

From Gold to Guns: The UAE's Sub-Imperial Footprint in the Sudan Conflict

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Sudan's ongoing armed conflict stands as one of the most destructive and destabilizing crises of the twenty-first century, marked by mass civilian displacement, fierce competition over natural resources, and sustained regional intervention. The conflict has become a testing ground for international law, exposing the limits of existing accountability mechanisms and the difficulty of constraining external actors in internal wars. Among these external actors, the United Arab Emirates ('UAE') has assumed a particularly significant and controversial role. Recent proceedings before the International Court of Justice ('ICJ') foreground allegations of state complicity in violations of international humanitarian law and breaches of United Nations ('UN') Security Council sanctions regimes, including claims that the UAE supplied military assistance to the Rapid Support Forces ('RSF') in Sudan, while maintaining extensive financial and commercial ties with the Port Sudan government. In this brief, the author examines the UAE's evolving role in Sudan's conflict, focusing on its military, financial and diplomatic interventions. It evaluates how these actions shaped the war's trajectory and raised complex questions under international law and accountability mechanisms.

1. Sudan's Position in the Red Sea Corridor

On 15 April 2023, the Sudanese conflict reignited¹ and assumed the character of a multifaceted civil war, with the Sudanese Armed Forces ('SAF'), backed by allied Islamist factions² and remnants of the former National Congress Party, arrayed against the paramilitary RSF.³ In the initial stages, the RSF succeeded in capturing Khartoum and consolidating control over vital agricultural and economic centres in the Nile Valley.⁴ However, by 12 March 2024, the SAF, with alleged support by Iran and the UAE,⁵ including the provision of advanced drone technology and air defence systems, recaptured the capital and reasserted authority over key territories.⁶ This reversal of battlefield momentum has prolonged the conflict rather than resolved it, with the RSF retreating into its strongholds in Darfur⁷ and forming new coalitions to sustain its

campaign.

Sudan's geostrategic significance may explain the intensity of external involvement. Positioned at the confluence of the Red Sea, the Sahel, and the Horn of Africa, Sudan commands critical trade routes.⁸ Its abundant gold reserves, vast tracts of arable land and livestock industries have attracted foreign states seeking food security, commercial advantage and geopolitical leverage. Among external actors, the Gulf states, particularly Qatar,⁹ Saudi Arabia¹⁰ and, most decisively, the UAE, have emerged as central players. Their competing strategies – ranging from direct military support to financial and infrastructural investments – have transformed Sudan into a proxy theatre. This engagement, in furtherance of their respective interests, has aggravated the humanitarian crisis and rendered Gulf co-operation indispensable to any credible peace process under international law.

2. From Bashir to Transition: UAE Leverage

The UAE has emerged as the most consequential external actor in Sudan's war, with mounting allegations of conduct that, if substantiated, could engage responsibility for core international crimes and serious violations of international law. Its engagement is situated within the dual context of the post-2011 secession of South Sudan¹¹ and the wider upheavals of the Arab Spring.¹² The secession deprived Sudan of approximately 75 per cent of its oil revenues,¹³ precipitating an economic crisis. The Arab Spring uprisings alarmed the Emirati leadership, which viewed the rise of political Islam and demands for participatory governance as existential threats to monarchical stability.¹⁴ This convergence of factors prompted Abu Dhabi to intensify engagement with Sudan

Tribune, 28 May 2024.

⁸ Cherakaoui Roudani, "Sudan at the Crossroads: A Geopolitical Powder Keg with Global Implications", in *Modern Diplomacy*, 23 January 2025.

⁹ Kristian Coates Ulrichsen and Giorgio Cafiero, "Qatar's Role in Sudan's Crisis: Limited Influence and Humanitarian Engagement", in *Gulf International Forum*, 7 June 2023; see also, Abdulfatah Mohamed, "Qatari Peace Mediation and Humanitarian Aid in Sudan: Lessons From the War in Darfur 2003–2022", in *Journal of Peacebuilding and Development*, 2025, vol. 20, no. 1, pp. 86–99.

¹⁰ Mari Norbakk and Charlotte Lysa, "Refugees Welcome? The Saudi Approach to the Sudanese Fleeing from War", in *Chr. Michelsen Institute*, 2023; Federico Donelli, "Sudan's Civil War and the Gulf Chessboard", *Italian Institute for International Political Studies*, 30 April 2025.

