

GRENADA

CASE STUDY 2010

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OVERVIEW OF GRENADA

Also known as the Isle of Spice, Grenada offers a rich history and wealth of experience to those who travel to it. Characterized by warm beaches and soft sands the Island Nation, which consists of a series of islands including Carriacou and Martinique, provides opportunities to explore its natural treasures by diving in its tropical waters, or exploring the depths of its rainforest. While its environment makes it a natural marvel to all who visit, its legal and political systems showcase the strength and determination of a people and country still new in independence but old in culture and traditions. This case study will explore the country, its history, the people, the politics, and laws of this Caribbean Gem.



Coat-of-Arms of Grenada
 Representing the strength of the nation and its people, the Shield alludes to its history with the British Kingdom, its recognition of the Monarchy, the history of the Island, as well as its wealth of natural resources and and environmental wonders. The Coat-of-Arms was adopted in 1974 with Grenada's Independence

The “First” View of a New World



In 1498 Christopher Columbus and his crew about the Santa Maria became the first Europeans to set eyes on the Island. He was so taken by the purity and beauty of the Island that he named it Concepcion after the Immaculate

Conception of Jesus and the Virgin Mary. However, settlement was slowed by the presence of a fierce native population.

The First Inhabitants

Long before Columbus the Arawaks Amerindians left the shores of South America and found their way to the Island. The Arawaks were an advanced society and among the first to take to the seas. However, the Arawaks were ultimately to be displaced by a more warlike tribe, the Caribs, whose bellicose nature presented a fierce resistance to colonization. It would be almost 200 years after Columbus first laid eyes on the Island before the French would take control from the Carib Tribe.



The Arawak and Carib People were an advanced and civilized society.

They explored the sea and spread throughout the Caribbean Islands.



The Seven Years War

The British gained control of ‘la Grenada’ from the French as a term of the Treaty of Paris ending the 7 Years War in 1763.

Despite Efforts by the British to remove all traces of French and Spanish culture and influence on the Island, including the Spanish inspired name of Grenada, the People were resilient, and the cultural heritage and influences of France, Spain, and Native Tribes can still be seen today.

After nearly two centuries, Great Britain granted independence to Grenada on February 7, 1974.



HISTORY & CULTURE



St. George's

The coastal city of St. George's (Top) has been the recognized capital of Grenada since 1974. Prior to the American-led invasion in 1983 The Historic Parliament Building (Bottom) was bombed. It is still in ruins today, a reminder of the difficult path to democracy in Grenada.

Growing Pains and Foreign Intervention.

Following its independence Grenada endured a difficult transition to self-governance. When the re-election of Prime Minister Gairy was challenged by the opposition party as being fraudulent Maurice Bishop led what became known as the New Jewel Movement and overthrew the government in 1979.

Bishop's government opted to suspend the constitution and ruled instead by government decree. Close ties were formed with Communist Cuba and the USSR.

In October of 1983 Bernard Coard, backed by the Army, led a coup and imprisoned Bishop. Outrage by the citizens resulted in Bishop being freed, however when he attempted to resume power he was captured and executed by soldiers under the orders of Coard, who then assumed power under martial law.



While Bishop had been friendly with Cuba and the USSR, Coard was an active proponent of bringing Communism to Grenada. His ideology, combined with the formation of a radical Military Government which threatened to shoot on sight any citizen out after curfew, was of great concern to the world.

When construction began of a commercial airstrip that would allow the importation and distribution of arms to Cuba and Central America, President Reagan allied with Jamaica and other islands in the region in Operation Urgent Fury.

On October 25, 1983 Grenada was invaded by the combined forces of the US and its few regional allies. The action was condemned by the international community as a flagrant violation of international law.

After the invasion the Constitutional Government resumed. Coard was prosecuted for Bishop's murder, and sentenced to death, later commuted to life.

