

MASS MOVEMENTS AND TRANSITIONAL JUSTICE IN AFRICA

POLICY PAPER

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INTRODUCTION

Africa's political terrain has been shaped, repeatedly and at great cost, by mass movements – from the anti-colonial uprisings of the mid-20th century to the youth-led revolts of the present decade. What each of these moments shares is not their success but the gap they expose: between the demands of the governed and the capacity of formal institutions to respond. Mass movements have successfully challenged entrenched regimes across the continent; they have not, with comparable consistency, produced the institutional transformations necessary to consolidate what they have won.

This policy paper interrogates the nexus between mass movements and transitional justice in Africa. The absence of clear pathways for political transition, accountability and systemic reform has caused protest energy to turn into political instability rather than lasting change. Standard transitional justice recommendations have failed to address this gap because they are not designed to overcome the institutional interests of the actors responsible for implementing them. Drawing on experiences from Burkina Faso, Kenya, Nigeria, Senegal and Sudan, the paper diagnoses where transitional justice frameworks are failing to engage the momentum generated by popular uprisings and sets out actor-specific recommendations for closing that gap.¹

BACKGROUND

The structural problem: What liberation left behind

The central tension in African political life is not between tradition and modernity, or between democracy and authoritarianism in the abstract sense. It is between the liberation of peoples and the transformation of the institutions that governed them. As Prof. Mahmood Mamdani argued, the postcolonial state frequently retained colonial administrative structures, producing a divided order in which the language of liberation masked the persistence of inherited systems of control.² Thomas Sankara in Burkina Faso and Nelson Mandela in South Africa each confronted this inheritance directly, one through radical rupture and the other through negotiated transition.

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Both cases illuminate what happens when mass movement energy meets institutional inertia. Sankara's assassination in 1987, orchestrated in part by the very structures he sought to dismantle, is not background history. It is the first data point in the pattern that this policy paper examines. It is in this structural continuity that contemporary mass movements must be understood – not merely as reactions to immediate grievances but also as part of a longer arc of struggle in which the form of governance changes while its logic persists.³

1 Dwyer P & Zeilig L (2012) *African Struggles Today: Social Movements Since Independence*. Chicago: Haymarket Books

2 Mamdani M (1996) *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press. p. 8

3 Mazrui AA (1980) *The African Condition: A Political Diagnosis*. Cambridge: Cambridge University Press

Contemporary mass movements: Pattern and precedent

Since 2019, Africa has witnessed a wave of mass movements that have been led predominantly by the youth, directed against repressive policies, corruption, unemployment, police excesses and impunity. The cases examined in this paper share a common structure: popular mobilisation forces a political concession, the concession is partial or reversed and accountability for the violence used against protesters is never delivered.

Sudan is the paradigm case. Between 2018 and 2019, youth-led protests over bread prices in an economy where annual inflation would exceed 300% by 2021 forced the end of Omar al-Bashir's thirty-year rule.⁴ A power-sharing arrangement between civilian movements and the military led to the establishment of a sovereignty council and a constitutional declaration in 2019. The military then used its institutional position to stifle civilian authority, culminating in the October 2021 coup. Ultimately, this led to the April 2023 outbreak of armed conflict between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) that has since killed tens of thousands and displaced over 10 million people.⁵ Sudan demonstrates both the transformative power of mass mobilisation and the structural vulnerability of transitions that leave military institutional power intact.

Nigeria's response to #EndSARS, a social movement against police brutality, specifically the country's Special Anti-Robbery Squad (SARS), is often described as a failure of transitional justice, but this characterisation is misplaced. The government established mechanisms such as the Lagos State Judicial Panel of Inquiry and Restitution for Victims of SARS Related Abuses and Other Matters, which documented abuses and confirmed the use of lethal force at the Lekki Toll Gate shooting in 2020. However, these measures did not amount to a transitional justice process.

