

ELECTORAL REFORM IN ANGUILLA

UNLESS IT IS NECESSARY TO CHANGE, IT IS UNNECESSARY TO CHANGE.

My presentation on electoral reform comes in two parts. This evening I will give a broad, but concise, sweep of the history of Anguilla's electoral process from the eighteen hundreds, as a means of providing an appreciation of from whence we came and where we are at this point in time. After that I will begin to address specifically the issue of electoral reform that I will complete at the next forum.

Our history tells us that with the formation of the legislative union between St Kitts and Anguilla in 1825 (Act No. 21 of 1825), Anguilla was allowed to elect a representative to sit in the House of Assembly in St. Kitts. The Act stipulated that to be eligible for election and to be able to participate in the electoral process, a person had to be a 21-year old white male, and a Christian, who owned at least five acres of land in fee simple or a house or building of the yearly value of ten pounds. Shut out from the electoral process were women, the free coloureds, free blacks, the mass of black slaves and non-Christians.

The legislative union resulted in the disbandment of the Anguilla Council and its replacement, under the provisions of the Vestry Act, 1827, by a system of local government known as the Vestry. Section 1 of the Act said in part:

“It shall be lawful to constitute in the island of Anguilla a Vestry consisting of twelve respectable white inhabitants . . . who shall be freeholders being each a Protestant and having attained the age of twenty one years . . .” For the purpose of holding local elections, the island was divided into three electoral districts namely, Spring Division, Road Division and Valley Division.

The Vestry Act was modified in 1846 and extended the right to sit on the Vestry, and the right to vote, to all 21-year old black men, provided they met the requisite property qualifications. After emancipation in 1834, it was no longer legally possible to deny black people the right to vote on the basis of skin colour.

Local government came to an end in 1883 when the St. Kitts-Nevis Legislature passed an “Ordinance to repeal certain Acts and Ordinances relating to the island of Anguilla, and to make other provisions in lieu thereof.” It was this Ordinance which repealed the Vestry Acts of 1846 and 1867 and placed responsibility for the day-to-day administration of Anguilla in the hands of a District Magistrate. In addition to denying Anguillians the semblance of any political institutions of their own, the Ordinance also repealed the 1825 Act (No. 21 of 1825) which allowed them to send a representative to the St Kitts Legislature. The 1883 Ordinance left Anguilla without local government and with no right of representation in the St Kitts Legislature. It left Anguilla with no political institutions of any kind.

Limited Franchise

The situation remained unchanged until 1936 with the coming into force of the St Christopher-Nevis Constitution Ordinance which restored Anguilla’s right to send a representative to the St Kitts Legislature. Further, the Ordinance provided that each island of the Presidency should constitute one electoral district with St. Kitts returning three members, Nevis one and Anguilla one. The Legislative Council had a life of three years.

The Ordinance also provided for limited franchise whereby the right to vote was based on income and property qualifications as follows:

- (a) ownership of real property of the value of £100 or payment of rent of £12 per annum on real property;
- (b) payment of direct taxes of 15 shillings per annum;
- (c) salary or income of £30 per annum.

And as regards the qualifications for membership of the Council, these included:

- (a) ownership of real property of the value of at least £500;
- (b) occupation of land, as tenant to another of the rental value of at least £50 a year;
- (c) a salary or income of £200 per annum.

The first elections under the new Constitution were scheduled for 24th June 1937 but on nomination day (2nd June) the only Anguillian candidate was Albert Elliot Owen, resident in St Kitts, who was unopposed and declared to

be duly elected. At that time the number of registered voters, out of a population of about 6,000 was 133. Owen was elected again in 1940 but was defeated in 1943 by Walter Hodge, age 22, the youngest person to sit in the St Kitts Legislature. The electoral list comprised 124 persons. Hodge got 29 votes and Owen 24. Hodge was beaten by David S. Lloyd in the 1946 elections.

