
ACCESSING JUSTICE: ALTERNATIVE DISPUTE RESOLUTION IN SOMALIA

Implementer Dialogue

23rd February 2021

14:00 – 16:00 (CET)

Zoom Webinar

The International Development Law Organization (IDLO), Cordaid and the International Commission of Jurists (ICJ) are organizing an Implementer Dialogue on “Accessing Justice: Alternative Dispute Resolution in Somalia.” The Dialogue will convene practitioners in the fields of rule of law and access to justice to discuss findings from IDLO’s latest research on Alternative Dispute Resolution (ADR) centers in Somalia, while also providing an opportunity for exchange of lessons learned and good practices on strengthening linkages between formal and customary and informal (CIJ) justice mechanisms in diverse contexts.

BACKGROUND

To ensure access to justice for all and support the development of peaceful and inclusive societies and effective, accountable, and inclusive institutions under Sustainable Development Goal (SDG) 16, justice systems must innovate and meet people’s everyday justice needs. In Somalia, the Ministry of Justice has established ADR Centers as a unique model of justice delivery, facilitating settlement of disputes using informal dispute resolution, and complementing concurrent strengthening of the formal judicial system. During 2019-2020, IDLO supported the establishment of six ADR Centers in Somalia to enhance access to justice. The centers apply elements of arbitration, mediation, and other conventional ADR methods while preserving alignment with Xeer customary norms¹ and emphasizing consensus-building and voluntary agreement by the parties. Sharia laws and principles, as well as Xeer practices, may be applied, provided there is no conflict with relevant human rights provisions.

IDLO analyzed the operation and effectiveness of the ADR Centers in terms of their contribution to improving access to justice. Research findings are featured in the newly-released IDLO report titled: [Accessing Justice: Somalia’s Alternative Dispute Resolution Centers](#).

IDLO’s research shows that the ADR Centers in Somalia improved the availability and accessibility of justice in the country, contributing to access to justice for all. The ADR process also helped

¹ Xeer is a customary code of conduct used to settle disputes. It maintains widespread legitimacy and use within Somalia.

prevent escalation of conflict and offered timely dispute resolution with tailored solutions. According to the research, ADR Centers in Somalia offer simple, proportionate, and sustainable alternatives to formal justice, while empowering justice seekers.

However, research also points to important challenges and gaps that need to be addressed. Notably, inequalities persist, and representation of women and minorities must be enhanced. Further, the capacity and skills of ADR actors should be strengthened, especially on jurisdiction, legal and human rights standards, and safeguards for the vulnerable, including children and women victims of violence. These challenges are common to the many contexts globally in which CIJ systems play a significant, if not preponderant, role in addressing the everyday justice problems of women, men, and communities.

OBJECTIVES

The Implementer Dialogue will aim to achieve the following:

- Share evidence-based learnings regarding the progress, quality and responsiveness of ADR centers as a justice mechanism in Somalia, particularly with respect to access to justice for marginalized populations, with consideration of available resources and the existing political, socio-economic and service environment.
- Drawing on the detailed case study in Somalia and comparative cases, identify and evaluate pathways for strengthening and coordinating linkages between the formal justice system and CIJ systems, to improve access to justice in diverse contexts
- Convene relevant practitioners, policymakers and researchers to enhance coordination and foster collaboration on programming and policy to improve access to justice through CIJ systems

AGENDA

14:00 – 14:10: Welcome and Opening Remarks

Moderator: Dr Ilaria Bottigliero - Director, Policy, Research and Learning, IDLO

14:10 – 14:25: Accessing Justice: Somalia’s Alternative Dispute Resolution Centers- Findings from IDLO’s report

Raffaella Pizzamiglio – Research Specialist, IDLO

14:25-14:40: Follow-up: Updates on IDLO Programming on ADR Centers

Adam-Shirwa Jama – Country Director, Somalia, IDLO

14:40 – 15:00: Q&A on the Somalia Report

15:00 – 15:15: Comparative experience from South Sudan,

Garnet Maina - National Secretariat Coordinator (South Sudan) Just Future, Cordaid

15:15-15:30: International Commission of Jurists “Principles on Indigenous and other Customary or Traditional Justice Systems, Human Rights, and the Rule of Law”

Dr. Justice Mavedzenge – Global Lead on Independence of Judges & Lawyers, ICJ

15:30-16:00: Moderated Discussion

ORGANIZERS

The nature of rule of law programming is changing in response to a series of external and internal drivers. Today, concerted efforts to strengthen the rule of law are more necessary than ever in a rapidly changing world characterized by growing insecurity and instability, recurring and protracted conflict and violence, increasing inequality, exclusion and discrimination, where international human rights and humanitarian norms have come under attack.

Since 2014, the **International Development Law Organization (IDLO)** has collaborated with the rule of law community in The Hague to convene implementing organizations, research institutes and representatives of the Ministry of Foreign Affairs of the Netherlands for exchanges in a flexible and informal format. These Implementer Dialogues bring together practitioners and policymakers to share and discuss good practices in specific geographic areas or themes of relevance to the rule of law. This dialogue series seeks to align with other international initiatives, events and debates in relation to Sustainable Development Goal 16 of the 2030 Agenda.

To help realize Sustainable Development Goal 16, IDLO has also produced a series of publications on engaging with customary and informal justice systems to advance policy dialogue and distil lessons from programming and research, with the aim to help strengthen these systems as an integral part of providing access to justice for all. The publications bring together current research, expert perspectives and programmatic experience, internal and external to IDLO, in Burundi, Kenya, Kyrgyzstan, Mali, Peru, and Somalia, among others. The report on *Accessing Justice: Somalia's Alternative Dispute Resolution Centers* is the latest report in this series. The publications have informed several multi-stakeholder consultations held by IDLO throughout 2019 on customary and informal justice systems, their value added in ensuring no one is left behind in the race to realizing Agenda 2030, as well as tensions and complexities.

Cordaid is an international humanitarian and development organization based in The Netherlands. Cordaid empowers security and justice seekers and civil society to demand people-centered, accountable and inclusive security and justice services, and strengthens the capacity of both formal and informal institutions to respond effectively. Cordaid delivers programming at country level in fragile and conflict-affected states including Afghanistan, Burundi, the Democratic Republic of Congo, Iraq, Mali and Uganda, and advocates for acceleration of progress on SDG16 at regional and global levels.

The **International Commission of Jurists (ICJ)** is composed of 60 eminent judges and lawyers from five continents and works to advance the legal protection of human rights, the rule of law, and the development and application of international law and standards. Among the priority strategic goals, presently and continuously since its founding in 1952, the ICJ has worked to promote and secure the independence and accountability of judges and lawyers around the world.

With the support of the Canton and Republic of Geneva (Switzerland) and other partners, and through its Geneva-based Centre for the Independence of Judges and Lawyers, the ICJ has over the past decade convened the *Geneva Forum of Judges and Lawyers*, an annual global meeting of senior judges, lawyers, prosecutors and other legal and United Nations experts, convened to

discuss an issue relevant to the independence and role of judges, lawyers and prosecutors, with a view to developing and disseminating practical guidance for practitioners.

In December 2020, ICJ held the [11th Geneva Forum](#) to discuss the role of indigenous and other traditional or customary justice systems in Access to Justice, the Rule of Law and Human Rights. As part of this Forum, experts discussed global trends regarding the recognition of traditional justice systems in the national legal systems, the application of standards of fairness, impartiality and independence, and equality of access to justice for women and children. This Forum culminated in the development of an ICJ draft set of global recommendations on the role of indigenous and other traditional or customary justice systems.