¹¹ "Saudi Arabia and UAE announce official recognition of South Sudan", *Sudan Tribune*, 12 July 2011.

¹² Raymond Hinnebusch, "The Sectarian Revolution in the Middle East", in *R/Evolutions: Global Trends & Regional*, 2016, vol. 4, no. 1, pp. 120–152.

¹³ See Sabna Ali, Syed Mansoob Murshed and Elissaios Papyrakis, "The Socio-Economic Impact of an Abrupt Loss of Oil: A Synthetic Control Approach in the Case of Sudan", in *Journal of Asian and African Studies*, 2024.

¹⁴ Shadi Hamid, "From the Arab Spring Comes a More Unified Gulf Cooperation Council", in *Brookings*, 11 April 2025.

¹ Abdelmonem Makki, "UN chief and officials condemn fighting between Sudanese forces", *United Nations News*, 15 April 2023.

² Andrew McGregor, "Gold, Arms, and Islam: Understanding the Conflict in Sudan", *The Jamestown Foundation*, 28 April 2023.

³ Adam Fulton and Oliver Holmes, "Sudan conflict: why is there fighting and what is at stake in the region?", *The Guardian*, 21 April 2023.

⁴ Zeinab Mohammed Salih and Jason Burke, "Airstrikes hit Khartoum as fighting between Sudanese factions intensifies", *The Guardian*, 16 May 2023.

⁵ Amnesty International, "New Weapons Fuelling the Sudan Conflict Expanding Existing Arms Embargo Across Sudan to Protect Civilians", 25 July 2024 (<https://legal-tools.org/doc/9r044y9q/>). See also, Husam Mahjoub, "It's an open secret: the UAE is fuelling Sudan's war – and there'll be no peace until we call it out", *The Guardian*, 24 May 2024.

⁶ Will Ross, "Sudan conflict: Army retakes state broadcaster's headquarters from RSF", *BBC*, 12 March 2024.

⁷ "Sudanese army escalates airstrikes in North Darfur and Khartoum", *Sudan*

as part of a broader strategy of supporting authoritarian military elites against Islamist or civilian-led alternatives. During this period, President Omar al-Bashir attempted to balance Sudan's foreign relations between competing Gulf actors.¹⁵ However, mounting hostility from Abu Dhabi and Riyadh towards Islamist groups placed Khartoum in an increasingly precarious position.¹⁶ By 2015, under growing pressure, Bashir severed ties with Iran and redeployed Sudanese troops, drawn from both the SAF and the RSF, to Yemen in support of the Saudi- and UAE-led coalition.¹⁷ This marked the institutionalization of Sudan's security relationship with the Gulf,¹⁸ embedding the RSF as a crucial interlocutor with the UAE leadership.

When mass protests culminated in Bashir's removal in April 2019,¹⁹ the UAE, together with Saudi Arabia, pledged a USD 3 billion package to Sudan's Transitional Military Council.²⁰ While ostensibly intended to stabilize the economy, the aid was conditioned on military dominance and was withdrawn when a hybrid civilian-led transitional government was installed later that year. The episode reflected the UAE's longstanding aversion to democratic governance and its preference for authoritarian actors who could secure Emirati strategic interests with minimal domestic contestation. The halting of funds critically weakened the civilian administration and empowered the security forces, thereby contributing to the eventual collapse of Sudan's fragile democratic experiment.

3. Conflict Gold and the Financial Logistics of War

Following the October 2021 *coup d'état*,²¹ staged jointly by the SAF and led by General Abdel Fattah Al-Burhan and the RSF, the UAE consolidated ties with General Mohamed Hamdan Dagalo (also known as, 'Hemedti'), the RSF Commander.²² According to UN investigators,²³ Amnesty International,²⁴ and other human rights groups,²⁵ the UAE expanded clandestine supply routes of arms and advanced weaponry to the RSF through Chad, southern Libya, Puntland, and South Sudan; channels also highlighted in a recent Martin Plaut reporting as part of a broader Emirati "sub-imperial" footprint.²⁶ By early 2022, these channels were supplemented by front companies registered in Dubai and Port

