



# The State of Transitional Justice in Africa

Volume 2

The Role of Regional Economic Communities



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# 01

# Executive Summary



*This report examines the role of Regional Economic Communities (RECs) in advancing transitional justice within Africa's continental architecture, using the African Union Transitional Justice Policy (AUTJP) as its normative and analytical framework.*

This report examines the role of Regional Economic Communities (RECs) in advancing transitional justice within Africa's continental architecture, using the African Union Transitional Justice Policy (AUTJP) as its normative and analytical framework. It addresses the central structural question of whether the regional layer envisioned under Section 4 of the AUTJP is functioning as an operational bridge between continental norm-setting and national implementation. Outlining the constraints on the role of RECs, the report identifies windows of opportunity and provides recommendations for strengthening regional leadership and contributions to transitional justice in Africa.

## Context and Rationale

Africa's conflict landscape has evolved greatly over the past three decades. Cross-border characteristics of contemporary conflicts, whether the involvement of extremist groups across borders, corporate involvement in war economies, or displacement of refugees due to conflict, complicate national transitional justice processes. The AUTJP recognises this complexity. With its adoption in 2019, the policy codified accumulated African transitional justice experience and articulated a holistic framework encompassing accountability, truth-seeking, reparations, institutional reform, reconciliation and guarantees of non-recurrence.

Importantly, the policy constructed a multi-level implementation architecture involving national governments, RECs, the AU Commission and civil society actors. RECs are explicitly tasked with supporting national processes, addressing cross-border dimensions of conflict, harmonising regional instruments with continental standards, and providing political and technical accompaniment.

RECs in Africa include the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Common Market for Eastern and Southern Africa (COMESA), and the Intergovernmental Authority on Development

(IGAD), as well as the Arab Maghreb Union (AMU) and the Community of Sahel–Saharan States (CEN-SAD). Despite their centrality, evidence suggests that REC engagement with transitional justice remains uneven and weakly institutionalised. This gap between expectation and operational reality constitutes the core research problem of the report.

## Objectives and Methodology

The study pursues four main objectives:

- 1** To assess REC engagement in transitional justice processes;
- 2** To evaluate alignment with AUTJP principles and pillars;
- 3** To identify structural constraints limiting REC engagement; and
- 4** To explore pathways for strengthening the regional layer.

Using a qualitative research design, the study combines documentary analysis of AU frameworks, REC protocols and relevant scholarship with fifteen semi-structured interviews involving REC officials, AU practitioners, experts, civil society actors, victim representatives and national-level transitional justice implementers. The thematic analysis of the data was guided by AUTJP benchmarks, including accountability, participation, cross-border coordination, capacity, monitoring and resource mobilisation.

Limited participation by some RECs in the interview process was experienced but treated as analytically relevant rather than a methodological constraint, reflecting the current positioning of transitional justice within regional institutions.



*The thematic analysis of the data was guided by AUTJP benchmarks, including accountability, participation, cross-border coordination, capacity, monitoring and resource mobilisation.*



*The findings indicate that the regional layer is not absent but is insufficiently consolidated.*

## Key Findings

### Normative Recognition, Operational Thinness

Across all RECs examined, transitional justice is acknowledged as important. However, transitional justice is rarely institutionalised as a distinct governance function. Instead, it is embedded within broader peace and security or post-conflict reconstruction portfolios. Dedicated transitional justice units, specialised staffing and structured implementation frameworks are largely absent. The continental architecture therefore lacks consolidation at its intermediary layer.

### Stabilisation Bias

RECs have developed considerable capacity in managing conflict. Mediation, sanctions, military deployments and ceasefire monitoring are established tools. Yet these interventions prioritise cessation of hostilities and restoration of constitutional order. Justice components are frequently deferred or treated as secondary.

The pattern across ECOWAS, SADC, IGAD, EAC and ECCAS demonstrates that negotiated settlements often stabilise immediate crises without embedding accountability or structural reform. This does not fully align with the AUTJP's transformative ambition.

### Capacity Constraints

Institutional limitations significantly shape what RECs are able to undertake. Staffing shortages, dispersed mandates and limited budgets constrain operational depth. Transitional justice responsibilities are typically managed alongside multiple competing portfolios.

Even at continental level, demand for technical support to RECs and national processes exceeds available capacity. As a result, transitional justice engagement has remained confined to consultations, trainings and, at most, framework drafting rather than being practically institutionalised.

## Political and Sovereignty Sensitivities

RECs operate within intergovernmental structures dependent on member state consensus. When accountability implicates political elites or intersects with transitional power arrangements, regional engagement becomes cautious. Criminal accountability in particular faces resistance. While examples such as the ECOWAS-supported hybrid mechanism in The Gambia illustrate potential for regional facilitation, such engagement remains context-dependent rather than structurally embedded.

## Civil Society and Victim Inclusion Gaps

Although the AUTJP emphasises participation and inclusiveness, regional engagement remains predominantly state centric. Structured mechanisms for sustained civil society and victim involvement at REC level are limited. Participation occurs episodically rather than institutionally. This weakens the legitimacy and transformative potential of regional justice accompaniment.

## Cross-Border Justice Deficits

This being the strongest rationale for REC involvement, current practice tends to treat cross-border issues as security coordination concerns rather than justice-related challenges. This limits the non-repetition logic embedded in the AUTJP.

## Donor Dependency

Resource constraints push RECs towards reliance on externally mobilised funding. This dependency affects both scope and priority setting. Where funding is issue driven, certain pillars of transitional justice may receive greater emphasis than others, potentially narrowing the holistic orientation of the AUTJP.

## Monitoring and Follow-Through Deficits

REC engagement peaks during crisis mediation but diminishes during long-term implementation. Structured regional monitoring of accountability commitments, reparations delivery and institutional reform progress is limited. Without systematic reporting mechanisms, the complementarity envisioned under the AUTJP is incomplete.

## Implications

The findings indicate that the regional layer is not absent but is insufficiently consolidated. This imbalance affects the structural logic of the AUTJP. Without institutionalised REC engagement, continental norms struggle to translate into regional guidance, cross-border justice remains under-coordinated, and monitoring gaps weaken coherence.

At the same time, the report identifies significant potential. None of the RECs examined rejects the normative vision of the AUTJP. Some are initiating framework discussions or incorporating transitional justice references into existing instruments. The trajectory suggests emerging awareness rather than disengagement.

## Strategic Direction

The report proposes coordinated action across tiers of governance. At continental level, structured focal points, regional coordination platforms and model guidelines are recommended. At regional level, adoption of dedicated transitional justice frameworks, establishment of permanent units, and embedding of monitoring functions are prioritised. Member states must facilitate cooperation and support predictable financing. Regional judicial bodies can also support the regional implementation of transitional justice norms.

The AUTJP provides a coherent continental framework grounded in African experience and values. Its effectiveness depends on complementarity across national, regional and continental actors. The regional layer currently reflects normative alignment but institutional fragility. Strengthening it is essential not only for transitional justice implementation, but also for reinforcing Africa's broader peace, governance and integration architecture.

## 2.1 The Evolving Conflict Landscape in Africa

Africa's contemporary political history has been marked by recurrent cycles of violent conflict, authoritarian rule, and systemic human rights violations. From apartheid in South Africa to the genocide in Rwanda, civil wars in Liberia, Sierra Leone and Sudan, and authoritarian repression in The Gambia and Zimbabwe, the continent has endured crises that continue to reproduce grievances across generations.<sup>1</sup> These conflicts are not isolated events but are rooted in structural inequalities, exclusionary governance and unresolved distributive injustices.<sup>2</sup>

Post-conflict societies in Africa therefore confront layered challenges such as rebuilding state institutions, restoring civic trust, managing diversity, and addressing the structural drivers of violence.<sup>3</sup> Conventional criminal justice systems are rarely equipped to respond to violations of this scale or political complexity, while peace processes have often prioritised stabilisation over justice. Transitional justice has evolved in response to these limitations.

In the African context, transitional justice has moved beyond narrow retributive approaches. While criminal accountability remains central, practice increasingly reflects a broader transformative ambition incorporating reconciliation, reparations, institutional reform, psychosocial healing, and socio-economic justice as guarantees of non-recurrence.<sup>4</sup> Experiences across the continent demonstrate both this diversity of approaches and the centrality of legitimacy, participation, and context sensitivity.<sup>5</sup>

At the same time the conflict environment in which transitional justice operates continues to evolve. Contemporary African conflicts frequently transcend national borders. Armed groups operate across jurisdictions, refugee flows affect neighbouring states and illicit economies and resource networks sustain violence.

1 Leib, J. and Ruppel, S. (2021) 'The Dance of Peace and Justice: Local Perceptions of International Peacebuilding in West Africa', *International Peacekeeping*, 28(5), pp. 783–812; Bah, M.S. (2024) *The Role of the Hybrid Court in The Gambia in Ensuring Accountability for Human Rights Violations During Yahya Jammeh's Regime*. Pretoria: University of Pretoria.

2 Selim, Y. and Murithi, T. (2011) 'Transitional Justice and Development: Partners for Sustainable Peace in Africa?', *Journal of Peacebuilding & Development*, 6(2), pp. 10–23.

3 Selim and Murithi (2011)

4 Kabwa, M.D. (2022) *Transitional Justice in Africa: Policy Implications of the African Union Transitional Justice Policy (AUTJP) for Women and Youth on the Continent*. Pretoria: University of Pretoria; Moyo-Kupeta, A. (2024) 'Three Decades of Transitional Justice Practice in Africa: Reflections on Lessons Learnt Towards an African Transformative Justice', *International Journal of Transitional Justice*, 18(2), pp. 191–200.

5 Nganje, F. (2021) 'Local Peace Committees and Grassroots Peacebuilding in Africa', in T. McNamee and M. Muyangwa (eds.) *The State of Peacebuilding in Africa*. Cham: Springer, pp. 123–142. ; Moyo-Kupeta, 2024

As a result, nationally bounded transitional justice processes face structural limitations in delivering accountability, truth-recovery and non-recurrence. The eastern Democratic Republic of Congo (DRC) crisis,<sup>1</sup> the Tigray conflict involving cross-border dynamics with Eritrea,<sup>2</sup> and protracted instability in South Sudan are illustrative examples.

## 2.2 The Research Problem

It is within this context that the African Union Transitional Justice Policy (AUTJP), adopted in 2019, provides a critical normative framework. The AUTJP codifies accumulated African experience and articulates a holistic, victim-centred and transformative approach to justice, encompassing accountability, truth-seeking, reparations, institutional reform, reconciliation and guarantees of non-recurrence.<sup>3</sup> Importantly, it constructs a multi-level implementation architecture involving national governments, regional economic communities (RECs), the AU Commission, and civil society actors. Within this architecture, section 4 of the AUTJP assigns explicit responsibilities to RECs, to support national processes, addressing cross-border dimensions of conflict, harmonising regional and continental frameworks, and providing political and technical accompaniment.<sup>4</sup> The policy's logic of subsidiarity and complementarity therefore depends on a functioning regional layer capable of bridging continental norm-setting and national implementation.

Yet, as this report posits, this regional layer remains structurally underdeveloped.<sup>5</sup> While RECs have evolved into effective crisis managers, demonstrating capacity in mediation, sanctions, and even military interventions, their engagement with transitional justice remains uneven, fragmented, and weakly institutionalised.<sup>6</sup> Transitional justice is often subsumed within their broader peacebuilding or post-conflict reconstruction frameworks rather than as a distinct, operational domain.

This produces a structural imbalance within the AUTJP's implementation architecture. Stabilisation is achieved, but justice is deferred. Regional interventions frequently restore constitutional order without embedding accountability, addressing structural grievances, or supporting long-term reform.<sup>7</sup> As a result, the transformative ambition of the AUTJP is narrowed in practice, and patterns of recurrence persist across contexts such as Lesotho, Zimbabwe, South Sudan, and Mali.

1 Bradley, M.M. & Svicevic, M. (2024) 'Collective Self-Defense and the Internationalization of Armed Conflicts in Eastern DRC', *Articles of War*, Lieber Institute, West Point, 8 April. Available at: <https://lieber.westpoint.edu/collective-self-defense-internationalization-armed-conflicts-eastern-drc/> (Accessed: 11 December 2025).

