

April 2014



Matrix of Major Negotiation Support Initiatives

Prepared by

**The Vale Columbia Center on Sustainable International
Investment**

and

HUMBOLDT-VIADRINA School of Governance

ABOUT US

The **Vale Columbia Center on Sustainable International Investment (VCC)**, a joint center of Columbia Law School and the Earth Institute at Columbia University, is a leading applied research center and forum dedicated to the study, practice and discussion of sustainable international investment. Our mission is to develop and disseminate practical approaches and solutions, as well as to analyze topical policy-oriented issues, in order to maximize the impact of international investment for sustainable development. The Center undertakes its mission through interdisciplinary research, advisory projects, multi-stakeholder dialogue, educational programs, and the development of resources and tools. For more information, visit us at www.vcc.columbia.edu

The **HUMBOLDT-VIADRINA School of Governance (HVSG)** in Berlin was founded in 2009 by the Humboldt-Universität zu Berlin and the European University Viadrina in Frankfurt (Oder) to bring together the public and private sectors, civil society, academia, and the media. Its aim is to find practical solutions for social challenges and to contribute to sustainable democratic politics by building political consensus through multi-stakeholder cooperation. The School has a special character: it seeks to be an academically respected institution, as well as an active civil society organization that encourages public debates and long-term policy projects. www.humboldt-viadrina.org

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INTRODUCTION

For the past three years the VCC and the HVSG have collaborated to explore the need for more comprehensive support for negotiations of large-scale investment contracts in low-income, resource-rich countries to determine how diverse stakeholders can more effectively support the negotiation process and to improve the outcomes of such negotiations.

For many developing countries, large scale projects carried out by foreign investors, for example, in extractive industries, infrastructure, or large-scale land investments are the most important means of generating funds to drive economic growth, development and prosperity. While these deals are of critical importance, many developing host country governments do not have in place a strategic vision, strong regulatory frameworks, or the necessary resources to negotiate and then implement and monitor the deals, meaning that they are losing the opportunity to maximize the benefits of these major projects for their country. Poorly conceived and negotiated deals for such projects, which often last for decades and sometimes sit outside the regulatory framework the country puts in place, not only prevent a country from enjoying the full long term benefits of its resources, but help to entrench poverty, corruption and even conflicts, particularly when governance systems are inadequate. Similarly, from the company's perspective, bad deals can lead to adverse business outcomes, such as reduced security of titles or concessions, increased prospects for disrupted operations from civil protests and greater risks of revisions of tax and other conditions.

The VCC and HVSG, together with partners from the public and private sectors, have therefore initiated a process to see how the availability of expert support to developing host country governments for complex projects could usefully be expanded.¹ The matrix in this document builds on a matrix developed by VCC and HVSG as part of the [Background Paper](#) for a workshop held at Columbia University in July 2012; the matrix has been updated and expanded to include additional information such as contact information, average response time for a request, funding disbursed (where available), and other useful indicators.

It is hoped that governments (and those assisting them) will use the matrix as a resource when considering reaching out for support, and that existing initiatives may find opportunities to coordinate and collaborate with other initiatives and/or to expand their services into other needed areas. Initiatives and development partners are also encouraged to disseminate this matrix to raise awareness about the availability and sources of support for governments. An online searchable matrix of these initiatives and other resources is currently being conceptualized and developed by the VCC to assist with the dissemination and usefulness of these resources.

¹ For more information about these processes, see <http://www.vcc.columbia.edu/content/negotiation-support-developing-host-countries>

METHODOLOGY

The information in this matrix was provided directly by each organization. A questionnaire template was prepared and sent to each organization to be filled out. The answers in the questionnaire were then supplemented with further information provided during telephone interviews with representatives from each organization as well as publicly available information on each organization's website.

The matrix is intended to be a living document and will be updated periodically by the VCC. *Please send all suggestions, corrections and updates to vcc@law.columbia.edu.*

MATRIX OF NEGOTIATION SUPPORT INITIATIVES

1. Advocates for International Development (A4ID)

ADVOCATES FOR INTERNATIONAL DEVELOPMENT The Broadgate Tower, 20 Primrose Street, London EC2A 2RS, UK www.a4id.org		
<p>Probono legal advice – broker service</p> <p>A4ID offers a broker service, matching requests for free legal assistance and advice from its development partners with the high quality skills and technical expertise of its legal partners.</p> <p>A4ID has a network of more than 40,000 legal experts based around the world who provide invaluable support to development organizations, civil society groups, bar associations, developing country governments and social enterprises to ensure their progress towards the Millennium Development Goals.</p> <p>To find out more about the kinds of legal support provided through A4ID, read more about their past projects or have a look at A4ID’s ideas for using legal services.</p>		
A. GENERAL INFORMATION REGARDING ORGANIZATION		
No.	Criteria	Response
1.	Contact Person	Elisabeth Baraka, +44 (0) 20 3116 2797, probono@a4id.org
2.	Additional Regional Office(s)	N/A
3.	Working Languages	Potentially any language for the provision of legal advice and assistance. For dealings directly with A4ID, English is the predominant language but French and Spanish are also spoken.
B. NEGOTIATION SUPPORT - GENERAL		
No.	Criteria	Response
4.	Regional Focus	A4ID can provide assistance in any part of the world.
5.	Assistance Criteria/ Pre-conditions to providing support?	Governments must be developing countries and the assistance must be able to be linked to a benefit to the people of a country, particularly the poorest.
6.	Type of Investment Concerned/ Sector Focus	A4ID potentially assist in relation to any sector.

7.	Do you coordinate and/ or collaborate with other organizations when providing negotiation support?	Yes. A4ID would identify suitable lawyers to provide the support from leading law firms around the world with the requisite expertise.
8.	Type(s) of expertise/ experts available	Legal experts advise on a range of topics, including negotiation strategy, on a pro bono/unpaid basis. They are identified on the basis of their expertise from among suitable law firms and counsel willing to assist.
9.	Total number of in-house experts	We source the assistance from our law firm partners, which gives us access to over 45,000 lawyers in over 90 countries. We do not provide any direct legal advice in-house.
10.	Number of Projects	Approx. 350 requests each year. As at March 2014, over 1,500 in total.
11.	Average length of involvement in a project?	Depends on the nature of a project. The assistance from lawyers can range from a few hours of desk-based work, to training provided in-country over several days, to a long-term research or assistance project over several years.
12.	Fee or non-fee based support	The lawyers' time is free (pro bono). If flights/accommodation etc. are required, these are not usually covered by the lawyers but by a third party funder or the recipient/client.
13.	Speed of response	Depends on the nature of the project. If it requires international travel to provide training/advice, then generally 2 months. If not, 1-2 weeks.
14.	Practical constraints, if any, to providing negotiation support	The scope of the assistance must be well-defined in cooperation with A4ID at the outset so that lawyers understand the extent of the work they are agreeing to do free of charge.

C. TYPES OF NEGOTIATION SUPPORT

No.	Criteria	Response
15.	Support – Phase(s) addressed I. Setting the Investment Environment – assistance with any of the following:	Lawyers identified through A4ID are able to assist on an unpaid/pro bono basis towards any work which can be linked to the eradication of poverty and sustainable development. This can be legal advice, assistance, research, drafting, representation, training or any other form of support that lawyers can provide.
	Formulation of government policies and strategies	
	Reform of legislative and regulatory frameworks	
	Sector wide analyses	

		II. Pre-Negotiation Support – conduct, review, prepare any of the following:	Project feasibility studies	See above.
			Environmental and/ or social impact assessments	
			Tender Documents	
			Model Contracts	
			Financial structure	
			Manage tender process	
		III. Negotiation Phase – provision of support or assistance in any of the following:	Development of a negotiation position and strategy	See above.
			Participation in contract negotiations	
			Review of contractual provisions	
		IV. Contract Implementation Phase	Contract monitoring	
16.	Long-term Assistance	Delivering training/ capacity building	See above.	
		Priority of assistance to already-helped countries		

2. African Legal Support Facility (ALSF)²

AFRICAN LEGAL SUPPORT FACILITY (ALSF)
15 Avenue du Ghana, BP 323-1002, Tunis, Tunisia
<http://www.aflsf.org/>

The African Legal Support Facility, hosted by the African Development Bank, has been supporting African governments in the negotiation of complex commercial transactions since 2010.

The ALSF provides assistance to African countries to strengthen their legal expertise and negotiating capacity in debt management and litigation, natural resources and extractive industries management and contracting, investment agreements, and related commercial and business transactions. The ALSF also grants and advances funds to African countries for legal advice from top legal counsel in these areas. The ALSF's goal is to ensure fair and balanced negotiations.

A. GENERAL INFORMATION REGARDING ORGANIZATION

No.	Criteria	Response
1.	Contact Person	Amir Shaikh E-mail: a.shaikh@afdb.org Tel: +216 98703764
2.	Additional Regional Office(s)	N/A
3.	Working Languages	English and French

B. NEGOTIATION SUPPORT - GENERAL

No.	Criteria	Response
4.	Regional Focus	Africa only, which includes the 54 African countries recognized by the African Development Bank (e.g. sub-Saharan and North Africa).
5.	Assistance Criteria/ Pre-conditions to	Must be a member country of either the African Development Bank, or the ALSF.

² Last updated in July 2013.

	providing support?	
6.	Type of Investment Concerned/ Sector Focus	<p>ALSF assists governments in the following areas:</p> <ul style="list-style-type: none"> • Extractive resources (mining, oil & gas, etc.) • Debt agreements / negotiations • Investment agreements • Infrastructure / PPP (transport, water, energy/power etc.) • Agriculture • Commercial Creditor Litigation
7.	Do you coordinate and/ or collaborate with other organizations when providing negotiation support?	Yes – For example, the World Bank EITAF, World Bank PPIAF, AfDB, PIDA-IPPF, ADETEF, and some private sector entities, among others.
8.	Type(s) of expertise/ experts available	<p>Legal: ALSF has in-house legal capacity, but additionally contracts lawyers (generally 2 international lawyers and one local lawyer) on a per project basis.</p> <p>Negotiation Strategy: Lawyers also provide negotiation strategy support.</p> <p>Economists/ financial analysis: No in-house capacity, but ALSF contracts some external consultants (3-4 in July 2013) to provide support.</p> <p>While ALSF has no in-house expertise on human rights, good governance and fiscal and tax management, informal advice from AfDB staff is available on an occasional basis to provide advice.</p>
9.	Total number of in-house experts	Six (6) international and local lawyers
10.	Average length of involvement in a project?	2-3 years
11.	Fee or non-fee based support	Primarily grants to IDA eligible countries and fragile States. In some cases, reimbursable advances with concessional interest rates.
12.	Speed of response	From ALSF side 6-8 weeks, but response time can be longer depending on responsiveness of governments.
13.	Practical constraints, if any, to providing negotiation support	ALSF resource constraints – ALSF only provides limited legal assistance.

