

## REVIEW ESSAY

### **Decolonizing through integration: Australia's off-shore island territories.**

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**ABSTRACT:** Australia's three small off-shore island territories – Norfolk Island in the Pacific Ocean and Christmas Island and the Cocos (Keeling) Islands Group in the Indian Ocean – can be seen as monuments to 19th century British-style colonization, though their early paths to development took very different courses. Their transition to the status of external territories of the Australian Commonwealth in the 20th century – early in the case of Norfolk and later in the cases of Christmas and Cocos – put them on a common path in which serious tensions emerged between local populations which sought autonomous governance and the Commonwealth government which wanted to impose governmental systems similar to those applying to mainstream Australians. This article explores the issues involved, and seeks to relate the governmental history of the three island territories to the exploration of island jurisdictions developed in island studies research.

*Keywords:* Australia, Cocos (Keeling Islands), Christmas Island, Norfolk Island, colonization, integration, subnational island jurisdictions

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### **Introduction: colony and colonizer**

Australians were reminded by the title of a collection of administrative history essays published in 1987 that their political history had both colonial and colonizer phases (Eddy & Nethercote, 1987). The colonial phase began with the first British settlement in Sydney in 1788 and continued as other coastal settlements were established and the six main ones and their hinterlands became British crown colonies. Then they moved through the 19th century to the status of self-governing colonies, federating in 1901 to become states within the Commonwealth of Australia, a sovereign nation and member of the (British) Commonwealth of Nations. Here, federating can be seen as having marked the formal end of the colonial phase, though questions remained about the continuing relationship with Britain.

The colonizer phase emerged quite early in the 20th century, as the Australian Commonwealth acquired Papua and the Northern Territory (with its comparatively large indigenous population) from the states, and also acquired German New Guinea and Nauru as League of Nations mandates after World War I. Papua and New Guinea were subsequently combined under a single administration and, with Nauru, became independent and sovereign as the world generally decolonized in the 1970s; and the Northern Territory advanced to a limited form of statehood within the federation in 1978. It would seem that Australia had thus moved a long way towards decolonization, except that questions remained about several little-

noticed small island specks that fitted Winchester's description as "surviving relics of the British Empire" (Winchester, 2003).

Several such island specks fall within Australia's jurisdiction (see [Appendix](#)), but only three – the Cocos group, Christmas and Norfolk – have permanent resident populations. As this article explains, they came into the British Empire in very different ways, and those ways have coloured island sentiments to this day. Cocos and Christmas share common ground in the processes which transformed them into Commonwealth territories, but Norfolk's conversion came rather earlier. Still, all three populations express a strong desire for governance autonomy, and today they meet strong resistance from forces within the Commonwealth government – political and bureaucratic – which control much of their destinies.

The Commonwealth seeks to integrate them into the mainstream Australian population, but their opinion leaders indicate that what they want is what is well described in the island-studies literature as "island sub-nationalism" or "autonomy without sovereignty" (Baldacchino, 2004; Baldacchino & Milne, 2009). There is no genuine consultation as the Commonwealth imposes its own values on the system of governance to replace earlier and more self-grown governance practices. Not surprisingly, the islanders see this as a denial of their democratic rights, and they accuse the Commonwealth of treating them as colonial subjects. All three have sought the support of, and intervention by, the United Nations Committee on Decolonization (the 'Committee of Twenty-Four'); however only Cocos has succeeded in this objective, and in consequence it was the site of what has been described as "the smallest act of self-determination ever conducted" (Tahmindjis, 1985, p. 192). Consideration of that "referendum" gives rise to speculation about what understandings a basically Malay and non-English-speaking body of voters had about the governance choices offered them in a voting paper designed by Westerners.

### **Search for relevant models of island governance**

All three island territories which form the subject of this article fall within the category of non-sovereign subnational island jurisdictions (SNIJs) (Baldacchino, 2006, 2010; Baldacchino & Milne, 2009). In them a governance duality emerged after establishment as permanent settlements, with fairly rudimentary forms of self-help operating alongside equally rudimentary forms of administration supplied by the 'colonizing' power.

