



Response Remarks at the Special Sitting of the Caribbean Court of Justice (CCJ) Honouring his Appointment as the Fourth President of the CCJ

The Honourable Mr Justice Winston
Anderson, President of the Caribbean
Court of Justice

Special Sitting to mark the inauguration of the Honourable Mr Justice Winston Anderson as President of the CCJ

The Seat of the Court, Trinidad and Tobago
06 October 2025

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, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana and Saint Lucia.

Response Remarks

by

The Hon Mr Justice Winston Anderson, President, Caribbean Court of Justice

On the occasion of the

Special Sitting of the Caribbean Court of Justice

Honouring his Appointment

as the Fourth President of the Caribbean Court of Justice

Monday, 6 October 2025

Excellencies, Fellow Judges, Honourable Attorney-General, Honourable Ministers and other Members of Parliament, Members of the Diplomatic Corps, Distinguished Guests, Ladies and Gentlemen, permit me to rely on the detailed Order of Protocol established earlier and simply to wish you a pleasant good morning.

Welcome to the Caribbean Court of Justice, the region's court, your court, and I do this in our 20th Anniversary year.

I am sincerely grateful to all of you present here this morning, whether physically or virtually. My special gratitude for the warm and encouraging words that have been delivered. I am humbled and inspired by them. Humbled because of the expression of confidence reposed in my appointment as the Fourth President of the Caribbean Court of Justice. Inspired because of the expressions of assurance that under my stewardship, the CCJ will continue to play a definitive role in the development of Caribbean jurisprudence.

The speakers before me have managed to map the milestones of my evolution in the law from my entry as a shy student into the Faculty of Law of the University of the West Indies, to my long academic career mainly at that institution, to my important stint at the Caribbean Community Secretariat, in Guyana, to my 15-years tenure on this Bench. Thank you again, most sincerely, not

only for the kindness of your words, but more importantly, for relieving me of any necessity to traverse those paths again.

So, please allow me to begin by recognizing the foundational work of my predecessors in this office, as, indeed, I had reason to do at my swearing-in in July this year. Our first President, Justice Michael de la Bastide laid the groundwork, leading the inaugural Bench which: crafted the first procedural rules, heard the first cases, and established a high bar of judicial erudition. Our second President, Sir Dennis Byron, brought the technological revolution into the operations of the Court and, by dint of his personality and outreach efforts, made space for the Court in the regional and international arenas. And the third President, my immediate predecessor, Justice Adrian Saunders, the last member of the inaugural Bench, furthered that mission by providing outstanding leadership in both the strategic direction and judicial work of the Court. These three legal stalwarts, and the judges who supported them, together with our hardworking staff, laid a solid foundation for this Court to prosper. They have graciously passed the baton on to this Bench and to this Court.

Over the course of my tenure, I hope to continue progressing the efficiency and transparency of the Court's work. In that regard, I would like this morning, to briefly mention a few areas of our judicial work which will receive special attention.

First and foremost, the emphasis will be on the continued production of superior judgments. In the 20 years of its existence, the CCJ has accumulated a significant body of judicial precedents. The Court has delivered a total of 347 decisions comprising 40 in the Original Jurisdiction (OJ), including 1 Advisory Opinion; and 307 decisions in the Appellate Jurisdiction (AJ). While our case load has been modest, as I stated in July, *the decisions of the Court have begun to shape the way we, the Caribbean people, live our lives and how we see ourselves.*

I suspect that this view needs little advocacy in relation to the original jurisdiction in which all 12 CARICOM Member States participate. The CCJ has firmly rooted the CARICOM Single Market and Economy (CSME) in the rule of law, ensuring that the rights of all Community nationals under the RTC are respected. A sense of belonging to a community governed by law has begun to take shape in our region.

The greater work remains to be done in relation to the appellate jurisdiction. We hope, and have reason to believe, that the people of those Member States who have acceded to the AJ, recognize

our contribution, and we hope that those States which have not yet acceded, will ultimately come to appreciate the value the Court offers to the region.

