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The Origin Story of the Public International Law & Policy Group: A Case Study in Strategic Optimism

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THE ORIGIN STORY OF THE PUBLIC
INTERNATIONAL LAW & POLICY
GROUP: A CASE STUDY IN
STRATEGIC OPTIMISM

*Paul Williams**

*Isabela Karibjanian***

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** Isabela Karibjanian is a Research Fellow on Justice, Peace, and Security and the Strategic Communications Lead at the Public International Law & Policy Group (“PILPG”). At PILPG, she has contributed research, editing, and drafting to the publication of two books, the *Research Handbook on Post-Conflict State Building* (Edward Elgar, 2020) and *Lawyering Peace* (Cambridge University Press, 2021). With Dr. Williams, she is the co-author of the forthcoming book *Negotiating Justice*. She is a lead contributor for the 2021 report “Negotiating Justice: Peace Processes as Vehicles for Transitional Justice.” Ms. Karibjanian is a graduate of Brown University, where she studied International Relations.

I. INTRODUCTION

Just over twenty-five years ago, Michael Scharf¹ and I² founded the Public International Law & Policy Group (“PILPG”), a global pro bono law firm providing free legal assistance to parties involved in peace negotiations, drafting post-conflict constitutions, and war crimes prosecution, when we were both embarking on our careers in international law.

As we celebrate our 25th anniversary of lawyering peace, this Article takes the opportunity to look back on our origin story, which contains several key takeaways for how to harness the power of academics, nonprofit organizations, and the scholar-practitioner model to impact international law. This Article seeks to elucidate the discrete ingredients that came together to form PILPG, which continues to be a unique and innovative organization in the space of public international law and policy, and offers reflections on the organization’s impact on peace, justice, and accountability around the globe.

Throughout the evolution of PILPG, we have been guided by the core notions of strategic optimism; the value of empowering clients; the power of the law; and the belief that “making a difference” is a team sport.

II. THE EARLY DAYS: AN IDEA WHOSE TIME HAS COME

Michael and I met at the U.S. State Department’s Office of the Legal Adviser. I worked at the Office of the Legal Adviser’s Bureau of European and Eurasian Affairs on issues related to the dissolution of the Soviet Union. Michael worked in the Office of the Legal Adviser’s United Nations Affairs bureau. One evening during my first month at the Department, Michael popped into my office with two slices of extra-large pizza. I thought this was a warm and welcoming gesture, until I realized that under his arm, he had an urgent draft U.N. Security Council Resolution to impose an arms embargo on Yugoslavia and that

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1. *Michael P. Scharf*, CASE W. RSRV. UNIV. SCH. OF L., <https://case.edu/law/our-school/faculty-directory/michael-p-scharf> [<https://perma.cc/DX5Q-MRPH>]. Michael Scharf is the Co-Dean of the Case Western Reserve University School of Law and the Co-Founder of the Public International Law & Policy Group (“PILPG”). During a sabbatical in 2008, Scharf served as Special Assistant to the Prosecutor of the Cambodia Genocide Tribunal. During the Bush I and Clinton Administrations, he served in the Office of the Legal Adviser of the U.S. Department of State, where he held the positions of Attorney-Adviser for Law Enforcement and Intelligence, Attorney-Adviser for United Nations Affairs, and delegate to the United Nations Human Rights Commission.
 2. This Article was written from the point of view of Dr. Paul Williams.

the plan was for us to work into the wee hours of the morning finishing out and polishing the draft. I also realized at that point that Michael was a fan of pepperoni pizza, and me, not so much, as I plucked off the pepperoni from my slice. From that point on, Michael and I became fast friends. Days later, the Security Council adopted Resolution 713.³ In the coming years, I would argue that the dissolution of Yugoslavia rendered the Resolution obsolete and inapplicable to Bosnia.⁴

After two years at the Department of State, I left the government to pursue a Ph.D. at Cambridge as a Fulbright Scholar, and Michael was planning to move into academia. During my last week at the State Department, Michael and I again went for pizza in the cafeteria—this time I ordered a Hawaiian slice. We chatted about how, for both professional and personal reasons, we needed to remain engaged in the practice of public international law as we transitioned to academia. While at the State Department, as a couple of twenty-somethings, we had worked on some of the headiest legal issues of the time. I was deeply involved in legal issues relating to the dissolution of the U.S.S.R. and Yugoslavia, such as State recognition; the establishment of diplomatic relations; and State successions to treaties, debts, assets, and membership in international organizations. Michael was highly engaged in the creation of the International Criminal Tribunal for the Former Yugoslavia (“ICTY”), sanctions on Serbia, succession to U.N. membership after the breakup of the U.S.S.R and Yugoslavia, and the International Court of Justice (“ICJ”) case involving Libya.⁵ During this lunch, we planted the seeds of creating what we called a “pocket NGO” that we could use to harness the often-untapped expertise and energy of academics with former government experience and to serve as a platform for engaging with clients involved in complex questions of public international law.

By the time I arrived in Cambridge, the war in the former Yugoslavia had devolved into a full-blown war of aggression by Serbia against Croatia and Bosnia, with a reliance on genocide and crimes

3. S.C. Res. 713 (1991).

4. See Paul R. Williams, *Une Lourde Violation du Droit International*, LE MONDE (June 29, 1995), https://www.lemonde.fr/archives/article/1995/06/29/une-lourde-violation-du-droit-international_3862511_1819218.html [perma.cc/K92S-EEBD]; Paul R. Williams, *UN Members Share Guilt for the Genocide in Bosnia*, CHRISTIAN SCI. MONITOR (Aug. 8, 1995), <https://www.csmonitor.com/1995/0808/08191.html> [https://perma.cc/CN V4-GXRR].

5. See Dean Michael P. Scharf, PILPG, <https://www.publicinternationallawandpolicygroup.org/dean-michael-scharf-bio> [https://perma.cc/7GM9-8AE9].

against humanity to accomplish its territorial and political objectives.⁶ In response to the lackluster reaction of the United States and the European Union to the atrocity crimes Yugoslavia was committing, and to the continued imposition of the now illegal arms embargo on Bosnia, I published a number of op-eds calling for the lifting of the embargo, the use of force for a humanitarian intervention, and a more coordinated U.S./EU approach.⁷ One article in *The Tablet* caught the attention of, and prompted a reply from, the United Kingdom's Foreign Secretary Douglas Hurd.⁸ My first act upon reading the reply, where he took great umbrage to my suggestion that those countries that enforced the arms embargo were complicit in genocide, was to check the terms of my student visa to see if it was revocable by the government.

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6. See *The Prosecutor v. Karadžić*, Case No. IT-95-5-I, Indictment (Int'l Crim. Trib. for the Former Yugoslavia Jul. 24, 1995); *The Prosecutor v. Karadžić*, Case No. IT-95-18-I, Indictment (Int'l Crim. Trib. for the Former Yugoslavia Nov. 14, 1995); *The Prosecutor v. Milošević*, Case No. IT-99-37, Indictment (Int'l Crim. Trib. for the Former Yugoslavia May 22, 1999); *The Prosecutor v. Milošević*, Case No. IT-01-50-I, Indictment (Int'l Crim. Trib. for the Former Yugoslavia Sept. 27, 2001); *The Prosecutor v. Milošević*, Case No. IT-01-51-I, Indictment (Int'l Crim. Trib. for the Former Yugoslavia Nov. 22, 2001).
 7. See Paul R. Williams & Michael Scharf, *UN Mandates: The Letter of the Law*, in *WITH NO PEACE TO KEEP: UNITED NATIONS PEACEKEEPING AND THE WARS IN FORMER YUGOSLAVIA* 34 (Ben Cohen & George Stamkoski eds., 1995); BRANKA MAGAS, NOEL MALCOLM & IVO ZANIC, *THE WAR IN CROATIA AND BOSNIA-HERZEGOVINA 1991–1995* (2001).
 8. See Douglas Hurd, *A Long Slog in Bosnia*, *THE TABLET*, Apr. 1, 1995.

I began to work closely with Sir Noel Malcolm,⁹ Dr. Brendan Simms,¹⁰ Branka Magas,¹¹ Quintin Hoare,¹² and Dr. Norman Cigar¹³ as they launched the Alliance to Defend Bosnia, and subsequently the Bosnian Institute.¹⁴ My roles were primarily to provide legal insight into the rules governing the role and obligation of U.N. peacekeepers, and to help evaluate the legal ramifications of the various U.S. and EU peace proposals. It was during this time that I came to realize just how much of a team effort it was to make a difference—or at least attempt to—in the world. I also realized the important—but not necessarily primary—role that sound legal analysis could play in the advocacy and formulation of alternative policy prescriptions.

