

LAWYERING PEACE

In all but the rarest circumstances, the world's deadly conflicts are ended not through outright victory, but through a series of negotiations. Not all of these negotiations, however, yield a durable peace. To successfully mitigate conflict drivers, the parties in conflict must address a number of puzzles, such as whether and how to share and/or re-establish a state's monopoly of force, reallocate the ownership and management of natural resources, modify the state structure, or provide for a path toward external self-determination. Successfully resolving these puzzles requires the parties to navigate a number of conundrums and make choices and design mechanisms that are appropriate to the particular context of the conflict, and which are most likely to lead to a durable peace. *Lawyering Peace* aims to help future negotiators build better and more durable peace agreements through a rigorous examination of how other parties have resolved these puzzles and associated conundrums.

PAUL R. WILLIAMS holds the Rebecca I. Grazier Professorship in Law and International Relations at American University where he teaches in the School of International Service and at the Washington College of Law. He is the founder of the Public International Law & Policy Group (PILPG), a pro bono law firm providing legal assistance to state and non-state parties involved in peace negotiations, post-conflict constitution drafting, and the prosecution of war criminals.

Previous Books by the Author

- Treatment of Detainees: Examination of Issues Relevant to Detention by the United Nations Humans Rights Committee*, Henry-Durant Institute, 1990
- International Law and the Resolution of Central and East European Transboundary Environmental Disputes*, Macmillan/St. Martin's Press, 2000
- Indictment at the Hague: The Milosevic Regime and Crimes of the Balkan Wars*, with Norman Cigar, New York University Press, 2002
- Peace with Justice? War Crimes and Accountability in the Former Yugoslavia*, with Michael P. Scharf, Rowman and Littlefield, 2002
- Shaping Foreign Policy in Times of Crisis: The Role of International Law and the State Department Legal Adviser*, with Michael P. Scharf, Cambridge University Press, 2010
- The Law of International Organizations: Problems and Materials*, third edition, co-authored with Michael P. Scharf, Carolina Academic Press, 2013
- Research Handbook on Post-Conflict State Building*, co-edited with Milena Sterio, Edward Elgar, 2020
- The Syrian Conflict's Impact on International Law*, with Michael P. Scharf and Milena Sterio, Cambridge University Press, 2020

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For Sam, Will, Jack, and Eve

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About the Author

Dr. Paul R. Williams holds the Rebecca I. Grazier Professorship in Law and International Relations at American University, where he teaches in the School of International Service and at the Washington College of Law. Dr. Williams is also the founder of the Public International Law & Policy Group (PILPG), a *pro bono* law firm providing legal assistance to state and nonstate parties involved in peace negotiations, postconflict constitution drafting, and the prosecution of war criminals. As a world-renowned peace negotiation lawyer, Dr. Williams has assisted more than two dozen parties in major international peace negotiations and has advised numerous parties on the drafting and implementation of postconflict constitutions. Several of Dr. Williams' *pro bono* government clients throughout the world joined together to nominate him for the Nobel Peace Prize.

Early in his career, Dr. Williams was heavily engaged in various peace processes, including serving as a member of the Bosnian delegation at Dayton, serving on the legal team of the Kosovar delegation to the Rambouillet talks, serving on the Montenegrin delegation for the Union Treaty negotiations, advising the Albanian-Macedonian delegation to the Lake Ohrid negotiations. He then worked with the government of Armenia during the Key West negotiations on Nagorno-Karabakh, and the government of Georgia on the Abkhazia and South Ossetia negotiations. He also advised the Turkish Republic of Northern Cyprus during the Cyprus peace process.

During the Arab Spring and its aftermath, Dr. Williams advised Egypt, Libya, and Yemen during their constitution-drafting processes. He also advised the UN mediator on the Yemen peace talks, and the Syrian opposition delegation to the Geneva and Astana talks. Previously, he was in Baghdad in 2005 and 2007, advising the Iraqi Constitution Drafting Committee. In Asia, Dr. Williams provided legal assistance to parties involved in the Sri Lankan peace talks, the Nagaland negotiations, the Nepalese postconflict constitution, the Philippines–Mindanao peace process, the 2004 Afghanistan Constitution, and the Burmese ceasefire talks.

Dr. Williams provided assistance to the government of South Sudan on the implementation of the Comprehensive Peace Agreement and its secession from Sudan, and the development of an interim constitution. For over a decade he advised the Darfur delegation to the various Sudan peace negotiations, and in 2019 and 2020 he and his legal team provided support to the multiparty peace talks in Juba. He also served as co-counsel in the Abyei Arbitration before the Permanent Court of Arbitration, and provided legal assistance to the civil society delegation to the Eldoret peace talks for Somalia.

In the field of transitional justice, he has worked with a wide variety of states, including Bosnia, the Ivory Coast, Kenya, Kosovo, Libya, the Seychelles, Tanzania, and Uganda to craft mechanisms for the prosecution of war criminals and pirates.

Dr. Williams has served as a senior associate with the Carnegie Endowment for International Peace, as well as an attorney-adviser for European and Canadian affairs at the US Department of State, Office of the Legal Adviser. At the Department of State, Dr. Williams was heavily engaged in the legal dimensions of the dissolution of the Soviet Union, and with the Yugoslavian peace process. He received his JD from Stanford Law School and his PhD from the University of Cambridge. Dr. Williams is a sought-after international law and policy expert. He is frequently interviewed by major print and broadcast media and regularly contributes op-eds to major newspapers. Dr. Williams has authored eight books on various topics concerning international law and has published over four dozen scholarly articles on topics of international law and policy. He has testified before the US Congress on a number of occasions relating to specific peace processes, transitional justice, and self-determination. Dr. Williams is a member of the Council of Foreign Relations and has served as a counselor on the Executive Council of the American Society of International Law. More information about Dr. Williams can be found at www.drpaulwilliams.com.

Acknowledgments

Years ago in Sri Lanka, Elisabeth (Beezie) Dallas planted the idea in my head that it might be valuable to put to paper the lessons we were learning on how to solve the various puzzles and associated conundrums faced by parties seeking to design durable peace agreements. Years later, in the midst of the Yemen ceasefire negotiations, and no doubt in collusion with Beezie, Yoonie Kim informed me that she had decided it was time that I find a way to crystalize and share my insights from nearly twenty-five years of lawyering peace negotiations. This prodding, coupled with the enduring partnership with Milena Sterio and Michael Scharf as my co-directors of the Public International Law & Policy Group, has made this book possible.

Over the last twenty-five years I have had the privilege of being invited by states, nonstate parties, nonstate armed actors, and mediators to lend a legal hand in their attempts to negotiate an end to conflict and draft durable peace agreements. Without exception, these individuals have genuinely and warmly welcomed me into that space behind closed doors where parties and mediators engage in fierce political bargaining processes as they try to meet the needs and interests of their constituencies while also seeking to design an agreement that will yield a resilient peace. Without their willingness to include me in these negotiations, I would never have developed an understanding of the complex and nuanced thinking and negotiating that goes into resolving armed conflicts. I hope that in some small way, future peacebuilders are able to benefit from the insights reflected in these pages.

This book would not have been possible without the tireless dedication, hard work, enthusiasm, and constant prodding by Isabela Karibjanian and Jessica Levy, two of the most brilliant young professionals I have had the opportunity and pleasure to work with. This book is indebted to their research support, thoughtful edits, inquisitive minds, and determination. I am also deeply grateful for the tireless effort,

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