Rather than a coordinated framework encompassing truth-telling, prosecutions, reparations and institutional reform, the state's response was fragmented and limited to acknowledgment without enforcement. The absence of prosecutions and structural reforms therefore reflects not a failure of transitional justice but a broader deficit in governance and rule of law, where accountability mechanisms were selectively deployed without the political will to give them effect.⁶

Senegal's protest wave between 2021 and 2024, sparked in part by concerns that President Macky Sall might extend his tenure beyond constitutional limits,⁷ ultimately contributed to the release of opposition leader Ousmane Sonko and the preservation of constitutional order. However, contrary to claims that this outcome was achieved without recourse to transitional justice, the passage of an amnesty law on 6 March 2024 demonstrates that such mechanisms were in fact deployed. Covering offences linked to demonstrations and politically

4 Human Rights Watch (2020) World Report 2020: Sudan events of 2019. Available at <https://www.hrw.org/world-report/2020/country-chapters/sudan> [accessed 10 July 2025]

5 United Nations Office for the Coordination of Humanitarian Affairs (OCHA) (2023) Southern and Eastern Africa: Sudan. Available at <https://www.unocha.org/sudan> [accessed 10 July 2025]

6 Amnesty International (2021) Nigeria: No justice for victims of police brutality one year after #EndSARS protests. Available at <https://www.amnesty.org/en/latest/news/2021/10/nigeria-no-justice-for-victims-of-police-brutality-one-year-after-endsars-protests/> [accessed 10 July 2025]

7 International Crisis Group (2023) Senegal's opposition tests the limits of democratic protest. Africa Report No. 310. p. 5; CIVICUS (2024) Senegal: Civic space restrictions ahead of 2024 Available at <https://www.castorvali.com/news/rising-storm-senegals-political-crisis/> [accessed 14 April 2026]

motivated events between 1 February 2021 and 25 February 2024, the law constitutes a form of transitional justice that prioritised political stabilisation over accountability.

While amnesties are sometimes justified as tools of reconciliation, their compatibility with international human rights standards is deeply contested, particularly where they shield state actors from responsibility for serious violations. In the Senegal case, the amnesty effectively foreclosed avenues for accountability for protest-related abuses including allegations of excessive force and unlawful killings, thereby illustrating a minimalist – and arguably regressive – application of transitional justice.

A comparison with Kenya sharpens this insight. Between 2023 and 2025, youth-led ‘Gen Z’ protests compelled the withdrawal of the Finance Bill of 2024 and drew international attention to lethal state repression. Yet unlike in Senegal, no formal transitional justice mechanism, whether oriented towards accountability or protection, emerged.

Taken together, these cases underscore divergent limitations of protest-driven reform. In Senegal, accountability was effectively traded away through amnesty, whereas in Kenya, it has yet to materialise at all.

The structural trap: Why protest energy dissipates

The dominant organisational feature of these movements as decentralised, leaderless and digitally sustained is simultaneously their greatest tactical strength and their deepest structural vulnerability. Governments cannot decapitate a movement without a head. But movements without organisational continuity cannot hold governments to commitments once the streets are empty. The political pressure that forces a concession dissipates faster than the institutional interests it was meant to overcome.

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The economic conditions driving these movements compound the problem. The International Labour Organization estimated youth unemployment across sub-Saharan Africa at approximately 12.7% in 2023, a figure that masks the under-employment and informality rates affecting over 70% of young workers.⁸ In Kenya, the Finance Bill protests were not about a single tax measure; they were about a generation absorbing the cost of a debt crisis it did not create. In Sudan, people went into the streets over bread and were met with bullets. Economic exclusion is not background context – it is the primary driver. Transitional justice frameworks that address only the violence used to suppress protest while ignoring the conditions that produced it are treating the symptom and leaving the disease in place.

8 International Labour Organization (ILO) (2023) *Africa Employment Outlook 2023: Promoting More and Better Jobs in Africa*. Geneva: ILO. Available at https://afea-jad.com/article/youth-employment-policies-in-sub-saharan-africa-a-comparative-review-8/?utm_source=chatgpt.com [accessed 14 April 2026]

Initiatives and interventions for transitional justice

The normative architecture for transitional justice in Africa exists. The 2019 African Union (AU) *Transitional Justice Policy* provides a framework adapted to African realities, recognising the importance of indigenous and traditional mechanisms alongside formal legal processes.⁹ The 2004 report by the United Nations (UN) secretary-general on the rule of law and transitional justice defines the field's scope.¹⁰ As Prof. Ruti Teitel argued, transitional justice operates at the intersection of law and politics, reflecting the normative compromises that characterise periods of political change.¹¹

The problem is not the framework but the fact that the institutions responsible for implementing transitional justice are frequently the same ones that benefited from the violence being adjudicated. Every recommendation in this section is designed with that obstacle in mind. Any recommendation that does not account for it will be added to the long list of transitional justice commitments that were made and then quietly set aside.

