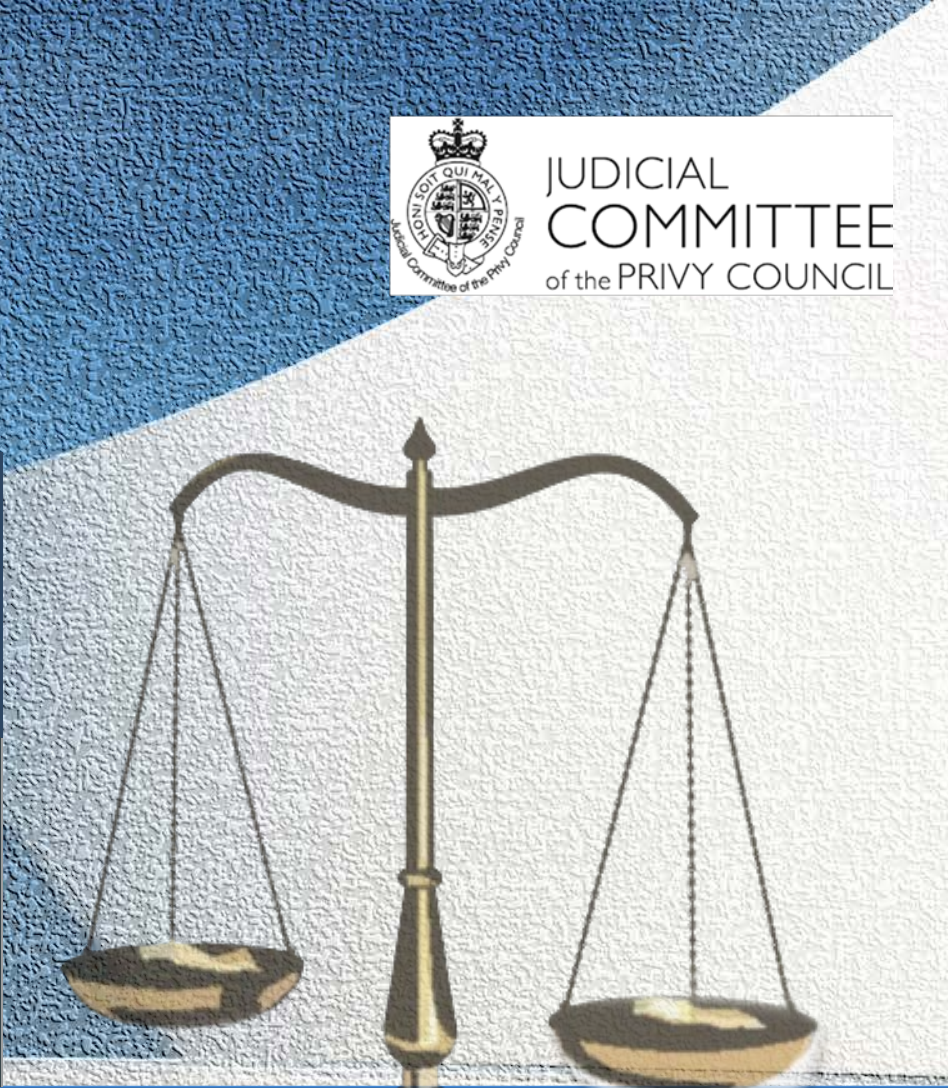




**A New ERA Post Her Majesty Queen Elizabeth II - The Caribbean Court of Justice or The Privy Council?**

**Presentation by:**  
**Ruggles Ferguson**  
President  
OCCBA



**JAMBAR**  
**Continuing Legal Education Conference 2022**  
**Ocean Coral Spring Resort, Trelawny, Jamaica**  
**December 1-4, 2022**



# HIGHLIGHTS

- 1 The Vision, Mission, and Values of the CCJ
- 2 The Independence of the CCJ, reflected in a structure which protects it from political influence and interference.
- 3 The CCJ reflects true stakeholder involvement – An authentic Caribbean product.
- 4 The need for public education regarding the CCJ
- 5 The Uniqueness of the CCJ – two Courts rolled into one
- 6 The importance of the Court transforming the administration of justice in member states of the Caribbean.
- 7 Our obligation to join the CCJ – Historical, Moral, and Legal
- 8 TAKEAWAYS on the CCJ
- 9 The Way Forward





Developing Caribbean  
Jurisprudence

Deepening Regional  
Integration

## AGREEMENT ESTABLISHING THE CARIBBEAN COURT OF JUSTICE

THE CONTRACTING PARTIES,

**CONVINCED** that the Caribbean Court of Justice, (hereinafter referred to as "the Court"), will have a determinative role in the further development of Caribbean jurisprudence through the judicial process;