2 Commission of Inquiry on Tigray Genocide (CITG) 2025, *War-Induced Genocidal Sexual and Gender-Based Violence in Tigray, Ethiopia: Volume I*, CITG, Mekelle, Tigray, Ethiopia.

3 Moyo-Kupeta, 2024

4 African Union (AU). 2019. *Transitional Justice Policy*. Addis Ababa: African Union, para 123-125

5 Murithi, T. (2023) 'Introduction: The African Union Transitional Justice Policy and its contribution to peace and security', in African Union and Transitional Justice. pp. 1–26.

6 Victor Adetula, Redie Bereketeab and Cyril Obi (eds), *Regional Economic Communities and Peacebuilding in Africa: Lessons from ECOWAS and IGAD* (Routledge 2021) 10–13

7 Deleglise, D. (2021). 'Trends in SADC Mediation and Long-Term Conflict Transformation.' In: T. McNamee & M. Muyangwa (eds), *The State of Peacebuilding in Africa: Lessons Learned for Policymakers and Practitioners*. Cham: Palgrave Macmillan, pp. 215–233.

The central question that guided the study was whether the regional layer envisaged under the AUTJP is evolving into the operational bridge required for coherent, cross-border, and transformative justice. The report argues that the limited institutionalisation of transitional justice within RECs, combined with their core stabilisation-oriented mandates within the peace and security architecture, results in a structural misalignment with the AUTJP's transformative framework, weakening complementarity, constraining cross-border justice, and narrowing the policy's practical impact.

## 2.3 Study Objectives and Significance

Against this backdrop, the study seeks to examine the role of RECs in advancing transitional justice in Africa and assess the extent to which their practices align with the AUTJP. Specifically, it aims to:

- Assess the contributions of RECs to transitional justice processes on the continent.
- Identify constraints limiting REC engagement in transitional justice.
- Examine how REC interventions correspond with the principles and pillars of the AUTJP.
- Explore pathways through which RECs can more effectively support transformative, inclusive and context-sensitive justice processes.

The study contributes to transitional justice scholarship and policy practice on two levels. First, it addresses a gap in transitional justice literature by focusing on the regional layer. While significant attention has been given to national processes and the continental framework, the role of RECs has received comparatively less focus, despite their explicit positioning within the AUTJP. Given their proximity to conflict dynamics, diplomatic leverage, and embeddedness within the African Peace and Security Architecture (APSA), understanding their role within the transitional justice ecosystem is both timely and necessary.

Second, the study has direct relevance for implementation of the AUTJP. The policy's effectiveness depends on complementarity among national, regional and continental actors. As conflict dynamics increasingly exhibit cross-border characteristics, weak institutionalisation of transitional justice at the regional level disrupts this chain, limiting coherence, cross-border coordination, and sustained implementation.

Without REC involvement capable of addressing transboundary political and security dynamics, effective transitional justice becomes territorially constrained by conflict drivers that are essentially regional. These contexts highlight the need for coordinated regional approaches capable of aligning political, security, and justice responses.<sup>1</sup>

Beyond transitional justice implementation, the study also speaks to broader continental objectives. The integration of transitional justice with regional peace and governance

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1 AUTJP, 2019



*These interviews provide insight into how RECs engage in practice, including constraints, priorities and institutional realities that are not always visible in formal documents.*

frameworks has implications for Agenda 2063 and the AU's "Silencing the Guns" initiative, both of which depend on addressing the structural drivers of conflict.<sup>1</sup> Economic integration and regional development agendas are undermined when justice deficits persist. This means that durable peace and regional prosperity are interdependent, and integrating the justice element into the regional peace and security architecture is therefore a structural necessity.

## 2.4 Methodology

This study adopts a qualitative research design to examine how RECs are positioned and operate within the AUTJP's implementation architecture. It proceeds on the premise that RECs' engagement with transitional justice cannot be understood through their formal mandates alone, but must be assessed through institutional practices, political dynamics within the practice space, and practitioner experience from various actors within the field.

The research combined two primary methods. First, a documentary analysis of AU frameworks, REC protocols, and relevant scholarship was undertaken to map the normative expectations placed on RECs under Section 4 of the AUTJP and its Implementation Roadmap. Second, the study drew on fifteen semi-structured interviews targeting individuals working across transitional justice processes including REC officials, AU practitioners, experts, civil society actors, and victim representatives. These interviews provide insight into how RECs engage in practice, including constraints, priorities and institutional realities that are not always visible in formal documents.

The data was analysed thematically, focusing on key areas such as accountability, participation, cross-border coordination, capacity, and monitoring. Differences in perspectives across interviewees were treated as important indicators of how transitional justice is understood and implemented at different levels. Limited participation by RECs was not treated solely as a methodological constraint, but as reflective of the

<sup>1</sup> Degila, D. E. & Amegan, C. K. (2019) 'The African Peace and Security Architecture: An African Response to Regional Peace and Security Challenges', in A. Kulnazarova & V. Popovski (eds.) *The Palgrave Handbook of Global Approaches to Peace*. Cham: Palgrave Macmillan, pp. 393–410

current positioning of transitional justice within regional institutions. In this sense, patterns of engagement and non-engagement form part of the study's empirical findings.

The study does not seek to provide a comparative ranking of RECs, but rather to identify structural tendencies shaping regional engagement with transitional justice. The findings therefore capture an evolving institutional moment, highlighting patterns of normative alignment alongside operational fragility within the regional layer of the AUTJP architecture.

## 2.5 Structure of the Report

Following this introduction, Section 2 of the report sets out the AUTJP as the normative and analytical framework guiding this study, giving particular attention to its articulation of the regional layer and complementarity architecture. Section 3 provides descriptive profiles of REC engagement across ECOWAS, SADC, IGAD, EAC, ECCAS and COMESA, highlighting how their peace and security practices intersect with transitional justice expectations.

Section 4 then synthesises cross-regional patterns, examining recurring trends, structural constraints, and areas of alignment or divergence with AUTJP benchmarks. Section 5 builds on these patterns through a focused analysis of what they reveal about the functioning of the AUTJP's multi-level implementation architecture, particularly the viability of complementarity.

Section 6 transitions to forward-looking analysis, outlining strategic pathways for strengthening REC engagement across different actors within the architecture, while Section 7 situates these findings within the broader continental governance and peace frameworks.

The report concludes in Section 8 by reflecting on the implications of a weakly institutionalised regional layer and the necessity of consolidating it to realise the AUTJP's transformative ambition.



*The findings therefore capture an evolving institutional moment, highlighting patterns of normative alignment alongside operational fragility within the regional layer of the AUTJP architecture.*

# 03

## The AUTJP as a Normative and Analytical Framework

### 3.1 The AUTJP's Transformative Vision

As a landmark continental framework for addressing legacies of conflict, authoritarianism and gross human rights violations in Africa, the AUTJP codified and systematised accumulated African experience and lessons from three decades of transitional justice praxis into a distinctly African approach grounded in shared values, plural legal traditions, and contextual realities.<sup>1</sup>

From the South African Truth and Reconciliation Commission to processes in Sierra Leone, Rwanda, Tunisia and The Gambia, transitional justice increasingly evolved to reflect a broader ambition beyond punishment of perpetrators, aiming to rebuild societies fractured by structural inequalities, toxic diversity management, and systemic exclusion. While early transitional justice discourse often emphasised criminal accountability, African practice demonstrated that justice without reconciliation, redistribution and institutional reforms leaves the foundations of violence intact.<sup>2</sup>

The AUTJP recognises transitional justice as a holistic ecosystem encompassing truth-seeking, accountability, reparations, institutional reform, reconciliation, and guarantees of non-recurrence. Crucially, it also situates these pillars within a transformative agenda aimed at restructuring political, economic and social relationships in ways designed to prevent relapse into violence. In this regard, it conforms with Colleen Murphy's view that transitional justice should not be confined to retributive elements but must be approached in terms of how it can contribute to just societal transformation.<sup>3</sup>

The distinctive contribution of the AUTJP lies in its grounding in African shared values. It embraces hybrid and restorative traditions embedded in African societies, recognising the legitimacy of traditional and community-based mechanisms alongside formal institutions. Experiences such as Gacaca in Rwanda and community-based reconciliation dialogues in

1 Solomon A Derso, *The African Union Transitional Justice Policy: Expanding the Frontiers of Transitional Justice* (CSVR Policy Brief, May 2021)

2 Bell, C., Campbell, C. & Ní Aoláin, F. 2007, 'Transitional justice: (re)conceptualising the field', *International Journal of Law in Context*, vol. 3, no. 2, pp. 81–88.

3 Walker, M.U. (2018) 'Capturing transitional justice: exploring Colleen Murphy's *The Conceptual Foundations of Transitional Justice*', *Journal of Global Ethics*, 14(2), pp. 137–146. doi:10.1080/17449626.2018.1506997.

Sierra Leone have demonstrated that local participation, social reintegration, and communal acknowledgement of harm are indispensable in African contexts.<sup>1</sup> While not without limitations, these practices have reinforced the importance of legitimacy and social ownership in justice processes.

Another key feature of the policy is its insistence on inclusion as a normative and operational requirement. It identifies the disproportionate impact of conflict on women, youth, children, refugees, internally displaced persons, elderly persons, and persons with disabilities, and mandates their meaningful participation in transitional justice processes. Their inclusion is not framed in symbolic terms, but rather underlined as integral to addressing the root causes of conflict which stem from marginalisation and inequitable distribution of power and resources.<sup>2</sup> The policy, furthermore, links institutional reform, governance restructuring, and socio-economic justice to transitional justice, bridging the APSA and the African Governance Architecture (AGA).<sup>3</sup> Transitional justice is thus part of the continental commitment to sustainable peace, democratic governance, and inclusive development enshrined in the Agenda 2063.



*Transitional justice is thus part of the continental commitment to sustainable peace, democratic governance, and inclusive development enshrined in the Agenda 2063.*

This transformative ambition, however, is contingent on coherent implementation and political will, institutional capacity, resource mobilisation and, importantly, synergy. The AUTJP's multi-actor implementation architecture is a recognition of this reality, and, consequently, it distributes responsibility across national, regional, continental and societal actors. It is within this paradigm that the role of RECs becomes analytically central.

## 3.2 The Regional Layer under Section 4 of the AUTJP

Section 4 of the AUTJP envisages RECs as essential supporters of national processes and initiatives to address regional and cross-border dimensions of conflict, mandating them to provide diplomatic, technical and resource support and to develop mechanisms to support transitional justice programmes in line with the policy's principles.<sup>4</sup> The policy recognises the many drivers, dynamics and consequences of conflict in Africa that take place beyond purely national jurisdictions. Armed group mobility, refugee flows, illicit trade networks, as well as cross-border political alliances all shape the terrain within which national transitional justice processes must address legacies of conflict.

1 Kabawa, M. D. (2022) *Transitional Justice in Africa: Policy Implications of the AUTJP for Women and Youth*. Pretoria: University of Pretoria, p44-47.  
2 Ibid; AUTJP, section 3  
3 Murithi, 2024, p10-13  
4 African Union (AU). 2019. *Transitional Justice Policy*. Addis Ababa: African Union, para 123-125

The AUTJP therefore rejects the limitation of transitional justice to state boundaries, instead calling for cooperation, coherence and complementarity across levels of governance, in which RECs provide support to national processes by virtue of their unique positionality in addressing regional and cross-border dimensions of conflict. Although member states retain primary responsibility for implementing transitional justice, RECs are expected to bridge the AU's norm-setting with nationally owned processes, providing early political accompaniment in situations where domestic initiatives are constrained by capacity or political sensitivities.

Empirical realities from the examples of DRC, Ethiopia and elsewhere reinforce the relevance of this multi-layered architecture. In DRC, external involvement, regional military coalitions, and cross-border armed groups all contribute to the conflict dynamics,<sup>1</sup> and thus require regional involvement for successful redress. Similarly, in the Tigray conflict, violations have been committed through a combination of domestic and extra-territorial military acts, which may complicate the jurisdictional reach of national mechanisms in the proposed transitional justice process.<sup>2</sup> In South Sudan, displacement across borders illustrates similar potential for REC contributions in transitional justice. In such contexts, the AUTJP anticipates potential limitations of RECs and embeds them within its architecture precisely to respond to such dynamics.