Universal Adult Suffrage

The 1946 elections were the last to be held under limited franchise. Limited franchise came to an end in 1952 following the introduction of universal adult suffrage to the Presidency of St. Kitts-Nevis that year. From 1952, therefore, participation in the electoral process was open to all persons 21 years and over. It was no longer dependent on property or income qualifications. Other reforms included the introduction of five single-member constituencies in St. Kitts, two in Nevis and one in Anguilla and extended the life of the Legislative Council from three to five years. The first elections under universal adult suffrage were held on 6th October 1952. By that time party politics in St. Kitts had already taken firm root.

The fact that Anguilla was a constitutional appendage of St. Kitts meant that it could not escape being influenced by political phenomena on that island. Anguilla, therefore, came into contact with party politics, in name only, because the various political parties in St. Kitts had an interest in the political mobilisation of the Anguillian electorate to meet their own ends. They were primarily concerned with winning the one seat in Anguilla in order to enhance their chances of assuming power in St. Kitts. To this end, they attempted to extend their influence to Anguilla by supporting certain local candidates to contest elections under their party symbol.

The first St. Kitts-based political party to field a candidate in Anguilla was the St. Kitts-Nevis Labour Party or Workers League. Its candidate for the 6th October 1952 general elections was David S. Lloyd. The party met some success because Lloyd defeated the two independent candidates (Walter Hodge and Adolphus Babrow). By the way, Robert Bradshaw came here to campaign for Lloyd and I can still remember his theme song:

*Hark the sound of holy voices
Chanting at the crystal sea
Alleluia, Alleluia*

Alleluia, Lord, to Thee . . .

At one of his meetings Bradshaw referred to Babrow as a cockroach.

The Labour Party's influence on the Anguillian electorate was short-lived because Lloyd was defeated in the election held on 6th November 1957 by Kenneth Hazell, an independent candidate. (The other candidates who contested that election were Walter Hodge, Peter Adams and Randolph (Johnson) Hodge. Johnson told the people of West End that he saw no reason why West End should not have its own little prison and its own little hospital.

The Anguillians reaffirmed their opposition to the Labour Party when Hubert Hughes, the pro-Labour candidate, was defeated by Peter Adams, an independent candidate, in the 1961 general elections. The other independent candidates were Walter Hodge and Kenneth Hazell.

Another St. Kitts-based political party which attempted to forge links with the Anguillian people was the People's Action Movement (PAM). It presented itself to the Anguillian electorate in April 1965. PAM, like the Labour Party, was cognizant of the fact that in its bid to capture power in St. Kitts, it was expedient to extend its influence to Anguilla. Furthermore, it had realised that Anguilla was fertile ground for the sowing of anti-Labour sentiments.

PAM had early success in Anguilla because in the July 1966 elections its candidate, Peter Adams, defeated the three independent candidates (Kenneth Hazell, David S. Lloyd and Christopher Romney). The election results had confirmed that while the Kittitians were staunch supporters of the Labour Party, which won all five seats in St. Kitts, the Anguillians were staunchly anti-Labour. The results confirmed that the electorate in St. Kitts and the electorate in Anguilla were firmly on opposite sides of the political divide. It was that political divide which gave rise to the Anguilla Revolution of 1967.

The revolutionary period

We have seen, thus far, that the extent of Anguilla's involvement in party politics prior to the Revolution was limited to local candidates contesting elections under the symbol of St. Kitts-based political parties. Once the

Anguillians had expelled the authority of the St. Kitts Government, on 30th May 1967, and once they had established their own Council, a few of the leaders of the social movement, which engineered the Revolution, attempted to turn the movement into a political party. To this end, they launched the Anguilla Democratic Party to contest the elections scheduled for 25th October 1967.

The launching of the ADP had threatened to split the leadership of the Revolution. *The Beacon*, of 14th October 1967, observed that many Anguillians were unhappy about the formation of the party because "it would cause a division of the island between those who belonged, and those who did not belong to the party." For that reason the ADP was quickly disbanded. Following its disbandment *The Beacon* remarked:

"It is a sign of greatness in our Government, that having made a mistake in policy they are not afraid to admit it, and we are glad to announce that the Government has agreed to disband the Democratic Party." Anguilla's first indigenous political party had a very short life.

