

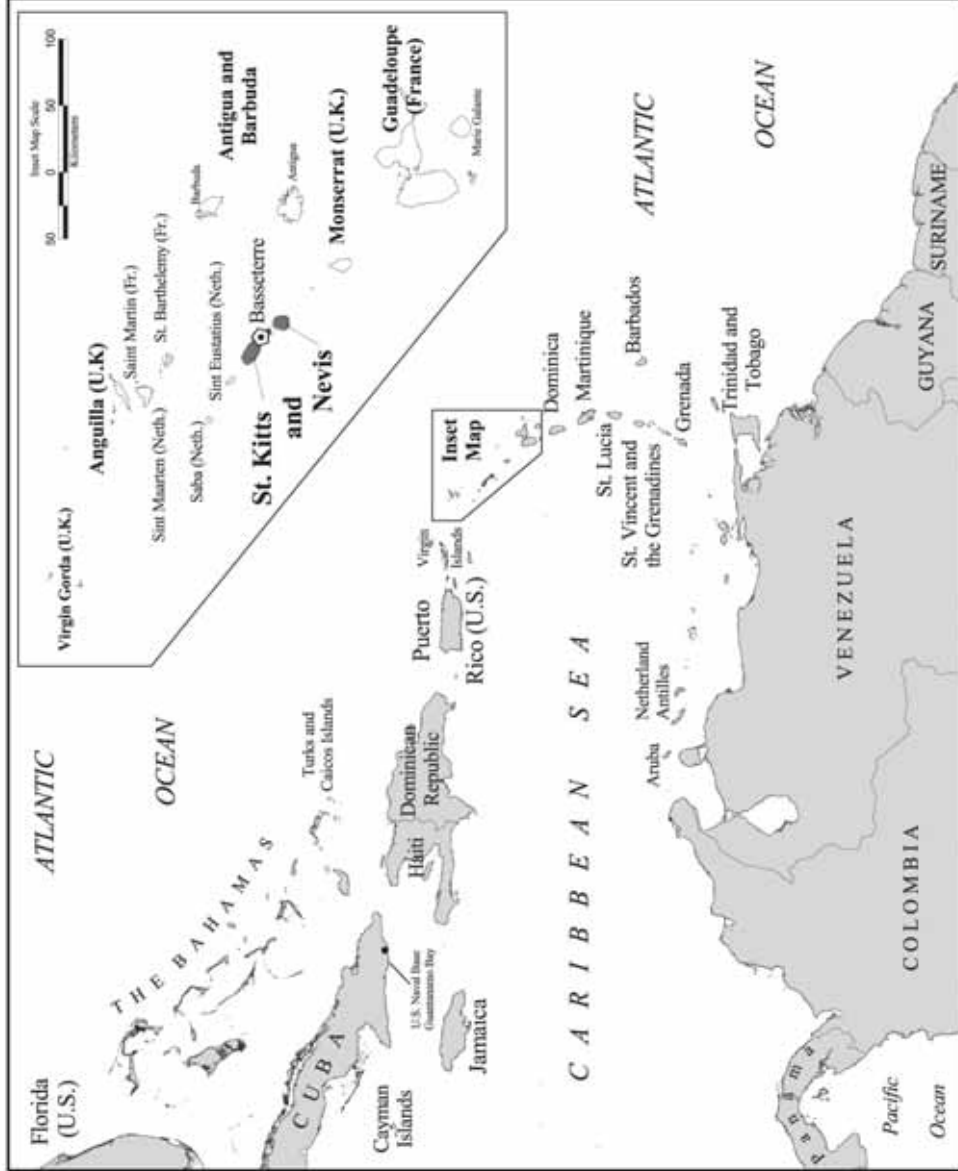
# Federation of St. Kitts and Nevis

Capital: Basseterre  
 Population: 46,000  
 (2002)

Boundaries and place names are representative only and do not imply any official endorsement.



Source: CIA World Factbook; ESRI Ltd.;  
 Thomas Allen of the Ocean, UN Cartographic Dept.



