



The Official Launch of the Faculty of Law University of the West Indies, St. Augustine Campus

The Right Honourable Sir Dennis Byron,
President of the Caribbean Court of Justice

**Official Launch of the Faculty of Law University of the West Indies,
St. Augustine Campus**

Daaga Auditorium
University of the West Indies, St Augustine Campus
15 April 2014

The University of the West Indies (The UWI)

For over 70 years The University of the West Indies (The UWI) has provided service and leadership to the Caribbean region and wider world. The UWI has evolved from a university college of London in Jamaica with 33 medical students in 1948 to an internationally respected, regional university with near 50,000 students and five campuses: Mona in Jamaica, St. Augustine in Trinidad and Tobago, Cave Hill in Barbados, Five Islands in Antigua and Barbuda and an Open Campus.

Keynote Address

By

The Right Honourable Sir Dennis Byron, President of the Caribbean Court of Justice,

on the occasion of

**The Official Launch of the University of the West Indies Faculty of Law, St. Augustine
Campus**

15 April 2014

It is my distinct pleasure and an honour to be invited to speak at the formal opening of the Faculty of Law at the St Augustine Campus of The University of the West Indies. I wish to heartily congratulate all the persons involved in making this possible. Special mention must be made of the Principal of the University, Professor Clement Sankat and the Dean of the Faculty, Professor Rose-Marie Belle Antoine. Their presentations today have inspired me with the confidence to boldly assert that the future of the legal profession could not be in better hands. I also wish to recognise the Prime Minister of the Republic of Trinidad and Tobago, The Honourable Kamla Persad-Bissessar SC, MP. Her presence on this august occasion demonstrates the commitment of the Government to the success of the Faculty and to the regional educational experience which lies at the heart of this University.

The establishment of the Faculty of Law augers well for the future of the legal profession in the region. It is no coincidence that the legal profession has produced and continues to produce notable Caribbean leaders. It is no coincidence that the seeds upon which the Caribbean Single Market and Economy was established were planted by a lawyer – the late Arthur NR Robinson. In this regard, the subtle vision expressed earlier by Professor Sankat, of creating a linkage between this cradle of legal knowledge, learning and scholarship, the Faculty of Law and the Caribbean Court

of Justice, is well placed and highly commendable. The dedication of a building in the name of the Court would be a living symbol of the central importance of the rule of law to the ideals of Caribbean integration.

The important role played by lawyers in society cannot be overstated. There is a reason why this profession has historically been described as a noble one. To become a lawyer is to dedicate one's life to the pursuit of justice and the protection of the rule of law. This ideal lies at the heart of the oft-quoted remark in Shakespeare's King Henry VI – "the first thing we must do is kill all the lawyers." In modern times this line has become the quintessential rallying cry, denoting the ills of the legal profession. However the context in which the words were uttered, a treacherous plot to overthrow the king, betrays its true import, namely that the "surest way to chaos and tyranny even then was to remove the guardians of independent thinking."¹ Viewed in that light it is apparent that to become a lawyer is the ultimate form of public service where the "gaining a livelihood, is incidental."² To become a lawyer is to commit oneself to the ideals of honesty, integrity and diligence.

Mr Noor Hassanali, after whom the Faculty building is named, exemplifies these sterling attributes of the legal profession. At his swearing in ceremony, he was described by then Prime Minister Arthur NR Robinson as "a person of impeccable credentials who has a reputation for honesty and humility of the highest order." A glowing commendation if there ever was one, keeping in mind the strength of character of the speaker! It was therefore fitting that the task of appointing the first Integrity Commission of Trinidad and Tobago fell to none other than Mr. Hassanali. In selecting the chairman, Mr Hassanali looked to the legal profession, selecting retired judge Mr Justice

¹ Glanville Williams, *Thinking Like a Lawyer*.

² Roscoe Pound, October 27, 1870 – June 30, 1964, distinguished American legal scholar and educator and Dean of the Harvard Law School.

George Collymore. It is laudable that The University of the West Indies has singled out Mr Hassanali for special tribute today.

Against this backdrop, it pains me to note the rising crescendo suggesting that the legal profession seems adrift from its moral compass. This development, if left unchecked, has the potential to wreck incalculable damage on the fabric of our society. The knowledge and *practice* of ethics lays a fundamental role in preserving the rule of law, democracy and good governance. For this reason it is a crucial concern for both the bench (Judiciary) and the Bar (attorneys). After all, judges are lawyers first. Furthermore the ethical practices of members of the legal profession impact the daily efficient administration of justice based on the paramountcy of their duty as officers of the court. Both judges and attorneys must never lose sight of the fact that we are called to be and have taken an oath to be persons of the highest integrity and integrity is its own reward!

In the Caribbean we are at a crucial juncture in our development. The law is an important avenue through which the promise of the regional integration can be realised. Nowhere is this more apparent than in the recent decision of *Shanique Myrie*³ which declared the right to free movement to include the right to hassle free travel and an automatic six month entry for all CARICOM nationals. The University of the West Indies must therefore be applauded for expanding access to legal education at all its three campuses, the latest one being the present faculty at St Augustine. When I was a student, one had to go to England to study law. Now a legal degree can be readily obtained right here in the Caribbean, thereby paving the way for the future development of Caribbean jurisprudence.

³ [2013] CCJ 3 (OJ).

However there is a great irony in all this which it would be remiss of me to ignore. Although we train our lawyers on Caribbean soil, we still see it fit to journey to foreign soil seeking justice. The Caribbean Court of Justice stands at the apex of three CARICOM countries, although the Agreement Establishing the Court was signed by 12 countries. Their signatures, with the exception of St Vincent and the Grenadines and later on Suriname, were attached without reservation. All signatories committed to the accession to the Court in its appellate jurisdiction, convinced of the “determinative role of the Court in the further development of Caribbean jurisprudence”⁴ and “the deepening of the regional integration process.”⁵

The Caribbean Court of Justice stands ready and willing to fulfill its destined role in the economic development and social stability of the region. The CCJ stands as a testament to our ability to govern ourselves and to develop a body of jurisprudence reflective of our unique Caribbean mores and values. Accession to the appellate jurisdiction of the Court is the next logical step in our region’s evolution. The Court is composed of judges of the highest caliber. The institutional arrangements such as the CCJ Trust Fund and the Regional and Judicial Legal Services Commission, guarantee the impartiality and independence of the Court and have been cited as worthy of emulation. Having the highest appellate court housed in Caribbean region would redound for the benefit of the wider citizenry by increasing their ability to get access to justice which is a fundamental human right. It would also provide increased opportunities for members of the legal profession to appear before the highest court; an opportunity that is invaluable for their continued personal and professional development.

Permit me to suggest in addition to the honour with which Mr Hassanali is today bestowed, we pay further tribute to him by taking immediate action to complete our sovereignty and independence

⁴ See the Preamble to the Agreement Establishing the Caribbean Court of Justice. ⁵ Ibid.

by acceding to the appellate jurisdiction of the CCJ and honouring our obligation under the CCJ Agreement. Trinidad and Tobago, as the country where the seat of the CCJ is based, is well placed to lead the charge, taking up the mantel from Barbados, Belize and Guyana. Upon his passing, Mr Hassanali was described as being dignified but not distant.⁵ In my view the time has come for the same to be said of our Caribbean judicial system.

Thank you.

⁵ Condolences of the Prime Minister and Minister of Finance, reproduced in the Hansard on Friday, August 25, 2006