



**REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION**

# **ANNUAL REPORT**

**FOR THE PERIOD JANUARY 1, 2009 TO DECEMBER 31, 2009**

**2009**



**REPORT OF THE REGIONAL JUDICIAL AND LEGAL SERVICES  
COMMISSION PURSUANT TO ARTICLE V.10 OF THE AGREEMENT  
ESTABLISHING THE CARIBBEAN COURT OF JUSTICE FOR THE  
YEAR JANUARY 1, TO DECEMBER 31, 2009**



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**THE CHAIRMAN AND MEMBERS OF THE REGIONAL JUDICIAL AND  
LEGAL SERVICES COMMISSION**

Back Row, L-R: Professor Ralph Carnegie, B.A., M.A.; Mr. C.A. Blazer Williams, B.A., M.Sc., LL.B.; Dr. the Hon. Lloyd Barnett, O.J.; Ms. Gloria Gray, B.Sc., M.Sc.; Mr. Rodney Neal, B.Sc., M.Sc.

Front Row, L-R: Ms. Nelcia Robinson, B.Sc.; The Rt. Hon. Mr. Justice Michael de la Bastide, T.C.; Dr. Magda Hoever-Venoaks, M.Sc., Ph.D.

Missing: Dr. Joseph Archibald, Q.C.; Ambassador Wendell Lawrence, B.Sc., M.Sc., C.P.A.; Mr. Frank Myers, B.Sc., F.C.C.A.; Mr. Jefferson Cumberbatch, LL.B.; Mr. Allan Alexander, S.C.

## **1. DEFINITION OF TERMS**

In this Report the following terms which are frequently used have the meanings assigned to them below -

“the Agreement” means the Agreement Establishing the Caribbean Court of Justice;

“the Commission” means the Regional Judicial and Legal Services Commission;

“the Court” means the Caribbean Court of Justice;

“OECS” means the Organisation of Eastern Caribbean States;

“the Treaty” means the Revised Treaty of Chaguaramas;

“the Trustees” means the Board of Trustees of the Trust Fund;

“the Trust Fund” means the Caribbean Court of Justice Trust Fund established by the Revised Agreement dated January 12, 2004.

## **2. INTRODUCTION**

- 2.1 Article V.10 of the Agreement provides that: “The Commission shall no later than 31 March in every year, submit to the Heads of Government an Annual Report of its work and operations during the previous year.”
- 2.2 The year 2009 proved an interesting year in the life of the Commission. Like many other organisations the Commission had to consider the impact of the collapse of the CL Financial Group of Companies, following so soon upon the global financial crisis, on its resources and long-term goals.
- 2.3 In this report the Commission begins a series of features on the Contracting Parties to the Agreement and the members of the Commission who are nationals of the featured CARICOM State. In this year’s report the Contracting Party featured is Barbados.

### 3. FUNCTIONS OF THE COMMISSION

3.1 In 2009 the Commission held eight (8) meetings and Committees of the Commission met on fourteen (14) occasions. The convening of Committee meetings was facilitated by the decision of the Commission to schedule these meetings on the day preceding or following the day of a Commission meeting. For the first time in its history the Commission and its Committees met on four consecutive days in the month of December. In general, however, meetings of the Commission and its Committees were held over a two-day period. The dates on which meetings of the Commission and its Committees were held are listed at **Appendix A** and **Appendix C** respectively. The members who attended each meeting of the Commission are listed at **Appendix B**.

3.2 The main functions of the Commission are set out in Article V.3(1) of the Agreement. This Article provides that -

“The Commission shall have responsibility for:

- (a) making appointments to the office of Judge of the Court, other than that of President;
- (b) making appointments of those officials and employees referred to in Article XXVII and for determining the salaries and allowances to be paid to such officials and employees;
- (c) the determination of the terms and conditions of service of officials and employees; and
- (d) the termination of appointments in accordance with the provisions of the Agreement.”

3.3 The Protocol to the Agreement relating to the Tenure of Office of Judges of the Court also sets out an important function of the Commission. The Commission is given power to extend the tenure of Judges, including the President, in accordance with the terms of the Protocol.

3.4 The Agreement also sets out other functions of the Commission. Such functions include -

- the exercise of disciplinary control over Judges of the Court, other than the President, and over officials and employees of the Court; Article V.3(2).
- the making of recommendations to the Heads as to the person to be appointed President and for the removal of the President from office; Article IV.6
- the determination of the terms and conditions and other benefits of the President and other Judges of the Court with the approval of the Heads of Government; Article XXVIII as amended.
- the making of Regulations -
  - to govern the appointment, discipline, termination of appointment and other terms and conditions of service and employment for Judges, other than the President, and officials and employees of the Court,
  - to prescribe the procedure governing the conduct of such proceedings, and
  - generally to give effect to the Agreement. Article XXXI.

3.5 The Commission is also given the responsibility under Article 172 of the Treaty for appointing the members of the Competition Commission.

#### **4. CHANGES IN MEMBERSHIP OF THE COMMISSION**

4.1 Four persons were sworn in as members of the Commission in 2009. During this year the Commission was short one member. On November 24, 2008, Sir Vincent Floissac had resigned with immediate effect and no appointment was made during the course of 2009 to complete the three year term of office begun by him on August 20, 2007. Two nominations were received, one from the Jamaica Bar Association and the other from the Belize Bar Association but these nominations were not joint nominations and in the circumstances the matter was referred to the Heads of Judiciary in accordance with Article V.2 of the Agreement.

4.2 Mr. Rodney Neal, the Chairman of the Judicial and Legal Services Commission of Belize, who had been appointed pursuant to Article V.1(c) of the Agreement in August 2008, was sworn in as a member of the Commission on January 16, 2009 to complete the term of office begun by his predecessor, Mr. Anthony Sylvestre on January 12, 2007.

4.3 On August 19, 2009 the term of office of Commissioners Gloria Gray and Nelcia Robinson expired. They had both been appointed pursuant to Article V.1(e) of the Agreement. They were replaced on the Commission by Mr. Jefferson Cumberbatch of Barbados and Ambassador Wendell Lawrence of St. Kitts and Nevis, who were both sworn in as members of the Commission on September 11, 2009.

4.4 The term of office of Commissioner C. A. Blazer Williams expired on September 19, 2009. Mr. Williams had been appointed a member of the Commission by virtue of being Chairman of the Public Service Commission of St. Vincent and the Grenadines. In accordance with Article V.1(d) of the Agreement, the next Chairman of a Public Service Commission to be appointed a member of the Commission would come from the Contracting Party next in reverse alphabetical order after St. Vincent and the Grenadines, namely St. Lucia. On November 20, 2009 Mr. Frank Myers, the Chairman of the Public Service Commission of St. Lucia was sworn in as a member of the Commission.

4.5 The composition of the Commission as set out in Article V.1 of the Agreement is as follows:

- “(a) The President who shall be the Chairman of the Commission;
- (b) Two persons nominated jointly by the Organisation of the Commonwealth Caribbean Bar Association (OCCBA) and the Organisation of Eastern Caribbean States (OECS) Bar Association;
- (c) One chairman of the Judicial Services Commission of a Contracting Party selected in rotation in the English alphabetical order for a period of three years;
- (d) The Chairman of a Public Service Commission of a Contracting Party selected in rotation in the reverse English alphabetical order for a period of three years;



- (e) Two persons from civil society nominated jointly by the Secretary General of the Community and the Director General of the OECS for a period of three years following consultations with regional non-governmental organisations;
- (f) Two distinguished jurists nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, the Deans of the Faculties of Law of any of the Contracting Parties and the Chairman of the Council of Legal Education; and
- (g) Two persons nominated jointly by the Bar or Law Associations of the Contracting Parties.”

4.6 The following table shows the persons who served as members of the Commission in 2009 and the basis for their appointment:-

**Table 1**

<b>Date of Assumption</b>	<b>Name of Commissioner</b>	<b>Basis for Appointment</b>	<b>Relevant paragraph of Article V.1</b>
August 18, 2004	The Rt. Hon. Mr. Justice Michael de la Bastide, T.C.	President of the Court	(a)
September 12, 2003 [Both re-appointed from August 20, 2007] July 7, 2006	Dr. the Hon. Lloyd George Barnett, O.J.  Dr. Joseph Archibald, Q.C.	Nominated jointly by OCCBA and OECS Bar Associations	(b)
January 16, 2009	Mr. Rodney Neal, B.Sc., M.Sc.	Chairman, Judicial Services Commission of Belize	(c)
September 20, 2006 [to September 19, 2009]	Mr. C. A. Blazer Williams B.A., M.Sc., LL.B.	Chairman of the Public Service Commission of St. Vincent and the Grenadines	(d)

November 20, 2009	Mr. Frank Myers, B.Sc., FCCA	Chairman of the Public Service Commission of St. Lucia	(d)
August 21, 2003 [to August 19, 2009]	Ms. Gloria Gray, B.Sc., M.Sc.  Ms. Nelcia Robinson, B. Sc.	Nominated jointly by the Secretary General of the Community and Director General of the OECS	(e)
August 24, 2009  August 24, 2009	Ambassador Wendell Lawrence, B.Sc., M.Sc., CPA  Mr. Jefferson Cumberbatch, LL.B.	Nominated jointly by the Secretary General of the Community and Director General of the OECS	(e)
September 28, 2007  October 10, 2003 [re-appointed from August 19, 2007]	Professor A. Ralph Carnegie, B.A., M.A.  Dr. Magda Hoever-Venoaks, M.Sc., Ph.D.	Nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, Deans of the Faculties of Law of the Contracting Parties and Chairman of the Council of Legal Education	(f)
August 21, 2003  [Re-appointed from August 20, 2007]	Mr. Allan Alexander, S.C.	Nominated jointly by the Bar or Law Associations of the Contracting Parties	(g)

- 4.7 The following table shows the membership of the Commission in 2009, the date of expiration of the term of office of each member and the nationalities of the members.