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# St. Kitts and Nevis

## *(Federation of St. Kitts and Nevis)*

ANN L. GRIFFITHS

### 1 HISTORY AND DEVELOPMENT OF FEDERALISM

The islands of St. Kitts (168 km<sup>2</sup>) and Nevis (93 km<sup>2</sup>) are located in the Lesser Antilles chain of islands in the Eastern Caribbean. They are separated by a channel of just over three kilometres.

The islands were inhabited first by the Sibonay who arrived approximately 2,000 years ago from Central America. They were followed by the Arawak and then the Caribs who both came north from South America. The first European to record the presence of the islands was Christopher Columbus in November 1493. He named the islands San Cristobel (St. Christopher), after his patron saint, and Santa Maria de las Nieves (Nevis) because the island's mountains reminded him of the snow-capped peaks in Europe. Although the Spanish claimed the islands, they never settled on them, and in 1623 St. Christopher became the first British territory in the West Indies. Nevis was colonized by the British in 1628. French settlers arrived on the islands in the 1620s, and the two settler colonies made the native Caribs their common enemy, ensuring that the natives were either killed or fled the island.

Until the 1713 Treaty of Utrecht when France gave up its claims to Saint Christophe, there was intermittent fighting between the British and French settlers on the islands. After the French left, the colony officially became St. Christopher (shortened to St. Kitts). The Treaty of Versailles (1783) made the islands wholly British.

Recognizing the importance of regional cooperation and unity, the British always favoured governing their island colonies jointly so there is a history of federal or cooperative arrangements in the eastern Caribbean. Beginning in 1671 St. Kitts and Nevis were joined with Antigua and Montserrat in the Leeward Caribbee Islands government which lasted until 1806 when the Leeward Caribbees were split into two governmental units. In an attempt at federation, the Leeward Islands (consisting of Antigua, Montserrat and St. Kitts-Nevis-Anguilla) were made a single administrative unit in 1871 and St. Kitts-Nevis-Anguilla were joined as a unit in the Leeward Islands Federation in 1882. Under this arrangement the colonies shared a Governor and a Supreme Court (shared also with the Windward Islands), but had separate legislatures. This arrangement lasted until 1956 when St. Kitts-Nevis-Anguilla became a separate colony.

Britain continued to push for a larger federation of its colonies in the West Indies. In January 1958 the Federation of the West Indies came into existence after more than 10 years of talks. The federation consisted of 10 British colonies, each made up of a number of islands in the Caribbean. The 10 colonies were Barbados, Jamaica, the Leeward Islands (Antigua, Montserrat, St. Kitts-Nevis-Anguilla), Trinidad and Tobago, and the Windward Islands (Dominica, Grenada, St. Lucia, St. Vincent). (The Cayman Islands and Turks and Caicos Islands joined the federation later.) The federation was headed by a Governor-General who took office 3 January 1958. Federal elections were held in March 1958 and were won by the West Indies Federal Labour Party which formed the government, provisionally located in Port of Spain, Trinidad.

The federation quickly ran into conflict – indeed, it appeared unable to agree even on where the capital would be permanently located. Inter-governmental committees were established in 1960 to discuss problems relating to the establishment of a customs union, the federal power of taxation, and the basis for political representation in the federal government. Jamaica was increasingly unhappy with its membership in the federation – in particular with the proposals to establish a customs union and increase the federal government's power to levy taxes. As the largest unit of the federation, Jamaica feared losing control over its own development to the federal government.