In Norfolk, however, the situation changed significantly when, after a royal commission inquiry, the Australian Commonwealth parliament enacted legislation granting a significant measure of self-government in 1979. This facilitated the establishment of what were (in Australian terms) several state-like institutions. But the situation changed again in 2016 (as this article is being written), with the unilateral withdrawal by the Commonwealth of those institutions. Much discussion has resulted, and opinion leaders on Norfolk, along with their supporters in mainland Australia, have opposed this move unsuccessfully. Now, unwilling simply to accept the new and, depending on the point of view, totally colonial or totally integrationist regime, they look for models of island governance elsewhere that might be brought into play in securing a more appropriate form of governance for themselves (e.g. Irving, 2013; JSCNCET, 2014; Towell, 2014c; Lawson, 2015; NIPD, 2015; Stanhope & Wettenhall, 2015; Nobbs, 2015, 2016).

As will be noted below, Cocos and Christmas are moving towards the status of a combined Australian external territory. Though they lack the strength that comes in Norfolk's

case from the experience of formal self-government, they follow the developments on Norfolk with close interest and have a similar concern to find a more appropriate form of island governance for themselves (Wettenhall, 2015; Stanhope, Wettenhall & Bhusal, 2016).

It would seem that the degree of autonomy currently possessed by these islands is not sufficient for them to qualify for inclusion in any of the categories of forms of political relationships which combine autonomy and partnership (with superior jurisdictions) identified by Watts (2009, pp. 28-32). Smallness of scale is obviously a major consideration: as was remarked of Britain's own experience, "in the 1980s, Britain was left with a few colonies, mainly islands, too small by any standards to become independent nations" (Chamberlain, 1985, p. 51). Likewise Cocos, Christmas and Norfolk: given the small size of these jurisdictions, it can be concluded that neither independence nor near-independence is appropriate for them, and the arguments now widely presented in the island-studies literature (e.g. Baldacchino 2010; Baldacchino & Milne, 2009) suggest that a clear measure of autonomy without sovereignty may bring more positive outcomes for them, as for SNIJs generally. These islands also fit the category of "partially independent territories" (or "PITs"): the colonial drive for full sovereignty has lost its appeal and that PIT status may furnish important capabilities leading more easily to wealth and security (Rezvani, 2014).

The particular circumstances of the three Australian island territories are now considered.<sup>1</sup>

### **Cocos (Keeling) Islands**

This group of islands consists of two atolls and 27 coral islands, all low-lying, with the current population of about 600 confined to two of the coral islands. They were creations of the British Empire (Baldacchino, 2010, p. 58) in the sense that, having been first sighted in 1609 by English navigator William Keeling (from whom the alternative name is derived), they remained uninhabited until Scottish captain John Clunies-Ross and a colleague set up private residences with their own families, seamen and mostly Malay workers in the early 19th century. Clunies-Ross developed copra production with imported labour who came from several South-East Asian countries, usually referred to as Cocos Malays.

They were formally annexed by Britain in 1857, and later attached to the Straits Settlements crown colony administered through Singapore. In 1886, British Empress Queen Victoria granted them in perpetuity to the Clunies-Ross family, which ran them in feudal fashion, the incumbent family head often referred to as "King of Cocos". The local language derived from the Malay trade language of the 19th century, and English was not spoken except in the homes of officials. Local tokens served as currency, and the Clunies-Ross family themselves taught at a local school they established. A custom-based local court determined many local issues, settling disputes and so on, but it was orchestrated by the incumbent Clunies-Ross head who appointed headmen to operate the system. More in accordance with Western notions of local government, a local council was established, but it too was headed by the Clunies-Ross leader.

The location of the islands in the mid-Indian Ocean made them a valuable communications facility, and a cable and wireless station was established in 1901. This was the focus of one of the first naval battles of World War I, with the Australian cruiser HMAS Sydney disabling the German cruiser SMS Emden. In World War II, they became a base for

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<sup>1</sup> For a fuller account of the cases of Cocos and Christmas, see Stanhope, Wettenhall and Bhusal (2016).

allied bomber raids against the Japanese. After the fall of Singapore in 1942, they were administered from Ceylon, but the administration reverted to Singapore in 1946. For a brief period Cocos was a British colony in its own right but, as Britain embarked on its major decolonizing path, intergovernmental agreement saw Cocos transferred to Australian sovereignty in 1954-55.

