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Introduction

The 2019 revolution in Sudan generated widespread expectations of a democratic transition grounded in justice, accountability, and institutional reform. These expectations were reinforced by the removal of Omar al-Bashir and public commitments by transitional authorities to dismantle authoritarian governance structures. For many Sudanese citizens, accountability for decades of repression and mass violence, particularly in Darfur, was understood as a core component of political change.

However, the period following 2019 has instead been characterised by renewed violence, persistent elite power struggles, and deepening regional and economic inequalities. Although transitional justice mechanisms were formally established, enforcement has been uneven due to weak institutional authority, elite influence, and fragmented resource governance. At the same time, conflict has intensified in several regions, especially those marked by competition over land, gold, and other natural resources.

I argue here that transitional justice mechanisms in Sudan have not consistently produced enforceable outcomes since 2019, reflecting the interaction of two structural dynamics. First, accountability institutions remain weak, fragmented, and politically constrained. Second, entrenched resource-based inequalities continue to fuel militarisation and elite competition. Together, these dynamics explain why transitional justice mechanisms operated under conditions that limited their consolidation and effectiveness, as accountability institutions lacked enforcement leverage over actors controlling coercive force and economic rents.

This paper approaches accountability failure as contingent on the interaction of institutional design, elite incentives, and resource governance. It illuminates how formal legal frameworks and international commitments intersect with local power dynamics to produce uneven outcomes. By examining post-2019 Sudan through this lens, the study identifies mechanisms that systematically neutralise transitional justice initiatives, including elite co-option of programs, selective enforcement of laws, and resource-driven bargaining. Understanding these mechanisms is essential for policy design: interventions that are constrained and structures shaping elite behaviour are unlikely to strengthen accountability or sustain reforms.

Background and context

Sudan's post-2019 transition emerged from a political order shaped by decades of militarised governance and elite bargaining. Political authority historically rested less on formal institutions than

on the distribution of resources and coercive power, leaving state institutions with limited autonomy from military and economic actors. This structural weakness constrained their capacity to enforce accountability. De Waal characterises Sudan as a “political marketplace” in which loyalty is maintained through access to economic rents and armed force rather than legal authority (Waal, 2019, 1). This framework explains why institutional reform efforts repeatedly stalled, as accountability threatened to disrupt elite bargains that sustained political survival.

During the 2019–2021 transitional period, both the Sudanese Armed Forces and the Rapid Support Forces publicly endorsed reformist rhetoric, including commitments to civilian rule, institutional reform, and accountability for past crimes. In practice, civilian actors lacked effective control over coercive institutions, creating a disconnect between rhetoric and political realities. As Tchie and Zabala note, the SAF and RSF deployed “political rhetoric [that] did not align with political realities” (Tchie & Zabala, 2022, 95), embedding accountability initiatives within power structures resistant to scrutiny.

Fragmented authority over natural resources further reinforced elite competition. According to Abdelrahman, “centralized control over mining [and] the decentralized nature of gold production [led] to fragmented authority” (Abdelrahman, 2025, 4), enabling armed actors to extract rents while avoiding effective oversight. A striking illustration of elite capture is the post-2019 surge in corporate social responsibility initiatives, which “became entangled in the same power structures” (Ibid., 16), with funding and implementation controlled by actors dominating both state and military institutions.

In Darfur, RSF units directly manage gold mining operations, while in Eastern Sudan, land allocation disputes show that formal procedures are often selectively bypassed or redirected to benefit politically connected elites. Consequently, these cases indicate that control over material resources generates both economic incentives and coercive leverage that systematically limit the operational capacity of accountability mechanisms, demonstrating that existing distributions of power constrain formal legal frameworks.

Moreover, these observations suggest that formal institutions alone are insufficient to ensure accountability, as elites retain control over material resources and coercive power, allowing them to bypass legal processes and shape outcomes in their favour. Even international pressure or legal reform is insufficient if they do not align with local power and economic structures. Policy interventions must therefore integrate resource governance, institutional reform, and the management of elite incentives. Only by targeting the mechanisms through which elites neutralise transitional justice, co-opt programmes, engage in selective enforcement, or control material resources can accountability become politically feasible.

Methodology

This study uses a qualitative design based on document analysis and comparative thematic analysis of publicly available reports, scholarly literature, and official statements from 2019 to 2025. Sources were selected for their relevance to institutional functioning, resource governance, and elite behaviour rather than for their prominence in outcomes, allowing systematic identification of patterns across cases and governance phases. Thematic coding identifies mechanisms such as elite co-option, selective enforcement, and control over economic resources that constrain transitional justice. At the same time, comparison across regions and periods highlights variation in how similar frameworks perform under different political and economic conditions.

