

EVERY EFFORT MADE TO INSULATE CCJ FROM POLITICAL INFLUENCE – PROJECT COORDINATOR

Project co-ordinator of the Caribbean Court of Justice (CCJ), Sheldon McDonald, has said that every effort had been made to insulate the Caribbean Court of Justice from political influence.

Mr. McDonald was addressing local journalists at a media clinic, on Tuesday June 10 at Jamaica House.

In ensuring that there was no outside influence on the CCJ, Mr. McDonald said that the mechanisms for financing the court, appointing its judges and disciplining them had been properly thought out.

On one count, he said, the Governments of the Caribbean Community could not influence the CCJ through its mode of financing, which is, through a US\$100 million trust fund that will be managed by a Board of Trustees, named under an international agreement and representing a range of regional entities.

“After member states contribute to the trust fund, they will not be able to influence the court and its judges, who may be concerned about being paid,” Mr. McDonald said, adding that the only recourse there was to the member states, was if there was a diminution in the fund, in which case, each member would be asked to contribute towards recovering that amount, on the basis of their original percentage contribution.

He noted that if the Board of Trustees thought that market conditions were such that there would be a diminution of the funds, before it occurred, they had a duty to assess the situation, and write to the member governments to request the payment.

On second count, Mr. McDonald said, the method of appointing CCJ judges in the inter-governmental agreement, further insulates them from political influence. He noted that it was on a 1988/89 motion by the then Prime Minister of Jamaica, Edward Seaga that the method of appointing CCJ judges was changed.

Based on the change, CCJ judges would no longer be appointed by the Heads of Government, and instead, would be appointed by a Regional Judicial and Legal Services Commission, made up of persons, “one would think ought to represent either the views of their constituents or independent points of view, and not the view of Cabinets,” Mr. McDonald stressed.

On the third count, he cited the code of judicial conduct, which had been provided to discipline judges, and which did not exist in national systems. He said breaches of the code could lead to removal.

“So every effort has been made in financing, in setting the terms and condition, and in disciplining the judges, to take very careful note of the reasonable concerns by the

regional body politic, of the potential for outside interference,” Mr. McDonald assured.

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