

# Pro Bono Practices and Opportunities in International Law

## I. Introduction

The scope of individual access to international justice has expanded significantly over the past four decades, transcending its beginnings in human rights law. Individuals may now access international justice systems for myriad matters, including international trade regulation, environmental law, immigration and refugee law, and labour law. This rapid expansion and increased activity of international courts and tribunals has been largely uncoordinated.

Pro bono work in international law is deeply rooted in the ideals of justice, human rights, and global access to legal representation. This chapter provides an introduction to pro bono in the international legal sphere. On the litigation side, pro bono initiatives in international law provide a unique opportunity for lawyers to not only assist individuals and non-state actors in vindicating their rights but also to influence the formation of international law and precedent.

There are also many opportunities for participation in international pro bono beyond litigation, including preparing multi-jurisdictional research for NGOs, responding to global emergencies (such as the COVID-19 pandemic), or conducting human rights advocacy. International pro bono opportunities are diverse and impactful.

Other pro bono legal work in the international context can include:

- **Human rights and migration law:** Assisting with asylum applications, representing individuals before international judicial bodies, and engaging in advocacy work. Notably, the Iraqi Refugee Assistance Project collaborates with law firms to provide legal assistance to Afghan nationals who have aided the US and are now targets of anti-American violence.<sup>1</sup>
- **Issues affecting women:** Supporting NGOs by drafting country reports on issues such as sexual violence for submission to international bodies, including the United Nations Committee on the Elimination of Discrimination against Women. This work benchmarks legislation and practices in certain countries against international laws and aims to harmonise national criminal justice responses with accepted international standards.
- **Legal research:** Conducting projects such as: (i) researching international human rights and preparing a report on violations of those rights; (ii) multi-jurisdictional comparative research; (iii) drafting a legal analysis of an environmental hazard; or (iv) conducting legal research and analysis on behalf of multilateral institutions like the United Nations, World Bank, or the Organization for Security and Co-operation in Europe.
- **International humanitarian law:** Assisting in conflict zones and support war crimes prosecutions. For example, the Public International Law & Policy Group (PILPG) has been instrumental in providing legal assistance to the

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<sup>1</sup> Iraqi Refugee Assistance Project: "About IRAP," International Refugee Assistance Project, available at <https://refugeerights.org/> (last visited on 22 February 2025).

Office of the Prosecutor for the Yugoslav Tribunal and the Rwanda Tribunal, demonstrating the critical role of pro bono work in transitional justice.<sup>2</sup>

- **International trade and investment law:** Offering expertise in disputes involving trade regulations and investment treaties, including underdeveloped countries experiencing disputes between states, such as those brought before the World Trade Organization Arbitration Panel.<sup>3</sup>
- **Climate change and the environment:** Supporting civil society observer organisations and nations affected by climate change at global forums. For example, Legal Response International (LRI) aims to create a more level playing field between participants in climate change negotiations and, with the support of a network of pro bono lawyers, offers assistance during meetings, drafts legal opinions, and builds the capacity of lawyers and negotiators from developing countries. This pro bono support is vital due to the complexity of the international negotiations under the United Nations Framework Convention on Climate Change (UNFCCC).<sup>4</sup>

## II. Overview of the Legal System: International Law

### A. The Justice System

#### *i. Constitution and Governing Laws*

International law is the set of legal rules governing international relations between public bodies, such as states and international organisations.<sup>5</sup> The legal basis for pro bono under international law can be traced back to the general principles of universal access to justice enshrined in documents such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Please refer to the introductory chapter of this survey for additional background information.

#### *ii. The Courts*

The courts described below address a wide range of issues, including human rights violations, international humanitarian law, and refugee and migration law. There are a wide range of international institutions and tribunals, which can be grouped into the following categories:<sup>6</sup>

- International criminal courts tribunals (e.g., the International Criminal Court and International Criminal Tribunal for Rwanda);
- International courts for resolving disputes between treaty signatories (e.g., the International Court of Justice);

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<sup>2</sup> Public International Law & Policy Group: “Our Work,” Public International Law & Policy Group, available at <https://www.publicinternationallawandpolicygroup.org/> (last visited on 22 February 2025).

