



Resolving Disputes Through Alternative Means

Challenge

Over the past twenty years, inefficient systems in the justice sector and underpaid, inexperienced staff have led to a massive backlog of cases before the courts in Guyana. This has significantly increased the length of time between indictment and the actual trial. In many cases, individuals may serve more time in prison waiting to go to trial than the eventual sentence time – not to mention the injustice to those who are acquitted. Currently, there are approximately 15,000 civil and criminal cases before the courts, some pending for more than seven years. In Guyana ‘justice delayed is truly justice denied’ and has spawned widespread dissatisfaction and frustration among citizens.



Photo: USAID/Carter Center Melanie Reimer

Guyanese lawyers being trained in mediation techniques, prior to the opening of the Mediation Center.

“I did not know the matter could be settled so easily, I could have saved time and money.”

- Guyanese litigant

Results

By March 2004, ninety-eight cases had been referred to the new system. Some cases were challenging – one involved a bitter split between factions of a church (the first case settled under the pilot project) and another involved a land dispute among family members. As the mediation project becomes more integrated into the justice system, more judges refer cases to mediation. The Chief Justice and Chancellor placed considerable influence behind further development of ADR in Guyana and attorneys are volunteering cases for mediation.

In Guyana’s 2003 Annual Court Registry Report, the registrar gave a ringing endorsement of ADR, and the Attorney General also voiced his support for the project. These are all clear indications that court-assisted mediation, a technique in which justice personnel had no prior experience, is now not only being enthusiastically supported by Guyana’s justice sector, but increasingly accepted by its citizens as a means to resolve disputes in a timely manner.

Initiative

In 2003, USAID undertook an Alternative Dispute Resolution (ADR) program to address the backlog of cases in Guyana. A pilot project provided training to twenty-four Guyanese lawyers and established an mediation center.

Initially, seven types of civil cases were identified as being eligible for the pilot project – criminal and family cases were excluded. In addition, a new course on ADR was introduced in the curriculum of the University of Guyana Law Department. Two Guyanese non-governmental organizations – the Guyana Bar Association, and Guyana Association of Women Lawyers – proved to be strong advocates for ADR, providing an invaluable foundation of leadership and support for USAID’s initiative.

