

ADDRESS

BY

THE HONOURABLE CHIEF JUSTICE [AG.]

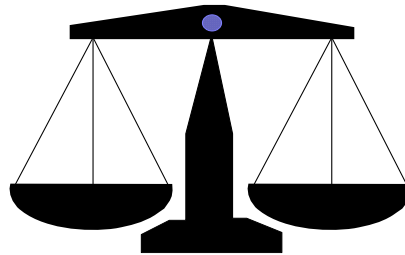
OF

THE EASTERN CARIBBEAN SUPREME COURT

HON. BRIAN ALLEYNE S.C.

TO MARK

THE 40th ANNIVERSARY OF THE ECSC



SAINT LUCIA

TUESDAY, 27th FEBRUARY 2007

Forty (40) years of successful service is a significant milestone for any organization. The Eastern Caribbean Supreme Court can undoubtedly boast that over its lifetime, it has maintained a proud record of service to the member States and Territories of the Eastern Caribbean, from Anguilla and the British Virgin Islands in the north to Grenada in the south. In our presence today, here in Saint Lucia and in the High Courts throughout the jurisdiction of the Court are many who have contributed significantly to achieving that proud record.

The life and history of the Court have coincided with the transition of the Eastern Caribbean States from colonies to States in Association with Britain (The Associated States) to independence for the majority of the former colonies in the sub region, and to enhanced levels of responsibility for internal affairs for the remaining Overseas Territories.

Of course, our Court was not the first regional Court serving the islands now known as the Eastern Caribbean States. The immediate predecessors of our Court were the Supreme Court of the Windward Islands and Leeward Islands, and the Court of Appeal of the Windward Islands and Leeward Islands, both established by the Courts Order of 1959. The Supreme Court and the Court of Appeal were superior courts of record, as is our Supreme Court. The Court of Appeal was generally constituted by the Chief Justice sitting with two Puisne Judges. There were no separate Justices of Appeal.

Originally styled the West Indies Associated States Supreme Court, the Court was, upon Grenada achieving independence in 1974, in relation to the exercise of its jurisdiction in that country, restyled the Supreme Court of Grenada and the West Indies Associated States. In all other States and Territories over which the Court exercises jurisdiction, it is now styled the Eastern Caribbean Supreme Court, an evolution which has coincided with the achievement of independence

by most of the former Associated States, beginning with Dominica in 1978. The Court now exercises jurisdiction over five Westminster-style monarchical independent democracies, one Westminster-style independent democratic Republic with no Constitutional allegiance to the British monarch, and three Overseas Territories of the United Kingdom. Each of the States and Territories served by the Court has its own distinctive constitutional characteristics and political profile. Each has its own separate body of legislative instruments which must be administered and enforced by the Court. One of the monarchical States, Saint Christopher and Nevis, is a Federation, unique in itself within that category, while the other four are unitary States. In that context we may ask, with due humility and without undue presumption, whether, in some small measure, the comments of the President of the Inter-American Court of Human Rights, Professor Thomas Beugenthal, apply to judges of our Court. Professor Beugenthal said, with reference to judges of his Court;¹

As international judges we have to realize that we are dealing with, in the context of a multitude of countries, a multitude of different political systems, a multitude of different laws. One really has to be a comparative law scholar, an international lawyer and something of an anthropologist, a cultural anthropologist, in order to operate that system. You don't have to have those qualifications as a domestic law judge.

The Chief Justice is Chairman of a single Judicial and Legal Services Commission which is responsible for appointments, discipline and removal from office of judges (other than the Chief Justice) and other persons serving in the legal public services of the independent States, but the jurisdiction varies from State to State, depending in each case on domestic legislation, including in particular the provisions of the various constitutions. The Chief Justice is also Chairman of the

¹ Judging the World. Law and politics in the world's leading Courts by Garry Sturgess and Phillip Chubb, page 143.

separate Judicial and Legal Services Commissions of Anguilla and the British Virgin Islands, each with its own separate regime.

The Judicial and Legal Service Commission, apart from the Chairman, comprises one serving judge and one retired judge, both selected and appointed by the Chairman, and two Chairpersons of the Public Service Commissions of the independent member States in rotation, serving for terms of 3 years. This system distinguishes our Court from most other Courts, whose judges are appointed by the governments of their countries. It is said² in that context that 'Politicians naturally try to appoint those whose value constellations circle in their own political galaxies. This occurs throughout the world.' On the other hand, in relation to an informal arrangement existing in some American states, where panels of judges, lawyers and non lawyers, called Missouri Panels, are used to advise the Governor on a list of candidates from which selections can be made, it is said that 'The most systematic study done of them revealed that the judges on the panels probably brought more perspective to bear than anybody else because they knew what judicial office entailed and took the job much more seriously than the others.'³ That assessment would suggest that our system of judicial appointment has inherent within it considerable strength and assurance of judicial independence. That point is even more apt in relation to the arrangements for the appointment of the President and judges of the Caribbean Court of Justice.

