



CAJO

CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS

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NEWS



**RELIVING THE 2019
BIENNIAL CONFERENCE**

THE ENERGY OF

BELIZE

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This 11th Issue of the CAJO's Newsletter, CAJO News, is brought to you in a never before used format. Constructed to give a 'real feel' and to include moving parts that accurately capture the vibrancy and energy of Belize and the region, the CAJO offers you a new experience in its June 2020 Newsletter!

The CAJO remains very grateful to the sponsors of the Conference: the JURIST Project, GIZ, UN Women, and the UNODC for their commitment and support.

The Management Committee of the CAJO is deeply appreciative of the effort and work of its Research and Programme Coordinator, Elron Elahie, who is largely responsible for the layout, design, and innovation with this medium.

The CAJO extends its sincerest gratitude to all those who have submitted articles for the Newsletter. It has certainly been an unprecedented time, but commitment to ensuring timely and accurate information and experience-sharing remains as strong as ever within the CAJO family.

We look forward to your reading this Newsletter and we are certain that you will enjoy it!

As always, feedback is welcomed and we are grateful to receive your comments which can be sent to Elron at elrone@thecajo.org.

Stay safe and happy reading!

JUSTICE PETER JAMADAR
Chairman

RECAPPING KEYNOTE PRESENTATIONS

The 6th Biennial Conference afforded attendees the opportunity to engage with two prominent Caribbean socio-legal minds.

On the first day of the Conference, after a riveting opening ceremony, attendees were electrified by the keynote address of Dr Terrence Farrell, Former Chairman of the Economic Advisory Board of Trinidad and Tobago. Exploring judicial conduct in its ethical, political, and social dimensions, Dr Farrell acknowledged that judicial conduct is not only critically important in our region but remains a sensitive topic that is still uncomfortable for those in the profession to deal with. Dr Farrell reminded those attending that judges and judicial officers are social actors and they are neither above nor outside the societies within which they operate and function.

As such, he noted that it is imperative that their behaviour be contextually interrogated and understood, particularly within the context of increasing incidences of judicial controversy throughout the region. Noting the absence of a wealth of data in the region on judicial conduct, Dr Farrell shared data from a few studies which showed the generally, people of the region do not have high measures of trust and confidence in their judiciaries and judicial officers.

Personal conduct, Dr Farrell purported, has a direct impact on public confidence. Though dissent on the bench does not often spill over into public disagreement, he noted that behaviour outside of the judicial workspace has a direct effect on perception of the courts. **"A judge's duties go beyond his work in and around the court and reach into his private life and dealings. The suggestion that duty is no higher than that of abstaining from committing offences is a heresy and needs to be laid to rest,"** he firmly noted; drawing pregnant pause in the room. After further exploring the dimensions of personal conduct and accountability, Dr Farrell sought to interrogate the cultural dimensions



against which judicial institutions function. Dr Farrell outlined eight cultural attributes which impact on how judicial officers and institutions are perceived and understood. Prominent among these were ambivalence and masquerade (the shifting between standards of behaviour as 'elites' and members of society), status, respect, and respectability (biases of characteristics such as colour and status shape understandings of power), and rules and authority (different people in society are afforded different rules). He reiterated that publics thus ponder on how judicial officers are able to adjudicate fairly given the social and cultural contexts in which they operate. A riveting end to his contribution, Dr Farrell left a stern reminder that judicial officers cannot operate as though they exist outside of the systems in which they operate and must remain accountable and take responsibility for their behaviour in and out of the courtroom.

View Dr Farrell's Keynote by clicking [here](#).

“INEQUALITY IS A FRAME UPON WHICH THE JUSTICE SYSTEM IS CONSTRUCTED.”

On the second day of the Conference, Ms Roberta Clarke delivered an insightful, thought-provoking, and timely discourse on the role of the rule of law in ensuring a just life. Noting that the rule of law stands as a “firewall” between the judiciary and an abuse of power, Ms Clarke put forward that judicial officers must always remember that their duty is to protect and serve; remedying rights violations and reminding those in power of their obligation to respect and protect. This message is particularly important, noted Ms Clarke, when contextualised in the post-colonial **Caribbean that still struggles with social exclusion, discrimination, and inequality**. She stated that such struggle does not signal failure. In fact, the Caribbean is a better place that it was fifty years ago, but this does not end the fight towards eradicating any and all types of discrimination and inequality still present.

Focusing first on poverty, Ms Clarke described the realities faced by roughly 24% of people in the CARICOM region – an inability to afford basic necessities leading to immense hunger, poor sanitation, and little to no protection or security. This of course has an impact on enrolment and completion of formal education and is both a manifestation and promoter of inequality of opportunity. In addition to socio-economic inequality, gender inequality remains prominent in the Caribbean. Ms Clarke stated that women have a higher level of

unemployment and low level of pay compared to their male counterparts.

Ms. Clarke noted that those who use the magistrate court are struggling with income insufficiency and/or unequal power. Many come to court vulnerable. With extensive and multidimensional cases, the magistrates are overburdened. It might seem that these judicial officers are harsh and disrespectful in their conduct, but this could be attributed to being overworked when handling many cases. She purported that It is striking that magistrates need less qualifications and fewer years of practice than judges due to all the complexities they encounter. The question is then asked, she announced, “Whose lives matter?”

Shifting to focus on the presence and effects of bias in the justice system, Ms Clarke asserted that the **construction of the system affords biases to be enacted - both the public and court users widely believe that the judicial officers often give significant preference to particular groups based on factors such as wealth, skin colour, education levels and who speak good English**. They also feel that social status has an impact on the court matter.

Before ending, she emphasised that we cannot continue to ignore inequality. That we cannot ignore that our foundation is shaky.

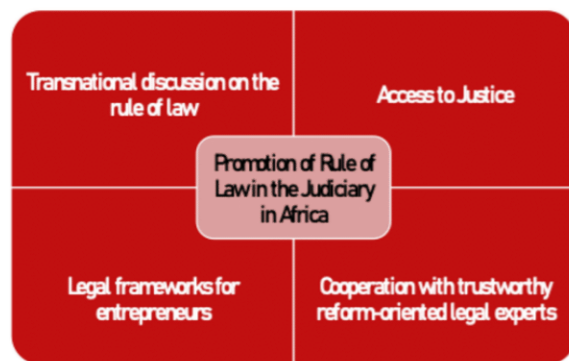


EXPLORING THE RULE OF LAW: REFLECTIONS ON THE PLENARY

Peter Jamadar

The Plenary session was packed, overflowing with judicial officers from across the Caribbean, gathered to listen, learn, and weigh-in on the topic – Developments in the Rule of Law in Africa and the Caribbean. Anticipation was palpable, and not to be disappointed. After all, this was a first, a CAJO South-South dialogue on the rule of law, happening in the Caribbean. Chaired by Adrian Saunders, President of the CCJ, it featured Kashim Zannah, the towering Chief Judge of Borno State, Nigeria and Vanessa Egert, comparatively diminutive in stature, a powerhouse in fostering the rule of law in Africa, and Legal Advisor to the GIZ; and as well, the brilliant and insightful Lee Cabatingan, legal anthropologist and Assistant Professor of Criminology, Law and Society at University of California, Irvine, Douglas Mendes, the paradigmatic Senior Counsel and President of the Law Association of Trinidad and Tobago, regionally recognised for his constitutional acumen, and Se-shauna Wheatle, the rigorously academic Associate Professor of Law at Durham University, and author of Principled Reasoning in Human Rights Adjudication.

Structure of our Project



In an interesting overview, Vanessa took participants through the GIZ's rule of law initiatives in Africa, which focus mainly on North Africa. The GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit) works in over 120 countries and on over 1500 projects globally. CAJO's association with GIZ has been warm and productive, the association having received invaluable assistance in hosting this conference. GIZ's rule of law focus is primarily through four lenses: (i) access to justice, (ii) transnational discussions with an emphasis on best practices and shared experiences, (iii) frameworks for entrepreneurs, and (iv) the promotion of judicial ethics based on the Bangalore Principles, impartiality, and the implementation of anti-corruption measures. It also promotes the monitoring of Justice delivery, with a spotlight on legal frameworks, corruption, and women; and assists with the publication of legal texts, and with the dissemination of information through mobile legal clinics. Its outreach is in part inspired by the idea, supported by Kofi Annan (former United Nation's General Secretary), that no country suffers from too much rule of law, but so many suffer from.

Kashim's presentation was based on his experiences as a practicing judge, in the trenches, and engaged in the day to day battles over the rule of law. He shared publicly proclaimed executive threats to judges, 'Courts are not above rule of law', and 'I will insult any judge ... it may not only be insults, but as well as beating such a judge'. And for what? For ordering new elections, based on election petitions. In this broader context of executive pushback, one not completely unknown in the Caribbean, Kashim testified to the responses of the Nigerian courts, as they moved from avoidance and restraint, to 'flexing judicial muscle' and standing decisively as the guardians of democracy. It was truly an inspiring call to arms in defence of the rule of law.

Already, this dialogue around South-South experiences had proven its worth. We here in the Caribbean are not alone as we face threats to the rule of law; and there are international agencies that consider this value, the rule of law, worth investing in and improving around shared principles of judicial integrity, tried and tested best practices, and entrepreneurial development (commerce). And, we in the Caribbean are making our own strides, developing the principle of the rule of law in ways that will engender global dialogue and responses. In this adventure, the CCJ is an undisputed leader. Lee, Se-shauna, and Douglas interrogated the CCJ's contributions to the development of the rule of law, in what was altogether a spellbinding tour of this Court's *raison d'être*, the Caribbean flavour of its jurisprudence, and its objectively convincing creation of a substantive and comprehensive concept of the rule of law. As Douglas opined: The concept of the rule of law has been given pride of place in the developing jurisprudence of the Caribbean Court of Justice, both as a interpretative tool for breathing life and structure into the fundamental rights and freedoms enshrined in Caribbean Constitutions, and as a standalone, nominative core constitutional principle against which legislative and executive acts are to be judged. This is a developing story. The impact which the CCJ's rule of law jurisprudence will have on the constitutional landscape is yet to be fully appreciated.

This is heady jurisprudential stuff, enough to make the faint of heart reach for a glass of well-aged and nicely mellowed Caribbean rum on the rocks.

