



Remarks at the Norman Manley Law School's Commemoration of CCJ's 20th Anniversary

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

**Norman Manley Distinguished Lecture 2025-Commemorating the 20th
year of the inauguration of the Caribbean Court of Justice**

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Brief Remarks
by
The Honourable Mr Justice Adrian Saunders
President of the Caribbean Court of Justice
at the
The Norman Manley Distinguished Lecture 2025
Commemorating CCJ's 20th Anniversary
16 April 2025

1. First of all, I wish to thank the Norman Manley Law School for organising this wonderful event. I deeply appreciate the studied analysis and extremely generous comments expressed by Professor Tracy Robinson, all the more so because I regard her as the foremost Constitutional law academic in the Caribbean Community. I am truly humbled.

2. I prevailed upon Acting Principal Greenaway to permit me to exceed my originally allotted five minutes, but I still hope to be brief.

3. As has been observed, this year marks 50 years since the region has been producing its own home-grown lawyers. And today, this very day, we celebrate 20 years since the glorious inauguration of the Caribbean Court of Justice. To celebrate the event, this morning, in Port of Spain, we held an Inter-Faith service of reflection, and in the afternoon, the judges and staff of the Court engaged in an intimate huddle where we gave thanks, we relaxed, and we looked back with pride on the last two decades. Today has been that kind of day for us. One of introspection and reflection, seeking inspiration and giving thanks.

4. The establishment of the CCJ is the most far reaching, the most consequential decision ever made by the political directorate of the Caribbean Community. I have heard it compared to the establishment

of the West Indies Federation in 1958, but I vigorously disagree. That ill-conceived creature was always likely to fail. It was a construct devised by Whitehall in a manner to palliate restive West Indian nationalism. The federation was a colonial entity whose governor general, Lord Hailes, was a British public servant in whom was vested all executive authority within the federal government.

5. On the contrary, the CCJ was conceived and entirely constructed by us with input from the Caribbean people and in particular from the Jamaica Bar Association. The CCJ is an authentic, autochthonous vehicle designed to advance democracy and the rule of law in the Caribbean Community. The CCJ was primed to succeed. And it has been precisely fulfilling its destiny. And so, today, I give thanks to the leaders and the governments and the people of the Caribbean Community who supported the establishment of the CCJ. In particular, I give thanks to the States of Barbados, Guyana, Belize, Dominica and Saint Lucia for fulfilling their treaty promises and for entrusting to the Court the solemn responsibility of deciding their final appeals.

6. I wish also specially to recognise and give thanks for the noble efforts to subscribe to the appellate jurisdiction of the CCJ made by the Grenada Government of the Hon Keith Mitchell. The valiant endeavours of Prime Minister Mitchell, his government and the Parliament of Grenada were thwarted on each occasion by an Independence Constitution that imposes extraordinarily high referendum requirements on Grenada. Twice, the patriots of that country tried to accede, and even though on each occasion 100% of the Government and 100% of the Parliament were in favour of the CCJ, they were stymied by those steep referendum requirements. The Antigua and Barbuda Government of Prime Minister Gaston Browne also valiantly tried, but his government and the parliament were also frustrated by similarly high referendum thresholds. The Government of Jamaica, under Prime Minister PJ Patterson, and the parliament of the day also attempted to subscribe to the court's appellate jurisdiction, but those attempts were also unsuccessful. Nevertheless, I wish to thank the leadership and the Governments of all of these States that tried, unsuccessfully, to repatriate from London the full

responsibility for their own jurisprudence. I thank them for their courage and conviction and their unyielding solidarity with the CCJ.

