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 engaging 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) 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 how the arguments are now more nuanced and sophisticated. "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 states. It was established to build member states’ capacity to prevent disease and promote health within the Caribbean, partnership and innovation in public health.

The Academy partnered with CARPHA on a number of initiatives relating, for example, to the reduction of non-communi- cable 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 a number of initiatives 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.”

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’s decision to handle its judicial affairs, Anderson indicated he preferred “if all 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 16 judges 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).

Court administration

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

Standing 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 counterparts in regions. 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.”

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Academy’s plans for 2020

Next year the Academy will host its biennial conference in Port of Spain, hopefully, Anderson indicated that the theme “Law in the Digital Age”. Consideration is being given for the theme,”Law in the Digital Age”.

In the earlier part of the year, the Academy will 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.

Towards the end of January, the Academy will participate in the inauguration of the Caribbean Community Administrative Tribunal (CCAT) in Guyana. The CCAT allows 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 are out of the jurisdiction over the institutions.”

The Academy chair said the initiative is aimed at finding “a way around institutional problems so as to 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 (e.g. as corporate secretaries); politics (as ministers 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 conference.”