

CAREERS IN INTERNATIONAL DEVELOPMENT: 2018 INTERNATIONAL LAW WEEKEND PANEL ADDRESSING LAW AND DEVELOPMENT CAREERS, CHALLENGES, AND ADVICE FOR ENTERING INTO THE INTERNATIONAL DEVELOPMENT LAW FIELD

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I. INTRODUCTION

The International Law Weekend is an annual conference sponsored by the American Branch of the International Law Association (ABILA) and the International Law Students Association (ILSA).¹ The 2018 conference was held at the Fordham University School of Law and the New York City Bar Association, both in New York City, from October 18–20, 2018.² The unifying theme of the conference was “Why International Law Matters,” and it focused primarily on how the past can inform the present, current events, and movements that will have the biggest impact on the future, as well as current developments and emerging trends in international law, all while addressing the fundamental question of why international law matters.³ The particular panel addressed by this article focused on “Careers in International Development” and consisted of a “roundtable discussion featur[ing]

since April 2015. Prior to that, she led the Democracy and Governance Practice at Chemonics International, developing and implementing the external outreach of the firm’s democracy-building projects. From 2000–07, Ms. Dickieson was the first Director of the Asia Law Initiative of the American Bar Association (A.B.A.), fostering more efficient, fair, and transparent justice systems across the region. Ms. Dickieson also assisted to develop the A.B.A.’s Judicial Reform Index, a tool used to assess the independence and transparency of judiciaries in emerging democracies. She worked as an attorney with the Washington law firm of Steptoe & Johnson and received a J.D. from George Washington University Law School.

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1. Events of *International Law Weekend*, AM. SOC’Y INT’L L. (2018), <https://www.asil.org/event/international-law-weekend-1> (last visited Jan. 19, 2020).

2. *Id.*

3. Conference Schedule, Am. Branch of the Int’l Law Ass’n & Int’l Law Students Ass’n, *International Law Weekend: Why International Law Matters*, 2 (Oct. 18–20, 2018), https://abila01.s3.amazonaws.com/media/uploads/2019/03/06/ilw_2018_final_2018-10-18.pdf (last visited Jan. 19, 2020).

practitioners with experience in international development within the U[nited] S[tates] Government and other organizations involved in [international] development work.”⁴ The speakers provided students and practitioners with invaluable advice, tips and tricks of the field stemming from their unique and wide-ranging perspectives on pursuing careers in international development.⁵ The panel participants included Norman L. Greene (Program Co-Chair, Partner, Schoeman Updike Kaufman & Gerber LLP); Deborah Burand (Associate Professor of Clinical Law, NYU School of Law); Matthew Cohen (Deputy General Counsel, United States Agency for International Development); Lisa Dickieson (Senior Vice President for International Programs, Freedom House); David Kassebaum (Assistant General Counsel in the Office of General Counsel, Millennium Challenge Corporation); and Mary McLaughlin (Assistant General Counsel for Global Health, United States Agency for International Development).⁶ In particular, this article documents, reviews, and supplements the remarks from several of the panelists and provides source material for research and further review of the program themes.

II. NORMAN L. GREENE

When I first heard about the international development legal field, including democracy promotion and rule of law reform, I thought it was magical, like waiving a magic wand to make everything in a country better. While over time I have come to understand a more sophisticated portrait of the profession, it never quite lost its magic. Even today, while working for a private firm in New York City, I still pursue academic inquiries and issues in international development.

When countries participate in international development programs or fund international development organizations for various reasons, a principal goal of the donor is to provide assistance to countries in need.⁷ Official United States government policy declares that foreign aid is given to a recipient country to facilitate economic development, alleviate poverty, and improve overall human welfare.⁸ Essentially, international development aims to make poor countries richer, sick countries healthier, less educated

4. *Id.* at 25.

5. *Id.*

6. *Id.*

7. Norman L. Greene, *Monitoring and Evaluation of International Counter-Trafficking Programs: Definitions, Challenges, and a Way Forward*, 5 ST. JOHN’S J. INT’L & COMP. L. 154, 157 n.13 (2015).

