

“LEAP TO ENLIGHTENMENT”


ADDRESS BY

**DR. THE HON. KENNY D. ANTHONY
THE PRIME MINISTER OF ST. LUCIA**

AT THE

**INAUGURATION OF THE
CARIBBEAN COURT OF JUSTICE**

**PORT OF SPAIN
16 APRIL, 2005**



The President of the Caribbean Court of Justice - The Rt.
Honourable Mr. Justice Michael de la Bastide,

Honourable Justices of the Court,

Honourable Prime Minister of Trinidad and Tobago [and other
Heads of Government of the Caribbean Community,]

Honourable Ministers,

Eminent Guests,

Your Excellencies,

Fellow West Indians:

A DAY WHICH RESONATES

This day, this inauguration of the Caribbean Court of Justice, resonates throughout our Caribbean Community as a moment of unique significance. In our shared history, we have had many "firsts" since decolonization but today, more than any other, tastes like true and final emancipation. I believe that Caribbean people recognize, intuitively what this represents - this assertion of faith in ourselves and in our custodianship of the values that are sacred to our societies, none moreso than the rule of law.

This is a celebration of those values, and a proclamation of our intent to preserve them at the centre of our lives.

A MESSAGE OF CONFIDENCE

My message to the people of the Caribbean Community is summarised in one word: **confidence**. Confidence in the "rightness" of the step we are now taking to establish the Caribbean Court of Justice, and confidence in our ability to continue the journey which that first step implies.

Let us recall that our legal profession, which is the bed-rock of our judicial system, proclaims a glorious past. Excluding the older and larger countries of the Commonwealth - Britain itself, Australia, Canada and India - the legal profession in the Caribbean has been among the strongest in the Commonwealth for three-quarters of a century.

PROFESSIONALS OF CHOICE

Indigenisation of our judicial system and legal institutions did not await political independence. While we still had *Governors* and *Chief Secretaries* from Britain, we had *West Indian Judges* and *Attorneys General*, often, but not always, serving in countries of the Region other than their own. When African countries came to independence almost two decades before us, they turned to the Caribbean for lawyers to hold their highest legal and judicial offices. Caribbean lawyers filled the office of *Chief Justice* of Kenya, of Nigeria and of Zimbabwe. Indeed, the leaders of the Bar in this Region have long been the professionals of choice throughout the Caribbean - as, of course, they continue to be.

And, West Indian lawyers have held some of the highest judicial offices in the world. The Caribbean has provided a Judge to the world's most senior judicial body - the International Court of Justice in The Hague. A West Indian lawyer is now the Chairman of the International Tribunal on the Law of the Sea in Hamburg; our Region provides Judges to the Yugoslav and Rwanda War Crimes Tribunal and the Yugoslav Tribunal's appellate body; we have held the Chairmanship of the Inter-American Juridical Tribunal; and, now, we have had the distinction of providing one of the first Judges of the International Criminal Court. In per capita terms, I doubt if any other community in the world has served the world-wide cause of justice more comprehensively and more consistently than has the Caribbean.

My point is simple. It is this: The Caribbean is not a fledgling state approaching tentatively the threshold of the rule of law. We laid the foundations of strong legal professions and legal and judicial institutions many decades ago; and both at home and abroad our lawyers have risen to the highest levels of legal and judicial service. To question our capacity to complete what is after all the overdue reform of our regional judicial system is to do a disservice to ourselves.

But, even more specifically, in the matter of a Regional Court of Appeal, 'we have been there and done that'. And, at a level of high quality. The Federal Supreme Court was our Regional Court of Appeal during the life of the Federation; it was staffed for the most part, by West Indian Judges. I was too young to have appeared before that Court, but I have read and relied on its decisions. There are some here, today, who did appear before that early Regional Court of Appeal and can testify to its excellence and eminence. The judgments were exceptional, erudite and sound. They passed the sternest tests. They

earned the respect of the legal profession and of the West Indian public throughout the Region.

The Caribbean Court of Justice is therefore, not a leap into the darkness. It is a leap of enlightenment. This Region has the most sturdy credentials for creating a Regional Court of Appeal that can respond, and respond with finality, to the most rigorous standards of the rule of law. These are credentials which should have vouchsafed us a more supportive environment for reform from all concerned, even from those who still decry our aspirations.

This inauguration is, therefore, not about the abolition of appeals to the Privy Council; that will ultimately be its consequence, and an important one. This inauguration is about something much more profound and positive - it is about establishing for ourselves through the Caribbean Court of Justice what the House of Lords does for Britain - and what the final appellate courts of the overwhelming majority of jurisdictions in the Commonwealth do for their respective countries. We are not breaking ranks; we are joining a progressive process in the Commonwealth, which process will not be stayed.

FAITH IN OUR CAPACITIES

As with all noble undertakings there will be some who are fainthearted; who question competence; or who are ill at ease with changing the status quo in which they were nurtured. To them I say with confidence: banish your fears; have faith in our Caribbean capacities and in our collective ability to sustain and enhance a regional jurisprudence of which every corner of our Region can be proud. In the end, the rule of law cannot be in

safer hands than our own. This Region, hands clasped together, will strengthen the rule of law, binding our separate societies.

We can and must have our own Caribbean Court of Justice with original regional and final appellate jurisdiction. We shall do so; and we shall do so, of course, by due process of law, even when we believe that a judgment is flawed, unsound and laced with intellectual bigotry. Such is the ethos of law that pervades our regional societies. We must not be balked by fear or intimidated by sophistries which would contrive other outcomes.

This court is one of the institutions we must establish in furtherance of our regional goals; but I believe that its establishment - as a manifest act of mature commitment and resolve - will itself make more probable the attainment of those larger goals and purposes. In that context, this act of inauguration this morning is of monumental import.

May God's blessings, Mr. President, attend the efforts you and your colleagues will make in laying the foundations of the Caribbean Court of Justice. I am certain that as you go forward you can be assured of the enduring confidence of the vast majority of the people of the Caribbean in your undertaking.

I thank you, Mr. President, for giving me the opportunity of sharing this historic moment with you, other colleagues, and the people of our Caribbean Community.