

Journal of Eastern Caribbean Studies

Vol. 36, No. 1, March 2011, pp. 43-66

St. Croix's Secession Movement in the United States Virgin Islands: Sentimental or Serious

Lomarsh Roopnarine
*University of the Virgin Islands, St. Croix Campus, UNITED
STATES VIRGIN ISLANDS*

Abstract

The following article analyses a secession movement in the United States Virgin Islands (USVI). Since the turn of the new century, a significant number of individuals have clamoured for the separation of St. Croix from St. Thomas and St. John. Their reason for secession is that St. Croix has contributed to the territorial coffers but the island has received unequal representation, unfair treatment, and mal-distributive justice. St. Croix's secessionists do not want independence. Rather, they desire an individual associated status with the United States in the same manner the Dutch Antilles and Anguilla have with Holland and Britain respectively. The article shows St. Croix's rights for and against secession and then argues that there must be substantive criteria and sound procedural policies before St. Croix's secession can be taken seriously. Finally, the author does not advocate secession but rather seeks to understand the desire for secession in the USVI.

Keywords: United States Virgin Islands, St. Croix, mal-distributive justice, marginalisation, insularity and secession

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Introduction

Although secession has been around ever since governments were formed, the idea had only gained substantive currency during the American (1776) and French (1789) Revolutions in the latter part of the eighteenth century. Since then, the movement has spread in modified versions to world Marxist-Leninist regimes and to the so-called colonised Third World. The American Revolution extended and promoted the right to self-determination principled on the ideals of democracy while the French Revolution embraced the right of popular sovereignty and the rejection of monarchical rule. The Marxist-Leninist oriented regimes (mainly after 1945) have revolved around the socialist principles of the Russian Revolution (1917) but have also shared the similar foundational and fundamental characteristics like capitalist states to determine and dictate their own freedom. In the past decades, secession and a right to self-determination in the Third World have followed gradual and intense forms of anti-colonial resistance movements to eliminate and eradicate imperial domination. These movements have received support from the United Nations Charter, particularly in Articles 1 and 55, for the rights to self-determination.

The break-up of the former Soviet Union into a myriad of independent nation states after the collapse of the Cold War in the early 1990s, however, has brought renewed interests to the idea of secession and self-determination. Professor Marcelo G. Kohen (2006: 2) elaborates that '[t]he end of Cold War brought new secessionist aspirations and the strengthening and the awakening of existing or dormant separatist claims in nearly all regions of the world.' To be sure, secession movements have not only increased the world over with the possibility of being successful but have now become an increasingly unavoidable concern. Nonetheless, there is not a sound theoretical understanding of or a uniform treatment to secession. Still, only a few nation-states recognise the right to secession and international law respects the right to secede on narrow grounds. In spite of these limitations, the right to secede will continue, as evidenced by secession demands in Asia, Africa and the Caribbean. In the Caribbean, the recent quest for secession and eventual self-determination has been evident in the Dutch Antilles, Turks and Caicos, the USVI, St. Kitts and Nevis, and in Antigua and Barbuda. Except for the two latter cases, these movements are primarily in the non-sovereign Caribbean. All these movements, though different in

scope and intensity, suggest that small states or mini states are pushing for self-determination and self-definition in an increasingly globalised multi-national state system. These small Caribbean islands are activity questioning their colonial arrangements and their status, as mini states, in the global environment. The status of small size as well as economic and security vulnerability does not appear to be a prerequisite for self-determination. Recent elections, for instance, in Curacao and St. Maarten demonstrate preparations for the official break-up of the Dutch Antilles, which will cease to exist as a federation on 10 October 2010 (10/10/10). These two islands will become separate countries within the Kingdom of the Netherlands and the smaller islands of Bonaire, Saba and St Eustatius will become special Dutch municipalities. Aruba already has acquired a separate status (*Separación*) since 1986 from the rest of the Dutch Antilles, although the ultimate desire for total independence from Holland has been stalled.

The following article examines and analyses one partially unknown but important secession or separatist movement in the USVI. The article explores why and how St. Croix (population 57,351) wants to secede from USVI (population 117,000), namely from St. Thomas and St. John. The movement is interesting and intriguing because it falls under the interpretation of the rights to secede under the United States constitution. The USVI has a local constitution which is subjected to the US constitution. Furthermore, the movement has baffled both outsiders and residents of St. Thomas and St. John as to why St. Croix wants to secede from what seems to be a stable political and economic position within the tri-island federation. The USVI has one of the highest per a capita income in the Caribbean, approximately US\$21,000. Moreover, the secession movement is important and somewhat peculiar in that it does not resemble or represent a typical secession. A significant majority of residents on St. Croix do not seek to be an independent island. Rather, they desire a separate association with the United States like what Anguilla (1971) and Aruba (1986), St Maarten and Curacao (2010) have achieved with Britain and Holland respectively. This determination demonstrates that small non-sovereign states are questioning and interrogating their constitutionally and citizenship in an ever globalised world. They want to dictate their own political future.

