2017 Annual Report

International Senior Lawyers Project
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Table of Contents</td>
</tr>
<tr>
<td>2</td>
<td>Executive Director’s Note</td>
</tr>
<tr>
<td>3</td>
<td>Mission</td>
</tr>
<tr>
<td>4</td>
<td>Value</td>
</tr>
<tr>
<td>6</td>
<td>What We Do</td>
</tr>
<tr>
<td>8</td>
<td>2017 Program Work</td>
</tr>
<tr>
<td>14</td>
<td>Case Study: Community-Inclusive Development</td>
</tr>
<tr>
<td>17</td>
<td>Spotlight: Gambia</td>
</tr>
<tr>
<td>19</td>
<td>Spotlight: Albania</td>
</tr>
<tr>
<td>22</td>
<td>Social Impact Investing</td>
</tr>
<tr>
<td>24</td>
<td>Conferences</td>
</tr>
<tr>
<td>26</td>
<td>Looking Ahead</td>
</tr>
<tr>
<td>28</td>
<td>Legal Partners</td>
</tr>
<tr>
<td>29</td>
<td>NGO Partners</td>
</tr>
<tr>
<td>30</td>
<td>Donors</td>
</tr>
<tr>
<td>33</td>
<td>ISLP Board</td>
</tr>
<tr>
<td>36</td>
<td>ISLP Staff</td>
</tr>
</tbody>
</table>
Executive Director’s Note

Dear Friends,

In 2017 the organization continued to achieve fantastic legal outcomes for our clients. In line with our strategy refinement ISLP has continued to evolve as a leader in the pro bono space. We rely on the professionalism of our volunteers, the expertise of our staff and the enthusiasm of everyone involved in our mission.

In the past year, ISLP has responded to the needs of clients by moving forward with ambitious programs in some of our key jurisdictions. In 2017, we launched our Gambia program. ISLP was on the ground a month after the changeover of government. Based on the preliminary work the organization had done in country, we were able to launch a wide-ranging program of support for the government. Through this program, which has been supported by several funders, including the ALSF and the Canadian government, we have embedded a fellow with the Ministry of Justice. We have expanded our project base and deployed volunteers from across the globe to work on everything from telecommunications to Public Private Partnerships.

Based on the success of the Gambia project, we are now preparing to launch similar programs in other jurisdictions. As an organization, one of our key strengths is being both nimble and scalable. We have used this strength to our clients’ advantage, often being first on the ground during a time of significant change, and providing just in time support for new or transitional governments. In addition, the ability to embed staff or volunteers with ministries in-country has allowed us to be responsive to our client’s needs in real time, which has strengthened our relationships with our clients and has allowed us to move forward quickly in fast changing environments.

In turn, this experience has allowed us to be more forward-thinking with some of our partners and those in our “ecosystem”. Our practical experience advising governments and civil society has made us a more valuable partner for development banks and other organizations, and has given us an increasing voice in policy debates.

Katherine Mulhern
ISLP Executive Director
**MISSION**

*ISLP provides pro bono legal assistance to governments and civil society organizations in developing countries, leveraging global legal resources in alignment with client needs to support just, accountable and inclusive development.*

“2017 saw the first full year of implementation of our refined strategy and it has been a great success, as evidenced by the range of projects undertaken and depth of engagement with trusted partners. It has been gratifying to see how increased specialization has enabled staff to play a greater role in developing and shaping the practice areas for which they are responsible, and for the US and UK to be working together closely to achieve our mission.”

Susan Hazledine, Executive Director ISLP-UK
ISLP offers clients, funders, and volunteers a unique solution to development issues.

- Independent advice tailored to the best interest of the country or community.
- An empowering model; the client remains in charge of decisions, but with the benefit of the expertise and experience of the lawyers who have been on the other side of the negotiating table.
- Professional staff, responsible for selecting projects through which we can have a significant impact; assessing country/regional contexts; and engaging in thought leadership with respect to the core issues.
- Access to top law firms and lawyers to achieve our mission.
- Highly collaborative but bringing a unique skillset.
WHAT WE DO

INVESTMENT & TRADE
ISLP assists least-developed country governments build their economies through well-structured foreign investment, increased trade opportunities and establishment of fair revenue streams. Beyond government clients, trade work also supports non-profit organizations and selected SMEs to help improve entrepreneurs’ access to trade opportunities. This often takes the form of legal advice or capacity-building programs.