C. TYPES OF NEGOTIATION SUPPORT

No.	Criteria	Response	
14.	Support – Phase(s) addressed	I. Setting the Investment Environment – assistance	No – ALSF receive many requests to provide assistance, but as a policy leaves this to host governments.
		II. Pre-Negotiation Support – conduct, review, prepare any of the following:	
	Project feasibility studies	No	
	Environmental and/ or social impact assessments	No	
	Tender Documents	On occasion provided by experts externally contracted by ALSF. Four (4) projects in 2013, ³ excluding capacity building projects	
	Model Contracts	On occasion provided by experts externally contracted by ALSF. Twelve (12) projects in 2013, includes projects on direct negotiation support where model contracts are drafted at the end of the project for future negotiations.	
	Financial structure	External experts sometimes procure these services (3 projects).	
	Manage tender process	No	
	III. Negotiation Phase – provision of support or assistance in any of the following:	Development of a negotiation position/strategy	Yes - provided by in-house and experts externally contracted by ALSF. Thirteen (13) projects in 2013. 48 contracts were supported so far.
	Assembly of a negotiation team	Yes - provided by externally-contracted experts. For example, contracted law firms gather teams of lawyers.	

³ Some of the projects are mentioned under pre-negotiation and negotiation phase.

			Participation in contract negotiations	Provided by in-house lawyers (2 projects in 2013) and contracted experts (11 projects by 2013). Note that ALSF prefers in-house lawyers not to participate directly in contract negotiations.
			Review of contractual provisions	Yes - provided by externally-contracted experts.
		IV. Contract Implementation Phase		No
15.	Long-term Assistance	Delivering training/capacity building	Yes - In-house and with external consultants and in collaboration with other partners. Ten (10) projects, five (5) in collaboration with development partners and five organized by ALSF.	
		Advancing knowledge management and sharing	In-house and with external consultants and development partners. ALSF is currently setting up databases on infrastructure and PPP-projects, past and pending litigation and relevant African laws.	
		Priority of assistance to already-helped countries	Sometimes – no policy on this.	

3. African Minerals Development Center⁴

⁴Last updated in July 2013.

AFRICAN MINERALS DEVELOPMENT CENTRE (AMDC)

Addis Ababa, Ethiopia

<http://www.uneca.org/amdc>

AMDC's mission is "to work with member States and their national and regional organisations to promote the transformative role of mineral resources in the development of the continent through increased economic and social linkages."

The AMDC was established to strategically coordinate the implementation of the African Mining Vision (AMV). The AMDC will coordinate activities including the provision of technical support for the implementation of the AMV, identifying gaps and areas of need and potential expertise to address those needs, undertaking and coordinating policy research, undertaking advocacy and information dissemination, monitoring and evaluating activities relating to the implementation of the AMV, and providing a think tank capacity for the AMV and the activities around it.

The AMDC was officially launched on December 17, 2013.

A. GENERAL INFORMATION REGARDING ORGANIZATION

No	Criteria	Response
1.	Contact Person	WLombe@uneca.org , Coordinator, AMDC
2.	Additional Regional Office(s)	Country offices will be opened in due course.
3.	Working Languages	English and French

B. NEGOTIATION SUPPORT - GENERAL

No.	Criteria	Response
4.	Regional Focus	Africa – African Union Member States
5.	Assistance Criteria/ Pre-conditions to providing support?	[Member of African Development Bank/ African Union]
6.	Type of Investment Concerned/ Sector Focus	Mining
7.	Coordination/ collaboration with	Yes – national and regional organizations, including the African Union Commission (AUC), the

	other organizations	NEPAD Planning and Coordinating Agency, and Regional Economic Communities to enable mineral resources to play a greater transformative role in the development of the continent through increased economic and social linkages, and in this manner, help address its intractable poverty and limited development.
8.	Type(s) of expertise/ experts available	<p>It is envisaged that the AMDC will provide the following expertise:</p> <ul style="list-style-type: none"> • Legal • Formulating a negotiation strategy • Economic/ financial analysis/ financial modeling • Geological: the ADMC aims to: <ul style="list-style-type: none"> (1) Revamp national geological surveys in African mining countries (2) Increase mapping and geological exploration activities (3) Strengthen sub-regional and national capacities to standardize and manage geological and geospatial information (4) Develop a continent-wide mapping and mineral inventory program with special attention to cross-border areas • Environmental impact/ local population: the AMDC seeks to strengthen skills and capacities for effective environmental regulation and management. • Social impact and human rights: the AMDC seeks to strengthen stakeholder participation in the governance processes in order to provide balance and equity in the mineral sector. • Good Governance (Anti-Corruption/Stakeholder Engagement): the AMDC seeks to: <ul style="list-style-type: none"> (1) Review policy and institutional space for public participation, transparency, and access to information in the mineral sector (2) Strengthen capacity of stakeholders (local governments, communities, CSO's, parliaments, etc.) to make informed decisions (3) Mainstream environmental, social, and human rights issues into mineral policies, laws, regulations, and impact assessments. • Fiscal and tax management • Tendering and Procurement • Accounting and Financial Reporting
9.	Total number of in-house experts	It is envisaged that there will be 25-30 in-house staff
10.	Average length of involvement in a project?	It is currently envisaged that AMDC will be working with all Member States for a period of 5 years

11.	Fee or non-fee based support	Non-fee based support		
12.	Speed of response	TBD		
13.	Practical constraints, if any, to providing negotiation support	TBD		
C. TYPES OF NEGOTIATION SUPPORT				
No.	Criteria		Response	
14.	Support – Phase(s) addressed	I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies and strategies (short term and long term)	The AMDC aims to develop: <ul style="list-style-type: none"> • policies and strategies to enhance mineral value added along the value chain (including beneficiation, local content, employment creation, etc.); and • domestic structures for planning and financing mining and infrastructure projects.
			Reform of legislative and regulatory frameworks	Yes – the AMDC aims to work with Member States to redesign their mineral policies and regulatory frameworks for the mining sector to include development objectives. The AMDC also aims to review and align international agreements to promote domestic mineral-based industrialization.
			Sector wide analyses	Yes
		II. Pre-Negotiation Support – conduct, review, prepare any of the following:	Project feasibility studies	Yes – The AMDC aims to increase regional mapping and exploration activities to upgrade mineral inventories and geo-scientific information data bases.
			Environmental and/ or social impact assessments	Yes
			Tender	TBD

			Documents	
			Model Contracts	Yes
			Financial structure	Yes
			Manage tender process	TBD
		III. Negotiation Phase – provision of support or assistance in any of the following:	Development of a negotiation position	No
			Development of a negotiation strategy	No
			Assembly of a negotiation team	No
			Participation in contract negotiations	TBD
			Review of contractual provisions	TBD
		IV. Contract Implementation Phase	Contract monitoring	Yes – the AMDC aims to build capacity to audit the mining value chain.
			Other	Mineral revenue management
15.	Long-term Assistance	Delivering training/capacity building	Yes - The AMDC aims to build capacity (1) for mineral policy design, (2) to (re)negotiate mineral contracts and to audit the mining value chain. The AMDC and its partners will provide short-term courses to build capacity	
		Advancing knowledge management and sharing	Yes – The AMDC aims to: (1) Develop and disseminate policy-related templates, guidelines, and toolkits (2) Develop guidelines and specific legal provisions to address transfer-pricing (3) Improve geological and geospatial information and its use in mining and broad development processes in Africa	
		Priority of assistance	N/A	

		to already-helped countries	
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4. Centre for Energy, Petroleum and Mineral Law and Policy⁵

CENTER FOR ENERGY, PETROLEUM, AND MINERAL LAW AND POLICY (CEPMLP) University of Dundee, Dundee, DD1 4HN Scotland, UK http://www.dundee.ac.uk/cepmlp/index.php		
<p>The CEPMLP is an internationally renowned graduate school in the field of international business transactions and natural resources and energy law and policy. Its interdisciplinary approach to teaching, research, and consultancy provides a unique perspective on how governments, business, and communities operate, providing the professionals of today with the ability to meet the challenges of tomorrow.</p> <p>CEPMLP provides assistance to governments, including Ghana, Kenya, Malawi, Nigeria, and Uganda, with institutional capacity development. It also partners with institutions in these and other countries to teach courses on, amongst other things, petroleum governance.</p> <p>The CEPMLP also leads the EI Source Book project, which aims to provide developing states with technical understanding and practical options around development issues in the oil, gas, and mining sectors.</p>		
A. GENERAL INFORMATION REGARDING ORGANIZATION		
No.	Criteria	Response
1.	Contact Person	Peter Cameron, Director p.d.cameron@dundee.ac.uk
2.	Additional Regional Office(s)	-
3.	Working Languages	English, though training may be provided in other languages.
B. NEGOTIATION SUPPORT - GENERAL		
No	Criteria	Response

⁵ Last updated in June 2013.

4.	Regional Focus	Mostly Africa and Latin America. Limited engagement in Russia, Mongolia, and Central Asia.
5.	Assistance Criteria/ Pre-conditions to providing support?	Host governments must be committed to improving governance.
6.	Type of Investment Concerned/ Sector Focus	Extractive sector. A Renewable Energy practice is being developed with the creation of an Offshore Renewables Institute.
7.	Do you coordinate and/ or collaborate with other organizations when providing negotiation support?	Yes. For example, the EI Source Book was a collaboration with the University of Queensland (Australia), the University of Witwatersrand (South Africa), Pact (US), Global Witness (UK), Revenue Watch Institute , the International Council of Mines and Minerals (ICMM) (UK), the University of Burgundy (Dijon, France), Adam Smith International , the African Center for Economic Transformation (ACET) (Accra, Ghana) and the Vale Columbia Center on Sustainable International Investment
8.	Type(s) of expertise/ experts available	The CEPMLP has both in-house staff and draws from a vast network of global faculty and associate institutions to provide the following types of expertise: <ul style="list-style-type: none"> • Legal (but not negotiations strategy) • Economic/ financial analysis, modeling • Good governance (anti-corruption/ stakeholder engagement) • Fiscal and tax management • Management skills • Settlement of energy disputes in conjunction with the Scottish Arbitration Centre.
9.	Total number of in-house experts	Currently 4 full time staff economists and lawyers.
10.	Average length of involvement in a project?	Generally short term interventions such as a workshop or on-site visits to provide technical support. However, CEPMLP staff and associate faculty may be engaged for a longer period of time when providing advisory services.
11.	Fee or non-fee based support	CEPMLP staff members or associated faculty may charge a fee for advisory services. Funding is required for attendance at one of CEPMLP's courses; however some scholarships are provided.
12.	Speed of response	Generally around 6 weeks.
13.	Practical constraints, if any, to	Availability of financial and human resources.

