



NEGOTIATING TRANSITION

JENIK RADON'S QUEST TO HELP DEVELOPING COUNTRIES

BY MASHA UDENSIVA-BRENNER

In 1990, when the Republic of Estonia was striving for independence from the Soviet Union, Jenik Radon, an ardent champion of the cause, accompanied Estonia's minister of foreign affairs, Lennart Meri, and a small delegation of Estonians, to the office of President Ronald Reagan, who had recently finished his second term. They had arranged the meeting in order to secure Reagan's support for Estonia's independence, but, while sitting there, all Radon could think about was the candy on the President's desk. "They gave us these hors d'oeuvres, and coffee, but *staring* at me was this bowl of jelly beans, and I was getting really upset because he wasn't offering them to

us," Radon told me. Finally—"to the absolute horror of the Estonians"—he got up, walked over to the bowl, and took "a handful or two," lingering to select his preferred colors. There was a brief pause before Reagan smiled, and said, "That's what they're there for," then asked Radon which colors he had chosen.

This may seem like a bold move, but Radon, a Columbia College grad ('67) and Stanford-educated lawyer ('71) who runs his own international corporate law practice and teaches classes at the School of International and Public Affairs (SIPA), can make himself feel at home in just about any situation. Perpetually on the go—he has traveled to

105 of the world's 195 countries, and lectured and worked in about sixty of them—Radon possesses boundless, somewhat childlike, idealism and enthusiasm for life, as well as interminable energy and desire to make the world a better place. He is notorious for going above and beyond for his students (he won SIPA's "Top Five" teaching award twice in the past six years and has been invited to more than seventy-five student weddings across the globe, only missing two, due to extenuating circumstances). And he is also devoted to his clients, representing them on matters of international corporate law and policies and agreements relating to the extractive, a.k.a. energy and mining industry. But what's perhaps most striking about Radon's career is his dedication to the nation-building process in developing countries: He cofounded the Afghanistan Relief Committee to restore Afghan independence after the Soviet invasion; coauthored investment, privatization, and corporate laws for Poland, Estonia, and Georgia; and drafted the interim (2006) peace constitution of Nepal, which helped restore order to a civil war-ravaged nation, granted citizenship to millions of stateless people in the Terai region, and ensured that all voices in this multiethnic nation were heard. It is not unusual to catch Radon, a slender, gray-haired man in prominent, round glasses, rapidly wheeling a suitcase across the lobby of the International Affairs building, joking with any number of acquaintances he might pass while rushing from the airport to class (or from class to the airport). Students are often perplexed by his constant comings and goings—by receiving an e-mail from him signed "Cheers from Namibia" one day and seeing him at the head of their seminar table the next. "Who is he, *really*?" they wonder. "And what does he *do*?"

Radon has known what he wanted to do since he was an eight-year-old enrolled in a New York City Catholic school. One day a nun told him that he had to "merit heaven" and that the older he got, the more sins he would accumulate, to which the young Radon replied by asking the nun why he shouldn't just commit suicide so he could get to heaven before committing too many sins. She responded that suicide was a sin itself.

"I didn't quite follow the logic," Radon told me, reclining in a leather chair in his office, his antique wooden desk piled with papers and his laptop plastered with stickers. "So I started thinking a lot about why we are here and came up with a very simple thought: I just want to leave the world a little bit better than I found it and make people

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smile when I'm gone." He spent hours reading a book on 100 professions, ranging from fireman to doctor, before deciding that law would give him the tools to improve the world. He hasn't doubted his decision since.

Radon was born in Berlin, Germany, in the aftermath of World War II. After the Berlin Blockade of 1948, his father, a dealer of German porcelain, saw no future in Europe and applied for entry to the United States. Admission was granted in 1951, when Radon was five. The family left Europe and settled first on Manhattan's East Side, where they opened a lamp and chandelier business, and then in the Bronx.

