

# Empowering Just Development



2013 Annual Report

## About ISLP

ISLP empowers just development around the world by supporting local organizations and institutions in their efforts to advance the rule of law, human rights, and equitable economic development. It operates on an attorney-client basis that puts the client in charge, and engages the pro bono services of highly experienced lawyers and esteemed law firms to assist select clients—including civil society organizations, least developed country governments, and other institutions—through projects developed and guided by ISLP staff.

ISLP's effectiveness derives from its ability to harness the individual and collective strength of:

- Clients, who bring local knowledge and understanding and a strong commitment to the outcome;
- Lawyers, who bring decades of experience making law work for their clients;
- Law firms, who bring their global reputation, multi-jurisdictional perspective, and scalable operational capacity;
- Partners, who bring specialized knowledge, established networks, and field resources; and
- Staff, who bring project development and implementation expertise and a professionalism that ensures that clients get the most appropriate and relevant legal assistance available.

ISLP's projects offer clients: (1) experienced lawyers to work on-site with them to advise on specific issues and help build their staff capacity; (2) expert legal counsel for significant natural resource transactions, legislative reform, public interest litigation, corporate governance, and other matters; (3) training workshops and educational programs for local lawyers, advocates, and governmental officials; and (4) comparative research and analysis on international and foreign laws, best practices, and proven solutions.

Since incorporation in 2000, with support from foundations, law firms, lawyers, and government programs, ISLP has sent hundreds of experienced lawyers to work with clients in more than 50 countries and has delivered more than \$100 million worth of pro bono legal assistance through both on-site projects and remote analysis and advice. ISLP is now widely recognized for the high quality law-related assistance and capacity building it offers to governments and organizations that have scarce resources and little or no access to experienced lawyers to help them meet important rule of law and development needs.

ISLP is immensely proud of the people it works with and for: our global clients who are playing a critical role in advancing human rights, economic development, and the rule of law in their societies, and the ISLP volunteers who bring dedication, a broad and informed perspective, and a tremendous caliber of legal skills to bear on these challenges.

### Current & Emerging Focus Areas

Access to Justice  
Alternative Dispute Resolution  
Anti-Corruption

Land Rights  
Media Freedoms

Natural Resource Management  
Protecting Vulnerable Communities





## A Letter from the Executive Director

From our daily interactions with clients, it is clear that law is still not a positive force for many people. The problem is often not with law as a rule or a process as much as it is with its uneven availability to those in need. Having the right lawyer at the right time can make all the difference.

Unfortunately, lawyers all too often are not asked to help clients facing human rights or other social and economic challenges until the point of litigation, when harms have already been suffered and solutions are limited. Yet most lawyers rightly see litigation as a last resort and would rather use law as an enabling force for their clients to create organizations and businesses, develop processes, build institutions, reform laws, conclude deals, and resolve disputes.

In our experience, the keys to unlocking this greater potential of law as an enabling force are to:

- Build a broad network of legal expertise that draws on a wide range of knowledge and experience;
- Work with clients to understand their needs and the potential role of law in addressing them, and then structure a response that employs the best expertise available, often by drawing on a combination of different lawyers and firms at various points;
- Collaborate with partners who have complementary missions, abilities, and subject matter expertise to understand the broader contexts of the problems our clients face and then to identify the best ways of assisting them;

- Explore creative ways of using legal expertise to solve problems in new areas of development and social change, such as impact investing; and
- Demonstrate to funders and government donors the potential impact and economic efficiency of harnessing expert pro bono legal services.

In the pages that follow, you will find impressive examples of all the ways that ISLP is working to unlock the potential of law as an enabling force. Our goal is to empower just development. To us, this means making legal expertise available when civil society organizations and least developed country governments need it most—when social, economic, and political changes can be guided and supported by processes that are fair and just.

As you review this report, I hope that you will be as impressed as former Secretary of State Hillary Clinton is by what ISLP is doing (see page 5). But more than that, I hope that you will be inspired to become involved in our efforts, whether as a client, lawyer, funder, adviser, or promoter. Please consider this letter your invitation to help empower just development.

A handwritten signature in black ink that reads "Garth".

Garth Meintjes  
Executive Director

## A Letter from the Co-Presidents

Dear Friends,

We recently returned from an ISLP Board and staff retreat that focused on future direction and growth. The meeting coincided with the issuance of the Report of the High-Level Panel of Eminent Persons on the 2015 Development Agenda, commissioned by the UN Secretary General. The contents of the Report are a cause for optimism on the part of organizations like our own. It notes that the 13 years since the adoption of the Millennium Development Goals “have seen the fastest reduction of poverty in human history”, substantial reductions in child death rates and maternal mortality, and millions more children attending primary school. This was also a period in which developing countries experienced unprecedented economic growth.

Still, much remains to be done. Among experts there is general agreement that effective legal and judicial systems are an essential ingredient in long-term development. The underpinnings of such a system include freedom of speech and the press, and access to justice. Also, as noted by the expert guests at our retreat, “improved governance in natural resources is arguably the development challenge of the decade.” The additional point was made that “the private sector will have to play a central role in future development.”

Reflecting on these needs, we believe ISLP is well-positioned to make a meaningful contribution to the 2015 development agenda:

- Our flagship natural resources program has provided important assistance to eight sub-Saharan African countries in the management of their natural resources. The program includes review, advice, and other direct assistance in the negotiation or re-negotiation of major natural resource concession agreements, as well as review of proposed laws and regulations governing the mining and petroleum sectors of these economies.

