



# The Caribbean Court of Justice (CCJ) And Its Importance to the Regional Integration Movement

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The Newspaper Editors Regional Integration and CARICOM Single  
Market and Economy (CSME)

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Newspaper owners and editors from Member States of the Caribbean Community (CARICOM) came together to discuss issues related to the CARICOM Single Market and Economy (CSME) and regional integration at a major workshop in Trinidad and Tobago.

The CARICOM Secretariat was host to the event with significant support from the 10th European Development Fund (EDF).

The aim of the workshop is to apprise participants of the latest developments regarding the CSME and how these can contribute to increasing business competitiveness across the region.

**Address**  
**By**  
**The Honourable Mme Justice Maureen Rajnauth-Lee, Judge of the Caribbean Court of**  
**Justice,**  
**on the occasion of**  
**A Workshop on the History of Regional Integration**

"The recognition of the seminal truth that only a unified Caribbean, politically and economically, can save the region from its fatal particularism is at least a century old."<sup>1</sup>

- Colonial Era: British colonial authorities experimented with centralised regional administrative structure to boost efficiency and economy.<sup>2</sup> This ultimately failed because of a lack of support from the elite plantation owners. Persons resident in the British WI could move, live and travel freely.<sup>3</sup> There was no legal right to free movement however<sup>4</sup>.
- West Indies Federation 1958-62: the idea of independence was pursued through the vehicle of a single federated state. Efforts failed due to lack of support from larger islands such as Jamaica and Trinidad who demonstrated an insular, nationalistic approach to sovereignty.
- West Indies Associated States Council of Ministers (WISA) 1966: established by five Eastern Caribbean States.
- Caribbean Free Trade Association (CARIFTA) 1965-73: free trade area to provide for liberalised intra-regional trade with special provision for less developed countries such as the smaller countries of the Eastern Caribbean.

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<sup>1</sup> Gordon K. Lewis (1968) *The Growth of the Modern West Indies*. Jamaica: Ian Randle Publishers. p. 363.

<sup>2</sup> Derek O'Brien, *CARICOM: Regional Integration in a Post-Colonial World*, (2011) 17 *European Journal of International Law* 630.

<sup>3</sup> Wickham, Wharton et al, *Freedom of Movement: The Cornerstone of the Caribbean Single Market And Economy (CSME)*, Paper Prepared For The Caribbean Policy Development Centre (2004) available at <http://sta.uwi.edu/salises/workshop/papers/pwickham.pdf>

<sup>4</sup> *Thornton v The Police* [1962] AC 339; *Margetson v Attorney General of Antigua* [1968] 12 WIR 469; *Free Movement Within the CARICOM*, Paper presented by Mr Justice Anderson at the OECS Bar Association Meeting on 7<sup>th</sup> December 2013, available at <http://www.caribbeancourtsofjustice.org/wp-content/uploads/2013/12/FREE-MOVEMENT-WITHIN-CARICOM-DECONSTRUCTING-MYRIE-v-BARBADOS.pdf>

- Eastern Caribbean Common Market 1968: established by WISA.
- Caribbean Community and Common Market (CARICOM) 1973-89: integration and co-operation in economic matters, foreign policy etc. Established under the 1973 Treaty of Chaguaramas, and intended to replace CARIFTA. CARIFTA was not successfully implemented and the promised customs union never came to fruition.
- 1981 Treaty of Basseterre: transformed WISA into the Organisation of Eastern Caribbean States (OECS). One of the success stories of regional integration. By 1988 OECS had eliminated trade barriers, had a common external tariff, harmonised trade policy and rules of origin, common currency (facilitated through the Eastern Caribbean Central Bank established in 1983 to replace the Eastern Caribbean Currency Authority).
- 1989 Grand Anse Declaration: regional leaders committed themselves to the establishment of a single market and economy. This development was “inspired by the spirit of co-operation and solidarity among us are moved by the need to work expeditiously together to deepen the integration process and strengthen the Caribbean Community in all its dimensions”.

