

Transitional Justice hands-  
on: What does a  
comprehensive  
post-conflict strategy look  
like?

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# ....about the **Public International Law & Policy Group (PILPG)**



- Based in **Washington, DC**, and **the Hague**, The Netherlands
- **non-profit**, global *pro bono* law firm
- \$15 million worth of *pro bono* international legal services
- provides legal and technical assistance to developing states and governments worldwide
- Worked with more than 32 states
- At the moment, 16 active projects
- Field offices upon necessity. Currently: **Pristina, Sarajevo, Gaziantep, Thailand**, etc. We just closed one in Tripoli.

# PILPG partners

- **Law Firm Partners:** PILPG's *pro bono* law firm partners include 10 of the top 15 US and global law firms (Baker & McKenzie, Freshfields, Allen & Overy, etc). Annually, they contribute over **\$10 million** in *pro bono* support
- **Institutional Partners:** strategic partnerships with institutions engaged in the fields of public international law, peace building, and capacity building for civil society (UN institutions, USAID, EUROPAID, etc.)
- **Academic Partners: HLS** among others, through our Summer Associate program, and the Clinical Program with **HLS LIDS**



# Areas of Practice, 5 Pillars:



- **Peace Negotiations**
- **Post-Conflict Constitutions**
- **Policy Planning**
- **Democracy and Governance**
- **War Crimes Prosecution**
  
- Water Diplomacy, Piracy Prosecutions, Human Rights, Women and Minority Rights, Access to Justice, Youth Empowerment, Civil Society Development

# 1. Peace Negotiations

- **Direct Legal Assistance During Peace Negotiations**

PILPG provides *pro bono* legal assistance and political counsel to parties and mediators involved in peace negotiations.

PILPG members customarily participate as advisors during negotiations, and PILPG frequently opens in-country program offices to support its peace negotiations work.

To date, PILPG has advised participants in over two dozen international peace negotiations.



## ■ **Training Series: Negotiating and Drafting Peace Agreements**

PILPG works closely with clients to clarify and prioritize goals, develop negotiation strategies, and create effective mechanisms for implementing peace agreements.

Session 1: **Ceasefires**

Session 2: **Power Sharing**

Session 3: **Transitional Justice**

Session 4: **Security Sector Reform**

Session 5: **Natural Resources**



## ■ Negotiation Simulations

PILPG designs and runs negotiation simulations on various aspects of conflicts around the globe in order to train parties in negotiating techniques, surface critical issues in each conflict, and develop innovative diplomatic solutions.

The negotiation simulations are run both as part of training programs for parties to a conflict and for the policy-making community in Washington, D.C.

Following the simulation, PILPG drafts and distributes a **Lessons Learned Report**, which highlights key lessons applicable during upcoming negotiations.



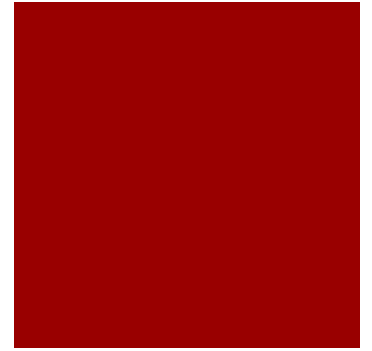
## 2. Post-Conflict Constitutions

- **Direct Legal Assistance with Post-Conflict Constitution and Legislation Drafting**

PILPG works closely with clients to draft and implement post-conflict constitutions, that translate political agreements into effective provisions.

PILPG frequently opens offices in-country to support its post-conflict constitution work.

To date, PILPG has assisted over a dozen states and governments in drafting and implementing post-conflict constitutions.





# 3. Policy Planning

- **Direct Policy Planning**

PILPG provides *pro bono* policy planning assistance to states and governments to help them develop and implement foreign and domestic policy initiatives, design state institutions, engage in strategic planning, and coordinate multistate partnerships.

PILPG uses consulting and *pro bono* services of over 200 former U.S. and foreign diplomats and legal advisers.

