

Bringing Justice to the People:
The Caribbean Community
(CARICOM) and the
Regional Judicial and Legal System

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Presented at the:
2nd Biennial Conference of the Caribbean Association of Judicial Officers
(CAJO)
6-8 October, 2011
Nassau, Bahamas

INTRODUCTION

Let my first comment be an expression of great pleasure at seeing so many young legal officers, all no doubt members of the Caribbean Association of Judicial Officers (CAJO). The vibrancy of the organization suggests that CAJO is an institution gearing for and capable of effecting regional change and development. This is most encouraging; especially that it is an organization which includes men and women. To have invited me to be your Keynote Speaker this morning, at the 2nd Biennial CAJO Conference, is for me a distinct honour. To have done so while allowing me a free hand in selecting my topic would seem to suggest a confidence in me which I was not aware I enjoyed, especially in a gathering of such judicial and legal luminaries as this. I hope that in undertaking this exercise I would not betray your confidence.

This situation is not without its sensitivities for me as I will be touching on some questions relating to the Caribbean Community (CARICOM), including the Caribbean Court of Justice (CCJ). I get the impression that you are not at all surprised.

Before moving on, I wish to commend the organizers, in particular, the Honourable Judge Adrian Saunders and the Honourable Judge Désirée

Bernard, for their wisdom and foresight in putting together the program and in assembling such an impressive and esteemed cohort of speakers. Well done!

Mr. Chairman, there are two critical caveats that I must emphasize. First of all, for what it is worth, I will be speaking in my personal capacity. Secondly, and even more importantly, I must advise you that I am **not** a legal person. Luke the Evangelist saw to that in Chapter 11, Verse 46 of the Gospel of Luke with this admonition: "Woe unto you also, ye lawyers! For ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers." I see that many of you did not heed that warning. Whether that was because Luke was a medical man and not a lawyer, I don't know. I however, did not wish to take the chance. At the decisive moment Economics seemed a safer profession. How wrong could one be in one's youth!! The net result of all this is that I would not – indeed cannot – deliver a legal treatise here today. Don't worry; you won't be getting a spiritual sermon either.

My central theme is that CARICOM comprises a host of commitments and numerous factors surrounding its progress or otherwise. To discuss them all can be the subject of a long debate. I will therefore confine myself to touching on a few of those which seem to impact on the theme of your

Conference, namely "Bringing the Law (and with it Justice?) Closer to the People".

Certain of its achievements have made significant contributions to the quality of life of the people of the Member States in keeping with the commitments of the legally binding text establishing that Organization. It is critical that I refer to a sample of these, if only to avoid one of the major shortcomings of the CARICOM process, namely a lack of adequate public awareness of what has happened and/or is happening in CARICOM. Indeed that lack of adequate public awareness even includes lack of knowledge of what exactly CARICOM itself is.

An important and easy starting point is perhaps to begin by saying what CARICOM **is not**. I had cause to do that many years ago, in an address I gave in St. Kitts and Nevis. I began by saying the following, which generated much laughter, but it was important – for me if for no one else – "CARICOM is not Carrington". They may sound alike and I was there so long (18½ years of it as Secretary-General) that some can be forgiven for confusing the two but they are certainly not the same. Now, it is much easier – the new Secretary-General's name is Irwin LaRocque. That does not rhyme with CARICOM. He, like I had however, has very much on his shoulders. Secondly, CARICOM is also not the Heads of Government Conference and

the Councils of Ministers. They are critically the political leadership. Thirdly, CARICOM is not the Secretariat staff and the regional public sector officials who service the meetings, although without them it could not have been shaped or sustained. Fourthly, CARICOM is also not the private sector, but without it CARICOM would have been without much of its resources. Fifthly, CARICOM is also not the man and woman in the street, but without them there'd be no validity to its existence or true beneficiary thereof. Finally, CARICOM is not the students and the children, though without them there would be no future for CARICOM. Talking of students, I recently sat next to a *secondary* school child on a regional flight and asked her what she thought about CARICOM. She retorted, "What is it?"

