



ORGANISATION OF EASTERN CARIBBEAN STATES

COMMUNIQUÉ

15th Meeting of the Legal Affairs Committee

24 – 25 March 2009

Coco Palm Resort
Rodney Bay, Gros-Islet
Saint Lucia

INTRODUCTION

The 15th Meeting of the Legal Affairs Committee (LAC) of the Organisation of Eastern Caribbean States (OECS) was held on March 24th and 25th at the Coco Palm Resort, Rodney Bay St. Lucia, under the Chairmanship of the Honourable Attorney General of Saint Lucia, Senator, the Honourable Dr Nicholas Frederick.

Attorneys General and Representatives of Attorneys General in attendance were:

Honourable Francine Baron-Royer	Attorney General, Commonwealth of Dominica
Honourable James Bristol	Attorney General, Grenada
Honourable James Wood	Attorney General, Montserrat
Senator the Honourable Dr Nicholas Frederick (Chairman)	Attorney General, Saint Lucia
Honourable Judith Jones-Morgan	Attorney General, Saint Vincent and the Grenadines
Honourable Kathleen Quartey	Attorney General Virgin Islands
Mrs Vasunthera Nadajarah	Representative from the Attorney General's Chambers, Anguilla

The Meeting received apologies for the unavoidable absences of the Attorneys General of Antigua and Barbuda and Saint Kitts and Nevis.

OPENING CEREMONY

The Opening ceremony was addressed by, the Attorney General of Saint Lucia, Senator the Honourable Dr Nicholas Frederick and Mr Randolph Cato, Director, Economic Affairs of the OECS Secretariat.



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Senator, the Honourable Dr Nicholas Frederick, extended a special welcome to Saint Lucia to the Attorneys General from the various territories, and congratulated Mr Keith Hudson Wellington Friday, a national of Grenada, on his recent appointment as Head of the Legal Unit at the OECS Secretariat.

Senator, the Honourable Dr Nicholas Frederick, in his welcome remarks stated that the Attorneys General knew the crisis that the world was facing at this time and as a sub-region with no oil reserves of its own, it was natural to expect that the Member States would feel the full impact of the recession; as a result, "the Attorneys General of the OECS must cling together to help their countries survive at this difficult time."

Senator, the Honourable Dr Nicholas Frederick, also stated that at a time when the social fabric of the OECS Member States was rocked by crime and violence, which are the offshoots of drugs and money laundering, the OECS Member States needed to provide each other with mutual assistance and to establish common structures and mechanisms to fight the scourge, to maintain law and order and the integrity of the societies of the OECS Member States

Concluding his remarks, Senator, the Honourable Dr Nicholas Frederick referred to some of the many areas in which the OECS Member States have been cooperating. The Senator, stated that "When I think of these many areas of functional cooperation - judicial service, education reform, central drug procurement, law revision, law reform, etc - the idea of an OECS Economic Union is certainly not far-fetched. It is almost a reality. I think it behoves to study the proposals for an OECS Economic Union and to make proposals for the future. Shakespeare in his wisdom gives us a ray of hope. In "As You Like It" he says: "Sweet are the uses of adversity, which like the toad, ugly and venomous, wears yet a precious jewel in his head!" Emily Dickenson, American Poet [1830-86] says "After great pain, a formal feeling comes –the nerves sit ceremonies....." these for the OECS Member States are the virtues of pain.

Mr Randolph Cato, Director of Economic Affairs of the OECS Secretariat welcomed the Attorneys General to Saint Lucia. Mr Cato stated that the competition matters on the agenda were important as the OECS Secretariat seeks to improve the business environment within the Member States and create a level playing field for all the participants in that environment. He referred to the draft legislation under the Family Law and Domestic Violence Reform Project and stated that the work under that Project was important as it sought to provide some level of harmonized legislation throughout the OECS Member States in this very important social area.

Mr Cato stated that as the OECS Member States forge ahead towards an economic union, the draft Economic Union Treaty and the associated legal framework are of great importance and that the Attorneys General of this sub-region should show the legal



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pathway to achieve this goal. In concluding, Mr Cato offered the Secretariat's best wishes for a successful 15th LAC Meeting.

AGENDA ITEMS

1. Implementation of the Community Competition Policy

The OECS LAC Meeting received a presentation from Mr Barry Headley, Specialist, Competition Policy, Caribbean Community Secretariat, CSME Unit, and noted the status of implementation of the Community Competition Policy in the CARICOM Member States and the proposal to give effect to the Community Competition Policy in the OECS Member States; by the establishment of an Eastern Caribbean Competition Commission (ECCC) The ECCC would serve as a national competition authority for each OECS Member State.

The Meeting considered the draft *Eastern Caribbean Competition Commission Agreement* which provides for the establishment of the ECCC and the draft *Competition Bill* which contains substantive provisions relating to competition matters and approved the draft instruments for transmission to the OECS Authority, subject to the incorporation of the agreed changes.