The article is divided into four sections. The first section provides an analysis of secession tendencies in the USVI. The second and third sections examine

theories for and against St. Croix's secession. The fourth section explores the possibilities and challenges St. Croix face in achieving secession. The article uses mainly political, international law, philosophical as well as historical analyses and arguments to understand St. Croix's secession movement. The author also uses ethnographic information and personal interviews in this article, although not all are cited in the article. The author recognises the need to employ a comparative methodology, especially with regard to the current developments in the Dutch Antilles. Such a focus, however, is for another article. The current focus is primarily on the secession movement in the USVI, although comparative references will be made to other Caribbean secessionist movements.

Historical and Contemporary Separation Tendencies in the US Virgin Islands

The Virgin Islands (St. Croix, St. Thomas and St. John) have attracted the attention of many western powers ever since they were sighted in the early sixteenth century. However, for the most part of its history, the Virgin Islands were colonised by the Danes. From 1773 to 1917, the Danes colonised the Virgin Islands according to their specific comparative advantage which led inadvertently to separation tendencies. St. Croix was used for sugar cultivation mainly because the island's geographical features were more suitable for plantation agriculture. In contrast, the excellent harbour on St. Thomas encouraged commercial activities, namely trading. St. Croix subsequently thrived at a time when sugar was profitable in the world market and therefore received much more colonial administrative attention. St. Thomas remained not only an island for international trade but was on the periphery of any administrative decisions (See Dookhan 1974; Vaughn 1977).

The differences between St. Croix and St. Thomas increased when the importance of sugar declined in the nineteenth century in St. Croix. The island eventually turned to industrial development and attracted foreign investors like Hess Oil Refinery, now Hovensa. In contrast, international trade and tourism activities increased on St. Thomas during the same period. Attention was then switched from St. Croix to St. Thomas. Even the capital of USVI was moved to St. Thomas. Furthermore, extended attention was given to St. Thomas when the US purchased the islands from Denmark in 1917. A mandate from the US government for more administrative efficiency

transformed the individual municipalities developed under Danish rule to a centralised form of government. The seat of government was also moved to St. Thomas. Specifically, the US government introduced the Organic Act of 1936, which essentially gave Virgin Islanders a local constitution, more control over the local economy, and a greater measure of self-government. The most unique features of this Act were the granting of universal suffrage and the permanent removal of property and income qualifications for voting. However, twenty years later, a more advanced Organic Act of 1954 was introduced due to some shortcomings in the Act of 1936. The new 1954 Organic Act created the Legislature of the Virgin Islands and fused the islands into one administrative entity (US Virgin Islands, Legislature of the Virgin Islands, 2007). The consequence has been that the Virgin islands has more political autonomy over local affairs but this new political development created more divisions and insularity between St. Croix and St. Thomas/St. John.

Since the 1950s, residents of St. Croix (Crucians) have claimed marginalisation and unequal representation in the Virgin Islands centralised government. Subsequently, an inter-island rivalry has emerged from the centralised Organic Act of 1954 and has persisted into the contemporary period in the USVI. Specifically, Crucians have claimed that: (a) liquor prices are lower on St. Thomas even though liquor has been manufactured on St. Croix; (b) gasoline prices, until recently, have been the same on both islands even though St. Croix has an oil refinery; (c) most departments have larger budgets on St. Thomas; (d) St. Croix's school system has not received equal treatment with regard to finance and infra-structural development; (e) St. Thomas has been marketed and promoted more for tourism than St. Croix, and as a result, fewer cruise ships come to St. Croix; (f) the University of the Virgin Islands is larger on St. Thomas and the St. Croix campus is treated like a Community College; (g) airfares are cheaper from St. Thomas; (h) unemployment is higher on St. Croix; (j) the St. Croix senators are poorly represented; (k) St. Croix generates quite a bit of revenue but more money goes to St. Thomas and St. John (Vaughn 1977). These examples are only a few of a long list of claimed inequities between both islands.

The list of perceived differences, whether real or imagined, between St. Croix and Thomas deserves a brief analysis. Some of the differences are baseless, expressing a larger frustration of the USVI under a US controlled

colonial system. Under-representation and under-development of the USVI have more to do with the overall dependence on the US. While there have been nascent literary, cultural and political nationalistic movements, there also seems to be a clear absence of a direct and an open rejection to US colonialism in the USVI. The USVI has become increasingly dependent on the US for capital, markets, technology transfer, federal assistance and social welfare programs. These amenities have created a learned sense of dependency among Virgin Islands' residents and have fostered a politics of vertical immobility. Politics in the USVI generally revolves around corruption, mismanagement, patronage, insularity, clientelism, character assassination, nepotism, high handed behaviour, newcomer victimisation and opportunism (Lewis, 1972, pp. 320-343). Low educational standards and out-migration of skilled personnel have also led to the underdevelopment of the USVI. These events have derailed meaningful opportunities for recovery and, as a consequence, growth and development have been slow and tepid.

