

# ST. LUCIA



The island of St. Lucia offers pleasure and enrichment through the wonder of the undiscovered, the adventure of the unfamiliar, the freshness of the unspoiled and the stimulation of the exotic.

By: TERRICA R. JENNINGS

SPRING 2009

# MAP OF THE CARIBBEAN: ST. LUCIA



# THE ISLAND OF ST. LUCIA

St Lucia is located midway down the Eastern Caribbean chain, about 2'100 kilometers southeast of Florida, between Martinique and St Vincent, and north of Barbados.

It is part of the West Indian archipelago, which stretches for more than 3'200 kilometers from Cuba southwards to the northern coast of South America



Next to Dominica, St Vincent and the Grenadines, and Grenada, St Lucia is one of the four Windward Islands.

It is 43 kilometers long and 23 kilometers wide, covering an area of 616 square kilometers.

Administratively it is divided into ten districts and its capital city is Castries.

St Lucia lies at latitude 13 54' north of the Equator and 60 50' west. One of the Windward Islands, it is located in the middle of the Eastern Caribbean chain of islands and is approximately 21 miles south of Martinique and 90 miles northwest of Barbados. Castries (population 50,000) is the island's capital and is situated North-west of the island.

## Geography

**Area:** 619 sq. km. (238 sq. mi.).

**Cities:** *Capital*--Castries (pop. est. 67,000); Micoud; Gros-Islet; Vieux Fort; Soufriere.

**Terrain:** Mountainous.

**Climate:** Tropical.

# ST. LUCIANS-THE PEOPLE

**Nationality:** *Noun and adjective--St. Lucian(s).*

**Population (2006):** 166,014.

**Annual growth rate (2006):** 0.74%.

**Ethnic groups:** African descent 90%, mixed 6%, East Indian 3%, European 1%.

**Religions:** Roman Catholic, Seventh Day Adventist, various Protestant denominations.

**Languages:** English (official); a French patois is common throughout the country.

**Education (2004):** *Adult literacy--94.8%.*

**Health (2006):** *Infant mortality rate--12/1,000. Life expectancy--men 73 years; women 76 years.*

**Unemployment (2006):** 15.7%.





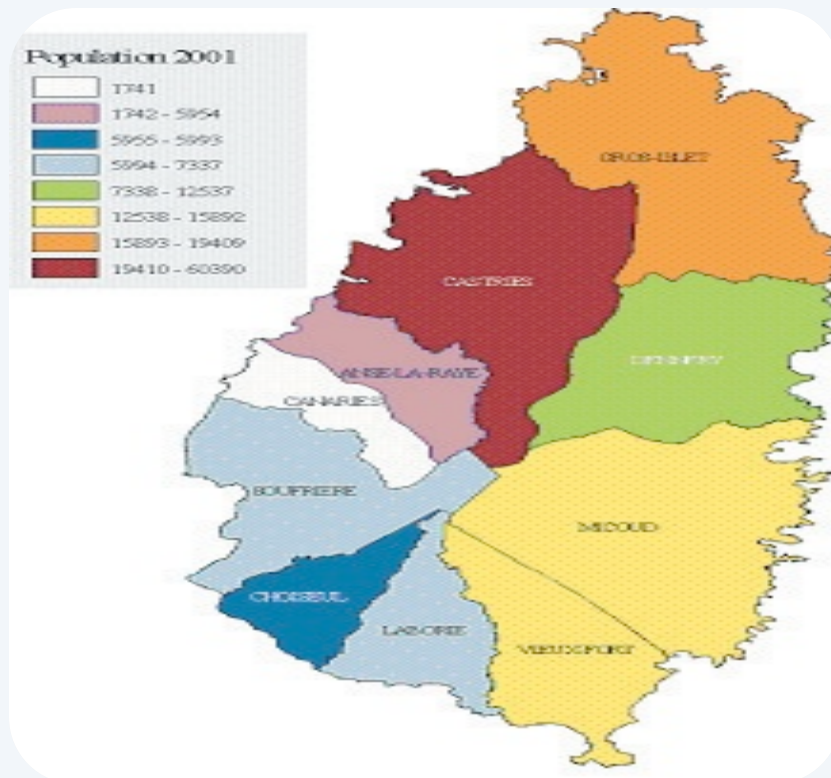
# ST LUCIA-THE CULTURE

- The fusion of **European and African cultures** gave birth to the **Quadrille and Belair dance** which started as awkward imitations of **European** dance with some intense **African** vigor.
- This form of dance together with music developed with a synthesis of the **Church and folk music** were used for general celebrations especially on feast days.
- In recent times St. Lucia has witnessed a tremendous influence of other styles of **music** which includes the **French Zouk, Calypso, Soca, Reggae, and Dancehall.**

[http://www.visitslu.com/about\\_sluculture/folk.html](http://www.visitslu.com/about_sluculture/folk.html)



# POPULATION



- Approximately **85%** of all **St. Lucians** are of **pure African decent**.
- There is a small percentage of **mixed African, British, French, East Indian, and Carib ancestry**, and a pure group from **East Indian** and **European** decent.
- Combined, the overall population of St. Lucia is approximately 160,000 with at least one-third of that amount living in the Castries-Gros Islet region and its suburbs.

# POLITICS

## Principal Government Officials

- Head of State--**Queen Elizabeth II**
- Governor General--**Dame Pearlette Louisy**
- Prime Minister and Minister of Finance, External Affairs, International Financial Services, Economic Affairs and Information--**Stephenson King**
- Ambassador to the UN--**Chargé Olaf Fontenelle**
- Ambassador to the United States and the OAS--**Michael Louis**
- **National defense:** St. Lucia has no army, but maintains a coast guard and a paramilitary Special Services Unit within its police force.



Queen Elizabeth II



Honorable Stephenson  
King, Prime Minister of St.  
Lucia

# POLITICS

## ST. LUCIA IS A PARLIAMENTARY DEMOCRACY, BOASTING TWO POLITICAL PARTIES:

1. The United Workers Party (*party currently in office*)
2. The St. Lucia Labor Party

## CURRENT PRIME MINISTER: Honorable Stephenson King-

In May 2007, the previous Prime Minister, Prime Minister Compton, became ill and appointed Minister for Health Stephenson King as Acting Prime Minister. King served in this capacity until Compton passed away on September 7, 2007. Two days later, King was sworn in as Prime Minister

## GOVERNMENT PRIORITIES:

- Information dissemination;
- Provision of broad guidelines and direction to the Public Service;
- Generally facilitate and manage the overall affairs of the Cabinet;
- Revision of National Disaster Management Plan for the island;
- Restructuring of the Government Printing Office with a view to increasing efficiency and productivity;
- Establishment of the National Hazardous Mitigation Council.



**St. Lucia Prime Minister,  
Honorable Stephenson  
King and President  
Obama**



**Honorable Stephenson King,  
Prime Minister of Saint Lucia**  
Prime Minister's Office  
5th Floor, Greaham Louisy  
Administrative Building  
Waterfront, Castries  
Saint Lucia, West Indies



# POLITICS

- **TYPE OF GOVERNMENT:** St. Lucia is a parliamentary democracy modeled on the **Westminster system**\*.
  - The head of state is Queen Elizabeth II, represented by a governor general, appointed by the Queen as her representative.
  - The governor general exercises ceremonial functions, but residual powers, under the constitution, can be used at the governor general's discretion.
  - The actual power in St. Lucia lies with the prime minister and the cabinet, usually representing the majority party in parliament
- **INDEPENDENCE:** February 22, 1979
- **CONSTITUTION:** 1979
- **BRANCHES OF GOVERNMENT:**
  - **Executive**-governor general (representing Queen Elizabeth II, head of state), prime minister (head of government), cabinet.
  - **Legislative**-bicameral parliament.
    - 17-member House of Assembly whose members are elected by universal adult suffrage for 5-year terms
    - 11-member senate appointed by the governor general
    - The parliament may be dissolved by the governor general at any point during its 5-year term, either at the request of the prime minister--in order to take the nation into early elections--or at the governor general's own discretion, if the house passes a vote of no-confidence in the government.
  - **Judicial**-district courts, Eastern Caribbean Supreme Court (High Court and Court of Appeals), final appeal to Privy Council in London.
  - **Administrative subdivisions:** 11 parishes.
- Suffrage: Universal at 18.