While I was studying at Cambridge, my wife Kathy was working as a management consultant helping to lay the foundation for the future privatization of Cellnet, the cell phone service subsidiary of British Telecom. I split my time between Cambridge and Windsor, where she had a company flat. Across the street from our flat was a pub now called the Corner Ale and Cider House, which served pints of Old

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9. Sir Noel Malcolm is an English political journalist, historian, and academic. In 1998, he published *Kosovo: A Short History*. He is a Senior Research Fellow at All Souls College at the University of Oxford. *Sir Noel Malcolm*, ALL SOULS COLL., UNIV. OF OXFORD, <https://www.asc.ox.ac.uk/person/sir-noel-malcolm> [<https://perma.cc/C9AX-TPDY>].
 10. Dr. Brendan Simms is Professor in the History of International Relations at the University of Cambridge. *Professor Brendan Simms*, UNIV. OF CAMBRIDGE, https://www.polis.cam.ac.uk/Staff_and_Students/professor-brendan-simms [<https://perma.cc/F2YE-GUSS>].
 11. Branka Magas was a member of The Alliance to Save Bosnia. See BRANKA MAGAŠ, *THE DESTRUCTION OF YUGOSLAVIA: TRACKING THE BREAK-UP 1980–92* (1993).
 12. Quintin Hoare is a literary translator. He was a founding editor of the journal *Labour Focus on Eastern Europe*. He was a founding member of the Alliance to Defend Bosnia-Herzegovina and later became director of the Bosnian Institute. See *Quintin Hoare*, LAWRENCE WISHART, <https://lwbooks.co.uk/person/quintin-hoare> (last visited Mar. 12, 2022).
 13. Dr. Norman Cigar was formerly Director of Regional Studies and the Minerva Research Chair at the Marine Corps University. Previously, he taught at the Marine Corps Command and Staff College and at the Marine Corps School of Advanced Warfighting. Earlier in his career, he was responsible for the Middle East in the Office of the Army's Deputy Chief of Staff for Intelligence, and supported the Secretary of the Army, the Chief of Staff of the Army, and Congress with intelligence. He was a consultant to the ICTY and the Bosnian Institute. *Senior Fellow Norman Cigar*, POTOMAC INST. FOR POL'Y STUD., <https://potomacinstitute.org/featured/882-the-potomac-institute-welcomes-senior-fellow-norman-cigar-dphil> [<https://perma.cc/9GXT-RL3Q>]. See also NORMAN CIGAR, *GENOCIDE IN BOSNIA: THE POLICY OF "ETHNIC CLEANSING"* (1995).
 14. See *Quintin Hoare*, *supra* note 12.

Speckled Hen. One Saturday afternoon, Kathy and I, sat down for a few pints and penciled out a way to hatch the idea that Michael and I had mused over during our last days at the State Department. The conversation was one infused with strategic optimism.

There was no blueprint or template for creating a global, pro bono law firm focused on peace negotiations and establishing mechanisms to prosecute war criminals. The best three pieces of advice I received from Kathy during that conversation over Old Speckled Hen were (1) do it pro bono—no one is going to pay a twenty-nine-year-old to represent them at peace negotiations; (2) leave space for policy in your mission, since you might want to expand beyond law; and (3) devise a serious-sounding name—not one of the catchy but breezy ones I was proposing. Hence, the Public International Law & Policy Group. She also emphasized, as the management consultant that she was, that impactful change was a team effort, and that having an institution, in this case a nonprofit, would be key for sustainability.

To this day we still hold the name Public International Law & Policy Group. Despite the somewhat unpronounceable acronym (“PILPG”), we still provide all of our services to our clients on a pro bono basis, relying on grants and contributions from over a dozen of the world’s top law firms.

III. CRAFTING A MISSION AND VALUES-BASED APPROACH

The next step in the founding of PILPG was to seek the guidance of my dissertation supervisor, Sir Malcom Grant.¹⁵ Malcolm was an intrepid entrepreneur who, at the time I met him, was the Chair of the Land Economy Department at Cambridge. He would later become the President and Provost of University College London, and then CEO of the National Health Service.¹⁶ While at Cambridge, he was also the Chair of the Local Government Commission for England tasked with proposing changes to the county boundaries in England, a politically- and technically-challenging job.¹⁷ When I first broached the subject of creating a global, pro bono law firm, he tilted his head and asked, “Aren’t you supposed to be writing a dissertation on the role of international law in resolving Central and East European

15. Sir Malcolm John Grant, CBE, is Chancellor of the University of York. He is the former chairman of National Health Services England, President and Provost of University College London, and served two terms of appointment as Chair of the Local Government Commission for England (1996–2001). See *The Chancellor*, UNIV. OF YORK, <https://www.york.ac.uk/about/organisation/governance/chancellor/> [<https://perma.cc/Q98T-KT9R>].

16. *Id.*

17. *Id.*

transboundary environmental disputes?” I replied, “It’s Kathy’s idea.” That seemed to persuade him that it was a wise and thoughtful idea.

Malcolm then went on to map out for me the four most crucial pieces of advice that have stayed with me for the past twenty-five years. First, build a team. Life and work are team sports. Second, find a mission and stick with that mission. Third, perpetually innovate. And fourth, always be optimistic. Only good comes from optimism. He could have added, “And always be full of good cheer,” since I can’t think of a time that I met with Malcolm that he was not full of good cheer. This is when I first started to think of strategic optimism and perpetual entrepreneurship as core values of both PILPG and my professional career journey.

Malcolm suggested I reach out to Professors James Crawford,¹⁸ who would subsequently become my dissertation examiner, and Christopher Greenwood.¹⁹ Both would eventually serve on the International Court of Justice. Malcolm wanted me to realistically assess the idea of a global, pro bono law firm focusing on peace negotiations at atrocity crimes prosecutions with two of the most well-established scholars and practitioners of public international law.

James, ever the positivist in both scholarship and life, kindly mapped out for me the traditional path of creating a legal practice that would take me before the International Court of Justice, a path that he preferred that I pursue. He then spent a considerable amount of time thinking through with me the various ways in which one might be able to create a successful pro bono law firm that focuses on lawyering peace and justice for atrocity crimes. He was ultimately supportive, but warned me that if I was not careful, it would take me too far from the path of public international law. Ironically enough, fifteen years later, James and I ended up on opposite sides of the table at the Peace Palace in the Hague for the Permanent Court of Arbitration case on the Abyei

18. James Crawford was a Judge of the International Court of Justice, the Dean of Sydney Law School, and the Whewell Professor of International Law at the University of Cambridge. Formerly, he directed the University of Cambridge’s Lauterpacht Centre for International Law. *See James Crawford 1948–2021*, UNIV. OF CAMBRIDGE, <https://www.law.cam.ac.uk/press/news/2021/06/james-crawford-1948-2021> [https://perma.cc/NNA7-P7FH].

19. Sir Christopher John Greenwood is a former British judge at the International Court of Justice. He is Master of Magdalene College at the University of Cambridge and was formerly a professor of international law at the London School of Economics. *See Sir Christopher Greenwood*, MAGDALENE COLL., UNIV. OF CAMBRIDGE, <https://www.magd.cam.ac.uk/user/greenwood> [https://perma.cc/4VB5-6F26].

dispute.²⁰ He was representing the government of Sudan in a traditional legal capacity, and I was representing the Sudan People's Liberation Movement as an outgrowth of my work with them on the implementation of the Comprehensive Peace Agreement.²¹ I was lucky enough that Gary Born,²² of WilmerHale, agreed to serve as co-counsel on a pro bono basis, and carried the role of the traditional advocate with formidable energy and intellect.

During my time at Cambridge, I had collaborated with Normal Cigar to prepare a *prima facie* case for the indictment of President Slobodan Milošević.²³ The mock indictment was based on the “jurisprudence” created by the prior indictments of the Yugoslav Tribunal. When I met with Sir Christopher Greenwood and suggested tracking the soon-to-be emerging jurisprudence of the Yugoslavia and Rwanda Tribunals as a key mission of PILPG, he explained that such a mission was appropriate for a scholar, but not necessarily for a global pro bono law firm. He suggested that rather than tracking jurisprudence that PILPG should be helping parties to peace negotiations design more effective atrocity crime tribunals and truth commissions and devoting our energy to training new judges and prosecutors as these tribunals were stood up. He was quite prescient, as tracking the jurisprudence of the plethora of international criminal tribunals would have become an all-consuming task for PILPG. Pursuing that path would have diverted us from the original idea of harnessing academics' expertise and energy with former government experience to help clients solve complex public international law questions that would foster durable peace and accountability for atrocity crimes.

In keeping with Malcom's advice, Michael and I settled on a two-pronged mission of seeking to promote durable peace agreements, and helping parties prosecute atrocity crimes. We also agreed that we would represent the “good guys”—parties seeking peace, respect for human rights, and justice for atrocity crimes. We did not *need* any business and were not looking to make a living from this endeavor. We would

20. See *The Government of Sudan / The Sudan People's Liberation Movement/Army (Abyei Arbitration)*, PERMANENT CT. OF ARB., <https://pca-cpa.org/en/cases/92/> [<https://perma.cc/3VBF-GW7N>].

21. *Id.*

22. Gary Born is the chair of the International Arbitration and International Litigation practices at WilmerHale. *Gary Born*, WILMERHALE, <https://www.wilmerhale.com/en/people/gary-born> [<https://perma.cc/ZW6V-G9U7>]. He was lead counsel in the Abyei Arbitration conducted under the auspices of the Permanent Court of Arbitration. See *The Government of Sudan / The Sudan People's Liberation Movement/Army (Abyei Arbitration)*, *supra* note 20.

23. PAUL R. WILLIAMS & NORMAN CIGAR, A PRIMA FACIE CASE FOR THE INDICTMENT OF SLOBODAN MILOŠEVIĆ (All. to Def. Bosn. & Herz. ed., 1996).

do this pro bono and for the purposes of making a difference and staying intellectually engaged.

