



Afghanistan: Improving Contract Enforcement by Helping Create an ADR Center

The ability to enforce contracts and resolve disputes efficiently and transparently, through competent adjudicators, is essential for proper market functionality. Contract enforcement provides predictability in commercial relationships and offers businesses assurance that their contractual rights will be protected. Given the level of inefficiency and corruption in Afghan commercial courts, CLDP led USG efforts to help the Afghan private sector create the Afghanistan Center for Dispute Resolutions (ACDR). Officially launched in 2015, ACDR is a state-of-the-art alternative dispute resolution center, the first and only one of its kind in Afghanistan, that helps Afghan and international businesses resolve disputes quickly (usually within 4 months) and transparently, through internationally certified arbitrators and mediators. The center now fully operates through the fees it charges for arbitration and mediation services and has become a success story of sustainable development. ACDR has contributed to creating a business-friendly environment in Afghanistan, leading to private sector-led economic growth in that country.

Afghanistan: CLDP's Review of Open Access Policy Leads to Increased Competition

In Afghanistan, private telecom companies struggle with telecommunication policies that are not transparent, consistent, or business friendly. From 2016-2018, CLDP worked with the Government of Afghanistan to facilitate progress on an Open Access Policy to, among other things, open fiber optic networks competition. Prior to CLDP's involvement, Afghanistan's state-owned telecom company held a monopoly for all fixed-line services including the delivery, installation, and servicing of fiber optic networks. This monopoly led to a fiber optic network that was expensive and poorly managed. With CLDP assistance in support of USAID, Afghanistan's High Economic Council, chaired by its president, adopted an Open Access Policy. The policy was acknowledged by the Ministry of Communications and Information Technology and implemented by the telecoms regulator, the Afghan Telecommunications Regulatory Authority. The new policy permitted competition in the wired telecommunications market, with opportunities for companies to build fiber networks. This policy adjustment and introduction of competition led to lower prices and better service for the Afghan people as well as greater opportunity for American businesses. The first concrete results came by 2019 when one of the mobile network operators, a U.S. company, invested in constructing a fiber network, using American glass, equipment and services. Since then, thousands of kilometers of fiber have been laid down by this company and some others, representing 10's of millions of dollars of investment.



Angola: CLDP Helps Improve Court Efficiency & Transparency Through Automation

At the request of the Angolan Ministry of Justice, CLDP helped the Angolan courts automate their case management system. CLDP worked closely with the Portuguese Justice Ministry to customize Portuguese-language software for use in Angolan courts, install the computer network, and train court officials in the use of the software. CLDP's assistance culminated in the successful launch of an automated network at the Luanda Provincial Court. As a result, nearly 30 court officials began using the automated system for case proceedings and the court saw a 50% increase in the speed at which cases were randomly distributed to judges. Additionally, court officials began using the automated system to retrieve case information and make available court documents within minutes rather than hours. This modernization of the case management system greatly improved the efficiency and transparency of the Angolan court system, replacing outdated paper files and reducing significant backlogs.

Algeria: CLDP Training Leads to Landmark IP Judicial Rulings

Before receiving CLDP technical assistance, Algerian judges had little training related to intellectual property and cases regarding patents, copyrights, and trademarks brought by foreign firms languished in Algerian courts. From 2002-2004, CLDP provided targeted assistance to Algerian judges on capacity building and adjudicating disputes related to intellectual property. Assistance led to two landmark rulings made by CLDP-trained judges against counterfeiters who were illegally using U.S. trademarks and selling counterfeited products. As a result of these rulings, a factory manufacturing counterfeited U.S. consumer products was closed, retailers of these counterfeit products were sentenced, and the counterfeiting of products in the country was greatly reduced. Subsequently, the U.S. company that had considered shutting down operations in Algeria due to counterfeiting, instead doubled its business investments in the country the following year.