A conference was held in London in May-June 1961 to outline the details of the constitution of the federation after its independence from Britain. Jamaica agreed to the details only after its concerns had been met. With an agreement in place, the British government agreed that it would grant independence to the Federation of the West Indies on 31 May 1962. In Jamaica, however, a referendum to decide on the colony's continued membership in the federation was held in September 1961. The result was

a vote against remaining, and by the end of 1961 Jamaica had made plans to leave. Jamaica's departure made the constitutional arrangements negotiated in London unworkable. It was clear that terms would have to be renegotiated. Any new arrangement would need the participation of Trinidad and Tobago – as the largest remaining colony – which, by the end of 1961, was not certain. The Federation of the West Indies was dissolved on 31 May 1962, the date Britain had planned to give it its independence. Eight members of the Federation – the Windward and Leeward Islands and Barbados – intermittently discussed the idea of forming another federation until 1966 but did not negotiate such an arrangement.

St. Kitts-Nevis-Anguilla became a state in voluntary association with Britain in February 1967 as a first stage toward independence. Anguilla was resentful of the domination of St. Kitts and left the arrangement in the early 1970s. St. Kitts and Nevis pursued independence without Anguilla. A constitutional conference was held in London in December 1982 to iron out the final details of independence, and independence was achieved on 19 September 1983. Dr. Kennedy Simmonds of the People's Action Movement (PAM) was the first Prime Minister of the independent St. Kitts and Nevis.

## 2 CONSTITUTIONAL PROVISIONS RELATING TO FEDERALISM

The British colonial legacy is evident in the Westminster system of government adopted by St. Kitts and Nevis. The Federation of St. Kitts and Nevis is a parliamentary democracy within the British Commonwealth. Her Majesty Queen Elizabeth II is head of state, and is represented on the islands by a Governor-General. The constitution came into force on 23 June 1983. The provisions of the constitution that affect the parameters of federalism are as follows.

The constitution establishes a federal entity consisting of two constituent units – the island of St. Kitts and the island of Nevis. The federal system established by the constitution is asymmetrical in that only Nevis is endowed with its own government (the Nevis Island Assembly (NIA)) headed by the Nevis Island Administration led by a Premier and located in Charlestown (s. 102). St. Kitts does not have a government which represents only the interests of the island. This means that Nevis has a say in national affairs – and the affairs of St. Kitts – through its representatives in Parliament, but the reverse is not true as St. Kitts does not have a say in affairs relating solely to Nevis.

The division of power between the federal government and the constituent unit (in this case only Nevis receives jurisdiction as a constituent

unit) is weighted in favour of Nevis. Section 106(1) sets out matters falling into the exclusive jurisdiction of the Nevis Island Administration (NIA). It has jurisdiction over the following on the island of Nevis: airports and sea-ports; education; extraction and processing of minerals; fisheries; health and welfare; labour; land and buildings appropriated to the use of the government; and licensing of imports and exports (s. 106(1)(a-h)). This power is somewhat limited by Section 106(2)(b) which states that the NIA cannot take any action that relates to issues of national concern without the concurrence of the Prime Minister, or take any action that “is inconsistent with the general policy of the Government as signified by the Prime Minister in a written communication to the Premier.”

The only powers specified in the constitution that are exclusively in the jurisdiction of the federal government as they relate to Nevis are external affairs and defence (s. 37(4)). The federal government can, however, make laws relating to other matters with respect to Nevis, if the NIA has requested or consented to these provisions (s. 37(3)).

The federal Parliament, located in Basseterre in St. Kitts, is unicameral and consists of a National Assembly. Section 26(1)(a), in accordance with Section 50 which establishes the Constituency Boundaries Commission, sets out the rules regulating the number of Representatives elected to Parliament. As the Assembly stands, there are 11 elected Representatives – 8 for St. Kitts and 3 for Nevis. The constitution does not specify how these Representatives are to be elected, but by tradition the country utilizes the British first-past-the-post electoral system, rather than proportional representation.

Despite the fact that the Parliament is unicameral, the constitution makes provision for the existence of Senators in St. Kitts and Nevis. Section 26(2) states that there shall be “three or such greater number (not exceeding two-thirds of the number of Representatives) [of Senators] as may be prescribed by Parliament.” Senators are appointed as specified by Section 26(1)(b) in accordance with Section 30, and they sit in the National Assembly. Unlike the tradition in many other federations, representation in the Senate is not based on geographic or regional representation (although this may sometimes occur). One-third of the Senators are appointed by the Governor-General on the advice of the Leader of the Opposition, and the others are appointed by the Governor-General on the advice of the Prime Minister (s. 30(1)(a-b)).