The first Chief Justice of our Court was the very distinguished Sir Allen Montgomery Lewis of St. Lucia. He has been succeeded by a long line of distinguished jurists from within the OECS and in one case from Jamaica, with

² Judging the World, *supra* page 136.

³ *Ibid.* at page 137.

the latest substantive holder of the office being the Rt. Hon. Sir Dennis Byron, K.B., P.C.

One of the special peculiarities of the Court is that whereas in all the other member States and Territories the British monarch, through the Governor General or Governor, is Head of State and Head of the Executive, she (or he) has no constitutional status in the Commonwealth of Dominica, where the President is Head of State and of the Executive.

The Eastern Caribbean Supreme Court can justifiably claim to have served as a bastion for the protection and promotion of the fundamental rights and freedoms of persons within its jurisdiction, developing the jurisprudence relating to our Constitutions in line with the evolving awareness of the universality of fundamental human rights and the growing maturity of our legal institutions and civil society generally. Of course there have been challenges along the way, most notably the Grenada revolution of 1979 to 1983, and the resulting abolition and subsequent restoration of the jurisdiction of our Court in that country. That chapter also led to the relocation of the Headquarters of the Court from Grenada to St. Lucia. However, we can, I think, confidently and proudly assert that as a Court we have consistently applied the principle adumbrated by the Privy Council in **Chocolingo** [1981], and reaffirmed in **Hinds** [2002] and **Coard** [2007] that

“As it is a living, so must the Constitution be an effective instrument.”

Grenada has seamlessly re-entered the family of the Eastern Caribbean Supreme Court, unquestionably to the benefit of both Grenada and of the Court.

Throughout its history, the Court has exercised its jurisdiction independently, fearlessly and with a high level of competence, notwithstanding the many

obstacles in terms of resource limitations, including inadequate accommodation, library facilities and resources, trained personnel, and geographic dispersion, among other factors. Not least of the challenges is the fact that the Court serves six independent Constitutional democracies and three Overseas Territories, and thus has to relate with nine separate governments in relation to its administration, composition, financial resources, accountability and judicial establishment. The difficulties are considerably eased by the existence of the Organisation of Eastern Caribbean States (OECS) and Authority, through which the Court relates with the several constituent States and Territories.

The ECSC has ensured the continued enforcement of the rule of law, and public respect, both locally and internationally, for its role as the principal arbiter in serious criminal, major civil and all constitutional disputes, with limited rights of appeal to the Privy Council from decisions of the Court of Appeal. The Court has made major contributions to the jurisprudence of the region and the wider world, especially the Commonwealth, and has led the way in some areas of human rights law in particular, including issues of freedom of expression, freedom of association, and the mandatory death penalty. I think in particular of the case of **John Benjamin** in Anguilla, in which Justice Adrian Saunders, as he then was, delivered a landmark judgment on freedom of expression, the **Marpin** case in Dominica which set the stage for the liberalization in the Caribbean of the telecommunications market, to the benefit of every single person in the region, whether or not we use a mobile telephone, and the **Hughes** case in St. Lucia, which was a pioneering decision on the issue of the mandatory death penalty. More recently the Court's contribution in the field of major international commercial litigation has begun to be felt beyond our borders.

With the passage of time and the growth of litigation, both in terms of volume and complexity, including what one might term an explosion in crime, and in

public law and judicial review litigation, significant challenges faced the Court, with growing delays and backlogs in the processing of the business of the Court. These issues demanded, and continue to demand, creative, effective and urgent responses, and led to a period of intense reform beginning in the latter half of the 1990's and continuing to the present. These reforms were and continue to be supported by our constituent Governments as well as by international funding agencies, including in particular the Canadian International Development Agency (CIDA) and the United States Agency for International Development (USAID). Without this support, the reform programme would not have got off the ground.