8. *See Mission, Vision and Values*, U.S. AGENCY FOR INT’L DEV. (Feb. 16, 2018), <https://www.usaid.gov/who-we-are/mission-vision-values> (last visited Jan. 19, 2020).

countries more educated, and countries that become breeding grounds for terrorism, safer.⁹

Although foreign aid serves a number of purposes, the initial goal of foreign aid programs, dating all the way back to the Kennedy Administration, was to enhance American security and foreign policy goals.¹⁰ It is well documented that poverty and extreme inequality permeating a country often facilitate social instability and civil unrest.¹¹ In fact, the joint strategic goals for international development investments put out by the United States Agency for International Development and the United States Department of State, declare that protecting America's security at home and abroad is the first goal of international development investments.¹² By "strengthening citizen-responsive governance, security, democracy, human rights, and rule of law," the two agencies hope to "[c]ounter instability, transnational crime, and violence that threatens U[nited] S[tates] interests."¹³

When giving foreign aid, donors decide which and how countries will receive aid, how much to provide, and the time frame in which the aid can be used.¹⁴ As a tool to effectuate foreign policy goals, aid can be provided as a reward to a recipient country for their good behavior, or the termination of aid can act as an incentive to change bad behavior.¹⁵ A 2016 report concluded that policy makers view foreign aid as an "essential instrument of the U[nited] S[tates] foreign policy[.]" which has "increasingly been associated with national security policy" because it can "act as both a carrot and a stick, and is a means of influencing events, solving specific problems, and projecting U[nited] S[tates] values."¹⁶

Other than enhancing security, foreign aid programs aim to promote democracy and secure human rights through establishing rule of law.¹⁷ During the 1960s, the security advocates were joined by others interested in

9. See MARIAN L. LAWSON & EMILY M. MORGENSTERN, CONG. RESEARCH SERV., R40213, FOREIGN AID: AN INTRODUCTION TO U.S. PROGRAMS AND POLICY 1, 3–4 (2019). See generally U.N. INTER-AGENCY TASK FORCE ON FIN. FOR DEV., ADDIS ABABA ACTION AGENDA: MONITORING COMMITMENTS AND ACTIONS (2016).

10. RACHEL KLEINFELD, ADVANCING THE RULE OF LAW ABROAD: NEXT GENERATION REFORM 40 (2012).

11. U.S. DEP'T OF STATE & U.S. AGENCY FOR INT'L DEV., JOINT STRATEGIC PLAN: FY 2018–2022, at 35 (2018) [hereinafter JOINT STRATEGIC PLAN].

12. *Id.* at 3.

13. *Id.*

14. LAWSON & MORGENSTERN, *supra* note 9, at 1, 9.

15. *Id.* at 1.

16. *Id.* at Summary, 1 & n.1.

17. KLEINFELD, *supra* note 10, at 5–7, 37. For an interesting discussion of the rule of law, see RICHARD SUSSKIND, ONLINE COURTS AND THE FUTURE OF JUSTICE (2019); see also Norman L. Greene, *Perspectives from the Rule of Law and International Economic Development: Are There Lessons for the Reform of Judicial Selection in the United States*, 86 DENV. U. L. REV. 53 (2008).

foreign aid and rule of law reform—namely human rights activists and development practitioners who wanted to spread democratic principles.¹⁸ The motivations behind giving aid eventually expanded to include poverty reduction, facilitating economic development, and improving the human condition by tackling threats, such as disease, over-population growth, environmental degradation, unequal disbursement of resources, and human rights violations.¹⁹ Today, aid ultimately aims to build a more peaceful, prosperous, and safer world.²⁰

Choosing what countries spend their money on when allocating foreign aid remains one of the biggest challenges.²¹ After all, often, foreign aid programs are not based on perfect science—historically, much money has been spent by various donor agencies in providing aid programs that do not work as intended, are undermined by corruption, otherwise fail to achieve their purpose, or go to waste entirely.²² Therefore, effective use of funds by foreign assistance bodies is not only important for the countries they are helping, but also for the domestic taxpayers who provide the funds.²³ Governments not only owe it to their taxpayers to make foreign aid programs as effective as possible, but also recognize that the success or failure of these programs contributes to their own security and to the security and well-being of the world's most vulnerable populations.²⁴

In addition, evaluating and assessing these programs can pose its own challenges.²⁵ The value of aid is best measured by assessing the actual effects

18. KLEINFELD, *supra* note 10, at 46.

In the 1990s, as part of a larger expansion of democratization efforts across the U[nited] S[tates] government and in the broader development community, USAID created a Center for Democracy and Governance and rule-of-law reform programs were placed within it. The role of the rule-of-law in ensuring democracy and human rights remained a rather small side project of the larger democratic and human rights agenda—but it was now enshrined in the organizational chart.

