that would at the same time respect adequately their desires for autonomy.

This raises the issue of whether a single meaningful threshold for island political autonomy can be identified. The answer would seem to be that there is no simple formula. The degree of political autonomy that can be realistically sustained will depend on the circumstances and relate to a variety of factors. Particularly important will be both the material and human resources (in terms of both education and critical mass) necessary to sustain autonomous economic and political policies, the degree of remoteness and the transportation links available, affecting the realistic possibilities of useful collaboration, and the extent of interdependence or self-dependence characterizing the island's relations with neighbouring states. The example of the island of Nauru in the central Pacific Ocean which in 1968 became an independent republic with a population just over 6,000 (and subsequently increased to 9,000) is sometimes cited as an example of how small an island can sustain sovereign independence. But it was the royalties from its rich phosphate mining resources that made Nauru one of the richest per capita countries in the world, enabling relative self-sufficiency. This situation has been undergoing significant change, however, with the exhaustion of its phosphate mines and gross mismanagement of its accumulated revenues, forcing large numbers of its residents to settle abroad. The country has been referred to as the first 'failed state' in the Pacific (Connell, 2006). This illustrates how the ability to sustain self-dependence is affected by particular circumstances and how these may change significantly over time, for better and/or for worse.

Often, the choice between dependent or independent 'sovereign' status is the only obvious one, and this is how it is often presented. There is another alternative, however: that of mutual interdependence. Where dependence is not merely one-sided, but mutual and based on genuine collaboration and partnership, a relationship may be established where neither partner is dominant or subordinate. Given the complex nature of relationships in the increasingly global economy referred to earlier, such collaborative forms of interdependence would appear to express better the character of the contemporary world than either total dependency or independence. If that is the preferable objective, then the task is to find the appropriate collaborative institutions and processes that take account of the particular circumstances of the participating polities, and to make possible an interdependence surmounting the limitations of pure dependence or independence.

It is precisely this practical spirit that has inspired contemporary island communities increasingly to move away from the former post-war obsession with simple 'sovereignty' in order to explore other useful, broadly 'federal' patterns of autonomy and interdependence. Hence the relevance of this volume. But, to grasp the meaning of these choices, as explored in various case studies in

this book, requires a deeper immersion in the architecture of these forms of governance.

FORMS OF POLITICAL RELATIONS COMBINING AUTONOMY AND PARTNERSHIP

Recent scholarly work has been engaged in mapping out the different forms and relations of autonomy and collaboration, based on a convergence of the traditions of political science (analysing federal and confederal relationships) and international relations scholars (studying international intergovernmental structures and processes). As a result of this work, the term ‘federal’ has been extended to a broadened category of political relationships combining self-rule and shared rule (Elazar, 1987; Watts, 1994, 2008). While formerly the term ‘federal’, as used by political scientists, was based on a fairly strict and precise definition derived from the model of the United States of America as the first modern federation, now there is a growing recognition that there is a wide range of federal solutions embodying the combination of self-rule and shared rule. There is, in short, no single pure model that is appropriate everywhere.

To understand this broader concept of federal relationships it is helpful to use a taxonomy borrowed from biology. In biology, the term ‘genus’ refers to a category of living things closely related in structure and evolutionary origin. Within a genus are a variety of ‘species’, each with distinctive characteristics. The term ‘federal’ is increasingly being taken by political scientists as a broad genus referring to a whole variety of political relationships combining elements of ‘self-rule’ (autonomy) and ‘shared rule’ (collaborative partnership). This genus encompasses a broad spectrum of species, ranging through unions, constitutionally decentralized unions, federations, confederations, federacies, associated states, condominiums, leagues and intergovernmental functional agencies. There may also be hybrids of these specific forms aimed at creating practicable workable arrangements. The notion of a spectrum is appropriate for this range of species, since at the margins of each specific category particular examples may shade into one another, just as the various colours of a spectrum shade into their neighbouring colours.