7. I have just returned from the Commonwealth Law Conference that was held in Malta. While there, I attended a very spirited panel discussion essentially about the relevance and utility of the Judicial Committee of the Privy Council. I was initially minded not to contribute to the discussion, but I felt compelled to do so after listening to the Deputy President of the Privy Council, who was one of the panellists. Among other things, the Deputy President repeated the view that the Privy Council was “immune from political pressures”, thereby implying that the CCJ and or Caribbean courts were perhaps not so immune. The Deputy President’s statement was a repetition of one made by the Privy Council in a judgment issued in 2005 when a direct comparison was made between the Privy Council on the one hand and the CCJ on the other. The unfortunately drawn comparison played a factor in the reasoning that overturned the Acts of Parliament that had been passed by a sovereign Jamaican legislature. Those Acts had been reviewed and approved by all the Judges of Jamaica, both at the trial and appellate levels. After the Deputy President made his statement, I felt obliged to take to the podium.

8. Let us pause for a moment and do something that is often useful to do. Let us look to our literature and to our history. The great Caribbean writer from Barbados, George Lamming, once said this about our pre-independence journey. These are his prescient words, not mine:

[British Colonialism, he said] “was not a physical cruelty. Indeed, the colonial experience of my generation was almost wholly without violence. No torture, no concentration camp, no mysterious disappearance of hostile natives, no army encamped with orders to kill. The Caribbean endured a different kind of subjugation. It was the terror of the mind, a daily exercise in self mutilation ... [that] was the breeding ground for every uncertainty of self.”

9. I recall these words of George Lamming whenever I hear the statement that the Privy Council, unlike the CCJ, is immune from political pressures. Immunity from political pressures emerges not from a court's geography or physical distance from the site of a dispute it is resolving, but rather from the institutional framework that supports the court in question; from the method of selection of its judges and from the personal integrity of those judges. I took to the podium in Malta to prevail upon the Deputy President, please, to refrain from making statements that suggest that, unlike the Privy Council, the CCJ is not immune from political pressure. Such statements are wholly unsupported by evidence. They are grossly unfair, and when made by a member or supporter of the Privy Council, they are manifestly self-serving. It is an internationally well-recognised fact that the architecture that supports the CCJ's independence is second to none, unmatched even by the Privy Council itself. And so far as personal integrity is concerned, it is a grave slander on my colleagues, on all who have served on the CCJ and on me to suggest that our integrity is somehow lesser than that of the judges of the Privy Council.

10. The continuous repetition of statements that openly question the integrity of Caribbean people, specifically of CCJ judges and any interactions we may have with Caribbean politicians, precisely falls into the category to which George Lamming was referring. The most regrettable thing is that not a few otherwise responsible persons up and down the Caribbean (including some Caribbean lawyers and ironically even a few Caribbean politicians) mindlessly regurgitate these false statements. What results is a self-mutilating mantra that has zero evidence to support it and which goes some distance to cultivating among our people "every uncertainty of self".

11. Interestingly, statements questioning judicial integrity have never been aimed at the judges and politicians of New Zealand for example. Or take Malta, where the Deputy President made his remarks. Malta is an island in the Mediterranean so small that it will fit comfortably in one of Guyana's rivers. Both its population and its land size are less than those of the parish of Saint Andrew in Jamaica. Malta left the Privy Council to establish its own final courts in 1972. They did so without a fuss. I have never

heard it said of Malta's judges and Maltese politicians what is repeatedly said of the Caribbean and of Caribbean judges and politicians.

12. The world is becoming a more and more dangerous place for the peoples of small States. These are times when we must keep our wits about us and neither encourage nor succumb to terrors of the mind. Caribbean people cannot afford to persist in self-mutilation. Instead, we must resolutely embrace and act out Brother Bob's famous emancipation injunction. We must bring ourselves to accept the self-evident truth that the most appropriate court to hear United Kingdom final appeals is a UK court. The most appropriate court to hear Malta's final appeals is a Maltese court. And, without the shadow of a doubt, fifty years after we began producing our own lawyers, the most appropriate court to hear Caribbean appeals is a Caribbean court.

13. Forgive me. I digress. This is a day, not for recriminations, but for giving thanks. Today, I give thanks that, with the support and effort and goodwill of this Law School and so many other institutions and persons, the CCJ has passed, with flying colours, the tests that have been laid before it. We are not a perfect court. No court is. But we shall forever keep striving for excellence.

14. Colleagues, ladies and gentlemen, I give thanks to you all for your generous attention!