



COMPLETE OUR INDEPENDENCE

Prime Minister Dr. Kenny D. Anthony puts forward the best case for the Caribbean Court of Justice

In a landmark address to legal political and business leaders in Jamaica, Prime Minister Dr. Kenny Anthony who is CARICOM's lead Prime Minister on governance and jurisprudence, said the innovation of Caribbean judges has led to profound developments in Caribbean law. The address was delivered at the Norman Manley Law School on June 28th 2003. We present excerpts of the address.

THE CCJ AND THE HANGMAN PROPOSITION

By far the most troubling criticism of the Court, has been the suggestion that the CCJ is a cynical attempt on the part of some Caribbean politicians to facilitate hanging of death row inmates across the region.

Proponents of this view have persistently argued that efforts at establishment would not have crystallized, but for a collective unhappiness among Caribbean leaders with the Privy Council decision in the case of PRATT & MORGAN v. THE ATTORNEY GENERAL OF JAMAICA (1993) 3 ALL ER 769. It will of course be recalled that in PRATT (supra), the Privy Council effectively overruled two previous decisions in the cases of de FREITAS v. BENNY (1976) AC 239 and RILEY v. ATTORNEY GENERAL OF JAMAICA, (1982) 3 W.L.R. 557, where it had held on both occasions, that inordinate delays in executions of death sentences could not convert the sentence into a "cruel and unusual punishment", so as to render it unconstitutional. But in PRATT (supra), the Board held a delay in excess of five years or more would constitute "cruel or inhuman treatment" contrary to the constitution of Jamaica, and by extension of the traditional rules of precedence, to the constitutions of other countries in the Commonwealth Caribbean.

While I will return to the actual jurisprudence later, it is important to note that the decision in PRATT (supra), for better or for worse, will always mark a jurisprudential turning point in the CCJ debate. For those who have consistently championed the Court, it represents a significant challenge, in so far as it introduced a new element of

emotionalism to the debate which perhaps was not apparent before, and which itself makes the contention somewhat troublesome to refute. Conversely, for those who opposed the idea of abandoning the Privy Council, it presented a neat opportunity to disguise a tendency toward sheer stubborn historicism, as a reason for legitimate concern over the motives of establishment. If nothing else, what I willingly concede is that the debate about the pros and cons of establishment of the Court intensified in part, because the decision succeeded in raising the profile of the debate.

Interestingly, many have fallen prey to the convenience of the attack. In an article in the Guardian Newspaper on 1st December 2002, entitled, "Concerns the CCJ will be a hanging Court", one writer opined that: "The Pratt and Morgan case and others like it were received angrily by politicians and the public."

According to S. Simmons, Coordinator for the Pressure Group for Caribbean Justice: "The CCJ has been on the agenda for a long time, but things seem to have moved on apace since the Privy Council began handing out rulings which annoyed the Governments of Jamaica, Barbados, and Trinidad".

"Heads of Government of Caricom have taken the decision to authorize the Caribbean Development Bank, to raise the sum of US one hundred million dollars on the international financial market, in order to effect a one time settlement with the objective of establishing a trust fund for the Court".

Yet, the list of those who have sought to tangle the issues, also includes those who are usually more wary. No less than former Chief Justice of the OECS Supreme Court, Sir Vincent Floissac, another distinguished Caribbean jurist to sit on the Judicial Committee, has stated:

"Principally as a result of the decision in Pratt & Morgan, Caricom countries revived the issue of abolition of appeals to the Privy Council and the establishment of a CCJ... There is apprehension that persons sentenced to death will frustrate their sentences by extra-judicial appeals, which cannot be finalized within the five years prescribed by the decision in Pratt & Morgan"

Sir David Simmons, distinguished Chief Justice of the Barbadian Court of Appeal, has repudiated this view in rather sharp language: "Anyone who would refer to the CCJ as a hanging court can consider himself guilty of what I call intellectual dishonesty."



Prime Minister - Dr. Kenny D. Anthony
"The Agreement establishing the Court has ensured that the Governments of Caricom will play no part in the selection of persons to sit as judges"

The temptation to simply agree with the learned Chief Justice of Barbados and move on is overwhelming. And yet, the fact that there remains intense opposition to the CCJ on this ground, is testament to the difficulty which supporters of the Court, have thus far experienced in trying to dispel this notion that the establishment of the Court and the issue of capital sentences are in any way connected. The issues are separate and moreover, while the argument is convenient, it has distracted from discussion of what I consider are more salient concerns, namely insulating the Court from political interference and guaranteeing its financial integrity and independence. As such, in view of the place which the issue has had in the debate about the CCJ, I hope I will be forgiven if I confine the majority of my analysis of the three broad concerns I earlier identified, to hopefully add to your perspectives.

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EDITORIAL

ACCOUNTABILITY IN ACTION

Every Saint Lucian Government minister, on his or her appointment to office, takes an oath of secrecy.

He or she swears not to reveal the business of Cabinet, "except with the Authority of Cabinet, and to such extent as may be required for the good management of the affairs of Saint Lucia".

It's an intrinsic feature of government not unique to Saint Lucia. It exists in virtually all countries of the Commonwealth which have adopted the British Westminster system through the colonial experience.

