INDEPENDENT INTERNATIONAL LEGAL ADVOCATES

A Guide to Working with IILA

In-House Counsel for Small and Developing Countries
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1. INTRODUCTION TO IILA

Independent International Legal Advocates (IILA) is a non-profit international law advisory and training organization. IILA emerged from its founder’s many years working within the United Nations, international courts and civil society organizations. These experiences highlighted that the making and applying of international law is a deeply inequitable process. IILA works to enable more effective and fair participation of small and developing States in the creation and application of international law. Raising the voices of disadvantaged States enhances the power of international law to advance just solutions to pressing global challenges.

IILA’s approach is the innovative and unique model of serving as “in-house counsel”, working in partnership alongside States’ international law teams to provide on-going, impartial legal support and training. IILA does not replace local international law advisers but partners with them for long-term collaboration.

IILA is an independent organization, and only works with States committed to the rule of law, human rights and democracy. IILA is primarily supported by donations from foundations, governments and individual donors.

This Guide sets out the ways in which IILA works to support its State partners.
2. HOW IILA WORKS

2.1 “In-House Counsel” Model

Many States are simply not able to fully engage with international law due to a lack of resources and expertise. As a result, not all voices are heard and not all needs are taken into account. The vast growth in the reach of international law in recent years has only deepened this gap.

IILA works to address this gap. What makes IILA distinct is that its advisers act as supplementary “in-house counsel”, offering a strategic approach to legal analysis and advice. Our legal advisers collaborate alongside the existing legal departments of our State partners to supplement and support existing capabilities in international law research and strategy.

IILA’s innovative in-house counsel approach enhances the ability of disadvantaged States to play a more active and engaged role in the international community; to negotiate with greater confidence; to build the capability of their legal departments; and to begin to create positive changes in the international law regime.

IILA focuses on building strong and lasting partnerships with our State partners. Through regular and consistent interaction, IILA builds the legal capabilities of our State partners through a combination of capacity building and technical assistance activities. IILA enhances our State partners’ ability to engage with vital international law issues in multiple fora – both in their international relations and in national enforcement of their obligations and responsibilities.
2.2 Areas of Focus

Legal advisers of small and developing States must be ready to provide advice on all international law matters. IILA responds to those same demands. Given the “in-house counsel” approach, IILA provides support across the core international law topics confronting a foreign affairs ministry, including:

- Treaty law
- Diplomatic and consular law
- Trade, investment and sustainable development
- Law of the sea
- International environmental law
- Land and maritime boundaries and spaces
- Human rights, humanitarian law and international criminal law
- International peace and security
- The peaceful settlement of international disputes

2.3 IILA Needs Assessment Exercise

The first step to building our State partner relationship is the completion of the Needs Assessment Exercise.

IILA undertakes an analysis of a State partner’s existing resources, goals and needs. IILA discusses with each State partner which issues and approaches to concentrate on. This exercise encourages IILA and our State partners to identify key topics and services that will most benefit from IILA’s support.

IILA then creates a tailor-made work plan for each State partner, including targeted activities, set against appropriate timelines, outcomes and available resources. The work plan is flexible and responsive to new needs as they arise. As the relationship with each State partner progresses, the work plan is reviewed on a regular basis to ensure that IILA continues to support the goals and needs of the State partner.
3. OUR SERVICES

IILA’s range of services is focused on the same goal: enable more effective and fair participation in international institutions and diplomatic processes.

3.1 Increase understanding and use of international law

IILA provides its State partners with specialised legal training designed to enhance substantive engagement with international law. IILA also assists our State partners to proactively seek out and engage with other available resources within international law.

3.1.1 Workshops and training activities

IILA provides training on specific substantive areas of international law to lawyers and diplomats of Ministries of Foreign Affairs, officers of the Attorney General or Ministries of Justice, and advisers to a Prime Minister or President. These training activities enhance knowledge on: specific substantive subjects; methodological approaches to research in international law and the procedures at international judicial and arbitral bodies; discussion sessions with experts from specific fields of international law.

3.1.2 Transforming the use of international law

IILA also works to help our State partners to transform their use of international law in order to ‘do’ international law better at the national level. IILA provides support on structuring the best possible setup for international law’s input within each State partner’s relevant legal ministries.
3.3.1 Increasing use of international law resources

IILA introduces its State partners to other organizations (non-governmental and inter-governmental organizations, law firms, individual practitioners) that could additionally assist in achieving the State partner’s goals. IILA acts as an expert ‘hub’ and a bridge to these opportunities.

Some examples of the services that IILA provides to increase the use of international law resources include: building stronger relationships with legal advisers of other States; identifying organizations that can provide technical assistance, specialized training, and advocacy support; navigating our State partners towards international law advocates and arbitrators when formal dispute settlement procedures are initiated.