- Our Media Law Working Group, a leader in its field, has taken on a wide range of legal obstacles to a free and independent press, including censorship and repressive libel laws, and has done pioneering work on freedom of information laws in developing countries.
- We have had long-standing programs providing support in the establishment and operation of public defender and legal aid centers, particularly in Eastern Europe and Haiti, and more recently in Myanmar. Such centers are the very cornerstone of the public's access to justice.
- We have provided practical training in commercial law to hundreds of previously disadvantaged attorneys in South Africa and other sub-Saharan countries, thereby upgrading the ability of sizeable segments of the legal professions in these countries to provide counsel on business transactions that contribute to their economies.
- We are currently developing a program to provide legal assistance to social impact investors, an important potential source of private sector support of development.

These are just some of the building blocks we will use to help empower just development. Our ability to do so is enhanced by the work of a dedicated staff, a strong Board, a corps of highly qualified, highly experienced volunteers prepared to go most anywhere in the world, the support of many law firms, and the generosity of our funders. We continue to be grateful to all of them and to the many friends who have provided encouragement over the years.



Anthony F. Essaye



Robert H. Kapp



HILLARY RODHAM CLINTON

April 24, 2014

Dear Friends:

I have recently become acquainted with the International Senior Lawyers Project and want to express my appreciation for the great work that you are doing.

Experienced lawyers in the United States and other countries have a lot to offer nations that are still developing their legal systems and working to promote sustainable economic progress and the protection of human rights. I am impressed that your volunteer lawyers carried out over 150 programs in 37 countries in 2013, ranging from helping African governments negotiate fair and transparent agreements for the use of their natural resources, to mentoring media lawyers and journalists engaged in protecting freedom of the press, and helping farmers protect their rights to the land upon which they and their forebearers have long relied.

Your organization truly embodies the spirit of community service that makes our country great, and you have my best wishes for continued success with your mission. Onward!

With appreciation and best regards, I am

Sincerely yours,

  
Hillary Rodham Clinton

## Snapshot of Achievements in 2013

ISLP's projects in 2013 helped clients address a wide range of law-related problems, from the use and management of natural resources to the delivery of legal aid to indigent defendants. These projects helped address a major underlying condition that gives rise to these and many other problems: the weakness of the rule of law in the countries where we work. In 2013, ISLP helped to advance the rule of law by:

- **Training more than 1600 lawyers, government officials, stakeholders, and over 500 law students** on topics ranging from skills and best practices in negotiating mining agreements to enforcement of new disability laws.
- **Assisting 23 government ministries and civil society organizations in drafting or commenting on proposed laws, regulations, or policies** affecting economic development, social justice, and civil and political rights.
- **Providing sustained on-site support by experienced lawyers sent to 19 government ministries and public defender, legal assistance, and human rights organizations.** ISLP experts provided mentoring and advice to assist with immediate challenges and to build local capacity.
- **Providing direct litigation support in 18 litigations** to advance rights or economic benefits.
- **Assisting with the negotiation and enforcement of nine major petroleum, mining, or public-private partnership agreements.** ISLP provided counsel from highly experienced international transactional lawyers for the review, negotiation, or enforcement of these agreements, delivering assistance to help secure the best possible financial returns and include provisions for transparency and community benefits that reflect international "best practice" standards.
- **Helping to establish or strengthen eight regional and local tribunals** for the resolution of commercial and human rights disputes in Africa, Europe, and the Middle East.

## Fighting the “Natural Resource Curse” in Africa

Africa, especially sub-Saharan Africa, has one of the highest levels of economic inequality in the world. Yet, many African states designated as least developed countries have natural resources—minerals, oil, agriculture—that hold enormous potential for economic development and improving the quality of life for their people.

Transforming this potential into real benefits such as infrastructure, employment, and tax revenue requires skillful negotiation of contracts and experience managing bids and concession agreements, as well as respecting local communities’ needs and interests. This is an area where ISLP is uniquely qualified to support both governments and local communities with some of the most experienced mining, environmental, tax, and international transactions lawyers in the world.

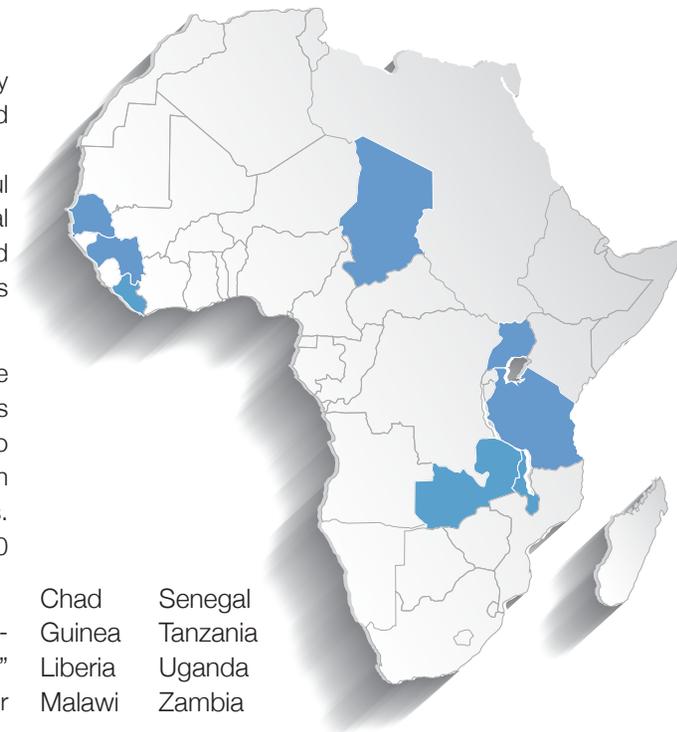
**Liberia**—Mining is one of the primary drivers of Liberia’s economic growth, with much-needed earnings from iron ore exports nearly doubling from 2012 to 2013. ISLP felt it was imperative, then, to support the government in its implementation of major iron ore concession agreements—some of which ISLP helped Liberia to negotiate—to ensure that related revenues would be fully realized. ISLP lawyers provided extensive input on the proper calculation of royalty payments, taxation of offshore gains, and applicable Liberian corporate income taxes on iron ore shipments. Assistance was additionally provided on several petroleum matters, including one major undertaking that, after 20 months of effort, was successfully concluded in 2013.