ANTI-BRIBERY & CORRUPTION
ISLP assists government and civil society clients to investigate, report on, prosecute, and otherwise reduce the corrupt practices that have corrosive economic, political and social impacts. ISLP seeks to promote transparency, integrity and accountability in public and private institutions.

TAX
ISLP enables developing nations to build and improve fair and effective tax systems and to generate the funds they need to finance development projects and provide basic public services. ISLP provides technical expertise and practical experience to help countries build national tax policy, strengthen tax administration capacities, and handle international tax treaty negotiations effectively.
COMMUNITY-INCLUSIVE DEVELOPMENT

ISLP’s Community-Inclusive Development program empowers civil society to more effectively represent the rights, needs, and interests of communities at risk of being negatively impacted by large-scale development projects. We provide civil society advocates access to the expertise and industry savvy of high-level lawyers. Our work helps civil society organizations to identify leverage points and understand what recourse options may be available and/or have been available in similar contexts elsewhere. ISLP also aims to improve the ability of project proponents to make viable and sustainable investments through enabling constructive and participatory community-corporate engagement around projects.

NATURAL RESOURCE MANAGEMENT

ISLP supports governments in reviewing, analyzing, and negotiating contracts with regard to the exploration, development, and management of their natural resources. Additionally, ISLP helps design and draft legal and regulatory frameworks that encourage good governance, fair returns, transparency, and accountability. ISLP also helps build the capacity of government officials to better enable them to conclude foreign investment contracts and generally manage the sector in accordance with best practices.
2017 PROGRAM WORK

COMMUNITY-INCLUSIVE DEVELOPMENT

In 2017 ISLP’s Community-Inclusive Development team continued active projects from last year and embarked on new projects to advocate for equitable benefits from the development of natural resources, as well as the protection of adjacent communities, including:

- Provided comparative and best practice analysis on Public-Private Partnership legislation and regulatory frameworks in Latin America.

- Organized major in-country training sessions in Myanmar providing public interest lawyers practical skills for advocating for their community clients and for community members affected by Special Economic Zone development using the new Myanmar Guidelines for Community Consultation as a reference point.

- Mapped corporate structures of tenant companies of the Thilawa Special Economic Zone to help identify additional leverage points or legal options for local partners and their communities.

- Delivered a training program for ISLP volunteers to familiarize themselves with the complexities of representing marginalized communities threatened by large-scale resource development.
NATURAL RESOURCE MANAGEMENT

ISLP supported governments in undertaking sound and beneficial Natural Resource Management Program work in 2017 through:

- Reviewing, negotiating or helping to terminate multi-million dollar transactions in the extractives, infrastructure, and telecommunications sectors in jurisdictions such as Afghanistan, The Gambia, Malawi, and Tanzania.

- Providing pre-arbitration advice to an LDC government on an extractives licensing dispute.


- In-country trainings for government officials and government negotiation teams:
  - On Public-Private Partnerships, three workshops in Zambia;
  - On Oil & Gas, one regional sub-Saharan workshops held in Tanzania; and
  - On General Negotiation Skills and Trade Negotiation skills, one regional sub-Saharan workshops held in Tanzania

- Signing of a Partnership MoU with GIZ under the CONNEX Initiative.
ISLP has undertaken work in our Tax focus area throughout 2017 to great effect. A combination of theoretical and advisory legal work has been provided to encourage developing nations to build and improve fair and effective tax systems and to generate the funds they need to finance development projects and provide basic public services:

- Embarked upon a major new project to promote better double tax treaty policy in anglophone Africa to build capacity of tax administrations on treaty negotiation and reform.

- Facilitated a NEPAD regional dialogue in Yaounde, Cameroon for African officials on tax and contract negotiation issues in the extractive industries.

- Advised on engagement with the OECD “Global Forum on Transparency and Exchange of Information for Tax Purposes” and provided legal assistance on a range of issues including provisions in concession agreements, the taxation of corporate reorganizations, and the development of new legislation in Liberia.

- Published a practical guide on how to capture capital gains tax on the offshore indirect transfer of extractives projects.

