



ADVOCACY NETWORK
JUSTICE & PEACE
BUILDING A JUST, SAFE, EQUITABLE WORLD FOR ALL



Access to justice in a world where might makes right

A structural argument: why the fourth ring of access to justice fails in Africa's unresolved conflicts, and what this Association can decide this week.

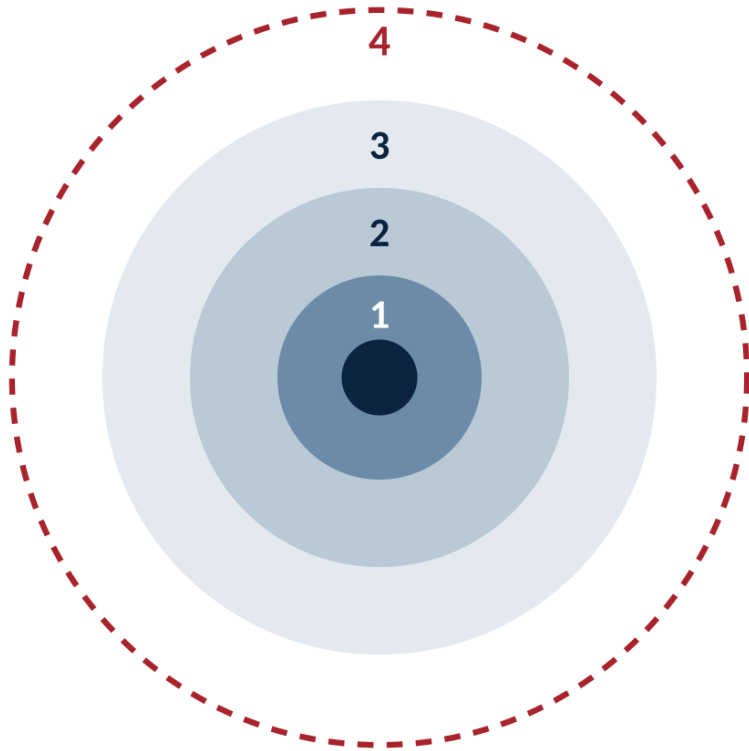
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Four rings. We speak about three of them.



1 Representation

Can a person get a lawyer? Legal aid, counsel, paralegals, fee waivers, legal literacy.

2 Adjudication

Is there a Court that functions and cannot be leaned on? Capacity, independence, delay.

3 Remedy

Does the judgment mean anything? Enforcement, reparation, execution against the state.

4 Forum

Is there anybody with the competence to hear this at all? Jurisdiction, standing, immunity.

Cappelletti and Garth. Dakar. Lilongwe. SDG 16.3 — a mature agenda, and I am not here to relitigate it.

Rings one to three all assume ring four

□ What ring four actually asks

Is there a body with competence over this conduct and these persons? Does this claimant have standing before it? Does any immunity bar the claim? All of it comes before the merits.

□ Why we never notice it

In domestic practice, the question is never whether a Court exists, only which one.

Ring four is never argued.

□ Where it breaks

The national Court cannot reach the security services or will not. And no international forum has taken the case either.

When ring four fails, so do the others

Ring 1 Legal aid with nowhere to file

Counsel can be funded, trained and ready, and there is still no competent court to receive the claim.

Ring 2 Independence with nothing to adjudicate

A judge may be entirely independent and still lack jurisdiction over the conduct or the person.

Ring 3 Enforcement with no judgment to enforce

The remedy machinery sits idle, because no judgment was ever capable of being obtained.

Ring four sits upstream and fails silently.

If the forum is the ring that fails, then the questions worth asking are questions about whom the forum was built to serve.

- Is sovereignty absolute for some states and conditional for others?
- One may annex, bomb and threaten. Another exports terror, represses its own citizens, and keeps its seat at the table. On what principle?
- If collective action in the multilateral system is dead, what is left for 54 states negotiating one at a time?

October 2019

The United States terminates Cameroon's AGOA designation, citing extrajudicial killings, arbitrary detention and torture by security forces.

A price is stated, and the conduct that carries it is named.

