

Pro Bono A Special Report

Giving Peace a Legal Chance

Public International Law & Policy Group takes pro bono to a global level.



BY MIYA NAZZARO

Attorneys volunteering with the Public International Law & Policy Group not only practice public international law in countries worldwide, but they also shape the course of history by promoting the peaceful resolution of ethnic and territorial conflicts.

Operating as a global nonprofit law firm, the Public International Law & Policy Group provides pro bono legal services to developing states and states in transition involved in conflicts. To date, PILPG attorneys—volunteers from law firms and former State Department advisers—have provided legal counsel for more than a dozen countries on the legal aspects of peace negotiations and constitution drafting, as well as for 15 countries in Europe, Asia, and Africa concerning the protection of human rights, self-determination, and the prosecution of war crimes.

“PILPG aims to be the premier provider of pro bono public international legal assistance to states in transition,” says Executive Director Paul Williams, also a professor at the Washington College of Law at American University.

Recently, several of PILPG’s clients nominated the organization and its directors for the 2005 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.”

RAPID DEPLOYMENT

PILPG can rapidly deploy lawyers skilled in public international law and conflict resolution to assist countries in negotiating peace agreements or in drafting post-conflict constitutions. Says former PILPG research associate Gina El Koury, who

served as a legal adviser to a Somalia delegation in the Eldoret peace talks, “During the early stages of the Somalia peace talks, PILPG played a crucial role in resolving key disputes surrounding the cease-fire agreement, a pivotal step necessary in bringing about the eventual success of the negotiations.”

Recently, PILPG sent a team of five lawyers to Iraq at the request of the chairman of the Iraqi Constitution Drafting Committee to help in reviewing comparative state practice and crafting language to resolve some of the most contentious issues facing the drafters. The team helped them design a federal-state structure capable of incorporating the varied interests of the three dominant Kurdish, Shia, and Sunni parties while also protecting the rights of an array of minority populations. In addition, the PILPG team assisted the committee in balancing the need to protect women’s rights with the desire to respect Islam as a primary source of law and legislation.

The most difficult task the committee faced was devising a formula for allocating the wealth generated from Iraq’s oil resources, which account for more than 90 percent of the country’s revenue. PILPG called upon the expertise of its volunteer members to learn about the ways in which other countries had allocated oil revenue. From this information, the drafters, with the help of PILPG, developed three alternatives for allocating revenue so that it could fund the central and regional governments and allow additional resources to go to regions devastated during the reign of Saddam Hussein.

PILPG has provided similar assistance to the Bosnian government, during the Dayton peace negotiations; the Kosovar Albanian delegation, during the Rambouillet talks; the Armenian delegation, during the Nagorno-Karabakh peace talks in Key West, Fla.; a Somali delegation, during the Eldoret peace talks; the Georgian government, during its negotiations with the break-away republic of Abkhazia; the Macedonian Albanians, during the Lake Ohrid peace negotiations; and the governments of Montenegro, Liberia, and Afghanistan, during the drafting of their post-conflict constitutions.

According to Stimson Center research associate Elisabeth Dallas, who was the PILPG adviser to the Montenegrin delegation during negotiations with Serbia, "PILPG's accomplishments demonstrate that pro bono public international legal assistance can make a difference in promoting peace, justice, and security around the globe." Daoud Yaqub, director of policy for Afghanistan's National Security Council, adds, "The assistance provided by PILPG and its directors has substantially contributed to the ability of Afghanistan to transition to a stable democratic state."

PILPG also provides legal assistance to all the major international war crimes tribunals. Notes Case Western Reserve University law professor Michael Scharf, director of PILPG's war crimes practice area, "From the contours of command responsibility to the definition of genocide, PILPG has provided research assistance to the international prosecutors on virtually every major legal issue pending before the four international war crimes tribunals."

PILPG's efforts to assist war crimes tribunals began when the chief prosecutor for the Yugoslav and Rwanda tribunals, Judge Richard Goldstone, accepted an offer by PILPG to conduct legal research on fundamental questions of law facing the tribunals. David Crane, the chief prosecutor for the Special Court for Sierra Leone, says that the legal memorandums provided by PILPG have "paved the way for groundbreaking decisions by the appellate chamber of the international tribunal in Sierra Leone in such important areas as child soldiers, gender crimes, and the head of state immunity." Crane adds, "PILPG has greatly assisted the tribunal in changing the jurisprudence in international law in ways that, in my mind, will actually change the course of legal history." PILPG is also advising the Iraqi special tribunal charged with prosecuting Hussein.

Moreover, PILPG publicly advocates for the aggressive prosecution of suspected war criminals. According to James Hooper, a PILPG managing director, "PILPG's strong advocacy of the need to hold Slobodan Milosevic accountable for war crimes during his rule was a key factor in the campaign to transfer him to the Hague and promote political development in the Balkans."

AGAINST HUMANITY

PILPG has been called upon by clients such as the Anuak in Ethiopia to assist them in preparing a provisional complaint to

be filed with the International Criminal Court alleging that certain government institutions were responsible for crimes against humanity in the Anuak homeland. PILPG also prepared a detailed public legal memorandum outlining the case for identifying the atrocities in Darfur as genocide, and is working with the Darfur political representatives to prosecute those responsible for the genocide.

Furthermore, PILPG conducts diplomacy training programs modeled after those the U.S. State Department uses to train diplomats before international negotiations. PILPG's simulations are designed to train parties on negotiating techniques and to assist in the development of innovative diplomatic solutions to international conflicts. PILPG has, for instance, run a series of negotiation simulations in Kosovo aimed at finding a solution to the question of Kosovo's final status. PILPG will soon run a series of negotiation simulations in Sri Lanka, to identify innovative means of resolving its decades-long conflict.

This past spring, PILPG hosted the inaugural Law, Peace Negotiations & War Crimes Institute in Washington, D.C. Designed for U.S. diplomats, foreign government officials, peace and conflict NGOs, and international lawyers, the institute taught the skills necessary to draft peace agreements and to establish war crimes tribunals. During the institute PILPG also unveiled its new Web-based Peace Agreement Drafter's Handbook.

PILPG provides legal counsel and research without any full-time staff. Instead, it uses the volunteer services of more than 60 former legal advisers and former Foreign Service officers from the State Department and other foreign ministries. PILPG also draws upon pro bono assistance from major international law firms, including Sullivan & Cromwell; Wilmer Cutler Pickering Hale and Dorr; Curtis, Mallet-Prevost, Colt & Mosle; Vinson & Elkins; Steptoe & Johnson; DLA Piper Rudnick Gray Cary; Covington & Burling; and Shearman & Sterling.

To nurture the next generation of talent, PILPG has established a joint program with American University to involve students in international legal aid. Students and recent alumni have traveled to Bosnia, Kosovo, Montenegro, Georgia, Kenya, Botswana, Iraq, and Afghanistan as partners in PILPG teams deployed to provide legal assistance.

Miya Nazzaro is a development consultant for the Public International Law & Policy Group. She can be contacted at miya@pilpg.org.