



ALSF Monthly News Roundup June 2016

AfDB President Akinwumi Adesina commends the African Legal Support Facility

The President of the African Development Bank (AfDB); Akinwumi A. Adesina; commended the African Legal Support Facility (ALSF) for its services to African countries in relation to the provision of advice and technical assistance in matters pertaining to commercial creditor litigation, negotiations of complex commercial transactions. He made the remarks while addressing participants at the Partnership on Illicit Finance Action Plan Launch held on May 26, 2016 at the recently concluded 2016 AfDB Annual Meetings. He stated that through vehicles such as the ALSF, African governments are able to access essential services to needed to facilitate negotiations.

Photo courtesy of the AfDB Group via Flickr



The African Legal Support Facility dialogues with energy leaders at the 18th African Energy Forum in London.

The African Legal Support Facility (ALSF) hosted African Energy Ministers and Leaders on June 22, 2016 at the Ministerial Forum of the 18th Annual Africa Energy Forum in London. In his welcome remarks, the ALSF Director, Stephen Karangizi lay emphasis on the critical role of strong legal and fiscal frameworks for catalysing the energy sector.

Present at the Ministerial Forum were Government representatives, business leaders, investors, technology providers and developers.

Karangizi acknowledged the role of private sector as a driving force needed to spur growth and sustainable economic development in Africa. He stressed that private sector is an important partner that must be engaged in all efforts to achieve universal energy access in Africa.

Commenting about the ALSF's work in the energy sector, Karangizi called attention to the recently published handbook "Understanding Power Project Financing" Developed in partnership with Power Africa through the U.S. Department of Commerce's Commercial Law Development Program (CLDP), the handbook focuses on the considerations and challenges faced by all stakeholders involved in the financing chain of power projects.

The ALSF hosted a book launch and reception to unveil the resource handbook on May 25, 2016 at the 2016 AfDB Annual Meeting held in Lusaka Zambia. For more information [African Legal Support Facility launch energy project financing resource handbook](#)

ALSF's governing bodies convene in Lusaka

The Management Board and the Governing Council of the African Legal Support Facility (ALSF) recently convened formal meetings on the sidelines of the 2016 African Development Bank Annual Meetings in Lusaka, Zambia.

The Management Board held its 19th formal meeting on Sunday, May 22, 2016 and the Governing Council held its 7th annual meeting on Monday, May 23, 2016.

At its meeting, the Management Board deliberated on financial and institutional matters relating to the operation of the ALSF. The Management Board also elected Mr. Seward Cooper as the new Chairman to replace Mr. Ibrahim Vusi, the outgoing Chairman. Mr. Vusi and Dr. Eve Hawa Sinare (Board members) will both be retiring from the Board on June 30, 2016. Mr. Cooper led the Board members in commending both Mr. Vusi, and Dr. Sinare for their outstanding and dedicated service to the ALSF.

At its annual meeting, the Governing Council considered and approved the Auditor's Report and the 2015 Annual Report. The Governing Council also appointed Professor Dandi Gnamou of Benin and Ms. Dorca Achapa of Kenya as new Board Members to replace Dr. Vusi and Dr. Sinare. The mandate for both Professor Gnamou and Ms. Achapa begins on June 30, 2016 and will end on June 29, 2019.

During their respective meetings, the Management Board and the Governing Council also expressed satisfaction and confidence with the work of the Director and the staff of the ALSF and urged them to continue with the good work.

Meet the new members of the ALSF's Management Board

The African Legal Support Facility (ALSF) is pleased to introduce the new members of its Management Board appointed at the 7th formal meeting of the Governing Council held on May 23, 2016.

Professor Dandi Gnamou of Benin and Ms. Dorcas Achapa of Kenya were appointed as new members of the Management Board for three years beginning from June 30, 2016 to June 29, 2019.

Dandi Gnamou

Professor Dandi Gnamou is a highly reputed professor of law with experience in the fields of public international law, international economic law, peacekeeping and armed conflict law, law of international organizations and African regional integration, and constitutional law. Professor Gnamou holds a PhD in Public Law, and for over 10 years she has held academic positions, as a researcher, professor and senior lecturer at Paris-Sud XI University.

