



2017
Annual
Report



International Senior
Lawyers Project

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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

VALUE

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

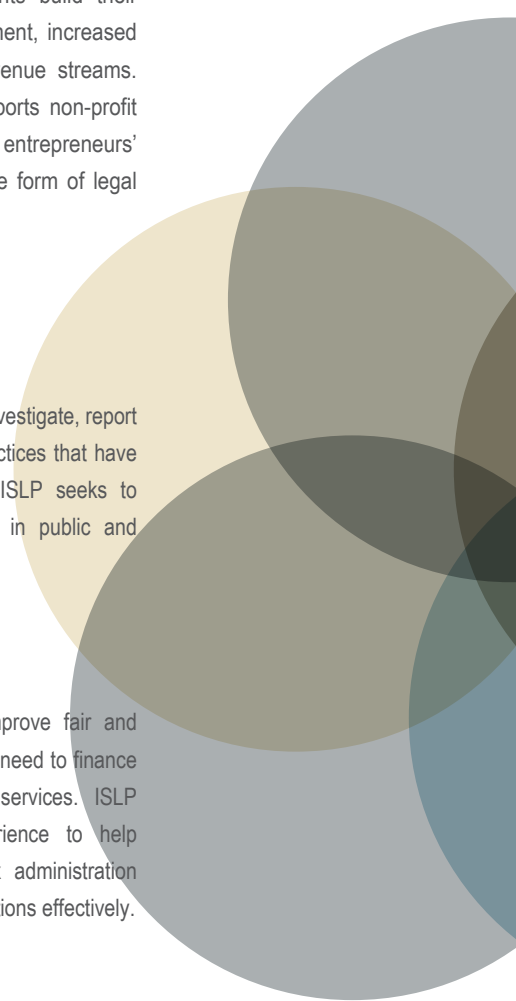
ISLP assists least-developed country governments build their economies through well-structured foreign investment, increased trade opportunities and establishment of fair revenue streams. Beyond government clients, trade work also supports non-profit organizations and selected SMEs to help improve entrepreneurs' 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.
- Drafting and reviewing legislations for the Republic of Guyana on cybercrime & electronic transactions, and The Gambia's Public-Private Partnerships Act.
- 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.

TAX

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.



COMMUNITY INCLUSIVE DEVELOPMENT

THE BRIEF: Empowering Community and Civil Society Participation in Development Decisions in the Andean Region

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.

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.

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.

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.



welcome to
THE GAMBIA

SPOTLIGHT: GAMBIA

THE CLIENT: Ministry of Justice, Government of The Gambia, PPP Unit

THE BRIEF: Support The Gambia's Return to Democracy after the Transition of January 2017

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 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.



SPOTLIGHT: ALBANIA

For the last few years, Albania has been a key jurisdiction for ISLP's Anti-Bribery and Anti-Corruption Focus area. In 2017 the UK based team, leveraged their expertise to deliver an even more comprehensive program than the five training sessions the team conducted in 2016.

THE CLIENT: Albanian Ministry of Justice and Legal Institutions

THE BRIEF: ISLP-UK Judicial Institutions and Ministry of Justice Support Program 2017-19

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.

SPOTLIGHT: ALBANIA

“
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 Investments.” 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.

CONFERENCES

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

London, UK - Chatham House event, "The African Union Vision for Peace and Prosperity in Africa"

June 15th - 16th 2017

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

August 9th - 11th 2017

Gaberone, Botswana - Annual
Southern African Development
Community (SADC) Lawyers'
Association Conference

September 7th - 8th 2017

Washington, DC -International
Corporate Accountability
Roundtable Annual Meeting

October 3rd - 5th 2017

Stockholm, Sweden – Devex,
“Reducing Inequality in a turbulent
world: Scaling up strategies to
secure indigenous, community,
and women’s land rights”

November 2017

London, UK - ROLE UK: PILnet
Global Forum, where ISLP-UK
Executive Director Susan Hazeldine
chaired a panel discussion on ‘Pro
Bono, the Rule of Law and
International Development

November 27th - 29th 2017

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

LOOKING AHEAD

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.



LEGAL PARTNERS

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

Dentons

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

NGO PARTNERS

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:

African Legal Support Facility (ALSF)	International Research and Exchanges Board (IREX)
African Minerals Development Centre (AMDC) American Bar Association Center for Human Rights Amnesty International	Jose Alvear Restrepo Lawyers' Collective
Canon Collins Educational & Legal Assistance Trust	Justice & Corporate Accountability Project (JCAP) Law School of Tanzania
Center for Democracy and Rule of Law	Law Society of South Africa
Child Rights International Network (CRIN) Columbia Center on Sustainable Investment Commonwealth	Law Society of Zimbabwe
Human Rights Initiative EarthRights International	Mass Media Defence Centre
Equal Education Law Centre	Namati
European Center for Constitutional and Human Rights	National Center for Lesbian Rights
Foundation for a Unified Business Law in Africa (FOUBLA)	Natural Resource Governance Institute
Ghana Oil & Gas for Inclusive Growth (GOGIG) GLBTQ Legal Advocates & Defenders (GLAD) Global Impact Investing Network	New Partnership for Africa's Development (NEPAD) New Markets Lab
HelpAge International	Open Society Justice Initiative
Human Rights Law Network	Oxfam
International Federation of Red Cross and Red Crescent Societies	Strathmore Extractives Industry Centre
International Protection Centre	Tata Institute for Social Sciences
	The AIRE Centre
	The Williams Institute
	Transparency International
	UNDP-UNEP Poverty Environment Initiative (UNPEI)
	UONGOZI Institute

DONORS

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
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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





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Accurate as at 31 December 2017

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Kapp-Essaye Fellow

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Interim Program Director, Community
Inclusive Development

Alessandra Mistura

Program Officer,
Sustainable Development

James Reynolds

Program Director, ISLP-UK

Lisa Sweat

Director, Strategy

Carol Thomas

Financial Manager

2017 Financials

CONSOLIDATED STATEMENT OF ACTIVITIES

INCOME	USDS
Individuals and Board Members	156,919
Law Firm	211,200
Foundation & Government Grants	986,709
Fees for Services	344,429
Other Revenue	48,757
Total Income	1,740,014
DONATED GOODS AND SERVICES	
Legal Services and Related Costs	6,178,404
Total Donated Services Income	6,178,404
EXPENSES	
Program Services	7,570,832
Administrative and General	112,561
Fundraising	245,651
Total Expenses	7,929,044

STATEMENT OF FINANCIAL POSITION

ASSETS	USDS
Cash, Investments & Equivalents	847,111
Contributions	482,778
Accounts Receivable	349,332
Other Assets	102,126
Total Assets	1,781,347
LIABILITIES	
Accounts Payable & Accrued	128,254
Unearned Revenue	70,000
Total Liabilities	198,254
NET ASSETS	
Unrestricted	810,653
Board Designated	260,000
Restricted	512,440
Total Net Assets	1,583,093
Total Liabilities and Net Assets	1,781,347



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