Sudan to move cash, fuel and spare parts to RSF-held territory, coinciding with a spike in violence across Darfur and the Abyei Administrative Area. Between February and October 2022, Twic Dinka and Misseriya militias, widely reported to have RSF support, attacked Ngok Dinka civilians in Aneet Market,²⁷ Wou Chien, and along the Abyei-Warrap border, resulting in more than 70 fatalities and mass displacement.²⁸ In March 2022, Burhan and South Sudan's President Kiir agreed to joint security deployments on the 1,800-kilometres border, including Abyei, but the arrangement left the political status of the area unresolved.²⁹

At the same time, Dubai-based gold traders and Emirati-controlled logistics firms consolidated their grip on Sudan's extractive economy.³⁰ The Central Bank of Sudan figures showed that 97 per cent of Sudan's official gold exports, worth USD 1.52 billion, went to Dubai refineries.³¹ Notably, these exports originated from both RSF- and SAF-controlled zones, illustrating Abu Dhabi's paradoxical role. Even as it allegedly armed the RSF, it also financed the Port Sudan government through trade credit, dollar-clearing facilities and fuel supplies. This entanglement intensified after December 2022, when the 'Framework Agreement'³² on Sudan's political transition collapsed over the RSF's refusal to integrate within the two-year SAF timetable,³³ delaying the final agreement twice in April 2023.³⁴ Demonstrations against the coup, organized by resistance committees, persisted in at least 90 locations nationwide; security force interventions killed at least 114 demonstrators between October 2021 and December 2022.³⁵

4. RSF Expansion, SAF Counter-Offensives and Drone Warfare

By April 2023, despite a United States–Saudi ceasefire, SAF and RSF clashes engulfed Khartoum, Omdurman and Bahri, with RSF seizing the Strategic Corps base and *al-Yarmouk* weapons complex.³⁶ The UAE's dual strategy, supporting rival factions while embedding itself in Sudanese state structures, reflects its broader 'security-mercantilist' approach, projecting power through Red Sea bases and port concessions. In June 2023 alone, over 260 political-violence events caused 1,020 fatalities, mostly in Khartoum.³⁷ West Darfur saw intense fighting, including the abduction and killing of Governor Khamis Abakar after he accused the RSF of genocide.³⁸ By mid-2024, RSF operations expanded to Sennar and West Kordofan, while SAF counter-offensives broke sieges and deployed Darfur Joint Forces.³⁹ Drone warfare escalated, including an attempted assassination of the Army Chief Al-Burhan.⁴⁰ UAE

¹⁵ "Is Post Al-Bashir Sudan a New Arena for Gulf Rivalry?", in *Gulf International Forum*, 22 April 2019.

¹⁶ "Saudi Arabia declares Muslim Brotherhood 'terrorist group'", *BBC*, 7 March 2014. See also, "Saudi Arabia targets Khartoum", in *Africa Confidential*, 18 April 2014.

¹⁷ Giorgio Caferio, "Is a Sudanese-Iranian rapprochement possible?", in *Middle East Institute*, 9 May 2019.

¹⁸ "Why has Sudan ditched Iran in favour of Saudi Arabia?", *The Guardian*, 12 January 2016. See also, Annalisa Perteghella, "A Pax Arabica for Sudan?", in *Italian Institute for International Political Studies*, 19 May 2020.

¹⁹ Jason Burke, "Sudan protesters reject army takeover after removal of president", *The Guardian*, 11 April 2019; and Hiba Morgan, "Khartoum sit-in may be gone, but its dream of a democratic Sudan remains", *Al Jazeera*, 12 June 2019.

²⁰ "Saudi Arabia and UAE pledge \$3 billion in aid to Sudan", *The New Arab*, 21 April 2019.

²¹ Michelle Gavin, "Sudan's Coup: One Year Later", in *Council for Foreign Relations*, 24 October 2022.

²² Camille Lons, "The Gulf states and the Sudan coup – all is not what it seems", in *International Institute for Strategic Studies*, 16 November 2021.

²³ "UN panel investigates UAE links to weapons seized in Darfur", *Middle East Monitor*, 29 April 2025.

²⁴ Amnesty International, "Sudan: Advanced Chinese weaponry provided by UAE identified in breach of arms embargo – new investigation", 8 May 2025 (<https://legal-tools.org/doc/tt19xcfj/>).

²⁵ Human Rights Watch, "Fanning the Flames: Sudanese Warring Parties' Access To New Foreign-Made Weapons and Equipment", 9 September 2024 (<https://legal-tools.org/doc/omkwn38t/>).