- Developed strategies at both national and regional levels to address the inequitable taxation in African countries.
INVESTMENT & TRADE

ISLP’s Investment & Trade team supports developing governments to attract investment and negotiate fair trade agreements, helping to fund the provision of basic goods and services, as well as strengthen state institutions. Program work in 2017 included:

- Organized and ran Commercial Law Training Programs in South Africa and Zimbabwe.

- Continued support for the assessment framework evaluating viability for the exportation of peanuts, cassava, refined copper and precious stones under the African Growth and Opportunity Act, Zambia.

- Assisting the Foundation for a Unified Business Law in Africa (FOUBLA) on the English commentary of the Organization for the Harmonization of Business Law in Africa’s (OHADA) uniform laws.

- In South Africa and Zimbabwe, provided commercial law training to lawyers from traditionally disadvantaged backgrounds to enable them to participate more fully in their country’s economic development.
ANTI BRIBERY & CORRUPTION

ISLP’s 2017 Anti-Bribery & Corruption work remained focused on transparency, integrity and accountability:

• Continued and extended our commitment to Albania’s justice reform program. ISLP delivered courses on juvenile justice and organized crime for judges of the court of first instance and serious crimes court.

• Expanded our high level advisory support to the newly formed Malagasy Commission for Judicial Integrity, Madagascar.

• Supported the office of the Attorney General by reviewing the Guyana Cyber Crime Bill and Electronic Transactions Bill.

MEDIA LAW

In relation to Media Law work, ISLP continued an 18 year record of providing pro bono legal services to protect and promote freedom of expression and the rights of citizens to be informed. ISLP’s Media Defence experts assist media outlets, NGO’s, journalists and bloggers and work to enact systematic legal reforms.
In 2017 ISLP was awarded grant funding to extend our work to the Andean Region. Undertaking this project we provided strategic legal support, research, and analysis to four civil society organizations in the Andean region (Fundacion Construir in Bolivia, Fundacion Terra Mater in Ecuador, and Paz y Esperanza and Derecho, Ambiente y Recursos Naturales (DAR) in Peru in order to strengthen civil society and community participation in large-scale development in the region.

The first objective of the work was to increase community consultation and participation in the planning and implementation of large-scale development projects in Bolivia, Peru, and Ecuador. The second objective was to improve the capacity of local lawyers, community leaders, and civil society representatives to represent community priorities vis-à-vis corporate and government interests.

ISLP conducted, among others, a comparative legal analysis of Public Private Partnership laws and regulations in the region, and conducted research to unveil the complex corporate structures behind palm oil and logging operations of a national conglomerate. ISLP also began planning for a high-level training for CSO representatives in Bolivia and a regional convening in Ecuador.

Postscript: During 2017 legal volunteers were contacted and ISLP staff planned capacity-building events. Those events will take place with CSOs in 2018 to provide participants the tools to understand the entire lifespan of an infrastructure project. The event will help participants structure advocacy campaigns, build more effective strategies to engage with project proponents, and apply pressure across international leverage points.
In January 2017 The Gambia successfully transitioned to its first democratically elected government in 20 years. In the immediate aftermath, it was clear the incoming Government would require substantial legal assistance which ISLP was uniquely qualified to provide. As a result of our successful early engagement, ISLP executed a wide-ranging Memorandum of Understanding with the Ministry of Justice, governing the provision of legal assistance, and established long-lasting relationships with other governmental ministries and agencies, including the Directorate of Public Private Partnerships within the Ministry of Finance and Economic Affairs.

The relationship between ISLP and the Government has only strengthened during the course of 2017. In November 2017, thanks to a grant received by the Government of Canada, acting through the Department of Foreign Affairs, Trade and Development within the Ministry of Foreign Affairs, ISLP has seconded one of its legal fellows to the Ministry of Justice. The fellow worked side by side with Gambian State Counsels to develop capacity building trainings with a view of enabling the Ministry of Justice to deliver on its mandate of supporting The Gambia’s return to democracy and ensuring government accountability.

