

POLITICAL PARTY AND CAMPAIGN FINANCING IN ST. KITTS AND NEVIS¹

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I. GOVERNMENTAL STRUCTURE

The population of St. Kitts and Nevis is 45,000 of whom 35,000 live in St. Kitts and 10,000 live in Nevis.

The National Assembly is a unicameral legislative body for the Federal and St. Kitts Governments. It consists of eight elected members referred to as Representatives and three nominated “Senators” - two of whom are appointed on the advice of the Prime Minister and one on the advice of the Leader of the Opposition.

Two series of general elections are held at five-yearly intervals - the Federal elections at which the electorate in both St. Kitts and Nevis take part and the elections for the Nevis Island Assembly at which only Nevisians resident in Nevis and registered to vote in the federal elections can participate.

The two parties who contest federal elections are the St. Kitts Labour Party (SLP) and the People’s Action Movement Party (PAM), while two separate parties - the Concerned Citizens Movement (CCM) and the Nevis Reformation Party (NRP) – in Nevis are the ones who contest elections.

For the first twelve years after independence in 1983, the Government was formed by coalitions between the PAM and the NRP, but since 1995 when the St. Kitts Labour Party (SLP) gained an overwhelming victory over the PAM and formed the Government, there have been no such coalitions. In 2000 the St. Kitts Labour Party gained all eight St. Kitts seats, while the CCM gained two of the three Nevis seats with the CCM securing one.

The electoral system is first past the post.

II. CAMPAIGNING FINANCE

In the course of my interviews on the financing of elections in St. Kitts and Nevis, what has emerged is that the financing of elections in this country is a very low-key with party members and national well-wishers contributing to their favourite parties. In a supplementary way, both main parties receive further help mainly in the form of distinguished visiting platform speakers either from fellow Caribbean countries or from Canada and sometimes from as far afield as Britain.

In the case of Canada, a political party from Ontario has been known to send advisers to assist the St. Kitts Labour Party with strategy and other advice. The British

¹ The opinions expressed in this document do not reflect the official position of the Organization of American States.

Labour Party has also sent similar assistance to the St. Kitts Labour Party. The PAM has received assistance too in the form of platform speakers from abroad.

On the matter of funds received, because there is no legislative requirement for disclosure of contributions, it is impossible for a researcher to express with accuracy the quantum of moneys received by either party. What can be said with certainty is that the governing party has an in-built advantage over an Opposition, since the Government authorities hold the levers of power and can, if they so desire, organise funding in a way that would specially benefit their supporters.

At the time of an election there is usually much more labour activity by a Government, intended mainly for its supporters; but this does not mean there is patent discrimination against persons sympathetic to the Opposition except in rare cases.

In St. Kitts and Nevis - as in all other Caribbean jurisdictions – the governing party makes every effort to attract investment in such a way that the investor will bring to the country capital inflows which will create large-scale employment for large numbers of employees - and naturally supporters are given special preference. Thus in a country like St. Kitts with a population of under 50,000 if the Government ensures that over a five-year period between one general election and the other there is much employment they will have gone far to help finance the election campaign since their action will enable party members (and others thus minded) to make contributions and generally to put the community in a position where some members will make voluntary contributions in order to show their satisfaction with the economic activities of the government.

It is to be observed that the Commonwealth Observer Group, who monitored the 1995 General Election was loud in its praise of the colourful and good-natured style of political campaigning in the country and recorded in its Report at p.12: “that in respect of the campaign there are no provisions in the law which limit financial expenditure by political parties.”

But this lack of provision in the matter of campaign finance stems from the fact that the existing legislation which is styled the House of Assembly Elections Ordinance dates back as far as 1983 at which time there was no clamour or restraints on campaign financing and has not been up-dated or amended since.

My investigations reveal that there is not much pressure from the community for electoral reform, including provision for campaign finance constraints. The members of the public and electoral officials to whom I spoke in St. Kitts acknowledge that no amount of legislation will prevent finance in cash reaching both the Government and Opposition Parties or candidates. The political leader of the PAM however has been requesting electoral reform, even though the existing legislation was promulgated while his party was in office. As far as I have been able to ascertain there is no objection by the Government but such reform does not at present have high priority.

Candidates independently receive donations just as the parties to which they belong.

In so far as Nevis is concerned, there is more political campaign activity since there is campaigning for island elections (which does not exist in St. Kitts), for Federal Elections (which exists at the same time in both islands) and, on occasion, campaigning for referendums under sec. 113.