<sup>3</sup> World Trade Organization: “Dispute Settlement,” World Trade Organization, available at [https://www.wto.org/english/tratop\\_e/dispu\\_e/dispu\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm) (last visited on 22 February 2025).

<sup>4</sup> See <https://legalresponse.org/> (last visited on 20 March 2025).

<sup>5</sup> See <https://libguides.ials.sas.ac.uk/publicinternationallaw> (last visited on 25 February 2025).

<sup>6</sup> See J. Almqvist, Individual Access to International Justice: A Theoretical Study, Paper presented at the annual meeting of the American Political Science Association, Philadelphia Marriott Hotel, Philadelphia, PA (27 August 2003).

- Regional human rights bodies (e.g., the Inter-American Court of Human Rights);
- Regional economic agreement courts (e.g., the North American Free Trade Agreement (NAFTA) Arbitration Panel);
- Inspection panels of intergovernmental organisations (e.g., the World Bank Inspection Panel);
- International claims and compensation bodies (e.g., the Claims Resolution Tribunal for Dormant Accounts in Switzerland);
- International administrative tribunals (e.g., the Administrative Tribunal of the International Labor Organization); and
- Courts and Tribunals established by treaty to resolve disputes relating to that treaty (e.g., the International Tribunal for the Law of the Sea).

These international legal bodies can be further classified as being either purely international regimes (such as the international criminal courts) or regional regimes, also referred to as “transnational” or “supra-national” regimes (such as the European Union, the NAFTA trade regime, the African human rights regime, and the Arab League). The term “international” in this chapter refers to both purely international and regional institutions.

### *iii. The Practice of Law*

Both substantive and procedural law and practices vary dramatically from court to court, making it impossible to speak generally of rules, regulations, or practices regarding attorneys’ qualifications. As one commentator stated, “[t]he regulation of counsel who practice before international tribunals, particularly public law tribunals, is almost a complete vacuum.”<sup>7</sup> On one end of the spectrum is the Inter-American human rights system, where a petitioner need not have any legal training or certification whatsoever. The rationale is to allow victims to petition the Commission and the Court directly. The same practice is used across the various quasi-judicial UN committees. At the other end of the spectrum is the Court of Justice of the European Union (ECJ), where the qualifications required to serve as representative are determined by the national law of the advocate. In September 2012, the ECJ also decided that in-house lawyers were not sufficiently independent to represent their employers before the ECJ.<sup>8</sup>

Criminal tribunals are a unique case, in that the statutes of these tribunals typically provide for legal representation as a fundamental right. If a defendant cannot afford legal representation, the tribunal will provide for the defence at no cost to the defendant. The tribunal registrars publicly

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<sup>7</sup> D. F. Vagts, *The International Legal Profession: A Need for More Governance?* 90 AM. J. INT’L L. 250, 260. (“Fee arrangements between clients and lawyers are regulated very differently in different countries: can an American lawyer be paid on a contingent basis for arguing before the International Court of Justice? Do German fee schedules apply to such a case? The way in which a case is tried before an international tribunal, setting aside permanent bodies, depends greatly on the composition of the panel.”).

<sup>8</sup> *Republic of Poland, v European Commission* [2012] EUECJ C-422/11, EU:C:2012:553, ECLI:EU:C:2012:553.

invite eligible persons to submit applications and maintain lists of eligible counsel.<sup>9</sup>

As a matter of policy, criminal tribunals encourage representation by members of the local bar, i.e., the place where the tribunal is located.

### III. Pro Bono Assistance: International Law

#### A. Pro Bono Opportunities

There are three significant opportunities for lawyers looking for pro bono opportunities in the international law sphere, namely: (1) partnering with NGOs or other organisations such as law school clinics; (2) partnering with UN agencies; and (3) establishing working relationships with registrars of the various international courts and tribunals.

##### *i. Partnering with NGOs*

Many international NGOs have well-established networks and experience with regard to representing individuals before international bodies. Still, these NGOs may be understaffed, underbudgeted, or may simply lack expertise in a certain area of law, and may be happy to cooperate with lawyers and law firms that have the right resources and institutional knowledge. Leading international NGOs that undertake individual representation include Amnesty International, Human Rights Watch, No Peace Without Justice, the International Rescue Committee, and Liberty. Often these NGOs have a legal department, and contacting the heads of such departments may be an effective first step for individuals or organisations desiring to get involved in international pro bono. National NGOs doing international work (such as the American ACLU and other leading civil rights organisations) can be equally fruitful partnerships to explore.

