

Building on a firm foundation

Why strengthening
the rule of law must
be Africa's priority



A sobering picture of rising fragility

On 7 December 2025, soldiers appeared on Benin national television, claiming to have seized power. Eight uniformed men calling themselves the Military Committee for Refoundation declared that President Patrice Talon had been “removed from office,” the constitution suspended, state institutions dissolved and the borders closed. By midday, however, Interior Minister Alassane Seidou announced that the coup had been thwarted.¹ Across Africa, political fragility is taking varied forms, from forceful takeover of power to escalating tensions between citizens and the state.

In early 2025, the streets of Nairobi, Kisumu and Mombasa were filled with young Kenyans, many of them first-time protesters. Building on the youth-led demonstrations of June–July 2024, which were triggered by the proposed tax increases under the Finance Bill, the renewed mobilisations reflected deeper grievances with a political system perceived as deaf to alternative voices and dismissive of lawful dissent. What began as peaceful civic expression was met with arrests, excessive force and shrinking space for dialogue. Across these protest waves, human rights organisations reported dozens of deaths, hundreds of injuries, widespread arrests and detentions as well as allegations of enforced disappearances and extrajudicial killings.² For many young Kenyans, the message was stark: participation is only permitted when it aligns with the interests of those in power. It was a warning signal of how the erosion of the rule of law and resistance to citizen voices can quickly turn frustration into instability.

These patterns are familiar across Africa. In recent years, unresolved political and economic crises have often resulted in extrajudicial and violent actions. At the same time, the continent has witnessed a surge in political instability, with widespread protests driven by growing public discontent and governance grievances. Since 2020, Africa has experienced 11 successful coups, underscoring persistent fragility and contested power. What often follows these trends is routine condemnations from regional bodies like the Economic Community of West African States (ECOWAS) and the African Union (AU). And the patterns repeat themselves. In 2025, reports across Africa point to disproportionate state responses to protests, with hundreds of deaths and attempted or successful forceful takeovers of power in at least three countries. The overall trend signals a worrying escalation in repression and instability across the continent.

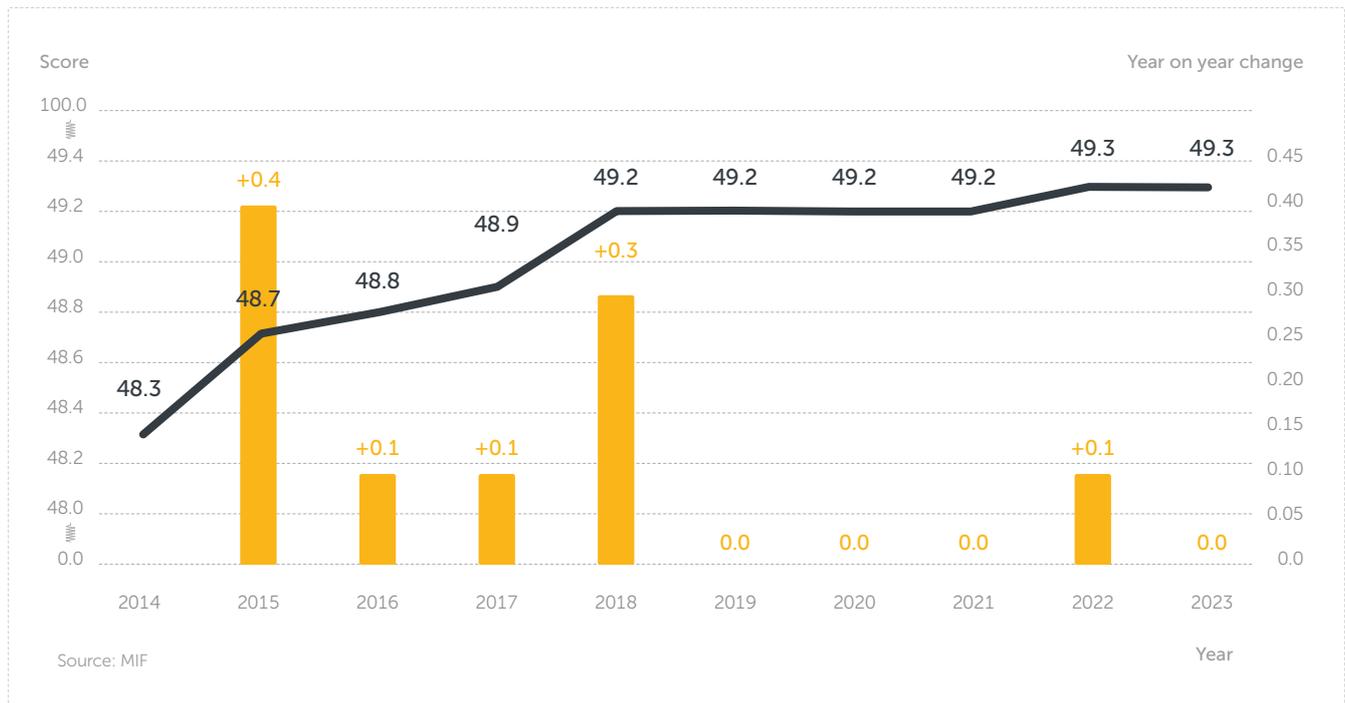
Africa consistently experiences the highest number of state-based conflicts per year globally.³ Over the past decade, the frequency of conflicts has doubled, extracting a considerable human toll. Since 1989, roughly the end of the Cold War, more than half of all conflict-related deaths, approximately 2 million people, have occurred in Africa.⁴ By the end of 2023, around 35 million people had been internally displaced, with 32.5 million displaced due to conflict and war.⁵ Beyond the human cost, conflict undermines development efforts, costing Africa over \$18 billion annually.⁶

