

## Launch of Dialogue Solutions

11 October 2019

### Chairman's Remarks

Reginald Armour, S.C.

#### *Salutations*

*Dialogue Solutions* is a project that is long overdue. We chose the name Dialogue Solutions very carefully.

Dialogue comes from the Greek roots dia- meaning "through" or "across" and -logue means "discourse" or "talk".

Solution is of course a means of solving a problem or dealing with a difficult situation.

What we are about at Dialogue Solutions is **more than** a dispute resolution Centre that provides mediation and arbitration.

We are about **using communication to power change**.

On the one hand, we provide the expertise to help disputing parties engage in structured dispute resolution methodologies such as Arbitration and Mediation, which is faster, cheaper, more efficient and far more likely to preserve – perhaps even strengthen- relationships. To this end it is worth pointing out that members of our Board have been key to drafting the Arbitration Bill for Trinidad & Tobago, which will **modernise the legal framework for arbitration** in Trinidad and Tobago, bringing the legislation in line with international standards and the UN Commission on International Trade Law. This will impact positively not just on domestic business operations - by improving the speed and efficiency with which disputes can be resolved **but also**, on the country's international investment framework - by building much greater confidence in the investment climate and on the ease of doing business in Trinidad and Tobago.

As I have pointed out elsewhere, the World Bank has identified in its 2019 '*Ease of Doing Business*' report that the cost and slow pace of litigation has become a challenge to business development. This country ranks **105 out of 190 countries for ease of doing business**; 30 points behind Jamaica, 12 points behind St Lucia. A significant aspect of that rating has to do with how disputes are resolved. In fact, the report points out that those countries whose ratings improved over the last year are those that introduced Alternative Dispute Resolution into their legislative frameworks. ADR is clearly worth considering as a good business decision.

I bring this to your attention to underscore the importance of the Alternative Dispute Resolution services that *Dialogue Solutions* now provides.

Our company, *Dialogue Solutions* has already trained more than twenty new mediators and twenty arbitrators certified by the UK based Chartered Institute of Arbitrators, adding to our already impressive roster of ADR practitioners with specialties in a variety of disciplines, including construction, energy, insurance, sports, medical negligence, land surveyors, shipping and industrial relations.

But let me also point out that *Dialogue Solutions* does not see itself as operating exclusively for the benefit of the private sector. Alternative Dispute Resolution is as effective for workers as it is for employers. The **zero-sum approach** to employee-employer disputes often amounts to a **no-one wins outcome**. Indeed, we recognise the importance of effective collective bargaining and supporting dialogue between social partners and stand ready to provide expert support to authorities, businesses, unions and workers alike.

At the same time, *Dialogue Solutions* is about creating space for solutions to be generated through constructive dialogue. We all agree that **dialogue-based-problem-solving supports better choices and better outcomes**, but we often lack the capacity to explore solutions by listening - l.i.s.t.e.n.i.n.g- to other points of view.

Generating options from opposing positions is a critical skill that takes experience and training. This is what we call 'Integrative Negotiations', which allows us to **expand** the resource pie rather than just **divvy up scarce resources**, and at *Dialogue Solutions* we offer that expertise.

Defending and growing our democracies may often require taking challenges to court, but litigation is not always in the country's best interest. We hold no brief for anyone here. **Dialogue Solutions is a non-partisan entity committed to supporting and promoting the highest standards of Alternative Dispute Resolution through provision of excellent administrative and support services, internationally certified training and strict adherence to a code of ethics informed by the principles of independence and non-partisanship.**

From that vantage point we also plan to generate dialogues around developmental issues that we hope will encourage ways of thinking through problems that impact on national growth and development. At the heart of good governance and sound democracy is dialogue. In ancient Greece, conversation was at the heart of the "Socratic method," through which Socrates would ask probing questions which cumulatively revealed unsupported assumptions and misconceptions. Asking a series of questions was considered by Socrates a method of "giving birth" to the truth. The goal was to elicit a clear and consistent expression through dialogue of something that could provide new insights to all involved. Today, in very practical terms, we recognise that at the heart of the implementation of the United Nations Sustainable Development Goals for instance, is dialogue: **using communication to power change.**

*Dialogue Solutions* is a regional initiative with global reach. Speaking at the United Nations last month, the Prime Minister of Trinidad and Tobago identified this region as a "Zone of Peace" and said that if it is to remain so, "Dialogue is critical and indispensable". Today the Prime Minister of Ethiopia, Abiy Ahmed Ali, was awarded the Nobel Peace Prize for reaching across the divide to **dialogue** with the country's former enemies. What we are participating in this evening - with the launch of Dialogue Solutions - is **a meaningful commitment to creating zones of Dialogue.** We have built - and continue to build - relationships with like-minded national, regional and international organisations that will support us in standards setting and expansion of ideas. Organisations such as the *Trinidad and Tobago Chamber of Industry of Commerce*, with whom we have a close working relationship, the *Dispute Resolution Foundation of Jamaica*, the *BVI International Arbitration Centre*, the *Centre for Effective Dispute Resolution and Oxford Process* in the United Kingdom, the *Clingendael Institute* of The Netherlands, and the *Asian International Arbitration Centre* in Malaysia.

