



HUMAN RIGHTS AND PLURAL LEGAL ORDERS

First Research Workshop, 17–18 October, Geneva

AGENDA FRAMEWORK

Day 1: Friday 17 October

9.30–10.00 **Welcome and Introduction**

10.00–12.00 **Session I – Legal Plurality: The Human Rights View**

Chair: Robert Archer

The human rights framework and certain provisions in international human rights instruments are frequently invoked particularly by indigenous people and other ethno-cultural groups, for recognition of 'traditional' justice systems, customary and personal law, the concurrent or even exclusive jurisdiction of communal authorities and dispute resolution mechanisms. At the same time the human rights framework and standards have also provided a basis for customary and personal law and community based non-state justice systems to be critiqued and challenged both in substantive and procedural terms, not only by human rights organisations but also by actors within communities concerned. What is the basis in the international human rights framework for legal plurality? What are the key dilemmas and challenges for human rights actors? This session will explore these and other related questions.

Rodolfo Stavenhagen: Legal plurality and human rights

Robert Husbands: International human rights, traditional authorities and customary law

Julian Burger: Indigenous people and minorities—positioning 'cultural identity' within human rights protection and rule of law

Anne Griffiths: Discussant

12.00–13.30 **Lunch**

13.30–15.00 & 15.30–17.30 **Session II – Contextualising the Debate**

Chair: Anne Griffiths

This session will focus on discussing some case studies that will provide a context to explore in greater depth the questions and issues considered in the previous session. This session will focus on how these questions have been addressed in specific jurisdiction/contexts and what are the possibilities and challenges opening up for human rights protection as a consequence of the pluralism at work. The case studies, each comparative in nature, will include:

<i>Yüksel Sezgin:</i>	<i>Personal law systems in India, Israel and Egypt</i>
<i>Kirsty Gover:</i>	<i>Recognition of indigenous jurisdictions in multiethnic settler states (Australia, Canada, New Zealand and USA)</i>
<i>Rodolfo Stavenhagen:</i>	<i>Special jurisdiction in Latin America</i>
<i>TBC:</i>	<i>Customary law and constitutionalism in Africa</i>
<i>Christina Jones-Pauly:</i>	<i>Legal reforms in Afghanistan and Sudan</i>
<i>Franz von Benda-Beckmann:</i>	<i>Discussant</i>

Day 2: Saturday 18 October

9.30–10.00 **Summary and Recap**

10.00–12.00 **Session III – The Political Context**

Chair: Franz von Benda-Beckmann

This session will focus on the varied political dimensions of the debates around recognition, and plurality in law and state responses to culture claims and public policy in the context of issues and questions around civil society dynamics, globalisation, neo-liberal economic policy and identity politics. These include: What are the possibilities and limits of 'recognition'? What does 'recognition' mean in terms of the relationship between the state, its legal system and customary/personal law and community based non-state justice systems? This session will address these and other related questions.

Rachel Sieder: Multiculturalism, constitutional reforms and legal pluralism in Latin America

Dina M. Siddiqi: Civil society organizations, human rights and ADR in Bangladesh

Gila Stopler: Identity, community and claims for legal autonomy – The politics of 'recognition'

12.00–13.30 **Lunch**

13.30–15.30 **Session IV: Reviewing and Reflecting on Key Issues and Questions**

This session will be devoted to a discussion of reviewing the key issues raised and also a discussion of the framework of the Report. More information regarding the organisation of this session will be shared on Day 1 of the workshop.

15.30–16.00 **Conclusion**