Id. at 48–49.

19. *Id.* at 29–30, 37, 50. For example, use of foreign aid to prevent the spread of disease has taken on special meaning because of the Corona Virus which has rapidly spread around the globe in 2020. *See, e.g., id.* at 29.

20. JOINT STRATEGIC PLAN, *supra* note 11, at 11.

21. KLEINFELD, *supra* note 10, at 207.

22. *Id.* at 85 (stating “Countries undertaking rule-of-law reform are notorious for passing laws that they ignore, either by design (as occurred habitually in Romania from 2000 to 2004) or from lack of capacity to ensure enforcement Changing laws when enforcement and implementation are highly unlikely is, on its face, a rather ineffective way of changing behavior.”).

23. *Id.* at 221 (“Governments . . . owe it to their taxpayers to make rule-of-law programs as effective as possible.”). For a discussion of new federal legislation on foreign aid effectiveness, see Gergana Danailova-Trainor, James Filpi, Norman L. Greene & Salome Tsereteli-Stephens, *Beyond Good Intentions: New Legislation on Foreign Aid Effectiveness*, 53 INT’L LAW. 1, 1 (2020).

24. KLEINFELD, *supra* note 10, at 221.

25. *Id.* at 31.

a program has on a target population, by whether the program itself is having an effect on the actual problem.²⁶ Some metrics on a program are an insufficient way of determining and monitoring program effectiveness.²⁷ For example, “[i]f thousands of judges are trained, but the training is of poor quality, the numbers will hardly affect any real problem.”²⁸ Because of ineffective programs, the belief that if a country receives aid that aims to improve democratic and economic outcomes, the country will achieve such outcomes, is a belief that is akin to believing in magic. It would be wonderful if it were possible to change the situation in a country by giving them aid, like waiving the aforementioned magic wand; however, the reality of the situation is not that simple. The linkage between aid and economic development is sometimes based on guesses and assumptions instead of proven evidence.²⁹ Obtaining accurate metrics on programs can be difficult or have a long time horizon, but the idea of developing growth through providing economic opportunities has roots that stretch back as long as aid programs have existed in the United States.³⁰

Aside from learning the nuances of international development law, in order to achieve a career in this field, there are so many other areas of expertise that can be helpful. (I come from a very different background than other people on this panel because I focus more on academic questions rather than practical experience in international development.) Development is complex: e.g., altering the fabric and success of a country requires more than just throwing money at a problem—it also involves gaining an understanding of the local political atmosphere, power structures, and context for country development.³¹ This panel includes people with masters degrees in a variety of subjects, and that is not by accident. This is not to suggest that all students interested in international development need to go out and get additional degrees, but rather to illustrate that an effective approach to international development requires a multi-disciplinary approach.³²

26. *Id.* at 200.

27. *Id.*

28. *Id.*

29. KLEINFELD, *supra* note 10, at 53.

30. Greene, *supra* note 17, 66 n.55, 67–69; *see also* KLEINFELD, *supra* note 10, at 53 (“the linkage between formal commercial aspects of the rule of law and economic development is mostly based on guesses and assumptions and remains largely unproven.”), *id.* at 51 (“[t]he idea that commercial law, contracts, and fair arbitration are necessary for economic growth had roots that stretch back for centuries.”).

31. *See* Greene, *supra* note 17, at 68.

32. *See* Shigeru Otsubo et al., INTRODUCTION TO INTERNATIONAL DEVELOPMENT STUDIES: AN INTERDISCIPLINARY APPROACH TO DEVELOPMENT STUDIES 5 (2009), *available at* https://www.gsid.nagoya-u.ac.jp/sotsubo/I2IDBook_Conclusion_050510.pdf (last visited Mar. 9, 2020).