To date the most significant impact of the reform programme has been felt in the area of the processing of civil litigation. The introduction of the Civil Procedure Rules 2000, while attracting initial resistance from some members of the Bar, has had the effect of greatly accelerating the disposition of civil litigation, reducing the time elapsed from date of filing to disposition significantly. Also of considerable impact in that regard has been the introduction of mediation into the system of civil litigation. Unfortunately, the culture of mediation has not yet received widespread application, but we are encouraging judges and attorneys to make more use of this device, which has the potential of speeding up disposition, saving costs and yielding greater client satisfaction.

We are presently vigorously tackling the issue of delays in criminal litigation, in relation to both summary and indictable matters, and have begun the process of establishing a Commercial Division of the High Court in the British Virgin Islands. The area of family law and administration through a Family Division of the Court, has not escaped our attention. We are also pursuing initiatives, at the behest of the Governments, to integrate the national Magistracies into the structure of the Supreme Court, paying due regard, of course, to the varying

Constitutional constraints on the way forward. The Magistrates preside over some 90% of all litigation in the region, and the average citizen is impacted by their work to a far greater degree than by the work of the 'higher' judiciary. We see it as an important responsibility to ensure an impartial, efficient, effective and timely delivery of judicial services at all levels of the judiciary. It is for this reason, and also in an effort to improve their independence, that we are seeking to address the management of the Magistracy, and the professional prospects and standing of the Magistrates. We are developing proposals for the structural, administrative and juridical integration of the Magistracy into the Supreme Court structure, through the specialized trial Divisions of the Supreme Court. We are convinced that these steps are necessary if we are to effectively tackle the problems which are evident in the Magistracy in most States and Territories of the OECS. This initiative has been endorsed by the Heads of Government.

In any institution with a long term existence, transition and development are a constant, and the demand for continuing reform is forever evident. While the impact of the new Civil Procedure Rules on the expeditious processing of civil litigation continues to be significant, it is evident that after five years, there is need for review and updating of these Rules. More importantly, the continuing growth in the volume and complexity of civil litigation, the importance of speedy disposition of those disputes, as well as the explosion in the volume of crime in some of our countries, demand ongoing review of the allocation of judicial resources between civil and criminal litigation, as well as periodic review of the judicial establishment, in terms of the number of judges on the court, in general, and the number assigned to the various States and Territories.

On the criminal side, the pilot project based in St. Lucia, which is expected to impact significantly on the speed and efficiency with which criminal matters can be processed, has not progressed as quickly as planned because of issues

concerning the administrative arrangements and human resource allocation to the project, as well as delays in the bringing into effect of the enabling legislation. This has severely affected progress on the pilot itself, as well as the possibility of replicating the reforms in other States which are anxious to move forward. Efforts are under way to resolve these issues, and we have begun discussions on replicating the criminal procedure reform process in States other than St. Lucia where the Pilot has until now been located. Attention is also being focused on the establishment of a Civil Division and a Family Division.

Significant progress has been made recently in relation to the proposal to establish a Commercial Division of the Court in the British Virgin Islands, following the decision of the Government of that Territory to move forward with that initiative. A planning meeting between a team from the Court, and the offices of the Governor and the Deputy Governor as well as the Attorney-General of the British Virgin Islands, agreed on an outline 'roadmap' designed to guide the development of this admittedly complex project, which will demand the full commitment not only of the ECSC and the Government of the British Virgin Islands, but also of the Governments of the other members of the Organisation of Eastern Caribbean States through the Authority. We expect that the Authority will respond favourably to our proposals, which have already been foreshadowed to that institution, and which are expected, over time, to benefit the entire jurisdiction of the Court.

The Court continues to respond to the changes in our societies, and to seek to evolve in keeping with the ever-changing needs and demands of the justice system. We recognize that to a large extent the continuing social and economic development of the islands over which we exercise jurisdiction depends on the existence of a stable, independent, responsive, competent, effective and efficient judicial system, including not least the Magistracy, to which over 90% of all legal

disputes are referred. The system must deliver impartial justice in a timely fashion, if the public is to continue to have confidence in the judicial process and not resort to some form of 'self-help justice'. In that regard, the Court's reputation for independence is of fundamental importance.