\* The Westminster system is a democratic parliamentary system of government modeled after the British government (the Parliament of the United Kingdom). This term comes from the Palace of Westminster, the seat of the UK Parliament

# LANGUAGE

Main languages spoken:  
English, French Creole

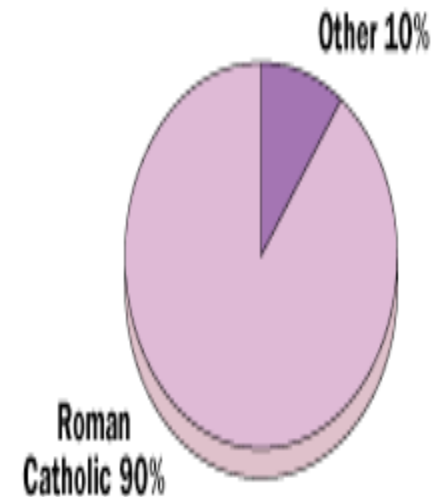


St. Lucia has a rich, tension-free **racial mix of descendants of Africans, Caribs, and European settlers**. Despite relaxed attitudes, family life is central to most St. Lucians, many of whom are practicing Roman Catholics. Small families are the norm. In rural districts, where women run many of the farms, absentee fathers are fairly common. In recent years, women have had greater access to higher education and have moved into professions. A bill to permit the occasional use of Creole in parliament was passed in 1998.

The main language in Saint Lucia is **English** although many St. Lucians also speak **French** and **Spanish**. **Kwéyòl**, St Lucia's second language, is widely spoken by the St. Lucian people including all walks of life such as doctors, bankers, government ministers and the man on the street! **Kwéyòl** is not just a patois or broken French, but a language in its own right, with its own rules of grammar and syntax. The language is being preserved by its everyday use in day-to-day affairs and by special radio programs and news read entirely in **Kwéyòl**.

# RELIGION

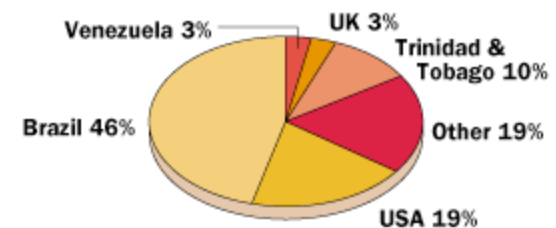
- The main religious group in St. Lucia is the **Roman Catholic** community, which accounts for **about 90% of the population**. Anglican, Baptist, Methodist, Pentecostal, Seventh Day Adventist, the Salvation Army and, other Christian Science communities are all represented on the island. **All except the Baptist and Seventh Day Adventist denominations make up the St. Lucia Christian Council.**
- The **Roman Catholic Church serves some twenty-three (23) parishes** throughout the islands and administers three (3) secondary schools particularly St. Mary's College for Boys, St. Joseph's Convent (run by the Sisters of St. Joseph of Cluny), and a Vocational School for Girls (run by the Corpus Christi Carmelites). The R.C. Church also administers the Marian Home for senior citizens in Castries and the St. Jude's Hospital in Vieux Fort. **In addition, there are over forty (40) Catholic Primary Schools located throughout St. Lucia.**



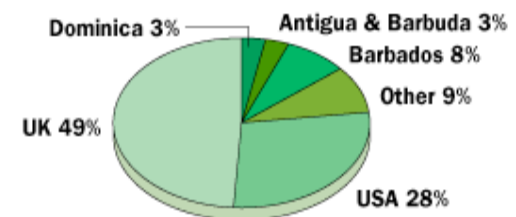
# ECONOMICS

- **GDP (2006):** \$899 million.
  - **GDP growth rate (2006):** 4.5%.
  - **Per capita GDP (2006):** \$4,803.
  - **Inflation of consumer prices (2006):** 2.34%.
  - **Natural resources:** Forests, minerals (pumice), mineral springs.
  - **Agriculture:** Bananas, cocoa, coconut, citrus fruits, and livestock.
  - **Manufacturing:** Garments, electronic components, beverages, corrugated boxes.
  - **Services:** Tourism and offshore banking.
  - **Trade (2005):** Exports--\$64 million (merchandise) and \$389 million (commercial services).
  - **Major markets**--European Union (28.2%), Trinidad and Tobago (22.5%), United States (14.0%), Barbados (10.1%), and Grenada (5.2%).
  - **Imports**--\$475 million (merchandise) and \$159 million (commercial services).
  - **Major suppliers**--United States (43.9%), Trinidad and Tobago (14.2%), European Union (14.2%), Japan (4.6%), and Barbados (3.0%).
- Official exchange rate:** EC\$2.70 = U.S. \$1.

## IMPORTS:



## EXPORTS:





# ECONOMICS

- St. Lucia's economy depends primarily on:
  - **tourism** and **banana** production, with some contribution from small-scale manufacturing.
- All sectors of the economy have benefited from infrastructure improvements in roads, communications, water supply, sewerage, and port facilities.
  - These improvements, combined with a stable political environment and educated work force, have attracted foreign investors in several different sectors.
- Although St. Lucia enjoys a steady flow of investment in tourism, the single most significant foreign investment is **Hess Oil's large petroleum storage and transshipment terminal**. In addition, the **Caribbean Development Bank** funded **an extensive airport expansion project**.
- Although banana revenues have helped fund the country's development since the 1960s, the industry is now in a terminal decline because of competition from lower-cost Latin American banana producers and reduced European Union trade preferences.
  - **Alternative products:** cocoa, mangos and avocados
- **Tourism recovered in 2004, following the post-September 11, 2001 recession**, and continued to grow in 2005, making up more than 48% of St. Lucia's GDP. The hotel and restaurant industry grew by 6.3% during 2005. Stay-over arrivals increased by 6.5%, and the United States remained the most important market, accounting for 35.4% of these arrivals.
- **Yacht passengers rose by 21.9%**. Redeployment of cruise ships, remedial berth construction, and high fuel costs prevented higher growth rates. However, several investors have planned new tourism projects for the island, including a large hotel and resort in the southern part of the island.
- **St. Lucia's currency is the Eastern Caribbean Dollar (EC\$)**, a regional currency shared among members of the Eastern Caribbean Currency Union (ECCU).
- **The Eastern Caribbean Central Bank (ECCB) issues the EC\$**, manages monetary policy, and regulates and supervises commercial banking activities in its member countries. The ECCB has kept the EC\$ pegged at EC\$2.7=U.S. \$1.
- **St. Lucia is a beneficiary of the U.S. Caribbean Basin Initiative** and is a member of the **Caribbean Community and Common Market (CARICOM)**.
  - The country hosts the executive secretariat of the Organization of Eastern Caribbean States (OECS).