Recent History and Happenings

In 2004 Grenada was devastated by Hurricane Ivan. After having survived almost half a decade without a direct hit, Ivan struck the Island as a Category 3 Hurricane, and brought with it winds and floods that left more than 90% of the homes and properties in Grenada damaged or destroyed.



The following year, in the aftermath of rebuilding and restoring the country it was hit again, this time by Hurricane Emily. While only a Category 1 Hurricane, Emily left more than \$110 Million in damages, and virtually erased the few remaining Nutmeg Trees on the Island.

With strong international support and a commitment to recover, Grenada managed a remarkable recovery. By the end of 2005 most hotels were open again, and new building codes were in place to strengthen and support the citizens homes.

New efforts and changes in crop management have helped to restore the nutmeg industry and it is believed that as new trees mature the nation will once again be a supplier of the valuable spice.

In 2007 Grenada jointly hosted the 2007 Cricket World Cup. With support from China a new \$40M stadium was built in Grenada for the tournament.



GEOGRAPHY & ENVIRONMENT

The Edge Between Wet and Wonderful



It's no surprise that Grenada has beautiful beaches. Its volcanic origins have not only created a fertile island but also more than 75 miles of Caribbean Sea coastline. The white sandy beaches at popular resorts are contrasted by deep water ports in large cities like St. George's. Just off the beaches an awesome aquatic universe exists. Filled with turtles and sharks, the water is warm enough for divers and swimmers all year.

An Emerald Ocean

In striking contrast to the crystal blue sea, a tropical rainforest filled with exotic plants and animals fills much of the interior of the Island. Tucked in the trees a variety of indigenous wildlife can be found, ranging from birds and bats to armadillo and monkeys. Much of Grenada's profitable spice industry is dependent on the rainforest and it is carefully protected.



Formed eons ago by volcanic activity the island is mountainous nutrient rich. The result is a plant paradise accented by cascading waterfalls and wildlife.



In The Middle of Paradise

When Columbus first set eyes on Grenada he was overwhelmed by its beauty. The three islands of Grenada, Carriacou, and Petite Martinique are located at the southern end of the Windward islands and mark the separation of the Caribbean Sea and the Atlantic Ocean. The Island of Grenada is North and East of the mainland of South America. Only 100 miles from Venezuela. To its north can be found St. Vincent and the Grenadines, while to the south you'll find Trinidad and Tobago.



GEOGRAPHY & ENVIRONMENT



Indigenous Creatures

The long-nosed armadillo (Top) has proven to be an icon to the people of Grenada. Recognized for its resilience it occupies the left side of the Crest. On the right side representing peace is the Grenada Dove (bottom), a variation of the rock pigeon that has evolved on the island.

The Spice of Life

While originally colonized with the intent of growing sugar cane in the tropical climate, it was quickly discovered that Grenada possessed more than just sweet possibilities. Throughout the island spices were discovered and harvested, and a new economic future was born.

While the abundance of spices gave rise to the name of “The Spice Isle” it was one spice in particular that truly transformed the country.

Nutmeg, a small walnut sized seed, grows especially well in the warm wet climate. Valuable and rare, Grenada makes up more than

20% of the Nutmeg market, and the spice is one of its most important and profitable exports.

Other spices found on the island are cinnamon, cloves, mace, ginger, and all spice. While each of these contribute to the economy none do so

as much as nutmeg.

It is because of its economic importance and historical significance that the nutmeg seed can be found on the nation’s flag.

Following the devastating hurricanes of 2004 and 2005 there was a fear that the nutmeg industry would collapse, however effective environmental controls and agricultural management have ensured the sustainability of the trees and the country into the future.



Even Better where its Wetter

While it is hard to comprehend that there could be a more beautiful view than that of the sun setting on the Caribbean Sea while sitting on the white sandy beaches of the Western Shore, the views under water are equally, if not exceedingly stunning.

The warm water allows for swimming and diving year round, a necessary condition for the near constant supply of tourists. The coastal areas of the Western Shore offer shallow reefs teeming with diverse aquatic life such as



spiny lobster, snapper, and grunt fish.