ACCOUNTABILITY FOR STATE VIOLENCE: NIGERIA AND KENYA

The most immediate transitional justice demand arising from recent African mass movements is accountability for state violence. The cases of Nigeria and Kenya share a structural feature: in both, the acknowledgement of state violence has been delivered but accountability has not followed. The gap between acknowledgement and accountability is not accidental; it is the product of institutional design. Commissions are established with narrow mandates, limited referral authority and no power to compel prosecutorial action. They produce findings that governments can note, welcome then file.

In Nigeria, a meaningful response requires three things that the current architecture does not provide. First, the National Human Rights Commission must be empowered with explicit referral authority to the director of public prosecutions, with a statutory obligation on the prosecutor to respond within a defined timeline. Discretionary referrals without a mandatory response have consistently led to inaction. Second, officers identified in the Lagos State Judicial Panel's findings must face targeted prosecutions – not disciplinary proceedings in the security services, which have functioned as a mechanism for protection rather than accountability. Third, a reparations programme for victims of the #EndSARS violence must be administered by a body that is independent of both the executive and the security services. Reparations administered by the institutions that committed the harm are not reparations; they are a further exercise of control over the same people.¹²

Kenya's record is, if anything, more instructive because the accountability architecture existed and was deliberately dismantled. Between June and August 2024, security forces killed at least 60 protesters during the Gen Z demonstrations, with the Kenya National Commission on Human Rights documenting additional cases of enforced disappearances and torture in subsequent months.¹³ Kenya's 2008–2013 experience following post-election

9 African Union (AU) (2019) *Transitional Justice Policy*. Addis Ababa: African Union Commission. p. 6

10 United Nations (UN) (2004) *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies: Report of the Secretary-General*, S/2004/616. para. 8

11 Teitel R (2000) *Transitional Justice*. Oxford: Oxford University Press. p. 3

12 De Greiff P (2012) Theorizing transitional justice. In: M Williams, R Nagy and J Elster (eds) *Transitional Justice*. New York: New York University Press. p. 51

13 Human Rights Watch (2024) Killing of protesters in Kenya demands accountability. Available at <https://www.hrw.org/news/2024/11/06/kenya-security-forces-abducted-killed-protesters> [accessed 14 April 2026]

violence in which domestic mechanisms were progressively sidelined and International Criminal Court cases collapsed under political pressure is not a cautionary tale. It is a precedent that Kenyan political elites have already internalised and are applying again.

The priority intervention for Kenya is a dedicated accountability unit in the Office of the Director of Public Prosecutions, with a specific mandate covering protest-related killings and disappearances from 2023 onwards. This unit should be insulated from executive instruction by statute and subject to independent quarterly reporting. Digital documentation gathered by protesters and civil society organisations during the 2024 demonstrations constitutes a significant evidentiary base; its integrity must be preserved and its admissibility confirmed before it is lost or suppressed.

The external lever in both Nigeria and Kenya is donor conditionality. The United Kingdom, the United States and the European Union collectively provide substantial security sector assistance to Nigeria and Kenya. That assistance should be conditioned on demonstrable prosecutorial progress – through binding disbursement criteria, not diplomatic expressions of concern. Donor governments that fund security sector capacity while simultaneously declining to use that funding relationship as accountability leverage are not neutral. They are subsidising impunity, and that choice should be named as such.

Across both countries, affected communities including the youth movements that drove the protests must participate in the design of accountability mechanisms with decision-making standing, not merely as witnesses to processes designed without them. Mechanisms calibrated to institutional preservation rather than justice are what we get when those most harmed are consulted after the architecture has already been set.