Across the Sahel, parts of Central Africa, and the Horn, fragility is not an isolated phenomenon; it is becoming systemic. In these contexts, rising conflict, shrinking civic space, and deteriorating state capacity are eroding the foundations of governance. According to the Mo Ibrahim Foundation’s 2024 Ibrahim Index of African Governance (IIAG), progress in *Overall Governance* across the continent has stalled, with nearly half of Africa’s countries performing worse in 2023 than they did a decade earlier.⁷



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Africa: Overall Governance scores & yearly changes (2014-2023)



As the chart shows, overall governance progress has stagnated in Africa since 2018, following four years of slow but gradual improvement. This concerning overall trend is driven by the ongoing deterioration of the *Security & Rule of Law* dimension, which has been the most deteriorated IIAG category since 2014 (-1.6 points), as well as, to a lesser extent, by the irregular trajectory of *Participation, Rights & Inclusion*, ending with a decline of -0.2 points between 2014 and 2023. Within these categories, deterioration is worst in both the sub-categories *Security & Safety* and *Participation*, with a loss of -5.0 and -4.5 points respectively, while *Rights* (-2.8) and *Accountability & Transparency* (-1.4) also declined, but to a lesser extent.

Underlying this stagnation are deeply concerning patterns for African decision makers. In the *Security & Rule of Law* category, 64.8% of Africa's population lives in countries where performance has worsened since 2014. As governments struggle to ensure accountability, impartiality and legal compliance, citizens increasingly question whether justice is accessible, predictable and fair. The Hague Institute for Innovation of Law (HiIL) Justice Needs and Satisfaction Surveys show that across countries in Africa, most citizens facing legal problems never access formal justice mechanisms, highlighting the gap between institutional frameworks and lived experience.⁸

The Mo Ibrahim Foundation's 2025 Forum Report – *Financing The Africa We Want* – made the case for improving Africa's capacity to mobilise its own domestic resources. Discussions at the 2025 Ibrahim Governance Weekend emphasised that improving core governance, particularly security and rule of law mechanisms, is a critical barrier. Within this broader challenge, a persistent justice gap including ineffective dispute resolution, uneven enforcement of laws and limited access to justice directly affects the business environment.⁹ Africa is keen to attract investment in its vast resources and

Security & Rule of Law was the most deteriorated category in the 2024 IIAG

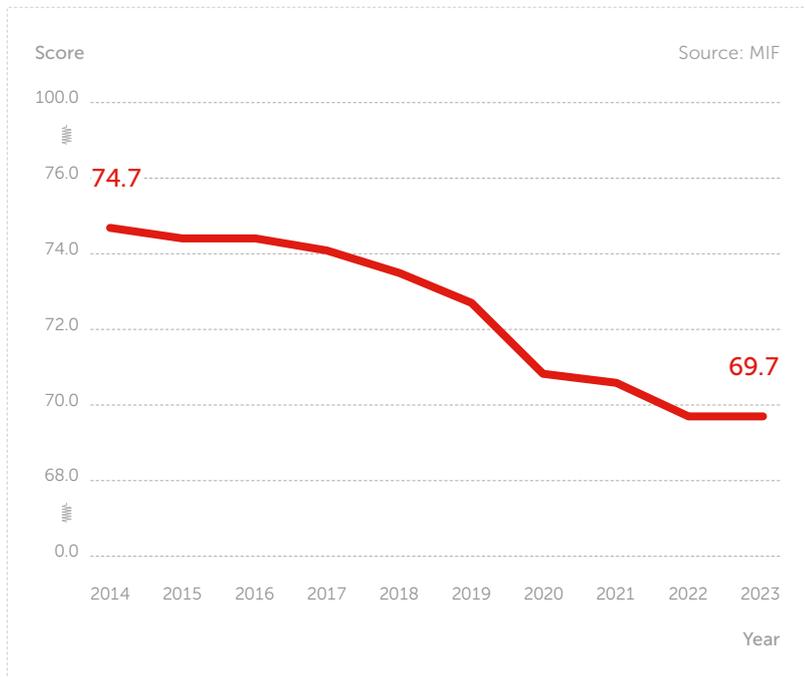
economic opportunities. However, this investment is strongly deterred by the combination of rising insecurity, weak rule of law, and an unpredictable business and contract environment which foreign investors regard with concern.