The first time Anguillians went to the polls, after the Revolution, was on 30th July 1968 but only two of the seven seats were contested. Polling took place in Road North where Emile Gumbs defeated Hugo Rey and in Valley South where Wallace Rey defeated Clement Daniels.

Some months later, provisions for fundamental changes to Anguilla's political and electoral processes were contained in a Republican Constitution which was approved by a plebiscite on 6th February 1969. The Constitution was modelled on that of the US but before it could take effect British forces invaded the island on 19th March 1969 and established an administration under a Commissioner.

Direct British rule

The British Commissioner conducted his administration in consultation with the 1968 Anguilla Council. The situation was formalised with the coming into force of the Anguilla Act 1971 on 27th July 1971 and the Anguilla (Administration) Order 1971 on 4th August 1971. Section 7 of the Order made provision for the Commissioner to work in consultation with the Anguilla Council comprising seven elected members and up to six nominated members.

The Council, which was given both executive and legislative powers, had a life of four years. It passed, in 1972, the Anguilla Council Elections Ordinance which provided for the regulating of elections. The Ordinance made several amendments to the Christopher-Nevis Constitution and Elections Ordinance to suit Anguilla's circumstances. These included lowering the voting age to 18 years and giving legal recognition to the boundaries of the seven electoral districts.

The elections which followed on 24th July 1972 were won by Ronald Webster's People's Progressive Party (PPP) which ended up with six of the seven seats. The remaining seat went to Emile Gumbs. The PPP won again in 1976 following the coming into force of the Anguilla (Constitution) Order 1976 which provided for, among other things, a Ministerial System of Government.

Following its formal separation from the Associated State of St. Kitts, Nevis and Anguilla on 19th December 1980, Anguilla was given a new Constitution which came into force on 1st April 1982. It increased the number of ministers from three to four and removed the Commissioner from the Legislative Council (restyled "House of Assembly"). There were further changes with the coming into force of the Anguilla Constitution (Amendment) Order 1990. It made, among things, provisions for a Leader of the Opposition, a Parliamentary Secretary and Deputy Governor.

Despite the many constitutional changes that Anguilla experienced, the first past the post electoral system remains the principal mechanism for the transfer of political power. Thus far, the transfer of power has been orderly – has been peaceful – and if that is the case why the constant and popular call for electoral reform? The calls for reform suggest that the system no longer has the support of the people and that it needs either repairing or discarding. But we could only determine what our next step should be, after we have undertaken a close examination of its strengths and weaknesses because “unless it is necessary to change, it is unnecessary to change.”

I now proceed with an examination of its strengths and weaknesses by drawing from our own Anguillian experiences. Under the first past the post system, Anguilla is divided into seven single-member constituencies and voters vote for one of a list candidates, the winner being the candidate who receives the largest number of votes cast. Under this system, it is possible

for a candidate to be elected with less than a majority of votes cast. He may win the most votes but not necessarily an absolute majority of votes. For example, during the 1981 elections three candidates contested the seat in the Road South district where 363 votes (3 spoiled) were cast. Maurice Connor got 141, Hubert Hughes 129 and Urban Hazell 90. Maurice Connor won the seat even though he did not win an absolute majority of votes cast.

That example illustrates forthwith a weakness of the system but nonetheless there must be something good about it that has caused it to last so long. What are some of these things? What are some of its **advantages**?

Firstly, the system is simple to use and understand. All that is required of a voter is for him or her to mark an X on the ballot paper beside the name or symbol of the candidate of his or her choice.

Secondly, it produces strong and stable government by giving the governing party a working majority. Such a majority enables the smooth passage of legislation without the need for support from other parties. Drawing from our own experiences, this is presently the case with the United Front Government which won 4 of the 7 seats in the 2000 elections. It is really passing legislation without difficulty.