	providing negotiation support			
C. TYPES OF NEGOTIATION SUPPORT				
No.	Criteria	Response		
14.	Support – Phase(s) addressed	I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies (short term and long term)	Yes – CEPMLP has advised various host governments on their Mining laws.
			Reform of legislative and regulatory frameworks	Yes - CEPMLP has advised various host governments on their Mining laws.
			Sector wide analyses	No
		II. Pre-Negotiation Support – conduct, review, prepare any of the following:	Project feasibility studies	No
			Environmental and/ or social impact assessments	Yes
			Tender Documents	Yes
			Model Contracts	Yes
			Financial structure	Yes
		III. Negotiation Phase – provision of support or assistance in any of the following:	Manage tender process	No
			Development of a negotiation position/ strategy	No
			Assembly of a negotiation team	No
			Participation in	No

			contract negotiations	
			Review of contractual provisions	Yes
		IV. Contract Implementation Phase		No
15.	Long-term Assistance	Delivering training/ capacity building	Yes	
		Advancing knowledge management and sharing	<p>Yes – CEPMLP leads the EI Source Book project, which focuses on sector policy, legal, and regulatory development and administration, fiscal issues, and their linkages to broader impacts across the economy. The Source Book is principally intended for use by senior government officials and decision makers in parliaments, and by supporting domestic and international technical specialists.</p> <p>CEPMLP also established a Knowledge Partnership, which includes partnerships with a range of universities and academic centers.</p> <p>CEPMLP also partners with other academic institutions to collaborate on teaching, research on knowledge exchange. For example, in December 2011, the University of Dundee signed a MOU with the University Externado of Colombia to carry out collaborative research, and to promote teaching and knowledge exchange in the area of Energy and Natural Resource Law and Policy.</p>	
		Priority of assistance to already-helped countries	Yes	

5. International Development Law Organization⁶

INTERNATIONAL DEVELOPMENT LAW ORGANIZATION (IDLO) Vila Vaticano 106 Rome, Italy www.idlo.int/		
<p>IDLO Mission: To enable governments and empower people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.</p> <p>As the only inter-governmental organization with an exclusive mandate to promote the rule of law, the IDLO works to make institutions of law and justice work for people. In that way the IDLO contributes to creating stable and inclusive societies where there is opportunity for all and where every person can live free from fear and want.</p>		
A. GENERAL INFORMATION REGARDING ORGANIZATION		
No.	Criteria	Response
1.	Contact Person	Giulio Zanetti, Director, Training and Networks Department E-mail: gzanetti@idlo.int Tel: +39 335 533 8295
2.	Additional Regional Office(s)	Kabul, Juba, Dushanbe, Bishkek, Nairobi, and Kathmandu
3.	Working Languages	Arabic, English, French, Spanish, and Russian
B. NEGOTIATION SUPPORT - GENERAL		
No.	Criteria	Response
4.	Regional Focus	All developing countries as such term is defined by the United Nations
5.	Assistance Criteria/ Pre-conditions to providing support?	No
6.	Type of Investment Concerned/ Sector Focus	N/A
7.	Coordination/ collaboration with	Yes – For example, UNCTAD, WTO, World Bank

⁶ Last updated in June 2013.

	other organizations when providing negotiation support?			
8.	Type(s) of expertise/ experts available	Legal – the IDLO has both in-house expertise (2 in 2013) and lawyers contracted as required (5 in 2013) Environmental impact/ local population – the IDLO has both in-house expertise (3 in 2013) and contracted (4) Good Governance – No in-house expertise but has externally contracted 200 consultants to work on this to date Tendering and procurement – both in-house expertise (1) and contracted (4 in 2013)		
9.	Total number of in-house experts	14 in-house experts, with 4 experts on topics related to contract negotiation support.		
10.	Average length of involvement in a project?	Four (4) weeks		
11.	Fee or non-fee based support	Non-fee based for government officials.		
12.	Speed of response	4-6 months between request and local implementation - projects require strong buy-in by local authorities.		
13.	Practical constraints, if any, to providing negotiation support	Existence of funds		
C. TYPES OF NEGOTIATION SUPPORT				
No.	Criteria		Response	
14.	Support – Phase(s) addressed	I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies and strategies (short term and long term)	No
			Reform of legislative and regulatory frameworks	One project, conducted in cooperation with externally-contracted experts (training in Kuwait on legislative reforms).
			Sector wide analyses	No

		II. Pre-Negotiation Support	No pre-negotiation support provided
		III. Negotiation Phase	No negotiation phase support provided
		IV. Contract Implementation Phase	No contract monitoring support
15.	Long-term Assistance	Delivering training/capacity building	Yes - two projects, in-house (3), contracted experts (12) Trainings on public procurement and investment policy (online and on-site trainings)
		Advancing knowledge management/sharing	No
		Priority of assistance to already-helped countries	No

6. International Institute for Environment and Development⁷

INTERNATIONAL INSTITUTE FOR ENVIRONMENT AND DEVELOPMENT (IIED)

80-86 Gray's Inn Road
 London, WC1X 8NH, UK
 Tel: +44 (0)20 3463 7399
<http://www.iied.org>

IIED is a leading international development and environment policy research organization that collaborates with partners to carry out research, advice and advocacy work. Its experts carry out action research — generating robust evidence and know-how that is informed by a practical perspective acquired through hands-on research with grassroots partners. The IIED advises government, business and development agencies.

IIED supports policymakers by providing clear and accessible briefings, opinions, policy recommendations and research findings — written by authoritative experts — on timely topics at the interface of environment and development.

IIED's research focusses on:

- Tackling the 'resource squeeze'
- Demonstrating climate change policies that work for development
- Helping build cities that work for people and planet
- Shaping responsible markets

A. GENERAL INFORMATION REGARDING ORGANIZATION

No.	Criteria	Response
1.	Contact Person	Lorenzo Cotula – Senior Researcher – Law and Sustainable Development Tel: +44 (0) 131 226 7040

⁷ Last updated in June 2013.

		E-mail: lorenzo.cotula@iied.org
2.	Additional Regional Office(s)	-
3.	Working Languages	English
D. NEGOTIATION SUPPORT - GENERAL		
No.	Criteria	Response
4.	Regional Focus	Mostly Africa and Asia
5.	Assistance Criteria/ Pre-conditions to providing support?	Yes – IIED generally work in countries where they (i) have a good understanding of the issues and local partnerships and (ii) have partnerships with local stakeholders.
6.	Type of Investment Concerned/ Sector Focus	Natural Resources, including agriculture and extractives.
7.	Coordination and/ or collaborate with other organizations when providing negotiation support	<p>Yes</p> <p>IIED works extensively with partner organizations in low and middle income countries.</p> <p>IIED has been a key contributor to many international policy processes, such as the Intergovernmental Panel on Climate Change (IPCC), the Millennium Ecosystem Assessment (MEA), the Brundtland Report, Agenda 21 and the UN conventions on climate change, desertification and biodiversity. On investment contracting, IIED provided input in the development of the UN Principles on Responsible Contracts, developed as part of the John Ruggie mandate.</p>
8.	Type(s) of expertise/ experts available	<p>IIED is a think tank, not a law firm. Some of its staff have legal expertise, but do not provide legal advice.</p> <p>Negotiation strategy - IIED does not provide assistance in connection with specific negotiations. It works ‘upstream’ of individual negotiations to strengthen preparedness in both government and civil society. This may include reviewing past investment contracts and suggesting changes in contractual practice to government negotiators; but also working with national civil society to increase capacity for scrutiny and advocacy on investment contracts.</p> <p>Environmental impact/ local population</p> <p>Social impact and human rights</p>
9.	Total number of in-house experts	Total staff about 100, three with legal backgrounds, more with expertise in investment

		contracting issues (e.g. community engagement, contracting chains, etc)		
10.	Average length of involvement in a project?	Both short and medium-term projects. The IIED provides short term interventions in the form of workshops, and longer term advisory work. For example, the IIED has carried out advisory work on agricultural investment contracts in a Southeast Asian country for the UNDP over a 6-month period.		
11.	Fee or non-fee based support	Generally non-fee based, but funding is required to cover costs.		
12.	Speed of response	Depends on funding. Generally responsive.		
13.	Practical constraints, if any, to providing negotiation support	The IIED's assistance is constrained as a function of available financial resources and concrete opportunities for input.		
E. TYPES OF NEGOTIATION SUPPORT				
No.	Criteria			Response
14.	Support – Phase(s) addressed	I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies and strategies (short term and long term)	Yes
			Reform of legislative and regulatory frameworks	Yes
			Sector wide analyses	No
		II. Pre-Negotiation Support – conduct, review, prepare any of the following:	Project feasibility studies	No
			Environmental/ social impact assessments	No
			Tender Documents	No

			Model Contracts	Yes
			Financial structure	No
			Manage tender process	No
		III. Negotiation Phase – provision of support or assistance in any of the following:	Development of a negotiation position/strategy	No
			Assembly of a negotiation team	No
			Participation in contract negotiations	No
			Review of contractual provisions	IIED provides reviews of contractual provisions
		IV. Contract Implementation Phase		IIED does not provide any contract monitoring support
15.	Long-term Assistance	Delivering training/ capacity building	No	
		Advancing knowledge management and sharing	Yes – The IIED publishes policy briefs and publications . It is also seeking to promote internet-based exchanges of information and is considering developing a series of webinar on relevant topics for policy makers and stakeholders.	
		Priority of assistance to already-helped countries	No	

7. International Institute for Sustainable Development – Investment Program⁸

INTERNATIONAL INSTITUTE FOR SUSTAINABLE DEVELOPMENT – INVESTMENT PROGRAM (IISD)

International Environment House 2

9 chemin de Balexert

1219 Châtelaine

Geneva Switzerland

Phone +41 22 917-8683

<http://www.iisd.org/investment/>

Established in 1990, the International Institute for Sustainable Development (IISD) is a non-partisan charitable organization specializing in policy research and analysis and information exchange. Its office in Geneva carries out IISD's work on Investment and Sustainable Development, which is built upon a track record of solid research on emerging issues and key developments. IISD's priorities in its Investment Program include: Domestic and international legal frameworks on investment and sustainable development, [Agriculture, Water and Investment](#); [Mining and Investment](#); [Clean Energy Investment](#); [Chinese Outward Investment](#) and [Institutional Reform](#) in investment law.