**CONVINCED ALSO** of the desirability of entrenching the Court in their national Constitutions;

**AWARE** that the establishment of the Court is a further step in the deepening of the regional integration process;

**RECOGNISING** the sovereignty of Members of the Caribbean Community;

**HEREBY AGREE** as follows:





# Mission, Vision & Values of the CCJ

## Our Mission

**Providing accessible, fair and efficient justice for the people and states of the Caribbean Community**

## Our Vision

**To be a model of judicial excellence**

## Our Values

**Integrity - Be honest, do right, stand firm**

**Courtesy and Consideration - Demonstrate care and respect for all**

**Excellence - Demonstrate the highest quality of service and performance**

**Industry - Be diligent, go above and beyond**



# 1. The Independence of the CCJ

**CARIBBEAN COURT OF JUSTICE**  
**CARIBISCH HOF VAN JUSTITIE**  
**COUR CARIBÉENNE DE JUSTICE**





# The Independence of the CCJ

THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT  
IT FROM POLITICAL INFLUENCE

RJLSC APPOINTS JUDGES

- An Independent Regional Judicial & Legal Services Commission (RJLSC) appoints judges to the Court.
- No politician sits on the JLSC





# The Independence of the CCJ

**THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT FROM POLITICAL INFLUENCE**

**RJLSC FILLS VACANCIES**

- Applications to fill the vacant office of judge go directly to the RJLSC. The RJLSC receives the application, conducts the interview and then selects the candidate.
- Selection based on qualifications, not political affiliation



*"Are you qualified for the job? "*





# The Independence of the CCJ

THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT  
FROM POLITICAL INFLUENCE

CCJ JUDGES ENJOY SECURITY OF TENURE

## **ARTICLE IX TENURE OF OFFICE OF JUDGES**

- 1. The office of a Judge of the Court shall not be abolished while there is a substantive holder thereof.**
- 2. Subject to the provisions of this Article, the President shall hold office for a non-renewable term of seven years or until he attains the age of seventy-two years, whichever is earlier, except that the President shall continue in office, if necessary, for a further period not exceeding three months to enable him to deliver judgment or to do any other thing in relation to any proceedings part-heard by him.**
- 3. Subject to the provisions of this Article, a Judge of the Court shall hold office until he attains the age of seventy-two years, except that he shall continue in office, if necessary, for a further period not exceeding three months to enable him to deliver judgment or to do any other thing in relation to any proceedings part-heard by him.**







# The Independence of the CCJ

**THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT FROM  
POLITICAL INFLUENCE**

**REMOVAL ONLY FOR INABILITY, OR MISBEHAVIOUR**

8

**4. A Judge may be removed from office only for inability to perform the functions of his office, whether arising from illness or any other cause or for misbehaviour, and shall not be so removed except in accordance with the provisions of this Article.**

**5. (1) Subject to Article IV, paragraph 5, the President shall be removed from office by the Heads of Government on the recommendation of the Commission, if the question of the removal of the President has been referred by the Heads of Government to a tribunal and the tribunal has advised the Commission that the President ought to be removed from office for inability or misbehaviour referred to in paragraph 4.**

**(2) Subject to Article IV, paragraph 6, a Judge other than the President shall be removed from office by the Commission if the question of the removal of the Judge has been referred by the Commission to a tribunal; and the tribunal has advised the Commission that the Judge ought to be removed from office for inability or misbehaviour referred to in paragraph 4.**





# The Independence of the CCJ



**The President of the CCJ sits as Chairman of Regional Judicial Legal Services Commission (RJLSC).**

Front row sitting L-R

Mrs. Susan Branker Greene MSc | Mrs. Jacqueline Samuels-Brown KC | Hon. Mr. Justice Adrian Saunders - Chairman | Ms. E. Ann Henry KC

Back row standing L-R

Hon. Mr. Justice St. Michael Hylton OJ KC | Hon. Mr. Justice Dennis Morrison OJ CD KC | Mr. Brian Glasgow FCCA MSc



# The Independence of the CCJ

THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT FROM  
POLITICAL INFLUENCE

RJLSC REFLECTS KEY STAKEHOLDER REPRESENTATION

## **ARTICLE V** **ESTABLISHMENT OF THE REGIONAL JUDICIAL AND** **LEGAL SERVICES COMMISSION**

- 1. There is hereby established a Regional Judicial and Legal Services Commission which shall consist of the following persons:**
  - (a) the President who shall be the Chairman of the Commission;**
  - (b) two persons nominated jointly by the Organisation of the Commonwealth Caribbean Bar Association (OCCBA) and the Organisation of Eastern Caribbean States (OECS) Bar Association;**
  - (c) one chairman of the Judicial Services Commission of a Contracting Party selected in rotation in the English alphabetical order for a period of three years;**
  - (d) the Chairman of a Public Service Commission of a Contracting Party selected in rotation in the reverse English alphabetical order for a period of three years;**
  - (e) two persons from civil society nominated jointly by the Secretary-General of the Community and the Director General of the OECS for a period of three years following consultations with regional non-governmental organisations;**