The existence of the CCJ has significantly increased the access by Caribbean citizens to final appellate justice. For example, there were 19 appeals from Barbados to the Privy Council in the 20 years immediately before 2005; in the 20 years since then, there have been 105 appeals from Barbados to the CCJ, an increase of over 450%. In the case of Belize, there were 33 appeals to the PC in the 15 years before accession to the CCJ's appellate jurisdiction in 2010; since then, there have been 56 appeals from Belize to the CCJ, an increase of over 69%. For Dominica, the numbers were 3 to the Privy Council in the 10 years before joining the AJ in 2015, and 10 in the 10 years since then, an increase of 233%. St Lucia sent 1 appeal to the PC in the 2 years immediately before joining the AJ in 2023 and sent 5 to the CCJ in the 2 years since, an increase of 400%. The average increase in appeals has been 288%. I should say that Guyana is the Court's largest, and in that sense, at least, our best customer of our appellate services, but the comparisons are not easily made given that that Member State abolished appeals to the PC in 1970.

Permit me to make two points, loosely related to the foregoing. On the hypothesis of an average increase of 288% in appeals, there would have been a significantly larger number of CCJ appellate decisions had there been full compliance with the obligation in the CCJ Agreement for all member states to join the appellant jurisdiction of the Court. Instead of 307 decisions, there would have been approximately 1,200 decisions. The opportunity cost of non-accession can therefore be measured in terms of reduced access to justice, which is also a denial of justice. Equally, there is a corresponding loss in the opportunity to fulfil the mandate of the CCJ Agreement to develop a Caribbean jurisprudence that is responsive to all areas of Caribbean life.

Whilst we await accession by our 7 remaining jurisdictions, an important phenomenon should not go unnoticed. CCJ decisions in the appellate jurisdiction are given favourable treatment and are increasingly being cited and relied upon by the judiciaries in countries which have not yet acceded to the AJ. A recent Study indicates that there are at least 450 instances where courts in non-AJ countries have accepted and relied upon decisions of this Court in numerous areas, such as constitutional and statutory interpretation, criminal law and sentencing, enforcement of foreign judgments and awards, commercial law and adverse possession. This trend is an encouraging sign for the development of a body of jurisprudence applicable across the entire region.

Very soon, the Court will launch its new strategic plan for the next seven years, 2025-2032. The Plan reflects our overarching mission to harness and advance the growth in Caribbean jurisprudence. It embraces our vision of judicial excellence, supported by ever-evolving institutional capacities and competencies. Our core values remain a steadfast compass, and the lodestar continues to be the unrelenting pursuit of Justice.

The Strategic Plan recognizes, as the first area for strategic priority and intervention, the continued delivery of high-quality judgments to the people and States of the Community. It considers the efficient management of court operations to be essential to upholding the CCJ's reputation for judicial excellence and independence. Our Bench and administrative support will maintain a constant line of sight to the mission and vision of the Court. The pride of place given in our Strategic Plan to the judicial output symbolizes in a powerful way that administrative and logistical activities of the Court will be intentional in their support of the Court's overriding function.

An aspect of judicial decision-making to which keen attention will be paid is the need to provide clarity of judicial guidance from the apex court. Subject to the overriding principle of judicial independence, we will endeavour to seek consensus and avoid a multiplicity of similar opinions. Instead of nuances in the reasoning of similar opinions the Court will prioritize the importance of speaking with a clear voice, presenting coherent guidance, and delivering transparent justice. We will constantly review our procedures for decision-making with a view to creating various opportunities for discussion, consensus, dissension, challenge and agreement, all of which are critical to the adjudicative process.

This is a point worth stressing in the context of the blessing of a diverse Bench. Over the past two decades, the Court has benefitted from the expertise of judges from across the region and across the world. Naturally, most of our judges have hailed from Member States of the Caribbean Community: Barbados, Belize, Guyana, Jamaica, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Trinidad and Tobago, and other of course, are promised. However, we have had one judge from the United Kingdom, one from the Netherlands and now, one from Nigeria. We have had men and women, from various ethnicities, religions, and legal backgrounds. Matters that have come before us are inevitably viewed through varying lenses and perspectives. This has strongly influenced and strengthened our judicial reasoning and has also counselled against unnecessary juridical splintering.

