

ANTIGUA AND BARBUDA



**GOVERNOR GENERAL'S ORDER GIVING EFFECT TO THE
CONSTITUENCIES BOUNDARIES COMMISSION REPORT 2022**

STATUTORY INSTRUMENT

2022, No. 49

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WHEREAS by Section 65(4) of the Constitution, the Governor General is required to make an order in terms of the draft Order approved by a Resolution of the House giving effect to any recommendation submitted by the Constituencies Boundaries Commission; and

WHEREAS by Resolution of the House made on the 1st day of December, 2022, the draft of the order was approved;

NOW THEREFORE, I, Sir Rodney Williams, Governor General for Antigua and Barbuda do hereby Order as follows: -

1. Short title

This Order may be cited as the Constituencies Boundaries Commission Order 2022.

2. Report of Constituencies Boundaries Commission

The recommendations of the Constituencies Boundaries Commission as contained in the Report of the Constituencies Boundaries Commission which is attached as a Schedule to this Order is accepted without modification.

3. Commencement

This Order shall come into effect on the 16th day of December, 2022.

SCHEDULE

**Constituencies Boundaries Commission 2022 Report on the
Constituencies Boundaries in Antigua and Barbuda**

On June 21, 2021 pursuant to the powers vested in the Governor General of Antigua and Barbuda His Excellency Dr. Rodney Williams KNH, by section 63(1) of the Constitution of Antigua and Barbuda, the following persons were appointed members of the Constituencies Boundaries Commission:

Hilroy Humphreys, Esq. Chairman, Garfield Christopher, Esq. Ivor B. Ford, Esq. and Leon Chaku Symister, Esq. all by Instrument dated 21st June, 2021;

The duty of the Commission is clearly set forth in section 64(1) and (3) of the Constitution, it stipulates:

“(1) A Constituencies boundaries Commission shall on its appointment forthwith proceed to review the number of the constituencies into which Antigua and Barbuda is divided and the boundaries thereof and shall submit a report to the Speaker stating whether, and if so what, alterations the Commission recommends should be made to the number or the boundaries of those constituencies.

(2) In reviewing the number of constituencies, and the boundaries, of the constituencies and making its report thereon, a Constituencies Boundaries Commission shall be guided by such general principles as may be prescribed by Parliament.”

In 2012, the Parliament of Antigua and Barbuda enacted the “Constituencies Boundaries Commission Guidance Act” which was passed in October of 2012.

Section 3 of the Act provides:

“(1) In conducting its review the Commission shall be guided by the cardinal principle that all constituencies shall contain as nearly equal numbers of inhabitants taking into account the need to achieve voter parity as appear to the Commission to be reasonably practicable, but the Commission may depart from the principle to the extent it considers expedient and necessary to take into account the following factors.

- (a) The density of population and the changing demographics of the constituency
- (b) The need to ensure adequate of sparsely populated rural areas
- (c) The geographical features of the constituency; and
- (a) The boundaries of the various towns and villages and more particularly, residential area expansions.”

The mandate of the Act requires the Commission to seriously consider these factors in reaching any decision. A prerequisite therefore is the most recent existing census. Without an available census the Commission could not do justice to its constitutional duty. Unfortunately, the most recent census figures were not reliable.

According to the Division of Statistics, the published census figures were unreliable since they represented figures and demographics for the 2010. No census was carried out in 2020 due to covid 19 pandemic.

Further, subsection 2 of the Act stipulates:

“During the process of review, the Commission shall where necessary hold consultations with interested persons and obtain data or information to assist it in its deliberations.”

The Commission is firmly of the belief that all of the constituencies' boundaries are in need of dire reform. This has been highlighted and advocated for the last quarter of a century. The efforts to do so in 2013 were derailed by court challenges.

The last time there has been boundaries changes in Antigua and Barbuda was 1984. What happened in 1984, was an adjustments of boundaries and not boundaries reform. In fact only three constituencies were impacted and parity, equity or keeping communities together were not considered. This was done without the assistance of a Constituencies Boundaries Guidance Act or a requirement that boundaries should be as equal as humanly possible.

<i>Constituencies</i>	<i>Total Registrants</i>
Saint George	5,684
Saint John Rural West	5,195
Saint John's Rural East	4,911
Saint Mary's North	4,944
Saint John's City East	2,000
Saint John's City South	2,937
Saint Phillip's North	1,833
Saint Phillip's South	1,248

The disparity in the number of electors in constituencies is so great that the principle of one person one vote one value does not exist.

For example the June 30, 2022 publication of the List of Electors, St. Phillip's North has 1,833, in St. John's City East 2,000 and in St. John's City South has 2,937 electors. Whereas, in St. John's Rural West there are 5,195 electors, St. John's Rural East 4,911, St. Mary's North has 4,944 and St.

George 5,684 electors. So it was not lost upon the Commission that the need for Constituencies Boundaries reform is pressing and long overdue.

It cannot be over-emphasized that the population used in all of the constituencies cited in the above table was the voter population not the population of the constituencies. This contrasts sharply

with the requirement of the Constituencies Boundaries Commission Guidance Act. The Act mandates that total inhabitants must be used to determine the population size of each constituency, stressing that “ *all constituencies shall contain as nearly equal numbers of inhabitants* ”

This Commission could not have engaged Technicians in the Statistics Division to discuss and analyse data to determine the sizes of Constituencies as required by law. There was no reliable census data to facilitate such an exercise.

Such an exercise is indispensable to the task of getting parity in the constituencies.

Consultations

Recognizing the need to have input from the public and as required by law the Commission sought to have and did have a number of consultations.

The Commission began that process by writing to some twenty organizations including religious, political, sports, trade unions and professional bodies inviting them to a meeting scheduled for at the Multi-Purpose Centre at Perry Bay or alternatively to make submissions. Only one Pastor turned up at the Perry Bay meeting and he was not the official representative of any organization he merely heard of the event.

Constrained by the Covid 19 pandemic, the Commission held consultations on April 11, 2022 and September 2, 2022 by way of the *Zoom* platform. Although the consultations were widely advertised the response was disappointing. A few suggestions were submitted subsequent to these consultations.

On May 12, 2022 the Commission held its final consultation which was a face to face event that attracted only a few citizens. It is noteworthy that one of the political parties made any suggestions regarding boundaries' changes.

Conclusion:

In light of the lack of reliable census figures the Commission hands was tied and thus, cannot credibly make any recommendations for the changes in the number of constituencies, or re-apportionment or the adjustments of constituencies boundaries.

The Commission nonetheless make the following recommendations

1. The Commission has resolved that the number of constituencies in Antigua and Barbuda shall remain at seventeen (17)

2. That all necessary steps be taken before the elections beyond 2023 to merge the Electoral Commission and The Constituencies Boundaries Commission into a single Body.

3. That until such body is created the Constituencies Boundaries Commission be allotted space and the necessary staff net to the Electoral Commission so it can effectively carry out its duties according to law.

4. That the Constituencies Boundaries Commission be appointed as soon as practicable after the next general elections so that sufficient time is allowed for constituencies boundaries reform so that new constituencies (if any) and boundaries changes are in place prior to the re-registration of voters.

Respectfully submitted:

(Sgd.) Hilroy Humphreys, Esq., Chairman

(Sgd.) Garfield Christopher, Esq., Commissioner

(Sgd.) Ivor B. Ford, Esq., Commissioner

(Sgd.) Leon Chaku Symister, Esq., Commissioner

Made on the 19th day of December, 2022

Sir Rodney Williams,
Governor General.