By giving citizens unprecedented access to an almost limitless array of information, the computer-driven Information Age has challenged the tradition of official secrecy. As a result, governments around the world have been rethinking how they do business.

In opting to open up the working of Government for the enlightenment of Saint Lucian public, the incumbent Labour administration has been a trendsetter in the Caribbean.

Never before has an administration placed so much emphasis on involving the ordinary citizen in the business of government.

Whether it's through the GIS, or new public communication initiatives like NTN, the Government's website, or this publication, *Nationwide*, the fact is that never before has Government made so much information available to Saint Lucians.

The administration took its policy of openness a step further recently with the introduction of a weekly media briefing on decisions taken by Cabinet. Every Tuesday now, Cabinet Secretary, Dr. James Fletcher, briefs reporters on what transpired at Cabinet the previous day and answers any answers.

This ground-breaking initiative is an example of accountability in action. More importantly, it should help to dispel much of the mystique which has traditionally surrounded the work of Cabinet and has occasionally given rise to ill-informed comment.

The media say their function is to keep tabs on Government. Government is clearing facilitating them in performing this watchdog role.



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COMPLETE OUR INDEPENDENCE

(from page 1)

JUDICIAL SUBSERVENCE OR INNOVATION?

Caribbean judges are not as supine as some believe. Admittedly, some judges tend to look across the vast ocean towards the Privy Council for applause and approbation. Yet there are instances in which their capacity for innovation, leads to profound development in our law.

Consider the recent decision by the Eastern Caribbean Court of Appeal in the case of *SPENCE & HUGHES v. THE QUEEN* (1997) OECS, CRIM. APP.S No.s 20 of 1998 and 14 of 1997. In that case, the issue at stake was whether the mandatory sentence of death in cases of murder was contrary to the Constitutions of both St. Lucia and St. Vincent. By a majority decision of two to one, the OECS Court of Appeal held that the automatic application of the death penalty for convictions of murder, was an infringement of the constitutional right not to be subjected to cruel and inhuman, or degrading punishment.

“Frankly, the suggestion that the CCJ would be somehow more amenable to capital sentences evidences a fundamental misunderstanding of our judicial process. For it is fallacious to assume that common law judges, who have worshipped at the altar of British Legal Theology for their entire professional careers, would abandon their years of training and ingrained judicial instincts, merely because they had been appointed to a CCJ.”

On appeal to the Privy Council, the Board disagreed with the Court of Appeal only on the specific issue of whether the judge or the jury should determine the final sentence at a trial. As a consequence, the decision whether a person convicted of murder, will face a capital sentence or life imprisonment for example, will now depend in every case on an exercise of judicial discretion, after that person has been convicted at trial. In making that decision, a judge will be empowered to consider any relevant factors, which could invite the Court to impose a lesser sentence than death.

Although the substance of the decision was upheld on appeal to the Privy Council, it is critical to note that it was in fact our own regional jurists, who first held that the mandatory death sentence, common throughout many Commonwealth Caribbean Jurisdictions, was unconstitutional. In light of the fact that the decision demonstrates a willingness on the part of the regional judiciary, to interpret our Constitutions so that the rights of citizens there-under, are given full expression, it becomes that more difficult for the “hangman Court” proponent to argue that regional jurists will be somehow more disposed to capital sentences.

The decision in *SPENCE & HUGHES* (supra), is as much a philosophical departure away from the death penalty by judges of the region, as it also represents a new and profound development in our regional jurisprudence.

A MATTER FOR LEGISLATURES

A simple fact is often forgotten. Courts in our legal system, do not hang people. It is our Parliaments, which choose to retain the

the region have decided, as a matter of policy, should be retained. It is undoubtedly the case that within the Commonwealth Caribbean, including probably Jamaica, support for the death penalty remains, for better or for worse, generally strong. This is perhaps among the clearest examples of the principle that a country's laws should be reflective of its social mores and ethos.

I make this point only to emphasize that the persistence of the death penalty in the region has thus far been guaranteed not by the judicial process, but at the insistence of Caricom Constitutions and legislatures. It is therefore somewhat unfair to attack the integrity of the Court, for having to discharge a duty which it has no power to actively abandon, though, I readily concede that the Privy Council decisions have emboldened regional judges who privately oppose hanging.

But there is a curious historical dimension that is often overlooked. The distinguished Chief Justice of the OECS Court of Appeal, Sir Denys Byron, puts it this way:

“It is strange that Caribbean Jurists seem to consider capital punishment as an indigenous thing which we own. In reality, it was imposed by British Colonial Policy through the Privy Council. The Universal Declaration of Human Rights and its impact on concepts of humanity led to changes in political, social and legal philosophy. It is interesting that at the time when Caribbean states acquired independence, a savings clause was put into the constitutions, to remove the power from Caribbean judges to declare that any punishment imposed during colonialism and was in effect at the time of independence, was unconstitutional.”

If it is the case that the death penalty is essentially a relic of our colonial past, and if its defacto retention has been facilitated by our respective legislatures, and not by our Courts, then it seems to me that, with respect, the energy of the Court's detractors, should not be focused on whether the CCJ should be established, but whether we should continue to retain the death penalty per se.