There are, however, some merits to the claims of differences between the islands, especially in the area of economic capabilities. For instance, in the first quarter of 2010, 513,551 air visitors went to the USVI. However, St. Thomas and St. John received 488,122 visitors while St. Croix received 105,429 visitors. The difference was also noticed in the cruise ship call. St. Thomas and St. John received 406 cruise ships while St. Croix received 44 during the same period. The reason for this difference is that St. Thomas and St. John are marketed as tourist destinations while St. Croix is marketed for industrial development (US Virgin Islands Economic Review, 2010). A majority of St. Croix's income comes from industrial development such as rum distribution and oil refinery. The territory receives about US\$90 million annually in excise rum tax rebates. Hovensa oil refinery has a crude oil distillation capacity of 495,000 barrels per day. The value of refined petroleum products were US\$2,531.9 billion in the first quarter of the fiscal year 2010 (US Virgin Islands Economic Review, 2010). Statistics show that because of these economic activities the Gross Territorial Product (GTP) continues to grow since 2002. For instance, the GTP has increased from 2,240.0 to 4,298.0 to 4,580.0 (in millions of dollars) in 2007, 2008 and 2009 respectively (US Virgin Islands Annual Economic Indicator 2002-2009). In spite of a \$170 million operating budget deficit in 2010, the economy is expected to be stable through government's policies of attracting foreign investment, spending cuts, a hiring freeze, among others.

The information on how much money and resources are spent on each island is not readily available. What exists instead is the distribution of resources according to the various branches of government: the executive branch receives (\$703.6 million); legislative (\$21 million); judicial (\$39.3 million) (Hanlon, 2010: 3). The lack of precise information on how much money is allocated among the islands is what generates the push for secession. This separation tendency between St. Thomas and St. Croix was demonstrated in 2003 when members of the St. Croix Self Government Committee led by Rena Brodhurst, the Committee President and publisher of *The Croix Avis* (a private newspaper on St. Croix), declared openly a separation of St. Croix from St. Thomas and St. John. More than 7,000 of St. Croix's 27,000 registered voters signed a petition asking Congress to make the island its own US territory. The group has asked the US Department of Interior to investigate the Virgin Islands' finances for disparity on how much finance each island generates and how the finance has been spent (Probasco 2003). The group has put forward a petition that reads:

- (a) "We the undersigned citizens of St. Croix in the United States Virgin Islands, hereby request that you amend the Organic Act of 1954 to make St. Croix a separate territory of the United States of America. It has become increasingly difficult for St. Croix to grow and prosper under the current form of government.
- (b) "We wish to administer our own affairs and not be obliged to ask elected St. Thomas/St. John officials for approval on issues that impact every aspect of our daily lives.
- (c) "We request the right to elect a governor, lieutenant governor and five senators who will reside on St. Croix and manage the island's affairs. We wish to maintain a tri-island election for delegate to Congress. Our population does not warrant another delegate.
- (d) "We request that all revenues derived on St. Croix be retained on that island. In addition, we request that all federal programs and funds currently provided to the Virgin Islands government be divided in equal portions for the two separate governments to administer" (*St. John Source* 2005; Cole 2003: 7).

The main objectives of the St. Croix Self Government Committee are to transform the big island into a separate unit or territory from the tri-federation and to establish a special association with the US that allows

the island to have its own local autonomy. St. Croix wants secession from the tri-federation but also wants to maintain its territorial relationship with the US, which represents a complicated form of secession. To recall, and according to political thought, secession is a formal withdrawal from an association by a group or territory discontented with current status and treatment from that nation-state or centralised government. The ultimate aim of the seceding territory or the secessionists is to end artificial centralisation and integration, to dictate their own political, economic and social future with the hope to achieve sovereignty. Secessionists generally seek to break hegemonic, compulsory bonds between them and a government which they no longer accept (see Kohen 2006; Brilmayer 1991; Wellman 1995; Nanda 1997). Professor Allen Buchanan (1991:11) reiterates that

Secession... is an effort to remove oneself from the scope of the state's authority, not by moving beyond existing boundaries of that authority but by redrawing the boundaries so that one is not included within them.