**Table 2**

<b>Name of Commissioner</b>	<b>Nationality</b>	<b>Date of Expiration of Term of Office</b>
The Rt. Hon. Mr. Justice Michael de la Bastide, T.C.	Trinidad and Tobago	July 18, 2011
Dr. the Hon. Lloyd George Barnett, O.J.	Jamaica	August 19, 2010
Dr. Joseph Archibald, Q.C.	St. Kitts and Nevis	August 19, 2010
Mr. Rodney Neal, B.Sc., M.Sc.	Belize	January 11, 2010
Mr. C. A. Blazer Williams B.A., M.Sc., LL.B.	St. Vincent and the Grenadines	September 19, 2009
Mr. Frank Myers, B.Sc., FCCA	St. Lucia	November 19, 2012
Ms. Gloria Gray, B.Sc., M.Sc.	Trinidad and Tobago	August 20, 2009
Ms. Nelcia Robinson, B.Sc.	St. Vincent and the Grenadines	August 20, 2009
Ambassador Wendell Lawrence, B.Sc., M.Sc., CPA	St. Kitts and Nevis	August 23, 2012
Mr. Jefferson Cumberbatch, LL.B.	Barbados	August 23, 2012
Professor A. Ralph Carnegie, B.A., M.A.	Jamaica	August 19, 2010
Dr. Magda Hoever-Venoaks, M.Sc., Ph.D.	Suriname	August 19, 2010
Mr. Allan Alexander, S.C.	Trinidad and Tobago	August 19, 2010

## CHAIRMAN:



*The Right Honourable Mr. Justice Michael de la Bastide, T.C.*

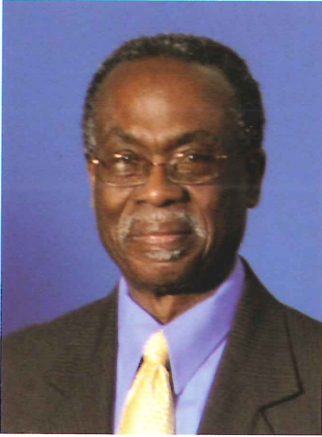
The Right Honourable Mr. Justice Michael de la Bastide, T.C., a citizen of Trinidad and Tobago obtained the degrees of Bachelor of Arts (Jurisprudence) in 1959 and the Bachelor of Civil Law in 1960. He was called to the Bar in 1961. After working as Crown Counsel in the Office of the Attorney General of Trinidad and Tobago, he entered private practice and was appointed Queen's Counsel in January 1975.

Mr. de la Bastide served as an Independent member of the Senate from 1976 to 1981 and as a member of the Wooding Constitution Commission from 1971 to 1974 and of the Hyatali Commission from 1987 to 1990. He was elected the first President of the Law Association of Trinidad and Tobago and served in that capacity for three terms.

He was appointed Chief Justice of Trinidad and Tobago on May 31, 1995 and awarded Trinidad and Tobago's highest national honour, the Trinity Cross, in 1996.

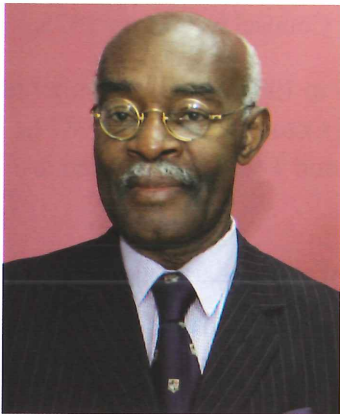
He was elected an Honorary Bencher of Gray's Inn in November 1996 and created Fellow of the Society for Advanced Legal Studies in 2000. Mr. Justice de la Bastide was sworn in as a member of the Privy Council by her Majesty Queen Elizabeth II on July 27, 2004 and made an Honorary Student [Fellow] of Christ Church Oxford University in January 2005.

## MEMBERS:



*Dr. Lloyd Barnett, O.J.*

Lloyd George Barnett, a citizen of Jamaica, is a practising attorney-at-law. He holds the B.A. (1954), LL.B.(1957), LL.M. (1960) and the Ph.D. (1966), all from the University of London. He was admitted to the Bar of Lincoln's Inn in December 1960. He has served as Crown Counsel in the Chambers of the Attorney General and the Office of the Director of Public Prosecutions. He has also served as President of the Jamaica Bar Association, Chairman of the Jamaica Council of Human Rights and as Vice President and President of the Organisation of Commonwealth Caribbean Bar Associations (OCCBA). From 1995 to the present he has been Chairman of the General Legal Council of Jamaica. He was named a member of the Police Service Commission in 2003. In 1999 Dr. Barnett was awarded the Order of Jamaica for his outstanding contribution to jurisprudence and legal education in the Caribbean region.



*Dr. Joseph Archibald, Q.C.*

Joseph Samuel Archibald was born in St. Kitts and Nevis. He was admitted as a Barrister-at-Law of Lincoln's Inn, London on July 12, 1960. He is the holder of the Inns of Court Special Certificate in Public International Law, London (1960).

Dr. Archibald practised law in the Eastern Caribbean from Chambers in the British Virgin Islands (BVI) at all court levels in the Caribbean up to the Judicial Committee of the Privy Council in England. He has also held many senior official legal positions including High Court Registrar, Magistrate, Crown Counsel,

Director of Public Prosecutions and Attorney-General in St. Kitts-Nevis-Anguilla. He was appointed Queen's Counsel in 1980.

Dr. Archibald acted as a Judge of the Supreme Court of the West Indies Associated States (1978), assigned to Dominica. He has also acted as a Judge of the Eastern Caribbean Supreme Court (ECSC), assigned to St. Lucia and served as a Justice of the Court of Appeal of the ECSC from June to July 2004. In 2005, he was awarded the Degree of Doctor of Laws (honoris causa) of the University of the West Indies.

Dr. Archibald's accomplishments as a Caribbean legal luminary have also won him appointment or election, on many legal and statutory bodies including Constitutional Committees, Task Forces and the BVI Bar Committee. He is also very involved with the Methodist Church regionally and internationally.

Dr. Archibald is married to Inez Hodge, Speaker of the Legislative Council of the British Virgin Islands from July 2003 to the present. They have three children.



*Mr. Rodney Neal, B.Sc., M.Sc.*

Rodney Neal is a citizen of Belize and is the current Chairman of the Public Services Commission and the Judicial and Legal Services Commission. He obtained an Associate Degree in General Studies at St. John's College, Belize; his B.Sc. in General Agriculture (Crops) at the University of the West Indies, Trinidad and Tobago in 1968; and his M.Sc. in Tropical Agriculture Development in 1976 from Reading University in the United Kingdom. He also possesses a Certificate in Organizational Management and Development from the George Washington University in the United States.

Between 1979 and 1985 Mr. Neal served as an Agronomist and Principal Agriculture Officer at the Department of Agriculture and CARDI. From 1985 to 1999 he performed in the capacity of Permanent Secretary to several Ministries including the Ministry of Agriculture; Ministry of Human Resources; Ministry of Home Affairs; Ministry of Mobilization and Coordination; Ministry of Trade and Industry and the Ministry of Industry and Commerce. He subsequently served as City Administrator, Chairman of the Public Services Commission and Chairman of the Judicial and Legal Services Commission.

Over the years Mr. Neal has served as a member on the Boards of Directors of several organizations and has held several Chairmanships on many of them. These include the Caribbean Agricultural Research and Development Institute; Caribbean Food Corporation; Belize Agribusiness Company; Banana Control Board; Development Finance Corporation; Meat and Livestock Commission; CARICOM Farms Limited; Citrus Control Board; Trade and Investment Promotion Services; Commercial Free Zone Management Agency and the Belize Sugar Board.

Mr. Neal has written several technical papers and has co-authored a revised edition of a publication by the Belize Department of Agriculture entitled "Jaragua Grass for Pastures". In addition, Mr. Neal has at least three unpublished papers to his credit. He is also proficient in both the English and Spanish languages.