Upholding and improving the rule of law, creating a virtuous cycle, is a moral duty and economic imperative. Evidence from HiiL's Justice Needs and Satisfaction survey on Micro, Small and Medium Enterprises (MSMEs) in Tunisia shows that when businesses have access to justice and disputes are successfully resolved, they experience benefits such as reduced losses, financial recovery and improved profits.¹⁰ Fundamentally, citizens stand to benefit from more predictable and more equitable judicial processes, which in turn strengthen the social contract and encourage job and business creation. These conditions also foster a positive environment that generates growth and business opportunities that allow countries to leverage their domestic resources more effectively. An improved rule of law reduces corruption hazards, incentivises good behaviour from both the executive and businesses, and reassures citizens that the benefits of a country's resources will flow back into the country and not just out in the form of profits and state capture towards a small group of elites.

Breaking a vicious cycle: how weak rule of law undermines stability

Fragility's logic is not abstract; it is structural. Weak rule of law undermines stability because it leaves citizens without peaceful avenues to address grievances, contest abuses of power or resolve everyday conflicts. When justice institutions fail to deliver timely and fair outcomes, dissatisfaction grows, fuelling tension, protest or even violent mobilisation. As insecurity deepens, economic activity contracts: investors look elsewhere, traders avoid risky transport corridors and households reduce consumption. A weakened economy then constrains state capacity, leaving justice systems under-resourced and under-trusted. What emerges is a cycle that locks countries into fragility.

Africa: *Security & Safety* score (2014-2023)



Insecurity and weak rule of law exacerbate all of Africa's major challenges from resource access, climate preparedness, the quality of social safety nets, secure employment to other key development measures. It erodes Africa's global standing, pushing down credit ratings and disincentivising private investment, on top of obvious humanitarian costs.

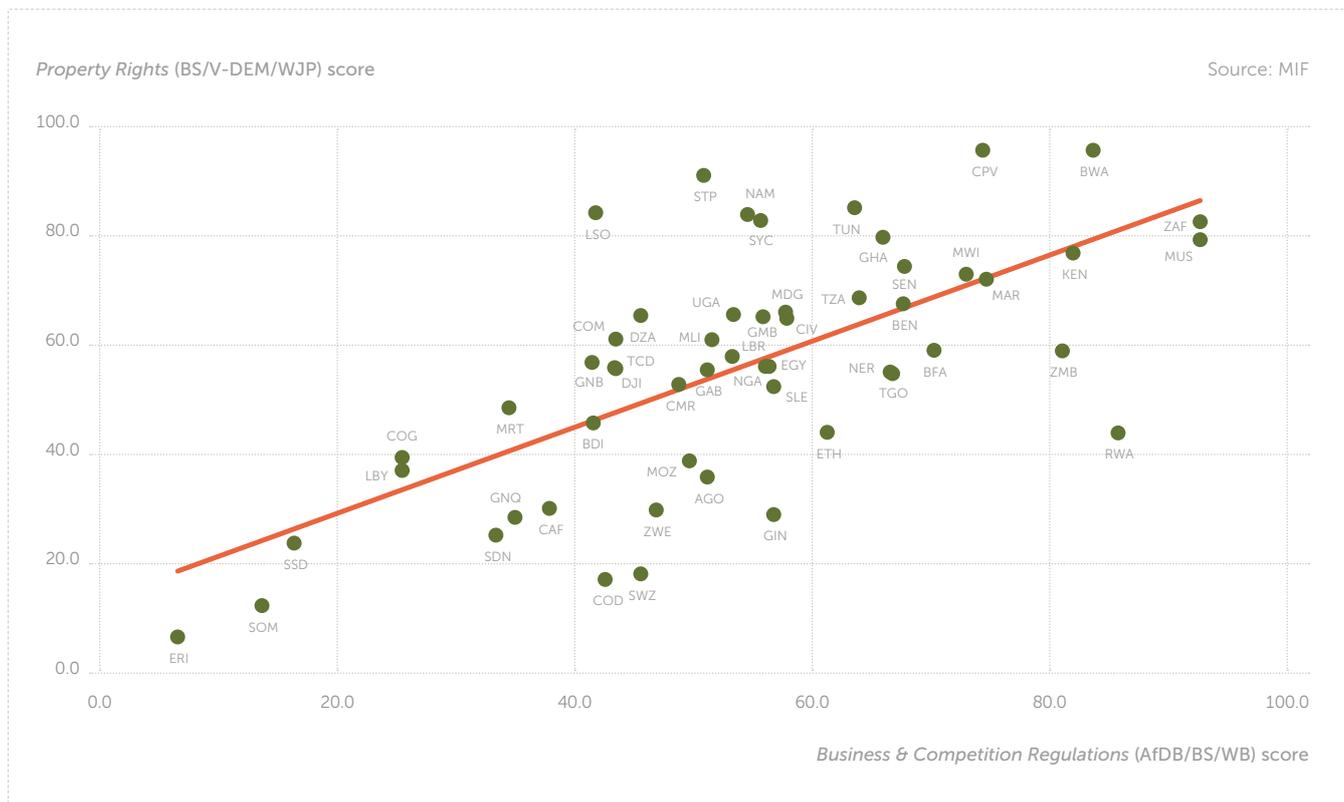
Across the continent, insecurity is worsening with *Security & Safety* being the most declined sub-category of the entire 2024 IIAG, declining by -5.0 points. The ability of governments to respond to crises and bolster a functioning rule of law is further compounded when they are stretched by various security concerns. This recent worsening security trend across the continent threatens decades of vital progress in governance.