Focusing on observable outcomes rather than formal legal authority enables us to distinguish among institutional capacity, enforcement practices, and actual accountability outcomes. This approach helps determine whether gaps in justice stem from flaws in the design or from structural constraints. This is done by examining recurring patterns of selective enforcement and elite co-option across different regions and governance phases. A comparative analysis further reveals which failures are context-specific and which reflect broader structural patterns, providing insight that purely descriptive or legal approaches cannot.

The temporal focus on the post-2019 transition captures shifts in institutional authority, civilian-military dynamics, and resource governance. Ethical considerations are addressed by relying exclusively on publicly available materials, ensuring transparency, replicability, and the verifiability of interpretations.

Accountability and Transitional Justice in Post-2019 Sudan

Transitional justice in Sudan was initially framed in line with international norms. This approach reflected the International Centre for Transitional Justice's definition of accountability as a "response to systemic or widespread violations of human rights" committed under the Bashir regime (ICTJ, 2009). Domestically, this framing was reflected in investigative mandates and later reaffirmed in the Juba Peace Agreement.

The Juba Peace Agreement included provisions for cooperation with the International Criminal Court. These commitments suggested a potential shift toward accountability-based governance. However, the military coup of October 2021 fundamentally altered this trajectory. This echoes the AUCISS mandate to "investigate human rights violations and propose measures for accountability" (Magara, 2021, 13).

Religious communities have faced sustained attacks by the RSF, illustrating the structural constraints on transitional justice mechanisms. Patterns of repeated violence against Christians and Muslims by RSF suggest that accountability institutions lack the capacity to deter armed actors or enforce civilian protections. In January 2024, "the RSF set fire to the Evangelical Church of Wad

Madani”, and in December, “attacked the Sudanese Church of Christ in Al Jazirah State during a church prayer service, wounding 14” (Todd, 2025, 2). Muslim worshippers have similarly suffered, as “the RSF launched a drone strike... at the Radwan Mosque, killing 11 people”. Moreover, RSF “destroyed three mosques in El Fasher, killing at least 11” (Ibid., 3).

These incidents indicate that accountability arrangements operate within structural constraints that limit their ability to police armed actors. The recurrence of attacks across religious communities and geographic contexts suggests that enforcement mechanisms remain fragmented and politically constrained, reducing the operational effect of formal accountability commitments. As a result, transitional justice institutions struggle to translate legal mandates into civilian protection, revealing a structural gap between formal frameworks and their practical reach.

Following the coup of 2019, violence against civilians increased. In Darfur, security forces and Rapid Support Forces units were implicated in attacks on “peaceful demonstrators” and local communities (Abdalsllam, 2023, 42). These events demonstrated continuity with past patterns of repression. There are apparent repetitive bureaucratic flaws, as evidenced by the fact that since 1956, around 49 agreements have been signed, which, if properly integrated, would have resolved the perpetual crisis. Nevertheless, the political establishment, which has been and remains engaged in power struggles, has invalidated these successes.

Legal barriers further constrained accountability mechanisms. The principle of non-prosecution retroactively applied to the Sudanese Criminal Code makes it extremely complex to prosecute individuals for their crimes prior to 2009 in Darfur. South Sudan was “beset by poisonous social dynamics” due to military factionalism (Vertin, 2018, 147), a trend that worsened over the years. These constraints reflect political calculations aimed at preserving elite cohesion.

Furthermore, the fact that the Sudanese criminal law provides immunity to senior coordinators of administrative operations involved in mass atrocities exacerbated the problems by binding the elite to the “historical cleavages which contributed to the civil war” (ICG, 2021).

The government’s inconsistent cooperation with international justice institutions reinforced these dynamics. Statements by the ICC Prosecutor Khan demonstrated “that the Government of Sudan is not meeting the requirements of cooperation” (Khan, as cited in Sudan Tribune, 2023) that were set out in Charter Resolution 1594. Selective engagement allowed authorities to manage external pressure while minimising domestic legal exposure.

Therefore, the result has been a partial, uneven pursuit of justice, prioritising symbolic gestures over structural reform. These endeavours eroded public trust by signalling to armed actors that impunity remained the political norm, as enforcement procedures remained defective.

Resource Governance, Inequality, and Conflict

Mismanagement of resources constitutes another driver of continued violence and weakened accountability. The unequal distribution and “disruption of natural resources critical for local communities have... intensified existing conflicts” resulting in “exacerbated ethnic and political tensions” (Henrico & Doboš, 2024, 2-8).

Political and military elites continue to consolidate control over resource management. They leverage “their political connections and institutional authority to consolidate control over resource management” (Elmakki, 2024, 3248). Thus, causing substantial socio-political disorder, as the new land system created “uncertainties and risk, and incentivized opportunism” (Brosché, 2023, 211) among the elite. Meanwhile, limited responsiveness to local complaints ‘intensifies feelings of deprivation’ (Elmakki, 2024, 3247). Together, these factors shape the operational environment for transitional justice mechanisms and influence patterns of resource-related conflict.