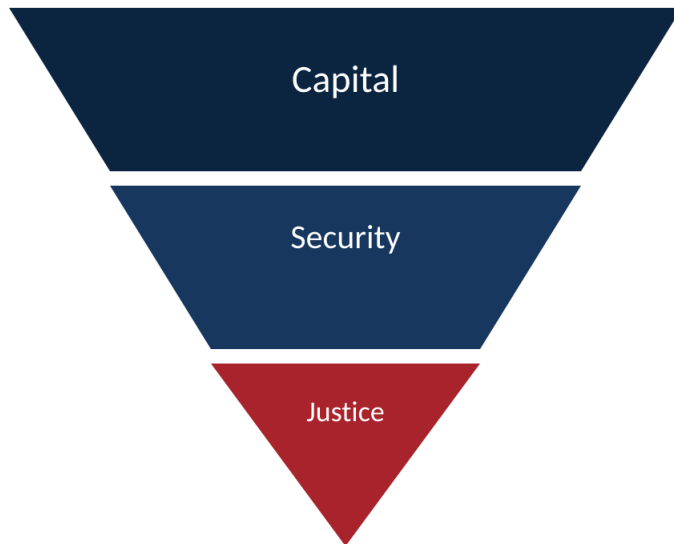
August 2026

The same two governments announce a US\$7 billion trade and investment pipeline in minerals, energy, infrastructure and logistics.

The 2019 finding is not mentioned. Neither is the conduct. Cameroon remains outside AGOA.

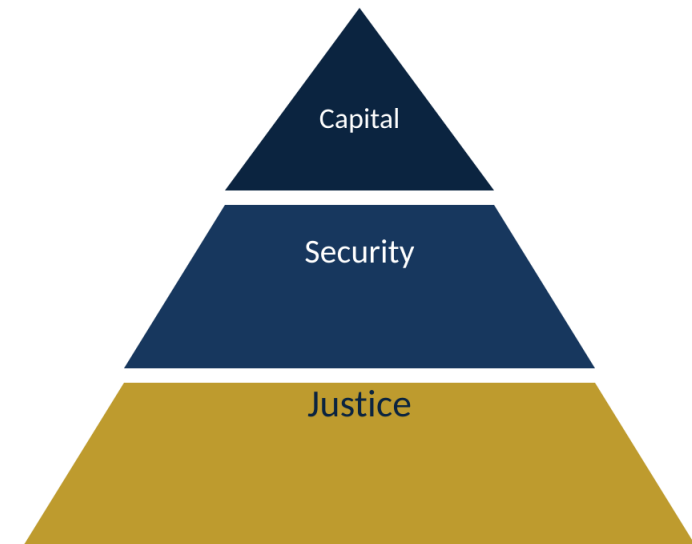
The \$7 billion describes opportunities at various stages of development, not committed capital. The argument does not depend on the money arriving. It depends on the silence.

We are building the structure upside down



As built

Money enters first, security is bought to protect it, and justice is deferred until conditions improve. Nothing holds it up.



What it should be

Courts that reach the powerful, a route to remedy, a criminal law that means what it says. Then security. Growth.

Justice is not the reward of development. Justice is what development stands on.

Development vehicle, or transaction?

01

Has the criminal law been amended?

Torture, enforced disappearance, crimes against humanity and CRSV domesticated as distinct offences — limitation periods and immunities removed.

03

Does any of the money fund access to justice?

A line item — however small — for legal aid, survivor services, documentation or reparations.

02

Can the courts reach the security services?

Are deaths in custody investigated by a body outside the chain of command that held the detainee? Are civilians tried in military courts?

04

Is the state's own revenue traceable?

Contracts, beneficial ownership and payment flows published, so the resource does not re-enter the illicit outflow.

On present information, the answer in the Cameroonian case is no to all four.

Africa is a net creditor to the rest of the world

US\$88.6bn

leaves Africa each year in illicit financial flows — some 3.7% of the continent's output

UNCTAD, 2020

US\$50bn

the floor estimated by the Mbeki High-Level Panel, roughly 65% from commercial under-reporting

AU/UNECA, 2015

XAF 421bn

cumulative output lost to the Anglophone crisis, 2017–2020, with XAF 16.4bn of public projects unexecuted

Business in Cameroon, 2021

The base of the pyramid is wobbly and the top unstable. Piling more at the top is not a strategy.

The gatekeepers

A file exists

- Sudan
- Democratic Republic of the Congo
- South Sudan
- Libya
- Somalia
- Central African Republic
- Western Sahara

No file

- ☐ Ethiopia — Tigray, Amhara
- ☐ Nigeria — Boko Haram, ISWAP
- ☐ Burkina Faso, Mali, Niger
- ☐ Mozambique — Cabo Delgado
- ☒ **Cameroon — North-West and South-West**

No file means no reporting cycle, no panel of experts, no mission and no resolution. Every instrument is gated on this one decision — and inscription is procedural, not a judgment on the merits.

1

informal meeting.
In 2019.

An Arria-formula gathering, which under the Council's own rules is not an activity of the Council at all. No resolution. No presidential statement. No press statement. No sanctions regime.

In 2025 the only Security Council correspondence naming Cameroon concerned the Cameroon–Nigeria Mixed Commission, a border-demarcation body. In November 2021, the European Parliament formally asked the Council to put the Anglophone regions on its agenda. Nothing followed.

