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**From the New Partnership for Africa's Development to
Agenda 2063: progress in the implementation of
sustainable development in Africa and international
support: causes of conflict and the promotion of durable
peace and sustainable development in Africa**

Security Council
Seventy-ninth year

Promotion of durable peace through sustainable development in Africa**

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution [78/263](#), in which the Assembly requested the Secretary-General to report on persistent and emerging challenges to the promotion of durable peace and sustainable development in Africa, including the root causes of conflict and conditions to promote sustainable development, as well as on the approach and support of the United Nations system.

As the continent enters the second half of the implementation period for the 2030 Agenda for Sustainable Development, launches the second 10-year implementation plan (2024–2033) of the African Union Agenda 2063 and prepares for the Summit of the Future, it is urgent to assess and accelerate progress, particularly in conflict-affected African countries. The present report provides an overview of the peace and security landscape in Africa, the continent's progress towards the Sustainable Development Goals, and the interlinkages between peace and security, development, humanitarian action and human rights in accelerating progress.

The report also addresses the rule of law in Africa, from the perspective of the people-centred approach set out in 2023 in the New Vision of the Secretary-General for the Rule of Law, in which the vital importance of the rule of law is recognized as a foundation for inclusive sustainable development, conflict prevention and peace. The report serves to highlight how challenges to the rule of law and access to justice hinder economic opportunities, erode social cohesion and undermine political stability, fuelling conflict and increasingly providing opportunities for harmful non-State actors, particularly extremist groups, to fill the void.

* [A/79/150](#).

** The present report was submitted for processing after the deadline for technical reasons beyond the control of the submitting office.



Finally, examples are provided of people-centred approaches to addressing rule of law challenges on the continent.

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 78/263, in which the Assembly requested the Secretary-General to continue to monitor and report to the Assembly on an annual basis on persistent and emerging challenges to the promotion of durable peace and sustainable development in Africa, including the root causes of conflict and conditions to promote sustainable development, as well as on the approach and support of the United Nations system.
2. The year 2024 marks the starting point of the second half of the implementation period for the 2030 Agenda for Sustainable Development and the start of the second 10-year implementation plan (2024–2033) of the African Union Agenda 2063. It is also the year in which the Summit of the Future will be held. This moment offers a crucial opportunity to evaluate progress and identify strategic collective efforts for the full achievement of the Sustainable Development Goals in Africa.
3. While Africa has made progress towards the Sustainable Development Goals, significant acceleration is needed if they are to be achieved by 2030. The continent's challenges have been further exacerbated by global crises such as the coronavirus disease (COVID-19) pandemic and the war in Ukraine, which have led to soaring commodity prices, persistent inflation, rising interest rates, economic slowdowns and food insecurity. In addition, climate shocks have become a leading cause of economic disruption and forced displacement, potentially exacerbating conflict risks.¹
4. Amid these challenges, a worsening security situation and a deterioration of the rule of law have negatively affected millions of people across the continent. The 2022 Ibrahim Index of African Governance shows that 70 per cent of the population of Africa resides in a country where security and the rule of law have declined over the past decade, with more than half of those countries having seen accelerated deterioration in the past five years.²

II. Peace, security and development landscape in Africa

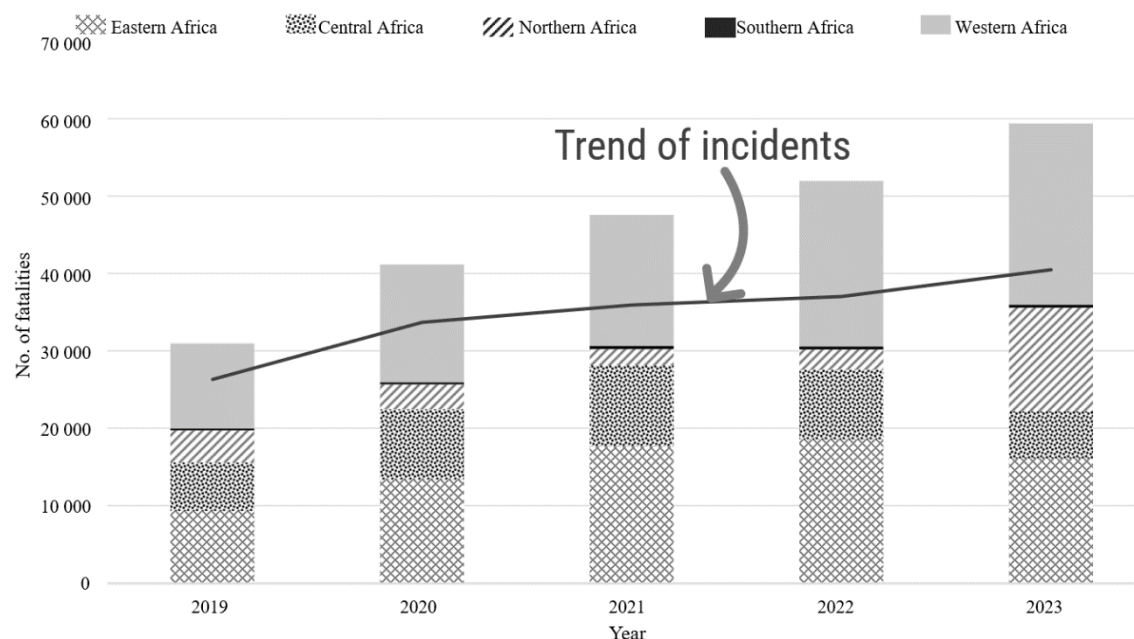
Peace and security

5. Africa continued to face complex peace and security challenges in 2023, marked by an increase in armed conflict-related incidents and fatalities.

¹ International Organization for Migration (IOM) and African Union, *Africa Migration Report: Connecting the Threads – Linking Policy, Practice and the Welfare of the African Migrant*, 2nd ed. (Addis Ababa, IOM, 2024); and Laura Jaramillo and others, *Climate Challenges in Fragile and Conflict-Affected States*, IMF Staff Climate Note, No. 2023/001 (Washington, D.C., International Monetary Fund (IMF), 2023).

² Mo Ibrahim Foundation, *2022 Ibrahim Index of African Governance: Index Report* (2023).

Figure I
Incidents and fatalities in African subregions, 2019–2023



Source: Armed Conflict Location and Event Data Project database.

6. There was a significant rise in armed conflict incidents during the reporting period, particularly in Northern and Central Africa (see figures I and II). In particular, conflict-related incidents and fatalities in Northern Africa increased significantly due to the war in the Sudan, spurring a humanitarian crisis, displacing over 8 million people, threatening famine and leaving 25 million people in need of humanitarian assistance.³

Figure II
Variance in incidents in African subregions in 2023, by type, compared with 2022⁴

	Battles	Explosions/ remote violence	Protests	Riots	Strategic developments	Violence against civilians	Variance	Total number of incidents, 2023
Eastern Africa	↓ 7%	↑ 3%	↑ 29%	↑ 17%	↑ 30%	↓ -10%	↑ 474 (5%)	10 765
Central Africa	↓ 15%	↓ -3%	↓ -26%	↓ -16%	↑ 35%	↓ -23%	↑ 676 (11%)	5 382
Northern Africa	↑ 577%	↑ 771%	↓ -9%	↓ -24%	↑ 471%	↑ 69%	↑ 3 976 (68%)	9 838
Southern Africa	↓ 85%	↑ 100%	↓ -12%	↓ 6%	↓ -23%	↑ 1%	↓ -170 (-6%)	2 594
Western Africa	↑ 4%	↑ 10%	0%	↑ 10%	↓ -15%	↓ -2%	↓ -102 (-1%)	11 944

Source: Armed Conflict Location and Event Data Project database.

³ United Nations, Office for the Coordination of Humanitarian Affairs, “Sudan: Humanitarian Update”, 25 March 2024.

⁴ The category of “strategic developments” captures incidents and activities of groups that are not recorded as “political violence” or “demonstrations”, yet may trigger future events or contribute to political dynamics. For further information, see Armed Conflict Location and Event Data Project, “Armed Conflict Location and Event Data Project codebook”, 2023.

7. According to the Institute for Economics and Peace, global deaths from terrorism increased by 22 per cent in 2023, reaching their highest level since 2017. A significant number of those deaths occurred in the Sahel region, which has become the global epicentre of terrorism, accounting for nearly half of all terrorism-related deaths and including 5 of the 10 countries most affected. Over the past 15 years, terrorism in the Sahel has surged, with deaths increasing by 2,860 per cent and incidents rising by 1,266 per cent.⁵

8. According to the same source, Africa recorded the highest number of terrorism-related deaths globally for the seventh consecutive year in 2023, with sub-Saharan Africa experiencing a 21 per cent increase from 2022. A source of growing concern is that terrorist activity in the Sahel has also begun to affect neighbouring countries, some of which reported more than 40 terrorism-related deaths for the first time. In addition, there is a correlation between the rise in terrorism and an increase in organized crime, marked by a surge in drug trafficking, illegal mining, kidnappings and cattle rustling. In particular, there has been a significant increase in kidnappings in the Sahel, from 78 in 2017 to over 1,000 in 2023.⁶

9. The worrying trend of unconstitutional changes of government in Africa also continued in 2023, with such changes of government occurring in Gabon and the Niger. Between 2020 and 2023, unconstitutional changes of government took place in seven African countries, namely, Burkina Faso, Chad, Gabon, Guinea, Mali, the Niger and the Sudan.