This has not really manifested in practice, however. While the AU recognises RECs as core pillars of the continental peace and security architecture, with their preventive diplomacy, mediation, sanctions and even military interventions demonstrating significant operational capacity in crisis management and restoring constitutional order, RECs have yet to mature into a comparable role within transitional justice.<sup>3</sup>

The pattern is evident in The Gambia's case, where the regional response was instrumental in restoring constitutional order yet did not evolve into sustained engagement with the country's transitional justice architecture. Comparable trajectories can be seen in Zimbabwe and Lesotho, where mediation secured short-term political settlements without embedding broader accountability or structural reform processes. These examples show the tendency of regional interventions to consolidate immediate stability while leaving the justice and transformation agenda unaccompanied or unaddressed.

The result is an implementation gap within the multi-layered architecture envisaged by Section 4 of the AUTJP. Where RECs do not institutionalise a sustained transitional justice function, the framework's holistic vision cannot be fully realised, and may leave space for externally driven agendas that may not reflect regional priorities or lived conflict dynamics.

1 Africa Center for Strategic Studies, 'The DRC Conflict Enters a Dangerous New Phase' (2023) <https://africacenter.org/spotlight/drc-conflict-new-phase/> accessed 25 February 2026.

2 TG Weldemichel, 'Tigray War: Modern Geographies of Mass Violence and the Politics of Invisibility' (2025) *Journal of African Conflict Studies* (or appropriate journal) <https://www.sciencedirect.com/science/article/pii/S0962629825000307> accessed 25 February 2026.

3 Murithi, T. (2023) 'Introduction: The African Union Transitional Justice Policy and its contribution to peace and security', in *African Union and Transitional Justice*. pp. 1–26.

### 3.3 Benchmark Criteria

This report adopts the AUTJP as its primary analytical lens, using the standards and expectations endorsed within the policy as a normative baseline. Consequently, this requires attention to whether RECs have internalised the policy's normative commitments within their own frameworks and whether transitional justice is recognised as a distinct and deliberate area of engagement. It also requires consideration of the institutional realities within which RECs operate, including the availability of structures, expertise, personnel and financial resources capable of sustaining meaningful support to national processes.

Equally relevant is the manner in which RECs engage politically in transitional contexts, particularly where accountability questions intersect with peace arrangements and sovereignty concerns. The extent to which their practice reflects the AUTJP's participatory and victim-centred orientation is also relevant, as is their capacity to approach cross-border conflict dynamics through a justice framework rather than through security coordination alone. In addition, the assessment takes into account REC engagement with regional accountability mechanisms, their cooperation in prosecutions or hybrid accountability arrangements, and the degree to which monitoring, follow-through and resource mobilisation capacity exist.

Assessing these dimensions shows how RECs correspond to or diverge from the layered implementation architecture envisaged under Section 4 of the AUTJP. In doing so, the report helps answer the key question of whether the regional layer is evolving into the transformative bridge envisioned by the policy, or whether it remains confined to a stabilisation paradigm associated with conventional conflict management approaches.



*Where RECs do not institutionalise a sustained transitional justice function, the framework's holistic vision cannot be fully realised, and may leave space for externally driven agendas that may not reflect regional priorities or lived conflict dynamics.*

# 04

## Regional Economic Community Profiles

This section provides descriptive profiles of the selected RECs for the specific purpose of identifying how the stabilisation logic that defines most REC practice, within the broader peace and security architecture, intersects with, overlaps or displaces the transformative justice vision embedded in the AUTJP, which frames transitional justice as a process of addressing structural drivers of conflict through the integration of accountability, reconciliation, redistributive justice and socio-economic reforms in pursuit of non-recurrence.

### 4.1 Economic Community of West African States

#### Evolution into a Peace and Security Actor

ECOWAS was established in 1975 with the primary objective of fostering economic cooperation and regional development. Its founding mandate centred on industry, transport, telecommunications, energy, agriculture, commerce and monetary integration. However, the political realities of West Africa rapidly transformed its institutional trajectory. The civil wars in Liberia and Sierra Leone exposed the limits of a purely economic integration mandate in a region destabilised by armed conflict, regime collapse, and mass atrocities.

The 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security institutionalised ECOWAS' peace and security architecture. It formalised a shift from ad hoc mediation towards structured regional security intervention.<sup>1</sup> This was later consolidated by the 2008 ECOWAS Conflict Prevention Framework, which expanded preventive diplomacy, early warning, governance reform, and peace operations. ECOWAS thus evolved from an economic bloc into a frontline security actor within the APSA, with operational capacity to deploy military missions and enforce sanctions.



*ECOWAS was established in 1975 with the primary objective of fostering economic cooperation and regional development*

<sup>1</sup> Economic Community of West African States (ECOWAS) (1999) Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security. Available at: <https://amaniafrica-et.org/wp-content/uploads/2021/04/Protocol-Relating-to-the-Mechanism-for-Conflict-Prevention-Management-Resolution-Peace-Keeping-and-Security-1999.pdf> (Accessed: 11 February 2026).

## Conflict Management Modality

ECOWAS' conflict management approach has combined diplomacy, coercive pressure, and military deployment. In Liberia (1990) and Sierra Leone (1997–1998), the Economic Community of West African States Ceasefire Monitoring Group ECOMOG deployments aimed to stabilise territory, secure humanitarian corridors, and create political space for ceasefire negotiations. In Guinea-Bissau (2012), ECOWAS deployed the ECOWAS Mission in Guinea-Bissau (ECOMIB) to support transitional authorities and security sector reform. In Côte d'Ivoire (2003), the WCOVAS Mission in Côte d'Ivoire (ECOMICI) monitored hostilities and supported political dialogue.<sup>1</sup>

More recently, in The Gambia (2016–2017), ECOWAS combined mediation with the credible threat of force when former President Yahya Jammeh refused to relinquish power after electoral defeat.<sup>2</sup> The deployment of ECOWAS Military Intervention in The Gambia (ECOMIG) stabilised the transition and restored constitutional order. In Mali and Burkina Faso, following coups, ECOWAS adopted suspension and sanctions measures in pursuit of civilian-led transitions.<sup>3</sup>

The dominant logic across these interventions has been restoration of constitutional order through the REC's repertoire of negotiated roadmaps, diplomatic pressure, compliance mechanisms, and deterrent force. The organisation has increasingly framed its approach as human security-oriented, supported by governance and democracy protocols. However, much of its leverage remains compliance driven, prioritising rapid restoration of constitutional form.

1 Aderemi Ajibewa and Jubril Agbolade Shittu, 'Towards a Human Security-Centred Approach to Peacebuilding: ECOWAS's Experiences and Lessons' in *Civil Society and Peacebuilding in Africa* (Routledge 2021) 56–57; Bappah Habibu Yaya, 'ECOWAS and the Promotion of Democratic Governance in West Africa' (2014) 2(1) *Journal of International Relations and Foreign Policy* 87–93; Chukwuemeka B Eze, 'Civil Society Organisations and the ECOWAS Peace and Security Agenda: A Case Study of the West Africa Network for Peacebuilding (WANEP)' in *Civil Society and Peacebuilding in Africa* (Routledge 2021) 69–74

2 Eze, 2021

3 Economic Community of West African States, 'Final Communiqué: 4th Extraordinary Summit of the ECOWAS Authority of Heads of State and Government on the Political Situation in Mali' (Accra, 9 January 2022); Economic Community of West African States, 'Final Communiqué: Extraordinary Summit of the ECOWAS Authority of Heads of State and Government on the Political Situation in Burkina Faso' (Videoconference, 28 January 2022).



*The dominant logic across these interventions has been restoration of constitutional order through the REC's repertoire of negotiated roadmaps, diplomatic pressure, compliance mechanisms, and deterrent force.*

## Engagement with Transitional Justice

ECOWAS' engagement with transitional justice has been comparatively more visible than that of other RECs, though it is still evolving. In April 2019, ECOWAS convened civil society actors to review a draft *Handbook on Access to Justice and Transitional Justice*, part of an ECOWAS Transitional Justice Project intended to guide member states in implementing multi-dimensional transitional justice measures.

At the strategic level, ECOWAS Vision 2050 identifies transitional justice and reconciliation as post-conflict stabilisation priorities.<sup>1</sup> The most practical illustration of ECOWAS' increasing involvement in transitional justice is its collaboration with The Gambia in establishing a Special Tribunal (hybrid court) to prosecute Jammeh-era crimes. Through a Joint Technical Committee between ECOWAS and the Gambian government, a statute was drafted and validated. Regional endorsement by heads of state provided legal grounding and collective legitimacy that a purely national mechanism could not generate.<sup>2</sup>



*This intervention demonstrates a capacity to provide political cover, legal foundation, and regional solidarity for accountability processes that may otherwise face jurisdictional resistance.*

This intervention demonstrates a capacity to provide political cover, legal foundation, and regional solidarity for accountability processes that may otherwise face jurisdictional resistance.

## Alignment with AUTJP Benchmarks

Normatively, ECOWAS has acknowledged transitional justice as a component of post-conflict stabilisation. Institutionally, it has shown willingness to support accountability mechanisms and, by virtue of that, demonstrated capacity to transform politically sensitive prosecutions into a treaty-grounded regional commitments.

Yet, transitional justice is not institutionalised as a standalone pillar within ECOWAS structures. Much of the REC's engagement remains embedded within its broader peace-building and governance programming. The recent decisions in The Gambia, for instance, occurred mostly at state level. Monitoring of transitional justice implementation, such as follow-through on TRRC recommendations in The Gambia, has not been visible either. ECOWAS' civil society inclusion has mostly occurred in structured contexts. For example, Gambian civil society is sitting in the Joint Technical Committee for the hybrid court design, but broader victim-centred regional engagement remains thin.

1 Centre for the Study of Violence and Reconciliation (CSVR) (n.d.) *Economic Community of West African States*. African Transitional Justice Hub. Available at: <https://atjhub.csvr.org.za/economic-community-of-west-african-states/> (Accessed: 12 February 2026).

2 International Commission of Jurists (ICJ) (2024) *Gambia: West African States agree on Court for Jammeh-era crimes*. 16 December. Available at: <https://www.icj.org/gambia-west-african-states-agree-on-court-for-jammeh-era-crimes/> (Accessed: 12 February 2026)

## Structural Gaps

The withdrawal of Mali, Burkina Faso, and Niger from ECOWAS in January 2025 highlights the limits of a compliance-first approach that prioritises constitutional reversion without embedding transformative justice. While ECOWAS has demonstrated operational strength in crisis responses, its transitional justice engagement needs to be more comprehensive and institutionalised. Without integrating accountability, supporting structural reform, and engaging on monitoring initiatives as part of its stabilisation paradigm, it may continue to face setbacks in its efforts at regional stability.

## 4.2 Southern African Development Community

### Evolution into a Peace and Security Actor

SADC's entry into conflict management, like that of ECOWAS, was not originally a normative design but a political necessity. Founded primarily for regional cooperation and economic coordination, the recurrence of political crises in countries like Lesotho, Zimbabwe and Madagascar compelled the organisation to assume mediation and stabilisation responsibilities. SADC's character remains intergovernmental and sovereignty-conscious, however. Decision making is consensus based and shaped by treaty principles that privilege non-confrontation and negotiated settlement over coercive enforcement.<sup>1</sup>

### Conflict Management Modality

SADC's interventions have largely taken diplomatic and elite-brokered forms. In Zimbabwe (2007–2013), SADC facilitated dialogue following electoral violence and state repression, culminating in the Global Political Agreement. The mediation were critiqued for narrowly focusing on institutional arrangements for elections and power-sharing between the political elite. While this produced stability in the electoral process, systemic repression, security-sector dominance, and erosion of civil liberties continued.<sup>2</sup>

In Lesotho, repeated cycles of instability, including alleged coup attempts and military interference in politics, triggered SADC facilitation of dialogue and encouragement of constitutional and security sector reforms, notably following its interventions in 1998–1999, renewed mediation in 2014–2015, and the preventive mission of 2017–2018.<sup>3</sup> Yet enforcement mechanisms have been weak, underscoring limitations in accountability tools. Dimpho Deleglise notes that SADC has never sanctioned member states for non-compliance with mediated agreements.<sup>4</sup>

1 Deleglise, 2021, pp. 215–233

2 Fredrick Soderbaum and Rodrigo Tavares, 'Regional Economic Communities and Peacebuilding in Africa' in T McNamee and M Muyangwa (eds), *The State of Peacebuilding in Africa: Lessons Learned for Policymakers and Practitioners* (Palgrave Macmillan 2021) 71–94.