The IISD Investment Program carries out capacity building and knowledge sharing amongst policy-makers, negotiators, civil society groups and parliamentarians in relation to international investment treaties, investment contracts and domestic law relating to inward foreign investment by:

- [Advisory Services](#) in relation to international investment treaties and contracts and domestic law, with respect to investment negotiations, implementation and disputes.
- [Training Courses](#) to increase the capacity of developing countries governments in the field of international investment law.
- [Best Practices Advisory Bulletins](#) that analyses different approaches to international investment treaties and contracts.

⁸ Last updated in June 2013.

- The [IISD Model International Agreement on Investment](#)
- IISD's [Resources](#) to assist developing countries in better understanding investment treaties and contracts, and determining objectives for future agreements.

A. GENERAL INFORMATION REGARDING ORGANIZATION

No.	Criteria	Response
1.	Contact Person	Ms. Nathalie Bernasconi-Osterwalder E-mail: nbernasconi@iisd.org
2.	Additional Regional Office(s)	-
3.	Working Languages	English and French

B. NEGOTIATION SUPPORT - GENERAL

No.	Criteria	Response
4.	Regional Focus	Africa, Asia and South America
5.	Assistance Criteria/ Pre-conditions to providing support?	Priority is given to least developed countries.
6.	Type of Investment Concerned/ Sector Focus	Domestic and international legal frameworks on investment and sustainable development, Agriculture, Water and Investment , Mining and Investment , Clean Energy Investment , Chinese Outward Investment , and Institutional Reform in investment law.
7.	Coordination/ collaboration with other organizations when providing negotiation support?	Yes, we work with governmental organizations, other service providers and the private sector as needed.
8.	Type(s) of expertise/ experts available	<p>Legal: IISD in-house lawyers, supplemented as needed by local, regional and international legal experts with specific skill sets.</p> <p>Negotiations strategy: IISD lawyers advise on investment negotiation strategies including the effective preparations required for negotiating a contract. IISD also advises on investment disputes at the pre-claim stage, including legal opinions on potential claims, negotiation and mediation.</p> <p>Economists: 1 resident economist within the IISD Investment Program. Other economists within the IISD may also provide assistance on a per project basis.</p> <p>Good governance: IISD provides advice on legal and practical mechanisms to address these</p>

		issues. IISD also has experts outside the Investment Program, but within IISD who can provide support with environmental, social and human rights issues .
9.	Total number of in-house experts	8-10
10.	Average length of involvement in a project?	Both short term training and longer term involvement. Short-term capacity building, advisory work or site visits are usually followed by longer term engagement and follow up.
11.	Fee or non-fee based support	IISD sometimes provides advice for developing countries on a non-fee basis. However, countries may be requested to contribute towards reasonable expenses. In case of insufficient funds, priority is given to least developed countries.
12.	Speed of response	Responsive - < 3 months
13.	Practical constraints, if any, to providing negotiation support	IISD's ability to provide technical support in multiple countries is constrained as a function of available financial and human resources.

C. TYPES OF NEGOTIATION SUPPORT

No.	Criteria	Response
14.	Support – Phase(s) addressed I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies and strategies (short term and long term) Yes IISD provides advice in relation to investment treaties, domestic law and contracts.
		Reform of legislative and regulatory frameworks Yes IISD lawyers advise on drafting, negotiating and implementing international investment treaties and host government investment contracts, and the overall legal framework.
		Sector wide analyses Yes, particularly on mining and agriculture.
	II. Pre-Negotiation Support – conduct, review, prepare any of the following: Project feasibility studies No	
	Environmental Yes. Elements relating to design and implementation.	

			and/ or social impact assessments	
			Tender Documents	No
			Model Contracts	Yes – IISD works on and elaborates model contracts.
			Financial structure	No
			Manage tender process	No
			Other	IISD lawyers: <ul style="list-style-type: none"> • Advise on drafting, negotiating and implementing international investment treaties and host government contracts; • Advise on investment disputes at the pre-claim stage, including legal opinions on potential claims, negotiation and mediation; • Prepare legal opinions on international investment law; and • Train negotiators and government officials at the country-specific and regional levels.
		III. Negotiation Phase – provision of support or assistance in any of the following:	Development of a negotiation position/ strategy	Yes
			Assembly of a negotiation team	Yes
			Participation in contract negotiations	Yes
			Review of contractual provisions	Yes

		IV. Contract Implementation Phase	Contract monitoring	Yes
			Monitoring of Compliance	No
			Other	IISD's legal team assists states in managing potential legal claims arising under contracts by providing legal opinions and advice.
15.	Long-term Assistance	Delivering training/capacity building	Yes	<ul style="list-style-type: none"> • IISD offers country-specific and demand-driven training courses relating to investment law and policy, including in sectors such as agriculture and mining • IISD organizes and conducts regional training courses relating to investment law and policy, including in sectors such as agriculture and mining.
		Advancing knowledge management and sharing	Yes	<ul style="list-style-type: none"> • IISD co-organizes with developing country host states the Annual Forum for Developing Country Investment Negotiators. • IISD produces a large range of publications, including Best Practices Advisory Bulletins relating to investment treaties and Investment Treaty News. • IISD provides targeted and demand-driven advisory services and legal opinions.
		Priority of assistance to already-helped countries	No	For non-fee based advice, priority is given to low income countries.

8. International Monetary Fund – Fiscal Affairs Department, Tax Policy⁹

INTERNATIONAL MONETARY FUND (IMF) Fiscal Affairs Department – Tax Policy International Monetary Fund, 700 19th Street, N.W., Washington, D.C. 20431 www.imf.org		
<p>The IMF shares its expertise with member countries by providing technical assistance and training in a wide range of areas, such as central banking, monetary and exchange rate policy, tax policy and administration, and official statistics. The objective is to help improve the design and implementation of members' economic policies, including by strengthening skills in institutions such as finance ministries, central banks, and statistical agencies.</p> <p><i>The IMF provides technical assistance and training in four main areas:</i></p> <ul style="list-style-type: none"> • Monetary and financial policies • Fiscal policy and management • Compilation, management, dissemination, and improvement of statistical data • Economic and financial legislation 		
A. GENERAL INFORMATION REGARDING ORGANIZATION		
No.	Criteria	Response
1.	Contact Person	Philip Daniel, PDaniel@imf.org , +44 7 802 537 999
2.	Additional Regional Office(s)	Country offices
3.	Working Languages	English
A. NEGOTIATION SUPPORT - GENERAL		
No.	Criteria	Response
4.	Regional Focus	Global
5.	Assistance Criteria/ Pre-conditions to providing support?	In general, 50 percent of the voting power of the Executive Board is required
6.	Type of Investment Concerned/	General investments, with a strong program on extractive industries.

⁹ Updated as of February 2014.

	Sector Focus		
7.	Do you coordinate and/ or collaborate with other organizations when providing negotiation support?		Yes, but only indirectly for actual contract negotiations – IMF support comes in the form of advice on the fiscal policy framework for terms which may help guide contract negotiations.
8.	Type(s) of expertise/ experts available		<p>The IMF has in-house economic expertise and also contract external experts as required in relation to the following:</p> <p>Economic, financial analysis/ financial modeling</p> <p>Good Governance (Anti-Corruption/Stakeholder Engagement)</p> <p>Fiscal and tax management</p> <p>Accounting and Financial Reporting</p> <p>The IMF additionally contracts external lawyers to provide advice when required.</p>
9.	Total number of in-house experts		Overall, 2,500 economists, with 25 professionals in the tax policy department (4-5 with a legal background).
10.	Average length of involvement in a project?		1 day to 36 months, with 3-4 months on average.
11.	Fee or non-fee based support		Non-fee based. Countries may additionally contract technical assistance through the IMF and pay for it.
12.	Speed of response		The general planning cycle involves a response within around 6 months. Emergency responses are available within one week.
13.	Practical constraints, if any, to providing negotiation support		Legal constraints – the IMF may not actively promote the interest of one country against another or against a (possibly state-owned) company.
B. TYPES OF NEGOTIATION SUPPORT			
No.	Criteria		Response
14.	Support Phase(s) addressed	I. Setting the Investment Environment – assistance with any of	<p>Formulation of government policies and strategies (short</p> <p>The IMF provides fiscal policy support related to contract negotiations, especially with regards to extractive industries tax policy.</p> <p>Overall, it conducts about 60-70 projects/year, some of which may be</p>

		the following:	term and long term) and Reform of legislative and regulatory frameworks	long-term. The projects are led by staff from headquarters and supported by contracted experts. So far the focus has been on the oil, gas and mining sectors, even though there is no official sector focus.
			Sector wide analyses	Yes
		II. Pre-Negotiation Support		No pre-negotiation support provided.
		III. Negotiation Phase		No negotiation phase support provided.
		IV. Contract Implementation Phase		No contract monitoring support provided.
15.	Long-term Assistance	Delivering training/capacity building	Yes – The IMF provides training seminars on fiscal modeling and fiscal regime design	
		Advancing knowledge management and sharing	Yes – Through its research activities, the IMF provides material and knowledge for experts working on contract negotiation support.	
		Priority of assistance to already-helped countries	No	

9. International Senior Lawyers Project¹⁰

INTERNATIONAL SENIOR LAWYERS PROJECT (ISLP) 31 W. 52nd Street, New York, NY, 10019 U.S.A. +1.212.895.1359 www.islp.org		
<p>ISLP provides the pro bono services of highly skilled and experienced lawyers to promote human rights, equitable and sustainable economic development and the rule of law worldwide. It assists governments, non-governmental organizations and other institutions working to build legal capacity and to advance the rights and well-being of their citizens.</p> <p>ISLP's approach includes focusing on local needs and the local context, staying with a project as long as needed, and providing on-site assistance over substantial periods of time or for repeated assignments to achieve more lasting and significant results.</p>		
A. GENERAL INFORMATION REGARDING ORGANIZATION		
No.	Criteria	Response
1.	Contact Person	Anna Shakarova, Economic Development Program Director E-mail: ashakarova@islp.org T: +1 212-895-1359
2.	Additional Regional Office(s)	London, UK and Paris, France
3.	Working Languages	Depends on need. Work to date included English, French, and Portuguese
B. NEGOTIATION SUPPORT – GENERAL		
No.	Criteria	Response
4.	Regional Focus	ISLP primarily provides legal support to host governments and civil society groups in Africa, but its support is not limited geographically. To date, ISLP has done work in, or affecting 72

¹⁰ Updated as of March 2014.