Let's begin with our social anthropologist, Lee. Hers was a sociocultural perspective, the kind on inter-disciplinary dialogue that the CAJO has always encouraged. It was superb. It provided an overarching context for what Se-shauna and Douglas had to say. She started by making the point that: 'The preamble of the Agreement Establishing the Caribbean Court of Justice, in fact, expects the CCJ to "have a determinative role in the further development of Caribbean jurisprudence." Which for her means, 'an autochthonous, acolonial, and truly "Caribbean jurisprudence" (that) can legitimately and authoritatively exist.' Seminal to her analysis of the making of Caribbean jurisprudence, is the idea 'of making one's own jurisprudence thinkable'.



Vanessa Egert

I find this a most interesting idea, that one must consciously set about to make one's jurisprudence 'thinkable'. For Lee this seems to mean, that not only must the court's 'words have the power and authority of the law', but also that 'multiple things (must also be done to) help to empower these words with the impact of jurisprudence of one flavor or another.' It is to this interrogation of these 'multiple things' that bestow a Caribbean flavour to the CCJ's jurisprudence on the rule of law, that we must now turn, as she did.

(iii) Limiting the reach of the saving law clause. Relying again on *McEwan v AG* ([2018 CCJ 30 (AJ)]) Se-shauna explained how the CCJ had effectively narrowed the reach of the savings clause provision, relying on the normative and substantive effects of the rule of law.

(iv) As a bridge to foreign and international law. 'This Court is clearly of the view that the Appellants' right to protection of the law, founded on the concept of the rule of law, which itself imports an obligation to adhere to international law commitments, has been breached' - citing *Maya Leaders Alliance v AG (Belize)* (2015 CCJ 15). She then posits that 'the CCJ has been able to develop a Caribbean constitutionalism despite looking outward at constitutional standards.' In her words: 'The indigenous Mayas of Belize were fighting for land and the CCJ moved past a Eurocentric view of living and land ownership that had been established by the Privy Council. They mixed local law and local awareness of culture with international references – global south and global north, and referred to a need to provide redress for centuries of oppression.'

(v) The protection and respect of minorities. Here she references both *Maya Leaders Alliance v AG (Belize)* and *McEwan v AG*. The former as explained above, and the latter as follows: 'The CCJ has also made use of the rule of law for the protection and respect of minorities. *McEwan* was a striking case because the court used the rule of law in an equalising fashion – there was a critical assessment of the colonial past done

by Justice Saunders and there were discussions between the links of cross dressing to religion.'

In the final analysis, Se-shauna suggests that the CCJ has used and is using the principle of the rule of law as 'a tool for building Caribbean constitutional identity'. In this we are prompted to recall what Lee had reminded us of - The preamble of the Agreement Establishing the Caribbean Court of Justice, in fact, expects the CCJ to **"have a determinative role in the further development of Caribbean jurisprudence."** How better to do that than through the forging of a 'Caribbean constitutional identity'.

Douglas began with a bold proposition, already pointed to by both Lee and Se-shauna, and quoted earlier in this article. In his opinion: 'There is every indication that the CCJ is going towards developing a substantive comprehensive concept of the rule of law.'

This he explains is being achieved, 'by infusing established fundamental rights and freedoms with precepts inspired by the rule of law and by establishing the rule of law as a virtual supra-constitutional principle operating along with and indeed in spite of the Bills of Rights'. In a virtual tour de force of the CCJ's rule of law jurisprudence, Douglas supported his compelling thesis by references, inter alia, to *Attorney General of Barbados v Joseph & Boyce* ([2007] 4 LRC 199.), *Zuniga v Attorney General* ([2014] 5 LRC 1), *BCB Holdings Limited v Attorney General* ([2014] 2 LRC 81), *Mc Ewan v Attorney General* ([2019] 1 LRC 608), and *Nervais & Severin* ([2018] 4 LRC 545).



What were some of the main take-aways?

(i) The rule of law, "imbued the Constitution with other fundamental requirements such as rationality, reasonableness, fundamental fairness and the duty and ability to refrain from and effectively protect against abuse and the arbitrary exercise of power." (per Wit JCCJ) It also embraced concepts like the principles of natural justice, procedural and substantive due process and the protection of the law. (*Attorney General of Barbados v Joseph & Boyce*). Thus the rule of law was 'a supra-constitutional principle'.

(ii) The rule of law was also a core constitutional principle, not tethered to the fundamental rights and freedoms provisions. This approach therefore rendered the savings law clause (in Guyana) not applicable, which in turn permitted the court to strike down an archaic cross-dressing law on the ground that it violated the precepts of the rule of law (hopelessly vague legislation can be struck down as unconstitutional). (*McEwan v Attorney General*)

(iii) The rule of law is part of the basic structure of Caribbean constitutionalism. 'Let us accept then that the CCJ appears headed, if it has not already gotten there, to the acceptance of core constitutional principles rooted in a substantive conception of the rule of law, which stands above the Constitution but is nevertheless an integral part of its supreme architecture. How else to interpret the Court's pronouncement, albeit obiter, first tentatively expressed in *Bar Association of Belize v Attorney General* ([2017] CCJ 4 AJ)), but repeated in *Nervais* at [74] that

"unwritten constitutional principles may ... limit the power of the (legislature) to amend the Constitution ..."

Where and how does this 'developing story' end? That is, the story of the CCJ's development of the rule of law as a juridical principle. Where has it reached? As Douglas points out, 'the jurisprudence of the CCJ in *Bar Association of Belize v AG of Belize*, is that there may be unwritten principles in the constitution that the court can rely on to deny the legislature its own constitutional right to amend the constitution.' This he says, **"reflects a paradigm shift towards reading the Constitution as being subject to the overriding mandate to comply with a substantive conception of the rule of law."** This is indeed a significant advance in Caribbean understandings of constitutionalism, one which invites both caution and clarification as its unfolding continues.

A session that started with so much promise, had overwhelmingly exceeded expectations. For those who were there, and for those who will take the time to carefully read these materials, this is a virtual 'crash-course' in advanced Caribbean constitutional studies.

The CAJO is truly proud to have assembled this group of scholars, and to have been able to present this session to the region – in service of the rule of law.

[Click here to read the CCJ's latest discussion on the rule of law in the Judgment of Belize International Services Ltd.](#)

HONOURING STALWARTS



Debra Gibbs has been with the CAJO since its inception in 2009. Serving as the CAJO's Secretary from 2013-2019, Debra's resonant energy, extreme efficiency, and unwavering vitality have aided in building the CAJO into what it is today.



Justice Adrian Saunders was one of the CAJO's founding members and has served as its Chair for ten years (2009 - 2019). Justice Saunders' continued commitment to Caribbean integration and unity has created a sublime legacy. He currently serves as a Member of the CAJO's Management Committee.

CELEBRATING DEDICATION & SERVICE



Judge Sandra Oxner (Ret) was honoured for her longstanding service as a judicial educator. Judge Oxner served as a Judge in Canada for 46 years and is the Founding President of the Commonwealth Judicial Education Institute (CJEI).

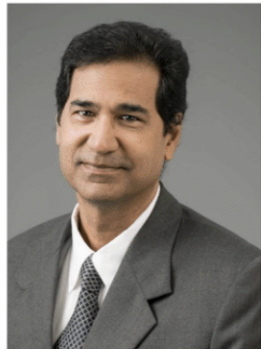


Sir Dennis Byron was honoured for his continued commitment to judicial education. Sir Dennis is a former President of the Caribbean Court of Justice and has served as President of the Commonwealth Judicial Education Institute (CJEI).

CAJO MANAGEMENT COMMITTEE 2019 - 2021

At the CAJO's Business Meeting, which took place on the second day of the Biennial Conference in Belize, elections were held for the selection of a new Management Committee. Outgoing Chair, the Hon Mr Justice Adrian Saunders, stepped down in July 2019 and then Vice-Chair, the Hon Mr Justice Peter Jamadar, assumed the role of Acting Chair until the elections were held.

The 2019 - 2021 Management Committee comprises judicial officers and a court administrator that represent the different jurisdictions across the Caribbean. The CAJO was happy to have some returning Committee members as well as welcome some who had their first opportunity to serve.



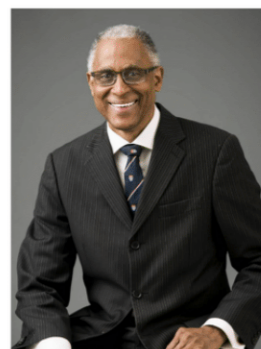
JUSTICE PETER JAMADAR
Chair

Justice Jamadar is a Judge of the Caribbean Court of Justice



JUSTICE VIVIAN GEORGIS TAYLOR-ALEXANDER
Vice-Chair

Justice Taylor-Alexander is a Judge of the Eastern Caribbean Supreme Court



JUSTICE ADRIAN SAUNDERS
Member

Justice Saunders is the President of the Caribbean Court of Justice



SIR MARSTON GIBSON
Member

Sir Marston Gibson is the Chief Justice of Barbados



JUSTICE ROXANE GEORGE
Member

Justice George is the Chief Justice (A.g.) of Guyana



JUSTICE MAURITZS DE KORT
Member

Justice De Kort is the Vice-President of the Joint Court of Justice of Aruba, Curaçao, Sint Maarten, and of Bonaire, Sint Eustatius and Saba



JUSTICE SANDRA NANHOE-GANGADIN
Member

Justice Nanhoe-Gangadin is a Judge of the High Court of Suriname

CAJO MANAGEMENT COMMITTEE

2019 - 2021



JUSTICE SHIRAZ AZIZ
Member

Justice Aziz is a Judge of the High Court of the Turks and Caicos Islands



JUSTICE AVASON QUINLAN-WILLIAMS
Member

Justice Quinlan Williams is a Judge of the High Court of Trinidad and Tobago



REGISTRAR CECILE HILL
Member

Ms Hill is the Registrar of the Eastern Caribbean Supreme Court



REGISTRAR CAMILLE DARVILLE-GOMEZ
Member

Ms Darville-Gomez is the Registrar of the Supreme Court of the Bahamas



DEPUTY REGISTRAR PATRICIA ARANA
Member

Ms Arana is the Deputy Registrar of the Supreme Court of Belize



PARISH JUDGE MICHELE SALMON
Member

Her Honour is a Parish Judge in the Parish Court of St Ann, Jamaica



MAGISTRATE MAXANNE ANDERSON
Member

Her Honour is a Magistrate in Bermuda



MS SUZANNE BOTHWELL
Member

Ms Bothwell is the Court Administrator for the Judiciary of the Cayman Islands

CELEBRATING SUCCESS: VIEW FROM THE SECRETARIAT

Debra Gibbs and Candis Cayona

What is a Secretariat? It is the department/unit of an organization that fulfils the central administrative or general secretarial duties of that organization. The CAJO Secretariat is no doubt that, but it is also so much more! From the time one conference ends, in fact, while one conference is wrapping up the planning of the other begins! The CAJO 2019 Conference and the Secretariat function was no different this time.