IV. BUILDING A TEAM: ECLECTIC EXCELLENCE

To build a team, I first turned to Christopher Goebel.²⁴ Chris and I had met on a two-week Fulbright study tour of EU and NATO institutions in the spring of 1994. The Fulbright program invited one Fulbright student from each of the European countries to engage in this intense learning experience. The French Fulbright Commission selected Chris for the program based on the nature of his research. Other participants were selected based upon writing competitions relating to EU and NATO policy. My name was pulled out of a hat by Allison Corbett during the UK Fulbright Christmas party. Serendipity does play a role in all things great and small.

Chris had recently graduated from Harvard Law School and was on a Fulbright in Paris at the Sorbonne researching and writing on the potential legal solutions to the ethnic conflicts in the Balkans, before heading to practice international law for Curtis, Mallet-Prevost Colt & Mosle (“Curtis”)²⁵ in their New York office. The study tour occurred at the height of the Bosnian war. Chris, a couple of other compatriots, and I incessantly questioned, challenged, and even pestered the various hosts and presenters about the failure of the EU and NATO approaches to bringing an end to the conflict. This was not actually what the organizers had in mind in terms of a cultural and intellectual experience, but Chris and I became fast friends as a result.

Chris agreed to become a founding member of PILPG and he set us up as a pro bono client of Curtis. PILPG would not have been able to successfully launch had it not been for the resources and support that Chris was able to arrange through the firm. I also realized early on the value of excellence by association, as our relationship with Chris and Curtis gave PILPG a degree of instant credibility with our pro bono clients and those we were seeking to involve in our “pocket NGO.”

During the first six months of our work together, Chris and I would fax various drafts of legal memoranda back and forth for our clients. (Thankfully Malcolm gave me all-hours access to the fax machine in

24. Christopher Goebel is a Senior Peace Fellow with PILPG. As one of PILPG’s original members, he has consulted during peace processes and other transitions on transitional justice, constitutions, security, and humanitarian issues, focusing recently on Syria and Sudan, with additional experience concerning Kenya, Libya, Yemen, Chad, Senegal, the Balkans. *See Our Team*, PILPG, <https://www.publicinternationallawandpolicygroup.org/our-team> [<https://perma.cc/B7XE-XY84>].

25. *New York*, CURTIS, <https://www.curtis.com/our-firm/locations/new-york/overview> [<https://perma.cc/KWD8-FCTH>].

the Land Economy Department.) Then, one day, Chris sent me an email with a WordPerfect document as an attachment. Ever since then, I have fully embraced the leveraging power of innovative technology for the pursuit of lawyering peace through the most efficient means possible.

Michael and I built out the team further by reaching out to former State Department colleagues who had transitioned into teaching, including Geoff Watson;²⁶ Peter Spiro;²⁷ my Ph.D. colleagues at Cambridge, including Dr. Dapo Akande²⁸ and Dr. Michael Rowe,²⁹ and my former law school classmates such as Professor Tony Arnold,³⁰ who specialized in environmental law as we were considering an international environmental law practice area for PILPG.

Using the power of our existing network of friends and colleagues, we worked together to build a community of like-minded legal practitioners who were ready and willing to engage in the thorniest questions in public international law, peace, and justice. This network of colleagues would become the basis of PILPG, a spirit of community and collaboration that persists to this day. PILPG attracted—and

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26. Geoff Watson is the Director of the Comparative and International Law Institute at the Catholic University of America's Columbus School of Law. He served as an attorney-adviser in the Office of the Legal Adviser of the U.S. Department of State's Office of the Legal Adviser. *See Geoffrey R. Watson*, COLUMBUS SCH. OF L., <https://www.law.edu/about-us/faculty-and-staff/directory/expert-faculty/watson-geoffrey/index.html> [<https://perma.cc/4DZ5-JM53>].
27. Peter Spiro is the Charles R. Weiner Professor of Law and Co-Director, Institute for International Law and Public Policy at Temple University. Previously, he served as director for democracy on the staff of the National Security Council, as an attorney-adviser in the U.S. Department of State's Office of the Legal Adviser and as a resident associate at the Carnegie Endowment for International Peace. *Peter Spiro*, TEMP. UNIV. BEASLEY SCH. OF L., <https://law.temple.edu/contact/peter-j-spiro/> [<https://perma.cc/57QS-AVfV>].
28. Dr. Dapo Akande is a Professor of Public International Law at the Blavatnik School of Government at the University of Oxford. He codirects the Oxford Institute for Ethics, Law, and Armed Conflict. *Dapo Akande*, UNIV. OF OXFORD, <https://www.bsg.ox.ac.uk/people/dapo-akande> [<https://perma.cc/98C7-M93Y>].
29. Michael Rowe is a Professor in European History at King's College London. *Dr. Michael Rowe*, KING'S COLL. LONDON, <https://www.kcl.ac.uk/people/michael-rowe> [<https://perma.cc/X47G-3G3J>].
30. Professor Craig Anthony ("Tony") Arnold is the Boehl Chair in Property and Land Use at the University of Louisville, where he teaches in both the Brandeis School of Law and the Department of Urban and Public Affairs. *Craig Anthony (Tony) Arnold*, UNIV. OF LOUISVILLE, <https://louisville.edu/law/faculty-staff/faculty-directory/arnold-tony> [<https://perma.cc/59NG-SFML>].

continues to draw—individuals with a desire to complement their academic careers with impactful legal work. Today, PILPG is comprised of over three dozen top-tier legal scholars, counsel, and advisors and a dozen talented young professionals.³¹

The ability of PILPG to build an eclectic team and to draw from a vast network of colleagues was exemplified by our 2018 investigative mission to document atrocities committed against the Rohingya.³² To accomplish the mission, PILPG pulled together a cohort of eighteen atrocity-crimes investigators from around the world. Our team of expert investigators interviewed over 1,000 refugees, documenting shocking patterns of violence, abuse, and widespread human rights violations committed against the Rohingya. The evidence led our team to conclude that there are reasonable grounds to believe that genocide, crimes against humanity, and war crimes have been committed against the Rohingya.³³

Aware of the value of excellence by association from the outset, we crafted an advisory board of senior professionals in our networks who believed in the mission of providing top-quality legal services on a pro bono basis to parties engaged in peace negotiations, post-conflict constitution drafting, and transitional justice and accountability processes. These early Advisory Board members included Professor

31. *See Our Team*, *supra* note 24.

32. DANIEL J. FULLERTON, RALPH KEEFER, MILICA KOSTIC, ANNA TRIPONEL, PAUL R. WILLIAMS & JONATHAN P. WORBOYS, DOCUMENTING ATROCITY CRIMES COMMITTED AGAINST THE ROHINGYA IN MYANMAR'S RAKHINE STATE: THE PUBLIC INTERNATIONAL LAW & POLICY GROUP'S 2018 HUMAN RIGHTS DOCUMENTATION MISSION (2018).

33. Andrew C. Mann & Nicole Carle, *Responding to Claims of Atrocities Against the Rohingya: Behind the Scenes of the 2018 Rohingya Documentation Project*, 54 CASE W. RESRV. J. INT' L. XX (detailing a description and assessment of lessons learned from our 2018 documentation mission into the crimes committed against the Rohingya in Myanmar's Rakhine State).

John Barton,³⁴ Maurice Copithorne,³⁵ Malcolm Grant,³⁶ Monroe Leigh,³⁷ Davis Robinson,³⁸ Dr. Jiří Toman,³⁹ and Edwin Williamson.⁴⁰ Subsequently, Justice Richard Goldstone⁴¹ and Ambassador Morton

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34. John Barton was a professor at Stanford Law School, a founder of the Center for International Security and Cooperation at Stanford, and a Senior Fellow at the Freeman Spogli Institute for International Studies. *John Barton, Professor Emeritus of Law, Dead at 72*, STAN. NEWS (Aug. 6, 2009), <https://news.stanford.edu/news/2009/august3/john-barton-obit-080609.html> [<https://perma.cc/C5DV-GYZL>].
35. Maurice Copithorne was a professor of international law at the Peter A. Allard School of Law at the University of British Columbia. He served in the Canadian Foreign Service, holding such positions as Legal Advisor and Director General of Legal Affairs, Canadian Ambassador to Austria and U.N. Agencies in Vienna, and Chair of the International Atomic Energy Board of Governors. He served as U.N. Special Representative on the Human Rights Situation in Iran. *Maurice Copithorne, QC*, PETER A. ALLARD SCH. OF L., <https://historyproject.allard.ubc.ca/law-history-project/profile/maurice-copithorne-qc> [<https://perma.cc/HK6R-A7C8>].
36. *Supra* note 15.
37. Monroe Leigh was an American political philosopher and diplomat. He served as Legal Adviser for the United States Department of State from 1975 to 1977. He also served as Legal Adviser for the United States Department of Defense. *Monroe Leigh Dies*, WASH. POST (Dec. 1, 2001), <https://www.washingtonpost.com/archive/local/2001/12/01/monroe-leigh-dies/16ba1ee6-3ffc-4478-a01f-1ea2a67a26ba/> [<https://perma.cc/MA4Z-RP2E>].
38. Davis Robinson was Legal Adviser to the U.S. Department of State from 1981 to 1985. During his tenure, he established the Iran-U.S. Claims Tribunal in The Hague and prepared and presented two major cases before the ICJ. *Davis Robinson*, WASHINGTON COLL. OF L., <https://www.wcl.american.edu/community/faculty/profile/drobinson/bio> [<https://perma.cc/ME53-JP9Q>].
39. Dr. Jiří Toman was a jurist and professor, at the Santa Clara University School of Law. He formerly directed the Henry Dunant Institute in Geneva. *Jiri Toman*, SANTA CLARA UNIV. SCH. OF L., <https://law.scu.edu/faculty/profile/toman-jiri/> [<https://perma.cc/7E8X-CMW7>].
40. Edwin Williamson is a Retired Partner at Sullivan & Cromwell. As the Legal Adviser of the U.S. Department of State in the early 1990s, he helped form the legal positions of the United States in the Persian Gulf conflict and the interventions into the Serbian-Bosnian war. *Edwin D. Williamson*, AM. COUNCIL OF TR. & ALUMNI, <https://www.goacta.org/board-member/edwin-d-williamson-esq/> [<https://perma.cc/5EVF-SDWU>].
41. Richard Goldstone was a Justice of the Constitutional Court of South Africa (1994–2003), the Chairperson of the Commission of Inquiry Regarding Public Violence and Intimidation in South Africa (1991–1994), and Chief Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda (1994–1996). He later became the chairperson of the International Independent Inquiry on Kosovo. *Hon.*