To date, PILPG has provided policy planning assistance to over two dozen transitioning states and governments.



## ■ **Ceasefire Project**

PILPG assists clients in developing goals and strategies to pursue a cessation of hostilities and sustained peace.

PILPG's ceasefire project seeks to broaden the intellectual and practical discourse on ceasefire negotiations and their role within peace processes.

## ■ **Negotiation Simulations**

Through negotiations simulations, PILPG provides policy planning assistance to support clients engaged in negotiating ceasefire agreements or post-conflict legislation.



# 4. Democracy and Governance

## ■ Direct Democracy and Governance Advising

PILPG provides *pro bono* policy analysis and legal assistance to states and sub-state entities on matters aimed at strengthening the rule of law and promoting effective governance.

We have advised on issues relating to the formation of effective and accountable governance mechanisms, enactment of fair and legitimate laws, enhanced civil society involvement in public policy making, protection of human and minority rights, **security**, and environmental protection and **shared natural resources**.



# Security:

## ❖ Piracy

The **Piracy Working Group** is comprised of two-dozen leading experts from academia, government, and PILPG's law firm affiliates.

Its mandate is to provide legal and policy advice to domestic, regional, and international counter-piracy mechanisms, with the goal of helping to create effective responses to the growing piracy threat.

PILPG monitors and publishes **piracy updates**

Members of the Piracy Working Group prepare resource documents on issues related to piracy.



# Shared natural resources:

## ❖ Water Diplomacy

### ■ Direct Legal Assistance in Water-Based Conflicts

PILPG provides *pro bono* legal assistance to states, government officials, and key stakeholders involved in water-based conflicts. PILPG's approach promotes peaceful resolution of water disputes in accordance with international law.

### ■ Negotiations Simulations

To promote the peaceful resolution of water disputes, PILPG also has developed a series of negotiation simulations, and convened a number of policy planning roundtables.



# 5. War Crimes Prosecution

## ■ Direct Legal Assistance to Tribunals

PILPG provides *pro bono* legal assistance to international and domestic tribunals in connection with the prosecution of war crimes.

PILPG provides its clients with expert advice on the entire spectrum of issues pertaining war crimes prosecution.

PILPG frequently establishes project offices in-country to support its work on war crimes prosecution.



PILPG has provided legal assistance and legal advice to the office of the prosecutors of the following tribunals:

- **International Criminal Tribunal for the former Yugoslavia**
- **International Criminal Tribunal for Rwanda**
- **Special Court for Sierra Leone**
- **Extraordinary Chambers in the Courts of Cambodia**
- **Special Tribunal for Lebanon**
- **International Criminal Court**

Furthermore, PILPG provides/d for:

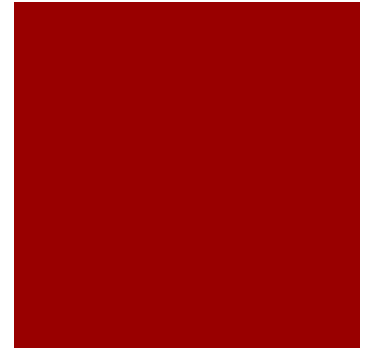
- **Iraqi High Tribunal:** judicial training
- **Kenya Piracy Court:** research assistance to the UN-supported Kenya Piracy Court
- **Uganda:** legal assistance to the Ugandan Government in connection with the development of a special war crimes chamber within the High Court



# PILPG Approach

For each of the five pillars, PILPG implements:

- Direct Advising/Counseling
- Simulations in preparation
- Training on topic relevance/strategy
- Case-specific research
- Knowledge Management Toolkits





