

## Newsletter 12 November 2019

### **OHADAC event: Keynote speech by Sir Dennis BYRON at the first conference on the OHADAC Centre for Arbitration and Mediation 24 October 2019 / Pointe-à-Pitre, Guadeloupe**



Well-known Caribbean figure, Sir Dennis BYRON is a long-time supporter of the OHADAC project.

Sir Dennis has been a member of the Privy Council of Her Majesty, Queen Elizabeth II since 2004. He is the former President of the Caribbean Court of Justice, as well as of the International Criminal Court for Rwanda, set up by the United Nations in Arusha, Tanzania, to hold accountable the persons responsible for the genocide which took place in Rwanda between 1<sup>st</sup> January and 31<sup>st</sup> December 2004.

Sir Dennis started his career as a Barrister, before being appointed a Judge on the Eastern Caribbean Supreme Court. He played a central role in setting up reform justice programs in English-speaking Caribbean jurisdictions at the end of the 1990s. Thanks to these reforms, a Civil Procedure Code was introduced in 2000; a Code of Ethics for Judges was adopted, and innovative mechanisms to administer procedures were introduced, guaranteeing increased access to justice.

Further to these achievements, Sir Dennis was appointed President of the Caribbean Court of Justice, which position he held until his retirement in June 2018.

A noted figure in the defense of human rights, Sir Dennis conducted missions in Zimbabwe for the Institute of Human Rights of the International Bar Association, before being appointed in 2004 as a Judge on the International Criminal Tribunal for Rwanda (ICTR), established by the United Nations in Arusha (Tanzania). He then acted as President of the ICTR from 2007 to 2011.

In his keynote address, Sir Dennis highlighted the progress accomplished by the OHADAC project in its first phase, the difficulties that remain as far as regional integration is concerned, and Caribbean countries' need for reliable, transparent and accessible means of dispute resolution:

Sir Dennis recalled the memorandum signed between the Caribbean Court of Justice and OHADAC during his term as President. He was already convinced that OHADAC would be a 'champion' of the process of economic integration in the Caribbean.

However, this process is slow, and challenging. Though many States have adhered to the initiative, the perception of their national interest often prevails over “working together”; the project’s model laws have still not been adopted by many States in the region, despite their recognition that legal and regulatory certainty is crucial to regional integration.

The vision of OHADAC is wide-ranging in scope, as it not only covers Caribbean island States, but also countries of Central and Latin America – over 200 million people – which gives credibility to the project and also assures the confidence of entrepreneurs. These entrepreneurs currently need to go to arbitration centres in London and New York to settle their disputes. However, the future OHADAC Centre for arbitration and mediation will offer the same standards of quality, independence, and competence.

In my capacity as former Director of the Association of the International Arbitration Chamber for the English-speaking Caribbean, I realize that most States in the OHADAC zone have tended to set up individual arbitration centres. These centres will inevitably compete with each other. The success of the future OHADAC arbitration centre will be defined by its ability to function at the communal, *i.e.* the regional level, by being a centre shared by the different States in the zone.

Sir Dennis also welcomed the endorsement of the project by the Chamber of Commerce of Guadeloupe, whose support is key to the success of the future Arbitration Centre.