Although the aforesaid definition is rather impressive, it does not explain St. Croix's position on secession. Instead, St. Croix seeks a milder form of secession, essentially to decentralise from the Virgin Islands federation and form a new attachment with the US. It does not seek to overthrow or change the territory, but seeks to limit the state's control over the seceding territory. It is not a civil war nor does it represent a revolution. It does not seek to engage in a sustained battle with the territory, but seeks to free itself from the unjust stranglehold of the tri-state federation. St. Croix does not seem to use secession as an act of punishment; it is simply expressing a desire for self-governance. From all indications, the secession movement does not seek to transform the political and social order of the tri-state federation, although secession may inadvertently lead to some changes. The secession movement in St. Croix is guided by historical grievances and seeks to right a historical wrong based on neglect, marginalisation and the mal-distribution of justice (see Brilmayer 1991). St. Croix's secessionists believe that St. Croix has received discriminatory redistribution of resources towards social and economic development. The contention is that the decision making process is fairly democratic but the outcomes are unjust, placing St. Croix not St. Thomas, at a disadvantage. The centralised USVI government spends less on Croix relative to what the island contributes to the national coffers without any sound judgment for this unequal treatment. Why St. Croix's

secessionists chose secession as the last resort to deal with their unequal treatment and how secession could be achieved or not within the boundaries of the law will be the central focus in the next two sections.

St. Croix's Rights to Achieve Secession

St. Croix can secede from the federation with St. Thomas and St. John under two remote constitutional possibilities. The first is that the current attempt by Virgin Islanders to revise the Organic Act of 1954 (local constitution) and reform or rewrite the constitution provides an opportunity to implement a clause for any island within the federation to a right to self-determination or secession. From recent indications, this does not seem to be a realistic possibility since serious discussion on secession is lacking (*Virgin Islands Daily News*, October 3, 2008: 20). The second possibility is that if the States in the US agree to an amendment then St. Croix can secede. All fifty States must, however, agree for an amendment to occur. Given the fact that St. Croix is a part of an unincorporated territory of the US, it is unlikely that States in the US would favour St. Croix's secession from St. Thomas and St. John. A right to secede then in the Virgin Islands and in the US is very limited. International law also shares a similar position (see Tomuschat 2006: 25).

St. Croix's right to secede can be realised through the international community, mainly through the United Nations. The formation of the United Nations following the Second World War was intended to bring, promote and secure peace, stability, and amicable relationships among and within nation-states. To the people of the so-called Third World, these principles of the United Nations Charter provided them with an opportunity to dismantle colonial domination and determine their own independent course and destiny. Many, if not a majority of colonies in the Third World, have achieved self-determination mainly because of the general agreement among former colonial powers (mainly in Western Europe) and subjected colonies (mainly in Africa, Asia and the Caribbean) to terminate colonial domination. The rights of people in the Third World towards self-determination are documented in Articles 1 and 55 of the United Nations Charter. The General Assembly resolution 1514 (XV) of 14 December 1960 states:

- (a) The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is

contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

(b) All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 55 of the United Nations Charter, again, makes reference to the right to self-determination. The Charter states that with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- (a) higher standards of living, full employment, and conditions of economic and social progress and development;
- (b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

In 1966, the United Nations International Covenant on Civil and Political Rights was adopted. Part one, Article one mentions the right of self-determination.

- (a) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The International Covenant on Economic, Social and Cultural Rights also made reference to the rights of self-determination. The General Assembly Resolution 2625 states:

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

...and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter (see United Nations and Human Rights 1945-1995, <http://www.un.org/en/documents/charter>).

The United Nations and the Articles 1 and 55 are intended to bring peace and amicable relations among nation-states through cooperation. However, such a stewardship is not always realised. The United Nations is a proponent of international peace but it is not a governmental body, which impairs its ability to carry out realistic mandated responsibilities. Actually, since the formation of the United Nations soon after WW2, there have been more conflicts and wars in the world. The basic problem of the United Nations lies in its design. The organisation drafts numerous resolutions but functions to meet the strategic needs of the more powerful countries. When resolutions are implemented, they are conducted in a manner in which newly sovereign regimes, especially Third World regimes, remain dependent on the international order (control by developed nations) for continued survival (Clapham, 1999: 524). The powerful nations generally decide whether secession is worth consideration. Even if the United Nations has the power to intervene into the domestic matters of dependent colonies or territories it has to take into consideration a myriad of factors. Non-sovereign states are powerless in the international system because they are militarily weak and economically dependent. Their mother countries generally provide protection and defence. Take for example the recent events in Turks and Caicos, a British Caribbean Territory. The People's Democratic Party (PDP) has been pushing for political freedom and economic independence from Britain. However, under the recently elected Progressive National Party (PNP), Britain suspended the islands' constitution in 2009 after a Commission of Enquiry found allegations of corruption in land sales, the distribution of government contracts and development deals, the granting of voting rights, and the misuse of public funds. Britain eventually imposed direct rule over the Turks and Caicos Islands and suspended the July 2011 elections. The move was intended to ensure progress toward political reforms and financial stability on the islands (McElroy 2009; Boyce 2010). In this case, if the *pro-independence* movement in Turks and Caicos wants to take their concerns to the United Nations, the likelihood is that Britain would argue that the islands are not ready for independence until sound constitutional and electoral reforms are implemented and financial stability

are restored. This is a position the United Nations would likely adhere to, which means any efforts towards independence would be delayed, if not forestalled.