# Knowledge Management

## ■ **Peace Negotiations Toolkit**

Peace Agreement Drafter's Handbook

Quick Guides

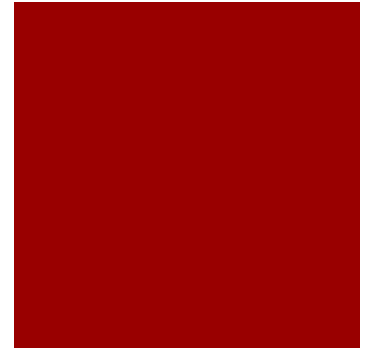
Peace Negotiations Watch

## ■ **Post-Conflict Constitution Drafting Toolkit**

Post-Conflict Constitution Drafter's Handbook

Quick Guides

Peace Negotiations Watch



## ■ War Crimes Prosecutions Toolkit

War Crimes Tribunal Drafter's Handbook

*Investigations Handbook*

War Crimes Watch

Piracy Updates

War Crimes Research Portal: <http://law.case.edu/war-crimes-research-portal/>

Grotian Moment: The International War Crimes Trial Blog:  
<http://law.case.edu/saddamtrial/>

Annual Conference



# Case Studies:

Among *the most successful* transitions we assisted:

## ■ **Bosnia and Herzegovina**

PILPG served as legal counsel to the Bosnian government during the Dayton peace negotiations and advised the Bosnian government in connection with the Brčko arbitration.

PILPG also provided legal assistance to the Bosnian government during the Brussels negotiations on state succession and served as legal adviser during the 2005-2006 negotiations on the Dayton Constitution.

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## ■ Kosovo

PILPG served as legal counsel to the Kosovar delegation during the Rambouillet negotiations (1999).

**Kosovo Final Status Talks:** This simulation emphasized discussions on the final status of Kosovo. The simulation was held multiple times in Pristina, Kosovo and Washington, D.C. ([Lessons Learned Reports: “Kosovo: Negotiating Final Status, March 2002”](#) and [“Kosovo: Negotiating Final Status, December 2003”](#))

PILPG also advised the Kosovar government during the Vienna final status negotiations and assisted in the drafting of the 2007 constitution. PILPG established a program office in Pristina to assist with preparations for final status negotiations.

Finally, PILPG assisted the government of Kosovo to create a formal plan to develop and conduct diplomatic relations, and helped the government to establish diplomatic representation.



A little less successful..

- **Afghanistan:**

PILPG provided legal assistance to the government of Afghanistan in the drafting and implementation of the 2004 constitution

*Afghanistan Negotiations Simulations*

- **Burmese Pro-Democracy Movement**

PILPG provides legal assistance to the National Council of the Union of Burma on the use of international legal mechanisms to challenge the legitimacy of the ruling military junta.

PILPG advised the National Council for the Union of Burma on the development of a new constitution to govern Burma after the transition from the current military regime.



Our most comprehensive strategies:

- **Libya**

PILPG provides legal and policy planning assistance to the Libyan Transitional National Council to promote the achievement of sustainable peace in Libya, including the establishment of transitional justice mechanisms (including war crimes prosecutions) and a post-conflict transition plan.

PILPG also provides assistance on the development of a post-conflict constitutional framework for Libya, and is working to increase civil society awareness/participation, and women's access to justice.



## ■ Syria

PILPG provides legal and policy support to the Syrian National Council and Syrian opposition groups to promote a resolution to the conflict in Syria and to plan for a peaceful transition. PILPG provides assistance on issues related to transition planning, constitution drafting, transitional justice, and peace negotiations.

### Ex.

- Chautauqua Blueprint: A Tribunal for Syrian Atrocities
- Torture Report, January 22, CNN:  
<http://amanpour.blogs.cnn.com/2014/01/20/exclusive-gruesome-syria-photos-may-prove-torture-by-assad-regime/>
- Geneva II Peace Talks



# Current work: **Knowledge Management**

## ■ **Human Rights Handbook**

Providing practical and accessible information on how to bring a claim before a human rights body. This first handbook provides a comprehensive overview of all human rights mechanisms available

## ■ **Investigations Handbook**

Practical and accessible information on how to collect evidence for documentation and possible use for seeking redress







PEACE NEGOTIATIONS  
POST-CONFLICT CONSTITUTIONS  
WAR CRIMES PROSECUTION

Questions?