The constitution does not specifically outline federal financial arrangements, i.e., by what means the central government and NIA can raise revenue. In terms of the NIA, the constitution only states (in s. 108(1)) that “all revenues ... raised or received by the Administration ... shall be paid into and form a fund styled the Nevis Island Consoli-

dated Fund.” Section 108(2) states that the provisions relating to finance as applied to the national government also apply to the NIA.

Chapter VI, “Finance,” specifies the process of expenditures of public funds and provisions for the auditing of public accounts. Section 110(1) states that the proceeds of all “takes” collected in St. Kitts and Nevis under any law are to be shared between the federal government and the Nevis Island Administration based on population. The share going to the NIA, however, is subject to deductions (s. 110(2)), such as the cost of common services and debt charges, as determined by the Governor-General (s. 110(3)) on the advice of the Prime Minister who can also take advice from the Premier of Nevis (s. 110(4)).

Like most other federations, the constitution of St. Kitts and Nevis contains procedures for the resolution of constitutional disputes. Section 97 states that any question as to the interpretation of the constitution can be referred by the lower courts to the High Court, and appeals can be made to the Court of Appeal or Her Majesty in Council. Section 112 states, however, that the High Court, to the exclusion of any other court, has “original jurisdiction in any dispute between the Administration and the Government.”

There are a number of steps to be taken before the constitution can be amended. A bill to alter any of the provisions of the constitution must receive the support of at least two-thirds of all Representatives in the National Assembly (s. 38(2)). As well, there must be a period of at least 90 days between the first and second reading of the bill (s. 38(3)(a)). Finally, before any bill to amend the constitution can be signed by the Governor-General it must also be approved in a referendum by not less than two-thirds of all votes cast on the island of St. Kitts and two-thirds of the votes cast on the island of Nevis (s. 38(3)(b)).

The constitution of St. Kitts and Nevis includes a number of interesting provisions, including a section (s. 6) on protection from slavery or forced labour, and a long section (s. 8) on the protection from deprivation of property. In terms of federalism, however, there is one special provision which should be mentioned – the section that discusses the separation of Nevis from St. Kitts. It was inclusion of this section (s. 113) that prompted members of the Labour Party to walk out of the constitutional discussions and refuse to sign the final document. Section 113(1) states that “the Nevis Island Legislature may provide that the island of Nevis shall cease to be federated with the island of Saint Christopher and accordingly that this Constitution shall no longer have effect in the island of Nevis.” In essence, this is a provision for unilateral secession.

According to s. 113, a bill proposing to separate Nevis from the federation must be passed by at least two-thirds of the elected members of the

Nevis Island Assembly (s. 113(2)). After a bill has been passed, it must be approved in a referendum on Nevis by two-thirds of all votes cast (s. 113(2)(b)). “A full and detailed proposal for the future constitution of the island of Nevis” must be presented to the Nevis Island Assembly at least six months before the referendum, and be made available to the public at least 90 days before the referendum (s. 113(2)(c)).

### 3 RECENT POLITICAL DYNAMICS

In the general election of March 2000, the Labour Party was re-elected and Dr. Denzil Douglas was sworn in as Prime Minister for his second consecutive term. The Labour Party increased its representation in Parliament by winning all eight seats on St. Kitts. On Nevis, the Concerned Citizens Movement (CCM) retained the two seats it has had held since 1995, and the Nevis Reformation Party (NRP) retained its one seat.

Perhaps the most significant political issue in the country is secession. The threat of the secession of Nevis from the federation is a real one, and has been a divisive and longstanding issue – indeed, calls for a sovereign Nevis began in 1882 when the island was forced by Britain into the Leeward Islands Federation, and have continued ever since. With a population of less than 10,000 people, if Nevis becomes a sovereign state, it would be the smallest state in the Western Hemisphere.