**Malawi**—Among the ten poorest countries in the world, Malawi has a growing mining sector, but one which the government acknowledges “faces numerous challenges including inadequate institutional capacity [and] outdated policies.” Seeking expertise, the government asked ISLP for assistance with fiscal and other policies governing the mining sector and for input on negotiating terms in mining contracts that are more consistent with international standards.

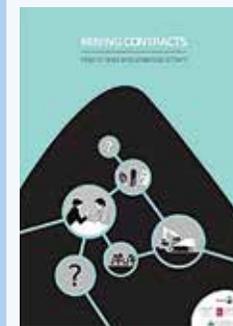
**Zambia & Senegal**—ISLP launched an “advisory counsel” program with the African Legal Support Facility to provide general legal counsel to the governments of Senegal and Zambia. Under this program, two senior lawyers with substantial experience in public-private partnerships committed themselves to working alongside ministry colleagues over an extended period of time to help set up PPP units, develop related policies and regulations, and provide training and advice on PPP contracts. More than 50 officials received training, and key policies and regulations were developed. The program will continue in 2014.

**“The staff of the Ministry of Mines and all participants of the workshop on best practices for negotiating and drafting mining contracts held in Dakar join me in extending their heartfelt thanks to ISLP for the quality of the training materials and interactive approach of the workshop.”**

—Hon. Aly Ngouille Ndiaye, Minister,  
Ministry of Industry and Mines, Senegal



### Mining Contracts: How to Read and Understand Them



ISLP lawyers and other mining experts have produced the world’s most comprehensive book on mining contracts for lay readers. The 200+ page book is for governments, citizens, and others who support contract transparency and share the vision for all stakeholders to better understand the content and impact of mining contracts. It is free online at [ResourceContracts.org](http://ResourceContracts.org).

## Getting to Good Laws and Effective Institutions

Sound policies, effective and efficient legal and regulatory frameworks, and strong institutions offer the best potential for sustainable economic development. But for laws to work well—or bring about desired reforms—they must function within their local context. When helping to draft laws, ISLP lawyers draw on the best practices of other countries in the region. They also take into account the country's own institutional framework, capacity constraints, and the state of development of its natural resources to help ensure that the laws' provisions are workable in both the short and long terms.

**Guinea**—Since 2011, ISLP, working through the Revenue Watch Institute, has supported the efforts of Guinea's first democratically elected government to increase the development benefits that the country derives from its mineral resources. In 2013, ISLP assisted with a review of its amended mining code and underlying regulations.

**Liberia**—An ISLP trade law specialist worked closely with the Ministry of Commerce to develop competition and foreign trade laws, neither of which existed previously in the country. The lawyer then attended workshops with some 50 officials to solicit their comments, integrating this feedback into updated drafts for the Ministry.

Working with the World Bank Group and other experts, ISLP lawyers contributed to Liberia's draft petroleum law by drawing on the best practices of other countries that had recently enacted or revised petroleum laws, such as Sierra Leone, South Sudan, Uganda, Timor-Leste, and Nigeria.

### CAPACITY-BUILDING TRAINING

Senior international transactions lawyers traveled in 2013 to Chad, Liberia, Tanzania, and Uganda to provide guidance to government officials on issues such as how mining contracts interact with laws and treaties; how fiscal tools work; how contracts can protect the

environment and community rights; and best practices for negotiating, drafting, and enforcing natural resource contracts.

**Tanzania**—Since beginning a partnership with the United Nations Development Programme in 2009, ISLP has produced a series of workshops in Tanzania on the effective management of extractive industries and natural resources that has reached more than 300 government officials and lawyers. The 2013 programs for lawyers from the public and private sectors focused on building knowledge and practical skills around negotiating, structuring, and managing contracts.

**Chad**—In 2013, more than 170 government officials and lawyers benefitted from a workshop on extractive sector contracts developed by ISLP and the African Legal Support Facility that focused particularly on mechanisms to link these contracts to the state's sustainable development and poverty reduction plans.

**Uganda**—Senior officials from Ghana, Kenya, Liberia, Tanzania, and Uganda attended a week-long ISLP/International Law Institute-African Centre for Legal Excellence training on oil and gas contracting.



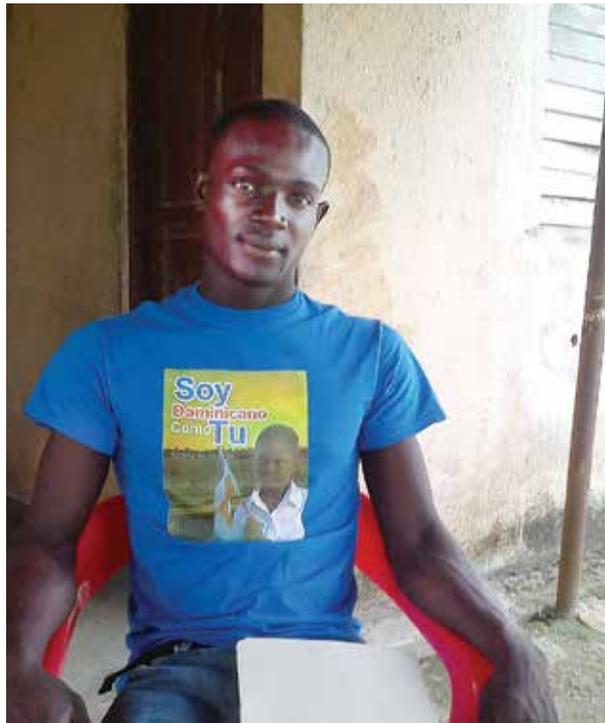
Top: A Hogan Lovells team thoroughly researched the use of special economic zones, particularly in Africa, to promote economic development and supported a presentation on a potential SEZ program to the Liberian Cabinet. With the Cabinet's approval, the team prepared a draft SEZ law and traveled to Liberia to meet with stakeholders and incorporate their views into the proposed legislation.