In addition, our experts have been providing direct legal assistance to the Ministry of Justice on a daily basis, implementing mentoring processes and developing resources to strengthen the Ministry’s institutional processes. Similarly, ISLP has received the support of the African Legal Support Facility for the establishment of a program designed to increase the capacity of the Government on a wide range of transactional matters, focusing, in particular, on the creation of a strong legal framework for public private partnerships.
In keeping with ISLP’s mission the program was designed to strengthen the capacity of young judges, prosecutors and advocates in areas of law critical to Albania’s justice reform program EU accession path.

ISLP-UK designed and delivered a specialist legal training program in response to requests from the Albanian Magistrates, the Court for Serious Crimes and the Albanian School of Advocates. Drawing on previous experience and applying lessons learned from earlier initiatives, the courses were highly focused on topics identified by the beneficiary institutions and tailored to the specific learning and professional development needs of each recipient audience. For each training ISLP recruited a combined team of international and local law experts who worked together to present the course topics in the context of international best practice and the Albanian legal system.

The Program forms part of a structured and long-term commitment to Albania building on training expertise developed by ISLP over more than a decade and informed by learning derived from the series of five trainings delivered in Albania in 2016. Areas of focus for the 2017 program included financial crime, serious fraud, and organized crime, as well as commercial and practical skills training to prepare Albanian legal professionals to act on justice reform measures and respond to the demands created by emerging new justice institutions.

The team’s commitment to their anti corruption brief in Albania also saw them undertake further programs including the Euralius Project, the prisoner transfer agreement project and their work on juvenile justice.

THE CLIENT: Albanian Ministry of Justice and Legal Institutions
THE BRIEF: ISLP-UK Judicial Institutions and Ministry of Justice Support Program 2017-19
I was delighted to support ISLP and the Magistrates School in Tirana by presenting a programme on Internet law and regulation for prosecutors and judges. It was a lively, interactive session in which we shared experience dealing with current issues of criminal and civil law and procedure.

Michael Ryan, Telecommunications Expert Lawyer, Arnold & Porter (UK) LLP
SOCIAL IMPACT INVESTING

Recognizing the critical shortage of philanthropic and non-aid funds needed to support pressing global challenges, achieve the Sustainable Development Goals, and ultimately create a more inclusive world, ISLP’s Impact Investing Program seeks to enable and stimulate impact investment opportunities and support access to finance and private capital for innovative enterprises and nascent investment vehicles that embed environmental and social goals.

SUPPORTING INNOVATIVE ENTERPRISES

In 2017, we continued to provide legal support to select impact investing ecosystem stakeholders who might not otherwise have access to high-level legal support.

We started to collaborate with a number of Rockefeller Foundation’s Zero Gap portfolio grantees. The goal of providing pro bono legal support to these early stage investment vehicles is to enable them to allocate its resources more efficiently, so that they focus on the global issues they are aiming to address.

ISLPs’ work with small to medium-sized enterprises and nascent investment vehicles that embed social or environmental benefits into their business models aims to complement the work we do in all of our focus areas and ultimately advance our mission towards more inclusive development.
IMPACT INVESTMENT TRAINING – NAIROBI

In November 14-15, 2017 ISLP in collaboration with the Law Society of Kenya and the Strathmore University launched in Nairobi, Kenya a pilot training on “Negotiating Impact Investings.” This two-day, CPD case study driven workshop was hosted at the Strathmore University and was led by experienced experts in the impact investment field.

The training examined a basic impact investment deal from first capital raise through exit, while highlighting the terms unique to impact investing. The training also aimed to highlight both substantive law applicable to impact investing and the technical skills needed to serve as effective counsel to foreign investors. The trainers in the workshop were Acumen, the African Legal Network, Beyond Capital Fund, Debevoise & Plimpton LLP, Sunfunder, Factor[e], TASLAF Uganda, TrustLaw, and Village Capital.

