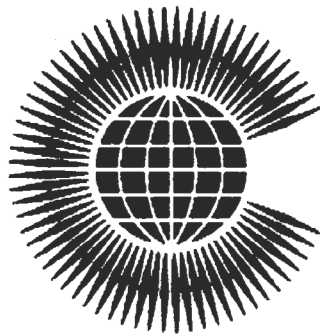


**Report of the Commonwealth
Assessment Mission**

28th August to 8th September 2005



**Electoral Reform
in St Kitts and Nevis**

**ST KITTS AND NEVIS ASSESSMENT MISSION
28th August to 8th September 2005**

**REPORT OF THE COMMONWEALTH
ASSESSMENT MISSION**

Commonwealth Secretariat

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INTRODUCTION

Invitation and Composition of the Assessment Team

This report presents the observations, conclusions and recommendations of the Commonwealth Assessment Mission, which was present in St Kitts and Nevis between 28th August and 8th September 2005 to:

- *assess arrangements in St. Kitts and Nevis for the holding of elections and those matters which have a significant impact on the electoral environment; and*
- *make proposals for any reforms that may be necessary.*

The Commonwealth had previously provided a Commonwealth Expert Team for the 2005 General Elections.

The Commonwealth Secretary-General's decision to send an Assessment Mission followed a response to the recommendations of the Expert Team and an invitation from the Prime Minister of St Kitts and Nevis, Dr the Hon Denzil Douglas.

The Team consisted of:

Hon David Thompson MP
Former Leader of the Opposition
Barbados

Mr Danville Walker
Director of Elections
Jamaica

BACKGROUND ON ST KITTS AND NEVIS

St. Kitts and Nevis has a total area of 261 sq km (St. Kitts 168 sq km; Nevis 93 sq km). First settled by the British in 1623, the islands became an associated state with full internal autonomy in 1967. St. Kitts and Nevis attained full independence on 19 September 1983.

The population of St Kitts and Nevis is estimated at 38,836 (July 2004 est.). The main language spoken is English. The legal system is based on English common law as exercised by the Eastern Caribbean Supreme Court of Justice; provision is made for appeal to the Judicial Committee of the Privy Council in London.

As Head of State, Queen Elizabeth II is represented in St. Kitts and Nevis by a Governor General, who acts on the advice of the Prime Minister and the Cabinet. The Prime Minister is the leader of the majority party of the house, and the Cabinet conducts affairs of state. St. Kitts and Nevis has a bicameral legislature: An 11-member Senate appointed by the Governor General (mainly on the advice of the Prime Minister and the Leader of the Opposition); and an 11-member popularly elected House of Representatives which has eight St. Kitts seats and three Nevis seats. The Prime Minister and the Cabinet are responsible to the Parliament.

Under the Constitution, Nevis has considerable autonomy and has an Island Assembly, a Premier, and a Deputy Governor General.

ACTIVITIES OF THE ASSESSMENT MISSION

The Assessment Mission began work in St Kitts and Nevis on 28th August 2005. It held a series of briefings over ten days with key stakeholders, including the three St Kitts-based political parties, the two Nevis-based parties, the Supervisor of Elections, the Chairman of the Electoral Commission, representatives of the media, representatives of civil society and other groups. A list of meetings held is attached at **Annex A**.

These meetings provided the Mission with information on the electoral process, the overall political and electoral environment, the conduct of campaigns, and issues with respect to the current electoral arrangements. The Supervisor of Elections provided the Mission with relevant documentation pertaining to the electoral regulations and processes.

On 1 September 2005 the Mission travelled to Nevis and held meetings with stakeholders there (see **Annex A**) including the Premier of Nevis, and representatives of Nevis-based political parties.

THE NATIONAL FRAMEWORK

St. Kitts and Nevis is a federal state, which became independent on 19th September 1983. The general election of 25th October 2004 was the sixth since independence following on such elections in 1984, 1989, 1993, 1995 and 2000.

Pre-Independence Status

St Kitts, Nevis and Anguilla became a state in voluntary association with Britain on 27 February 1967. In 1969-70, at the invitation of the British Government, the Commonwealth sent an International Commission to assist in resolving the constitutional crisis arising from Anguilla's desire to secede from the three-island state. The *de facto* separation of Anguilla became official on 19 December 1980, leaving St Kitts and Nevis to proceed towards complete independence.