Bottom: Dentons lawyers conducted a training on PPP contracts for government officials in Senegal.

### PARTNERS

Africa Conservation Fund  
 Africa Legal Support Facility  
 African Centre for Economic Transformation  
 Government Ministries of Guinea, Liberia, Malawi, Rwanda, Senegal, Tanzania, Zambia  
 International Law Institute—African Centre for Legal Excellence  
 Myanmar Development Resource Institute—Centre on Economic and Social Development  
 Publish What You Pay  
 Revenue Watch Institute  
 Transparency International

## Advancing and Protecting the Rights of Vulnerable Communities



One of many thousands of Dominicans of Haitian descent stripped of their rightful citizenship

Poor countries and vulnerable communities rarely have the resources to use law effectively as a tool for development and change. ISLP sees this as an essential area where pro bono lawyers can, and should, become involved for the greater good.

ISLP helped advance several important legal battles on behalf of marginalized and persecuted groups in 2013. Its experts brought a case in English commercial court to vindicate the rights of villagers who lost their lands in Cambodia (see page 13), and saw successes on behalf of ethnic minorities in Nepal (see below) and a crusading Angolan journalist who faced punitive legal proceedings for exposing gross human rights abuses in Angola's diamond mining industry. ISLP lawyers also provided hands-on practical and strategic assistance to partners working on cases to protect LGBT persons in Cameroon and to advance prisoners' rights in Russia.

Around the world, stateless people not only have no country to call home, they frequently live without legal protections or rights of citizenship that most people take for granted. Such is the condition of an estimated 200,000 Dominicans of Haitian descent—people who were born and live in the Dominican Republic and who by law are Dominican citizens, but who are being denied their rights of citizenship by the state. They are blocked from registering for vital papers necessary for education, employment, and voting rights and could face deportation to Haiti, a country most have never known. An ISLP lawyer spent two months in the D.R. to train, assist, and enhance collaboration among eight NGOs asserting the rights of Dominicans of Haitian descent. Together with another ISLP expert, he also helped develop recommendations for a regulatory scheme that would provide secure legal status for Haitian migrant workers in the D.R.

ISLP is also proud to have played a role in Nepalese advocates' successful correction of draconian citizenship laws affecting tens of thousands of children, many from the marginalized Madhesi community, born in Nepal. While their parents had been granted citizenship under a special government program, they remained stateless because the program failed to address children born after 1990. At the request of a local partner, ISLP sent a lawyer to Nepal to help prepare a complaint to submit to the UN Human Rights Committee on this issue. Just before its submission, the local advocates were able to convince the government to provide citizenship to the excluded children. According to the local partner, the fact that it had international legal support and a complaint ready to file provided credibility and opened the door to a constitutional amendment to remedy the problem.



Seeking to curb the epidemic of pretrial detention in its country, a Bolivian NGO asked ISLP for technical skills training for public defenders in La Paz. Jorge Godoy (above) and Caroline Turner, experienced criminal defenders, delivered a training program and conducted a needs assessment to guide ISLP's work in 2014 with public defender offices in La Paz, Cochabamba, and Santa Cruz.



Attorney Cynthia Rollings (left) with two clients in Nepal challenging discriminatory citizenship policies



## Focus on ISLP Litigator Robert Goldspink

The European Center for Constitutional and Human Rights is a Berlin-based NGO that uses innovative litigation strategies to advance human rights around the world. To support this important work, ISLP-UK recruited an exceptional retired litigator from London, Robert Goldspink, to provide ongoing training for its human rights litigators. ISLP also draws upon teams from global law firms for vital research and other assistance for ECCHR.

In 2013, Robert made four visits to ECCHR to provide training, mentoring, and case development, working with staff lawyers on topics such as privilege, discovery in international litigation, and choice of jurisdiction. He provided advice on several cases, including lawsuits seeking justice for victims of poisoned water in India, a garment factory fire in Pakistan, and a land grab in Indonesia.

Robert also led a panel at a workshop organized by ECCHR for NGOs and lawyers from

**“Robert Goldspink has contributed significantly to our understanding of relevant areas for our business and human rights litigation in common law countries, including tort law and corporate research. We are very grateful to him and to ISLP for their support of and contribution to our work.”**

—Carolijn Terwindt, ECCHR Legal Advisor

the Philippines, Malaysia, Indonesia, India, and Bangladesh, and worked with several of the lawyers in attendance on their human rights cases. In between trips, Robert provided remote support to ECCHR legal staff and drafted a case management manual for the benefit of their ongoing strategic litigation work. He will continue this generous support in 2014.

### PARTNERS

Association pour la Défense de l'Homosexualité  
Beijing Yilian Legal Aid and Study Center of Labor  
Centro Bonó  
Conference on Democracy in Africa  
Coordinadora Nacional de Derechos Humanos  
Dipendra Jha  
European Center for Constitutional and Human Rights  
FEANTSA  
Fundación Construir  
Global Rights  
International Protection Centre  
KOFIVV  
Legal Action Worldwide  
Movement of Haitian-Dominican Women  
SEROvie  
Socio-Cultural Movement for Haitian Workers  
Solidaridad Fronteriza

## Closing the Capacity Gap: From Engagement to Empowerment

Many ISLP partners in the developing world have profound responsibilities and ambitious goals that are often impeded by a crippling lack of resources, both human and otherwise. ISLP is committed to helping people and institutions bridge this capacity gap so that their skills and leadership can be harnessed effectively. Empowering clients to realize their development objectives is one of ISLP's top priorities.