Burma: Durable Offshore Oil and Gas Bidding

Beginning in 2013, under the aegis of the State Department's Bureau of Energy Resources' Energy Governance Capacity Initiative, CLDP provided technical assistance on administering a competitive deep-water bid round and implementing durable offshore contracts for officials from the Ministry of Energy, Myanmar Oil and Gas Enterprise, and the Union Attorney General's Office. Following the technical assistance workshops, government officials liberalized their standard terms and conditions and were in a better position to administer competitive bid rounds, negotiate and implement durable contracts for offshore oil and gas projects, and draw responsible investment to Burma. This was a major achievement in helping Burmese government officials to analyze low-cost, low-quality bids that were submitted by speculative Chinese companies and encourage responsible bid proposals including from U.S. based companies.

Colombia: Model Offshore Oil and Gas Contract

In June 2018, following technical assistance from CLDP, Colombia's National Hydrocarbons Agency (ANH) adopted its "Model Offshore Contract," a template agreement for exploration and production of oil and gas in Colombia's offshore. Since then, Colombia has inked six of these contracts, including with major U.S. companies Noble Energy and ExxonMobil. A number of U.S. oil service providers are also now operating in Colombia as a result. Prior to the adoption of the Model Offshore Contract, companies had no firm basis for long-term investment. CLDP's energy and natural resources team extensively assisted ANH in understanding and crafting the terms of the Model Offshore Contract, allowing ANH to adopt terms that were balanced and competitive. CLDP's "energy diplomacy" also deepened the U.S.-Colombia relationship, and opened a path to engagement in Colombia's shale and mining sectors.

Egypt: CLDP Assistance Leads to Landmark Decision Enforcing Competition Law

From 2006-2008, CLDP, in cooperation with the Federal Trade Commission and the Justice Department, provided technical assistance to the Egyptian Competition Authority (ECA) to help implement a new competition law and foster a culture of competition in Egypt. Through workshops, consultations, and on-the-job skills training, CLDP experts provided ECA officials with guidance and practical experience in the development of effective inquiry strategies and case management techniques. In August 2008, an Egyptian trial court rendered a landmark decision against nine cement companies for engaging in anti-competitive behavior. The cartel case was a significant milestone in Egypt, and it resulted in a major monetary penalty (\$37.7 million USD) against the defendants.



Global: CLDP Supports Next Generation of Arbitrators Around the World

The Willem C. Vis International Commercial Arbitration Moot (Vis Moot) is an educational platform to develop and harmonize the practice of international commercial arbitration. International commercial arbitration laws and predictable advanced dispute resolution (ADR) encourages global trade and instills the essential trust and confidence sought by foreign direct investors. Since 2010, CLDP has been working to increase Vis Moot participation from developing countries that are working to establish an effective ADR legal system. Over the years, CLDP has supported 44 law schools from over 25 countries to participate in the Vis Moot, which provides an educational opportunity for current and rising legal experts to become active commercial arbitration specialists. CLDP's involvement has led to the establishment of ADR centers, inclusion of clinical education in law schools, and improvement of contract enforcement. The Vis Moot is seen as a long-term vehicle for increasing U.S. commercial allies, instilling bilateral confidence, and promoting generational change through the engagement of past, current, and future agents of commercial diplomacy.

Global: Encouraging Economic Growth Through WTO Accession

Countries that join the World Trade Organization (WTO) legally commit to recognized rules of international trade. Member nations enjoy greater investment opportunities, economic development, and private sector confidence. Recognizing the benefits and worldwide support gained through membership, CLDP has helped four countries join the WTO. CLDP aided each country by utilizing embedded resident advisors and pro-bono experts to conduct trainings, identify areas for legislative and structural change, and attend multi-national working parties. CLDP assisted Albania (2000), Moldova (2001), Ukraine (2008), and Afghanistan (2016) in their successful accessions to the WTO. In the first three years after accession to the WTO, these four countries on average saw imports rise 73%, exports rise 86%, trade partners increase 17%, and overall GDP grow 32%. The dramatic economic growth for these countries can be attributed in part to the improved business environment attained through WTO membership.