# The Independence of the CCJ

## KEY STAKEHOLDER REPRESENTATION (CONT.)

- (f) **two distinguished jurists nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, the Deans of the Faculties of Law of any of the Contracting Parties and the Chairman of the Council of Legal Education; and**
- (g) **two persons nominated jointly by the Bar or Law Associations of the Contracting Parties.**

**2. Where any person or body required to nominate a candidate for appointment to the Regional Judicial and Legal Services Commission in accordance with paragraph 1, fails to make such nomination within thirty (30) days of a written request in that behalf, the nomination shall be made jointly by the heads of the judiciaries of the Contracting Parties.**





# The Independence of the CCJ

**THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT FROM POLITICAL INFLUENCE**

**UNLIKE THE USA, NO PRESIDENT OR PRIME MINISTER NOMINATES ANY JUDGE TO FILL ANY VACANCY OF THE COURT.**

- The only involvement of Heads of Government (CARICOM Heads) relates to the selection of the President of the CCJ when that office becomes vacant. However, their selection is restricted to choices made by RJLSC. For example, the RJLSC may submit to the Heads three (3) selectees from which the ultimate selectee (President of the CCJ) may be chosen.**





# The Independence of the CCJ

## THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT FROM POLITICAL INFLUENCE

- ❑ **If the Heads are not satisfied with the choice, it must go back to the RJLSC, complete with reasons given for the rejection. If appropriate, the RJLSC makes fresh selections from which the Heads select the choice for confirmation.**

**REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

**JUDICIAL VACANCY  
PRESIDENT OF THE CARIBBEAN COURT OF JUSTICE**

The Regional Judicial and Legal Services Commission (the Commission) invites applications for the post of President of the Caribbean Court of Justice (CCJ). The tenure of the President is for a non-renewable term of 7 years or until age 72. The successful candidate will be stationed at the Seat of the Court, which is located in Port of Spain, Trinidad and Tobago.

**QUALIFICATIONS**  
In accordance with *Article IV (10) of The Agreement Establishing the CCJ*, a person who is eligible for appointment:

- (a) is or has been for a period or periods amounting in the aggregate to not less than five years, a Judge of a court of unlimited jurisdiction in civil and criminal matters in the territory of a Contracting Party or in some part of the Commonwealth, or in a State exercising civil law jurisprudence common to Contracting Parties, or a court having jurisdiction in appeals from any such court and who, in the opinion of the Commission, has distinguished himself or herself in that office; or
- (b) is or has been engaged in the practice or teaching of law for a period or periods amounting in the aggregate to not less than fifteen years in a Member State of the Caribbean Community or in a Contracting Party or in some part of the Commonwealth, or in a State exercising civil law jurisprudence common to Contracting parties, and has distinguished himself or herself in the legal profession.

*Article IV (11)* also provides that:  
In making or recommending appointments to judicial office, the Commission is required to have regard to the following criteria: high moral character, intellectual and analytical ability, sound judgment, integrity and an understanding of people and society.

**HOW TO APPLY**  
The application form and additional information are available via the CCJ website - [www.ccj.org/category/careers](http://www.ccj.org/category/careers)

Applications must be submitted via email to [recruitment@rjpsc.org](mailto:recruitment@rjpsc.org)  
on **September 18, 2017**  
no later than  
**4:00 p.m. (Atlantic Standard Time)**

CARIBBEAN COURT OF JUSTICE  
CARIBISCH HOF VAN JUSTITIE  
COUR CARIBÉENNE DE JUSTICE



# SAFEGUARDING FINANCIAL VIABILITY OF THE COURT

## CCJ TRUST FUND ESTABLISHED

### **REVISED AGREEMENT ESTABLISHING THE CARIBBEAN COURT OF JUSTICE TRUST FUND**

The Parties to the Agreement Establishing the Caribbean Court of Justice:

**Cognisant** that the Court is indispensable for the good governance of the Caribbean Community;

**Recognising** the critical role of the Court in the efficient administration of Justice in the territories of the Contracting Parties to the Agreement establishing the Court;

**Recognising** further that the Court is vital for the structured and efficient functioning of the CARICOM Single Market and Economy;

**Noting** the provisions of Article XXVIII of the Agreement establishing the Court which requires the expenses of the Court and the Commission to be borne by the Contracting Parties to the Agreement establishing the Court;

**Conscious** that the financial viability of the Court is essential for its efficiency, effectiveness and independence in the performance of its functions;

**Bearing in mind** the decision of the Twenty-Third Meeting of the Conference of Heads of Government of the Caribbean Community concerning the capital and recurrent expenditures of the Court;

**Determined** to promote and safeguard the independence, integrity and credibility of the Court,





JUDICIAL  
COMMITTEE  
of the PRIVY COUNCIL

# The Independence of the CCJ

**THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT  
FROM POLITICAL INFLUENCE**

**UNIQUE FUNDING MODEL STANDS OUT GLOBALLY**

## **ARTICLE II**

### **ESTABLISHMENT OF THE CARIBBEAN COURT OF JUSTICE TRUST FUND**

The Caribbean Court of Justice Trust Fund is hereby established.

