



Milbank

**POLICY PLANNING CASE STUDY
CEASEFIRE REFLECTIONS: DARFUR PEACE
NEGOTIATIONS**

Prepared by the

**Public International Law & Policy Group
and
Milbank LLP**

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Introduction

This document has been developed out of a conversation with PILPG Senior Peace Fellow Matthew T. Simpson and is one in a series of expert interviews on ceasefire processes and agreements with military and policy experts. These ceasefire case studies are part of a range of work products produced by the PILPG Ceasefire Policy Planning Ukraine Working Group. The full range of work product and more information about the Working Group is available [here](#).

Mr. Simpson has worked with PILPG on the Darfur peace process, war crimes witness protection programs in Uganda, Iraq's 2007 constitutional amendments, and issues of state succession leading to the establishment of the Republic of South Sudan. In 2010, the United Nations and African Union appointed Mr. Simpson as a Principal Legal Advisor to the Darfur Delegation in the Darfur Peace Negotiations based in Doha, Qatar. Mr. Simpson is currently a Member at Mintz, where he is the Chair of the Private Equity Practice and focuses on mergers and acquisitions and private company financing.

In Darfur, PILPG advised a coalition of Darfur opposition groups on their engagement in the ongoing Darfur peace process. PILPG helped the negotiation delegations for several of the largest and most influential opposition groups prepare for the African Union High-Level Implementation Panel-led peace talks.

Serving as Counsel and Darfur Project Director at PILPG, Mr. Simpson and PILPG first became involved in the Darfur peace process in April 2006, working with other global NGOs and USIP to prepare the Darfuris for their participation in future peace efforts. Eventually, as peace efforts solidified in Doha, Qatar, Mr. Simpson and PILPG's Darfur Project formally established a full time presence at the talks as the official legal advisory team to the Darfuri delegation. In that role, PILPG's obligation was to represent the Darfuris as their lawyers in all aspects of the peace process, including efforts towards a lasting ceasefire in the region.

Darfur, a region of western Sudan in northeast Africa, has been embroiled in near constant conflict since the early 2000s. The Darfur conflict first began in 2003 when two African rebel groups – the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) – launched an insurrection and attacked various police stations and military outposts in Darfur after alleging that Darfuris were being marginalized by the Sudanese government and attacked by their proxy militias.¹ The attacks spawned a series of conflicts and clashes that have lasted

¹ Glenn Kessler, *Sudanese, Rebels Sign Peace Plan for Darfur*, THE WASHINGTON POST (May 6, 2006) available at <https://www.washingtonpost.com/wp-dyn/content/article/2006/05/05/AR2006050500305.html>.

approximately two decades and involved nearly two dozen various fractions of rebel groups. The conflict, primarily between various African tribal rebel groups and the Arab-led Sudanese government and government-backed militia known as the Janjaweed, resulted in the deaths of as many as 300,000 people in only five years, from 2003 to 2008, according to the United Nations.²

Over the course of the near-20-year conflict, there have been a number of unsuccessful peace talks and failed ceasefire agreements. Despite multiple peace agreements being reached and even signed, there has been little lasting peaceful resolution. As recently as 2021, despite the signing of the Juba Peace Agreement (JPA) on August 31, 2020, which was intended to resolve increased tensions in West Darfur, conflict between Arab tribes against non-Arab Massalit communities in Al-Geneina Town has resulted in around 250 people dead and more than 100,000 people displaced, according to the United Nations.³

While many smaller peace agreements have been reached,⁴ one of the early prominent peace agreements was the Darfur Peace Agreement (DPA) signed in May 2006 by the Sudanese government along with a fraction of the Sudan Liberation Movement/Army (SLA) led by Minni Minnawi.⁵ Although the agreement was intended to ease tensions and resolve the violent conflict taking place, fighting resumed shortly thereafter as early as July and August after several rebel groups rejected the agreement, including the other faction of the SLA, led by Abdul Wahid al-Nur, and the JEM.⁶ The continued conflict resulted in attacks on villages by armed militias, clashes between militias and rebel groups, fighting between rival rebel factions, and the torture and killing of civilians and acts of sexual abuse and rape.⁷ By August 2006, the United Nations had determined that there had been “no improvement in the situation of human rights in Darfur” and

² Louis Charbonneau, *UN says Darfur dead may be 300,000; Sudan denies*, REUTERS (April 22, 2008) available at <https://www.reuters.com/article/idUSN22308543>.