At a Constitutional Conference held in London in 1982, it was agreed that St Kitts and Nevis would become a federated state. St Kitts and Nevis subsequently achieved full independence in 1983 as the Federated State of St Kitts and Nevis.

Nevis

The Saint Christopher and Nevis Constitution Order 1983 enacted by the British Parliament is the Constitution for independent St. Kitts and Nevis. The autonomy of St. Kitts is established by virtue of entrenched provisions of the Constitution.

They provide for a separate Nevis Island Assembly of 11 members and a Nevis Island administration headed by a Premier. The Assembly may make laws – known as Ordinances – for the peace, order and good government of Nevis with respect to specific matters.

As part of the federal arrangements, Nevis has three seats out of eleven in the St. Kitts and Nevis Parliament. Members of the Nevis Island Assembly are entitled to and contest constituencies in the federal general election and may hold positions in both the Nevis Island Assembly and the Federal Government.

At the time of the 2004 general election the Concerned Citizens Movement was the political party in office and the Nevis Reformation Party was in Opposition. The Constitution also provides for and establishes the procedure required for Nevis to unilaterally secede from the Federation.

The Constitution does not provide for a separate St. Kitts assembly or administration nor are there provisions for its secession from the federation. The Federal Government performs all of the local government functions in St. Kitts. The Federal Government is also the local government for St. Kitts, which has resulted in the perception in Nevis that the interests of Nevis are being neglected by the Federal Government.

Background to Political Parties

The general election of 25 October 2004 was contested by five political parties. Three of them contested the St. Kitts constituencies – the St. Kitts/Nevis Labour Party (SKNLP) established in 1932, the Peoples Action Movement (PAM) established in 1965 and the United National Empowerment Party (UNEP) established in May 2004. There was one independent candidate.

Two parties contested the Nevis constituencies – the Concerned Citizens Movement (CCM) established in 1987 and the Nevis Reformation Party (NRP) established in 1970.

In the previous general election, SKNLP led by Dr. Denzil Douglas won all eight constituencies in St. Kitts and, by the time of the 2004 election had served its second term in office.

In the 2000 election CCM led by Mr. Vance Amory won two of the three seats in Nevis.

As a result of there being no other party in St. Kitts holding sufficient seats to outnumber the two held by the CCM, the Leader of the Opposition was chosen from among the two CCM members.

In the 2004 general election, PAM was led by Mr Lindsay Grant and UNEP was led by Dr. Henry Browne.

In each case, the two major parties contested all of the constituencies in their respective territories.

The Mission held discussions with the leaders and members of all of the political parties.

The background to the 2004 general election was that the SKNLP was seeking a third term.

Electoral Laws

The National Assembly Elections Act Cap. 162 divides St. Kitts and Nevis into 11 electoral districts for the purpose of federal elections. Each electoral district constitutes one constituency and each constituency elects only one member to the Assembly.

Schedule 2 (1) of the Constitution states that "*There shall be not less than eight constituencies in the island of St Christopher and not less than three constituencies in the island of Nevis and if the number of constituencies is increased beyond eleven, not less than one third shall be in the island of Nevis.*"

Constituency Boundaries

The Constitution provides for a Constituency Boundaries Commission charged with the duty of reviewing the number and boundaries of the constituencies into which St Kitts and Nevis are divided¹. The Commission comprises a Chairman and four members all of whom are appointed by the Governor General acting in consultation with the Prime Minister or Leader of the Opposition as the case may be.

The Commission is required to submit a report of its work to the Governor General at intervals of not less than two nor more than five years.

A review of the boundaries and constituencies is long overdue and necessary in light of population shifts and growth in some constituencies, physical developments and the disparity in representation occasioned by urban/rural differences.

The Constitution also states: "*All constituencies shall contain as nearly equal number of inhabitants as appear to the Constituency Boundaries Commission to be reasonably practical...*"².

In the 2004 election, constituency number 2 in St. Kitts had 6,077 voters on the register followed by constituencies 1 and 8 with over 5,000 voters on the register while constituencies 3,4,5 and 6 had under 3,000 voters on the register. In Nevis a similar situation obtains.

This means that one constituency had twice the number of voters on its register than four others. The two major political parties in St. Kitts appeared to place boundary changes lower in the order of priorities for electoral reform than other recommendations.

¹ Section 49 (1)

² Schedule 2 (2)

It is clear that boundaries should be reviewed as soon as practicable by the Commission.