Abramowitz⁴² agreed to serve as co-chairs of our Advisory Board. With their public backing through their service on our Advisory Board, we continued to establish credibility in the international law and peacebuilding communities. The power of our growing PILPG network and community quickly created meaningful opportunities for our fledgling NGO.

The only senior professional to decline my invitation to join PILPG's advisory board was Keith Highet.⁴³ Keith had appeared before the International Court of Justice more times than any other American. Chris had put me in touch with Keith, as he was Chris' mentor. In true Keith fashion, he responded to my faxed letter of invitation to join the Advisory Board by faxing back: "No thank you, but would you care to join me for drinks at the Cosmos Club this Friday afternoon?" Sitting in the outdoor patio, he explained that he had too many ongoing cases and feared he might cause PILPG to be conflicted out of certain clients and did not want to trim the sails of a young entrepreneurial organization. He then proceeded to spend the next three hours discussing everything from grand strategy for PILPG to correcting a few embarrassing typos that I had in our one-page mission statement. I learned from Keith that one need not always be on the formal letterhead or hold a formal position to provide invaluable advice and guidance; and that as he put it, "You should ask everyone you admire for advice."

Richard Goldstone, WORLD JUST. PROJECT, https://worldjusticeproject.org/about-us/who-we-are/honorary-chairs/richard_goldstone [<https://perma.cc/329H-US9W>].

42. Morton Abramowitz was a Career Ambassador at the U.S. Department of State, serving in such positions as U.S. Ambassador to Thailand, U.S. Ambassador to Turkey, and Assistant Secretary of State for Intelligence and Research. He served as President of the Carnegie Endowment for International Peace and played a founding role in the creation of the International Crisis Group. See *Morton Isaac Abramowitz (1933-)*, U.S. DEP'T OF STATE, OFF. OF THE HISTORIAN, <https://history.state.gov/departmenthistory/people/abramowitz-morton-isaac> [<https://perma.cc/77SA-GJET>].
43. Keith Highet frequently handled cases before the International Court of Justice and taught international law at the Fletcher School of Law and Diplomacy at Tufts University, the Paul H. Nitze School of Advanced International Studies at Johns Hopkins University, the University of Paris, the George Washington School of Law, and the Ghana School of Law in Accra. William H. Honan, *Keith Highet, 67, Specialist in International Legal Cases*, N.Y. TIMES (Jul. 15, 2000), <https://www.nytimes.com/2000/07/15/us/keith-highet-67-specialist-in-international-legal-cases.html> [<https://perma.cc/CT7P-TTBD>].

A few years later when Keith moved from Curtis to McDermott Will & Emery, he invited Abe Chayes⁴⁴ and me to join his public international law practice as of counsel. In 1999, we filed a U.S.-based suit charging Yugoslavian President Milošević with genocide in Kosovo.⁴⁵ It was during this time that Keith encouraged me to make PILPG more than just a “pocket NGO” and to build out a sustainable organization that could have an impact for decades to come.

V. BUILDING AN INSTITUTION: AVOIDING THE RABBIT HOLE (AND GETTING A DAY JOB)

Upon the advice of Edwin Williamson, the former State Department Legal Advisor for Secretary James Baker and a boss of both myself and Michael, we had taken early and immediate steps to establish PILPG’s legal infrastructure. As soon as we decided to launch PILPG, Michael rang up Mark Barnett,⁴⁶ an associate at Steptoe & Johnson, who was Michael’s undergraduate school friend with whom he co-chaired the National High School Model United Nations program. Thanks to Mark’s help, we filed for and were granted 501(c)(3) status and were formally an official, recognized nonprofit organization in 1996.⁴⁷

Michael also reached out to Professor Peter Spiro,⁴⁸ who navigated the process of gaining Consultative Status to the United Nations Economic and Social Council for PILPG. Ironically, the committee dealing with NGO membership was chaired by Sudan. For over a

44. Abram Chayes was the Felix Frankfurter Professor of Law at Harvard Law School, where he taught for over 40 years. He served as Legal Advisor to the State Department during the Kennedy Administration. See *Professor Abram Chayes (1922–2000)*, HARV. L. SCH., <https://hls.harvard.edu/dept/ils/summer-work-abroad/professor-abram-chayes-1922-2000/> [<https://perma.cc/3Y62-EHZA>].

45. See Raymond Bonner, *Crisis in the Balkans: Lawsuit; Civil Action Accuses Yugoslavs of War Crimes*, N.Y. TIMES (May 29, 1999), <https://www.nytimes.com/1999/05/26/world/crisis-in-the-balkans-lawsuit-civil-action-accuses-yugoslavs-of-war-crimes.html> [<https://perma.cc/P2F2-WUAH>].

46. Mark Barnett is Chief Judge at the U.S. Court of International Trade. Prior to his appointment, Judge Barnett practiced in the international trade group at Steptoe & Johnson. He served at the Office of Chief Counsel for Import Administration at the U.S. Department of Commerce from 1995 to 2013. See *Chief Judge Mark A. Barnett*, U.S. CT. OF INT’L TRADE, <https://www.cit.uscourts.gov/content/chief-judge-mark-barnett> [<https://perma.cc/QU6Q-TKK3>].

47. *Public International Law and Policy Group*, CHARITY NAVIGATOR, <https://www.charitynavigator.org/ein/043309296> [<https://perma.cc/43CB-UMBB>].

48. See *supra* note 27.

decade to come, PILPG would be heavily involved in legal matters adverse to Sudan, such as the implementation of South Sudan's secession, the Abyei arbitration, the Darfur peace talks, and the Southern Kordofan and Blue Nile peace talks.⁴⁹ More recently, with the democratic transition, Sudan has become PILPG's pro bono client as we provide assistance with creating a truth commission and a court with jurisdiction to prosecute atrocity crimes.⁵⁰ Lesson learned: circumstances can change.

At this time, Michael and I also reached out informally to Drew Mann⁵¹ for strategic advice. Drew had served as part of the Yugoslav team at the Department of State while Michael and I were there, and subsequently took part in the dissent memorandum challenging U.S. policy toward Bosnia in 1992 to 1993.⁵² Drew had a knack for invention and social entrepreneurship, and the best piece of advice he gave us was to start serving our clients and then build out the infrastructure, rather than attempt to build the perfect nonprofit and spend too much time operating in hypotheticals when there were real needs on the ground. He had seen too many organizations fail to launch because they got stuck in the rabbit hole of institutional design. He also correctly predicted that working on the substance of peace and justice would give us the energy to complete the necessary paperwork and regulatory hoops of creating a 501(c)(3) nonprofit organization and identifying and navigating funding streams to expand our work. Drew has retired from the Department of State and is now formally PILPG's Strategic Advisor.

The final piece of prescient advice we received was from Edwin "Ed" Williamson,⁵³ who wryly noted that if Michael and I were to dedicate ourselves to a global pro bono law firm, our spouses would probably appreciate it if we found a day job as well. This perspective formed the core of one of our organizational tenets—if we engaged

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49. *See Sub-Saharan Africa*, PILPG, <https://www.publicinternationallawandpolicygroup.org/subsaharan-africa> [<https://perma.cc/ZH5H-P5M2>].
50. *See Expert Roundtable: Democratic Transformation in Sudan*, PILPG, <https://www.publicinternationallawandpolicygroup.org/sudan-democratic-transformation-next-steps> [<https://perma.cc/KMU9-N3MJ>].
51. *See Andrew C. Mann*, PILPG, <https://www.publicinternationallawandpolicygroup.org/drew-mann-bio> [<https://perma.cc/5ELB-C5TJ>].
52. *See e.g.*, Mark Matthews, *State Dept. Resignations Reflect Dissent on Bosnia U.S. Policy Called Weak, 'Dangerous'*, BALTIMORE SUN (Aug. 24, 1993, 12:00 AM), <https://www.baltimoresun.com/news/bs-xpm-1993-08-24-1993236006-story.html> [<https://perma.cc/2SZA-56EU>].
53. *See supra* note 40.

fellow professors interested in the “praxis of peace,”⁵⁴ we could build a sustainable organization that made a difference daily, rather than dedicating the bulk of our time to fundraising, as so many NGO leaders are forced to do. Shortly thereafter, in 1998, I took Ed’s advice and took a faculty position at American University’s School of International Service and Washington College of Law.