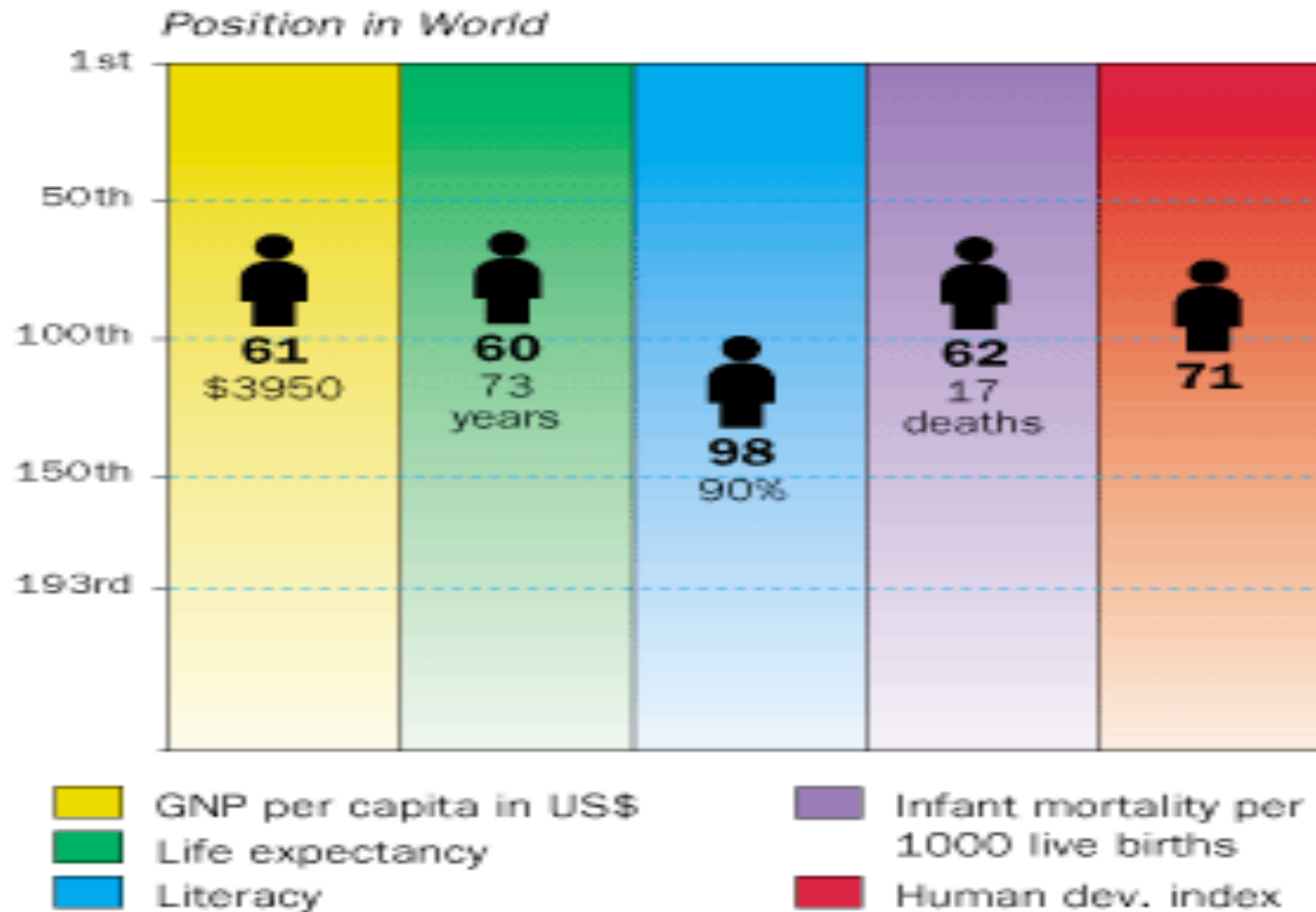
# CRIME & VIOLENCE

- Crime Death penalty in use
- **Total prison population:** 365 prisoners
- **Crime trend:** Crime is rising
- Murder is rare, but narcotics-related deaths are increasing, as is violence in schools.
- The government has strengthened the police force to combat rising urban crime.
- There is **legal aid** assistance for criminals in St Lucia
  - (See Judicial section of presentation)

From "The Financial Times World Desk Reference" © Dorling Kindersley 2004



# WORLD RANKINGS





# EDUCATION



St. Lucia offers a high level of quality educational opportunities for everyone. As a result, St. Lucia's working-age population are graduates with secondary and post-secondary education from accredited technical colleges and universities from the Caribbean, USA, Canada, and Europe.

Currently, St. Lucia's post secondary education offers a community college (Sir Arthur Lewis Community College) and one university (University of the West Indies through their Distance Education Centre) with a full range of diploma and under graduate programs in the fields of management, arts, technology, science, and engineering.



# EDUCATION

- **Education School leaving age:** 16 Literacy rate: 90%
- **Numbers in tertiary education:** 3881 students
- **Education-**Based on British Colonial System
- **Basic education reform-** there is currently a basic school restructuring program being undertaken in St. Lucia

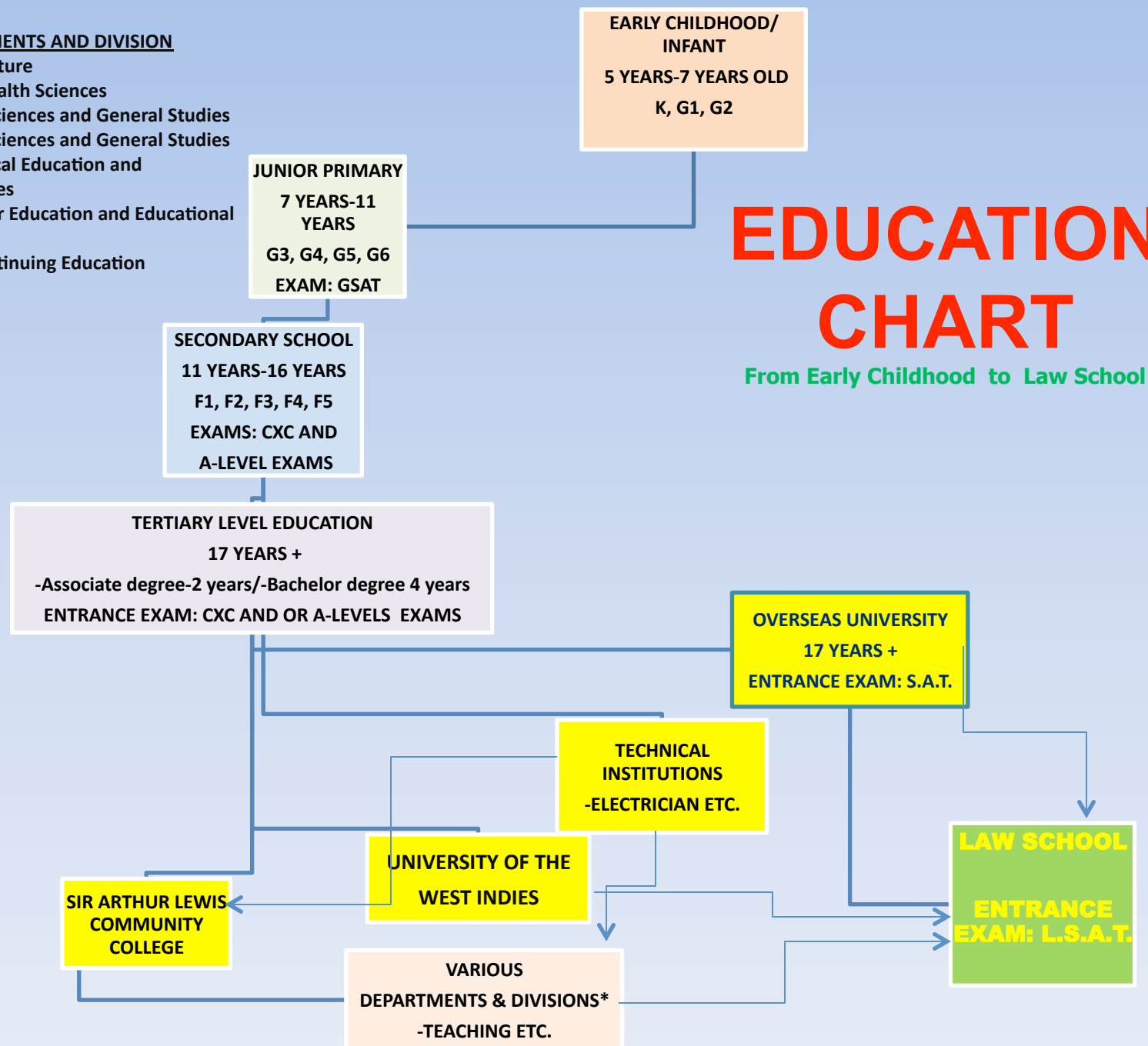
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**Nobel prizewinners Sir Arthur Lewis (economics) and Derek Walcott (literature) gives St. Lucia the world's highest per capita ratio of laureates.**

**\*DEPARTMENTS AND DIVISION**

- Division of Agriculture
- Department of Health Sciences
- Division of Arts, Sciences and General Studies
- Division of Arts, Sciences and General Studies
- Division of Technical Education and Management Studies
- Division of Teacher Education and Educational Administration
- Department of Continuing Education



# EDUCATION

- **EARLY CHILDHOOD/ INFANT**
  - **Age group:** 5-7 years old
  - **Kindergarten grades:** K, G1, G2
- **JUNIOR PRIMARY**
  - **Age group:** 7-11 OR 12 years old
  - **Grades:** G2, G3, G4, G5, G6
  - Exit examination: You take the Grade School Assessment exam (GSAT) to get into Secondary School
- **SECONDARY SCHOOL**
  - Entrance examination: Grade School Assessment exam (GSAT)
  - **Age group:** 11 OR 12 years old-16 years old
  - **Grades:** F1, F2, F3, F4, F5
- **ALTERNATIVE INSTITUTIONS:**
  - Special Education Schools
  - Adult Education Schools
  - Private Schools
- **TERTIARY EDUCATION**
  - **Sir Arthur Lewis Community College**
    - **Age group:** 17 years plus
    - **Programs offered at the College:** Associate Degree, Diploma, Certificate
    - Requirement: Examination Council Exam (CXC) and/ or Advanced Level Examination (A-Level-British based examination)
  - **University of the West Indies**
    - **Age group:** 17 years plus
    - Requirement: Caribbean Examination Council Examination (CXC); and/or
    - Requirement: Advanced Level Examination (A-Level-British based examination)
  - **Technical High schools**
    - **Age group:** 17 years plus
    - Vocational type schools
  - **Overseas Universities**
    - Entrance examination: SAT exam
- **LAW SCHOOL**
  - **University of the West Indies:**
    - Requirement: Four year college degree (overseas of Jamaica)
      - CXC and A-Levels are also considered
      - Some students are able to start law school straight out of high school (after completing A-Level examinations) but their scores have to be very high.
  - **Overseas University:**
    - Requirement: CXC and/ or A-Level examinations
    - Requirement: Four year college degree from an approved university
    - Entrance examination: LSAT exam

# EDUCATION

## Schools- Capacity

- Ø Physical capacity of a school is estimated at the rate of 35 pupil/ students per classroom.
- Ø In case of double shift schools, capacity is measured in terms of 70 pupils/students per classroom.
- Ø If enrolment of a school is more than its capacity then it is a case of over utilization of physical capacity.
- Ø If enrolment of a school is less than its capacity then it is a case of under- utilization of physical capacity.