(For graphic representation: see Girvan, Caribbean Community: The Elusive Quest for Economic Integration (2009), Table 9.1)

#### The Caribbean Single Market and Economy (CSME)

- The Revised Treaty of Chaguaramas 2001: establishing the Caribbean Single Market and Economy (CSME).
- Founded on four pillars: freedom of movement,<sup>5</sup> free movement of capital,<sup>6</sup> free movement of services,<sup>7</sup> the right of establishment.<sup>8</sup>
- Rationale: the CSME is intended to give the region a competitive-edge in the global market place by harnessing our collective resources and economies of scale. In 2009, Girvan in his paper, Caribbean Community: The Elusive Quest for Economic

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<sup>5</sup> The Revised Treaty of Chaguaramas, Articles 45 and 46

<sup>6</sup> The Revised Treaty of Chaguaramas, Articles 40 -43

<sup>7</sup> The Revised Treaty of Chaguaramas, Articles 36-38

<sup>8</sup> The Revised Treaty of Chaguaramas, Articles 32-34

Integration (2009) theorises that the CSME is based on the concept of open-regionalism which is “an outward-looking, market-oriented model by which intra-regional liberalisation prepares the economies for opening to the outside world.”<sup>9</sup> He notes that the “creation of a single regional economic space is supposed to induce cross-border investment, enable businesses to realise economies of scale and provide them with access to a wider pool of labour and services. Efficiency gains will increase the international competitiveness of regional production, leading to higher levels of local and foreign investment and increased exports to extra-regional markets.”<sup>10</sup>

- Mr Justice Nelson, Judge of the CCJ, in his address at the Caribbean Commercial Law Workshop of the University of the West Indies in 2005 deconstructs the regime, proffering a distinction between the Single Market and the Single Economy which he explains thus: “As regards the Single Market the Revised Treaty provides for the removal of all restrictions on the free movement of goods, services, capital and the establishment of businesses ... As regards the Single Economy, the Revised Treaty aims at (1) co-ordination of sectoral economic policies (2) harmonization of incentives (3) harmonization of legislation including company law, intellectual property, commercial arbitration and taxation (4) harmonization of monetary and fiscal policies.”<sup>11</sup>

#### Establishment of the Caribbean Court of Justice

- 1970: the Sixth Meeting of the Heads of Government of the Caribbean Community passed a resolution to establish a committee consisting of Attorneys-General from the region to consider the idea of establishing a final appellate regional court.
- 1993: A Time for Action, The Report of the West Indian Commission recommended the establishment of the Caribbean Court of Justice with dual jurisdiction – appellate and original. In its conclusion, the West Indian Commission stated:

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<sup>9</sup> Page 7.

<sup>10</sup> Ibid.

<sup>11</sup> The Caribbean Court of Justice and the CARICOM Single Market and Economy, Address by the Hon Mr Justice Nelson at the Caribbean Commercial Law Workshop of the University of the West Indies; Loews Hotel, South Beach, Florida, 1 September 2005. Available at [http://www.caribbeancourtjustice.org/wp-content/uploads/2011/papers\\_addresses/theCCJandtheCSME.pdf](http://www.caribbeancourtjustice.org/wp-content/uploads/2011/papers_addresses/theCCJandtheCSME.pdf).

“there is now another reason for establishing a court of high authority in the Region, and that is the process of integration itself. Integration in its broadest economic sense – involving a single CARICOM market, monetary union, the movement of capital and labour and goods, and functional co-operation in a multiplicity of fields – must have the underpinning of Community law. Integration rests on rights and duties; it requires the support of the rule of law applied regionally and uniformly. A CARICOM Supreme Court interpreting the Treaty of Chaguaramas, resolving disputes arising under it, including disputes between Government parties to the Treaty, declaring and enforcing Community law, interpreting the Charter of Civil Society – all by way of the exercise of an original jurisdiction – is absolutely essential to the integration process.”

