

**Organization of American States**

**Electoral Observation Mission**

**General Election St. Kitts and Nevis**

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**Report and Recommendations Regarding the Boundary Delimitation Process**

**By**

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**I. REPORT**

**Introduction**

Constituency boundary delimitation is one of the most influential processes shaping representation. In most countries, its main purpose is to rebalance the number of habitants across constituencies in order to guarantee the principle of “one man, one vote.”[[1]](#footnote-1) Boundary delimitation usually takes place after a census has been conducted and most constitutional frameworks consider additional criteria that foster good governance –such as respecting administrative boundaries– or that safeguard the representation of specific communities of interest, as well as racial, ethnic, and religious minorities.

Electoral mapping is a legally and technically complex process. There are over one hundred and fifty countries that use geographical electoral delimitation for substantial portions of their elections.[[2]](#footnote-2) Each country has its own specific requirements for boundary delimitation. In some cases, districts must abide by constitutional requirements of equal population and minority representation, and also consider additional criteria such as: geometric compactness, geographical features, administrative boundaries, contiguity, communities of interest, population density, means of communication or electoral competitiveness.

In many countries the delimitation of electoral boundaries tends to be an extremely politicized process because of the high levels of opacity surrounding the process and the lack of accountability mechanisms. In some cases, political parties, boundary commissions or electoral bureaucracies in charge of conducting boundary delimitation do not make relevant information public or do not distribute it in a timely manner. When this happens, new proposed plans are usually challenged in court.[[3]](#footnote-3) The consequence of the lack of transparency surrounding boundary delimitation severely affects the credibility of the process, eradicates the levels of trust in subsequent stages of the electoral process, and might introduce a bias to the legislative configuration.

In order to minimize the politicization of the boundary delimitation process, and for submitted plans to be properly evaluated by all interested actors, it is necessary that all information used in the delimitation process is made available to the public. Having full access to geographic and demographic data used by authorities during the process, as well as to the technical procedures and constituency delimitation software, ensures that constituencies are objectively evaluated and determine if they satisfy legal requirements. Restricting access to information creates conditions for polarization and endangers the credibility of the boundary delimitation process.[[4]](#footnote-4)

**Constituency Boundary Delimitation in St. Kitts and Nevis**

Article 50 of the Constitution establishes that the Constituency Boundaries Commission (CBC) is in charge of “reviewing the number and boundaries of the constituencies into which Saint Christopher and Nevis is divided.” Additionally, Schedule 2 of the Constitution establishes that:

“All constituencies should contain as nearly equal numbers of inhabitants as appears to the Constituency Boundaries Commission to be reasonably practicable but the Commission may depart from this rule to such extent as it considers expedient to take account of the following factors, that is to say: a) the requirements of rule 1 and the differences in the density of the populations in the respective islands of Saint Christopher and Nevis; b) the need to ensure adequate representation of sparsely populated rural areas; c) the means of communication; d) geographical features; and e) existing administrative boundaries.”[[5]](#footnote-5)

Eleven constituencies (8 in St. Kitts and 3 in Nevis) were established in 1983, following the country’s independence. but It was not until 2009 that the Constituency Boundaries Commission made a first attempt to revise electoral constituencies. The opposition parties successfully challenged the report with the result that the original constituencies delimited in the early 1980s were used in the 2010 general election. In December of 2012, a second Constituency Boundaries Commission was constituted to renew the electoral cartography. The CBC produced a report in 2013, but opposition parties also challenged it in court. Two years later, in January of 2015, the CBC produced a third report, but it was challenged once again.

The different constituency delimitation processes in St. Kitts and Nevis have been challenged –and subject to judicial review in national, regional and international (i.e. the Eastern Caribbean Supreme Court and the Privy Council) courts– due to procedural and technical disagreements between the parties; particularly with regard to how procedures and criteria have been used, interpreted, and implemented by the CBC.[[6]](#footnote-6) Boundary delimitation has become one of the most politicized issues in the country in the last decade and one of the main sources of confrontation between the ruling and opposition parties. The Privy Council ruling on February 12, 2015, three days before the general elections took place, stipulated that elections take place using the voter’s list in existence prior to the proclamation of new constituency boundaries, with the opposition’s appeal against the new boundaries returned for consideration by the St. Kitts and Nevis High Court. The delays occasioned by the judicial process significantly affected other stages of the electoral process as a result. The printing of ballots, for instance, had to be postponed and began only three days before the election took place.