### REBUILDING THE RULE OF LAW IN MYANMAR

After 50 years of isolation, Myanmar is opening to the outside world in a way that is creating both opportunities and risks. While the country has a wealth of resources, it suffers from a weak legal system, corrupt courts, and a stifled legal profession. ISLP is supporting efforts to rebuild the rule of law by developing the capacities of key clients from the government and civil society. Public defenders spent six weeks at two pilot justice centers to build the skills of their lawyers and the organizational capacity of the offices to develop a national legal aid system. A UK solicitor also served as an on-site resource for a network of local organizations working to provide legal aid, advance equality before the law, and strengthen the legal profession and bar associations. Both projects will continue in 2014.

### TRIAL ADVOCACY TRAINING IN LIBERIA AND NIGERIA

ISLP's ongoing partnership with the Office of the General Counsel of Liberia's Ministry of Health and Social Welfare expanded in 2013 with a trial advocacy skills workshop for 20 lawyers and professionals from the OGC, other ministries, and civil society partners. ISLP engaged a retired judge with substantial experience working in Liberia to tailor the two-week training to matters that the Ministry regularly faces. The program was designed in close collaboration with the OGC and in support of its goal to build internal and partner capacity across a broad spectrum of legal issues, including health care regulations, enforcement, and contracting.

Similarly, in January and September, four UK barristers each spent a week training and working with 50 Nigerian lawyers at the Lagos Ministry of Justice. The trainings were designed to improve advocacy within the criminal justice systems for both prosecutors and defense lawyers. Additional 2014 trainings are planned.

### TANZANIA LAW SCHOOL

Now entering its fourth year, ISLP-UK's support for Tanzania's only post-graduate law school included in 2013 a tailored capacity-building plan, ongoing curriculum development, and training for the teaching staff to ensure the program's sustainability. All modules are developed and delivered, in collaboration with the Law School Faculty, by teams from top law firms, chambers, law schools, and in-house counsel. ISLP-UK is also supporting the establishment of a law clinic and the promotion of a pro bono ethos among the students.

*ISLP thanks Clifford Chance for its support of this project.*

### COMMERCIAL LAW TRAINING—SOUTH AFRICA, ZAMBIA, AND MYANMAR

Since 2003, ISLP has developed an extensive program of trainings in Africa for lawyers who have been historically excluded from practicing commercial law. In eight countries over the span of a decade, ISLP instructors—all highly experienced



Top: Senior barristers Nick Paul of Doughty Street Chambers (front row, second from left) and Icah Peart QC of Garden Court Chambers (far right) led a criminal advocacy training for lawyers of the Lagos State Ministry of Justice in Nigeria.

Bottom: White & Case partner Charles Nairac worked with 24 judges of the High Court of Lagos on the role of courts in supporting the arbitral process.

commercial lawyers—have helped enrich the skills and opportunities of over 1600 local practitioners. The 2013 programs in South Africa and Zambia focused on empowering small law firms attempting to attract commercial work for the first time. Also in 2013, ISLP initiated plans for its first commercial law training program with the Myanmar Legal Aid Network.

Additionally, ISLP's legal experts continued to partner with the U.S. Department of Commerce to train delegations from developing and post-conflict countries who are piloting commercial legal reforms in their countries.

### SUPPORTING MEDIA FREEDOMS

Building on work begun in 2012, an ISLP media law expert returned to Ulan Baatar for a month to deliver intensive trainings to Mongolian journalists, students, and defense attorneys on topics ranging from the law of defamation in Mongolia to professional and ethical standards for journalists. A second ISLP specialist joined in to lead sessions at Mongolia's 2013 National Media Conference on international defamation laws, the current state of media law, and what the government and courts can do to improve free press and speech in Mongolia.

### DEVELOPING COMMERCIAL ADR

In support of broader efforts to overcome court delays, case backlogs, and high litigation costs, ISLP and the International Law Institute—African Centre for Legal Excellence are collaborating to provide training in basic mediation skills to lawyers from the sub-Saharan region. An ISLP expert facilitated a week-long program for participants from Kenya, Botswana, Lesotho, Malawi, and Uganda that utilized extensive role play exercises around issues of diversity and bias and mediator ethics and agreements.

ISLP also returned to Nigeria at the invitation of the Lagos Court of Arbitration for a two-day session for judges on the enforcement of arbitral awards and the role of the courts in supporting the arbitral process. These activities both aim to help speed access to justice and boost foreign investment in Nigeria. *ISLP thanks the JAMS Foundation for its support of this project.*



Left: Public defender Jake Stevens mentored junior legal aid lawyers at the Yangon Justice Centre. Right: Mayer Brown senior counsel Matt Rooney engaged with civil society partners to develop an ISLP plan of assistance.

## Focus on Myanmar

ISLP's work can have a particularly strong impact when it involves a sustained set of projects in a particular country, such as in Liberia, Haiti, and Tanzania. In 2013, ISLP launched a substantial program of assistance in Myanmar, a resource-rich but underdeveloped country that decades of repressive military rule had reduced to one of the poorest in Asia.

When a new government opened the door to economic and political change, ISLP moved quickly to provide legal support for civil society and those propelling reform in Myanmar.

The Myanmar Program, which continues to grow, has sent volunteers to train lawyers and help hone procedures at two pilot legal aid offices, provided technical assistance to NGOs on land and environmental policies, reviewed draft laws, introduced young lawyers to commercial law concepts, and supported civil society groups searching for functional rule of law solutions to emerging issues.