Kuwait: Bankruptcy Law Incorporates CLDP Recommendations

In August of 2020, Kuwait's National Assembly passed a new bankruptcy law to provide relief to companies experiencing financial difficulties. Prior to the adoption of this law, Kuwait's 40-year-old bankruptcy system included severe penalties such as debtor's prison, travel bans, and loss of political rights and freedoms for defaulting on payments. The new law removes these penalties for good faith debtors and creates new measures to avoid liquidation. In 2019, CLDP provided extensive technical assistance to the Kuwaiti government to improve its draft bankruptcy legislation. CLDP encouraged the incorporation of international best practices and insolvency reform knowledge sharing from Saudi Arabia, Bahrain, and Morocco. The new law will significantly improve Kuwait's legal environment for foreign investment as it provides new protections and solutions to salvage viable businesses and ensures creditor participation in bankruptcy procedures. This development will be very important to U.S. companies that are working in the Gulf region.

The Maghreb: Developing Viable Franchise Markets

For more than ten years, CLDP has been working with private-sector stakeholders and the Governments of Tunisia and Algeria on the liberalization of franchising. CLDP technical assistance has facilitated the entry of known franchises and fostered the development of local brands through consistent engagement among key stakeholders. With the support of the Middle East Partnership Initiative (MEPI) at the State Department, CLDP programming has resulted in a legal and commercial environment conducive to franchising through increased capacity of local investors, facilitated exchanges between franchisors and prospective franchisees, and support for U.S. franchisors' expansion into new markets. Through franchising, countries are able to encourage entrepreneurial activity, spur job creation, develop the Small to Medium Enterprise sector, increase trade flows and viable foreign direct investment, align with international health and safety standards, expand access to global supply chain resources, and increase the skill set of the local labor force. In total, 35 new franchise agreements in Algeria and Tunisia have been concluded and thousands of jobs have been created in the last seven years.

Oman: U.S.-Omani Trade Relations Strengthened Through Customs Workshop

Free Trade Agreements (FTAs) can encourage economic growth through the enhancement of investment and trade opportunities between countries. CLDP sponsored an Advance Rulings program for Omani officials to discuss the U.S.-Oman FTA. The program covered rules of origin provisions for textiles and apparel, how the FTA will affect customs procedures, and how the US will implement its FTA obligations. At the start of the program, only 4 of the 25 participants had heard of the FTA, and by the end, all the participants were able to identify whether goods qualified for preferential FTA treatment under one of the three rules of origin tests. CLDP's assistance will greatly help Omani Customs meet its obligations under the FTA. Since the signing and implementation of the FTA with Oman in 2009, exports to Oman have risen 40.1% and imports from Oman have risen 36.1%.



The Maldives: Accession to the Singapore and New York Conventions

Beginning in 2019, CLDP began providing the Maldives technical assistance in the Alternative Dispute Resolution (ADR) sector. Assistance helped the country sign onto the Singapore Convention and the New York Convention for the mediation, recognition, and enforcement of foreign arbitral awards. On July 6, 2020, the Maldives High Court unanimously overturned a lower court's decision and held that a Maldivian court does not have jurisdiction over a contractual dispute when the contract requires dispute resolution through arbitration. The lower court had relitigated a breach of contract dispute between the Hilton Hotel and a local Maldivian company after Hilton received an arbitral award of \$16M in the Singapore International Arbitration Center. The enforcement of foreign arbitral awards, and an effective, transparent, and efficient ADR regime in the Maldives help foster a business enabling environment for both local and American businesses.

The Maldives: Presidential Roundtable on Unsolicited Infrastructure Proposals

In January 2020, CLDP conducted a high-level workshop for the President's Office of the Maldives on Unsolicited Proposals Policy. The event brought together President Solih, the Ministers of Defense, National Planning and Infrastructure, and Economic Development, their respective staffs, and civil society participants from the Anti-Corruption Commission. The Maldives has been flooded with unsolicited infrastructure project proposals from Chinese firms, and the government reached out to the U.S. for assistance developing workable solutions for evaluating unsolicited proposals. The workshop was requested to get various ministries and the President's Office on the same page for moving forward with a coordinated policy on unsolicited proposals. This program was part of CLDP's assistance to the Maldives as they work to close their infrastructure gap, make informed decisions that are in the long-term interest of their country, and avoid deals that could lead to debt-trap diplomacy.