Fitting well the island-studies conception of SNIJs (non-sovereign island jurisdictions), Cocos governance thereafter was marked by a duality of local and mainland Australian (still colonial?) institutions. Australia's Cocos (Keeling) Islands Act 1955 provided that all existing laws would continue in force until gradually superseded, and established a new law-making procedure which would work towards that end subject to disallowance by the Australian parliament. It also provided for the preservation of the institutions, customs and usages of the Malay residents. The Australian government was represented by an Administrator, but it was a weak presence and his powers were very limited. Getting rid of the over-riding Clunies-Ross influence became a significant problem for the Australian government, and was eventually achieved by two buy-outs in the 1980s.

Cocos had been listed as a non-self-governing territory (commonly referred to as a colony) under Chapter XI of the UN Charter, and the Australian government had since its acquisition regularly submitted annual reports for consideration by the UN Decolonization Committee (the so-called "Committee of Twenty-Four"). Encouraged by a Labor government in Australia, the Committee visited Cocos in 1974 and 1980. Its reports fuelled considerable Australian interest and, after a visit, a parliamentary committee suggested development of a form of free association between Cocos and Australia. The result was a referendum on Cocos under the supervision of the UN committee, in which the islanders voted to choose between full independence, free association (on the model established by New Zealand for Niue and the Cook Islands), and integration with Australia. In this "smallest act of self-determination ever conducted" (Tahmindjis, 1985, p. 192), they opted for integration, though they may have lacked a clear appreciation of the implications of this choice (Bunce, 2014, p. 38).

This process helped the Australian government shift power away from the Clunies-Ross dynasty. Subsequently, Australian statutes have been amended to place islanders, in respect for example of medical, hospital and social security benefits, on a similar footing to mainland residents; in respect of voting, they are now enrolled (absurdly) in a desert-based electorate in the Northern Territory. Most significantly, under the federal government's Territories Law Reform Act 1992 they have been, with Christmas Island, brought under many items of Western Australian law – e.g. legal system, local government, infrastructure provision – with that law applying as if it is Commonwealth law and subject to disallowance by the Commonwealth parliament. The Western Australian agencies are contracted by the Commonwealth and paid for what they do, facilitating the public finance side of their operations. The local council has become the Cocos (Keeling) Islands Shire Council.

Through their spokespersons, who include the current head of the Clunies-Ross family (who continues to live on Cocos and is a member of its shire council) and a former Commonwealth-appointed Administrator, the islanders have indicated that they are dissatisfied with these arrangements which they believe pay inadequate respect to their cultural and "islander" character (e.g. Lewis, 2006; Bunce, 2009; Stanhope cited in Towell, 2014a, p. 1; 2014b, p. 2). In this, they come together closely with the inhabitants of Christmas Island, and in many respects also with those of Norfolk Island.

## **Christmas Island**

Christmas Island was equally a creation of the British Empire. Discovered on Christmas Day 1643 (hence the name) by an East India Company vessel and now populated by around 2,070 people, it has steep cliffs around the coast rising to a forested central plateau. A survey in the 1870s indicated that it was rich in phosphate, and this led to its annexation by Britain in 1888. It was uninhabited until that year, when a small settlement was established by Clunies-Ross from Cocos, who was seeking timber supplies for his Cocos plantation.

Clunies-Ross was also involved in establishing a phosphate mining company, which began operations in the 1890s with indentured labourers brought to the island from Singapore, Malaysia and China. They and their descendants have remained the backbone of the population, being spread over Buddhist, Muslim and Christian religions and making Christmas a diverse cultural place reflecting different festivals and places of worship, and with self-help welfare practices well developed. Cantonese and Mandarin are the main languages spoken.

After formal annexation Christmas was, with Cocos, attached to Britain's Straits Settlements crown colony. It was occupied by the Japanese during World War II; thereafter for a short period it was attached to the colony of Singapore. Then it was briefly a colony in its own right; and in 1957, following Cocos, it was transferred to Australian sovereignty, with Australia paying Singapore a purchase sum based on estimated value of (phosphate) revenue foregone. Australia's Christmas Island Act 1958 provided for governance as a non-self-governing Australian territory, with conditions fairly similar to those provided for Cocos in the 1955 legislation for that territory. Amongst other things, Christmas Islanders were enabled to vote in federal elections in the Northern Territory, the rights and responsibilities of the Australian taxation and social security systems were extended to them, and a Christmas Island Shire Council emerged. Again as with Cocos, under the Territories Law Reform Act 1992, many Western Australian laws were applied to them as if they were Commonwealth laws, subject to ultimate Australian government review. The Australian government appointed an Administrator, an office held in conjunction with appointment as Cocos Administrator; but his powers were weak and ill-defined.