- 2001: Agreement Establishing the Caribbean Court of Justice: signed by some Member States. Some OECS States enter a reservation to the obligation to accede to the appellate jurisdiction.
- 2005: The CCJ is inaugurated at a ceremony in Port of Spain, Trinidad: the seat of the Court.
- About the CCJ: The CCJ has exclusive jurisdiction over the interpretation and application of the Revised Treaty which ensures uniformity in the applicable legal principles governing the integration movement. In the Agreement Establishing the Caribbean Court of Justice, the preamble recognises that the “establishment of the Court is a further step in the deepening of the regional integration process.” By virtue of Article XVI of that Agreement, the original jurisdiction is compulsory for all Member States:

“Contracting parties agree that they recognise as compulsory, ipso facto and without special agreement, the original jurisdiction of the Court provided for in Article XI1.”

The Importance of the CCJ to Regional Integration

- Justice Duke Pollard, Retired Judge of the Court, in his paper, *The CCJ, the CSME and Private Sector* comments that the operation of market forces alone cannot ensure that the full benefits of the CSME are realised. Law is a necessary conduit to facilitate the success of the CSME. “Contrary to conventional wisdom, economists and persons of kindred expertise are not the primary movers and shakers of national economic development. Paradoxically it is the law that is largely responsible for much national economic development.”<sup>12</sup>
- The CCJ breathes life into the Revised Treaty, ensuring that regional integration operates to improve the lives of the Caribbean citizenry. Owen Arthur commented: “The CSME ... now exists essentially as a legal entity embodied in the Revised Treaty of Chaguaramas. The task ahead is that of transforming it into a lived reality.”<sup>13</sup>

#### Watershed Moments in the Jurisprudence of the CCJ

The CCJ in its original jurisdiction therefore interprets and applies the Revised Treaty for the following Members States: Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St Kitts and Nevis, St. Lucia, St Vincent and the Grenadines, Suriname and Trinidad and Tobago.

Lord Denning opining on the Treaty of Rome said: "The treaty is like an incoming tide. It flows into the estuaries and up the rivers. It cannot be held back."<sup>14</sup> To date the CCJ has delivered 18 decisions in its original jurisdiction. Its jurisprudence can be assessed under the following headings.

#### Advancing Regional Trade

- *Trinidad Cement Limited and TCL Guyana Incorporated v The Co-operative Republic of Guyana*<sup>15</sup> involved two companies, one from Trinidad and Tobago and the other from Guyana, both engaged in the manufacture and export of cement. They challenged the decision of the Government of Guyana to suspend the common external tariff (the

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<sup>12</sup> Duke Pollard, *The CCJ, the CSME and Private Sector*, page 16.

<sup>13</sup> Owen Arthur, *The Caribbean Single Market and Economy: The Way Forward*, delivered at the 30<sup>th</sup> Anniversary Distinguished Lecture of the Caribbean Community, 23 April 2004.

<sup>14</sup> *Bulmer v Bollinger* [1974] 2 WLR 202.

<sup>15</sup> [2009] 75 WIR 327, [2009] CCJ 5 (OJ)

“CET”) on building cement imported from non-CARICOM states. This suspension was done without the approval of the Council for Trade and Economic Development (“COTED”) and opened the market for an influx of imported, duty free cement from Venezuela, Colombia and the Dominican Republic. The Government eventually conceded in oral argument that its actions violated the Revised Treaty. The Court described the Government’s action as a flagrant breach of “a fundamental pillar of the CSME” and ordered that the CET be re-imposed within 28 days. The Court also clarified that it could award damages for breach of the Revised Treaty given that “the new Single Market based on the rule of law implies the remedy of compensation where rights which enure to individuals and private entities under the Treaty are infringed by a Member State.”<sup>16</sup> By its order, the Court ruled that the Government do re-impose the CET within 28 days. As to damages, the Court accepted the principle that a State may incur non-contractual liability for damages for breached of the Revised Treaty. The Court said:

“This court holds that a similar principle applies under the RTC and that the new Single Market based on the rule of law implies the remedy of compensation where rights which enure to individuals and private entities under the Treaty are infringed by a Member State. But State liability in damages is not automatic. A party will have to demonstrate that the provision alleged to be breached was intended to benefit that person, that such breach is serious, that there is substantial loss and that there is a causal link between the breach by the State and the loss or damage to that person.”