Security & Safety was the most deteriorated sub-category in the 2024 IIAG

The possibility of building on a firm foundation

While the negative impacts of a weak rule of law on stability are clear, the converse can also be true. Strengthening the rule of law can trigger positive effects across governance. For example, the 2024 IAG can point to a correlation between improvements in *Property Rights* and improvements in *Business & Competition Regulations*. *Property Rights* is an indicator that sits within the *Rule of Law & Justice* sub-category whereas *Business & Competition Regulations* sits within the *Business & Labour Environment* sub-category. Although the chart below cannot be interpreted as showing causation, the data suggests that improving the quality of the rule of law – through measures such as strengthened property rights – can foster an environment where business regulations improve, investment rises and domestic resource mobilisation is encouraged, laying a solid foundation for sustainable economic growth.

African countries: *Property Rights* and *Business & Competition Regulations* indicator scores (2023)



Madagascar: fragile legitimacy and everyday insecurity

Madagascar's recent trajectory illustrates how insecurity often originates below the level of geopolitics, rooted instead in weak rule of law, unresolved disputes and the erosion of trust in public institutions. While political tensions and a coup in 2025 highlighted national-level fragility, for many communities, insecurity is shaped more by everyday gaps in protection and access to justice. Elite capture which concentrates power and resources in the hands of a few, combined with limited judicial independence, ineffective dispute resolution and uneven enforcement of laws leave communities without reliable avenues to resolve conflicts.¹¹ Beyond national political cycles, many communities experience insecurity through land and property conflicts that drag on without remedy, predatory local power structures and forms of violence and banditry that flourish where state protection and credible dispute resolution are absent.¹² In rural areas, insecurity linked to cattle rustling and organised banditry has repeatedly been connected to state absence, poverty and the breakdown of local authority, pushing communities towards informal and often coercive systems of order.