LPT EUROPEAN CONVENING & THIRD ANNUAL CONVENING

The Legal Practitioners Track (LPT), an initiative that ISLP and the Global Impact Investment Network had from 2015 to 2017, held two convening meetings during 2017. These meetings supported the LPT’s principle goal of bringing high-level legal practitioners together to share legal understanding and develop legal innovations to address new and complex issues and investment impediments. The attendees to these events were senior legal practitioners in the impact investment field. Various types of actors were present, such as, law firms, foundations, development financial institutions, impact investors and academics.
An important part of ISLPs thought leadership efforts focus on the Staff and Volunteers attending, contributing to, chairing and organizing conferences and events. The following is a selection which ISLP were involved in:

February 2017

**Cape Town, South Africa** - Indaba and Alternative Indaba mining conferences.

March 15th 2017

**London, UK** - Institute for Fiscal Studies, “A taxing challenge? Analyzing and supporting tax policy design in low and middle income countries”

March 22nd 2017

**London, UK** - Chatham House event entitled “Growth in Africa: The End of Africa Rising?”

May 12th 2017

Paris, France  -  OECD
Policy Dialogue on Natural Resource based Development

September 7th - 8th 2017
Washington, DC  -  International Corporate Accountability Roundtable Annual Meeting

August 9th - 11th 2017
Gaborone, Botswana  -  Annual Southern African Development Community (SADC) Lawyers’ Association Conference

Geneva, Switzerland – UN Global Forum on Business and Human Rights, where CID Director Monika Mehta chaired a panel on the role of lawyers ensuring community’s access to remedy

November 27th - 29th 2017
In 2018, ISLP is planning to continue our work across the developing world.

- Organize a regional convening with all of our Andean Region partners that focuses on lessons learned, best practices, and possible strategies to more effectively engage in meaningful dialogue with project proponents.

- Begin working in Papua New Guinea to provide litigation support, capacity building, and international and comparative law analysis to civil society organizations affected by illegal leases and land grabbing.

- Work with new partners in Myanmar and facilitate a convening of local partners and clients to better understand overarching issues and tailor its assistance to broader issues being faced by multiple clients.

- Continue efforts to support the post Mugabe government and civil society organizations in Zimbabwe.
ISLP’s work would not have been possible without the pro bono contributions of the experienced and dedicated lawyers who provided substantial legal analysis and strategic advice to our clients. We are grateful to all of you.

In addition to the commitment of each individual lawyer, we are grateful for the support of the law firms and other institutions who donate their resources to advance just, accountable and inclusive development:

Akin Gump Strauss Hauer & Feld LLP
Alston & Bird
Arnold & Porter
Blakes
BPP University
Bright Line Law
Chaffetz Lindsey LLP
Clifford Chance
Debevoise & Plimpton
Dechert LLP

Dentsons
Doughty Street Chambers
Farrer & Co
Herbert Smith Freehills
Hogan Lovells
Jones Day
Kirkland & Ellis
Latham & Watkins LLP
Lewis Baach Kaufmann
Middlemiss PLLC

Mayer Brown
Ropes & Gray
Segal McCambridge Singer & Mahoney
Simmons & Simmons
White & Case
Winston & Strawn LLP

*As well as smaller law firms and Independent Legal Practitioners
ISLP is proud to collaborate with leading nonprofit organizations, and is grateful to the following groups for their expertise and commitment to just, accountable and inclusive development:

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<th>NGO Partners</th>
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<tr>
<td>African Legal Support Facility (ALSF)</td>
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<tr>
<td>African Minerals Development Centre (AMDC) American Bar Association Center for Human Rights Amnesty International</td>
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<tr>
<td>Canon Collins Educational &amp; Legal Assistance Trust</td>
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<td>Center for Democracy and Rule of Law</td>
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<td>Child Rights International Network (CRIN) Columbia</td>
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<td>Center on Sustainable Investment Commonwealth</td>
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<tr>
<td>Human Rights Initiative EarthRights International</td>
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<td>Equal Education Law Centre</td>
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<tr>
<td>European Center for Constitutional and Human Rights Foundation for a Unified Business Law in Africa (FOUBLA)</td>
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<tr>
<td>Ghana Oil &amp; Gas for Inclusive Growth (GOGIG) GLBTQ</td>
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<tr>
<td>Legal Advocates &amp; Defenders (GLAD) Global Impact Investing Network</td>
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<td>HelpAge International</td>
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<td>Human Rights Law Network</td>
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<tr>
<td>International Federation of Red Cross and Red Crescent Societies</td>
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<td>International Protection Centre</td>
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<td>International Research and Exchanges Board (IREX)</td>
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<td>Jose Alvear Restrepo Lawyers’ Collective</td>
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<tr>
<td>Justice &amp; Corporate Accountability Project (JCAP) Law</td>
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<td>School of Tanzania</td>
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<td>Law Society of South Africa</td>
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<td>Law Society of Zimbabwe</td>
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<td>Mass Media Defence Centre</td>
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<td>Namati</td>
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<td>National Center for Lesbian Rights</td>
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<tr>
<td>Natural Resource Governance Institute</td>
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<tr>
<td>New Partnership for Africa’s Development (NEPAD) New Markets Lab</td>
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<td>Open Society Justice Initiative</td>
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<td>Oxfam</td>
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<td>Strathmore Extractives Industry Centre</td>
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<td>Tata Institute for Social Sciences</td>
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<td>The AIRE Centre</td>
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<td>The Williams Institute</td>
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<td>Transparency International</td>
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<td>UNDP-UNEP Poverty Environment Initiative (UNPEI)</td>
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<td>UONGOZI Institute</td>
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ISLP is grateful for the generous support of our board of directors and other individual donors, the tireless commitment of our expert volunteers, and the following law firms, foundations, corporations, and government entities without whom our work would not be possible:

