

## **CARICOM Awardees Challenge Media assertions on CCJ**

Issues have arisen in Trinidad and Tobago which could threaten the very existence of the Caribbean Court of Justice (CCJ). So far, they have taken the form of studied distortions in the media regarding Trinidad and Tobago's financial obligations to the Court and related innuendos about the country's withdrawal from the process.

Much concern has been caused by the limited adherence within the Community to the appellate jurisdiction of the Court; but it has been hoped that gradually this would be rectified and the Court allowed to function to its full potential. .

Trinidad and Tobago had fought forcefully for the Headquarters of the Court; it was not foisted on a reluctant host country. Other member States had vigorously sought its location. CARICOM Heads of Government accepted Trinidad and Tobago's claim and desire to house this vital institution of Caribbean integration. The modalities for the Court were meticulously worked out with a view to securing the Court's integrity and independence – and continuity. As such, those modalities have won the respect of the Commonwealth's legal community.

Central to those arrangements was the establishment of a Regional Trust Fund from which the costs of the Court would be met. The Agreement establishing the CCJ on this basis was signed on 14 February 2001 by 12 CARICOM Heads, including the then Prime Minister of Trinidad and Tobago, Mr Basdeo Panday.

We wish particularly to correct the inference that Trinidad and Tobago is carrying a disproportionate cost of the CCJ.

The running costs of the Court are paid from the annual income of a Trust Fund of approximately 100 million dollars raised by the Caribbean Development Bank. All CARICOM countries are responsible for the Trust Fund in agreed amounts. Trinidad and Tobago is responsible for 31.6 million US dollars, Jamaica 28.7 million dollars, Barbados 13.5 million dollars and Guyana 8.8 million dollars. CARICOM's smallest countries (OECS and Belize) are responsible for 2.2 million dollars each.

Trinidad and Tobago and Jamaica which have the largest populations are responsible for the highest percentage of the Fund in accordance with the established formula for CARICOM Institutions. Trinidad and Tobago's contribution to the Trust Fund cannot be subject to any reduction because that would erode its capital base.

The annual expenditure of the Trinidad and Tobago government is for a single building as the Court's Headquarters. Provision of the building is a normal cost falling to any CARICOM Member country which hosts a regional institution. It was a cost which Trinidad and Tobago in its campaign for the Headquarters of the Court, offered to bear and that was accepted by the Community. Similar costs are borne by the Governments of Guyana and Barbados in respect of the CARICOM Secretariat and the Caribbean Development Bank which they respectively host.

Any attempt to create a climate of hostility to the Court by distortions in the country of the Court's location is serious in itself. When it is accompanied by suggestions of creating a National Court of Appeal in place of the CCJ, the implications for the people of the Caribbean Community including Trinidad and Tobago, become stark and troubling.

We warn against these developments which, as in an earlier era, could bring down the structures for advancing the interests of the people of CARICOM – structures which were carefully constructed and nurtured over many decades by sons and daughters of all CARICOM countries not least Trinidad and Tobago. We hope the Government of Trinidad and Tobago will distance itself from these retrogressive developments

CARICOM member states – individually and collectively- face severe challenges in the international political economy and in their regional and national circumstances. It is a time when the people of the Caribbean need strong and stable regional institutions to help fulfill their aspirations for social and economic development. It is not a time for retreat; it is a time to go forward.

The penultimate paragraph of the Preamble to the Revised Treaty of Chaguaramas affirms “that the original jurisdiction of the Caribbean Court of Justice is essential for the successful operation of the CSME”. In so asserting, CARICOM Heads of Government were emphasizing a truism. The mutual undertakings of the Treaty are the foundations on which Caribbean regional integration now exists and are the base by which its development must be guided. The CCJ is an indispensable pillar of its structure. Were it to crumble, the structures of unity it supports would be imperiled. The Single Market and Economy would become an improbable dream, and the chances of the people of CARICOM to maintain their identity and safeguard their autonomy in the global community would be endangered.

During the last eighteen years, the signatories who joined in making this statement have been honoured by CARICOM Heads of Government as recipients of the Order of the Caribbean Community (OCC).

We each believe that this cherished honour imposes an obligation on us to speak out if ever we feel that the Community's highest purposes and the interests of its people are being critically endangered. It is in this vein that we speak now with one voice of the threat being posed to the Caribbean Court of Justice and the Community's goals more generally. We do so with humility, but with a sense of duty to our Caribbean people.

Sir George Alleyne, OCC  
Hon. Nicholas Liverpool, OCC  
Sir Alister McIntyre, OCC  
Most Hon. P. J. Patterson, OCC  
Sir Shridath Ramphal, OCC

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