3.2 Support in the creation of international law

IILA supports its State partners in law-making activities and ongoing processes of negotiation and reporting. IILA’s experienced legal advisors help our State partners strategically navigate the stages of making and interpreting international laws.

IILA recognizes the vital importance of a State’s contributions being heard in various multilateral and regional fora. IILA helps our State partners to effectively participate in these venues to ensure their input will make a substantive impact.

3.2.1 Support for treaty negotiations

Preparations for the negotiations of new international law instruments involve multiple stages - from identifying the applicable procedural rules and the key relevant legal principles, to researching the existing applicable international law that will shape a particular topic. Whether bilateral, regional or multilateral, IILA works with its State partners to ensure that their substantive inputs are heard, providing direct support during negotiations, at treaty conferences or in discussions to finalize bilateral agreements.

3.2.2 Advice on international law-making bodies

A number of international organizations, including the United Nations’ International Law Commission, the African Union Commission on International Law, the Sixth (Legal) Committee of the United Nations General Assembly, and the Inter-American Juridical Committee have expert bodies focused on the
elaboration of new legal instruments. With the extensive experience its legal advisers have working with these bodies, IILA can provide in-depth analysis of the legal issues under discussion and assist to ensure a State partner’s input is provided and considered.

3.2.3 Assistance in reporting under international law obligations

A key component of ensuring compliance and enforcement of many treaty obligations is the requirement for States to report on how they are implementing their obligations. This has increasingly become an onerous burden for many States, both due to the volume of such requirements as well as uncertainty over the substance of many of their legal duties.

IILA works with its State partners to provide the international law analysis that promotes greater understanding of the requirements for a State’s reporting obligations. IILA can assist its State partners in fulfilling their reporting requirements as well as increase the clarity and accuracy of their international law interpretations.

3.3 Advising on the use of international law

IILA supports an enhanced application of international law at the national level through laws, policies and governmental decisions.

3.3.1 Enhancing the role of international law in national decision-making

At the national level, all policies and decisions are impacted by international law obligations. IILA provides on-going assistance in day-to-day advising within our partner States. Given the limited capacities of many small and developing States, IILA’s State partners can benefit from our “in-house counsel” support on all matters where international law should play a vital role.
3.3.2 Improving implementation of international law obligations at the national level

There is often a lack of clarity on how best to implement international law obligations at a national level. IILA provides information and analysis on specific international instruments and provides advice on legislative implementation or reform in order to implement those obligations.

3.3.3 Assistance in dispute settlement actions

Some disagreements between States will invariably enter into formal dispute settlement proceedings. With experience working with a range of international courts and tribunals, IILA’s legal advisers can provide strategic advice to our State partners in the initiation and completion of dispute settlement processes.
4. WORKING WITH IILA

4.1 Becoming a partner

IILA aims to build long-term relationships with its State partners, based on trust and collaboration. Prior to becoming a State partner, IILA will discuss a fee structure based on the State partner’s development status, and tailored to the available resources and specific needs of the State.

IILA undertakes a Needs Assessment Exercise with each new State partner, and creates a roadmap of tasks. IILA is committed to regular evaluation and assessment of the contribution it is making to meet its State partners’ goals. State partner contact is an essential component to the model of partnership and collaboration that IILA is based on.

4.2 Confidentiality and conflicts of interest

Confidentiality
Providing strategic advice on international law requires the use of information that is highly sensitive. IILA implements a rigorous policy to ensure the strict preservation of confidentiality for information provided to or from IILA.

IILA is experienced in the handling of sensitive information. IILA adheres to the strictest forms of confidentiality, and implements policies and practices that ensure the highest forms of security protection for physical and computer-based materials, as well as data and staff/State partner protection policies to manage and limit risks.

Conflicts of Interest
IILA implements a rigorous conflicts of interest policy to efficiently and appropriately manage potential conflicts that might arise when working with a number of State partners.
IILA’s Conflicts Analysis Policy consists of several elements, including the vetting of potential State partners for the possibility that conflicts with existing State partners may preclude any relationship with IILA; discussing with State partners the necessity of full access to all information that may be vital to IILA’s provision of comprehensive legal advice; and ensuring full and open communication with each State partner on any perceived conflicts.

IILA’s Board and Advisory Council are also subject to duties with respect to oversight, confidentiality and the avoidance of any conflicts of interest they may have with our work and State partners.

### 4.3 IILA’s Headquarters

IILA is based in New York City. This provides us with direct access to most of the major bodies of the United Nations, States missions to the UN, innumerable non-governmental organizations and an abundance of physical and electronic resources on international law.

### 4.4 Contact IILA

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### How to Contact IILA?

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