CARICOM INCLUDES ALL OF THE ABOVE (even that schoolchild).

It is a Community created by the *The Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy*. It includes the following Member Countries: Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago; with a total population of approximately sixteen (16) million.

For CARICOM to succeed it is critical for **all of the above** to understand that they are part of this initiative and for them to play their part. This is why it is so important for **all** to be informed, so that **all** can be involved. The lack of adequate public awareness is one of the major shortcomings of CARICOM.

The CARICOM Treaty contains a legally-binding set of obligations and commitments which are essentially justiciable. The denial to the population of the Community of the benefits flowing from those solemn and legally binding commitments embodied in the Agreement is no less injustice by virtue of the fact that it relates to a Community's population and not only to an individual. For this perspective to hold true, then any appreciation of the Community bringing justice to the people requires knowledge of the commitments and of the achievements of the Community. This is another reason why a short foray into the obligations and achievements of CARICOM to date is necessary.

THE FUNDAMENTALS

Given that the basic objective of CARICOM is the improvement in the quality of life of its People, it behoves us to at least peep behind the veil to catch a glimpse of some of the key achievements which can realistically be said to have contributed or is contributing to that end. I will therefore point to a few of those achievements which we generally classify under the following headings:

- (1) Human and Social Development
- (2) CARICOM Single Market and Economy (CSME)

Human and Social Development

One of the critical achievements falling under this heading relates to those deriving from the operations of the Pan Caribbean Partnership Against HIV/AIDS – PANCAP. There is no need to expound on the destructive nature of this disease, of which the Caribbean is the second most affected region in the world after Sub-Saharan Africa. As is well known, no cure has yet been found for this disease, but through PANCAP the region has been able to lessen its mortal impact by a forty-three percent (43%) reduction in deaths, thereby extending the life of the more than two hundred and twenty-six thousand (226,000) People Living with AIDS (PLWAs) in the region.

PANCAP's achievements have been such that it has been deemed by the United Nations as an *International Best Practice*. A significant part of PANCAP's achievement has been the reduction in the price of anti-retroviral drugs and its policy advocacy which has led to the reduction of the stigma and discrimination with which those affected by the disease are now treated. As regards Non-Communicable Diseases (NCDs) namely hypertension, diabetes, cancers and cardiovascular diseases - as recently as a fortnight ago, the entire United Nations stood in applause of CARICOM for waging a most successful struggle to place this issue on the global agenda. Indeed, CARICOM can be said to be living up to its mantra that "The Health of the Region is the Wealth of the Region" (adopted here in The Bahamas by CARICOM Heads of Government in 2001).

Continuing in that vein regarding cooperation in health, September 23, 2011 witnessed the inaugural meeting of the soon-to-be established Caribbean Public Health Agency (CARPHA). This institution, which is to be located in Trinidad and Tobago, is designed to bring together the functions of the previous five (5) regional health institutions responsible for epidemiology (CAREC), food and nutrition (CFNI), research (CHRC), drug testing (CRDTL) and environmental health (CEHI) under a single governance structure to improve regional response to health and developmental challenges. This would be a big bonus for us all.

Another signal achievement in the area of Human and Social Development relates to education, and in this regard, most particularly, the creation of the Caribbean Examinations Council (CXC), which has proven to be critical for the education and development of the Community's Youth. Given the important place which the Youth of the Community occupies in its development, the initiatives relating to the Youth Ambassador Corps and other similar efforts are serving to lay a secure foundation for the future development of the Community.

CARICOM Single Market and Economy (CSME)

One could not speak about CARICOM without some reference to the Single Market and Economy as it is the virtual flagship of CARICOM. Moreover, it is the measure by which CARICOM is popularly judged.

The Revised Treaty of Chaguaramas commits the Member States of the Caribbean Community to pursue and deepen regional integration in order to achieve international competitiveness and sustained economic development. The main vehicle which was agreed by the Conference of Heads of Government at Grand Anse in Grenada in 1989 to promote economic integration is the CARICOM Single Market and Economy (CSME).

