



# Opening Ceremony of the XII Annual Caribbean Court of Justice International Law Moot

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

## **XII Annual Caribbean Court of Justice International Law Moot**

Virtual  
17 March 2022

**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. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). 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**

**Opening Ceremony of the XII Annual Caribbean Court of Justice International Law Moot**

**17 March 2022**

### **Protocols:**

The Hon. Mr. Justice Andrew Burgess, Chairman of the CCJ International Law Moot Committee

My colleague Judges of the Court

Ms Jacqueline Graham, Registrar and Chief Marshal, CCJ

Management and Staff of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission

Principals and Deans of participating institutions

OUR 2022 Mooters

Other Specially Invited Guests

Distinguished Ladies and Gentlemen

Good morning.

After a two-year hiatus, brought about by the effects of the ongoing Covid-19 pandemic, I am extremely pleased to be able to welcome you all to this year's staging of the XII Caribbean Court of Justice International Law Moot! I can say without fear of contradiction that the Judges, management and staff of the CCJ are all overjoyed that this very important initiative has resumed. You can't imagine how wonderful it is for me to see all these bright-eyed, bushy tailed young lawyers rearing to go on the interpretation and application of the Revised Treaty of Chaguaramas

(RTC) establishing the Caribbean Community and the CARICOM Single Market and Economy (CSME). While the modalities for the proceedings over the next two days are different, the significance of and impetus behind hosting this event remain the same today as they were since the inception of this competition.

Our Moot has been an important activity on the Court's calendar since its inception in 2009. This is because of the high premium that we have placed on having Caribbean law students – at both the university and professional levels – interface directly with our courthouse; with our technology; with our court processes; with our Registry staff and with our judges. All this plays a key role in getting you to know your apex court and in ensuring that you are better acquainted with the Revised Treaty.

One might ask, 'well, why is this so important?' Firstly, we take very seriously our mandate not only to deepen the regional integration process but also to further the development of Caribbean jurisprudence. We view it as being of the utmost importance that the people of the Community feel our presence and get to experience an intimate connection with the Court and our methods of work. This is *your* Court; not an abstract institution situated in a distant place. We are therefore always keen to welcome you with open arms.

Secondly, and it is a regrettable fact, we are making sluggish progress in plumbing the depths and exploring the horizons of the rights afforded to CARICOM nationals and the obligations undertaken by States and the Community enshrined within the Revised Treaty. This is not merely anecdotal. Between July 2008, when the CCJ delivered the first decision in the original jurisdiction, up to today's date, there have only been 35 judgments and 1 advisory opinion

published in total by us. This means that the CCJ has made on average a mere 3 pronouncements per year on matters concerning the RTC. Of those 35 published decisions, 10 or 29% were in matters initiated by natural persons and only 1 relates to a matter initiated by a Member State. The twenty-four remaining decisions relate to disputes concerning business enterprises, each of which had to do in some way with the Common External Tariff (CET). Remarkably, to date, there have been no referrals from a domestic court or tribunal. Throughout the region, we can and should do better than that.

The Revised Treaty and the CSME secure for people and companies the rights to establish businesses; to provide services; to move capital and to enjoy free movement throughout the Community. The aim is to enhance the participation of the region's peoples in the integration movement and to establish conditions that would facilitate access by CARICOM nationals to the collective resources of the region on a non-discriminatory basis. An average of three cases per year signals that much more needs to be done to ensure that optimal use is made of the Court's original jurisdiction in clarifying, promoting and protecting the rights availed by the Revised Treaty.

Hosting the annual Moot is one way in which the Court can develop greater awareness of the processes designed to promote regional integration within the framework of the RTC. It is our hope that in bringing you, law students, face to face with the nuances of the Revised Treaty, with the procedures for pursuing the rights bestowed by it, and with the Court that interprets and applies the Treaty, that this will ignite your passion as practitioners and scholars for the advancement of Community law.

The Moot also provides a unique platform for you to showcase, test and hone your written and oral advocacy skills in a courtroom setting that is similar to what you would experience in the real world of practice. Of course, the Court has its own interests in the arguments marshalled at the moots. The Honourable Mr Justice Burgess (and before him, Mr Justice Hayton) and the Moot committee, go out of their way to contrive fact patterns for the Moot that are realistic; fact patterns that yield knotty issues rooted in grey or difficult areas of the Treaty. We, therefore, find it interesting and stimulating to hear you navigate these areas so that if and when the same issues arise before us, we would already have benefitted from your reflections on them.

It is my hope that the students, teachers and the wider public online with us will find today's and tomorrow's proceedings enriching and enlightening. To the mooters, I am sure that you have all prepared well and so I encourage you simply to do your best. In this vein, I wish to part with the words of one of our erudite and eminent jurists from the region, Sir Shridath Ramphal. Although his remarks were made under entirely different circumstances, I find the sentiments to be apposite. And so, to the Mooters, I say, 'You are heirs to a great tradition. It will be your challenge to enhance it.'<sup>1</sup>

May the best team (or teams) win!

Thank you.

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<sup>1</sup> The Honourable Sir Shridath Ramphal OCC, 'Presentation by The Honourable Sir Shridath Ramphal OCC to the Participants at the Regional Diplomatic Training Programme for Mid-Career Diplomats in the Caribbean Community' (Speech delivered at the Regional Diplomatic Training Programme for Mid-Career Diplomats in the Caribbean Community, Georgetown, Guyana, 20 May 2009) available at <https://caricom.org/presentation-by-the-honourable-sir-shridath-ramphal-occ-to-the-participants-at-the-regional-diplomatic-training-programme-for-mid-career-diplomats-in-the-caribbean-community-20-may-2009-georgetown/> accessed (10 March 2022).