As mentioned in section 2 above, inclusion of the constitutional provision outlining the rules for the secession of Nevis (s. 113) was controversial, particularly among Labour Party members and supporters. The constitution was negotiated by a coalition government made up of the People’s Action Movement (PAM) and the CCM which had replaced the long-reigning Labour Party (SKNLP) in elections in 1980. The federal government and the constitution worked reasonably well for the years of the coalition government – PAM had representation in St. Kitts and CCM was based in Nevis. When the SKNLP reclaimed seats from PAM on St. Kitts in inconclusive elections in 1993,<sup>1</sup> however, things began to

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<sup>1</sup> Inconclusive November 1993 federal elections caused serious instability in the country and a state of emergency was declared for several weeks after rioting occurred. The problem was that PAM and the St. Kitts and Nevis Labour Party (SKNLP) received four seats each on St. Kitts. Both parties asked the Concerned Citizens Movement (CCM) to form a coalition government but it refused, citing its dissatisfaction with the political system. The Governor-General asked the incumbent PAM to form the government after it formed a coalition with the NRP which held one of the three seats on Nevis. The arrangement was untenable and an election was held in June 1995. In this election the Labour Party won seven of eight seats on St. Kitts and formed the government.

unravel, and when the Labour Party took power after elections in 1995, the situation deteriorated further.

The political party system in St. Kitts and Nevis reflects and affects the political differences between the two islands. The Labour Party has traditionally been strongest on St. Kitts and as mentioned above all eight Members of Parliament for St. Kitts are from the Labour Party. On Nevis, however, the CCM (2 seats) and the NRP (1 seat) hold the seats. This means that there are no representatives from Nevis included in the federal government. The problem is that the CCM and NRP do not contest ridings on St. Kitts, and PAM has never run candidates on Nevis. The Labour Party is thus the only party to run nationally, but none of its candidates have been elected on Nevis since the 1970s.

The strains of the federal party system are reinforced by the fact that Nevis' two political parties both aspire to make changes to the political system. The NRP, formed in 1970, has called for Nevis to leave the federation since the beginning, and the CCM was formed in 1987 calling for constitutional reform and greater autonomy for Nevis. The CCM is currently the party in power on Nevis, holding four of the five seats in the Nevis Island Assembly (NIA). The political system on Nevis feeds on grievances with St. Kitts (real or perceived<sup>2</sup>) and no political party can hope for success on the island without a nod to the notion of secession.

Unfortunately, there seems to be a fundamental misunderstanding about what is at the root of the push for secession. The federal government apparently believes that the desire to secede is the result of a lack of communication and can be resolved by increasing channels of communication and pragmatic constitutional reform including changes to institutions, budgets and governance. On Nevis, however, the push for secession is framed in terms of identity and pride which, unlike institutions and responsibilities, are not easily negotiated or compromised.

Two particularly important events relating to secession have occurred recently. The first event culminated in a referendum on secession in 1998. This incident began on 23 October 1997 when all members of the NIA (government and opposition) voted in support of a bill calling for secession from St. Kitts. After following all the regulations outlined

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2 See Concerned Citizens Movement, "Nevis: Queen of the Caribees. The Way Forward for the Island of Nevis," Nevis Administration, September 1996, available at <http://nevisisland.users.btopenworld.com/nevis.htm>. The section "Conflict with the Federal Government" lists lack of financial assistance, several judicial/legal rulings, and objections to bills introduced in the federal Parliament that were seen to be unconstitutional and damaging to the economy of Nevis.

in s. 113 of the constitution, a referendum was held on Nevis (10 August 1998) on the question of secession. A majority of votes cast were in favour of secession – 61.7% – but this was less than the two-thirds necessary to secede. (It is interesting to note, however, that only 58% of registered voters on Nevis cast a ballot in the referendum.)