## **ARTICLE III**

### **PURPOSE OF FUND**

The purposes of the Fund shall be to provide the resources necessary to finance the biennial capital and operating budget of the Court and the Commission in perpetuity.







JUDICIAL  
COMMITTEE  
of the PRIVY COUNCIL

# The Independence of the CCJ

THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT FROM POLITICAL INFLUENCE... FUNDING CCJ IN PERPETUITY.

- Upon the establishment of the Court, the respective countries injected \$100,000,000.00 USD to fund the Court in perpetuity.



CARIBBEAN COURT OF JUSTICE  
CARIBISCH HOF VAN JUSTITIE  
COUR CARIBÉENNE DE JUSTICE





# The Independence of the CCJ

THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT FROM POLITICAL INFLUENCE

NO POLITICIAN SITS ON TRUST FUND

- An independent Trust Fund manages the initial lump sum payment (\$100,000,000.00 USD), makes appropriate investments to multiply the fund, and disburses monies to cover the operating expenses of the Court.
- No Politician sits on the CCJ Trust Fund





# The Independence of the CCJ

**THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT  
FROM POLITICAL INFLUENCE**

**AVOIDING PREJUDICE TO THE INDEPENDENCE AND  
INTEGRITY OF THE COURT**

## **ARTICLE IV RESOURCES OF THE FUND**

1. The resources of the Fund shall consist of:
  - (a) the contributions of Members;
  - (b) income derived from operations of the Fund or otherwise accruing to the Fund;  
and
  - (c) contributions of third parties being contributions which are not likely to prejudice the independence or integrity of the Court.
  
2. The Fund shall not solicit nor accept any grant, gift or other material benefit from any source except with the consent of all the Members.





# The Independence of the CCJ

**THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT FROM POLITICAL INFLUENCE**

**FUNDS FREE FROM ADMINISTRATIVE CONTROL OF GOVERNMENT**

## **Financing the Court**

Concerns have been expressed that the Judges of the Court would be paid by governments which can exert decisive informal pressure on them to deliver judgements favourable to this or that government. In order to pre-empt this eventuality and fund the Caribbean Court of Justice in perpetuity, a Trust Fund of US \$100 million has been established, so as to enable the expenditures of the Court to be financed by income from the Fund. In this way, the expenditures of the Court, including the remuneration of the Judges, is not dependent on the disposition of governments. As a consequence, the CCJ is the only integration court of its kind financially independent of the largesse of governments and free from their administrative control. The Caribbean Court of Justice Trust Fund is administered by a Board of Trustees drawn from regional entities.



# The Independence of the CCJ

THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT FROM POLITICAL INFLUENCE

LOAN RAISED VIA CDB

LOAN REPAID

- The \$100,000,000.00 USD was raised as a loan through another Caribbean institution, the Caribbean Development Bank.
- The respective countries repaid the loan in the respective proportions for which they were responsible.
- The entire loan has now been repaid.



CARIBBEAN COURT  
CARIBISCH HOF VAN  
COUR CARIBÉENNE





# The Independence of the CCJ



JUDICIAL  
COMMITTEE  
of the PRIVY COUNCIL

**THE STRUCTURE OF THE COURT IS DESIGNED TO PROTECT IT FROM  
POLITICAL INFLUENCE**

**CCJ TRUST FUND DUTIFULLY MEETS ITS  
OBLIGATIONS TO THE COURT**

- The CCJ does not have to depend on Ministers or Ministries/Departments of Government to meet its monthly or annual budgets. The independent Trust Fund meets that responsibility.**
- Over the last 18 years of the Court's operations, the Trust Fund has been able to dutifully and diligently meet its obligations to the Court.**

CARIBBEAN  
CARIBISC  
COUR CA





JUDICIAL  
COMMITTEE  
of the PRIVY COUNCIL

# The Independence of the CCJ

- The Trust Fund structure represents a unique independent model for funding courts throughout the world thus minimizing the direct or indirect influence of politicians.**
- Compared to several well-respected apex courts globally– UK, USA, India & South Africa– the CCJ stands out as embracing the most independent structure, with the least direct involvement of politicians in its affairs.**

CARIBBEAN COURT OF JUSTICE  
CARIBISCH HOF VAN JUSTITIE  
COUR CARIBÉENNE DE JUSTICE



The image shows the Caribbean Community Secretariat building, a large, modern structure with a curved facade and a central tower. In front of the building is a circular landscaped area with a central flower bed and numerous flagpoles flying the flags of various Caribbean nations. The sky is blue with scattered white clouds. A sign on the building reads "CARIBBEAN COMMUNITY SECRETARIAT".

