

2018
Annual
Report



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Executive Director's Note

In 2018, the work of the International Senior Lawyers Project continued to be guided by our commitment to supporting and advancing opportunities for transparent, just, and inclusive economic development. We maintained our focus on particular subject matter areas—investment and trade; community inclusive development; natural resource management; anti-bribery and corruption; tax; and media law—and engaged in 93 matters across 51 countries. As always, our work remained powered by our extensive network of volunteer legal experts, who provided nearly 9,000 hours of pro bono legal services to governments and civil society organizations.

Against a backdrop of turbulence and uncertainty in global markets, the role of law in shaping global development is more salient than ever. The human and environmental stakes of economic development are amplified by extreme wealth disparities within and among countries, widespread depletion and mismanagement of natural resources, the marginalization of affected communities and voices, and unequal bargaining power among stakeholders of critical infrastructure and development projects, all of which legal support can impact.

In the face of these complex and multifaceted challenges, ISLP plays a constructive and pragmatic role in advancing a more inclusive approach to development by contributing technical expertise towards legislative reform, deal negotiations, conflict resolution, and advocacy. Our work in 2018 ranged from advising the Government of Afghanistan on negotiating critical infrastructure projects, to supporting the new government in The Gambia, to helping create a shared forum for local Andean civil society groups to develop a regional advocacy strategy. At every turn, ISLP staff worked closely with clients and partners—including policymakers, community advocates, development agencies, foundations, and subject matter experts—to develop thoughtful approaches to supporting inclusive development.

As we continue to implement the strategy launched in 2017, the benefits of our model have become increasingly clear. Our staff and volunteers combine thought leadership and technical expertise to tackle key barriers to sustainable development and bring substantial value to our clients. During this important and exciting time of organizational leadership transition, we look ahead with renewed conviction and optimism about the strengths that ISLP brings to bear for transformational change.

We thank the numerous volunteers, clients, supporters, and partners who make possible ISLP's work and who share our commitment to sustainable and just global development.

Alessandra Phillips
Acting Executive Director
January–September 2019

Sara Lulo
Executive Director
October 2019–present

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.

How We Work

ISLP's theory of change rests on the idea that deploying highly skilled lawyers with relevant expertise can enhance the capacity of governments and civil society actors to address complex development challenges. Our expansive network of volunteer senior-level lawyers possess a deep and nuanced understanding of the financing mechanisms, regulatory regimes, and other structures and incentives that drive and shape international investment and economic development.

Importantly, ISLP works on an attorney-client basis. Our volunteer lawyers advise clients based on expertise and experience, but they do not direct clients' decisions. Our clients represent the interests of their citizens and communities, and they retain the agency and capacity to influence development outcomes.

We believe our approach advances more responsible and sustainable development, not least because it both adapts international best practices to relevant local contexts and helps level the playing field in multi-stakeholder negotiations.

What we do

INVESTMENT & TRADE

ISLP provides legal assistance to governments to incentivize, structure, and mobilize sustainable investment and trade. Recognizing that the mobilization of private capital, the support of local business development and entrepreneurship, and the strengthening of key industries can significantly contribute to economic development, ISLP provides critical legal advice to structure and negotiate investment projects in infrastructure, tourism, agriculture, and general foreign investment policy and related legal and regulatory reforms. Our trade projects aim to advance the volume and quality of trade, including within and between geographical regions.

The Investment and Trade focus area also houses our Social Enterprise and Impact Investing work. Our clients in this arena include social entrepreneurs and impact investors for whom we help structure complex legal arrangements that can broaden access to capital and financing. We also work with local lawyers to help deepen local legal expertise which, in turn, can further support a vibrant local economy for innovative social entrepreneurship.

COMMUNITY-INCLUSIVE DEVELOPMENT

ISLP works with civil society organizations around the world to advance sustainable and inclusive development that mitigates the long-term harms often associated with poorly planned or managed development projects, such as environmental degradation, social discord among local populations, and displacement of indigenous communities. This work is grounded in ISLP's belief that avoidance and mitigation of such development risks is enhanced by an empowered civil society with the capacity and tools to participate in development decisions and processes, promote the adoption of better environmental and social standards, and monitor the implementation of development projects.

NATURAL RESOURCE MANAGEMENT

ISLP assists governments in managing their resources—including mineral, oil and gas, and energy—for the benefit of their people. Primary strategies include advising on and/or negotiating contracts, training and mentoring government officials, and drafting or revising relevant laws, regulations, and policies. Cognizant that the exploitation of natural resources is particularly susceptible to corruption and harmful practices, ISLP exercises significant due diligence in vetting matters, applying the highest level of scrutiny to projects delivering transactional assistance to governments.