The various species of federal partnership arrangements, with references to particular examples involving islands, and some of the major advantages and disadvantages of each specific form, are outlined below. These represent a broad menu of constitutional choices, with each species nonetheless incorporating considerable variety within its class.

Unions

Unions are polities compounded in such a way that the constituent units preserve their respective integrities primarily or exclusively through their participation in the common organs of general government rather than through dual government structures. Examples of islands in this category are New Zealand, St Vincent and the Grenadines, and Trinidad and Tobago. The advantage of this specific form is that it maximizes ‘shared rule’ and cohesion, but does so substantially at the expense of the autonomy of the constituent islands or communities.

Constitutionally decentralized unions

These unions are basically unitary in form but incorporate constitutionally protected sub-national units of government which have some functional jurisdiction and autonomy. Examples involving constitutionally decentralized unions of islands are:

Antigua and Barbuda, Fiji, Indonesia, Japan, Papua New Guinea, Solomon Islands and Vanuatu.

Examples of islands given a measure of constitutional home rule within unions with mainland territories are:

Corsica, French Polynesia, New Caledonia, and Wallis and Futuna Islands (with France); Sicily and Sardinia (with Italy); Tokelau (with New Zealand); Zanzibar and Pemba (with Tanzania); Anguilla, Bermuda, the British Virgin Islands, Cayman Islands, Falklands, Gibraltar, Montserrat, Pitcairn, St Helena and its dependencies, and Turks and Caicos Islands (with the UK); American Samoa, Guam and the US Virgin Islands (with the USA).

Constitutional home rule combines an emphasis upon unitary cohesion with some self-rule, although ultimately the central government retains the potential for control.

Federations

Federations are compound polities, combining strong constituent units and a strong general government, each government possessing sovereign powers delegated to it by the people through a constitution, each government empowered to deal directly with the citizens in the exercise of its legislative, administrative and taxing powers, and each government elected directly by its citizens. There are currently 26 federations in the world:

Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Canada, Comoros, Ethiopia, Federated States of Micronesia, Germany, India, Malaysia, Mexico, Nigeria, Pakistan, Palau, Russia, São Tomé and Príncipe, South Africa, Spain, St Kitts and Nevis, Switzerland, United Arab Emirates, United States of America, and Venezuela.

Although South Africa and Spain do not label themselves as federations, in practice they meet the criteria for federations. Some of these federations are experiencing considerable instability, particularly the Comoros, Ethiopia and Pakistan.

Federations encompassing islands as full-fledged constituent units (with the number of such island units indicated in brackets) are:

Argentina (1), Australia (1), Canada (3), Comoros (3), Federated States of Micronesia (4), Malaysia (3), São Tomé and Príncipe (2), Spain (2), St Kitts and Nevis (2), and USA (1) (*see page 22 for the names of these units*).

It should also be noted that the short-lived West Indies Federation (1958–62), which was composed of ten island units, was the most decentralized of modern federations.

Among the advantages of federation as a form of political partnership is that it permits a relatively decisive form of shared rule able to carry out redistributive policies. Furthermore, because the federal institutions are based on direct election by the citizens, in contrast with confederations, associated states and some federacies, this form provides all citizens with an opportunity to participate fully through democratic processes in the legislative and executive operations of shared rule. The political autonomy of the constituent units is limited to those powers assigned to them by the constitution, but these are fully safeguarded by a supreme constitution not unilaterally amendable by the federal government. The main disadvantage of federations is their tendency to constitutional complexity, legalism and rigidity.