##### *ii. Partnering with UN Agencies*

A number of UN agencies have corporate partner programmes and NGO partner programmes.<sup>10</sup> In fact, the partnership model is familiar and encouraged. UN agencies that may be particularly relevant to lawyers interested in forming partnerships for international pro bono legal services include the United Nations Development Program (UNDP), the United

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<sup>9</sup> See, e.g., arts. 55 and 67 of the Rome Statute of the International Criminal Court 2002 (right to legal assistance); Rules 20–22 of the Rules of Procedure and Evidence (assignment of legal assistance and qualifications of counsel for the defense). Among the documentation requirements set by the Registrar are requirements for a certificate of good standing from a professional association of which the candidate is a member; certificate from the relevant state authority specifying criminal convictions, if any. Similar provisions, subject to some variations, exist in the Statutes and Rules of the ad hoc International Criminal Tribunals for the Former-Yugoslavia and for Rwanda and the Special Court for Sierra Leone.

<sup>10</sup> See United Nations Development Program: “Our mission, our goals, our mandate,” United Nations Development Program, <https://www.undp.org/about-us>; United Nations High Commissioner for Refugees: “What We Do,” UNHCR, available at <https://www.unhcr.org/what-we-do.html>; Amnesty International: “Our Work,” Amnesty International, <https://www.amnesty.org/en/what-we-do/>; Human Rights Watch: “About Us,” Human Rights Watch, available at <https://www.hrw.org/about>.

Nations Global Compact (UNGC), Principles for Responsible Investment (UNPRI), the United Nations Human Rights Council (UNHRC), the United Nations International Children's Fund (UNICEF), and the United Nations High Commissioner for Refugees (UNHCR).

### iii. *Providing representation before international bodies*

Generally, pro bono representation before international bodies is provided in one of three capacities:

- Representation of individuals or nonstate entities, such as NGOs, before international institutions;
- Representation of developing countries in disputes between States (e.g., in relation to requests for advisory opinions from the ICJ or disputes brought before the World Trade Organization Arbitration Panel); and
- Intervention as *amicus curiae* (filing briefs or other supporting documentation to the court on matters of public interest).

Each of the international courts has a Registry, and lawyers wishing to participate in pro bono activities in this area could establish working relationships with the Registrars of the relevant international court. Unlike many domestic courts, the Registrars of the international courts are senior staff with influence over policy, regulation, and procedures. Among other responsibilities, the Registrars are entrusted with the administration of defendants' representation (in criminal courts), with allocating and disbursing attorneys' fees (when paid by the court), and with enforcing the attorney qualification requirements. As Registrars also keep rosters of eligible attorneys, formally applying to be included on these rosters could be a first step for those wishing to volunteer their services.

### iv. *Pro Bono Referral Organisations and Intermediaries*

Global pro bono clearing houses and legal services organisations (LSOs) are valuable sources of international pro bono as these organisations act as intermediaries between lawyers wishing to assist with pro bono matters, NGOs, and individuals who need legal assistance. They circulate regular pro bono opportunities, including multi-jurisdictional research projects and cross-border transactional matters. A few examples of such organisations include:

- TrustLaw, the Thomson Reuters Foundation's global pro bono legal network. As the largest pro bono legal network in the world, TrustLaw draws on the expertise of more than 120,000 lawyers in 190 countries and supports over 7,400 civil society organisations and social enterprises. TrustLaw leverages the power of the law to protect, support, and empower organisations at the frontlines of

social or environmental change, and to strengthen and defend independent media.<sup>11</sup>