But we in Anguilla have also had experiences where working majorities did not always mean stable government. I go back to the 1976 elections when Webster's PPP won 6 of 7 seats. Despite that his government did not last a year. It fell in February 1977 when his ministers revolted against his leadership-style and supported Hubert Hughes' motion of no confidence against him. His government was replaced by one led by Emile Gumbs.

Webster's PPP was returned to power with a six to one majority in the 1980 elections. But a few months after the PPP was in trouble again. Webster had a dispute with Claudius Roberts whom he fired and when Hubert Hughes resigned in protest the government fell in less than a year. In those days, Webster could do no wrong because he was back in power after the 1981 elections when his new party, the APP, won five of seven seats.

I said all that to make the point that the first past post electoral system has the potential for producing stable government but Anguilla's experiences tell us that it is no guarantee of such government.

A third advantage of the first past the post system is that it creates useful linkages between constituents and their representatives. When constituents have problems there is someone to whom they could turn to have them resolved. For example, in those days before ANGLEC took control of electricity, if a consumer in district one was cut off for non-payment of a bill, he or she could have gone to Brother Kenneth and power would have been restored without delay. I would add, though, that Anguilla is so small that the person could have gone to any minister and get the same results. Notwithstanding that, many supporters of the first past the post system “argue that true representative accountability” depends upon the voters of a district knowing who their representative is “and having the ability to re-elect, or throw [him] out, at election time.”

A fourth advantage of the first past the post system is that it gives popular independent candidates a chance to be elected. Emile Gumbs, Hubert Hughes, Osbourne Fleming and Edison Baird were the more successful ones. Independent candidates do get elected.

A fifth advantage is that it allows voters to choose between people, rather than just between parties.

Let us now look at the weaknesses or **disadvantages** of the system.

Firstly, while it produces stable government it increases the possibility of single-party elective dictatorship. I will say no more on that.

Secondly, a fundamental drawback of the system is that it could bring about government by minority. It is possible, as often happens, for a party to get a minority of votes cast, and yet win the most seats and form the government. For example, during the 1984 elections the ANA obtained 48.1% of the votes cast and won 57% of the seats in the Legislature. The AUP/ADP coalition government which assumed office in 1994 did so with 44.2% of votes cast which gave it 57% (4) of the seats.

Thirdly, Peter Jamadar, in *The Mechanics of Democracy: Proportional Representation vs First Past the Post*, observed that: “The most serious and fundamental defect in the FPTP system is that it regularly and repeatedly fails to create a parliament in which the image and the feelings of the nation are truly reflected.” A classic case of this was the composition of our Legislature after the 1976 elections. The PPP polled 56.1% (1529) of the

votes cast and ended up with 85% of the seats. The votes that went to the other contestants totalled 1095 representing 40.2% of votes cast. It meant, therefore, that 40.2% of all those who voted had very little representation in the Legislature and that the Legislature was not reflective of the views of a significant segment of the electorate which could not be heard.

Fourthly, the system often creates situations where some parties are over-represented and others under-represented in the Legislature. This was glaringly highlighted by the results of the 1976 elections to which I just referred. The 1994 elections also highlighted this tendency. The AUP won 12% of the votes (540) and got 2 seats or 28% of the seats in the Legislature; the ADP got 32.2% (1,448) and 2 seats; the AGG polled 11.6% of votes got none and the independents who got 7.5% of votes ended up with one seat (14% of seats).

I want to make the point that something is fundamentally wrong with our electoral system where a party which won 12% of the votes ended up with 2 of 7 seats; while a party which polled 11.6% ended up none and a candidate who got less than 7.5% ended up with one. This anomaly, which is made worse by voter imbalance among the electoral districts, is deeply imbedded in the first past the post electoral system. Let us look at the results of the 1999 elections for a fuller appreciation of this point:

AUP:	704 votes	(14.5%)	- 2 seats	(28%)
ADP:	1,579 votes	(32.6%)	- 2 seats	(28%)
ANA:	2,053 votes	(42.4%)	- 2 seats	(28%)
Inds:	469 votes	(9.7%)	- 1 seat	(14%)

Now to the results of the 2000 elections:

AUM:	603 votes	(12.5%)	- 2 seats	(28%)
ADP:	536 votes	(11.1%)	- 1 seat	(14%)
ANA:	1,697 votes	(35.2%)	- 3 seats	(42%)
APM:	194 votes	(4%)	- 0 seat	
MFGD:	180 votes	(3.7%)	- 0 seat	
Inds:	1,565 votes	(32.4%)	- 1 seat	(14%)

The results of the foregoing elections tell us in no uncertain terms that our electoral system is seriously flawed and is in need of substantial reform.