³ Secretary-General, *Report of the Secretary-General on the Situation in the Sudan and the activities of the United Nations Integrated Transition Assistance Mission in the Sudan*, UN. Doc. S/2020/1155 (December 1, 2020); The UN Refugee Agency, *Over 100,000 displaced by resurgence of violence in Sudan's Darfur region* (January 22, 2021) available at

<https://www.unhcr.org/en-us/news/briefing/2021/1/600a93a64/100000-displaced-resurgence-violence-sudans-darfur-region.html>.

⁴ Comprehensive Peace Agreement, *Peace Agreements: Sudan*, United States Institute of Peace, available at <https://www.usip.org/publications/2005/03/peace-agreements-sudan>.

⁵ *Darfur Peace Agreement* (May 5, 2006).

⁶ Ernest Harsch, *Darfur facing even greater horror*, UN.org: Africa Renewal (October 2006), available at <https://www.un.org/africarenewal/magazine/october-2006/darfur-facing-even-greater-horror>.

⁷ The Office of the United Nations High Commissioner for Human Rights, *Deepening Crisis in Darfur Two Months After the Darfur Peace Agreement: An Assessment* (August 2006).

that “without additional government support, the DPA is doomed to failure.”⁸ The report further stated that shortly after signing the peace agreement, “[p]ost-DPA violence resulted in numerous civilian deaths and aggravated the already severe humanitarian situation in Darfur.”⁹

Objectives

Prior to the time of Mr. Simpson’s involvement, there had been multiple ceasefire agreements reached and signed by the Sudanese government and various rebel groups over the years. None of these agreements, however, were ultimately successful. The fact that there were more than a dozen rebel factions created an extra hurdle to reaching a successful ceasefire agreement. The Darfur conflict is arguably more complicated than most because it is not solely a conflict between the Sudanese government and a single rebel group, but instead a conflict between the Sudanese government and a dozen or so rebel factions, as well as a conflict among the various rebel factions themselves. The sheer number of involved parties coincided with a large number of varied priorities and interests – many of which conflicted. A key objective, therefore, was to advise the varied groups on their participation in the peace processes, as well as to provide them with sophisticated advice grounded in best practices and learning from other cease fire initiatives.

In representing his clients, one of Mr. Simpson's primary responsibilities while working in Darfur included leading negotiation training sessions to a wide array of attendees, including a mix of rebel fighters, political leaders, and diaspora. The purpose of Mr. Simpson’s training sessions in Washington DC, New York, Chicago, London, Paris and Brussels was to educate the attendees on negotiation techniques and strategies, with the hope of furthering their productive participation in future talks. To avoid picking sides among the disparate groups, Mr. Simpson and PILPG relied heavily on local Darfuris in each jurisdiction to fill the available seats rather than directly invite certain groups. In addition to leading the training sessions, Mr. Simpson also helped draft a peace negotiation agreement handbook, which further described and expanded upon points raised during the training sessions.

Lastly, Mr. Simpson also provided his expertise and guidance to his clients with respect to the constant on-and-off-again ceasefire talks and various ceasefire agreements, in addition to providing his analysis and recommendations on the

⁸ The Office of the United Nations High Commissioner for Human Rights, *Deepening Crisis in Darfur Two Months After the Darfur Peace Agreement: An Assessment* (August 2006).

⁹ The Office of the United Nations High Commissioner for Human Rights, *Deepening Crisis in Darfur Two Months After the Darfur Peace Agreement: An Assessment* (August 2006).

eventual Doha Document for Peace in Darfur (DDPD) agreement, an agreement that was later reached May 2011.

Stakeholders

It is important to note that Darfuris are not a homogenous community. Rather than one unified group of people, there are a dozen or so fractions within Darfur and that many of these groups have a strained relationship with each other. As a result, there were many different groups of people who could have been considered “stakeholders” with respect to the Darfur ceasefire negotiations, including the Justice and Equality Movement (JEM), the various fractions of the SLA, the Liberation and Justice Movement, other rebel groups, the Sudanese government, the general civilian population, and the Sudanese military personnel.