**2. The CCJ Reflects True Stakeholder Involvement—  
A Genuine and Authentic Caribbean Product.**





The CCJ reflects true Stakeholder involvement-  
A Genuine and Authentic Caribbean Product.



**CARIBBEAN INSTITUTION PROVIDES LOAN**  
**CARIBBEAN TAXPAYERS REPAY LOAN**

- Initial funding of \$100M USD for the CCJ provided as a loan by an authentic Caribbean institution- the Caribbean Development Bank.
- Taxpayers of the Caribbean repaid the loan through their respective governments.





JUDICIAL  
COMMITTEE  
of the PRIVY COUNCIL

The CCJ reflects true Stakeholder involvement-  
A Genuine and Authentic Caribbean Product.

A GENUINE and AUTHENTIC CARIBBEAN PRODUCT.

## STAKEHOLDER INVOLVEMENT IN THE RJLSC

- Key stakeholders in the legal infrastructure of the Caribbean, nominate members to sit on the RJLSC. Nominees come from the Judiciary, Bar Associations, Law Faculties & Law Schools, and civil society.





**The CCJ reflects true stakeholder involvement-  
A Genuine and Authentic Caribbean Product.**

## **KEY STAKEHOLDER INVOLVEMENT IN CCJ TRUST FUND**

- Similarly, key stakeholders sit on or appoint nominees sit on the CCJ Trust Fund. Represented on the Trust Fund are nominees of the Caribbean Congress of Labour (CCL), the Caribbean Bankers Association, the Organisation of Commonwealth Caribbean Bar Associations, and Regional Bodies representing the various Chambers of Industries & Commerce and Accountants. A rich cross-section of skills, experience and philosophical approaches are brought to the table.**



**ARTICLE VI**  
**COMPOSITION OF THE BOARD OF TRUSTEES**

1. Subject to the provisions of this Article, the Board of Trustees shall consist of the following or their nominees:
  - (a) The Secretary-General;
  - (b) The Vice-Chancellor of the University of the West Indies;
  - (c) The President of the Insurance Association of the Caribbean;
  - (d) The Chairman of the Association of Indigenous Banks of the Caribbean;
  - (e) The President of the Caribbean Institute of Chartered Accountants;
  - (f) The President of the Organisation of Commonwealth Caribbean Bar Associations;
  - (g) The Chairman of the Conference of Heads of the Judiciary of Member States of the Caribbean Community;
  - (h) The President of the Caribbean Association of Industry and Commerce; and
  - (i) The President of the Caribbean Congress of Labour.



**3. The need for Public Education regarding the CCJ**



# The need for Public Education regarding the CCJ



## ONLY FOUR STATES IN APPELLATE JURISDICTION

- Since the establishment of the Court in 2005, only four (4) of the member states— Barbados, Guyana, Belize and Dominica— have joined the appellate jurisdiction the Court.





# The need for Public Education regarding the CCJ

**EMBRACING "FOREIGN"**

**MISTRUSTING OUR OWN**



❑ Notwithstanding the limited appeals to the Privy Council spanning close to two centuries and the many years of independence our belt, Caribbean people are affected by the concept of "foreign is best", by a mistrust of their own, and by an overriding perception and fear of political interference.





# The need for Public Education regarding the CCJ



## PARLIAMENT VS THE PEOPLE

- ❑ It is no coincidence that none of the four (4) countries enjoying appellate membership status of the CCJ, had to go to a people's referendum to determine the issue. Final decisions were taken at the level of their respective Parliaments.
- ❑ In contrast, both Antigua & Barbuda and Grenada must get the approval of the people by way of a referendum, which, to succeed, must obtain a two-thirds majority of the valid votes cast.