²⁶ Amnesty International, "Governments' brazen flouting of Arms Trade Treaty rules leading to devastating loss of life", 19 August 2024 (<https://legal-tools.org/doc/izmzm3e/>); Andrea Edoardo Varisco, Pieter Wezeman and Alexandra Kuimova, *Illicit Small Arms and Light Weapons in Sub-Saharan Africa*, Stockholm International Peace Research Institute, December 2022 (<https://legal-tools.org/doc/clt7xyxd/>); Martin Plaut, "Why the United Arab Emirates supports Sudan's Rapid Support Forces", *Martin Plaut*, 17 November 2024.

²⁷ "Between a rock and a hard place: escalating violence in Abyei", *Ayin Network*, 10 March 2022.

²⁸ Zeinab Mohammed Salih, "Hausas in Sudan: The pilgrims' descendants fighting for acceptance", *BBC*, 23 July 2022.

²⁹ "Kiir, Burhan agree to establish joint deployment in border areas including Abyei", *Sudan Tribune*, 19 March 2022.

³⁰ "Agence France-Presse, Sudan's booming wartime gold trade flows through the UAE", *AL Monitor*, 27 March 2025.

³¹ Mat Nashed, "Drones, gold, and threats: Sudan's war raises regional tensions", *Al Jazeera*, 13 May 2025.

³² Framework Agreement between the Sudanese military and the Forces for Freedom and Change–Central Council, 5 December 2022, as discussed in Gerrit Kurtz, "Power Relations in Sudan after the Fall of Bashir", *German Institute for International and Security Affairs*, 10 May 2024.

³³ "Sudan factions delay post-coup deal on civilian rule", *Al Jazeera*, 1 April 2023.

³⁴ "How the framework agreement has ignited a power struggle between Sudan's military rulers", *Sudan in the News*, 26 March 2023.

³⁵ Ali Mahmoud Ali and Elham Kazemi, "Political Process to Form a Transitional Civilian Government and Shifting Disorder Trends", in *Armed Conflict Location and Event Data*, 14 April 2023.

³⁶ "Sudan's army and paramilitary RSF sign seven-day ceasefire, US and Saudi Arabia say", *Reuters*, 21 May 2023.

³⁷ Ali Mahmoud Ali and Elham Kazemi, "Conflict Intensifies Following the Breakdown of Jeddah Talks", in *Armed Conflict Location and Event Data*, 23 June 2023.

³⁸ Amnesty International, "Civilians at grave risk amid escalating violence in West Darfur", 19 June 2023 (<https://legal-tools.org/doc/84l63lug/>).

³⁹ "Sudan: 'Devastating tragedy' for children in El Fasher after 500 days of siege", *United Nations News*, 27 August 2025.

⁴⁰ "Sudan's al-Burhan escapes assassination attempt in drone attack", *Sudan*

ambitions stalled as the Abu Amama Port concession was suspended amid conflict-gold scrutiny.

The outbreak of full-scale conflict in April 2023 further amplified the centrality of Emirati involvement. Over 7,230 political violence events and an estimated 20,000 fatalities were logged nationwide from April 2023 through early 2024.⁴¹ SAF airpower, from Wadi Seidna and Engineers Corps bases, devastated RSF-controlled districts, but produced mass civilian casualties. RSF decentralization and urban-warfare experience allowed it to withstand SAF encirclement, forcing the army to import reinforcements from Damazin, Sinja and Kosti. By October 2024, SAF's "strategic offensive" regained parts of Khartoum, but the RSF's continued to access external financing and cross-border supply chains with the help of the UAE.⁴² Nonetheless, the UAE's extensive reliance on Sudanese gold, strategic investments in agricultural land, and pursuit of Red Sea port infrastructure reflected an enduring long-term interest in Sudanese resources and geography. This dynamic entrenched the RSF as a viable armed actor while simultaneously sustaining the SAF-led government, embedding financial and military asymmetries that prolonged and geographically widened the war into South Kordofan and North Kordofan.