I want to stress that I do not make this point facetiously. I make the point only to suggest that it is disingenuous to undermine the integrity of the Court on this basis, without facing up to the more fundamental issue of whether the time has come for us in the Caribbean Commonwealth, to begin the discussion about our retention of the death penalty, in earnest. Indeed, I want to suggest that attacking the establishment of the Court in this way has resulted in clouding, rather than illuminating, these fundamental issues.

I therefore wish to invite those who have opposed the court for this reason, to consider whether they have not succeeded in making the Court a scapegoat, in order to mask frustrations over human rights issues at large. For it would be singularly unfortunate if, merely because the status quo is unacceptable to some, that frustration were to be continually projected onto the Court, and allowed to perennially stain its establishment.

I take the view that it is incumbent upon those of us who support the Court, to at least attempt to convince others that the Court is able to stand on its own merits

STRENGTHENING ACCESS TO JUSTICE

There is an additional dimension that is sometimes lost in the debate. I want to reproduce a statement that I have made ad nauseum. “As all of you will know, protection of the law is worthless if you cannot get access to the Courts. As Lord Diplock declared, all ‘access to a court of justice [is] itself, the protection of the law to which individuals are entitled’. De La Bastide once asserted that appeals ‘to the Privy Council involves necessarily such enormous expense that that right can be used as a tool of oppression’.

The use of the word ‘oppression’ is perhaps putting the argument too stringently. The fact is, appeals to the Privy Council are costly. Save for appeals in forma pauperis, only litigants who are able to afford the costs eventually appear before the Privy Council. Justice before the Privy Council is neither easily accessible nor popular. It is elitist, available only to Governments and litigants with means and property. The Caribbean Court of Justice affords greater opportunity of access to justice, and in the result, protection of the law. The Caribbean Court of Justice will widen and deepen access of litigants seeking final determination of their matters. I expect a significant increase in final appeals from across the region.”

THE TIME IS NOW

Ladies and Gentlemen, I believe that this is the right time, the right moment in our shared history to establish the Caribbean Court of Justice. Considerable experience has been gained in the regional integration process. We know our strengths and weaknesses,

“It should be remembered that the idea of replacing the Privy Council as the final court of the appeal for the region is not a new one. It was in your own Jamaican Gleaner in 1901 that the editor of the paper perhaps first proclaimed that “thinking men believe that the Judicial Committee has served its turn and is now out of joint with the condition of the times”.

and we have so designed the court to avoid the weaknesses which have crippled other regional initiatives. No regional issue has attracted as much passionate debate as this. Fortuitously, support has come from an unexpected quarter.

The recent announcement by Prime Minister Tony Blair of the United Kingdom that the ancient post of Lord Chancellor will be abolished and replaced by a Supreme Court whose judges will be appointed on the advice of a Judicial Services Commission should force all of us, including those who are nostalgic, to reflect on our links to the Privy Council.

To judge by the words of Lord Falconer, the peer who will oversee the changes, the British have finally understood that “the person who appoints judges should not be a member of the Executive, a member of the Legislature, and involved as well as the head of the Judiciary.” (The Times, June 2003). Ironically, the judicial model which the British exported to their former colonies, will be imported to Westminster, in one form or other.

We have assumed that because our Constitutions entrench a right of appeal to the Privy Council, albeit at different levels, the British will be compelled to retain and finance the Privy Council in perpetuity. There can be

no greater constitutional anachronism than that which exists – supposedly independent Constitutions entrenching a Court, whose future depends on the financial and legislative goodwill of its former colonial power.

As I posed in my recent address to the graduating class of the Norman Manley Law School,

“Consider for a moment the unthinkable. What if the British Parliament decided to enact legislation and abolish appeals to the Privy Council? Are we ... to take comfort from the dictum that such action is possible in theory but unthinkable in practice”.

The point has been reached whether this is no longer a theoretical proposition. In my view, the British are simply too polite to say bluntly to the Caribbean countries wedded to the Privy Council, that the time has come to relieve British taxpayers of their responsibility for the Privy Council.

In any event, I must not be understood as suggesting that the new proposals announced by Prime Minister Blair effectively paves the way for the abolition of the Privy Council. The details of the new Supreme Court are yet to be worked out, and there can be no question that appropriate arrangements could be made for the retention of the Privy Council. The real question, is whether we are minded to place the British under duress by compelling them to retain an institution, which many of us suspect, they would prefer to abolish. Should Caribbean countries force the British to retain an institution of no practical value to the British Constitution?

A tantalizing question remains: Could the British Government abolish unilaterally, the Privy Council? Such a decision would undoubtedly unleash a constitutional crisis. Would the doctrine of necessity apply in this instance? Of course, this would invite speculation of the esoteric legal conundrum, whether, at independence, the British Parliament successfully amputated its power to legislate for its former colonies. But this is not the occasion to probe this legal minefield. Let us leave it alone.

A MATTER OF CONFIDENCE

Finally, I end with the question of the possibility of political interference in the CCJ. I have left this issue for last since it is unnecessary, in my view, to deal with it at any great length.

By way of information, a few points should be noted generally. First, apart from the Caribbean, only Mauritius, New Zealand, Brunei and Zambia continue to maintain appeals to the Judicial Committee. As many

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REVEALING THE SINS OF THE PAST

PRIME MINISTER TOURS OLD PRISON

For years, St Lucians have heard horror stories about life behind the walls of Her Majesty's Prison on Bridge Street. Now, if they are curious enough, they may get an opportunity to experience the horror for themselves, without having to be held prisoner.