3 Khabele Matlosa and Moeketsi Kali, 'Relevance of the African Union Transitional Justice Policy for Lesotho: Towards Sustainable Peace' (2025) 25(2) *African Journal on Conflict Resolution* 56.

4 Deleglise, 2021 pp. 224–227.



*Conflating peacebuilding and transitional justice risks subsuming transitional justice within the stabilisation logic of the conflict management paradigm, thereby diluting the justice and transformative underpinnings of transitional justice*

Similarly, in Madagascar (2009–2014), SADC brokered a transitional roadmap following an unconstitutional change of government. However, the focus remained procedural, on restoration of constitutional order, elections, and a negotiated elite settlement. Transitional justice mechanisms addressing structural grievances or accountability were not embedded in the settlement architecture.<sup>1</sup>

Thus, across these contexts, SADC demonstrated diplomatic leverage and convening power, functioning effectively as a crisis manager and interlocutor. Yet, its interventions prioritised cessation of hostilities and restoration of constitutional order over restructuring of the political economies of conflict.<sup>2</sup>

## Engagement with Transitional Justice

SADC has no standalone transitional justice framework. Recently, the organisation approved a draft Framework on Post-Conflict Reconstruction and Development (PCRD) and Transitional Justice, which indicates emerging recognition and some level of focus,<sup>3</sup> but the conceptual merger of PCRD and transitional justice may raise some concerns. As noted in interviews, conflating peacebuilding and transitional justice risks subsuming transitional justice within the stabilisation logic of the conflict management paradigm, thereby diluting the justice and transformative underpinnings of transitional justice.<sup>4</sup>

## Alignment with AUTJP Benchmarks

Normatively, SADC recognises the relationships among peace, governance and justice, as evidenced by its inclusion of transitional justice within its PCRD framework. It remains to be seen how this mandate aligns with the AUTJP ecosystem. Institutionally, there are no specialised transitional justice units or dedicated staffing structures for transitional justice, and

1 Ibid pp. 215–216, 227

2 Fredrick Onditi and others, 'African Peace and Security Architecture: Fit for Purpose?' in *Reimagining Security Communities* (Springer 2021) pp. 127

3 Southern African Development Community, 'SADC Council of Ministers discuss regional issues in preparation for the 45th SADC Summit in Antananarivo, Madagascar' (SADC, 14 August 2025) <https://www.sadc.int/latest-news/sadc-council-ministers-discuss-regional-issues-preparation-45th-sadc-summit> accessed 20 February 2026.

4 Herman *et al* 'Does SADC's post-conflict reconstruction plan marginalise transitional justice?' ISS Africa (ISS Today, 21 May 2021) <https://issafrica.org/iss-today/does-sadc-s-post-conflict-reconstruction-plan-marginalise-transitional-justice> accessed 19 February 2026.

engagement remains embedded within peace and security portfolios. On accountability, SADC's approach is shaped by sovereignty sensitivities which limit interventions to a consensus-driven approach and constrain its willingness to confront entrenched governance deficits.<sup>1</sup> Civil society inclusion also remains thin. With mediation processes predominantly elite driven, there seem to be limited institutionalised mechanisms for civil society or victim participation.<sup>2</sup>

## Structural Gaps

SADC's proficiency in negotiating political peace does not extend to driving political transformation. Its stabilisation paradigm has admittedly contributed to or secured temporary equilibrium in conflict contexts within member states, but there are no visible initiatives to address the drivers of recurrence. This is where embedding transitional justice as comprehensive operational pillar, rather than as an adjunct to PCRDR, would represent a stronger shift from managing instability towards enabling durable peace.

## 4.3 Intergovernmental Authority on Development

### Evolution into a Peace and Security Actor

IGAD emerged from the Intergovernmental Authority on Drought and Development, initially focused on drought and environmental crises. Its reconstitution in 1996 expanded its mandate to include peace and security in recognition of the Horn of Africa's chronic instability. Many of its member states have experienced either recurrent wars, cross-border insurgencies, or state fragmentation.

The interconnectedness of environmental stress, underdevelopment, and violent conflicts have shaped IGAD's institutional evolution.<sup>3</sup> Through mechanisms such as its Conflict Early Warning and Response Mechanism (CEWARN), IGAD institutionalised preventive diplomacy and mediation capacity.<sup>4</sup>

### Conflict Management Modality

IGAD's mediation of the Sudan Comprehensive Peace Agreement (2005) formally ended years of civil war and structured protocols on power sharing, wealth sharing, and security arrangements.<sup>5</sup>

1 Deleglise, 2021, pp. 220.

2 Onditi and others, 2021, pp. 128–129

3 Intergovernmental Authority on Development (IGAD), *Handbook of the Intergovernmental Authority on Development* (IGAD) (IGAD 2020) pp. 20

4 Satti, N. (2020) 'Lessons to be learned from IGAD's involvement in the Sudan peace process (1993–2005)', in V. Adetula, R. Bereketeab and C. Obi (eds) *Regional Economic Communities and Peacebuilding in Africa: Lessons from ECOWAS and IGAD*. London: Routledge, p 138–145. <https://doi.org/10.4324/9781003093695-10>

5 Alex de Waal, *The Real Politics of the Horn of Africa: Money, War and the Business of Power* (Polity Press 2015) 107–132; Sally Healy, 'Peacemaking in the Midst of War: An Assessment of IGAD's Contribution to Regional Security in the Horn of Africa' (2009) Crisis States Research Centre Working Paper No 59, 18–24 <https://eprints.lse.ac.uk/28427/> accessed 20 February 2026.



*The proposed IGAD Regional Framework for Transitional Justice, initiated in February 2026, with AU and other partner support, represents a promising focusing on transitional justice as a distinct field.*

Following South Sudan's relapse into conflict in 2013, IGAD mediated the 2015 ARCSS (Agreement on the Resolution of the Conflict in South Sudan) and 2018 R-ARCSS (Revitalised Agreement on the Resolution of the Conflict in South Sudan). It established the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) to provide sustained oversight.<sup>1</sup>

Despite IGAD's centrality in peacebuilding in the region, peace agreements struggled to dismantle entrenched militarised patronage systems and elite-centred bargaining narrowed participation and limited structural reform. While its strength lies in diplomatic convening and regional legitimacy, these have little or no transformative force beyond restoration of political order.

## Engagement with Transitional Justice

While the Sudan CPA process and the South Sudan agreements incorporated provisions relating to reconciliation and institutional reform, IGAD has had limited involvement with transitional justice.<sup>2</sup>

Transitional justice provisions were embedded in South Sudan's ARCSS and R-ARCSS, including provisions for a Hybrid Court for South Sudan, a Commission for Truth, Reconciliation and Healing, as well as a Compensation and Reparations Authority.<sup>3</sup> However, IGAD's institutional role has been far more visible in mediation and ceasefire monitoring than in operationalising these accountability mechanisms.<sup>4</sup> The interviews confirm that transitional justice is not yet a standalone pillar within IGAD and that there is no specialised transitional justice unit. Transitional justice-related engagement has included sensitisation workshops and consultations towards drafting a regional framework.

The proposed IGAD Regional Framework for Transitional Justice, initiated in February 2026, with AU and other partner support, represents a promising focusing on transitional

1 Alex de Waal, *The Real Politics of the Horn of Africa* (Polity Press 2015) 205–214

2 Satti, 2021, pp. 139–142

3 Agreement on the Resolution of the Conflict in the Republic of South Sudan (signed 17 August 2015) ch V; Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (signed 12 September 2018) ch V <https://peacemaker.un.org/node/1577> and <https://peacemaker.un.org/node/1845> accessed 20 February 2026.

4 Alex de Waal, 2015, pp. 205–214

justice as a distinct field.<sup>1</sup> However, given the organisation's current realities, expertise and resources, capacity to sustain and implement such a framework remains limited.

## Alignment with AUTJP Benchmarks

IGAD recognises the relevance of transitional justice within peace agreements and even the need to have a specific transitional justice framework. In the absence of a specialised transitional justice architecture, transitional justice is handled by officials responsible for multiple portfolios and engagement is limited to awareness raising and trainings.

Regarding accountability, political realities, particularly the integration of alleged perpetrators into transitional governments, have constrained advancement and IGAD's interventions remain predominantly within the conflict-management dimension, rather than embodying a coherent regional transitional justice approach.

## Structural Gaps

IGAD's currently limited transitional justice involvement takes place within a paradigm of elite-driven settlements, sovereignty-sensitive considerations, limited capacity and resource constraints. It is promising that modalities are in place for the development of a framework for a dedicated regional transitional justice involvement. It will be crucial for this framework to align with the continental architecture of the AUTJP and its complementarity and subsidiarity principles.

## 4.4 East African Community

### Evolution into a Peace and Security Actor

The EAV, re-established in 1999, was designed as a progressive integration project structured around a Customs Union, Common Market, Monetary Union, and ultimately Political Federation. Its founding logic was economic and integrative. As with other RECs, the prevalence of violent conflict and political instability within its member states has compelled some expansion beyond trade.<sup>2</sup>

The accession of Rwanda, Burundi, South Sudan, DRC and Somalia, coincided with increasing security challenges. Operating within the wider APSA framework, the EAC assumed a frontline regional role in East Africa.<sup>3</sup> While its institutional DNA remains integration oriented, the demands of recurrent crises have made peace and security engagement unavoidable.

1 International Center for Transitional Justice, 'ICTJ Supports IGAD in Drafting a Regional Framework for Transitional Justice' (6 February 2026) <https://www.ictj.org/news/ictj-supports-igad-drafting-regional-framework-transitional-justice> [accessed 20 February 2026].

2 Jaiyebo and Adetula, 2021, pp. 20-34

3 Onditi, 2021, 127-159

## Conflict Management Modality

The EAC's interventions have largely been diplomatic, mostly state driven, and stabilisation oriented. In Burundi (2015–2016), following unrest triggered by President Pierre Nkurunziza's third-term bid, the EAC appointed mediators to facilitate dialogue between the government and the opposition. In South Sudan, the EAC supported mediation efforts in coordination with IGAD and endorsed the revitalised peace agreement.

In 2022, the EAC authorised deployment of the East African Community Regional Force (EACRF) to eastern DRC in response to renewed M23 insurgency. This marked a more forceful approach. However, the deployment operated under major political constraints, including host-state sensitivities and divergent strategic interests among member states. The mission prioritised ceasefire stabilisation and territorial containment.<sup>1</sup>

Across these interventions, the dominant reasoning mirrors that of other RECs, that is, stabilisation first, without much engagement with justice dynamics, if at all. The approach prioritises cessation of hostilities, mediation, and political accommodation.

## Engagement with Transitional Justice

Although governance and rule-of-law elements are embedded within EAC instruments and the work of the East African Court of Justice,<sup>2</sup> the EAC has not really engaged in transitional justice-related activities beyond peace negotiations, nor is there any indication of it developing a transitional justice-specific framework aligned with the AUTJP.

Given its overlapping membership with IGAD, it may be prudent for the EAC and IGAD to synergise efforts in the development of any regional transitional justice framework. Coordinated design would prevent duplication, clarify division of labour, and avoid fragmentation in an already crowded regional security landscape. Transitional justice in this region has largely proceeded through national initiatives and AU or internationally supported arrangements, without any visible EAC role in designing, coordinating, or accompanying such processes.

