



Referral Training and Sensitisation with the Judiciary of Guyana

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

Referral Training and Sensitisation sessions with the Judiciary of Guyana

Arthur Chung
Conference Centre, Guyana
23 June 2023

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.

Address
by
The Honourable Mr Justice Adrian Saunders, President of the Caribbean Court of
Justice
on the occasion of
The Referral Training and Sensitisation Session with the Judiciary of Guyana
Arthur Chung Conference Centre (Eastern Room), Georgetown, Guyana
23 June 2023

Protocols.

Thank you, Justice Jamadar. With all protocols having been formally established, I adopt them and extend warm greetings to you all.

Introductory Remarks

It is a pleasure and a privilege to be with you this morning. This is our initial engagement in an extended programme of focused interactions here in Guyana with members of the judicial and legal fraternity, civil society and the wider public. Our aim over the next few days is to facilitate meaningful knowledge exchange and insightful dialogue on matters of mutual interest relating to the administration of justice and the roles and functions of the CCJ.

The CCJ's visit to Guyana comes at an auspicious time in the history of the Caribbean Community. In a few days, CARICOM will mark its 50-year milestone. This circumstance affords us a good platform as private citizens to reflect on where we are as peoples of the Community. It provides the opportunity to celebrate our many achievements; to assess how far we have come, and to plan for the journey ahead. As judicial officers, we also have the responsibility to take stock and consider the ways in which we can deepen our contribution to the advancement of the people of Guyana and the wider Community.

It is in this light that, over the next few hours, you will be guided through an immersive introduction to the referral process prescribed by Article 214 of the Revised Treaty of Chaguaramas¹ ('the RTC') and the respective roles to be played by national courts and the CCJ in that process.

We have held similar workshops in Belize and Trinidad and Tobago. These workshops are a strategic area of focus for us because no use has been made of the referral process to date. The series is therefore geared towards increasing awareness of the role of the CCJ, the national courts

and the legal profession in the process and explaining the rationale and steps to be taken in realising the process. The series forms part of a project co-funded by the European Union (EU) through the 11th European Development Fund (11th EDF). We are, therefore, deeply grateful to the EU for partnering with us in this project.

Judicial dialogue and cooperation in furthering the goals and objectives of the CARICOM Single Market & Economy

The RTC and the CARICOM Single Market & Economy (CSME) created by it provide a framework for the collective achievement of sustainable economic and social development for the people and states of CARICOM. Listed among the CSME's objectives are 'improved standards of living and work' and the 'full employment of labour and other factors of production'.² These and the other objectives of the CSME have implications for such matters as: the free movement of goods, services, skills/people and capital; the right of establishment; and the engendering of a sense of belonging within the Community.³

Within this regime, the CCJ plays a critical role by promoting and protecting a rules-based system⁴ of integration ushered in under the RTC. The Court's centrality⁵ to the CSME is grounded by and results from the exclusive and compulsory jurisdiction conferred upon it by the RTC in matters concerning the interpretation and application of the Treaty⁶. The effect of this role is that through its decisions and opinions, the CCJ sheds light on and shapes CARICOM/Community law by putting flesh on and giving effect to the bare bones structure of the Treaty.

While the CCJ's competence is singular and exclusive, we do not and cannot stand alone. As you will hear throughout the course of today, there is a unique and critical role to be played by national courts and tribunals in shaping Community law. Indeed, through the referral process, national courts work with and alongside the CCJ with a view to ensuring that the full potential of the CSME is realised and treaty rights and obligations are respected and observed. The referral process can be seen as a dialogue between the national courts and the CCJ with the aim of ensuring uniformity in the development, interpretation and application of CARICOM law. The significance of national courts to this process cannot be overstated.

Closing

In closing, I must extend sincere appreciation to my colleagues, the Acting Chancellor, Mme Justice Cummings-Edwards and the Acting Chief Justice, Mme Justice Roxane George and their team for collaborating with the CCJ and the CCJ Academy for Law in facilitating this event. I also again express my deep and sincere gratitude to the European Union and the 11th EDF for their fervent support for this initiative.

Finally, I wish to thank you, the participants here, for committing your time and energy to this session. I trust that when you leave here today, you would have gained some new perspective on the CSME and our respective roles in relation to it. Perhaps even more importantly, it is my hope that you will leave here energised, motivated and empowered to fully embrace your role under Article 214. I offer best wishes for an impactful session.

Thank you.