

# Annual REPORT

2018

Enhancing Economic Development  
and **Inclusive Growth**  
in Africa







## AFRICAN LEGAL SUPPORT FACILITY

The African Legal Support Facility accepts contributions from Governments, Corporations, Foundations and other donors.

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### African Legal Support Facility

Immeuble CCI, Plateau 01  
B. P 1387 Abidjan, Côte d'Ivoire  
Telephone: (+225) 20 26 35 96  
Fax: (+225) 20 32 03 91  
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# List of Acronyms and Abbreviations

ABLFA	African Business Law Firms Association
ADF	African Development Fund
AfAA	African Arbitration Association
AFD	Agence Française de Développement Investment
AfDB	African Development Bank
ALSF	African Legal Support Facility
AMLA	African Mining Legislation Atlas
AU	African Union
CABRI	Collaborative Africa Budget Reform Initiative
CIFAF	International Training Centre in Africa for Francophone Lawyers
CLDP	Commercial Law Development Program
DFID	Department for International Development
DRC	Democratic Republic of Congo
EALS	East Africa Law Society
EITI	Extractives Industries Transparency Initiative
ECNR	African Natural Resources Center
EPC	Engineering Procurement and Construction Contract
GC	Governing Council
HIPCs	Highly Indebted Poor Countries
ICON	ICON-INSTITUT Public Sector GmbH
IFFs	Illicit Financial Flows
IISD	International Institute for Sustainable Development
IsDB	Islamic Development Bank
MB	Management Board
MoU	Memorandum of Understanding
MTS	Medium-Term Strategy
MW	Megawatt
OECD	Organisation for Economic Cooperation and Development
OHADA	Organization for the Harmonization in Africa of Business Law
PFA	Project Framework Agreement
PPA	Power Purchase Agreement
PPP	Public-Private Partnership
RAAA	Rapid Assessment and Assistance Allocation
RMcs	Regional Member Countries
SADCLA	Southern African Development Community Lawyers Association
U.S.	United States of America
UNECA	United Nations Economic Commission for Africa
USD	United States Dollars
USAID	United States Agency for International Development
USD	United States Dollars



## Management Board Members



**Ms. Dorcas Achapa**  
Chairperson



**Prof. Dandi Gnamou**  
Member



**Mr. Bruce Montador**  
Member



**Mr. Mahomed Rafique**  
Member



**Dr. Gaston Kenfack**  
Member



**Mr. Stephen Karangizi**  
Director & Ex-Officio Member

# Message from the Chairperson of the Governing Council



Africa's economic performance continues to improve, with gross domestic growth reaching 3.5 percent in 2018, about the same in 2017 and up 1.4 percentage points from 2.1 percent in 2016. This growth was driven by an increase in domestic consumption, improved macroeconomic management, and higher inflows of investments.

Despite the recent robust performance, Africa faces risks and vulnerabilities. Among these, a lack of adequate and well maintained infrastructure; and limited legal and technical capacities to conclude equitable and sustainable investment contracts in the extractives and natural resources sectors and for large complex commercial transactions which to an extent undermine Africa's speedy economic and social transformation.

To grow and prosper, African governments need to undertake sustained investments in infrastructure, health and education; provide legal and regulatory frameworks for sound business environments for trade and investment; properly harness the abundant natural resources; deepen financial and economic integration; and promote private sector development.

As this Annual report shows, the African Legal Support Facility (ALSF) is helping countries to: prepare and structure infrastructure related Public Private Partnerships; design toolkits and develop tender documents in power, transport, and telecommunication sectors; support the development and implementation of reforms in mining, oil and gas sectors; and build requisite skills to sustainably manage natural resources and negotiate fairer commercial agreements to retain revenues and benefits to Africans— and in so doing contributing to the desired development outcomes on the continent.

The success enjoyed by the ALSF would not have been possible without the strong support of our financing partners—particularly the African Development Bank, the European Commission, the Government of Belgium, the Ford Foundation, the Government of Canada, the Government of France, the Government of Germany, the Government of Guinea, the Government of Netherlands, the Government of Norway, UK, Department of International Development, United States of America International Development Agency, and Islamic Development Bank. We look forward to a successful year for the ALSF, our partners and participating states.