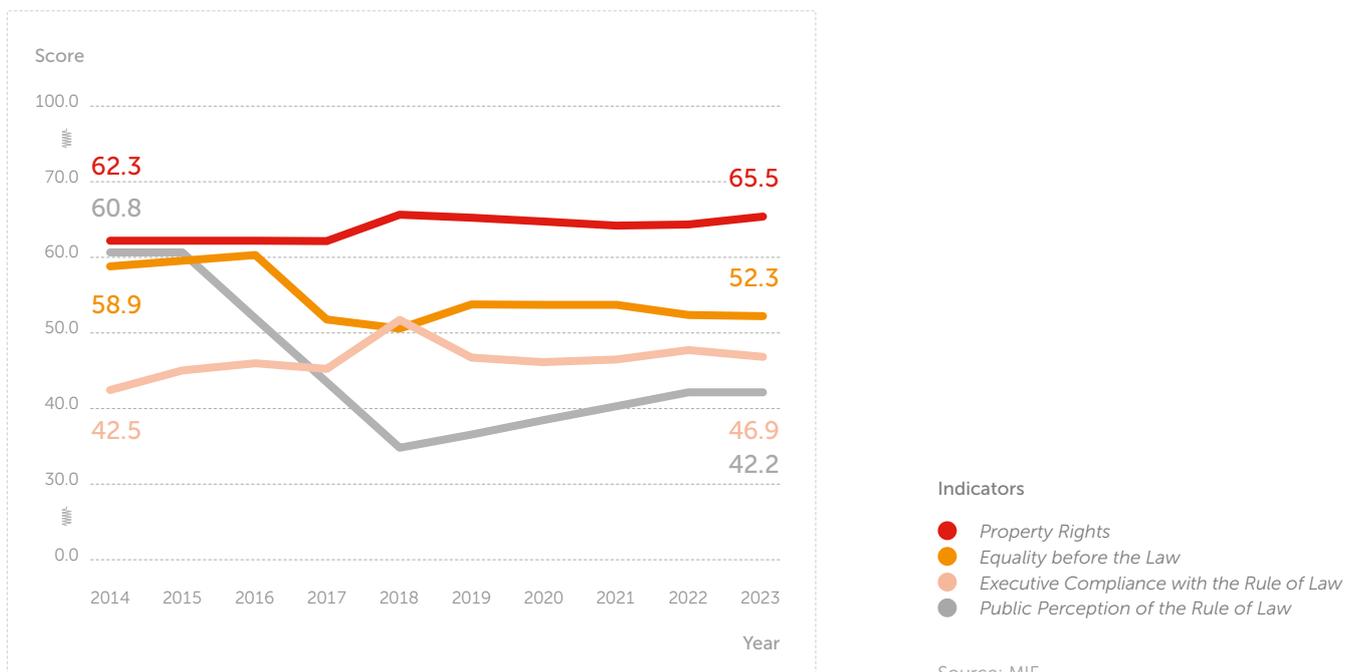
This pattern can be further explained by looking at more granular data from the 2024 Ibrahim Index of African Governance (IIAG). Between 2014 and 2023, Madagascar recorded a modest improvement of +4.4 points in *Executive Compliance with the Rule of Law*, rising from 42.5 to 46.9. However, nearly all of this progress occurred in the first half of the decade (+4.2 points between 2014 and 2019), with performance stagnating thereafter (+0.2 points between 2019 and 2023).

By contrast, the *Absence of Undue Influence* indicator shows a sharp improvement of +16.7 points over the decade (from 38.9 to 55.6), but this change is entirely concentrated in the post-2019 period. Despite these formal improvements, public perceptions tell a different story. Over the same period, *Public Perception of the Rule of Law* declined significantly (-18.6), indicating a widening gap between institutional reform and the lived experience of justice for ordinary citizens. As in other fragile contexts, this disconnect creates fertile ground for grievance, localised conflict and persistent insecurity.

Public Perception of the Rule of Law declined significantly (-18.6) from 2014-2023 in Madagascar

Madagascar's *Absence of Undue Influence* indicator showed a sharp improvement of +16.7 from 2014-2023

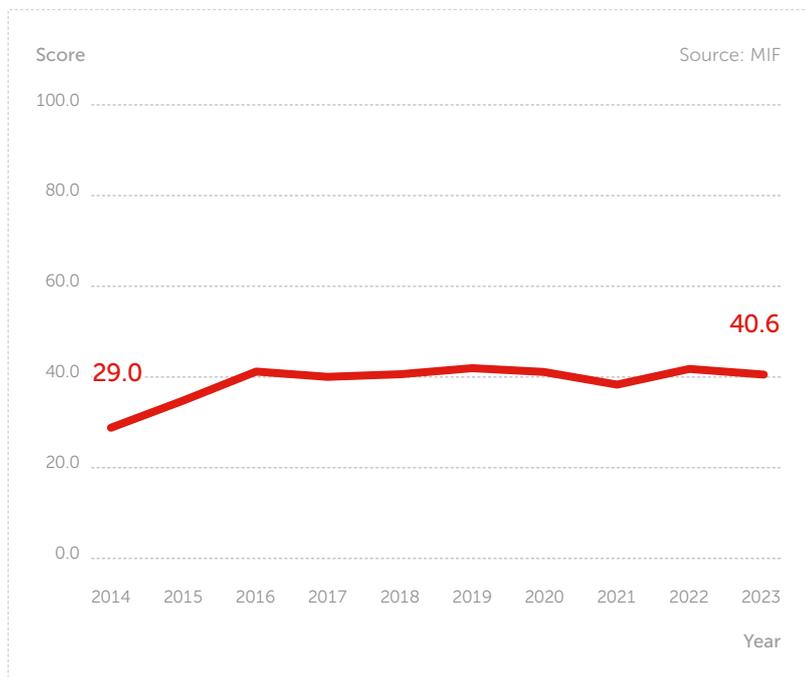
Madagascar: selected *Rule of Law & Justice* indicators, scores (2014-2023)



Rwanda: stability through institutional predictability

In stark contrast, Rwanda's trajectory shows how deliberate investment in justice and governance can foster stability and cohesion. The 2025 World Justice Project Rule of Law Index ranks Rwanda as one of the highest performing countries in Africa for order, security and judicial impartiality.¹³ Officials and citizens alike see courts and dispute resolution as predictable venues for conflict management, reducing incentives for violent or extra-legal alternatives. This predictability has supported Rwanda's post-1994 genocide and conflict recovery and created a foundation for sustained investment and development.