Progress towards the Sustainable Development Goals

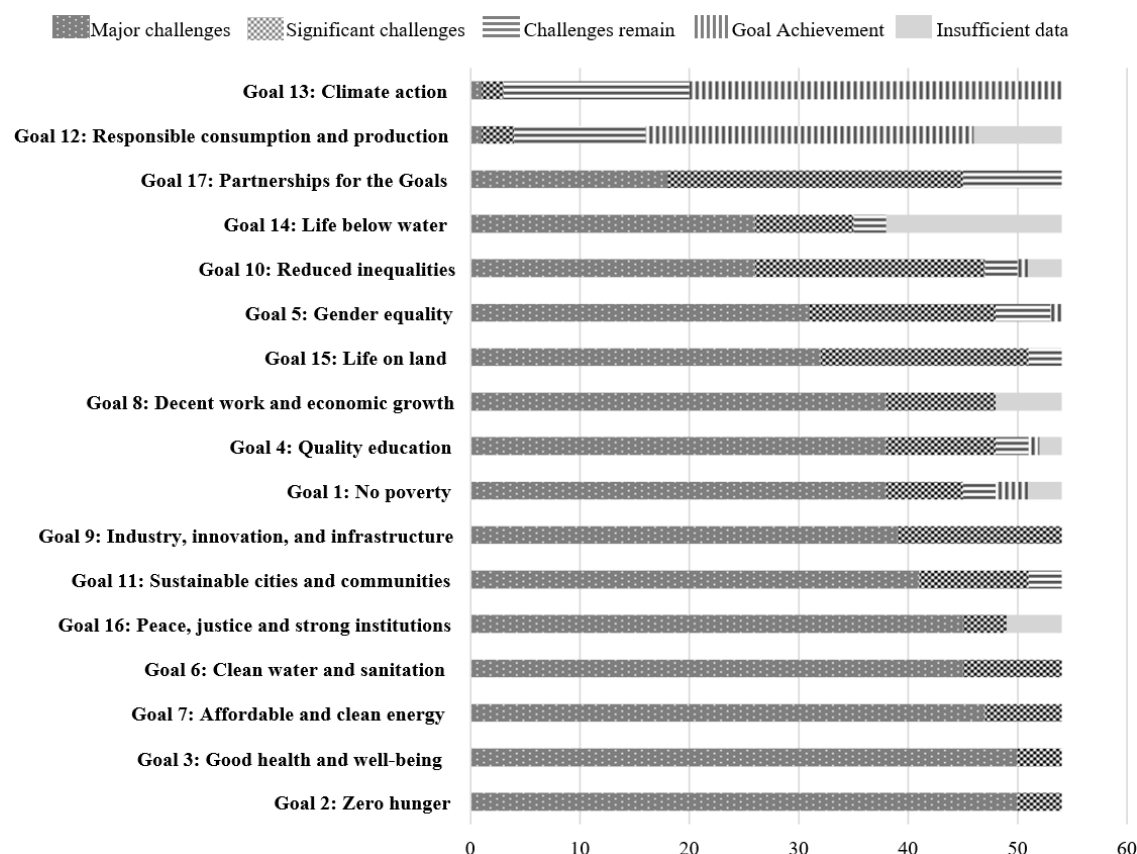
10. During the reporting period, Africa made limited progress towards the achievement of the Sustainable Development Goals. Some progress was made towards environment-related goals such as Goal 12, on responsible consumption and production, and Goal 13, on climate action, in respect of which it was already on a promising path (see figure III). However, the continent remains far from achieving most of the other Goals, in particular those central to human welfare and development, such as those relating to poverty, hunger, health, education, gender equality, water and sanitation, energy and sustainable cities (Goals 1–7 and Goal 11, respectively). Consequently, 8 of the 10 lowest-performing countries in terms of overall progress towards the Goals are in Africa, with 6 of those being conflict-affected.⁷ Halfway through the implementation period for the 2030 Agenda, significant challenges remain, with over 850 million people on the continent still moderately or severely food insecure, nearly 29 per cent of school-age children out of school, and three quarters of the population lacking access to energy.

⁵ Institute for Economics and Peace, *Global Terrorism Index 2024* (Sydney, 2024).

⁶ Ibid.

⁷ Sustainable Development Solutions Network, *Sustainable Development Report 2023: Implementing the SDG Stimulus – Includes the SDG Index and Dashboards* (Dublin, Dublin University Press, 2023).

Figure III
Sustainable Development Goals in Africa



Source: Sustainable Development Report 2023: Implementing the SDG Stimulus.

Conflict-affected countries in Africa

11. Globally, the number of people living near conflict⁸ has doubled in the past decade. Over that time, poverty rates in countries that have never been classified by the World Bank as “fragile and conflict-affected” dropped from 27 to 4 per cent. Countries that were once classified as “fragile and conflict-affected” but subsequently shed this classification have seen poverty rates decline from 44 to 19 per cent. However, in nations still deemed “fragile and conflict-affected”, poverty has increased from 17 to 23 per cent and remains above 40 per cent in those that have consistently been characterized as such. Furthermore, countries classified as chronically “fragile and conflict-affected” accounted for only 5 per cent of the world’s poor in 2000 but that figure is projected to rise to approximately 25 per cent by 2030. Consequently, people in chronically “fragile and conflict-affected” countries are 10 times more likely to live in poverty than those in countries that have never been classified as such.⁹

12. The disparity has become increasingly pronounced in Africa, where the number and severity of conflicts have escalated. In 2023, African countries represented 20 of

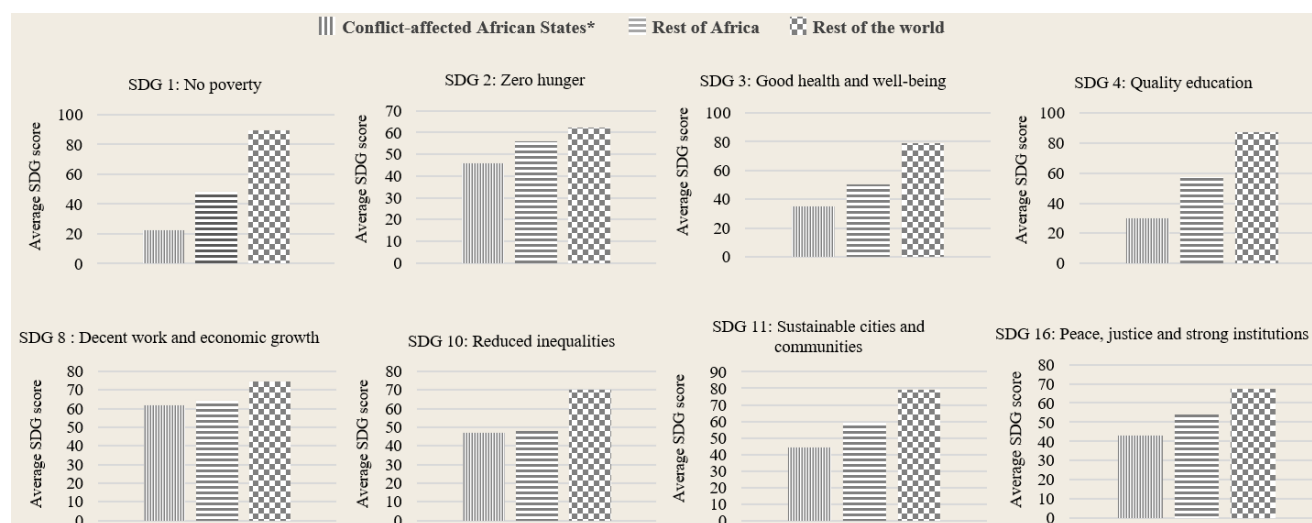
⁸ Defined as “formally, within 60 kilometers of at least 25 conflict-related deaths”. See Paul Corral and others, *Fragility and Conflict: On the Front Lines of the Fight against Poverty* (Washington, D.C., World Bank, 2020), citing the Uppsala Conflict Data Programme, available at <https://ucdp.uu.se/encyclopedia>.

⁹ Corral and others, *Fragility and Conflict*.

the 39 countries classified by the World Bank as “fragile and conflict-affected”. In addition, 30 African countries are, or have been at some point since 2006, classified as such.¹⁰ Conflict-affected African countries are falling significantly behind not only the rest of the continent but also the global community as a whole in achieving the Sustainable Development Goals (see figure IV).¹¹ As well as causing a substantial loss of human life, conflicts on the continent have destabilized economies, displaced populations, precipitated health crises and heightened food insecurity, in a reflection of the strong links between development, peace and security, humanitarian action and human rights.

Figure IV

Achievement of the Sustainable Development Goals: A comparison of conflict-affected African States with the rest of Africa and the rest of the world



Source: Global SDG Indicators Database.

* “Conflict-affected African States” comprises all African countries included on the 2023 list of fragile and conflict-affected situations compiled by the World Bank.

13. Not only do conflict-affected African countries experience higher levels of poverty, households in these countries also face lower levels of human development (see figure V) and more multidimensional poverty, which is a measure of non-monetary components of poverty, such as access to education and infrastructure. Almost 20 per cent of the population in countries categorized by the World Bank as “fragile and conflict-affected” endure simultaneous deprivation in education, basic infrastructure and monetary welfare, which is more than three times the rate found in countries not on the list. Even after accounting for gross domestic product (GDP) per capita, levels of multidimensional poverty are higher in Africa than in other regions, and are particularly high in conflict-affected African countries, where more than a third of the population suffers from simultaneous deprivation in education, basic infrastructure and monetary welfare.¹²

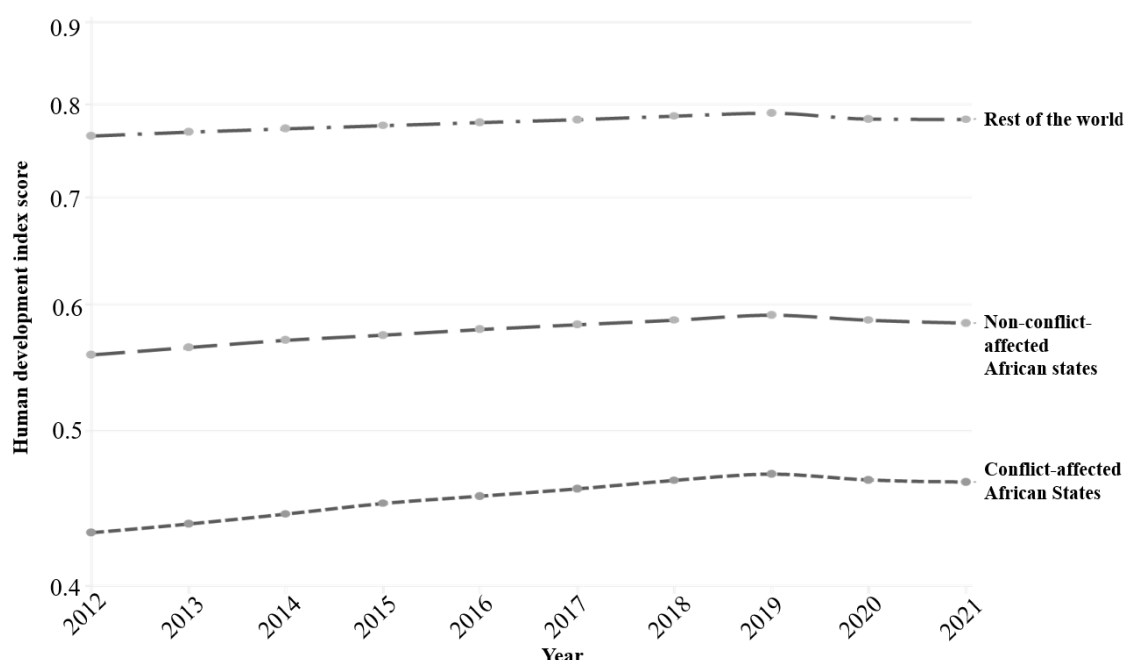
¹⁰ Colin Andrews and others, *The State of Economic Inclusion Report 2021: The Potential Scale* (Washington, D.C., World Bank, 2021).