The CAJO 2019 Secretariat was an organized ball of letters of invitations, letters for sponsorships, budgets, a myriad of emails received and directed or re-directed for the attention of the responsible secretariat member, sourcing information and arranging airline travel and accommodation and arranging payment for flights and other professional services, long meetings resulting in creative ideas that produced attractive and informative flyers and videos to increase conference attendance, and conference memorabilia. If the team thought this was simply the usual CAJO Secretariat work, there were two noteworthy events that threw some diversity into the pot:

1. CAJO celebrated its 10th Anniversary, and

2. The then Chairman, The Honourable Mr. Justice Adrian Saunders demitted office as Chairman of the CAJO. As President of the Caribbean Court of Justice, he did not think he would be able to meet the intense demands that the CAJO 2019 conference would place on his already demanding schedule.

These presented a new flavour to the planning of the CAJO 2019 Conference and the Secretariat in conjunction with the host, The Supreme Court of Belize. Everyone, led by the new Chairman, the Honourable Mr Justice Peter Jamadar, rose to the occasion and in the end, we are able to

boast that CAJO 2019 stands out as one of the most memorable of the CAJO Conference experiences.

For the period October 29th to November 2nd, the Belize Biltmore Plaza was our home and the area designated for the Secretariat operations was our office. The Secretariat registered a remarkable 200+ participants comprising Heads of Judiciary, Judges, Magistrates, Masters of Court, Registrars, Specially invited Attorneys-at-Law and members of Academia.

From the day before the official start and for the duration of the Conference, the participant crowd visiting the Secretariat was always thick. **The team managed to create and distribute welcome packages and name tags, register participants on the spot, receive payments and issue receipts, print speeches, manage documentation for the conference, change flights and accommodation arrangements, answer questions and generally put out a myriad of small fires!** The Secretariat also assisted with management of the social events coordinated by the Judiciary of Belize for Conference participants and accompanying guests, namely, a Charity dinner at an indigenous restaurant, an exhibition at the Belize National Museum followed by a party at the Conference hotel and an outing to the Altun Ha Mayan ruins, which were all heavily subscribed.

For the first time, the Secretariat also managed an Art Exhibition and Sale held to celebrate the talent of the differently abled children of CAJO's members and participating countries. The proceeds from the Art Exhibition and Charity dinner are for the benefit of the CAJO's Bahamas Relief initiative.

The Secretariat team performed well under pressure and was courteous and responsive to every situation that arose.

Though we missed most of the essence of the Conference itself, the work behind the scenes was very important in contributing to the overall success of the CAJO 2019 Conference experience.

One of our team members, Ms. Debra Gibbs, who has served the CAJO as Secretary for the last 10 years was honoured for her work in the Secretariat and her dedication to the CAJO, sometimes having to be a 'one man band.' Her attention to detail and her organization skills is one example of just what makes the CAJO Secretariat as effective as it has been!

No CAJO Secretariat will ever be able to function effectively without the cooperation of the Local Organising Committees (LOC) wherever the Conferences are held. In Belize, the LOC, convened by the Honourable Chief Justice His Lordship Kenneth Benjamin and led by the inimitable Madam Justice Sonya Young, was outstanding. The knowledgeable and willing assistance, imaginative ideas and attention to detail, the warm welcome and enthusiastic response of that entire team played a major role in the efficient execution of the Secretariat function and the overall success of the CAJO 2019 Conference. Thank you LOC Belize.



Debra Gibbs



Candis Cayona

MANAGING JUDICIAL STRESS: TOOLS FROM DR SADEK

Peter Jamadar

In 1997, I joined the Judiciary of Trinidad and Tobago (JRTT) as a Puisne judge. I was assigned to the civil division, where I would remain for my entire tenure as a trial court judge at the JRTT. At the time, Chief Justice de la Bastide was in the throes of reforming the civil justice system, which had been plagued for decades by endemic delay and dismal performance standards. New civil proceedings rules (CPR) were being drafted, and while we waited on their implementation, the CPR ideology was being aggressively applied, as best it could, supported by ad hoc amendments to the existing Rules of the Supreme Court. The days in court were long, and the nights of preparation unending; and this persisted, not for days, or months, but for years (the CPR would not come into force until 2005, after the 'real' work of clearing the backlog had already been accomplished). There was even a cadre of temporary practitioner judges, reaching 12 in number at their peak (who rendered invaluable service to the JRTT), appointed to help deal with the mountainous existing caseloads, so great was the challenge. The common room stories were epic, the camaraderie inspiring, and the commitment to work and to service unparalleled, at least in my 22 years' experience at the JRTT.

However, as the years rolled on, I began to observe a common phenomenon among my colleagues and even in myself. After about 5 – 7 years there was a real experience of 'burnout' and 'inertia', accompanied by periodic and cyclical bouts of illness, and followed by a phase of reduced enthusiasm and performance which could persist for months and in some cases never be fully resolved; none of which, though spoken about and so presumably recognised and accepted, was being addressed institutionally. In 2007, I therefore decided to undertake some modest research on judicial stress and whether some form of sabbatical leave could address and alleviate the counter-

productive consequences of this occurrence. The results were both revealing and disturbing. Judicial stress is real; sustained and unattended, it negatively affects individual performance and health, as well as inter-personal relations both institutionally and personally. [This research is published in the West Indian Law Journal (Vol 33, 2008). As a direct result of it, in Trinidad and Tobago judges now enjoy as a term of employment a discretionary entitlement to paid sabbatical leave. It has been the subject of litigation and has also passed that judicial test, see *Attorney General v Law Association of Trinidad and Tobago* CV2018-01231.

Judicial stress is the proverbial 'elephant in the room', rarely discussed openly, almost never addressed institutionally, but always silently present and corrosive, gnawing away at enthusiasm, performance, health, and relationships. Little wonder the CAJO session on Judicial Stress with Dr. Joseph Sadek was an absolute hit. The room was literally packed to capacity and overflowing through the doors; more chairs had to be brought in to meet demand and some persons even took to sharing chairs – standing room only. There were even some muted 'protests', justifiable complaints about not catering for participants. Now, what is clear is that as impressive as Dr. Sadek's credentials are (he an Associate Professor in the Department of Psychology at Dalhousie University), this is not why participants turned up – because no one really knew who he was! They turned up because judicial stress is a genuine issue for Caribbean judicial officers. The simple fact of their attendance is testimony to this reality.

What did 'Dr. Joe' (as he has been re-named in typical Caribbean style) speak about? To begin with, the session was excellently chaired by Sir Marston Gibson, Chief Justice of Barbados..

The objectives of the session were that at the end of this session, participants will be able to:

- (i) describe some main causes of judicial stress, and
- (ii) identify interventions to effectively deal with judicial stress.

In summary, 'Dr. Joe' shared that the effects of judicial stress can take several forms including, work and performance related problems, difficulty focussing and remembering, anti-social behaviours, and self-imposed withdrawal and isolation. He developed some of these areas further, as follows:

1. Stress can also be manifested in physical ways with aches and pains.
2. Research conducted has revealed that higher stress levels can also lead to cardiovascular problems.
3. Prolonged stress causes weaknesses in the immune systems which leads to more frequent illnesses.

In relation to the second objective of the session, participants were advised that:

1. There are several ways in which judicial officers can reduce their stress levels, including, maintaining high levels of organisation, appropriate use of technology, and effective time management.
2. Four skills to optimize your use of time are: prioritization, scheduling, goal setting, and overcoming procrastination. .

3. Goals should be SMART: Specific, Measurable, Action oriented, Realistic, and Time-limited

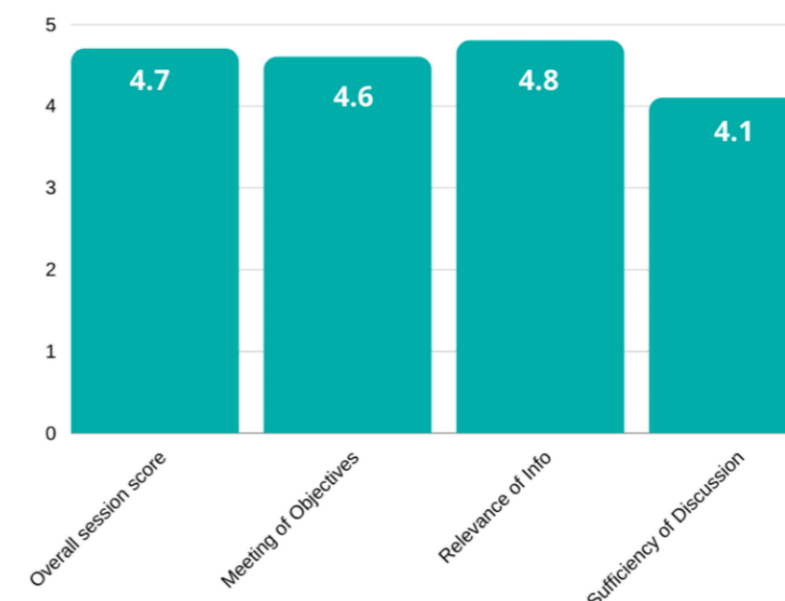
4. Some positive stress relief techniques are:
- Self-care
 - Time Management
 - Support systems (social and institutional)
 - Reaching out to people you trust, and sharing with them
 - Letting go of guilty feelings
 - Trying different relaxation techniques (15-20 min daily)

This session on judicial stress was hands-down the highest rated.