In order to help my efforts in international development, as well as to stay relevant and explore new ideas in this field, I give a lot of credit to my network. Whether it is facing a particularly complex issue or developing a new interest and hoping to gain insight from experienced professionals, having a range of people that I can call on has been essential. Networking is not just about connecting with people who can benefit your career, but about expanding your boundaries and perspectives as well as sharing new ideas.³³ Having a diverse network, whether of former colleagues, Supreme Court Justices, academics, and even students just starting out, is paramount. One of the most dangerous positions a lawyer finds herself or himself in is only knowing those people who she or he works with; but having other people who can serve as sounding boards for new ideas can be vital to help solve problems as well as teach new ideas and perspectives. Having a healthy network can be useful no matter what career path one chooses, and students and professionals who put effort and thought into creating one accomplish one of the most valuable undertakings during their career.

III. MATTHEW E. COHEN

The United States Agency for International Development (USAID) is the lead federal agency implementing and coordinating foreign assistance.³⁴ USAID operates in over eighty countries throughout the world and focuses on two main types of assistance: 1) development assistance; and, 2) humanitarian assistance.³⁵ Humanitarian assistance generally refers to assistance programs in response to emergency situations, such as earthquake relief or aid for refugee crises.³⁶ Development assistance encompasses longer-term, non-emergency programs, such as strengthening the education and health sectors in partner countries, or working with partners to conserve and minimize human impacts on the environment.³⁷ USAID utilizes these two forms of aid through both country-specific and regional programs.³⁸ As Deputy General Counsel for USAID, my responsibilities are far ranging—I am responsible for providing solutions and legal advice on everything ranging from how we structure assistance programs to ethics and finance

33. *Top 11 Benefits of Networking*, MICHAEL PAGE (May 11, 2018), <https://www.michaelpage.com.au/advice/career-advice/career-progression/benefits-networking> (last visited on Jan. 21, 2020).

34. JOINT STRATEGIC PLAN, *supra* note 11, at 15.

35. *Id.*; see *USAID History*, U.S. AGENCY FOR INT'L DEV. (May 7, 2019), <https://www.usaid.gov/who-we-are/usaid-history> (last visited Feb. 23, 2020).

36. JOINT STRATEGIC PLAN, *supra* note 11, at 15.

37. *Id.* at 39.

38. *Id.* at 27.

questions.³⁹ My portfolio encompasses half of the Agency's general portfolio.⁴⁰

International development is not for everyone. USAID primarily works in lower income countries, and USAID Foreign Service staff spend much of their career living in such countries.⁴¹ Some of the biggest challenges in this profession often come from outside factors, such as health related issues stemming from living in areas with little resources or access to quality health care, frequent power outages, and the general insecurity that accompanies daily life in fragile economies.⁴² This includes making contingency plans to protect yourself and your family in cases of terrorist attacks or violent criminal acts.⁴³ A significant portion of our time involves learning how to successfully maneuver through different cultural contexts.⁴⁴

As a Foreign Service lawyer who is married with three small children, attaining family buy-in is essential. Assignments are often only for a few years at a time, and we are required to have world-wide availability.⁴⁵ I have been lucky enough to have served in Kenya and Peru, and to have covered fascinating portfolios throughout East Africa and South America. While each move brings its own set of challenges, our family approaches them as a new adventure.

The challenges I face as an Agency attorney do not always stem from a particular country or development activity. One of the most rewarding projects that I worked on, instead, revolved around streamlining the overall structure of donor coordination efforts at USAID. Often, a single country can have multiple foreign donors implementing similar programs.⁴⁶ Having

39. *Who We Are: Office of The General Counsel*, U.S. AGENCY FOR INT'L DEV. (Nov. 15, 2016), <https://www.usaid.gov/who-we-are/organization/independent-offices/office-general-counsel> (last visited Jan. 20, 2020).

40. *Id.*

41. *Foreign Service Officer FAQ*, U.S. AGENCY FOR INT'L DEV., <https://2012-2017.usaid.gov/work-usaid/careers/foreign-service/foreign-service-officer-faq> (last visited Jan. 20, 2020).