In January and June of 2006, twelve (12) Member States of the Caribbean Community signed a Declaration bringing into being the CARICOM Single Market, and committing themselves to do all that is necessary to attain at the earliest possible time, establishment of the Single Economy component of the CSME.

To arrive at the Single Economy, it would be crucial for the region, inter alia, to **coordinate** in addition to the Single Market monetary, fiscal, financial and investment policies. The Conference of Heads of Government determined that the framework for the Single Economy should be substantially in place by 2015 – a time which has not yet come!

The CSME includes a legal and institutional framework, the most relevant therein for our discussion today being the Caribbean Court of Justice (CCJ).

These legal and institutional arrangements are designed to facilitate:

- free movement of goods;
- free movement of persons and free movement of skilled CARICOM nationals;
- the right to establish a business anywhere in the CSME;
- free movement of services; and
- free movement of capital.

It should be noted that the Single Market was achieved in 2006, some thirty-three (33) years after the signing of the Treaty of Chaguaramas creating CARICOM¹.

The Single Market arrangements, if effectively implemented, are important as contributors to the following objectives of the Community:

- (i) improved standards of living and work;
- (ii) full employment of labour and the other factors of production;
- (iii) accelerated, coordinated and sustained economic development and convergence;
- (iv) expansion of trade and economic relations with non-CARICOM states;
- (v) enhanced levels of international competitiveness²; and
- (vi) achievement of increased production and productivity.

The pursuit of the above objectives must be guided by two fundamental provisions in the CARICOM Treaty. These are set out in Article 7 (Non-Discrimination), which proscribes discrimination among Member States of the Community on grounds of nationality only, and Article 8 (Most Favoured

¹ The European Union (EU) took thirty-five (35) years – 1957-1992 to arrive at their Marché Unique – Single Market.

² The most recent Global Competiveness Index (2011-2012) rates some CARICOM countries as follows: Barbados (42), Trinidad and Tobago (81), Jamaica (107), Guyana (109), Suriname (112), Belize (123) and Haiti (141), of the one hundred and forty-two (142) countries graded.

Nation Treatment), which proscribes More Favourable Treatment to non-nationals over nationals. These rights and principles are pervasive in respect of liberalization of trade, market integration and the applicable rules and disciplines for the market area.

- ***Appraisal of the State of Implementation of the CSM***

In 2009 an Appraisal of the State of Implementation of the CSM was conducted to determine what progress was made. It was found that all of the Member States have taken a broad range of legislative actions to establish the Single Market resulting in the legal and institutional framework for its operation being in place, even though work continues to clear certain residual restrictions, strengthen the new institutions which were created, and perfect the regulatory and procedural aspects.

However, it also found that there are important legislative gaps. Also, insufficient progress was made on the creation or strengthening of certain institutions and not enough action was taken in respect of implementation of other reforms such as regulations and administrative arrangements for effective operation of the core CSME regimes. It also reported on the various challenges which the Member States faced with respect to the establishment and operation of a functional CSM.

Notwithstanding the limitations, the facts are that:

- (i) The Caribbean Court of Justice is hearing commercial cases brought before it at the initiative of private companies (Article 222 of the Treaty).
- (ii) If a CARICOM national meets the origin requirements, he/she is free to provide services either by establishing a business or by temporarily going to the country of choice and delivering the service contracted. In the case of goods these are traded free of duty and quantity restrictions if the supplier meets the required Rules of Origin.
- (iii) Companies incorporated in one Member State are free to register in another Member State and to take with them managerial, supervisory and technical personnel without having to first obtain a work permit. As I speak, work is in progress to build a modern IT platform to operate a regional system for online registration of companies. The Registrars of Companies will be connected electronically within the CSME and with the rest of the world.
- (iv) Ten categories of skilled persons are entitled to move within the CSME to seek work without a work permit. These are university graduates; media workers; sportspersons; artistes; musicians; nurses and teachers (non-Graduate); holders of Associate Degrees;

and artisans and household domestics who hold CARICOM Vocational Qualifications (CVQs).