The UAE's role since 2011 illustrates a consistent pattern of strategic involvement in Sudan, beginning with its efforts to counter political Islam in the aftermath of the Arab Spring and the secession of South Sudan. Initially framed as an extension of Emirati security policy and economic diversification strategy, this engagement gradually deepened into direct support for Sudanese armed actors. By 2015, Sudanese forces, including both the SAF and the RSF, were deployed to Yemen under the UAE-Saudi coalition, embedding Sudan's militias within Emirati networks of patronage.⁴³ Following the ouster of al-Bashir in 2019,⁴⁴ the UAE decisively aligned with Sudan's military elements. This trajectory demonstrates not an episodic engagement, but a structural pattern of patronage which situates the UAE as a principal external sponsor of the RSF.⁴⁵

At the centre of allegations are persistent claims that the UAE supplied weapons to the RSF in violation of the UN arms embargo on Darfur.⁴⁶ Independent investigations and UN Panel of Experts reports indicate that weapons, including drones and light arms, were routed through networks in Chad, Libya and South Sudan on their way to RSF forces. Such transfers, if proven, would implicate the UAE under Articles 16 and 41 of the International Law Commission's Articles on State Responsibility, which prohibit aiding or assisting another actor in the commission of an internationally wrongful act, particularly serious breaches of peremptory norms.⁴⁷ The ICJ, in *Nicaragua v. United States*,⁴⁸ reinforced the principle that the provision of arms to non-state actors engaged in armed conflict violates the duty of non-intervention and may amount to unlawful use of force. Moreover, where such trans-

fers facilitate genocide or crimes against humanity, they cross from unlawful intervention into complicity in core international crimes.

The allegations extend beyond weaponry to the economic sphere. In 2024, approximately 97 per cent of Sudan's official gold exports, valued at USD 1.52 billion, were sold to Dubai.⁴⁹ These exports originated not only from SAF-controlled mines, but also from RSF-dominated regions in Darfur, where local communities, including the Masalit, were violently displaced. By purchasing gold without implementing stringent due diligence, Emirati entities are accused of indirectly financing the RSF's campaign of violence.⁵⁰ In *Armed Activities on the Territory of the Congo*,⁵¹ the ICJ held that Uganda's exploitation of Congolese resources violated international law and contributed to the conflict. Similarly, financial facilitation of atrocities has been recognized in the International Criminal Tribunal for the former Yugoslavia ('ICTY') cases such as *Furundžija*⁵² and *Tadić*,⁵³ where economic contributions substantially assisting a criminal enterprise constituted aiding and abetting. The legal implication is that commercial entanglements, far from being neutral, can amount to material support for atrocity crimes.

The threshold question is whether the UAE knew, or ought to have known, that its support would contribute to atrocity crimes. Here, the jurisprudence of the *Bosnian Genocide* case is instructive.⁵⁴ The ICJ held that a state's knowledge of a serious risk of genocide triggers a duty to prevent, irrespective of whether genocide ultimately occurs. Applied to the Sudan context, by the time reports of RSF massacres and ethnic cleansing in Darfur became widely circulated, the UAE could not plausibly claim ignorance.⁵⁵ Continued provision of arms or financial lifelines in such circumstances would constitute wilful blindness, if not actual knowledge. Emirati support to the RSF would, on this reasoning, amount to complicity.⁵⁶ Furthermore, the UAE is also accused of conferring political legitimacy on the RSF.⁵⁷ High-level meetings with Hemedti and Emirati investments in RSF-controlled territories should be interpreted as acts of recognition that strengthened the group's bargaining power and shielded it from isolation. The ICJ in the *Bosnian Genocide*⁵⁸ case distinguished between direct commission and complicity, but stressed that political and logistical support to perpetrators can constitute a breach of the duty to prevent genocide. In this light, the UAE's dual posture, arming the RSF while trading with the Port Sudan government, emerges not as neutrality but as an enabling strategy that sustains both warring factions, thereby perpetuating atrocities.

5. The Sudan v. UAE Genocide Case Before the ICJ

On 5 March 2025, Sudan instituted proceedings against the UAE before the ICJ, alleging violations of the 1948 Genocide Convention.⁵⁹ Sudan invoked Article IX of the Convention, which grants the ICJ jurisdiction over disputes relating to state responsibility for genocide, including complicity and failure to prevent. However, the case was dismissed

Tribune, 31 July 2025.

⁴¹ UN Office for the Coordination of Humanitarian Affairs, "Sudan Humanitarian Update (21 January 2024)", 21 January 2024.

⁴² "Turning the tide: The SAF's strategic offensive in Khartoum and the RSF's setbacks – Sudan October 2024", in *Armed Conflict Location and Event Data*, 14 October 2024.

⁴³ "Sudan crisis: The ruthless mercenaries who run the country for gold", *BBC*, 20 July 2019.