		<p>countries.</p> <p>ISLP volunteers have worked onsite in 49 countries.</p>
5.	Assistance Criteria/ Pre-conditions to providing support?	<p>Host government must (i) be moving in a positive direction on transparency and human rights issues and (ii) not be able to pay (with no other funds are available to pay) for legal services.</p> <p>The host government does not necessarily need to be a member of the EITI, but this is helpful in indicating a host government's commitment to transparency and good governance.</p> <p>ISLP conducts due diligence on a host government prior to agreeing to provide assistance.</p>
6.	Type of Investment Concerned/ Sector Focus	<p>Predominantly the extractive industry, infrastructure and energy (oil & gas and renewables), but advice is not limited to these.</p> <p>ISLP focuses on four program areas: human rights, equitable and sustainable economic development, rule of law, and media freedom.</p>
7.	Coordination/ collaboration with other organizations when providing negotiation support?	<p>Yes. ISLP has, for example, collaborated with the Revenue Watch Institute, the UNDP, ALSF, World Bank, IMF and other organizations.</p>
8.	Type(s) of expertise/ experts available	<p>ISLP relies on a pool of highly experienced lawyers at global law firms and recently retired lawyers who provide advice on a voluntary, pro bono basis. The volunteer lawyers are predominantly partner-level with considerable sector experience. Local lawyers are occasionally teamed up with international lawyers.</p> <p>In 2012 ISLP worked with volunteer lawyers from 62 law firms to provide advice in 48 countries.</p> <p>Volunteer lawyers provide advice on:</p> <ul style="list-style-type: none"> • policy • negotiation strategy • contract (re)negotiation • fiscal issues

		<ul style="list-style-type: none"> • governance issues • environmental issues • land issues • human rights • tendering and procurement • public interest
9.	Total number of in-house experts	No in-house experts. ISLP works with volunteer lawyers (practicing and recently retired lawyers from major global and local law firms)
10.	Average length of involvement in a project?	Both short term training and longer term capacity building and contract negotiation support is provided. Support in contract negotiations can range from several months to years. For example, in Liberia and Sierra Leone client relationships have continued over multiple projects and years.
11.	Fee or non-fee based support	Non-fee based support. Project-related travel costs and a modest ISLP administrative fee paid for by donors or the host government.
12.	Speed of response	Generally rapid (2-5 weeks) depending on the availability of volunteer lawyers.
13.	Practical constraints, if any, to providing negotiation support	The suitability of the project for pro bono assistance; availability of volunteer lawyers; availability of funding to pay for volunteer lawyers' travel costs.
C. TYPES OF NEGOTIATION SUPPORT		
No.	Criteria	Response

14.	Support – Phase(s) addressed	I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies and strategies (short term and long term)	Yes - primarily extractive industry but not restricted.
			Reform of legislative and regulatory frameworks	Yes - primarily extractive industry but not restricted.
			Sector wide analyses	Yes - primarily extractive industry but not restricted.
		II. Pre-Negotiation Support – conduct, review, prepare any of the following:	Project feasibility studies	No
			Environmental and/ or social impact assessments	No
			Tender Documents	Yes - primarily extractive industry but not restricted.
			Model Contracts	Yes - primarily extractive industry but not restricted.
			Financial structure	No
			Manage tender process	No
		III. Negotiation Phase – provision of support or assistance in any of the following:	Development of a negotiation position/strategy	Yes - primarily extractive industry but not restricted.
			Assembly of a negotiation team	No
			Participation in contract	Yes - primarily extractive industry but not restricted.

			negotiations	
			Review of contractual provisions	Yes - primarily extractive industry but not restricted.
		IV. Contract Implementation Phase		No assistance with contract implementation and monitoring is provided.
15.	Long-term Assistance	Delivering training/capacity building	<p>Yes - primarily extractive industry but not restricted.</p> <p>Average response time (from receiving the request to actually implementing the workshop): 8-10 weeks.</p> <p>ISLP developed and implemented nearly 20 practical, in-depth training workshops for governments of Tanzania, Rwanda, Senegal, Liberia, Mozambique and several others on various natural resource management topics.</p>	
		Advancing knowledge management and sharing	Yes – ISLP provides cross-border research and analysis on human rights, rule of law, access to justice, and various economic and other issues.	
		Priority of assistance to already-helped countries	Yes	

10. NORAD – Oil for Development Programme¹¹

Norwegian Agency for Development Cooperation (NORAD) – Oil for Development Programme

<http://www.norad.no/en>

Ruseløkkveien 26 0251 Oslo, Norway

<http://www.norad.no/en/thematic-areas/energy/oil-for-development>

Norad is a directorate under the Norwegian Ministry of Foreign Affairs of Norway. The **Oil for Development (OfD) programme** was launched by the Norwegian Government in 2005. The operative goal of the program is the "economically, environmentally and socially responsible management of petroleum resources which safeguards the needs of future generations." Assistance is demand-driven. Competence building and institutional development of government agencies are driving tools of the OfD assistance.

The **OfD programme** does not seek to export a single solution to sound petroleum governance. The assistance provided to a partner country shall be tailor-made to domestic conditions and demands.

A. GENERAL INFORMATION REGARDING ORGANIZATION

No.	Criteria	Response
1.	Contact Person	Petter Stigset, petter.stigset@norad.no
2.	Additional Regional Office(s)	
3.	Working Languages	Norwegian, English and Spanish

B. NEGOTIATION SUPPORT - GENERAL

No.	Criteria	Response
4.	Regional Focus	Global level

¹¹ Last updated in June 2013.

5.	Assistance Criteria/ Pre-conditions to providing support?	<ol style="list-style-type: none"> 1. Cooperation must be demand-driven 2. The country must be eligible for aid assistance under the OECD–DAC 3. Significant petroleum production or potential must be present 4. Norwegian experience and expertise must be relevant 5. There must be an identified need for capacity and competence-building in the public petroleum sector institutions 6. The country must be committed to implementing program activities which improve governance of the petroleum sector.¹²
6.	Type of Investment Concerned/ Sector Focus	Extractive industry, petroleum specifically
7.	Coordination/ collaboration with other organizations when providing negotiation support?	Yes – Norad has a bilateral agreement with RWI

¹² A set of indicators has been provided by the Ministry of Development; the indicators have to be used on a general basis; the assessment forms part of the political/economic analysis undertaken before a program is initiated or when it is evaluated.

8.	Type(s) of expertise/ experts available	<p>Legal: in-house expertise from Ministry of Petroleum and Energy (4 part-time lawyers), and externally contracted lawyers on a per project basis.¹³ Lawyers provide advice/ assistance with the development of legal frameworks (laws, policies, regulations) related to petroleum.</p> <p>Economic/ financial analysis and modeling: part-time in-house expertise (2-3 lawyers) and several contracted lawyers from Norwegian consultancies (7-8)</p> <p>Geologists: 10 part-time in-house geologists at the Norwegian Directorate of Petroleum</p> <p>Environmental expertise: 7 part-time experts at Norwegian Ministry of Environment and their directorates (7, part-time).</p> <p>Good Governance: 5 in-house experts and externally-contracted consultants at Norad</p> <p>Social impact and human rights: 4 part-time, in-house experts. Additional expertise provided by local NGOs, and in partnership with Revenue Watch Institute.</p> <p>Occupational health and work safety: Expertise provided through several Norwegian state institutions, petroleum exclusively (7-8 part-time employees).</p> <p>Fiscal and tax management: Expertise provided by 10 part-time employees at the Norwegian Ministry of Finance as well as by Norwegian specialist consultancies.</p> <p>Project Development: Expertise provided by Norwegian Petroleum Directorate (7 part-time employees)</p>
9.	Total number of in-house experts	16
10.	Average length of involvement in a project?	Much longer than a year, average of 8 years
11.	Fee or non-fee based support	Non-fee support, development aid.
12.	Speed of response	4- 8 months, because of decision-making process (political/economic analysis, review, and

¹³ Norad has framework agreements in place with two law firms and 15 lawyers specialized in petroleum.

		assessment of governance indicators).
13.	Practical constraints, if any, to providing negotiation support	Norad does not provide negotiation support, even though the objective is to level the playing field and help developing host countries on how to negotiate through general OfD activities, the Norwegian government cannot sit at both sides of the table; aims to draw a clear line between commercial interests (i.e. Statoil Norway state company) and development cooperation to avoid conflicts of interest.
C. TYPES OF NEGOTIATION SUPPORT		
No.	Criteria	Response
14.	Support – Phase(s) addressed I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies and strategies (short term and long term) Yes – OFD provides the following types of support: 1. Legal: Help governments establish legal and regulatory framework through working sessions, seminars (Step 1) Establish a petroleum policy in the respective country based on Norwegian experience (Step 2) help governments to establish a petroleum law and related detailed regulations, which reflect revenue management and environmental management considerations, interdisciplinary task which has been undertaken or is in the process in 18 countries 2. Capacity building for the civil servants and politicians to use these laws (long-term) 3. Governance: Accountability of those responsible for the petroleum governance, collaboration with civil society, media, parliamentarians etc.
		Reform of legislative and regulatory frameworks Yes
		Sector wide analyses No
	II. Pre-Negotiation Support No pre-negotiation phase support provided	
	III. Negotiation Phase Norad does not provide negotiation strategy support and does not get	

			involved in direct negotiations.
		IV. Contract Implementation Phase	No contract monitoring support provided
15.	Long-term Assistance	Delivering training/capacity building	Long term capacity building, sharing Norway's petroleum sector experience.
		Advancing knowledge management and sharing	Yes
		Priority of assistance to already-helped countries	No

11. Pan African Lawyers Union¹⁴

PAN AFRICAN LAWYERS UNION (PALU)

*3, Jandu Road, Corridor Area
P.O. Box 6065, Arusha, Tanzania
Tel: +255 27 254 3192/ 4
Fax: +255 27 254 3195*

E-mail: secretariat@lawyersofafrica.org

Web: www.lawyersofafrica.org

PALU is the umbrella association of African lawyers and Law Societies. It brings together Africa's five regional and fifty-four national Lawyers' Associations, as well as individual lawyers to provide capacity-building support

Mission: To work towards the development of the law and legal profession, the rule of law, human rights and socio-economic development of the African continent, including through supporting African regional integration.

A. GENERAL INFORMATION REGARDING ORGANIZATION

No.	Criteria	Response
1.	Contact Person	Akere T. Muna President – Pan African Lawyers Union (PALU) c/o Muna, Muna & Associates, Advocates Yaoundé, Cameroon Office Tel: +237 22 23 55 74/2201 09 95 E-mail: info@lawyersofafrica.org
2.	Additional Regional Office(s)	N/A
3.	Working Languages	English, French, Portuguese, and Arabic

B. NEGOTIATION SUPPORT – GENERAL

No.	Criteria	Response
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¹⁴ Last updated in June 2013.