Since the 1998 referendum the governing Labour Party has indicated its willingness to forge new arrangements to keep Nevis in the federation. Prime Minister Douglas and Nevis Premier Vance Amory now meet regularly to discuss ways to improve the working relationship between the NIA and the national government. As well, the federal government established several committees and commissions in an attempt to study and (hopefully) resolve the question of secession. The most recent, the Parliamentary Select Committee on Constitutional Reform, was given a mandate to look at constitutional reform and to carry out public consultations. The Committee held hearings from March to May 2003 at which there were presentations from political parties, non-governmental organizations, business owners and citizens. Its report was submitted to Parliament in May 2003.

The federal committees and reports have been paralleled by studies conducted for the NIA on moving toward independence. The CCM produced a document in 1996 outlining its vision for an independent Nevis and indicating that the NIA had retained a constitutional expert to prepare a draft constitution. In the late 1990s a lengthy document, entitled “Detailed Proposals for the Constitution of Nevis,” presented a detailed institutional blueprint (including structures and composition of government, and rules of citizenship) for a sovereign Nevis.

The second significant political chapter in the secession saga occurred starting on 14 February 2003 when Prime Minister Douglas received a letter from Premier Amory. In response to this letter a historic joint meeting between the federal government and the Nevis Island Assembly was quickly arranged. The meeting was held on 18 February 2003 and was attended by all federal parliamentarians and all representatives in the NIA. Nevis’ two political parties – CCM (the ruling party) and NRP (in opposition) – issued a communiqué stating the NIA’s intention not to participate in future federal elections and to seek full “autonomy” for Nevis in an expeditious manner.<sup>3</sup> It was agreed that two independent constitutional experts would be hired to advise on the way forward.

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3 There is some confusion as to what “autonomy” would mean – i.e., would it mean two sovereign states, a confederal arrangement, or increased representation within the current federation?

Premier Amory announced in May 2003 that another referendum on secession would be held, and on 23 June 2003 a resolution seeking approval to proceed in accordance with s. 113 of the constitution to secure the independence of Nevis was passed unanimously by the NIA. In response to this in September a motion was introduced into the National Assembly opposing the separation of Nevis. The motion recognized that Nevis had a constitutional right to secede, but recommended that a new constitutional relationship, based on the recommendations of one of the recent constitutional commissions, would be a better solution. Prime Minister Douglas proposed Round Table talks to be held in late January 2004 to examine the issue of secession. Nonetheless, a referendum on secession will likely be held in the spring of 2004.

The Federation of St. Kitts and Nevis provides a clear example of a paradoxical global trend. Thus, at the same time that Nevis is threatening to secede and create an even smaller sovereign political unit, the federation is increasingly cooperating with other islands in the region. St. Kitts and Nevis is a member of the Caribbean Community (CARICOM), the Association of Caribbean States (ACS) and the Organization of Eastern Caribbean States (OECS). (In an indication of the size of even these common units, the total population of the OECS countries *combined* is less than one million.<sup>4</sup>) The increasing cooperation among Eastern Caribbean states is an attempt to pool scarce financial resources, coordinate and rationalize some of the common public services, avoid damaging economic competition amongst themselves, and facilitate trade and travel among the islands.

St. Kitts and Nevis shares the economic problems common to small Caribbean island states. The economy was historically based on the sugar industry but the country's small size prevents large-scale cultivation and thus it cannot compete with larger Central or Latin American countries. As well, labour costs are high, it is too far from major markets, and its domestic market is too small.

Another major hindrance to continued economic growth has been the destruction caused by several devastating hurricanes and a decrease in tourism following 11 September 2001 and then the US-led war in Iraq. As well, there have been, and will continue to be, tremendous economic costs associated with HIV/AIDS in the country. The Eastern Caribbean region has very high rates of HIV/AIDS transmission – indeed, the second highest rates in the world after sub-Saharan Africa.

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4 OECS members are Anguilla, Antigua and Barbuda, the British Virgin Islands, Dominica, Grenada, Montserrat, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines.