Moreover, many thought it should be repeated, and 100% said they would recommend it. Indeed, following the conference, 'Dr. Joe' was asked to and has agreed to offer confidential on-line consultations to judicial officers who attended the Conference. And, but for the intervention of the COVID 19 pandemic, was due to visit the southern Caribbean for follow up workshops – such has been the need and demand.

It is the hope of the CAJO, that all Caribbean Judiciaries will take this matter of judicial stress seriously. It can literally be a matter of life or death, fulfilment or desolation, justice or injustice - and not just a matter of statistically assessed performance based (quantitative) metrics for determining institutional success or failure.

Judicial Stress



REFLECTING ON THE CONFERENCE: JUSTICE ADRIAN SAUNDERS



In a sense, this was the first CAJO biennial conference that I had ever really “attended” as such. For all the previous conferences, save perhaps the inaugural one where that honour fell to Christie-Ann Morris-Alleyne, I regarded myself as personifying the chief overall organiser. It is impossible simultaneously to experience the Conference as an attendee and also to fulfil the demands of being the chief organiser for any conference, especially ones like the CAJO biennials where there are just so many moving parts. And so, from this new vantage point, the very first thing that struck me in a very real way about the 6th biennial in Belize was the excellent organisation of this conference.

Typically, you can divide the organisation of CAJO biennials into the predominantly centrally organised part and the predominantly locally organised part. The first part deals, for example, with the educational and judicial training issues i.e. identifying and inviting the keynote speakers and other presenters, selecting the breakout topics, the logistics of getting people to and from

the Conference and negotiations with the Conference hotel. The second part deals with that aspect of the conference that is left principally to the local organising committee (LOC); for e.g. the opening and closing ceremonies, the local tours, protocol and safety issues and the like. Of course, both these aspects do not function in silos.

In Belize, both of these elements were superbly organised. In particular, the members of the LOC, ably led by now retired Chief Justice The Honourable Mr Justice Kenneth Benjamin, went out of their way to ensure that attendees enjoyed the rich variety that Belize offers the tourist. Their keen attention to furnishing us with the sights, tastes, aromas and sounds of Belize from the moment we were welcomed at the Phillip SW Goldson Airport up to the last day of the Conference was truly commendable. It just baffles me that when you think, after having attended one CAJO conference, that you have witnessed excellence, each succeeding LOC is simply able to take it a notch higher!

The educational programme (plenaries and breakout sessions) was also extremely enriching. CAJO has always sought to have engaging keynote speakers who set the tone for the conference. Last year’s did not disappoint. Both Dr Terrence Farrell and Ms Roberta Clarke were outstanding. Dr Farrell’s presentation on ‘Judicial Conduct in the Caribbean: Ethical, Political and Social Dimensions’ was frank, insightful, vivid and truly thought-provoking. It tied in nicely with the Conference’s overall theme of ‘Judicial Integrity: Pathway to Public Trust and Confidence’, giving historical and cultural perspectives to the discussion while challenging judicial officers to take a deeper look at how we conduct ourselves. Although Ms Clarke’s keynote address was delivered on Day 2 of the conference, it somehow fit almost seamlessly into and built upon the first day’s keynote by Dr Farrell. Ms Clarke’s presentation focused on the role and rule of law in ensuring a just life. In her address, she challenged us as judicial officers and administrators to “do better” on all fronts so that we do not propagate and recreate inequalities within the society even as we treat with persons who come to the courts for justice.

Both keynote addresses challenged the judiciaries within the region and the judicial officers present to take an introspective view on not just how we conduct ourselves but also the general administration of justice, our operations and performance so that we fully serve all those who come to the halls of the court for justice.

The plenary I enjoyed most was the one on the Rule of Law because it addressed issues that were of special interest to me. Although the time was limited, each of the presenters – Ms Vanessa Egert, The Honourable Mr Justice Kashim Zannah, Dr Lee Cabatingan, Dr Se-Shauna Wheatle and Mr Douglas Mendes SC -

treated us to a rich harvest. The session looked at ‘Developments in the Rule of Law in Africa and in the Caribbean’. It re-emphasised the judiciary’s role in promoting and protecting the rule of law through jurisprudence which embraces a “thick” or “substantive” understanding of it. Even while we continue to tease out how the ‘Rule of Law’ is to be defined, recognized and applied in both a philosophical and practical sense, there is much more work that needs to be done. By and large, that work cannot only take place within the precincts of the courthouse. It must also encompass the manner in which we, as a judiciary, conduct ourselves and engage in introspection, education and collaboration with a view to ensuring that our jurisprudence reflects the norms of our societies.

With the passing of the torch, as Chairman of CAJO, to The Honourable Mr Justice Peter Jamadar, one of the finest judicial educators in the Commonwealth, and ably supported by CAJO’s new Research and Programme Coordinator, the pro-active and tech savvy Elron Elahie, the Association is now set to embark upon a new trajectory as it enters its second decade of existence. My view is that the Association is now an indelible part of the consciousness of judicial officers of the region. At the biennial General Meeting in Belize, I sensed greater levels of commitment to the Association and already, tools and policies have been devised to harness and constructively channel in the interests of the Association the enthusiasm of those judicial officers who were elected to serve on the Management Committee.

Heartiest congratulations to all who worked on making the 6th biennial as memorable and impactful as it was! A superb job!

VERSLAG CAJO 2019 "UNBELIZEABLE"

Maite Faro



Van 31 oktober tot en met 2 november 2019 heeft de zesde tweejarige conferentie van Caribbean Association of Judicial Officers (CAJO) plaatsgevonden. Gastland deze keer was Belize. Een land gelegen in midden-Amerika aan de Caraïbische Zee en grenzend met Mexico en Guatemala. Een land bruisend van cultuur, met verschillende etniciteiten, prachtige natuur en een rijke geschiedenis. Vanuit verschillende bestemmingen in het Caribisch gebied zijn personen werkzaam in de rechtspraak afgereisd om deze conferentie bij te wonen.

CAJO 2019 werd ingeluid met optredens waarbij de cultuur van Belize geproefd kon worden. De vlaggen ceremonie werd verzorgd door vlaggendragers uit verschillende uithoeken van de bevolking waardoor de diversiteit van de Belizaanse samenleving goed in beeld werd gebracht. De 6de editie van CAJO stond in het teken van 'Judicial Integrity- the pathway to public trust and confidence'. In dat kader waren er een aantal interessante interactieve sessies waar deel aan kon worden genomen, zoals bijvoorbeeld 'Judicial Stress' waar in beeld werd gebracht hoe werkstress te herkennen, te vermijden en aan te pakken. Of bijvoorbeeld sessies waarin de rechten van inheemse bevolkingsgroepen ter sprake kwamen en wat er allemaal komt kijken bij het verdedigen van deze rechten. Ook voor wat betreft het strafrecht kwamen er interessante sessies voorbij, zoals bijvoorbeeld sessies over kwetsbare getuigen en complexe strafzaken waarbij belangrijke aandachtspunten werden besproken. Het was interessant om te horen en kennis uit te wisselen over hoe in andere rechtssystemen van het Caribisch gebied strafrechtelijke procedures, zoals voorlopige hechtenis, worden vormgegeven, wat de gemiddelde doorlooptijden zijn van zaken op andere Caribische eilanden en wat daar de oorzaken van zijn. Naast Caribische sprekers waren er internationale sprekers uit onder andere Canada en Duitsland aanwezig die ook een steentje kwamen bijdragen aan de kennisuitwisseling en onderwerpen zoals 'Using social media in ways that promote or undermine judicial integrity' onder de aandacht en ter sprake brachten.

Het geheel aan onderwerpen van CAJO 2019 was dus divers, verfrissend, en ookal soms verschillend aan wat wij gewend zijn, zeer leerzaam en nuttig voor onze dagelijkse praktijk.

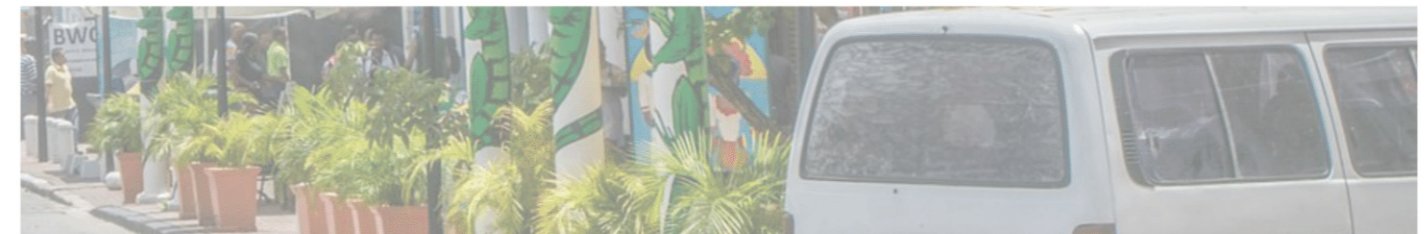
In de avonden ging het programma vrolijk door. De eerste avond werd er een beroep gedaan op de saamenhorigheid door het aanbod van een fundraisingdiner voor de door orkaan Dorian getroffen eilanden van de Bahamas. Aan dat beroep werd massaal gehoor gegeven. Together we are one! Het diner vond plaats bij het authentieke Garifuna restaurant Lerisi. De Garifuna zijn een inheemse bevolkingsgroep van Belize. Op het menu stonden dan ook typische gerechten die onder het genot van Garifunaanse muziek, zang en dans konden worden genuttigd. Ook behoorden activiteiten zoals een bezoek aan een lokale theater waar een voorstelling werd gepresenteerd over de geschiedenis van Belize tot aan de onafhankelijkheid in 1981 (Belize rewind), een poolparty in het hotel waarbij lokale eet- en drankspecialiteiten werden geserveerd (Belize unwind) en een bezoek aan het museum van Belize City (A night at the museum) tot het nachtprogramma.

Deze inspirerende trip naar Belize werd afgesloten met een bezoek aan de Mayatempelruïnes van Altun Ha waarbij onder begeleiding van een gids een stukje kostbare geschiedenis van Belize aan ons werd geopenbaard. Die van de oorspronkelijke bewoners van Belize: de Maya's.

