

MAGISTRATES CONFERENCE 2005
FORT BURT HOTEL, TORTOLA, BRITISH VIRGIN ISLANDS
23rd & 24th SEPTEMBER 2005
Address by the Hon. Chief Justice [Ag.] Brian Alleyne

It is my pleasure that the JEI has undertaken and implemented the organisation of this Magistrates Conference.

Traditionally the Magistracy has been considered as the poor relative of the judiciary, without a conscious awareness or acknowledgement that you administer justice in over 90 % of all matters that come before our courts.

Family disputes, juvenile crime, small civil and contract disputes, domestic violence, crime of all sorts, preliminary hearings of serious crime, all these come before you on a daily basis. You are the face of the administration of justice to most people.

I spoke a couple of days ago, at the opening of the Law Year, of our responsibility as judicial officers to maintain and enhance public confidence in the administration of justice and the Rule of law. I suggested that if we fail to meet that challenge persons will turn to self help to resolve their disputes. Vigilante justice is just the beginning of anarchy and chaos, but if the system is not protecting them, they may see no alternative. They will do what seems to them necessary to protect themselves in the short term without regard for the long term effect.

We operate in an environment where we have very small jurisdictions, with one, two or three Magistrates. We have difficulty filling vacancies. I spoke about the lack of a system to ensure accountability, and the anomalous and inappropriate situation where Magistrates are thought to be accountable to and required to

report to the Attorney-General, an arrangement which undermines judicial independence and the principle of separation of powers.

These problems have troubled the judicial administration authorities for a long time. The Executives of our countries have also been concerned about the implications of this reality. Studies have been commissioned and proposals made, but there are distinct difficulties which inhibit solutions. The perennial debate about sovereignty, differentials in economic and social conditions, issues of mobility for families, the cost and dislocation involved in moving from one country to another, schools for children, jobs for wives or husbands, all inhibit mobility.

I am very concerned also about professional advancement and career paths for Magistrates. Regionalisation and mobility would enhance opportunities for promotion by broadening experience and exposure. Career paths, in the judiciary and in the legal service generally, will expose officers to the breadth of experience which stood some of our predecessors in good stead. But our rules about work permits for spouses, and our general xenophobic attitudes about 'outsiders', or 'foreigners', coming into our countries make it very difficult for us to resolve these issues. Will CSME help? The problem demands not only rules and structures, but changes in attitudes, at the official level and at the personal level.