42. Cassandra Cooke, *A DSS Security Engineering Officer Remembers the 1998 Terrorist Attack and Aftermath at the U.S. Embassy in Nairobi*, U.S. DEP'T STATE (Aug. 11, 2017), <https://www.state.gov/a-dss-security-engineering-officer-remembers-the-1998-terrorist-attack-and-aftermath-at-the-u-s-embassy-in-nairobi/> (last visited on Jan. 21, 2020) (on August 7, 1998, terrorists attacked the U.S. Embassy Nairobi that left more than 200 dead and another 5000 injured).

43. *Id.*

44. *Id.*

45. *See Foreign Service Officer FAQ*, *supra* note 41.

46. *See generally* Org. for Econ. Co-Operation & Dev., HARMONISING DONOR PRACTICES FOR EFFECTIVE AID DELIVERY 14 (2003) [hereinafter HARMONISING DONOR PRACTICES].

multiple donors implementing overlapping projects is inefficient and sometimes counterproductive.⁴⁷ It can also overwhelm a host government.⁴⁸

Improving donor coordination systems at the Agency level can be essential to long-term development success.⁴⁹ Successfully implementing foreign assistance projects requires close collaboration with other agencies, organizations, and governments.⁵⁰ Whenever possible, we consolidate our efforts with other donors to maximize impact and minimize the burdens on our host government partners.⁵¹ From a legal standpoint, this involves crafting agreements to ensure that they complement other programs already in place.⁵² When donors implement programs with different objectives, this impairs aid effectiveness.⁵³ Streamlining donor coordination allows organizations and countries to effectively target aid to the people who need it most.⁵⁴ For instance, using parallel language in agreements makes it easier to expand the scope and reach of projects. Addressing these problems individually can not only waste time, but also ineffectively use resources. Learning how to coordinate donor programs and work together to attack key development issues remains an essential component of being an effective international development lawyer.

I believe that breaking into international development law is not about following a rigid path, but rather about developing universal skills that will make you invaluable. One essential skill is the ability to think critically and communicate effectively, both in writing and orally. Lawyers are problem solvers, so the ability to attack problems and clearly communicate potential solutions to colleagues is important. A successful lawyer also needs to be able to build consensus among disparate groups. Most development projects require massive resource investments from multiple partners, such as host governments, private industry, and other donors.⁵⁵ Success is more likely when everyone's viewpoints are respected, understood, and incorporated into the overall design. Lawyers are often perfectly situated to help solve differences and stitch together disparate requirements. Development law also requires an ability to appreciate and integrate different disciplines and

47. *Id.* at 14.

48. *See id.*

49. *Id.* at 15.

50. *Id.*

51. HARMONISING DONOR PRACTICES, *supra* note 46, at 15.

52. *See, e.g.*, U.S. AGENCY FOR INT'L DEV., PRIVATE-SECTOR ENGAGEMENT POLICY 26 (2019).

53. HARMONISING DONOR PRACTICES, *supra* note 46, at 17.

54. François Bourguignon & Jean-Philippe Platteau, *The Hard Challenge of Aid Coordination*, 69 WORLD DEV. 86, 95 (2015).

55. JOINT STRATEGIC PLAN, *supra* note 11, at 29.

perspectives.⁵⁶ For instance, some programs undertaken by USAID, involve finding creative ways to generate electricity, build schools, refurbish infrastructure, and teach farming techniques.⁵⁷ All of these require knowledge of country-specific contexts and inputs from experts from a variety of backgrounds.⁵⁸

When I first started out as an international development lawyer, I found myself sitting in a meeting with about fifty people discussing solutions to HIV relief; however, throughout the meeting I felt unworthy of being involved in the discussion because I was not an expert in this particular area. The meeting taught me a valuable lesson, though: in this field, your ability to communicate, spot issues, think creatively about legal issues, and come together to find solutions is as important, if not more important, than having the relevant technical experiences. Your different perspective adds value to the overall effort. The lawyers that I have worked with throughout my career come from different backgrounds and specialize in almost every conceivable subject. This wealth of knowledge makes our programs stronger and more effective.

IV. DAVID KASSEBAUM

Not all international development organizations are alike. My employer's mission in international development is working to reduce poverty through economic growth, as opposed to working with the more humanitarian aspect of foreign aid.⁵⁹ Instead of providing disaster relief, emergency remedies, or refugee assistance, the Millennium Challenge Corporation (MCC), another United States foreign aid agency, provides time-limited grants to promote economic growth, reduce poverty, and strengthen institutions.⁶⁰ MCC forms partnerships with many of the world's

56. Josè M. Garzón, *Democracy and Development Reconsidered*, in U.S. AGENCY FOR INT'L DEV., *FRONTIERS IN DEVELOPMENT* 28, 31 (2012); see also *HARMONISING DONOR PRACTICES*, *supra* note 46, at 11.