In spite of the overall shortcomings of the United Nations, the USVI has a right to secede from the US under Articles 1 and 55 because the islands are generally a collective colony of the US and are therefore guaranteed similar rights like other colonial territories to secede. But this is not the case in the USVI. Instead, St. Croix wants to secede from the other islands. This is a major challenge to the secessionists. The United Nations' principles regarding a right to self-determination recognise anti-colonial struggles for self-determination but not any further fragmentation. Put differently, the United Nations does not recognise internal decolonisation movements in already formed independent states. Nonetheless, the United Nations' principle of internal secession is ambiguous. Law Professor John Dugard (2006: 108) argues that 'while it does not authorise the right of secession, the right of self-determination does not prohibit secession.' This means that in spite of the law against secession St. Croix has a right to secession based on the ambiguity of the law.

The right to secede has also received substantial attention in the area of philosophy. Generally speaking, philosophers have argued that secession can be achieved or realised through Remedial Right (sometimes called Just Cause Theories or Choice Theories) and Primary Right theories. The remedial right argument emphasises that if a group or territory has enough evidence to prove violation of rights such as human rights, persistent violation of agreements and promises as well as failed attempts to resolve grievances, historical and contemporary, then unilateral secession is seen as a moral justification (Buchanan 1997: 34-35). This has happened in recent history in the Netherland Antilles where, as mentioned earlier, Curacao and St. Maarten have favoured the dissolution of the Antilles and relations with Kingdom of the Netherlands partners. Curacao and St. Maarten have obtained an autonomous status within the Kingdom of the Netherlands similar to Aruba's status. Saba, St. Eustatius, and Bonaire will have closer municipality-like ties with the Netherlands.

The primary right theory speaks to a right of a group or territory to secede unilaterally even if it is not subjected to any forms of discrimination and injustice (Buchanan 1997: 40). This argument is based on the two other related theories: ascriptivist or nationalist and plebiscitary or majoritarian. In layman terms, the ascriptive theory claims that 'distinct people,' like Native Americans who experience a status somewhat similar to sovereignty have a right to secede while the plebiscitary embraces the moral right to secede if the majority in the state chooses to do so regardless of common characteristics like language, culture religion, and so on (Buchanan 1997;1991).

Rights against St. Croix's Secession

In the Americas, only the constitutions of Canada and the twin islands of St. Kitts and Nevis allow for a right to secede from the parent country (see Premdas 2001; Sunstein 1991; Monahan and Bryant 1996). The reason for the high level of constitutional disallowance towards secession is that the foundation of democratic states (except for a few, most nation-states in the Americas are either Oligarchic, Co-optative, Liberal or Illiberal democracies) is grounded in the consent of the people to be ruled. Membership in democratic states is therefore irrevocable. The democratic state is the supreme arbiter that ensures distributive justice and in exchange expects support, uniformity and little negative reaction from its citizens. The democratic state prefers a stable environment or a functionalist approach to avoid distractions to carry out mandated responsibilities. In the final analysis, the people choose to be ruled by the government through consent and therefore the government is considered to be indivisible, infallible and irresistible. The democratic government's position is a modern incarnation of the Thomas Hobbes, John Locke and Jean-Jacques Rousseau paradigms that uphold the social contract theory. The notion of the social contract theory implies that the people give up some rights to a government in return to receive or maintain social order (see Rawls 1999).

Arguments for the social contract theory against secession are emphasised in the US Constitution dating back to the Civil War and by many contemporary US political scientists and scholars. President Abraham Lincoln underscores that the US is indivisible, while authors Harry Beran (1984) and Cass Sunstein (2001) argue that secession should not be allowed. Beran (1984: 21-31) writes that secession should not be allowed if a group is too small, not

willing to permit sub-groups within itself to secede, seeks to exploit other sub-groups within itself, occupies an area that is culturally, economically or military essential to the parent state and occupies an area that has a disproportionately higher share of the economic resources of the parent state (see also McGee 1994: 12-13). Sunstein (1991: 634-35), for instance, in a very thoughtful article, posits that to place a constitutional right to secede would increase the risk of ethnic and factional struggle, reduce the chances for checks and balances in government, raise the stakes for daily political decisions, introduce unnecessary considerations into decisions, create dangers of blackmail, strategic behaviour, and exploitation, and in particular, endanger the expectations for long-term self-governance. These views, however, are not free from criticism. One strong argument in favour of secession is in the US Declaration of Independence (see: Preamble 2.1 & 2.1 US Constitution). If a democratically elected government does not have the support from its people, then the people should have a right to terminate the social contract and seek alternative means of government. Academic critics such as Daniel Weinstock (2001), Christopher Wellman (1995), David Gauthier (1994), among others, have argued against the conservative views of the social contract theory, namely, against the monopolistic state as sole guarantor of a fair and just society. Governments should adjust to the will of the people, including a right to secession without much friction (Kreptul 2003; McGhee 1994).