*Charles O. BOAMAH,  
Senior Vice President, African Development Bank,  
Chairperson of the ALSF Governing Council*

# Message from the Director



I am pleased to submit the eighth African Legal Support Facility (ALSF) Annual Report. In 2018, the ALSF began the implementation of its Medium-Term Strategy (2018-2022). This year, the ALSF continued to grow, with demand for our services sharply increasing and our partnerships expanding. Over the year, the Facility approved 49 operations. These interventions targeted over 20 countries and covered: 24 advisory projects; 21 capacity building projects, and four knowledge management projects. As in previous years, the projects focused on supporting African states to negotiate better agreements, especially in major infrastructure projects and commercial business transactions, and natural resource and extractive industries management.

Total disbursements in 2018 peaked at USD 11.5 million, exceeding the year's target. The ALSF also received additional financial resources from

Canada, Germany, Netherlands, Norway and the Ford Foundation amounting to over USD 7.6 million. Further to this, the European Union also approved a Euro 5 million grant to support our activities over a four-year period.

During the year, we continued to be creative and innovative to adequately respond to the needs of our clients. Most notably, we launched the ALSF Virtual Academy Project. This is a robust e-learning platform offering a three-level certification program to aspiring African lawyers. It will be implemented with African regional law societies and legal training institutions. The interest in the project from key stakeholders has been overwhelming and has raised huge expectations.

The Facility remained agile, relevant and effective in 2018. For these efforts, in September, the ALSF team was recognized as the Best Legal Department of the Year (Large Teams) at the 2018 Annual African Legal Awards. Similarly, earlier in the year, the ALSF was also recognized by the African Energy Forum as an innovative institution that continues to impact energy development in Africa.

I would like to take this opportunity to thank our Management Board and the Governing Council for guiding the institution with skill and commitment throughout the year. I extend my warmest thanks to our financing partners for their vital support. I pay specific tribute to the ALSF staff for delivering credible results. As we look ahead, we can do so with confidence and optimism that we are well positioned to fulfill the mandate entrusted to us.

*Stephen KARANGIZI,  
Director and CEO*





## Executive Summary

The year saw the launch of our new Medium-Term Strategy (2018-2022) (MTS). Guided by this strategy, the ALSF approved 49 projects, amounting to USD 14.1 million in 2018. The largest share of these operations targeted advisory services, followed by capacity building and knowledge management activities.

The ALSF registered higher annual disbursements levels of USD 11.5 million compared to USD 11million in 2017. This good performance is partly due to the continuous effort to improve the quality of projects at entry, and to streamlining the disbursement process through portfolio clean-ups, and constructive dialogue with our implementing agencies.



49 Projects

USD 14.1 million



Total Disbursements

USD 11.5 million



# Key Operational Achievements

## 2018



### Ethiopia

- Assisted the Government of Ethiopia to negotiate the Power Purchase Agreement (PPA) and Implementation Agreement (IA) for the first 500MW geothermal plant—Corbetti;
- Leveraging on the ALSF support and work undertaken on the Corbetti project, a second PPA and IA were developed and signed for 500MW geothermal plant, Tulu Moye; and
- Supported the Government of Ethiopia by providing capacity building services in respect of contract management and implementation relating to the Conditions Precedent of the PPAs and the IAs; which are key to ensuring the continuity and ultimate completion of similar projects.

### Rwanda

Assisted Rwanda's Energy Development Corporation, Ltd., a subsidiary of the national utility, Rwanda Energy Group Limited, to negotiate and sign an Engineering Procurement and Construction (EPC) contract with Sinohydro Corporation Ltd. for the Nyabarongo II hydroelectric power project.

The EPC established the critical terms for the design and construction of a hydroelectric power station, and all associated facilities and infrastructure for a total of 43.5 MW of electricity in the Southern Province of Rwanda.