57. See, e.g., C. Zeilberger, *Farmer to Farmer*, U.S. AGENCY FOR INT'L DEV. (Nov. 21, 2014), <https://www.usaid.gov/global-waters/november-2014/farmer-to-farmer> (last visited Jan. 25, 2020). See generally *Grand Challenges for Development*, U.S. AGENCY FOR INT'L DEV. (Sept. 5, 2019), <https://www.usaid.gov/grandchallenges> (last visited Jan. 25, 2020).

58. U.S. AGENCY FOR INT'L DEV., *PARTNERING FOR IMPACT: USAID AND THE PRIVATE SECTOR* 5 (2015).

59. *The Millennium Challenge Corporation (MCC) and Global Health*, KAISER FAM. FOUND. (Sept. 4, 2019), <https://www.kff.org/global-health-policy/fact-sheet/the-millennium-challenge-corporation-mcc-and-global-health/> (last visited Jan. 25, 2020).

60. *About MCC*, MILLENNIUM CHALLENGE CORP., <https://www.mcc.gov/about> (last visited Jan. 25, 2020).

poorest countries.⁶¹ It is distinguished from other aid organizations because it only works with countries with proven commitments to good governance, economic freedom, and investing in their citizens.⁶² It utilizes a competitive selection system to choose only those countries with sound economic and social policies as well as an ingrained system of democratic governance.⁶³ By focusing on countries with good governance already in place, MCC can ensure that the United States development dollars have the biggest impact on poverty reduction as opposed to lining pockets.⁶⁴

Before joining MCC, I always knew I wanted to study international law. The idea of interacting with people all over the world and working on issues that could have a tangible impact on humanity always attracted me. Therefore, while in law school, I took every class with the term “international” in the title. The number of classes I took and the range of topics they covered illustrated not only the true scope of international law, but also the depth of possibilities presented by working as an international lawyer.

When I first joined the international legal field, I started out at a big firm where I specialized in international finance and contracts. The skills I gained at the firm have proven useful after leaving the firm as well. While I still use in my current job what I learned back then, the most valuable transferrable abilities I found are more practical in nature rather than related to a specific subject or law. I often call upon my previous negotiation experiences, past solutions to issues, and document management practices to overcome current challenges.

Working at a firm provided me with the training on “How to be a Good Lawyer,” by which I mean that, to do the job well, you have to help your clients figure out how to achieve their goals. Sometimes, the client will come to you with a proposal that does not work. Rather than simply saying “no,” you have to take the time to find out what the client really wants and find a way for them to get there. A former boss of mine referred to this as “Yes,

61. Marc Silver, *You Can Have Our Millions – But First You Must Pass Our Test*, NAT’L PUB. RADIO (May 16, 2016), <https://www.npr.org/sections/goatsandsoda/2016/05/16/473105166/you-can-have-our-millions-but-first-you-have-to-pass-our-test> (last visited Jan. 25, 2020).

62. See *About MCC*, *supra* note 60; see also Silver, *supra* note 61.

63. *Country Scorecards*, MILLENNIUM CHALLENGE CORP., <https://www.mcc.gov/who-we-fund/scorecards> (last visited Jan. 25, 2020). MCC uses information collected from independent, third party sources to generate “Scorecards” for individual countries. These scorecards consolidate an individual country’s scores for each of the policy indicators MCC uses to determine eligibility for its assistance programs. *Id.* For more information on MCC’s policy indicators, see *Selection Indicators*, MILLENNIUM CHALLENGE CORP., <https://www.mcc.gov/who-we-fund/indicators> (last visited Jan. 25, 2020).