The right against secession is also clearly stated in the United Nations Charter. Resolution 1514 (XV) states that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations (UN, 1960). The idea is that when a colony receives self-determination or independence, the United Nations does not recognise any further internal movement towards self-determination unless the situation is considered to be grave accompanied by a massive violation of human rights, a situation known as remedial secession (see Buchheit 1978: 222). Therefore, no internal group or region has a lawful right to secede. This is particularly true in the case of Africa where the Organisation of African Unity (OAU) assumes the position that colonies granted independence or sovereign status should be respected and further secession movements are not allowed (Nanda 1981: 272-273). Secretary-General U. Thant in 1970 stated in the case of Biafra's attempt to secede from Nigeria that; 'as far

as the question of secession of a particular section of a state is concerned, United Nations attitude is unequivocal. As an international organisation, the United Nations has never accepted and does not accept and I do not believe will ever accept the principle of secession of a part of its Member State' (Thant 1970: 39). This view has been challenged in recent times. Professor Dugard (2006: 108) argues persuasively that since the 1970s Bangladesh has successfully seceded from Pakistan in 1971, Eritrea from Ethiopia in 1993 and that the dissolution of Yugoslavia was in fact a case of secession of Slovenia, Croatia, Bosnia-Herzegovina.

The Challenge of Instituting and Implementing Secession on St. Croix

Four substantive standards must be established before secession can be taken seriously: (1) the identity of the group or region that is claiming secession; (2) the nature and scope of the claim; (3) the main reasons for the claim; and (4) the degree of the claim relative to deprivation, mal-distributive justice (Nanda 1981: 275). St. Croix's secessionists seem to meet these four standards. However, a key issue St. Croix's secession movement faces in the USVI is that the US domestic constitution does not recognise secession from within its states and territories. The US recognises the right of territories (owned and foreign) to decolonise towards self-determination as agreed after World War II. The problem is that St. Croix wants to secede from the Virgin Islands but also wants to retain a separate incorporated territorial status of the US. The US will most likely not accept this position and preference. In the territory itself, residents of the other islands, St. Thomas and St. John, do not share a similar position with St. Croix. In fact, residents of these islands do not want St. Croix to secede from the territory/federation. From the perspective of international law, St. Croix's secession movement has to develop substantive criteria to make it a robust claim, which is really the nature of the relationship between St. Croix and the US central authority. The US and most modern advanced democratic states have upheld the long established principles of territorial integrity. This position has arguably been static ignoring the emergence of new communities as well as failing to provide the mechanisms for the evolving concept of self-determination. Most democratic states have not adjusted to the new demands of self-determination. Past legal ties must be weighed alongside new demands and wishes of inhabitants.

Another overarching cleavage or caveat St. Croix faces is that even if the secessionists decide to take their claims beyond the US to the United Nations the matter has to be dealt with in the USVI and the US. The acceptance of any foreign support would be considered an act of irredentism, against the principles of noninterference. This means that St. Croix can only receive support from within the USVI or from the US. This international law is conflict-oriented and insular. The conflict comes from two competing principles: territorial integrity and self-determination. The former demands respect for established boundaries of states and the latter calls for the redefinition of the existing states (Eisner 1992: 408). International law is insular because it accepts secession or the right to self-determination on narrow grounds. In the case of St. Croix, that means following the principles enshrined in the United Nations Charter, stated already. If this approach is not honoured, then the movement toward secession is illegal and faces sanctions. Arguably, there are major weaknesses in the international legal system regarding the restriction to secession once colonial territories have achieved independence. Or, when federated islands/units want to break away but also want to retain individual status with their colonial powers. Debra A. Valentine (1980: 805) argues that the decolonisation phase accepted old colonial boundaries regardless of the differences among ethnic groups into new independent political units. Caribbean Law Professor Simeon McIntosh (1997: 419) makes a similar point in the case of St. Kitts and Nevis that these islands were brought together for colonial administrative convenience. Like most of the federated islands in the Caribbean, the Virgin Islands were also brought together for purely administrative and economic reasons. This administrative marriage was developed under various European powers mainly from the French to the Danes and then to the Americans. Under Danish rule, however, the islands experienced semi-autonomy through districts or municipalities representations which were consolidated and centralised under US control soon after purchase in the early twentieth century. The residents of the Virgin Islands had little voice not only with the purchase but also in their being governed jointly as one administrative unit. Professor Lea Brilmayer (1991: 190) explains this situation along the lines of 'historical grievance', or when groups of people have been wrongfully or mistakenly included into a nation-state. To St. Croix's secessionists, the forced administrative marriage of three islands by the European colonial countries is an original colonial sin. It is an improper, if not illegal, annexation of the islands, which can be rectified by undoing the historical colonial arrangement. In this respect, the

secessionists are seeking to right a historical wrong. The main argument here is that international law does not recognise that it is for the people to determine the destiny of their territory and not the territory to determine the destiny of their people.

