



STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

PREPARATORY COMMITTEE FOR THE FIFTH UNITED NATIONS CONFERENCE ON THE LDCS

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On behalf of the International Development Law Organization (IDLO) – the only global intergovernmental organization exclusively dedicated to advancing the rule of law to promote peace and sustainable development – I would like to take the opportunity of this first meeting of the Preparatory Committee for LDC5 to reiterate the full commitment of our organization to the success of the Conference in renewing global support for the achievement of the sustainable development objectives of the LDCs.

Agenda 2030 and the Istanbul Program of Action 2010-2020 set out a clear roadmap to guide progress toward these objectives. In the past decade, LDCs made significant advances, with four States able to successfully graduate from their LDC status. However, the COVID-19 pandemic risks now to jeopardize these hard-won gains and to prejudice LDCs' future development efforts. The sectors of the economy that are central to the development progress of the LDCs are among those that have been hardest hit by the pandemic. The pandemic has not only caused incalculable human suffering; it is also triggering a global social and economic crisis whose impact is being felt most severely by LDCs and by the most vulnerable people within them.

The steep decline in Foreign Direct Investment (FDI) to the LDCs that has taken place in 2020 is, in this perspective, a matter of deep concern. In a situation where the scarce public resources available to the LDCs are under unprecedented strain from the effort to contain the pandemic, foreign direct investments provide an indispensable, critical source of development financing. And the capacity of LDCs to create and project an enabling environment to attract and sustain such investments and unlock the resource flows they require to finance their recovery efforts becomes more crucial than ever.

The Investment Support Programme for the LDCs (ISP/LDCs) that IDLO is currently implementing is entirely devoted to advancing these objectives. The Programme was conceived jointly by the Office of the High Representative for Least Developed Countries, Landlocked Developing Countries and Small Island Developing States and IDLO, with support from the government of Italy. It became operational in 2019, thanks to a generous contribution from the European Commission. The Programme provides, at no cost to the beneficiary, legal and technical advice and assistance, as well as complementary capacity-building, to requesting LDC governments on investment-related matters, encompassing both

investment negotiations and dispute settlements. The Programme is functioning in many ways as a public-private partnership and relies on the services of a roster of prominent legal firms committed to support the Programme on a pro-bono basis.

Despite the challenges inherent in pursuing a new initiative during a global pandemic, in the past year the Programme has succeeded in providing support to four LDCs: The Gambia, Liberia, Malawi, and Ethiopia, also leading in The Gambia to a favorable settlement in a complex arbitration case. In the coming months, plans are underway to expand the Programme's support in response demand from several other LDCs including Uganda, Rwanda, Timor-Leste, and Tanzania. In this effort, the High Representative, as well as the LDCs Chair, Ambassador Ligoya, as a member of the Steering Committee of the Programme, have been invaluable sources of support and encouragement and of precious policy advice.

In addition to pursuing this Programme, which is exclusively dedicated to the LDCs, IDLO has been actively supporting throughout the year countries in special situations both in their response and in their recovery from the pandemic, including, under the leadership of UN-OHRRLLS, in the context of a Roadmap for the Accelerated Implementation of the Vienna Programme of Action for Landlocked Developing Countries.

The further expansion of ISP/LDCs initiative will be pursued in the period ahead as part of a broader IDLO work programme intended to support the development and strengthening of sustainable international investment frameworks to maximize public investment and private capital necessary to finance regional integration and development initiatives. The work programme will also encompass technical assistance and capacity building for trade facilitation, focused on the implementation of regional trade agreements such as the African Continental Free Trade Agreement. Moreover, efforts will be directed towards the creation of enabling frameworks for more transparent infrastructure development, with a view to helping close the infrastructure gap hindering LDCs' development efforts.

IDLO has assured the High Representative of its full support in connection with the substantive preparations for LDC5 and the Conference itself. The stakes could not be higher. The international community needs a clear roadmap to "build back better", ensuring that LDCs can achieve their development objectives by 2030, while at the same time countering the negative impacts of the COVID-19 pandemic.

The task that we face will require the full commitment and participation of all parties, in a spirit of partnership and multilateralism. IDLO stands ready to step in and do its part, supporting UN-OHRRLLS, LDCs, and all other partners in pursuit of our common objectives.

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.