Electoral Commission and Supervisor of Elections

There is an Electoral Commission whose remit is to supervise the Supervisor of Elections in carrying out his or her functions in exercising general supervision over voter registration and the conduct of elections.

Both the Commission and the position of Supervisor are created under the Constitution³.

The Electoral Commission is composed of three members appointed by the Governor General: the Chairman on his "own deliberate judgement"; one member on the advice of the Prime Minister; and one member on the advice of the Leader of the Opposition. The role of the Electoral Commission is to supervise the Supervisor of Elections in the performance of his functions.

After the last election, the advice of the party which gained the second largest number of votes in St. Kitts would not have been sought because they did not represent the official opposition in Parliament. This lack of representation by the second largest national party - in what is essentially a two-party democracy - deprives that party of a voice and adds to the element of controversy and contention on issues relating to the electoral process. We note that a change in the way in which the Commission is appointed would require a change in the Constitution.

All the members of the Commission serve on a part-time basis. The Commission has no staff of its own and relies on the Supervisor of Elections for logistical support in carrying out its functions.

In our various sessions with political parties and civic groups, we heard complaints that the Commission was too passive - even indifferent - to matters brought to its attention and which were viewed as deficiencies in the electoral process. We also heard allegations of bias in the appointment of election officials such as Presiding Officers, Poll Clerks and Returning Officers.

Not all of the criticisms were valid and we concluded that the allegations of bias were not justified. The Electoral Commission appeared to be aware of the comments and exercised its supervisory role without public intrusion.

Opposition parties not represented on the Commission were thereby not able to object to the list of electoral officials selected for polling day before it was finalised. The Government and Electoral Commission should consider whether

³ Sections 33 and 34

there is not a better procedure to permit valid objections to be heard by a wider and more representative spectrum of political and civic organisations to such appointments.

It should be noted that the Commonwealth, in its Report on the 1995 Elections in St Kitts and Nevis, concluded that:

"The Government and/or Electoral Commission might consider whether a procedure can be devised to allow all political parties to be consulted on the appointment of electoral officers before these are finalised by the Electoral Commission."

Such a practice would contribute to the building of confidence in the electoral process.

The Supervisor of Elections also holds a constitutional office and is charged with the duty of exercising general supervision over the conduct of elections. He is appointed by the Governor-General acting in his own deliberate judgement on the advice of the Prime Minister, the Premier of Nevis and the Leader of the Opposition⁴.

It was felt by some of those with whom we held discussions that in such a case the consultation on the appointment of the Supervisor might have taken into account the view of the second-largest national party in St. Kitts bearing in mind the number of constituencies in St. Kitts by comparison to Nevis.

Like the members of the Commission, the Supervisor of Elections serves in a part time capacity. The Supervisor of Elections is required to act in accordance with the directions of the Electoral Commission in the exercise of his or her functions but otherwise is not subject to the direction or control of any other person or authority.

The Supervisor of Elections accorded us with much courtesy and co-operation in his responses to our questions and the concerns we put to him in our discussions.

Electoral Office

For the purpose of registration of voters, there is an Electoral Office which is managed on a full-time basis by an Assistant Registration Officer. There is also a Registration Office in each electoral district supervised by a Registration Officer but staffed by an Assistant Registration Officer who in practice runs the office on a full-time basis. The Registration Officers are usually retired or serving public servants engaged full-time in other duties.

⁴ Constitution, Section 34 (6)

Great dissatisfaction was expressed by those we met in Nevis about the registration process there and the efficiency of the methodology and the office.

Registration of Voters

The Constitution states: *"Every Commonwealth citizen of the age of eighteen years or upward who possesses such qualifications relating to residence or domicile in Saint Christopher and Nevis as Parliament may prescribe shall, unless he is disqualified by Parliament from registration as such, be entitled to be registered as a voter for the purpose of electing Representatives in one (but not more than one) constituency in accordance with the provisions of any law in that behalf and no other person may be registered as such."*⁵

The law relating to the eligibility of voters in St Kitts and Nevis is as follows:

- a) A citizen of St Christopher and Nevis of the age of eighteen years or upwards who is domiciled in St Christopher and Nevis or is ordinarily resident there at the date of registration;
- b) A Commonwealth citizen of the age of eighteen years or upwards and has resided in St Christopher and Nevis for a period of at least 12 months immediately before the date of registration as a voter or is domiciled in St Christopher and Nevis and is resident therein at that date⁶.