VI. OUR FIRST CLIENTS: THE SEEKERS OF PEACE AND JUSTICE

Macedonia, Bosnia, and the Office of the Prosecutor for the ICTY were our first three high-profile clients and kept with our commitment to represent the “good guys.”

As noted above, I had been doing quite a bit of public legal advocacy on the crisis in Bosnia.⁵⁵ This caught the attention of Ambassador Risto Nikovski,⁵⁶ the Ambassador of Macedonia to the United Kingdom. At a Croatian Embassy reception, he asked whether my firm and I would be interested in helping Macedonia’s government think through legal avenues for resolving the dispute with Greece. Since its independence, Macedonia had been embroiled in a dispute with Greece related to its name, flag, and identity, since there is a Greek region of that name as well. The consequences have included stalled movement in joining NATO and the European Union, as well as an economic blockade.⁵⁷ This dispute is embroiled in ethnic, historical, and geographic tensions between the two States.⁵⁸

The government of Macedonia, as the underdog, was quite keen on situating their argument within the precepts of international law. They hoped that the EU and the United States would respond, in part, to legal arguments relating to their right to choose their name and state symbols. The government of Macedonia was also interested in utilizing

54. Darin E.W. Johnson, *Praxis for Peace*, 54 CASE W. RSRV. J. INT’L L. XX (2022).

55. See *supra* text accompanying notes 4–14.

56. Risto Nikovski is a Macedonian Ambassador. Among other postings, he served as Member of the Council of International Relations, Undersecretary at the Ministry of Foreign Affairs, Special Advisor at the Federal Ministry for Foreign Affairs of former Yugoslavia, Undersecretary at Ministry of Information, as well as Ambassador to the Russian Federation, Albania, Great Britain, Ireland, and Iceland.

57. Joanna Kakissis, *For Two Countries, the Dispute Over Macedonia’s Name Is Rooted in National Identity*, NPR (Feb. 4, 2018, 2:19 PM), <https://www.npr.org/sections/parallels/2018/02/04/582506402/for-two-countries-the-dispute-over-macedonias-name-is-rooted-in-national-identity> [https://perma.cc/TMB2-C3PN].

58. *Id.*

international legal mechanisms to try to resolve the dispute parallel to political negotiations. To this end, they asked PILPG to prepare a detailed legal briefing on both the legal basis for their position and on how they might resolve the dispute at the ICJ.

Ambassador Nikovski arranged for me to travel to Macedonia to meet with President Kiro Gligorov⁵⁹ to walk him through the legal position and discuss how Macedonia might get the issue before the World Court. I met with President Gligorov on the terrace of Josip Broz Tito's Vila Biljana in Lake Ohrid. The villa would be the site of the conclusion of the Ohrid Agreement negotiations⁶⁰ a few years later, where PILPG and I would advise one of the parties to the talks.

While President Gligorov was not able to successfully secure jurisdiction of the International Court of Justice,⁶¹ he is widely credited with a pragmatic and legal approach to managing Macedonia's political and economic relationships with Greece while simultaneously trying to negotiate the name issue.⁶² Many years later, in 2018, the dispute was resolved by an agreement to refer to Macedonia as "North Macedonia" in official and diplomatic matters.⁶³

I learned three important lessons from PILPG's work with Macedonia. First, international law really does play a central role in resolving diplomatic disputes, and it is particularly sought-after from the underdog or disadvantaged party. Second, it became clear to me that top-flight legal analysis was not readily available to states outside of a handful of major powers. Third, it was a wise decision to not spend the early years building out an overly detailed infrastructure for

59. President Gligorov was the first President of the Republic of Macedonia. He played an active role in the Macedonian independence movement and international recognition process. *Kiro Gligorov, Macedonian Independence Leader Dead*, BBC (Jan. 2, 2012), <https://www.bbc.com/news/world-europe-16385730> [<https://perma.cc/G92E-TWNL>].

60. Hamza Karcic, *The Ohrid Agreement at 20: Legacy and Implications*, ANADOLU AGENCY (Sept. 8, 2021), <https://www.aa.com.tr/en/analysis/analysis-the-ohrid-agreement-at-20-legacy-and-implications/2358933> [<https://perma.cc/K2UT-SVQZ>].

61. See Application of Article 11, Paragraph 1, of the Interim Accord of 13 September 1995 (Former Yugoslavia Republic of Maced. v. Greece), Memorial, 2009 I.C.J. 70, ¶¶ 3.13–3.14 (July 20).

62. Constantine Buhayer, *Kiro Gligorov: President of Macedonia Throughout the Nineties*, INDEPENDENT (Jan. 9, 2012), <https://www.independent.co.uk/news/obituaries/kiro-gligorov-president-of-macedonia-throughout-the-nineties-6286840.html> (last visited Mar. 12, 2022).

63. Amanda Sloat, *Diplomacy Triumphs: Greece and Macedonia Resolve Name Dispute*, BROOKINGS (June 12, 2018), <https://www.brookings.edu/blog/order-from-chaos/2018/06/12/diplomacy-triumphs-greece-and-macedonia-resolve-name-dispute/> [<https://perma.cc/6Y8Y-R7A7>].

PILPG, but rather to get briefcases on the ground quickly to provide legal advice to States emerging from, or seeking to avoid, conflict.

A month after my trip to Macedonia, I was on a short trip to Washington, D.C. for some meetings. I was invited to drinks at the Jefferson Hotel with Bosnian Foreign Minister Muhamed “Mo” Sacirbey,⁶⁴ Ambassador (and future Foreign Minister) Sven Alkalaj,⁶⁵ and Marshall Harris.⁶⁶ Mo, as he was called by his friends, was a Bosnian-American from Cleveland who attended Tulane on a football scholarship, and after law school and business school became an investment banker on Wall Street. His father was close to President Izetbegović and Mo was tapped to be Bosnia’s highly effective Ambassador to the United Nations before becoming Foreign Minister. Marshall Harris resigned his commission as a Foreign Service Officer in opposition to the U.S. Government’s policy in the Balkans and started the highly influential Action Council for Peace in the Balkans, which brought together key former U.S. and international officials to argue for a more assertive and effective policy in the Balkans.

Mo asked if I would consider joining the Bosnian delegation to the upcoming Dayton peace negotiations as their legal advisor.⁶⁷ My first response was, “But don’t you have a lawyer?” They answered that obviously, yes, but they were mostly of the socialist legal tradition of the former Yugoslavia with a focus on the regulation of socialist

64. Muhamed Sacirbey is a Bosnian-American lawyer, businessman, and diplomat. He served as Bosnia’s Ambassador to the United Nations and as Minister of Foreign Affairs. *An Afternoon with Ambassador Muhamed Sacirbey*, FONTBONNE UNIV., <https://griffinshare.fontbonne.edu/bosnia/2015/2015/3/> [<https://perma.cc/44L5-SG7K>].

65. Ambassador Sven Alkalaj is the Permanent Representative of Bosnia and Herzegovina to the United Nations. He previously served as Bosnia’s Minister of Foreign Affairs and executive secretary of the United Nations Economic Commission for Europe. He served as the first Bosnia and Herzegovina Ambassador to the United States. Press Release, United Nations, New Permanent Representative of Bosnia and Herzegovina Presents Credentials, U.N. Press Release BIO/6997 (July 5, 2019), <https://www.un.org/press/en/2019/bio5226.doc.htm> [<https://perma.cc/8PRA-GL7G>].

66. Marshall Harris was a U.S. foreign service officer until 1993, when he resigned in protest against U.S. inaction in Bosnia. He then co-founded the Balkan Action Council. He later worked as Senior Scholar and Vice President at Freedom House. He served as advisor to U.S. Senate Majority Leader Bob Dole, as well as an advisor to the Dayton Peace Talks and the Kosovo delegation to the Rambouillet talks. Following Montenegro’s independence, he advised the country in pursuit of U.S. recognition of its independence and advised Bosnia in its genocide case against Serbia before the ICJ. *Who We Are*, ALEXANDRIA GRP. INT’L, <http://www.alexandriagroupinternational.com/about-us.html> [<https://perma.cc/VBR6-HV5Z>].

67. *See generally* CARL BILDT, PEACE JOURNEY: THE STRUGGLE FOR PEACE IN BOSNIA (1999); RICHARD HOLBROOKE, TO END A WAR (1999).

economic enterprises, not in comparative State practice of peace negotiations or human rights and accountability mechanisms. This lack of international legal talent was to become a recurring theme throughout PILPG's work around the globe. The simple reality was that it made no sense for a domestic lawyer in Bosnia to launch a career in peace negotiations. Peace negotiations are almost always one-off events. Similarly, it would never be a wise move to specialize in atrocity-crime prosecution in Saddam Hussein's Iraq, or Muammar Gaddafi's Libya (countries in which PILPG would subsequently help new governments establish such mechanisms).

