



JAMBAR – Position as regards the CCJ as Jamaica’s final appeal court.

For many years The Jamaican Bar Association (“Jambar”) has been actively involved in supporting the process of the establishment of the Caribbean Court of Justice (“CCJ”) and lending our influence and voice to ensuring that the CCJ will eventually become Jamaica’s final appellate court. Jambar has had extensive and deep consultations with its members, successive Jamaican governments and other regional bar associations in the Commonwealth Caribbean as regards the establishment of the CCJ. Our support for the CCJ has been consistently maintained and endorsed by our members in resolutions from our annual general meetings as far back as 1991. In 2005, Jambar made submissions to the Joint Select Committee of Parliament in support of the establishment of the CCJ and same eventually becoming Jamaica’s final appellate court. In 2013 when the CCJ sat for the first time in Jamaica then Jambar President Ian Wilkinson Q.C was on hand to formally welcome the Court to Jamaica on behalf of the legal profession and Jambar and to pledge the continued support of our association to the CCJ becoming Jamaica’s final appellate court.

As regards the timing and process of the CCJ becoming Jamaica’s appellate court we realize that the process will involve the amendment of the Constitution of Jamaica (particularly Section 110) as well as other laws, regulations rules and codes. Also, the Jamaican Government would be best advised to carefully examine the existing workings, mechanics, funding, rules, administration and working of the CCJ to ensure that same will function satisfactorily as our final appellate court.

Finally, the consultation process with all stakeholders and Jamaicans remains crucial and it is important for the Government of Jamaica to continue dialogue with the Jamaican people and civil society groups and NGO’s (including Jambar) as regards the process and timing of moving towards the CCJ becoming Jamaica’s final appellate court. The following extract from the letter dated February 27, 2005 from Arlene Harrison-Henry (former President of Jambar) to the Prime Minister of Jamaica is still instructive today as to the way forward:-

“...on discussions on the steps to be taken for the establishment of a final regional Court of Appeal... we are duty bound to remind you that the Jamaican Bar Association in resolutions from 1991 to the present period has consistently invited the Government of Jamaica to promote public participation in all discussions and in the decision making process. This is so, as the issue so fundamentally affects the rights of all citizens... We call on you and the Government to involve the Jamaican Bar Association ... in the critical discussions that must now take place...”

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