TRANSITION UNDER COUNTER-LEGITIMACY PRESSURE: SUDAN AND BURKINA FASO

Sudan and Burkina Faso are not simply two more illustrations of the same pattern but they also represent two distinct variants of a harder problem. They show transitions in which the military obstructs accountability while also advancing a counter-legitimacy claim (security provision as an alternative social contract) that civilian transitional authorities cannot match. Understanding the difference between these variants is necessary because the remedies are not identical.

In Sudan, the counter-legitimacy claim is largely manufactured. The SAF and the RSF did not provide the Sudanese population with security; they offered stability as a rhetorical justification for power retention. The *Constitutional Charter for the Transitional Period of 2019* established the Transitional Sovereignty Council with shared civilian–military membership and provided for the establishment of a truth and reconciliation commission. The military used its institutional position to obstruct civilian authority, culminating in the October 2021 coup. The truth commission was never established.

The military did not claim that it could protect Sudanese civilians more effectively than civilian institutions could. The subsequent war between the SAF and the RSF in 2023, which has killed tens of thousands of civilians, has already disproven any such notion. The argument was simply that civilian authority was illegitimate, and the military had the guns to make that assertion stick.

The transitional justice needs in Sudan – including security sector reform, accountability for violence against protesters and addressing decades of Bashir-era abuses – remain urgent. However, while the political conditions for full-scale implementation are not currently in place, there are openings for selective transitional justice measures that can be pursued now. Elements such as documenting abuses, supporting community-led accountability and initiating incremental reforms can lay the groundwork for broader justice efforts in the future.

Burkina Faso requires a harder analysis. When Lieutenant Colonel Ibrahim Traoré seized power in September 2022, he did so against a backdrop of jihadist violence that had displaced over two million people, killed thousands and created violence that the elected civilian government had demonstrably failed to contain.¹⁴ The reception of the coup in capital city Ouagadougou was not uniformly hostile. People in the streets welcomed it. That was neither ignorance nor false consciousness; it was a rational response to a security situation in which the civilian state had lost the monopoly on protection.

The transitional authorities in Burkina Faso have since suspended constitutional order indefinitely, expelled French forces, aligned with Russian military contractors and presided over a humanitarian crisis of significant scale.¹⁵ But the entry point for their authority was a real security failure. This creates an opportunity for a transitional justice framework that addresses these underlying security issues. This means transitional justice sequencing in Burkina Faso faces a legitimacy competition that the Sudan case does not.

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Before accountability processes can gain traction, civilian institutional credibility must be rebuilt in a security environment that civilian institutions have already failed to manage. These are sequential problems – the second must be addressed before the first can gain popular legitimacy. A transitional justice intervention that attempts accountability without addressing the security provision gap will be rejected, not because political elites blocked it, but because the population will not prioritise it over physical survival.¹⁶

The recommendation that follows from this is specific: the AU and the Economic Community of West African States (ECOWAS) require a Sahel-specific transitional justice instrument that explicitly addresses sequencing, one that integrates security guarantees not as a reason to defer accountability indefinitely but as a precondition for the political legitimacy that accountability processes require to function. This means that civilian security provision must be part of the transitional arrangement, not a problem left to the military to manage on its own terms. Without it, the military's counter-legitimacy claim will continue to find an audience, and transitional justice will continue to be a framework that is applied from outside a political reality it has not understood.¹⁷

14 International Crisis Group (2023) Burkina Faso: Stopping the spiral of violence. Africa Report No. 309. p. 7

15 Ibid.: 12

16 Mamdani (1996) *Citizen and Subject*. p. 2

17 AU (2019) *Transitional Justice Policy*. p. 11

In both Sudan and Burkina Faso, security sector reform, mandatory vetting of personnel implicated in prior abuses, restructured command hierarchies and civilian oversight bodies with genuine investigative authority is the foundational requirement. The distinction lies in the sequence. In Sudan, security sector reform is the first step in a transition that has not yet begun. In Burkina Faso, it must be accompanied by a credible civilian security alternative if it is to have political legitimacy instead of merely military compliance.