TAX

ISLP enables countries to cultivate fair and effective tax systems that will generate the funds needed to finance development projects and provide essential 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, with a focus on countering profit repatriation and increasing fiscal transparency. ISLP also supports countries in their engagement with global tax initiatives and forums to ensure that their interests are adequately reflected at the regional and international levels.

ANTI-BRIBERY & CORRUPTION

ISLP promotes transparency in public and private institutions to encourage accountability and minimize the corrosive economic, political, social, and human impacts of corruption, considered to be one of the key barriers to sustainable development. ISLP also maintains a focus on anti-bribery and corruption in each of its other focus areas.

MEDIA LAW

A freely functioning investigative press is vital for just, transparent, and accountable governance. ISLP's Media Law Working Group draws upon the expertise of leading media lawyers to support journalists and watchdog non-governmental organizations around the world that investigate and report on poor practices related to development. ISLP provides technical legal assistance and capacity-building support, including managing legal risks associated with reporting activities.

Where We Work: 2018

A SELECTION OF PROJECTS

Afghanistan

Advised on energy, securing energy and mining transactions.

The Gambia

Provided long-term, in-country support to Ministry of Justice with respect to foreign investment.

Bolivia

Provided training on general lifecycle, financing mechanisms, and advocacy related to large scale development projects.

Brazil and Mexico

Supported early-stage social enterprises.

Ecuador

Facilitated collaboration among civil society actors on environmental matters related to foreign investment.

Guyana

Drafted customs and trade legislation.

India

Advised civil society on remedies to government and corporate corruption.

Iraq

Intervened in defamation case to protect freedom of expression.

Kenya

Advised indigenous communities on land rights.

Sri Lanka

Conducted pre-publication review of country report on asset recovery.

Tanzania

Trained government officials on negotiations related to energy transactions.

Zimbabwe

Advised on legislative reform related to natural resource management in the extractives sector.



Project Spotlight

INVESTMENT AND TRADE:

Guyana

PARTNER:

Inter American
Development Bank

THE BRIEF:

Drafting of Customs
and Trade Legislation

ISLP, in coordination with the Inter-American Development Bank, drafted Guyana's bill on the creation of an Electronic Single Window System, a customs and trade legislation, which will help Guyana harmonize and simplify the administrative processes related to trade imports and exports. The bill was adopted on May 15, 2019 and will allow for a single submission of documents electronically for all goods imported and exported. The System is expected to improve the "ease of doing business in Guyana and facilitate Guyana's access to international markets."



COMMUNITY INCLUSIVE DEVELOPMENT:

Quito, Ecuador

PARTNER:

FLACSO-Ecuador and
Derecho, Ambiente y
Recursos Naturales (DAR)

THE BRIEF:

Catalyzing Civil Society
Collaboration on Extrac-
tives and Infrastructure

ISLP, in partnership with FLACSO-Ecuador and Derecho, Ambiente y Recursos Naturales (DAR), hosted a two-day event in Quito for 50 experts and leading civil society organizations from the Andean Region whose work focuses on community rights related to extractive and infrastructure development projects in Latin America. Promoting collaboration and innovation, and combining diverse insights and perspectives including practical and academic expertise, the convening facilitated ongoing knowledge exchange and the development of a regional working agenda for engagement with development financial institutions and other stakeholders.

Project Spotlight



NATURAL RESOURCE MANAGEMENT:

Afghanistan

PARTNER:

Afghanistani Government

THE BRIEF:

Securing Energy and Mining Deals

ISLP provided legal expertise to the presidential administration of Afghanistan to conclude contracts that had been stalled in accordance with international best practices, such as the review and negotiation of a significant package of power agreements and the review of a model contract for a cement project. Among those projects, ISLP assisted with the final negotiations on Afghanistan's first modular turbine power plant project, which, once operational, will provide electricity for 200,000 homes and businesses.

Project Spotlight



TAX:

Sovereign Support

PARTNER:
Government Client

THE BRIEF:
Renegotiating
Tax Agreements

ISLP supported a national revenue authority in the renegotiation and review of tax-related aspects of a royalty pricing agreement on iron ore, providing advice on the rationale and structure of the agreement, royalty and income tax issues that should be considered in a renegotiation, and recommendations relating to renegotiation processes and strategy.

