



BULLETIN ALSF

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SOMALIA LONG TERM PROJECT



Senior Government Officials from Somalia who attended the ALSF training workshop in Nairobi, Kenya

The ALSF supported three training workshops for Senior Government Officials from Somalia. The first capacity building workshop took place in mid-December, 2014 in Nairobi, Kenya. The second and third events were held in late February and early March, 2015 in Entebbe, Uganda.

These workshops are part of a series of the Facility's training events aimed at developing capacity within Somalia in the areas of contract negotiations, infrastructure, loans and natural resources. In the long-term, this project is expected to assist in re-establishing national institutions of the Government. A total of 76 participants, including 15 women attended these capacity building events.

THE ALSF AT THE MINING INDABA 2015

The ALSF team led by the Director attended the 21st INDABA Mining Conference in Cape Town South Africa from the 9th to the 12th of February 2015. The INDABA Mining Annual Conference is the world's largest Mining Investment Event that hosts mining professionals from all facets of the global Mining Industry. In particular, the INDABA brings together various African stakeholders in the Mining Industry who include African Government Ministers, African Mining Executives and Civil Society.

During the INDABA, the ALSF and AfDB jointly organized a panel discussion featuring Shared Resources, Share Value and Shared Benefits. Speaking as a chair of this session, Mr. Stephen Karangizi emphasized that it was vital for the African Governments' to involve the various stakeholders in the process of negotiating complex contracts and agreements relating to extractive resources and infrastructure. This creates a platform to achieve a common understanding and ensures that the contracts concluded are equitable and fair, thereby improving the development outcomes.

The Facility also sponsored the Mining Ministerial Forum, and during this event individual African ministers shared investment mining opportunities in their respective countries and proactively engaged with prospective investors. At the INDABA, the ALSF team extensively discussed and agreed on various avenues of future cooperation with Mali's Minister of Mines. In addition the Facility also held meetings with the several cooperating partners regarding coordinating and collaboration.

THE ALSF AND CLDP SUPPORT THE DRAFTING OF A HANDBOOK ON UNDERSTANDING POWER PURCHASE AGREEMENTS (PPAs)

The ALSF, in conjunction with Commercial Law Department (CLDP), gathered a group of leading experts to jointly write a book which explains the role of PPAs in power projects. Experts from law firms, the AfDB, World Bank, Overseas Private Investment Corporation (OPIC), Tanzania's Energy and Water Utilities Authority (EWURA), Nigeria Bulk Electricity Trading PLC (NBET) and others gathered to write the book in one week in November, 2014. This handbook comprising 180 pages was completed and the ALSF senior legal counsel Toyin Ojo hopes it will help demystify the PPA concept, particularly among African government officials. She notes that the ALSF is dealing with contracts that have a combined value of USD 18 billion and that many African governments are turning to the organization for advisory support on PPAs, which are viewed as "mystery documents". "The whole purpose of the book is to break down the language and to ensure that people who are not lawyers have a better understanding of the concepts so that they can also understand the advice of their legal counsel," Ojo explains. Links to Understanding Power Purchase Agreements handbook can be found on the CDLP website.

THE MANAGEMENT BOARD OF THE ALSF HELD 15TH MEETING IN ABIDJAN ON THE 23rd MARCH 2015

The Management Board of the ALSF held a meeting on the 23rd March in Abidjan at Hotel Ivoire. During the meeting, the ALSF Board discussed; the progress on projects' implementation, the 2014 Draft Annual Report and Financial Statements;; the proposal to review the Financial Regulations;; and the preliminary mid-term evaluation of the Medium-Term Strategy. The Board also considered for approval the progress report on the implementation of the New Operational Guidelines to be transmitted to the Governing Council for review.

Subsequently, a follow up informal meeting was held by the Board on the 13th April, 2015. During this virtual meeting, the Management Board reviewed the revised 2014 Annual report and financial statements. It also provided preliminary comments on an information note seeking guidance on the implementation of the ALSF mandate to be submitted to the informal Governing Council meeting for further consideration.

The Management Board is composed of 5 persons appointed by the Governing Council. Members of the Council are appointed personally and not as representatives of Countries or Organizations. The basic functions of the Management Board are: to implement powers delegated by the Governing Council ensuring the ALSF undertakes efficient and effective operations.

CAPACITY BUILDING ON BILATERAL INVESTMENT TREATIES AND ARBITRATION



The Director of the ALSF, Mr. Stephen Karangizi, was a guest of honour at the inauguration of the African Institute of International Law (AIIL) and presented the Facility to Justice Abdulqawi Yusuf, the Vice-President of the International Court of Justice, and various other dignitaries from international, regional, sub-regional and national institutions. He also chaired a panel discussion entitled “The Challenges of Foreign Investments in Africa.”

With the support from the ALSF, the AIIL held its first capacity building workshop entitled, “Bilateral Investment Treaties and Arbitration”. The purpose of the training was to strengthen the capacity of 30 African lawyers from 14 African countries in negotiating bilateral investment treaties and dealing with arbitration arising from such agreements. The training focused on the core principles of international investment law and the various dispute resolution options available in foreign investment disputes. Due to the success and enthusiastic reception of the training program, the ALSF will again support the AIIL in hosting a similar training course for francophone African lawyers in June 2015.