Empirical evidence further suggests that “over 40% of Sudan's internal conflicts can be attributed” (ACAPS, 2023, 7) to competition over natural resources. In such contexts, accountability mechanisms are actively constrained by the political economy of conflict. Transitional justice initiatives that ignore these material drivers risk reinforcing existing inequalities.

These dynamics undermine transitional justice by attaching accountability to economic survival. Elite actors face strong incentives to resist reforms that threaten access to rents. As a result, accountability institutions remain politically constrained.

Top Recommendations for Strengthening Transition Justice in Sudan

Based on the post-2019 Sudanese experience and comparative international examples, the following three interventions are identified as the most impactful for strengthening transitional justice:

Strengthen Judicial Independence and Capacity

Strengthening judicial independence is essential in Sudan because post-2019 accountability institutions have been unable to effectively mitigate violence and have lacked enforcement authority over the involved parties, as evidenced by attacks on religious sites. Without credible, autonomous courts, reforms in resource governance or community participation are unlikely to alter the incentives sustaining elite impunity. Comparative experience from the Special Court for Sierra Leone demonstrates the importance of institutional autonomy.

Integrate Resource Governance into Transitional Justice Frameworks

Transitional justice mechanisms should explicitly address land and resource disputes. These disputes play a central role in sustaining conflict. Incorporating resource governance into

accountability processes aligns justice initiatives with material drivers of violence. Local dispute resolution practices, such as Diya mechanisms in Eastern Sudan, demonstrate the potential of inclusive approaches.

Support Community-Led and Inclusive Approaches

Community participation can enhance legitimacy, but safeguards must address elite capture, as seen in post-2019 CSR initiatives that reinforced pre-existing hierarchies rather than accountability. Rwanda's Gacaca courts demonstrate the potential of community-based accountability. However, Sudan's context requires more extensive safeguards to prevent elite capture as the country is enduring civil war.

Most Effective Intervention for the Early Stage of the Consolidation of the Transitional Justice Mechanisms

Strengthening judicial independence and capacity represents the most critical intervention. Without credible, autonomous courts, reforms in resource governance or community participation are unlikely to change the operational constraints imposed by existing elite incentives.

Conclusion

Since the 2019 revolution, transitional justice mechanisms in Sudan have operated within a political economy that allows elites to neutralise accountability. Evidence from Darfur, Eastern Sudan, and RSF attacks on religious communities shows that control over resources, fragmented enforcement, and elite networks systematically constrain institutions. These constraints explain why legal reforms and international pressure have remained largely symbolic. Therefore, accountability mechanisms require strengthening enforcement institutions, addressing material incentives that sustain elite impunity, and integrating community-based participation to create credible checks on power.

Programs such as post-2019 CSR initiatives, while ostensibly neutral, were implemented within pre-existing power structures, illustrating how interventions that do not address the distribution of resources and authority may have limited operational impact. Selective enforcement, bureaucratic processes, and strategic manipulation of domestic and international mechanisms have limited the effectiveness of accountability institutions, while elites continue to control resources and enforcement capacities.

The interaction of structural and contingent factors shapes the limitations of transitional justice. Structural factors, such as militarised governance, resource-based inequalities, and elite networks, create persistent barriers to accountability. Contingent factors, including temporary international pressure or localised civil society engagement, have occasionally enabled partial progress, but they have not changed the incentives sustaining elite impunity. Evidence from Darfur

and Eastern Sudan demonstrates how control over resources and bureaucratic co-optation directly constrain institutions' capacity to enforce justice, implying that formal legal frameworks alone cannot overcome entrenched power dynamics.

These patterns highlight the rationale for the three recommended interventions. Strengthening judicial independence and capacity addresses the structural constraints that limit the operational effectiveness of enforcement institutions, thereby laying the foundation for other reforms to function as intended. Integrating resource governance into transitional justice frameworks directly engages the material drivers of conflict, aligning accountability mechanisms with the economic and political realities that shape elite behaviour. Community-led and inclusive approaches can extend institutional reach and support public engagement, but their design must account for existing power asymmetries to prevent reinforcement of entrenched inequalities.

Sudan's experience illustrates that transitional justice operates within a system in which power and resource control shape enforcement capacity, underscoring the need for interventions that address these structural constraints. Proper accountability requires a coordinated strategy that simultaneously strengthens institutions, addresses the incentives that sustain impunity, and engages communities meaningfully. Only by targeting these underlying mechanisms can transitional justice move from symbolic gestures to enforceable accountability and provide a foundation for durable peace and equitable governance.

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