The boundaries established in 1983 were the basis to elect representatives over two decades and had a major effect on the under- and over-representation of members of parliament, as well as on the levels of malapportionment in the legislature. [[7]](#footnote-7) In its Final Electoral Observation Mission Report on the elections of January 25, 2010, the Organization of American States emphasized the urgency of revising St. Kitts and Nevis’ constituency boundaries based on the principle of equal representation (“one man, on vote”).

After engaging in constructive dialogue with electoral officials, government authorities, political party leaders and candidates, presiding officers, poll clerks and party agents, as well as with the citizens of the Federation of St. Kitts and Nevis, the 2015 OAS Electoral Observation Mission, in the spirit of a constructive engagement and as is customary in reports of this nature­, offers the following recommendations for the constituency boundary delimitation process.

**II. RECOMMENDATIONS**

1. **Transparency and Accountability**. The Constituency Boundaries Commission (CBC) must operate with complete transparency –and give the public and interested actors continuous access to all proposed plans, data, analyses, software tools, and records of public input. This measure will offer certainty to the different actors involved in the process (political parties, authorities, and citizens) by providing them with information that will allow them to evaluate, replicate, compare, observe and follow different plans in a public context. It also allows citizens, vulnerable groups, communities, local authorities and political parties to manifest their interests.
2. **Access to Information**. The CBC must create multiple channels for public input, and make online tools widely accessible to let members of the public and interested actors design, compare, and comment upon redistricting plans. The CBC should have its own website where it can provide information regarding the legal requirements, criteria and stages of the process, as well as upload the original and final plans approved by the commission.
3. **Clear Procedures, Guidelines and Criteria**. The CBC should approve, in an initial stage, all the procedures, guidelines and criteria that will be used during the constituency delimitation process. This will force the CBC to adopt and follow clear and consistent boundary delimitation criteria, procedures and rules. This will also give the authorities the opportunity to receive feedback from the community and mapping proposals that could improve their own scenarios (based on their own criteria). Additionally, it will provide an objective framework to evaluate different proposals that are submitted by different political actors or citizens during the consultation process. The CBC should make fair judgments using all socially relevant information considered in the law and in its own regulations.
4. **Establishing a Permanent CBC with Financial Independence**. The CBC must receive funding free from legislative manipulation and should be able to set up permanent staff in order to have technical expertise, analyze public input, and maintain institutional records. This will allow the CBC to have more and better information regarding local and community interests throughout the country. It will also allow authorities to be aware of social needs at different levels (enumeration districts, communities, villages, and parishes).
5. **Institutional Autonomy of the CBC**. Although it is fundamental that political parties and members of parliament have full access to the information of the boundary delimitation process before, during and after constituency delimitation takes place, it is key that the CBC is formed by non partisan members that have the necessary technical expertise to supervise and review such a legally and technically complex process. Once a plan is finalized and approved by the CBC, it should not be subject to legislative veto or modification.

1. The principle of equal representation refers to the principle by which every elected representative of the legislature represents the same –or a proportional– number of habitants. [↑](#footnote-ref-1)
2. Handley, Lisa, and Bernard Grofman, eds. 2008. *Redistricting in comparative perspective*. Oxford: Oxford University Press. [↑](#footnote-ref-2)
3. Trelles, A., & Martínez, D. 2012. “Lessons for California from Mexcio’s Redistricting Experience.” *Política y Gobierno*, *19*(2), 199-241. [↑](#footnote-ref-3)
4. Altman Micah, Michael P. McDonald. 2012. “Redistricting Principles for the Twenty-First Century.” *Case-Western Law Review* [Internet]; 62:1–26. [↑](#footnote-ref-4)
5. The Saint Christopher and Nevis Constitution Order (1983). [↑](#footnote-ref-5)
6. Constituency Boundary Commission Reports and Court Cases of 2009, 2013, and 2015. [↑](#footnote-ref-6)
7. The constituencies established in 1983 were used to elect representatives for the 1983, 1988, 1993, 1998, 2004, 2010, and 2015 general elections. Over time, the distortion of the population balance between constituencies creates a context where the percentage of votes obtained by each party is not proportional to the number of seat in parliament (e.g. receiving 40 percent of the vote and having 60 percent of the seats in the legislature). [↑](#footnote-ref-7)