### Cameroon

- Advised the Government of Cameroon on the construction framework and launch operations of the Nachtigal Hydroelectric Project. Financial close has been achieved for the 420MW project, the largest hydroelectric power facility in the country.
  - The Nachtigal Hydro Power Company will now start to build a run-of-the-river hydropower station on the Sanaga River in Cameroon. The company announced that following the financial close, groundworks and civil engineering of the project will soon begin.
  - The Nachtigal Project also won the Project Finance International (PFI) Global Multilateral Deal of the Year Award.
- See link: <http://www.pfie.com/journals/2018/12/17/z/i/r/PFI-Roll-of-Honour-2019.pdf>

### Uganda

Assisted the Government of Uganda to conclude and sign the Project Framework Agreement (PFA) with the Albertine Graben Refinery Consortium for the construction, development and operation of a refinery project in the Hoima region.

The PFA establishes critical terms and conditions for the oil refinery's development and represents an important milestone in the commercialization of Uganda's oil endowments.

### Senegal

- Supported the Government of Senegal to: (i) renegotiate the power purchase agreement of the development of the 158.7 MW wind farm in Taïba N'Diaye, (ii) draft and negotiate the guarantee and direct agreements; and (iii) deliver a capacity building program in the electricity sector.
- The project reached financial close in August 2018. It is being developed by Lekela Power, an Africa-focused renewable energy company, and Sarréole, a French developer. Financing for the project has been provided by the Overseas Private Investment Corporation and EKF Denmark's Export Credit Agency.

### Seychelles

With the support and technical guidance of the ALSF, Seychelles announced the launch of the tender of the right to develop, finance, own and operate a 4MW floating grid-connected solar PV plant in the Lagoon le Rocher, Mahé.

### Malawi

Supported the Government of Malawi to negotiate and sign seven concession agreements for the design construction, financing, operation and maintenance of university accommodation at seven campuses and universities across Malawi, including associated facilities.

# Institutional Development and Corporate Management

## Rapid Assessment and Assistance Allocation (RAAA):

This allocation was approved as part of the 2018 budget. The purpose of the RAAA was to: improve the quality of the ALSF portfolio of projects; increase the use of African lawyers by the ALSF; and enhance the responsiveness of the ALSF to transitioning states.

During 2018, the ALSF made use of the RAAA. This helped improve the due diligence and project screening and selection processes; supported rapid and timely response to the urgent needs of African Governments; and presented an opportunity to directly engage national lawyers to ensure that compliance with national frameworks are considered when the ALSF is screening projects. By using national lawyers, the ALSF raised its profile amongst national lawyers, and also received contextualized advice and increased the likelihood of the ALSF related operations to have developmental impacts on the targeted beneficiaries.

**Resource Mobilization:** In 2018, the ALSF remained engaged with a number of financing partners including: African Development Bank (AfDB), Canada, European Commission, Germany, Kreditanstalt für Wiederaufbau (KfW), Netherlands, Norway, Power Africa Initiative and The Ford Foundation. By the end of year, the ALSF had received over USD 7.6 million from Canada, Germany through KfW, Netherlands, Norway, and the Ford Foundation. The European Commission also provided a grant of Euros 5 million to support ALSF activities over a four year period.

During 2018, the ALSF held discussions with the relevant departments of the AfDB on incorporating the detailed implementation modalities of its new Financing instruments into the AfDB systems. In terms of operational progress, the ALSF had 7 active projects that had benefitted from its reimbursable Financing Instruments in 2018. Once fully implemented, it is anticipated that these Financing Instruments will create a revolving funding mechanism for operations and reduce dependence on donor funding.

**Staff Development:** During 2018, the ALSF continued to empower its staff through training, encouraging diversity and supporting different, and creative ideas. The ALSF team benefitted from various training opportunities to enhance their skills in monitoring and evaluation; public procurement; project finance; oil and gas negotiations; and financial analysis. These trainings will equip the ALSF team with skills to swiftly and adequately respond to needs of the Regional Member Countries (RMCs).