I want to go back to two elections during the St Kitts days to make a point. In the 1957 island-wide elections the total number of votes cast was 1,263. Kenneth Hazell won the election with 319 votes or 25.2% of votes cast. Could he have claimed to be truly representative of the people? He could not. He did not have the support of, or could not claim to be the representative of, the other 944 voters. The same thing happened in the 1961 elections when Peter Adams won with 499 votes or 31.6% of votes cast out of a total of 1,549 valid votes. He did not represent the other 1,050 voters. The results call into question democracy itself. They beg the question: how can a candidate claim to be representative of a constituency when more people vote against him than for him?

There were similar occurrences in the 1972 elections when Reuben Hodge won his seat with 49% of the votes cast and in 1976 when Idalia Gumbs won hers with 45.7%. Other instances: 1989 Victor Banks won his seat with 48.5% and Albert Hughes with 47.9%. 1994 Hubert Hughes won with 47.1%.

Another drawback of the first past the post system is that it could produce a large number of wasted votes. These are votes which do not go towards the election of any candidate. This is particularly so in safe seats where the supporters of smaller parties refuse to vote because they feel that their votes for their party would not make a difference to the outcome of the elections. In this situation smaller parties are seriously disadvantaged, and this often leads to their political demise.

A fifth disadvantage of the first past the post system is that it could permit, after the dissolution of the Legislature, the complete change of government without people having to go the polls – without a single vote being cast. We had a situation like this in 1967 when elections were called and all five candidates were unopposed and declared to be duly elected.

A sixth disadvantage is that it is possible for electoral boundaries to be manipulated. Boundaries manipulation has not been a problem in Anguilla but it could be in years to come. The present boundaries were fixed in 1972 and they definitely need to be adjusted to reflect changes in Anguilla's demographic and physical landscape. Of much concern is the voter imbalance among the electoral districts. For example, during the 2000 elections there were 602 registered voters in West End and 696 in Sandy Hill

compared with 1, 706 and 1,268 in Valley North and Valley South respectively.

The fact that successive administrations have made no attempt to change them may be interpreted as a kind of boundary manipulation. Our political leaders are not keen on adjusting boundaries which have allowed them to win their seats. Section 46 (d) of the Anguilla Constitution provides for the House of Assembly to legislate for "the division of Anguilla into electoral districts." This would, no doubt, call for the establishment of an Electoral Boundaries Commission or some similar body.

In view of the above considerations, I see the virtue of the Wooding Commission Report's findings (1974), in respect of Trinidad and Tobago, that the "disadvantages of the first past the post system outweigh its advantages." Notwithstanding that, some of us may be of the view that the system should be refined, for example, by having run offs to ensure that a winning candidate wins a majority of votes. Others may have concluded that it is time for a different system of voting.

This may well be the message from the results of the 2000 elections when voter turn out was 64.2%, the lowest ever in elections in Anguilla. It was highest in 1980 when it was 79.1%. The 2000 elections also saw the lowest voter turn out ever in an electoral district: 50.9% in Valley North. These figures may be attributed in part to people's disgust with having to go back to the polls so soon after the 1999 elections. They may also be attributed to people's disgust with the political system including the electoral system.

I say, in closing, that the survival of any representative democracy is dependent, to a large extent, on the quality of its electoral system. It is dependent on an electoral system that is fair, efficient and has the confidence of the voters. Alternative systems of voting are the subject of my next presentation.

I thank you.

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