



CARIBBEAN COURT OF JUSTICE

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PUBLIC ADVISORY

ADVISORY OPINIONS OF THE CARIBBEAN COURT OF JUSTICE

The Caribbean Court of Justice (CCJ) is the regional judicial institution established on 14 February 2001 by the Agreement Establishing the Caribbean Court of Justice.

The CCJ is a hybrid institution: a final court of appeal for acceding Member States, and for all Member States, an international court vested with original jurisdiction to interpret and apply the Revised Treaty of Chaguaramas (RTC) establishing the Caribbean Community (CARICOM) including the CARICOM Single Market and Economy (CSME). The CCJ has the compulsory and exclusive jurisdiction to interpret the Revised Treaty of Chaguaramas.

While the Court is not yet in receipt of any official request for an Advisory Opinion from CARICOM, it takes note of the information in the public domain that such a request may be forthcoming and offers the following statement.

Given the public interest in this issue and in response to general questions already raised by the public, the Court considers it helpful and in the public interest to provide the following general information about Advisory Opinion proceedings.

A request for an Advisory Opinion does not involve either adversarial or contentious proceedings. In responding to a request for an Advisory Opinion, the Court's remit is to entertain submissions from interested parties and furnish a legal opinion to answer the question(s) contained in the request.

In its commitment to ensuring that all members of the Community it serves are well informed about the Court's proceedings, the CCJ is pleased to share some pertinent information with the public that may aid in understanding its operations.

Important Terms

“Advisory Opinion” means an opinion delivered by the Court upon a request made pursuant to Article 212 of the RTC.

“Agreement” means the Agreement Establishing the Caribbean Court of Justice signed in Bridgetown, Barbados on 14 February 2001, as amended from time to time.

“Community” means the Caribbean Community including the CARICOM Single Market and Economy.

“Member State” means a Member State of the Community under Article 3 of the RTC.

“RTC” means the Revised Treaty of Chaguaramas, a binding legal agreement signed on 5 July 2001, by Member States of the Community that succeeded and updated the original Treaty of Chaguaramas signed in 1973. It officially established the CSME to deepen economic integration, coordinate foreign policy, and enhance functional cooperation among Caribbean Community Member States.

Frequently Asked Questions

What is the purpose of an Advisory Opinion?

The purpose of an Advisory Opinion is to allow Member States and the Community to receive the Court’s views on the interpretation or application of the Revised Treaty of Chaguaramas.

Who can request Advisory Opinions from the CCJ?

Member States who are parties to a dispute as well as the Community itself can request an Advisory Opinion.

What is included in a request for an Advisory Opinion?

Where Member States or the Community request an Advisory Opinion, the request shall include:

- (a) a clear and succinct statement of the point on which the opinion is sought;
- (b) a statement of the facts including specifying those in dispute; and
- (c) a statement of the legal aspects of the case.

What happens after a request for an Advisory Opinion is received by the Court?

Within 14 days of receipt of a request for an Advisory Opinion, the Registrar of the CCJ shall serve copies of the request on all Member States and the Secretary General of the CARICOM. Any entity which has been served shall be entitled to make written submissions to the CCJ within 42 days of being served. The Registrar shall send to all Member States and the Secretary General of the CARICOM a copy of all written submissions that have been received. After the expiry of the time specified for the receipt of written submissions, the CCJ shall give directions for the further conduct of the matter.

How long will it take to issue the Advisory Opinion?

In accordance with its internal procedures, an Advisory Opinion will ordinarily be issued no later than six (6) months after the hearing. Further, under its Original Jurisdiction Rules, the CCJ may hear matters under an expedited procedure. The public will be notified in advance of the date of delivery of any Advisory Opinion.

The Caribbean Court of Justice remains committed to the delivery of accessible, fair, and efficient justice for the people and States of the Caribbean Community. The Court encourages the public to visit its website

www.ccj.org and social media pages to learn more about the Court's operations and for information on current and past cases.

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

For more information please contact:
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