- PILnet, an NGO that serves as a global network for public interest law. With programmes in Europe & Eurasia, Asia, and at the global level, PILnet partners with legal professionals and civil society organisations to protect civic space, to address global challenges, and to build just, equitable, and sustainable societies.<sup>12</sup>
- International Senior Lawyers Project (ISLP), an NGO that provides pro bono legal assistance to governments and civil society organisations in the Global South and in countries transitioning to democracy and market-based economies, leveraging global legal resources in alignment with client needs to support just, accountable, and inclusive development.<sup>13</sup>
- Lawyers Without Borders, an NGO that partners with lawyers and judges to strengthen the legal community, build strong institutions, and make justice accessible, while adhering to a strict mandate of neutrality.<sup>14</sup>
- Advocates for International Development (A4ID), a global charity that works in partnership with law firms around the world, providing access to legal advice for those engaged in the fight against global poverty. A4ID's pro bono brokerage service focuses on supporting organisations working towards sustainable development.<sup>15</sup>

## B. Events and Conferences

Events and conferences dedicated to international pro bono work provide valuable platforms for knowledge exchange and collaboration. The Pro Bono Institute Annual Conferences bring together legal professionals to discuss pro bono practices and innovations, fostering a global community committed to justice and human rights.<sup>16</sup>

The PILnet Global Forum convenes around 400 lawyers and advocates from around the world, offering opportunities for networking and sharing best practices.<sup>17</sup> Similarly, the Asia Pro Bono Conference & Access to Justice Exchange provides a platform for sharing pro bono experiences and strategies in Asia, highlighting the region's unique challenges and opportunities.<sup>18</sup>

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<sup>11</sup> See TrustLaw: "About TrustLaw", Thomson Reuters Foundation, available at <https://www.trust.org/trustlaw/> (last visited on 22 February 2025).

<sup>12</sup> See PILnet: "About", at <https://www.pilnet.org/about/> (last visited on 20 March 2025).

<sup>13</sup> International Senior Lawyers Project: "Our Work," International Senior Lawyers Project, <https://islp.org/our-work/>.

<sup>14</sup> Lawyers Without Borders: "What We Do," Lawyers Without Borders, available at <https://www.lawyerswithoutborders.org/what-we-do/overview> (last visited on 22 February 2025).

<sup>15</sup> Advocates for International Development: "Pro bono broker service," A4ID, available at <https://www.a4id.org/legal-pro-bono/#broker> (last visited on 22 February 2025).

<sup>16</sup> Pro Bono Institute: "Annual Conference," Pro Bono Institute, available at <https://www.probonoinst.org/events/annual-conference/> (last visited on 22 February 2025).

<sup>17</sup> PILnet: "About," PILnet, available at <https://www.pilnet.org/event/pilnet-global-forum/about/> (last visited on 22 February 2025).

<sup>18</sup> Asia Pro Bono Conference & Access to Justice Exchange: "About," Asia Pro Bono Conference & Access to Justice Exchange, available at <https://www.probonoconference.org/about/> (last visited on 22 February 2025).

The ABA Section of International Law also hosts events that focus on international legal issues, providing a forum for discussing the role of pro bono work in addressing global challenges.<sup>19</sup>

### C. Development of Pro Bono on a Global Level

There is a rich tradition of pro bono in the international legal context. A key milestone was the establishment in 1947 of the International Bar Association (IBA), which brings together lawyers and bar associations from across the globe. The IBA has consistently promoted pro bono activities amongst its members through its Pro Bono Committee.<sup>20</sup>

There are a number of potential barriers facing lawyers who desire to work with NGOs, UN bodies, and international courts. For example, lawyers should be aware that some NGOs might not have the necessary capacity and resources to engage with teams of lawyers. This means that lawyers should engage thoughtfully, listen carefully to the specific needs of the organisation, and be realistic about what can be achieved in the given timeframe. Many UN bodies are headquartered in New York. Contacting these headquarters could be time consuming, given the bureaucratic nature of the UN, and not appropriate as the needs of any given programme may vary from country to country. These barriers could be overcome by contacting country offices rather than UN Headquarters. For example, contacting the Rule of Law Officers or the Governance Program Officers at UNDP's Country Offices or the Child Protection Officers at UNICEF's Country Offices may prove more effective than contacting the Country Bureau at UNDP or UNICEF's Headquarters.