Confederations

Confederations occur where several pre-existing polities join together to form a common government for certain limited purposes such as foreign affairs, defence or a common trade policy, but the common government is dependent upon the will of the constituent governments. By contrast with federations in which shared rule is carried out by a directly elected government, decision-making in the areas of shared rule in confederations is primarily intergovernmental in character, the central institutions being composed of delegates from the constituent governments. Thus the common institutions in a confederation have only an indirect electoral and fiscal base. Among historical examples of confederations have been Switzerland (1291–1798, 1815–48) and the United States (1781–9), both subsequently abandoned for federation as a preferred form of union. In the contemporary world, the European Union is predominantly an economic confederation, although it has increasingly incorporated some features of a federation. CARICOM is another example of an economic confederation. The former includes two island members (Republic of Ireland and the United Kingdom), and in the latter 12 of the 14 members are islands. Eight of the members of CARICOM are currently negotiating with a view to establishing an even closer confederal union with a monetary union that would involve Barbados and the nine members of the Organization of Eastern Caribbean States (OECS). The latter are:

Antigua and Barbuda, Dominica, Grenada, Montserrat, St Kitts and Nevis, St Lucia, and St Vincent and the Grenadines. Anguilla and the British Virgin Islands are associate members.

The advantage of this form, compared with federations, is that the governments of the constituent units directly participate in the decision-making of the common institutions. Since these institutions are dependent on the endorsement of the constituent units, the autonomy of the latter is better protected against encroachment. The disadvantage of this form, compared with federations, is that a 'democratic deficit' in the basis of the common institutions tends to weaken their public legitimacy, and the redistribution of resources to reduce disparities within the confederation is made more difficult by the requirement of the assent of all the constituent units.

Federacies

The term federacies was coined by Daniel Elazar for asymmetrical federal relationships where a smaller unit or units are linked to a larger polity, often a former colonial power, but retain considerable autonomy, and have a minimal role in the government of the larger, and the relationship can be dissolved only by mutual agreement (Elazar, 1987, pp. 7, 54–7; Elazar, 1994, pp. xvi, xix, 349–59). Elazar identified eleven current federacies, all but Jammu and Kashmir (India) being islands (Elazar, 1987, pp. 55–6). The island examples are:

The relationship of the Faeroe Islands and Greenland to Denmark, the Åland Islands to Finland, the Azores and the Madeira Islands to Portugal, the Isle of Man, Guernsey and Jersey to the United Kingdom, and the Northern Marianas and Puerto Rico to the United States.

Rather than seeking full independence, these island units have established an asymmetrical federal association with the larger polity on the basis of internal autonomy and self-government. This has enabled them to share in the benefits of association with a greater state without being incorporated within it as fully fledged constituent units.

Since in the case of federacies mutual agreement is required for dissolution, federacy relationships provide a more stable linkage than associated states, where a similar asymmetrical relationship may be dissolved unilaterally by either polity (see below). Federacies provide a considerable measure of island autonomy, although compared with full-fledged constituent units in a federation or confederation, this autonomy carries the price of limited influence over the policies of the larger polity. Hence, they do not compare favourably in this respect to islands like Prince Edward Island and Newfoundland (and Labrador) that as units in a federation enjoy guarantees (by law or convention) of representation in the House of Commons, Senate and federal Cabinet in Canada. Nevertheless, some islands in a federacy relationship – such as the Faeroe Islands, Greenland, the Åland Islands, the Azores and Madeira – elect a small number of members to the parliament of the larger polity, though others – such as the Northern Marianas, Puerto Rico, the Channel Islands and Isle of Man – do not.

Generally, in federacy relationships the larger polity is exclusively responsible for foreign affairs, defence and security and usually also for currency, while the smaller polities have autonomy over all domestic matters. There is considerable variation, however, within federacies, in both their institutional and jurisdictional arrangements.

Associated states

Associated states, involving radically asymmetrical relationships, are similar to federacies, but differ in that they can be dissolved by either of the units acting alone on prearranged terms established in the constituting document or a treaty. Examples are:

The Cook Islands and Niue in relation to New Zealand; and the Netherlands Antilles in relation to the Netherlands (although the latter is now breaking up after a series of referenda in 2005 and 2006).

