



**REGIONAL FORUM**  
**ALTERNATIVE DISPUTE RESOLUTION & CUSTOMARY AND INFORMAL JUSTICE**  
**THEME: ADVANCING SDG-16 AND PATHWAYS TO JUSTICE**

2-3 March 2020

Nairobi, Kenya

TIME	ACTIVITY
<b>SUNDAY 1 MARCH 2020</b>	
Arrival and Registration: SAFARI PARK HOTEL, NAIROBI	
3:00pm – 7:00pm	Arrival of participants  <i>Facilitated by: IDLO, JUDICIARY and ICJ</i>
7:00pm - 8:30pm	Dinner
<b>DAY 1   MONDAY 2 MARCH 2020</b>	
8:30am - 9:00am	<b>Registration</b>
	Guiding Questions for the Forum <ul style="list-style-type: none"> <li>What is the role of alternative dispute resolution (ADR) and indigenous and other traditional or customary justice systems to help realize SDG 16 and international human rights and rule of law standards?</li> <li>How can we ensure equal access to justice for all, especially for the poor and most marginalized?</li> <li>What are the challenges within ADR and indigenous and other traditional or customary justice systems, including in fragile and post conflict contexts? How do these challenges affect access to justice for the poor and most marginalized?</li> <li>What are good practices to ensure that justice seekers are able to access justice, while navigating parallel or overlapping legal systems?</li> </ul>

<p>9.00am – 11.00am</p>	<p>Opening remarks:</p> <ul style="list-style-type: none"> <li>• IDLO</li> <li>• ICJ Kenya Council)</li> <li>• Ministry of Foreign Affairs of the Kingdom of Netherlands</li> </ul> <p>Keynote Address: Chief Justice and President of the Supreme Court of Kenya</p> <p>High level panel discussion to set the context in relation to customary and informal justice mechanisms and ADR:</p> <ul style="list-style-type: none"> <li>• <i>Judiciary Perspective: (South Africa)</i></li> <li>• <i>Ministry of Justice (Somalia)</i></li> <li>• <i>Office of the Attorney General (Kenya)</i></li> <li>• <i>Ministry of Foreign Affairs of the Kingdom of The Netherlands</i></li> <li>• <i>Leading Scholar on African Customary Law (Swaziland)</i></li> </ul> <p><i>Moderated by: Conference Moderator</i></p>
<p><b>11:00am - 11:30am</b></p>	<p><b>Group photo and Coffee Break</b></p>
<p>11:30am-1:00pm</p>	<p>Exchange of information and perspectives on national legal and policy frameworks on ADR and customary and informal justice to advance SDG 16.</p> <p>Presentation by ADR Steering Committee on Kenya Country experience as well as other country experiences:</p> <ul style="list-style-type: none"> <li>• Sierra Leone</li> <li>• South Africa</li> <li>• South Sudan</li> <li>• Somalia</li> <li>• Tanzania</li> <li>• Uganda</li> <li>• Zambia</li> </ul> <p>Questions for consideration:</p> <ul style="list-style-type: none"> <li>• Are ADR or traditional or customary systems recognised in the Constitution or other laws?</li> <li>• What formal or informal provisions or mechanisms govern the relationships between the systems?</li> </ul>

