

**REMARKS MADE DURING THE FIRST HIGH LEVEL
SUMMIT ON ADR**

AT

MESTIL HOTEL AND RESIDENCES

ON 26TH AND 27TH JUNE 2023

BY

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The Chief Justice of the Republic of Uganda, The Deputy Chief Justice, The Principal Judge, The Minister for Justice and Constitutional Affairs, All Judges and Judicial officers present, esteemed dignitaries, ladies and gentlemen present today, All protocol observed. Good morning.

The International Development Law Organisation (IDLO) is the only global intergovernmental organization exclusively devoted to promoting the rule of law to advance peace and sustainable development. IDLO works to enable governments and empower people to reform laws and strengthen institutions to promote peace, justice, sustainable development, and economic opportunity.

IDLO through financial support from the Embassy of Sweden in Uganda, is implementing the Community Justice Programme which seeks to enhance the accessibility, quality and sustainability of justice services delivered for rural, vulnerable, and marginalized communities in Uganda.

To achieve this, we are working with state and non-state institutions to empower grassroots communities to claim and uphold their rights while at the same time strengthening capacities of and linkages between formal and informal justice actors/systems to support effective redress mechanisms for justice seekers. Alternative Justice Systems is a means achieving the SDG promise of leaving no one behind and ensuring that justice systems are people centered.

What is AJS?

Alternative Justice Systems are the comprehensive organic non-state mechanisms of laws, norms, customs, and social and legal systems that govern and regulate a people's livelihood and their way of life. The pursuit of such systems is primarily the restoration of relationships following a dispute to ensure harmonious co-existence.

Why AJS?

A core principle laid down in A. 126 of the Ugandan Constitution to guide the administration of justice and the exercise of judicial authority is the requirement to embrace, promote, and incorporate cultural and customary values which are consistent with the fundamental rights and freedoms, human dignity, democracy espoused in the constitution.

There are other Constitutional provisions that anchor the practice of AJS in Uganda and these include;

- Objective 24 PROVIDING FOR RECOGNITION OF Cultural rights that are not repugnant or contrary to the constitution.
- A.37 right to belong to, enjoy, practice, etc any culture cultural institution language, etc in a community with others

Additionally, A.127 of the Constitution of Uganda is THE FOUNDATIONAL BASIS OF THE COMMUNITY-BASED approach concept of AJS. This provision recognises that Ugandan communities have, for generations, developed their own justice systems that have and continue to hold societies together. Whereas justice dispensed by the Courts has occupied the center stage in the administration of justice, the reality is that the vast majority of disputes are resolved by the people through their community-based processes. Begging the question of whether they are truly alternatives to the main formal justice system or is the formal justice

system the appropriate alternative to other forms of dispute resolution mechanisms including the traditional, informal, and customary dispute resolution processes.

The 2020 Uganda Hiil Justice Needs Survey reports **that there are 12.8 million legal problems each year in Uganda**. The report indicates that every year in Uganda, 4.7 million legal problems are abandoned without fair resolution, 1.9 million are ongoing and 2.13 million are considered to have been resolved unfairly. This is a significant justice gap, but it also signifies a great opportunity to improve access to justice, by building on formal and informal justice systems that are alternative to the Judiciary. Such systems will improve the confidence of the public in seeking fair resolution of their disputes. Taking into consideration that, according to the report, only 4% of people with serious legal problems took their disputes to a court of law. It is time that AJS and ADR systems are duly recognised for the role they play in the dispensation of justice.

In recognising the significance of both AJS and ADR mechanisms in deepening access to Justice. Securing responsive Justice for women and other marginalized populations, who experience systematic exclusion in AJS systems, compels us to have a constructive engagement with legal pluralism to realize access to justice for all by safeguarding a rights-based approach in the delivery of justice through AJS and ADR.

AJS systems and ADR processes offer low-cost **opportunities to generate a commitment to the rule of law** and improving the capacity of those systems and processes to operate inclusively, accountably, and in complementarity with the formal state-based justice system, is likely to advance the rule of law and inclusive development broadly.

AJS systems and ADR processes also offer low-cost **opportunities to enhance respect for human rights** while addressing the needs of justice seekers, including a preference for restorative rather than retributive justice options.

It is in recognition of the above and the constitutional provisions of Article 127 of the constitution that IDLO lauds the Judiciary, The Ministry of Justice, and Constitutional Affairs for recognising the Appropriate role of ADR and AJS as tools for deepening access to justice and their critical potential for the provision of the full spectrum of access to justice services while ensuring that there are safeguards that will recognize the rights of individuals who seek redress.

IDLO considers both the ADR policy and Judiciary's strategy on AJS as the significant framework for recognition and Enforcement of the outcomes of ADR and AJS processes that are in conformity with the constitution. These systems provide a true foundation for the involvement of people in the delivery of justice.

In changing the landscape for the delivery of Justice, the Policy and Strategy will

- 1- Provide an opportunity for the people of Uganda to receive reconciliatory and people-centered justice.
- 2- Provide guidance for the adoption of the principles of natural justice and encapsulate human rights-based approaches in the delivery of justice by ADR and AJS mechanisms prior to their recognition by courts.
- 3- Facilitate appropriate cooperation between the Courts, ADR, and AJS Mechanisms to enable cross-referral of cases between them.

- 4- PROVIDE the framework for Capacity development (curriculum and guidelines) that will be used to train Judges, Judicial Officers, and Justice actors on the appropriate application and reach of ADR and AJS Mechanisms.
- 5- Develop a curriculum and guidelines for training of ADR and AJS Practitioners as well as the public on the appropriate jurisdiction for ADR and AJS Mechanisms.
- 6- Provide and establish an independent audit mechanism that will enable the review of existing legal framework to ensure coherent implementation of the AJS strategy and ADR policy.

Finally, given the legitimacy accorded to both ADR and AJS systems by the public, **I call on all justice sector actors present to capitalize on the public's accessibility and familiarity with such these systems** and integrate them into their broader efforts to leave no one behind and ensure that we achieve justice for all consonant with SDG16.

I thank you all for listening to me, I CONGRATULATE the Judiciary and the Ministry of Justice and Constitutional Affairs led by the Hon Chief Justice and the Hon Minister on the development and publication of both the AJS STRATEGY and ADR policy. I further, reiterate IDLO's commitment to work with the Judiciary, the Ministry of Justice, and Constitutional Affairs to deliver people-centered Justice whilst promoting the rule of Law.

I also thank the ADR and the AJS committees, the IDLO team, and the Justice sector actors who participated and contributed to the development of the strategy and policy.

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