

ISLP Impact Updates

ISLP Newsletter, August 2023 Edition

ISLP's mission to advance the rule of law and just, inclusive, and accountable development directly supports the UN Sustainable Development Goals. Partnering with local decision makers and stakeholders to support locally-led development efforts, we leverage international and comparative legal expertise to help level the playing field of global economic development while promoting good governance. The recent projects described below highlight some of the ways we strive to achieve this, including through tools and legal guidance that enable governments to optimize revenues, responsibly manage natural resources, and achieve better investment deals – in turn generating needed resources to reduce poverty and to improve lives in critical areas such as clean water, energy infrastructure, education, and health care. ISLP is also proud to continue partnering with law associations around the world, providing knowledge sharing and practical skills-building opportunities in legal practice areas relevant to local development. Please read on to learn more about:

- support to governments for navigating the far-reaching implications of the global minimum tax
- an arbitration skills training for women lawyers in East Africa
- an interview with long-time ISLP volunteer Clement Fondufe of Latham & Watkins, who has supported many ISLP sovereign clients' efforts to achieve stronger contracts on extractives projects
- special notes from the ISLP team

Support to governments navigating the implications of the Global Minimum Tax

ISLP and the International Institute for Sustainable Development (IISD) recently launched [A Guide for Developing Countries on How to Understand and Adapt to the Global Minimum Tax](#). The Guide provides policy makers with a user-friendly framework to understand the complexities of the global minimum tax, how it may affect them, and how to adapt their domestic tax policy in response – all important considerations regardless of whether a government chooses to adopt the global minimum tax.

About 140 countries have signed up to the global minimum tax (GMT), which has the potential to combat tax competition and help governments collect their fair share of revenue from multinational corporations. A number of countries have indicated their readiness to implement the 15% minimum tax on worldwide corporate income in 2024. In response, many countries will need to adapt their domestic tax policies to protect their tax base.

ISLP and IISD are positioned to assist countries in navigating these reforms in the international tax landscape by providing an objective assessment and perspective of the GMT to enable governments to make decisions that best suit their economic and legal contexts.

If you're a policy maker and you'd like to learn more about the legal support we can provide related to the Global Minimum Tax or other taxation issues, please reach out by email to info@islp.org and put "global minimum tax" or "taxation" in the subject line. We look forward to hearing from you!



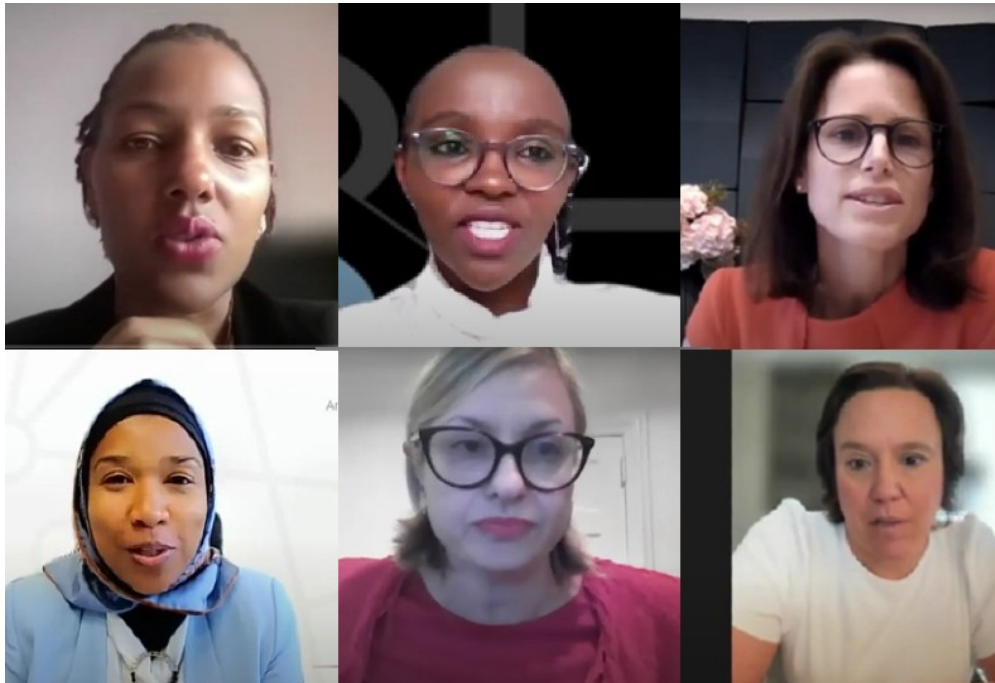
At the soft-launch of the Guide at the IBFD Africa Tax Symposium held in Arusha, Tanzania in May 2023: L-R: Belema Obuoforibo, Director, IBFD Knowledge Centre; Eniye Ogbemor, ISLP; Kudzie Mataba, IISD; and Zach Poug, International tax expert/ISLP Volunteer

ISLP arbitration training for East African women lawyers

International arbitration is an important mechanism for resolving cross-border commercial and investor-state disputes, and there is heightened interest in ensuring that lawyers are well versed in relevant procedures, enforcement of arbitral awards, and related issues. Premised on party consent and a neutral forum for dispute resolution, international arbitration can enhance investor confidence and encourage greater foreign investment flows, which in turn can assist governments in driving progress toward achieving the

sustainable development goals.