Ordinary Residence

The place of ordinary residence of a person is, generally, that place which has always been, or which he has adopted as, the place of his habitation or home, whereof when away from there he intends to return.

The question as to whether a person is ordinarily resident or domiciled in any electoral district at any material period shall be determined by reference to all the facts of the case.

Domicile

For purposes of registration, domicile means domicile of origin or domicile of choice in St. Christopher and Nevis as ordinarily interpreted at common law.

In the case of a separation or desertion a married woman may have a separate domicile.

⁵ Section 29 (2)

⁶ House of Assembly Elections Ordinance (Amendment) Act 1983 - 16

Every person who is qualified to be registered as a voter for a constituency shall apply in person to the Registration Officer for that constituency to have his/her name entered on the monthly list of voters prepared for the constituency⁷.

Under Section 3 of the Electoral Registration Regulations 1984, every person who is qualified to be registered as a voter for a constituency shall apply in person to the Registration Officer for that constituency to have his/her name entered on the Monthly List for that constituency under a qualifying address. Every application under this subsection shall be in writing and shall be in Form No 1 as set out in the Schedule to the Regulations.

It should be noted that where a person who is registered as a voter for a constituency has ceased to reside in that constituency, he shall not on that account cease to be qualified to be registered as a voter for that constituency until he has become qualified to be registered as a voter for another constituency.

St. Kitts and Nevis operates a system of continuous registration in each electoral district. Those wishing to register as voters must apply in person to the Registration Officer. No identity document is required to be produced at the time of registration. Agents of political parties or candidates or persons likely to be nominated as candidates are entitled to inspect the certificate of registration issued by the Registration Officer. A list of the registered voters for the district is published around the middle of each month and the Election Registration Regulations provide a full opportunity for the lodging of claims and objections with respect to the appearance or non-appearance of a name on the list and for hearings on such claims and objections. A revised list is then published which takes into account the decision of the Registration Officer on the claims and objections that might have been made.

In addition, every 30 January the Registration Officer publishes a consolidated list of persons registered for the electoral district as at 31 January of the previous year to enable corrections to be made to the list by reason, for instance, of death or transfers.

The final official election list for the 25th October 2004 general election contained 37,865 eligible voters. Of this number 30,649 were registered to vote in the eight constituencies in St. Kitts and 7,216 in the three constituencies in Nevis.

Consequent on the 2000 general election, one Terrence Henry brought an action against Leonard O'Loughlin – the Registration Officer for constituency number 2 – in respect of an objection to the inclusion of "electors" on the monthly list on the ground that they did not live in the constituency in which they were registered. The action was dismissed by the Court of Appeal, which affirmed the High Court's decision that there was an evidential deficiency in the action. The issue of whether

⁷ House of Assembly Elections Ordinance (Amendment) Act 1983 - 16

the inclusion of names of persons on a monthly list who did not live in the constituency in which they were registered, was not clearly resolved.

It remains, however, a major issue for candidates and civic organisation which allege that, among other things, there is double registration of voters, large numbers of overseas voters return to the federation specifically to vote (since there are no provisions for overseas voting); that a number of transfers were effected without deletion of the name from the original constituency list; and that there are a number of registrations that take place without the voter appearing personally or producing identification.

These issues were disconcerting and our discussions with political parties and civic groups consistently highlighted these matters. There can be no doubt that these matters have cast disturbing doubts about preparations for elections including the registration process and the integrity of the electoral system as a whole.

The Commonwealth Expert Team for the 2005 elections noted, *"We were able to establish that the names of eligible voters were excluded from the electoral roll and we did see evidence of this; that a number of persons did return from overseas to the federation to vote (which we witnessed as well); that there were examples of more than one person voting under the same name since there is an absence of voter identification; and that there were several examples of persons voting in constituencies for which prima facie they would not by law qualify to be registered or vote."*

Another contentious issue was the inclusion on the Voters' List, it was believed, of many voters who had died. Whilst this concern was genuinely held, it must be acknowledged that the law does not allow people to be removed from the register unless proof of death is presented (i.e. a death certificate).

Most complaints about elections begin with complaints about the voters lists and in St. Kitts and Nevis this has proven to be the case as well.

The current population of St. Kitts and Nevis is approximately 38,836 and the voters list as of May 2005 stood at 38,388. The voters list for the 2004 election was 38,865.