Rwanda: *Impartiality of the Judicial System* score (2014-2023)



The positive outputs generated by the role of investment and good governance can be seen above in the slow but steady progress Rwanda made in the *Impartiality of the Judicial System* indicator, which improved by +11.6 points. Over the period 2014-2023, Rwanda was the 12th most improved country. Although the score is still relatively low, and there is some distance between it and higher scoring countries, it is a much more stable environment, marked by gradual improvement over the ten-year period. Further, Rwanda's most improved indicators were *Public Procurement Procedures* (+27.6) and *Anti-Corruption Mechanisms* (+22.4), both of which sit within the *Anti-Corruption* sub-category and highlight the progress made by the government in improving the business and investment environment, which remains critical to bolstering domestic resource mobilisation.

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Economic consequences: the toll of instability on MSMEs

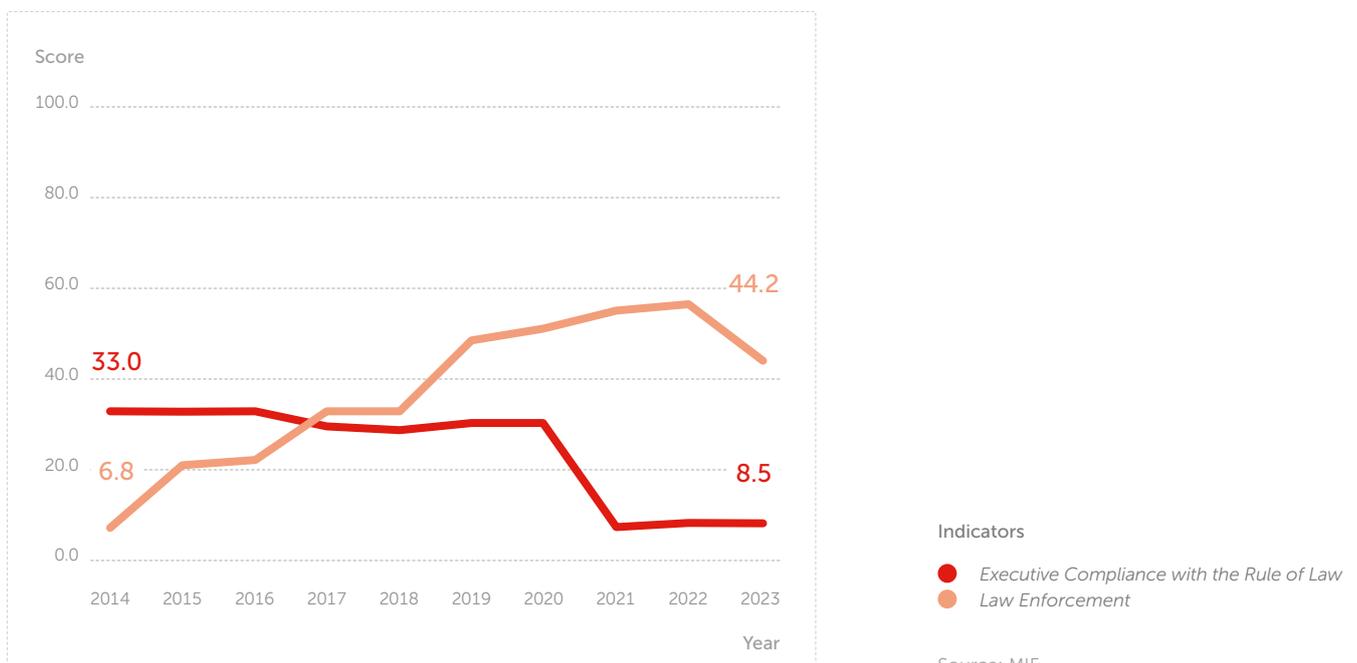
Fragile justice systems damage economic confidence as well as social stability. Research in Tunisia by HiIL reveals that a majority of both formal and informal micro, small and medium-sized enterprises (MSMEs) face serious legal problems, but four out of five of these problems go unresolved.¹⁴ This lack of resolution leads to lost contracts, supply chain disruptions, and, in some cases, insolvencies. Similar patterns were documented in pre-war Ukraine, where unresolved disputes resulted in market share loss and severe financial harm for MSMEs.¹⁵ These stories underscore a simple truth: without predictable enforcement of rights and contracts, economic actors cannot plan, invest or grow.