- (v) As regards the Single Market machinery, the Council for Trade and Economic Development meets regularly to deal with CARICOM's business.

- ***Some Recent Developments***

The Conference of Heads of Government of the Caribbean Community met in Guyana in May this year on the immediate thrust of regional integration. With regard to the CSME, they decided actions must focus on consolidation of the gains from the Single Market. This means:

- (a) implementation by the Member States of those measures on which they have not yet acted
- (b) implementation of the Framework Regional Integration Policy on Public Procurement (FRIP) which was agreed by the COTED in May 2011. The centrepiece of this policy is the opening up of the Government Procurement Market, estimated at EC\$22 billion, to regional competition. This will be achieved in part by requiring Member States to publish and invite regional competition for contracts for goods and services above US\$100,000 and for works above US\$1 million;

- (c) revision of the Treaty to establish rules for regulating mergers and acquisitions, (also agreed by the COTED in May 2011);
- (d) implementation of concrete measures to exploit opportunities in the following priority areas - agriculture, fisheries, tourism, transportation, information and communications technology, renewable energy, foreign investment and labour (including free movement and contingent rights).

CSME NOT ON PAUSE!!

All that was said previously suggests that unlike what you may have heard in the media, the CSME is not on pause, though the pace to the establishment of the Single Economy is certainly slow. The truth is that the Single Market is in existence (since 2006) and it is functioning, even if not perfectly. My understanding is that the only element of the CSME which is on pause is the creation of a currency union (given what Europe is experiencing at this moment, I wonder if this is not a blessing in disguise for us).

Technicians of the Community are currently working on the refinement of a strategic plan to execute the directives on the priorities which were set out at the **Retreat** of the Heads of Government in May this year.

- ***Future success factors***

Progress towards deeper integration in the immediate future will be challenging, considering the state of the world economy generally and the economic situation in Europe and North America in particular. Those conditions will increase pressure on CARICOM Governments and will certainly limit their capacity to act quickly to complete and perfect an enabling environment that is intended to generate new opportunities for the people of the Caribbean Community.

- ***Sanctions***

Let us not put all the blame on external factors; we must take responsibility for our share. In this regard, a vitally missing element in relation to all CARICOM issues and undertakings is the virtual absence of sanctions for non-implementation of Community decisions. Herein lies a significant weakness of the Community, one in which you, the judicial and legal fraternity, can help to make an important, if not, determining improvement. To that end, I now turn to some observations on a most critical aspect of your role in the Community – dispute settlement and the CCJ.

DISPUTE SETTLEMENT

The Revised Treaty has established the following six (6) modes of dispute settlement in relation to the interpretation and application of the Revised Treaty:

- (i) Good Offices
- (ii) Mediation
- (iii) Consultation
- (iv) Conciliation
- (v) Arbitration
- (vi) Adjudication

To the best of my knowledge, the Good Offices Process has been tried twice. Once it dealt with a dispute in 2000 between Guyana and Suriname over access to the maritime zone off the Corentyne River area of Guyana. The former Jamaican Prime Minister, the Most Honourable Percival J. Patterson Q.C. – himself a distinguished jurist – was called upon, to use his good offices to attempt to resolve a dispute which had seen Suriname forcibly evicting an oil exploration rig belonging to a Canadian company, which had been working offshore under a license granted by Guyana. This was a dispute that had serious economic and political consequences for the peoples of the two countries and could possibly have had military ones as well.

Despite significant efforts by the Community, and an extraordinary effort by Mr. Patterson, the dispute proved intractable and eventually was referred to and settled by the dispute settlement arrangements under the United Nations Convention on the Law of the Sea.

The other occasion was a dispute among certain OECS countries over the question of the waiver of the CET on extra-regional flour – a product entitled to *Article 164* treatment - and the consequences for the price of bread in the countries concerned. A spirit of compromise and practicality led to good sense prevailing and a solution was brokered with direct benefit accruing to the consumers of what is a staple in West Indian households' diet.