*Support for this program has been generously provided by the GE Foundation and the Open Society Foundations.*

### PARTNERS

Anti-Corruption Bureau, Malawi  
 CEELI Institute  
 European Center for Constitutional and Human Rights  
 Fundación Construir  
 Global Impact Investing Network  
 Globe International  
 International Law Institute—African Centre for Legal Excellence  
 Karen Environmental and Social Action Network  
 Lagos State Ministry of Justice  
 Lagos Court of Arbitration  
 Local Resource Centre  
 Ministry of Health and Social Welfare, Liberia  
 Ministry of Justice, Liberia  
 Myanmar Development Resource Institute—Centre on Economic & Social Development  
 Myanmar Legal Aid Network  
 Organization of American States  
 Oxfam International  
 Paung Ku  
 PeaceTones  
 Tanzania Law School  
 The Yangon and Mawlamyine Justice Centres

## Promoting Press Freedom and the Protection of Journalists

Journalists operate in an often hostile legal environment where they are frequent targets of criminal and civil defamation actions brought against them by public officials and business leaders. ISLP's Media Law Working Group, a collection of top media law practitioners from various countries and legal systems headed by ISLP Board member Dick Winfield, provided assistance in 2013 with nearly two dozen matters that addressed the safety of journalists around the world, overcoming difficulties of access to information, and challenges to the development of a free and independent media.

The spectrum of this support reflected the rapidly deteriorating global climate for media freedoms and the urgent need for expert help to promote respect for international standards and to combat laws that criminalize legitimate journalism. This effort included:

- Building the capacity of and providing technical assistance to lawyers defending journalists in Angola, Singapore, Russia, and Ukraine.
- Helping to establish Uganda's first legal aid center for journalists that will protect and empower journalists and other media practitioners to exercise and expand their legal rights.
- Support and training around the reform of criminal libel laws and procedures to prevent excessive judgments from undermining free speech rights in Mongolia.
- Libel law assistance to NGOs in danger of being sued for publishing research findings into human rights and other abuses by corporate entities.
- Drafting an amicus curiae brief for the Union Internationale des Avocats to file before the Inter-American Commission on Human Rights regarding the independence of the judiciary in Ecuador in a criminal defamation case.

**“Dan Byron’s experience and commitment are key factors that contributed to the success of our partnership. His broad experience in handling defamation cases and accurate reporting aided the journalists and his training for defense lawyers was of great importance as it was the first-ever freedom of expression workshop for them. Finally, he contributed to raising the awareness of the public and authorities about decriminalization of defamation since the draft law had just been submitted to the Parliament.”**

*—Naranjargal Khashkhuu, Director  
Globe International, Mongolia*

- Assisting the government of Georgia in improving its broadcasting and freedom of information laws.
- Meeting with Myanmar journalists and government officials in connection with reforms of existing laws and providing extensive suggested revisions to draft laws governing newspapers, journalists, broadcasters, printers, publishers, and motion pictures.
- Helping Yemeni parliamentarians draft effective laws to encourage development of private broadcasting.
- Drafting an amicus curiae brief for several African and international NGOs to challenge a draconian Burundi press law in the East African Court of Justice.
- Encouraging government and civil society in Myanmar to halt the venomous hate speech assaults on the Muslim minority.



ISLP media experts Dan Byron (above) and Sigurd Sorenson worked with NGO Globe International in Mongolia on a wide range of media freedom initiatives.



Dick Winfield, Craig L. LaMay, and Robert J. Freeman co-authored a report to improve implementation of freedom of information laws. It was published jointly by the National Endowment for Democracy's Center for International Media Assistance and ISLP.

### PARTNERS

Conference on Democracy in Africa  
Globe International  
IKV Pax Christi  
IREX-Europe  
IREX G-Media  
Media Law Institute of Kiev  
Media Legal Defence Initiative  
Transparency International  
Union Internationale des Avocats

## Land Rights

Globally, conflicts over the ownership, control, and use of land are intensifying. Struggles over land rights, resource governance, and the protection of the environment are fundamentally intertwined—and political maneuvers by powerful interests feed into these struggles and too frequently lead to land grabs, forced evictions, and other serious human rights violations.

ISLP is uniquely positioned to address legal issues at this intersection of justice and development. In Cambodia, Haiti, and Myanmar, ISLP lawyers have employed a range of approaches to address land disputes including commercial litigation, policy development, and empowering citizen participation.

### CAMBODIA

Land grabbing is not only a human rights issue; it is also a commercial law issue. ISLP joined the Community Legal Education Center of Cambodia to support 200 villagers from Koh Kong Province who have been fighting for years to seek redress for their stolen land. The ISLP team conceived of and filed a case against the major UK sugar company Tate & Lyle in English Commercial Court that calls for the value of the sugar cane produced on the land to be returned to the villagers. Reframed as a clear-cut commercial dispute, this potentially groundbreaking case is steadily moving forward in the English court.

### HAITI

The question of who controls property is paramount in Haiti. Unfortunately, rural communities are often sidelined from government discussions regarding land ownership—cut out of any decision-making over their historically owned lands. At the request of a coalition of grassroots NGOs in Haiti, ISLP has started to implement legal empowerment initiatives aimed at helping citizens to voice their concerns about issues impacting their land and livelihoods, and to identify priorities for national land reform.

### MYANMAR

The transition in Myanmar has opened the door to greater hope for rectifying past land rights violations, but also to rapid development that could further threaten vulnerable communities. Fair resolution of land issues will be central to a peaceful and sustainable political future. It was within this climate of potential reform that a civil society organization brought to ISLP its concerns about competing land rights claims and a lack of options to resolve disputes. ISLP sent a land use specialist to help it develop a fair and rights-protective policy that recognizes and appreciates the local context and challenges.



