



CCJ International Law Moot 2019

The Honourable Mr Justice Adrian
Saunders, President of the Caribbean Court
of Justice

The Caribbean Court of Justice International Law Moot 2019

The Caribbean Court of Justice
22 March 2019

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, four states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica and Guyana.

REMARKS

By

The Honourable Mr Justice Adrian Saunders, President of the Caribbean Court of Justice,

on the occasion of

The CCJ International Law Moot 2019

22 March 2019

Good Afternoon to all of you.

Hon Chief Justice, Mr Justice Ivor Archie,

Colleague Judges of the CCJ

Mr Justice Anthony Lucky, Judge of the United Nations International Tribunal for the Law of the Sea.

The Right Honourable Sir Charles Dennis Byron, former President of the Caribbean Court of Justice.

Your Excellencies members of the Diplomatic and Consular Corps,

Hon Judges of the Trinidad and Tobago Judiciary

His Honour Judge Anthony Gafoor, Chair of the Tax Appeal Board

His Honour Judge Sunil Sookraj, Chair of The Environmental

Commission

Judges of Other Superior Courts of Record

Members of the Media

All our very distinguished guests

Thank you all for accepting our invitation to the concluding part of this Annual Law Moot. And what a round of competition it has been.

Over the last two days, these law students have argued their cases with skill and passion before the highest judges of the region. I was only able to listen in to one or two of the presentations but I was very impressed with the standard of advocacy I saw. And what I saw must have been the norm because Justice Burgess went out of his way to inform me how impressed he was. Because, our judges (by the way, let's have a round of applause for our hard working Moot judges) ... Certainly when I sat in, it was clear to me that Our Moot judges were merciless. The mooters were treated no differently than senior counsel appearing before us would. If this experience doesn't sharpen your advocacy skills then I'm not sure what else will. You have all done extremely well and I ask for a round of applause for all of our participating teams.

I do not for a minute take for granted all the various elements that must be assembled to assure the participation by the various teams in the moot. The necessary funding had to be obtained; your travel and accommodation had to be arranged; long hours had to have been spent by teaching faculty in guiding and preparing each of the teams It would be remiss of us if we did not also extend our appreciation to all those behind the scenes who made your presence here possible. Please, for a round of applause for all such persons and institutions.

As I indicated yesterday at the Opening, for us at the CCJ, this Moot is an exciting time, a period of high activity as each of the Court's units is mobilised to support the Mooters and to give them practical courtroom experience.

Six CARICOM countries, nine law institutions and twenty-seven students have participated in the Moot this year. I trust that, even as you engaged in stiff competition with each other, you made use of the opportunity to forge new friendships and to expand your network of contacts. I urged the members of one of the teams, all of whose members were visiting Trinidad for the first time to

make sure and get some doubles this morning or tomorrow morning. I hope you followed my advice and so sampled just a taste of the unique

Trinidad roadside cuisine.

Of course, we don't organise and host this event out of pure altruism. We also have an interest of our own. Over the years, we have deliberately selected, as the topic for the Moots, challenging but practical questions likely to arise in the operation of the CSME. And we take careful note of your approaches and responses to these questions. The Moot therefore also plays a role, however modest, in supporting our responsibility to interpret and apply the RTC.

As I speak to people of all walks of life throughout the region, it is very clear to me that there is a huge gap, a chasm, between popular perceptions about the CCJ on the one hand and the reality of the Court on the other. These perceptions are not based on actual knowledge about the Court, its processes and practices. They are largely premised on wrong assumptions.

And so, we in the CCJ have an interest in having more people, particularly young people, obtain first-hand knowledge about the court so that they can savour for themselves what Belize and Guyana, Barbados and Dominica are experiencing and what the rest of the region is missing out on.

In one of the speeches I made last year, I noted the fact that, after 50 years of political independence, in eight common law Caricom states, the laws that are proudly made by legislators elected by the people, are ultimately interpreted by a British institution, staffed with British judges, all of whom reside in Britain. This is after these same CARICOM states, over 15 years ago, established this Court, precisely to serve that purpose and after the United Kingdom voted to

separate itself from the rest of Europe partly because the English did not want their laws to be interpreted by European courts. In my speech I referred to this state of affairs as an anomaly. But for many of us, it is more than an anomaly. It is a painful embarrassment, linked directly to the perception we have of our abilities as a people and poor level of self-confidence.

On this score, Colonel Farrell, our Chief Protocol and Information Officer at the CCJ, who many of you have met, recently reminded me of the words in a poem called LOVE AFTER LOVE, by the Saint Lucian Nobel Laureate, Derek Walcott, one of the greatest writers of verse in the English language. LOVE AFTER LOVE has been described as an unusual poem in that it concentrates on loving the self, the inner self, following the breakdown of a relationship. Its main theme is that of becoming whole again through self-recognition, a kind of healing that works by self-conscious invitation. Colonel Farrell thought, and I gladly agreed, that some of the words of this poem were quite appropriate to describe the anomaly of which I just spoke. This is what Walcott says:

*“The time will come when, with elation,
you will greet yourself,

arriving at your own door, in your own
mirror, and each will smile at the
other’s welcome,
and say, sit here, eat.”*

I have absolutely no doubt that the day will come when the selfbelief of the people of the entire region would lead us to greet ourselves, in our own mirror, smile, at our own welcome, and partake of the fruit, of our own labours.

And so I trust that, through this engagement, each of you students will not only better understand the RTC and the CSME, but that you will also become advocates for the repatriation to the Caribbean of all the region's final appeals.

I cannot conclude my remarks without extending to the Honourable Mr Justice David Hayton my appreciation for the enlightened leadership that he has brought to the organising of this Annual International Law Moot hosted by the CCJ. He has been associated with the Moot from its inception and as he retires later this year, the Court expresses its deepest thanks for his unstinting service. In his absence, yesterday I asked the students to give him a round of applause. I ask you all to give him a more thunderous one now in his presence.

If you would allow me just a few moments, I would like to ask the Registrar and Chief Marshal, Ms Jacqueline Graham to present to him a token of the Court's appreciation.