Among non-island examples are some independent states which are members of the United Nations but which by treaty have an associated state relationship with a larger state. These are:

Monaco in relation to France, San Marino in relation to Italy, Liechtenstein in relation to Switzerland, and Bhutan in relation to India.

(Elazar, 1994: p. xix)

In most associated states, the larger polity is responsible for foreign relations and defence, but often the exercise of this power requires consultation with or the consent of the smaller associated state. Since either side of the associated state relationship may dissolve the relationship acting alone, these relationships tend to be looser and less stable than federacies.

Condominiums

Condominiums are arrangements which govern relatively small political units which function under the joint rule of two or more external states in such a way that the inhabitants have substantial internal self-rule. A non-island example was Andorra which functioned under a joint French-Spanish responsibility for its international relations for over 700 years until 1993. Among island examples have been Vanuatu which operated under a British-French condominium during 1906–80 until it became an independent republic, and Nauru, which was under a joint Australia-New Zealand-United Kingdom condominium during 1947–68, prior to becoming an independent republic in 1968.

Leagues

Leagues are linkages of politically independent polities acting together for specific purposes and functioning through a common secretariat rather than a government and from which members may unilaterally withdraw. Among examples involving islands are:

The Nordic Council (including Iceland, Greenland, Faeroe Islands and Åland Islands), SAARC (including Sri Lanka and Maldives), ASEAN including Indonesia, the Philippines and Singapore, and the Commonwealth including the United Kingdom and 26 other islands or groups of islands among its 53 members.

Leagues provide a loose form of intergovernmental collaboration but their ability to take decisive collaborative action is extremely limited.

Intergovernmental functional agencies

These agencies are organizations or agencies established by two or more polities for the joint implementation of a particular task or tasks. First developed in the nineteenth century, there are now more than 100 functional intergovernmental agencies on the international scene. Examples which have involved islands are the

North Atlantic Fisheries Organization and the International Whaling Commission. Like confederations and leagues, these are intergovernmental in character but are limited to much more specific functions serving their member governments. They are usually served by a secretariat and to the extent that they go beyond their very limited functional mandates, they are usually empowered only to submit recommendations to their member governments.

Hybrids

Some political partnerships have combined characteristics of different kinds of partnership relationships. Examples including island members have been Canada which initially in 1867 was basically a federation, but for half a century or more included some quasi-unitary constitutional elements that were actively employed, and the European Union after Maastricht which is basically a confederation but now includes some features of a federation (for example, qualified majorities in the Council of Ministers and the co-decision-making roles of the European Parliament). Hybrids occur because statesmen are often more interested in pragmatic political solutions than in theoretical purity. The development of further new innovative forms of partnership and collaboration may therefore be expected.

In considering forms of political partnership and collaboration, there is another recent trend. This is the tendency for federations, confederations, federacies and associated states themselves to become constituent members of even wider federations, confederations or supranational organizations. Examples are:

Austria, Belgium, Germany and Spain, themselves each federations, being members of the European Union; and Canada, Mexico and the United States, all federations, joining together in the North American Free Trade Agreement (NAFTA).

These examples illustrate an emerging trend towards multiple levels (not just two) of federal relationships to reconcile local, regional, national and supranational impulses in order to maximize the realization of citizen preferences.

VARIATIONS IN THE SCOPE OF JURISDICTION

While differences in the forms of political partnership identified above are important in determining the character of the collaboration, cooperation and coordination on the one hand and the extent of island self-rule and autonomy on the other, it needs to be emphasized that, within each of those categories of political partnership, there is considerable room for variation in the range of matters assigned for shared rule and the range of matters assigned for self-rule.