Although, there is a process of continuous registration where electors must visit in person the registration officer and complete a registration, every single group we met with reported serious shortcomings with the Voters List and lamented the lack of Voter Identification Cards. Another common allegation was that it is possible to get on the voters list without actually going to the Electoral Office.

The 2005 Election

The specific allegations of electoral and campaign irregularities in the 2005 elections included:

- Voter registration
- Voting by persons not resident in St. Kitts and Nevis
- Duplicate registration
- Registration of persons not resident or domiciled in St. Kitts and Nevis
- Double and triple voting
- Deceased electors on the list
- The ability to add electors to the voters list even on polling day
- Election spending by both candidates and political parties
- The presence of foreign advisers
- Media bias
- Use of government resources by the incumbent party's campaign
- The use of defective electoral ink
- Registration in Constituencies where elector is not resident
- No way to identify electors on the voters list
- Voters List is outdated and is almost the size of the population of the country

Following the General Election of 2005, three candidates of the Peoples Action Movement filed Election Petitions challenging the election results in constituencies 4, 8 and 1. The petitions are against candidates of the St. Kitts Nevis Labour Party and the Supervisor of Elections and respective Returning Officers. There is currently an interlocutory appeal taking place and the substance of the petitions has not yet been heard. It is to be noted that some of the allegations in the petitions are related to the matters enumerated above.

ISSUES

A number of issues have affected the run-up to and conduct of the elections in St. Kitts and Nevis. These include:

Public Awareness

Given that there has been a high level of confusion on issues such as voter registration and balloting procedures during the campaign, there is a perception that such public discussion suffers from a lack of informed input. The Mission believes that this can be remedied by a proactive public education campaign. This will be even more important should the electoral reform programme be undertaken.

Functions of the Electoral Commission & Supervisor of Elections

During the course of its consultations the Mission found that the Commission did not appear to be particularly worried about concerns raised by members of the public and political parties with regard to the conduct of elections. It is the view of the Mission that the Commission needs to play a central, independent but active role in clarifying and overseeing preparations for elections.

We concur with the findings of the Expert Team for the 2005 elections that,

"In addition, the peculiar character of the St. Kitts and Nevis political system and the composition of its legislature (eight seats out of a total of eleven based in St. Kitts and the remaining three reserved for Nevis) can often lead to a situation where the main opposition party in St. Kitts holds none of the seats in the legislature and/or is not the official Opposition. In such a case – as obtains at present – such parties, though representing a significant percentage of the electorate, have no say in the selection and appointment of Election Commissioners. This can lead to dissatisfaction and accusations of bias in the appointment of Commissioners."

Voting Procedures

There was concern raised by many that individuals could attempt to vote using the name of someone on the Voters' List who was perhaps deceased. In any case where this might be attempted the concern was that the lack of requirement to produce an Identity Card (ID) would lead to an inability to prevent such practices wherever it was suspected.

The law in these circumstances is clear. Provided that a party agent is alert enough to raise an objection, the Presiding Officer shall then put to the voter the following questions:

- a) Are you the same person whose name appears on the Voters' List for this polling division; and
- b) Have you already voted in this election either here or elsewhere?

If the voter answers "yes" to (a) and "no" to (b) s/he is allowed to vote.

The situation is different if a case arises where a person representing himself to be a particular voter applies for a ballot paper after another person has voted as such a person. In this case, s/he will be allowed to vote after swearing an oath of identify in the prescribed form and otherwise establishing his/her identify to the satisfaction of the Presiding Officer.

The Supervisor of Elections can add or delete persons up to and including the polling day if he or she believes that the names were inadvertently left off or should be removed from the voters list of a constituency. This provision creates an

unsettled voters list. This means that the Supervisor will constantly come under pressure from candidates and other stakeholders to add or remove names up to and inclusive of the Election Day.

In the view of the Mission, the voters' list should be published at least twice per year and after that it should be seen as final. Any elections called during that period should be held on the voters list in force at the time of the announcement. The announcement would effectively freeze the voters list and there could be no additions, deletions or transfers in between publication dates.

The Mission found that the voters' list has regular additions of new registrants but very few deletions of deceased persons or persons proven to be no longer domiciled in the Federation.

There are reportedly a significant number of persons on the Voters list who are deceased. The most efficient methodology of removing the dead from the voters list would be to have a new registration exercise.

The current voters list is based on an archaic system that is inadequate to provide the necessary tools for the efficient, transparent and effective management of the registration of voters, the checking of duplicates, the production of lists and the production of ID cards.