The international efforts attempting to facilitate peace in Darfur were likewise not unified, as the United Nations and African Union frequently disagreed on the best approach to peace in Sudan, motivated by differing interests. Eventually the Government of Qatar’s participation complicated matters further, though their hosting and financing of the process for the DDPD was unquestionably generous.

The sheer number of different parties involved, and the number of contradicting interests led to substantial posturing and a heightened emphasis on individual personalities from those involved. Furthermore, there was not a single occasion during his five years working in Darfur where all involved parties came together to talk in a joint setting. This constant division, as well as a disorganized mediation effort (with its own internal contradictions), and a counterparty in the Government of Sudan that fueled the flames of distrust among the Darfuris, led to frequent communication issues and contributed to the DDPD being finalized as a “disorganized” peace agreement. A further divide existed between military personnel and rebel fighters and the general civilian population, which were not aligned at all times throughout the various processes.

Outcomes

Mr. Simpson's engagement including through training sessions, authored written materials, and his ability to develop trust with his clients had significant positive impact. However, the ultimate resolution to the conflict and the substantive ceasefire agreement that was ultimately signed failed to establish a lasting peace.

Throughout Mr. Simpson's and PILPG's involvement in Darfur, there were approximately a dozen or so smaller ceasefire agreements that were signed, many of which "died before the ink dried." The ultimate outcome of the multi-year ceasefire negotiation process was the Doha Document for Peace in Darfur. The DDPD was finalized at the All Darfur Stakeholders Conference in May 2011 and later signed by the Government of Sudan and only one of the Darfuri opposition groups, the Liberation and Justice Movement, on July 14, 2011.¹⁰ By the time the DDPD was signed, the United Nations estimated that 300,000 people had died and 2.7 million had been displaced as a result of the Darfur conflict.¹¹ At the time, the United Nations Secretary General Ban Ki-Moon praised the agreement.¹² In a statement issued by the United Nations chief office on June 20, 2011, the UN stated the agreement was a substantial step towards a permanent end to the conflict in Darfur, noting: "The Secretary-General and his interlocutors reviewed the outcome of the All Darfur Stakeholders Conference (ADSC). The Secretary-General welcomed it as the basis for reaching a permanent ceasefire and inclusive peace settlement, and sustainable peace and stability in Darfur."¹³

The United Nations' optimism, however, was misguided. By 2013, fighting had resumed with Minni Minnawi's SLA faction attacking and seizing multiple towns in Darfur.¹⁴ An estimated 400,000 people were displaced in 2013 as a result of the continued conflict, according to Hervé Ladsous, the United Nations' top peacekeeping official.¹⁵ Fighting has only continued since. As recently as June 2022, the United Nations Office for the Coordination of Humanitarian Affairs reported that more than 125 people killed and 50,000 displaced during the course of attacks on 25 Gimir villages in West Darfur's Kulbus locality.¹⁶

Mr. Simpson said he is not surprised by the failure of the DDPD and the continued conflict in Darfur. After reviewing the final proposed DDPD, he shared with the Darfuris his concerns that the document contained contradictory and overlapping provisions, and was largely unenforceable.

¹⁰ *Doha Document for Peace in Darfur*, United Nations – African Union Hybrid Operation in Darfur, available at <https://unamid.unmissions.org/doha-document-peace-darfur>,

¹¹ *Mbeki's panel flirting with failure in Sudan*, SUDAN TRIBUNE (March 13, 2010), available at <https://sudantribune.com/article34221/>.

¹² *Readout of the Secretary-General's meeting with H.E. Mr. Djibril Yipènè Bassolé and H.E. Mr. Ahmed bin Abdullah Al-Mahmoud*, United Nations Secretary-General (June 20, 2011).

¹³ *Readout of the Secretary-General's meeting with H.E. Mr. Djibril Yipènè Bassolé and H.E. Mr. Ahmed bin Abdullah Al-Mahmoud*, United Nations Secretary-General (June 20, 2011).