*Mr. C. A. Blazer Williams, B.A., M.Sc., LL.B.*

Cecil A. Blazer Williams, a citizen of St. Vincent and the Grenadines, obtained the B.A. from the University of the West Indies in 1973; he obtained the M.Sc. in National Development and Project Planning from the University of Bradford in England in 1979 and obtained the LL.B. degree from the University of London in 1996.

Mr. Williams is currently the Chairman of the Public Service Commission and Police Service Commission in St. Vincent and the Grenadines. He is a practising barrister-at-law.

His work experience spans many fields. He has served in the Civil Service of St. Vincent as a Customs Officer (1968-1969) and as an Assistant Secretary in the Ministry of Finance and Planning (1980-1982). He also worked as a teacher at Intermediate High School during the periods 1969 to 1970 and from 1973 to 1975 and at a Secondary School from 1976 to 1978. He also served as the 2<sup>nd</sup> Vice President of the St. Vincent Union of Teachers (SVUT) (1976-1977) and as the President of the SVUT Co-operative Credit Union Limited (1983-1995).

Mr. Williams has held executive as well as general membership positions in youth, sporting and cultural organizations and is deeply involved in drama productions and the performing arts in St. Vincent and the Grenadines. He was the first Chairman of the Eastern Caribbean Popular Theatre Organisation (ECPTO) 1984-1986, the Founder and a Director of the New Artists Movement (1973) and a member of the Carnival Development Committee (CDC) and producer of numerous shows since 1974. Mr. Williams

has written and directed many plays, some of which have been performed regionally. He has also written monographs and essays and presented numerous papers on economics, politics, and social issues.

Mr. Williams has also held the positions of Administrative Coordinator (1982-1988) and Managing Director of Projects Promotions Limited (1988-1995). He served as Secretary and President respectively of the St. Vincent and the Grenadines Karate Association during the periods 1974-1978 and 1980-1982. He was also Legal Advisor to the Carnival Development Committee and a Member of the Subject Panel for CAPE Law.

Mr. Williams is married and is the father of three children.



*Mr. Frank Myers, B.Sc., FCCA*

Frank Vernon Myers is a citizen of St. Lucia and is the current Chairman of the Public and Teaching Service Commissions of St. Lucia. He is a Chartered Accountant by profession and the Resident Partner of the accounting firm KPMG, Eastern Caribbean, which has offices in Anguilla, Antigua, St. Lucia and St. Vincent and the Grenadines.

Mr. Myers was one of two island scholars in 1971 and read for an honours degree in Mathematics at Edinburgh University in Scotland from which he graduated in 1975. After working in St. Lucia until 1980, he proceeded to Leeds Polytechnic (now Leeds University) to undertake studies in accountancy and became a member of the Association of Chartered Certified Accountants (ACCA) in 1984. He subsequently became a fellow (FCCA) in 1989.

Mr. Myers has been employed with international accounting firms for his entire career in accounting except for a period of two years when he took up an appointment as a financial controller in the private sector. He returned to public practice in 1992 with KPMG and became a Partner in 1994. His main areas of responsibility are auditing and taxation. To date, he has served local, regional and international clients in all industry areas.

Mr. Myers is the current President of the Institute of Chartered Accountants of St. Lucia and sits as a director of the Institute of Chartered Accountants of the Caribbean. He also represents the Americas on the ACCA International Assembly. He had two separate spells as the President of the Institute of Chartered Accountants of St. Lucia. He is a past President of the Rotary Club of St. Lucia where he still maintains active membership, and is a former member of the Lions Club of St. Lucia. He has also served as a member of the Castries City Council, the Victoria Hospital Board of Management, and President of the St. Lucia Mental Health Association.



Mr. Myers is married with three adult children and one grandson.



*Ms. Gloria Gray, B.Sc., M.Sc.*

Gloria Angela Gray, a citizen of Trinidad and Tobago, is the holder of a B.Sc. degree in Sociology from the University of the West Indies with Upper Second Class Honours, and a M.Sc. degree in Sociology with specialisation in Social Psychology.

Ms. Gray has worked as a full-time Teaching Assistant at the University of the West Indies in General Psychology, Sociological Theory and Criminology, and part-time Teaching Assistant at the same University in Sociology.

She also worked as a Research Assistant in the Sociology Unit of the United Nations Economic Commission for Latin America and the Caribbean (UNECLAC) in Port of Spain, Trinidad & Tobago.

In 1989 Ms. Gray served on a Cabinet appointed Committee that was established to examine trade union problems and workers' complaints as they related to the problem of poverty in Trinidad and Tobago.

Currently, and since 1991, Ms. Gray has been involved on a full-time basis with Christian Counselling and the Deliverance Ministry, activities aimed at the healing, restoration and growth of those in need.

Being the spouse of a career diplomat, Ms. Gray has travelled widely and resided in diverse countries including Switzerland, England, Venezuela, Guyana and Haiti.

She possesses a good reading knowledge of French and is fluent in Spanish.



*Ms. Nelcia Robinson, B.Sc.*

Nelcia Robinson is a national of St. Vincent and the Grenadines. She is of Garifuna/Black Carib descent, and is currently Coordinator of the Caribbean Organisation of Indigenous Peoples. She has extensive experience in community development and knowledge of social issues in the Caribbean, and is the recipient of many Awards, including the IICA Award for her contribution to agriculture and rural development. Ms. Robinson is also a member of The Commonwealth Foundation Civil Society Advisory Committee. Prior to her full-time involvement in the NGO community, Ms. Robinson worked in senior public administration positions with the Government of St. Vincent and The Grenadines.

Ms. Nelcia Robinson is Coordinator for the Development of Women (CDW) and Coordinator of the Caribbean Organisation of Indigenous People (COIP) and of the Caribbean Gender and Trade Network. A Kellogg Fellow, Ms. Robinson has majored in International Development. She has wide experience in researching the social impact of trade agreements on Caribbean people and Caribbean women especially. She has also been actively involved in activities for the implementation of the Beijing Platform for Action at local, regional and global levels. Ms. Robinson is a community educator, lobbyist and researcher. Her special focus is human rights and economic development.

She is currently Chairperson of the Caribbean Policy Development Centre (CPDC), a network of non-governmental organizations in the English, Spanish, French and Dutch-speaking Caribbean.



*Ambassador Wendell Lawrence, B.Sc., M.Sc., C.P.A.*

Wendell E. Lawrence, who is currently a Financial Consultant and the CEO of Caribbean Governance Consultants Inc., was the Financial Secretary of St. Kitts and Nevis for sixteen years until his retirement from that position at the end of April 2005. Moreover, for five years until April 2005 he was the Chairman of the Eastern Caribbean Regional Debt Coordinating Committee, the entity established by the Governments of the Eastern Caribbean Currency Union to supervise the Regional Government Securities Market. He is currently Chairman of the Board of Directors of St. Kitts-Nevis Cable Communications Ltd., and holds Board positions in a number of other organizations including the Caribbean Financial Services Corporation, the Eastern Caribbean Central Bank and the St. Kitts Urban Development Corporation. He was also a member of the Board of Directors of the Caribbean Development Bank for over 15 years and has held a number of other senior positions including Director of Audit (Auditor General) of St. Kitts and Nevis.

As Financial Secretary, Mr. Lawrence played a leading role in financial and economic management in the Government of St. Kitts and Nevis. He was also actively involved in regional integration issues and played a significant role in implementing the decisions of regional and international bodies (including CARICOM, OECS, ACS and WTO, the World Bank and the IMF) as they pertain to finance, customs, taxation and economic cooperation in St. Kitts and Nevis. In this regard, he served as the St. Kitts and Nevis Governor and Alternate Governor to the IMF and World Bank respectively throughout much of the 16-year period that he served as Financial Secretary.

Mr. Lawrence holds a B.Sc. (Management Studies) degree with first class honours and the M.Sc. (Accounting) degree from the University of the West Indies, as well as the M.Sc. (Financial Economics) degree from the University of London. He has been a member of the American Institute of Certified Public Accountants for over 18 years and a member of the St. Kitts and Nevis Association of Chartered Accountants since its inception over 15 years ago.

Mr. Lawrence continues to play a role in regional affairs, having been appointed by the Government of St. Kitts and Nevis as Ambassador Plenipotentiary and Extraordinary with accreditation to the Organization of Caribbean States, the Caribbean Community and the Association of Caribbean States in 2005. In this position, Ambassador Lawrence carries out special assignments for the Government in respect of regional matters including the negotiation of regional treaties and agreements.



