



Swearing in Ceremony of Mr Justice Andrew Burgess

The Honourable Mr Justice Adrian
Saunders, President of the Caribbean Court
of Justice

The Swearing in Ceremony of Mr Justice Andrew Burgess to the Caribbean Court of Justice

Government House, Barbados
18 January 2019

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, four states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica and Guyana.

REMARKS

By

The Honourable Mr Justice Adrian Saunders, President of the Caribbean Court of Justice,

on the occasion of

The Swearing in ceremony of the Honourable Mr Justice Andrew Burgess

18 January 2019

Your Excellency

Today's swearing-in ceremony marks the culmination of a process that began several months ago. Since its inauguration in 2005, the Caribbean Court of Justice has always been staffed by seven judges. As one of the seven retires, a vacancy naturally arises. A vacancy arose last July. Sir Dennis Byron retired and, because I succeeded him as President of the Court, a vacancy arose for the position that I held. Another vacancy will occur in July of this year as Mr Justice David Hayton will retire then.

In light of these existing and impending vacancies, the Regional Judicial and Legal Services Commission advertised for the position of Judge last year. It is the Commission that selects the judges. The ten-member Commission is chaired by the President of the Court. The Commission comprises a group of distinguished persons. Six of them are selected by Bar Associations and Law Institutions in the region. Two others are, respectively, a chairperson of the Judicial Service Commission and a Head of Judiciary of a CARICOM member state, each on a triennial rotating basis. Finally, there are two persons from civil society nominated jointly by the Secretary General of CARICOM and the Director General of the OECS.

The Commission received 18 applications in response to the advertisement that was put out last year for the office of Judge. The applicants were from countries such as Australia, Barbados, Botswana, the Cameroons, Guyana, Jamaica, St Kitts and Nevis, The Bahamas, Trinidad and Tobago, The United States of America and the United Kingdom.

Each of these 18 applicants was obliged to submit for the consideration of the Commission a detailed dossier that provided a fair picture of the experience, qualifications and suitability of the applicant for appointment. The Commission then carefully examined the applications and shortlisted the 8 most impressive applicants. The short-listed candidates were brought to the Court's headquarters in Port of Spain for an extensive in-person interview.

The Agreement establishing the Court provides some guidance to the members of the Commission on how they should go about assessing the suitability of a person to be a Judge of the CCJ. The Commission is mandated to have regard to such criteria as: high moral character, intellectual and analytical ability, sound judgment, and understanding of people and society. The Commission is also authorised to consult with associations representative of the legal profession and with other bodies and individuals that it considers appropriate.

It is out of this rigorous, competitive, merit-based process that Mr Justice Andrew Burgess emerged as a successful candidate. His appointment is richly deserved. Since he has been, over the last eight years, a judge of the Barbados Court of Appeal, throughout those 8 years I have had occasion to study his judgments. Indeed, I am obliged to do so if appeals to the CCJ are lodged against them.

Even when we had different views as to the outcome of a particular case, I have always been impressed by Andrew's breadth of knowledge, by the high quality of his writing skills and by his

attention to detail. He will be a most welcome addition to the CCJ Bench as he brings with him a tremendous amount of experience both as an eminent member of the academic community and as an appellate judge.

I take this opportunity to congratulate you warmly, Justice Burgess, on your elevation. I confidently speak for all my colleagues when I say that we all look forward to working with you. The CCJ will benefit considerably from your scholarship and wisdom.