4.	Regional Focus	<p>PALU is a continental organization focused on all 5 regions of Africa: Central, Northern, Western, Eastern and Southern Africa.</p> <p>For the first phase, we held a continental Launch Conference (Kigali, Rwanda, February 2011) and four (4) regional training seminars as follows: -</p> <ul style="list-style-type: none"> • Eastern Africa – Kigali, Rwanda – February 2011 • Southern Africa – Cape Town, South Africa – May 2011 • Northern Africa – Tunis, Tunisia – January 2012 • Central and Western Africa – Yaoundé, Cameroon – March 2012 <p>In subsequent phases we will still ensure to cover the entire continent of Africa, even if the format may change a bit, e.g. a residential, week-long or fortnight-long intensive training.</p>
5.	Assistance Criteria/ Pre-conditions to providing support?	<ul style="list-style-type: none"> • Public and private sector Counsel who have practiced or taught international commercial law for at least ten (10) years. Participants are nominated either by the Government or the national/ regional lawyers’ association • PALU may, however, incorporate a separate “Boot Camp” for younger lawyers, who are at the beginning of their career.
6.	Type of Investment Concerned/ Sector Focus	<p>Areas of focus are the law and the legal profession, trade and commercial law, and economic governance and integrity.</p> <p>For commercial law, PALU focusses on complex international commercial contracts in the extractive industry (oil, gas, mining) and large-scale infrastructure projects. We further narrowed down to:</p> <ul style="list-style-type: none"> • Complex contracting • Complex commercial dispute resolution, both arbitration and litigation • Vulture Funds <p>In the near future, we will add natural resource governance generally, contracting around natural resources, as well as illicit financial flows and capital flight from Africa.</p>
7.	Do you coordinate and/ or collaborate with other organizations when providing negotiation support?	<p>PALU collaborates with African governments, the national and regional lawyers’ associations, the African Union, and African multilateral development banks, including the African Development Bank (AfDB).</p>

8.	Type(s) of expertise/ experts available	<p>Legal capacity building</p> <p>Through PALU’s partnerships, PALU also accesses lawyers from the major international law firms, and from counterpart international lawyers associations, especially International Bar Association (IBA), Union Internationale des Avocats (UIA) and the Commonwealth Lawyers’ Association (CLA)</p> <p>PALU trainings are conducted by in-house staff, PALU members and practitioners from international law firms</p> <p>Trainings provided on legal issues, negotiations strategies, human rights, good governance, and tendering and procurement.</p>
9.	Total number of in-house experts	<ul style="list-style-type: none"> • 9 Members of the Executive Committee • 3 Advocates within the Secretariat, headed by the Chief Executive Officer
10.	Average length of involvement in a project?	Both short term and longer than a year
11.	Fee or non-fee based support	Non-fee based
12.	Speed of response	N/A
13.	Practical constraints, if any, to providing negotiation support	Financial constraints

C. TYPES OF NEGOTIATION SUPPORT

No.	Criteria	Response	
14.	Support – Phase(s) addressed	I. Setting the Investment Environment	PALU support is limited to training/ capacity-building
		II. Pre-Negotiation Support	PALU support is limited to training/ capacity-building
		III. Negotiation Phase	PALU support is limited to training/ capacity-building
		IV. Contract Implementation Phase	PALU support is limited to training/ capacity-building

15.		Long-term Assistance	Delivering training/capacity building	<p>Provide training and capacity building seminars for lawyers from African natural resource rich countries on:</p> <ul style="list-style-type: none"> • Complex International Commercial Negotiations, especially in the Extractives Industries (Oil, Gas, Mining) and in large infrastructure projects • Complex International Commercial Dispute Resolution • Litigation • Arbitration • Vulture Fund Litigation <p>14 projects in total (regional seminars, colloquia, expert meetings and trainings).</p>
			Advancing knowledge management and sharing	N/A
				Priority of assistance to already-helped countries

12. Revenue Watch Institute¹⁵

THE REVENUE WATCH INSTITUTE (RWI)

1700 Broadway, 17th Floor

New York, NY 10019

USA

www.revenuewatch.org

RWI is a non-profit policy institute and grant-making organization that promotes the effective, transparent, and accountable management of oil, gas and mineral resources for the public good. Through capacity building, technical assistance, research, and advocacy, RWI helps countries realize the development benefits of their natural resource wealth.

Relying on a team of in-house lawyers, economists, and governance experts, and in frequent partnerships with other organizations, RWI provides pro-bono, demand-driven expert advice to citizen groups, and government officials seeking to steer their countries toward more transparent, accountable, and effective management of oil and mineral resources.

A. GENERAL INFORMATION REGARDING ORGANIZATION

No.	Criteria	Response
1.	Contact Person	E-mail: info@revenuewatch.org Tel: +1 (646) 929-9750 Patrick Heller – Senior Legal Advisor E-mail: pheller@revenuewatch.org Tel: +1 212 547 6987
2.	Additional Regional Office(s)	UK office: Revenue Watch Institute 2nd Floor 1 Knightrider Court London

¹⁵ RWI and the Natural Resource Charter have subsequently merged. Matrix to be updated once merger has been fully operationalized.

		<p>EC4V 5BJ United Kingdom Tel: +44 (0)20-7332-2410</p> <p>Ghana office: Revenue Watch Institute P.O. Box KD PMB 55 Ablade-Road-Kanda Estate Kanda, Accra Ghana Tel: +233 302 242 345</p> <p>Peru office: Revenue Watch Institute Calle Leon de la Fuente 110 Magdalena Lima 17, Peru Tel: +511-264-2458</p> <p>Operational presences currently in Azerbaijan, Cameroon, Indonesia, Iraq, Lebanon, Libya, Nigeria, Tanzania, and Uganda.</p>
3.	Working Languages	English, French, and Spanish. RWI regional offices and presences have local language capability.
B. NEGOTIATION SUPPORT - GENERAL		
No.	Criteria	Response
4.	Regional Focus	RWI has a global focus, though it predominantly works in the MENA region and Latin America.
5.	Assistance Criteria/ Pre-conditions to providing support?	<p>Yes – Host government must be seeking to steer its country towards a more transparent, accountable, and effective management of oil and mineral resources.</p> <p>EITI membership not a pre-requisite, but preferred.</p>
6.	Type of Investment Concerned/ Sector Focus	Yes – the Extractives Industry (oil, gas, and minerals).
7.	Coordination/collaboration with other organizations when providing	Yes – RWI regularly collaborates with the International Senior Lawyers Project (ISLP), and other partners such as the UNDP, Norad, the World Bank, OfD, ALSF, and the ACET.

	negotiation support?	RWI experts typically serve as members of a team of advisors, frequently involving sector experts (e.g. in diamonds or iron ore), economists (e.g. from the IMF or Norad), and other lawyers from ISLP, or retained by the host-government by other means.
8.	Type(s) of expertise/ experts available	<p>Legal: RWI has both a team of in-house lawyers, and collaborates with lawyers from the ISLP, or separately retained by the host-government.</p> <p>There are currently 5 lawyers in the New York office, three of which have an extractive sector focus. Regional offices also have legal staff.</p> <p>RWI staff provide assistance to governments in formulating a negotiation strategy</p> <p>Economic/ financial analysis and modeling: RWI has a team of in-house economists, but also draws on a roster of experts and collaborates with economists from partner organizations.</p> <p>Geologists: No in-house geologists. However, RWI does draw on its roster, partner with organizations that have geologists, or work with separate host-government appointed geologists.</p> <p>Good governance: RWI's work has extended to pilot revenue management and transparency programs with provincial and local governments.</p> <p>Tendering: RWI have assisted in design tendering and award rules.</p>
9.	Total number of in-house experts	<p>RWI currently has around 10 lawyers, economists and governance experts in its New York office, with additional experts in each of its regional hubs and organizational offices.</p> <p>RWI also maintains a roster of experts it can draw on, and often collaborates with partner organizations such as the ISLP, UNDP, and Norad in providing advice and/ or support to host governments or civil society groups.</p>
10.	Average length of involvement in a project?	RWI provides both short term support such as trainings and longer term technical support
11.	Fee or non-fee based support	Depends on the project. Some projects are covered by organizational funding, and/ or funding from partners. However, host governments may be requested to share a portion of the costs
12.	Speed of response	Quick – starting from as little as two weeks.

13.	Practical constraints, if any, to providing negotiation support	RWI's ability to provide technical support in multiple countries is constrained as a function of available financial and human resources.			
C. TYPES OF NEGOTIATION SUPPORT					
No.	Criteria			Response	
14.	Support – Phase(s) addressed	I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies and strategies (short term and long term)	Yes	
			Reform of legislative and regulatory frameworks	RWI provides technical assistance to governments in drafting mining and oil laws and in improving revenue management. RWI has pioneered projects with local and district governments in countries where the national government shares revenues from natural resources. RWI experts have worked extensively with parliaments on revenue-sharing legislation (Peru) and supporting legislative analysis of major minerals bill (Tanzania).	
			Sector wide analyses	Yes	
			Other	RWI experts have helped citizen groups analyze technical decisions of their governments and develop effective campaigns to ensure that natural resource policy promotes citizens' interests.	
		II. Pre-Negotiation Support			RWI pre-negotiation support is limited to capacity-building (see below).
		III. Negotiation Phase – provision of support or assistance in any of the following:	Development of a negotiation position/ strategy	Yes	
			Assembly of a negotiation team	Yes	
			Participation in contract	Yes	

			negotiations	
			Review of contractual provisions	RWI has extensive experience in providing assistance to governments in their review of existing extractive industry contracts, planning for and assisting in the renegotiation of those contracts, and assessing the renegotiation process.
		IV. Contract Implementation Phase	Contract monitoring	Yes RWI also maintains a Revenue Governance Index which monitors and analyzes transparency practices in more than 40 countries.
			Monitoring of Compliance	Yes. RWI also provides extensive capacity building support to civil society groups, parliaments and other oversight actors on the analysis and monitoring of extractive-industry contracts.
			Other	RWI is a leader in the development and implementation of the Extractive Industries Transparency Initiative (EITI) and has been since EITI's inception.
15.	Long-term Assistance	Delivering training/capacity building	<p>Yes - RWI has developed training courses and materials that meet the learning needs of civil society advocates, government officials, journalists and parliamentarians working toward improving the management of oil, gas and minerals.</p> <p>RWI provides financial and technical training and support to more than 50 partner organizations on every aspect of oil, gas and mining.</p>	
		Advancing knowledge management and sharing	<p>Through its research, RWI is building a body of literature on best practices in the management of revenues, including contracting, oil fund laws, fiscal regimes for mining and effective parliamentary oversight. See RWI's Resource Center.</p> <p>RWI also publishes the Revenue Governance Index, analyzing transparency practices in more than 40 countries that are among the top producers of petroleum, gold, copper and diamonds.</p> <p>RWI is also creating digital tools to allow users to analyze and share data that can help advance better governance.</p>	
		Priority of assistance to already-helped countries	<p>RWI is able to more actively assist countries in which it has a ground presence.</p> <p>Maintaining regional offices as well as staff on the ground in other countries in which RWI is active, assists in delivery of support. For example, there is a readily available point of contact for</p>	

			government counterparts, communication is easier and there is the ability to respond quickly to new demands.
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13. TradeLab¹⁶

TradeLab 2, Chemin Eugène-Rigot, 1202 Geneva, Switzerland www.tradelab.org		
<p>TradeLab is a community of professional trade and investment law experts who want to put trade and investment treaties to work for everyone. Legal experts, negotiators and former diplomats compose TradeLab network. TradeLab bridges the gap between civil society, small businesses and experts specialized in international trade and investment law.</p> <p>How it works is that anyone can ask a legal information question in relation to WTO law, preferential trade, or bilateral investment treaties online through its website. Experts then answer the question for free.</p> <p>TradeLab also works on more elaborate legal projects, often through law school university clinics, closely supervised by an established professor. They are also working on brokering paid legal projects, where an ad hoc legal team is composed to address an issue, tailor-made, of the highest quality but at a lower cost.</p>		
A. GENERAL INFORMATION REGARDING ORGANIZATION		
No.	Criteria	Response
1.	Contact Person	Mattia Salamanca Orrego Tel: +41 229 084 573 E-mail: salamanca@tradelab.org
2.	Additional Regional Office(s)	-
3.	Working Languages	English, French, Spanish
B. NEGOTIATION SUPPORT - GENERAL		

¹⁶ Updated as of February 2014.