FINANCIAL AFRIK RECOGNIZES THE FORMER CHAIRMAN OF THE ALSF MANAGEMENT BOARD—DR. ABOUBACAR FALL

Dr. Fall served as Chairman of the Management Board of the African Legal Support Facility (ALSF), from July 2012-June 2014. In 2014, Dr. Fall was selected amongst the TOP 100 African influencers by Financial Afrik a leading African financial magazine. He is a graduate from the University of Paris – Sorbonne (Masters in international transportation) the University of Rouen (Ph. D) and the University of Washington in Seattle (LLM). He practised law in Dakar and Paris before joining the African Development Bank where he served for more than 10 years as Principal Legal Counsel. Dr. Fall is well respected for his expertise in PPPs, natural resources, investment contracts, shipping and dispute resolution, among others.

THE GOVERNING COUNCIL OF THE ALSF HELD AN INFORMAL MEETING IN ABIDJAN ON THE 15th APRIL 2015

The Governing Council of the ALSF held an informal meeting in Abidjan at the Headquarters of the AfDB. The meeting preliminarily reviewed a number of fundamental documents prior to formal approval and adoption at the Annual Meetings of May, 2015.

The Governing council is the supreme body of the ALSF and is vested with all its power. Among countries and organizations, the Governing council is composed to date of 12 members, which are The Gambia, Gabon, Malawi, Ethiopia, Tunisia, Belgium, United Kingdom, Netherlands, France, Brazil, the African Development Bank (AfDB), West African Development Bank (BOAD), the African Union. The alternate members to date are Guinea Bissau, Central African Republic, Mozambique, Kenya, Sudan, the AfDB, and the Organization for the Harmonization of Business Law in Africa (OHADA).

CAPE VERDE JOINS THE ALSF

On the 5th March, 2015 Mme. Christina Isabel Lopes da Silva Monteiro Duarte, Minister of Finance and Planning signed the Agreement for the Establishment of the ALSF on behalf of Cape Verde. The total number of signatories is now 59 which include 52 states and 7 Institutions.

UK DEPOSITS THE INSTRUMENT OF THE APPROVAL OF THE AGREEMENT FOR THE ESTABLISHMENT OF THE ALSF



On the 28th October, 2014, The Right Hon. Philip Hammond, Secretary of State for Foreign and Commonwealth Affairs signed the Agreement for the Establishment of the ALSF. This was deposited in December, 2015, by Mr. O'Neill Dominic, Executive Director at the African Development Bank Group, bringing the total number of ratifications to 23.

FRANCE APPROVES THE RATIFICATION OF THE AGREEMENT FOR THE ESTABLISHMENT OF THE ALSF

In November 2014, France passed a law approving the ratification of the Agreement for the Establishment of the ALSF. The instrument of ratification was signed by the President of the Republic, François Hollande, the Prime Minister, Manuel Valls and the Minister of Foreign Affairs and International Development, Laurent Fabius. France's adhesion to the ALSF reflects its commitment to African states' economic development and the strengthening of their legal capabilities.

ALSF AND CONNEX ENGAGEMENT

The ALSF has been engaged with the G7 CONNEX Initiative on Strengthening Assistance for Contract Negotiations ("CONNEX" or "Initiative"). As stated at the G7 Summit held in Brussels on June 4-5, 2014, the Initiative was formed in order "to provide developing country partners with extended and concrete expertise for negotiating complex commercial [sic] contracts."

Most recently, the Director of the ALSF and the Chief Legal Counsel for the ALSF's Operations Team attended the G7 CONNEX Initiative meeting in Berlin Germany from 9th to 11th March, 2015. At the meeting, the Director moderated a working group titled "Improving the Quality of Advice: Options and Obstacles."

The Initiative is looking towards the adoption of a Code of Conduct for all service providers in the world by the G7 in June 2015. The ALSF has been working with the Initiative to develop the Code of Conduct and has remained fully engaged in the process. The proposal is that CONNEX would work with some of the service providers such as the ALSF to test the use of the Code of Conduct in some projects and also to see whether the ALSF can assist in leading the coordination of multidisciplinary teams when a state requires major negotiations support.

THE ALSF FORTHCOMING EVENTS

EVENT: Management Board Meeting

DATE: 24th May, 2015

PLACE: Abidjan, Côte d'Ivoire

EVENT: Governing Council Meeting

DATE: 25th May, 2015

PLACE: Abidjan, Côte d'Ivoire

EVENT: 2nd ALSF side meeting entitled "Sovereign Debt in Africa: Options, Obstacles and Opportunities" at AfDB Annual Meeting

DATE: 28th May, 2015 from 2:00pm - 3:30pm

PLACE: Abidjan, Côte d'Ivoire

EVENT: The ALSF Nomadic Training—An Innovative Mobile Public-Private Partnership related Legal Capacities

DATE: 29th June to 3rd July, 2015

PLACE: Nairobi, Kenya

EVENT: Africa Energy Forum

DATE: 8th-11th June, 2015

PLACE: Dubai, United Arab Emirates