The logic behind the principles of non-interference is also partial. Certainly, if St. Croix were to be successful with its secession movement it would need help from the world community. Moreover, the non-interference principle in a modern age has become unrealistic. Many regions of the world have become interdependent and interconnected through the forces and facets of globalisation. These recent developments have challenged the modern nation state as the sole arbiter of power and have created more alliances with regard to shared space and respect for peoples' rights. Equally significant is that the shared history, language and culture which have functioned as bonding forces among communities and regions may not remain static in the future. Ethnic homogeneity and territorial solidarity are not indefinite guarantees (Valentine 1980: 817). Co-Editor-in-Chief of the *Yale International Law Journal* Michael Eisner (1992: 419) offers a procedural model for the resolution of secessionist disputes instead of relying on the principles of non-interference. He recommends that the United Nations and international law should be involved in secession movements but must follow three stages: the first is that a United Nations commission should be established to investigate and recommend whether or not to get involved; the second stage is that if there is enough merit in the claim to secession, United Nations officials should organise or run a plebiscite; and the third stage, after the plebiscite, a transition should occur, which the United Nations would maintain presence if the secession is achieved or not.

Eisner's second stage of the procedural model for the resolution to secessionist claims is more pertinent to St. Croix since the first stage is already achieved and the third stage would not be necessary. There appears to be no evidence of mass upheaval and violence surrounding St. Croix's secession movement. Instead of imposing an international system, St. Croix should hold a plebiscite to determine the seriousness of secession from the USVI. Special plebiscite guidelines should be established such as what percentage of votes should be required to sustain a proposal for secession, who should be eligible to vote, and who should conduct the plebiscite. A simple majority vote should not be enough to support a claim to territorial separation and supersede the

principles of territorial integrity. Instead, the supermajority requirement should be used like the one used in St. Kitts and Nevis in 1997, where two-thirds of votes were needed for secession. Philosophy Professor Wayne Norman (2001: 84-102) argues that this requirement would not only justify serious secessions but also weed out vanity secessions. Certainly, the region and people in dispute must be eligible to vote in the plebiscite. But the entire USVI should also have the opportunity to vote since they are also indirectly involved in St. Croix's secession movement. Lastly, an international body or a third party should help to conduct, interpret, and enforce the plebiscite and ensure that the parent state agrees to such a procedure.

Geographical distance and cultural difference must be considered in St. Croix's secession movement since they have other linkages. St. Croix is already geographically separated by forty miles from St. Thomas. This very distance has led to separation. One hypothesis states that if one region is separated from the rest of the country then there is a likelihood of fewer meaningful networks between the separated region and the parent state (see Sorens 2008: 335). This is really one premise for St. Croix's secession. The geographical distance between the islands has led to a cultural difference. Even though the majority of Virgin Islanders share a similar historical plantation experience, they have also evolved differently. Africans on St. Thomas are more urban, while Africans on St. Croix are more rural/agricultural. This profound difference of lifestyle and even social attitude was born out of the different economic structures of the islands (see Lewis 1972: 27-28). Moreover, St. Croix's population is made up of more than thirty-five percent Hispanics, while St. Thomas is mainly African and European, among other ethnic groups. These groups identify with their own ethnic backgrounds and have not approached territorial building with the same expectations. Realistically, some groups regard themselves as the only rightful beneficiaries of resources in the USVI. Although there is no notable ethnic conflict, the mosaic of ethnic groups has not been fully integrated in the USVI. This lack of integration has created an inter-island insularity in the USVI. Despite these ethnic and cultural differences, one cannot seriously deny the familial bonds between the islands and a sense of share community commitment, especially to 'outsiders' or 'non-native Virgin Islanders.' These bonds were born out of structural colonial dominance and contemporary political and social struggles. Secession would certainly affect this unity. Nevertheless, geographic and ethnic differences are not compelling grounds

for secession. There must be more substantive reasons for secession because other groups, especially those with a wealth of resources, may also want to secede leaving poorer regions of state even poorer (Christiano 1995: 64). Another question to be considered is what would become of individuals on St. Croix who want to retain the current political status in the USVI? While they may have the opportunity to vote in a plebiscite, this option does not guarantee that their needs would be met. If St. Croix were to secede, they will become the minority and face the trappings that generally come with a minority status, namely marginalisation like Muslims in India and Hindus in Pakistan, for example. They will practically have two options: remain or migrate. Both options are worrisome. This, however, is an inherent problem of democracy. When the majority wins, minority groups do not always get what they want. Nonetheless, it is the responsibility of a fair government to ensure fair distributive justice.