Honourable Arsene Vigil  
James  
Minister of Education  
and Culture

Senator Gaspard  
Charlemagne  
Minister in the Ministry  
of Education and Culture



# EDUCATION

## Negative aspects of the St. Lucian education system:

1: Factors that contribute to the **negative aspect of the St. Lucian education system**. Three are particularly important:

- 1) the domination of the profession by women;
- 2) the prevalence of non-professional teachers in the system;
- and 3) the short-sighted view of education as a non-economic activity.

Salary discrimination against women is a world-wide phenomenon and is perpetuated in St. Lucia by the existence of a largely patriarchal society. The presence of non-professional teachers helps to justify continued payment of low wages.

2: *The lack of a learner-centered philosophy of education.*

3: *There is a potential lack of an explicit value and belief system guiding educational delivery.*

4: *The existence of a distorted, inadequate, and inappropriate view of what is intelligence.*

5: *An over-emphasis on of the importance of science curricula versus that of other disciplines.* I hold the belief that the science bias in curricula has the effect of producing human resources for use in "developed countries". Meaningful participation in the sciences today, requires a graduate degree. Science professionals with a keen interest in scientific inquiry would have a difficult time finding suitable opportunities to practice in St. Lucia, so they remain abroad.

6: *A lack of artistic and creative development throughout primary and secondary education.* I hold the view that the current education system is by no means holistic, and that an apparent lack of creativity, innovation, and critical thinking skills in the nation is intimately connected to a lack of emphasis on artistic and creative development in the education system.

7: *The absence of a conscious and explicit cultural dimension to education.*

8: *The absence of a strong culture of nationalism and regionalism in the system.*

9: *The perpetuation of a hierarchy of secondary schools.*

10: *The lack of opportunities for re-entry into the system.*

11: *Inadequate and insufficient opportunities for life-long learning.*

12: *The degree of asymmetry in the allocation of resources to schools across the country.*

13: *The inadequacy in the variety of learning modes for learners.*

14: *The prevalent use of "unqualified" teachers in secondary schools who have little knowledge of pedagogical tools and who have little or no knowledge of how individuals learn.*

15: *An inadequate balance between academic and vocational education.*

16: *The existence of an overt philosophy that education is a privilege and not a right.* That is evident in the existence of Common Entrance to get to a secondary school and CXC's to get to Sir Arthur. The purpose of testing in St. Lucia is to facilitate screening not learning! A wrong-headed approach.

# EDUCATION

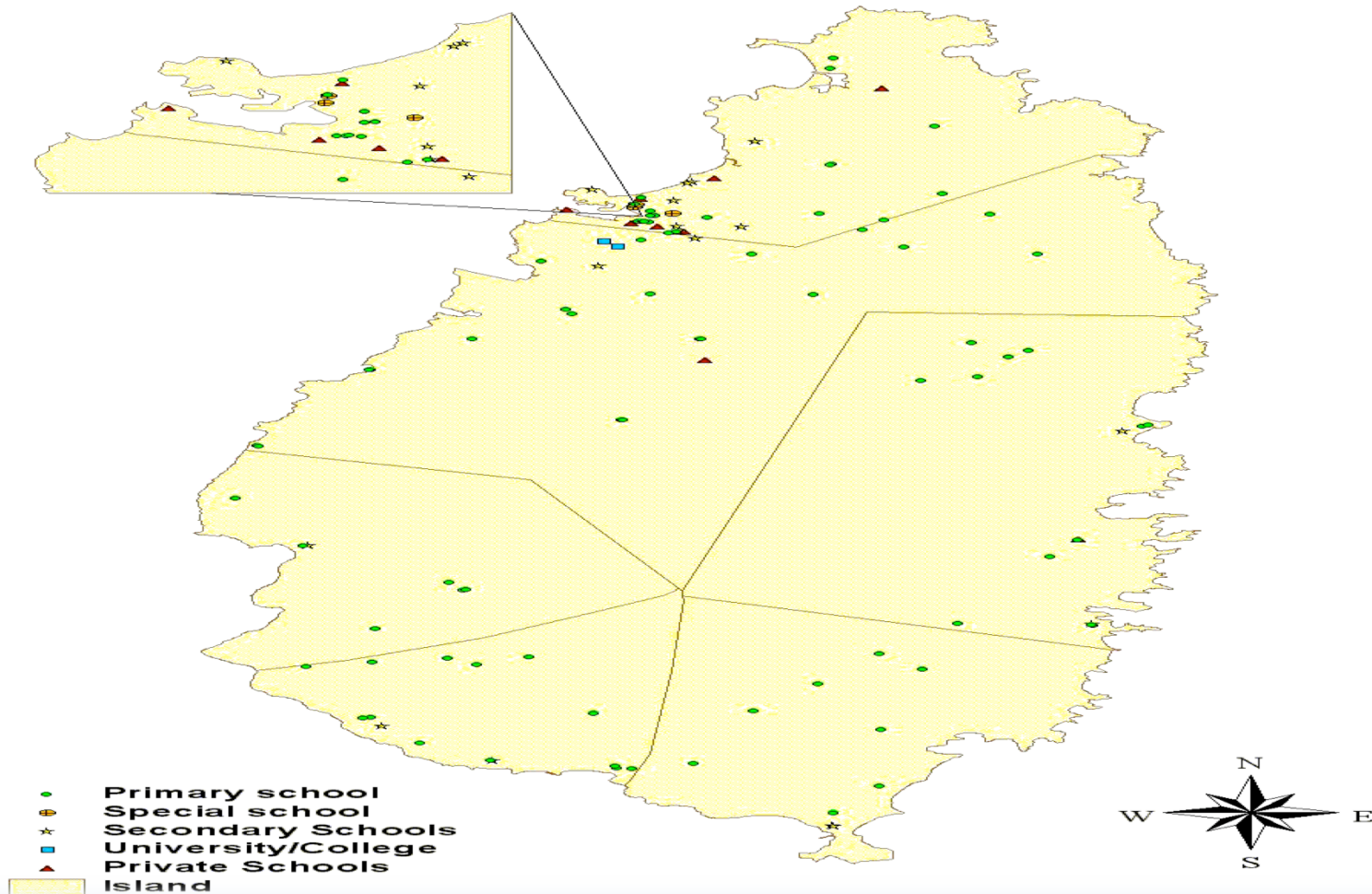
## Recommendations: How to fix the broken system

- **Step 1:** Begin the process of eliminating Common Entrance examination.
  - This step has already been completed as the GSAT exam has replaced the Common Entrance examination.
- **Step 2:** Conduct an audit of the entire education system. Philosophy, mission, vision, values, beliefs, systems, procedures, performance measurement, resource allocation, pedagogy, involvement of community, teaching quality, incentive and reward systems, and curriculum should all be critically examined.
- **Step 3:** Call a nation-wide conference on education reform. All teachers and stakeholders should be brought together to discuss critical issues facing the education system, and to identify viable solutions. The report from the audit will play a critical role in identifying the issues for discussion and solution.
- **Step 4:** Develop a multi-phased action plan for implementing the recommendations for reform.



