

Opening speech by Jamela A. Ali, Attorney at Law, Mediator, brainchild and Founder of Mediation Services International (MSI) on behalf of the Supreme Court of Judicature of Guyana in collaboration with the Judicial Reform Institutional and Strengthening (JURIST) Project of the Caribbean Court of Justice on May 21 & 22, 2018 at New Amsterdam, Berbice. This initiative was funded through the Government of Canada.

1. I am pleased to be in the vibrant County of Berbice and acknowledge the warm welcome received so far.
2. Court connected Mediation was introduced in Guyana in 2003. However, it was on the 6 February 2017 when the Civil Procedure Rules 2016 came into effect that rules were introduced for Mediation. Part 26 of the CPR dealt with court connected mediation, the power of the court to order Mediation, the procedure for court appointed Mediation, the outcome of mediation and consequences for failing to comply with order to attend mediation or refusing to engage in discussion of the issues or generally frustrating the process.
3. I recall attending a meeting on the 23rd March 2017 with the Honourable Yonette Cummings-Edwards, Chancellor ag, the Honourable Roxane George, Chief Justice ag, Dr Penny Reddie and her team from the Jurist Project. It was at that meeting that our hardworking Chancellor and Chief Justice, two high achievers of the judiciary, and I might add, females, that the issue of Mediation training was raised.
4. The first Mediation training in Guyana took place in 2003 and a group of 24 lawyers were trained as Mediators. This batch was expanded and persons from other professions and disciplines were subsequently trained. There were further courses, Advanced Training and Refresher Training.
5. We all know what is Mediation. It is a voluntary process in which parties to a dispute actively try to work out their own agreement of the issues between them with the assistance of a trained neutral independent third party, the Mediator. With the CPR, the Courts have the power to direct that a matter go to mediation.

6. I had a vision that the shift from voluntary mediation to court directed mediation would lead to the swifter development of mediation and need for services. Secondly, it was also recognised that there was a gap as since 2010- 2011, Mediators received no court connected training. With this in mind, MSI was born with a three fold purpose, to assist in the support of alternative dispute resolution by offering mediation training, mediation services and public awareness.
7. As mentioned earlier, Part 26 of the CPR has given the Court the power to order mediation. As Judges utilise this power, this will inevitably lead to the increased use of mediation, thus giving mediators the opportunity to develop the skills learnt.
8. Cost reduction and speedy resolution of disputes are the biggest benefits to the litigants, so perhaps channeling some effort in the direction of making the Berbicans aware of Mediation might be useful.
9. I am delighted that the present acting Chancellor the Honourable Madam Justice Yonette Cummings-Edwards has continued the development of mediation led from 2003 to 2017 by the former acting Chancellor Carl Singh and is at the helm of arranging this refresher mediation training. This Mediation training indeed represents a further initiative by the head of our Judiciary to improve our justice system so as to give improved effect for court connected mediation.
10. In 2011, a group of persons were trained as Mediators in Berbice. Notwithstanding I am informed that Berbice is not a litigious County as Demerara, it is of concern that Mediation in Berbice has been almost non existent. Mediators have not been given the opportunity to utilise their skill. The Berbice Mediation Centre which I understand is not only a new building and I told much nicer and more equipped than the Georgetown Mediation Centre has also been under utilized since its opening in September 2014.

11. Since interest in mediation in Berbice has been low key, it is not surprising that in 2018, the numbers of mediators have dwindled a bit, for various reasons. But what is of significance is that Mediation seems not to have been developed or encouraged in Berbice and Mediators not given much opportunity to utilise their skills acquired since 2011.

In this regard, It is our objective that at the end of the session tomorrow, the mediation skills of the participants would have been strengthened and sharpened, there will be a renewed interest for mediation in this beautiful County of Berbice so that Berbicians can utilise the newly constructed Berbice Mediation Centre and benefit from your skill.

12. Mediation skills can be applied internationally. Even though you the participants may not have utilised your mediation skill in a court connected setting, I am sure you were able to use this ADR technique in your everyday life, whether business or personal as your Mediation skill would have equipped you with the ability to listen effectively and to develop positive communication.

13. With increased mediations, these will be less trials for our hardworking Judges, and the backlog will be reduced. For the litigants, there will be less cost, faster resolution of their disputes and preservation of business relationships and friendships.

14. In closing, I recognise the herculean efforts of our Chancellor and the Chief Justice, always in the forefront of taking steps to improve access and delivery of justice, which must not go unnoticed, for recognising the need for refresher training for the Mediators after a hiatus of 7 long years.

15. Finally, I must say that this event was made possible by Judicial Reform and Institutional Strengthening (JURIST) Project led ably by Mr John Furlonge Regional Project Coordinator and Alison Ali in the planning stages and now recently appointed Regional Project Director, Gloria Richards Johnson, the CCJ

and the Canadian Government. I hope there that there will be continued support and collaboration.

16.I end by leaving with you a quote emphasising the benefits of Mediation “*An ounce of mediation is worth a pound of arbitration and a ton of litigation!*” - Joseph Grynbaum”