I was particularly keen to attend the Dayton talks,⁶⁸ as my family was from Dayton, Ohio and my father had attended the University of Dayton. When I arrived at the Dayton airport, I was met by a young Lieutenant whose job was to escort me onto the Wright-Patterson Air Force Base where the talks were being held. He joked with me that the staff assumed that I had been put on the wrong delegation because my name was the only name on the Bosnian delegation list that they could pronounce.

I arrived at the Hope Hotel on the Base a day before the Bosnian delegation. As I walked down the hallway to my room, there was a workman with his head buried deep in the phone junction box. The lieutenant sheepishly told me that he was "just fixing the phones." I made it a point to preface every phone call I made from my room with "Hello, this is Paul, an American citizen, and we are going to discuss attorney-client privileged matters." I thought I might have been being overly cautious until Richard Perle⁶⁹ later asked me where the laundry room was located. I told him that the base had arranged for a dry-cleaning service. His response was, "Yes, I know, but that is going to be our conference room—bring your stack of quarters."

After the opening ceremony of the negotiations, President Izetbegović called me into his suite down the hallway from my room. He and Mo Sacirbey listed out fourteen key objectives that the Bosnians wanted to accomplish at Dayton. The President told me that he was counting on me to be the "objective" member of the delegation who would track whether Bosnia was successfully ensuring that its objectives were accomplished in the draft agreements. When I asked

68. See, e.g., *Summary of the Dayton Talks*, UNIV. OF MINNESOTA HUM. RTS. LIBR. (Nov. 30, 1995), <http://hrlibrary.umn.edu/icty/dayton/daytonsum.html> [<https://perma.cc/J7JZ-TH6P>].

69. Richard Perle is a political advisor, who served as Assistant Secretary for Global Strategic Affairs from 1981 to 1987. Under the George W. Bush Administration, he served as the Chairman of the Defense Policy Board Advisory Committee. *Interview: Richard Perle*, FRONTLINE, <https://www.pbs.org/wgbh/pages/frontline/shows/iraq/interviews/perle.html> [<https://perma.cc/R3AF-TYH9>].

him if he thought I was objective because I was not Bosnian, he said, “Oh no, it’s because you’re our lawyer.” The day before the end of the negotiations, the three of us had another meeting, and I walked him through how the delegation had achieved approximately half of its objectives. I asked him if he was going to sign the agreement. He said yes and sighed. I asked why. He said, “Because we will be getting 50,000 troops from NATO and Sarajevo will not have to go through another winter of hell.”

During the negotiations, the Bosnian delegation employed the tactic of getting their draft on top first to reach the eyes of the mediation more immediately. When the mediators came out with the first draft of the Framework Agreement, the Bosnian delegation also sought to do a line-by-line rebuttal and adjustment. The Secretariat was kind enough to give us a copy of the mediations draft on a 3.5-inch floppy disk. That evening, we made the redline edits and pushed printed copies under the chief mediators’ doors. The next morning, with the draft in hand, Michael Wood of the British delegation looked at us and said, “Very impressive, but you are not going to do this every night are you?” Thereafter, the Secretariat would only give us hard copies and not electronic copies, in order to discourage us from redlining each of the ten annexes.

A few days into the negotiations, Richard Perle and Doug Feith⁷⁰ arrived to provide additional assistance to the Bosnian delegation. Mo Sacirbey asked me to partner with Richard and bring him up to speed on the IFOR Annex, which provided for the deployment of NATO troops into Bosnia.⁷¹ I handed Richard a copy and was prepared to give him an overview and then to type up his thoughts and talking points for the next meeting. Instead, Richard asked to borrow my pen, and then sat there and read the entire fifteen-page annex line by line making detailed comments in the margin. If he was going to lean into the negotiation with Richard Holbrooke and General Wesley Clark, he wanted to know every word of the document.⁷² Lesson learned: you are never too senior to read the document.

70. Douglas Feith is a former U.S. Under Secretary of Defense, Middle East specialist at the National Security Council, and special counsel at the Pentagon. He is a Senior Fellow at the Hudson Institute. *Douglas J. Feith*, HUDSON INST., <https://www.hudson.org/experts/552-douglas-j-feith> [<https://perma.cc/YDX7-HM5M>].

71. The General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 1A: Agreement on the Military Aspects of the Peace Settlement, Dec. 14, 1995, 35 I.L.M. 75.

72. The New York Times wrote a colorful article on Richard’s role at Dayton. See Elaine Sciolino, *At the Talks, Raging Bull Meets Bulldog, Cordially*, N.Y. TIMES (Nov. 18, 1995), <https://www.nytimes.com/1995/11/18/world>

I did not have the gravitas of Richard Perle, or the depth of experience of Doug Feith, but I held my own and contributed to the negotiations by remembering Malcolm's axiom that everything in life is a team sport. I am convinced that I had the highest phone bill of any participant in the negotiations, given that I was constantly on the line with my PILPG teammates bouncing ideas and preparing draft counterproposal language.

During the negotiations, I also learned the value of melding the legal and the political in order to build the foundation of a functional and durable peace agreement. During the negotiations, the Bosnians were under substantial pressure to make concessions that would likely cripple the functionality of any future government. Holbrooke threatened to bring an end to the peace talks and blame it on the Bosnians, but before this happened, the Bosnians were able to reach out to Senator Bob Dole, who was deeply invested in the peace process, and have him engage in public remarks backing the Bosnian delegation.⁷³ This intervention prevented some of the most egregious provisions from being worked into the Dayton Accords. At the end of the day, the peace agreement was highly dysfunctional, but much less so than it would have been without Senator Dole's intervention.⁷⁴

This experience also taught our fledgling firm an important lesson that we would take into all subsequent peace negotiations: many promises are made and kept deliberately outside of the written agreement. It is incumbent upon the lawyer in the room to make sure any promises made to the client are memorialized in writing. If these promises are not in writing, they effectively do not exist. This was the story at Dayton with an oral commitment made by the senior Americans at the talks—the Secretary of State, the Secretary of Defense, and a three-star general—that the United States would ensure the immediate lifting of the U.N. arms embargo on Bosnia and would arm and train Bosnian government forces to a level of defensive parity with all Serbian forces operating in Bosnia. At many points during the negotiations, the Americans rationalized to our clients why this promise should not be in writing, but it was very important to my clients that it should be in writing. As their lawyer, I sought to find a space to put these oral promises in writing, and I wrote it in an op-ed.⁷⁵

/at-the-talks-raging-bull-meets-bulldog-cordially.html [https://perma.cc/J449-MDNF].

73. See Hamza Karčić, *Saving Bosnia on Capitol Hill: The Case of Senator Bob Dole*, 13 J. TRANSATLANTIC STUD. 20, 34 (2015).

74. See *id.* at 20–29.

75. Paul R. Williams, *Promise Them Anything*, WKLY. STANDARD (Dec. 18, 1995, 12:00 AM), <https://www.washingtonexaminer.com/weekly-standard/promise-them-anything> [https://perma.cc/R7AL-UUCH].

Following our work at Dayton, PILPG was invited in fairly rapid succession by Estonian Ambassador (and future President) Toomas Hendrik Ilves⁷⁶ to advise the Estonian government on territorial negotiations with Russia relating to the (non-) implementation of key provisions of the Treaty of Tartu;⁷⁷ by Kosovar Prime Minister Bujar Bukoshi⁷⁸ and President Ibrahim Rugova⁷⁹ to join the Kosovar delegation to the Rambouillet peace talks;⁸⁰ and by Foreign Minister Vartan Oskanian⁸¹ to advise the Armenian government during the Key West negotiations⁸² relating to Nagorno-Karabakh.

Meanwhile, Michael was making great strides in establishing our war crimes prosecution practice area. He was invited to present at an international criminal law workshop in Syracuse, Sicily organized by Cherif Bassiouni shortly after Richard Goldstone was appointed Prosecutor of the ICTY in August 1994. Drew Mann had earlier introduced me to Richard at a breakfast hosted at Drew's home in The Hague while I was there on a social visit.

When Michael boarded the bus from the hotel to the conference center, Richard was sitting in the front seat behind the driver and the seat next to him was empty. Michael, seeing the opportunity before him, plopped down next to Richard Goldstone and started a conversation for the thirty-minute journey. They ended up taking the same seats on the way back to the hotel and both ways for three days.