At the time, Radon's mother, from Germany's Baltic region, had a brother in communist-controlled East Germany. The brother sent letters, but by the time they arrived in New York, communist censors always blacked out the majority of the text, leaving only a nonsensical string of words on the page. Radon's mother would read them and cry. Bearing witness to her anguish, Radon developed misgivings about the communist system. Then in 1956 he watched on television as Soviet tanks rolled into Budapest to stop the anticommunist Hungarian Revolution. Though he couldn't understand the complexity of the event, he grasped its injustice, incessantly asking his parents for explanations. From that point on, he possessed a fervent hatred for communism and an undying curiosity about international affairs.

In the summer of 1966, after his junior year at Columbia, Radon traveled abroad for the first time since leaving Germany. The National Science Foundation-sponsored anthropological research excursion to an arid Catholic pilgrimage town called Bom Jesus da Lapa, in Bahia, Brazil, had little to do with his academic interests—he was an economics major on a prelaw track, taking advantage of the opportunity to see South America—but it unleashed an insatiable desire to see new places. By the time he enrolled in Stanford Law School in 1968, he had visited more than thirty countries.



From top to bottom: Radon with his daughter Kaara on the Bridge Climb in Sydney, Australia; Radon flanked by Dr. Guo Xiaoke, Tsinghua International Center for Communication Studies (left), and President Ram Baran Yadav of Nepal (right) in the office of the Nepalese president, Kathmandu, Nepal, 2011; Radon with Estonian president Toomas Hendrik Ilves after receiving the Order of the Cross of Terra Mariana from him at the Tallinn Award Ceremony on February 23, 2016

At the start of his second year as a law student and fresh from a trip to Japan, Radon went to an impromptu dorm-room party dressed in a summer Japanese kimono, ready to bore everyone with talk of the Japanese economy. He ended up meeting Heidi Duerbeck, a fellow German immigrant one year behind him. They married three days before Radon graduated, and celebrated with a three-month honeymoon around the world.

Radon had always wanted to pursue international development (he had studied it at Berkeley after graduating from Columbia), but law school had convinced him that he would first need to work in the field in order to learn the tools of the trade. “I’m a big believer in the apprenticeships of the Gilded Age,” he says. After returning from his honeymoon, he began a decadelong stint working for large corporate firms on matters ranging from real estate to financings and corporate trusts, where he learned the intricacies of deal making and contract drafting. Believing that to become a good lawyer one has to “go through boot camp,” he now laments the transformation large U.S. law firms have undergone since the 1980s, when hedge funds and mergers and acquisitions began taking a very prominent role in the field. “Law used to be a profession,” he says. “You were a counselor, an adviser. Now it has become a business, and young lawyers feel that they are just a cog in a wheel.”

Though he works, technically speaking, in the private sector, Radon considers himself a public interest lawyer; international public interest work, which he funds in part with proceeds from his corporate clients, comprises a substantial portion of his practice. His involvement in the public sphere began in 1980, in the wake of the Soviet invasion of Afghanistan. One day Radon received a flyer in the mail targeting the 100 or so U.S. subscribers to *Afghanistan* magazine, a cultural publication from Austria, asking for volunteers to help organize a relief committee. Fond of Afghanistan and its people since researching there as a graduate student, he agreed to participate and became a founder. He used his legal expertise to set up the legal framework of the Afghanistan Relief Committee, an NGO providing assistance to Afghan refugees and anticommunist freedom fighters, and effectively became the organization’s executive director.

Around that time a chance encounter at a barbecue landed him an invitation to an academic conference in the mountains of southern Poland, where he presented a paper on Polish joint ventures. Shortly thereafter the U.S. Chamber

of Commerce asked him to present the U.S. government position on the same topic at a roundtable in DC. When Radon asked the chamber to send him its position, he was surprised to receive a shortened, uncredited version of his own paper (he had no idea how they got it). At the roundtable, he caught the attention of a Polish official, who asked him to advise the Polish reform government. He agreed, but soon the Polish military put the country under martial law, and Radon's work was put on hold. When the situation liberalized a few years later, he revived his efforts. He delivered lectures to Polish institutions (often being the first Western foreigner to do so) and became the principle drafter of Poland's foreign investment law.