III. THE SECESSION SECTION

In order to give effect to de-federation, section 113 of the Constitution states in subsection 1 that the Nevis Island Legislature may provide that “the island of Nevis shall cease to be federated with the island of St. Christopher and accordingly that this Constitution shall no longer have effect in the island of Nevis”. To implement this section there should be an interval of not less than ninety days between the first and second readings of the Referendum Bill. After the Bill has been enacted by the Assembly it must be approved on a referendum of all the votes validly cast on that referendum. Thereafter full and detailed proposals for the future Nevis constitution must be laid before the Assembly for at least six months before the holding of the referendum and those proposals with adequate explanation of their significance must be made available to the persons entitled to vote on the referendum for at least ninety days before the holding of the referendum. At the holding of the plebiscite, its success requires a majority of 66⅔ of the votes validly cast.

At this point, an explanation of the *râison d’être* of this section 113 in the Constitution must be given.

IV. REASON FOR SEPARATION PROVISION IN THE CARIBBEAN

In order to understand the *raison d’être* for this provision recourse must of necessity be had to history.

Since 1882 when Nevis was summarily merged to St. Kitts as one Presidency in a federated Leeward Islands the people of Nevis have never been reconciled to the state. This therefore happened in the colonial era as well as while the country was a State in association with Britain. That restlessness continued when the country became independent although it did not manifest itself during the period between 1983 and 1995 when the People’s Action Movement (PAM) was in office, for reasons which need not detain us here.

What is important is that when independence came in 1983 the PAM agreed with the Nevis Reformation Party (the original arch-secessionist organisation) to insert sec. 113 which has already been explained. It was that term in the Constitution that caused the Labour Party representatives at the Independence Conference in 1982 to walk out of the Conference and to refuse to sign the Report of the meeting. It was this same flaw in the Constitution which the Labour Party was anxious to correct when they came to office in 1995 with a mandate so to do.

It was on that basis that the Labour Party Government appointed a Commission which recommended that a proper federal structure should be put in place under which

there would be two administrations and two legislatures (for St. Kitts and Nevis) each headed by a Premier with a small federal government headed by a President. In other words, the country should become a presidential regime rather than remain monarchical.

Shortly after the Commission was announced Nevis decided to invoke section 113 and held its first referendum in 1998 which did not obtain the 66 $\frac{2}{3}$ majority of the votes required for success. The Premier of Nevis in March 2003 announced the holding of a second referendum which is expected to take place in 2005 or in late 2004.

There is likewise no legislation governing campaign financing for a referendum which is conducted under the Supervisor of Elections for the Federal Government (himself operating under the Electoral Commission)- both being creatures of the Constitution.

III. ACCESS TO THE MEDIA

In the course of my investigations I did not form the impression that access to the media was denied any one, although the Opposition does not often seek to exercise this right. There was the usual grievance that the Government uses the media to improve its own image.

The attitude of the present Government is that it is doing a great deal for the country's economy, by way of attracting foreign investment; by increasing the country's health and social services; by up-grading the country's educational system, and by assisting the populace in the field of civic education. It is important, says the Government, that the whole country should know what is being done to improve the lot of the people and if this means much resort to the electronic media at election time, there is no need to apologise for it. The Opposition is not debarred from expressing its point of view on the Government television station.

Any new Representation of the People Act should in express terms make provision to the effect that the Opposition will be given equal time to express its views – especially at Election time.

It should also make provision as follows:

- (a) For the Electoral Commission to consult with the electronic and print media operating in St. Kitts and Nevis, as soon as a writ has been issued for an election, to draw up a time-table for:
 - (i) public education programmes for all voters
and
 - (ii) party political broadcasts and access to the print media for all political parties and candidates to promote their views through the electronic media and to have their messages printed in newspapers circulating in St. Kitts and Nevis.

The Commission should also make rules, setting out:

- (i) The procedure for the use of the electronic media and print media during an election;
- (ii) requiring owners of the electronic and print media to provide equitable allocation of time and space, in a non-discriminatory manner to enable political parties and candidates to carry their messages in accordance with guidelines established by the Commission; and
- (iii) prescribing penalties for failure to comply with the rules.

In the Federal Parliament at present, all eight elected members are from the St. Kitts Labour Party, the People's Action Movement (PAM) - the main Opposition party - having failed to win any seat at the last General Elections. There is one Senator nominated by the Opposition in the National Assembly.

In this connexion, it should be mentioned that the Governing Party expresses itself through a newspaper – the “Labour Spokesman” while the Opposition Party does the same through their newspaper “The Democrat.”

What transpires is that the Labour Spokesman publishes in its pages news of Government activities with commentaries while “the Democrat” criticises. This is the present position; but the position is reversed whenever the PAM is the governing party. There is no independent newspaper and this is a pity, for the obvious reason that without such a newspaper it is impossible for the non-party researcher or observer to form a proper and objective judgment as to the true state of affairs.