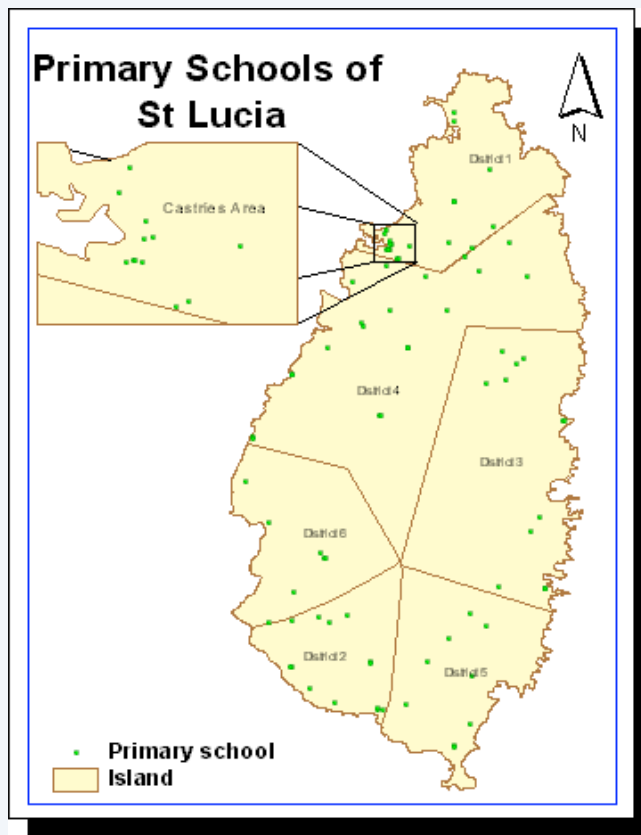
# EDUCATION

## Schools Of St.Lucia

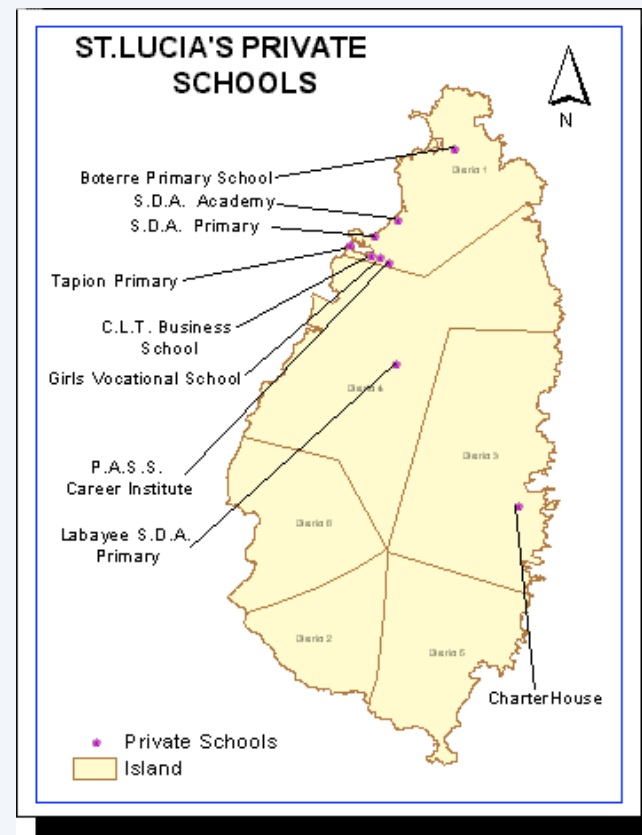


# EDUCATION

## Primary School of St. Lucia

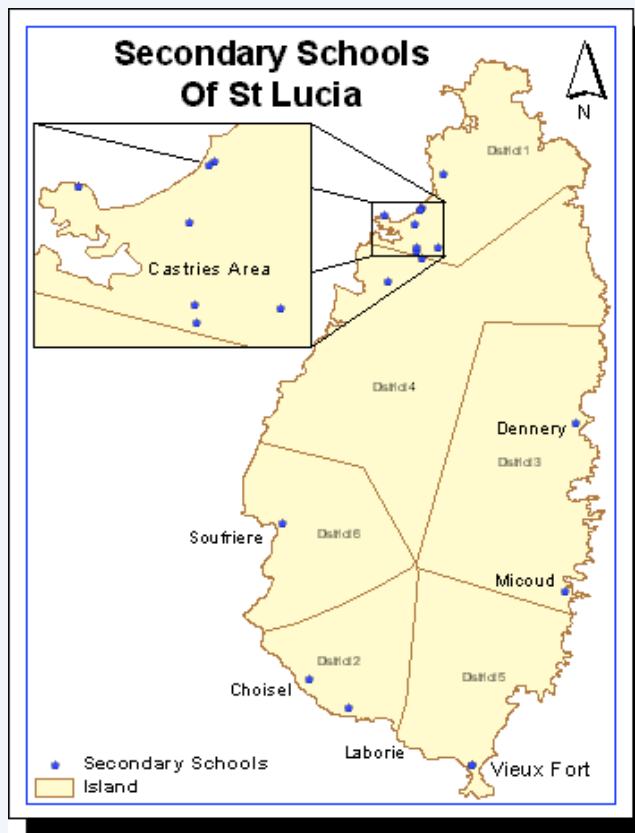


## St. Lucia's Private Schools

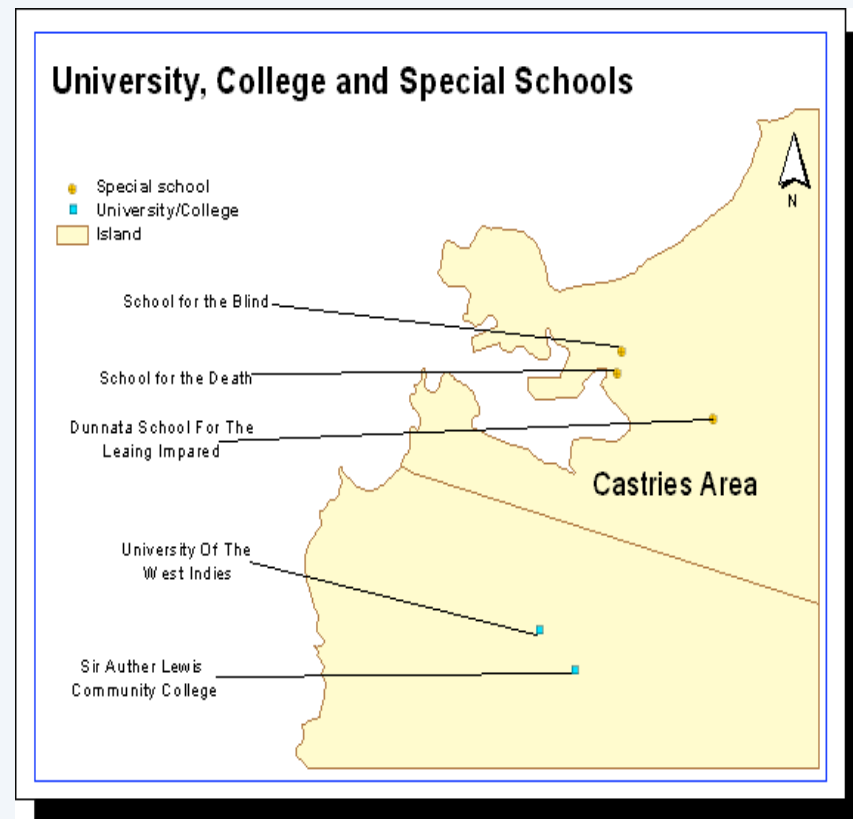


# EDUCATION

## Secondary Schools



## University, College & Special School



# Jurisprudence in St. Lucia

- With the exception of Guyana and St. Lucia, the legal system of the English-speaking Caribbean countries is Common Law based.
- The legal system of St. Lucia is best described as **“hybrid”** because St. Lucia has a strong influence of the **French civil law mixed in with the common law**.
  - The legal system is based on English common law and "Code Napoleon".
  - Both common law and statute law govern St. Lucia.

Dorcas White (1981). Some Problems of a Hybrid Legal System: A Case Study of St. Lucia. *International & Comparative Law Quarterly*, 30, pp 862-881  
doi:10.1093/iclqaj/30.4.862





# Jurisprudence in St. Lucia

## CURRENT COURTS:

- **The Lowest Court:**
  - Magistrate Court
- **High Court and Court of Appeal- The Eastern Caribbean Supreme Court**
  - An itinerant court, and sittings are rotated among the nine Member States: namely Antigua, Anguilla, Dominica, Grenada, Saint Vincent, Saint Kitts & Nevis, and Saint Lucia – joined in
  - The Eastern Caribbean Supreme Court consists of two divisions:
    - **High Court of Justice**
    - **Court of Appeal**
  - Cases may be appealed to the Eastern Caribbean Court of Appeals and, ultimately, to the Judicial Committee of the Privy Council in London. The
- **Highest Court:** Her Majesty in Council (Privy Council)

## PROPOSED ALTERNATIVE COURT: CCJ

- St. Lucia has been asserted interested in joining the **Caribbean Court of Justice (CCJ)**.
  - The Caribbean Court of Justice shall perform to the highest standards as the supreme judicial organ in the Caribbean Community.
  - In its original jurisdiction it ensures uniform interpretation and application of the Revised Treaty of Chaguaramas, thereby underpinning and advancing the CARICOM Single Market and Economy.
  - As the final court of appeal for member states of the Caribbean Community it fosters the development of an indigenous Caribbean jurisprudence

# Jurisprudence in St. Lucia

## **CHAPTER VIII OF THE ST LUCIAN CONSTITUTION GOVERNS JUDICIAL PROCEEDINGS**

### **Original jurisdiction of High Court in constitutional questions**

- (1) Subject to the provisions of section 22(2), 37(6), 41(11), 58(7), 117(8), 121(3) and 124(10) of the St Lucia Constitution, any person who alleges that any provisions of this Constitution (other than a provisions of Chapter 1 thereof) has been or is being contravened may, if he has a relevant interest, apply to the High Court for a declaration and for relief under this section.
- (2) The high Court shall have jurisdiction on an application made under this section to determine whether any provisions of this Constitution (other than a provision of Chapter 1 thereof) has been or is being contravened and to make a declaration accordingly.
- (3) Where the High Court makes a declaration under this section that a provision of this Constitution has been or is being contravened and the person on whose application the declarations made has also applied for relief, the High Court may grant to that person such remedy as it considers appropriate, being a remedy available generally under any law in proceedings in the High Court.