To the best of my knowledge, the arbitration process was *informally* tried in relation to a dispute between the West Indies Cricket Board (WICB) and the West Indies Players' Association (WIPA). This process has not led to a satisfactory outcome. I cannot recall any attempt to use the mediation, conciliation and consultation processes.

Adjudication – the Caribbean Court of Justice (CCJ)

History of the CCJ

The adjudication process has been the one generally employed for the settlement of disputes in the Community. The central mechanism established for this purpose is the Caribbean Court of Justice (CCJ). Many of you know the history of the efforts to establish that institution. It has been a long one with many a winding turn. As early as the beginning of the twentieth century (1901), the view was expressed by the Gleaner Newspaper of Jamaica that a final Court was necessary for the region as the existing body, the Judicial Committee of the Privy Council of England, was in the views of thinking men “out of joint with the conditions of the times.”

Throughout the century, at various times, a similar sentiment was expressed. One such occasion was the 1947 Colonial Governors’ (all Englishmen) meeting in Barbados, where the view which emerged was that “the Privy Council was far too removed from the social realities of the Colonies to be effective as a Court of last resort”.

In 1970, the Jamaican delegation to the 6th Conference of the Commonwealth Caribbean Heads of Government tabled a proposal for a final Court of Appeal in Civil and Criminal Matters. Earlier that same year the

Organization of Commonwealth Caribbean Bar Associations (OCCBA) called for the establishment of a Court with a Regional and Appellate Jurisdiction in the Commonwealth Caribbean. The idea came alive again in 1989 following a proposal presented by the Government of Trinidad and Tobago on the question of establishing a Caribbean Court of Appeal to replace the Privy Council as the Final Appellate Court in the Region.

In 1992 the famous West Indian Commission Report – the Ramphal-led Commission *Time For Action* – injected some action in regard to this issue. On the occasion of the first UK-Caribbean Forum in 1998 the then Foreign Secretary of the United Kingdom, Robin Cook, referred to the pressures facing the UK in this regard and advised that the time had come when the countries of this region may wish to move towards establishing their own final Court.

Since then many eminent British legal luminaries such as Lord Hoffman (a Privy Councillor) and Lord Nicholas Phillips (Britain's top judge) have expressed similar views in 2003 and 2009 respectively. In 2005, the Caribbean Court of Justice (CCJ) was inaugurated.

Nature of the CCJ

Again, this is familiar territory for most of you. The CCJ embodies two (2) jurisdictions – an Original Jurisdiction to deal with disputes regarding the Revised Treaty, and an Appellate Jurisdiction through which the Court is designed to replace the Judicial Committee of the Privy Council.

Original Jurisdiction

As regards the Original Jurisdiction, *the Court has exclusive and compulsory authority in relation to the settlement of disputes arising from the operations of the Revised Treaty*. All CARICOM Member States are party to the Court as regards that jurisdiction. Herein lies an inextricable link between the regional integration process and the regional judicial and legal system.

Appellate Jurisdiction

In regard to the Appellate Jurisdiction only three (3) countries have subscribed to it (Barbados, Guyana and Belize). Unfortunately, over 100 years after the Gleaner article, the Community has still not finalized its arrangements in this regard (in other words, we are still loitering on colonial premises, according to the former Barbadian Prime Minister Errol Barrow).

Structure of the CCJ

The Agreement Establishing the Court provides for a President and up to nine (9) Judges, at least three (3) of whom shall have expertise in International Law, including International Trade Law. The Judges can be chosen from the Member States party to the Agreement, from the Commonwealth or from a country of civil law tradition. The Judges are appointed by a Regional Judicial and Legal Services Commission (RJLSC), comprised as follows:

- (i) "The President who shall be the Chairman of the Commission;
- (ii) Two (2) persons nominated jointly by the Organization of the Commonwealth Caribbean Bar Association (OCCBA) and the Organization of Eastern Caribbean States (OECS) Bar Association;
- (iii) One (1) Chairman of the Judicial Services Commission of a Contracting Party selected in rotation in the English alphabetical order for a period of three (3) years;
- (iv) 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 (3) years;
- (v) Two (2) 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 (3) years following consultations with regional non-governmental organizations;
- (vi) 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
 - (vii) Two (2) persons nominated jointly by the Bar or Law Associations of the Contracting Parties.”