64. Sandra Ospina, *MCC Evidence: Want to Help the Poor? Focus on Economic Growth*, MILLENNIUM CHALLENGE CORP. (Sept. 18, 2015), <https://www.mcc.gov/blog/entry/blog-091815-want-to-help-the-poor-focus-on-economic-growth> (last visited Jan. 25, 2020).

but...,” where you agree with the ultimate goal and recommend a better path to getting there. The firm also provided me with opportunities to explore my interests outside of my specific practice of area. One of the most memorable experiences while at the firm came from the pro bono work I did there. I volunteered to take on a pro bono assignment regarding extra judicial executions in Guatemala, something with which I had very limited experience. In doing so, I not only gained experience arguing before an international organization, but also was able to break out of the more deal-related mindset that permeated my day to day practice.⁶⁵ Even after working at a firm for several years, I still wanted to be part of something bigger that could make me feel like I was helping people do better. So, I pursued a career outside of a private law firm.

After joining the international development field, I found that it came with its own challenges and hardships. Since we work with people all over the world, the language barrier proved to be a particular hindrance not only to negotiations and writing agreements, but also just getting around in foreign countries. Once, I had to figure out how to give directions to a cab driver in Mongolia, who did not speak a word of English, in order to get to an important meeting on time. Unfortunately, figuring out how to effectively communicate with people who do not speak your language is only one possible challenge. Often, negotiations take place in unconventional locations, like at a crowded tea house in one country, or in another country, having to negotiate international agreements through text messages because I was not permitted in the room until I had reached a face-saving agreement with my country counterparts. Over time, I have found that being an international lawyer does not mean just finding creative solutions to problems citizens face, but also finding one’s self in a strange or unfamiliar situation and having to figure out how to accomplish goals despite unconventional challenges.

Finally, international development lawyers must learn to adapt to changing situations, like climate change. Aid programs are more effective when they build adaptive solutions into the program design itself, as opposed to working backwards once the problem takes root. Waiting until too long to address an issue can make programs more time consuming and costlier to taxpayers. This remains one of the largest hurdles in the design of aid programs, as many countries may not even have a word to describe the problems they face, making issue spotting and creativity even more

65. See generally Elise Cossart-Daly, *Myrna Mack Chang v. Guatemala*, 36 LOY. L.A. INT’L & COMP. L. REV. 1429, 1429 (2014) (“This case is about the assassination of one of the most prominent human rights advocates and investigators of the massacre of indigenous peoples by Guatemalan agents between 1981 and 1992. Although the State admitted full responsibility, the Court found Guatemala in violation of the American Convention for failure to investigate Myrna Mack Chang’s murder and to prosecute her assassins.”).

necessary skills to master. For example, a recent project MCC undertook in Indonesia aimed to address the prevalence of stunting in young children.⁶⁶ However, Indonesians did not have a word for stunting in their vocabulary, let alone a solution for combatting it.⁶⁷ Therefore, while the project aimed to improve the delivery of health care systems, it also needed to work towards changing the mindsets of the people themselves as to what a healthy diet really consisted of and how they behaved as a result.⁶⁸ It illustrates that while international development law aims to implement rule of law and economic prosperity, it must also work to create effective solutions while taking into consideration the existing mindsets, practices, and cultures of the people living in these countries.

V. LISA DICKIESON

Rather than engaging in legal practice like my fellow panelists, I concentrate on democracy promotion and rule of law reform in developing countries. My work focuses on supporting the development of the foundations of democracy, often in countries that have not before experienced democratic systems of government. This work entails helping develop democratic laws, processes, and institutional systems.⁶⁹ After all, freedom and rights can only be guaranteed through democratic systems under which governments are accountable to their citizens, and citizens who understand their rights and responsibilities, and actively participate in their own governance.⁷⁰

The field of democracy and rule of law promotion grew rapidly after the end of the Cold War.⁷¹ In the 1980s, I was a practicing lawyer in a large law firm. I was looking for a change, and stumbled across the American Bar Association's (A.B.A.) Rule of Law Initiative (ROLI) (at that time it was the

66. For more information on the program, see *Community Based Health and Nutrition to Reduce Stunting Project*, MILLENNIUM CHALLENGE CORP. (Aug. 2019), <https://www.mcc.gov/resources/story/section-ind-star-report-health-project> (last visited Jan. 25, 2020); see Millennium Challenge Compact Between the United States of America Acting Through the Millennium Challenge Corporation and the Republic of Indonesia, Indon.-U.S., art. 1, § 1.2(b), Nov. 19, 2011.

