

THE GAMBIA

IDLO'S SUPPORT TO THE GOVERNMENT OF THE GAMBIA

Since the transition to democracy in 2017, key institutions of the Government of The Gambia (GoTG), including the Ministry of Justice (MoJ), the Ministry of Trade, Industry and Employment (MoTIE), and others have played a critical role in transforming the Gambia into a growth-oriented market. These institutions contribute to The Gambia pursuing just, accountable, and inclusive development. Political stability has attracted foreign investors for commercial and infrastructure projects. The GoTG is taking steps to ensure that these opportunities are responsibly managed, well regulated, and supportive of The Gambia's economic and social goals.

Against this background, IDLO is implementing a **broad program of support with the GoTG**. This includes technical assistance and capacity development, as well as demand driven initiatives under the Investment Support Programme for Least Developed Countries (ISP/LDCs). The overarching goal is to empower relevant institutions to attract and retain foreign investment, helping them understand and manage the relevant legal implications and harness its full benefits. Programmatic activities include the following:

Investment/Negotiation Support to The Gambia

In March 2018, IDLO launched its first pilot project supporting the GoTG on investment-related negotiations. Supported by the Kuwait Fund for Arab Economic Development, the project aimed to strengthen the legal capacity of the State Counsels from the MoJ on negotiations of commercial and investment contracts with foreign investors. The project was designed around two capacity-building trainings. The first was delivered in November 2019 to 30 state counsels from the MoJ, and covered topics such as fundamentals of commercial and investment contracts and principles of investment contract drafting. The second, tentatively scheduled for the second half of 2020 due to the outbreak of COVID-19, will provide practical tools and strategies to be applied in real-life negotiations of investment and commercial contracts.

Assistance to the Government of The Gambia on a Pending Arbitration.

Under ISP/LDCs, in March 2020 IDLO agreed to provide technical assistance to the GoTG in an international arbitral proceeding initiated by a foreign investor. The technical assistance concerned the engagement of a quantum expert to assist the GoTG in the evaluation of the damage component of the Arbitration. The assistance is to be deployed in two phases. In the first phase, completed in March 2020, the quantum expert provided valuable input to the GoTG in defending its interests before the arbitral tribunal. During phase II, to be completed by the end of May 2020, the quantum expert will prepare for the delivery of oral testimony and cross examination at the arbitration's final hearing.

Capacity-Building on International Investment Law and Arbitration

In February 2020, IDLO launched a new capacity-building project aimed at strengthening the capacity of the members of MoTIE and the Gambia Investment and Export Promotion Agency to negotiate and design balanced and sustainable international investment treaties. The project is structured around two trainings. The first will focus on the impact of international investment treaties impact on domestic legal and policy frameworks for investment in the country and will identify the main risks arising from international investment treaties signed by The Gambia. The second will provide an understanding of the traditional dispute settlement mechanisms associated with such treaties, specifically investor-state arbitration. Both trainings are currently scheduled for the second half of 2020. However, given the persisting Covid-19 emergency, IDLO is currently exploring the possibility of implementing the project remotely.

IDLO's work in The Gambia is funded by the Kuwait Fund for Arab Economic Development, the European Commission and the International Development Law Organization.