Yet, the Christmas situation differed from that in Cocos in two important ways. First, Australia had refused to treat Christmas as a non-self-governing territory in terms of the UN protocols, and it did not submit annual reports for consideration by the Decolonization Committee. Its contested argument was that Christmas could not be considered to be ethnically or culturally distinct because it did not have an indigenous population as required by those protocols, and that it was therefore not subject to UN review. There were consequently no visitations by the Decolonization Committee as occurred in Cocos, and no reports by that committee. Nonetheless there was a locally-organized referendum of sorts, reflecting strong views that the islanders had little more than a charade of democracy: as they voted in the national Australian republic referendum in November 1999, they were asked to write in on their ballot paper their preference for a system of local government, and 62% opted for self-government but not complete separation from Australia.

The second difference from the Cocos situation came from the phosphate mining industry, which formed the backbone of the island economy. It was operated for half a century by a private company, and after 1948 by an Australia-New Zealand joint public corporation, the Christmas Island Phosphate Commission, New Zealand being a major user of its products.

This Commission employed as its managing agent another jointly owned public corporation (Australia, NZ, UK) already well established in the Pacific phosphate islands of Nauru and Banaba (Ocean Island, now part of Kiribati), the British Phosphate Commissioners. Problems developed as the supply of top-quality phosphate on Christmas diminished, but the industry continued as ways were found of mining and marketing lower-grade residues.

What is important here is that the mining company management has played a major part in Christmas governance, along with the employee union with which it has had many industrial disputes but which has itself contributed significantly to the provision of community services; indeed, the union had become a substitute for an acceptable form of participation and democracy. A major study of the three phosphate islands (Christmas, Nauru, Ocean) published in 1985 expressed the view that the governance structure of strong industry management and weak civil administration “had been the symbol of colonial exploitation, ... [presenting] an anachronistic version of the colonial age” (Williams & Macdonald, 1985, pp. 540, 555). There is reason to suggest that little has changed.

There have been serious attempts to diversify the island economy, reducing its dependence on mining royalties and developing its role in the Australian border protection system. There has been play with the development of a casino and accompanying tourist resort, and construction of a major retention centre for asylum-seekers prevented from landing on the Australian mainland. But these are Australian government initiatives which mostly do not connect with the islanders’ dissatisfactions about their lack of representation in the mainland institutions – and now particularly those of Western Australia – which are so important in determining their quality of governance. They were reported in 2014 as considering themselves “trapped in a bureaucratic nightmare” as repeated efforts to communicate with service providers in Perth and Canberra were ignored (Towell, 2014b, p. 2; also Christmas Island Shire Council, 2005).

### **Cocos-Christmas: towards a single territory**

The major statutes governing the two territories, and major Australian framework acts that apply to both (such as the Acts Interpretation Act), still refer separately to the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island; and a chief government official, the Administrator, is appointed separately to both territories, even though the same official occupies both positions. But use of the collective term “Indian Ocean Territories” has been increasing in serious commentary and many official documents, at least since the 1980s.

Notwithstanding their very different histories and that they are nearly 1,000 km apart, there is much common ground in the circumstances of their post-World War II transfer to Australian sovereignty, their coming together for purposes of political and administrative supervision in the same department of the Australian Commonwealth government, their common subjection to Western Australian public services as the Commonwealth department has pursued its supervisory functions, and the strong thread in their criticisms of the lack of consultation in the management of their affairs by all concerned in mainland Australia.

In the absence of acknowledging legislation, there is as yet no formally declared Territory of the Indian Ocean Islands. However, that name now appears in the title of reports by parliamentary committees and of various administrative arrangements, programs and structures provided by Australian Commonwealth and contracted Western Australian departments and services (Stanhope, Wettenhall & Bhusal, 2016, pp. 95-96). This can be seen

as the slow progression of an anticipated role for a combined territory government spelt out by Christmas Island resident Ron Grant in a statement to an inquiry by a visiting parliamentary committee. Grant foresaw that the two territories should be merged into a single jurisdiction with limited self-government, exercised by one assembly for the two islands to complement the existing shire councils, with its own island-based public service, and (in Australian terms) state-like responsibility for functions like health, education, law enforcement, justice and economic development (reported in JSCNET, 2004, p. 11).