No.	Criteria	Response
4.	Regional Focus	Global reach: TradeLab uses the internet and new technologies to connect government officials, members of civil society and businesses with top legal experts in the area of international investment law. TradeLab is a network, not a law firm.
5.	Assistance Criteria/ Pre-conditions to providing support?	Users: no pre-conditions for the users. Experts: must comply with rules on the exercise of the legal profession, conflict of interests and professional accountability.
6.	Type of Investment Concerned/ Sector Focus	Tradelab does not focus on a particular sector, but TradeLab experts may be specialized/interested in specific economic sectors.
7.	Coordination/ collaboration with other organizations providing negotiation support	Tradelab works with different academic institutions, which provide crucial support in the form of Trade and Investment law clinics. Tradelab supports academic institutions in the creation and running of the clinics and provides them cases to work on.
8.	Type(s) of expertise/ experts available	Lawyers: TradeLabs core staff is composed of lawyers specialized in trade and investment law and by computer and ICT experts. A sample list of Tradelab's certified experts is available on its website . Negotiation strategy: TradeLab can help with the negotiation of international trade and investment law agreements by supporting new stakeholders and letting them contribute constructively to both, the civil society consultation phase and during negotiations. Additionally, TradeLab can work with government officials offering legal or training resources on negotiation strategy. Economists are part of the TradeLab expert network and may work in a team with lawyers. They cannot provide legal assistance on their own. Stakeholder engagement: A central part of TradeLab's activities is giving a voice to government officials in developing countries, individual citizens, NGOs, trade associations, and small and medium-sized companies [SMEs].
9.	Total number of in-house experts	60 (which includes the resident staff and the network members)
10.	Average length of involvement in a project?	Short and medium term

11.	Fee or non-fee based support	Non fee-based for initial advice and instructions.
12.	Speed of response	One or two days for Q&As.
13.	Practical constraints, if any, to providing negotiation support	- Free Expert Only Q&A forum: experts respond to questions posted online for free. - Elaborate Legal projects: Law clinics can respond to more elaborate legal project for free, possibility to build ad-hoc teams with experts. It requires interaction with clients and provides tailored solutions.

C. TYPES OF NEGOTIATION SUPPORT				
No.	Criteria		Response	
14.	Support – Phase(s) addressed	I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies and strategies (short term and long term)	Yes
			Reform of legislative and regulatory frameworks	Yes
			Sector wide analyses	No
	II. Pre-Negotiation Support – conduct, review, prepare any of the following:	Project feasibility studies	No	
		Environmental and/ or social impact assessments		
		Tender Documents		
		Model Contracts		
		Financial structure		
III. Negotiation Phase –	Manage tender process	Yes		
	Development of a			

		provision of support or assistance in any of the following:	negotiation position/ strategy	
			Assembly of a negotiation team	Yes
			Participation in contract negotiations	Yes
			Review of contractual provisions	Yes
		IV. Contract Implementation Phase	Contract monitoring or compliance	No
15.	Long-term Assistance	Delivering training/ capacity building	Yes	
		Advancing knowledge management and sharing	Yes	
		Priority of assistance to already-helped countries	No	

14. UNDP Extractive Sector Initiative¹⁷

United Nations Development Programme (UNDP) Initiative Extractive Industries for Sustainable Development http://www.undp.org/extractiveindustries		
<p>It is envisaged that the UNDP's new initiative will "provide timely and predictable technical and financial support to UNDP country offices and act as a hub for knowledge management and thought innovation in the extractive sector."</p> <p>The new initiative will be implemented through:</p> <ul style="list-style-type: none"> • Knowledge management (creation and sharing) and cross-regional fertilization of experiences • Policy advisory and technical assistance services (with strong technical capacity across the organization) • Capacity development at the regional and country levels • Catalytic financing for country-level and global initiatives • Advocacy and partnerships 		
A. GENERAL INFORMATION REGARDING ORGANIZATION		
No.	Criteria	Response
1.	Contact Person	Contact the Country Office head or Regional Service Center. At New York headquarters, contact the EI team: extractive.industries@undp.org
2.	Additional Regional Office(s)	177 offices in different regions around the world
3.	Working Languages	Arabic, Chinese, English, French, Russian, and Spanish. Local languages spoken at regional hubs and country offices.
B. NEGOTIATION SUPPORT - GENERAL		
No.	Criteria	Response

¹⁷ Updated as of February 2014.

4.	Regional Focus	Global – currently, 25 countries have been identified for assistance in Africa, Asia, Eastern Europe and Latin America.
5.	Assistance Criteria/ Pre-conditions to providing support?	Support depends on the demand expressed by the host country's government, as well as the availability of or potential for raising financial resources.
6.	Type of Investment Concerned/ Sector Focus	Extractive sector (oil, gas and mining)
7.	Coordination/ collaboration with other organizations when providing negotiation support?	Yes
8.	Type(s) of expertise/ experts available	<p>UNDP has in-house expertise at UNDP headquarters and in the UNDP's regional hubs. UNDP also relies on a roster of experts with different languages and skill sets. The following types of expertise are provided:</p> <ul style="list-style-type: none"> • Legal • Formulating a negotiations strategy • Economic/ financial analysis and modeling • Geologists (no-in-house capacity) • Environmental • Social/ human rights (no-in-house capacity) • Fiscal and tax management • Good Governance (Anti-Corruption/Stakeholder Engagement) • Occupational health and work safety (no-in-house capacity) • Project Development
9.	Total number of in-house experts	[TBD]
10.	Average length of involvement in a project?	<p>There are currently two types of support provided by the UNDP Initiative:</p> <p>1) Project-based support: This entails the development of new projects and takes several months. It typically starts with an expression of interest from a government counterpart to a UNDP country office, scoping of work, development of a project document and negotiation with government counterpart, and if needed, mobilization of additional resources to top up the core funding.</p>

		<p>2) Specific advisory services (undertaken within existing projects): This again starts with an expression of interest of the government counterpart through a UNDP country office and will entail either dispatching of an expert to assist the government counterpart, or desk support.</p> <p>3) Helpdesk (forthcoming): This is envisaged to allow for a more rapid response to specific, or standalone questions from a government counterpart. UNDP staff members will have an internal online platform where questions can be posted and will be answered within a short period.</p>		
11.	Fee or non-fee based support	Generally non-fee based.		
12.	Speed of response	<p>Project-based support: From expression of interest to provision of support: 2-6 months.</p> <p>Specific advisory services: This typically takes 2-6 weeks. The new roster that UNDP is putting in place aims to both expedite this process and to expand the pool of specialist expertise available to governments.</p> <p>Heldesk: The turnaround time for typical requests is currently 2-4 weeks. The launching of the helpdesk is expected to expedite this process to 1-2 weeks.</p>		
13.	Practical constraints, if any, to providing negotiation support	Resources potentially one of the main constraints. Require government consent. Practical constraints of capacity. Cannot proactively provide support to all countries at once.		
C. TYPES OF NEGOTIATION SUPPORT				
No.	Criteria		Response	
14.	Support – Phase(s) addressed	I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies and strategies (short term and long term)	Yes
			Reform of legislative and regulatory frameworks	Yes

			Sector wide analyses	Yes
	II. Pre-Negotiation Support – conduct, review, prepare any of the following:		Project feasibility studies	No
			Environmental and/ or social impact assessments	Yes
			Tender Documents	No
			Model Contracts	Can share international best practices, not develop them.
			Financial structure	Yes
			Manage tender process	No
		III. Negotiation Phase – provision of support or assistance in any of the following:		Development of a negotiation position/ strategy
			Assembly of a negotiation team	No
			Participation in contract negotiations	No. No direct participation in negotiations.
			Review of contractual provisions	Yes
			Other	Resource Revenue Collection and Management: tax generation, revenue management capacity, targeting corruption, etc.

		IV. Contract Implementation Phase	Contract monitoring	TBD
			Monitoring of Compliance	TBD
15.	Long-term Assistance	Delivering training/capacity building	Yes – the new initiative aims to prepare capacity development tools and conduct targeted trainings that focus on management of the extractive industry.	
		Knowledge management and sharing	Yes – The UNDP recently partnered with the World Bank Institute as a co-convenor of GOXI - Governance of Extractive Industries Platform. In addition to contributing to this knowledge sharing mechanism, the UNDP has an in-house system and network for Extractive Industries for Sustainable Development that the UNDP can draw on, which connects UNDP staff in over 160 countries.	
		Priority assistance of already-helped countries	Yes – where country offices have been established	

15. Vale Columbia Center on Sustainable International Investment¹⁸

VALE COLUMBIA CENTER ON SUSTAINABLE INTERNATIONAL INVESTMENT
 Columbia Law School - Earth Institute, Columbia University
 435 West 116th Street
<http://www.vcc.columbia.edu/>

The VCC is a leading forum on issues related to foreign direct investment, paying special attention to the impact of such investment on sustainable development. Its objectives are to analyze important topical policy-oriented issues related to FDI, develop and disseminate practical approaches and solutions, and provide students with a challenging learning environment.

