



BULLETIN ALSF

Issue Number 16 - August 2014

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ALSF'S NEWLY APPOINTED MANAGEMENT BOARD

The African Legal Support Facility has a newly appointed Management Board that took office on 30 June 2014 following the adoption of the respective Resolution by the Governing Council during its annual meeting in Kigali on 19 May 2014. In accordance with the ALSF Rules two members of the Management Board vacated office at the end of June 2014 after their terms ended. The two members were Mr. Aboubaker Fall (Senegal) and Mr. Jose Briosas e Gala (Portugal). The two members were replaced by Mr. Seward Cooper (Liberia) and Mr. Pim De Keizer (Netherlands).

Mr. Seward Montgomery **COOPER** is an experienced international and corporate lawyer with renowned versatile skills. Currently serving as the Legal Advisory to the President of Liberia and as Chairman of the Board of Directors of the state-owned National Oil Company of Liberia, his past professional experiences include leading the international practice group of one of America's largest multi-cultural law firms based in the Washington D.C. metropolitan area, serving as first counsel and Head of Unit for Good Governance at the AfDB, and co-leading the conception and drafting of the Agreement for the Establishment of the ALSF.

Mr. Pim De **KEIZER** is currently the Secretary of the Advisory Council on International Affairs of the Ministry of Foreign Affairs (MFA) of the Netherlands. He previously served as Alternate Executive Director within the African Development Bank and Senior Advisor within the MFA of the Netherlands; former member of the Governing Council of the ALSF, he is an expert in the fields of international and multilateral development policy and cooperation, with knowledge of Africa and Latin America. Mr. Ibrahim SIXTUS VUSI, Dr. Eve SINARE and Mr. Timothy TURNER continue serving for one additional year.

UK SECRETARY OF STATE JUSTINE GREENING ANNOUNCES £7 MILLION CONTRIBUTION TO ALSF



On the 7th July 2014, The Secretary of State for International Development Rt. Hon. Ms. Justine Greening announced a £7 million contribution by the United Kingdom towards the African Legal Support Facility (“ALSF” or “The Facility”).

Ms. Greening’s announcement came as she launched two new major programmes to boost developing countries’ legal skills to negotiate large, complex oil, gas and mining contracts. The UK’s two new programmes include:

1. A major programme to help developing countries access world class legal skills to negotiate complex commercial contracts.
2. A programme designed to increase transparency around the extractives industry through tackling corruption and helping developing countries transform their natural resources into sustainable economic growth.

The £7 million contribution to the ALSF falls directly under the major programme to help developing countries access world class legal skills to negotiate complex commercial contracts. The UK views this contribution as an investment which will further promote high quality commercial and pro-bono international legal advice to African governments and law firms.

The contribution which is to be granted over the next three years will help African Governments to negotiate better oil, gas, mining and infrastructure deals. It will simultaneously provide training to local African lawyers and law firms. Predominantly, the ALSF assists the governments in completing complex negotiations related to the extractive industries and supporting infrastructure. The interventions of the ALSF ensure fair and balanced contract negotiations which serve as a foundation for transforming natural resources into sustainable and inclusive growth.

Currently the ALSF is supporting projects in 35 African countries with requests pending from several more. DFID joins Canada, The United States of America, The Netherlands, Norway, France, Belgium, India, the Islamic Development Bank, the African Development Bank Group and the West African Development Bank, which have already provided support to the Facility. The United Kingdom became a signatory member party of the ALSF on the 17th December 2009.

In welcoming the contribution the Director of the ALSF, Mr. Stephen Karangizi observed that the contribution by the UK which will be channeled through the Department for International Development (DFID) reflects the seriousness that the UK attaches to the need to address the capacity gaps faced by African countries in negotiating fair deals with investors that will ensure mutual benefits. He recalled that the UK led the call for increased transparency in global taxation when they hosted and chaired the G8 Summit of 17th and 18th June 2013 at Lough Erne. At the same Summit the G8 called for the financing of the activities of the ALSF.