⁴⁴ See *supra* note 20.

⁴⁵ Alma Selvaggia Rinaldi, "How Sudan's RSF became a key ally for the UAE's logistical and corporate interests", *Middle East Eye*, 1 September 2024.

⁴⁶ Amnesty International, "Sudan: Two years of war and shameful international neglect", 15 April 2025 (<https://legal-tools.org/doc/3oudtp4f/>).

⁴⁷ James Crawford, *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries*, Cambridge University Press, 2002, pp. 148, 249. See Draft Articles on State Responsibility for Internationally Wrongful Acts with Commentaries, in *Yearbook of the International Law Commission*, 2001, vol. II, part two, pp. 65 ff. (Article 16) and 113 ff. (Article 41) (<https://legal-tools.org/doc/10e324/>).

⁴⁸ ICJ, *Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States)*, Merits, 27 June 1986, (1986) ICJ Rep. 14 (<https://legal-tools.org/doc/046698/>).

⁴⁹ Nashed, 2025, see *supra* note 31.

⁵⁰ Jonas Horner, "The falcons and the secretary bird: Arab Gulf states in Sudan's war", in *European Council on Foreign Relations*, 30 July 2025.

⁵¹ ICJ, *Armed Activities on the Territory of the Congo (The Democratic Republic of the Congo v. Uganda)*, Merits, 19 December 2005, (2005) ICJ Rep 168 (<https://legal-tools.org/doc/8f7fa3/>).

⁵² ICTY, *Prosecutor v. Anto Furundžija*, Judgment, 21 July 2000, IT-95-17/1-A (<https://legal-tools.org/doc/660d3f/>).

⁵³ ICTY, *Prosecutor v. Duško Tadić*, Opinion and Judgment, 7 May 1997, IT-94-1-T (<https://legal-tools.org/doc/0a90ae/>).

⁵⁴ ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Merits, 26 February 2007, (2007) ICJ Rep. 43 (<https://legal-tools.org/doc/5fcd00/>).

⁵⁵ Tedros Adhanom Ghebreyesus, "After two years of war in Sudan, the world can no longer plead ignorance", *Al Jazeera*, 16 April 2025.

⁵⁶ Anna Holligan, "Sudan accuses UAE of 'complicity in genocide' at world court", *BBC*, 10 April 2025.

⁵⁷ Husam Mahjoub, "The UAE's Subimperialism in Sudan Counterrevolution, Gold, and Global Impunity", in *Spectre*, 15 August 2025.

⁵⁸ Ghebreyesus, 2025, see *supra* note 55.

⁵⁹ Pranay Lekhi, "Another Genocide Convention Case, Another Conundrum for Interventions", in *EJIL:Talk!*, 24 March 2025.

at the preliminary stage as a 9–7 majority held that the Court “manifestly lacks jurisdiction”, relying on a reservation entered by the UAE to Article IX. The majority considered the reservation “clear in terms” and effective in excluding jurisdiction over all disputes under the Convention involving the UAE.⁶⁰ Importantly, the Court reasoned that the reservation was procedural rather than substantive, limiting access to the Court but not diminishing the underlying obligations not to commit genocide.⁶¹

Sudan’s application alleged that the UAE materially supported the RSF in its campaign against the Masalit population in West Darfur.⁶² The claims centred on alleged arms transfers, drone supplies, logistical support, and financing through the Sudanese gold trade. Sudan argued that such assistance, despite growing public evidence of RSF atrocities, amounted to complicity in genocide under Article III(e) of the Genocide Convention.⁶³ The framing of the Masalit as a distinct “non-Arab ethnic group” was intended to meet the definitional thresholds of “protected groups” under Article II.⁶⁴

The *Sudan v. UAE* proceedings underscore the enduring tension between the Genocide Convention’s substantive obligations and their enforceability.⁶⁵ Sudan argued that the UAE’s reservation to Article IX was invalid because it undermined the Convention’s object and purpose, securing universal prevention and punishment of genocide.⁶⁶ As obligations under the Convention are owed *erga omnes partes*, blocking access to the ICJ arguably weakens enforcement of these duties.⁶⁷ Yet the Court adopted a restrained approach, treating jurisdictional reservations as permissible even while substantive obligations remained binding.⁶⁸ This reflects a broader trend of judicial deference. States can remain bound by peremptory norms yet insulate themselves from adjudication, undermining the Convention’s effectiveness. Had the Court accepted jurisdiction, it would have confronted novel issues, such as whether arms transfers, financial facilitation or political legitimization of non-state actors could constitute complicity in genocide. Instead, the decision exposes a structural gap: enforcement of *erga omnes* obligations remains contingent on state consent, raising pressing questions for atrocity accountability and the credibility of international law.