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76. Toomas Hendrik Ilves served as President of Estonia from 2006 to 2016. He was previously Estonian Minister of Foreign Affairs from 1996 to 1998, and again from 1999 to 2002. He served as a Member of the European Parliament. *Toomas Hendrik Ilves*, CEPA, <https://cepa.org/our-people/toomas-hendrik-ilves/> [<https://perma.cc/8ZPG-PADQ>].
77. *See* Treaty of Tartu, Est.-Russ., Feb. 2, 1920, 11 L.N.T.S. 30.
78. Bujar Bukoshi was the Prime Minister of the Republic of Kosova from 1991 to 2000. He also served as the Minister of Healthcare in Kosovo. ROBERT ELISE, *HISTORICAL DICTIONARY OF KOSOVA* 33 (2004).
79. Ibrahim Rugova served as President of the Republic of Kosova, serving from 1992 to 2000. He served as President again from 2002 to 2006. Perparim Isufi, *Ibrahim Rugova: Pacifist Father of Kosovo's Independence*, BALKAN TRANSNATIONAL JUST. (Jan. 21, 2020, 12:37 PM), <https://balkaninsight.com/2020/01/21/ibrahim-rugova-pacifist-father-of-kosovos-independence/> [<https://perma.cc/XE7U-275T>].
80. *See* Interim Agreement for Peace and Self-Government in Kosovo, Kos.-Serb.-Yug., Feb., 23, 1999, U.N. Doc S/1999/648.
81. Vartan Minasi Oskanian was the Foreign Minister of Armenia from 1998 to 2008, during which time he served as the negotiator of the Key West peace talks. He is the founder of the Civilitas Foundation. *See* VARTAN OSKANIAN, *SPEAKING TO BE HEARD: A DECADE OF SPEECHES* 15 (2008).
82. *See* Jean-Christophe Peuch, *Armenia/Azerbaijan: International Mediators Report Progress on Karabakh Dispute*, RADIO FREE EUR. (Apr. 10, 2001), <https://www.rferl.org/a/1096184.html> [<https://perma.cc/2YCF-U4P9>].

During their bus conversations, they got to know each other well, and Richard confided that his office was understaffed and had no law library. Michael offered the services of PILPG and the law school where he had begun to teach, Case Western Reserve University School of Law, to provide research assistance on the novel legal issues facing his office. He and Richard signed a memorandum of understanding, and over the course of the subsequent years, Michael and PILPG provided over 250 research memos to the ICTY; the Rwanda Tribunal; the Sierra Leone Tribunal; the Cambodian Extraordinary Chambers; the Lebanon Tribunal; and the International Criminal Court; as well as the Iraqi High Tribunal; the Uganda High Court War Crimes Chamber; piracy courts in Mauritius, Seychelles, and Kenya; and INTERPOL.⁸³

Building upon this early client base, over the past twenty-five years PILPG has provided legal assistance with over two dozen peace negotiations and over two dozen post-conflict constitutions, and has assisted every international and hybrid criminal tribunal, as well as helped to create several domestic transitional justice mechanisms.⁸⁴ We have worked with clients from Afghanistan, Armenia, Bosnia, Botswana, Burma, Cambodia, Côte d'Ivoire, Czech Republic, Darfur, Dutch Antilles, East Timor, Estonia, Ethiopia, Georgia, Iraq, Kenya, Kosovo, Lebanon, Liberia, Libya, Macedonia, Mauritius, Montenegro, Nagaland, Nagorno-Karabakh, Nepal, Northern Cyprus, the Philippines, Poland, Rwanda, the Seychelles, Sierra Leone, Somalia, Somaliland, South Africa, South Sudan, Sudan, Sri Lanka, Syria, Tanzania, Tunisia, Uganda, Ukraine, Yemen, and Zimbabwe.⁸⁵

VII. LEVERAGING AND AMPLIFYING WITH INSTITUTIONAL SUPPORT

As I was preparing to leave Cambridge in 1996, Ed Williamson was kind enough to make me an offer to join Sullivan & Cromwell as a corporate associate. I was very much looking forward to this phase of my career. While in Washington, D.C. for a Bosnia conference at the Willard Hotel, Richard Perle and I were standing by the coffee bar and I had just told him but I was going to likely go work with Ed. When Ambassador Mort Abramowitz, the President of the Carnegie Endowment for International Peace, walked up, Richard turned to him and said, "Mort, you have to give Paul a job at Carnegie so that he can keep doing his work on Bosnia." Mort was a little flustered, but he

83. See, e.g., *Home*, PILPG, <https://www.publicinternationallawandpolicygroup.org/> [<https://perma.cc/645X-Q6KK>].

84. *Id.*

85. See *Clients*, PILPG, <https://www.publicinternationallawandpolicygroup.org/clients-regions> [<https://perma.cc/8YJN-HNDH>].

indicated I should call his executive assistant and get on his calendar for later in the week.

When I arrived for the interview with Mort, I started to pitch the idea of research and advocacy on the situation in Bosnia. Mort interrupted me and said, “Don’t you run a global pro bono law firm that no one has ever heard of, and has an acronym no one can pronounce?” I just happened to have a copy of our mission statement and our quarterly update on hand, and I handed it to Mort and walked him through what we were doing and what I hoped to do with PILPG in the coming years. A week later, Mort made me an offer to join the Carnegie Endowment as a senior associate, and to use the time to build out PILPG, and create a public international law program within Carnegie. Years later, I asked Mort why he was willing to take such a risk with a young professional who basically had an idea and an NGO with his friends. Mort replied that he “liked to work with people who built things.”

Mort applied this same principle to his work as President of the Carnegie Endowment.⁸⁶ He is notable for the degree to which he redesigned and restructured the Carnegie Endowment, launching offices and programs in Moscow and Beirut. Mort also founded the International Crisis Group to serve as the world’s eyes and ears for impending conflicts, and with a highly influential board that could mobilize effective action from global policymakers.

Mort, ever the builder, suggested that PILPG forge partnerships with major law firms. He connected us with a friend of his named Lloyd at Wilmer, Cutler & Pickering (now WilmerHale). One day he offhandedly told me that he had made an appointment with me to go see Lloyd at the firm. As I did my research to prepare for the meeting, I realized that Lloyd was, in fact, Lloyd Cutler,⁸⁷ one of the name partners of the firm, who had previously served as President Carter’s White House counsel. When I went to the meeting, Lloyd was joined by Shelby Quast,⁸⁸ visionary lawyer. Early in the conversation Lloyd

86. Morton Abramowitz served as the President of the Carnegie Endowment from 1991 to 1997. *See supra* note 42.

87. Lloyd Cutler served as White House Counsel during the presidential administrations of Jimmy Carter and Bill Clinton. He co-founded the firm Wilmer, Cutler & Pickering and co-chaired the Lawyers’ Committee for Civil Rights Under Law. David L. Hudson Jr., *Lloyd Cutler*, FIRST AMENDMENT ENCYC. (2009), <https://www.mtsu.edu/first-amendment/article/1394/lloyd-cutler> [<https://perma.cc/PMK5-X5W9>].

88. Shelby Quast is the Co-Founder of VoteEquality.us, the Principal/CEO of Robertson, Quast & Associates, and the former Americas Director of Equality now. Shelby previously served as the Director General of the International Legal Assistance Consortium (“ILAC”), the Executive Director of Partners for Gender Justice, and an Adjunct Professor at the

said to me, “Mort says that I need to give you pro bono support to help countries sort out their peace negotiations. Shelby has agreed to build a team to help us do just that.” Shelby, joined by Nancy Furman,⁸⁹ and Andy Lorentz,⁹⁰ and subsequently with the oversight and support of Gary Born, provided crucial lawyering on some of the trickiest legal problems facing our clients.

Our “pocket NGO” was now housed at a prominent think tank and supported by one of the world’s leading law firms. Other law firms soon followed suit and partnered with PILPG to provide pro bono contributions to our clients around the world. Melanie Nakagawa,⁹¹ one of my very first students-turned-PILPG-Law Fellows, came up with the idea of regularizing and expanding our relationships with law firms. She first pitched the idea to Baker McKenzie in 2003, which institutionalized the relationship and set about building global teams to assist PILPG. Brett Edwards⁹² subsequently joined PILPG and built our law firm pro bono relationships into a \$15 million-per-year in-kind contribution revenue stream, allowing PILPG to aid over a dozen clients on a regular basis.⁹³

Catholic University of America Columbus School of Law and American University. *Team*, US END FGM/C NETWORK, <https://endfgmnetwork.org/about/team/> [<https://perma.cc/HA2P-DSY6>].

89. Nancy Furman Paul is former Counsel at WilmerHale, Director of Strategic Partnerships at Bloomberg BNA, and Senior Product Manager at Hobsons. She is currently the Senior Product Manager at PowerSchool. Nancy Furman Paul, LINKEDIN, <https://www.linkedin.com/in/nancyfurmanpaul/> (last visited Mar. 14, 2022).
90. Andrew J. Lorentz is a Partner at Davis Wright Tremaine LLP. He is the co-chair of DWT’s FinTech practice. *Andrew J. Lorentz*, DAVIS WRIGHT TREMAINE LLP, <https://www.dwt.com/people/1/lorentz-andrew-j> [<https://perma.cc/3DJ5-RJW4>].
91. Melanie Nakagawa is the Special Assistant to the President and Senior Director for Climate and Energy at the National Security Council. Previously, she was Director of Climate Strategy at Princeville Capital and a Non-Resident Fellow at the Center on Global Energy Policy. She served as the Deputy Assistant Secretary for Energy Transformation at the U.S. Department of State and a Senior Energy and Environment Counsel at the U.S. Senate Foreign Relations Committee. *Melanie Nakagawa*, RENCONTRES ECONOMIQUES, <https://www.lesrencontreseconomiques.fr/en/speakers/melanie-nakagawa> [<https://perma.cc/JB2U-9CCT>].
92. Brett Ashley Edwards is a Senior Peace Fellow at PILPG. She previously served as PILPG’s Executive Vice President and Vice President of Strategic Partnerships. Brett Ashley Edwards, LINKEDIN, <https://www.linkedin.com/in/brett-ashley-edwards/> (last visited Feb. 25, 2022).
93. PILPG maintains active pro bono relationships with many of the world’s top law firms, including: Baker McKenzie; Cleary Gottlieb; Covington & Burling; Davis Polk; Debevoise; Dechert; DLA Piper; Eversheds Sutherland;

As PILPG built out its institutional structure, we started to explore funding opportunities in addition to the law firm in-kind contributions. Stephen Del Rosso⁹⁴ at the Carnegie Corporation of New York was brave enough to take a chance with PILPG. He awarded us a series of grants to work on State secession and peacebuilding, which enabled us to expand our contribution to the academic discourse at the core of the issues PILPG was attempting to address.⁹⁵

Before our relationship with Carnegie began, PILPG sought to stay out of the public eye, going out of our way to avoid a public-facing brand identity. One day Stephen sponsored a public affairs workshop for his grantees so that they could polish their organizations' internet presences. The leader of the session was somewhat surprised that PILPG did not have even a rudimentary website. Stephen wondered how we would tell the story of our work, and how Carnegie supported it, if we did not have a website. I took the hint, and that year we built out our website.