After a Cabinet and media tour of the rundown 100-year old facility on Tuesday, June 24, Prime Minister and Minister for National Security, Hon. Dr. Kenny D. Anthony, hinted that Government is toying with the idea of allowing St Lucians to tour the now closed prison before the building is converted for new use.

If Government agrees, an announcement will be made concerning when the visits will begin.

"I believe it is a useful exposure, especially for the doubters, those who question the wisdom of Government's decision to construct a new prison," he told reporters, visibly moved by the dehumanizing conditions under which not only inmates lived but prison officers worked..

Described as an "abomination" by a British Lord as far back as 1958, the Bridge Street prison has given way to the new Bordelais Correctional Facility which was officially opened in January.

The decision to build the modern facility followed a 1997 riot by prisoners, shortly after the present administration took office, in which a section of the Bridge Street prison was burnt down.

Dr. Anthony said it was clear no proper maintenance was carried out at the prison over the years. Otherwise, he contended, conditions would not have deteriorated to the extent that they did.

With consideration being given to the closure of Port Police Station, Government is thinking of handing over the old prison building, next door to Police headquarters, for use by the Police so that their Castries operations can be consolidated.

First, however, the property has to be cleaned up, sanitized and consultants

brought in to recommend which sections should be demolished and which could be retained. No time frame has been decided for the hand-over.

"I believe that Bordelais has done very well so far," Dr. Anthony remarked. "...I hope that after seeing here, it will be understood how important that investment is to the country as a whole. "Our very security was at stake," he stressed.

"We can't expect Bordelais to be perfect from the very, very outset but I know that the dehumanizing conditions that were experienced here, those days are over," Dr. Anthony added.

Dr. Anthony was accompanied on the tour by Minister for Home Affairs, Hon. Sarah Flood-Beaubrun, Minister for Social Transformation, Hon. Menissa Rambally, Minister for Commerce, Tourism and Investment, Hon. Philip J. Pierre, Minister for External Affairs, Senator Julian R. Hunte, and Minister for Physical Development, Hon. Ignatius Jean.



Prison Official Dominic Soudine who has held that fort for many months

Described as an "abomination" by a British Lord as far back as 1958, the Bridge Street prison has given way to the new Bordelais Correctional Facility which was officially opened in January.



The usual sleeping conditions at the old prisons in Castries



Mr. Soudine guides Prime Minister Dr. Kenny D. Anthony and Minister Philip J. Pierre

COMPLETE OUR INDEPENDENCE

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of you already know, India, Canada and Australia, have all abandoned appeals to the Board, at some time or another, Australia having done so most recently, in 1986. It is perhaps interesting to also note that in both Australia and Canada, judges at the federal level are, in one way or another, appointed on the recommendation of the Executive branch of Government. Perhaps even more to the point, within the European Union, judges are appointed to the European Court of Justice, by the "Governments of the Member States" for a term of six years, though they are eligible for re-appointment. Apparently, no one in those states believes that mere appointment by politicians will automatically or inevitably compromise the judicial process.

However, as it relates to the CCJ, the Agreement establishing the Court has ensured that the Governments of Caricom

will play no part in the selection of persons to sit as judges, that task having been assigned by the Agreement to a Regional and Judicial Services Commission. In fact, the only judicial decision which Heads of Government will be able to influence is the selection of the President of the Court, "who shall be appointed or removed by the qualified majority vote of three quarters of the Contracting Parties on the recommendation of the Commission". These last few words – "on the recommendation of the Commission" – should be emphasized.

In deference to Civil Society and indeed to opinion in Jamaica, Caricom Governments have gone to great lengths to introduce checks and balances to the constitution of the Court. For all practical purposes, politicians have no control over the composition of the Regional Judicial and Legal Services Commission. Membership

has been virtually abdicated to the legal profession and other entities in civil society. In any event, we must never forget that in the very final analysis, the only guarantee of judicial independence, is the personal integrity of the judges who sit on the bench.

Accordingly, the only question we need to ask ourselves in this regard, is this: do I believe, that there are persons among us, with the personal integrity, necessary to guarantee the Court's independence?

May I respectfully suggest, that our ability as a people to wholeheartedly support the establishment of the Court, will finally depend on whether we feel able to answer that simple question, with a "yes" or a "no".

Ladies and Gentlemen, I thank you for your patience, respect and understanding.



Part of the broken infrastructure of the old prisons

BETTER BE PREPARED

As far as the annual Atlantic hurricane season goes, the popular refrain is: "June ... too soon, July ... standby"

Dawn French, the energetic director of St Lucia's National Emergency Management Office (NEMO), doesn't take her cue from this old saying. June definitely is too late as far as hurricane preparedness by her office goes. And she's on standby, not just in July, but throughout the year.

"Hurricanes are priority number one but it is not the sole priority of this office," Miss French explains. "We also have to be prepared for earthquakes, floods, fires, any other type of emergency or disaster that could affect St Lucia."

"Disaster preparedness is a year-round activity for this office because an emergency can occur at any time," she emphasizes. "It should be for the general population as well."