**Law Firm Donors:**
- Akin, Gump, Strauss, Hauer & Feld LLP
- Arnold & Porter
- Chaffetz Lindsey LLP
- Clifford Chance
- Dechert LLP
- Hogan Lovells
- Jones Day
- Kirkland & Ellis
- Latham & Watkins LLP
- White & Case
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**Foundation, Corporate & Government Donors:**
- African Legal Support Facility
- Canada Fund for Local Initiatives
- GE Foundation
- Kapp Children
- Kapp Family Foundation
- Knight Foundation
- National Endowment for Democracy
- Open Society Foundations
- The William and Flora Hewlett Foundation
- U.K. Foreign and Commonwealth Office
- U.S. Department of Commerce, Commercial Law Development Program
- U.S. Department of State, Bureau of Democracy, Human Rights, and Labor
Christopher G. Cross, Board Co-Chair  
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Senior Counsel, Dentons

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Partner, White & Case

Lois Schiffer  
Attorney

Steve Schulman  
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International Environmental Lawyer

*Lorraine Sostowski, Volunteer General Counsel  
Associate General Counsel, Dartmouth College
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Accurate as at 31 December 2017

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Nicholas Cheffings
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Director of Legal Services, Carillion

Dame Fiona Woolf CBE
Partner, CMS Cameron McKenna
Former Lord Mayor of London
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Accurate as at 31 December 2017

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Executive Director

Diana McGinley
Kapp-Essaye Fellow

Susan Hazledine
Executive Director, ISLP-UK

Monika Mehta
Interim Program Director, Community Inclusive Development

Seno Akpanuko
Executive Assistant

Alessandra Mistura
Program Officer, Sustainable Development

Alejandra Cicero
Legal Fellow

James Reynolds
Program Director, ISLP-UK

Katerina Drisi
Director, Sustainable Development

Lisa Sweat
Director, Strategy

James Clark
Director, Communications

Carol Thomas
Financial Manager

Marie Kingston
Program Director, ISLP-UK
### CONSOLIDATED STATEMENT OF ACTIVITIES

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<th>Income</th>
<th>US$</th>
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<td>156,919</td>
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<td>Law Firm</td>
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<td>Foundation &amp; Government Grants</td>
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<td><strong>Total Income</strong></td>
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<td>Legal Services and Related Costs</td>
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<td><strong>Total Donated Services Income</strong></td>
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### STATEMENT OF FINANCIAL POSITION

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<table>
<thead>
<tr>
<th>Liabilities</th>
<th>US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts Payable &amp; Accrued</td>
<td>128,254</td>
</tr>
<tr>
<td>Unearned Revenue</td>
<td>70,000</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td><strong>198,254</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Net Assets</th>
<th>US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted</td>
<td>810,653</td>
</tr>
<tr>
<td>Board Designated</td>
<td>260,000</td>
</tr>
<tr>
<td>Restricted</td>
<td>512,440</td>
</tr>
<tr>
<td><strong>Total Net Assets</strong></td>
<td><strong>1,583,093</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Liabilities and Net Assets</th>
<th>US$</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>1,781,347</strong></td>
</tr>
</tbody>
</table>