### **St Lucia Constitution: Judicial Provision**

[http://www.stlucia.gov.lc/saint\\_lucia/saintluciaconstitution/judicial\\_provisions.htm](http://www.stlucia.gov.lc/saint_lucia/saintluciaconstitution/judicial_provisions.htm)

### **Original jurisdiction continued:**

- (4) The Chief Justice may make rules with respect to eh practice and procedure of the High Court in relation to the relation to the jurisdiction and power conferred on the Court by or under his section, including provision with respect to the time within which any application under this section may be made.
- (5) A person shall be regarded as having a relevant interest for the purpose of an application under this section only if the contravention of this Constitution alleged by him is such as to affect his interests.
- (6) The right conferred on a person by this section to apply for a declaration and relief in respect of any alleged contravention of this Constitution shall be in addition to any other action in respect of the same matter that may be available to that person under any other law.
- (7) Nothing in this section shall confer jurisdiction on the High Court to hear or determine any such question as is referred to in section 39 of the St Lucia Constitution.

### **Reference of constitutional questions to High Court**

- (1) Where any question as to the interpretation of this Constitution arises in any court of law established for Saint Lucia (other than the Court of Appeal , the High Court or a court martial) and the court is of opinion that the question involves a substantial question of law, the court shall refer the question to the High Court.
- (2) Where any question is referred to the High Court in pursuance of this section the High Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision or, if the decision is the subject of an appeal to the Court of Appeal or Her Majesty in Council, in accordance with the decision of the Court of Appeal or, as the case may be, her Majesty in Council.

# Jurisprudence in St. Lucia

## Appeals to Court of Appeal

Subject to the provisions of section 39(8) of the St. Lucia Constitution, an appeal shall lie from decision of the High Court of Appeal as of right in the following cases-

- a) Final decision in any civil or criminal proceedings on question as to the interpretation of this Constitution;
- b) Final decision given in exercise of the jurisdiction conferred on the High Court by section 16 of the St Lucia Constitution (which relates to the enforcement of the fundamental rights and freedoms); and
- c) Such other cases as may be prescribed by Parliament
- d) Cases may be appealed to the Eastern Caribbean Court of Appeals and, ultimately, to the Judicial Committee of the Privy Council in London.

## Appeals to Her Majesty in Council (PRIVY COUNCIL)

**(1) An appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council as of right in the following cases-**

- a) Final decision in any civil proceedings where the matter in dispute on the appeal to Her Majesty in Council is of the prescribed value or upwards or where the appeal involves directly or indirectly a claim to or question respecting property or a right of the prescribed value or upwards;
- b) Final decision in proceedings for dissolution or nullity of marriage;
- c) Final decisions in any civil or criminal proceedings which involve a question as to the interpretation of this Constitution; and
- d) Such other cases as may be prescribed by Parliament.

## Privy Council Continued:

**(2) An appeal shall lie from decision of the Court of Appeal to Her Majesty in Council with the leave of the Court of Appeal in the following cases-**

- a) Decision in any civil proceedings where in the opinion of the Court of Appeal the question involve in the appeal is one that, by reason of its great general or public importance or otherwise, ought to be submitted to Her Majesty in Council; and
- b) Such other cases as may be prescribed by Parliament.
- (3) An appeal shall lie to Her Majesty in Council with the special leave of Her Majesty from any decision of the Court of Appeal in any civil criminal matter.

(4) References in this section to decisions of the Court of Appeal shall be construed as references to decisions of the Court of Appeal in exercise of the jurisdiction conferred by this Constitution or any other law.

(5) In this section the prescribed value means the value of fifteen hundred dollars or such other value as may be prescribes by Parliament.

(6) This section shall be subject to the provisions of section 39 (7) of the St Lucia Constitution Constitution

# JUDGES

To qualify for appointment as a Justice of Appeal, a person must be or have been a judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth, or a court having jurisdiction in appeals from such court for an aggregate of at least five years, or a person who is qualified to practice as an advocate in such a court and has practiced for an aggregate of at least fifteen years.

To qualify for appointment as a High Court Judge, a person must be or have been a Judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such court, or a person who is qualified to practice as an advocate in such a court and has so practiced for an aggregate of at least ten years.

To qualify for an appointment as a Master, a person must be qualified to practice as an advocate and to have so practiced for an aggregate of at least ten years in a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court.

## **Tenure of Office:**

A Justice of Appeal holds office until he attains the age of sixty-five years; a High Court judge, the age of sixty-two years. The Judicial and Legal Services Commission, acting with the concurrence of Heads of Government of all the States, may permit a Judge to continue in his office for a period not exceeding three years.



# Jurisprudence in St. Lucia

- **FILING DOCUMENTS WITH THE COURTS:**

A document may be filed (lodged) at the court office where the claim is proceeding or intended to proceed by any of the following ways: delivery in person, posting it, or sending it by FAX.

A document is filed on the day when it is received at the court office or, if it is received at a time when the court office is closed, on the next day on which the court office is open.

## **Fees**

If a fee is to be paid, a document is not to be treated as filed until the fee is paid or an undertaking to pay the fee, acceptable to the Registrar, is received.

***Filing by Fax***-Complete a cover sheet which clearly states: Name, address and telephone number of the sender; date and time of transmission; total number of pages transmitted, including the cover page; number of the FAX Machine at which documents may be received; and name and telephone number of a person to contact if problems occur in transmission.

- **FORMS:**

All forms of the Eastern Caribbean Supreme Court must be used only in the cases to which they apply.

A form may be varied if the variation is required by the circumstances of a particular case.

A form must not be varied so as to leave out any information or guidance which the form gives to the intended recipient of the form.

## **Fees**

The Eastern Caribbean Supreme Court imposes various fees for an application or appeal filed in the Court. These Court fees are different from the fees that lawyers charge their clients.

*See individual Member State for relevant fees.  
(Eastern Caribbean Supreme Court Civil  
Procedure Rules: 3.7, 3.8, 3.10)*



# Jurisprudence in St. Lucia

## Court Reporting Unit

- The Court Reporting Unit has been established effective 1st April, 2005. This Unit will have responsibility for the transcription and reporting of court proceedings.
- In accordance with the ***Recording of Court Proceedings Act No. 32 of 2003*** the applicable fees are as follows:

### A. Sale of Transcripts Fee Per Page

1. Civil Matters \$5.00 for first copy and \$2.00 for any additional copies
2. Criminal Matters \$2.00 for first copy and \$0.50 for any additional copies

### B. Sale of Tapes

1. Civil Matters \$20.00
2. Criminal Matters \$10.00

### C. Contact:

Peynier Street  
Castries  
Saint Lucia, W.I.  
Tel: 758-468-3804  
758-452-2520  
Fax: 758-453-2071  
[stluhco@eccourts.org](mailto:stluhco@eccourts.org)  
Mediation Tel: 758-457-3637





# Legal Aid Assistance in St Lucia

## LEGAL AID ACT OF 2007:

- St Lucia established a **Legal Aid Act in 2007**
- St Lucia provides legal aid assistance in both **Civil and Criminal matters**.
  - This is unique as other Caribbean countries provide legal aid criminal cases only-and specifically murder cases.
  - Other countries such as Jamaica, Trinidad and Tobago and Cayman islands provide legal aid in both civil and criminal matters.
- Attorney fees are paid through a Legal Aid Fund: Parliament assigns money to the fund, loans, grants and money gained through other approved investments.