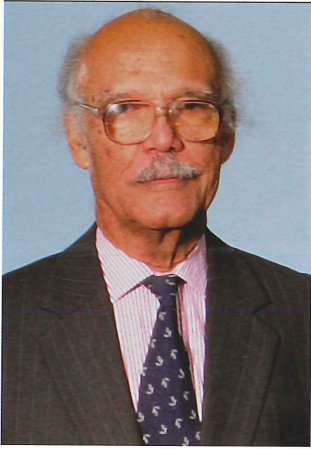
*Mr. Jefferson O'Brien Cumberbatch, LL.B.*

Jefferson O'Brien Cumberbatch was born in Barbados in 1957. He pursued his tertiary education in law at the University of the West Indies and at the University of Wales and is currently reading for his Master's Degree in Sports and The Law (Cricket Studies). In 1993 Mr. Cumberbatch was appointed Senior Lecturer in Law at the Cave Hill Campus of the University of the West Indies, a post he still holds. Further, in 1994 he was appointed Deputy Dean, Academic and Student Affairs of the said University, a post he held for an 11-year period from 1994.

During his distinguished career Mr. Cumberbatch has made presentations on matters relevant to trade union and employment issues which were tabled in the Barbados Parliament. He has also participated in legal drafting for the Consumers Guarantee Act 2003, the Electronic Transactions Act 2001 with D. Marshall et al and the Electronic Transactions Regulations 2003 (not yet passed). Among his recent works are opinions provided on Employment Law, International Law, Real Property and Contracts and Judgments for the National Insurance Scheme Benefits (Appeal) Tribunal on Invalidity benefit, Unemployment Benefit, Non-contributory Old Age Pension, Survivor's Benefits and at least 7 judgments for the Consumer Claims Tribunal.

Additionally, Mr. Cumberbatch has provided consultancies to the ILO, UNICEF, H&SFB, BEC, USAID (Guyana), CARICOM-UNAIDS and AID INC-Options-DIF. Some of the topics covered include projects on Freedom of Association; Child Labour Project; Legal Analysis of Pictorial Health Warnings on Tobacco Products; Data Protection Act; Elections, the Law and the Constitution; Stigma and Discrimination relating to HIV/AIDS – The Legislative Dimension; and Survey of Legislation and Policy impacting on Stigma and Discrimination against PLWHAs in the UK Overseas Territories.

Mr. Cumberbatch has been Chairman of the Barbados Benefits (Appeals) Tribunal of the National Insurance Scheme since 2002; Deputy Chairman of the Consumer Claims Tribunal since 2005; Chairman of the C144 Committee also since 2005; Deputy Chairman of the Anti-Money Laundering Authority from 2000 to 2008 and its Chairman since 2008. He is the Coordinator of the Law Programme CAPE for the Caribbean Examinations Council.



*Professor A. Ralph Carnegie, B.A., M.A.*

A Jamaican by birth, Ralph Carnegie was a Professor Emeritus of the University of the West Indies. He was a Rhodes Scholar at Oxford, a Senior Fulbright Scholar at Yale Law School, an Open Scholar at Mona, Jamaica and a graduate studentship awardee at London and later at Oxford.

After six years as an Oxford law don, he spent more than 30 years as a Professor of Law at the University of the West Indies, serving five terms as Dean of the Faculty of Law. He published legal articles in learned journals including British Year Book of International Law, Year Book of World Affairs, Law Quarterly Review, International and Comparative Law Quarterly, West Indian Law Journal and Caribbean Law Review, an issue of which journal has been published in his honour.

His work has been cited by courts in Australia and Canada. He has also made numerous other scholarly presentations on legal matters in countries across the Commonwealth Caribbean and in the United States, Britain, Canada, Australia, Cyprus, Mauritius and Uruguay.

He twice lectured in the Inter- American Juridical Committee's annual Curso de Derecho Internacional in Rio de Janeiro. He has been a member of Constitution Review Commissions for Grenada and Antigua and Barbuda, and a consultant to two Constitution Review Commissions in Barbados.

He served in 2006 on a Technical Working Group established by the CARICOM Heads of Government to report on matters of Community Governance, and is also a member of a Task Force on Economic Union for the Organisation of Eastern Caribbean States.



*Dr. Magda Hoever-Venoaks, M.Sc., Ph.D.*

Magda Renata Hoever-Venoaks, a citizen of the Republic of Suriname, is an Associate Professor in the Department of Law at the Faculty of Social Sciences of the University of Suriname and facilitates courses in Administrative Law and Legislative Theory and Practice.

Dr. Hoever-Venoaks graduated from Teacher Training College in Suriname and from the Social Academy CISCA and the management training of the Netherlands Federation for Elderly Care in the Netherlands. In 1990 she was awarded her Masters degree in Law and commenced working as a Lecturer in Law in the Department of Law at the Faculty of Social Sciences of the University of Suriname.

In 1999 she was awarded a Doctorate (Ph.D.) in Administrative Law from the University of Suriname. Her dissertation is published under the title: “Surinamese civil servants’ law in development perspective”.

She has written together with L.J.A. Damen, Professor of Law of the University of Groningen, the Netherlands, the (first Surinamese) college textbook, “Administrative Law” of which the second edition was published in 2003. She has also written articles for many publications including the Surinamese Jurist Journal, the Syllabus Surinames Environmental Law and the Memorial Book “Moi Wana 10 years Human Rights Work in Suriname”.

Dr. Hoever-Venoaks is also a member of the Council for the selection and training of members of the Judiciary in Suriname.

Dr. Hoever-Venoaks is married to Stanley Hoever, who is also a lawyer. They have two children.



*Mr. Allan Alexander, S.C.*

Allan Alexander is a citizen of Trinidad and Tobago and a Barrister-at-law. He was called to the Bar of England and Wales in September 1959 and was admitted to practise law as a Barrister-at-law in Trinidad and Tobago in January 1960. He accepted silk in July 1980 and has acted as a Judge of the High Court of Trinidad and Tobago.

Mr. Alexander also served as an Independent Senator in the Parliament of Trinidad and Tobago from 1986 to 1991. He was also past President of the Trinidad and Tobago Bar Association, the Law Association of Trinidad and Tobago and the Organisation of Commonwealth Caribbean Bar Associations.

## **5. THE SECRETARIAT OF THE COMMISSION**

- 5.1 During the period under review the support staff of the Commission comprised the Secretary to the Commission, Ms. Paula Pierre, (who is also the Registrar of the Court), the Executive Secretary, Mrs. Mary Barrow and the Messenger/Driver, Mr. Hucliffe Samuel.
- 5.2 Mrs. Barrow continued to work on a contract basis for the Commission after her retirement until November 30, 2009. The post of Executive Secretary was advertised and one hundred and seventy (170) applications were received. The person chosen by the Selection Committee to replace Mrs. Barrow as Executive Secretary to the Commission declined the position for personal reasons after receiving her letter of appointment. As a result from December 1, 2009 the Secretary to the Registrar assisted the Commission by performing the functions of Executive Secretary to the Commission in addition to her normal duties.
- 5.3 The post of Executive Assistant to the Commission was also advertised in 2009. Two hundred and thirty-three (233) applications were received. After candidates were shortlisted, interviews were held in December 2009 and the appointment of the successful candidate was made in 2010.

5.4 In order to perform their functions and provide administrative support to the Chairman and members of the Commission, the staff of the Commission’s Secretariat continued to rely on the services provided by several units of the Court namely, Finance, Protocol, Information Technology, Security and Facilities and Assets.



*In the R.J.L.S.C. Conference Room*

**THE SECRETARIAT OF THE COMMISSION**

*Centre: Ms. Paula Pierre, Secretary to the Commission*

*Left: Mrs. Mary Barrow, Executive Secretary to the Commission*

*Right: Mr. Hucliffe Samuel, Driver/Messenger to the Commission*

**6. ACTIVITIES OF THE COMMISSION**

6.1 Activities of the Commission during the period under review included:

- The review of draft Staff Regulations for the employees of the Court and Commission;
- The review of Judges’ Pension Rules and Staff Pension Rules;
- The review of the Report of the Job Evaluation Exercise;
- The recruitment of a Judge to replace Justice Pollard;
- The selection and appointment of the following personnel for the Court and the Commission:

POSITIONS AT THE COURT	POSITIONS AT THE COMMISSION
Deputy Court Executive Administrator (1)	Executive Assistant (1)
Secretary (2)	Executive Secretary (1)



## **6.2 Staff Regulations**

- 6.2.1 On August 12, 2008 the Commission appointed four (4) of its members to the Staff Regulations Committee. In 2009 Commissioners Gray, Robinson and Williams, three of the members of the Committee were replaced on the Committee by Commissioners Cumberbatch, Lawrence and Hoever-Venoaks. Dr. Barnett remained as Chairman of this Committee.
- 6.2.2 During 2009 the Committee continued to make changes to the draft Staff Regulations which had been prepared by the Court Executive Administrator. It received assistance from other members of the Commission, including Commissioner Neal who provided a draft study leave policy for review. Particular attention was paid to the Regulations relating to Security personnel of the Court. The Regulations were circulated to members of staff and managers for comment and were again reviewed by the Committee after all the comments had been compiled. The dates of the meetings of this Committee are included in **Appendix C**.

