

Introduction

Last week the President of the Caribbean Court of Justice, Adrian Saunders led a small delegation to a Town Hall meeting here, to create more awareness about the functions of the CCJ, the regional body that was created as the final court for the Caribbean.

St. Vincent and the Grenadines is not yet a member of the CCJ in its appellate jurisdiction. Under our current constitution, the London based Privy Council is our final court of appeal. While the general consensus is that the country should move to the CCJ as the final court of appeal, this requires a certain two-thirds majority vote, either in the House, or by way of a referendum. In 2009, the ULP sought, by way of a referendum, the required vote to amend the constitution, to give effect for the move away from the Privy Council. This process was defeated due to a nasty, vicious “No Vote” campaign, orchestrated by the opposition NDP.

The Town hall meeting held by Justice Adrian Saunders was a huge success, with tons of information regarding the operations of the CCJ being disseminated to a wide audience. Apart from the town hall meeting, Justice Saunders appeared on radio, including the NDP mouth piece, Nice (Lies) Radio, where he was interviewed by none other than Douglas De Freitas, the owner and manager of that radio station, and a strident supporter of the opposition NDP.

The NDP at the Town Hall meeting

It is interesting to evaluate the performance of the NDP, and their supporters at the town hall meeting. For some reason, the NDP felt that this was an opportunity to vent their feelings on a number of local issues, hoping for some kind of response from the CCJ officials, in support of their positions.

So for example the businessman Leon “Bigger Biggs” Samuel, related his version of the events which led the state to halt his mining operation in the Rabacca area, because of environmental concerns. He further went on to state that he suffered losses totaling about 12 million dollars. Naturally, Justice Saunders opined that all the matters raised by Samuel and others, had nothing to do with the Caribbean Court of Justice.

Luzette King tried a different tack, wanting to raise the matter of the integrity of Vincentians who might become available for appointments to the CCJ. She claimed that these persons who might have something to do with the ULP administration, in some form or the other, do not have the integrity to sit on the

CCJ. So presumably, any Vincentian legal person who adjudicates a case in which the outcome is not favourable to the NDP, is not suitable to sit on the CCJ.

President Saunders had to point out the nature of the selection process of the CCJ, which is very thorough and robust, and is designed to weed out poor applications, and prospective candidates with known biases.

Interestingly, the leader of the opposition NDP, Godwin Friday, was present at the Town Hall meeting. He declined to speak, allowing his sycophants to make their presentations on behalf of the NDP. Friday has already indicated that he and his party are not interested in the CCJ, and that they would rather hold on to the Privy Council. In this way, he is acceding to the directions set by the former leader and founder of the party, Sir James Mitchell.

Denial of Justice

On the face of it, Vincentians may never be able to move to the next level of the justice ladder, to have their legal matters finally determined. As pointed out by the CCJ officials, it is very expensive for a Vincentian to access the Privy Council, as their final court of appeal. It is much more cost effective for Vincentians to access the CCJ, and in fact there is a procedure which will provide for people without means, to have their appeals heard by the CCJ. There is no such procedure for persons who want to access the Privy Council. So it is safe to say that only rich Vincentians can access the Privy Council.

It is unfortunate that the NDP is not keen to move away from the Privy Council. It is safe to say that the NDP is not interested in poor people accessing a higher court to obtain justice. NDP senior members such as St. Clair Leacock, the member for Central Kingstown, has a mixed reaction to this matter. He says that “any decent Caribbean person would recognize that at some stage it is necessary for us to become a member of the CCJ. We have to believe in ourselves. We cannot forever believe that everybody else is better than ourselves”.

These are strong words from the Vice President of the NDP. Are we to believe that there are no decent Caribbean persons within the leadership of the NDP? If this is the case, then the drive to have the CCJ as our final court, is in serious trouble. First of all, the NDP has to decide as a policy, that they will support the move towards the CCJ. They will first have to divest themselves of all the so-called fears that supporters like Bigger Biggs, Marcus De Freitas and Luzette King claim to have. If they put their political biases aside, they will learn that these fears have nothing to do with the CCJ.

As a court, the CCJ is admired worldwide, even by those persons who swear by the Privy Council. The CCJ is designed to protect and promote the rule of law as a court of final appeal, and to guard the Revised Treaty of Chaguaramas as it is applied to the CARICOM group.

It is time we as Vincentians embrace the CCJ, as our court of final appeal.