The 2024 IAG findings reinforce this connection. Countries with stronger performance in the *Rule of Law & Justice* sub-category also have better outcomes in the *Foundations for Economic Opportunity* category, which includes sub-categories like *Business & Labour Environment* and *Public Administration*. When the rule of law is eroded, confidence in markets wanes and economic opportunity contracts.

Chad and the Lake Chad Basin: resource conflicts and escalation

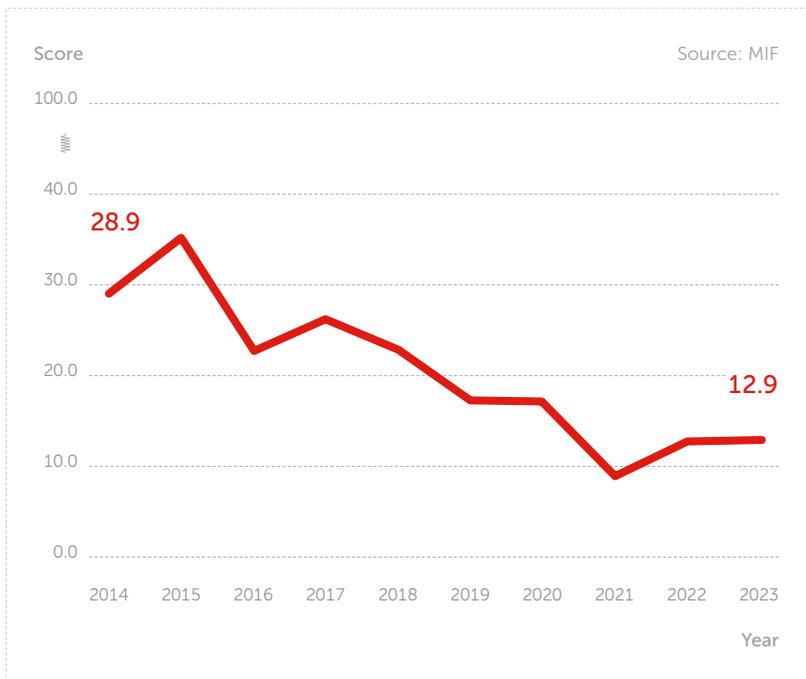
Between 2010 and 2020, farmer-herder conflicts across West and Central Africa caused more than 15,000 deaths with nearly half of these occurring after 2018, reflecting a sharp escalation in recent times.¹⁶ In southern Chad over the last decade, weak courts and delayed security responses allowed disputes over land and water, already intensified by climate stress to escalate into recurrent violence. With formal justice systems inaccessible, victims often resorted to informal or retaliatory measures, further eroding trust in the state. These localised dynamics illustrate how everyday governance gaps can flare into broader insecurity when rule of law institutions fail.

Chad: Executive Compliance with the Rule of Law and Law Enforcement scores (2014-2023)



Chad's performance in the 2024 IIAG is notable. Chad registered concerning deteriorations in the *Executive Compliance with the Rule of Law* (-24.5) indicator and the *Absence of Undue Influence* (-20.4) indicator. However, it reported promising progress in *Law Enforcement* (+37.4) and *Public Procurement Procedures* (+25.0). This suggests that while institutions like the police may be improving, becoming more reliable and providing better quality services, the executive arms of the government (in this case, the head of state and the government) are still struggling to address corruption and to properly commit to strengthening the rule of law by complying with court decisions and accommodating peaceful transfers of power.

Chad: *Impartiality of the Judicial System* score (2014-2023)



Chad registered a decline of -16.0 points in the *Impartiality of the Judicial System* indicator

