



## Public dialogue

# Customary and informal justice providers accelerating achievement of SDG16

October 10, 1:15-2:45pm

Uganda House 336 E 45th St, New York City

### Overview

Customary and informal justice systems act as critical pathways in justice journeys and are significant to fulfilling the promise of justice for all reflected in SDG16+. In contexts where the state is not the main provider of justice for most citizens, customary and informal systems are used to tackle a broad range of disputes and legal problems. Their users are disproportionately women, the poorest, and members of marginalized communities. Yet customary and informal justice systems receive insufficient attention from the international donor community.

To better understand how efforts to achieve SDG16+ can engage with the reality of customary and informal justice systems, Cordaid, the International Development Law Organization (IDLO), the Overseas Development Institute (ODI), and the Pathfinders at NYU's Center on International Cooperation, have organized a public dialogue on customary and informal justice. Co-hosted by the Permanent Missions of Canada and the Republic of Uganda to the United Nations, the public dialogue will feature leading scholarly and policy voices in the field, and bring into focus effective means for policymakers to integrate customary and informal pathways to justice in ways that recognize both the unique advantages and significant risks associated with these systems.

The public dialogue will be a lively exchange, with a moderator engaging respondents around a set of framing questions and facilitating dialogue with the audience to spotlight key insights for policy and practice that might inform a more effective approach to customary and informal justice systems.

### Welcome

- Amb Philip Ochen Odida, Deputy Permanent Representative, Permanent Mission of the Republic of Uganda to the United Nations

### Opening remarks

- Ms Victoria Tauli-Corpuz, UN Special Rapporteur on the rights of indigenous peoples

### Panellists and discussants

- Dr Ed Laws, Senior Researcher, Overseas Development Institute UK
- Mr Adam-Shirwa Jama, Country Director, IDLO Somalia
- Ms Aparna Basnyat, Programme Specialist Rule of Law, Justice and Human Rights, UNDP



- Ms Vanessa Wyeth, Senior Political and Public Affairs Officer (Peacebuilding), Permanent Mission of Canada to the United Nations
- *Moderator:* Mr David Steven, Pathfinders, NYU Center on International Cooperation

## Background

More than five billion people live outside the protection of the law and are excluded from shaping it. As a result, they are often denied their rights by power-holders, marginalized by their families and communities, displaced from land, and subjected to violence without remedy. Experience of injustice is acknowledged as a key conflict driver. To tackle this global justice gap, the 2030 Agenda commits UN Member States to ensure equal access to justice for all. This has become a key focus of Member States and civil society in their efforts to achieve SDG16+, and by extension, of the 2019 High-Level Political Forum (HLPF) and SDG Summit intended to accelerate progress toward that Goal. At the HLPF earlier this year, the Pathfinders' Task Force on Justice, led by Argentina, The Netherlands and Sierra Leone, together with The Elders, set out an agenda for action for the achievement of that goal; the *Justice for All* report concluded, based on extensive analysis of available evidence, that countries must put people at the heart of their justice systems.

In order to achieve justice for all, the Task Force on Justice recommends that countries build more coherent and inclusive justice systems, by supporting the people who provide justice. In fragile and conflict-affected contexts in particular, the vast majority of justice seekers resolve their problems outside the formal justice system. Justice seekers in those contexts resort to a broad range of customary, indigenous, religious, community-based, and other informal justice mechanisms. Such diverse pathways often have the merit of being more grounded in the communities they serve, and are better able to address considerations relating to accessibility, cost, and proximity. They tend to exhibit different characteristics from their formal state counterparts, including an emphasis on restorative justice, flexible rules and procedures, and consent-based negotiated solutions that are culturally relevant. These characteristics can be advantageous, but also create tension with human rights and normative notions of justice and its delivery, including rule-based decision-making, consistency, predictability, sentencing and due process standards, procedural safeguards, accountability, and political independence.

Despite the empirical reality of justice pluralism, international rule of law programming continues to crowd resources into formal justice systems and replicate solution-driven assumptions about how change will happen. In order to spotlight the importance of customary and informal systems in realizing justice for all, and shaping the debate around SDG16+ implementation, several new knowledge products were launched in 2019, including:

- IDLO's *Navigating Complex Pathways to Justice: Engagement with Customary and Informal Justice Systems*, a two-part report including a [Policy and Issue Brief](#) and a [Practitioner Brief](#)
- Cordaid and ODI's [Diverse Pathways to Everyday Justice](#)

These reports offer key insights to address the needs of justice seekers through customary and informal systems, by engaging with their distinct value, public legitimacy, and complex risks and

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opportunities in context; seek to better understand justice gaps; and grapple with entrenched discrimination and rights abrogating practices.

Drawing on the findings and good practices outlined in these reports, the public dialogue will facilitate an in-depth exploration of the opportunities and challenges posed by customary and informal justice systems, grounded in country-level experiences. Of relevance to national governments, practitioners, and international donors, the event will highlight what works to reduce justice gaps and curb rights-abrogating practices, and ultimately ensure that no one is left behind.