- *Hummingbird Rice Mills v Suriname and the Caribbean Community*:<sup>17</sup> the issue of a CET again engaged the attention of the CCJ. The claimant was a member of an affiliated group of companies engaged in the production and sale of flour. The flour was produced by Republic Grains Investment Limited and then distributed by the claimant company. The claim before the CCJ arose out of a Ministerial Order issued by the Government of Suriname which provided for the indefinite suspension of the levying of import duties on certain products including flour, thereby enabling bakeries in Suriname to import flour from the Netherlands without the imposition of a CET. The

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<sup>16</sup> Ibid at [27].

<sup>17</sup> [2012] 79 WIR 448, [2012] CCJ 1 (OJ).

Court held this action to amount to a violation of Article 82 of the RTC by which the imposition of a common external tariff was a mandatory requirement for all Member States in the CSME. It clarified that each Member State has an obligation to impose a 25% tariff on all flour imported from extra-regional sources and held that Suriname had breached its obligation in this regard. The multiple explanations offered by the State to justify their non-compliance, ranging from errors in the classification of flour to the public interest in providing affordable staples such as flour to the acquiescence of COTED in the Government's suspension of the CET, were rejected. The Court reminded Member States of their obligation under Article 9 of the RTC to refrain from measures which could jeopardize the attainment of the objectives of the CSME. The Court reiterated that a State could be liable for damages for breach of the Revised Treaty. The Claimants however had failed to provide adequate evidence to maintain its claim for damages.

- Rudisa Beverages & Juices N.V. and Caribbean International Distributors Inc v The State of Guyana:<sup>18</sup> Rudisa, a Surinamese beverage manufacturer and CIDI, its Guyanese distributor, sued Guyana over the imposition of an environmental tax on non-returnable beverage containers imported into Guyana. No similar tax was imposed on Guyanese manufacturers. Rudisa was forced to absorb the tax, in order to maintain a competitive edge in its primary market; namely the beverage market within the CSME. Guyana admitted that the tax violated the trade policy of the RTC but sought to excuse its actions on the basis that it had sought to amend the legislation imposing the tax but the proposal had been rejected by the National Assembly. The Court emphasised the importance of States honouring their treaty obligations and noted that the State was indivisible for the purposes of liability. It also noted that concerns regarding environmental protection are not recognised as exceptions to the trade policy contained in Chapter 5 of the Revised Treaty. The Court ordered that the claimant be reimbursed for the taxes that had been wrongly collected; a sum amounting to US\$ 6,047,244.47. The Court also pronounced on the binding obligation imposed on Member States to comply promptly with all decisions of the Court in its original jurisdiction. In an effort to facilitate and encourage prompt compliance the Court took the novel step of ordering Guyana to file a report on its compliance by 15<sup>th</sup> November 2014 in the event that

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<sup>18</sup> [2014] CCJ 1 (OJ).



Rudisa and CIDI informed the Court that its decision had not been implemented by 30<sup>th</sup> October 2014. This report has been filed and the Court is slated to adjudicate further upon the matter within short order.

### Improving Governance

“Poor implementation is widely viewed as the Achilles heel of developing country RTAs [regional trade agreements] ... getting governance right is a central element for successful RTA implementation.”<sup>19</sup> The following cases illustrate the Court’s role in improving governance in the region:

- *Trinidad Cement Limited v The Competition Commission*<sup>20</sup> illustrates that the original jurisdiction does not exist solely as a vehicle to settle trade disputes between corporate entities and the State but also impacts on the governance of CARICOM institutions. The case arose out of an investigation being conducted by the CARICOM Competition Commission into alleged anti-competitive behaviour on the part of Trinidad Cement Limited (“TCL”). TCL’s application to the CCJ was prompted by the fact that it had not been notified of any investigation and was being instructed to appear before an Enquiry so that the Commission’s Adjudicating Panel could decide upon the matters raised by the investigation. Although the Court ultimately rejected the contention that the actions of the Competition Commission were illegal and/or void, it firmly established the power of the Court to review the actions of all organs and bodies of CARICOM. Thus the Commission’s attempt to escape judicial scrutiny by arguing that it lacked full juridical personality was rejected by the Court which reiterated that the normative structure of the Revised Treaty represented the transformation of the CSME into a “regional system under the rule of law”. The Court cited its statement made in *Trinidad Cement Limited v The Caribbean Community*<sup>21</sup>:

