Mr President:

Since the judgment in Shanique Myrie v Barbados was handed down by the Caribbean Court of Justice, the impression has been given in various quarters that the Government of Jamaica should take steps to secure payment to Miss Myrie of the amount ordered by the Court.

The Government is aware that several months have elapsed without payment having been made by Barbados. However, the attempts being made in some quarters to ascribe responsibility or blame to the Government of Jamaica for the delay in the payment of the judgment are completely misguided.

The steps to be taken to secure payment are determined by the manner in which judgments of the Court may be enforced.

In this respect, Senators may recall recent reports in the press citing a statement by one of the Judges of the Court speaking in an interview following the workshop for regional broadcasters on the regional integration movement. In respect of the enforcement of Orders of the Court, including the order in the Myrie case, the view was expressed that the Court itself has no enforcement capabilities. The matter was placed in the context of the lack of coercive powers of international tribunals to enforce their judgments.

Subsequent to that view being expressed, the Court has now made it clear that the parties to a case, where judgment has been given and orders made, are at liberty to, and ought to, apply to the Court in relation to concerns they may have in relation to compliance. This was signalled by the Court in its

The pronouncement of the Court in that case delivers its unequivocal position on the obligation of a Member State to comply promptly with its orders. In fact the Court stated clearly:

“Member States and others to whom a judgment of the Court applies have an obligation under Article 215 RTC (Revised Treaty of Chaguramas) to comply promptly with the judgment and orders made by this Court. In order to ensure the protection of the Community rights of CARICOM nationals, compliance with and implementation of the Court’s orders are essential. Such compliance and implementation are also required by fundamental principles of Community law, in particular the principles of access to justice, effectiveness of Community law and the rule of law itself. Community rights under the RTC would be illusory if the orders of the Court are not executed.”²

In that same vein, the Court acknowledged its responsibility “to monitor compliance with its orders. This responsibility is reflected in Rules 29.3(3) and 29.3(4) of the Court’s Rules and also in the Court’s practice.”³

The Court was clear in its pronouncement that it has “allowed parties to apply to the Court in respect of matters arising out of its judgment and orders.”⁴

Based on the Court’s directive concerning the manner for securing compliance, it is for the party, Miss Myrie, through her Attorneys, and not the Intervener (Jamaica), to notify the Court of Barbados’ lack of compliance. It is therefore the duty of the party, to file any necessary report or application to the Court with a view to securing compliance by Barbados.

Notwithstanding the foregoing, the Government of Jamaica will continue to make political representation on the issue to the Government of Barbados. Indeed, at the last meeting of the Conference of Heads of Government in February, I raised the matter personally with the Prime Minister of Barbados.

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¹ *Rudisa Beverages & Juices N.V and Caribbean International Distributors Inc v Guyana* [2014] CCJ 1 (OJ)
² Ibid at para 38 of the Judgment.
³ Ibid at para 38 of the Judgment.
⁴ Ibid at para 38 of the Judgment.
⁵ Ibid at para 40 of the Judgment.
and it may be recalled that he issued a statement confirming the intention of the Government of Barbados to comply with the Court’s ruling and I reported to this Honourable Senate accordingly.

However, the act of making political representation to Barbados on the matter should in no way be interpreted to mean that it is the primary responsibility of the Government of Jamaica to secure compliance with the judgment. As stated earlier, it is for the party, Miss Myrie, through her Attorneys, and not the Intervener (Jamaica), to notify the Court of Barbados’ lack of compliance.

Now that the position has been made clear, the responsibility for any delay in compliance cannot, and should not, be attributed to the Government of Jamaica. I repeat, therefore, that any statements that would seek to place the blame on the Government of Jamaica for the delay in payment to Miss Shanique Myrie are completely misguided and should be withdrawn and never repeated.