

REPUBLIC OF TRINIDAD AND TOBAGO

**THE HONOURABLE PRIME MINISTER
PATRICK MANNING**

ADDRESS

Inauguration of the Caribbean Court of Justice

PLEASE CHECK AGAINST DELIVERY

Queen's Hall
St. Anns

APRIL 16th 2005
9:30 a.m.

Permit me to begin by congratulating the truly impressive gathering of legal luminaries behind me on this stage today who, from the introductions and accomplishments we heard earlier, can stand head to head with any team of jurists anywhere in the world.

It is with great pride that I stand here this morning, on this truly momentous and historic occasion, marking the inauguration of the Caribbean Court of Justice. This morning's ceremony marks the arrival at a destination that has taken the people of the English-speaking Caribbean, more than one hundred years of travel.

And although, not all of us have fully arrived, in having the Caribbean Court of Justice in both its original and appellate jurisdictions, there can be no doubt that it is merely a matter of time before we all complete the journey, which will confirm our status as truly independent people of the Caribbean.

It was the late eminent regional jurist, Sir Telford Georges, who observed that to have independent countries referring legal jurisdiction to the former colonial master is tantamount to "a grown man who demonstrates his independence but continues to live in his parents' house."

Ladies and gentlemen, and Your Lordships of the Judicial Committee of the Privy Council, it is with great pleasure that I inform you that we have found excellent accommodation and we are moving out.

Trinidad and Tobago, along with most of the other Member States of the Caribbean Community, signed the Agreement Establishing the Caribbean Court of Justice on February 14, 2001 at the Twelfth Inter-Sessional Meeting of the Conference of Heads of Government held in Bridgetown, Barbados.

This morning's proceeding is the culmination of the undertaking, which began with the signing of that agreement. At the opening ceremony of the signing back in February 2001, the then Prime Minister of Trinidad and Tobago in his address to those gathered, noted that the region's political leadership was yet to convince all of the stakeholders that the Caribbean Court of Justice (CCJ) would constitute a tribunal of superior credentials to the Judicial Committee of the Privy Council. He reassured the Conference of the continuing commitment to, and support for the establishment of the CCJ.

This morning's ceremony marks the fulfilment of that commitment and your presence here today, is proof of just how far we have come, in that relatively short period, in convincing many of the stakeholders of the importance of this step to judicial independence.

Of course, as I alluded to earlier, the journey has been an incredibly long one.

The Jamaica Gleaner, as far back as March 6, 1901, one hundred and four years ago opined as follows:

"Thinking men believe that the Judicial Committee of the Privy Council has served its turn and is now out of joint with the condition of the times".

In 1947, at a meeting in Barbados, colonial governors, all Englishmen, expressed the view 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 issue of the establishment of a Court to replace the Privy Council as the region's final court of appeal in civil and criminal matters was placed on the regional agenda by Jamaica at the Sixth Conference of Heads of Government.

That Conference urged the establishment of a committee of Attorneys General to consider the recommendation of the Organization of Commonwealth Caribbean Bar Associations (OCCBA) earlier that same year for the establishment of a Court with original and final appellate jurisdictions in the Commonwealth Caribbean.

Again, in 1989, the idea was revived when the Eighth Meeting of the Conference of Heads of Government agreed in principle to establish a Caribbean Court of Appeal following a proposal presented by the Government of Trinidad and Tobago.

That Conference supported the concept of a Caribbean Court of Appeal to replace the Privy Council as the final appellate court in Commonwealth Caribbean jurisdictions.

Also, at its Eighth Meeting, Conference, in a far-reaching decision, determined that the Caribbean economy, made up of competitive separate island economies, should be transformed into a Single

Market and Single Economy to create in the region, a single economic space in the face of an increasing number of regional economic and trading blocs worldwide.

This Conference also accepted the offer of the Government of Trinidad and Tobago to provide the Headquarters of the Court from which it would operate on a circuit basis, and that agreement has brought us here today. It is an important point for the people of the region to note.

Although its headquarters is situated in Trinidad and Tobago, I have every confidence the Caribbean Court of Justice will be another regional institution of which we can all be proud.

It is crucial to the success of the Caribbean Court of Justice that we see it this way, as I repeat, this will be a regional court, sitting in various jurisdictions across the region. I underline this point if only to discourage any misconceptions in the other territories that the Court is there only to serve the litigants in the territory in which it is located- thus, defeating the regional nature of the Court. The framers of the Court were adamant that it be a roving one to provide greater access to justice to poor litigants in each territory the Court visits.

To be sure, that is not the major issue we have had to overcome in arriving at this destination. There were political and constitutional hurdles to be surmounted which we have managed to overcome, circumvent and in some cases postpone, so that we could be here today.

These issues included the jurisdiction of the Court, financing of the Court including the Judges, the independence of the judiciary, the procedure for the appointment of Judges and whether there was an adequate number of persons in the Caribbean of calibre to sit on the Court.

In recommending the need for a regional court the West Indian Commission noted – I quote: -

"On the matter of judicial talent for staffing the Court, there can be no room for doubt. Some of our own highest judicial officers have sat on the Privy Council itself; the Caribbean Court has now provided a judge of the world's highest judicial tribunal – the International Court of Justice at the Hague; several of our lawyers have been in demand as Chief Justices and Judges of Courts of Appeal in jurisdictions like The Bahamas, Bermuda, the Seychelles and several countries of continental Africa. When

*Commonwealth countries look for legal talent, it is often to the Caribbean that they turn.
What ails us that we lack the confidence to go forward?" End of quote.*

And I should add, since that report we also have a judge sitting in the recently established International Criminal Court.

That we can be present today at the inauguration of this Court is testimony to the industry of CARICOM, members of the regional judiciary, the Heads of Government and most importantly, the people of this region who, by their clamour for a greater union, have given the mandate to their representatives to make this morning's proceedings possible.

On the vexed issue of financing of the Court, for example, some members of the Bench and the Bar in the Community as well as many in the wider society, were concerned that the Governments of Contracting Parties might not meet their financial commitments to the Court, thereby causing the Court pecuniary embarrassment. Others argued that the Region could not afford such a Court and pointed to the poor record of the CARICOM Member States in meeting their financial obligations to Caribbean institutions.

In any case, the financial sustainability of the Court, was secured by the Heads of Government, in July 2001 when it was agreed that the Caribbean Development Bank would raise on the international capital markets, the sum of US\$100 million to create a Trust Fund, the interest from which would finance the operations of the Court.

This mechanism for financing the Court is unique among similar Courts around the world and is already being complimented and commended at the highest levels.

By its very Constitution, this court is testimony to the ability of the peoples of this region to stand with the best in the world. We have continuously done so in every field of endeavour and the Caribbean Court of Justice is our statement, that in yet another area, we are once again prepared to stand as one region with one voice.

I thank you.