As can be seen, the RJLSC has no Government representation.

The RJLSC has the authority to hire, to determine the conditions of service of Judges, and to discipline and terminate their employment. The President of the Court, while being chosen by the RJLSC, must however receive the positive endorsement of the Heads of Government. They, however, cannot choose an alternative candidate and must await a new submission from the RJLSC. The President of the Court shall hold office for a non-renewable term of seven (7) years or until he attains the age of seventy-five (75), whichever is earlier; while Judges can serve up to the age of seventy-five (75)³. Annually a Report of the Operations of the Court is to be made to the Heads of Government.

³ This was originally seventy-two (72).

As regards financing of the Court, this is done through an endowment (US\$100 million) managed by a Board of Trustees, itself with no governmental participation. The income earned therefrom is the source of financing of the Court. Finally, the decisions of the Court cannot be appealed.

The above features have served to endow the Court with an extraordinary degree of independence from any Governmental influence. It has been considered to be the Court most free from political influence. Regrettably, these special features of the CCJ are not generally known. Greater knowledge of them would have no doubt removed much of the reservation with which the Court has been viewed. This reservation arises from widespread concern relating to political influence in the appointment of Judges and political use of the purse to influence decisions of the Court. Neither of which is a real possibility in this instance.

Towards Enhancing the Operations of the Court

There is not much in the design of the Court that cannot be corrected. However, there remain certain improvements that can be made in its operationalization. Putting these right may serve to make the Court a more truly independent, efficient and more widely acceptable Court of Original

and Appellate Jurisdiction for the entire region which is what it was designed to be.

Suggestions

In the operationalization of the Court, being a multinational institution, it is necessary to ensure that while pursuing competence, prudent representation is not ignored. This concern relates as much to the countries party to the Agreement Establishing the Court as well as regards the composition of the region's population.

The Court commenced operations with a Bench of seven (7) Judges including the President, five (5) of whom hailed from three (3) of the Member States and two (2) from outside the region. This meant that nine (9) Member States were not represented on the Bench. This situation has since slightly improved. It is not being suggested that it is necessary or even desirable for all countries to be represented on the Bench. They could not, given the number of Judges provided for, nor was it desirable; but the other extreme is not desirable either. In seeking competence we must however respect our geography and our history.

It is noteworthy that to date however, only one of the countries represented on the Bench (Guyana) has subscribed to the Appellate Jurisdiction of the

Court. In this regard the configuration of the Court could have been enhanced by having the Judges on the Bench hailing from a larger number of the Member Countries, without necessarily compromising competence.

Possible UK Rejection

As regards the scant subscription to the Appellate Jurisdiction of the Court, a crisis situation can soon arise. Despite many suggestions by eminent British jurists to the effect that the Judicial Committee of the Privy Council is overloaded mainly through having to provide services, inter alia, to the Caribbean. Notwithstanding these suggestions and their less than veiled advice that Caribbean countries should seek such service from their own final Court (the CCJ), no significant move has been made in this direction. This is a delicate matter to which CARICOM would need to pay serious and urgent attention. Critically, it is essential to ascertain what changes are necessary to initiate this process. In this regard, such discussions may perhaps most fruitfully begin with the Court's headquarters country.

Another issue relates to the duality of roles falling to the President of the Court by also being Chairman of the RJLSC. This is perhaps less than a prudent feature of the Court. It also tends to raise unnecessary questions when the RJLSC makes recommendations by which the President of the

Court can be seen to be a beneficiary. The President can duly serve on the Court ex officio. This position will be welcomed by many.

Prudent Use of Scarce National Resources

The issue of prudent use of the resources of the countries party to the Court also arises. This is because whether or not they use the Appellate Jurisdiction of the Court, the countries continue to finance the Court while at the same time meeting the high cost of seeking final justice at the Privy Council in London.