## Alignment with AUTJP Benchmarks

The EAC's governance instruments align with AU Shared Values frameworks,<sup>3</sup> but, as noted above, it has little transitional justice involvement. Civil society participation is formally institutionalised through treaty provisions and structured consultative mechanisms, but, while regional networks such as the East African Civil Society Organisations'

1 Victor Adetula, Redie Bereketeab and Cyril Obi (eds), *Regional Economic Communities and Peacebuilding in Africa: Lessons from ECOWAS and IGAD* (Routledge 2021)

2 Centre for Human Rights, *Civil Society Guide to Regional Economic Communities in Africa* (University of Pretoria 2010) 14.

3 Treaty for the Establishment of the East African Community (East African Community, signed 30 November 1999, entered into force 7 July 2000) arts 6(d), 7(2) <https://www.eac.int/documents/EAC%20Treaty.pdf>, [accessed 20 February 2026]

Forum (EACSOFF) provide organised engagement channels,<sup>1</sup> the practical influence of civil society actors in core decision making remains uneven and constrained by institutional and political factors.<sup>2</sup>

## Structural Gaps

The question for EAC involvement in transitional justice is about positioning within a crowded regional landscape. With IGAD advancing a regional transitional justice framework, the absence of a synergised approach leaves the EAC's position undefined. Given the overlapping REC membership and shared conflict theatres in the region, a lack of synergy among the actors will likely result in duplication or fragmentation of future justice initiatives without alignment.

## 4.5 Economic Community of Central African States

### Evolution into a Peace and Security Actor

Recurrent armed conflict in Central Africa, particularly in CAR, DRC and Chad, compelled ECCAS to expand its functional scope into peace and security, continuing the trend where RECs became pillars of the APSA, under principles of subsidiarity and complementarity with the AU.<sup>3</sup>

The 1999 Protocol on the Council for Peace and Security in Central Africa (COPAX) formalised this transition, establishing an early warning mechanism (Mécanisme d'Alerte Rapide de l'Afrique Centrale, MARAC), a standby force (Force Multinationale de l'Afrique Centrale, FOMAC), and mediation frameworks.<sup>4</sup> Through COPAX, ECCAS institutionalised a sub-regional peace and security mechanism under principles of subsidiarity and complementarity with the AU.

### Conflict Management Modality

ECCAS has been most visibly engaged in conflict management in CAR and DRC. In CAR, ECCAS deployed FOMUC in the early 2000s, later transitioning into MICOPAX (Mission for the Consolidation of Peace in the Central African Republic) under COPAX authority. These missions focused on protection of state institutions, stabilisation, and support for political transition processes.<sup>5</sup>

1 East African Civil Society Organisations' Forum (EACSOFF), *About EACSOFF* <https://eacsof.net> [accessed 20 February 2026]

2 Kennedy Agade Mktutu and others, *The East African Community: People-Centred Integration?* (Rift Valley Institute 2024) <https://riftvalley.net/publication/the-east-african-community-people-centred-integration/> [accessed 20 February 2026]

3 Jaiyebo and Adetula, 2021, pp. 20-22

4 Ibid, pp. 22-23

5 Kewir T and Emile N, 'Building Peace in the Central African Republic: The Role of ECCAS' (2016) 6(1) *Asian Journal of Research in Social Sciences and Humanities* 41-59.

In DRC, ECCAS participated alongside SADC and the AU in diplomatic and security coordination during regionalised conflicts in the late 1990s and early 2000s.<sup>1</sup> The approach revolved around securing territory, restoring constitutional order, and facilitating peace dialogue. Accountability and justice components were not central to mission design.

Overlapping memberships, particularly with SADC, have complicated operational coherence in the Great Lakes region. In addition, institutional evolution has at times been faster operationally than normatively.<sup>2</sup>

## Engagement with Transitional Justice

Transitional justice elements have remained peripheral in ECCAS engagements. In CAR, regional mediation supported political transition, but transitional justice mechanisms were mostly established through national initiatives with prominent United Nations and international support, rather than ECCAS leadership.<sup>3</sup>

## Alignment with AUTJP Benchmarks

ECCAS operates within APSA expectations but has not localised the AUTJP either as part of its peace and security work or as a standalone framework. Its interventions replicate the stabilisation paradigm observed in the other RECs, prioritising regime continuity and cessation of hostilities over the structural transformation paradigm the AUTJP promulgates.

## Structural Gaps

ECCAS' institutional design privileges political settlement and has not really engaged with transitional justice or the AUTJP. However, operating in a region with overlapping memberships (e.g., DRC is part of ECCAS, SADC and EAC), engagement in transitional justice requires coordination on regional transitional justice policy, to avoid ambiguity over REC roles in supporting transitional justice at the regional level. Absent deliberate alignment, the overlaps risk disrupting rather than reinforcing transitional justice initiatives.

1 Ntumba Kapinga, *The Role of SADC in Conflict Resolution in the DRC 1998–2003* (MA dissertation, UNISA 2015) 111–117.

2 Jaiyebo and Adetula, 2021, pp. 24–25

3 Patryk I Labuda, 'The Special Criminal Court in the Central African Republic: Legal Framework and International Support' (ASIL Insights, 22 January 2018) <https://www.asil.org/insights/volume/22/issue/2/special-criminal-court-central-african-republic> accessed 19 February 2026

## 4.6 Common Market for Eastern and Southern Africa

### Evolution into a Peace and Security Actor

COMESA is primarily a trade and market integration bloc. While it operates within the layered APSA architecture and is expected to align normative instruments with AU frameworks, it has not institutionally reoriented towards peacebuilding or transitional justice.<sup>1</sup> Unlike ECOWAS and IGAD, COMESA has not adopted comprehensive conflict prevention or peacebuilding protocols. Its evolution has remained predominantly economic.

### Conflict Management Modality

In conflict-affected member states such as DRC, Burundi and Sudan, primary regional diplomatic roles were undertaken by SADC, IGAD, the AU, or the United Nations, with COMESA's involvement being peripheral.<sup>2</sup>

### Engagement with Transitional Justice

Given the context outlined above, COMESA does not have any transitional justice engagements, policies or frameworks, either ad hoc or specific. While its treaty references rule of law and governance principles, enforcement depth is limited.<sup>3</sup>

According to the interviews, COMESA's Governance, Peace and Security divisions handle multiple thematic areas, including early warning, democracy, youth and women peace and security, counter-terrorism, and post-conflict reconstruction. Within its current context, any transitional justice-related initiatives will fall within these portfolios. However, the interviews confirm that while transitional justice is normatively acknowledged, it is not structurally embedded. Capacity constraints and lack of specialised staffing limit transitional justice engagement.

1 Onditi et al, 'African Peace and Security Architecture: Fit for Purpose?' (2021)

2 Shabangu, 2016

3 Nkhata, 2012



*ECCAS operates within APSA expectations but has not localised the AUTJP either as part of its peace and security work or as a standalone framework.*



*COMESA illustrates a structural limitation of RECs within the continental transitional justice architecture. Its institutional trajectory has prioritised economic integration, without embedding a dedicated peacebuilding or transitional justice framework*

## Alignment with AUTJP Benchmarks

For COMESA, transitional justice is normatively acknowledged but absent in practice. Civil society engagement in peace and security largely occurs in trainings and consultations but not within an active participation framework. As in other RECs, state-centric decision making limits potential commitment to transitional justice engagement.<sup>1</sup>

## Structural Gaps

COMESA illustrates a structural limitation of RECs within the continental transitional justice architecture. Its institutional trajectory has prioritised economic integration, without embedding a dedicated peacebuilding or transitional justice framework. In the absence of a defined transitional justice mandate, its role in post-conflict contexts remains indistinct. COMESA should therefore engage meaningfully with the AUTJP, adopting a collaborative approach that acknowledges overlapping REC memberships in the region to prevent duplication.

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<sup>1</sup> Jaiyebo and Adetula, pp. 21

# 05

# Patterns Across Regional Economic Communities

## 5.1 Normative Centrality versus Operational Weaknesses

*“Section 4 of the AUTJP is very explicit in saying that RECs play a key role in helping to address regional and transboundary dimensions of conflicts... but I don’t think many of the other RECs have actually got to that point yet. It’s still very much... work in progress.” – Tim Murithi*

Across the interviews and the literature review, there is no dispute regarding the formal place of RECs within Africa’s transitional justice architecture. Ikubaje’s articulation of REC engagement as the “third wave” of AU transitional justice development captures this expectation. The first wave, he notes, was the adoption of the AUTJP, the second was AU technical support to member states, and the third envisages activation of RECs as integral implementing partners.

Yet, in practice, there is a dissonance between the normative centrality assigned to RECs and their operational reality. Transitional justice engagement remains embryonic or embedded within peace and security frameworks without comprehensive consolidation. For example, IGAD acknowledges that transitional justice is currently limited to sensitisation workshops and preliminary framework drafting.<sup>1</sup> COMESA similarly situates transitional justice within a post-conflict reconstruction framework, without a dedicated policy or framework.<sup>2</sup> SADC’s recent PCRDR and Transitional Justice Framework show movement, yet the merging of PCRDR and transitional justice raises concerns about dilution.

This reality leaves an important gap in the continental implementation architecture. The result is a discontinuity in coherence, accompaniment and transnational coordination that is increasingly becoming evidently necessary for effective implementation of transitional justice. The joint Hybrid Court established by The Gambia and ECOWAS testifies to this. However, even the court is currently episodic and politically contingent, showing why it is necessary for institutionalisation of transitional justice at the regional level.

<sup>1</sup> Moges Ali, Political Affairs Department, Intergovernmental Authority on Development, IGAD, Online Interview.  
<sup>2</sup> Dr Oita Etyang, Head of Governance, Peace and Security, Common Market for Eastern and Southern Africa COMESA, Online Interview.

## 5.2 Stabilisation versus Transformative Outcomes

*“Under the larger framework for peacebuilding, the goal is just to ensure there’s no conflicts, let’s stop the conflict... But in a lot of cases there’s no addressing the underlining issues... Transitional justice is a very specific process.”*

– Emmanuel Ayoola

All available evidence suggests that ECOWAS, SADC, IGAD, ECCAS and the EAC have evolved into proficient crisis managers, having mediated ceasefires, brokered elite settlements, deployed missions and enforced sanctions to restore constitutional order. However, the characteristic prioritisation of cessation of hostilities and constitutional reversion has limitations.

As observed in Zimbabwe, Lesotho and Madagascar under SADC mediation, and in ECOWAS responses to coups in Mali and Burkina Faso, rapid restoration of constitutional order does not necessarily address impunity, institutional decay, political victimisation or erosion of civic trust.

*“Let’s separate the issue of transitional justice and that of peacebuilding... We are not working much in transitional justice... it is considered as a component of the PCRDR policy.”* – Moges Ali

The interviews reinforce this concern. Ayoola argues that embedding transitional justice within peacebuilding architectures may be administratively convenient but conceptually challenging. When justice is subsumed within a stabilisation agenda, it can produce political calm without structural transformation.<sup>1</sup>

Ikubaje similarly cautions against conflating post-conflict reconstruction with transitional justice. While related, they rest on distinct normative architectures,<sup>2</sup> with transitional justice requiring sustained and inclusive engagement with accountability, reparations, psychosocial harm, institutional reform and redistributive justice.

The AUTJP anticipates this tension between peacebuilding imperatives and accountability demands by embedding the principles of synergising, sequencing and balancing transitional justice objectives, requiring that peace, reconciliation and justice be pursued in mutually reinforcing ways. However, a stabilisation bias continues to shape current regional engagement. Peace and security challenges are mediated regionally, while justice challenges are generally deferred to national authorities or external actors. Consequently, the transformative ambitions embedded in the AUTJP remain weakly operationalised at the regional level.

<sup>1</sup> Emmanuel Ayoola, Grants Management Officer, Africa Transitional Justice Legacy Fund, ATJLF, online interview.

<sup>2</sup> John Ikubaje, Senior Political Officer, Department of Political Affairs, Peace and Security, African Union Commission, online interview.

## 5.3 Capacity Constraints as a Structural Ceiling

*“You see the division... governance, peace and security... I have like five, six staff... there are a lot of competing programmatic interests... You’ll find that areas to do with transitional justice become problematic because... we don’t have the specialised officers to specifically focus on that niche area.”*

– Oita Etyang

Capacity constraints emerged as a structural ceiling for REC implementation of transitional justice. Even where political recognition of transitional justice exists, operational scope is constrained by limited staffing, technical expertise, and budgetary resources. Although RECs highlight the need for AU support to mitigate these challenges, even at the continental level the AU’s Transitional Justice Unit operates with similar challenges of minimal core staff and limited annual funding, relying heavily on donor-supported programming. Ikubaje states that demand from member states exceeds internal capacity to provide support.