Taking federations as an example, there is enormous variation in the degrees of centralization or decentralization, in the legislative authority assigned to each level of government, in the relationship of executive responsibilities to legislative powers, in the tax- and revenue-raising powers of the levels of government, and in the scope of expenditure responsibilities (Watts, 2008, pp. 171–8). For example, federal government expenditures after intergovernmental transfers as a percentage of total

(federal-state-local) government expenditures in 2000–4 ranged among federations from 84.3% in Malaysia to 37.0% in Canada and 32.0% in Switzerland (Watts, 2008, p. 103, Table 10). Federations have also varied in terms of the degree of symmetry or asymmetry in the powers of their constituent units, the character of the federal legislative and executive institutions, the institutional arrangements for facilitating intergovernmental collaboration, the judicial arrangements for umpiring internal conflicts, and the procedures for constitutional amendment (Watts, 2008, pp. 117–30, 157–70).

Similarly, within each of the other categories of political partnership identified above, such as constitutionally decentralized unions, confederations, federacies and so on, there have been variations in the specific powers allocated to the shared institutions and those assigned to the constituent units, in the symmetry or asymmetry of jurisdiction allocated to the federating units, and also variations in the precise structure and processes of their institutions established for shared decision-making.

Among federacies, for example, there are significant variations in the allocation of jurisdiction. While the jurisdiction of the larger polity has generally applied mainly to foreign affairs, defence and currency, in some cases, but by no means all, the jurisdiction of the larger polity has extended to a number of domestic matters. Examples are the sharing of taxation in the Faeroe Islands, the Åland Islands, the Azores, and Madeira, the shared role relating to criminal and most civil law, social insurance, navigation, aviation and communications in the Åland Islands, responsibility for the judiciary in the Åland Islands and the Faeroe Islands, and a shared role in land-use control in the Faeroe Islands. Other examples are the role of Portugal in education in the Azores and Madeira, the provision by the United Kingdom of common services in the Isle of Man, and the regulation by the United States of customs, interstate commerce, postal services, coast guard, and licensing of radio and television in Puerto Rico (Elazar, 1994, *passim*). On the other hand, under some federacy relationships, while the larger polity has had general jurisdiction over foreign affairs, defence, security and currency, the smaller federated polity has sometimes been empowered to conduct negotiations in realms related to foreign affairs. Examples are the Faeroe Islands and Greenland in relation to foreign trade and fishery agreements, the Azores and Madeira in relation to international treaties and agreements which concern them, the Isle of Man in relation to levying customs duties, reaching special arrangements with the European Union and issuing its own currency, and Puerto Rico, which does not have diplomatic or consular representation in other countries but does maintain direct contacts with its Caribbean neighbours (Elazar, 1994, *passim*). It is worth noting too that, where a larger polity has a federacy relationship, these relationships are not always identical or symmetrical for each federacy linked to it. For instance, the federacy relationships of Denmark with the Faeroe Islands and with Greenland differ in the allocations of jurisdiction, the arrangements between the United Kingdom and the Isle of Man and the Channel Islands differ in some respects, and those between the United States and Puerto Rico and the Northern Marianas involve differences. These variations often relate to their different colonial past and to their geographic location and economic circumstances.

While considering the varied allocation of jurisdiction within each form of political partnership, there are overlaps among the specific categories in the degree of centralization or devolution. For example, the European Union, a confederation, is in

some respects, notably in the field of regulating internal trade, more centralized than the Canadian federation. Another example of a federation more decentralized than a confederation was the West Indies Federation compared with the East African Common Services Organization (but both are now defunct). Similarly, some of the more centralized federations, such as Malaysia, are marked by less devolution than the relatively decentralized unitary systems such as Japan.

These variations suggest that, in understanding the relationship between political partners, one needs to take account both of the form of the particular partnership and of the specific allocation of jurisdiction to each government within the particular form that has been adopted. The appropriate assignment of responsibilities and functions within the partnership will depend on a number of factors. Among these are the primary purposes for participation in the partnership, the nature of the local society and economy in each constituent unit, and the particular aspects of the identity of the constituent communities considered most significant to their inhabitants. Also important are the degree of economic complementarity, the geographical proximity or remoteness, and the facilities for inter-unit transportation, communications and access. Where the association is with a former imperial centre, as in the case of many federacies, the nature of the historical linkages and role of that former imperial power can also be significant.