As I close, permit me to introduce the people behind *Dialogue Solutions*:

The Board of Directors:

**Anthony Vieira**, Independent Senator, with a long, long history of alternative dispute resolution throughout the Caribbean with considerable experience in sports and intellectual property. **Anthony** has served on the Mediation Board. He was a key member of the Arbitration Bill Drafting Committee that helped draft the Arbitration Bill;

**Dr. Axel Kravatzky**, who, together with Leslie Clarke and others, founded the **Caribbean Corporate Governance Institute**. **Axel's** expertise is in corporate governance and problem solving through structured communication. Very regrettably, **Axel** is unable to be physically present with us this evening though he is very much present in spirit and commitment. He was called away to Germany at short notice on urgent family matters.

**Dennis Gurley, S.C.**, former Chairman of the Board of the Dispute Resolution Centre. Dennis has had a long and substantial career in alternative dispute resolution, including as a critical member of the team who delivered the Judiciary's Court Annexed Mediation projects and also a key member of the Arbitration Bill Drafting Committee;

**Leslie Clarke**, aptly described as "punching above his weight". He is founder and Managing Director of Murphy Clarke Financial. Leslie is a visionary who makes things happen and a champion of ethical standards;

There is me. **Reginald Armour**. Odd for me to introduce myself but ... here goes... to those of you who know me I am probably the surprise of the Dialogue Solutions family, given that in my 30 odd years as a Court practitioner my arena has been that of tough adversarial combat litigation, whose vocabulary is that of "fighting" for my clients ..."winning" and "losing battles". My introduction to alternative dispute resolution occurred in a period when I was a temporary High Court Judge for only 6 months to help clear backlog. As a Judge I saw dispute resolution from the other end of the spectrum and, it was for me a **lightbulb moment**: In my limited 6 months I introduced voluntary ADR: **3 Rules**: 1) Round Table; 2) No Rules of Evidence & 3) Clients must be present. A life changing experience! ***The Litigants owned the result!!!***

We could not launch *Dialogue Solutions* without **Our Special Invitee, Her Honour Elizabeth Solomon** who, along with the President of the Industrial Court Her Honour Mrs. Debra Thomas Felix grace us today with their presence.

A special welcome to Her Honour President Thomas Felix.

**Elizabeth** is the Founder of *Dialogue Solutions* and *Director Emerita*. **Elizabeth** brought us all together around this vision, over the past year or so and has worked a miracle with *Dialogue Solutions*, to enable us so proudly today to launch this Visionary Undertaking. She is a member of the Mediation Board and former Chair of the Arbitration Bill Drafting Committee.

**Elizabeth** has stepped away as a Director of our Board to take up her current post as a Judge of the Industrial Court of Trinidad and Tobago. *Dialogue Solutions* takes this opportunity to congratulate Her Honour on her elevation to the Bench of that very important Dispute Resolution National Court. Significantly, this country's commitment to "*inducing the settlement of ...dispute[s] by amicable agreement*" has its origins in s. 9(3) of the **1965 Industrial Stabilisation Act**, a commitment which continues through court encouraged '*settlement of disputes by conciliation*' under the 1972 Industrial Relations Act (s. 12). To that Court Elizabeth brings 17 years experience as a conflict prevention and peace building practitioner, first with OXFAM and then with the United Nations, in Kosovo, Bosnia, Somalia, Cyprus & Sierra Leone, to name only a few.

***Dialogue Solutions* wishes her well.**

We have no doubt that, wearing her other hat, she will continue to be a strong advocate for the role of women in all Dialogue Processes as this country's Representative on the Women Mediators Across the Commonwealth Network.

**The Team:**

**Seeraj Gajadhar** our *Chief Executive Officer* is well known to some of you for the corporate governance work he has been doing with *Syntegra* and the *Chambers of Commerce*. He will soon become well known to the rest of you.

A little-known secret is that **Seeraj** also has a Master's in Mediation.

**Christiane Hope** our *Business Operations Co-ordinator* has considerable experience with alternative dispute resolution and comes straight to us from the T& T Chamber of Commerce Dispute Resolution Centre. **Christiane** has been an integral part of *Dialogue Solutions* from inception.

**Reyanna Sankar** our hard working and dedicated project assistant who has been interning with us for several months.

We are very proud of our small Team and confident that our clients are in good hands.

#### **APEX**

And finally, let me draw your attention to our website and the presentation by our partners at **APEX**. Through our collaboration with the **APEX** system used by the Caribbean Court of Justice, we have embraced fully the technological advances in On-Line Dispute Resolution that is necessary to improve our efficiency for our clients even as we protect clients' confidentiality and respect the unique ADR processes. We take the opportunity to thank the **Right Hon. Sir Dennis Byron**, retired President of Caribbean Court of Justice for introducing us to **APEX**.

#### **Watch This Space!**

*Dialogue Solutions* is becoming the industry leader in all areas of Alternative Dispute Resolution in Trinidad and Tobago and the wider Caribbean.

*Thank you, welcome and we look forward to you all spending some time with us.*