At the regional level, IGAD and COMESA both confirmed lack of specialised transitional justice personnel. In addition to reliance on external consultants, transitional justice responsibilities are dispersed across governance, peace and security, and post-conflict reconstruction divisions, alongside numerous competing portfolios. This thinness in capacity shapes what becomes possible and where dedicated expertise is absent. Transitional justice is likely to be reduced to formal tick-box initiatives, making sustained technical accompaniment, monitoring, or structured implementation planning difficult.

The AUTJP and its Implementation Roadmap anticipate capacity building as a substantive requirement of sustainability. They envision African capacity at the regional and continental levels serving as a reservoir of support before reliance on external actors. Yet this study indicates that such a reservoir remains thin. The consequence is a structural ceiling, where normative ambition is constrained by institutional scarcity. Predictable resources, specialised staffing, and embedded technical competence is required.



Capacity constraints emerged as a structural ceiling for REC implementation of transitional justice. Even where political recognition of transitional justice exists, operational scope is constrained by limited staffing, technical expertise, and budgetary resources.

## 5.4 Political Will as Obstacle

*“You see, most governments are very comfortable when you talk about reconciliation. Some of them are even comfortable when you talk about reparations. But the moment you begin to talk about criminal accountability, then you begin to see resistance. That is where the real tension starts.”* – John Ikubaje

Political will and sovereignty sensitivities are a structural constraint. RECs are intergovernmental bodies and derive authority from the same member states that may be implicated in transitional justice processes. Tension emerges when accountability turns towards criminal responsibility or institutional reform challenges entrenched elite interests.

Ikubaje notes that governments may be comfortable with reconciliation and sometimes reparations, but resistance intensifies when transitional justice moves towards prosecutions. In post-conflict settlements, perpetrators frequently become parties to peace agreements and transitional governments, generating conflicts of interest. Interviewees highlighted RECs' dependence on consensus-based decision making and how this may force cautiousness in confronting accountability issues in transitional justice contexts.



*Tension emerges when accountability turns towards criminal responsibility or institutional reform challenges entrenched elite interests.*

On the question of orienting regional courts towards transnational accountability in transitional justice, Ayoola characterised courts as institutions that in most cases bark but cannot bite, as member state compliance depends on political will rather than coercive enforcement. Jome,<sup>1</sup> speaking from a victims' perspective, described ECOWAS as cautious about robustly pressuring the Gambian government regarding reparations implementation delays.

As a counterpoint, Persson's account illustrates the potential for regional accompaniment to national transitional justice initiatives in the way ECOWAS helped manoeuvre a jurisdictional hurdle and politically sensitive process,<sup>2</sup> giving it both political legitimacy and a legal foundation that national authorities alone could not generate. Jobson likewise suggests that SADC could play a key role in influencing states that are failing to implement reparations and other transitional justice commitments.<sup>3</sup> She notes that the organisation could serve as an external accountability actor pushing governments towards implementation where internal reform efforts are stalled.

1 Kebba Jome, Director, Gambian Centre for Victims of Human Rights Violations, online interview.

2 Ida Persson, Special Adviser to the Minister of Justice of The Gambia and Head of the Post-TRRC Unit, online interview.

3 Marjorie Jobson, Executive Director, Khulumani Support Group, online interview.

## 5.5 Civil Society and Victim Inclusion Gaps

*“We’ve had hardly any engagement with SADC. I mean the SADC headquarters are in Gaborone, okay, as far as I know, but we have never participated with them in anything. We’ve never been invited to anything. So this is a really big gap.”*

– Marjorie Jobson

*“We have not engaged with ECOWAS yet... we feel that their engagement is just at the high government level... It should not stop at the higher level. They could go further to the lower level... But it’s like there are barriers between ECOWAS and the lower level like the victim centre.”* – Kebba Jome

In the AUTJP, participation and inclusiveness are central to transitional justice legitimacy. Civil society and victim-led organisations are assigned active roles in generating public discourse, documenting harms, and shaping justice processes. The interview findings indicate that engagement at REC level is predominantly state centric. Jome and Jobson both describe limited outreach or support from ECOWAS and SADC, respectively, in relation to victim advocacy and reparations struggles. They note that when RECs engage in processes, these remain elite driven and state centric, with civil society positioned as participants but with limited roles in agenda setting and influencing processes.

COMESA acknowledges engagement with civil society but identifies fragmentation and state–civil society tensions as a complicating factor. Murithi notes variation in civil society engagement across RECs, but characterises overall engagement as underdeveloped, which suggests that meaningful civil society inclusion exists in pockets but is inconsistent. The Gambian accountability process again offers a contrast, where structured inclusion of victim-led organisations is a core feature of the Joint Technical Committee between the government and ECOWAS. Yet, even this example occurred within a state–REC formal framework rather than independent regional outreach.

The picture painted from the evidence is that mechanisms for participation do exist but lack depth, consistency and institutional embedding. Given that exclusion and inequitable power distribution are identified in the AUTJP as root causes of conflict, comprehensive transitional justice frameworks at REC level can enhance civil society participation and impact on national processes.

## 5.6 Cross-Border Justice Deficits

The most compelling justification for REC centrality lies in their cross-border positioning. Interviewees consistently acknowledged that armed groups, displacement flows, illicit economies, and conflict spillovers complicate national transitional justice arrangements and carry wider regional security implications.

*“You see between Ethiopia and the Tigray region... some of the actors committed atrocities across borders... but the national transitional justice policy has no jurisdiction to cover human rights violations in another country... That is why there was a need... to have a transitional justice framework that is cross-border in nature.”*

– John Ikubaje

The enforced disappearance and extrajudicial killing of at least 56 migrants from several West African countries by the Jammeh regime in The Gambia, for example, raises questions of accountability and reparations that extend beyond national jurisdiction.<sup>1</sup> Similarly, although Ethiopia has developed a national transitional justice policy, violations involving cross-border military engagement and external actors are likely to complicate a purely domestic accountability approach.<sup>2</sup> In eastern DRC, foreign troop presence, external involvement, and war economies linked to foreign private interests shape the conflict environment and inevitably have implications for any national transitional justice initiatives.<sup>3</sup>

During the Seventh African Transitional Justice Forum, participants questioned how corporate entities benefiting from war economies could be held accountable, particularly in relation to reparations.<sup>4</sup> Within the implementation logic of the AUTJP, RECs are positioned to bridge continental norms and national processes in responding to these cross-border dimensions. Murithi and Ayoola echoed the view that this spillover effect demands corresponding regional justice logic to reinforce national initiatives.

However, the literature indicates that REC practice largely approaches these dynamics as security coordination concerns, managed through early warning systems, military deployments, and diplomatic engagement. While such measures may address immediate instability, they do not conceptualise cross-border conflict dynamics as justice questions requiring harmonised accountability or coordinated regional reform processes. The AUTJP anticipates complementarity precisely for such scenarios. RECs are meant to provide diplomatic infrastructure, legal harmonisation, and coordination capacity to address harms that are regional in scope. If this layer remains weak, the anticipated impact of transitional justice, especially regarding non-recurrence, is likely to be diminished.

## 5.7 Donor Dependency and Agenda Shaping

Financing emerged as a critical vulnerability shaping the depth and direction of transitional justice engagement at the regional level. Even though normative commitment to

1 Truth, Reconciliation and Reparations Commission (TRRC), *Final Report: Compendium of Findings and Recommendations (Volume 1, Part A)* (2018–2021) Theme 14 (‘Killing of West African Migrants’)

2 UN Human Rights Council, *Report of the International Commission of Human Rights Experts on Ethiopia* UN Doc A/HRC/51/46 (2022) <https://undocs.org/A/HRC/51/46> [accessed 20 February 2026].

3 UN Security Council, *Final report of the Group of Experts on the Democratic Republic of the Congo* UN Doc S/2022/479 (2022) <https://undocs.org/S/2022/479> [accessed 20 February 2026].

4 CSVr, *The State of Transitional Justice in Africa* (7th African Transitional Justice Forum Report, 2024) <https://www.csvr.org.za/wp-content/uploads/2024/11/The-State-of-Transitional-Justice-in-Africa-Inclusive-and-Participatory-Governance-Gender-Equality-and-Socio-economic-Justice-in-Africa.pdf> accessed 20 February 2026.

the AUTJP exists among most of the RECs, operational capacity is heavily mediated by resource constraints.



*Financing emerged as a critical vulnerability shaping the depth and direction of transitional justice engagement at the regional level.*

COMESA acknowledged that programming within governance, peace and security, and post-conflict reconstruction is significantly dependent on externally mobilised funds. In transitional justice terms, this becomes a challenge where donors prioritise particular themes (often criminal accountability or institutional reform initiatives) and these priorities shape transitional justice programming. Elements such as reparations, psychosocial support, or socio-economic justice may receive comparatively less emphasis if not aligned with donor agendas.

Ayoola asserts that neither the AU nor the RECs are financially autonomous and that, at the regional level, member states frequently fail to meet assessed contributions, rendering institutions dependent on external funding cycles. This dependency, he notes, has consequences for programming priorities and the scope of activities, shifting agenda-setting power subtly towards funding partners. Ikubaje shared similar reflections on the effect of funding limitations on his unit at the AU level, particularly their constraining effect on the scope of technical assistance missions, training initiatives, and advisory deployments they can provide, including to RECs.

The funding constraints identified reinforce the importance for RECs to assume their envisaged roles within the implementation architecture, which emphasises African ownership and multi-level mobilisation. Murithi's suggestion that RECs draw inspiration from the AU Peace Fund model is a starting point.

## 5.8 Monitoring and Implementation Deficits

Ikubaje stresses that adopting a transitional justice policy or framework is only the first step in the envisaged role of RECs in transitional justice. Without an implementation roadmap assigning responsibilities, sequencing actions, and establishing measurable benchmarks, policies risk remaining symbolic. He notes that the AU's development of an Implementation Roadmap for the AUTJP reflects recognition of this risk, at the continental level.

Ayoola similarly argues that meaningful engagement with transitional justice means RECs cannot remain satisfied with endorsing frameworks or participating in consultations and forums. Localisation of the AUTJP, he notes, requires putting in place implementation structures, focal points, and measurable monitoring frameworks and inclusive engagement mechanisms.



The prevailing sentiment is that RECs' involvement in transitional justice should incorporate monitoring, knowledge management, and reporting obligations within its architecture, as envisaged by the AUTJP.

*"We would not have been able to move forward on the tribunal question without the political backing at the regional level. That kind of endorsement matters, especially when dealing with sensitive prosecutions." – Ida Persson*

Jome's reflections on ECOWAS' engagement in The Gambia decry the organisation's monitoring deficit. He argues that while ECOWAS endorsed the Hybrid Court and provided political support, visible and sustained monitoring of TRRC recommendation implementation, legislative reforms, and reparations progress should be part of its purview. Jobson expressed similar sentiments in relation to SADC.

The prevailing sentiment is that RECs' involvement in transitional justice should incorporate monitoring, knowledge management, and reporting obligations within its architecture, as envisaged by the AUTJP. As intermediate actors, RECs are optimally positioned to operationalise this function and accompany national transitional justice processes beyond moments of crisis. Current practice suggests that REC engagement is strongest during acute political crises and weakest during longer-term implementation phases. Once constitutional order is restored or peace agreements signed, sustained justice accompaniment often diminishes.

# 06

## Analysis

This section examines what the patterns identified across RECs reveal about the functioning of the AUTJP's implementation architecture, particularly about the viability of complementarity as an organising principle. It proceeds by tracing how structural, institutional, and political constraints interact to shape regional engagement in transitional justice.