Dorcas Achapa

Ms. Dorcas Achapa is an accomplished public servant with expertise in international negotiations having been the Head of the International Law Division in the office of the Attorney General in Kenya for over 15 years. Ms. Achapa possesses excellent organizational skills and has experience in the interpretation and application of International Law. She has also been an Advisor to the Government of Kenya on the interpretation and application of various conventions including the Convention on the Law of the Sea.

Donors review progress of the African Legal Support Facility

At the second donor roundtable meeting of the African Legal Support Facility (ALSF) held in Lusaka, Zambia, the donors unanimously agreed that the ALSF comparative advantage lies in its model and mandate that is targeted at creating an enabling private sector environment as well as addressing issues of fragility in commercial law matters, and as such multilateral development banks like the African Development Bank (AfDB) can capitalize on this to maximize their impact and benefit in Regional Member Countries (RMCs).

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[In Pictures - 2nd Donor Round table Meeting](#)

The ALSF holds meetings with the AfDB's regional and non-regional member countries

The African Legal Support Facility (ALSF) team led by the Director, Stephen Karangizi, met with delegations from the African Development Bank's (AfDB) Regional Member Countries (RMCs) and Non-Regional Member Countries (Non-RMCs) from 23 to 27 May, 2016 on the margins of the 2016 AfDB and ALSF Annual Meetings in Lusaka, Zambia.

During the bilateral meetings, the parties discussed country specific priorities and explored areas of further collaboration.

The parties noted an increased focus on advisory services for infrastructure and power projects, and increasing capacity building demands in the area of Public-Private Partnerships, reflecting common trends and areas of focus across the African continent.

Delegations of the AfDB's RMCs reaffirmed their commitment to signing and ratifying the ALSF Treaty and shared a common view about the strategic significance and relevance of the ALSF to African nations.

Delegations of the AfDB's Non-RMCs expressed their continued commitment to the growth and work of



The ALSF Director, Stephen Karangizi with Ms. Tone Skogen, State Secretary, Royal Ministry of Foreign Affairs, Norway

ALSF and the ABLFA sign MoU to promote Africa's legal sector

A Memorandum of Understanding (MoU) on cooperation to advance Africa's legal sector was signed between the African Legal Support Facility (ALSF) and the African Business Law Firms Association (ABLFA) on 9 June 2016 in London. The ALSF Director, Stephen Karangizi and the President of the ABLFA, Michel Brizoua-Bi signed the MoU on the sidelines of the ABLFA Conference on "Structuring successful deals in Africa" held from 9 to 10 June 2016 in London.

The MoU seeks to promote partnerships and areas of collaboration to promote the involvement of African business law firms in complex commercial transactions on the continent; address legal skills requirements; review criticisms, suggestions and recommendations based on international standards about professional practices; and promote partnerships between international and African law firms.

Within the framework of the ALSF's outreach strategy this is an important partnership that will focus on enhancing the contribution of law firms based in Africa to the sustainable economic development of the continent.

ALSF convenes dialogue on State Equity Participation

It is important that African governments take appropriate measures to conduct due diligence to maximise the benefits of their natural resources that may be used to finance infrastructure needs on the continent for transformation. The debate should not be about whether we own the resources, but rather the discussion should focus on how best African governments leverage their power their natural resources, stated the Director of African Natural Resource Centre (ANRC) at African Development Bank (AfDB), Sheila Khama.

The viewpoints of eminent panellists suggest that African governments should adopt a business minded approach when managing their natural resources. The panellists namely Honourable. Konimba Sidibé, Minister for the Promotion of Investment and Private Sector, Mali; Nigel Boardman, Partner, Slaughter & May LLP; Rebecca Major, Partner, Herbert Smith & Freehills LLP (Paris); Sheila Khama, Director, ANRC at the AfDB and Mr. Otsile Matlou, Head of Mining Department ENS Africa were brought together by the African Legal Support Facility at a side event held on 25 May 2016 on the margins of the 2016 AfDB and ALSF Annual Meetings in Lusaka, Zambia to discuss the legal rights and obligations of state actors holding equity participation shares in the extractives and other ventures.