Some already established factors, however, favour St. Croix's secession, which are not always an advantage in other secession movements. St. Croix does not have to shoulder any more financial burdens like those of new secession states, which face the challenge of establishing a new government, creating a new border, maintaining a sound defence and security system, conducting expensive external affairs, and regulating immigration, among others. These criteria would be, for the most part, taken care of by the US. The territorial debt, however, has to be negotiated and should not be handed over solely to St. Thomas for this move would constitute reverse mal-distributive justice. The debt burden should not be a zero-sum game.

In the final analysis, substantive conditions and criteria must be met and sound procedural measures must be established to deal with St. Croix's secession. The procedural bar must be high to recognise the seriousness of the secession in order to mount campaigns. However, an appropriate constrained democratic decision-making procedure should not stifle the desire to secede. The issue of secession is politically sensitive which threatens to re-organise and redistribute the power structure of the state. Ralph Premdas (1998: 2) points out, 'to decentralise is not merely to shuffle the cards in a pack, but using a more appropriate metaphor, requires the flattening of a pyramid of power.' Premdas added that a call for decentralisation or separation, unless rhetorical, cannot be treated as a technical exercise, but as a pre-eminent political contest where the highest stakes of survival are involved (1998: 2).

Concluding Remarks

An analysis of the secession movement in the USVI shows that 7,000 of 27,000 eligible voters on St. Croix desire a break from the tri-federation in order to establish a separate association with the US. St. Croix's secessionists believe that St. Croix has received discriminatory redistribution of resources towards social and economic development. Their main contention is that the decision making process is democratic but the outcomes are unjust, which has marginalised St. Croix not St. Thomas. The centralised USVI government spends less on Croix relative to what the island contributes to the territorial coffers without any sound judgment for this unequal treatment. This is a rather interesting position that parallels other autonomous movement in the Caribbean, namely in Nevis, Turks and Caicos and The Dutch Antilles. These movements speak to the quest of small non-sovereign islands to be autonomous in ever globalising world. These movements will generate more interest and provide a forum for the discussion of non-sovereign Caribbean states' autonomy, non-intervention in internal affairs and respect for independent existence. The Dutch Antilles has already taken a lead in this direction.

Small non-sovereign Caribbean states have the right to self-determination through the United Nations. They can apply Articles 1 and 55, which was established precisely to guide non-sovereign states towards self-determination. However, the secession movement on St. Croix is inconsistent with Articles 1 and 55. St. Croix's secessionists want to break away from the tri-federation and develop separate ties with the US. This is a complex situation and challenges the fundamental principles of secession. The US and the USVI constitutions do not allow any procedural model for secession. These constitutions do not allow secession. Nonetheless, St. Croix's secessionists still have a right to secede based on a host of flaws in the democratic system. Furthermore, the USVI had an opportunity to implement a secession clause in the recent attempt to re-write the local constitution. This was not entertained. If such a clause was implemented then St. Croix's secessionists would not have needed permission from the central government to secede. The main advantage to a constitutional right to secede is that it would force the central government to take every region seriously since each has a right to leave if it feels neglected. This choice may lead to a more just government in the USVI.

St. Croix secessionists have the right to ask the UN for help to at least a plebiscite to determine whether or not the people of the St. Croix want to separate from St. Thomas and St. John. From all indications, a plebiscite may reveal that more than fifty percent of Crucians want separation but this may not be enough grounds for St. Croix to have a separate association with the US. More compelling evidence is needed. If secession is to be achieved certain approaches must be undertaken. The most justifiable approach is that there must be substantive criteria and a sound procedural model. Neither of these two qualities is fully established on St. Croix. There are some substantive criteria but there must be more robust evidence for secession. Mal-distributive justice must be accompanied with the deprivation of human rights and the failure of security and protection and other values that affect the human being. However, a call for secession will continue in St. Croix mainly to bring attention to the island's marginalised status in the USVI. At best, secession calls on St. Croix would act as a restraint on the central government and perhaps force it to put St. Croix in the inner sanctum of policy making decisions. From a regional point view, the call for secession among non-sovereign states demonstrates the desire of these states to determine and dictate their own political future. The break-up of the Dutch Antilles is a recent example.

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Contributors

Philmore Alleyne is a Lecturer in the Department of Management Studies, University of the West Indies, Cave Hill Campus, BARBADOS.

Tracey Broome is a Research Assistant at the University of the West Indies, Cave Hill Campus, BARBADOS.

Kari Grenade is an Economist at the Caribbean Development Bank, Wildey, St. Michael, BARBADOS.

Denny Lewis-Bynoe is the Director – Economic Department, Caribbean Development Bank, Wildey, St. Michael, BARBADOS.

Lomarsh Roopnarine is a Professor at the University of the Virgin Islands, St. Croix Campus, UNITED STATES VIRGIN ISLANDS.

Marion Williams is a former Governor of the Central Bank of Barbados, and is currently Ambassador and Permanent Representative of Barbados to the United Nations and other International Organisations, Geneva, SWITZERLAND.