500,000+

people displaced

76,000

refugees in Nigeria

1.5 million

in need of humanitarian assistance

Africa is not ignored. Africa is over-processed and under-resolved.

63 / 173

country-specific meetings concerned Africa — just behind the Middle East

20 / 44

resolutions adopted concerned Africa — nearly half

18 / 24

Chapter VII resolutions (threats to peace, aggression) concerned Africa — three-quarters of every coercive decision

Nearly all of it is administrative: mandate renewals, panel extensions, sanctions rollovers. On Sudan in 2025 the Council produced six press statements and one formal outcome — the renewal of a panel of experts.

And the forums themselves are closing

Eleven

ICC judges and prosecutors under sanctions by January 2026, alongside counsel and civil society working with the Court.

2029

The crime of aggression, deferred again. Eight years after jurisdiction was activated, not one investigation has been opened.

Sixty-six

International organizations exited by the United States in a single memorandum, January 2026.

The Case of Mali

- | | |
|--------------------|--|
| 2017 | Resolution 2374 creates a Chapter VII regime: travel ban and asset freeze on those obstructing the 2015 peace agreement, plus a Panel of Experts. |
| Aug 2023 | The Panel's final report names Russian-linked Wagner forces in widespread abuses. |
| 30 Aug 2023 | Renewal fails. Thirteen in favor, China abstaining, Russia vetoes, ending renewal of sanctions. The measures lapse the next day: the first UN sanctions regime ever ended by a veto. |
| Dec 2023 | MINUSMA, terminated in June at Mali's own request, completes its withdrawal. |

Mali is no longer a standalone item on the Council's agenda. A file can be taken away as well as withheld.

- ❑ Clinical care within a time frame that matters most
- ❑ Documentation to a standard that a future proceeding will accept
- ❑ A pathway to reparations that does not wait on convicting a named individual

17%

of assessed need. That is how far Cameroon's 2025 humanitarian response was funded, against 3.3 million people requiring assistance.

None of the three victims' needs were mentioned anywhere in the \$7B announcement. Each inexpensive. That is not justice. That is one way to purchase silence.

Malabo Protocol

0 of 15

ratifications deposited, twelve years on

It would create the first regional Court with jurisdiction over fourteen international and transnational crimes, as well as corporations. The AU has never allocated a budget line for its criminal chamber.

The Gambia tribunal

Unfunded

statute adopted 2024, prosecutor appointed 2026

An ECOWAS-approved hybrid court that can try international crimes whether or not they were domesticated at the time. Meanwhile three Jammeh-era defendants were tried in Switzerland, Germany and the United States.

African crimes, African victims, European and American courtrooms, because the African forum was approved and not properly funded.

Cabo Verde is the counter-example

3rd of 54

Ibrahim Index of African Governance

92 / 100

Freedom House — rated Free

Only one

African state to graduate from UN least-developed country status

None

significant mineral endowment, and no armed conflict

Its economy rests on tourism, remittances, services and institutional credibility. And on a lighter note, this year, on a first World Cup, and a round-of-32 exit to the defending champions after extra time.

Cabo Verde is what a small African state looks like when justice is not deferred until the money arrives.

Eight recommendations

- 1 Standing Commission on Justice, Security and Investment**
- 2 Accountability Due Diligence Standard for major investment**
- 3 AfBA documentation and investigation capability**
- 4 Continental protocol on conflict-related sexual violence
- 5 Legal aid corridor for migrants in transit states
- 6 Model civilian-harm clauses for security agreements
- 7 Professional solidarity protocol against coercion of counsel
- 8 One defensible position on double standards — applied to ourselves

The first three can begin before delegates leave Cabo Verde. A program with owners, sequence and cost — not another resolution.

What can this Association decide this week to elevate access to justice to global importance?

Proposal one

An AfBA legal aid fund, and a pro bono roster as a condition of membership.

Every member logs a minimum commitment. A continental database of counsel, searchable by jurisdiction and subject, standing ready for survivors, detainees, journalists and migrants in transit. Access to justice is not an abstraction when a lawyer answers the phone.

Proposal two

Campaign to put Africa's forgotten conflicts on the UNSC's agenda

AfBA was granted Special Consultative Status at UN ECOSOC in September 2026.

Consultative status carries written statements and oral interventions at the Human Rights Council, submissions to the Universal Periodic Review, and the credentials civil society uses to brief the Security Council in Arria format.

Nothing happens if a conflict is not on the Council's agenda.

Access to justice does not survive on institutions alone. It needs political will built from the bottom, and it needs education. Without it, life is less safe and less whole for every one of us.

Africa cannot get help from the current system. It must use what it already has, reinforce it, and fund it.

- *So, my question is: how does the African bar see access to justice in a world that has gone deaf to reason?*