A. GENERAL INFORMATION REGARDING ORGANIZATION

No.	Criteria	Response
1.	Contact Person	Lisa Sachs, Director E-mail: lsachs1@law.columbia.edu
2.	Additional Regional Office(s)	Staff based in Tel Aviv, Israel, and Melbourne, Australia
3.	Working Languages	English. Also have in-house French, Spanish and Portuguese capabilities.

B. NEGOTIATION SUPPORT - GENERAL

No.	Criteria	Response
4.	Regional Focus	Global
5.	Assistance Criteria/ Pre-conditions to providing support?	Yes – The VCC’s assistance must at all times be objective and independent.
6.	Type of Investment Concerned/ Sector Focus	Extractive industry, land investments (including agriculture), infrastructure, investment treaties.
7.	Coordination and/ or collaboration with other organizations when providing negotiation support?	Yes – The VCC regularly collaborates with partners such as ISLP, RWI and the World Bank, among others.

¹⁸ Updated as of March 2014.

8.	Type(s) of expertise/ experts available	<p>Legal: In-house: 5 (with English law, New York State law and Australian law capabilities). The VCC also draws on the advice of external legal experts</p> <p>Economists, financial analysis/ financial modeling: in-house: 2 experts. The VCC also draws on the advice of external experts</p> <p>Good governance: VCC in-house staff have expertise in good governance of natural resource governance.</p> <p>Social impact and human rights: one in-house expert.</p> <p>Fiscal and tax management: The VCC has in-house expertise and also draws on the advice of external experts.</p>
9.	Total number of in-house experts	7: 5 lawyers and 2 economists.
10.	Average length of involvement in a project?	Both short term and longer term roles.
11.	Fee or non-fee based support	Generally non-fee based, though may require funding for administrative costs, staff time and travel costs.
12.	Speed of response	Rapid – depending on the type of assistance requested.
13.	Practical constraints, if any, to providing negotiation support	Funding

C. TYPES OF NEGOTIATION SUPPORT

No.	Criteria		Response
14.	Support – Phase(s) addressed	I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies and strategies
			Reform of legislative and regulatory

			frameworks	
			Sector wide analyses	Yes
		II. Pre-Negotiation Support – conduct, review, prepare any of the following:	Project feasibility studies	No
			Environmental and/ or social impact assessments	No
			Tender Documents	No
			Model Contracts	Yes
			Financial structure	Yes – assistance provided with financial models
			Manage tender process	No
			III. Negotiation Phase – provision of support or assistance in any of the following:	Development of a negotiation position/ strategy
		Assembly of a negotiation team		No
		Participation in contract negotiations		No
		Review of contractual provisions		Yes
		IV. Contract Implementation Phase		VCC contract implementation support is limited to capacity-building (see below).
15.	Long-term Assistance	Delivering training/ capacity building	Yes – the VCC designs and delivers short training courses on a range of topics, including annual executive programs on Extractive Industries and Sustainable Development , and Sustainable Investments in Agriculture .	
		Advancing knowledge	Yes. The VCC, together with the World Bank Institute and the Revenue Watch Institute, has also	

		management and sharing	been working on an online, searchable, user-friendly database of publicly available oil, gas and mining contracts from around the world.
		Priority of assistance to already-helped countries	No

16. World Bank – Extractive Industries Technical Advisory Facility¹⁹

Extractive Industries Technical Advisory Facility (EI-TAF) World Bank Group (the “Bank”) 1818 H Street, NW Washington, DC 20433 USA Tel: (202) 473-1000 fax: (202) 477-6391		
A. GENERAL INFORMATION REGARDING ORGANIZATION		
No.	Criteria	Response
1.	Contact Person	Christopher Sheldon, csheldon@worldbank.org , +1 202 473 8953
2.	Additional Regional Office(s)	More than 100 regional offices in member countries
3.	Working Languages	English, French, Spanish
B. NEGOTIATION SUPPORT - GENERAL		
No.	Criteria	Response
4.	Regional Focus	Global [although approximately 60 % of all grants have been to the African region]
5.	Assistance Criteria/ Pre-conditions to providing support?	None, Trust Fund Agreements only determine that the decision about support should be needs-based, defined or measured with regards to (non-existent) financial capacities. For example, no EU Member State is eligible for this reason.
6.	Type of Investment Concerned/ Sector Focus	Extractive Industries (oil, gas and mining).
7.	Coordination/ collaboration with other organizations when providing negotiation support	Coordination is done at the EI-TAF donor level. At the country level there is no formal coordination mechanism but case-specific coordination amongst donors involved in a particular country is common but usually informal.
8.	Type(s) of expertise/	The EITAF has in-house expertise in the following. It also contracts experts on a per project basis (through recipient-executed grant funds) and, in some cases, provides funding to governments to contract experts (through World Bank-

¹⁹ Updated as of June 2013.

	experts available ²⁰	<p>executed grants)</p> <ul style="list-style-type: none"> - Legal: in-house expertise; in-country lawyers funded also by governments through recipient-executed grant funds. - Negotiations strategy: no in-house expertise – World Bank contracts staff as required (Bank-executed grants) and also funds governments to hire teams through recipient-executed grant funds. - Economists, financial analysis and financial modeling: in-house expertise and contracted staff - Geologists: 3 in-house staff and some contracted staff - Environmental impact/ local population: 2 in-house staff - Social impact and human rights: 2 in-house staff - Good governance specialists: 2 in-house staff - Fiscal and tax management: 2 in-house staff and contracted experts
9.	Total number of in-house experts	Legal 2; Technical 15; Financial/Economic 3; Environmental and Social 3
10.	Average length of involvement in a project?	1 year
11.	Fee or non-fee based support	Non-fee based
12.	Speed of response	Usually 3-6 months
13.	Practical constraints, if any, to providing negotiation support	<p>Recipient executed grants may be difficult for weak states, or inexperienced recipient ministries as they have to comply with the World Bank’s procurement guidelines.</p> <p>The grant approval process further takes time, a crucial element in every negotiation process; it takes about 3-6 months before governments can hire experts after issuing a grant request to EI-TAF.</p> <p>World Bank-executed grants, which are faster to prepare, on the other hand, may not be used directly for contract negotiations, because of the liability and reputational risks for the Bank. Bank-executed grants can, however, be used for stages leading up to the negotiations, including studies, etc., after which other funding mechanisms such as the ALSF can provide the direct negotiation support.</p>
C. TYPES OF NEGOTIATION SUPPORT		

²⁰ In-house staff cannot be involved in negotiations.

No.	Criteria	Response		
14.	Support – Phase(s) addressed	I. Setting the Investment Environment – assistance with any of the following:	Formulation of government policies and strategies (short term and long term)	Yes – for the extractives sector (oil, gas and mining) Average response time is 3-6 months. Ten (10) in-house occasionally advise governments. Additional experts are also hired to support governments in the policy design process.
		Reform of legislative and regulatory frameworks	Yes	
		Sector wide analyses	Yes	
		II. Pre-Negotiation Support – conduct, review, prepare any of the following:	Project feasibility studies	No direct Bank involvement. Can provide some funding to governments.
		Environmental and/ or social impact assessments	Tender Documents	
		Model Contracts	Financial structure	
		Manage tender process	Development of a negotiation position/ strategy	
		III. Negotiation Phase – provision of support or assistance in any of the	Assembly of a	

		following:	negotiation team	
			Participation in contract negotiations	
			Review of contractual provisions	
		IV. Contract Implementation Phase	Contract monitoring/monitoring of compliance	No direct Bank involvement. Can provide some funding to governments.
15.	Long-term Assistance	Delivering training/capacity building		No direct Bank involvement. Can provide some funding to governments.
		Advancing knowledge management and sharing		No direct Bank involvement. Can provide some funding to governments.
		Priority of assistance to already-helped countries		N/A

Table of types of expertise by organization

Organization	Types of Expertise								
	Legal	Economic/ financial analysis/ modeling	Geologists/ land use	Environmental/ social impact/ human rights	Good Governance	Fiscal and tax management	Tendering and Procurement	Accounting and Financial Reporting	Project Development
A4ID	Yes	No	No	No	No	No	No	No	No
ALSF	Yes	Yes ²¹	No	No ²²	No ²³	No	No	No	No
AMDC	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
CEPMLP	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
IDLO	Yes	No	No	Yes	Yes ²⁴	No	Yes	No	No

²¹ No in-house expertise, but occasionally works with external consultants.

²² Informal advice from AfDB staff available on an occasional basis.

²³ Informal advice from AfDB staff available on an occasional basis.

²⁴ No in-house expertise; externally contracted.

Organization	Types of Expertise								
	Legal	Economic/ financial analysis/ modeling	Geologists/ land use	Environmental/ social impact/ human rights	Good Governance	Fiscal and tax management	Tendering and Procurement	Accounting and Financial Reporting	Project Development
A4ID	Yes	No	No	No	No	No	No	No	No
IIED	No	No	No	Yes	Yes	No	No	No	No
IISD	Yes	Yes	No	No ²⁵	Yes	No	No	No	No
IMF	Yes	Yes	No	No	Yes	Yes	No	Yes	No
ISLP	Yes	No	No	Yes (legal)	Yes (legal)	No	Yes (legal)	No	No
NORAD	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes
PALU	No	No	No	No	No	No	No	No	No
RWI	Yes	Yes	No	No	Yes	Yes	Yes	No	No
Tradelab	Yes	No	No	No	No	No	No	No	No

²⁵ IISD also has experts outside the Investment Program, but within IISD who can provide support with **environmental, social and human rights issues**.

Organization	Types of Expertise								
	Legal	Economic/ financial analysis/ modeling	Geologists/ land use	Environmental/ social impact/ human rights	Good Governance	Fiscal and tax management	Tendering and Procurement	Accounting and Financial Reporting	Project Development
A4ID	Yes	No	No	No	No	No	No	No	No
UNDP	Yes	Yes	Yes	Yes ²⁶	Yes	Yes	No	No	No
VCC	Yes	Yes	No	Yes	Yes	Yes	No	No	No
World Bank – EITAF	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No

²⁶ No in-house social or human rights expertise.

Useful Lists

Negotiation Support Initiatives providing direct support in contract negotiations

African Legal Support Facility (ALSF)
International Seniors Lawyers Project (ISLP)
Tradelab - Investment treaty negotiations

Negotiation Support Initiatives providing non-fee based support

A4ID
African Legal Support Facility (ALSF) - in some cases, reimbursable advances with concessional interest rates
IMF
International Institute for Environment and Development (IIED)
International Institute for Sustainable Development (IISD)
ISLP – Non-fee based, but funding may be required to cover administrative costs
PALU
Tradelab
UNDP
Vale Columbia Center on Sustainable International Investment (VCC) – Non-fee based, but funding may be required to cover administrative costs
World Bank –EI TAF