The Mission believes that the acquisition of a modern system will go a long way toward addressing the issues above and we suggest that the proposed new Electoral & Boundaries Commission conducts a new enumeration exercise where the old list is discarded and new registration exercise commenced with clearer laws and regulations addressing residency and registration to provide a clean voters lists that is a result of a partnership between the institutions charged with the responsibility and the major stakeholders in electoral matters.

Voter Identification

No voter ID exists and no form of identification is required either to register or to vote. The system of registration depends upon the individual presenting him/herself to the registration office and declaring name, address and occupation. Should such representation be challenged, the onus is on the challenger to prove that the declaration is false.

With respect to Polling Day, The ***Manual for Returning Officers, Presiding Officers and Poll Clerks***, which is based upon the St Christopher and Nevis National Assembly Elections Act (Chapter 162) states at section 10.2 as follows:

- (i) When persons apply for ballot paper after another has voted as such a person

(a) The Presiding Officer requires the applicant to take the oath of identity (Form No. 12) and establish his identity before giving him a ballot paper....and allowing him to vote following the procedure set out for voting in ordinary circumstances."

This section can be interpreted to mean that the Presiding Officer may, in addition to administering the oath, request a form of identification from the voter in order to require the applicant to "establish his identity" before giving him a ballot paper.

In addition, any name on the register can be voted in up to three times. If a name appears as having already voted, up to two subsequent voters can also vote in that name upon taking the oath and satisfying the Presiding Officer as to his/her identity.

This system relies heavily on the recognition of individuals by polling officials. While this has been feasible in the past, population growth and an increase in the number of overseas citizens returning home to vote make such a recognition-based system open to abuse and uncertainty and can adversely affect public confidence in the security and fairness of the process.

The Mission believes that there is strong correlation of opinion in St. Kitts and Nevis that the time has come for the use of identification cards in the taking of the poll. This is a basic requirement in most jurisdictions today and is a matter on which there is wide consensus.

Cards are relatively inexpensive and can be produced from most modern electoral databases. It is also possible to print the photographs of the electors on the voters list beside their names and to make these lists available to the indoor agents of the political parties. This will effectively stop persons from trying to vote in the names of electors.

Registration

The Mission was inundated with complaints about the possibility of party supporters from stronghold constituencies to register in marginal ones in order to boost the parties' chances of winning seats. If true, this practice would make a mockery of the present constituency system, which is the basis for the First-Past-the-Post electoral system, which obtains in St Kitts and Nevis.

Code of Conduct

In June 1995, prior to the July 1995 General Election, a ***Code of Conduct for the Political Process: Ethical Guidelines*** was signed by the leaders of the four major political parties of the day and jointly published by the Christian Councils and Evangelical Associations of St Kitts and Nevis.

The Code of Conduct agreed, *inter alia*, that "care must be taken not to incite sectional hostility or violence" and to "avoid language that is abusive, indecent or inflammatory". In the absence of any new Code having been agreed on for the 2004 Elections, the 1995 Code was republished on 20 October 2004 in the local media via a press release by the St Kitts-Nevis Chamber of Industry and Commerce which expressed the hope that it would "serve as a reminder to all political parties, political candidates, voters, the Electoral Commission, and the media...".

Financing the Election

There are no regulations governing the limits on the amount that could be spent on campaigning by parties, nor any method for ensuring the transparency or probity of political donations. The Mission received complaints about the appearance of substantial spending by parties on campaign events, including a series of free concerts featuring well known regional artistes. Members of civil society in particular felt that spending limits and reporting would be desirable and that a levelling of the financial playing field for election campaigning would benefit the democratic process in the future.

Voter Education

The Mission was told that political parties are mainly responsible for educating their supporters on how to register and vote and voter education material appeared regularly in the party newspapers in the days leading up to the election. The Electoral Office also published information on the location of polling stations and voting procedures.

However, because of the controversy over the registration law and the accusations of possible attempts to vote fraudulently, both main parties in St Kitts spend a great deal of time "educating" its supporters according to its own version of the electoral law (i.e. one party repeatedly informed its supporters that they could register and vote anywhere they liked and the other exhorting its supporters not to allow anyone to vote who appeared to them to be doing so fraudulently). Both these positions contributed to raising tensions to fever pitch while doing nothing to clarify the actual process.