April Inspections

Unfortunately, that isn't the case. Most St. Lucians follow the "June ... too soon" saying almost to the letter and only seem to remember the need for hurricane preparedness when June comes around.

That's when the phone at NEMO's Vigie office suddenly starts ringing virtually non-stop. People are calling to complain about overhanging trees, to report clogged drains, and so on.

To give one example of NEMO's approach to preparedness for the hurricane season, every April inspectors from the Ministry of Public Works go around the island checking the safety of buildings designated as hurricane shelters. By May, the report is on Miss French's desk.

Despite extensive efforts by NEMO to break the mindset through increasing public awareness about disasters, mention of the word, generally speaking, still conjures up images of a hurricane for the average St Lucian.

It's understandable to some extent. After all, St Lucia and the rest of the region are on hurricane standby every year from June until the end of November. People hardly ever go on alert for other emergencies, even though the possibility of them occurring is always there.

Early 2003 Storm

As Tropical Storm Anna showed when it surfaced in April this year, storms can occur sometimes outside of the normal season. So the "June .. too soon" piece of advice isn't so reliable after all.

The lesson, therefore, from the standpoint of disaster preparedness, is that it's always better to be prepared than sorry.

St Lucia's approach to disaster preparedness has definitely come a long way in the last 20 years. Up to 1980 when Hurricane Allen struck and caused much devastation, there was a general lackadaisical attitude among the population. Allen changed that. St Lucians ignored the warning and paid a price.

"Hurricane Allen was the wake-up call," says Miss French. "We had a carnival in the south that year and the Met office was saying a hurricane is coming but people said 'Oh, storms don't hit us. We are going down to have our carnival'."

"People were on the streets jumping as the rain started to fall and the eye passed just south of St Lucia," Miss French adds. "Compare that with what happened last year with Tropical Storm Lilli. The Met office



Miss. Dawn French - Director of NEMO

called, we activated the organization. A totally different mindset, at least at the organizational level."

NEMO, which falls under the Office of the Prime Minister, has itself undergone tremendous transformation in the last decade. Once an ad hoc, one-man operation based within the Government Information Service (GIS), NEMO, formerly the Office of Disaster Preparedness, today operates a full-time secretariat staffed by Miss French and a secretary. A recruitment drive is on to find a deputy director.

On the drawing board too is the construction of a new secretariat at Union with the assistance of the World Bank.

NEMO operates through a network at the national and community level. There are 17 district committees which operate pretty much on their own with guidance; of course, from NEMO secretariat to ensure their respective communities are ready in the event of a disaster.

From time to time, NEMO tests their state of readiness through simulation exercises.

Because some disasters are inevitable and unpredictable, having a plan in place to deal with such an eventuality always makes the world of a difference in terms of mitigating the effect and saving lives and property, says Miss French.

NEMO'S APPROACH

"We all say we are poor and can't put that kind of money in this disaster preparedness thing but it is not a matter of money," she explains. "It is how we manage our money and prioritize."

For example, if an architect or engineer advises you to use a beam of a specific size in constructing your home, follow the advice instead of taking a short cut. Otherwise, you could find yourself wondering why the house is swaying when there is high wind or if an earthquake strikes.

Attention to Safety and Security

Similarly, the installation of hurricane straps to secure roofs has proved to be effective and doesn't cost a lot of money.

"In taking care of safety and security at the planning stage, you reduce hopefully the propensity for a disastrous event. The more you can plan and mitigate and reduce before, the less you will have to respond in the aftermath," Miss French advises.



... THAN SORRY

... TO DISASTERS

As hurricane experts are predicting that the 2003 season will be active following another El Niño. Miss French is hoping for a repeat of last year when there was an equally active season with 3 named storms but most of them did not make land.

NEMO currently is targeting companies to get them to include business continuity planning as part of their disaster preparedness. Within such a framework, disaster planning goes beyond putting masking tape on windows and sandbagging the front door and going home", explains Miss French. It includes the critical element of electronic data preservation to ensure a smooth continuation of operations after the emergency has passed.

Besides hurricanes, St Lucia is historically prone to fires and earthquakes. The big Castries fire of 1948 is indelibly etched in St Lucian history, as well as the 1955 Soufriere fire which destroyed two thirds of the west coast community and left 1000 residents' homeless.

With proper planning, fires can be prevented for the most part. The same, however, doesn't apply to earthquakes. Fifty years ago, an earthquake with a magnitude of seven hit the island. It was preceded 50 years earlier by another with a magnitude of 7.5.

"We are looking at the seismic research to see if we are in a kind of cycle," says Miss French. "We certainly hope not."

Being a volcanic island with an active volcano in the Sulphur Springs also renders St Lucia susceptible to the likelihood of an eruption, even though one has not occurred since 1776. That's over 200 years ago.

Following its policy that it's better to be prepared than to be sorry, NEMO recently updated its volcanic response plan with the help of the Seismic Unit of the University of the West Indies (UWI) in Trinidad.

The Unit is predicting extra volcanic activity in the Caribbean this century.



An artist's impression of the proposed new headquarters for NEMO.

