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ABOUT THE CARIBBEAN COURT OF JUSTICE

I - INTRODUCTION

Q. What is the Caribbean Court of Justice?

A. The Caribbean Court of Justice (CCJ) is the regional judicial tribunal established on 14 February 2001 by the Agreement Establishing the Caribbean Court of Justice. The agreement was signed on that date by the Caribbean Community (Caricom) states of: Antigua & Barbuda; Barbados; Belize; Grenada; Guyana; Jamaica; St. Kitts & Nevis; St. Lucia; Suriname and Trinidad & Tobago. Two further states, Dominica and St. Vincent & The Grenadines, signed the agreement on 15 February 2003, bringing the total number of signatories to 12. The CCJ was inaugurated on 16 April 2005 in Port of Spain, Trinidad & Tobago. It had a long gestation period, commencing in 1970 when the Jamaican delegation at the Sixth Heads of Government Conference, which convened in Jamaica, proposed the establishment of a Caribbean Court of Appeal in substitution for the Judicial Committee of the Privy Council.

Q. How is the Caribbean Court of Justice different from the Caribbean Court of Appeal proposed by Jamaica at the Sixth Heads of Government Conference?

A. The Caribbean Court of Justice is designed to be more than a court of last resort for member states of the Caribbean Community. For, in addition to replacing the Judicial Committee of the Privy Council, the CCJ is vested with an original jurisdiction in respect of the interpretation and application of the Treaty Establishing the Caribbean Community. In effect, the CCJ is designed to exercise both an appellate and an original jurisdiction.

Q. How is the appellate jurisdiction different from the original jurisdiction?

A. In the exercise of its appellate jurisdiction, the CCJ considers and determines appeals in both civil and criminal matters from common law courts within the jurisdictions of member states of the community and which are parties to the Agreement Establishing the CCJ. In the discharge of its appellate jurisdiction, the CCJ is the highest municipal court in the region. In the exercise of its original jurisdiction, the CCJ will be discharging the functions of an international tribunal, applying rules of international law in respect of the interpretation and application of the Treaty. In this regard, the CCJ will be performing functions like the European Court of Justice, the European Court of First Instance, the Andean Court of Justice and the International Court of Justice. In short, the CCJ is a hybrid institution - a municipal court of last resort and an international court with compulsory and exclusive jurisdiction in respect of the interpretation and application of the Treaty.

Q. Is there general agreement on the establishment of the Caribbean Court of Justice?

A. No! Opinions are divided on the need for, or desirability of, the Caribbean Court of Justice. Opposition to the CCJ appears to be informed by various considerations. One such consideration is suspicion of the unknown and professional resistance to

change which is, more often than not, reinforced by the vigour of inertia. Some members of the legal community also entertain legitimate reservations about the ability and willingness of member states of the Caribbean Community to provide adequate funding for the Court on a sustainable basis. Other stakeholders question the likelihood of the CCJ attracting to its benches Judges of the required expertise and legal erudition to inspire confidence among members of the legal community and litigants generally. Some of these considerations have been addressed below. Proponents of the Court perceive of this institution as completing the independence of Commonwealth Caribbean states. Other supporters of the Court consider that an indigenous court consisting of regional Judges is best suited to pronounce on issues of regional importance and, in so doing, contribute to the development of a regional jurisprudence.

[Section II ---->](#)

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