[Read more](#)

ALSF presented at Open Government Partnership Africa Regional Meeting in Cape town

As part of the African Legal Support Facility's (ALSF) work in developing Resourcecontracts.org, in partnership with The World Bank Group and the Natural Resource Governance Institute, Ms. Nchimunya Ndulo, Legal Counsel (ALSF), attended the Open Government Partnership Africa Regional Meeting, which was held in Cape Town, South Africa from May 5 - 6, 2016. Ms. Ndulo served on a panel entitled, "Resource Contract Transparency: A Practical Roadmap." As a panelist, Ms. Ndulo made a presentation entitled, "How has the African Legal Support Facility Supported Contract Transparency?"

The Meeting brought together experts from other international organizations, international development practitioners, government officials, lawyers, scholars and representatives from civil society to discuss a range of issues concerning contract transparency in natural resource contracts.

The panel was comprised of the Honorable Abdul Ignosi Koroma, Deputy Minister, Ministry of Mines and Natural Resources, Sierra Leone; Dr. Mohammed Amin Adam, Executive Director, Africa Centre for Energy Policy; Ms. Chantal Angoua, Technical Advisor, Ministry of Industry and Mines, Cote d'Ivoire; Mr. Charles Young, Open Data Consultant, Natural Resource Governance Institute; and Ms. Nchimunya D. Ndulo. During their presentations, the panelists examined the experiences of African governments and international organizations in addressing the issues faced by African states in negotiating and managing contracts in the extractives industry, and the role of contract transparency in doing so. The panel discussion also addressed the capacity challenges faced by many African governments in negotiating and managing such contracts, and the resulting imbalance in the negotiation process and how contract transparency can aid in addressing this imbalance.

In looking at the importance of contract transparency with regards to extractives contracts, Ms. Ndulo's presentation began by illustrating the current status of extractives contracts in Africa and concluded that at the root of the problems with the current status, is the imbalance at the negotiation table between governments and investors. Ms. Ndulo further looked at the benefits of contract transparency and how it can be regulated, and concluded by highlighting international and regional initiatives to promote contract transparency, and the ALSF's role in supporting contract transparency.

When discussing the ALSF' role in supporting contract transparency, Ms. Ndulo discussed how the ALSF provides African governments with strong legal representation at the negotiation table, thereby ensuring fair and balanced contracts. She further discussed how the ALSF seeks to develop sustainable legal capacity through its capacity building activities and the knowledge management products it produces—including AMLA and Resource.contracts.org, all of which help address the capacity gap which often contributes to government negotiating teams not being fully versed in many of the complexities involved in negotiating natural resource contracts when they are faced by highly competent and experienced counterparts representing investors. Ms. Ndulo further discussed the ALSF's involvement in regional working groups and initiatives, which include working with the United Nation's Economic Commission for Africa's African Minerals Development Centre, the African Development Bank's African Natural Resource Centre, and the African Union Commission on projects which promote transparency in the negotiation of natural resource contracts. In conclusion, Ms. Ndulo highlighted the key avenues for ALSF assistance for Governments in the negotiation of Natural Resources Contracts: advisory services, knowledge management products, and capacity building—stressing that capacity building is key as it remains one of the core causes of non-equitable contracts between States and investors across the African Continent.

FORTHCOMING EVENTS:

ALSF Management Board Meeting

When: November 30 - 1 December , 2016

Where: Abidjan, Côte d'Ivoire

Recommended PPP Contractual Provision Workshop

When: July 14 – 15, 2016

Where: Centurion, South Africa

Law, Justice and Development Week 2016: Law, Climate Change and Development

When: December 5-8, 2016

Where: World Bank Headquarters, Washington DC

Preparing Public Private Partnerships – Regional Workshop

When: September 5 – 9, 2016

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