**Oh yes, you better Belize it, CAJO 2019 was in een woord UNBELIZEABLE!
De 7de editie van CAJO in 2021 zal in St. Lucia plaatsvinden.**

VIEWS ON THE 2019 CONFERENCE

Maite Faro



The 6th Biennial Conference of the Caribbean Association of Judicial Officers (CAJO) took place from October 31 to November 2, 2019. The hosting country this time was Belize. Belize is located in Central America along the Caribbean Sea, bordering Mexico and Guatemala; a country bubbling with culture, diverse ethnicities, beautiful nature, and a rich history. Individuals working in the judicial system traveled from various countries across the Caribbean to attend this Conference.

The Conference was inaugurated with performances during which the culture of Belize could be savoured. The procession of flags included bearers from different corners of the population; highlighting the diversity of the Belizean society. The central theme of the 6th Biennial Conference was 'Judicial Integrity – the Pathway to Public Trust and Confidence'. In that context, there were a number of interesting interactive sessions in which one could participate. Prominent among these was 'Judicial Stress' in which it was shown how to recognize, avoid, and tackle work-related stress. Another standout session was the Rights of Indigenous Peoples which garnered great discussion about what is involved in defending these rights. Furthermore, there were interesting sessions in the field of criminal law, such as a session on Vulnerable Witnesses and one on Complex Criminal Trials. It was interesting to hear and exchange knowledge and experiences about how criminal proceedings, such as pre-trial detention, are shaped in other legal systems of the Caribbean, what the average processing times of cases are in other Caribbean countries, and the causes thereof. In addition to Caribbean speakers, there were international speakers from Canada and Germany, among other countries, who also contributed to the exchange of knowledge and covered relevant topics such as 'Using Social Media in ways that Promote or Undermine Judicial integrity'.

The Conference's totality of topics was therefore diverse, refreshing, and although sometimes different from what we one may be used to, very instructive and useful for our daily practice.

The program continued merrily on evenings through the various social events planned by the Belizean Local Organising Committee. The first evening an appeal was made to solidarity by offering a fundraising dinner for the Bahamas which was affected by hurricane Dorian. That appeal was heard en masse. Together we are one! The dinner took place at the authentic Garifuna restaurant Lerisi. The Garifuna are an indigenous population group of Belize. The menu included traditional dishes that could be enjoyed while listening to Garifuna music and singing and enjoying Garifuna dancing. Other activities that were part of the evening program included a visit to a local theater where a performance was presented about the history of Belize until independence in 1981 (Belize Rewind), a pool party at the hotel where local food and beverage specialties were served (Belize Unwind), and a visit to the museum of Belize City (A Night at the Museum).

This inspiring trip to Belize was concluded with a visit to the Mayan temple ruins of Altun Ha where a piece of precious Belize history was revealed to us with a guided tour.

**Oh yes, you better Belize it, because the 6th Biennial Conference was, in a word, UNBELIZEABLE!
The much-anticipated 7th edition of the Conference will take place in St. Lucia in 2021.**

THE BELIZEAN PERSPECTIVE: VIEW FROM THE INSIDE

Deputy Registrar Patricia Arana

The buzz about one of the largest regional/judicial conference being held in Belize started quite early. We had the distinct honor of hosting the 6th Biennial Conference of the Caribbean Association of Judicial Officers. This was an even more special occasion as the Association celebrated its 10-year Anniversary!

As delegates from all over the Caribbean converge at the International Airport, **our wish, as Belizeans, was for our distinguished visitors to have an unforgettable experience from landing to departure!** The Program, both academically and socially, was planned in a way that would guarantee a well-rounded experience for all participants and their accompaniments.



The Conference

The theme of the conference “Judicial Integrity – The Pathway to Trust and Confidence”, was appropriate especially due to the times we are currently living in. The Judiciary faces many challenges, trying to keep up with the law and its application in our role as administrators of justice. We need to constantly find that balance. There is a common understanding that at the core of the judicial system are the vulnerable persons. Their reality is what is affected by the decisions we make on a daily basis. The participants in the Procession of Flags was a clear representation of all levels and classes of vulnerable persons, and they were NOT actors!! **They are the reason why we do what we do, and they are the reason why we should endeavor to maintain trust and confidence in the judiciary, because many times, the judicial system is their only hope.**

At the Conference, ALL the presentations, from the Keynote Speakers to the presenters in the Breakout Sessions, addressed issues that were pertinent in our region. I can safely say that my

colleagues and I had an enriching experience with the wide variety of topics in the conference program. While all the presentations were very relevant, there were some that were more talked about, mainly because we never thought of the matter from a judicial officer’s point of view. One such subject was Judicial Stress. I attended that Breakout Session, because I thought that it is something that is not addressed enough, if any at all. When I stepped into the room, I was convinced that I was not alone in my thoughts. The presentations in this forum were very thought provoking and personal at the same time and generated solid discussion. The presentation on the Rights of Indigenous Persons was also very pertinent to us in Belize, especially due to the well-known “Mayan Land Rights Case”, as we locally tab it, and which still has some issues pending before the Caribbean Court of Justice (CCJ). The Special Sitting of the CCJ on this case, during the Conference Program only helped to highlight the connection between our reality and the conference presentations.

With recent developments in the Rule of Law, we see the increased need to settle disputes in a more innovative, less adversarial manner through the use of Alternative Dispute Resolution (ADR). This is another area of law that has become more popular in resolving civil disputes. Again we can make the connection from a Belizean perspective, since efforts have been made and is ongoing to increase the use of ADR in both the Inferior Court as well as the Supreme Court, especially through the use of mediation and arbitration. The court appointed mediators would benefit greatly in attending these types of conferences as well.

Another hot and familiar topic was the presentation on eliminating gender bias in adjudication. Judicial officers at all levels and from all over the region have been trained in gender sensitization. The panelists for this Session shared a wealth of knowledge and experiences with the participants, and the discussions served as a welcome refresher for the trainings already conducted. This session later transitioned smoothly into the Breakout Sessions in Judicial Education, Vulnerable Witnesses, and Judicial Officers as Leaders – which were all connected in some way to the Gender Sensitization discussion previously held. In the Region, and even globally, there has been more and more pressure on judicial officer to play a more proactive role when it comes to

these gender issues. **The presentations at the conference created an excellent forum for all the participants to put things into perspective, and to recognize the strengths and weaknesses of our judicial system.** Especially as it relates to gender and its ancillary issues, such as biases.

The Plenary Sessions on the final day of the conference addressed enhancing judicial integrity and the use of social media. It just so happens that days before the conference, there was a matter in the Court of Appeal for Contempt of Court, where a media house reported that they were banned from a hearing in the court. The media house primarily reported through social media. The case caught the attention of the general public because at the time there was a lot of tension with regards to taking a border dispute to the ICJ. The importance of the issue mixed with the use of social media revealed many views, except that of the Judiciary. As a result, due to the misinformation shared through social media the confidence in the judiciary could have been negatively affected. This is a clear illustration of the role the media/social media play when it comes to public’s confidence in the judiciary. There needs to be some sort of public relations to correct, for example, inaccurate reports being published by the media. The presentations in the session left the participants on a good footing on how to move forward.



THE BELIZEAN LOCAL ORGANISING COMMITTEE

The success of the 2019 Beinnial Conference was largely in part due to the work of the Local Organising Committee (LOC). Chaired by the then Chief Justice of Belize, the Hon Mr Justice Kenneth Benjamin and with the driving force of Justice Sonya Young, the LOC managed to put on a spectacular Opening Ceremony and vibrant cultural social events for participants. Current acting Chief Justice Michelle Arana, Justice Shona Griffith, Registrar Treinia Young, then Senior Magistrate Patricia Arana, and Magistrate Khadeen Palmer were part of the LOC that masterfully gave us a lasting taste of Belize! The CAJO extends sincerest gratitude to the members of the LOC for their hard work, commitment, and dedication.



The Social

The social calendar, it is hoped, **gave the participants a little taste of every aspect of Belize – our cultures, our food, our dance, our history, and our arts.** There was a social event planned for every night of the conference.

From the opening ceremonies, the cultural diversity of Belize was evident, with the singing of the National Anthem of Belize in four languages, namely, English, Spanish, Garifuna, and Maya. The cultural presentations in the closing ceremony was just as enjoyable and entertaining. The first social event for our guest was the “Garifuna Experience”, sharing the Garifuna culture in all its glory in food, dancing, singing, and drumming. We were happy to see guests join in the dancing!! We also had the honor of witnessing the launching of three books from outstanding Caribbean Authors.

At our second social event, our guests, and even the locals, were treated to the History of Belize – “From the Glorious Mayan Civilization to the Glory of Independence. This was an done in a most unique theatrical style!! Later the evening was the “liming” and “unwinding” at the Biltmore Poolside, where we were able to socialize with our new and not so new colleagues.

Our third planned social event was a “Night at the Museum”. Those who attended would agree that it was not just an ordinary museum tour, but sooooo much more!! There was history, there was Arts and Crafts, there was music – a real Belizean Style kind of night!! Most could not resist the beautiful display in the craft market set up just for this occasion and took along a souvenir or two. The museum tour further shared a part of Belize’s history.

On the Final day of the conference, for those who still had the energy to explore, the Local Organizing Committee planned an outing to a historical Mayan Site, and what a way to end the day!! The beauty and history of Altun Ha speaks for itself. For those who were able to attend, I am sure it was an experience they will not forget.

These events coupled with the experience in the opening and closing ceremonies was intended to expose the diversity of our beautiful Belize. For the locals, it was our pleasure in hosting the participants. The social events gave us the opportunity to network and form friendships we hope will last a lifetime. We hope that everyone enjoyed the ambiance of our people and the activities that were planned, enough to encourage you to visit us again!!



The Hon Mr Justice Kenneth Benjamin



The Hon Mme Justice Sonya Young

Honouring Diversity



Celebrating Belizean Cultures

EXPLORING BELIZEAN HISTORY: ALTUN HA



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PLANTING TODAY FOR BALANCE TOMORROW

The Environmental Sub-Committee and Christie Borely

"Climate change is undeniable."