By this point, Radon had his own corporate practice, which he operated out of his home office, the first floor of his Upper West Side brownstone, and which supported his pro bono endeavors. But it wasn't until 1988 that he felt the disparate pieces of his career falling into place. One day he received an invitation from a Soviet reformer

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familiar with Radon's lectures in Poland to deliver a keynote address in Estonia on joint ventures in the Soviet Union. It was an exhilarating time to be in the Baltics. The USSR had liberalized under Gorbachev, and Estonia, along with the other Baltic republics, had just sown the seeds for its independence movement. Motivated, among other things, by his passionate anticommunist sentiment, Radon wanted to help, and he set off for the conference ready to engage and assist the movement however he could.

He took to Estonians, he says, "like a fish takes to water." And, as an adviser throughout the country's struggle for independence, he identified and connected with many of the country's future leaders. One figure he worked closely with during this period is the now prominent politician and academic Marju Lauristin, founder and leader of the

country's first independence movement, the Popular Front of Estonia. Lauristin, who is still close to Radon, told me that Radon was one of the few Westerners to believe that Estonian independence was possible and that his faith in the movement was invaluable to its success. "He instilled confidence in us that things would go the way we wanted, that we could do whatever we wanted to do."

During the late '80s and early '90s, Radon became the first foreigner to receive the Medal of Distinction from the Estonian Chamber of Commerce; founded the American Chamber of Commerce in Estonia; reclaimed the premises of Estonia's U.S. Embassy, becoming the first person since the 1940 Soviet invasion of Estonia to officially raise the U.S. flag there; and guided the process of Estonia's privatization, coauthoring its foreign investment, mortgage/pledge, privatization, and corporate laws.

He also facilitated athletic and academic exchanges between U.S. and Estonian students. At the time his daughter, Kaara (CC '95), was on the high school basketball team at the Dalton School in New York; the first exchange, which took place in the summer of '88, only months after his initial visit to Estonia, occurred between Dalton and School 21 in Tallinn. He told me, "the concept that soft skills like sports are a good way to break the ice and build up personal relations had always struck a nerve in me." The program, inspired by the historic ping-pong diplomacy between the United States and China, lasted three years and was the first privately sponsored high school student exchange program between the U.S. and the Soviet Union. "It was pretty impossible for Estonian students to study abroad at the time," says Lauristin. "I'm not sure what artistry Jenik used to arrange it."

Kristel Hunt (CC '94 and P&S '98), an Estonian student, participated in the program in November 1989 (she watched the fall of the Berlin Wall from the other side of the Iron Curtain). During that trip Radon convinced her to apply to Columbia. "I hadn't been planning anything like that," Hunt, who currently teaches medicine at Mount Sinai and practices gastroenterology and hepatology at the Bronx VA Medical Center, told me over the phone. But, Radon, who had become a mentor, egged her on, and, before she knew it, she was going to Moscow to take the SATs and to Helsinki for the TOEFL. She became the first Soviet-born Estonian to attend Columbia.

Throughout the early- to mid-'90s, Radon would facilitate the application, acceptance, and full financial support of sixteen students from Estonia and the USSR to



Radon at the PCCB (Prevention and Combating of Corruption Bureau) of Tanzania with Edward Hoseah, chair of PCCB (right), and Brad Demon, Columbia LL.M., in Dar es Salaam, Tanzania, 2015

universities in the United States—all of whom had his full emotional support (and access to his home) throughout the experience. He also founded, in 1990, Columbia's Eesti Fellowship, the first public service internship program allowing U.S. students to work in the USSR. As a result, more than 100 U.S. students, selected personally by Radon through a rigorous interview process, worked in Estonia at organizations ranging from hospitals to governmental ministries. (Since then, the program has been expanded to include Cambodia, Ecuador, Georgia, Kenya, Malawi, Nepal, and Uganda; and many of its participants have won Rhodes, Fulbright, Marshall, and other prestigious fellowships.)

