

INTERNATIONAL ALTERNATIVE DISPUTE RESOLUTION CONFERENCE – 17/5/2024
OPENING STATEMENT BY HON. CHIEF JUSTICE OF THE GAMBIA



The Retired Chief Justice of Rwanda, Justices of the Superior Courts of The Gambia, Hon Attorney General and Minister of Justice, The President of The Gambia Bar Association, and members of the Bar, distinguish guests, both in person and virtual, from Rwanda and the United States of America, Mr Elysee Sindygaya of the American Bar Association, ladies and gentlemen.

It is with great pleasure that I welcome you all to this important event in the calendar of Judiciary – a one-day International Alternative Dispute Resolution Conference under the theme:

“Enhancing Access to Justice Through Mediation.”

It could be recalled that it was in 2021 that the idea of reviving the then dormant court-connected Alternative Dispute Resolution (ADR) system gained momentum and a one-day conference was held to comprehensively discuss the issue of ADR in our courts and map out a strategy on how to move forward in re-introducing the system to better enhance our processes and improve access for all stakeholders.

Following that Conference, I constituted the Court Connected ADR Committee, chaired by Hon. Justice Omar M.M. Njie JSC, assisted by Hon. Justice Zainab Jawara Alami of the High Court together and other members drawn mainly from the Private Bar, to work with the Office of Chief Justice to ensure that all necessary measures are taken for the successful adoption and implementation of ADR as part and parcel of our justice delivery mechanism.

Indeed the effective use of mediation and other forms of ADR for the timely and cost-effective settlement of cases filed in our courts is at the heart of the Judiciary's Strategic Plan 2021-2025, as embodied in Goal 4 of the Plan which is to: *Improve Efficiency of Court Processes and Service Delivery* and Goal 7 which is to: *Improve Access to the Courts and Tribunals*, with the expressly stated aim that: *"The Court Connected Alternative Dispute Resolution System will also be reviewed, revived and strengthened to reduce the burden on the court system."*

With the tremendous support of the American Bar Association Rule of Law Initiative: Promoting Rights and Justice in The Gambia, the Judiciary now has in place appropriate Rules of Court and well-trained Mediators drawn mainly from the private Bar, to better harness the benefits of ADR in our court system.

Also, using our very limited financial resources, the Judiciary is now providing adequately equipped premises to Mediators for dealing with cases referred for mediation by Judges as required by the High Court ADR Rules 2023.

The main purpose of reviving the Court Connected ADR system is to decongest the courts by significantly reducing the number of cases Judges have to deal with at the trial level, thus freeing up precious judicial resources, and giving judicial officers more time to handle really contentious matters and those of greater public importance.

As the people in the Gambia come to increasingly rely on what they undoubtedly see as an independent and impartial Judiciary, a larger number of cases are being filed in our courts daily, at a time when we are finding it increasingly difficult to recruit suitable candidates to the higher bench, due mainly to inadequate remuneration of judicial officers among other things.

The Mediators who have been trained and certified by the renowned Edwards Academy, with the help of the Weinstein Foundation of the United States of America, for which we are immensely grateful, are mainly Legal Practitioners who are familiar with the justice system here and will no doubt be a positive addition to the judicial ecosystem. I therefore urge stakeholders to give them every support to make this venture a resounding success.

The Judiciary has plans to expand the pool of ADR Practitioners to include non-lawyers from every sector of the economy as obtained in other jurisdictions such as the United States where the use of ADR is very much part and parcel of the justice delivery system and where close to 75% of cases are settled by some form of ADR before they reach trial stage.

I once again wish to remind legal practitioners and all other stakeholders that under the new Rules of Court, for most types of cases, a party is required to have tried ADR before filing a matter in court, and once in court, referral to ADR is also compulsory, even though the settling of cases by means of ADR is voluntary and party-driven, where the interest of the litigants is at the centre on the process.

The appropriate use of ADR processes saves time, is cost-effective, and a successful outcome results in a win-win situation, preserving relationships that could have been damaged by an acrimonious litigation process.

I therefore urge all of you to support the process so as to make it a success, not just for the Judiciary but for the entire economy, as it could increase investor confidence in the country, and by extension for the people in general, in terms of better access to justice.

Finally, hereby declare this one-day *International Alternative Resolution Conference* open.

I thank you.