¹¹ United Nations, SDG Global Database, available at <https://unstats.un.org/sdgs/dataportal>.

¹² United Nations Development Programme (UNDP) and Oxford Poverty and Human Development Initiative, *Global Multidimensional Poverty Index 2023: Unstacking Global Poverty – Data for High Impact Action* (2023); World Bank, *Tackling Inequality to Revitalize Growth and Reduce Poverty in Africa*, Africa’s Pulse, vol. 29 (Washington, D.C., 2024); and Corral and others, *Fragility and Conflict*.

Figure V

Progress in human development: A comparison of conflict-affected African States with non-conflict-affected African States and the rest of the world (2012–2021)



Source: UNDP Human Development Index Database.

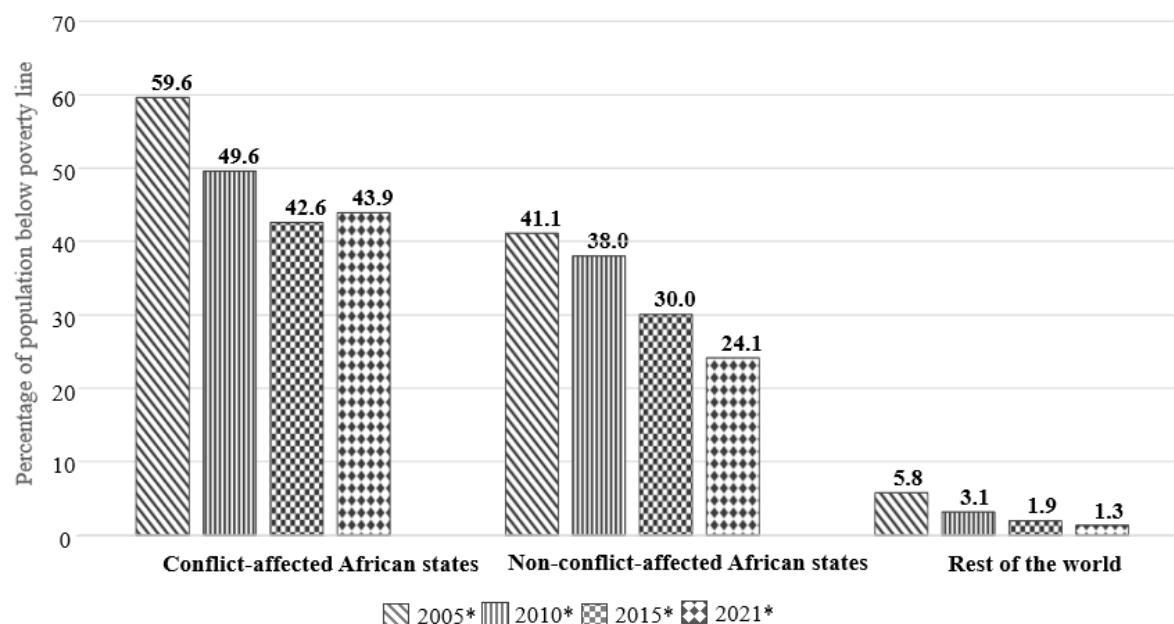
14. While extreme poverty, defined as living on less than \$2.15 per person per day at 2017 purchasing power parity, had declined significantly worldwide in recent decades, the COVID-19 pandemic reversed this trend, and the subsequent recovery has been slow and uneven. If current trends continue, an estimated 7 per cent of the global population, or approximately 575 million people, will be living in extreme poverty by 2030, most of them in sub-Saharan Africa.¹³ The challenge is particularly pronounced in conflict-affected African countries, where extreme poverty rates generally appear to be rising, stagnating or, at best, declining slowly. African countries account for over half the countries currently classified by the World Bank as “fragile and conflict-affected”, and over 60 per cent of the countries specifically designated as “conflict-affected”. The high concentration of such countries in Africa highlights the continent’s significant challenges, including conflict, political instability and social unrest, as well as related development challenges.

15. The 30 African countries that are, or have been at some point since 2006, classified as “fragile and conflict-affected” are home to over 70 per cent of the region’s overall population and 74 per cent of its population living in extreme poverty, creating a poverty trap exacerbated by political instability, violence and corruption.¹⁴ This cycle hinders economic growth and sustainable development, widening the disparity between conflict-affected African countries and the rest of the world, given that conflict-free economies have been strongly reducing extreme poverty and making development gains (see figure VI).

¹³ *The Sustainable Development Goals Report 2023*, Special ed. (United Nations publication, 2023).

¹⁴ World Bank, *Tackling Inequality to Revitalize Growth*.

Figure VI

Poverty trends: A comparison of conflict-affected African States with non-conflict-affected African States and the rest of the world

* Staff of the Office of the Special Adviser on Africa calculated the average values by selecting the most recent data available within each predefined five-year period for each country, ensuring that the analysis reflects the latest observations from each interval.

16. The stark contrast in poverty reduction between conflict-affected African countries, their counterparts not affected by conflict and the rest of the world underscores the inadequacy of current approaches to development in conflict-affected African countries. These inadequate approaches result in a self-perpetuating cycle where poverty exacerbates instability, which in turn deepens underdevelopment. Furthermore, while already a third of the continent is affected by conflict, the influence of the conflict extends far beyond those countries' borders. Overall, 85 per cent of the population of Africa resides in either a conflict-affected country or in a country that shares a border with a conflict-affected neighbour. This interconnectedness means there is a risk that conflict will spill over into neighbouring countries, exacerbating regional instability and displacement, and hindering poverty reduction and sustainable development continent-wide. For example, the crisis that enveloped such areas as the Liptako-Gourma and Lake Chad basin subregions in 2012 has since spread throughout the Sahel, with more than 40 per cent of violent incidents and fatalities occurring within 100 km of a border.¹⁵

17. A fundamental shift in approach is needed to break the cycle of conflict and poverty in Africa. It requires a more nuanced, comprehensive strategy that acknowledges the strong links between peace and security, development, humanitarian action and human rights. The focus on conflict-affected countries must be strengthened, implementing innovative, context-specific and development-focused interventions that both provide immediate relief and contribute to long-term development and stability. This approach is crucial for addressing the underlying

¹⁵ Deborah Isser and others, "Governance in sub-Saharan Africa in the 21st century: four trends and an uncertain outlook", Policy Research Working Paper, No. 10713 (World Bank, 2024).

causes of poverty by targeting specific issues such as education, health care, infrastructure and governance, and ensuring that interventions are sustainable and promote lasting peace.

III. Rule of law

18. Africa has a rich history of rule of law and justice, reflecting its vast cultural and intellectual heritage. Long before colonial influences, African societies had sophisticated legal systems grounded in customary practices and communal consensus. Empires, kingdoms and communities, such as the Ashanti Kingdom with its codified laws, the Kingdom of Kongo with its judicial assemblies and the Songhai Empire with its criminal justice enforcement system, had intricate dispute resolution methods involving elders and community leaders. Such systems wove justice into the social and spiritual fabric of life, reflecting a long-standing commitment to principles of justice and equity across diverse African cultures. These historical systems and practices inform the continent's present-day pursuit of democratic and accountable governance, highlighting a legacy that predates and shapes modern rule of law efforts.¹⁶

19. The modern-day understanding of the rule of law encompasses a wide range of concerns at the global, national, local, community, familial and individual levels. For the United Nations, “rule of law” refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency (see [S/2004/616](#), para. 6).

20. The rule of law encompasses more than just justice mechanisms and institutions; it is a fundamental public good expected from a well-governed State. It permeates every aspect of society, touching the economic, social and political spheres. It governs commercial interactions, ensures property rights, can foster entrepreneurship and provides legal identities required for benefits such as public health care. Its reach can extend to matters considered private, such as family and intimate relationships. Politically, it is the foundation of democratic governance, providing the framework for accountability and maintaining constitutional balance.

21. The interplay between the rule of law, sustainable development and durable peace is fundamental to the progress and stability of African nations. The rule of law is essential to the achievement of the Sustainable Development Goals, underpinning justice, accountability, and inclusivity across all development areas. It ensures equitable access to resources, protects property and labour rights (Goals 1, 2 and 8), and upholds health and education standards (Goals 3 and 4). Legal frameworks also promote gender equality and environmental sustainability (Goals 5 and 13–15), regulate urban development and clean energy (Goals 7 and 11) and ensure responsible consumption and production (Goal 12). Furthermore, by addressing systemic discrimination and protecting marginalized communities (Goals 10 and 16), the rule of law fosters durable peace and strong institutions, directly contributing to inclusive

¹⁶ T. C. McCaskie, “Komfo Anokye of Asante: meaning, history and philosophy in an African society”, *Journal of African History*, vol. 27, No. 2 (1986); and John Thornton, “Demography and history in the kingdom of Kongo, 1550–1750”, *The Journal of African History*, vol. 18, No. 4 (2009).

growth and sustainable development. Conversely, sustainable development also influences the rule of law, shaping its effectiveness and reach.

22. In this context, the Secretary-General, in his New Vision for the Rule of Law, emphasizes a people-centred, gender-sensitive and forward-looking approach, renewing the commitment of the United Nations to the rule of law and acknowledging its broad implications for all human rights. The New Vision serves to underscore the importance of the rule of law as the foundation for conflict prevention, peacemaking, peacekeeping, sustaining peace, peacebuilding and sustainable development.

23. At the core of the rule of law lies “access to justice,” a fundamentally people-centred principle focused on people’s ability to resolve legal problems in a manner that is timely, affordable, and fair.¹⁷ Access to justice encompasses many elements, including public awareness of legal rights and available mechanisms, access to legal representation, affordable and timely justice procedures, fair and effective dispute resolution and justice institutions that enforce their rulings.

24. And yet, despite its vital importance, 5.1 billion people – approximately two thirds of the world’s population – lack meaningful access to justice, including over 253 million people living in extreme conditions of injustice.¹⁸ Legal problems disproportionately affect disadvantaged groups, and are associated with severe consequences when unresolved.¹⁹ Education is particularly interlinked with the rule of law, enabling literacy and awareness of rights, empowering individuals to engage in legal processes and instilling the values necessary to uphold justice and human rights. By fostering a well-informed populace, education supports checks and balances and catalyses the rule of law, providing strong foundations for peace.²⁰

25. In recent years, Africa has experienced notable deterioration in key areas related to the rule of law, including decreases in equality before the law, impartiality and independence of judicial systems (see figure VII), along with declines in access to justice, enforcement and the fairness and timeliness of judicial proceedings. Recent data reveal that funding for justice by both Governments and development partners is grossly inadequate, with global support at \$2.9 billion annually, compared to \$15 billion for education and \$29 billion for health. Only 1.5 per cent of aid goes to the justice sector, down from 2.4 per cent seven years ago – a drop of nearly one third.²¹ The latest Ibrahim Index of African Governance data highlight troubling trends in the rule of law and justice over the past five years, particularly in relation to women, low-income groups, rural residents and marginalized communities.²² These trends are not confined to low-income or conflict-affected countries; they are continent-wide and worldwide, affecting middle and high-income countries as well.