That has still not happened, though the same committee reported after another visit in 2006 that the people of the two territories were angered by the role in their governance played by “unaccountable” Australian public servants, and that they objected to being treated like colonial possessions by a government that is paternalistic and “becoming less benevolent as time goes on”. The islanders asserted that they have a distinct culture created by isolation and the many Asians brought in to work in the phosphate mines and copra plantations that were the reason for their existence, and they demanded “more autonomy” and “a form of regional government” (Lewis, 2006, p. 12; Stanhope in Towell, 2014a, p. 1). In all this, Cocos and Christmas now speak together, and their position is not far from that which has developed in Norfolk as it faces the removal of institutions of self-government previously granted.

## **Norfolk Island**

Norfolk is a volcanic island with a coastline of almost inaccessible cliffs, except for a couple of landing places that allow loading and unloading of ships. The European discovery took place in 1774, during Captain James Cook’s second voyage around the world. Norfolk was uninhabited until 1788, although there was some evidence of earlier visitations by Polynesian seafarers (Hoare, 1988, pp. 13-14).<sup>2</sup>

From 1788, Norfolk served as a penal colony secondary to the main Australian settlement in Sydney, also established in 1788, and it was attached administratively to the colony of New South Wales and, from 1844 to 1855, to that of Tasmania (then Van Diemen’s Land). With the use of convict labour, significant infrastructure works were constructed before the last convicts were removed in 1856 to make way for a new body of settlers who were to give Norfolk the special character which has marked its subsequent history.

This history connects with a dramatic item of British maritime history featuring a sailors’ mutiny on the ship HMS *Bounty* in the South Pacific in 1789. After a period spent in Tahiti, the *Bounty* mutineers sailed to the more remote island of Pitcairn with Tahitian wives and other followers, where they established a rudimentary form of governance. But Pitcairn proved unable to support even this small population and, after a rapprochement with Britain, 194 “Pitcairners” transferred to Norfolk in 1856 to exploit the infrastructure already there, taking with them the customs they had developed on Pitcairn, including the mixed English-Tahitian language now known as Norfolkese and a significant commitment to mutual self-help. Of the current resident population of about 2,200, around half are of Pitcairner descent, and they have come to exercise a strong influence in island affairs. They have asserted that, as part of their agreement to move, Queen Victoria granted them ownership of Norfolk; a careful search by a royal commission found no evidence for this claim, but as part of this belief they

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<sup>2</sup> On Norfolk Island governance generally, see Nimmo (1976), Grundy & Wettenhall (1977), HRSC/LCA (1991, Ch 7), Wettenhall & Grundy (1992), O’Collins (2005), Irving (2013), NIPD (2015), Nobbs (2015, 2016), Robertson, 2016); also, on the recent period, Baldacchino (2010, pp.134-136).

have long demonstrated loyalty to the British crown rather than to Australia.

For a time, Norfolk also served as a whaling station. Through the later 1800s it had the status of a separate British colony, though it shared a governor with New South Wales (NSW), and drew on NSW administrative services. In 1857, the governor issued a set of 39 simple laws referred to as “Laws and Regulations of Norfolk Island”, and the island experienced a peaceful existence for half-a-century. This arrangement endured when the Commonwealth of Australia was established in 1901 and NSW became an Australian state. Then, without any Norfolk participation, the Commonwealth parliament enacted the Norfolk Island Act 1913, and Norfolk became an Australian external territory. An Administrator was appointed, serving as chairman of an elected but advisory-only island council.

The island began to be exploited as a tax haven in the 1960s, and by the end of 1971 over 1000 companies had rushed to be registered in Norfolk. But the practice was stopped when, on appeal from the Commonwealth, the Australian High Court ruled (in the *Berwick* case) – in a judgment whose application spread much beyond Norfolk – that Norfolk was part of the Commonwealth of Australia and that the federal parliament had the right to legislate on its affairs and those of all other territories. Another problem developed as Australia’s Human Rights Commission found that Norfolk practices were violating Australia’s observance of international human rights protocols.