67. *MCC Celebrates Completion of Five-year Compact with Indonesia*, MILLENNIUM CHALLENGE CORP. (May 9, 2018), <https://www.mcc.gov/news-and-events/release/mcc-celebrates-completion-of-five-year-compact-with-indonesia> (last visited Jan. 25, 2020).

68. *Id.*

69. For more information on Freedom House's Mission, see *About Us*, FREEDOM HOUSE, <https://freedomhouse.org/about-us> (last visited Jan. 25, 2020).

70. Kristi Samuels, *Rule of Law Reform in Post-Conflict Countries: Operational Initiatives and Lessons Learned* 5–6 (World Bank, Social Development Paper No. 37, 2006).

71. MARIAN L. LAWSON & SUSAN B. EPSTEIN, CONG. RESEARCH SERV., R44858, DEMOCRACY PROMOTION: AN OBJECTIVE OF U.S. FOREIGN ASSISTANCE 6 (2019).

Central and East European Law Initiative).⁷² I participated in the A.B.A. program initially as a pro bono attorney liaison in the newly independent State of Macedonia. I then worked for the A.B.A. ROLI program back in Washington, D.C. I was able to utilize my expertise and skills as a lawyer to meet the new challenge of expanding freedom to societies previously under dictatorships or authoritarian regimes, and helping develop free institutions in new, fragile democracies.

At Freedom House, I oversee programs that work with civil society organizations to hold state authorities accountable to citizens for democratic rights.⁷³ Without a strong basis of good governance and democratic principles, other development projects—including economic development, health, and environmental projects—are less sustainable and their massive financial investments can go to waste.⁷⁴

As noted, I started my legal career in private practice, in a large firm's litigation practice. Despite the fact that I am now working on completely different issues, my work at the firm taught me the necessary lesson of how to do good work and be an effective advocate. I learned how to produce impeccable work product, manage my time, and most importantly, how to effectively solve problems. Much like Mr. Kassebaum's anecdote about the mindset of a general counselor, to do this job well, it is not about saying "no." Instead, it is about finding ways to "get to yes"—to find a way to reach a particular goal through an alternate path.

Even though I do not practice law, my lawyer mindset and analytical training comes in handy every day. I analyze governance-related needs in developing countries, design programs to respond to those needs, and advocate to funders for funding to support these programs. Again, since many of Freedom House's programs also focus on developing the advocacy skills of civil society organizations, my legal training is directly relevant.⁷⁵

While students may not get their dream job right out of law school, whatever you do can help you acquire skills that will be transferable to a different position. To use an example from my own life, when I initially switched from environmental insurance litigation at the firm to the A.B.A. ROLI work, I thought that my time doing litigation might have been wasted

72. For more information on the American Bar Association Rule of Law, see *Promoting the Rule of Law: What We Do*, A.B.A., https://www.americanbar.org/advocacy/rule_of_law/what-we-do/ (last visited Jan. 25, 2020).

73. For more information on current and past Freedom House initiatives, see *Our Work*, FREEDOM HOUSE, <https://freedomhouse.org/our-work> (last visited Jan. 25, 2020).

74. Daniel Ehrenfeld, *Foreign Aid Effectiveness, Political Rights and Bilateral Distribution*, J. HUMANITARIAN ASSISTANCE (Feb. 1, 2004), <https://sites.tufts.edu/jha/archives/75> (last visited Jan. 25, 2020).

75. *Our Work: Programs*, FREEDOM HOUSE, <https://freedomhouse.org/programs> (last visited Jan. 25, 2020).

because the subject matter was so different from the new work. I realized, however, that my writing, analytical, advocacy, and problem solving skills directly applied to this new path. After all, working in rule of law is akin to doing litigation—one becomes an expert in a particular subject matter with each case, but the skills and expertise always show through at the end of the day.

As far as the most helpful elements that make a good international democracy promotion professional, first and foremost, one must have a sense of adventure and curiosity. Needless to say, these projects are generally not taking place in major tourist destinations, and we often work in challenging environments. However, wanting to see what the world has to offer and being willing to create your own adventure can make the whole experience extremely rewarding. The world needs democracy more than ever these days, and the field of democracy promotion needs new and committed “democracy practitioners” as well.