Gender Balance

During its consultations the Mission heard that many women in St Kitts and Nevis feel intimidated in a political environment and are reluctant to enter the political scene, mainly through fear of discrimination against themselves and their families and the use of gender-biased rhetoric on political platforms aimed at denigration and ridicule. Each of the main political parties in St Kitts fielded only one woman candidate each in a slate of eight in the last election, both of whom (one being an incumbent) did not win in their constituencies.

The involvement of women in the staffing of polling stations and the turnout of women voters is, however, high.

Polarisation

The Mission observed a high degree of polarisation in St. Kitts and Nevis society along political lines and were repeatedly told that a high degree of antagonism exists between political parties and their supporters both during elections and in everyday life. The small size of the St. Kitts and Nevis population exacerbates such antagonisms and is an obstacle to fruitful political debate and confidence in the democratic processes of the country.

Legislation

The Mission believes that there is a need for comprehensive electoral reform supported by major legislative changes, including constitutional amendments. It was found that the capacity for undertaking such a major project was currently absent in the Federation.

Implementation

The Mission considered the magnitude of the electoral reform exercise required in the Federation and found that the administrative capacity for undertaking such an exercise should be considerably strengthened. It is also the Mission's view that such an exercise needed to be proactive, highly focused and well resourced.

RECOMMENDATIONS

- A programme of comprehensive electoral reforms should be undertaken by the government of St. Kitts & Nevis and administration by a special project implementation unit;
- Constitutional amendments are needed to establish on an independent basis an Electoral and Boundaries Commission to be selected on a criteria which requires wider consultation especially with major national political parties which may not be represented in Parliament and empowering it to advise parliament on the delineation of constituency boundaries, completely supervise the electoral process from registration to polling day, appoint a Supervisor of Elections and other election officials so as to ensure confidence in the system by those involved.
- There is a need for a comprehensive review of constituency boundaries by the Electoral & Boundaries Commission to reflect balance and fairness in the number of electors;

- The Electoral & Boundaries Commission needs to undertake a systematic national registration and enumeration exercise to ensure:
 - a reliable and accurate register of electors;
 - the introduction of voter identification technology;
 - the identification of non-resident electors;
 - the regular removal of deceased persons from the register;
 - the requirement that voters (other than those residing overseas at the time of an election) are registered in the constituency of their normal residence.
- There is a need for a Code to govern media coverage to ensure balance and fairness in the presentation of issues, parties and candidates and for campaign financing rules to ensure fairness and no undue influence on the outcome by large financiers.
- There is a need for a voter education exercise to explain and clarify the current election laws and to identify the issues for reform.
- There is a need to enhance the participation of women in St Kitts and Nevis politics.
- There is a need for strengthening the role of civic organisations in the democratic process.

Recommended Scheme for Implementation

STAGE A: POLICY FORMULATION

- (1) Submission of Recommendations by Commonwealth Assessment Team
- (2) Review of Recommendations by Government and Stakeholders
- (3) Announcement of proposed Reforms
- (4) Public Consultations on proposed Reforms
- (5) Announcement of agreed Reform Programme
- (6) Establishment of project implementation office

STAGE B: IMPLEMENTATION OF LEGISLATIVE FRAMEWORK

- (1) Drafting Legislation
- (2) Establishment of Electoral & Boundaries Commission

STAGE C: OPERATIONALISE REFORMS

- (1) National Enumeration/Registration Programme
- (2) Operationalize the Electoral Office
- (3) Boundaries Review
- (4) Electoral & Boundaries Commission Review
- (5) Implement Boundaries Changes

STAGE D: QUALITATIVE REFORMS

- (1) Draft Code of Conduct/Ethics for Elections
- (2) Assist with internal Party Reforms to involve more women in politics
- (3) Draft Campaign Finance Code

This Mission is of the view that assistance is required in key areas such as:

- Establishment of a Project Office and administrative assistance
- Drafting of legislation, the Code of Ethics and Campaign Finance Code
- Establishment of the new Electoral & Boundaries Commission
- Undertaking the National Enumeration programme
- Designing the public education programme and consultations

The Mission recommends that the Government of St. Kitts/Nevis Government should pursue the following technical assistance from the Commonwealth Secretariat flowing from the above:

- Employment of an experienced legislative draftsman to advise on and undertake the legislative drafting required;
- Employment of a Consultant to advise on and assist in the establishment of the Project Office and the Electoral & Boundaries Commission;
- Employment of a Consultant to advise on and oversee the National Enumeration programme.