## APPLICANTS:

- A person who cannot obtain legal services from a private attorney may apply to the Board of the Legal Aid Fund for assistance in obtaining legal representation.
- **Procedure:**
  - Applicant received and completes an application.
  - There is a fee of \$1 or another fee prescribed by the board.
  - If any false statement is asserted in the application, a fee, not to exceed \$5000 is charged.
  - If the application is approved, the applicant receives a certificate.

## LEGAL AID:

- Applicants are assigned an attorney by the board **or** they are able to choose one from a list provided by the Board.
- The board provided attorney is paid through a government controlled Legal Aid Fund.
  - There are some out of pocket expenses that the applicant is solely responsible for.
- If the applicant does not comply with the suggestions/ instructions of the attorney, the certificate is cancelled and services withdrawn



[http://www.stlucia.gov.lc/docs/legal\\_aid/LegalAidAct.pdf](http://www.stlucia.gov.lc/docs/legal_aid/LegalAidAct.pdf)

# Legal Aid Assistance in St Lucia

## 1. Two pieces of legislation guide the extent to which conflict resolution exists in St. Lucia.

The Civil Procedure Rules 2000 Rule 25.1 states

The court must further the overriding objective by actively managing cases.

### This may include:

Encouraging parties to use any appropriate form of dispute resolution including in particular, mediation, if the court considers it appropriate and facilitating the use of such procedures

The other piece of legislation is cited in the Education Act 2000 Chapter 18:01 Section 165

Mediation prior to the consideration of an appeal by the Education Appeal Tribunal, the Chairperson may appoint a mediator to attempt to settle the matter under the appeal.

There are no collaborative initiatives between Government and NGO's. However, some collaboration exists between the various government departments.

### Continuation:

Curriculum Exists within the formal education sector across Member States of the Caribbean Community (CARICOM) to deal with conflict resolution

Thus far, the conflict resolution program within the formal education sector that adopts a Life-Skills Approach is the most promising in addressing conflict issues.

The above quoted legislation in the Civil Procedure Rules 2000, which entails mediation practices for private citizens before the court system, is yet another practice originating from the Legislator.

## 2. Although there is no existing policy current legislation can be used to influence development and implementation both within the formal and non-formal sector.

### Policy challenges include:

A general non-awareness of the scope and benefits to be derived from policy development and implementation of CRE

A lack of organized structure/ interest group to advocate and mobilize for development of CRE policy

Lack of financial resources to initiate, develop and implement CRE policy

# Legal Aid Assistance in St Lucia

3. Teachers' Colleges and departments of education in CARICOM Member Countries have developed a harmonized Curriculum Framework that includes conflict resolution education for use.

There are no organized after school or community programs coordinated with schools either with the police or other groups.



4. A three-year longitudinal research inclusive of conflict resolution is presently being conducted in four CARICOM Member States. Preliminary findings suggest positive response from students. Behavior change will be measured in the third year of the project.
- Areas of research most needed include:
  - Needs assessment across CARICOM Member States
  - Social Determinants of Conflict across CARICOM Member States
  - Research on the effectiveness of various approaches.

# Alternative Dispute Resolution: Mediation

## WHY MEDIATION

- The need for judicial reform to address the problems of an overburdened legal-judicial system has given rise to new approaches to resolving disputes in a manner other than the traditional form of litigation.
  - **Mediation is the Alternate Dispute Resolution system utilized in St. Lucia.**
- Mediation is utilized in **CIVIL CASES.**
- Mediation in St. Lucia governed by the **Eastern Caribbean Supreme Court Civil Procedure Rules**
  - Accordingly, the **Eastern Caribbean Supreme Court Civil Procedure Rules** introduced a system of case management making provision for the Court to actively manage cases by "*encouraging parties to use the most appropriate form of Dispute Resolution including, in particular Mediation, if the Court considers that appropriate, and facilitating the use of such procedures.*"



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# MEDIATION

- **Mediation is a structured dispute resolution process** where an impartial third party, the Mediator, meets with disputants in an effort to identify the issues, explore options and clarify goals, outside of a court environment.
- **The Mediator facilitates face-to-face meetings** of the parties to assist them in reaching a mutually-acceptable agreement. Parties reach agreement freely, voluntarily and on the basis of informed consent.
- Mediation is **assisted negotiation**, and as the "process expert," the Mediator helps the parties negotiate efficiently and effectively.
- Mediators, unlike Judges, do not decide cases or impose settlements.
- The **Mediator's Role** is to help the parties involved in a dispute to communicate and negotiate with each other, in a constructive manner, to gain a better understanding of the interests of all parties, and to find a resolution based on common understanding and mutual agreement in strict confidence.
- Mediation is becoming very popular as a means of resolving disputes, since it **is invariably less confrontational, is often simpler and thus cheaper** and has the added benefit of being able to be decided by whatever means the parties to the mediation agree between them.

# MEDIATION

## What does Mediation offer?

### Mediation offers

- An **informal setting** to conduct a session
- A **trained & certified Mediator** on the Register of Court-Connected Mediators
- A system in which the parties to the disputes have **full say over the outcome** of their dispute.
- **It is faster**; as a result parties save both money and time.
- **An opportunity for parties to face each other** and discuss their dispute in good faith with intent to settle.
- An opportunity **for relationships to be restored**, maintained or rebuilt.
- An opportunity for parties **to work together to decide on the outcome** of their dispute, thereby making it more likely to keep the agreement.





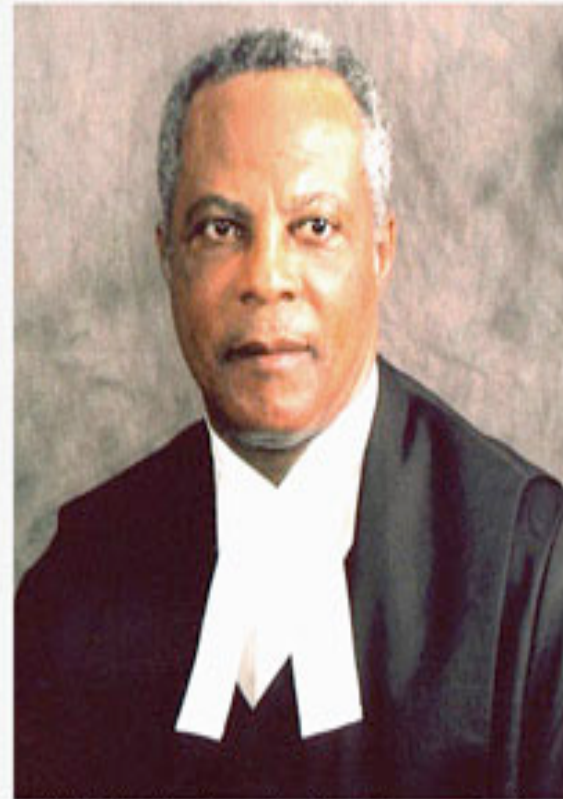
# MEDIATION

## What kind of disputes can be mediated?

- Almost all disputes can be mediated.
- Rate of settlements after mediation is close to 70% in St. Lucia.
- Only **CIVIL CASES** are currently being mediated in St. Lucia.
- The use of Mediation in St. Lucia is very new and is currently in a pilot phase.

### Mediation is available in the following disputes:

- Landlord and Tenant
- Commercial contracts
- Wills and Estates
- Employment
- Land Disputes
- Debt Collection
- Personal Injury
- Family Disputes
  - Currently some family matters cannot be mediated.



Chief Justice Hon. Hugh Anthony Rawlins

# MEDIATION

## Who are the mediators?

### MEDIATORS:

#### Qualifications

- **Chief Justice Sir Dennis Byron** spearheaded the reformation of the judiciary in St. Lucia –starting with **Court connected Mediation program**.
- He established a **Mediation Committee** which fostered the development of the **Mediation Coordinator's office**.
  - The Mediation Coordinator's office started with a pilot mediation program by training a corps of mediators , establishing a mediation supervisory committee, dedicating a premises for conducting mediations
  - Mediators are persons of diverse professional backgrounds, recruited from the community
- **Lawyers are chosen most often to be Mediators because they are better known by the counsel who is advising the client in the choice of a mediator.**
  - Lay persons are also utilized and trained to be Mediators
  - They have good standing in the community
  - They are specially trained and qualified in the area in which they provide mediation
  - Training and selection organized by the Mediation Coordinator Office
  - The trained mediators are added to a master list controlled by the Caribbean Court

#### Training Mediators:

- St. Lucia has a roster of 27 trained mediators.
- They are trained in St. Lucia
- All Mediators are trained by Mrs. Mendez-Bowen and Judge Sandra Paul.