BIG PUSH AGAINST HIV/AIDS

GOVERNMENT GEARS FOR MORE FOCUSED PREVENTION AND CONTROL

If you were to conduct a survey asking St Lucians to list what they regard as the biggest threats to the island's economy, here are some of the answers you're most likely to receive.

After all the turbulence in the European export market during the past decade, bananas definitely would make the list. So too would globalization and trade liberalization which already are presenting the economy with formidable challenges of adjustment, and not only in respect of bananas.

You're likely to hear too about terrorism and the devastating impact it can have on the vital tourism industry, as the fall-out from the September 11, 2001 attacks on the United States clearly proved. Add to that, of course, any other factor which could have the effect of dissuading visitors from taking a holiday here.

What is least likely to receive mention, however, is HIV/AIDS. There's a simple reason for this. Most St Lucians view HIV/AIDS strictly as a health issue. As a result, they do not see a direct connection between this deadly disease and the island's future economic development.

It's a mindset which bothers Nahum Jn Baptiste, the newly appointed acting director of the National HIV/AIDS Programme within the Ministry of Health, Human Services and Family Affairs. He's worried too about a perception out there which somehow suggests that HIV/AIDS is "a Ministry of Health problem."

It isn't, he says. It's a national problem.

Calling for all hands to be on deck so that the war on HIV/AIDS can be effectively waged on every front, Jn Baptiste is on a crusade to get St Lucians to recognize the serious implications which the disease has for the island's economic future, and to convince them to do something about it.



Nahum Jn Baptiste, acting director of the National HIV/AIDS Programme.

"If we don't get serious," he warns, "we are going to have a major problem 10 to 15 years down the road in terms of the effect on our productive sector."

"Persons between the ages of 15 and 49 are the most productive and drive our economy," he points out, "but this is the age group most affected by epidemic. About 76 per cent of all reported cases"

180 Deaths

St Lucia's situation isn't unique as several countries face a similar challenge. However, what confers a particular urgency in St Lucia's case is the fact that given the relatively small size of the population, the island really can't afford to lose

productive people to HIV/AIDS because economic development is already hampered by an inadequacy of skills.

Up to the end of 2002, there were 377 reported cases of HIV/AIDS on the island, a relatively small figure by international standards but certainly not cause for comfort or complacency.

Most of the cases have been men but, lately, women have been coming down with the disease at a faster rate. Since the first HIV/AIDS case was diagnosed in 1985, there have been 180 deaths.

"...We know the figures are under-reported," Jn Baptiste explains. "We estimate that the reported figures only represent a quarter of the actual number of cases. If you multiply reported cases by four that would probably give you a better estimate of the situation which is another reason why we should be concerned."

The secretariat of the National HIV/AIDS Programme, currently operating with a staff of four, is being strengthened. And Government is seeking better coordination with NGOs like the AIDS Action Foundation and Red Cross to ensure increased effectiveness in the fight against HIV/AIDS.

The Ministry of Health currently is putting together the island's first-ever national strategic plan against HIV/AIDS, to be presented to Cabinet for consideration and approval sometime in late August.

Implementation of the strategic plan signals the adoption of a more structured approach and an intensification of the national effort to combat the spread of HIV/AIDS, with the support of overseas-based partners like the William Jefferson Clinton Foundation. The goal is preventing transmission and mitigating the impact of the disease.

Priority areas include: mother to child transmission; control of the blood supply; reducing transmission/vulnerability among specific groups including youth, prisoners and gays, as well as the general population; providing treatment, care and support for HIV/AIDS patients through the provision of anti-retroviral drugs, etc.; coordinating prevention efforts with other stakeholders; and workplace interventions.

The Clinton Foundation, established by the charismatic former United States president who visited St Lucia earlier this year, plans to spend some EC\$6.5 million fighting HIV/AIDS in St Lucia over the next five years as part of a sub-regional OECS initiative. The first set of the funds is expected to be released sometime during the summer.

"The Clinton Foundation support is coming primarily in the area of providing treatment, care and support for persons living with HIV/

AIDS which is a weak area in our national programme," Jn Baptiste explains.

"They have developed a business plan with several elements including improving the surveillance system, improving the monitoring system at laboratories, providing anti-retroviral drugs for persons living with HIV/AIDS in St Lucia, providing training to physicians, health workers and support staff," he adds.

The Pan American Health Organization (PAHO) and Caribbean Epidemiology Centre (CAREC) have been pillars of support to the national fight against HIV/AIDS. The United Nations AIDS Programme (UNAIDS) and Family Health International has also provided varying degrees of support.

"Were it not for external support, our situation would be a lot worse," Jn Baptiste points out.

Despite obvious resource constraints, the commitment to saving lies from the scourge of HIV/AIDS has never been stronger at the governmental level. There's also greater political will to drive the process.

The secretariat of the National HIV/AIDS Programme, currently operating with a staff of four, is being strengthened. And Government is seeking better coordination with NGOs like the AIDS Action Foundation and Red Cross to ensure increased effectiveness in the fight against HIV/AIDS.

The National HIV/AIDS Programme would especially welcome the private sector taking a more active role as the disease poses a particular threat to companies. How? Because workers falling ill with HIV/AIDS can cause a drop in productivity which could deprive businesses of much-needed skills and hurt them where it matters most – in their pockets.

