

Sunday Guardian – August 27, 2006

NJAC Viewpoint

Move to CCJ true test of independence

This year, our nation celebrates its 44th year of independence. However, those 44 years have not been without their challenges. For whilst we were granted independent status, the true test of our independence was how we were going to remove the psychological and institutional binds to truly free ourselves and think and act independently. The preparedness to take our destiny into our own hands, the demonstration of self confidence showing that we are capable of handling things on our own, have to become part of the national psyche. This would be a measure of our maturity as a nation.

The challenges which we have had to face since August 1st, 1962, have spanned a number of areas of national life, encompassing various segments and institutions. The need to control our economy; the need for our local private sector and the state to play more active roles in national development and not depend on foreigners; the need for us to have that confidence in ourselves that nationals could head various institutions of significance, such as the banks and other financial institutions, the police and prison services and other institutions of note, all had to be addressed.

We needed to take pride in things local. The calypso, steelband and various other forms of cultural and artistic expressions all had to have their place in the sun. They needed to flourish and develop. Our education system had to become relevant to the aspirations of a nation seeking real independence. The legal system had to reflect our independent status. There had to be a reflection of a will to true independence – a spirit of independence. The engine and growth for a truly independent nation had to come from within.

1970 was a landmark in our nation's history in facing these challenges of independence. It was a time when the National Joint Action Committee led the masses of Trinidad and Tobago instilling within them the values and attitudes required of them for the building of an independent nation. NJAC led marches and demonstrations of the people, demanding of the authorities that changes be instituted to accommodate the requirements of independence. Positive developments consequently took place. A spirit of independence prevailed over the land and structures were put in place to aid with its sustenance.

In this process, however, one area which kept firmly rooted in its colonial past, was in the legal sphere, in the area of the judiciary and today, we see this manifested in the controversy surrounding the Caribbean Court of Justice (CCJ). The National Joint Action Committee had been agitating from day one, for the replacement of the Privy Council by a regional body which would serve as the highest level of appeal and decision making where legal matters were concerned. NJAC felt that we needed to demonstrate that confidence in ourselves that we were quite capable of conducting our own legal

affairs and that we should embark on a path that would see us breaking the colonial ties and forging our own destiny in the area of jurisprudence.

As a result of the demands of NJAC and the people during the Revolution of 1970, the idea for the establishment of a court of last resort for the Caribbean was raised at a Caricom Heads of Government Meeting in Kingston, Jamaica, in 1970. In February 2001, ten Caricom countries signed an Agreement establishing the Caribbean Court of Justice which is meant to be the final Court of Appeal for those nations. To NJAC, this was another step forward in the process of the attainment of true independence. Today, thirteen countries, including Trinidad and Tobago are parties to the court. However, whilst these countries are all committed to paying to fund the expenses of the CCJ, only Guyana and Barbados have actually placed themselves under its jurisdiction, so that to date, these are the only two countries for which the CCJ is the final Court of Appeal, replacing the Privy Council.

We have got to break those colonial shackles and replace the Privy Council. But when someone like Kamla Persad-Bissessar, Leader of the Opposition, can state that Trinidad and Tobago will move from the Privy Council only over her dead body, then one can see the challenges we still face. Persad-Bissessar must realize that this is something NJAC and the people fought for during the Revolution of 1970. This was a Revolution in which many suffered in various ways. Some were beaten; some were imprisoned on more than one occasion; some lost their lives. So to dismiss the call the Caribbean Court of Justice, is to dismiss the suffering and sacrifices of many. How can you consider yourself to be independent when you are depending on persons outside of yourself to make decisions for you?

Ironically, England has taken judges from the Caribbean to put on the Privy Council, demonstrating that they have confidence in our judges. England is actually begging us to give up the Privy Council and go on our own. Whilst Kamla may be dissatisfied with some of the developments taking place within the judiciary, NJAC says that this is no reason to attempt to deny the people their right to be independent.

The National Joint Action Committee is committed to the cause of true independence and steadfastly supports all efforts towards having the Caribbean Court of Justice function as the final Court of Appeal for Trinidad and Tobago and other islands of the Caribbean.