¹⁴ *Rebels inch closer to South Darfur capital*, AL JAZEERA (April 8, 2013) at <https://www.aljazeera.com/news/2013/4/8/rebels-inch-closer-to-south-darfur-capital>.

¹⁵ Rick Gladstone, *Number of Darfur's Displaced Surged in 2013*, THE NEW YORK TIMES (January 23, 2014).

¹⁶ United Nations Office for the Coordination of Humanitarian Affairs, *Sudan: Conflict in Kulbus locality, West Darfur. Flash Update No. 01* (June 14, 2022).

Lessons Learned

Regardless of the Doha Document for Peace in Darfur's failure, there are a number of lessons that can be learned from Mr. Simpson's involvement in the process and the resulting outcome. For one, it is important to have unity and cohesion when drafting a sophisticated ceasefire agreement, as well as making sure that the drafters of the agreement have the requisite experience and expertise needed. Similarly, Mr. Simpson emphasized the fact that "words matter." A successful ceasefire agreement must contain specificity and consistency throughout the document.

With respect to lessons learned outside drafting the document itself, it is important to note that navigating the various geopolitical elements associated with the conflict in question and the corresponding ceasefire negotiations can be difficult and must be heavily considered throughout the process. The geopolitical elements will impact the respective parties' goals and positions and can hinder and alter the negotiation process. Thus, another crucial lesson is the importance of focusing on the negotiation process. If the negotiation process itself is flawed, then the resulting ceasefire agreement will likely also be flawed. A successful negotiation process is one that is led by a sophisticated team with expertise and experience in the field of peace negotiations and one in which the respective parties are able and willing to bypass their personal interests and resistance to giving up leverage for the betterment of reaching a peace agreement that benefits all involved. Furthermore, in order to obtain such a resolution, there must be a level of trust built among the parties. One way to establish trust is to agree on smaller aspects of a resolution first, thus establishing a rapport which can lead to momentum to reach a more substantive and permanent resolution. Lastly, it is important not to rush the process purely for the sake of being able to publicly say an agreement has been reached. As Mr. Simpson explained, "the only thing worse than not signing a peace agreement is signing a flawed peace agreement."

Although the Darfur conflict is substantially different from Russia's current war in Ukraine, there are still lessons that can be applied. First, it is important to understand the goals and interests of the involved parties. For example, Mr. Simpson believes President Putin will not sign a ceasefire agreement unless it is one where he is able to refer to it as a success in the eyes of Russia. Thus, Ukraine must consider what level of "success" it is willing to give to President Putin and Russia in order to allow the Russian president to "save face." Furthermore, passing judgment and forcing one side to admit defeat can be a fatal flaw in negotiations – a factor that could impede any possible ceasefire agreement between Russia and Ukraine. Moreover, as was the case in Darfur, the geopolitical landscape of

Russia's war in Ukraine is a crucial element to consider during the negotiation process. With respect to Russia's war in Ukraine, Russia has objectively underperformed and endured several recent military falters – including having to retreat and allow Ukraine to retake Kherson, a prominent Ukrainian city, this past November 2022.¹⁷ The retreat marked the third major Russian withdrawal since the war began.¹⁸ These recent falters by Russia have therefore created an opportunity to reach a ceasefire agreement as Russia has less leverage now than it had initially anticipated when the conflict first began.

In sum, while Mr. Simpson believes that the success of the DDPD and his involvement in the Darfur ceasefire negotiations was ultimately limited, there are still valuable lessons that can be learned and applied to Russia's war in Ukraine, as well as other future ceasefire negotiations, in the hopes of reaching a peaceful resolution to the respective conflict.

¹⁷ Jonathan Landay, *Ukrainians celebrate soldiers retaking Kherson, Russia's latest defeat*, REUTERS, (Nov. 11, 2022), available at <https://www.reuters.com/world/europe/us-urges-ukraine-be-open-talks-with-russia-washington-post-2022-11-06/>.

¹⁸ Jonathan Landay, *Ukrainians celebrate soldiers retaking Kherson, Russia's latest defeat*, REUTERS (Nov. 11, 2022), available at <https://www.reuters.com/world/europe/us-urges-ukraine-be-open-talks-with-russia-washington-post-2022-11-06/>.