On the Atlantic side of the island deeper waters and cooler currents bring in larger fish and marine mammals. The West Indian Manatee, bottle nose dolphins, and lesser whales can be seen swimming along side loggerhead turtles returning to the Northern beaches to lay their eggs.

No undersea adventure is complete without sharks and the the waters here are full of a variety of species taking advantage of the large and abundant population of feeder fish.

PEOPLE & VITAL STATISTICS

Paradise Shared, and the Future Found

The people of Grenada (Grenadians) share a unique history that has been shaped and influenced in an eclectic mixture of native influence and foreign persuasion. The result is a proud nation of welcoming people where nearly all who visit can feel at home. While many Grenadians work in the tourism industry their entrepreneurial spirit carries them into the forefront of agricultural commerce as well. Having invented, developed, and in some instances perfected the art of condiments; Grenada has brought flavor of food and life to people around the world. Based on tradition and a vision that profit from improvement is better than profit from exploitation has resulted in a stable and improving economy even during the recent global economic crisis.

Quality, not Quantity

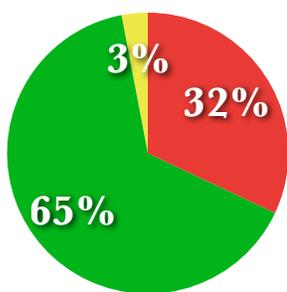
Roughly twice the size of Washington DC, Grenada has a comparatively small population. With approximately 100,000 citizens it is one sixth the size of the the US Capital. However, with compulsory education for both boys and girls lasting for 12 years (the equivalent of 11th Grade in the United States) the country enjoys a 96% literacy rate of those over 15. This is a remarkable statistic, given that much of the population is older than the present educational system, and is comparatively high amongst Caribbean neighbors. It is, in part, this high standard that has resulted in a slight population decline as some are leaving the Island for new opportunities elsewhere.



A Beautiful World

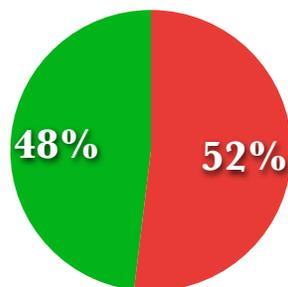
In 1970 Grenada was still largely unknown to most of the world. Its tourism industry just beginning, and independence still years away, few considered Jennifer Hosten a real contender at the Miss World Pageant held that year in London. What the world didn't know about Grenada was quickly addressed as the then 22 year old woman took the crown in one of the most contentious and controversial results in the pageant's history. Many viewed the results as a sham, and there were cries of racism motivating the judges to give token votes to black contenders. Despite the controversy Jennifer went on to join Bob Hope's USO Tour, and became a published author on the effects of NAFTA for Grenada.

Age Distribution



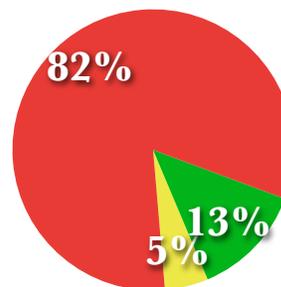
- Ages 0-14
- Ages 15-65
- Ages 65+

Gender Distribution



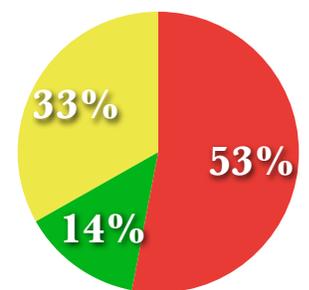
- Male
- Female

Race Distribution



- Black
- Mixed European
- East Indian

Religion Distribution



- Roman Catholic
- Anglican
- Other Protestant

GOVERNMENT & LAW7



Two Heads instead of One
Grenada still recognizes the Queen of England (Top) as their official Head of State. However, their head of government is The Right Honorable Tillman Thomas (Bottom) who assumed the role of Prime Minister in 2008. This type of split is common in former British territories.

