



CCJ International Law Moot 2018 Award Ceremony

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

The Caribbean Court of Justice International Law Moot 2018

Caribbean Court of Justice
9 March 2018

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 Right Honourable Sir Dennis Byron. 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.

Keynote Speech

By

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

on the occasion of

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Thank you to our guests for joining us at Law Moot 2018, this afternoon. It is always a pleasure to welcome you to this event. Many of our stakeholders and well-wishers are here with us this evening. And this is a source of great encouragement to us. We see eminent jurists mentoring these young students such as the Hon Mr Justice Carl Singh Former Chancellor and Head of the Judiciary of Guyana providing support and advice to his team. We at the Caribbean Court, Bench, Management and Administration recognise the courtesy you afford us when you accept our invitation to attend our flagship event of the year. The entire court is mobilised in support of the Law Moot and we consider ourselves entirely accessible to facilitate your participation in and appreciation of the significance of this annual event. There are two layers of student participation. the Volunteer Registry and the Teams who compete. They congregate in these hallowed halls and for one day there is a conflagration of energy and vibrancy that create a command performance that is the CCJ Law Moot. I take this opportunity to recognise the institutions that have sent their students here. 2 These academies advance the awareness and understanding of Caribbean jurisprudence by exposing their students to CARICOM LAW which is an aspect of Caribbean jurisprudence that is being developed in the court's original jurisdiction and in relation to which there are not many other opportunities. I therefore express my gratitude to our regional academic

institutions of law. Participants in the Moot frequently refer to the experience as enriching, informative, and contributing to their personal and professional development. And while the exposure to laws and treaties is vitally important, the personal progress that takes place and the professional advancement that occurs with individual participants is a source of rich satisfaction to us at the Court. It is in this vein that I wish to contextualise my remarks today. As I approach the threshold at which I relinquish leadership of the CCJ, I would like to take this opportunity to distil the professional experiences of my very long and varied career and share with you just two pearls. When I began my journey as an aspiring attorney very much like you here today, I was charged with the energy that I wanted to serve people. I wanted to use my profession to advance justice administration. It was as simple as that. My ambitions lay no higher than that. ³ In furthering that ambition to serve, I approached all assignments with fervour and sincerity and something amazing happened that I want to share with you. Each assignment seemed to create the platform for the next higher achievement and while I was plugging away at one level I did not have immediate sight of the next higher move. I was almost always surprised by the twists and turns of the opportunities that came to me. Yet it is in approaching each assignment earnestly and with sincerity that the next opportunity came to light. When I started out I did not know that I would become the President of the United Nations International Tribunal for Rwanda. This Tribunal was established by the United Nations Security Council to try war crimes committed during the Rwandan genocide of nearly 1 million people. Nothing in my life prior to this appointment prepared me for this most poignant of experiences. But what makes this one of the pinnacle experiences of my career is that in the operations of this international appointment I used my professional skill to contribute to the social transformation of a country. The Tribunal's mandate was to contribute to the process of national reconciliation and to the restoration and maintenance

4 of peace in Rwanda and the Great Lakes region and to ensure that violations of international humanitarian law were halted and effectively redressed. I find it remarkable that the attainment of such a political objective was entrusted to a judicial process. I am sure that there were those who had questions and doubts about the ability of a judicial institution to address such an objective. But, today, whatever system is employed to measure the success of the venture, there can be no doubt that peace has been restored and maintained in Rwanda, that there is a credible and ongoing process of national reconciliation. Rwanda is now one of the fastest growing economies of Africa. I started out wanting to help people, one person at a time and with the skill and know-how of my profession I contributed to the highest aspirations of an entire country. There are two adages inherent here. First, one must be alert and alive to the possibility of the noble profession of law to transform society, countries and the world and second, do not underestimate the value of each work experience to take you to the next level. That includes the experience of Moot 2018. It is not possible for you to see now, how this experience will shape the trajectory of your career, neither can you immediately 5 see the significance or relevance of it to your journey. But do not underestimate the value of the experience. Now let us advance to the second area on which I want to share with you. This Caribbean Court of Justice that you currently occupy is about elements that are much larger than yourselves. Culminated in the existence of this Court, your Court, are the aspirations of Caribbean peoples. And it is a hope that the Caribbean Court of Justice by its existences epitomises. The CCJ is currently poised to contribute to positive change in the social order of our Caribbean societies by delivering justice which is accessible, efficient and reflective of our values and mores. The infrastructure is established and technology has been an agile resource. At Moot 2018, you have interfaced with our new case management system. All submissions were uploaded to CURIA and made accessible to the Bench and opposing teams. This