Finally, requirements of individual tribunals or courts may also act as an impediment for lawyers or law firms seeking international pro bono opportunities. For example, as noted above, certain regional Courts require individuals practising before them to be registered in a specific territory. The Rules of the European Court of Human Rights require that a representative acting on behalf of an applicant resides in, and is authorised to practise in, one of the 47 Contracting States.<sup>21</sup> However, it is worth noting that sometimes these same tribunals and courts may be flexible with such practice requirements. The President of the Chamber of the European Court of Human Rights, for example, has the discretion to approve other representatives.

### D. Global Emergencies – Pro Bono Response to COVID-19

The COVID-19 pandemic catalysed a global mobilisation of pro bono resources, as legal professionals worldwide adapted to unprecedented challenges. TrustLaw played a pivotal role in this response by connecting law firms and corporate legal teams with NGOs and social enterprises to address urgent legal needs arising from the pandemic.<sup>22</sup> For instance, TrustLaw facilitated projects that addressed critical issues such as healthcare access, digital rights, and the protection of vulnerable communities. The pandemic also accelerated the adoption of remote legal services, which expanded access to justice by overcoming

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<sup>19</sup> ABA Section of International Law: "International Law Section," American Bar Association, available at [https://www.americanbar.org/groups/international\\_law/](https://www.americanbar.org/groups/international_law/) (last visited on 22 February 2025).

<sup>20</sup> See <https://www.ibanet.org/officer/officerList/3122> (last visited on 25 February 2025).

<sup>21</sup> Rule 36(4) of the 'Rules of Court' of the European Court of Human Rights (1 August 2018).

<sup>22</sup> See TrustLaw, "COVID-19: Our Response and Our Impact," available at <https://www.trust.org/2020/06/05/covid-19-our-response-and-our-impact/> (last visited on 22 February 2025).

geographical and logistical barriers. The Association of Pro Bono Counsel documented these transformative changes, highlighting how LSOs and volunteer lawyers utilised technology to reach clients who were previously inaccessible due to geographical constraints.<sup>23</sup> Notably, virtual clinics and online platforms became essential tools, allowing pro bono volunteers to provide legal assistance without the need for physical presence. This shift not only increased the number of volunteers but also enhanced the efficiency of service delivery. These initiatives exemplify the legal community's commitment to leveraging pro bono work to support vulnerable populations during global emergencies, reinforcing the importance of adaptability and collaboration in the face of adversity.

## E. Pro Bono Resources

Working closely with NGOs, law firms, and in-house departments can undertake a range of interesting international work. Global law firms with offices in multiple countries and multilingual lawyers have an advantage in international pro bono work. These firms facilitate knowledge transfer to jurisdictions without a strong tradition of pro bono, enhancing legal capacity and promoting access to justice worldwide.

This is not limited to litigation, as many international NGOs are open to partnering with external lawyers and companies to help address legal concerns in areas such as the environment, microfinance, or human rights. Below are specific examples of law firms or companies that have partnered with NGOs or other organisations to provide international pro bono services:

- Mayer Brown, in partnership with the UNHCR, launched an “Access to Education Guide” app for refugees and asylum seekers in Hong Kong, showcasing how technology can be used to deliver pro bono work for international institutions.<sup>24</sup>
- Debevoise & Plimpton has been involved in filing landmark human rights claims. For example, the firm partnered with Legal Action Worldwide, European Center for Constitutional and Human Rights, and Dr. Anna Oehmichen to file a criminal complaint with the German Federal Public Prosecutor on behalf of Tigrayan survivors of the conflict in Ethiopia alleging that senior Ethiopian and Eritrean government officials and military officers committed war crimes and crimes against humanity.<sup>25</sup>
- PILnet and the [Australian Pro Bono Centre](#) created the Global Pro Bono Climate Action Portal, which features case studies from around the world that highlight the different ways lawyers are using their experience, expertise, and resources through pro bono work to help tackle the climate crisis. One such case study describes DLA Piper's pro bono work to assist small island states to prepare for their negotiations on climate change at the

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<sup>23</sup> See Association of Pro Bono Counsel, “Positive Change: How the Pandemic Changed Pro Bono and What We Should Keep,” available at <https://apbco.org/apbco-publishes-positive-change-how-the-pandemic-changed-pro-bono-and-what-we-should-keep/> (last visited on 22 February 2025).