### 6.1 The Complementarity Deficit



*At the core of the findings is a complementarity deficit, which is not only that RECs are weakly engaged in transitional justice, but that their limited institutional positioning disrupts the operational logic of the AUTJP itself.*

At the core of the findings is a complementarity deficit, which is not only that RECs are weakly engaged in transitional justice, but that their limited institutional positioning disrupts the operational logic of the AUTJP itself. The policy's multi-level architecture presupposes an intermediary layer capable of translating continental norms into regionally grounded practice, given contextual realities. Where this layer remains underdeveloped, structural fragmentation emerges, with direct implications for the transformative success of transitional justice initiatives.

This produces three interrelated effects. Firstly, continental standards articulated in the AUTJP remain weakly translated into regional guidance, even though Section 4 of the policy assigns regional actors, responsibilities for support, coordination and harmonisation roles in transitional justice. Without distinct transitional justice frameworks, this function remains largely unfulfilled. Secondly, without institutionalised transitional justice frameworks within RECS, implementation remains episodic and politically contingent. This in turn undermines sustainability of transitional justice efforts and prevents the development of shared standards, or structured accompaniment of national processes. Thirdly, the absence of a consolidated regional practice base weakens knowledge accumulation and peer learning around transitional justice, constraining the emergence of shared standards across contexts. The result is that complementarity, as envisioned by the AUTJP, remains a normative aspiration than as an embedded institutional reality.

## 6.2 The Missing Shift from Stabilisation to Transformation

Closely linked to the deficit is a misalignment between regional practice and the AUTJP's transformative vision. The focus on stabilisation as observed across RECs reflects a misalignment between dominant regional peacebuilding intervention logics and the transformative justice framework embedded in the AUTJP. While the policy explicitly calls for a synergised approach that balances peace, justice and reconciliation, regional practice continues to be rooted in cessation of hostilities and restoration of constitutional order as primary objectives. The adoption of the AUTJP offers a move beyond the temporary stalemates of the conventional peacebuilding efforts, towards confronting underlying systemic grievances.

If regional engagement priorities remain confined to crisis mediation, justice components are deferred to national authorities, breaching the policy's insistence that peace, justice and reconciliation be mutually reinforcing. Continuing according to the current paradigm therefore reduces transitional justice to an afterthought rather than an integrated dimension of political transition. If RECs treat justice as secondary to security, they narrow the operationalisation of redistributive justice, reparations, psychosocial healing and institutional reform, weakening restructuring and reforms.

## 6.3 Institutional Capacity as a Structural Constraint

The above limitations are further reinforced by institutional capacity constraints at the regional level. The study shows that capacity gaps limit what RECs can do in transitional justice, but also constrain the AUTJP's operational ambition. The policy and its Implementation Roadmap place emphasis on RECs roles in providing technical support, sustained accompaniment and knowledge creation in transitional justice. The effective execution of these functions require specialised expertise, institutional continuity in the form of clear frameworks, and predictable resources.

If RECs' responsibilities in transitional justice remain ad hoc and dispersed across portfolios, their engagement is likely to remain shallow. Transitional justice requires technical competence in design and application, including in cross-cutting dimensions such as gender-responsive programming.

Similarly, the principle of African ownership envisaged in the AUTJP also depends on the ability of RECs to perform coordination, monitoring and advisory roles within the broader architecture. Without deliberate investment in specialised personnel, technical competence and organisational structures, sustained accompaniment is improbable and the normative ambition encounters a structural ceiling.

## 6.4 The Political Economy of Regional Accountability

Beyond institutional constraints, the political economy of regional accountability introduces further limitations. RECs are expected to advance accountability but their authority is derived from the member states that may themselves be implicated in transitional justice processes. This tension is particularly acute in relation to criminal accountability and institutional reform matters. Consensus-based decision making and sovereignty sensitivities limit the extent to which RECs can exert pressure on member states in politically sensitive contexts.<sup>1</sup> As a result, regional engagement can gravitate towards less contentious aspects of transitional justice, such as reconciliation or dialogue, while more politically charged elements are either diluted or deferred.



*This means that advancement of accountability will continue to depend on favourable political configurations rather than embedded regional commitments, which in turn weakens the consistency of the AUTJP's application as it relates to accountability.*

At the same time however, episodic examples of regional support for accountability (such as ECOWAS in the Gambia) demonstrate that RECs can play a facilitative role under certain political conditions. However, the absence of institutionalised mechanisms means that such engagement remains contingent rather than guaranteed. This means that advancement of accountability will continue to depend on favourable political configurations rather than embedded regional commitments, which in turn weakens the consistency of the AUTJP's application as it relates to accountability.

## 6.5 Participation, Legitimacy and the Limits of State-Centrism

The dominance of state-centric approaches further constrains the effectiveness of regional engagement. The AUTJP treats inclusiveness and participation as core principles and recognises the role of civil society and victim groups in shaping justice processes and rebuilding civic trust. However, REC engagement remains largely confined to intergovernmental processes, with civil society participation limited and inconsistent.

As the interviews in this study show, engagement with RECs is often thin, episodic or absent, and where it exists it is not well institutionalised. This weakens the social ownership that transitional justice requires and falls short of the participatory orientation envisaged by the AUTJP. Moreover, limited institutionalisation of participatory mechanisms at the regional level restricts the development of cross-border civil society networks and advocacy platforms. Given that exclusion and inequitable power distribution are identified as root causes

1 Onditi et al, pp. 128-129



*As a result, immediate instability may be managed, but the underlying transnational drivers of conflict remain insufficiently addressed, weakening the prospects for non-repetition as the conditions that enable conflict to re-emerge persist.*

of conflict, underdeveloped participation within the regional layer can also undermine the ambitions of the AUTJP.

## 6.6 Cross-Border Justice and the Limits of a Security Paradigm

Although RECs recognise the cross-border dynamics of conflict, these are primarily treated as security coordination issues rather than transitional justice concerns. In practice, this means that RECs focus on containment, stabilisation and political management of cross-border challenges, without adequately addressing the justice dimensions that require accountability and redress across jurisdictions. As a result, immediate instability may be managed, but the underlying transnational drivers of conflict remain insufficiently addressed, weakening the prospects for non-repetition as the conditions that enable conflict to re-emerge persist.

In an area where RECs are most clearly positioned to add value in addressing transnational harm, this creates a key gap. Cross-border violations involving multiple jurisdictions, external actors or displaced victims raise complex questions of accountability, reparations and reconciliation that often require navigating sensitive interstate political dynamics. Yet the corresponding approaches that address these justice dimensions is largely missing.

It leaves national processes to address violations whose causes and consequences extend beyond their jurisdiction, in the absence of a regional layer effectively operationalising its coordinating and harmonising role in relation to justice.

## 6.7 Resource Dependency and Agenda Distortion

Despite the AUTJP's emphasis on African ownership of transitional justice processes, financial constraints significantly shape the nature and scope of REC engagement. Transitional justice activities on the continent are largely

funded through external partners rather than predictable internal resources. This can have direct consequences for how transitional justice initiatives are prioritised and implemented. Where funding is tied to specific themes or programme areas, actors are likely to follow those priorities. In practical terms, this can mean greater attention to areas such as criminal accountability or institutional reform, at the expense of less support for other core components of the AUTJP such as reparations, psychosocial support, and socio-economic justice. When funders determine what is feasible, they can also shape what is prioritised. As a result, the balance intended by the AUTJP's holistic framework can be altered in practice, with some pillars advancing more than others depending on available support.

Moreover, reliance on external funding limits institutional autonomy. Without consistent, predictable financial contributions from member states, RECs are less able to plan long-term engagement, establish permanent structures, or sustain support to national processes beyond short project cycles. If the regional layer is to function as envisioned under the AUTJP, resource mobilisation cannot remain externally driven. Greater financial commitment from member states is necessary to ensure that REC engagement reflects continental priorities rather than funding availability, and that transitional justice is implemented in a balanced and sustained manner.

## 6.8 Monitoring and the Problem of Episodic Engagement

A final and critical limitation lies in the lack of sustained regional monitoring and accompaniment. A consistent pattern across RECs is that their engagement is strongest during moments of crisis, particularly in mediation, ceasefire negotiations, and political settlements, but becomes significantly less visible once those processes conclude and transitional justice processes begin. The AUTJP recognises that transitional justice processes require sustained political will, resources, and public accountability. Yet, there is limited evidence of RECs maintaining active engagement to track progress, assess implementation, or respond to stalled commitments. The role envisaged under the AUTJP suggests a more active accompaniment of transitional justice implementation including monitoring whether states are fulfilling commitments, maintaining political attention on justice processes, and using regional platforms to encourage progress where momentum slows.

There are few visible mechanisms through which RECs systematically engage in monitoring of processes, or reinforcing demands coming from civil society and victim groups. Where implementation falters, as is often the case with reparations or institutional reforms, regional actors have not acted as visible sources of pressure or support to sustain progress.

Without the regional oversight and engagement, national processes become more vulnerable to political backtracking, selective implementation, or quiet stagnation. Civil society and victim groups, who often drive accountability from within, are left without a reinforcing



*Beyond national commitment and the continental framing, therefore, advancing the AUTJP's normative goals depends on consolidating the regional layer as a standing, capacitated and participatory justice component of transitional justice.*

layer of support at the regional level. A meaningful role for RECs within the AUTJP architecture will have to include monitoring as an active part of accompaniment. This will require sustained engagement with national processes, a willingness to raise implementation gaps, and a readiness to support domestic actors pushing for implementation.

The evidently limited role of RECs beyond the end of conflict or restoration of constitutional order poses a challenge for the comprehensive and effective implementation of the AUTJP. Without their sustained involvement when national processes move into implementation, commitments made at the point of transition largely depend on domestic political will, with little external reinforcement. The limited follow-through means that the regional layer envisaged under the AUTJP to accompany such processes is not consistently realised. The resulting uneven implementation (as reflected in the concerns raised by interviewees from victim and civil society groups) means reduced pressure for progress, and weaker support for civil society and victim-led demands.

Strengthening REC function is therefore crucial to ensuring that the policy operates as envisioned. A promising revelation from the evidence in this report is that patterns across RECs reveal neither disengagement nor rejection of the AUTJP's goals. Rather, what is exposed are structural imbalances between the normative paradigm and institutional action. The implications are systemic, however. Without robust regional institutionalisation, continental coherence weakens and the policy's transformative ambition diminishes, as cross-border justice remains underdeveloped and implementation gaps persist. Beyond national commitment and the continental framing, therefore, advancing the AUTJP's normative goals depends on consolidating the regional layer as a standing, capacitated and participatory justice component of transitional justice.

*"...if you look at the countries coming out of conflict or undergoing a transition, it behoves or it becomes very critical for COMESA now to start engaging on issues of transitional justice which seeks to promote issues of accountability and justice where there were large-scale past abuses, as well as reconciliation and reconstruction." – Oita Etyang*

# 07

## Rethinking the Regional Layer: Strategic Pathways

The current state of RECs in the African transitional justice implementation architecture raises the practical question of how to better facilitate these organisations' operationalisation in a manner that is comprehensive, feasible and sustainable. This requires coordinated action across all tiers of actors in the implementation architecture. The following actor-specific recommendations seek to consolidate that aim.

### 7.1 African Union

The AU Commission and other AU organs should move from generalised encouragement of REC engagement in transitional justice to supporting structured institutional embedding.

- 1** The AU Transitional Justice Unit should establish formal transitional justice focal points within each REC Secretariat through memoranda of cooperation. The focal points should be identified officers with defined responsibilities, reporting lines, and performance indicators linked to AUTJP benchmarks. The AU should provide initial technical support for establishment of these desks.
- 2** The Unit should convene a periodic REC-AUTJP Coordination Forum as a technical working platform dedicated to harmonising regional transitional justice strategies, reviewing implementation data, and sharing cross-border case studies. The Forum's outputs should feed directly into the AU's continental reporting mechanisms under the Implementation Roadmap.
- 3** The AU should develop model regional transitional justice guidelines as a template for REC adaptation. These would outline minimum standards on reparations design, accountability frameworks, monitoring structures, and civil society engagement. This will enable structural coherence among RECs and may prove useful for RECs that lack internal technical transitional justice drafting capacity.
- 4** The AU should lead RECs and member states to jointly design a continental-regional resource mobilisation compact for transitional justice, identifying funding streams, harmonising partner engagement, and encouraging gradual financial co-responsibility by member states. This can reduce fragmentation and donor-driven programming.