¹⁷ UNDP, *Addressing Impunity* (2022).

¹⁸ Manuel Ramos-Maqueda and Daniel L. Chen, “The role of justice in development: the data revolution”, Policy Research Working Paper, No. 9720 (World Bank, 2021).

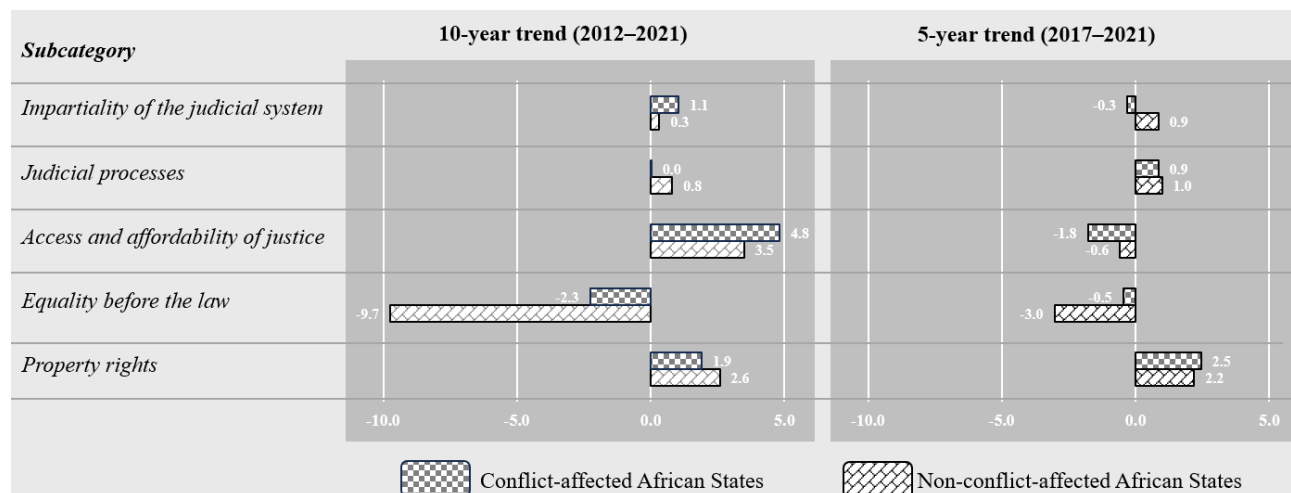
¹⁹ Organisation for Economic Co-operation and Development (OECD) and World Justice Project, *Building a Business Case for Access to Justice* (2019).

²⁰ United Nations Educational, Scientific and Cultural Organization (UNESCO) and United Nations Office on Drugs and Crime (UNODC), *Strengthening the Rule of Law through Education: A Guide for Policymakers* (Paris and Vienna, 2019); and UNESCO, *Global Education Monitoring Report 2016: Place – Inclusive and Sustainable Cities* (Paris, 2016).

²¹ International Development Law Organization, *Diverse Pathways to People-Centred Justice: Report of the Working Group on Customary and Informal Justice and SDG16+* (Rome, 2023).

²² Mo Ibrahim Foundation, *2022 Ibrahim Index of African Governance*.

Figure VII
Trends in rule of law and justice in Africa²³



Source: Mo Ibrahim Foundation.

26. While rule of law challenges exist globally, they are particularly acute in conflict-affected African countries, where governance challenges and societal disintegration have profound effects.²⁴ Conflicts often result in severe shortages of judicial staff, financial resources, essential equipment and court infrastructure, exacerbated by the loss of critical legal documents and records. For instance, the conflict in Liberia caused a mass exodus of judicial professionals and significant destruction of judicial buildings. Similarly, unrest in Côte d'Ivoire from 2000 to 2009 led to widespread looting and severe damage to physical government infrastructure, including judicial buildings.²⁵

27. The pursuit of justice is also hampered by critically understaffed formal justice systems. For example, in Chad, there is one licensed lawyer for every 78,103 citizens, while in Mozambique, there is one prosecutor for every 65,000 people and one public defender for every 124,000 people. Such scarcity leads to severe case backlogs in both criminal and civil courts, resulting in the denial of justice and excessively long pretrial detentions. Pretrial detainees constitute over 40 per cent of the prison population on the continent, with some individuals having awaited trial for more than 15 years.²⁶

28. While discussions on the rule of law frequently concentrate on the existence of legal frameworks and judicial systems, meaningful justice requires a more expansive and people-centred perspective that gives priority to the lived experiences and perceptions of individuals.

²³ In the Ibrahim Index of African Governance, data are normalized to a range of 0.0–100.0, where 100.0 is the best possible score. Annual average trends for the 10- and 5-year periods are calculated as follows: (i) the annual average trend for the 10-year period is the total change in score between 2012 and 2021, divided by nine (the number of annual time periods); (ii) the annual average trend for the 5-year period is the total change in score between 2017 and 2021, divided by four (the number of annual time periods).

²⁴ Carolyn Logan, *Ambitious SDG Goal Confronts Challenging Realities: Access to Justice is Still Elusive for Many Africans*, Afrobarometer Policy Paper, No. 39 (2017).

²⁵ World Bank, “Increasing access to justice in fragile settings”, 2023.

²⁶ International Development Law Organization, *Diverse Pathways to People-Centred Justice*.

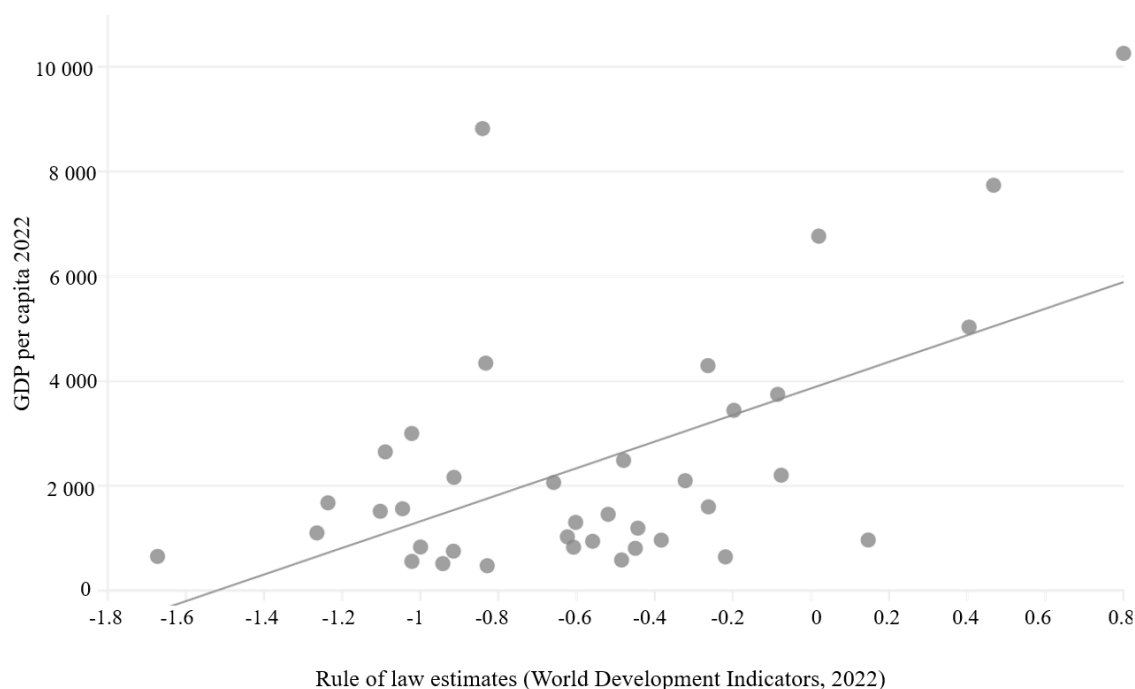
29. In the present report, the rule of law is analysed not solely through an institutional lens but also from the vantage point of individuals and communities, in particular vulnerable populations. The focus of the report will be on access to justice as a people-centred aspect of the rule of law, with attention given to how deficiencies create insecurities across the economic, social and political domains, which are closely linked with peace, security, development and human rights.

A. Economic domain

30. Across Africa, the rule of law has a significant impact on economic development (see figure VIII). Stable and predictable legal rules and institutions that enforce contracts, protect property rights and promote economic investments strongly influence, and are strongly influenced by, development trajectories.²⁷ Empirical evidence underscores the role of the rule of law in fostering entrepreneurship, enhancing firms' performance, encouraging favourable lending and supporting key sectors such as agriculture and industry, thereby creating a foundation for essential domestic resource mobilization.²⁸

Figure VIII

Correlation between rule of law and gross domestic product (GDP) in Africa



Source: World Bank.

31. In contrast, weak rule of law, lack of access to justice and inadequate legal frameworks significantly impede economic growth in Africa. Data from the latest Ibrahim Index of African Governance show a strong correlation between compliance with the rule of law and economic stability. Countries with low scores in the Rule of Law and Justice category, which measures factors such as judicial impartiality and

²⁷ World Bank, "Governance in sub-Saharan Africa".

²⁸ Erica Bosio, "A survey of judicial effectiveness", Policy Research Working Paper, No. 10501 (World Bank, 2023).

property rights, also show deficiencies in the Foundations for Economic Opportunity category, which encompasses a range of economic factors including the business and labour environment, public administration and infrastructure. In addition, the Rule of Law and Justice and Foundations for Economic Opportunity indices of the Ibrahim Index feature an 80 per cent overlap in the bottom 10 countries and a 70 per cent overlap in the bottom 20 countries, suggesting that nations with poor governance and weak rule of law face substantial economic challenges and struggle to create favourable business conditions and stable labour markets.²⁹

32. In African countries with weak rule of law and unreliable enforcement of contracts and property rights, economic development stagnates, adversely affecting foreign direct investment (FDI) and trade.³⁰ A country's legal and regulatory environment has been found to be among the top three considerations for prospective investors, second only to political and macroeconomic stability, while reduced regulatory risk is linked to increased FDI flows on the continent.³¹ According to a recent World Bank study, the quality of the rule of law more significantly affects export capacity in Africa than political corruption or political stability do, reflecting the importance of contract enforcement, property rights protection and judicial procedures in facilitating business-related transactions and resolving disputes. It was estimated that, in countries such as Mozambique, an improvement in the rule of law index to the cross-country median could result in export growth of up to 32 per cent.³²

33. While GDP and FDI are important, the significance of ensuring access to justice extends beyond macroeconomic indicators. The rule of law significantly influences economic inclusion, especially for marginalized groups, affecting such sectors as agriculture, health, employment, education and housing. In Africa, unequal access to legal and justice services, coupled with systemic discrimination, contributes to structural inequality, hindering economic participation for marginalized groups such as women, youth, minorities and migrants. For instance, the World Bank estimates that the gap between established legal frameworks and the supportive frameworks necessary to secure women's economic rights is wider in Africa than elsewhere.³³ In addition, unequal access to justice has a negative impact on land rights, fair wages and essential services for marginalized communities, perpetuating intergenerational economic inequality.