In February 2016, on the eve of the Republic of Estonia's ninety-eighth anniversary, Radon was personally awarded a national decoration (the Order of the Cross of Terra Mariana) by President Toomas Hendrik Ilves, for his support of Estonian students and education. "Getting enough people to obtain a decent liberal arts education is the best way to guarantee the maintenance of a democratic society," Ilves (CC '76) told me in New York last September. "And Jenik, who is always full of ideas and persistence, brought over many Estonians to study in the U.S."

For Radon, his early efforts in Estonia marked the beginning of an exciting and fulfilling professional future. "There," he wrote of Estonia in an inspirational essay for

Stanford Law School's Job Placement Office, "my dreams became my life."

And Estonia, the least corrupt and most prosperous of all post-Soviet republics, came to be regarded as a success story. "In typical Jenik fashion, once we started to develop on our own, he didn't expect any rewards and just moved on to other countries," recalled Lauristin. "He is very keen on making the world a better place."

In 1995, in his capacity as a civil law expert, Radon started advising the Georgian government on various ministerial issues. At the time Georgia was considering its prospects as an oil producer and undergoing oil and gas exploration negotiations with energy companies. Though Radon knew little about production-sharing agreements, he agreed to advise on the matter, hiring a British attorney to help him navigate the new territory. "I basically gave him all the money I earned so I could learn about oil and gas," Radon told me. "It was an expensive education." The more agreements he examined, the less he liked what he saw. "The terms were unconscionable," he told me. "Georgia would be taking the brunt of the risk while the companies earned all the money." The Georgian government appreciated his honesty and determination and hired Radon when it needed a consultant to negotiate the terms of the Baku-



From left to right: Radon with former president Ronald Reagan; Lennart Meri, then foreign minister, later president of Estonia; Anu Part, member of the Chamber of Commerce of Estonia; and Jaak Treiman, honorary consul of Estonia in Los Angeles, in Reagan's California office, 1990

Tbilisi-Ceyhan Pipeline (BTC), a 1,099-mile-long crude oil pipeline stretching from Azerbaijan to Turkey.

"This was a crucial time for Georgia," Zurab Gumberidze, Georgia's ambassador to Azerbaijan throughout the BTC negotiations, explained via e-mail. At the time, the newly independent country was struggling to build its foreign policy, develop its economy, and strengthen its internal institutions. Negotiating its role as a transit nation for the pipeline would "show the world that Georgia was capable of building, on its territory, the shortest, most economically viable, and politically reliable energy transit corridor."

The process took years. Then in September 1999 Radon's wife, Heidi, passed away. He was devastated. "I not only lost my wife, but my best friend, my partner, and soul mate," he told me. It was during this period that the Georgian government asked Radon to come to Georgia for the negotiations. "There was no way I could do it," he recalled. "I was not mentally there."

But the agreement had to be signed by mid-November. The Georgian government delayed the negotiations by three weeks, until Radon felt ready. Then he found himself on a plane to Georgia to begin the arduous process of representing the country's interests before

some of the world's leading international oil companies (including British Petroleum [BP] and Statoil) and Azerbaijan's national oil company, SOCAR.

"We were negotiating with companies represented by law firms with vast resources and experience," Gumberidze wrote. "He very frequently outperformed" the lawyers and economists he was dealing with. "As I remember, he barely slept, leading talks during the day and preparing for the next day's sessions at night."

Ambassador Tedo Japaridze, currently a member of the Georgian parliament and chairman of the Foreign Relations Committee, met Radon during the negotiation process. "I said, 'Who is this guy? He's so disciplined, he must be German,'" he told me over the phone. Japaridze credits Radon with helping Georgia define its strategic function as a transit country in the region. The pipeline, said Japaridze, is a key reason why Russia did not move farther into Georgia during the 2008 war. "We were freshmen in these negotiations, and Jenik played an immense role, making us take our time and pore over every detail. There is no way to imagine we would have accomplished what we accomplished without him." For Radon's contribution, President Eduard Shevardnadze gave Radon the Order of Honor, Georgia's highest civilian award.



Radon's modus operandi for working in developing countries is that as an expert you must fully engage with the country you are advising. "It's always easier to do the work yourself, but you're trying to transmit knowledge; you have to work with people as they learn. And you cannot just leave when you think your work is done; you have to keep coming back," he said.