## **6.3 Judges' Pension Rules**

- 6.3.1 The Pensions Committee in early 2009 comprised Dr. Barnett as Chairman, and Commissioners Robinson, Williams and Carnegie. Later in the year Commissioners Robinson and Williams were replaced on the Committee by Commissioners Cumberbatch and Myers.
- 6.3.2 During the course of 2009 the Pensions Committee under the Chairmanship of Commissioner Barnett, received comments from, and held discussions with, the Judges of the Court on the draft Judges' Pensions Rules. Following this the rules were finalized and submitted to the Secretary-General for approval by the Heads of Government in accordance with Article XXVIII of the Agreement. The Committee also drafted and submitted to the Trust Fund the Rules applicable to the President of the Court, the Rt. Honourable Mr. Justice de la Bastide and the Honourable Mr. Justice Pollard.
- 6.3.3 The Committee also began a review of draft Staff Pension Rules and recommended to the Commission that the firm Bacon, Woodrow & de Souza should be retained to assist with the Staff Pensions scheme.

## **6.4 Job Evaluation Exercise**

During the year 2008 the Commission had requested that a job evaluation exercise be conducted. Two consultants had been hired by the Court to undertake this process, namely Dr. Roland Baptiste and Mrs. Judith Murrain-Webb. At the meeting of the Commission in December 2009 the consultants presented their report and findings to the Commission. Consideration and implementation of the recommendations of the consultants will be detailed in the 2010 Report of the Commission.

## **6.5 Appointment of a Judge to replace Justice Pollard**

- 6.5.1 The selection and appointment process for a Judge to replace the Honourable Mr. Justice Duke Pollard who was due to retire in June 2010 began in 2009. The position was widely advertised within the region and the Commonwealth. The advertisement specified that the successful candidate must possess expertise in the field of International Law including International Trade Law.
- 6.5.2 Ten applications were received and three persons were short-listed for interview. Interviews for the position were conducted in January 2010.

## **6.6 Selection and appointment of staff of the Court**

- 6.6.1 The Selection Committee, comprising Commissioner Carnegie, Chairman, Commissioners Gray, Alexander and Robinson, had been mandated by the Commission to recommend for appointment the person to fill the positions of Deputy CEA. The terms and conditions for this position had been settled in 2007 and after the short-listing process was completed, interviews had been conducted by the Committee on December 8, 2007. Twenty-four (24) persons had applied for the position of Deputy CEA. The Commission did not accept the recommendation of the Committee for the post of Deputy CEA and requested the Committee to review its recommendation in the matter.
- 6.6.2 This post was re-advertised in 2009. Fifty-one (51) applications were received on this occasion and after the short-listing process, interviews were conducted on December 16, 2009 by the Selection Committee which comprised Commissioner Carnegie, Chairman, Commissioner Alexander and President de la Bastide. The Committee recommended to the Commission that Ms. Wendy Lewis, a national of Trinidad and Tobago be selected for appointment as Deputy CEA.
- 6.6.3 The positions of Secretary to the Facilities Manager and Secretary to the Security Manager were advertised in 2009. These positions were advertised in newspapers in the region and on the Court's website. One hundred and eighty-five (185) applications were received for the position of Secretary to the Security Manager and three hundred and six (306) applications were received for the position of Secretary to the Facilities Manager. After short-listing and interviews the Committee appointed Ms. Sue Lan Chin and Ms. Susan Medina, both nationals of Trinidad and Tobago to the two positions of Secretary at the Court.

## **7. PROJECTED AND ACTUAL EXPENDITURE OF THE COURT AND COMMISSION**

- 7.1 On January 30, 2009 the collapse of the CL Financial Group was announced in Trinidad and Tobago. This collapse had serious implications for the CARICOM region as a whole, especially since it occurred so soon after the global economic crisis. It also had serious implications for the Court and Commission since the pension contributions for Judges and staff of the Court and staff of the Commission had been placed with CLICO.
- 7.2 In February 2009 representatives of the Court and Commission met with representatives of the Trust Fund to discuss the biennial budget for the period 2009/2010 in accordance with the provisions of the Protocol for the Interfacing and Interaction of the Commission, the Court and the Trust Fund. It was decided that all pension costs be removed from the budget of the Court and Commission. A revised budget was prepared after the meeting of the representatives of the Court, Commission and Trust Fund. This revised budget was approved by the Court and Commission and accepted by the Trust Fund.
- 7.3 During the period under review the Commission was financed by funds disbursed quarterly by the Trustees to the Court and Commission from the Trust Fund based on the new biennial budget.
- 7.4 KPMG, the external auditors of the Commission, conducted the annual audit of the financial statements of the Commission for the period January 1 to December 31, 2009. The audited financial statements of the Commission for the 12-month period ending December 31, 2009 are attached as **Appendix D**.

## **8. INTERACTION WITH THE TRUSTEES AND THE TRUST FUND**

- 8.1 The Court and Commission continued to enjoy amicable relations with the Trust Fund during 2009 despite the effects of the global economic crisis and the collapse of the CL Financial Group on the resources of the Fund.
- 8.2 There were some changes in the membership of the Trust Fund. The Chief Justice of Trinidad and Tobago, the Honourable Mr. Justice Ivor Archie, replaced the Chief Justice of Belize on the Board of Trustees. The Executive Officer of the Trust Fund, Mr. Richard Kellman resigned his position towards the end of the year and his duties were performed by the Senior Manager, Finance and the Vice-Chairman of the Board until a new Executive Officer was appointed.

## **9. MATTERS OF NOTE**

### Competition Commission

- 9.1 The Commission was not required to perform any functions in relation to the Competition Commission during 2009. However it noted with interest that the Competition Commission had

recruited staff and was engaged in training its members and professional staff in Competition Law and Policy. The Judges of the Court participated in seminars organized for this purpose.

#### Establishment of a Regional Administrative Tribunal

- 9.2 The Commission noted that a study on the establishment of a regional administrative tribunal was being undertaken by the Caribbean Law Institute Centre (CLIC), with the support of the Caribbean Centre for Development Administration (CARICAD). The purpose of the study was to make recommendations to the CARICOM Secretariat on how best to set up a mechanism to deal with disputes. The Commission welcomed the initiative as it would provide staff of organizations which enjoyed immunity from suit, with a mechanism by which they could obtain redress without recourse to the national institutions of the country in which the Headquarters of the organization in question is located.

#### 9.3 Resignations

The following persons resigned from the Court in 2009:

Ms. Seanna Annisette, Customer Service Representative

Ms. Gina Affonso-Smith, Customer Service Representative

Mrs. Sandra Sandiford-Carr, Security Manager

## **10. APPRECIATION OF FORMER COMMISSIONERS**



*Mrs. Gloria Gray, B.Sc., M.Sc.*

- 10.1 Mrs. Gray was one of the founding members of the Commission and served as a member for six years. She served on the Staff Regulations Committee and although for a time she resided in Haiti, she was one of the most regular attendees at meetings and her insight into issues and her contributions at meetings were always very valuable.



*Ms. Nelcia Robinson, B.Sc.*

- 10.2 Like Ms. Gray, Ms. Robinson was one of the founding members of the Commission and also served as a member for six years. She served on the Staff Regulations and Pensions Committees and was a regular attendee at meetings. Her many insights gained from membership of other organizations including CAFRA, on staff and other issues, proved invaluable to the Commission.



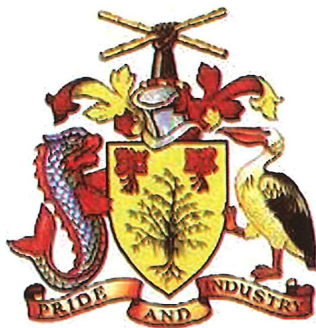
*Mr. C. A. Blazer Williams*

- 10.3 Mr. Williams joined the Commission in 2006 for a three year term of office in his capacity as Chairman of the Public Service Commission of St. Vincent and the Grenadines. During his term of office he served on the Pensions Committee and made invaluable contributions at meetings.

## 11. FEATURE ON BARBADOS

- 11.1 Barbados was one of the four founding members of the Caribbean Community (CARICOM), becoming a signatory to the Treaty of Chaguaramas on August 1, 1973. Barbados was also among the first group of CARICOM countries to sign the Agreement on February 14, 2001. On April 8, 2005, it became the second CARICOM State to accept both the Appellate and the Original jurisdiction of the Court, Guyana being the first to do so on April 1, 2005. Barbados was, however, the first Contracting Party to the Agreement to provide a Chairman (pro tem) of the Commission, in the person of **Sir David Simmons**, then Chief Justice of Barbados.
- 11.2 Situated in the south-western portion of the Atlantic Ocean, the island of **Barbados** is the easternmost of the Lesser Antilles; the climate is moderate tropical and its location puts it to the east of and just outside, the principal hurricane strike zone. Once a Portuguese territorial possession, in 1625 it became an English colony which finally gained independence in 1966 when the current national symbols were adopted.