⁶⁰ Sarthak Gupta, “Judicial Restraint and Jurisdictional Clarity: Decoding the ICJ’s Decision in *Sudan v. United Arab Emirates*”, in *EJIL:Talk!*, 8 May 2025.

⁶¹ *Ibid.*

⁶² ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in Sudan (Sudan v. United Arab Emirates)*, Verbatim Record, CR 2025/1, 10 April 2025 (<https://legal-tools.org/doc/xo257mhm/>).

⁶³ Human Rights Watch, “‘The Massalit Will Not Come Home’ Ethnic Cleansing and Crimes Against Humanity in El Geneina, West Darfur, Sudan”, 9 May 2024 (<https://legal-tools.org/doc/6xov5qr5/>).

⁶⁴ This framing raises questions about how fluid identities fit rigid legal categories of genocide, see Edward Thomas and Sarah Nouwen, “Sudan v UAE: Where Legal Categories could have met Fluid Identities”, in *EJIL:Talk!*, 7 May 2025.

⁶⁵ Veronica Botticelli, “The End of Treaty Reservations as We Know Them? Not Yet – Reflections on Sudan v. UAE and the Normative Weight of the Dissent”, in *Opinio Juris*, 4 June 2025.

⁶⁶ Eugenio Carli, “The Sudan Genocide Case and the Legal Effect of Reservations to Compromissory Clauses in Disputes Concerning Obligations Erga Omnes Partes”, in *EJIL:Talk!*, 3 June 2025.

⁶⁷ *Ibid.*

⁶⁸ Gupta, 2025, see *supra* note 60.

6. The UAE as a Test Case for Global Conflict Economies

The dismissal of *Sudan v. UAE* at the ICJ does not extinguish the underlying allegations of complicity in atrocity crimes, but it does highlight the limits of judicial enforcement under the current architecture of international law. With the Court declining jurisdiction due to the UAE’s reservation to Article IX of the Genocide Convention, Sudan and the broader international community may turn to alternative fora and mechanisms for accountability. One possibility is referral to the UN Security Council. The Council retains authority under Chapter VII of the UN Charter to address threats to international peace and security, including by mandating investigations, imposing sanctions or referring situations to the International Criminal Court (‘ICC’). However, the Council’s record on Sudan is mixed, and the geopolitical influence of the UAE as a close ally of permanent members makes robust action unlikely.⁶⁹

Another pathway is through the ICC, where jurisdiction may already be engaged *via* the Darfur situation referred to in 2005.⁷⁰ Although the ICC has previously issued warrants against RSF leaders, extending liability to external actors such as the UAE would require novel doctrinal development on aiding and abetting by third states.⁷¹ Domestic and hybrid accountability mechanisms may also play a role: universal jurisdiction statutes in European states have increasingly been used to prosecute complicity in atrocity crimes, and similar efforts could be pursued against individuals or entities linked to UAE support for the RSF. The broader significance of *Sudan v. UAE* thus lies not only in what the ICJ declined to adjudicate, but also in its demonstration that international law’s enforcement capacity depends on a mosaic of institutions.⁷² The future of accountability for Sudan’s atrocities will hinge on whether states and civil society actors are willing to pursue these complementary pathways in the face of jurisdictional barriers and entrenched geopolitical interests.

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⁶⁹ Daphne Richemond-Barak, “Will the UAE bring change to the UN Security Council? – Opinion”, *The Jerusalem Post*, 20 March 2022.

⁷⁰ Coalition for the International Criminal Court, “From Hope to Accountability: Reflecting on the 20th Anniversary of the Referral of the Situation in Darfur to the ICC”, 31 March 2025 (<https://legal-tools.org/doc/z17zcwz5/>).

⁷¹ Human Rights Watch, “Sudan: 20th Anniversary of Darfur ICC Referral”, 31 March 2025 (<https://legal-tools.org/doc/3gznlihz/>).

⁷² Gupta, 2025, see *supra* note 60.



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