The Attorneys General agreed to facilitate the enactment of a uniform *Competition Bill* and other relevant supporting legislation, in the respective Member States, for the efficient operation of the Eastern Caribbean Competition Commission and committed to provide the required assistance and support on the way forward, in the respective Member States, to make the proposal to establish the Eastern Caribbean Competition Commission (ECCC) a reality.

2. World Trade Organisation (WTO), Revised Treaty of Chaguaramas and Economic Partnership Agreement (EPA) matters.

The Meeting received a presentation from the Consultant engaged, with the support of the EU-funded TradeCom Facility, to assist the OECS Member States to accelerate the pace at which they have been implementing their international trade obligations as participants of the World Trade Organization (WTO), the CARICOM Single Market and Economy (CSME) and the Economic Partnership Agreement (EPA) with the European Union and to put in place the legislative and regulatory framework necessary to take full advantage of the opportunities under these trade arrangements and agreements.

The LAC endorsed the action taken by the OECS Secretariat to assist Member States in addressing their legal obligations under the WTO Agreements, the Revised Treaty of Chaguaramas and the EPA and the Attorneys General committed to provide the required assistance and support to the Consultant and the Secretariat in the review and approval of



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the required harmonized legislation.

3. OECS Family Law and Domestic Violence Reform Project

The Meeting noted a report of activities undertaken during the period 13 January 2003 to 31 August 2008 under the OECS Family Law and Domestic Violence Reform Project. The report provided an overview of the Project and its progress since the commencement of its implementation cycle, the status of the planned programme of activities, and its achievements during the reporting period.

The Meeting was informed that the services of a Consultant was retained with the assistance of CIDA/Caribbean Gender Equity Programme, to design a harmonized regional strategic framework to increase the capacity of social services delivery agencies in the OECS Member States and that the draft report of the findings of the Consultant was under consideration by the OECS Secretariat. The Meeting noted the progress on the Social Services Delivery component of the OECS Family Law and Domestic Violence Reform Project, which sought to facilitate the effective implementation of the new family laws, to ensure the success of this reform initiative.

The Meeting also noted that four Bills and one Regulation, were finalized by the OECS Secretariat, with the assistance of UNICEF, and have been circulated for adoption in the Member States, namely the:

- (i) *Children Care and Adoption Bill,*
- (ii) *Child Justice Bill,*
- (iii) *Domestic Violence Bill,*
- (iv) *Status of Children Bill; and*
- (v) *Children (Parentage Testing Procedure) Regulations*

The Meeting considered and approved the draft *Maintenance of Children Bill*, draft *Maintenance of Children Regulations* and draft *Family Guardianship Custody Access to Children) Bill* for adoption in the Member States, subject to the incorporation of the agreed changes.

The Meeting agreed that the *Family (Guardianship, Custody and Access to Children) Bill* would be reviewed by the Attorneys-General in the respective Member States and comments should be submitted to the OECS Secretariat within three weeks of the Meeting.

In its deliberations on the way forward with the implementation of the OECS Family Law and Domestic Violence Reform Project, the LAC considered the piloting of the draft model harmonised Bills in at least two Member States and confirmed the need for the preparation of draft Bills in the areas of marriage, divorce and unions other than marriage.



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4. *Extradition Treaty and Mutual Legal Assistance Treaty*

The Meeting noted the status of negotiations with the French on the *Extradition Treaty* and *Mutual Legal Assistance Treaty* and agreed on a negotiating team to meet with the French representatives to facilitate the conclusion of these Treaties.

5. Eastern Caribbean Civil Aviation Authority

The Meeting received a presentation from the Legal Officer of the Eastern Caribbean Civil Aviation Authority on legislative matters of concern to the Authority and agreed to the proposed amendments to the Agreement Establishing the Eastern Caribbean Civil Aviation Authority.

6. Sustainability of Law reform and Harmonization

The Meeting considered a report relating to law reform and harmonization in the OECS Member States which included an update on the work undertaken by the OECS Legislative Drafting Unit. The Meeting agreed to provide feedback on the proposals regarding greater collaboration with the Member States in the drafting process and for the sustainability of the law reform and harmonization process undertaken by the OECS Secretariat through the establishment of a law reform center to support the integration initiatives in the Member States.

7. OECS Economic Union Treaty

The Meeting received a presentation on the OECS Economic Union initiative and noted some differences between the revised Treaty of Chaguaramas and the proposed OECS Economic Union Treaty and agreed on the need for a Treaties Expert to guide the Attorneys General in addressing the legal issues arising under the proposed OECS Economic Union Treaty.

8. Eastern Caribbean Supreme Court matters

The Meeting received a presentation by the Honourable Chief Justice of the Eastern Caribbean Supreme Court on matters of concern to the Supreme Court, such as the disciplinary rules, procedure for the recommendation for the award of silk, security for court houses and judicial officers and the establishment of a Family Court Division of the Supreme Court.