

## IDLO provides strategic support to The Gambia in investor-state arbitration



IDLO has successfully completed a key component of its cooperation with The Gambia under the Investment Support Programme for Least Developed Countries (ISP/LDCs). In collaboration with the UK-based law firm Omnia Strategy LLP, IDLO provided strategic assistance to the Government of The Gambia in an investor-state arbitration with a foreign investor concerning oil exploration licenses.

As a result of IDLO and Omnia's joint efforts, the Government was able to secure the services of a quantum expert to provide an assessment of monetary damages, allowing it to provide a robust defense in this phase of the ongoing arbitration. The expert concluded the first phase of the assistance in March 2020 and, with support from IDLO, will continue to work with the Government of The Gambia in the coming months.

IDLO partnered with the UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLS) to design the ISP/LDCs Programme with a view to enabling LDCs to attract and retain foreign direct investment. The ISP/LDCs is a comprehensive programme designed to provide legal advice and technical assistance to governments and eligible private sector entities on investment-related matters, including negotiations and dispute settlement. It is able to provide this support at no cost to beneficiaries thanks to the generosity of the European Union, contributions from the Kuwait Fund for Arab Economic Development and the engagement of over 25 legal firms and experts.

"IDLO is proud to lead this Programme dedicated to the economic growth in LDCs. The arbitration support provided to The Gambia under ISP/LDCs is a key part of this assistance. Participating effectively in investor-state arbitrations can be expensive, which often puts an undue strain on LDCs' finances and can encourage disadvantageous settlements. Through the ISP/LDCs, IDLO was able to help The Gambia defend its interests and participate effectively in this case," commented IDLO's Director-General Jan Beagle.

The Attorney General and Minister of Justice of the Republic of The Gambia, Abubacarr M. Tambadou, welcomed this milestone in IDLO's partnership with The Gambia, adding: "The ISP/LDCs will play an important role allowing The Gambia to build and enhance our capacity to handle claims of foreign investors against the State. The rule of law is paramount, and we respect the rights of all investors. At the same time, the Government must respond robustly where appropriate and, thanks to the support of our partners, we increasingly have the tools to do so."

As a least-developed country facing significant financial constraints, The Gambia is the first country to benefit from IDLO's support made available under ISP/LDCs. IDLO is implementing a comprehensive programme of technical assistance and capacity development projects in the country, all guided to provide support for sustainable economic development.

Cherie Blair CBE QC, Chair of Omnia Strategy LLP, said: "With the pioneering support of IDLO, we have begun to address the inequality of arms that often confronts developing states engaged in resource-intensive and complex disputes with international investors. I am delighted by the positive impact that the strategic contribution of the ISP/LDCs will have on The Gambia's defense and its capacity to deal with future disputes, and I look forward to seeing the Programme go from strength to strength."

IDLO has been implementing the ISP/LDCs since November 2019. Assistance within the framework of the Programme is under active discussion with several LDCs in addition to The Gambia, including Ethiopia, Liberia and Malawi.