

**Launch of Dialogue Solutions
11 October 2019**

Speaking Notes

The Honourable Mr Justice Adrian Saunders – President, Caribbean Court of Justice

Expression of Thanks to Mr Reginald Armour, Chairman - DSL, for the invitation to the launch of Dialogue Solutions and Mr Seeraj Gajadhar, CEO - DSL, for taking care of the logistical support.

First of all I wish to endorse the concept advocated for by Dialogue Solutions because I am firmly of the view that the best resolutions to any dispute are those that emerge from meaningful engagement and consistent dialogue between or among the parties to a dispute.

Disputes are not new to society. Non-judicial/dialogue-based dispute management and resolution are not new products of modern society. Dialogue has pre-dated formal judicial structures, processes and institutions. It is therefore no surprise that conflict and the desire- in fact the need- for meaningful communication are intertwined into the very fabric of the human condition and existence.

When everyone speaks of ADR, in the Eastern Caribbean we have typically not considered this acronym to refer to “alternative” dispute resolution but rather to “appropriate” dispute resolution. Resolution of a dispute whether by mediation, arbitration, conciliation or otherwise should not ideally be regarded as being an alternative to the court system as much as part and parcel of an overall system that seeks to afford the most appropriate mechanism for resolution of that dispute.

ADR mechanisms enhance the efficiency and effectiveness of the justice system by expediting case flow. They take out of the system those cases that can be resolved extra judicially thus leaving judges and court staff with more time to concentrate on those matters that absolutely require judicial input.

Mediation also has a restorative, cathartic quality to it. And it provides greater flexibility in fashioning a resolution of dispute. A mediated settlement can be tailored to suit the peculiar needs of the parties as compared with the strictly defined and unyielding forms of resolution which must be adopted by a court. A mediated outcome is capable of shifting the spotlight away from rights and instead the mediator and the parties can concentrate on satisfying interests.

There is another consideration. The enforceability of decisions or judgments arrived at through mediation is always less problematic than the enforcement of judgments given by a court. The lawyers here would agree with me that winning a court case is one thing. Recovering the fruits of your judgment is quite another. The losing side after a trial often refuses to comply with the judgment, thus forcing the successful party to go back to court to seek enforcement orders. On the contrary, the consent orders arrived at through mediation are invariably complied with in a relatively prompt manner because the paying party has been involved in the process and the obligation incurred is one that has been entered into voluntarily by him.

When we commenced our court annexed mediation system in Saint Lucia all our mediators were actually trained by Trinidadian experts - people like Deborah Mendez-Bowen and Sandra Paul.

I therefore extend my congratulations and best wishes for the success of Dialogue Solutions. With such a dynamic and experienced Board, Faculty, and Resource Personnel as well as a formidable network of regional and international partners, Dialogue Solutions seems poised to contribute meaningfully to the dispute management and resolution space.