– António Guterres, United Nations Secretary-General



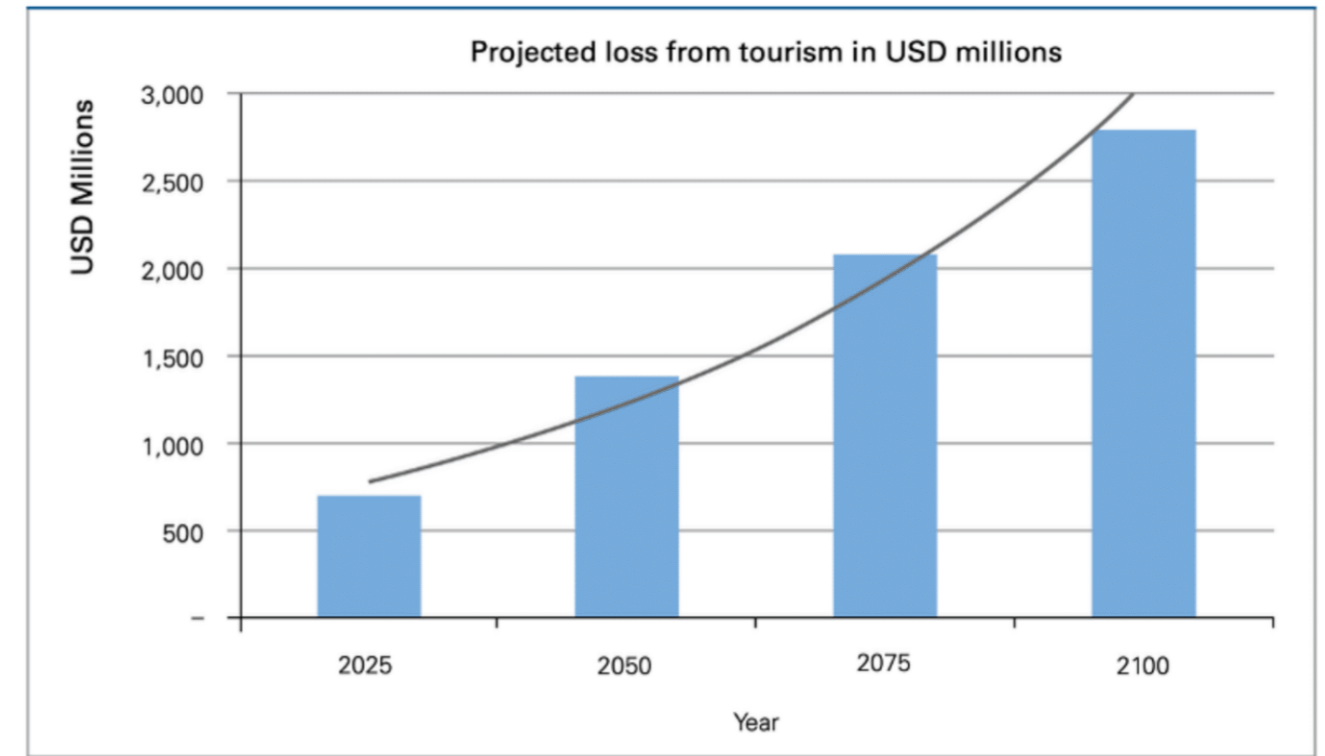
The Caribbean Association of Judicial Officers has successfully brought together stakeholders and the communities of our Judiciaries in the aftermath of disasters occasioned by Climate change. **This year the Environmental Sub-Committee is looking towards proactive community initiatives that CAJO can engage in to help bring about balance amidst global Climate changes.** This article is the first step in engaging the awareness of members to the fact of the Caribbean's unique vulnerability to climate change and the way we can join in a regional effort towards the solution.

Rising sea levels, unpredictability in weather patterns and increased intensity of natural disasters are all being attributed to global climate change. These shifts in atmospheric conditions affect small island, developing economies particularly, due to their reliance on industries in the tourism, agriculture and fisheries sectors. The effects are already being experienced across the Caribbean and our capacity to adapt and cope is diminishing.

The past year saw devastation in the Bahamas when Hurricane Dorian struck, the strongest

hurricane in their records. There have been prolonged droughts and severe flooding events across the region, and July was declared the hottest month in recorded history. Even non-island states within the Caribbean, are highly vulnerable to the effects of climate change. According to the Guyana Office of Climate Change, approximately 90% of the country's population resides on the Coastal Plain which lies approximately 0.5 to 1 metre below mean sea level. Rising sea-level is therefore of great concern for its people and economy. Of 182 countries rated in the Global Climate Risk Index 2017-2018, Belize was in the top 5% for losses to climate-related natural disasters during 1997–2016.

Caribbean nations, despite our low average contribution to greenhouse gas emissions, now find our fates determined by the actions of the developed, high emitters. It is easy to collapse into helplessness and hopelessness when confronted by statistics like these and where the solutions appear disproportionate to our small size. But hope springs eternal in the hearts of Caribbean people and scientific research is showing us the way forward.



The economic impact of climate change on the tourism sector: Caribbean region

Source: UN-OHRLLS Small Island Developing States in Numbers: Climate Change Edition, 2015

Research now suggests that a global tree planting initiative could remove two-thirds of all the emissions from human activities that remain in the atmosphere today, a figure scientists have described as "mind-blowing". Prof. Tom Crowther at the Swiss university ETH Zürich, who led this research, considers that forest restoration isn't just one solution to climate change, "it is overwhelmingly the top one." – The Guardian.

What makes such an initiative a front-running solution is that it is available now, it is the most affordable and everyone can get involved. The accessibility of tree-planting makes local and regional efforts attainable and impactful.

The trappings of everyday life often distract us from our connection to the earth and to nature – but we are lucky to live in Caribbean nations still surrounded by so much natural beauty. But it's also easy to take it for granted, to believe it will last forever despite our destructive habits. The activism of Swedish teen Greta Thunberg has been a powerful signal that it only takes a spark to create a flame. Her flame has spread around the globe calling us to recognize our own power and potential as individuals – to destroy

and to create; and to acknowledge that whether we are conscious of it or not we are having an impact. The potency of such a catalyst is mirrored in tree planting initiatives where the simple act of planting a tree can have mammoth repercussions.

In 2020, the International Year of Plant Health (so-named by the United Nations General Assembly), we are called to get our world back into balance; to reassess the value of the greenery around us as a vital element in the cycle of life. In fact, tree-planting on a massive scale is already underway – by 2025, the Woodland Trust hopes to have planted a tree for every person in the UK; the Australian government plans to plant 1 billion trees as part of nine forestry hubs by 2030; even regionally, many countries have committed to large-scale replanting/reforestation efforts in the coming years. The Guyanese Judiciary has done tree planting to mark the turning of the sod for each of the new courts that they have opened. The Chancellor has encouraged tree and garden planting for the court staff, with judging of the garden competition. Much interest has been generated from these initiatives and this has raised environmental awareness in the staff.



“By some estimates, one single tree can lock away a ton of CO2 by its 40th birthday.”

There are, however, major concerns in the environmental community about tree planting efforts done ad hoc and without contemplation of sustainability and impact. In many countries, reforestation is done solely to offset the clearing done in the timber and agriculture industries. This quickly and effectively cancels out replanting efforts as the carbon released from clearing older trees is much greater than that which is sequestered by newly planted trees. This highlights the necessity for policy development and advocacy around conservation and protected areas to complement tree-planting initiatives.

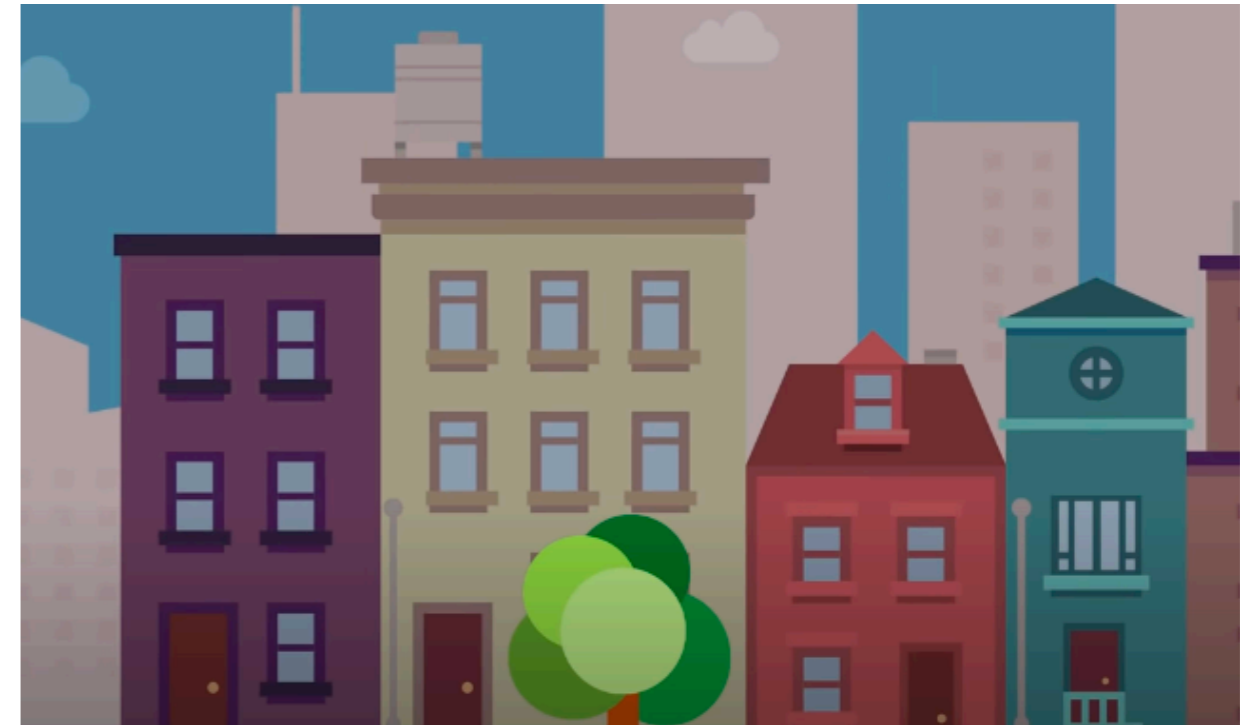
Further, there are concerns around planting trees where they don't belong. This can harm ecosystems, make wildfires worse, and cause problems for local species which can then exacerbate global warming effects. Here, we see the importance of research and assessment of any tree-planting projects we undertake to ensure that local species are planted in sustainable ways, in balance with the ecosystem in which they are planted.