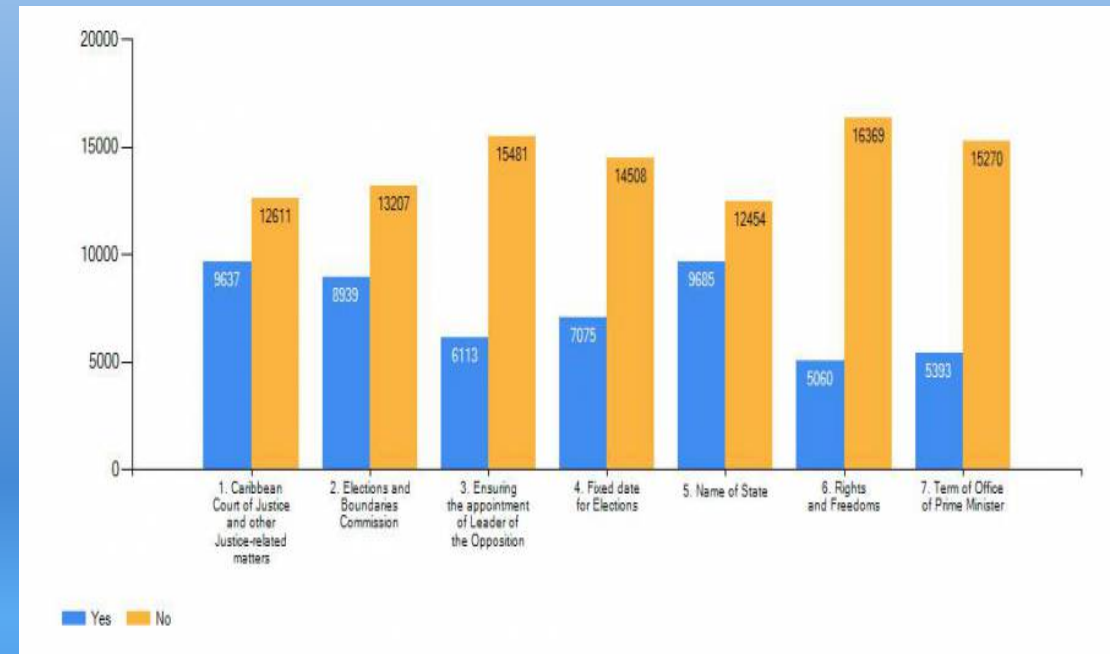


# The need for Public Education regarding the CCJ



## NON-APPROVAL OF REFERENDUM IN GRENADA

❑ The Grenada referenda of 2016 and 2018 to secure approval to join the appellate jurisdiction of the CCJ, failed on each occasion, not even securing a bare majority.





## The need for Public Education regarding the CCJ



## REJECTION BY REFERENDUM IN ANTIGUA & BARBUDA

- ❑ Similarly, the Antigua referendum of 2018 failed to secure entry into the appellate jurisdiction of the CCJ. The people rejected it.





## The need for Public Education regarding the CCJ



# Grenada/Antigua and Barbuda: A Colonial Relic Lives On

The electorate in Grenada has rejected a referendum to amend the constitution to abolish appeals to the Privy Council and accept the Caribbean Court of Justice as the final court, among six other constitutional amendments. The rejection came despite a call by Prime Minister Keith Mitchell for the amendment. What is noteworthy is that a little over 30 per cent of the voters exercised their franchise. It seems as if the majority have no interest or have flatly rejected the proposed changes.

This is the second OECS state that has rejected a referendum for a constitutional amendment.





# The need for Public Education regarding the CCJ

## LESSONS OF GRENADA AND ANTIGUA

BAR ASSOCIATIONS AND CIVIL SOCIETY MUST  
PLAY GREATER ROLE.

The lessons of Grenada and Antigua emphasize that neither politicians nor the CCJ itself are best suited to lead the process of entry into the CCJ.

Of course, they have an important role to play.

However, Bar Associations and civil society groups are best poised to articulate the cause and lead the process of entry into the Appellate Jurisdiction of the CCJ.





4. The Uniqueness of the CCJ- two courts rolled into one.



## The Uniqueness of the CCJ – two courts rolled into one+



The CCJ represents two courts rolled into one

### The Original Jurisdiction

- the Court determines disputes or matters of interpretation arising under the revised Treaty of Chaguaramas.

### The Appellate Jurisdiction

- the court sits as the final Court of Appeal.





# The Uniqueness of the CCJ – two courts rolled into one



The CCJ represents two courts rolled into one

## ARTICLE III

### ESTABLISHMENT AND SEAT OF THE CARIBBEAN COURT OF JUSTICE

1. The Court is hereby established with:
  - (a) original jurisdiction in accordance with the provisions of Part II, and
  - (b) appellate jurisdiction in accordance with the provisions of Part III.
  
2. The decisions of the Court shall be final.





The Uniqueness of the CCJ – two courts rolled into one



**SERVICES PAID FOR  
BUT UNDER-UTILIZED**

**Ironically, CARICOM Member States can access the CCJ through its Original Jurisdiction.**

**They have all paid for services of the Court but can only utilize it in a very limited way.**

**As aforementioned, only four (4) member states are apart of the Appellate Jurisdiction.**





**ARTICLE XXV**  
APPELLATE JURISDICTION OF THE COURT

1. In the exercise of its appellate jurisdiction, the Court is a superior Court of record with such jurisdiction and powers as are conferred on it by this Agreement or by the Constitution or any other law of a Contracting Party.
  