34. As a driving force of structural inequality, access to justice deficits in Africa significantly impede poverty reduction efforts. In many African countries, marginalized groups such as women, rural communities and ethnic minorities often face such systemic barriers as high legal fees, geographical distance from courts and discriminatory legal practices. Consequently, these groups are unable to protect their land rights, secure fair wages or access essential services, perpetuating their economic marginalization. This lack of legal protection and representation results in reduced

²⁹ When ranking all countries from highest to lowest scores in each category, the rankings have 8 countries in common in their bottom 10 (Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Libya, Somalia and South Sudan) which equates to 80 per cent; and 14 countries in common in their bottom 20 (Angola, Burundi, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Guinea, Libya, Somalia, South Sudan, Sudan) which equates to 70 per cent. See Mo Ibrahim Foundation, *Ibrahim Index of African Governance Data Portal*, available at <https://iiag.online/>.

³⁰ International Development Law Organization, "Investment Support Programme for Least Developed Countries: a public private partnership for sustainable development", 2022.

³¹ Roberto Echandi, Maryla Maliszewska and Victor Steenberg, *Making the Most of the African Continental Free Trade Area: Leveraging Trade and Foreign Direct Investment to Boost Growth and Reduce Poverty* (Washington, D.C., World Bank, 2022).

³² World Bank, *World Development Report 2020: Trading for Development in the Age of Global Value Chains* (Washington, D.C., 2020).

³³ World Bank, *Women, Business and the Law 2.0* (Washington, D.C., 2024).

economic participation and productivity, which can widen the income gap and contribute to high Gini coefficients across the continent. These challenges are especially severe in sub-Saharan Africa. The region's average Gini index of 41.5 makes it the second most unequal in the world, with countries exhibiting higher inequality than those in other regions at similar income levels.³⁴

35. This disparity hinders poverty reduction, highlighting the urgent need to address structural inequality, including within justice systems. Growth in Africa has been inefficient in terms of reducing poverty due to structural inequality and low levels of redistribution. A global analysis of almost 600 growth spells between 1981 and 2021 revealed that in Africa, a 1 per cent increase in GDP per capita is associated with a reduction in poverty of only 1 per cent, compared to 2.5 per cent in the rest of the world. This difference is often attributed to the absence of effective redistributive mechanisms that allow growth to be spread widely across society and thus to contribute effectively to the reduction of poverty. Between 2000 and 2010, growth accounted for 84 per cent of poverty reduction, with 16 per cent coming from redistribution, which is already low, comparatively speaking. However, rising inequality meant that between 2010 and 2019, poverty reduction was entirely driven by growth, with no contribution from redistribution, further hampering poverty reduction efforts.³⁵ These data underscore that, while economic growth is crucial, it must be complemented by strategies to reduce societal inequality if significant and lasting poverty reduction is to be achieved.

36. As inequality in justice systems is a key force perpetuating social and economic inequalities, measures to address the structural inequalities that exist within justice systems have an important role to play in accelerating poverty reduction on the continent.

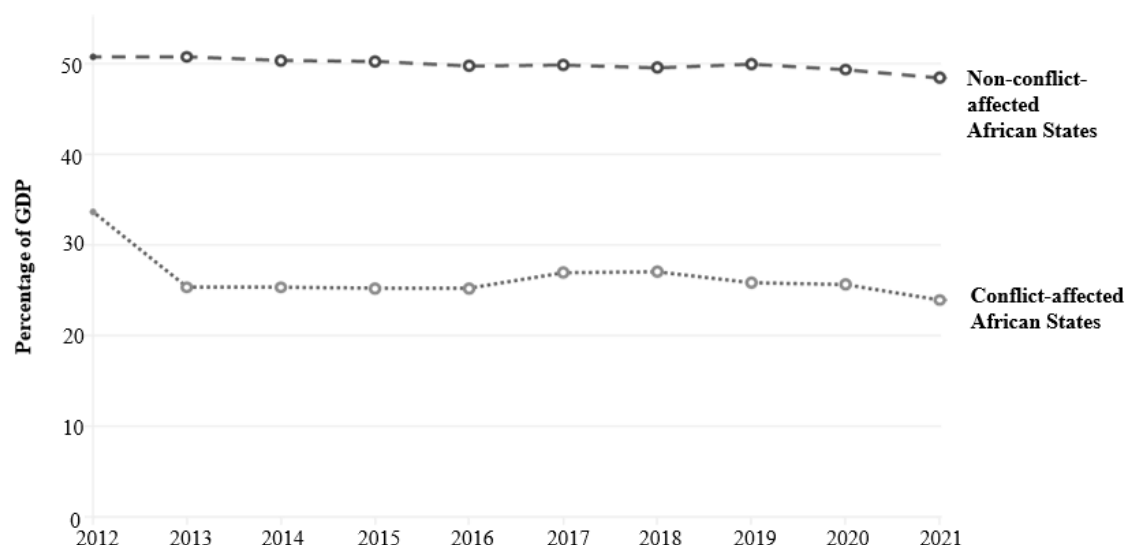
B. Social domain

37. The rule of law and social and political inequalities are mutually influencing factors that affect the effectiveness of governance. The rule of law, the promotion of which is one of the targets of Sustainable Development Goal 16, is vital for addressing these inequalities, fostering resilient societies and enhancing States' capacities to manage the risks of conflict (see figure IX).

³⁴ World Bank, *Tackling Inequality to Revitalize Growth*; and Aziz Atamanov and others, "New evidence on inequality of opportunity in sub-Saharan Africa: more unequal than we thought", Policy Research Working Paper, No. 10723 (World Bank, 2024).

³⁵ World Bank, *Tackling Inequality to Revitalize Growth*.

Figure IX
Comparison of inequality before the law in conflict-affected and non-conflict-affected African States



Source: Mo Ibrahim Foundation.

38. Weak rule of law and limited access to justice contribute to various forms of inequality, exclusion, and marginalization in many African countries. These challenges often reinforce existing disparities and create grievances along various social lines.

1. Gender

39. The rule of law in Africa is inherently gendered, with women often facing greater and more multifaceted obstacles than men in accessing justice. A recent multi-country study by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) on women's access to justice in Africa highlighted various challenges, including discriminatory social norms, legal obstacles and intersecting disadvantages such as poverty, disability and ethnicity. Legal discrimination, uneven safeguards and inconsistent legal protection exacerbate these barriers, leading to economic exclusion, gender-based violence and other types of harm.³⁶

2. Displacement

40. Forcibly displaced individuals, including refugees and internally displaced persons, often face greater issues with regard to access to justice than the general population and host communities. In 2023, over one third of refugees lacked full legal rights to work or to own property, and 44 countries imposed legal restrictions on refugees, with 21 offering them no legal rights at all.³⁷ A survey conducted by the Office of the United Nations High Commissioner for Refugees, jointly with the Hague Institute for Innovation of Law, revealed that internally displaced persons face

³⁶ United Nations Entity for Gender Equality and the Empowerment of Women, "Situational analysis of access to justice for victims and survivors of violence against women and girls in East and Southern Africa", 2023.

³⁷ Office of the United Nations High Commissioner for Refugees (UNHCR), "Global survey on livelihoods and economic inclusion report", December 2023.

additional hurdles in resolving the justice problems they encountered, highlighting the significant impact of displacement on access to justice.³⁸

3. Urban-rural dynamics

41. Geographical disparities exacerbate inequities in access to justice in Africa, particularly in remote regions where services are limited or non-existent.³⁹ Justice-related institutions and services are often concentrated in urban areas, leaving rural zones underserved. This disparity is particularly pronounced in conflict-affected African countries where escalating violence often leads the State administration, security forces and State services to withdraw to capitals and medium-sized cities.⁴⁰

4. Post-conflict transitions

42. Countries transitioning out of conflict often face transitional justice challenges. Addressing past abuses is crucial for restoring societal trust and preventing the recurrence of conflict, yet is inherently difficult to achieve due to power dynamics, with perpetrators often still in central government roles, and uncertainties associated with the transition process. Holistic approaches to transitional justice – encompassing criminal accountability, reparations, truth-seeking and guarantees of non-recurrence – are vital for reconciliation and lasting peace, as demonstrated in Liberia, Rwanda, and Sierra Leone.⁴¹ Failure to ensure accountability can deepen post-conflict divisions and fuel further violence and exclusion.

43. In addition to these disparities, judicial weakness and corruption can exacerbate inequality, societal divisions and grievances, fuelling intercommunal conflicts and violent extremism. This is particularly prevalent in conflict-affected countries, where institutions are often weak or non-existent and corruption undermines public trust in the judiciary's fairness. Afrobarometer surveys across 31 African countries, covering the period from 2014 to 2023, consistently show worsening perceptions of judicial corruption, with 45 per cent of 2023 respondents viewing "some" judges and magistrates corrupt and over 35 per cent believing "most or all" are corrupt.⁴² The belief that "most or all" judges and magistrates are corrupt was significantly more prevalent in conflict-affected countries across all demographics, suggesting a comparative deterioration in delivery of justice in those countries (see figure X). Such distrust undermines legal systems and erodes the social contract, leading to reduced civic engagement and compliance with the law. When citizens perceive the judiciary as corrupt, trust in democratic processes diminishes, lowering participation in elections, public debates and community decisions. This disengagement weakens democratic institutions and processes, hindering accountability and inclusive governance. Moreover, perceived injustice and lack of recourse can drive individuals to seek alternative, sometimes violent, ways to resolve disputes and express grievances, fostering instability and undermining democracy.

³⁸ UNHCR and UNDP, "Advancing access to justice and legal aid in situations of forced displacement", 2022.

³⁹ OECD and World Justice Project, *Building a Business Case for Access to Justice*.