With mainland accusations about a mutiny on Norfolk (a play on the earlier *Bounty* history), Mr Justice Nimmo was appointed as a royal commissioner with a broad brief to inquire into Norfolk affairs, and his report highlighted the essential choice: the Commonwealth should decide whether to abandon Norfolk altogether, or to accept responsibility for maintaining it as a viable community. He opted for the latter and made many detailed recommendations. However, on any dispassionate view, there was an essential contradiction in his proposals: on the one hand, for purposes of representation in the national parliament, he wanted Norfolk included in the electorate of Canberra – with which it had no community of interest – and Australian laws in respect of such policy areas as taxation and social security extended to Norfolk. On the other hand, he wanted a Norfolk Island territory assembly established with much stronger autonomous power than anything so far existing in the territory’s governance.

Objecting to the first, the existing Norfolk council appealed (unsuccessfully) to the UN Decolonization Committee for its assistance in ensuring that the island was not politically integrated with Australia without the consent of its people, and it conducted the first of several local referenda in which a large majority of voters supported the pro-autonomy position. The relevant Commonwealth minister refused to see a delegation from the Norfolk council. However delays occurred with a change of government in Canberra, and action on many of the Nimmo recommendations was deferred. Surprisingly, therefore, legislation was presented in 1978 (leading to the Norfolk Island Act 1979, replacing the 1913 legislation) providing for an elected nine-member legislative assembly with legislative and executive power over a wide range of functions, with just a few functions reserved for federal government attention. What was considered very important by the Norfolk Islanders was a preamble to this act recognizing the *Pitcairner* tradition. This scheme was implemented, and thus, through a tortured path, Norfolk came to exercise a degree of self-government that gave it semi-state status within the Australian federation.

But the issues of representation in the federal parliament and extension of all federal legislation to Norfolk refused to go away, and have been kept alive by interests in the

Australian bureaucracy and by politicians influenced by them. More referenda on Norfolk, none recognized in Australia, showed island voters continuing to oppose Australia's efforts to integrate them into mainland systems.

However, the Norfolk Island Assembly had made some unwise and costly decisions, which afforded its opponents the opportunity to press their case to bring Norfolk into mainstream Australia with little or no formal recognition of ethnic and cultural differences. Again, with what Norfolk leaders have seen as entirely inadequate consultation, the Australian parliament has now legislated to abolish the Norfolk Island Assembly and various other manifestations of separateness, including the preamble to the existing act that recognised the Pitcairner tradition. Norfolk has been reduced to the status of a local government area within the state of New South Wales, and its citizens forced to enrol for compulsory federal elections in a Canberra electorate. These changes have taken effect in the year of this writing: 2016.

### **Models for consideration: comparisons**

After their establishment as permanent settlements, Cocos, Christmas and Norfolk became fairly typical SNIJs, marked by that governance duality that is a feature of such jurisdictions. Forms of locally generated self-help operated alongside rudimentary forms of administration supplied by the colonial power. In Cocos, the Clunies-Ross dynasty supplied the local leadership; in Christmas, it was the structures of the mining industry; and in Norfolk, the Pitcairner families and the traditions they brought with them.

Through Britain via the Straits Settlements crown colony and then Australia, minimal elements of colonial government operated in Cocos and Christmas. The late 20th century saw the weakening of the Clunies-Ross influence on Cocos and the mining industry influence on Christmas, leaving the residents committed to their self-help mechanisms but more dependent on the colonial power, which eventually acted vigorously to extend to them mainland obligations and services. For so long as they had no representation in the relevant decision-making, the islanders saw this as a firming of the colonial aspect of their governance.

Norfolk departed from this pattern for a time when it received the institutions of self-government, and it began to think of itself as a state rather than a colony. But those institutions have now been withdrawn. Norfolk's then Chief Minister, Lisle Snell, objected that his island territory was returning to colonial-style rule, and in this he joined the spokespersons of the other island territories who were claiming that they were "proudly Australian but fiercely independent", battling the "quirkiness" of their form of local government and the "colonialism" of direct rule from Canberra (Snell quoted in Towell, 2014c, p. 4). But their views have been easily dismissed by the politicians and bureaucrats in Canberra who have responsibility for territorial governance, and in political and administrative terms the process of bringing all three overseas territories closer to mainstream Australia continues.

What appears totally absent from the thinking of the current generation of Australian policy-makers is a preparedness to recognize that there are features of island life that are different from those commonly experienced by mainland communities and that some of these features are worth preserving. A survey of the practices of other SNIJ regimes might shed valuable light on how Australia might progress to pay better attention to the positive features of islandness in the governance arrangements made for its off-shore island dependencies.