**“We are very thankful to Mike Haroz for his invaluable contribution. The land policy draft is a starter for discussion among our ethnic groups and donor agencies for alternative land policies in Myanmar.”**

—*Paul Sein Twa, Director*  
*Karen Environmental and Social Action Network*

#### PARTNERS

ActionAid Haiti

Community Legal Education Center

Je Nan Je

Karen Environmental and Social Action Network

## Spotlight on Volunteers

While pro bono work and its impact can often be distilled into useful statistics (hours donated, clients assisted, lawyers trained), in the end there is one, unquantifiable, quality that perhaps best explains the impact of the people on the front line of ISLP's mission: dedication!

### PAUL-CLAUDE BÉRUBÉ



Since 2010, Paul-Claude Bérubé, a senior lawyer from Montreal, has worked with the Haitian Office of the Secretary of State for the Integration of Persons with Disabilities (SEIPH) on the realization of a law supporting the rights of persons with disabilities. The disability rights law—the first of its kind in Haiti and crucial for those disabled by the 2010 earthquake—was officially enacted in May 2012. To advance this achievement, Paul-Claude traveled twice to Haiti in 2012 to help draft supporting regulations and advise SEIPH on a five-year strategic plan for its implementation. In 2013, he returned three more times to train 295 judges, police officers, and other local officials in Cap Haitien, Les Gonaïves, Les Cayes, and Port-au-Prince on the law's implementation. Through years of dedicated pro bono support, Paul-Claude has contributed significantly to a vital law to protect the rights of persons with disabilities in Haiti.

### BRIAN FIX



When the African Legal Support Facility approached ISLP for help developing capacity within the government of Senegal on public-private partnerships, ISLP paired an outstanding volunteer with an innovative approach. Brian Fix, of counsel at Dentons, has been doing

legal work in Francophone West Africa since the 1970s and is an expert in cross-border transactions such as joint ventures, infrastructure development, and, most importantly, PPPs. He is committed to fairness in resource development and appreciates that Senegal's economic growth depends on forging new, trusted economic partnerships.

During regular two-week visits throughout the year—and continued from his office in between trips—Brian worked with the Direction de l'Appui au Secteur Privé of the Ministry of Economy and Finance in an "advisory counsel" role analogous to that of in-house counsel. He led workshops on best practices related to PPPs, mentored and assisted local staff and counsel with related legal matters, and helped the government build a legal environment for successful PPPs. The approach, deemed a success by all involved, is ongoing and has led to discussion of similar programs for other countries.

### JIM DUBE



In October 2013, Toronto lawyer Jim Dube made his 10th project trip since 2007 to Monrovia, Liberia. Traveling 1–2 times annually, Jim spends between 4–6 weeks at a time at the Ministry of Justice, supporting the Minister and staff on a broad range of legal issues. The

Blakes partner (now retired)—a litigator with expertise in financial institutions—has over the years advised and mentored MOJ staff on matters such as civil litigations, draft legislation, international contracting, and anti-corruption efforts.

Jim reflected on how a single project long ago had developed into an important life's work:

*"Volunteering with ISLP to work in Liberia has been a re-awakening for me. After 40+ great years practicing law at Blakes, ISLP enabled me to use my legal skills and experience to assist the Justice Ministry over an extensive period (and still continuing!) . . . [But] I think I have received much more in return than I have given. To any lawyer who may read this and be considering volunteering to continue legal work beyond your own practice, there is no better organization than ISLP to challenge you to accomplish more than you could ever imagine."*

ISLP and its partners are grateful for the excellent research and analysis provided pro bono by the following firms:

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## Pro Bono Legal Research & Analysis

### AFRICA AND MIDDLE EAST

- Analysis of trade requirements and import-export restrictions between Lesotho and South Africa
- Review of draft SEZ law for Liberia
- Review of an exchange-of-information agreement regarding tax matters in Liberia, sponsored by OECD
- Memorandum exploring legal issues related to the formation of a non-profit in Mauritania
- Comparative research on land reform policies in Africa
- Comparative study of national laws and regional agreements related to the sharing of resources that cross national boundaries
- Research on the human rights impact of sanctions against Iran
- Research on protecting property rights and land title in Libya
- Comparative research on national laws in the Middle East and international standards around the definition of rape

### ASIA

- Research on jurisdictional and procedural obstacles to bringing a conversion claim against a UK company in an English court for land grabbing in Cambodia
- Draft shadow report on women's rights in Cambodia for the UN CEDAW Committee
- Research on occupational health and safety collective bargaining strategies for factory workers in China
- Review and comment on Myanmar's draft motion picture law
- Memorandum on international standards related to the broadcasting law in Myanmar
- Comment on a draft small and medium enterprises law in Myanmar
- Memorandum on the mechanics and policy implications of corporatization for a Myanmar entity
- Memorandum on public participation mechanisms in constitutional reform for a Myanmar civil society group

### EUROPE

- Analysis of the viability of various forms of legal action against a British oil company operating through a foreign subsidiary
- Research on the promotion of mediation in Bulgaria

- Memorandum on Polish mediation procedures
- Research on rules governing non-pecuniary damage awards by the European Court of Human Rights
- Research on the viability of pursuing litigation to advance the right to housing at an EU level
- Reports on available protections in various European countries for those threatened with foreclosure or eviction
- Research on risks of adverse costs and potential litigation funding sources in various European countries for victims of human rights abuses
- Memorandum on U.S. and European Court of Human Rights norms for press protection

### LATIN AMERICA AND CARIBBEAN

- Analysis of a draft regularization plan affecting citizenship in the Dominican Republic and research on related best practices
- Memoranda on land reform laws in Haiti and comparative best practices
- Comparative research on standards for government accountability in cases of police violence in Peru

### OTHER

- Analysis of a draft constitution prepared by the Fijian government as compared to the one prepared by an independent commission, as well as to international standards
- Research and comments on must-carry regulations and draft amendments to the Republic of Georgia Law on Broadcasting
- Research on model open-meetings legislation
- Research on public access to corporate tax returns and audited financial materials
- Research into performance requirements in international investment treaties
- Memorandum on structuring social impact investment vehicles
- Comparative study of strategies to minimize sexual violence in prisons
- Research on exceptions to attorney-client privilege in the U.S.