was a cursory interaction which will be more fully utilised at the next Moot. The advent of the use of this new software system in the Court has contributed to heightened efficiency. 6 Curia is an e-Filing and Case Management system that allows court users (attorneys/litigants) to file documents and manage their case electronically through the CCJ portal. It also allows users to access all documents filed on a case. It permits the court's registry staff to electronically process and manage cases throughout their lifecycle (filing to completion) It also carries a performance management and reporting tool which utilizes numerous metrics to provide reports and data to designated court staff This development has positioned the Court to be more efficient and responsive in delivering justice to the region and builds on a process which I pioneered in 2013 with the introduction of filing cases and documents by email. The transition to e-Filing was therefore a logical progression. This technological revolution has extended to other areas of the Court resulting in improved video conferencing capabilities as evidenced by the live streaming of our cases for public viewing and the introduction of financing and resources management systems. Such advancements support the broader mission of the Court to facilitate access to justice by providing all interested persons with a front seat to witness the adjudication processes of the Court. 7 This increased efficiency has resulted in a tremendous improvement to access to the court. For instance, in the calendar year 2016, 18 cases were filed in the Appellate Jurisdiction, and 35 cases in the year 2017, showing a dramatic increase by 94%. This efficiency is also illustrated by the disposal rate of cases. In the calendar years 2016 and 2017, an aggregate of 46 cases were disposed of by the court. The prompt and efficient disposal of the court's cases is supported by the court's policy of actively ensuring that most cases are disposed of within six (6) months from the date of the case being filed until the date a final judgement is given by the Court. There have also been some significant achievements during my tenure as President in which take great pride. The sponsoring of the Advanced

Performance Exponents Inc. (APEX), which is a special-purpose, not-for profit, agency, that is committed to delivering technology-based solutions and services to support court ecosystems is one such enterprise. APEX is owned by the CCJ, the regional judiciaries and bar associations. I believe that it has the potential to further advance the justice landscape of the region. As APEX develops, I envision it continuing to facilitate programmes and initiatives aimed at strengthening the justice systems of the region and improving the standards of efficiency of court related service

8 A project I was especially proud to be involved in is the establishment of the Caribbean Community Administrative Tribunal (CCAT) which is an independent institution focused on resolving disputes between employees and their CARICOM institution employers that enjoy immunity from civil suits. This tribunal finally fills a lacuna that has long existed in the constituent instruments of most CARICOM institutions for the settlement of employment disputes. By providing a proper forum for the ventilation of employment disputes, the tribunal is a transformative project not just for the Court but also for the further evolution and maturity of the Caribbean integration movement and regional rule of law. However, it must await the final authorization of the CARICOM Heads of Government for its implementation. Clearly the structures and operations that constitute and support the architecture of the CCJ are up and functioning. All modalities necessary for its operation exist. Yet the most compelling matter for the Court is Member States' acceptance of it as the Court of final appellate jurisdiction. Getting to the point of an enlightened acceptance is in fact a tumultuous journey for some countries. Lloyd Best was one of the Caribbean's most celebrated thinkers and Professor Bridget Brereton said of him that his core idea, was that close, empirical study of the realities of the Caribbean 9 condition, observed and analysed on its own terms, had to be the foundation for worthwhile thought and action. Any useful theories, policies or prescriptions had to be built on good local knowledge. This

notion represents a foundational strength of the CCJ. The Court is positioned to acquire, analyse and understand good local knowledge for administering justice in the region. Our historical perspective does not have to define the future for us. It can inform and contribute where it is helpful to shape the narrative but it does not have to be definitive or even prescriptive. Despite the challenges that our shared history presents or the barriers to acceptance that must be scaled, the CCJ continues to position itself by its performance to become the court of final appellate jurisdiction for all of CARICOM. But it is you who must convince your generation and the ones to come of the transformative nature of the law for the Caribbean. Broadening and deepening integration within the CARICOM context relies on becoming entrenched in issues and areas that reinforce our Caribbean bond. Moot 2018 represents one such opportunity. 10 Long after the Moot is over, the lessons learned and the understanding that you gain can have impact on your future careers and aspirations. The competition aspects of the Moot 2018 examined the insight into and analysis of the moot problem and the issues it raises; the relevance of the authorities and other legal texts cited and the fluidity with which they are adduced; your ability to summarise facts, cases or law where appropriate and the proper use of court etiquette. It has been an intense exercise for you. But, you must not come to the heart of Caribbean jurisprudence and not be touched and inspired to carry the pearl of aspiration for our Court and for deeper integration. Through the aegis of this experience, Moot 2018, we have advanced, just a little, the journey to a more enlightened acceptance of our law from a Caribbean perspective and a more enlightened awareness of our intrinsic and learned capacity to administer it. We have made many strides in advancing Caribbean jurisprudence but there are more to make. I have had the privilege to be a part of this great journey at the helm of this Court and I wished to give you the young ones at the beginning of your profession a charge that you must advance. This is a most wonderful and exciting time for you.

You are at the beginning of a journey that could take you to the most 11 spectacular places on earth as it has taken me and it may have its beginnings right here. It is you and your generation that must take account of what has already been built and now carry the mantle.

I thank you

References

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