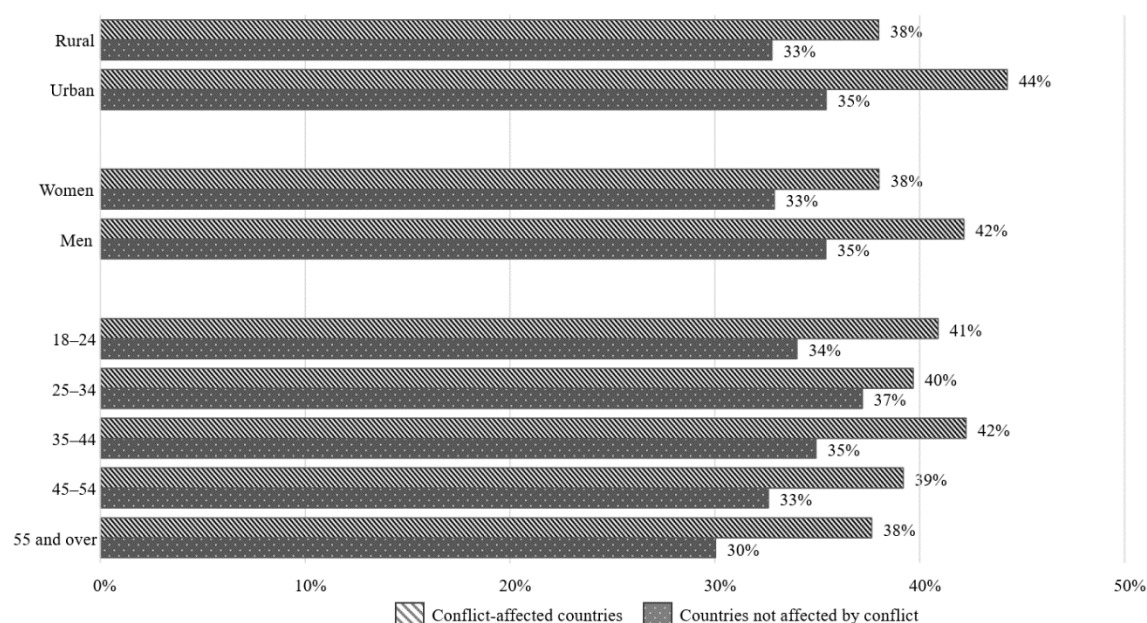
⁴⁰ World Bank, "Increasing access to justice in fragile settings".

⁴¹ United Nations, "Guidance note of the Secretary General on transitional justice", 2023.

⁴² Afrobarometer, "Amid rising corruption, most Africans say they risk retaliation if they speak up, new Afrobarometer Pan-Africa profile reveals", 6 December 2023.

Figure X
Perceptions of corruption of judges and magistrates in Africa

(Percentage of respondents indicating “most or all”)



44. A perception of unfairness is a critical driver of grievances, leading to violent mobilization and sustained conflict. In its 2023 study, *Journey to Extremism in Africa*, which examined the life journeys of 2,196 individuals, including over 1,000 former members of extremist groups, from eight African countries, the United Nations Development Programme (UNDP) found that 32 per cent of members of such groups cited their perceived experiences of injustice, marginalization and exclusion as a motivating factor. Many of the grievances identified are linked to the rule of law, including geographical remoteness of their communities from the capital city and a resulting sense of marginalization due to prioritization of the capital in the allocation of State resources; a sense of unfairness, discrimination or victimization among communities; perceptions of widespread corruption; and slow or ineffective State provision of justice and dispute resolution.⁴³

45. Such pervasive inequalities and deficiencies have dire consequences for societal stability. Inadequate judicial systems perpetuate gender disparities, further marginalize displaced populations, deepen urban-rural divisions, and hamper transitions out of conflict. Resulting grievances often contribute to social unrest and violent extremism, particularly where corruption and inefficiency prevail. Strengthening the rule of law and ensuring equitable access to justice are therefore essential for preventing societal fragmentation and fostering lasting peace and development.

C. Political domain

46. Rule of law challenges have had profound implications for political stability and security in Africa, often fuelled by the economic and social inequities previously discussed. Figure XI shows the positive correlation that exists between World Bank rule of law estimates and overall scores on the Ibrahim Index of African Governance –

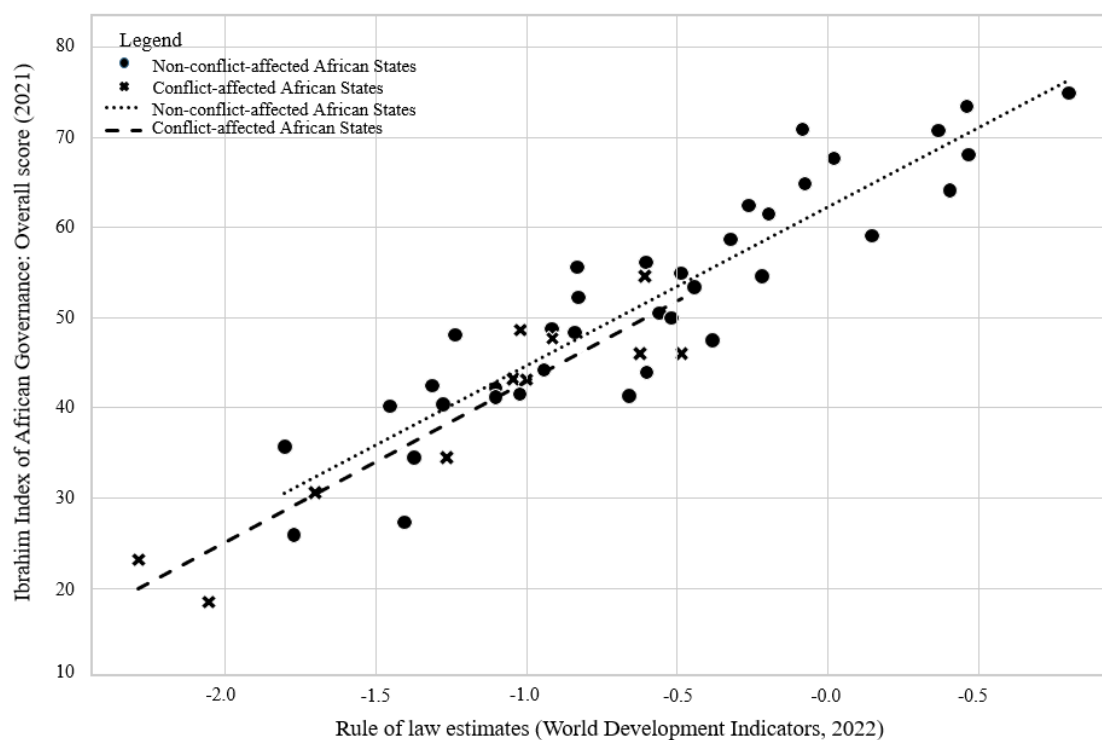
⁴³ UNDP, *Journey to Extremism in Africa: Pathways to Recruitment and Disengagement* (2023).

a relationship that holds true for both conflict-affected and non-conflict-affected African States, suggesting a universal principle that applies across diverse governance and security contexts. The data indicate that improvements in legal structures and adherence to the rule of law are closely tied to enhancements in governance quality. Weak judicial systems and inadequate legal frameworks, however, often exacerbate political tensions, fuelling grievances and undermining trust in governance institutions.

47. For example, in the Sahel, a weak rule of law creates conditions conducive to organized crime, including drug trafficking, which has intensified as a result of rising cocaine production in South America and growing demand in Europe. The region's frequent lack of transparent and equitable legal environments and insufficient enforcement of the rule of law allows the drug economy to thrive, which, in turn, often provides financial support to armed groups. Furthermore, competition over trafficking routes frequently results in violent clashes and reprisals, perpetuating instability. Judicial corruption in the Sahel often shields traffickers from prosecution and punishment, facilitating their operations and enabling them to act with impunity.⁴⁴ Pervasive corruption and the impunity enjoyed by traffickers also critically undermine the credibility and legitimacy of State institutions.

Figure XI

Correlation between enhanced rule of law and strengthened governance in conflict-affected and non-conflict-affected African States



Source: World Bank.

48. Furthermore, violent extremist groups such as Al-Shabaab, Islamic State West Africa Province (ISWAP) and various armed groups in Mali, Somalia and the Sahel region have exploited the absence or weakness of government-provided judicial

⁴⁴ UNODC, *Drug Trafficking in the Sahel* (Vienna, 2024).

systems in certain areas to establish their own court systems. Contextual data from Mali and Somalia illustrate perceptions, held by some, of the role of violent extremist groups as service providers in such areas as the mediation of local conflicts, provision of justice and everyday security. In Mali, a significant proportion of voluntary recruits highlighted the appeal of violent extremist groups in mediating local conflicts (70 per cent) and ensuring everyday security (71 per cent). Similarly, in Somalia, 58 per cent acknowledged the role of violent extremist groups in providing justice.⁴⁵

49. In Somalia, Al-Shabaab operates shadow courts that are perceived by some as being harsh but ultimately just (see [S/2019/858](#)). Residents, both within and outside the areas controlled by Al-Shabaab, sometimes turn to these courts for judgments, which are believed to be more enforceable than those of the State's courts as fear of reprisals by Al-Shabaab compels compliance. Similarly, in Mali, the Al-Qaida-aligned armed group Front de libération du Macina addresses resource conflicts and judicial inefficiencies through mobile court adjudications that, while perhaps not in accordance with due process, are perceived by some to be swifter and more efficient, compared with the perception of corruption and delays associated with local judges.⁴⁶