The impact of tree-planting on a large scale can be tremendously positive. It can, if properly carried out, restore balance in ecosystems and the atmosphere and create community and awareness around the importance of the natural environment.

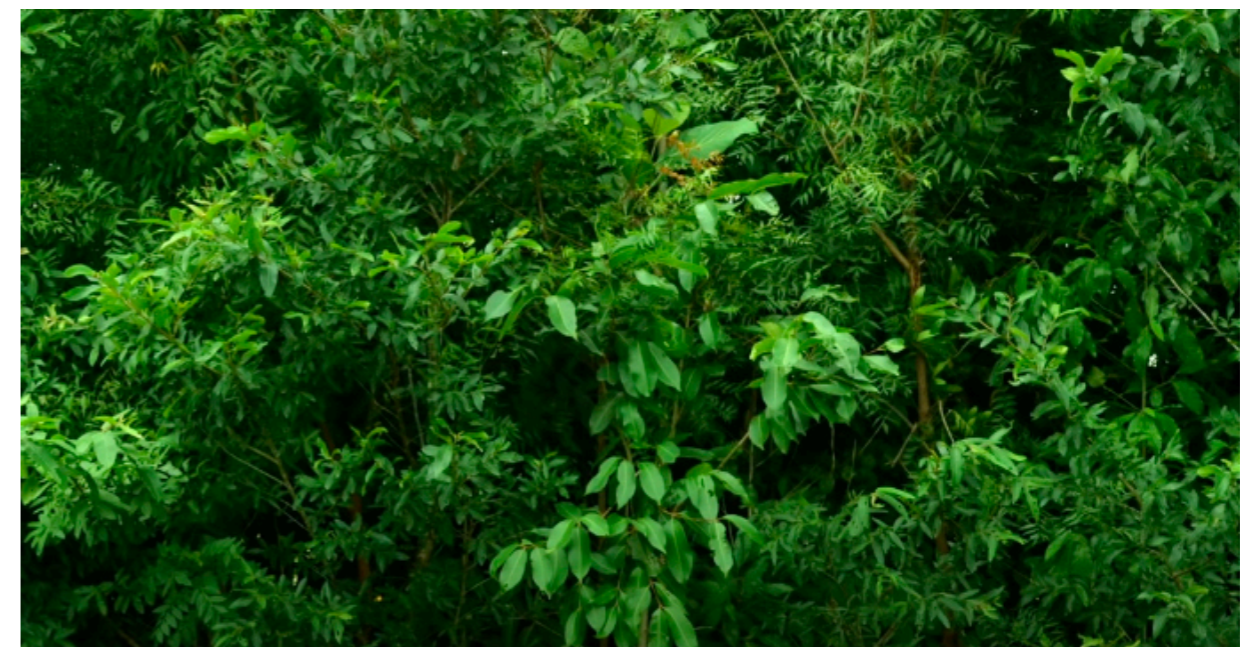
Look forward to more from the Environmental Sub-Committee on how the Caribbean Association of Judicial Officers can spread the Guyana Judiciary initiative as we plant trees today for balance tomorrow!

“What makes the bark twist and swirl so, in a tree so straight and wide? Could it be the spinning of the Earth? Is it trying to get the attention of men? Seven hundred years before, a chestnut in Sicily two hundred feet around sheltered a Spanish queen and her hundred mounted knights from a raging storm. That tree will outlive, by a hundred years and more, the man who has never heard of it.” - Powers, Richard. *The Overstory: A Novel* (p. 10). W. W. Norton & Company. Kindle Edition.

Why Urban Cities Should Plant More Trees



How to Grow a Forest in your Backyard



STRENGTHENING THE JUDICIAL OFFICE: TRAINING IN THE BAHAMAS



Upon the onboarding of Judicial Research Counsel (JRC) and prior to the finalisation and release of the new Civil Proceedings Rules, the Judiciary of the Bahamas reached out to President of the Caribbean Court of Justice (CCJ), The Honourable Mr Justice Adrian Saunders for assistance with providing training to its JRC and Judicial Officers. President Saunders then requested that the Caribbean Court of Justice (CCJ) and the Caribbean Association of Judicial Officers (CAJO) design and execute this training.

The Judiciary of the Bahamas outlined key areas for which it desired training and the CAJO and CCJ were tasked with building and delivering this programme. Thus, the team assigned crafted a five-day programme titled 'Strengthening the Judicial Office' geared toward in-depth coverage of the outlined areas.

The Honourable Mr Justice Peter Jamadar, Chair of the CAJO and Judge of the CCJ, was tasked with leading a team which would develop and

execute this programme. The Honourable Mr Justice Gregory Smith, Justice of Appeal of Trinidad and Tobago, Ms Kavita Deochan, Judicial Counsel at the CCJ, and Elron Elahie, Research and Programme Coordinator of the CAJO, comprised the team.

Over a three-month period, the team developed an in-depth and context-appropriate twelve module programme which would be delivered over the course of five days in the Bahamas.

The programme was run over a period of five days and was designed to employ different methods of learning towards achieving the objectives and outcomes of each module. Each module was designed to ensure that each participant is actively engaged in the learning process and the modules contained built-in activities and assessments to ensure that learning was achieved.

The context for learning was intended to be engaging, interactive, and enjoyable. To get the maximum benefit from this programme, pre-assigned materials had been provided and the expectation was that they would be carefully studied. As well, there were in-course assignments and it was essential that they were completed with diligence in order to derive the full benefits of this programme.

The programme focused on opinion and judgment writing, legal argumentation and research, as well as on statutory interpretation and emerging roles of judicial officers.

Day One included Judges of the Supreme Court and Court of Appeal, Registrars, and the JRC. Day Two included Magistrates and the JRC, and Days 3-5 focused on the JRC.

Based on the evaluation of the feedback received, the five-day Programme was impactful and the material, delivery, and relationships built resonated with the participants. It is worth noting that on the fifth day, an impromptu session on Mental Health Awareness was done on request by the JRC. This session garnered guided discussion on the difference between mental health, self-care, and mental illness, taking care of mental health, recognising symptoms of mental illness, and creating safe workspaces.

JRC, in their informal feedback, valued this session and thought it a necessary part of their training.

Participants also benefitted from activities, throughout the programme, that were tailored to different learning styles and which incorporated multiple aspects of cognitive learning. The model adopted was focused on adult education through 'learning by doing'. Quizzes, art, and music were used to engage learning and foster relationship-building, and this created a holistic learning environment.

On Day 5, peer-reviewed evaluations of written assignments were undertaken. The process led to demonstrated learning through doing on the part of all JRC. Participant involvement and critique was focused and insightful. Further, also on Day 5, a facilitated de-brief was undertaken by the presenters. Feedback from the JRC supported the module evaluations. In addition, JRC reported significant knowledge transfer and awareness of emerging behavioural changes as a result of the programme.

The programme ended with the Chief Justice of the Bahamas, The Honourable Mr Justice Brian Moree and the Chair of the Bahamas Judicial Education Institute, The Honourable Mr Justice Ian Winder, presenting certificates to all JRC.



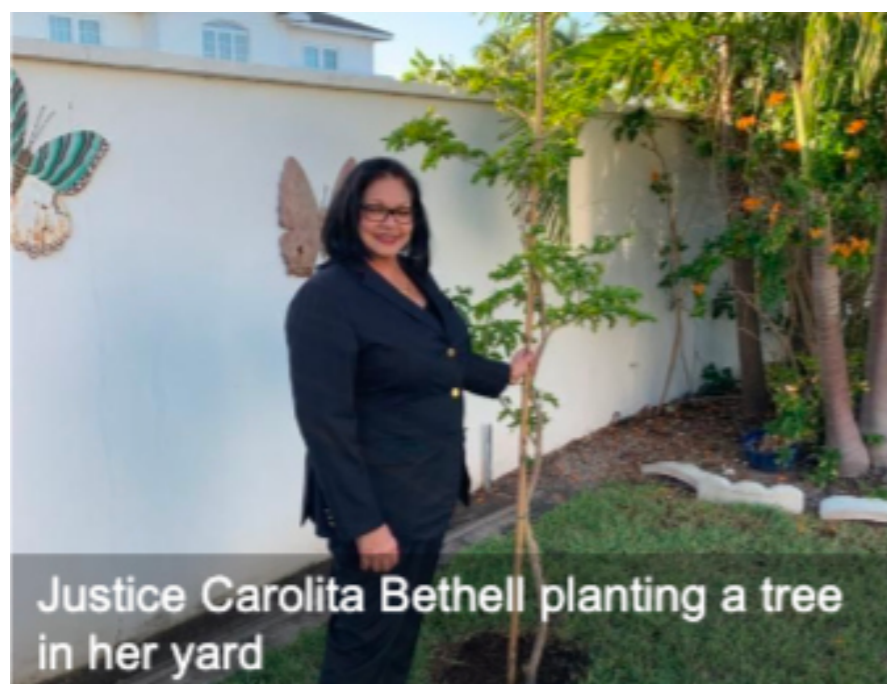
CAJO Tree Planting Initiative - The Bahamas

While in the Bahamas, Chair of the CAJO, Justice Peter Jamadar, launched the CAJO's tree planting initiative. Justice Jamadar gifted to the Chief Justice of the Bahamas, Sir Brian Moree, the national tree of the Bahamas, the Lignum Vitae, which has now been planted in the centre of the Judiciary's grounds.

Chief Justice Moree also committed to having each of the judicial officers in the Bahamas plant at least one tree in support of the initiative.

The CAJO invites all its members and supporters to take the initiative and start planting trees.

Plant a tree, save the planet!



Justice Carolita Bethell planting a tree in her yard

CHAT WITH SIR BRIAN MOREE: CHIEF JUSTICE OF THE BAHAMAS



Sir Brian M. Moree was sworn in as Chief Justice of the Commonwealth of The Bahamas on the 12th June 2019. He succeeded the previous substantive Chief Justice, the Honourable Mr. Stephen G. Isaacs, who sadly passed away in August 2018.

