

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION



Above: Members of the RJLSC

In laying the foundation stones to the building of public trust and confidence within the structure of the Caribbean Court of Justice, a regional body of apolitical appointees was commissioned. The Regional Judicial and Legal Services Commission (RJLSC) serves to insulate the Court, reinforce the integrity of its foundations, and thus enable it to withstand regional political rumblings and external pressures. Judicial independence is the pillar on which the Court rests.

The RJLSC was established by Article V.1 of the Agreement Establishing the Court (The Agreement). Its main functions are set out in Article V.3 (1) of the Agreement. This Article provides that-

“The Commission shall have responsibility for:

- (a) making appointments to the office of Judge of the Court, other than that of President;

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- (b) making appointments of those officials and employees referred to in Article XXVII and for determining the salaries and allowances to be paid to such officials and employees;
- (c) the determination of the terms and conditions of service of officials and employees; and
- (d) the termination of appointments in accordance with the provisions of the Agreement.”

The Agreement also sets out other functions of the Commission. Such functions include-

- o the exercise of disciplinary control over Judges of the Court, other than the President, and over officials and employees of the Court; Article V.3(2).
- o the making of recommendations to the Heads as to the person to be appointed President and for the removal of the President from office; Article IV.6
- o the determination of the terms and conditions and other benefits of the President and other Judges of the Court with the approval of the Heads of Government; Article XXVIII as amended.
- o the making of Regulations -
 - o to govern the appointment, discipline, termination of appointment and other terms and conditions of service and employment for Judges, other than the President, and officials and employees of the Court,
 - o to prescribe the procedure governing the conduct of such proceedings, and
 - o generally to give effect to the Agreement. Article XXXI.

For regional publics to accede to the Caribbean Court of Justice, they must be confident that there is no political interference with judgments of the Court. The Commission therefore was instituted so that the people of the Caribbean can be assured that through this body the independence of the Court can be preserved.

The Commission convened once per month and the requisite meetings of the sub-Committees of the Commission were also held. The Commission comprises a Chairman and ten members. Between August 1, 2008 and July 31, 2009 Sir, Vincent Floissac, one of the founding members of the Commission resigned. His replacement was not appointed during the period under review. Mr. Rodney Neal, the Chairman of the Judicial and Legal Services Commission of Belize was sworn in on January 16, 2009 as a member of the RLSC to complete the term begun by Mr. Anthony Sylvestre who had resigned from the position on February 6, 2008.

The Commission exercised its independent authority under the Protocol relating to the Tenure of Judges to ask the President of the Court to extend his tenure for two years.

The Commission has also been entrusted with the task of appointing the members of the Competition Commission.

The composition and membership of the Commission during the period under review is shown in Table 1 below. Transparency within the Commission ensures that the region perceives that the Court is truly independent.

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Table 1

| Date of Assumption | Name of Commissioner | Basis for Appointment | Relevant paragraph of Article V.1 |
|---|---|---|-----------------------------------|
| August 18, 2004 | The Rt. Hon. Mr. Justice Michael de la Bastide T.C. | President of the Court | (a) |
| July 7, 2006 [Both re-appointed from August 20, 2007] | Dr. Joseph Archibald, Q.C. | Nominated jointly by OCCBA & OECS Bar Associations | (b) |
| September 12, 2003 | Dr. the Hon. Lloyd George Barnett, O.J. | | |
| January 12, 2007 [Resigned February 6, 2008] | Mr. Anthony Sylvestre, M.B.E. | Chairman, Judicial and Legal Services Commission of Belize | (c) |
| January 16, 2009 | Mr. Rodney Neal, B.Sc., M.Sc. | | |
| September 29, 2006 | Mr. C. A. Blazer Williams B.A., M.Sc., LL.B. | Chairman of the Public Service Commission of St. Vincent and the Grenadines | (d) |
| August 21, 2003 [Both re-appointed from August 20, 2006] | Ms. Gloria Gray, B.Sc., M.Sc. Ms. Nelcia Robinson, B.Sc. | Nominated jointly by the Secretary General of the Community and Director General of the OECS | (e) |
| September 28, 2007 October 10, 2003 [re-appointed from August 19, 2007] | Professor A. Ralph Carnegie, B.A., M.A. Dr. Magda Hoever-Venoaks, M.Sc., Ph.D. | Nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, Deans of the Faculties of Law of the Contracting Parties and Chairman of the Council of Legal Education | (f) |
| August 21, 2003 [Resigned <i>w.e.f.</i> November 24, 2008] | The Rt. Hon. Sir Vincent Floissac, CMG, Q.C., LL.M. | Nominated jointly by the Bar or Law Associations of the Contracting Parties | (g) |
| August 21, 2003 [Re-appointed from August 20, 2007] | Mr. Allan Alexander, S.C. | | |

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The following table shows the membership of the Commission in 2008 to July 31, 2009, the date of expiration of the term of office of each member and the nationalities of the members.

Table 2

| Name of Commissioner | Nationality | Date of Expiration of Term of Office |
|---|--------------------------------|---|
| The Rt. Hon. Mr. Justice Michael de la Bastide T.C. | Trinidad and Tobago | July 18, 2011 |
| Dr. Joseph Archibald, Q.C. | St. Kitts and Nevis | August 19, 2010 |
| Dr. the Hon. Lloyd George Barnett, O.J. | Jamaica | August 19, 2010 |
| Mr. Anthony Sylvestre, M.B.E. | Belize | January 11, 2010 [Resigned February 6, 2008] |
| Mr. Rodney Neal, B.Sc., M.Sc. | Belize | January 11, 2010 |
| Mr. C. A. Blazer Williams B.A., M.Sc., LL.B. | St. Vincent and the Grenadines | September 19, 2009 |
| Ms. Gloria Gray, B.Sc., M.Sc. | Trinidad and Tobago | August 20, 2009 |
| Ms. Nelcia Robinson, B.Sc. | St. Vincent and the Grenadines | August 20, 2009 |
| Professor A. Ralph Carnegie, B.A., M.A. | Jamaica | August 19, 2010 |
| Dr. Magda Hoever-Venoaks, M.Sc., Ph.D | Suriname | August 19, 2010 |
| The Rt. Hon. Sir Vincent Floissac, CMG, Q.C., LL.M | Saint Lucia | August 19, 2010 [Resigned November 24, 2008] |
| Mr. Allan Alexander, S.C. | Trinidad and Tobago | August 19, 2010 |