Of what does judicial independence comprise? How is the public to judge us in that respect? The definition of judicial independence that I find most apt was put forward by a former Chief Justice of Australia Sir Harry Gibbs;

No judge should have anything to hope or fear in respect of anything which he or she may have done properly in the course of performing judicial functions. So neither the parliament nor the executive, nor anyone else, should be able to bring pressure of any kind to bear upon a judge in the performance of judicial duties.⁴

The independence of the judiciary is the foundation of the rule of law and the best assurance of the preservation of the rights of the citizen, and any threat to judicial independence bodes ill for the future of our democracies. Equally important, each judge has a profound responsibility to secure and preserve his or her personal independence and integrity, in the interests of the future of our democracies. It is not a light burden. I have found a most excellent discussion of the topic in the book **Commonwealth Caribbean Constitutional Law** written by distinguished Caribbean scholar, lawyer and writer Sir Fred Phillips Q.C. in Chapter 13. At page 298 of his so well researched book Sir Fred quotes former Chief Justice of Canada Bora Laskin. The Chief Justice said;

Freedom of speech has a limited meaning for judges. They must confine themselves to such utterances as come from their reasons for judgment. They are not free to roam public assemblies and expatiate on public issues. This endangers their impartiality and their integrity, both of which must be preserved to maintain public confidence. Judges, however bright,

⁴ *Ibid* at page 149.

however knowledgeable on public affairs, cannot bring their judicial office into a public forum by participating in public affairs. Their choice of vocation has meant, in my view, a deliberate choice to leave public affairs alone and let others – and there are many others – deal with them.

With specific reference to the independence of the judiciary of the Eastern Caribbean Supreme Court through its history, Sir Fred refers to

‘a number of cases in which the judges of that court have shown much valour and fearlessness, thereby incurring the undying hostility of some Heads of Government.’

Sir Fred continues;

‘It would therefore be grossly unfair for a charge to be leveled against West Indian judges that on the whole they have displayed a lack of judicial valour or that many of them do not have the requisite level of competence.’⁵

Sir Fred makes the point with which all of us in these small jurisdictions of the West Indies are so familiar in practice;

The position of a superior court judge is an almost impossible one. Such a person must be judicious, well read, restrained in manner and language, aloof without being grave, erudite, humane, learned, independent, impartial and humble – all rolled into one. Above all such a judge must steadfastly heed the injunction of Socrates to hear courteously, answer wisely, consider soberly and decide impartially. He must in a word be as near super-human as any individual can ever be.⁶

Sir Fred asserts that

⁵ Phillips at page 298.

⁶ *Ibid.* at page 302.

‘the judiciary must remain ‘a place apart’ – always able and willing to stand between the government (be it the legislative or executive arm) and the citizen when the occasion arises.’⁷

Sir Harry Gibbs, to whom I referred earlier, expresses the opinion that

‘the independence and authority of the judiciary, upon which the maintenance of a just and free society so largely depends, in the end has no more secure protection than the strength of the judges themselves and the support and confidence of the public.’⁸

The independence of the judiciary, however, cannot be sustained or guaranteed, or at any rate will lose some of its impact, without an independent, competent, dedicated and courageous legal profession. A professional Bar, aware of its social obligations and committed to preserving the rule of law, is an essential and indispensable element in the effort to preserve and develop our democracies. I reiterate my oft repeated call for the regional Bar to organize itself into a truly professional body, with a commitment and a mandate to set and maintain standards of professional conduct and to exercise firm disciplinary control over practitioners, so that we are not led to conclude that our profession has betrayed itself and become a party to the subversion of the rule of law in our societies.

The task ahead will not be an easy one. The issues of judicial administration and development are complex, and becoming increasingly so as our societies transition in response to historical forces and influences and the demands of an increasingly sophisticated and demanding citizenry and an increasingly globalised world. I am confident that the demonstrated commitment of the Court to the preservation of the rule of law and the independence of the judiciary

⁷ *Ibid.* at page 23.

⁸ *Fragile Bastion: Judicial Independence in the Nineties and Beyond*, a publication of the Judicial Commission of New South Wales.

over the last 40 years of dynamic social, economic and political change will continue in the future to characterise the response of the Court to continuing evolutionary change. Our societies demand, and are entitled to expect nothing less from us. We look forward with confidence to a future in which, as in the past, the Court can assert with pride that it has done its duty and has served our sub-region with integrity. The past 40 years are just the beginning; the foundation on which to base our commitment to a long-term future of service with integrity, sensitivity, independence and competence in the delivery of judicial services to our several communities within the countries of the Organisation of Eastern Caribbean States.