ECONOMIC JUSTICE AND STRUCTURAL HARM

Transitional justice frameworks have historically focussed on physical violence and political exclusion, treating economic grievances as background conditions rather than harms requiring redress in their own right. This is an analytical error with direct political consequences: it produces mechanisms that acknowledge what happened to protesters while leaving intact the structural conditions that put them in the streets.¹⁸

The cases in this policy paper make the point precisely. Sudan's 2018–2019 uprising began over bread prices in an economy already in structural collapse. Kenya's Gen Z protesters were explicit: the Finance Bill was not a fiscal instrument; it was a transfer of the cost of sovereign debt onto a generation that had not contracted it. Reparations programmes must therefore address not only the harm inflicted during specific protest events but also the structural economic exclusion that generated the protests. This includes investment in affected communities, employment programmes for the youth and reform of the fiscal arrangements that have produced conditions of mass economic precarity.

Community-based and localised transitional justice processes
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Community-based and localised transitional justice processes provide the connective tissue between formal mechanisms and the communities those mechanisms are meant to serve. Rosalind Shaw and Lars Waldorf are precise on the limits of this claim: localisation should function as a complement to state-led accountability, not as a substitute for it.¹⁹ Where formal institutions are captured or weakened, community-level truth-telling and reconciliation processes can keep the social fabric of accountability in place but they cannot replace the prosecutorial and reparative functions that only state or regional institutions can deliver.

Civil society organisations, faith-based institutions and community leaders must be resourced and protected as actors in transitional justice implementation. Donor governments that fund security-sector capacity in Nigeria and Kenya while simultaneously cutting civil society budgets are not making a neutral allocation decision. They are choosing which part of the accountability architecture to maintain and which to defund. That choice has a predictable outcome.

18 de Greiff P & Duthie R (2009) *Transitional Justice and Development: Making Connections*. New York: Social Science Research Council. p. 2

19 Shaw R & Waldorf L (2010). *Localizing Transitional Justice: Interventions and Priorities after Mass Violence*. Stanford: Stanford University Press. p. 4

CONCLUSION

The mass movements examined in this policy paper have demonstrated, at the cost of hundreds of lives, that citizens across Africa will not wait indefinitely for institutions to serve them. What they have not been able to do in Burkina Faso, Kenya, Nigeria and Sudan is to convert that demonstration into durable institutional change. That is the transitional justice problem, and it is a precise one: the institutions responsible for implementing accountability are the same institutions with the greatest interest in ensuring that accountability does not reach them. Standard recommendations entail establishing a commission, empowering a human rights body and engaging civil society. These recommendations have been made repeatedly but they have not been taken up, and the reason for that is structural, not accidental.

This policy paper advances four priorities, each designed around the obstacle rather than the aspiration. **First**, accountability mechanisms in Nigeria and Kenya must be built on a statutory referral authority, an independent administration and binding donor conditionality. This is because discretionary architecture produces discretionary outcomes, and discretion has consistently been exercised in favour of those who committed the harm.

Second, security sector reform must be treated as a transitional justice requirement, not a separate technical exercise. Transitions that leave military institutional power intact will be absorbed by the institutions they were meant to transform, as Sudan has demonstrated at catastrophic cost.²⁰

Third, the AU and ECOWAS must develop a Sahel-specific transitional justice instrument that addresses the sequencing problem that the Burkina Faso case makes visible. Where the military's counter-legitimacy claim has a material basis in civilian security failure, accountability processes require civilian security provision as a precondition, not an afterthought.

Fourth, economic justice must be incorporated into transitional justice framework as a substantive requirement. Reparations that address protest-event harms while maintaining the structural conditions that generated those protests will not hold. The IMF and the World Bank should integrate transitional justice impact assessments into fiscal conditionality frameworks for countries in or emerging from political crisis. This should be done not as an external imposition on sovereign fiscal policy but as an extension of social protection mechanisms that the institutions have already accepted as legitimate conditionality instruments.

The question for transitional justice in Africa is not whether mass movements will continue to force open political windows. They will. The question is whether governments, regional bodies, international partners and civil society actors will use those windows to build accountability architecture that is designed to survive the withdrawal of the political pressure that created it, or whether they will continue to establish mechanisms that are calibrated to the moment of crisis rather than the years of institutional resistance that follow. What Africa's mass movements have paid for, in the streets of Ouagadougou, Nairobi, Lagos, Dakar and Khartoum, is the right to a serious answer to that question. The field owes them one.

20 AU (2019) *Transitional Justice Policy*, p. 18

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