- The **Coat of Arms** depicts two animals supporting the **Golden Shield**: on the left a **Dolphin**, a symbol of the fishing industry; on the right, a **Pelican**, symbolic of the former Pelican Island that once existed off the coast of Bridgetown. Above the Shield is the **Helmet of Barbados** and **Mantling** with an **extended Arm** clutching two stalks of **Sugarcane in a Cross Formation** representing the Sugar Industry and the Saltire cross upon which St. Andrew was crucified. The Shield itself is the centerpiece of the Coat of Arms and the **National Flower, Pride of Barbados**, is depicted at the upper corners; in-between and below these is the 'bearded' Fig Tree, which may have contributed to Barbados being so named. The base of the Coat of Arms carries the motto "Pride and Industry", a reference to the country's Anthem.



- The design of the **Flag** is the result of a nation-wide competition; it is composed of three equal vertical panels – the outer panels of ultramarine and the centre panel of gold, representing the sea and sky as well as the golden sand surrounding the island. In the centre panel there is a broken **Trident** in black, representing the mythical god of the sea, Neptune; the Trident in its original unbroken form was taken from the former colonial

seal but was then re-designed as broken (without a shaft) to depict Barbados' Independence. The sea is re-emphasized to depict its significance to Barbados. The three points of the Trident represent the three principles of democracy: 'government of, by and for the people'.



- 11.3 Historically, Barbados was nicknamed 'land of the flying fish' and many aspects of Barbadian culture centre around this fish. It is the official national dish (along with *cou-cou*) and is depicted on coins, etc., as well as being part of the logo of the Barbadian Tourism Authority; additionally the dolphin on the Coat of Arms resembles a flying fish. Once abundant, the flying fish no longer return to Barbados in large numbers; they now migrate only as far north as Tobago, southwest of Barbados, due in part to overfishing and in part to ship-based pollution as a result of increased ship visits since the Deep Water Harbour in Bridgetown was completed.
- 11.4 Although measuring only 431 sq km (166.4 sq miles), Barbados has long boasted an excellent education system, based on compulsory free school attendance until age 16 resulting in a high literacy rate (99.7%<sup>i</sup>). The unemployment rate is 9.3, the lowest in the region. Historically, the economy was dependent on sugarcane cultivation and related activities, but in the late 1970s and early 1980s it diversified into manufacturing and tourism. Tourism accounts for approximately one-half of the economy, influenced by Barbados' relatively high levels of development and its favourable location. Geologically composed of coral, much of the island (mainly western and southern coasts) is circled by coral reefs and fine white/pinkish sandy beaches, one of the main tourist attractions. The economy is further diversified into informatics, offshore banking, foreign investment and other services.
- 11.5 A look at Barbados would not be complete without mentioning the sport of cricket which is cherished there above all others; the country has produced some outstanding cricketers, two of whom have been named National Heroes.
- 11.6 By December 2009, Barbados' population was estimated at 275,719<sup>ii</sup>, around 80,000 of which live in and around Bridgetown, the only city and the nation's capital. Close to 90% of all Barbadians (colloquially called 'Bajans') are of African descent; the rest of the population includes groups of Indo-Guyanese, Europeans (English, Irish and Scot), Chinese and North Americans.
- 11.7 One of the most eminent sons of Barbados is **Sir David Anthony Cathcart Simmons, K.A., B.C.H., Q.C., LL.M. (Lond.), Hon. LL.D. (Lond.)**, born on April 28, 1940 and educated at The Lodge School. Between 1960 and 1965 he studied law at the London School of Economics and Political Science, graduating in 1963, with the LL.B. (Hons.) degree and in 1965, the Master of Laws degree (LL.M.). After lecturing in law in London until 1970, he returned to Barbados to private practice, while lecturing part-time at the University of the West Indies. In 1971, he

entered the field of politics and straddled both professions. On January 1, 2002, he assumed office as the twelfth Chief Justice of Barbados. In 2003 he was made an Honorary Fellow of U.W.I. and was also awarded the Honorary degree of Doctor of Laws (LL.D.) by the University of London – the first Caribbean national to be accorded that high distinction by that University. In 2006, he was elected as an Honorary Bencher of the Honorable Society of Lincoln’s Inn, the Inn of Court at which he qualified as a Barrister-at-Law. In 2001, he was awarded the Barbados Centennial Honour (B.C.H.), and Barbados’ highest national honour, Knight of St. Andrew (K.A.).

- 11.8 On August 21, 2003, he was sworn in as the **first Chairman (pro tempore) of the Commission**, in his capacity as ‘Chairman of the Judicial Services Commission of a Contracting Party selected in rotation in the English alphabetical order for a period of three years – Barbados ‘[Article V.1 (c)].
- 11.9 He was given, in his words “the public privilege and private pleasure” of introducing the first President of the Court (and Chairman of the Commission) to those gathered to mark the occasion of the Inauguration of the Court on Saturday, April 16, 2005. Prior to this, he had worked for some ten (10) years to lay the infrastructure for the establishment of the Court.
- 11.10 Sir David served his full term as pro tem Chairman of the RJLSC, displaying his trademark dedication and enthusiasm throughout; he demitted office on August 14, 2006. Indubitably, he has exhibited a capacity for sustained hard work along with a strong commitment to his vocation.

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*UNESCO Institute for Statistics 2003 estimate  
Barbados Statistical Service 2009*



**APPENDIX A Meetings of the Regional Judicial and Legal Services Commission**

No.	Meeting No.	Dates of Meetings of Commission
1.	53	January 16, 2009
2.	54	February 27, 2009
3.	55	April 7, 2009
4.	56	May 29, 2009
5.	57	July 16, 2009
6.	58	September 11, 2009
7.	59	November 20, 2009
8.	60	December 18, 2009

**APPENDIX B Attendance of Members at Meetings of the Commission in 2009**

Name of Commissioner	Jan 16	Feb 27	Apr 7	May 29	July 17	Sep 11	Nov 20	Dec 18
The Rt. Hon. Mr. Justice Michael de la Bastide, T.C.	✓	✓	✓	✓	✓	✓	✓	✓
Dr. Joseph Archibald, Q.C.	X	✓	X	✓	X	X	X	✓
Dr. the Hon. Lloyd George Barnett, O.J.	✓	✓	✓	✓	✓	✓	✓	✓
Mr. Rodney Neal, B.Sc., M.Sc.	✓	✓	✓	✓	✓	✓	X	X
Mr. C. A. Blazer Williams B.A., M.Sc., LL.B.	✓	✓	✓	✓	✓	✓	*	*
Mr. Frank Myers, B.Sc., FCCA	--	--	--	--	--	--	✓	X

Ms. Gloria Gray, B.Sc., M.Sc.	✓	✓	✓	X	X	*	*	*
Ms. Nelcia Robinson, B. Sc.	✓	✓	✓	✓	✓	*	*	*
Ambassador Wendell E. Lawrence, B.Sc., M.Sc., CPA	--	--	--	--	--	✓	X	X
Mr. Jefferson Cumberbatch, LL.B.	--	--	--	--	--	✓	✓	✓
Professor A. Ralph Carnegie, B.A., M.A.	✓	✓	✓	X	✓	✓	✓	✓
Dr. Magda Hoever- Venoaks, M.Sc., Ph.D.	✓	✓	✓	✓	✓	✓	X	✓
Mr. Allan Alexander, S.C.	X	X	X	X	✓	✓	✓	X
TOTAL NO. OF MEMBERS WHO ATTENDED	8	9	8	7	8	9	6	6

Key:

- ✓ Member attended meeting
- X Member absent from meeting
- \* Term of office expired
- Not yet appointed a member of the RJLSC

## APPENDIX C Meetings of Committees and Other Meetings

Meetings of Committees of the Commission were held on the following dates:

No.	Dates of Meetings	Sub-Committee/Other Meetings	Purpose
1.	January 15, 2009	Pensions	To discuss Pension issues.
2.	February 14, 2009	Meeting of representatives of the Court, Commission and Trust Fund	To discuss Biennial Budget 2009-2010
3.	February 26, 2009	Pensions	To discuss Pension issues.
4.	April 6, 2009	Pensions	To discuss Pension issues.
5.	May 28, 2009 at 9:30 a.m.	Pensions	To discuss Pension issues.
6.	May 28, 2009 at 3:45 p.m.	Staff Regulations	To discuss draft Staff Regulations
7.	June 16, 2009	Selection	To interview applicants for the posts of Secretary to Facilities Manager and Secretary to Security Manager
8.	July 16, 2009 at 9:30 a.m.	Pensions	To discuss Pension issues.
9.	July 16, 2009 at 2:00 p.m.	Staff Regulations	To discuss draft Staff Regulations
10.	November 19, 2009	Staff Regulations	To review comments from staff on draft Staff Regulations
11.	December 16, 2009	Selection	To interview applicants for the posts of Executive Secretary, RJLSC and Deputy CEA, CCJ
12.	December 17, 2009 at 9:30 a.m.	Pensions	To review draft staff Pension Rules
13.	December 17, 2009 at 2:00 p.m.	Staff Regulations	To review changes made to draft Staff Regulations

14.	December 19, 2009	Selection	To interview applicants for the post of Executive Assistant, RJLSC
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**APPENDIX D**

**Audited Financial Statements for the year ended December 31, 2009**



Financial Statements of

**THE REGIONAL JUDICIAL AND LEGAL  
SERVICES COMMISSION**

December 31, 2009

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**Independent Auditors' Report to the Commissioners  
of the Regional Judicial and Legal Services Commission**

**Report on the Financial Statements**

We have audited the financial statements of The Regional Judicial and Legal Services Commission (the Commission), which comprise the balance sheet as at December 31, 2009, and the statements of income, changes in retained earnings and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory notes.

*Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the International Financial Reporting Standard for Small and Medium-sized Entities. This responsibility includes: designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and consistently applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

*Auditors' Responsibility*

Our responsibility is to express an opinion on the financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

*Opinion*

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Commission as at December 31, 2009 and of its financial performance and its cash flows for the year then ended in accordance with the International Financial Reporting Standard for Small and Medium-sized Entities.

Chartered Accountants

Port of Spain  
Trinidad and Tobago, W.I.  
April 28, 2010

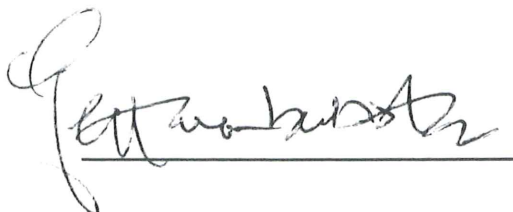
Balance Sheet

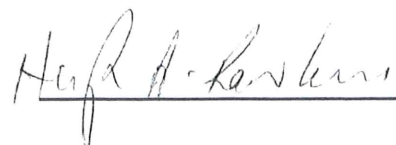
December 31, 2009

	Notes	2009	2008
<b>Assets</b>			
<b>Non-current assets</b>			
Net fixed assets	1	\$ 53,284	100,366
<b>Current assets</b>			
Due from related party	2	2,963,680	2,941,766
Other receivables	3	17,003	12,881
Cash and cash equivalents		138,743	88,069
<b>Total current assets</b>		<b>3,119,424</b>	<b>3,042,716</b>
<b>Total assets</b>		<b>\$ 3,172,710</b>	<b>3,143,082</b>
<b>Accumulated Fund and Liabilities</b>			
<b>Accumulated fund</b>			
Retained earnings		\$ 3,145,889	3,122,082
<b>Current liabilities</b>			
Other payables	4	26,821	21,000
<b>Total current liabilities</b>		<b>26,821</b>	<b>21,000</b>
<b>Total accumulated fund and liabilities</b>		<b>\$ 3,172,710</b>	<b>3,143,082</b>

*The accompanying notes form an integral part of these financial statements*

On behalf of the Regional Judicial and Legal Services Commission

  
 \_\_\_\_\_ Commissioner

  
 \_\_\_\_\_ Commissioner

## Statement of Income

For the year ended December 31, 2009

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	Notes		2009	2008
<b>Revenue</b>	5	\$	1,892,799	1,513,876
Administrative expenses	6		(1,868,992)	(1,896,104)
<b>Surplus (deficit) of income over expenditure for the year</b>		\$	<u>23,807</u>	<u>(382,228)</u>

---

*The accompanying notes form an integral part of these financial statements*

## Statement of Changes in Retained Earnings

For the year ended December 31, 2009

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	Retained Earnings
<b>Year ended December 31, 2008</b>	
Balance as at January 1, 2008	\$ 3,504,310
Deficit of income over expenditure for the year	<u>(382,228)</u>
<b>Balance as at December 31, 2008</b>	<b>\$ <u>3,122,082</u></b>
<b>Year ended December 31, 2009</b>	
Balance as at January 1, 2009	\$ 3,122,082
Surplus of income over expenditure for the year	<u>23,807</u>
Balance as at December 31, 2009	<b>\$ <u>3,145,889</u></b>

---

*The accompanying notes form an integral part of these financial statements*

## Statement of Cash Flows

For the year ended December 31, 2009

	2009	2008
<b>Cash Flows from Operating Activities</b>		
Surplus (deficit) of income over expenditure for the year	\$ 23,807	(382,228)
Adjustments to reconcile surplus (deficit) of income over expenditure for the year to net cash from operating activities:		
Depreciation	47,082	51,284
Due from related party	(21,914)	250,091
Other receivables	(4,122)	135,854
Other payables	5,821	-
<b>Net cash from operating activities</b>	<u>50,674</u>	<u>55,001</u>
<b>Cash Flows from Investing Activities</b>		
Purchase of fixed assets	-	(24,815)
<b>Net cash used in investing activities</b>	<u>-</u>	<u>(24,815)</u>
Increase in cash and cash equivalents for the year	50,674	30,186
Cash and cash equivalents at the beginning of the year	<u>88,069</u>	<u>57,883</u>
<b>Cash and cash equivalents at the end of the year</b>	<u>\$ 138,743</u>	<u>88,069</u>
<b>Analysis of cash and cash equivalents</b>		
Cash and cash equivalents	\$ <u>138,743</u>	<u>88,069</u>

*The accompanying notes form an integral part of these financial statements*

## Notes to Financial Statements

December 31, 2009

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**Establishment and principal activity**

The Caribbean Court of Justice (the Court) and the Regional Judicial and Legal Services Commission (the Commission) were established on 14<sup>th</sup> February 2001 by the Agreement Establishing the Caribbean Court of Justice (the Agreement). The Agreement was signed on that date by the following Caribbean Community (Caricom) states of Antigua & Barbuda, Barbados, Belize, Grenada, Guyana, Jamaica, St. Kitts & Nevis, St. Lucia, Suriname and Trinidad & Tobago. Two further states, Dominica and St. Vincent & The Grenadines, signed the Agreement on 15<sup>th</sup> February 2003, bringing the total number of signatories to 12.

The Court was inaugurated on April 16, 2005 in Port of Spain, Trinidad and Tobago.

The first Commission came into force on August 21, 2003 and works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves. The functions of the Commission include:

- Appointments to the office of Judge of the Court, other than that of President;
- Appointments of officials and employees of the Court;
- Determination of the terms and conditions of service of officials and employees;
- The termination of appointments in accordance with the provisions of this Agreement.
- Exercise of disciplinary control over judges other than the President, and over officials and employees of the Court; and
- Appointment of members of the Community Competition Commission

The Court is the highest judicial tribunal, designed to be more than a Court of last resort for member states of the Caribbean Community. For, in addition to replacing the Judicial Committee of the Privy Council, the Court is vested with an original jurisdiction in respect of the interpretation and application of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the Caricom Single Market and Economy. The Court is designed to exercise both an appellate and an original jurisdiction.

These financial statements were approved for issue by the Commissioners on April 28, 2010.

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## Notes to Financial Statements

December 31, 2009

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**Significant accounting policies****(a) *Statement of compliance***

These financial statements have been prepared in accordance with the International Financial Reporting Standard for Small and Medium-sized Entities (IFRS for SMEs) issued by the International Accounting Standards Board.

**(b) *Basis of preparation***

These financial statements have been prepared on the historical cost basis.

The Commission's financial statements for the year ended December 31, 2009 are its first annual financial statements prepared under accounting policies that comply with the IFRS for SMEs.

The Commission's transition date is January 1, 2009. The Commission prepared its opening IFRS for SMEs balance sheet at that date. There were no differences in the reconciliation between full IFRS and IFRS for SMEs.

**(c) *Functional and reporting currency***

The financial statements are presented in Trinidad and Tobago dollars which is the Commission's functional currency.

**(d) *Use of estimates***

The preparation of these financial statements in conformity with IFRS for SMEs requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results could differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

In particular, information about significant areas of estimation uncertainty and critical judgements in applying accounting policies that have the most significant effect on the amount recognised in the financial statements are described in the notes.

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## Notes to Financial Statements

December 31, 2009

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**Significant accounting policies (continued)****(e) Fixed assets**

Fixed assets are stated at cost less accumulated depreciation and impairment losses. The Commission recognizes in the carrying amount of an item of fixed assets, the cost of replacing part of such an item when that cost is incurred if it is probable that the future economic benefits embodied with the item will flow to the Commission and the cost of the item can be measured reliably.

All other costs are recognised in the income statement as an expense as incurred.

When parts of an item of fixed assets have different useful lives, those components are accounted for as separate items of fixed assets.