Sir Brian was admitted to the Bahamas Bar in February 1979 and appointed Queen's Counsel in 2009. His areas of practice included civil and commercial litigation, trust and private client matters, banking and commercial law, insurance, insolvency and bankruptcy, financial

services and regulation, asset recovery and fraud, and cross border cases. He regularly appeared at all levels of the court including the Court of Appeal and the Privy Council.

Before joining the judiciary, the Hon Chief Justice held the position of Senior Partner at one of the largest law firms in The Bahamas and served on numerous boards and commissions in various capacities. However, he is no stranger to the judiciary having served as an Acting Justice of the Supreme Court and Acting Stipendiary and Circuit Magistrate.

CAJO RESEARCH PROJECT: ASSESSING RESPONSES TO CARIBBEAN JUDICIARY STAFF

In March of 2020, the Caribbean region was forced to urgently respond to the escalating COVID-19 pandemic. Common to the responses adopted by Caribbean governments were restriction measures that sought to keep as many people as possible at home – ‘Stay-at-Home’ policies. Legislation and Public Health regulations were quickly introduced leaving regional judiciaries to confront providing safe, efficient, and adequate access to justice in a

View from the Bahamas

Camille Darville Gomez, Registrar

The date, March 18, 2020, will forever be etched in history as the day when the islands of The Bahamas closed down and everyone went home. The day earlier, the Governor-General proclaimed a State of Public Emergency, which prompted Parliament to issue the Emergency Powers (Covid 19) Regulations, 2020, which paved the way for lockdowns and curfews which most of us have never seen in our lifetime.

Despite the absence of the courts as an essential service, the Magistrates and Supreme Courts in Abaco, Grand Bahama and New Providence nonetheless remained open. The Magistrates Courts in particular, were inundated with court hearings, including, the newly created offence of breach of curfew. The public descended upon that court in droves daily, to amongst other things, make inquiries into the status of their court hearings, to pay fines and to make maintenance payments. While the number of visitors to the Supreme Court was incomparable, in terms of the numbers, the skeleton staff reported daily with a registrar at the helm and remained at their post.

In the early days of the pandemic there was a steady climb in corona virus related deaths however, the staff reported as rostered to amongst other things, clean the courts, collect fines and other fees, process urgent bail applications and ensure that the critical

time where in-person group meeting was not allowed or heavily curbed – ‘social distancing’ policies. **Caribbean Judiciaries thus implemented a series of different policies ranging from complete work from home measures with emergency filing and hearings done via web video software, to very restricted in-person access for emergency matters.** But regardless of the measures adopted, a driving force behind the success of each judiciary’s operations remained the same: the staff.

operations of the court continued. Staff, who were required to shelter in place at home, contacted the office weekly to see whether their services were required, others remained on call and or worked remotely from their homes, and others showed up to see where they were needed. Additionally, judges worked remotely conducting urgent hearings and others, like the magistrates, appeared in person to amongst other things, conduct arraignments and hear urgent cases including the innumerable breach of curfew matters.

As the islands of The Bahamas enter Phase 4 of its re-opening of the economy and the courts progress towards its resumption of services in this “new normal”, **praise is due to the staff and judicial officers for the important work done in the early stages of the COVID-19 pandemic to maintain law and order. While their efforts may not be akin to those health care workers risking their lives on the front line, the COVID-19 pandemic has unequivocally highlighted how much society depends on the courts as an essential service.** Therefore, when the pandemic has ended, we cannot allow a return to the status quo, we must ensure that the courts are included as an essential service for the assurance of the rule of law. Maintenance of the justice system during a time of public emergency is vital to provide the necessary balance in the society.

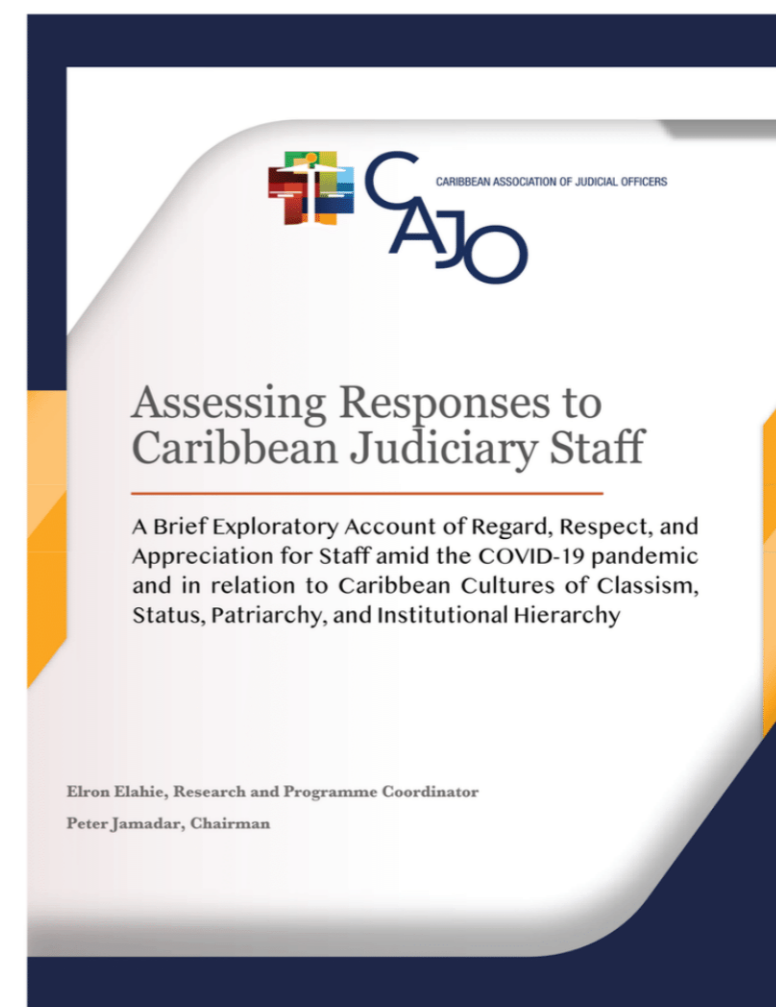
CAJO’s Research Project

As the governments’ and judiciaries’ measures took effect and the adaptation to this new state of affairs continued, messages of admiration for staff commitment came in to the CAJO’s Management Committee. **Appreciation for administration’s efforts also shone. But there were also instances of staff members feeling un or under-appreciated and not sufficiently regarded, respected, or thought of.**

Given this mixed feedback, the CAJO sought to succinctly explore the experiences of judiciary staff in relation to the COVID-19 measures that were being implemented. Premised on existing regional and international work on experiences at court systems¹, the CAJO was also interested in getting a glimpse at the operating cultures within these judiciaries, to enable a deeper understanding and analysis of the dynamics that may be at work, and to aid in its development of targeted education programmes.

The fundamental underlying premise of this research being, that without adequate staff satisfaction and fulfilment in their roles and functions, and in relation to the treatment, regard and respect experienced by them in their jobs, including appropriate recognition and reward, the overall performance of judiciaries would be detrimentally affected, particularly in times of emergencies or unprecedented events that have wide-reaching effects and consequences. In earlier research done by the JEITT, on Procedural Fairness and its impacts on public trust and confidence in judiciaries, it was clear that a lack of essential respect and regard for court users had deleterious effects on the effectiveness of court systems.² This research is therefore seen as a first step towards interrogating judiciaries’ staff concerns and doing so from individual and group perspectives, and as well through systemic, structural and cultural lenses.

To read the full report, including the findings and recommendations, click on the image below.



APPOINTMENTS ACROSS THE REGION: HEADS OF JUDICIARIES AND COURTS

The Bahamas

On February 25, 2020, Sir Michael Barnett, was sworn in as the President of the Court of Appeal of the Bahamas. From 2009 - 2015, Sir Michael served as the Chief Justice of the Bahamas. He also served as Attorney General and Minister of Legal Affairs from 2008 - 2009.

Sir Michael is one of the Bahamas' leading

luminaries. At his swearing in, Sir Michael was spoken of in glowing terms. Prime Minister of the Bahamas, Dr Hubert Minnis, noted that, "An office that was suited for his great love of the law and his desire to offer greater public service. A constitutional expert, he has written and reflected on a range of constitutional questions dealing with varied aspects of law and society."



Belize

In a brief ceremony held on April 7th, at the Belize House in Belmopan, the Governor General H.E. Sir Colville Young swore in Justice Michelle Arana as Acting Chief Justice of the Supreme Court of Belize. Chief Justice (Ag) Michelle Arana has become the first female judge to act as Chief Justice of Belize. The appointment of Chief Justice (Ag) Arana came after former Chief Justice Kenneth Benjamin reached the mandatory retirement age of 65.

Chief Justice (Ag) Arana was the first female judge to be appointed to the Supreme Court

bench in January 2006. Previously she was Registrar General and Registrar of the Supreme Court and Court of Appeal of Belize. She has degrees from Ball State University, Indiana, University of the West Indies, and a Masters from the University of Birmingham.

Chief Justice (Ag) Arana has also served as an attorney, as private legal advisor to the Social Investment Fund, and lecturer in Business Law at the University of Belize. Justice Arana will act as Chief Justice until the post is permanently filled.



Swearing-in of Chief Justice (Ag) Arana

The Turks and Caicos Islands

Justice Mabel Agyemang, a Ghanaian judge officially took up her post as Chief Justice of the Turks and Caicos Islands on April 1. She was sworn in on Monday March 30 2020 by Governor Nigel Dakin.

Justice Agyemang has worked as a Superior Court Judge in three Commonwealth Jurisdictions. Prior to her appointment, she served as a Justice of the Court of Appeal in Ghana.

She attended the University of Ghana and the Ghana School of Law, and was in private legal practice from 1987 to 1991 when she joined the Judiciary of Ghana. In 2002, she was appointed a High Court Judge.

From 2004 to 2014 she was seconded to the Commonwealth Secretariat as an expert to the Judiciaries of The Gambia and Swaziland where she worked as a High Court Judge. She was then appointed an expert Judge of The Gambia Court of Appeal. From 2013 to 2014 she was the Chief Justice of The Gambia.





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