# MEDIATION

## Roster/ List of Mediators

- The Eastern Caribbean Supreme Court has a roster of trained Mediators.
- The **roster/list of Mediators** may be obtained from:
  - The High Court Office and/or the office of the Mediation Coordinator
- The parties can **pick their own Mediator** from the list or if they cannot compromise, the court will assign a mediator.

## Time period to pick a Mediator

- **Parties have 10 days to reach agreement regarding which Mediator they will use;** however, they are encouraged to reach an agreement when they receive the roster (they pick the mediator with the assistance of their personal lawyers).
- Their lawyers also prefer when they pick the mediator upfront; without the need for a follow up appointment (10 days later).

# MEDIATION

## QUICK GUIDE TO THE MEDIATION PROCESS

1. Parties in a Civil proceeding can either ask for a mediation session or the Judge can recommend it.
  - **The Mediation office schedules the sessions**
  - **The Mediation office also keeps a roster of the available mediators**
  - **After the order is signed by the Judge, the Mediation office starts a file on the matter**
2. The parties get a copy of the roster of mediators and they have 10 days to make a selection
3. After they have selected a mediator, **Justice Adrian Saunders** gets the name of the mediator that was selected, the name [of the mediator] and all the case details gets placed on his template.
4. Six copied of the order are printed and initial, as approved drafts, three copies right there and then.
5. Each litigant gets an approved draft and the third copy goes straight to the Mediation Coordinator who then starts her file on that matter.
7. All parties have to show up for Mediation.
8. A mediation session lasted a maximum of three hours. The mediator schedules only two mediations per day.
9. After a mediation, the matter comes back to the court either for a consent order to be drawn up and initialed by a Judge if a settlement has been arrived at or for the court to place the matter back on the case management list for directions for trial if there has not been a settlement.

## THE ADMINISTRATIVE PROCESS-MEDIATION

- The **mediation office** is housed at the Supreme Court Head Quarters.
- It is currently staffed by two persons – **A coordinator, Ms. Lenore St. Croix, who has other duties at the Supreme Court, and an assistant.**
  - These two persons are responsible for:
    - Taking care of all the administrative arrangements that are required between the making of the order and the referral of the matter back to the court after a mediation is held.
    - Among other things, they see to it that the mediator is provided with the Statements of Case (what was previously called a “pleading”) and
    - Then the date is scheduled that meets the convenience of the litigants, the parties and of course the mediator.
  - The staff also enter into our computer system all the necessary details to enable the judges to properly manage the project and to generate appropriate reports.

# MEDIATION:

## How are cases referred to mediators?

A CASE MAY BE REFERRED TO MEDIATION AT ANY STAGE OF THE PROCEEDINGS  
BY MASTER, JUDGE OR PARTIES:

- **Mediation referred by the Master or Judge:**
    - A Master or Judge may make an order referring any civil action filed in the Court to Mediation.
  - **Parties may ask to Mediate:**
    - The parties may by consent notify the Court that they wish to have their case referred to Mediation and in such case, the Master or Judge shall make a referral order
  - **Parties may decide not to mediate:**
    - **Parties can refused to mediate their case.** St. Lucian judges are proposing that the consent of the parties be only *a factor to be taken into account but it* should not be the sole or even the determining factor when a judge is deciding whether they should mediate.
  - **The Mediation will be conducted by a trained Mediator, approved to be on the Roster of Mediators for the Supreme Court.**
    - Mediators may be people in the legal profession (who are not associated with the case) or other professionals who are experienced/ knowledgeable about the issue being mediated.  
**See Qualifications on previous slide.**
  - **Parties select Mediator; unless there is a disagreement:**
    - Parties may select a Mediator from the Roster of Mediators. If the parties cannot agree on a Mediator, one will be appointed for them by a Judge or Master.
- **How long after the decision is made to use Mediation will a session be conducted?**
    - Mediators have to be picked in 10 days
    - Mediations will be conducted **within 45 days of the Referral Order** by the Judge or Master.



# MEDIATION:

## Who should attend?

### TERMS FOR MEDIATION

1. **All parties must attend the Mediation session.** If a party is represented by a lawyer, the lawyer may also attend. The lawyer can help the client work out the terms of the settlement.
2. **A lawyer may not attend in place of a party.** At the end of the Mediation session the Mediator shall complete and lodge the notice of Outcome of Mediation with the Mediation Coordinator, for filing at the Court Office.
3. If there is an agreement resolving some or all of the issues in the dispute it shall be signed by the parties and the Mediator and lodged with the **Mediation Coordinator for filing at the Court Office**; and
4. Within **seven days** after the agreement is signed the parties shall apply to the Court for an order in terms of the agreement and the Master or Judge shall make an order.





# MEDIATION:

## COST & LOCATION OF SESSIONS

- **What is the cost of Mediation?**

Court-connected mediation fees are regulated and set by the Court.

- A **fee schedule** may be obtained from the Mediation Coordinator
  - Unless they qualify for legal aid.

### **FEES ASSOCIATED WITH MEDIATION**

- The Court asserts that a defendant with no counterclaim should also bear some costs even though a consensual settlement is worked out at the mediation.
- This is because the claimant was required to incur legal expense in order to bring the matter to court in the first place.
- Lawyers are encouraged to discuss the costs of mediation before the session.
- One alternative the court supports is that Lawyers should let their clients consciously factor the costs into the money settlement rather than deal with costs as a separate issue.

- **Where is the Mediation held?**

- Mediation sessions are conducted at a **Mediation Office** which is under the management and control of **the Court**. It's a judicial based.

- The **Mediation Office** coordinates the sessions

- **Mediation office** for Saint Lucia:

- ✓ Tel.758-457-3637



# MEDIATION

## TWO AREAS OF CONCERNS THE COURT IS TRYING TO ADDRESS:

1. The court would like litigants, lawyers and the general public to stop viewing the mediation process just an alternative to courts, and more as an alternative that is more reliable and more efficient.
2. The court wants to accommodate the making of referral orders at a stage prior to a case management conference. Upon the issuance of a claim form, a claimant or a defendant should be able to apply for a referral order. This will ensure even earlier disposal of many cases and will also avoid in many cases the costs entailed in the filing of a Defence.

# FOREIGN RELATIONS

## FOREIGN RELATIONS

### **Foreign Relations-St. Lucia**

- Major thrust of foreign affairs for St. Lucia has been economic development. The government is seeking balanced international relations with emphasis on mutual economic cooperation and trade and investment.
  - It seeks to conduct its foreign policy chiefly through its membership in the OECS.
  - St. Lucia participated in the 1983 Grenada mission, sending members of its Special Services Unit into active duty.
  - St. Lucia is a member of the Commonwealth, the Organization of American States (OAS), and the United Nations.
- St. Lucia maintains friendly relations with the major powers active in the Caribbean, including the United States, the United Kingdom, Canada, and France. The country is active in eastern Caribbean regional affairs through the OECS and CARICOM.
- In May 2007, St. Lucia established diplomatic relations with Taiwan, ending a 10-year relationship with the People's Republic of China.

# FOREIGN RELATIONS

## U.S.-ST. LUCIAN RELATIONS

### **The United States and St. Lucia have a cooperative relationship:**

- The United States supports the St. Lucian Government's efforts to expand its economic base and improve the lives of its citizens.
- The Government of St. Lucia has cooperated with the United States on security concerns.
- U.S. assistance is primarily channeled through multilateral agencies, such as the World Bank, and the USAID office in Bridgetown, Barbados.
- The Peace Corps, whose Eastern Caribbean regional headquarters is located in St. Lucia, has numerous volunteers located in St. Lucia, working primarily in business development, education, and health. U.S. security assistance programs provide limited training to the paramilitary Special Services Unit and the coast guard.
- In addition, St. Lucia receives U.S. counternarcotics assistance and benefits from U.S. military exercises and humanitarian civic action construction projects.

### **St. Lucia and the United States share interest in combating international crime and narcotics trafficking:**

- Due to St. Lucia's geographical location, it is an appealing transit point for traffickers.
- In response to this threat, the Government of St. Lucia has concluded various bilateral treaties with the United States, including a Maritime Law Enforcement Agreement (subsequently amended to include over flight and order-to-land provisions), a Mutual Legal Assistance Treaty, and an Extradition Treaty.

**Americans in St. Lucia:** More Americans visit St. Lucia than any other national group. In 2008, tourist visitors totaled almost 1 million, mainly from the United States, the United Kingdom, and CARICOM. The United States maintains no diplomatic presence in St. Lucia. The Ambassador and Embassy officers are resident in Barbados but travel frequently to St. Lucia. The U.S. Embassy in Barbados is located in the Wildey Business Park, Wildey, St. Michael (Tel: 246-436-4950; fax: 246-429-5246).



# The Caribbean