Cost of Justice Arising from Non-Subscription to the Appellate Jurisdiction of the Court

Another aspect of the present situation whereby the Appellate Jurisdiction of the Court is subscribed to by only three (3) countries relates to the cost of justice to the average national of the countries still subscribing to the Judicial Committee of the Privy Council. The cost of justice means that for any matter which a litigant wishes to pursue to its final legal outcome, i.e. the Privy Council, undoubtedly involves significant costs. These relate to the retention of English lawyers to appear before the Privy Council, the litigant's own travel to and hotel in the UK (if necessary), etc⁴. This situation is said to

⁴ Rough estimates suggest that such an initiative by a litigant would cost more than twenty (20) times taking the matter to the CCJ.

have resulted in only the wealthy having access to the Privy Council and in denial of justice to the average citizen.

On the other hand, by being located in the region, the CCJ brings justice much closer to the people. Moreover, as the CCJ is an itinerant Court and is empowered to sit in any of the Member States party to the Agreement Establishing the Court, this can further reduce significantly the cost of justice to the litigant of the region.

But bringing justice closer to the people is not only a matter of financial cost, it is also factor of having a Court staffed by Judges who understand the social mores of our societies and appreciate the conditions of our existence. They are thereby better equipped to judge our transgressions than a foreign Court in an alien environment. This was recognized even by the Colonial Governors at their meeting in Barbados in 1947, as pointed out earlier.

The Final Court – CCJ – and National Independence

This issue also touches on the fundamental notion of national independence. For this reason, many countries, some of them though small and impoverished, yet have sought to establish their own national and/or regional Court as a critical part of their national independence. It is against

this background, no doubt, that many of the following countries, large and small, have withdrawn from the Privy Council over the years.

LIST OF FORMER COUNTRIES WHICH HAVE WITHDRAWN OVER THE YEARS FROM THE PRIVY COUNCIL

NO.	YEAR	COUNTRY
1.	1933 1949	Canada (Criminal Appeals) (Civil Appeals)
2.	1933	Republic of Ireland
3.	1948	Myanmar (formerly Burma)
4.	1949	India
5.	1950	Pakistan
6.	1960	The Maldives
7.	1960	Ghana
8.	1960	Cyprus
9.	1961	Sierra Leone
10.	1961	Western Samoa
11.	1962	Uganda
12.	1963	Nigeria
13.	1964	Malta
14.	1964	Tanzania

15.	1964	Zambia
16.	1965	Kenya
17.	1965	Malawi
18.	1965	Zimbabwe
19.	1966	Guyana
20.	1966	Botswana
21.	1966	Lesotho
22.	1968	Swaziland
23.	1968	Nauru
24.	1970	Tonga
25.	1971	Sri Lanka (formerly Ceylon)
26.	1975	Papua New Guinea
27.	1976	Seychelles
28.	1978	Solomon Islands
29.	1980	Vanuatu
30.	1982	Malaysia
31.	1986	Australia
32.	1987	Fiji
33.	1997	Hong Kong
34.	1998	The Gambia
35.	2004	New Zealand

CONCLUSION

Mr. Chairman, honourable Judges, and other distinguished legal luminaries, to conclude I believe I have said enough, perhaps more than enough, to give you a sample of what CARICOM has already contributed, a sample of what CARICOM promises to contribute and the critical place of the Judiciary and legal profession in these processes. Those of you who heard Sir Shridath Ramphal last Thursday should no longer have any doubt, if you ever did, of the vital role and importance of the regional jurisprudence and most critically, the place of the Judiciary (the CCJ) and the legal profession in its forging. Regrettably, we economists, perhaps thanks to Luke, are destined to play a more modest role in this process but we are thankful for the opportunity, not only to be with you in deliberations of this sort, but also to be afforded the opportunity to express our views as indeed I have more than done today on all our behalf. To that end, and for that opportunity, I thank you.