<sup>24</sup> Mayer Brown and UNHCR launch “Access to Education Guide” app for refugees and asylum seekers in Hong Kong, available at <https://www.mayerbrown.com/en/news/2023/06/mayer-brown-and-unhcr-launch-access-to-education-guide-app> (last visited on 21 February 2025).

<sup>25</sup> See at <https://www.debevoise.com/news/2025/03/legal-action-worldwide> (last visited on 20 March 2025).

international level, including through legal research, drafting, speechwriting, and policy briefings.<sup>26</sup>

- Following a request for support from the UNHCR, a group of six law firms and the Greek NGO, European Lawyers in Lesvos, formed the Ukraine Pro Bono Collaborative. The initiative brought together Polish and Ukrainian pro bono lawyers to provide legal information and assistance to refugees arriving from Ukraine following Russia's invasion in 2022. The lawyers, based at five sites across Warsaw, assisted with in-person and telephone inquiries covering a range of issues, including access to accommodation, children's rights and guardianship, employment, setting up a business, social welfare, passports and IDs, residency permits, returning to Ukraine, and travel to other countries. This service provided vital support in response to an international emergency.<sup>27</sup>
- White & Case and Latham & Watkins supported ISLP to deliver a workshop, in partnership with the Nairobi Centre for International Arbitration in Kenya, for state counsels from the Office of the Attorney General. The training provided practical insights, comparative experience, and best practices to enhance the capacity of the state counsels to effectively negotiate and draft arbitration agreements, as well as handle and resolve international disputes. It covered topics in international commercial arbitration and investor-state dispute resolution, ADR in international construction projects, third-party funding, ESG/climate change and arbitration, investor-state dispute settlement (ISDS) dispute avoidance, investment treaties, key steps in ISDS arbitration, and opening presentations in international arbitration.<sup>28</sup>
- Latham & Watkins, Cleary Gottlieb, Reed Smith, and A&O Shearman collaborated with TrustLaw,<sup>29</sup> Orchid Project,<sup>30</sup> local law firms, and NGOs to conduct multi-jurisdictional research and issue a report summarising the laws in 29 African jurisdictions regarding female genital mutilation. The report was produced for use by advocacy organisations that are seeking to abolish female genital mutilation.<sup>31</sup>

## IV. Conclusion

By leveraging their global reach and diverse expertise, law firms can make substantial contributions to international pro bono efforts, supporting initiatives that address pressing global challenges and promote the rule of law. Pro bono initiatives in international law provide a unique opportunity for lawyers to influence and learn from an evolving jurisprudence. International pro bono work provides a sense of global teamwork across offices and gives young associates the opportunity to develop the skills necessary to work

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<sup>26</sup> See [https://www.pilnet.org/case\\_study/dla-piper-and-small-island-states/](https://www.pilnet.org/case_study/dla-piper-and-small-island-states/) (last visited on 20 March 2025).

<sup>27</sup> See <https://www.europeanlawyersinlesvos.eu/ukraine-pro-bono-collaborative> (last visited on 20 March 2025).

<sup>28</sup> See <https://islp.org/islp-in-kenya-with-ncia-white-case-and-latham-watkins/> (last visited on 20 March 2025).

<sup>29</sup> See <http://www.trust.org/trustlaw/> (last visited on 25 February 2025).

<sup>30</sup> See <https://www.28toomany.org/> (last visited on 25 February 2025).

<sup>31</sup> See <https://www.lawsociety.org.uk/Support-services/Practice-management/Pro-bono/International/> (last visited on 25 February 2025).

in multicultural settings — a facility that can be carried over into nonpro bono practise. Encouraging international pro bono also makes sense from a business development standpoint: cases that reach international bodies are often high-profile both in the jurisdiction in which they originated and internationally, providing high visibility to the representing lawyers. Attorneys and organisations interested in getting involved with pro bono litigation or nonlitigation work should partner with country offices of UN agencies, with NGOs and/or establish working relationships with Registrars. Additionally, TrustLaw (Thomson Reuters Foundation), Pro Bono Institute and other similar associations, such as the IBA, are good resources for those seeking guidance regarding avenues for providing pro bono services at the international level.