“By signing and ratifying the Revised Treaty and thereby conferring on this Court *ipso facto* a compulsory and exclusive jurisdiction to hear and determine disputes concerning the interpretation and application of the Revised Treaty, the member states transformed the erstwhile voluntary

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<sup>19</sup> Philippe De Lombaerde, Antoni Estevadeordal and Kati Suominen (2008) *Governing Regional Integration for Development. Monitoring Experiences, Methods and Prospects*, Ashgate Publishers p. 2.

<sup>20</sup> [2012] 81 WIR 24, [2012] CCJ 4 (OJ).

<sup>21</sup> *Infra* at [32].

arrangements in CARICOM into a rule-based system, thus creating and accepting a regional system under the rule of law. ... The rule of law brings with it legal certainty and protection of the rights of states and individuals alike, but at the same time of necessity it creates legal accountability. Even if such accountability imposes some constraint upon the exercise of sovereign rights of states, the very acceptance of such a constraint in a treaty is in itself an act of sovereignty.”

- *Florencio Marin & Another v the Attorney General of Belize*:<sup>22</sup> this is a case from the Appellate Jurisdiction where the Court gave the green light for the pursuit of civil proceedings for the tort of misfeasance against the former government ministers at the centre of a questionable transaction involving the sale of State lands to a private company. This case illustrates that the CCJ is concerned with stemming the tide of corruption and misappropriation of public funds. By championing the cause of integrity and morality in public affairs, the CCJ is therefore creating a favourable climate for foreign direct investment given that perception of corruption is a key consideration for foreign investors.

#### Bridging the Divide between Community law and Domestic law/Expanding the Boundaries of Free Movement

The implementation of the CSME threatens to be hamstrung by poor implementation of Community decisions. There is no doctrine comparable to that of direct effect in European Union law in relation to Community decisions. Having regard to the dualist traditions of most CARICOM Member States, problems in facilitating regional integration can be created. In the decisions treating with the right to free movement, the CCJ has taken the opportunity to clarify the relationship between Community law and the domestic legal order.

These ‘free movement’ cases also ensure that the vision of the Revised Treaty in creating a seamless Caribbean is realised. Free movement will assist in creating a readily available pool of labour across the Caribbean and can also ensure that the region makes serious inroads into the development of a vibrant market for regional tourism.

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<sup>22</sup> [2011] CCJ 9 (AJ).

- *Shanique Myrie v Barbados*<sup>23</sup> crystallises the right to free movement as envisaged under Article 45 of the Revised Treaty clarifying that all CARICOM nationals have a right to hassle free travel and a six month automatic stay when entering another CARICOM Member State. The Court held that the right to free movement is not solely based on Article 46 of the RTC but also on a 2007 decision taken by the Heads of Government of the Caribbean Community. It rejected the argument advanced by Barbados that this Conference decision could only bestow rights to the extent that it had been transformed by domestic legislation. The Court clarified that:

“[a]lthough it is evident that a State with a dualist approach to international law sometimes may need to incorporate decisions taken under a treaty and thus enact them into municipal law in order to make them enforceable at the domestic level, it is inconceivable that such a transformation would be necessary in order to create binding rights and obligations at the Community level.”

It also noted that the right to free movement is not absolute and can be curtailed in the interests of national security and safety, public morals, national health and the public purse. The *Myrie* decision is the first successful foray of an ordinary citizen in seeking relief from the CCJ for a breach of the Revised Treaty since from its inception most of the cases in the original jurisdiction have come to the CCJ at the behest of corporate actors. Ms Myrie was awarded Bds\$2240.00 for pecuniary damages and the sum of Bds\$75,000.00 for non-pecuniary damages.