**Regulations and Internal Guidelines:** The ALSF updated some of its existing regulations and guidelines in 2018. Specifically, the ALSF revised and adopted its compendium of By-Laws and Rules and updated its revised operational guidelines and procurement manual to enhance accountability, and compliance with the internationally accepted standards. Furthermore, the ALSF team started to draft a human resources' related Manual for staff and consultants.

**Monitoring and Evaluation:** This year, the ALSF conducted eight (8) ex-post evaluations and four (4) internal Monitoring and Evaluation trainings; prepared baseline questionnaires for all ALSF projects approved in 2018; and collected projected implementation data. The Monitoring and Evaluation (M&E) team also worked on: a searchable M&E relational database with its management system; 2017 ALSF Effectiveness Review and updated the M&E manual to include a section on mainstreaming cross-cutting issues into the ALSF operations. With the financial support from Canada, plans are underway to undertake an independent evaluation of the ALSF's premier Medium Term Strategy (2013-2017) in 2019.

## Collaboration, partnership building and outreach

**Strategic Partnerships:** The ALSF staff attended and participated in a number of relevant international conferences which included: Mining Indaba; Africa Energy Forum; African Development Bank Group Annual meetings; Africa Business Law Firms Association (ABLFA); and African Legal Awards 2018 among others. These activities continued to increase the visibility of the ALSF and awareness of its services.



The ALSF partnered with various institutions bilateral and multilateral institutions including: African Development Bank, the World Bank Group, African Institute for International Law, Agence Française de Développement (AFD), Columbia Center on Sustainable Investment, Extractives Industries Transparency Initiative (EITI), International Institute for Sustainable Development (IISD), Commercial Law Development Program (US Commerce Department), South Africa's IPP Office, Strathmore University in Kenya, University of Kigali, Power Africa Initiative; Natural Resource Governance Institute, International Senior Lawyers Project and Germany (through GIZ and KfW); East Africa Law Society (EALS); the Southern African Development Community Lawyers Association (SADCLA); and the International Training Centre in Africa for Francophone Lawyers (CIFAF) to mention but a few.

Furthermore, the Facility sponsored the ABLFA Conference; Africa Ministerial Forum at Mining Indaba; and successfully hosted 16 African Energy ministers during the 20th Africa Energy Forum in 2018.

During 2018, ALSF also enjoyed a special relationship with KfW. Specifically, the Facility received funding from KfW to procure consulting services to: strengthen its strategic planning and its monitoring and evaluation activities; assist to launch the procurement for the selection of the "Panels" of law firms according to the new procurement manual; develop the relevant requisite staff skills and competencies in addressing cross-cutting matters; explore other sources of funding to reduce its heavy reliance on international donors and enhance financial sustainability; and improve the institution's effectiveness and efficiency.

In May 2018 ICON-INSTITUT Public Sector GmbH (ICON) was commissioned to undertake this assignment. Subsequently, ICON prepared an inception report and mobilized part of the key experts' team that will work alongside the ALSF staff over a two-year period.

**ALSF Membership:** Cameroon ratified the Agreement establishing the ALSF, bringing the total number of ratifications to 26. By the end of 2018, the total number of ALSF members is 60 which includes 53 states and 7 International Organizations.

During 2018, the ALSF team followed up with a number of countries and international organizations to complete their membership. In 2018, Democratic Republic of Congo, Uganda and Nigeria committed to complete membership procedures, while Angola and Algeria committed to accede to the ALSF agreement.

**Communication and Outreach:** This year, the ALSF undertook a number of activities including production and publication of 7 Monthly News Bulletins; over 30 Press Releases; more than 10 Media Advisories and updated its website. It also prepared and disseminated a number of communications products: ALSF 2017 Annual Report; ALSF Brochure; AMLA Brochure; and Roll-ups for a number of events.







“

*Cameroon ratified the Agreement establishing the ALSF, bringing the total number of ratifications to 26*



# Chapter 1

## Understanding the Work of the ALSF

Hosted by the African Development Bank, the ALSF is an international organization dedicated to fund and provide legal advice and technical assistance to Regional Member Countries (RMCs). Cumulatively, the ALSF has intervened in more than 45 RMCs, helping them to resolve issues in major natural-resource contracts, negotiate a variety of fair infrastructure and commercial deals and provide support to their defense against vulture funds.