Project Spotlight



MEDIA LAW:

Iraq

THE BRIEF:

In support of freedom of expression, ISLP's Media Law Working Group intervened in a defamation case in support of the defendant

ISLP's Media Law Working Group filed an amicus brief with the Iraq Court of Cassation in support of an individual who was prosecuted for defamation and insult for criticizing the local government on social media (specifically, posting on Facebook: "The provincial council is between corrupt and cowered [sic] or marginalized and useless") and sentenced by a three-judge Iraqi trial court to three years' imprisonment. ISLP's brief drew on jurisprudence from the European Court of Human Rights and the U.S. Supreme Court, among other authorities, ultimately contributing to the reversal of the conviction.

Project Spotlight



ANTI-BRIBERY AND CORRUPTION:

Zimbabwe

PARTNER:
Law Society
of Zimbabwe

THE BRIEF:
Investigating
Economic Crimes

In collaboration with the Law Society of Zimbabwe, ISLP developed the Investigating Economic Crimes Program, focused on anti-corruption, anti-money laundering, and asset tracing. The Program brought together previously siloed departments and relevant experts including members of the police force, prosecutorial service, representatives from the Zimbabwe Anti-Corruption Commission, and the Financial Intelligence Unit of the Reserve Bank of Zimbabwe, as well as Transparency International Zimbabwe, local non-governmental organizations, and private sector lawyers. The Program will provide a foundation for ongoing communication and collaboration.

Partners

Thank you to our partner organizations for the financial support, expertise, and collaboration that make our work possible.

Donor Law Firms

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Arnold & Porter
Chaffetz Lindsey
Clifford Chance
Covington
Fried Frank
Hogan Lovells
Jones Day
Kirkland & Ellis
Latham & Watkins
McCarter & English
Ropes & Gray
White & Case
Winston & Strawn

Law Firm Volunteers, *in addition to individual and retired practitioners*

Akin Gump
Allen & Overy
Alston & Bird
Alvarado & Associates
Appleton & Associates
Artemis Global
Ashurst
Baker McKenzie
Basham, Ringe y Correa
Beccar Varella
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McCarter & English
Milbank
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Ponce
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Segal McCambridge
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Abogados
Shearman & Sterling
Sills Cummis & Gross

Simmons & Simmons
Slaughter and May
Skadden
Steptoe & Johnson
Tapia, Linares & Alfaro
Webber Wenztel
White & Case
Winston & Strawn

**Non-Governmental
Organizations**
African Legal Network
Columbia Center on
Sustainable Investment
(CCSI)
Derecho, Ambiente
y Recursos Naturales
(DAR)
Facultad Latino
America de Ciencias
Sociales - Quito (FLACSO)
Foundation for a
Unified Business Law in
Africa (FOUBLA)
Fundación Construir
Fundación Probono
Fundación Probono
Colombia
Justice and Corporate
Accountability Project
(JCAP)

LexMundi Pro Bono
Foundation
Resource Matters
Tony Blair Institute
Uongozi Institute
Volunteers for
Economic Growth
Alliance (VEGA)

**Foundation and
Government Partners**
Canada Fund for
Local Initiatives
Deutsche Gesellschaft
für Internationale
Zusammenarbeit (GIZ)
GmbH
National Endowment
for Democracy
Open Society
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The Alexander Soros
Foundation
The Rockefeller
Foundation
The Thompson Family
Foundation
The William and Flora
Hewlett Foundation
TRACE

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Carol Thomas
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Pedro Villegas
Kapp-Essaye Legal Fellow

Financials

CONSOLIDATED STATEMENT OF ACTIVITIES

INCOME	USD\$
Individuals and Board Members	116,545
Law Firm	171,898
Foundation & Government Grants	1,220,180
Fees for Services	107,669
Other Revenue	-19,392
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Total Income	1,596,900
DONATED GOODS AND SERVICES	
Legal Services and Related Costs	5,532,890
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Total Donated Services Income	5,532,890
EXPENSES	
Program Services	6,659,525
Administrative and General	174,845
Fundraising	278,511
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Total Expenses	7,112,881

STATEMENT OF FINANCIAL POSITION

ASSETS	USD\$
Cash, Investments & Equivalents	954,674
Contributions	397,786
Accounts Receivable	21,500
Other Assets	117,000
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Total Assets	1,491,816
LIABILITIES	
Accounts Payable & Accrued	86,292
Unearned Revenue	-
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Total Liabilities	86,292
NET ASSETS	
Unrestricted	422,835
Board Designated	260,000
Restricted	722,689
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Total Net Assets	1,405,524
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Total Liabilities and Net Assets	1,491,816

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