



CARIBBEAN COURT OF JUSTICE

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CCJ's Launches Sensitisation Series for the Original Jurisdiction and Referral Process Workshop

Port of Spain, Trinidad and Tobago. On 24 November 2022, the Caribbean Court of Justice (CCJ) and the CCJ Academy for Law, in collaboration with the Judiciary of Belize, launched the Inaugural Referral Workshop Series and sensitisation sessions on the CCJ's Original Jurisdiction (OJ) at the Biltmore Plaza in Belize, Central America. Over two days, Belize's judges, registrars, magistrates, attorneys, business community, and civil society gathered in segmented groups to deepen their understanding of the referral obligations of local courts and the Court's Original Jurisdiction.

Since the inauguration of the CCJ in 2005, less than 35 cases have come before the Court in its OJ, a comparatively low number in relation to the Appellate Jurisdiction of the Court. Moreover, there have been no referrals to the CCJ in the OJ by local courts. This may be due to various factors including limited information and awareness of the OJ process, insufficient promulgation of referral rules, and the lack of resources to initiate a claim. It is against this backdrop that the CCJ deemed it critical and timely to facilitate greater awareness and understanding of its Original Jurisdiction and, by extension, the referral process under Article 214 of the Revised Treaty of Chaguaramas (RTC). In October 2022, the Court finalised the production of a Referral Manual and instructional video.

At the opening ceremony for this initiative, which is co-funded by the European Development Fund, Chief Justice of Belize, Mme Justice Louise Blenman expressed her pleasure that the Judiciary of Belize is the first judiciary in the region to benefit from this programme and thanked the CCJ for ensuring that the project happened so quickly. CCJ Judge and Chairman of the CCJ Academy for Law, the Hon. Mr. Justice Winston Anderson underscored the importance of this training series, as the concept of referrals is unfamiliar to the Caribbean legal profession. Justice Anderson affirmed that "one of the sources of the CCJ's CSME jurisprudence specified in both the CCJ Agreement and the Revised Treaty of Chaguaramas, is referral of process for treaty interpretation from national courts and tribunals."

Mr Canton Lamousse, Team Leader of the European Union office in Belize told the gathering that "aside from the assistance provided to the Caribbean Court of Justice, several other initiatives are in the pipeline. A regional workshop on cyber security and data protection will also be organised for the Caribbean in the first semester of next year... and another 48-month programme on criminal justice reform will kick off in 2023. Eight countries from the region including Belize will be

assisted in efforts to reduce backlogs, which are a particular concern.” Mr Andrew Marshalleck, President of the Belize Bar Association and Ms Eliza Montalvo, Belize’s Solicitor General, also addressed attendees at the opening which included Belize’s Governor General Her Excellency Dame Froyla Tzalam, Leader of the Opposition, Mr Moses Barrow, and workshop participants.

Over the two days, through simulation exercises, step-by-step guides and group exercises, participants were able to identify when a question concerning the interpretation and application of the RTC arises in domestic proceedings, assess whether a referral should be made to the CCJ, formulate the question(s) to be referred together with the ancillary information to be supplied to the CCJ, oversee/supervise the process of making the referral utilising the office of the Registrar, and apply the ruling of the CCJ to resolve the dispute. They were also able to understand the process for accessing the Original Jurisdiction of the Court.

Joining Mr Justice Anderson as facilitators for this inaugural session were Ria Mohammed-Pollard, CCJ Communication and Information Manager; Chelsea Dookie, CCJ Judicial Counsel, and Dr Chantal Ononaiwu, Trade Policy and Legal Specialist at the CARICOM Secretariat.

In the upcoming year, the workshop series will continue in other CARICOM Member States namely Barbados, Guyana, Jamaica, Suriname, and Trinidad and Tobago.

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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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