



Swearing in Ceremony for the Installation of the Honourable Mr Justice Adrian Saunders

The Right Honourable Sir Dennis Byron,
Outgoing President of the Caribbean Court
of Justice

**Swearing in Ceremony for the Installation of the Honourable Mr
Justice Adrian Saunders at the 39th Regular Meeting at the
Conference of Heads of Government of the Caricom Community**

Montego Bay, Jamaica
4 July 2018

The Conference of Heads of Government which consists of the Heads of Government of the Member States is the supreme Organ of the Caribbean Community and determines and provides its policy direction. In addition to this function, it is the final authority for the conclusion of Treaties on behalf of the Community and for entering into relationships between the Community and International Organisations and States. The Conference is also responsible for making the financial arrangements to meet the expenses of the Community, but has delegated this function to the Community Council. Decisions of the Conference are generally taken unanimously.

REMARKS

By

The Right Honourable Sir Dennis Byron, Outgoing President of the Caribbean Court of Justice,

on the occasion of

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Protocols:

I have the privilege, honour and pleasure of passing on the presidency of the Caribbean Court of Justice to the honourable Justice Adrian Saunders, as he becomes the third President of the Caribbean Court of Justice. I received this symbolic baton just about 7 years ago from the Honourable Justice Michael de la Bastide, the first president of the CCJ.

As I reflect on my tour of duty, I believe that I am handing over an institution that has been serving the needs of the Caribbean people well, in both its original jurisdiction and as the final appellate court to replace the Privy Council in those countries that have acceded to that jurisdiction. The judicial work of the court is effective with no backlogs and has developed Caribbean Jurisprudence significantly. The ancillary institutions of the Regional Judicial and Legal Service Commission and the Trust Fund are healthy and fully functional. The institutional framework conceived by the framers of the Court has stood the test of time and we can all be justifiably proud of it. However, as I have often expressed, excellence is not a state that we reach, it is the process of continuously

trying to be and do better and it may well be that after 15 years of experience we will continue to find additional ways to improve and strengthen these institutions.

When I took up this position seven years ago, I had the naïve expectation that during my tenure all remaining members states would have accomplished the abolition of appeals to the Privy Council and established the CCJ as the regions final appellate court. I have advocated that apart from its delivery of service to the region in improving access to justice this could be a symbolic step in the closing of the circle of independence, a significant step in the decades-long process of complete de-colonization, a sign that a Caribbean Court with Caribbean Judges who share the values and customs and beliefs of the Caribbean people will be developing a distinctly Caribbean jurisprudence. I hope that during my tour of duty we have at least moved closer to the realisation of those dreams, and the possibility of the court being allowed to fulfil its full mandate.

Today we commemorate the ascension of the Honourable Justice Adrian Saunders to the office of President of the Caribbean Court of Justice. This is a crowning achievement in a long and distinguished career in service to the Caribbean region. This day holds almost as much pride for me as it does for him, since I have had the privilege of sharing a personal and professional relationship with Justice Saunders that has spanned three decades. I can bear witness to his dedication to upholding the rule of law and his commitment to ensuring that justice is accessible by all people. I have no doubt that he is thoroughly prepared and unquestionably fit to assume the office of President of the CCJ.

After almost 20 years of private practice Justice Saunders was appointed High Court Judge of the Eastern Caribbean Supreme Court (ECSC) on 1st January 1997, during my tenure as Chief Justice. His work ethic, high ethical standards and legal scholarship was evident. He was a fearless adjudicator whose judgments were well-reasoned and grounded in sound jurisprudence. His

performance propelled him to the Court of Appeal on 1st May 2003. He continued to serve with dedication and excellence. When I demitted office of Chief Justice to become an International Judge, he succeeded me and acted as Chief Justice of the ECSC from June 2004 until March 2005. He was appointed as a judge of the CCJ in 2005 and served the court with great distinction ever since. I was thrilled to reunite with him when I returned to the Caribbean to take up appointment as President of the CCJ in 2011. During my tenure at the Court he has continued to exhibit his legal scholarship and judicial aptitude in a series of judgments that he authored covering a wide cross-section of the law, including some landmark decisions. His judicial contribution to the development of Caribbean jurisprudence is documented for the world to see. With me he has shared the view that developing Caribbean jurisprudence is an expansive concept which extends well beyond the adjudication of cases and the issuing of judicial decisions. It also involves the development of institutional mechanisms to support the jurisprudence emanating from the region, including legal literature, legal research tools and indigenous information technology to support the judicial functions and all the other mechanisms that support the work of the courts. It also includes, as evidenced in the strategic plan of the Caribbean Court of Justice, supporting and developing improvements in the administration of justice throughout the Caribbean Region.

Justice Saunders has embraced the broad mandate of the CCJ in strengthening the quality of justice delivery in our region. He has supported all efforts to improve the ways in which we dispense justice at the CCJ. He has fully embraced the technology-driven programmes implemented by the Court and participated in the development of rules of procedure and he has supported new techniques of case management. He also played a critical role in many of the technical and administrative transformations within the Court and chaired several internal committees which were tasked with improving the daily operations of the Court. He has also participated in many of

our outreach activities. He serves as Chairman of the Caribbean Association of Judicial Officers (CAJO) where he offers visionary leadership to a body which actively develops judicial education, training and capacity building exercises for all judicial officers in our region. He is the head of the academic faculty of the Commonwealth Judicial Education Institute (CJEI). He is an active participant in the reform programs sponsored by the JURIST project. He has co-authored a book entitled “*Fundamentals of Caribbean Constitutional Law*”, which was published in 2015. This work has become an invaluable tool to support the teaching of Constitutional law in regional academic institutions. These are but small examples of the measure of the man and exemplifies his suitability for the task he assumes today.

The judicial selection criteria contained within the Agreement Establishing the Caribbean Court of Justice sets out the criteria for a judge of the Court. Article

4.11 states:

“In making appointments to the office of Judge, regard shall be had to the following criteria: high moral character, intellectual and analytical ability, sound judgment, integrity, and understanding of people and society.”

The ascension of the Honourable Justice Adrian Saunders to President of the CCJ – an esteemed, first-class jurist whose qualities exceed those articulated in Article 4.11, serves as a powerful symbol of what is possible right here in the Caribbean.

I extend my warmest congratulations to my friend Justice Saunders on this milestone. I also extend congratulations to his family - his wife, Marilyn, and their two sons, Yuri and Yanek, whose love and support of Justice Saunders over the years lie at the very heart of this moment. The CCJ has

even brighter days in its future under the leadership of Justice Saunders and I wish him the richest of blessings during his tenure.