

CCJ Academy for Law

An eye on education

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THE Caribbean Court of Justice (CCJ) Academy for Law's mandate is to provide informative and innovative perspectives on the rules and the roles of law, particularly international law.

Additionally, the Academy provides a platform for examining court administration and encouraging best practices in the judicial administration of justice.

Since its inception, according to chairman of the Academy, Justice Winston Anderson, "it (Academy) has been quite effective, given the limited resources and limitations under which it has operated".

Anderson chairs the Academy's management committee, which includes Justice Jacob Wit, registrar and marshal Jacqueline Louella Graham and executive assistant Susan Medina.

In an interview with the *Express* on Friday, Anderson said, "The Academy began life in 2010, under the title of the Caribbean Academy for Law and Court Administration (CALCA). The original focus was to heighten the appreciation of international law among legal practitioners to support the operation of the trade dispute jurisdiction of the court."

Anderson added that in resolving trade disputes between member states of Caricom, the court is obliged by treaty to apply rules of international law.

"But we soon found that many of the lawyers appearing before us were not as familiar with international law as they were with traditional areas such as criminal law, property law, constitutional law or commercial law.

"CALCA sought to remedy this deficit by holding lectures, workshops, and conferences on various aspects of international law, especially international trade law. Thus the biennial conference was born."

He said, over the past nine years, the Academy has diversified into other areas of the law.

"We have taken the biennial conference to other Caricom countries (such as Jamaica in 2018) as well as, to non-Caricom countries (such as St Maarten in 2016). In February 2018, we incorporated as a non-profit and changed the name to the CCJ Academy for Law to emphasise the umbilical connection to the court as its educational arm."

The chairman noted that by erecting a firewall between the court and the Academy "makes for greater autonomy and transparency, particularly regarding fundraising. However, the continued close relationship with the court is emphasised by the fact that the president of the court remains the patron of the Academy. Our Eminent Caribbean Jurists Awards Ceremony to recognise and celebrate the work of prominent Caribbean



LIFETIME AWARD: Justice Adrian Saunders, president, Caribbean Court of Justice, presents Judge Anthony Lucky with the Lifetime Award at the Inaugural Eminent Caribbean Jurists Awards held at the Hyatt Regency, Port of Spain.
—Photo: ISHMAEL SALANDY

judges and legal practitioners got off to a spectacularly successful start last Monday and we hope it goes from strength to strength."

On October 7, the Academy hosted an awards ceremony which saw 18 jurists inducted into the Eminent Caribbean Jurists Hall of Fame. Five of whom represented the most outstanding and long-serving honourees and were conferred with lifetime awards. The awardees were: Trinidadian judge Anthony Lucky, Sir Shridath Ramphal (Commonwealth of Nations); Judge Patrick Robinson (International Court of Justice), Ambassador Dr Bertrand Ramcharan (United Nations Refugee Office) and Prof Duke Pollard (Caribbean Court of Justice).

Reluctance of states to accept CCJ

Questioned about his views on the reluctance of several Caricom states to accept the CCJ as its final appellate court, despite having the experienced manpower and notwithstanding the Privy Council signalling the Caribbean is equipped to handle its judicial affairs, Anderson indicated he preferred "if all

member states honoured their treaty commitment and accepted the appellate jurisdiction of the Court.

"If I thought more advocacy would help, I would join that effort. However, there are, I think, some deep-seated issues at play which are outside my expertise and over which I have no real control. For that reason I prefer to focus on the things I do have some control over, such as the judicial work of the court and my work with the Academy."

To date, four Caricom states (Belize, Guyana, Barbados and Dominica) have replaced the Judicial Committee of the Privy Council with the CCJ. The CCJ's headquarters is located on Henry Street, Port of Spain.

Court administration

"With the age of globalisation, court administration has been an issue of contention among some Caribbean states throughout the years, how exactly has the Academy addressed such issues?" the *Express* asked.

Stating that court administration is on the Academy's agenda, Anderson said thus far it has

not been tackled.

"I know there are international associations dedicated to the enhancement of court administration (such as the International Association of Court Administrators or IACA) and I imagine that intervention in this area would benefit from collaboration with such associations and close coordination with court administrators and registrars in the region. That is certainly an area to consider for future activity."

Additionally, he said, the situation has improved considerably, since in early days, "when there was a clear deficit in appreciation of international law and international legal procedures in the arguments and submissions made to the court.

"These days the arguments are much more grounded in the tenets of international law. International law cases and treaties are cited and discussed much more authoritatively and the arguments are now more nuanced and sophisticated. We would like to think that the biennial conference and other activities of the Academy have something to do with this improvement."

Partnering with the Caribbean Public Health Agency (CARPHA)

The Academy has also partnered with CARPHA in a bid to allow the insertion of legal principles into the public health discussions. CARPHA is a single, regional, public health agency for the Caribbean. It was legally established in July 2011 by an inter-governmental agreement signed by Caricom member states. It was established to build member states' capacity to prevent disease and promote health and wellness through leadership, partnership and innovation in public health.

"We have partnered with CARPHA on a number of initiatives relating, for example, to the reduction of non-communicable diseases in the region. The incidence of childhood obesity is intolerably high and we have catalysed discussions on issues surrounding the levels of sugar in foods, especially foods marketed to children."

Anderson said, "Issues of marketing and labelling loom large here," and, as a result, "We are working with CARPHA on issues related to acceptance and implementation of World Health Organisation Convention relating to tobacco.

"We also plan to consider how best to contribute to a discussion on reduction of crime and criminality, especially among our young adults. Mental illness and suicide are other issues we hope to provide a forum in which policymakers can undertake useful discussions," he added.

Academy's plans for 2020

NEXT year the Academy will host its biennial conference in Port of Spain, hopefully, Anderson indicated this will be "in conjunction with the Law Association".

Consideration is being given for the theme, "Law in the Digital Age".

"We will probably continue our partnership with the General Legal Council of Jamaica, as regards the conference. At present we are considering organising under the theme of Law in the Digital Age".

"In the earlier part of the year (April/May) the Academy plans to partner with The Hague Conference to put on a two-day Workshop in Port of Spain aimed at sensitising stakeholders to the importance of accepting and implementing commercial treaties. It has been estimated that faithful implementation of these international agreements could increase GDP by around five per cent. In the end the decision on whether to accept a convention is a matter for the Executive and the Academy's role is simply to facilitate a discussion around this topic among regional policymakers," Anderson said.

Towards the end of January, the Academy will participate in the inauguration of the Caribbean Community Administrative Tribunal (CCAT) in Guyana.

"The CCAT will allow members of staff of Caricom institutions to take employment grievances to an independent tribunal for resolution. At present those staff members have no recourse outside their institutions because local courts have no jurisdiction over the institutions."

The Academy chair said the initiative is aimed at finding a way around institutional immunity and thus giving employees access to justice.

The Academy will also be having its second Eminent Caribbean Jurists Awards ceremony, on the first Monday in October.

"This time the focus will likely be on pioneering Caribbean women jurists. In a profession that was until recently male-dominated, it will be fascinating to explore how women found their niche and made their mark in various areas of endeavour where competence in the law is required or highly useful."

Adding that women jurists have made great strides in practice, on the Bench, in academia, business (eg, as corporate secretaries); politics (heads of governments or heads of state), etc, it will also be fascinating to hear of the challenges faced by these women and how they dealt with them.

"As with this year, the Academy will probably stage a fun and fundraising dinner the day following the ceremony."