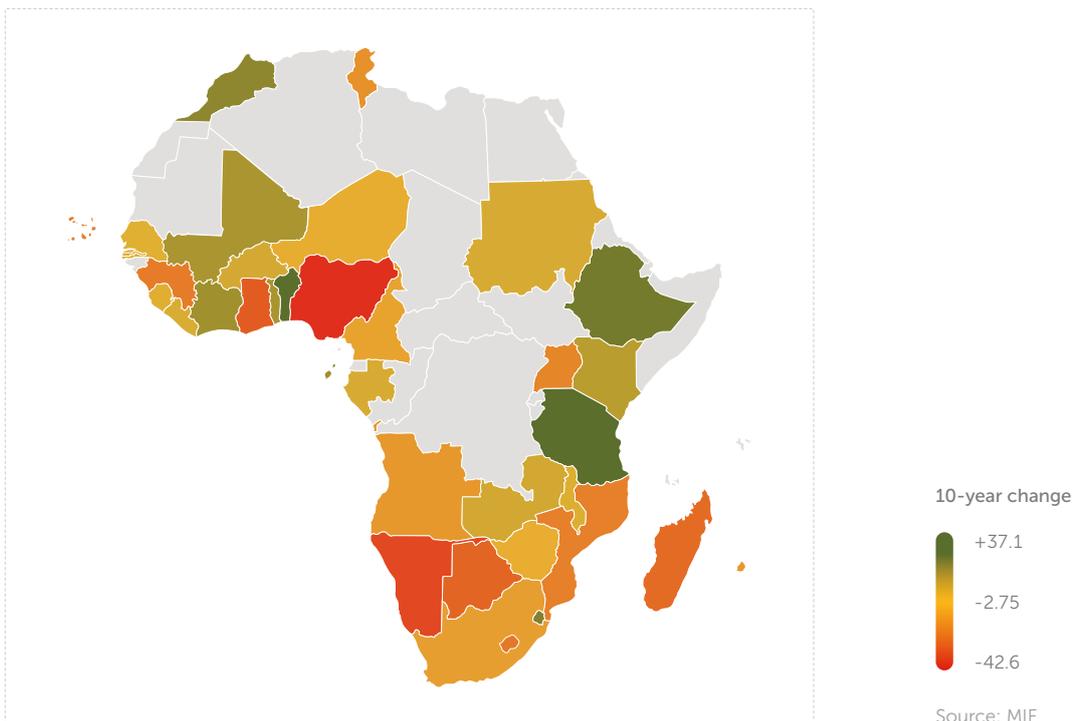
In line with trends in Chad regarding weaker courts, the 2024 IIAG also shows a marked decline in *Impartiality of the Judicial System* which declined by -16.0 points over the period 2014-2023. In reality, this results in a more prejudiced, less effective judicial system for most citizens, contributing to resentment and instability.

Reframing the rule of law as foundational infrastructure

For policymakers navigating fragility, the imperative is clear: rule of law is not a technical legal issue but is itself a foundational part of the state's infrastructure, as essential to stability and development as roads or electricity. Where courts and enforcement mechanisms are trusted, disputes are resolved before they escalate, and citizens feel protected rather than abandoned. Investors gain confidence when contracts are enforceable and regulations are predictable. Communities are less likely to turn to violence when they believe avenues exist to address grievances peacefully.

The ability of the state to manage competing interests in a structured and predictable way ensures that conflicts are minimised or resolved promptly. Unchecked state power creates a destabilising dynamic especially where citizens feel helpless and government is seen as unaccountable. The rule of law infrastructure provides the necessary guardrail to limit government overreach, strengthen citizens' voices and resolve conflicts. The stability of African states rests primarily in the strength of their rule of law infrastructure and citizens' perception of the justice system as a reliable and dependable avenue to resolve disputes and hold leaders accountable.

African countries: *Perceived Equal Treatment before the Law*, 10-year change (2014-2023)



Afrobarometer's public perception data sheds light on how likely citizens are to view their domestic justice systems as reliable and dependable conflict resolution avenues. The map above shows the ten-year changes reported in the countries covered (36 out of 54) under the *Perceived Equal Treatment before the Law* indicator. At the African average level, *Perceived Equal Treatment before the Law* declined by -2.2 points over the decade. Tanzania (+37.1), Benin (+36.9), and Ethiopia (+29.9) were the most improved countries in this indicator, suggesting citizens felt greater improvements in the ways

they were treated in the legal system. As well as being among the most improved countries, Tanzania and Ethiopia are also the two highest scoring countries overall.

Conversely, concerning declines in this indicator were recorded in Nigeria (-42.6) and Namibia (-34.6). Namibia is especially concerning as it was also the second most declined country in *Perceived Respect for the Law by the Executive* (-46.2). The 2024 IAG data provides a stark warning: deterioration in rule of law and justice is a primary drag on governance progress across the continent. Without reversing these trends, efforts to promote security or economic growth will struggle to take root.

A strategic choice for decision-makers

Leaders across Africa face a strategic choice. They can focus on short-term security operations and isolated economic reforms, or they can address the underlying institutional deficits that breed mistrust, insecurity, and stagnation and create a virtuous cycle between stronger rule of law and economic growth. Investing in the rule of law requires strengthening dispute resolution, ensuring impartial judicial processes, improving executive compliance with the law and improving and rebuilding public confidence. It also means integrating justice reforms with economic and security strategies so that citizens see tangible results. It requires a major mindset shift that encourages restraint from political leaders and unhindered support and respect for the justice system.

When justice is accessible and fair, when contracts and property rights are upheld, and when citizens can rely on accountable institutions, the vicious cycle of fragility can be broken. This is not merely a normative aspiration; it is a practical foundation for stability and development. Leaders who prioritise the rule of law will not only restore confidence in public institutions but also unlock the conditions for sustainable economic opportunity, effective domestic resource mobilisation, increased investment and more resilient societies.

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