Political System and Government Organization

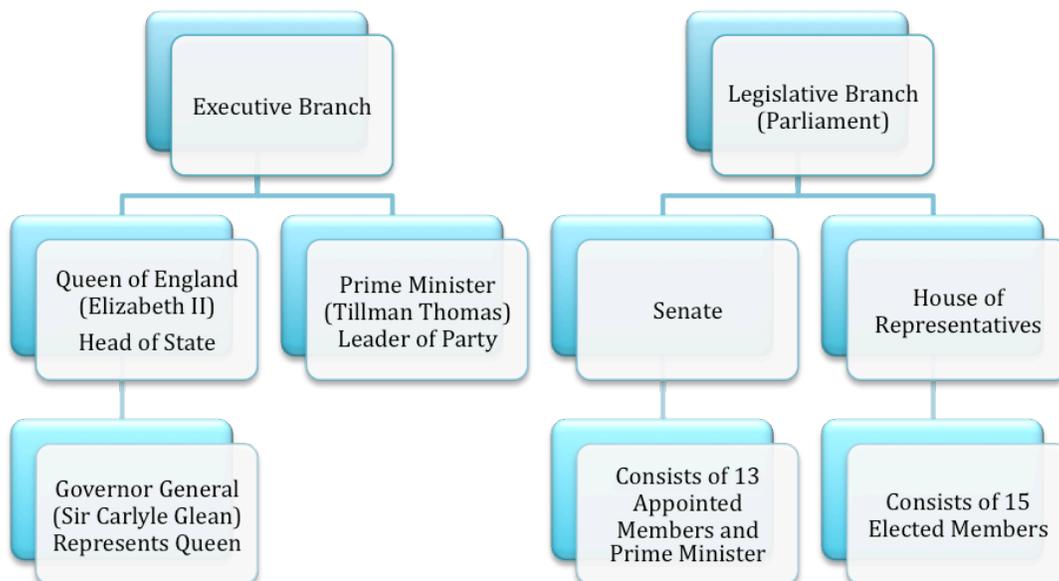
Although Grenada officially gained its independence from Great Britain in 1974 it chose to model its new government in what has come to be known as the Westminster Parliamentary System. In such a system the government is formed by a Constitution which recognizes the Monarch of Britain as the Head of State. The Monarch, presently Queen Elizabeth II, is represented in the country by her appointed Governor General, presently Sir Carlyle Glean. The Governor General represents the crown, appoints members of government, and signs enactments of parliament into law.

While the Queen is the Head of State the Executive branch includes a Head of Government as well. Typically the Head of Government, a Prime Minister, is appointed by the Head of State or her representative, however other methods of selection exist. In Grenada the Prime Minister is generally the leader of the Majority Party in Parliament.

The parliamentary system of Grenada blurs the distinction between the executive and legislative branches considerably. The Prime Minister is an active voice in the legislature, holding an elected seat from one of the 6 parishes of the state. His role is to help facilitate the government, and to assist him he has an appointed cabinet. He is permitted to vote on and propose legislation for parliament's consideration.

Parliament itself in Grenada consists of two houses. The Senate, which has 13 appointed members, and a House of Representatives which has 15 members elected to five year terms by popular vote. Most legislation is introduced in the Senate but must pass both houses before the Prime Minister recommends it be signed into law by the Governor General.

Noticeably absent from the parliamentary system of government is any clear formation of a judiciary. In fact there is no actual designation of a judiciary at all in Grenada's Constitution. Instead, the judiciary is born from parliamentary decree and its role defined by the passing of enactments granting it authority over particular matters.



GOVERNMENT & LAW

Getting There is Half the Battle

In 2005 the American Bar Association published statistics reflecting the population of lawyers and law students in the United States. At that time there were approximately 150,000 law students and over 700,000 practicing attorneys.

That same year there were less than 50 Attorneys in Grenada. Only one prosecutor, 7 Judges and 6 Magistrates for the entire country.