## 7.2 Regional Economic Communities

RECs must internalise transitional justice as a distinct governance function, rather than a derivative of peace and security operations.

- 1 Each REC should adopt a Regional Transitional Justice Framework or Policy aligned to the AUTJP but responsive to regional conflict dynamics, which defines scope, mandate, priority areas, and coordination structures. Most important, it should clarify the distinction between crisis mediation and longer-term justice accompaniment.
- 2 RECs should establish permanent transitional justice units or designate clusters within existing governance architectures. These units should have multidisciplinary expertise that includes legal, reparations, psychosocial and gender specialists.
- 3 RECs should institutionalise monitoring functions, preferably through periodic Regional Transitional Justice Implementation Reviews assessing member state progress on accountability, reparations, institutional reform, victim participation, and other key areas. These reviews should be diagnostic, identifying support needs and technical gaps.
- 4 RECs should embed cross-border justice coordination into their early warning and conflict prevention systems. Where regional early warning mechanisms detect patterns of transnational armed group activity or cross-border victimisation, transitional justice considerations should be incorporated into mediation roadmaps and peace agreements from the outset.
- 5 RECs should formalise partnerships with regional universities and research institutions to develop a knowledge reservoir on transitional justice. This would reduce dependence on external consultants and strengthen African epistemic ownership.

## 7.3 Member States

Member states play a decisive role in determining whether RECs can act meaningfully, and therefore must facilitate pathways for cooperation.

- 1 Member states should explicitly recognise REC support roles in national transitional justice legislation or policy documents. Formal acknowledgement of REC accompaniment in implementation frameworks reduces ambiguity and political resistance.
- 2 Member states should encourage regional technical missions during implementation phases, not only during negotiation stages. This helps shift REC involvement from crisis response to sustained reform support.
- 3 Member states must meet their assessed contributions to REC budgets. Financial autonomy is indispensable for regional institutionalisation. Without predictable funding from member states, RECs will remain donor dependent and politically cautious.

- 4 Member states should support peer learning exchanges facilitated by RECs. Ministries responsible for reparations, prosecutions or institutional reforms can benefit from structured regional dialogue. This reinforces collective African ownership rather than external impositions.

## 7.4 Regional Courts and Accountability Mechanisms

Regional judicial bodies should reinforce RECs' role in accountability.

- 1 Given the establishment of various ad hoc and hybrid accountability mechanisms in transitional contexts, RECs should explore structured pathways for progressively utilising regional courts with mandates as standing accountability platforms in transitional contexts, rather than constructing new institutions for each crisis. If jurisdictional transfer is politically sensitive, hybrid mechanisms may be linked to regional courts for appellate review, procedural harmonisation, or technical guidance. This would reduce institutional duplication, strengthen jurisprudential coherence, and gradually embed accountability within Africa's permanent judicial architecture.
- 2 RECs should encourage member states to domesticate relevant regional court decisions related to human rights violations. Linking transitional justice implementation to compliance with regional jurisprudence strengthens normative coherence.
- 3 Regional courts can contribute advisory opinions clarifying standards on amnesties, reparations and institutional reforms consistent with the AUTJP. This would reduce normative ambiguity in politically sensitive contexts.



*RECs should encourage member states to domesticate relevant regional court decisions related to human rights violations. Linking transitional justice implementation to compliance with regional jurisprudence strengthens normative coherence.*



*Strengthening RECs roles in transitional will reinforce the broader continental integration logic that underpins the AU's institutional architecture.*

## 7.5 Civil Society and Victim Networks

Civil society organisations and victim networks must strategically position themselves as structured interlocutors within the REC architecture.

- 1 Victim groups and transitional justice-focused CSOs should establish (regional) coalitions to engage RECs. Fragmented national advocacy may have limited influence on regional bodies. Coordinated cross-border platforms, particularly among victims of transnational violations, can generate collective leverage. A regionalised voice strengthens the legitimacy of demands on RECs.
- 2 Rather than waiting for nationally created or REC-created engagement, civil society networks can propose structured memoranda of engagement with REC Secretariats, outlining engagement modalities and other procedures, and thus pushing a shift from reactive participants to agenda-setting actors.
- 3 As RECs are to incorporate monitoring functions into their transitional justice mandates, civil society must generate parallel accountability data. Annual or biennial regional transitional justice shadow reports tracking reparations delivery, prosecutions progress, institutional reforms issues, and inclusion practices can create normative pressure for REC engagement. Such reports should explicitly assess how regional actors have supported or failed to support national transitional justice processes.
- 4 Rather than positioning themselves solely as watchdogs, CSOs with specialised expertise in reparations design, gender justice, psychosocial support, or documentation methodologies can offer technical collaboration, build joint training initiatives, or provide secondments to support REC transitional justice capacity.
- 5 Regional CSO coalitions can develop independent digital repositories documenting cross-border patterns of harm, displacement and impunity. By producing credible regional evidence bases, they create a foundation that RECs cannot ignore and strengthen the case for institutionalisation of regional transitional justice functions.



# Implications for the Continental Architecture

Strengthening RECs roles in transitional will reinforce the broader continental integration logic that underpins the AU's institutional architecture. The APSA, the AGA, Agenda 2063, and the "Silencing the Guns" initiative all presuppose a multi-level system in which RECs serve as operational bridges between continental norms and national realities.

## 8.1 African Peace and Security Architecture

The APSA was designed as a continental decision-making framework supported by regional mechanisms for prevention, management and resolution of conflicts. In this set up, RECs have practically become the first responders to crises through mediation, sanctions, standby forces, and early warning systems. However, APSA's long-term objective is not only cessation of hostilities but also sustainable peace. Strengthening RECs in transitional justice reinforces APSA in three ways:

1. It closes the gap between conflict management and conflict transformation. APSA tools such as mediation and peacekeeping often produce negotiated settlements which risk maintaining elite compacts. Strong REC engagement in transitional justice ensures that accountability, reparations, institutional reform, and reconciliation are incorporated into peace agreements from the outset and become a continuation of the process towards sustained peace.
2. It enhances the preventive dimension of the APSA because transitional justice addresses root causes of violence. When RECs institutionalise transitional justice monitoring and accompaniment, they create feedback loops between early warning systems and justice efforts, deepening conflict prevention beyond military or diplomatic initiatives.
3. It improves complementarity between continental and regional action. The APSA relies on subsidiarity, with RECs playing frontline roles. If RECs are capable transitional justice actors, the Peace and Security Council's decisions are reinforced by justice efforts that are well rooted in the region.

## 8.2 African Governance Architecture

The AGA aims to improve AU commitments on democracy, governance and human rights through coordinated action between AU organs and RECs. As transitional justice intersects with both governance and peace, stronger RECs in transitional justice reinforce AGA core objectives. They would embed governance reform within post-conflict transitions, through institutional reform, security sector transformation, and rule-of-law strengthening.

## 8.3 Agenda 2063

Agenda 2063 articulates the long-term vision of “The Africa We Want,” anchored in aspirations for inclusive growth, good governance, peace and security, and people-driven development. Strengthening RECs in transitional justice reinforces the following aspirations under Agenda 2063:

1. Aspiration 3 for good governance, democracy, respect for human rights, justice and the rule of law. Transitional justice institutionalises these values in contexts emerging from violence or repression and RECs’ involvement in particular ensures that these norms are not unevenly applied across member states.
2. Aspiration 4 for a peaceful and secure Africa. Agenda 2063 recognises that sustainable peace requires addressing structural drivers of conflict and supporting redistributive justice, reconciliation and accountability within regional transitional justice practice, which allows RECs to contribute to African resilience.

## 8.4 Silencing the Guns

The “Silencing the Guns” initiative aims to end armed conflict and prevent relapse into violence. It recognises that military containment alone cannot achieve durable silence unless structural drivers are addressed. Strengthening RECs in transitional justice reinforces this logic through the following:

1. Supporting accountability more robustly reduces incentives for violent relapse, and regional monitoring of accountability commitments strengthens deterrence beyond state borders.
2. Reparations and reconciliation processes restore civic trust. Where victims remain marginalised, latent grievances can erupt into renewed violence. Regional accompaniment can exert pressure to ensure that reparations are not indefinitely deferred to domestic political shifts.
3. REC involvement in transitional justice that harmonises accountability and cooperative investigation strengthens non-repetition guarantees.

# 09

## Conclusion



This report set out to interrogate whether the regional layer envisioned under the AUTJP has evolved into the operational bridge it was designed to be. The evidence across RECs does not suggest normative resistance to the AUTJP. On paper, transitional justice is widely acknowledged as integral to sustainable peace. In practice, however, the regional layer remains unevenly institutionalised, capacity constrained, and politically cautious.

The central finding of this study is that RECs have become increasingly proficient in managing crisis situations within the APSA, yet these interventions predominantly operate within a stabilisation paradigm. Justice components – accountability, reparations, structural reform and inclusive participation, among others – are rarely embedded with adequate weight in regional responses. Where they appear, they tend to be episodic, politically contingent, or deferred to national authorities and external actors.

This imbalance carries systemic implications. The AUTJP is structured as a distributed implementation architecture in which national, regional and continental actors function in complementarity. If the regional layer is thin, the architecture remains incomplete and continental norms struggle to translate into regional guidance, cross-border justice challenges are addressed as security coordination problems rather than as accountability and reform questions, and monitoring and accompaniment weaken once immediate crises subside. This fragmentation is untenable for a policy that was designed to produce coherence.

The recurrence of instability in several regions demonstrates the limits of stabilisation without transformation. Restoring constitutional order does not automatically dismantle militarised patronage systems, confront impunity, or rebuild civic trust. Transitional justice was adopted at a continental level precisely to move beyond temporary equilibrium towards structural change. When it is treated as an appendage rather than a core component of political transition, the preventive logic of the AUTJP is weakened.

*The central finding of this study is that RECs have become increasingly proficient in managing crisis situations within the APSA, yet these interventions predominantly operate within a stabilisation paradigm.*

Capacity constraints further entrench this gap. Across RECs, transitional justice is rarely anchored in specialised units with dedicated staffing, budgets and technical expertise. Responsibilities are dispersed across peace and security or governance portfolios already stretched by competing mandates. Without the necessary institutional competence, sustained accompaniment of national processes becomes difficult. In this circumstance, African ownership, a foundational principle of the AUTJP, risks becoming symbolic when programming depends heavily on external funding cycles and consultants.

Political economy considerations also compound these challenges. RECs derive authority from member states whose elites may be implicated in transitional justice processes. Sovereignty issues and consensus-based decision making limit the enforcement capacity of RECs, particularly on criminal accountability. Yet, there is confidence that regional endorsement can provide political legitimacy and legal grounding where alignment exists.



*The findings also demonstrate potential, however. None of the RECs examined rejects the AUTJP's normative vision, and some have initiated framework discussions or embedded transitional justice references within post-conflict reconstruction strategies.*

Perhaps most compelling is the underdevelopment of cross-border justice coordination in transitional justice. Contemporary African conflicts transcend national boundaries. Armed group mobility, illicit economies, refugee flows, and interstate entanglements complicate domestically confined accountability processes. The regional layer was intended to respond to precisely these dynamics. Where RECs conceptualise such spillovers primarily as security threats rather than justice deficits, it is harder to entrench guarantees of non-recurrence.

The findings also demonstrate potential, however. None of the RECs examined rejects the AUTJP's normative vision, and some have initiated framework discussions or embedded transitional justice references within post-conflict reconstruction strategies. Thus there is awareness of the conceptual shift required and what remains is consolidation.

Institutionalising transitional justice within REC mandates, clarifying the distinction between crisis mediation and justice accompaniment, embedding monitoring functions, harmonising cross-border accountability mechanisms, formalising participation platforms, and securing predictable financing are all critical steps towards coherence and reinforcing broader continental objectives, including of the APSA, the AGA, and Agenda 2063.

The continental transitional justice framework exists and its transformative vision is clear. The question now is whether the regional layer evolves from acknowledgement to deliberately enhance its operational depth. Without it, transitional justice in Africa will continue to be challenged in realising its potential. With regional consolidation, the continent's peace, governance and integration architecture gains a firmer foundation for durable and inclusive transformation.