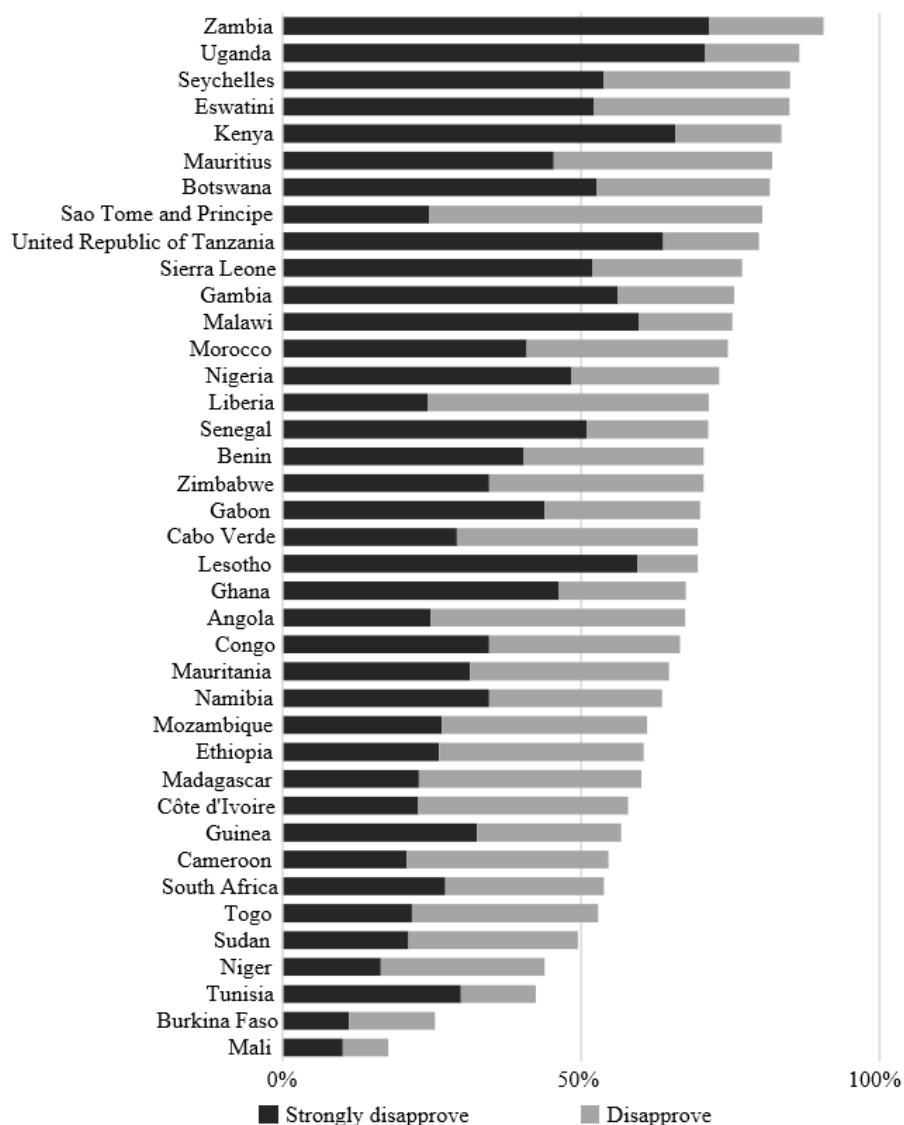
50. Delivery of justice by Governments is not just a matter of administrative efficiency; it lies at the core of citizens' expectations for accountable and democratic governance. The rule of law ensures that laws are applied fairly, rights are protected and government actions are transparent and accountable, all of which are essential dimensions of democracy. Across Africa, perceptions of democracy and accountable leadership have been eroding, contributing to a troubling sense of disillusionment among the population. That said, despite significant challenges, the desire for democratic and accountable governance remains robust among Africans. In the latest round of Afrobarometer surveys conducted between 2021 and 2023, it was found that two thirds of respondents expressed a preference for democracy over any other system of government, with roughly 8 out of 10 individuals opposing "one-man rule" and "one-party rule", while nearly 7 out of 10 were against military rule (see figure XII). This illustrates that the continent's population still strongly prefers democracy, even if there is increased disillusionment with the way it is working.⁴⁷

⁴⁵ UNDP, *Journey to Extremism in Africa*.

⁴⁶ Norwegian Institute of International Affairs and UNDP, "Local drivers of violent extremism in Mali", 2021.

⁴⁷ Afrobarometer, "Data set for 39 countries: round 9 (2021/2023)", available at www.afrobarometer.org.

Figure XII
Disapproval of military rule in Africa



51. However, alongside these affirmations of principles of liberal democracy, there are some worrying trends. Over the past decade, there has been a significant decline in popular support for democracy in several African countries. For example, support for liberal democracy has sharply decreased, by 36 percentage points in Mali, 26 points in Burkina Faso, 21 points in South Africa, 19 points in Namibia and 15 points in Guinea. Alarmingly, in countries such as Angola, Lesotho, Mali, Mozambique and South Africa support for democracy now represents a minority position, with figures as low as 39 per cent.⁴⁸

52. The decline in satisfaction with democracy is starkly reflected in citizens' perceptions of the direction their countries are heading. A significant majority view their countries as moving in the wrong direction, with particular pessimism evident among African youth. In Afrobarometer's data from 39 countries surveyed in 2021–2023 two thirds of the Africans surveyed said that their countries were heading in the

⁴⁸ Ibid.

wrong direction. Dissatisfaction with the functioning of democracy is widespread, with nearly 6 in 10 Africans surveyed expressing discontent. Furthermore, perceptions of widespread corruption within public institutions have compounded the erosion of trust in Government. Young Africans, in particular, exhibit greater scepticism toward State institutions and leaders, mirroring their disillusionment with the prevailing democratic order.⁴⁹

53. This disenchantment with democracy has tangible implications for political stability and governance. A growing willingness to tolerate military intervention, especially among young people, underscores the precarious nature of democratic governance in Africa. Afrobarometer's findings reveal that a slight majority of adults across 39 countries consider it legitimate for the armed forces to take control of the Government when elected leaders abuse power for their own ends. While this tolerance may stem from frustration with elected leaders' failure to uphold democratic principles, it also underscores a broader crisis of confidence in the ability of democratic institutions to deliver justice and accountability.

54. Growing scepticism about the ability of democratic systems to perform and provide essential services is particularly relevant in the wake of recent unconstitutional changes of government on the continent. In a recent perceptions survey conducted by UNDP, 8,000 citizens across Africa were surveyed, including 5,000 who had lived through unconstitutional changes of government in Burkina Faso, Chad, Guinea, Mali and the Sudan. In countries that have undergone an unconstitutional change of government, respondents who indicated that alternatives to democracy might be acceptable were asked to elaborate on the circumstances that would justify such a change. By far the most common reason provided (63 per cent) was that democracy was being "abused" or was "not working", which illustrates the dangers that exist when democracy, as constituted, is perceived to be dysfunctional or corrupt, as well as the importance of reviving trust between citizens and the State across all settings in Africa.⁵⁰

55. In order to address the root causes of this discontent, there is a need for a multifaceted approach that goes beyond institutional reform and aligns with the broader framework of the Sustainable Development Goals. Delivery on the promise of the Goals necessitates an approach that places justice and accountability at the core of governance, ensuring that efforts to end poverty, ensure education, reduce inequalities and meet other Goals are underpinned by, inter alia, transparent and equitable legal frameworks. Moreover, in order to restore faith in democracy proactive efforts are needed to address youth disillusionment and promote the meaningful engagement of young people in governance processes, including those related to justice. This comprehensive strategy is essential for achieving sustainable development and long-term stability.

56. Ultimately, the success of democracy in Africa requires African Governments, other national stakeholders and also global stakeholders – in the context of a global environment shaped, inter alia, by foreign Governments, the multilateral system and global economic actors – to deliver on the promise of justice and accountability. Failure to do so will not only undermine democratic legitimacy but will also risk fuelling further discontent and instability. As such, concerted action by both African and global partners is needed to bridge the gap between democratic ideals and reality, thereby ensuring that justice is not just an aspiration but a tangible reality for all Africans.

⁴⁹ Ibid.

⁵⁰ UNDP, *Soldiers and Citizens: Military Coups and the Need for Democratic Renewal in Africa* (2023).

Forward-looking approaches to access to justice

57. The strengthening of the rule of law and access to justice on the continent requires a comprehensive approach that integrates a variety of legal avenues and services tailored to meeting the diversity of needs across the continent. Successful efforts to expand the reach of justice in Africa have included the deployment of paralegal staff, implementation of alternative dispute resolution mechanisms, establishment of small claims courts and procedures, conduct of awareness-raising campaigns on gender issues, reduction of costs and elimination of physical and geographical barriers to justice mechanisms. The integration of information and communications technology tools has also played a crucial role in enhancing service delivery. Collectively, these measures address multiple barriers to justice and demonstrate the potential for successful reform.

58. Several countries have put such reforms into practice by adopting innovative strategies to increase access to justice. In Malawi, the Paralegal Advisory Service Institute collaborates with prison officers to identify individuals who are unlawfully detained. The Institute's work in Malawi is associated with remarkable and sustained reductions in the levels of unsentenced detainees, which fell from 50 per cent in 2000 to 18 per cent in 2008, and have remained since then under 20 per cent, which is below the average of 24 per cent in Organisation for Economic Co-operation and Development countries.⁵¹

59. In addition, the introduction of mobile courts has significantly improved the accessibility of justice by removing geographical barriers, particularly in such countries as the Central African Republic, the Democratic Republic of the Congo, Sierra Leone, Somalia, South Sudan and Uganda, thereby connecting justice services more effectively with marginalized communities.⁵² In South Sudan, for example, the Joint Special Mobile Court, which was launched in 2021 with statutory judges and traditional leaders deployed to address serious crimes, including sexual and gender-based violence, has adjudicated 262 cases involving 368 individuals, including 12 sexual and gender-based violence cases, with support from the United Nations Mission in South Sudan.

60. In the consideration of approaches to expanding access to justice on the continent, it is critical to take account of customary and informal justice systems, which have historically been a vital part of the justice landscape across Africa. Although formal justice systems are crucial, the primary task of meeting justice needs in Africa frequently falls to customary and informal justice systems, which thus play a pivotal role in the continent's broader legal landscape. This reality is partially attributable to the continent's colonial history, which often involved the implementation of dual judicial systems, with indigenous customary law governing various aspects of the lives of indigenous Africans. In many instances, European colonizers implemented indirect rule, entrusting the management of local affairs, including dispute resolution, to traditional authorities. Today, the influence of formal State judicial structures remains limited across much of the continent, with stark imbalances in the ratio of judges to inhabitants and the availability of legal professionals in many African countries.⁵³

61. On the continent, customary and informal justice systems are often the primary choice for dispute resolution, as they are more accessible, affordable and culturally

⁵¹ Marcus Manuel and Clare Manuel, *'Small is Beautiful but Scale is Necessary': Front-Line Justice Services in Lower-Income Countries with the Potential to Scale-Up* (London, ODI, 2023).

⁵² World Bank, "Increasing access to justice in fragile settings".