The foundation on which we have built was laid by pioneering giants of their time; our first Chief Justice, the venerable Sir Allen Montgomery Lewis and his distinguished colleagues on the Court of Appeal, the Hon. Mr. Justice Sir Keith Gordon and the Hon. Mr. Justice P. Cecil Lewis, as well as the distinguished members of the High Court Bench, the Hon Mr. Justice Elvin St. Bernard, Mr. Justice Eric Bishop, Mr. Justice Allan Louisy (now Sir Allan Louisy), Mr. Justice Eardley Glasgow, and Mr. Justice Sir Neville Peterkin. All these distinguished gentlemen except retired Justice Bishop and retired Justice Sir Allan Louisy are now deceased. We honour them all and credit them for the outstanding work they did in their time.

In the intervening 40 years there has been a procession of distinguished judges who have served this sub-region with honour, and who have maintained the largely impeccable reputation of our court, for competence, commitment to high standards, integrity and dedication to the principle of the independence of the judiciary.

The leadership of the Court has passed through many hands in the intervening period, all men of great intellect and learning, and of the highest integrity: Chief Justice (Ag.) Mr. P. Cecil Lewis (1972 to 1975); Chief Justice Sir Maurice Davis (1975 to 1980); Chief Justice (Ag.) Sir Neville Peterkin, (1981 to 1983), Chief Justice (Ag.) Mr. Neville Berridge (1983 to 1984), Chief Justice Sir Lascelles Robotham (1984 to 1991) (incidentally the only Chief Justice who was not a native of the OECS. He was from Jamaica.) Chief Justice the Rt. Hon Sir Vincent Floissac, Q.C., OBE, CMG (1991 to 1996), Chief Justice the Rt. Hon. Sir Dennis Byron (1996 to 2007), and Chief Justice (Ag.) Mr. Adrian Saunders (2004 to 2005). I have gone through the list exhaustively because it is important for us to recognize and recall the distinguished individuals who have provided outstanding leadership at the highest level of our judiciary, and who have guided and protected the administration of justice in our sub-region over the years. It is also interesting to note that three of our former Chief Justices have been natives of St. Lucia (although I am not certain which citizenship Sir Neville Peterkin would have claimed, St. Lucia or Grenada), three natives of St. Kitts and Nevis, two natives of St. Vincent and the Grenadines, and one a native of Jamaica. We have not yet had a woman Chief Justice, but no doubt that day is not far in the future, given the evident trends in the legal profession and in the judiciary. I look forward to that historic day.

At its inception, our Court consisted of the Chief Justice, who is President of the Court, two Justices of Appeal, and six Puisne Judges (we prefer the term High Court Judges). Since then our establishment has grown so that we now are authorized to have, in addition to the Chief justice, four Justices of Appeal and seventeen High Court Judges. This growth in numbers reflects, and is justified by, a remarkable growth in both the volume, and the complexity, of the litigation with which our Courts have been called on to deal over the years. A recent, yet

unpublished study,⁹ seems to indicate that between 1967 and 2005 the workload of our High Court in the various jurisdictions increased from between 93% in one State and 1022% in another with two States showing an increase of 400% and two others around 250%. In the Court of appeal in the same period the increases varied from 133% in one jurisdiction to 900% in another, with others being in the range of 250% to 383% increases. The study also indicates changes in the nature of matters dealt with by the Courts. The study seems to demonstrate the impact of the introduction of the Civil Procedure Rules 2000 and other steps taken by the Court to improve performance, on the clearance rate of the various categories. The Court of Appeal's clearance rate stood at 44% in 2000, and rose to 110% in 2003, and 104% in 2004. The clearance rate for civil and criminal cases in 2002 is shown to be 110%. This probably reflects the early impact of the CPR 2000, when a number of status hearings disposed of a large number of 'inactive' cases which were clogging the system.

While our budget has increased significantly in the period commencing 2001 reflecting administrative developments and salary increases for judicial officers, the increase between 2003 and 2005 was only 3.15%, and has been within modest proportions since. It would be interesting to note that despite our small size and the cost of servicing a multi- State jurisdiction such as ours, the justice sector budget per 100,000 inhabitants in 2002 was only 0.6%, almost at the bottom of the comparative table of 10 countries, the highest of which was 3.8%, and the lowest, which does not reflect the full allocation to that sector in that Federal state, was 0.13%. In reality, therefore, the OECS probably falls one above the lowest of the States compared, in terms of national investment in the justice sector. The figures speak for themselves.

⁹ Maria Dakolias, Legal Counsel, Legal Vice Presidency, World Bank.