Morocco and Tunisia: CLDP Assistance Leads to Growth in Handicrafts Exports

In partnership with local ministries, CLDP's handicraft export initiative has focused on helping artisans in Morocco and Tunisia gain the technical knowledge they need to grow their operations and increase their exports. The artisan sector is the second largest employer in the developing world and is essential for income distribution and job growth across socio-economic levels, particularly with respect to women who constitute up to 80% of the sector. The artisan sector is also a significant vector of political and social stability as it employs many less educated people who live in remote areas or economically precarious communities. CLDP technical assistance has included the development of two export guides, an export toolkit, and increased capacity in e-commerce. In part due to CLDP activities, handicrafts exports from Morocco and Tunisia towards the U.S. have tripled since the start of the initiative.

Pakistan: Strengthening Intellectual Property Protection

Since 2008, CLDP has worked closely with key stakeholders in Pakistan to increase the effectiveness of the country's intellectual property rights (IPR) protection and enforcement regime. Activities include providing consultative support for the successful operation of the Pakistan Intellectual Property Organization, conducting judicial trainings on intellectual property rights enforcement, developing the capacity of local universities to license technology, and fostering public awareness programs designed to increase recognition and respect for IPR in Pakistan. CLDP's assistance also led to the creation of a court specialized in adjudicating IP disputes. Thanks in part to CLDP's work on IPR, Pakistan was moved from USTR's 'priority watchlist' of countries deemed to have serious IPR deficiencies to the less severe 'watchlist.' IPR protection is important for U.S. based companies who often sell goods with significant IP embedded in their products, while IPR protection plays a vital role for developing countries in promoting innovation and the development of small and medium-sized enterprises. Strong IPR protection supports knowledge-based industries in developing countries that drive GDP growth, employment, and foreign direct investment.



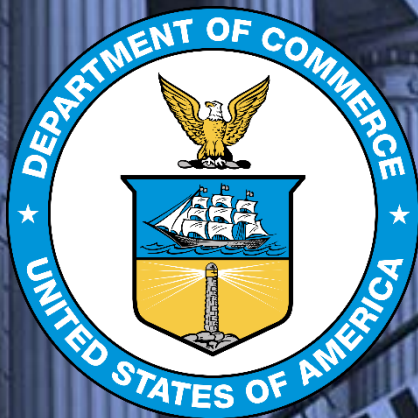
Pakistan: CLDP Promotes Technology Based Entrepreneurship and Innovation

CLDP, in cooperation with the U.S. Patent and Trademark Office, helped promote technology-based entrepreneurship, innovation, and economic diversification in Pakistan. CLDP Programming led to the creation and staffing of technology transfer offices, known in Pakistan as Office of Research, Innovation and Commercialization (ORIC), and Business Incubation Centers (BIC) at Pakistani Universities. ORICs and BICs build capacity and develop technology-based entrepreneurship through technology licensing and by providing assistance to start-ups. An intellectual property-based technology transfer model gives innovative startups and individuals economic incentives to commercialize their research, exercise greater market power, and benefit society. Since 2014, in part thanks to CLDP's efforts, 67 ORICs have been established in Pakistan, and patent filings (resident and abroad) have increased from 135 annually in 2010 to 411 in 2019.

Sub-Saharan Africa: CLDP/Power Africa Understanding Series

With two out of three people in Sub-Saharan Africa lacking access to electricity, the USAID Power Africa initiative seeks to add 30,000 MW of new electricity generation capacity and connect 60 million new homes and businesses to power by 2030. As an integral part of Power Africa, CLDP has led the development of the Understanding series, a library of practical handbooks designed to help governments negotiate power projects. The series consists of five handbooks available in English, French, and Amharic, with two additional handbooks in the works. The handbooks have been used by several African governments to guide their negotiations with private power project developers. The series has 55,000 copies in print, tens of thousands more copies downloaded online, and a virtual library of on-demand sessions. Power Africa reports some 124 transactions representing 11,000 MW of electricity financially closed since its inception in 2013, involving numerous U.S. financiers, project sponsors, and power generation equipment manufacturers.





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