⁵³ Waleed Haider Malik and Clara Lahoud Maghani, *Voices of the Vulnerable: Promoting Access to Justice in Sub-Saharan Africa* (Washington, D.C., World Bank, 2023).

resonant than formal courts. In Kenya, for example, it costs an average of KSh 32,689 (\$332.75) per household, including both formal and informal⁵⁴ costs, to resolve grievances through the courts, compared to a cost of less than KSh 2,500 (\$25.00) per household through recourse to chiefs or traditional leaders and elders.⁵⁵ Additionally, in fiscal year 2021/22, the magistrates' courts recorded 233,374 cases in backlog, of which 146,323 cases had been pending for between one and three years, and 86,854 cases had been pending for over three years. By contrast, traditional justice processes rarely last beyond a single "sitting" of adjudicators and matters are typically resolved within a month or two.⁵⁶

62. These systems are deeply rooted in local communities, emphasizing restorative justice and flexible, consent-based solutions. They operate in local languages, deliver timely outcomes and are aligned with local social norms, making them a trusted option administered by recognized community leaders. In conflict-affected African regions, over 71 per cent of the population relies on traditional leaders for justice, a figure that rises to more than 80 per cent in such countries as Burundi, Ethiopia, the Gambia, Mali, Nigeria and Sierra Leone (see figure XIII). Even in African countries that are not conflict-affected, 59 per cent of people prefer traditional leaders for legal disputes. The prevalence of these systems highlights their crucial role and the need for their integration into broader justice frameworks to meet local justice needs. With the cost of providing formal justice systems in low-income countries estimated at \$13 billion annually, alternatives like customary and informal justice systems are vital to preventing a prolonged denial of justice to Africa's most vulnerable people.⁵⁷

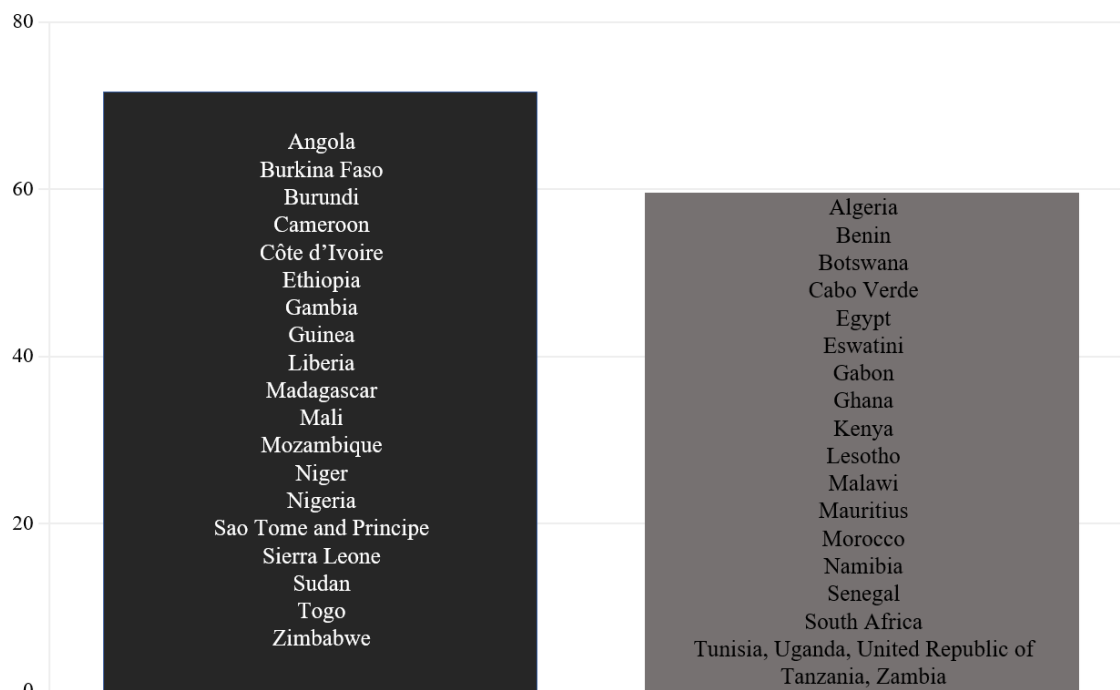
⁵⁴ Informal costs include, for example, "bribes or tokens meant to hasten the process of conflict resolution or influence the outcome".

⁵⁵ Susan Lee, *Multiple Doors to Justice in Kenya: Engaging Alternative Justice Systems* (Pathfinders for Peaceful, Just and Inclusive Societies, 2023); and Kenya, National Bureau of Statistics, "Kenya Integrated Household Budget Survey 2015–2016", available at <https://statistics.knbs.or.ke/nada/index.php/catalog/13/related-materials>.

⁵⁶ Lee, *Multiple Doors to Justice in Kenya* (citing Kenya, Judiciary, *State of the Judiciary and the Administration of Justice: Annual Report Financial Year 2021/22* (Nairobi, 2023)).

⁵⁷ International Development Law Organization, *Diverse Pathways to People-Centred Justice*.

Figure XIII
Significant reliance on customary and informal justice systems in Africa



Source: Afrobarometer (2021), cited in World Bank, “Increasing access to justice in fragile settings”.

Note: This chart considers instances in which traditional leaders have “some” or “a lot” of influence on the resolution of disputes. Countries that have appeared at least once on the list of fragile and conflict-affected situations compiled by the World Bank over the last 15 years are shown in the dark grey column, while countries that have not appeared on that list are shown in light grey.

63. Despite the complexity of interactions between civil, traditional and religious judicial systems, such systems offer multiple avenues for access to justice. But while customary and informal justice systems significantly expand access to justice, lack of clarity regarding their relationship with formal courts and the absence of an interface between the two systems can impede their effectiveness. However, their potential can be harnessed by creating clear channels for interaction, coordination and strengthened coherence, such as mechanisms for cases to be referred to the customary system or for customary judgments to be appealed through the formal system, enhancing complementarities and affording people a wider range of avenues of justice. Countries such as Botswana, Togo and Zambia have pursued such integration with positive outcomes.⁵⁸

64. In addition, customary and informal justice systems, in particular custom-based systems, can sometimes engage in practices that abrogate rights, reflecting unequal power dynamics that adversely affect women, children, young people, the poor and other marginalized groups that also tend to be disproportionately reliant on such systems.⁵⁹ However, customary and informal justice systems have been seen to evolve in response to contestation within communities about rights, power, and identity, demonstrating their contemporary relevance. For example, women’s rights groups in Botswana have been the catalyst for fundamental changes in both formal and traditional justice systems over three decades. In northern Namibia, the Uukwambi

⁵⁸ Malik and Maghani, *Voices of the Vulnerable*.

⁵⁹ International Development Law Organization, *Diverse Pathways to People-Centred Justice*.

Traditional Authority has increased women's participation in customary and informal justice systems and also increased the number of female traditional leaders.⁶⁰ These locally led changes underscore the enduring relevance of customary and informal justice systems as contemporary justice providers that are essential for ensuring access to justice for all.⁶¹

IV. Conclusions

65. A radical departure from conventional approaches in Africa is needed if universal access to justice is to be achieved by 2030. Urgent action and a shift towards a people-centred approach are essential. People-centred justice recognizes that traditional institution-building strategies have failed to close the continent's growing justice gap. Only by prioritizing the needs and aspirations of individuals, communities and marginalized groups can we reimagine justice systems to better serve those that they are intended to benefit. This entails expanding the avenues for addressing justice issues and improving the quality and effectiveness of individuals' journeys through the justice process.

66. However, it is crucial to understand the deep interconnection between the rule of law and broader development issues. Meaningful access to justice depends on issues such as education, gender equality and social inclusion being addressed. Furthermore, it is essential to foster diversity, including gender equality, within educational and judicial institutions in order to ensure equitable access to justice for all.⁶²

67. Therefore, the advancement of the rule of law in Africa demands a comprehensive strategy that encompasses legal reforms alongside broader societal transformations. By addressing the root causes of injustice and inequality, African countries can cultivate more resilient and inclusive legal systems. This holistic approach upholds rights and dignity, fostering sustainable peace, stability and development across the continent.

68. **In this regard, the following recommendations are made.**

69. **African Governments should consider:**

(a) **Establishing comprehensive policies and initiatives to enhance the rule of law, including through strengthening domestic resource mobilization to unlock the necessary financing to build and strengthen access to formal justice systems, as well as expanded recognition and engagement with customary and informal justice systems in culturally and contextually appropriate ways, to foster mutual understanding, cooperation and collaboration, as well as to better deliver equal access to justice that upholds human rights. Given the high costs and long-term efforts required to strengthen the rule of law, customary and informal justice systems are crucial for ensuring the widest possible access to justice in the short term. This entails leveraging a diverse range of options, drawing upon a justice ecosystem of overlapping providers established under different normative orders, while also ensuring respect for human rights norms and standards;**

⁶⁰ International Development Law Organization, *Navigating Complex Pathways to Justice: Women's Participation and Leadership in Customary and Informal Justice Systems* (2023).

⁶¹ OECD and World Justice Project, *Building a Business Case for Access to Justice*.

⁶² UNESCO and UNODC, *Strengthening the Rule of Law through Education*; and UNESCO, *Global Education Monitoring Report 2016*.

(b) Undertaking comprehensive reforms to address corruption and impunity within the justice system, including through ensuring the independence of the judiciary from political interference and undue influence, establishing effective oversight mechanisms to hold judicial officials and those exerting improper influence accountable for misconduct, investing in building the capacity of anti-corruption agencies, and making other efforts to promote integrity and ethical conduct within the legal system;

(c) Prioritizing the addressing of structural inequality in the rule of law, with a particular focus on marginalized groups such as women, young people, minority communities, displaced persons, persons with disabilities and those in remote or rural geographical locations, including through increasing the delivery of justice and related resources to these populations, and establishing robust monitoring and assessment frameworks to track the delivery of justice to marginalized groups, thereby fostering accountability and driving targeted interventions to address systemic barriers to access;

(d) Prioritizing the monitoring of exclusion and the grievances of social groups as a preventive strategy. This entails understanding the dynamics of exclusion and grievances through regular monitoring of horizontal inequalities among groups or geographical areas, in addition to assessments of societal cleavages such as gender inequality and youth exclusion;

(e) Ensuring sufficient allocation of resources to critical sectors that support the rule of law, with an emphasis on efficient public spending measures such as digital transformation to optimize resource utilization.

70. Development partners are encouraged to:

(a) Intensify and concentrate support for inclusive economic growth and progress towards the Sustainable Development Goals in conflict-affected and post-conflict African countries, tailoring such support to address the multifaceted challenges encountered by these countries;

(b) Provide sustainable financing for rule of law and access to justice initiatives in Africa, ensuring long-term support that enables the development and maintenance of robust legal and judicial systems, particularly in underserved and conflict-affected regions;

(c) Strengthen support for African countries in providing justice services and bolstering the diverse range of justice actors within these nations, including by investing in legal infrastructure and capacity-building for judicial institutions, as well as by supporting initiatives that enhance access to justice for marginalized populations, promote legal empowerment and improve coordination among various actors within the justice sector;

(d) Support African countries in establishing reliable and predictable financing for justice systems, anchored within sound domestic resource mobilization strategies.

71. The multilateral system should:

(a) Enhance coordination and coherence among international organizations to strengthen efforts and investments in sustainable development in conflict-affected African countries;

(b) Foster stronger collaboration among communities, Governments, civil society, academia, innovation centres and development partners to enhance the refinement of approaches and tools needed to strengthen the rule of law and

access to justice on the continent, including in relation to enhancing engagement with customary and informal justice systems;

(c) Prioritize the enhancement of data collection and analysis, with a particular focus on remote areas and marginalized groups, to inform effective policies and interventions, including through strengthening the collection of perception and experience data from individuals within countries, in order to gain a comprehensive understanding of the needs and situations of marginalized populations.