A word on the Enforcement of the Myrie Decision: When the payment of damages was not immediately forthcoming, questions arose as to the methods of enforcing a decision of the Court when delivered in its original jurisdiction. In the Revised Treaty, there is no provision for the enforcement of judgments of the Court. Article 215 of the Revised Treaty, however, requires the Member States, Organs, Bodies of the Community, entities or persons to whom judgment of the Court applies to comply promptly with the judgment of the Court.

The enforcement of the Court’s decisions is touched upon in Article XXVI of the Agreement establishing the Court which provides:

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<sup>23</sup> [2013] CCJ 3 (OJ).

“The Contracting Parties agree to take all the necessary steps, including the enactment of legislation to ensure that:

- (a) all authorities of a Contracting Party act in aid of the Court and
- (b) that any judgment, decree, order or sentence of the Court given in exercise of its jurisdiction shall be enforced by all courts and authorities in any territory of the Contracting Parties as if it were a judgment, decree, order or sentence of a superior court of that Contracting Party;
- (c) the Court has power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or the investigation or punishment of any contempt of court that any superior court of a Contracting Party has power to make as respects the area within its jurisdiction.”

Mme Justice Desiree Bernard, in an interview upon her retirement from the Court, gave her views on the matter. She viewed enforcement as a rule of law issue, noting that she expects States who voluntarily signed the Revised Treaty of Chaguaramas to honour their obligations thereunder.<sup>24</sup>

As to the damages owed to Ms Myrie, the matter continued to occupy public attention in the news media with the Prime Minister of Barbados signalling his intention to comply fully with the Court’s ruling and the Jamaican Minister of Foreign Affairs and Foreign Trade promising to make political representations on the matter. Ms Myrie was paid in June 2014.

It is noteworthy that the Constitution of Barbados provides that a decision of the Court concerning Barbados shall be enforced in Barbados in like manner as if it were a decision of

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<sup>24</sup> Kyle Christian, *Retiring Judge says onus on Gov’ts to abide by CCJ Rulings* (2014) available at <http://antiguaobserver.com/retiring-justice-says-onus-on-govts-to-abide-by-ccj-s-rulings/> (last visited 24 November 2014).

the High Court. A similar provision has been enacted in Dominica. Similar provisions but only in respect of decisions of the Court given in the exercise of its original jurisdiction have been enacted in Grenada, Jamaica and St. Vincent and the Grenadines.

- *Maurice Tomlinson v Trinidad and Tobago and Maurice Tomlinson v Belize*:<sup>25</sup>the Court granted special leave to Mr Tomlinson, a Jamaican national to challenge the Immigration Acts of Trinidad and Tobago and Belize which prohibit the entry of homosexuals. Mr Tomlinson argues that these legislative enactments violate his right to free movement as contained in Article 46 of the Revised Treaty and the 2007 Conference Decision. This case again throws up serious issues relating to the Community law against Domestic law question. The decision of the Court on the substantive application is expected shortly.

#### Contribution of the Court to the Administration of Justice in the Region

The contribution of the Court to regional integration can be assessed not only through the lens of its jurisprudence but also through its impact on the administration of justice in the Caribbean region. An independent, efficient and competent judiciary creates a favourable climate for foreign investment. The Court aims to be a leader in providing high quality justice worthy of the trust and confidence of the people of the region. Its watchwords are “Innovation, Integrity and Efficiency”; which also serve as the theme chosen to celebrate the 10<sup>th</sup> Anniversary of the Court this year. These principles lie at the heart of the structure of the Court and are put into play in its daily operations.

The Court is structured in a manner that insulates it from political interference. Appointments to the Court are made by the Regional Judicial and Legal Services Commission. The Court’s finances are managed by the CCJ Trust Fund. Both institutions are comprised of well-respected, regional professionals with a wide breath of experience. The unique financial arrangements have been set up to fund the Court in perpetuity. This approach to court financing has been critically examined by Sir Dennis Byron, who described the Court as a “trust fund baby.”<sup>26</sup> The trust fund model of financing has also been favourably reviewed by Professor Kate Malleson in the following terms:

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<sup>25</sup> [2014] CCJ 2 (OJ).