ALSF TO MOVE TO ABIDJAN IN AUGUST

The ALSF will be relocating to Abidjan with effect from the third week of August 2014. This follows the ongoing relocation of the African Development Bank to Abidjan which is the permanent headquarters of the Bank. The African Development Bank hosts the ALSF. The offices of the ALSF will be located at the following address: 6TH Floor; Atalantique Building, Corner Avenue Nogues and Rue Duplessis (Rue 3), Plateau, Abidjan.

ALSF HOLDS A WORKSHOP ON TANZANIA'S OIL AND GAS IN SOUTH AFRICA



The African Legal Support Facility (“ALSF”) recently organized and sponsored an intensive two-week workshop on legal and fiscal matters in the oil and gas industry for the benefit of key government officials working in the energy sector of the United Republic of Tanzania.

The conference, which took place from July 07- 18, 2014, was held at the African Development Bank's Southern Africa Resource (SARC) in Pretoria, South Africa. The workshop was opened jointly by SARC's Officer-in-Charge, Mr. Kennedy Mbekeani, and the ALSF's Chief Legal Counsel, Mr. Amir Shaikh.

The workshop aimed to strengthen capacity of the selected Tanzanian officials in the oil and gas sector. The two week workshop was facilitated by Ms. Heike Trischmann (Watson, Farley & Williams LLP, based in London UK), a legal expert in transactional and regulatory energy work, and Mr. Daniël Prinsloo (UK), a commercial expert with oil and gas experience. Feedback received from the participants indicates that the workshop was greatly received and appreciated.

CAPACITY BUILDING ON BILATERAL INVESTMENT TREATIES TO BE DONE BY AFRICAN INSTITUTE FOR INTERNATIONAL LAW (AIIIL)

The ALSF Board has agreed to a grant of support for the African Institute of International Law (“AIIIL”). The AIIIL is an autonomous international educational and research institution established by the African Institute for International Law (AIIIL) in close collaboration with the Government of the United Republic of Tanzania with the objective to advance, through sustainable capacity-building in the field of international law, the rule of law, legal predictability and certainty, and more stable and rule-based intergovernmental relations within the African continent and with the outside world.

The AIIIL approached the ALSF for capacity building support through the delivery of two regional specialized seminars on “Bilateral Investment Treaties (“BITs”) and Dispute Resolution” arising from these agreements, including the valuation of damages and enforcement. BITs provide substantive protections for foreign investors, like the guarantee of fair and equitable treatment, national treatment, and protections from expropriation. These treaties often include compulsory arbitration clauses for the settlement of disputes that arise between the state and a foreign investor of another signatory state.

African governments often sign BITs to encourage Foreign Direct Investment (“FDI”). Those Treaties often affect major commercial agreements between African governments and Investing companies. The investment focus on Africa has led to the number of treaties growing exponentially, to around 2,500 today. The number of claims is growing too. There is however a severe skills gap in this area of law in Africa. To respond to this gap in capacity the ALSF will facilitate a training offer, in the form of a BITs training course and dispute resolution course.

The planned programme will consist of two regional workshops one in French and one in English. The workshops will target heads and other senior officials in government departments. With the objective of cascading the knowledge gained on the programme, to their departmental staff and other country stakeholders involved in international trade and investment. The project will also include the development of materials that will be used by beneficiaries of the training to conduct further training programs. The workshops will include PowerPoint presentations and training manuals. As such, a training of trainers (ToT) approach will be employed during the workshops.

The ALSF was founded to provide legal advice and services to African countries to strengthen their legal expertise and negotiating capacity in matters pertaining to natural resources and contracting. The ALSF was also established to address the imbalance in negotiating capacity between African governments and international investors. Through this grant, the ALSF will be supporting these goals by providing training through the AIIIL. The project will enable governments to continue to protect the country’s legal rights and maximize the development impact of these agreements.