Today, with an online following of over 45,000 followers across multiple social media platforms, it seems unimaginable that at one point PILPG had no online presence. Our use of social media helps us keep in touch and spotlights our network and community, keeping the bonds strong across PILPG alumni, former clients, and our current team. Even more importantly, perhaps, once we pivoted to public-facing communication of the kind of assistance we provided to parties in peace negotiations, our pro bono client base grew exponentially.

As professors at Case Western Reserve University School of Law, and American University Washington College of Law and School of International Service, Michael and I created experiential learning programs in order to help train the next generation of the best and the brightest. Michael created a war-crimes prosecution practicum at Case

Gibson Dunn; Milbank; Morrison & Foerster; Orrick; Shearman & Sterling; Skadden; Sullivan & Cromwell; Weil; and White & Case.

94. Stephen J. Del Rosso is the Program Director for International Peace and Security at the International Program at the Carnegie Corporation of New York. He spent a decade in the U.S. Foreign Service. *Stephen J. Del Rosso*, CARNEGIE CORP. OF N.Y., <https://www.carnegie.org/about/trustees-and-staff/stephen-del-rosso/> [<https://perma.cc/P3P6-4N57>].

95. PILPG receives funding from a variety of governments, foundations, and international organizations, including the governments of the United States, Ireland, Canada, the United Kingdom, Germany, Sweden, and the Netherlands; the United Nations; and private individuals.

Western,⁹⁶ and I created the Lawyering Peace program at American.⁹⁷ Over the last twenty years, we have trained over a thousand young professionals in the art of prosecuting those responsible for atrocity crimes and negotiating durable peace.⁹⁸

The final piece of institutional support necessary for a successful and sustainable NGO is funding. For the first decade of PILPG's work, we focused on private foundations and leveraging our institutional affiliations and our law firm relationships. At American University, Elisabeth Dallas had the office next to mine.⁹⁹ She had left American University to pursue a master's degree in Public International Law and Negotiation/Conflict Resolution at the Fletcher School at Tufts University. She rang me one day and suggested that PILPG needed to secure U.S. government funding and establish offices overseas. I was a bit skeptical, given the Herculean effort that it takes to secure and manage U.S. government funding, but I did tell her that if she was able to find a grant, I would happily hire her and send her overseas. She then rather promptly secured a grant from USAID to provide support to Sri Lankan Peace negotiations.¹⁰⁰ Elisabeth became our first overseas Chief of Party, and launched a relationship with the U.S. government, and subsequently with Canadian, British, Dutch, European Union, and United Nations funders. She also created a blueprint for establishing PILPG offices around the globe, including in Amman, Baghdad, Cairo, Dar es Salaam, Gaziantep, Hargasia, Istanbul, Juba, Kathmandu, Khartoum, Nairobi, Pristina, Sarajevo, Tbilisi, Tripoli, and Yangon.

96. See Henry T. King, Jr. *War Crimes Research Office*, CASE W. RSRV. UNIV. SCH. OF L., <https://case.edu/law/centers-institutes/cox-international-law-center/henry-t-king-jr-war-crimes-research-office> [<https://perma.cc/BY4Z-9626>].

97. See *Lawyering Peace Program*, WASHINGTON COLL. OF L., <https://lawyeringpeaceprogram.org/about/> [<https://perma.cc/SW9J-97GV>].

98. See *id.*; see also Henry T. King, Jr. *War Crimes Research Office*, *supra* note 96.

99. Elisabeth Dallas is the Vice President of the Stabilization and Transition Practice at DT Global. Previously, she was the Director of Chemonics International's Peace, Stability, and Transition Practice. She also served as a Senior Conflict & Peacebuilding Advisor in the U.S. Agency for International Development and as a Senior Program Director and Chief of Party at PILPG. *Elisabeth Dallas*, DT GLOB., <https://dt-global.com/company/about/leadership/regional/elisabeth-dallas> [<https://perma.cc/6V7E-Z9J9>].

100. See *id.*

VIII. MAINTAINING STRATEGIC OPTIMISM

Throughout those early years, it was imperative to maintain a sense of strategic optimism. It would have been very easy to listen to the naysayers who said that we could not create a brand-new pro bono law firm in this field, or those who said that we could not, or should not, reinvent how a high-impact nonprofit organization operates. It would have been easier to create a list of reasons why we should not have forged ahead. Had we listened to the pessimists, rather than engaging in strategic optimism, bolstered by a broad network of legal practitioners, former government officials, academics, and peace-seekers, the landscape of peace and justice in the world may have been drastically different.

This optimistic, entrepreneurial spirit has consistently allowed us to push the envelope of what PILPG can become. We began with just one twenty-nine-year-old embedded in the Bosnian delegation at the Dayton negotiations (with five friends on speed dial), but we have been able to grow into a pre-eminent global pro bono law firm engaged in peace negotiations and transitional justice. In 2005, several of PILPG's clients nominated the organization and its directors for the Nobel Peace Prize for "significantly contributing to the promotion of peace throughout the globe by providing crucial pro bono legal assistance and in bringing war criminals to justice."¹⁰¹

Each year, we reinvent the playbook for what a nonprofit organization looks like. We are forging ahead with our vision of a community of scholar-practitioners providing pro bono legal advice of the highest quality. Nonprofit organizations have notoriously short life spans.¹⁰² As President of PILPG, I approach each year as if I am leading a start-up organization. To avoid this fate, we consistently reevaluate our staffing structure, the kinds of clients we take on, the kinds of services we provide, and the funding streams we seek. Just as our

101. *Michael Scharf '88 Nominated for Nobel Peace Prize*, DUKE L. NEWS, <https://web.law.duke.edu/features/2005/scharf/> [<https://perma.cc/ZS6F-P5SW>].

102. The National Center on Charitable Statistics analyzed the average life expectancy for nonprofit organizations and found that thirty percent of organizations shut their doors within the first ten years of their existence. See Tracy S. Ebarb, *Nonprofits Fail—Here's Seven Reasons Why*, NANOE (Sept. 7, 2019), <https://nanoe.org/nonprofits-fail/> [<https://perma.cc/UD5E-JZUV>]. In 2016, Forbes boldly asserted that half of all nonprofit organizations are set up to fail within the next decade due to lack of leadership transition planning. See Ian Altman, *Half of Nonprofits Are Set Up to Fail—How About Your Favorite?*, FORBES (Mar. 20, 2016), <https://www.forbes.com/sites/ianaltman/2016/03/20/half-of-nonprofits-are-setup-to-fail-how-about-your-favorite/?sh=44d2b03c4619> [<https://perma.cc/3L5R-ZWLQ>].

lawyers keep abreast of the latest innovations in public international law, PILPG also strives to stay at the cutting edge of nonprofit organizational management.

PILPG has changed significantly, from the idea hatched over a couple of Old Speckled Hens in a pub, to a major player on the landscape of international public law. At its core, however, PILPG remains a community—a network of highly-dedicated legal professionals, academics, former government officials, and talented young professionals working together to lawyer peace.

Since 2020, we have doubled down on the concept of PILPG as a network and a platform that uses its collective legal and policy acumen to advise clients on the thorniest issues standing in the way of durable peace. We pivoted to remote working prior to the pandemic to reenergize the global bonds and connections across our team. We doubled down on the connections and the expertise of our PILPG Senior Peace Fellows, a cohort of senior legal professionals, academic-practitioners, and retired diplomats. We forged three cohorts of senior professionals, international experts, local experts, and former clients in the topical areas of atrocity crimes prosecution, atrocity crimes investigation, and local transitional justice processes, all in service of our pro bono mission.

Without academic institutions, scholar-practitioners, and law firm partners with a desire to make a difference, we could never have worked in as many conflict contexts or have lawyered peace in the high-impact way that we have done for the past twenty-five years. Peacebuilding continues to be an in-demand field, as conflicts grow increasingly intractable and the desire for justice persists around the globe. Though our clients will change depending on the evolution of conflicts, PILPG remains well positioned to continue to provide top-notch legal services to states, sub-state actors, opposition groups, self-determination movements, and civil society for many decades to come.