IV. DISCLOSURE

Because there is no legislative provision for it, neither the governing party nor the Opposition feels any necessity for disclosing the nature and extent of contributions received in advance (or at the time) of any general election – or at any time between general elections, when for example, there is a by-election.

The whole matter of campaign financing in the Federation of St. Kitts and Nevis is shrouded in secrecy. This is as true at a general election for the Federal Government as it is at the Island Elections for the Nevis Administration or for a Referendum being held in Nevis under sec. 113, whenever Nevis wants to go to Parliament to trigger separation from St. Kitts.

- It would therefore be a matter of speculation and sheer guess-work to try to assess –
- (a) the identity of contributors;
 - (b) whether contribution is in Cash or in kind;
 - (c) the quantum of such contribution; or
 - (d) the total cost of an election

There can however be no doubt at the Elections legislation in this country is in need of overhaul. At a minimum, legislation is required to make provision calculated to prevent –

- (a) bribery;

- (b) Treating;
- (c) Undue Influence;
- (d) Disturbances at election meetings;
- (e) Payments for exhibition of election notices;
- (f) prohibition of paid canvassers;
- (g) providing money for illegal purposes; and
- (h) Corrupt and illegal practices

Provision should also be made for setting out clear rules for the election process.

The matter of whether employees will be allowed time to vote should not be left to the discretion of employers but an Act of Parliament should make it mandatory for employers to give appropriate time for employees to carry out their civic duties of casting their vote.

There are also such issues as
Appointments of Election Agents;
Offences and Penalties;
Personation; and
Tampering with nomination and ballot papers;
and

The Requirement of Secrecy
which need to be addressed in any revised legislation.

A) CAMPAIGN FINANCING AND LABOUR UNIONS

In so far as Campaign Financing is concerned, as is the case in most of the small islands, trade unions do not – because of the poor state of their finances – make any significant contribution to campaign finance.

B) GENDER MATTERS

Women are not in any disadvantaged position as far as campaign finance is concerned. They contribute and receive donations, in the same way as do men, to their campaigns and if they impress the electorate with their sincerity and dynamism they get elected, as one very intelligent candidate did in 2000 in a constituency previously held by the opposing party.

C) ACCOUNT BOOKS

Political parties should keep records into which should be included monetary or other contributions received by parties in anticipation of an election and the names and identity of persons and organisations who contribute amounts above a certain figure.

D) POLITICAL PARTY TO IDENTIFY SOURCE TO THE COMMISSION

The source of a contribution amounting to more than \$5,000 should be identified to the Commission and there should be a limit on the maximum amount to be spent at every election by individual candidates.

E) THE NECESSITY FOR FILING REPORT

The projected legislation should require certain Reports to be filed giving a statement of amounts contributed by individuals and organisations.

F) POLITICAL PARTY TO GRANT ACCESS

The Government should consider including in the legislation a requirement that political parties should grant access to members of the Electoral Commission to inspect the records of the party.

G) AUDIT BY COMMISSION

Provision also to be made for the Electoral Commission to audit the books of respective parties to verify any matter of which the Commission may be in doubt.

H) FUTURE REFORM PLANS

The writer sought to discover from the political directorate of the country as to whether electoral legislation can be expected in the short term. The Prime Minister has however stated that a matter of far greater priority at the present time is the constitutional problems facing the country in which Nevis has put in train arrangements for holding a second referendum (the first having been held in 1998) with a view to seceding from the Federation. That second referendum is outstanding and may be held in 2005, if not before.

There are of course those who feel that electoral reform should be an on-going process and should not have to wait on constitutional developments since it is properly an integral part of such reform. Indeed, the Federal Government has been operating a high-powered education programme to educate the people of both St. Kitts and Nevis on the flaws in the existing Constitution and of the need to revoke it and replace it with a completely new instrument. While the education programme is proceeding the views of the people should be sought as to whether the Government should embark on electoral reform and, if so, the nature of the reform - as Antigua and Barbuda did two years ago.

One must concede that St. Kitts and Nevis is not traditionally a country beset by electoral irregularities. It is significant that although, as mentioned above, the Commonwealth Observer group commented that no legislative provision existed for limits in the matter of campaign finance, it made no attempt to recommend its introduction.

On the wider question of the regularity and transparency of the General Elections of 1995, I wish to end by quoting from the Interim Report of the 1995 Commonwealth Observer Group dated 3 July 1995.

“Our interim assessment up to the close of the poll is that the voters of St. Kitts and Nevis have been able to cast their ballots in an environment free from intimidation or

harassment and in a manner which provided the people of St. Kitts and Nevis with the opportunity to vote freely for the candidates of their choice. There was transparency of procedures, and the secrecy of the ballot was assured.”

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