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*We have tried our best to include  
all who have helped ISLP succeed.  
If we missed you, we apologize  
and hope you will let us know.*

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Much of the important work described throughout this report could not have been accomplished without the expert pro bono support and input of some 45 law firms and barristers' chambers around the world. They provide an unrivalled resource in terms of depth, breadth, and geographical reach of legal talent.

Because we focus on utilizing the skills and experience of the lawyers with whom we work, many of the projects in which law firms become involved typically relate to our economic development work, be that training the lawyers of the future in Tanzania (Clifford Chance, DLA); analyzing the interrelating impacts of contract, regulation, and court-imposed remedies for those affected by the economic downturn (Freshfields, Arnold & Porter, Simmons & Simmons); or analyzing and explaining new laws or comparing existing laws, treaties, and agreements in other countries to help inform best practice. But we are also regularly amazed by the breadth of skills that law firms possess, and have had firms advise on wide-ranging issues such as land reform, women's rights, and media freedoms.

ISLP is deeply grateful for their partnership, whether it be through a few hours or a multi-year commitment. We would particularly like to call attention to the following significant ISLP firm projects:

- **Clifford Chance**—Support since 2010 for the Law School of Tanzania's post-graduate legal practice course, as well as for generously providing office space for ISLP in New York and London
- **Hogan Lovells**—Seven years of assistance to Liberia, including support with mining legislation and public health law reform
- **Jones Day**—Litigators from the firm's London office helped a Cambodian NGO bring an international challenge to land grabbing on behalf of 200 villagers
- **White & Case**—Ongoing support for agreements and policies related to the mining sector in Malawi as well as capacity-building for new arbitration organizations in Haiti and Nigeria

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### Consolidated Statement of Activities 2013

<b>INCOME</b>	
Individual and Board Member Contributions	\$ 168,141
Law Firm Contributions	224,424
Foundation & Corporate Grants	1,054,022
Government	—
Fees for Service	40,256
Interest and Miscellaneous	4,558
<b>Total Revenue</b>	<b>\$ 1,491,401</b>
<b>EXPENSES</b>	
Program Services	\$ 1,271,591
Management and General	111,742
Fundraising	155,911
<b>Total Expenses</b>	<b>1,539,244</b>
<b>Change in Net Assets (Not Including Donated Services)</b>	<b>\$ (47,843 )</b>
<b>DONATED INCOME</b>	
Donated Legal Services	\$10,542,700
Donated Other Services & Out-of-Pocket Costs	127,972
Donated Occupancy Costs	135,476
<b>Total Donated Services Income</b>	<b>\$10,806,148</b>
<b>IN-KIND EXPENSES</b>	
Program Services	\$10,783,345
Management and General	5,220
Fundraising	17,583
<b>Total In-Kind Expenses</b>	<b>\$10,806,148</b>
<b>Total Change in Net Assets</b>	<b>(47,843 )</b>

### Statement of Financial Position

<b>ASSETS</b>	
Cash, Investments, and Equivalents	\$ 1,286,797
Contributions and Accounts Receivable	101,848
Other Assets	17,430
<b>Total Assets</b>	<b>\$ 1,406,075</b>
<b>LIABILITIES</b>	
Accounts Payable and Accrued Expenses	\$ 97,526
Deferred Income	37,949
<b>Total Liabilities</b>	<b>\$ 135,475</b>
<b>NET ASSETS</b>	
Unrestricted Net Assets	\$ 432,564
Board Designated Net Assets	340,000
Restricted Net Assets	498,036
<b>Total Net Assets</b>	<b>\$ 1,270,600</b>
<b>Total Liabilities and Net Assets</b>	<b>\$ 1,406,075</b>

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“My sincere appreciation for the efforts of the ISLP-UK team in conducting another round of advocacy teachers training in Lagos and your commitment to supporting our reform efforts. With your assistance, we are now starting to empower a group of mid-level managers who head small teams of trial lawyers to develop the advocacy skills of those lawyers.”

—Ade Ipaye, Attorney-General & Commissioner for Justice, Lagos State, Nigeria

“We would like to thank ISLP for its valuable on-going contribution to our legal work and to enhancing the impact of Global Witness. ISLP’s particular experience in the area of natural resources management provided an added value as ISLP staff bring a knowledgeable approach in managing the pro bono legal advice for these complex projects.”

—Gavin Haymans, Executive Director, Global Witness

“Let me express my appreciation for the support ISLP has given to Liberia’s National Investment Commission since 2012. To a very large measure, that support has led the NIC to be able to now complete its work in redrafting the SEZ law.”

—Michael Wotorson, Chairman/CEO, Rep. of Liberia National Investment Commission

“I am beyond impressed with the strength in the impact you are making for so many. In particular, it was inspiring to learn about the dedication ISLP put forth to help provide justice and improved livelihood for those affected by the land concessions in the Koh Kong province.”

—Charissa Murphy, Partner Relations, Global Giving

“It became quickly apparent that [Akin Gump partner] Sandra Hallmark could handle any topic and provide both critical insight and guidance based on her years of experience in the private sector, especially as it pertained to her work in the Middle East.”

—Adam Al-Sarraf, International Program Specialist for the U.S. Dept. of Commerce Commercial Law Development Program



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