2. Appeals shall lie to the Court from decisions of the Court of Appeal of a Contracting Party as of right in the following cases:
  - (a) final decisions in civil proceedings where the matter in dispute on appeal to the Court is of the value of not less than twenty-five thousand dollars Eastern Caribbean currency (EC\$25,000) or where the appeal involves directly or indirectly a claim or a question respecting property or a right of the aforesaid value;
  
  - (b) final decisions in proceedings for dissolution or nullity of marriage;
  
  - (c) final decisions in any civil or other proceedings which involve a question as to the interpretation of the Constitution of the Contracting Party;
  
  - (d) final decisions given in the exercise of the jurisdiction conferred upon a superior court of a Contracting Party relating to redress for contravention of the provisions of the Constitution of a Contracting Party for the protection of fundamental rights;



## The Uniqueness of the CCJ – two courts rolled into one



### NO ADDED EXPENSES TO JOIN APPELLATE JURISDICTION

- The same judges determine matters in both the Appellate Jurisdiction and Original Jurisdiction.
- No further payments are required from member states to join the Appellate Jurisdiction.





# The Uniqueness of the CCJ – two courts rolled into one



JUDICIAL  
COMMITTEE  
of the PRIVY COUNCIL

The “two courts rolled into one” concept is unique to the CCJ on the global stage.

Original  
Jurisdiction

Appellate  
Jurisdiction

Caribbean Court  
of Justice





*5. The importance of the Court in transforming the administration of justice in Member States of the Caribbean.*

*5. The importance of the Court in transforming the administration of justice in Member States of the Caribbean.*





## The importance of the CCJ in transforming the Administration of Justice in Member States of the Caribbean

### STRENGTHENING LOCAL JUSTICE SYSTEMS

Membership of the Appellate Jurisdiction of the CCJ represents more than just cheaper and accessible justice in comparison to the Privy Council.

It further represents the trigger for:

- higher quality justice;
- more efficiency in Administration of Justice;
- more resources for the justice system;
- greater injection of technology in the justice system; and
- improved physical facilities for the justice system.





## The importance of the CCJ in transforming the Administration of Justice in Member States of the Caribbean

### STATE OF THE ART FACILITIES

The CCJ represents what a modern court should be, with state-of-the-art facilities utilizing modern technology. This ranks the Court, apart from the high-quality judges, as among the top in the world.





## The importance of the CCJ in transforming the Administration of Justice in Member States of the Caribbean

### FROG-LEAPING INTO THE MODERN ERA

The CCJ provides the state-of-the-art model for which other countries in the Caribbean must aspire to frog-leap their respective justice systems into the Modern Era.

The CCJ can share its experience and provide the guidance for making this a reality.





## The importance of the CCJ in transforming the Administration of Justice in Member States of the Caribbean

The CCJ has introduced court filings on an electronic portal which the countries under the jurisdiction of the Eastern Caribbean Supreme Court (ECSC) have fully embraced along with some other Caribbean countries. This has significantly reduced the voluminous amount of paper used to process matters through the court system.







## The importance of the CCJ in transforming the Administration of Justice in Member States of the Caribbean

### TRAINING THROUGH CAJO

The CCJ has facilitated the mobilization and organization of Judicial officers throughout the Caribbean with the formation of the Caribbean Association of Judicial Officers (CAJO). For the first time ever, judicial officers in the Caribbean have been organized under one umbrella body.

Through CAJO, there has been an explosion of judicial training throughout the region, from judgement writing to the use of modern technology for the more efficient disposition of the work.





# The importance of the CCJ in transforming the Administration of Justice in Member States of the Caribbean

## INJECTING RESOURCES THROUGH THE JURIST PROJECT

Through the CCJ and its facilitation of the JURIST Project, significant resources have been injected into the justice system in several countries, if not all, of the region; including backlog reduction and Case-flow management programmes. Most of the countries have benefited from computers and other hardware under the JURIST Project.



(From right) Her Ladyship, the Honourable Dame Janice M. Pereira, DBE, LL.D., Chief Justice of ECSC receives the laptops donated by the Canadian-funded JURIST Project from Mr. Mark Ernest, Information Technology Manager, ECSC

The Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project donated ten (10) laptops to the Eastern Caribbean Supreme Court (ECSC) to support their work, as they continue to devise ways and means of dispensing justice, despite the negative effects of the COVID-19 pandemic facing the region and the worldwide community.

Her Ladyship, the Honourable Dame Janice M. Pereira, DBE, LL.D., Chief Justice of the ECSC, received the laptops at the court's headquarters in Castries, St. Lucia, during a short handing over ceremony on Tuesday June 2, 2020. Mr. Mark Ernest, Information Technology Manager, ECSC, handed over the laptops to the Honourable Chief Justices as representatives of the Government of Canada and the JURIST Project could not attend, due to the pandemic.