When the self-determination referendum was held on Cocos in 1984, the options offered were full independence, free association with an independent state, or integration with

an independent state, and the overwhelming majority opted for the third alternative. No one had any doubt that Australia was the intended state, and for informed people in the Australian arena the free-association option was assumed to be based on the arrangement New Zealand had established with its former dependencies Niue and the Cook Islands. The unofficial referenda held variously on Christmas and Norfolk were less formal, but the responses pointed to a desire for self-government but not complete separation from Australia, whose funding support was so important to them. These outcomes were far from specific, and the subsequent hardening of measures of Australian control has clearly angered island residents. The question arises, in terms of island-studies discussion about the role of SNIJs, whether these jurisdictions really are still colonial (where the centre-periphery margin is still significant), or whether the drive for integration has not removed them altogether from the colonial category and merged them into the structures of the parent state.

In island studies scholarship which recognizes that advantages accrue to small jurisdictions which resist pressures for full independence, several categories of arrangements between such island jurisdictions and central powers have been identified (Watts, 2009, pp. 28-32; also Stewart, 2009). Where sovereignty is not an issue, what matters is the degree of autonomy enjoyed by the SNIJ in its relationship with the central power. One relevant category is that of a fully-fledged state (or province) in a federal system of similarly constituted states, such as Hawai'i (in the USA), Prince Edward Island (in Canada) or Tasmania (in Australia). Another such category is that of "federacy", which applies to asymmetrical federal relations where a smaller unit is joined to a larger polity, retaining considerable autonomy and with the relationship dissolvable only by mutual agreement: this generally less-well-known category includes the Faeroe Islands and Greenland (Denmark), the Åland Islands (Finland), Azores and Madeira (Portugal), Isle of Man, Jersey and Guernsey (UK) and Puerto Rico and the Northern Marianas (US). A third and better-known category is that of "associate state", dissolvable by either party acting alone on terms established in a constituent document or treaty: Niue and the Cook Islands in their relationship with New Zealand are the classic examples.

But there are many SNIJs that are *not* covered by these formal categories, constituting a loose group of jurisdictions, usually islands, where governing arrangements combine autonomy and partnership with 'mother states'. This group includes cases like Bermuda, whose voters have resisted calls for full independence; the Cayman Islands with almost notorious tax-haven status; and tiny Pitcairn. In Watts' formulation, their "constitutional home rule status" emphasizes unitary cohesion with the mother state and some self-rule, with the central government retaining ultimate potential for control (Watts, 2009, p. 29).

The French system has devised a form of SNIJ which, while valuing autonomy, emphasizes the partnership factor: its "overseas territories" have own governments combined with representation in the Paris parliament. The Danish SNIJs have quasi-diplomatic missions in Copenhagen and Brussels (Bartmann, 2009, pp. 62-63). In some non-federal cases, the SNIJ is even a regular province of the associated nation state, as Galápagos is to Ecuador. As a senator in the Paris parliament from the Indian Ocean island of Réunion put it, "integration is a means of decolonization, just as much as independence" (quoted in Baldacchino, 2010, p. 63).

In all these categories, it is argued, the political affiliation brings advantages that would be lost with full sovereignty. But the island population needs to have good "para-diplomacy" capacity in order to extract these advantages from the partnership (Bartmann, 2009; Baldacchino, 2010, chapters 7 & 8).

### **Models for consideration: the importance of islandness**

Where do the Cocos, Christmas and Norfolk jurisdictions as presently constituted stand in relation to these categories? Any such relationship that exists is in fact very marginal. What formal autonomy there is has to be seen under present arrangements as a grant from the central government approved by an act of its parliament. Even in the case of Norfolk in its autonomous period, there was no compact or treaty, merely central imposition. The three jurisdictions have now to be seen as parts of the local government systems of states of the federation, with no formal consultation to arrive at the present status, no agreement either with those states or with the centre that they might hope to modify, and no opt-out powers. They have thus been effectively integrated, with colonial status long gone. They see that they may benefit economically, because the centre will bear ultimate responsibility for their sustainability and financial position. But they also see that they have lost much as protections for their cultural distinctiveness and their patterns of social self-help have disappeared. They do not like it, and they ask what better arrangements they might aspire to. How can they be strengthened in their municipal status, or what alternatives are there to that status?