	<ul style="list-style-type: none"> <li>• How is jurisdiction defined or determined, with particular attention to the character of matters, applicable law or regulation, geographic location of facts or litigants, and personal status?</li> <li>• How are conflicts or overlap between systems resolved?</li> <li>• To what extent do national courts enforce or otherwise give effect to ADR or traditional or customary decisions?</li> </ul> <p><i>Moderated by: Justice Kathurima M’Inoti-Director-Judiciary Training Institute (JTI) Kenya</i></p>
<p><b>1:00 pm–2:00pm</b></p>	<p><b>Lunch Break</b></p>
<p>2:00pm –3:30 pm</p>	<p>Practical challenges to accessing justice through ADR or customary and informal justice.</p> <ul style="list-style-type: none"> <li>• <i>Challenges related to accessing justice in legal pluralist systems in general ?</i></li> <li>• <i>Participation of special interest groups with specific challenges and protection of their rights e.g ; women and children at risk of discrimination and harmful practices seeking justice with AJS ?</i></li> <li>• <i>Ensuring due process in ADR and procedural safeguards, including accountability o CIJ actors.</i></li> </ul> <p>Presentation by Alternative Justice Systems Task Force Kenya followed by a panel of:</p> <ul style="list-style-type: none"> <li>• Federation of Women Lawyers FIDA (collated feedback from Kenya, Uganda, South Sudan and Tanzania)</li> <li>• Legal Resources Foundation-Kenya</li> <li>• TRACE program – Zimbabwe</li> </ul> <p><i>Moderated by: IDLO</i></p>
<p>3:30pm-4:30 pm</p>	<p>Recommendations for a framework to monitor the use of ADR and customary and informal justice in advancing SDG 16 in a manner consistent with international and regional human rights and rule of law standards:</p> <p>Presentation by Oslo Governance Centre (TBC) followed by a panel of:</p> <ul style="list-style-type: none"> <li>• IDLO</li> <li>• Cordaid</li> <li>• UNDP Somalia</li> </ul> <p><i>Moderated by: ICJ Kenya</i></p>

<b>4:30pm</b>	<b>Coffee Break and Networking</b>  <b>Debrief session for the Forum Conveners</b>
<b>DAY 2   TUESDAY 3 MARCH 2020</b>	
8:30am -9:00am	Recap of Day 1 by Forum Moderator
9:00am-10:30am	<p>Relevant international and regional rule of law and human rights standards and mechanisms.</p> <p>Presentation by UN Special Rapporteur on rights of indigenous peoples of findings and recommendations of her 2019 report on indigenous justice, followed by a panel of:</p> <ul style="list-style-type: none"> <li>• ICJ Centre for the Independence of Judges and Lawyers</li> <li>• IDLO</li> <li>• Expert, African Commission on Human and Peoples’ Rights’ Working Group on Rights of indigenous people</li> </ul> <p><i>Moderated by: ICJ Global</i></p> <p>Plenary discussion</p>
10:30- 11:30 am	<p>3 parallel break-out groups:</p> <ul style="list-style-type: none"> <li>• Role of various actors in ADR and customary and informal justice mechanisms</li> <li>• Overcoming challenges in relation to access to justice and consistency with constitutional, regional and international standards</li> <li>• How has and can the Judiciary enforce or otherwise relate to ADR and customary and informal justice mechanisms to enhance access to justice?</li> </ul>
<b>11:30am - 11:50am</b>	<b>Coffee Break</b>
11:50am–1:00pm	Break out groups continue work
<b>1:00 pm–2:00pm</b>	<b>Lunch Break</b>
2:00pm-3:00pm	A review of ADR and customary and informal justice experiences and contributions to access to justice, in line with Agenda 2030 SDG 16 targets and indicators.

	<p>Presentation of a research study in Somalia on the operation of ADR Centres with contributions from:</p> <p>Minister of Justice, Somalia</p> <p>IDLO Country Manager (Somalia)</p> <p>Lead Researcher - Somalia</p> <p><i>Moderated by: IDLO</i></p>
3:00pm – 3:45pm	Break out groups report back
3:45pm-5:00pm	Plenary discussion: How best to promote equal and effective access to justice for all through the combined efforts of the formal justice system, ADR and indigenous and other traditional or customary justice systems?
5:00-5:30pm	<p>Wrap up and closing</p> <ul style="list-style-type: none"> <li>• ICJ</li> <li>• IDLO</li> <li>• JUDICIARY</li> </ul>
<b>DAY 3   WEDNESDAY 4 MARCH 2020   Departures</b>	

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Ministry of Foreign Affairs of the  
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