Not only are the total populations of lawyers drastically disparate, the process of becoming a lawyer is different as well.

The United States requires Law Students to have completed a 4 year undergraduate program in any field of study prior to beginning a 3 year JD program. Students have more than 150 ABA accredited Law Schools to choose from. After graduating, degree holders must then take a Bar Examination for a particular jurisdiction, which must be passed to be licensed.



Dressing the Part

Lawyers and Judges in Grenada abandoned the use of powdered wigs years before the country gained its independence in 1974. However, the use of formal Barristers Robes continues even today as a lasting legacy of the British Common Law foundation upon which Grenada's legal system has been built.

In the Caribbean the system offers less flexibility due in part because of heritage, as well as geographic limitations. Those who wish to earn a law degree must first complete the mandatory 12 years of primary education and earn a Bachelor's Degree in Law. The University of the West Indies is the primary source of collegiate learning in the Caribbean. Students wishing to earn their LL.B. are required to participate in a 3 year program.

After earning a Bachelor of Laws degree from UWI Students have three law schools to choose from for their Certificate of Legal Education. These CLE Programs are typically 2 years and offer a more practical education in law than the LL.B.

Upon graduating from Law School students receive their Certificate of Legal Education which permits them to practice in any jurisdiction of the English Speaking Caribbean. There are no subsequent bar examinations or certifications required in order to practice.

Highlights of Grenada's Judicial System



**Based on the English Common Law Traditions, civil and criminal disputes are resolved through contradictory debates between parties in predominantly oral proceedings.*

**According to Ministry report in 2000, on average, civil procedures last an average of 3 years except for matters of contract enforcement which are handled on average in 583 days. While criminal cases are resolved on average in less than one year.*

**There is only one prosecutor in Grenada, but more than 1000 police officers filing on average 4000 criminal incidents a year.*

**There are, on average, fewer than 1000 serious crimes per year.*

GOVERNMENT & LAW

Judicially Speaking

Grenada is a member of the Caribbean Commonwealth, the British Commonwealth, and the Organization of Eastern Caribbean States. It has a common law tradition dating back to its coming under British authority after the Seven Years War.

Routine matters such as family law, real estate law, and probate matters are handled primarily by 6 Magisterial Courts located in each of the 6 Parishes of the State. In addition to these routine matters, Magistrates may also hear cases of minor criminal conduct or minor civil complaints. These are the equivalent of misdemeanors and small claims cases seen in courts in the United States.

Matters before the Magisterial Courts may be appealed to the Magisterial Court of Appeals, then to the High Court of Appeals and then if necessary the Privy Council.

Serious Crimes are brought before the High Court of Grenada, which comprises 1/2 of the Supreme Court. These include serious criminal offenses as well as more serious civil disputes. Appeals are brought to the other half of the Supreme Court, the High Court of Appeals, and then if necessary are appealed to the Privy Council.

The High Court sits in St. George while the Court of Appeals moves about the Organization of Eastern Caribbean States as needed.

Out With The Old

One of the last remaining remnants of British Authority over Grenada is the Privy Council. Operating as the Court of Final Appeal for many of the Caribbean Commonwealth States, the Privy Council rules on appeals despite being separated by both law and geography from the cases themselves.

The continued use of the Privy Council is a matter of serious debate in Grenada. There is some sentiment to the established system of law, but also concern over the lack of familiarity with the laws, customs, and societal interests of the people by such a dissimilar court.

Privy Council
Located in
England

Court of Appeals
Moves Throughout
OECS

High Court
St. George

Magisterial
Appeals
St. George

Magistrate Courts
6 Courts located
throughout 7
Parishes

In With The New

On June 9, 2003, Grenada was among eight nations whose leaders met in Kingston to ratify a treaty to establish the Caribbean Court of Justice. The CCJ would replace the Privy Council as a Court of final appeal for the Caribbean.