In the case of small islands, the degree of autonomous jurisdiction that is appropriate may depend not only upon their size but upon their location in relation to the other jurisdictions, and the extent to which material resources are limited and provide little opportunity for diversification. Other relevant factors are, on the one hand, the degree to which autonomous environmental sustainability is made possible by geographic remoteness, and on the other, the possibility of telecommunications as a means of countering smallness and remoteness. Particularly important is the quality of education of the populace, enabling them to exercise their own jurisdiction in particular matters. At the same time the degree to which islands may be willing to see responsibilities transferred to the institutions of partnership or exercised by them may depend on the extent to which the particular institutions and processes of the partnership make possible a sensitive handling of shared powers. It is not simply a matter of reassigning jurisdiction. Often in effecting change and development, the real issue may not be whether an alternative form of political partnership should be adopted or additional powers or sovereignty should be granted to the constituent islands, but whether those islands can organize their material and human resources to use their existing jurisdiction more effectively. Indeed, that is one of the major themes running through this volume.

There are other notable points concerning allocation of jurisdiction in various regimes. First, at one time it was thought that economic policy was most appropriately handled in an integrated manner, while cultural and social policy was best devolved to recognize the distinctive identity of different constituent units. Indeed, that was a major theme in the establishment of the Canadian federation in 1867: economic, security, and international matters were centralized; cultural and social matters were essentially decentralized. But Canadian experience and experience elsewhere has shown that economic policy and social and cultural issues are closely interrelated. Consequently, constituent units in political partnerships have a very real interest in economic policy issues. This has resulted in the need to identify within the realm of economic policy those aspects requiring integrated or coordinated action and

those aspects where autonomous constituent unit action may be beneficial both economically and in terms of ensuring maintenance of identity.

Second, fiscal resources have a major importance in determining the realistic scope of jurisdiction. Whatever the legislative or administrative jurisdiction assigned, the availability of fiscal resources to the constituent units will in large part determine their real degree of dependency or genuine autonomy. However, where the organs of shared rule lack adequate resources, this will undermine their ability to provide benefits from a common jurisdiction or from the redistribution of resources. The collapse of the West Indies Federation, the central institutions of which had a very limited jurisdiction accentuated by inadequate fiscal resources, provides a classic illustration of this point (Watts, 2008, p. 182). The effectiveness of the federal government was limited by its lack of significant powers, and this contributed to its lack of appeal and prestige in the eyes of both the political leaders and the electorates.

Third, it needs to be reiterated and emphasized that the allocation of jurisdiction within a political partnership must be related to the particular circumstance and real needs of the situation. As noted earlier, among the factors that need to be taken into account in determining the appropriate jurisdiction are the size of the constituent units, their problems, and the extent and diversity (or lack of diversity) of their resources and products. Size is clearly a determinant in the sustainability of political autonomy, but as also noted earlier there is no simple threshold for determining this since it depends on a variety of factors.

Fourth, in any partnership regime it is important to embody processes enabling flexibility to adjust the balance of jurisdictions as conditions change. Such factors as the non-renewability of certain resources, changes in the world demand for products and in the terms of trade, and the growth of regional economic organizations will over the long term have an important bearing. Consequently, there need to be processes in place making possible the adjustment of jurisdictional allocations to meet changing conditions.

CONCLUSION

Two themes have emerged from this international overview. One is the wide variety in the forms of political partnership and in the scope of shared and autonomous jurisdictions within these partnerships arising from differences in their circumstances. The second is the degree to which these have evolved and changed over time as conditions and circumstances have altered.