Depreciation is charged using the straight line method at the rate of 25% which is designed to write off the cost of the assets over their estimated useful lives:

**(f) Other receivables**

Other receivables are stated at cost less impairment losses. Impairment losses include any specific provision established to recognize anticipated losses for bad and doubtful debts. Bad debts are written off during the period in which they are identified.

**(g) Cash and cash equivalents**

For the purposes of the statement of cash flows, cash and cash equivalents comprise cash at hand and in bank.

**(h) Other payables**

Other payables are stated at amortised cost.

**(i) Provisions**

A provision is recognised in the balance sheet when the Commission has a present legal or constructive obligation as a result of a past event, and it is probable that an outflow of economic benefits will be required to settle the obligation. If the effect is material, provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments at the time value of money and, where appropriate, the risks specific to the liability.

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## Notes to Financial Statements

December 31, 2009

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**Significant accounting policies (continued)****(j) Revenue recognition**Funds from the Caribbean Court of Justice Trust Fund

Unconditional funding related to the ongoing operations of the Commission is recognised in the statement of income as revenue in the period in which the funds are received.

Grants

Subventions that compensate the Commission for expenses incurred are recognised as revenue in the statement of revenue and expenditure on a systematic basis in the same periods in which the expenses are incurred.

Grants that compensate the Commission for the cost of an asset are recognised in the statement of revenue and expenditure as revenue on a systematic basis over the life of the asset.

All other revenue is recorded on an accruals basis.

**(k) Impairment**

The carrying amounts of the Commission's assets are reviewed at each balance sheet date to determine whether there is any indication of impairment. If such an indication exists, the asset's recoverable amount is estimated.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the income statement.

The recoverable amount of other assets is the greater of their net selling price and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset. For an asset that does not generate largely independent cash inflows, the recoverable amount is determined for the cash-generating unit to which the asset belongs.

An impairment loss is reversed if there has been a change in the estimates used to determine the recoverable amount. An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised.

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## Notes to Financial Statements

December 31, 2009

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**Significant accounting policies** (continued)**(l) Foreign currency transactions**

Transactions in foreign currencies are translated to the respective functional currency of the Commission at exchange rates at the dates of the transactions. Monetary assets and liabilities denominated in foreign currencies at the reporting date are retranslated to the functional currency at the exchange rate at that date. The foreign currency gain or loss on monetary items is the difference between amortised cost in the functional currency at the beginning of the period, adjusted for effective interest and payments during the period, and the amortised cost in foreign currency translated at the exchange rate at the end of the period. Non-monetary assets and liabilities denominated in foreign currencies that are measured at fair value are retranslated to the functional currency at the exchange rate at the date that the fair value was determined.

Foreign currency differences arising on retranslation are recognised in profit or loss, except for differences arising on the retranslation of available-for-sale equity instruments or a financial liability designated as a hedge of the net investment in a foreign operation.

**(m) Taxation**

Pursuant to the terms of an agreement entered into on July 4, 2003 between the Commission and the Government of the Republic of Trinidad and Tobago, the Commission is exempt from all direct and indirect taxes, duties and levies imposed in Trinidad and Tobago.

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## Notes to Financial Statements

December 31, 2009

**1. Net fixed assets**

	Library Books	Furniture Fittings, Computers and Equipment	Vehicles	Total
<i>Year ended December 31, 2009</i>				
<b>Cost of valuation</b>				
At January 1, 2009	\$ 24,815	215,257	163,513	403,585
Additions	-	-	-	-
<b>At December 31, 2009</b>	<b>\$ 24,815</b>	<b>215,257</b>	<b>163,513</b>	<b>403,585</b>
<b>Accumulated depreciation</b>				
At January 1, 2009	\$ 6,204	215,257	81,758	303,219
Charge for the year	6,204	-	40,878	47,082
<b>At December 31, 2009</b>	<b>\$ 12,408</b>	<b>215,257</b>	<b>122,636</b>	<b>350,301</b>
<b>Net book value</b>				
<b>At December 31, 2008</b>	<b>\$ 18,611</b>	<b>-</b>	<b>81,755</b>	<b>100,366</b>
<b>At December 31, 2009</b>	<b>\$ 12,407</b>	<b>-</b>	<b>40,877</b>	<b>53,284</b>
<i>Year ended December 31, 2008</i>				
<b>Cost of valuation</b>				
At January 1, 2008	\$ -	215,257	163,513	378,770
Additions	24,815	-	-	24,815
<b>At December 31, 2008</b>	<b>\$ 24,815</b>	<b>215,257</b>	<b>163,513</b>	<b>403,585</b>
<b>Accumulated depreciation</b>				
At January 1, 2008	\$ -	211,056	40,879	251,935
Charge for the year	6,204	4,201	40,879	51,284
<b>At December 31, 2008</b>	<b>\$ 6,204</b>	<b>215,257</b>	<b>81,758</b>	<b>303,219</b>
<b>Net book value</b>				
<b>At December 31, 2007</b>	<b>\$ -</b>	<b>4,201</b>	<b>122,634</b>	<b>126,835</b>
<b>At December 31, 2008</b>	<b>\$ 18,611</b>	<b>-</b>	<b>81,755</b>	<b>100,366</b>

## Notes to Financial Statements

December 31, 2009

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<b>2. Due from related party</b>		<u>2009</u>	<u>2008</u>
	The Caribbean Court of Justice (CCJ)	\$ 2,963,680	2,941,766
	Amounts due from the CCJ are interest free, with no fixed repayment terms.		
<b>3. Other receivables</b>			
	VAT recoverable	\$ 10,247	12,550
	Other receivables	<u>6,756</u>	<u>331</u>
		\$ <u>17,003</u>	<u>12,881</u>
<b>4. Other payables</b>			
	Accruals	\$ <u>26,821</u>	<u>21,000</u>
<b>5. Revenue</b>			
	Funds received from the Caribbean Court Of Justice Trust Fund	\$ 1,891,978	1,512,000
	Interest income	<u>821</u>	<u>1,876</u>
		\$ <u>1,892,799</u>	<u>1,513,876</u>
<b>6. Administrative expenses</b>			
	Salaries and allowances	\$ 234,760	219,904
	Depreciation	47,082	51,284
	Administrative expenses	603,196	962,226
	Commission and recruitment expenses	956,411	637,060
	Audit fees	23,531	21,000
	Bank charges	<u>4,012</u>	<u>4,630</u>
		\$ <u>1,868,992</u>	<u>1,896,104</u>

**7. IFRS Not Yet Effective**

A number of new standards, amendments to standards and interpretations are not yet effective for the year ended December 31, 2009, and have not been applied in preparing these financial statements. None of these will have an effect on the financial statements of the Commission.

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Supplementary Financial Information

**THE REGIONAL JUDICIAL AND LEGAL  
SERVICES COMMISSION**

December 31, 2009

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**Chartered Accountants**  
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## **Independent Auditors' Report to the Commissioners of the Regional Judicial and Legal Services Commission**

### **Report on the Supplementary Financial Information**

We have audited the financial statements of the Regional Judicial and Legal Services Commission for the year ended December 31, 2009, and have issued our report thereon dated April 28, 2010.

We conducted our audits in accordance with International Standards on Auditing, issued by the International Federation of Accountants. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements.

We conducted our audits for the purpose of expressing an opinion on the financial statements of the Commission taken as a whole. The accompanying supplementary financial information, consisting of the balance sheet and statement of income, is presented for the purpose of additional analysis and should not be considered necessary to the presentation of the basic financial statements. This information has been subjected to the audit procedures applied to the basic financial statements and, in our opinion, is fairly presented, in all material respects, when taken as a whole with the basic financial statements.

Chartered Accountants

Port of Spain  
Trinidad & Tobago, W.I.  
April 28, 2010

## Balance Sheet

December 31, 2009

*(Expressed in United States Dollars)*

	2009	2008
<b>Assets</b>		
<b>Non-current assets</b>		
Net fixed assets	\$ 8,458	15,931
<b>Current assets</b>		
Due from related party	470,425	466,947
Other receivables	2,698	2,045
Cash and cash equivalents	22,024	13,979
<b>Total current assets</b>	<b>495,147</b>	<b>482,971</b>
<b>Total assets</b>	<b>\$ 503,605</b>	<b>498,902</b>
<b>Reserves and Liabilities</b>		
Retained earnings	\$ 499,348	495,569
<b>Current liabilities</b>		
Other payables	4,257	3,333
<b>Total current liabilities</b>	<b>4,257</b>	<b>3,333</b>
<b>Total reserves and liabilities</b>	<b>\$ 503,605</b>	<b>498,902</b>

Translation Rate used - US\$1.00:TT\$6.30

## Statement of Income

For the year ended December 31, 2009

*(Expressed in United States Dollars)*

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		2009	2008
Revenue	\$	300,444	240,298
Administrative expenses		<u>(296,665)</u>	<u>(300,969)</u>
<b>Surplus (deficit) of income over expenditure for the year</b>	\$	<u>3,779</u>	<u>(60,671)</u>

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