Dame Janice said that the donation from the Project was very timely and significant. "It comes at a time when the ECSC is undergoing rapid transformation





**6. Our Obligation to join the CCJ-  
Historical, Moral, Legal.**



## Our obligation to join the CCJ- Historical, Moral & Legal

Our obligation to join the CCJ- Historical, Moral & Legal

## WE MUST ASSERT OUR INDEPENDENCE

- **Countries in the region have historical obligations, especially after several years of independence, to replace the Privy Council which stands out as one of the last major vestiges of the colonial era.**
- **The concept of having to leave the Caribbean to seek justice in the land of a former colonizer runs contrary to the concept of independence and the freedom for which our forebearers fought.**





## Our obligation to join the CCJ- Historical, Moral & Legal



### WE MUST SATISFY OUR TREATY OBLIGATIONS

- Countries in the region also have a moral and legal duty to join the Appellate Jurisdiction of the CCJ, thus replacing the Privy Council as our final court.
- Most countries have signed and ratified the treaty establishing the Court. It is our own court, conceived in the Caribbean, by and for the Caribbean people, and paid for from the funds of Caribbean taxpayers.





## Our obligation to join the CCJ- Historical, Moral & Legal



**WE MUST RECOGNIZE THE COMPETENCE OF OUR OWN REGIONAL COURT.**

- **The CCJ has established itself as a highly competent Court, free from political influence, and capable of producing high quality, timely, and transformative judgements.**
- **The record of CCJ speaks for itself.**
- **It has been generating judgements, since its inception in April 2005, in both the original and appellate jurisdictions.**

# 7. TAKEAWAYS ON THE CCJ





## TAKEAWAYS ON THE CCJ



- ❑ The Grenada & Antigua Referenda failed due to political divisiveness, lack of confidence in our own institutions, and fear of political interference in the judiciary.
- ❑ Though politicians have an important role to play in accessing the appellate jurisdiction, civil society, and in particular bar associations, have an even greater role to play in educating, sensitizing and winning the confidence of the wider population.







## TAKEAWAYS ON THE CCJ

- ❑ The Regional and Judicial Commission of the CCJ ensures that Judges are appointed free from political interference.
- ❑ The CCJ Trust Fund preserves the financial independence of the court and reduces the possibility of indirect political influence through the manipulation of funds.
- ❑ The CCJ constitutes two courts with completely different functions - being Original and Appellate functions - rolled into one... utilizing the same building, the same judges, the same appointment process, the same resources, and the same staff and support infrastructure.
- ❑ Member States of CARICOM have already paid for the services of the CCJ but most receive less than the full benefit of those services.





## TAKEAWAYS ON THE CCJ



- ❑ As an apex court, the CCJ provides a model of excellence for which all courts in the region must aspire including, but not limited to, effective case flow management, full utilization of technology, timely delivery of judgments, and generating quality judgments.
- ❑ The CCJ provides greater access to justice for Caribbean people embracing significantly cheaper prices, ready and diverse pool of lawyers for selection, and direct effective access to the court via technology.





## TAKEAWAYS ON THE CCJ

- ❑ The CCJ facilitates the growth and professional development of quality lawyers in the region who are provided with an opportunity to hone their skills before an apex court.
- ❑ The CCJ provides an avenue for our judges to serve on an apex court.
- ❑ The CCJ sets the benchmark and mobilizes resources, materially and otherwise, for the growth and development of the local court system. The Jurist Project, which is facilitated by the CCJ, has provided to several jurisdictions, technical and technological support; training for judicial officers and lawyers; backlog reduction support.





**The Caribbean Court of Justice**

Your People. Your Region. Your Court.

**8. Way Forward**



- **SENSITIZE** Caribbean people on the important role of the CCJ in the Caribbean integration process.
- **PROVIDE** education, at all levels, including schools, on the structure and funding of the court which guarantees its independence and significantly reduces any risk of political interference.
- **COMBAT** the misguided and beaten narrative that Governments must first focus on fixing their own under-resourced courts and legal systems before focusing on the CCJ as an apex court.





- **PROMOTE** the reality that accessing, fully utilizing and strengthening the CCJ automatically strengthens the local court system.
- **ENCOURAGE** healthy public debates and other forms of engagement on issues touching the CCJ and the Privy Council
- **SPONSOR** debating and essay-writing competitions, on the CCJ, in secondary schools and quizzes and other creative exercises in primary schools.





- **REJECT** the notion that our Caribbean people cannot manage and develop our own legal system to provide effective justice for citizens, comparable to any other system in the world.
- **INJECT** values of self-confidence, self-pride and self-worth in conversations and engagements regarding the CCJ. They go to the very essence as to how we see and value ourselves as a region deeply affected and wounded by the historical scars of slavery and other forms of oppression.





- **ORGANIZE** our Bar Associations and other civil society entities to lead the charge of Caribbean countries to join the appellate jurisdiction of the CCJ.
- **RALLY** Caribbean people around the CCJ, not simply just as a court, but as a critical institution of Caribbean integration which we must grow, protect and preserve for the greater good.







**It is inconceivable, in 2022 that we would leave our cheaper, more accessible, high-quality court, "at our door-steps" in our own region and run for final justice in distant London.**