Jn Baptiste lists several factors which could be contributing to the spread of HIV/AIDS. Among them, prostitution, strip joints, poverty, homosexuality, infected persons knowingly having unprotected sex, the 'sugar daddy' phenomenon involving older men having unprotected sex with young women, and a refusal by some men to use condoms.

The strategic plan addresses these issues with a view to identifying solutions. The fact that homosexuality and prostitution are illegal, Jn Baptiste notes, makes it difficult

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The lives of children in Africa have been affected by spread of HIV/AIDS

BIG PUSH AGAINST HIV/AIDS

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to ascertain the true extent both factors may be contributing to the spread of the disease.

In illegal situations, there's a natural tendency for persons to go underground. Then there's stigmatization and discrimination which too can drive people at risk persons underground to avoid ridicule.

Authorities are pointing to a growing number of orphans whose parents have succumbed to HIV/AIDS as one visible impact of the disease. These children have to be cared for, adding to the financial pressure on government in cases where no relatives are available to look after them.

A further source of concern for Jn Baptiste is a finding of a situational response analysis carried out by the Ministry of Health, confirming that when it comes to public awareness regarding how HIV/AIDS is contracted, almost everyone knows because Government has put out the relevant information.

Such awareness, however, does not appear to be having a major impact on changing behaviour.

"If we don't do something about HIV/AIDS now, we will continue to have increased cases," Jn Baptiste warns. "The best time for us to stop it is now." ●

BLACK MALLET RELOCATION ON TRACK



Ninety seven households, displaced by the 1999 Black Mallet/Maynard Hill land slippage, are a step closer to permanent relocation at a new residential development in Carellie with generous Government assistance.

At a meeting scheduled for the Entrepot Human Resource Development Centre at 1.30 p.m on Tuesday, July 15, officials of the Ministry of Physical Development, Environment and Housing will bring residents up to date on the package of support they'll be receiving.

The assistance package has four components for residents who owned a house, land, or both at Black Mallet/Maynard Hill.

The first component is a grant ranging from a minimum of \$10,000 to a maximum of \$50,000. Home owners who received insurance compensation will receive the minimum amount payable while the highest amount will go to families with no visible source of income or support.

"These components were arrived at based on much consultation and dialogue with property owners," Project Coordinator Michael Gittens explains. "We met with them at least on three separate occasions verifying their needs and ability to relocate and resume their lives."

Other components of the package are: access to \$4 million in concessionary financing sourced from the Caribbean Development Bank and being made available through the Bank of St Lucia; provision of attendant services and, where appropriate, a waiver on stamp duties, legal fees, etc.; and an exchange of land.

Gittens explains how the land exchange will work.

"We realized quite early that if there was a land exchange option, it could not be done in terms of value because of what the landslide had physically done to the area," he says.

"The value of land there had fallen substantially and we felt the best way to go was based on an equal exchange, land for land, as opposed to value for value. Therefore, if one owned 3,000 square feet of land in the affected area, one will receive 3,000 square feet of land at Carellie."

Gittens continues: "Seeing, however, that the average sized lot at Black Mallet/Maynard Hill was between 2,000 to 3,000 square feet, this would mean that these persons would have to pay the difference and this we have worked out at a highly subsidized rate of \$2 per square foot."

Gittens says the apparent delay in relocating the displaced Black Mallet/Maynard Hill residents was due to a number of reasons. The principal one was ensuring that the new Carellie site which is also on hilly terrain, is not susceptible to land slippage. Also, there was the need to ensure that proper infrastructure is in place.

The Carellie relocation site comprises 88 serviced lots averaging in size between 6,000 and 7,000 square feet. Government acquired the 8 hectares of land from the National Housing Corporation (NHC).

Government to date has spent over \$30 million in responding to the Black Mallet/Maynard Hill tragedy.

VACANCY NOTICE

Applications are invited from suitably qualified persons for appointment to the post of CHIEF MEDICAL OFFICER, in the Ministry of Health, Human Services and Family Services.

Applicants should possess the following qualifications:

1. Medical Degree — M.B., B.S or M.D. — from a recognized University with extensive experience in curative and/or preventative fields of medicine, including extensive administrative and supervisory experience such as having been gained through training as evidenced by the possession of medical qualification recognized by the Medical Council of St Lucia, with at least three (3) years experience.

2. Post Graduate qualification in Public Health or Medicine/Health Administration or Business Administration, with at least five (5) years experience.

Duties and Responsibilities

The successful applicant will be required to report to and work under the direction of the Permanent Secretary, Ministry of Health, Human Services and Family Affairs. He/she will also be required to respond whenever necessary to the Permanent Secretary, Ministry of Health, on matters related to work in progress.