The government has attempted to overcome the country's economic difficulties by emphasizing the service sector – including finance, tourism and information technology. Nevis in particular has tried to sell itself as an international financial centre. While the shift in economic emphasis has had some success, the Gross Domestic Product of St. Kitts and Nevis has declined in recent years. Although St. Kitts and Nevis ranked the highest of the OECS states in the 2003 UN Development Report at 51, this was a drop from its position of 44 in 2002. As is the case elsewhere, the state of the economy will have major repercussions on the continuation of St. Kitts and Nevis as a federation.

#### 4 SOURCES FOR FURTHER INFORMATION

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Table I  
Political and Geographic Indicators

Capital city	Basseterre
Number and type of constituent units	<i>Two Islands</i> : Nevis and St. Kitts (official name St. Christopher)
Official language(s)	English, Creole
Area	261 km <sup>2</sup>
Area – largest constituent unit	St. Kitts – 168 km <sup>2</sup>
Area – smallest constituent unit	Nevis – 93 km <sup>2</sup>
Total population	46 000 (2002)
Population by constituent unit (% of total population)	St. Kitts 75.8%, Nevis 24.2% (est. 2001)
Political system – federal	Constitutional monarchy – Parliamentary system
Head of state – federal	Queen Elizabeth II represented by Governor-General Sir Cuthbert Montraville Sebastian (1996)
Head of government – federal	The Prime Minister, Dr Denzil Llewellyn Douglas (since 6 July 1995), St Kitts and Nevis Labour Party. The leader of the majority party or leader of a majority coalition is appointed Prime Minister by the Governor-General, who also appoints the Cabinet on the recommendation of the Prime Minister.
Government structure – federal	Unicameral: National Assembly, 14 seats. 3 members (referred to as Senators) are appointed by the Governor-General, 1 on the recommendation of the Leader of the Opposition and 2 based on the Prime Minister's recommendation. The remaining 11 members (referred to as Representatives) are elected by popular vote from single-member constituencies. Members serve 5-year terms. Election last held 6 March 2000 (next to be held by July 2005).
Number of representatives in federal government of most populated constituent unit	St. Kitts – 8 representatives
Number of representatives in federal government for least populated constituent unit	Nevis – 3 representatives
Distribution of powers	The federal government has powers over national matters including external affairs, defence, and national planning and development. Nevis has exclusive power to make laws – having effect on the island – over 23 areas that include: agriculture, tourism, economic planning and development, housing and highways. In the event of conflict between the federal government and the Nevis Island Administration, the former will prevail.

Table I (continued)

Residual powers	N/A
Constitutional court (highest court dealing with constitutional matters)	High Court
Political system of constituent units	Nevis has a unicameral legislature (Nevis Island Assembly). Composed of 5 members elected by popular vote. Note: St. Kitts does not have its own legislature.
Head of government – constituent units	Premier Vance Amory, elected member of the legislature and leader of the majority party. Serves a maximum 5-year term.

Table II  
Economic and Social Indicators

GDP	US\$499 million at PPP (2002)
GDP per capita	US\$10 847.8 at PPP (2002)
National debt (external)	US\$224.9 million (2002)
Sub-national debt	US\$46.6 million (Nevis Island Administration – 2001)
National unemployment rate	4.5% (1997)
Constituent unit with highest unemployment rate	N/A
Constituent unit with lowest unemployment rate	N/A
Adult literacy rate	97.8% (2001) <sup>1</sup>
National expenditures on education as % of GDP	2.9 (1998–2000)
Life expectancy in years	70 (2001)
Federal government revenues – from taxes and related sources	N/A
Constituent unit revenues collectively – from taxes and related sources	N/A
Federal transfers to constituent units	N/A
Equalization mechanisms	Federal tax revenue is shared between the federal government and the Nevis Island Administration on the basis of the respective populations on the two islands, less the cost of shared or common services provided by the federal government to each island.

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*Note*

1 Age 15 and above.