<sup>26</sup> Sir Dennis Byron, Funding for the Court, Paper presented for the Judicial Education and Training Programme for Judges of the African Court of Human and Peoples’ Rights in Arusha, Tanzania (5<sup>th</sup> March 2014).

“This novel arrangement for securing the funding of the Court appears to have worked well.... the overall model is one which has been widely praised both in the region and the international court community more widely. Although such a relatively extreme means of insulating the funding of the Court from the vagaries of political fluctuations may be less obviously applicable and necessary for more established international courts such as the International Court of Justice and the European Court of Justice, for newly created courts and for those which are set up in the future which may be more vulnerable to political pressure or financial insecurity, this funding model is one which could bring important benefits in securing the long-term independence of the courts. Moreover, although the older international courts are unlikely to find that their funding is withdrawn or cut as a crude response to politically unpopular decisions, more subtle attempts to curb the reach and activism of certain international courts through tightening of funds is quite possible. Such attempts to check the expansive role of the courts through the control of the purse-strings has been seen many times at national level. Likewise, many instances can be cited of less politically motivated budget cuts driven rather by simple neglect or undervaluing of the work of the courts. The effect of such cuts is no less damaging on the quality and effectiveness of the court. For these reasons the funding arrangements of the CCJ warrant serious consideration for wider adoption by the community of international courts.”<sup>27</sup>

The Court’s commitment to the development of the regional judicial system finds expression in the Strategic Plan of the Court, Goal 7.1: “The CCJ will organize its management and processes in a manner that will enable it to play a guiding role in the improvement of justice delivery in the region”. This goal is accomplished through the Court’s initiatives in establishing the Caribbean Association of Judicial Officers (CAJO), the Caribbean Academy for Law and Court Administration (CALCA) and the Caribbean Association of Court Technology Users (CACTUS); all of which host a variety of public education initiatives aimed at improving judicial systems in the region.

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<sup>27</sup> Kate Malleson, *Promoting Judicial Independence in the International Courts: Lessons from the Caribbean*, I.C.L.Q. 2009, 58(3), 671-687.

In the performance of its primary function - the delivery of justice, the Court has also proven to be innovative by using technological advancements to increase access to justice. Examples include:

- E-filing: Court documents can be filed and served electronically. A Practice Direction on Electronic Filing and Submission of Documents was issued under the hand of the President in June 2013. This practice has further been streamlined in the New Rules of Procedure of the Court which came into effect on 16<sup>th</sup> April 2015;
- Use of video-conferencing for case management and hearing of applications;
- Different media used to distribute Court's decisions: executive summaries, media releases and the CCJ Corner; and
- Sittings of the Court can be viewed on its website.

### Concluding Thoughts

There is a widely held view in the region that the integration movement is at risk of stagnation owing to an implementation deficit. See: Caribbean Regional Integration: A Report by the UWI Institute of International Relations (2011), the most recent and authoritative examination of the regional integration movement which warns that "failure to act immediately, decisively and coherently at the regional level could quite conceivably herald the effective decline of Caribbean society, as a 'perfect storm' of problems gathers on the horizon."

Some view the CCJ as providing the antidote to the implementation deficit. See: The Right Honourable Ralph Gonsalves, Bridge Over Troubled Waters: The Caribbean Community, The Caribbean Court Of Justice, Shanique Myrie And Community Law, Address at the Norman Manley Law School (April 17, 2014).

"We the people have a vested interest in the CSME and we stand to benefit the most from its full realisation. Therefore the journey in translating the goals and aspirations expressed in the RTC which are central to the operation of the CSME requires all hands on deck" Sir Dennis Byron, The CCJ and the Evolution of Caribbean Development, Address at the SALISES Conference (April 25, 2014).

“I renew my plea ... to combine all our endeavours to move our Caribbean people on the path of economic prosperity and social progress to ensure that we fashion a Caribbean civilisation embedded in strong regional consciousness and rooted in the promotion of human dignity for those who call the Caribbean our only home.” Percival Patterson, *Integration, an Imperative, not an option*, CARICOM View 40<sup>th</sup> Anniversary Edition at p. 12.