

CCJ WILL MARK END TO LINKS WITH COLONIAL PAST - COORE

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Former Attorney General, David Coore has said that the pending establishment of the Caribbean Court of Justice (CCJ), would mark an end to Jamaica's institutional linkage to its colonial past, and signalled the beginning of a new phase in the regional integration process.

This new phase, Mr. Coore remarked, "is connected with the CCJ, in that the establishment of the Caribbean Single Market Economy (CSME) depends upon the existence of the original jurisdiction of the CCJ to underpin its legal enforcement".

"Through its appellate function, the CCJ will provide a regional dimension to the development of our jurisprudence and the administration of our judicial system," he added.

Mr. Coore was addressing the launch of a book, 'We Want Justice: Jamaica and the Caribbean Court of Justice', yesterday (November 29), at the Mona Visitors' Lodge on the Mona campus of the University of the West Indies (UWI).

The book is a collection of the debate presentations made by members of Jamaica's two political parties in the Senate and House of Representatives last year, in response to the imminent introduction of the CCJ. Minister of State in the Ministry of Foreign Affairs and Foreign Trade, Senator Delano Franklyn is the book's editor.

Despite the differing views from separate quarters on the implementation of the CCJ, Mr. Coore pointed out that both detractors and supporters of the proposed Court did, in fact, agree on two functions that should be adhered to by the CCJ.

"The first is a system for the appointment of the judges and for guaranteeing their security of tenure that will manifestly demonstrate their independence from control or undue influence by the political directorate of the member territories," he explained. Mr. Coore said the second function that met with unanimous agreement was a regime for financing the Court, that would ensure its permanence, functional efficiency and insulate it from financial uncertainty and insecurity.

He noted that these efforts had made it possible for the debate to concentrate on the deeper fundamental issues that divide those who support the need for the proposed institution and those who either doubted its value altogether or would prefer to see its implementation postponed for some future undetermined date.

Mr. Coore told the audience that "those who see a positive benefit tend to emphasize the increased access the litigant will enjoy to an appellate court that is locally based and will sit in Jamaica to hear Jamaican cases".

"They point to the fact that the enormous cost of an appeal to the Privy Council means that in practice, only large corporations or wealthy individuals are now able to afford making use of the civil appeal jurisdiction of the Privy Council. This limitation of access, it is argued, would not apply to a regional Court," he said.

"It is further contended that the Caribbean region has demonstrated its capacity to produce jurists of the highest calibre. Such professional skills, coupled with the advantage of familiarity with the customs and mores of our society, would produce a quality of justice more appropriate to and appreciated by our people," he added