



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE

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CCJ restores Order requiring GGMC to grant Quarry Licence to Diamond

Port of Spain, Trinidad and Tobago. In a judgment issued on 15 June 2022, the Caribbean Court of Justice (CCJ) dismissed the appeal in *The Commissioner of the Guyana Geology and Mines Commission v Diamond Quarry Inc and Baracara Quarries Inc* [2022] CCJ 9 (AJ) GY and ordered the appellant, the Commissioner of the Guyana Geology and Mines Commission (GGMC) to grant a quarry licence to the respondent, Diamond Quarry ('Diamond') for which the company had applied since 2014. GGMC was also required to pay Diamond's legal costs.

The matter began on 28 March 2014, when Diamond applied to the GGMC for a quarry licence for 848 acres of land in the interior of Guyana known as 'Monkey Jump'. Diamond had done the necessary research to ensure that the land was not legally held nor applied for by anyone. On 15 September 2014, GGMC issued a Cease-Work Order against Baracara Quarries Inc. ('Baracara'), because it was occupying a portion of Monkey Jump that Diamond had applied for. GGMC then published a Notice of Intention in the Official Gazette to grant a quarry licence to Diamond to which no one objected. GGMC assured Diamond that it would be granted the licence as soon as all the statutory documentation was submitted and verified. These documents were submitted and GGMC told Diamond that its application had been 'favourably considered.' However, despite these assurances, GGMC, at a meeting on 10 February 2015, stated that many years earlier, Baracara had applied for the same land for which Diamond had applied and that the land would be divided between the two quarry companies.

Diamond approached the High Court of Guyana alleging that GGMC's decision to subdivide the land was grossly unfair and based on favouritism. The court agreed and ordered GGMC to (1) quash the decision to subdivide the land; (2) grant the licence to Diamond; and (3) not grant a licence to the land to anyone else. GGMC appealed to the Court of Appeal which also allowed evidence from Baracara. The Court of Appeal dismissed the appeal and affirmed the orders of the High Court except that it sent Diamond's application back to be considered by the GGMC. Baracara did not appeal this decision, but GGMC asked the CCJ to reverse the Court of Appeal.

In the judgment handed down today, the CCJ found that the land for which Diamond had applied had not been applied for by anyone else, but that GGMC had nonetheless decided to subdivide the land between Diamond and Baracara. The Court considered that this was unfair and unlawful because the GGMC had created a legitimate expectation that it would grant the licence to Diamond and had not presented any compelling public interest for not doing so. In the circumstances, the Court considered that it was

appropriate to restore the order of the High Court and to require the GGMC to issue the quarry licence to Diamond. The GGMC was also required to pay the costs of the appeal.

The Honourable Mr Justice Adrian Saunders, President and the Honourable Justices Jacob Wit, Winston Anderson, Maureen Rajnauth-Lee, and Andrew Burgess formed the panel. The Honourable Mr Justice Winston Anderson delivered the judgment. Mr Hari Ramkarran SC, and Mr Kamal Ramkarran appeared for the appellant while Mr Edward Luckhoo SC, Mr Timothy Jonas SC, and Ms Eleanor Luckhoo appeared for the first respondent.

The full judgment of the CCJ and a judgment summary are available on the Court's website at www.ccj.org

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About the Caribbean Court of Justice:

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 Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. 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. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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