Although the CCJ came into existence officially in November of 2003, recognition and utilization requires passing measures of ratification by the Parliament. Presently Parliament has expressed an unwillingness to leave the current system until it is proven that the CCJ is a fit alternative.

Worthy of Emulation

A troubling characteristic of the Caribbean Legal systems over the past decades has been the noted absence of sufficient legal assistance for individuals engaged in the legal system. Given the poverty of many citizens, the costs and complexities of litigation combined with the fees and costs of representation often leave those that need help most drowning in the deep end of the system.

Grenada was among the first in the Caribbean, and the first of the OECS to institutionalize legal aid. The Grenada Legal Aid and Counseling Clinic is located in St. George. It is funded in part by the Government, as well as from community organizations and private donors. The clinic provides legal aid in criminal cases, as well as counseling and advice for family law and civil law matters. Since its formation in 1998 it is estimated that the GLACC has assisted in representation in over 20,000 matters.

Grenada, like other OECS States has standing legislation providing government appointed counsel in every capital case as well.



Grenada became the first OECS State to institutionalize Legal Aid.

GOVERNMENT & LAW



Criminal Procedure

Grenada's criminal procedure system follows the common law tradition. It is oral and adversarial. Minor crimes are heard exclusively in the Magistrates Courts where cases consist of a pre-trial hearing and trial when the defendant pleads not guilty.

Serious crimes begin with a preliminary investigation by the Director of Public Prosecution. Then a hearing before a Magistrate, followed by a trial in the High Court. Criminal trials are decided by juries of 12 citizens.



Alternative Dispute Resolution

ADR has not been as well received in the Caribbean compared to the United States. While mediations are now an integrated step of certain civil matters arbitrations have largely been avoided in Grenada.

Grenada stands among a minority of nations having not signed the New York Convention for the Enforcement of Arbitral Awards, a fact which may contribute to fewer international companies engaging in business there.



Civil Procedure

Like their criminal counterparts, civil procedures in Grenada are adversarial in nature and consist of a series of oral hearings and trial.

According to World Bank data from 2006 it took on average 583 days to enforce a contract in Grenada. This measured the time from the initial filing of the suit to receipt of payment under court order. The process involved requires navigation of more than 50 procedures and ultimately costs approximately 1/5 of the value sought.

Julia Lawrence v. The Attorney General of Grenada

This section offers a real world example of the judicial process in Grenada in regard to a civil matter brought on appeal to the Privy Council. It aims to take a brief summary of the facts of the case and then provide a brief narrative of how the case progressed from beginning to end.

Julia Lawrence was the Director of Audit in Grenada. Among her responsibilities was preparation of certain reports which were to be provided by the Minister of Finance to Parliament. Ms. Lawrence did as her job demands, however the documents she provided to the Minister of Finance were not only delayed in their presentation to Parliament, but substantively altered as well. Not comfortable with this occurrence, Ms. Lawrence drafted a harsh letter to the Minister of Finance, who also happened to be the Prime Minister at the time on August 11, 1999. In response to her letter the Prime Minister ordered a review of Ms. Lawrence, and she was removed from her position in February of 2000, after a 2 day investigation for what was determined to be intolerable misbehavior.

Ms. Lawrence appealed the decision of the review board to the High Court. At trial the Judge was not convinced that the board adequately considered the relevant facts and overturned their decision partly on the grounds the review board never obtained or read the letter in question and therefore reached their conclusions without proper context.

The Attorney General appealed the court's decision to the Court of Appeals. Here the Justices were not convinced that any errors of the review board were sufficient to overturn their decision and reversed the High Court's ruling. Ms. Lawrence no longer sought reinstatement, but did file an appeal to the Privy Council to have the matter resolved in the hopes of clearing her name from the accusation of misbehavior.

Upon review of the facts in this case the Privy Council weighed the concerns of the High Court with the established law relied upon by the Court of Appeals. Ultimately her appeal was denied based on the fact that precedent controlled and any concerns over the context of the letter were resolved by the clear language in it demonstrating Ms. Lawrence's misbehavior.