In addition to the strictly judicial function, the Court has also paid attention to the development of a number of related and necessary functions, among them the Judicial Education Institute founded in 1997 by Chief Justice Sir Dennis Byron, with Justice of Appeal Albert Matthew as Director of Studies. The present Chairman of the Institute is Justice of Appeal Hugh Rawlins, but we have been unable up to the present to fill the position of Director, which has been vacant for some time. Justice Rawlins and the Executive Officer of the Institute, Ms. Alana Simmons, are doing yeoman service in maintaining the programmes of the Institute. We have also introduced mediation into the civil justice system and at this time every State and Territory within the jurisdiction is serviced by a cadre of trained mediators whose function is to facilitate mediated settlement of civil litigation. There remains room for increased utilization of this service, which often leads to early consensual settlement of disputes between parties, preserving or rehabilitating personal or business relationships, and saving time and costs. We encourage Judges and Masters to make more use of the service, and we note the interest of some Magistrates in diverting appropriate cases to mediation. This certainly benefits litigants and releases the resources of the judiciary to deal with the more intransigent cases.

We have embarked also on significant improvements in our library and information services, have introduced an *InMagic Genie* facility within our library to facilitate fast, accurate searching of our resources, and have proposed to the OECS Authority and the Attorneys General the pooling of resources so as to enable us to establish a regional *virtual library* under the moniker *ECLINET*, and we are awaiting responses from the offices of the Attorneys General indicating whether they are willing to support this undertaking. It is our view that this will enable each country, with its limited resources for Law Library development, to pool those resources and obtain easy access to a far greater range of material by

way of electronic access to an extensive database located at the Court Headquarters library.

No appreciation of the work of the Court can be complete without a recognition of the importance of the Bar. The Court could not have sustained an impressive record of achievements without a Bar that initiated meaningful litigation and presented arguments on which the judiciary could develop groundbreaking judgments. The Court could not sustain its independence without an active and independent Bar that recognized and defended the independence of the judiciary. The members of the Bar are the ones on whom litigants depend to initiate action in defence of their rights and interests, and the Court could hardly perform its functions effectively without courageous and committed members of a Bar who are prepared to accept criticism, even ostracism, for the stand they are challenged to take on behalf of their clients, even when, perhaps especially when, the client or the cause is unpopular. So I salute the regional Bar and appeal to practitioners to recognize their responsibility to the preservation of our democratic traditions and to resolutely stand up for the rights and interests of their clients, and of the society, even at the risk of personal loss of popularity, where the situation demands it.

Just as our history did not begin in 1967, so it does not end today. The challenges have been great, the achievements to date have been significant, but we must look forward to a future replete with new challenges, and also new opportunities, and we must gird our loins to meet those challenges and to grasp those opportunities.

On a personal note, I am grateful that I have had the opportunity to be part of this process from the very beginning, as a fledgling Barrister in 1967; as Attorney General of Dominica in 1979 to 1980 and again between 1985 and 1990; as a

senior practitioner in 1995 to 1996; as a High Court judge from 1996 to 2003; Justice of Appeal 2003 to the present and acting Chief Justice 2005 to the present. Each phase has presented its challenges and difficulties, but each has been highly personally rewarding and enjoyable, and has brought me great personal satisfaction. I thank God and the Eastern Caribbean States for the great opportunities which have been presented to me. I also want to thank the many persons who have been part of this journey for me, the Registrars and their staffs in the various jurisdictions and at the Court's Headquarters, and most of all my most esteemed colleagues on the Bench, all of whom, from Chief Justice Sir Vincent Floissac who recruited me, through retired Justice Lyle St. Paul, who was my first colleague and mentor, to my present colleagues on the Court of Appeal, who have been such an inspiration and support and with whom I have so enjoyed working. Thank you all. I believe it is also fitting that on behalf of all Judges of this Court, past and present, I should express profound thanks to our families in respect of the sacrifices which they have had to make on our behalf and in the interests of the proper administration of justice. It can be a lonely and restrictive existence for them, aggravated by disruptions as we are moved from country to country, moving homes, changing schools for children, leaving friends and making new friends. They too are subject to the restrictions imposed on judges by the very nature of our occupation, but they may not always have the countervailing satisfaction which we derive from the knowledge that we are providing an invaluable and honourable service to our communities. It is not an easy life for them, and we express our appreciation for their sacrifices.

Thank you for your patience while I have indulged in this extensive review. I hope I have not exhausted you, and that what I have said indicates to you the value which we place on this most important Constitutional institution, and impresses on you the imperative to preserve its integrity and independence as

the *Fragile Bastion* of our democracy and its vital role in the protection and preservation of our democratic rights.

I thank you for your attention.