



CALL FOR PAPERS

2023 ALTERNATIVE JUSTICE SYSTEMS (AJS) IN KENYA CONFERENCE

THEME: AJS AS CULTURE AND INNOVATION IN ACCELERATING SOCIAL TRANSFORMATION THROUGH ACCESS TO JUSTICE

VENUE: The Tangaza University College, Nairobi, Kenya

DATE: 16-18 May 2023

CONVENERS:

The National Steering Committee on Implementation of Alternative Justice Systems (NaSCI-AJS)

CHAIR: Justice (Prof.) Joel M. Ngugi, Court of Appeal, Kisumu

Background:

There is compelling evidence to prove that the promulgation of the Constitution of Kenya 2010 and related justice activism has significantly boosted access to justice in Kenya. The quest for justice has been characterized by increasing demand for local knowledge, de-emphasizing of legal technicalities, and the call for collaborative partnership between justice seekers and providers. The concept of justice in the Constitution of Kenya 2010 has placed positive pressure on formal or state based judicial institutions not only with regards to the substantive nature of justice they provide but also with regards to the recognition of other sites of justice provision and their relation thereto.



It is against this background, framed by the constitutional imperative on justice, that the Judiciary, among other initiatives, established the National Steering Committee on Implementation of Alternative Justice Systems (NaSCI-AJS), a multi-stakeholders' team, gazetted by the Honorable Chief Justice Martha Koome, with the mandate to ensure the mainstreaming and acceleration in the implementation of the Judiciary's AJS Policy and providing support for AJS practitioners and mechanisms in Kenya.

A foundational principle in the AJS Policy is that the conversation on access to justice in postcolonial Kenya is broad and multifaceted. It is not merely to advance provision for the alternative models for dispute resolution and accessing justice listed under Article 159(2)(c) of the Constitution 2010, rather, it is a re-engagement with the ruminants of colonial and Eurocentric legal reasoning that the Constitution of Kenya has now reversed. The AJS Conferences are a re-emphasis on the importance of the critical historical and contextual study of African legalities and neither about a re-statement nor some sort of re-assertion of the elements, perceived or actual of customary or African law(s).

The AJS Policy asserts that in its inclusive idea of access to justice, the Constitution of Kenya 2010 envisages a sociological, situated and contextual imagination of law, legality and justice. This is a diverse landscape of everyday realities that is situated in social justice with support from a range of discourses including political theory, anthropological theory and literary criticism amongst others. This novel constitutional idea of law and justice set in a complex, plural society requires a new pedagogy of legal study and justice seeking/providing practices. Using findings from the AJS Baseline and Framework Policies as well as the justice practices of the range of actors, state and non-state, institutional and non-institutional, individual and communal, the AJS Conference is a both an expansion of these explorations as well as a consensus building conversation on what it means to realise the constitutional concept of justice and operationalise the multi-door methods of accessing Justice in Kenya.

The Conference has coined its theme *AJS as Culture and Innovation in Accelerating Social Transformation through Access to Justice*. The theme appreciates the embodiment of AJS in moral economy of justice. As culture is a center and signifier of the moral economy, it appreciates that culture is a multi-functional concept with the capacity to explain identity as well as practice. This meaning departs from those who see culture as small-scale, bounded entity, static and with self-produced meaning. Therefore, in expounding the theme, the conference be contribution to the



All submissions are made to:

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