The applicant will be required to:

- (1) Organize, plan and direct the Health Services of the nation;
- (2) Advise Government on all policy matters of a technical nature and other matters pertaining to the Health Services;
- (3) Render overall supervision of Professional and Technical Staff in the Ministry;
- (4) Administer medical services and supervise staff at the following Institutions: Golden Hope Hospital; Soufriere Hospital; Dennery Hospital; Gros Islet Polyclinic
- (5) Co-ordinate the Hospital services, with Primary Health Care Services provided at thirty-three (33) health centres throughout the State;
- (6) Serve on the following statutory boards: (a) Medical Council; (b) Medical Advisory Board; (c) Nursing Council; (d) Private Hospital's Board; (e) Public Health Board
- (7) represent Government at Health Conferences at home and abroad;
- (8) monitor the delivery of medical care at St Jude's Hospital;
- (9) Advise Government on disciplinary matters, appointments, promotions and other personnel matters in regard to all professional and technical staff in the health services;
- (10) Play a pivotal role in developing and reviewing proposals and implementing Health Sector Reform plans consistent with the thrust.
- (11) Supervise the following professional services in the Ministry as required by the Permanent Secretary: (a) Laboratory Services; (b) Pharmacy Services including other specialty services provided to Hospitals within the state; (c) Dental Services; (d) Environmental Health Services.
- (12) prepare monthly reports on work accomplished and plan work for the ensuing month for presentation to the Permanent Secretary and Honourable Minister;
- (13) Perform related works as required from time to time by the Permanent Secretary

Skills, Knowledge and Abilities

The applicant should have.

1. A working knowledge of and the ability to interpret Civil Service rules and regulations and operating procedures, staff orders, financial and store rules and collective agreements;
2. Extensive knowledge of the principles and practices in the curative and/or preventive fields;
3. Extensive knowledge of current developments in methods and techniques of treating the physically ill;
4. Extensive knowledge of the principles and techniques of health administration;
5. Considerable knowledge of the principles and practices of general medicine and surgery;
6. Knowledge of medical jurisprudence;
7. Ability to plan and direct the health services of the nation

Conditions

1. The successful applicant will be provided accommodation in a congenial administrative office;
2. Institutional support will be provided through appropriate Civil Service regulations, Statutory Instruments and Departmental Guidelines;
3. Opportunities exist for personal development and career advancement through general specialized in-service and external training;
4. The applicant will be required to obtain a motor vehicle for the proper performance of his/her duties and will be paid a travelling allowance in accordance with the approved rates.

Salary is at the fixed rate of \$86,400.00 per annum (grade 19)

Applications on the prescribed form along with certified copies of all documents pertaining to qualifications should be submitted to:

The Permanent Secretary,

Ministry of Health, Human Services and Co-operatives,

July 15, 2003.

Applications that are unsuitable will not be acknowledged.

PROMISE OF BETTER CARNIVAL

From almost all accounts, Carnival 2002 surpassed the expectations of the organisers.

Not resting on its laurels, the one-and-a-half-year-old Cultural Development Foundation (CDF) has raised the bar for Carnival 2003 and is aiming to exceed the standard achieved last year.

"We are aiming at three levels to improve our carnival," says Teddy Francis, executive director of the CDF. "...The level of production, the presentation of events, the level of attendance."

The occasion was the colourful launch of Carnival 2003 before a large crowd on Sunday, June 8, at the Mindoo Philip Park. Patrons were entertained by a line-up of local calypsonians and the star attraction, Onyan, from Antigua.

Carnival queen contestants strutted their stuff on stage, costume bands gave a glimpse of what's in store for the road on carnival Monday and Tuesday, and, as usual, the panmen were in their glory.

If public response so far is an accurate gauge of what's to come over the next few weeks, the CDF seems to be very much on the way to achieving its objective.

Kaiso History

To give an example of the level of excitement which Carnival 2003 has been generating, Soca Village achieved the highest attendance ever for a calypso tent in St Lucia on Friday, June 6.

A record 20 calypsonians made it through to the semi-finals, and eleven to the finals, reflecting the keen rivalry this year.

Minister for Social Transformation, Culture and Local Development, Menissa Rambally, is appealing for a "safe, clean" carnival season.



"ENDANGERED": The nomadic Ariaal, the Siberian tiger, and Healing prospects of Man, from XS Energy Band.

"St Lucia can truly be proud of what we've achieved culturally," she says. "St Lucia's carnival has become renowned throughout the region and even the wider world for being one of the better cultural events that can be found anywhere."

Miss Rambally did the honours of formally launching Carnival 2003.

An innovation for Carnival 2002 was the first-ever Inter Commercial House calypso competition. Among the new events for 2003 is a week-long multi-media exhibition, starting on July 14, showcasing the history of Saint Lucian carnival.

The Carnival 2003 programme includes Junior Carnival on July 13, the Inter-Commercial House Calypso competition on July 17, Panorama on July 18, King & Queen of the Bands and the OECS/ Barbados Soca Monarch competition on July 20, J'Ouvert on July 21, The Pageant on July 21, Carnival Monday, and the Parade of Bands on July 22, Carnival Tuesday.

The Saint Lucia Tourist Board has been promoting Carnival 2003 across the region as another reason for Caribbean neighbours to come and visit this year. The Caribbean currently ranks as the third largest source of visitors to Saint Lucia.



A section of the large crowd at the Mindoo Philip Park during the official launch of Carnival 2003.



Models parading costumes from the band "Tall Tales, Myths and Legends" at the Carnival launch 2003.

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Contact us at: The Department of Information Services, Grahame Louisy Administrative Building, The Waterfront, Castries, St. Lucia, West Indies

Tel: (758) 468 2116; Fax (758) 453 1614; E-mail: gis@candw.lc; http://stlucia.gov.lc