Radon started teaching—first at Stanford's law and business schools, then at SIPA—the year after Heidi passed away. And he applies the same principles to his students as he does to the countries he works with. He has been known to stay up nights helping students with grad school admissions essays, guiding them about their future. "He will spend hours upon hours counseling undergraduates and graduates on where to move forward in life," Chris Glaros (CC '96), an Eesti program alum, told me. "He got me to think critically about myself and the future."

For Radon, critical thinking is a fundamental element of any process, whether it is writing a grad school essay, crafting a law, or negotiating the terms of a contract. "You have to try to anticipate the problems before they become problems," he told me in the lobby of the SIPA building in early October, right before teaching a class on the Panama Papers, which focuses on corruption and the hidden ownership of tax haven companies. "We always have

heroes, white knights, and they are the people resolving the problems after they come up. Shouldn't the hero be the guy who identifies the potential problems and prevents them before they occur?"

Identifying problems before they occur is one of Radon's greatest strengths, says his close friend David Graubert, a fellow lawyer and Stanford graduate who was his housemate in Palo Alto in the years after Heidi's death. "One thing I always thought was remarkable about him was that he came up with issues and things that were ahead of their time in terms of concerns," Graubert told me. "Something would become a popular issue, I'd read articles about it, and I'd say, 'Gee, that's something that Jenik was dealing with ten years ago.'"

It was precisely with the intent of solving problems before they became problems that Radon founded a conference on Eurasian pipelines at the Harriman Institute in 2006. Every April the conference brought together experts and practitioners who discussed, and tried to resolve, pertinent energy issues in the region. But due to the crisis in Ukraine it has been on hiatus since 2014. "When the atmosphere is so politically charged, people start losing the ability to be rational and discussions become fruitless," Radon told me.

When we got to his Panama Papers class, which Radon coteaches with journalist and longtime friend Anya



Schiffrin, Radon sat at the head of the table and leaned back in his chair. The *New York Times* had just published an article exposing then-presidential candidate Donald Trump for not having paid his taxes since 1996. “We’ll start with Trump just to make it exciting,” said Radon. “Are you upset that he hasn’t paid his taxes?” The class murmured, no one venturing to respond. “Well, I’m not upset,” he said, provoking raised eyebrows. “The problem is that this is the way the system was set up. As Trump himself has said, the loopholes are in our laws. And these loopholes demonstrate poor draftsmanship. Who’s at fault? Is it Trump? Or the draftsman? Or how the law has been enacted? Do I like it? Well that’s a different story.”

Last winter, in the medieval town of Radon, France (no relation), Radon celebrated his seventieth birthday. Yet, he possesses an ageless quality. “He hasn’t slowed down at all,” says his longtime friend Kristel Hunt. “He keeps on climbing, and each mountain just gets higher and higher.” ■

From left to right: Radon and his Energy, Corporate Responsibility and Human Rights class, with Bishop Edward Hiiaboro Kussala (left), 2014; Radon with former secretary of state Hillary Rodham Clinton

- In addition to Stanford and Columbia, teaching appointments across the globe, including in Europe (first Westerner to lecture, after Estonian independence, at the University of Tartu School of Law); Asia (participant in inaugural law-economics program at IGIDR, India); Africa (as a Fulbright expert at Makerere University, Uganda); and Latin America (named as distinguished professor at Tecnológico de Monterrey, Querétaro, Mexico)
- Advising Namibia and Peru on sustainable natural resource development
- Current adviser to Afghanistan on TAPI, the multibillion-dollar Turkmenistan-Afghanistan-Pakistan-India gas and pipeline transaction
- Addressed, as a non-African expert, an annual meeting of the Southern African Forum Against Corruption (SAFAC) of the Southern African Development Community (SADC) (2014)
- Past member of UN Global Compact Academic Initiative task force, which seeks to have business schools incorporate the Compact’s ten environment, labor, human rights, and anticorruption principles into curriculum and teaching
- Former trustee of Vetter Pharma, the world’s leading manufacturer of aseptic prefilled syringes (1999–2007)