The taxonomy of political forms for combining autonomy and partnership presented here has identified their distinctive characteristics, the existence of variations in jurisdiction within each, and the basic advantages and disadvantages of each form. This raises the seemingly obvious question about which are the 'best models' for islands wishing to deal effectively with both their internal and external problems. The first response is that there is no single universal 'best model' that is applicable to all islands. The circumstances and requirements of the 89 islands referred to in the introduction to this chapter vary enormously. The appropriateness of the arrangements is, therefore, affected by a number of factors. These include the number of polities involved in the partnership, the population size and resources of

the island entities, the relative sizes of the partners in relation to each other and whether the association is with a continental federation or with a relatively small nation-state, and whether the partnership is inter-island (as in the Caribbean) or in relation to a mainland or continental polity. Also significant are the complementary or competitive character of economies, historical or past colonial relationships, whether the tradition of the larger polity is unitary or federal, the degree of community or distinctiveness of culture, language, social organization and legal traditions of the polities involved, and whether the relationship involves entities which are members of even wider supranational bodies such as the EU or NAFTA. Depending on the particular set of circumstances, different models are likely to be appropriate. Furthermore, as comparative political studies have frequently indicated, identical political institutions applied in different circumstances have frequently operated in very different ways (Watts, 2008, pp. 1–2). The fallacy of assuming that there is a single universal ‘best model’ for all islands must, therefore, be avoided.

What comparative studies can beneficially do, however, is draw attention to the variety of possible options worth considering in a given situation. Such studies also help to identify the general characteristics of each form of political partnership, and hence the particular circumstances and objectives for which such a model, or a variant of that model, is likely to be appropriate. For example, of the current 26 federations, some have been highly successful in terms of longevity and their ranking on the UN Human Development Index (UNDP, 2006). Yet others have failed or experienced severe stress because federation, or the particular form of federation adopted, has been inappropriate to their particular circumstances (Watts, 1977; 2008, pp. 179–88). Similarly, among federacies, some have been more successful than others. As a confederation, the European Union has proved a relatively successful example; but it has found it increasingly necessary to adopt features more typical of federations, and its attempts to ratify a constitution incorporating these features have so far floundered. A major empirical task yet to be undertaken, therefore, is the in-depth analysis of the various attempts to apply these different models to island situations.

There is one further question which arises in any attempt to evaluate the various ways of combining autonomy and partnership for islands. That is, what are the appropriate criteria for judging which alternative is appropriate in a given situation? Is the judgement to be based on economic criteria, social welfare, or the sort of multiple criteria employed by the United Nations Development Programme to rank countries in terms of the human development of their citizens (UNDP, 2006)?

Despite the variety of circumstances and of arrangements in which political partnerships of autonomous islands have been developed, there is one fundamental common underlying theme. That is, in the contemporary world neither pure dependence nor pure independence has proved fully satisfactory. Even a sovereign state as powerful as the United States has found the need for association with other polities in order to meet economic and security needs. Given the wide variety of island relationships identified in this chapter, the case studies of sub-national island jurisdictions examined elsewhere in this volume should contribute to our broader general understanding of the actual and potential character of island relationships within the world and of the ways in which allocations of jurisdiction can be most fruitfully and strategically employed.

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Notes

1. Contrary to the impression given by its name, Rhode Island, while a fully fledged state of the USA, is a mainly mainland state. Note also that Venezuela includes 72 islands, but none are fully fledged states in the federation.
2. Other states represented in SAARC are Afghanistan, Bangladesh, Bhutan, India, Nepal and Pakistan.
3. There are various examples of islands refusing to join, or stay within, the same political unit as their island neighbours. Tuvalu and Mayotte are good examples, while Anguilla actually seceded from St-Kitts-Nevis-Anguilla. A 1998 referendum to have Nevis secede from St Kitts failed by a whisker. This dynamic has been described as the 'Tuvalu Effect' (Baldacchino, 2002, p. 353).

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