Another area requiring attention is the promotion of accessibility to the Court's decisions. It is essential that we make our judgments easily available to our all stakeholders: judicial officers, legal practitioners, law students, and the public. The Court's website contains all our judgments, and our online Library Catalogue makes all judgments and publications of the Court readily available. Our cases are periodically published in the *West Indian Reports*. But accessibility may require a deeper dive. **Searchability** of judgments is essential to ensuring that relevant cases are followed or cited, as appropriate.

It is here that technology can play a vital role. The CCJ will continue our drive to use technology in advancement of judicial efficiency. Most recently, in partnership with the Caribbean Agency for Justice Solutions (CAJS), we have sought to leverage Artificial Intelligence (AI), with the hope of harnessing its transformative benefits. The recent introduction of the court's AI tool, "Ask CCJ", has been a step in that direction. It is a tool designed to support and accelerate the research process for judges, judicial counsel, library, and registry staff. As its informational base, "Ask CCJ" has the full repository of the court's judgments, as well as publications, speeches and other knowledge products produced by the Court. It can perform sophisticated analyses and can generate concise summaries and insights into judicial decisions. AI is essential to fulfilling our responsibility to deliver justice efficiently, to protect and safeguard fundamental rights, and to uphold the rule of law in a rapidly evolving world. In facilitating the searching of judgements "Ask CCJ" is a very useful tool to ensure consistency and coherence in the decisions of our Court and in other courts interested in our judgments.

Of course, AI's impact on the legal profession goes much further than its utility as a search engine for our judgments. As more legal practitioners incorporate AI into their research activities, legal drafting, and case strategy, we considered it prudent to issue earlier this year, a Practice Direction on the proper use of generative AI in court proceedings. Recent unfortunate developments in some of our jurisdictions such Trinidad and Tobago and in The Bahamas where cases hallucinated by AI were cited by counsel and properly deprecated by the court, emphasize the need for vigilance in preserving the integrity of our judicial proceedings. At the CCJ, we will continue to monitor the advancements in this field, and to responsibly incorporate emerging technologies to support our work.

Even while we maximize the use of technology, the Court will continue to facilitate and encourage in person hearings. I hope you will agree that we have a superb venue here in Court Room 1 for such hearings. (We aren't normally as fully subscribed). I acknowledge the partnership with the European Union which has led to this refurbished and forward-looking courtroom. Also, in due course, we intend to intensify our itinerant sittings so that, as I said in July, *“the people of the region can see us, interact with us, and realize that we are in fact their kith and kin, and part and parcel of the fabric of their society.”*

Finally, by happy serendipity, this special sitting coincides with the start of the 2025 Court year. For the future, we intend to commemorate the start of the Court year by appropriate ceremony that emphasizes the enduring importance of courts as the cornerstone of justice and of the rule of law. Courts ensure laws are applied fairly, uphold individual rights, and maintain public trust through impartiality and transparency. The ceremonial opening of the Court year is a moment for all legal professionals to reflect and to recommit to their calling to pursue justice. In a world facing complex legal and moral dilemmas, the law must be upheld as the beacon of reason, fairness, and civilization, and the start of the Court year is the most propitious time to call attention to that fact.

In closing, permit me to acknowledge and thank my colleagues and staff at the CCJ for their extraordinarily strong support and encouragement over these past 3 months. The CCJ is blessed with an excellent Bench of vibrant, experienced, and collegial jurists, and a cadre of competent managers and staff, all of whom are committed to the mission and vision of the Court. And to all of whom I am deeply grateful.

Again, I would like to thank you all for the singular honour of your presence and support today. I assure you that this day will be a light that shines in trying times when other lights grow dim. Thank you again most sincerely.