The Right Honourable Mr. Justice Michael de la Bastide T.C.
It is my pleasure to introduce readers to the Annual Report of the Caribbean Court of Justice for the court year 1st August 2008 to 31st July, 2009. During this period the Court in keeping with the theme “Building Trust and Confidence”, sought to maintain and further develop an awareness on the part of the people of CARICOM of the presence of the Court, its constitution and operations and the services which it is designed to provide in both its jurisdictions.

During the year under review, there were significant developments in the original jurisdiction of the Court. Last year’s Annual Report informed readers of the first two applications to be filed in the Court’s original jurisdiction. These were applications for leave to commence proceedings. A third application for leave to commence proceedings in the original jurisdiction was filed on December 11th, 2008, but on this occasion the intended proceedings were against the Caribbean Community and not a Member State (Trinidad Cement Limited v The Caribbean Community). Subsequently, on the 15th January, 2009, the Court delivered its first final judgment in an original jurisdiction case (Trinidad Cement Limited & Anor v The Co-operative Republic of Guyana).

These original jurisdiction cases have special importance not just for the Court, but for the region, as we progress towards the actualization of a Single Market and Economy. Judgments in these cases have opened the way for an individual or company to obtain relief from the Court against a Member State of CARICOM, including a Member State to which the complainant belongs, or against the Caribbean Community, for breaches of obligations imposed by the Revised Treaty of Chaguaramas (“the Treaty”). The possibility that these obligations may be enforced at the instance of a private individual or a commercial entity must serve to encourage compliance with them and enhance the prospects of achieving the goals which constitute their whole raison d’être. It is reasonable to assume that in future there will be more frequent resort to the Court’s original jurisdiction now that it has been determined that such resort can provide a means of protecting financial and economic interests from damage caused by breaches of the Treaty.
In its appellate jurisdiction the Court continued to receive appeals from the two CARICOM States, Barbados and Guyana, who have by amending their Constitutions accepted the CCJ as their final court. We look forward to the accession of more CARICOM countries to the appellate jurisdiction of the Court; I venture to suggest that other countries may be encouraged to take that step by the record of the Court’s performance as the final Court for Barbados and Guyana. In this regard we would expect to be judged on the speed and efficiency with which appeals and applications to the CCJ are processed and disposed of and by the quality of our judgments.

Work began in November 2008 on a number of projects funded under a financing agreement made on the 17th August, 2007 between the European Commission and the Caribbean Forum of the Association of Caribbean and Pacific Countries (CARIFORUM). One of these projects required the Court’s technical staff to provide a videoconferencing system to facilitate communication between the Headquarters and the courts of the Member States. In order to help them determine what was feasible, the Court’s IS personnel visited the Court’s sub-registries in the various Member States of CARICOM. This was illustrative of the Court’s policy which is to partner with individual CARICOM jurisdictions, assist them in the upgrade of their court facilities and lead the way regionally in the introduction of innovative courtroom technology.

In 2008-2009, the Court also focused on strengthening linkages with various regional and international organisations and institutions. In this connexion the Court co-hosted the VI Brandeis Institute for International Judges. This event which is sponsored by the International Center for Ethics, Justice and Public Life of Brandeis University and is held in different parts of the world at intervals of approximately two years, offers an opportunity for judges of international courts to meet in relaxed surroundings to discuss legal issues of mutual interest. The Court also played a key role in the formation of the Caribbean Association of Judicial Officers (CAJO) and in organizing the Association’s Inaugural Meeting in Port of Spain in June, 2009. In the year under review, the Court also held its first law moot for students of the law faculties and law schools in CARICOM countries. The moot was a great success and generated much support for making it an annual event. The high standard of advocacy displayed by the participants provided reassurance that the future of the legal profession in the region was in good hands.

The Court’s achievements during the year under review serve to bolster the confidence of its judges, managers and support staff that the Caribbean Court of Justice represents an idea whose moment has really come.

Michael de la Bastide  
President