Size is clearly an issue that cannot be ignored, notwithstanding that the relevant UN protocols have declared that it should not be a critical consideration when issues of self-determination are being decided. Here, small is not necessarily beautiful! There are very occasional tiny but fully sovereign states such as Nauru, but experiences in self-management suggest that that status is not always something to be desired (Watts, 2009, p. 27). Some SNIJs may do better, but observers generally write off the capacity of such small jurisdictions to engage in the para-diplomacy needed to bring off satisfactory constitutional arrangements. The question about Cocos, Christmas and Norfolk needs to be posed in that light: are they simply too small to aspire to full SNIJ status?

Are there cases of small island jurisdictions within 'mother country' local government systems that are geographically isolated from those systems, yet demonstrate the partnership characteristics Watts saw as significant in describing his group of effective autonomy-and-partnership islands? There seem to be few such cases on the world scene. However, the Netherlands came unexpectedly to provide examples: in 2008, the Caribbean federacy (or associate state) known as the Netherlands Antilles thwarted the Dutch government's plans to move it to full sovereignty; this entity was reorganized in 2010 into three federacies and three "municipalities of the Netherlands" (Veenendaal, 2015). How do the latter jurisdictions operate today? There may be lessons here – and in other such cases – for those contemplating better futures for Cocos, Christmas and Norfolk.

The residents of the three Australian off-shore territories and their spokespersons engaging in para-diplomacy with mainland bureaucrats and politicians expect some answers to these questions. They would particularly like to be able to recognize that the mainland bureaucrats and politicians they have to deal with have some interest in building those answers into their policy development work. Sadly, there is at present little evidence to suggest that this is so. There are many aspects of island life, both positive and negative, that deserve full consideration when the relevant planning and decision operations are taking place. They are embraced by the concept of islandness: all concerned would do well to alert themselves to messages inherent in that concept and consider seriously "the social, economic and political dimensions of formality and informality in 'island' communities" (Skinner & Hills, 2006).

Useful explorations of such islandness are available to policy-makers and advisers able and willing to consider relevant issues seriously. Several of these explorations attest to the unsuitability of applying models developed in larger locales to the conditions of small islands.

This applies particularly to the issue of forms and processes of government. So often those involved in administrative reform and development in small island jurisdictions bring with them western notions of a division between political and bureaucratic elements of governance, involving an independent public service organized hierarchically, with levels of responsibility defined and particular functions allocated to sections of the bureaucracy designed especially to handle those functions. But this model, familiar to so many policy-makers and advisers, cannot work in societies where “everybody knows everybody” (Corbett, 2013), and family and kin cohesiveness provide the basic political dynamic. In these societies traditions of shared ownership often apply, there is little social distance between “leaders” and those they govern, almost every adult in employment is employed by government, and in best “pooh-bah” fashion every official performs several government roles criss-crossing and confounding lines of responsibility (Murray, 1985, pp. 187-201; Corbett, 2013, pp.1-21).

These features have merits as well as demerits. Those involved in designing government systems for small jurisdictions need to take them seriously when shaping those systems to best advantage.

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## APPENDIX: OFF-SHORE ISLANDS WITHIN AUSTRALIA'S JURISDICTION

### A. As Commonwealth territories\*

Ashmore & Cartier Islands; Christmas Island; Cocos (Keeling) Islands; Coral Sea Islands; Heard & Macdonald Islands; Norfolk Island

\* The Australian Antarctic Territory, large in area and hosting a few research stations, has been administered as a Commonwealth territory since 1933 and is often included in this group, though this status is not recognized by all signatories to the Antarctic Treaty.

### B. Other

Lord Howe – dependency of New South Wales administered by a statutory authority, the Lord Howe Island Board, reporting to the NSW Minister for the Environment; Macquarie – dependency of Tasmania, part of Huon Municipality, a regular Tasmanian local government area; Torres Strait – dependency of Queensland governed by a complex mix of islander councils, a regional council within the Queensland local government system, and a Commonwealth statutory authority, the Torres Strait Islands Authority, being special arrangements acknowledging the largely indigenous population.

*Note:* Islands close to mainland centres are not included, notably Kangaroo Island in South Australia (which is to host the 2017 ISISA Conference) and King and Flinders Islands in Bass Strait between Victoria and Tasmania. They have municipal councils.