Building on our support for lawyers in Kenya and Guyana on dispute resolution earlier this year, ISLP partnered with the East Africa Law Society (EALS) Women Lawyers Forum to host the virtual convening “An Insider’s Introduction to International Commercial Arbitration in East Africa and Beyond.” Featured speakers included arbitration experts from **White & Case** and **ALN Kenya | Anjarwalla & Khanna**. Over 100 participants attended the workshop, reflecting strong interest and demand. Discussion focused on principles of international arbitration, practical skills and tips, and emerging trends relevant to Kenyan lawyers. ISLP Program Associate Glory Kinyua moderated and Angela Munga Mwadumbo, Chair of the EALS Women Lawyers Committee, hosted the session.



L-R, top row: Angela Mwadumbo, EALS; Glory Kinyua, ISLP; Zelda Hunter, White & Case
L-R, bottom row: Aisha Abdalla, ALN Kenya Anjarwalla Khanna; Jennifer Glasser, White & Case; Ank Santens, White & Case and ISLP Board Member

ISLP Volunteer Spotlight: Clement Fondufe, Latham & Watkins



Clement Fondufe, a partner in Latham & Watkins' London office and co-chair of the firm's Africa practice, has been an active ISLP volunteer for 13 years. Originally trained as a Barrister in Cameroon, he also has worked in the US, France, and the UK. With ISLP, Clement focuses on contract negotiations for our global sovereign clients, with the goal of arriving at more fair and sustainable arrangements that result in greater revenues and stronger social and environmental protections. Read more from Clement about his experience as an ISLP volunteer below.

How did you get involved with ISLP?

My first experience with ISLP dates back to 2010, when I led a week-long workshop in Tanga, Tanzania, for the Government of Tanzania focusing on International Contract Management Practices, in collaboration with the United Nations Development Program.

What impact do you believe your ISLP experience has had? Why is ISLP's work important?

I have come to have a deeper understanding of the predicament in which many African governments find themselves, as a direct result of the lack of the critical legal, technical and financial capabilities necessary to evaluate the many business opportunities that present themselves. Perhaps, to a certain extent also, I can now see why the ownership of vast resources that are replete in the continent has not necessarily led to shared wealth and economic and financial empowerment in those countries.

The asymmetry of knowledge between the governments of many African countries and the foreign investors making massive investments in these countries exposes them to many risks, the most important of which is that they end up with contractual terms and conditions for such investments that are sub-optimal. ISLP performs a critical role by providing competent legal professionals from pre-eminent international law firms to assist these countries to ensure that they obtain fair, balanced and equitable contract terms to underpin these investments. This in turn ensures that the contracts are generally consistent with international best practices and industry standards and, therefore, are less likely to be the subject matter of future disagreements.

Is there a particular moment during your ISLP volunteer experience that stood out to you or that you have taken away as particularly significant?

During one of my assignments, we were reviewing an international contract (name of country and international investor intentionally withheld) that was so one-sided and heavily skewed in favor of the international investor. Even though we managed to renegotiate a more balanced and equitable outcome for the country and our team was (rightfully) ecstatic with the result, I have, to this day, continued to ask myself how many of such lop-sided and unfair contracts are out there, and why the very leaders of countries that are supposed to be custodians of the national patrimony would sign these contracts.

[*Read the Full Interview Here*](#)

Special Notes from the ISLP Team

ISLP Remembers Volunteer James St. Clair

The ISLP team is saddened by the recent passing of former volunteer James St. Clair of Huntington, West Virginia. Jim practiced law for 41 years from 1961-2002, successfully managing a three person law firm, and also generously gave of his time to numerous non-profit organizations in addition to ISLP. As a steadfast volunteer for ISLP over many years, Jim trained lawyers in South Africa, Zambia, and Botswana in commercial and real estate law. He also lectured at West Virginia Law School, ABA Seminars, and State and Local Bar

Associations on law practice management, trial practice, real estate law, commercial law and other subjects.

Jim's daughter, Trish Deford, writes of her father: "My Dad loved to travel, but was never a tourist. He found great joy in getting out of his small town in West Virginia to meet the people of the world. His work with ISLP allowed him to do this in locations that were far beyond the usual tourist track, and he liked it that way. As a volunteer, he threw himself into helping to strengthen the legal knowledge of the lawyers he met, while serving as a goodwill ambassador and becoming a friend. He wanted to leave gifts wherever he went; I think he did that in so many ways. Jim was a true travel warrior. No place was too far, no airline coach seat too small. He didn't care where he stayed and would eat anything they put in front of him. He just wanted to be out there, doing something new and making a difference."

The ISLP team sends our sincerest condolences to Jim's family.

ISLP Media Law Partner appointed IFEX Convenor

ISLP congratulates our longstanding partner in the fight to protect freedom of expression Tabani Moyo, PhD, regional secretariat director of the Media Institute of Southern Africa (MISA) and executive director of MISA Zimbabwe, on his appointment as convenor of the International Freedom of Expression Exchange (IFEX), a global network of organizations connected by a shared commitment to defend and promote freedom of expression as a fundamental human right. We are excited to build upon our impactful collaboration with Tabani and with MISA, and know he will do more great things with IFEX!

ISLP Supports the SDGs





About ISLP

The International Senior Lawyers Project (ISLP) is a registered 501(c)(3) non-profit and non-governmental organization founded in 2000. Our mission is to provide *pro bono* legal support to governments, civil society organizations, and social enterprises in the Global South on matters that advance the rule of law and just, accountable, and inclusive economic development.



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For questions about donating, contact Melissa Eustace: meustace@islp.org

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