### Mandate

The goal of the Facility is to remove asymmetric technical capacities and level the field of legal expertise among parties to litigation and negotiations. The Facility provides advisory services to improve the negotiating capabilities of its member countries. It also strives to further development in Africa by removing obstacles to realizing the benefits of debt relief through its work in vulture fund litigation. Through all of its activities the Facility aims to build additional legal capacity on the continent.

### Mission

To provide legal advice and capacity building to African countries on complex commercial negotiations and related sovereign transactions and vulture fund litigation.



Complex  
commercial  
negotiations



Sovereign  
transactions



Vulture fund  
litigation



### Values

The Facility is founded on the values of respect for the rule of law, equity, transparency, and good governance. These values are grounded on its "African character," as the Facility is a partner of all African countries and respects the diversity of the continent. The staff of the Facility is committed to uphold ethics, accountability, excellence, professionalism, probity, and a team-working spirit.



# The ALSF Services

The overall objective of the ALSF is to strengthen the legal capacities of African governments to negotiate and conclude equitable and sustainable agreements that deliver maximum economic value to African countries, and to protect their sovereign rights. The ALSF places greater emphasis on the following strategic areas:

## Advisory Services



Helping African governments to strengthen their legal expertise and negotiating capacities, particularly in the areas of natural resources and extractive industries, investment agreements and Public Private Partnerships (PPPs), including large-scale infrastructure and other related complex commercial and business transactions, as well as sovereign debt transaction.

## Capacity Building Projects and Knowledge Management Activities



Supporting the development of legal and technical capacities in Africa. Its capacity building model focuses on a real transfer of knowledge and skills development to nationals. The ALSF also provides assistance to develop, collect, and manage knowledge products including academic and legal materials, model documents, and other transaction-facilitation tools, databases of relevant precedent, curricula development, publications, and training platforms.

## Commercial Creditor Litigation



Providing African countries with financial resources to obtain specialist legal assistance for the negotiation and settlement or litigation of creditor claims. The aim is to ensure that they achieve equitable outcomes which allow them to fully realize the benefits of the Highly Indebted Poor Countries (HIPC)s Relief Initiative.



# ALSF Key Highlights

2018



January

The Management Board approved:

- A conditional advance to the Government of Gabon in support of negotiations in the Energy Sector
- A recoverable grant and a Grant to support Tanzania and Malawi on the Songwe Project
- A supplementary grant for the Uganda Refinery Project



February

The Management Board approved:

- A grant to support Advisory Services and Capacity Building in Somalia.
- A capacity building project designed to strengthen the corporate governance skills of members of Boards of Directors acting as state representatives in the extractives and complex Public Private Partnerships (PPP) projects
- A grant to support Mauritius in its negotiation of a PPA

The Facility organised a high-level panel discussion at the 2018 Mining Indaba Conference on "Gender Proactive Mining Law and Policy".



April

The Management Board held its 24th meeting in Abidjan, Côte d'Ivoire. The Management Board approved:

- A grant to support contract implementation and management in the energy sector in Ethiopia
- A supplementary grant to the Resources contracts
- A grant for capacity building in the energy sector in Congo
- A grant for capacity building in the oil sector in Togo

Cameroon became the 25th Member State to ratify the ALSF Treaty.

The Governing Council held an informal meeting to prepare for the 2018 Annual Meetings



August

The Management Board approved:

- A recoverable grant to the Republic of Cameroon for advisory services and capacity building activities with respect to the construction of the 420 MW Nachtigal hydroelectric power plant.
- A grant to the Republic of The Gambia for advisory services and capacity building activities to review of their model petroleum exploration, development and production licensing agreements and the development of capacity with respect to the same.
- A grant to the Republic of Mozambique for advisory services and capacity building activities in connection with debt restructuring negotiations including the subsequent transformation of two State-owned telecom companies, Telecomunicações de Moçambique and Moçambique Celular .
- An amendment to the Terms of Reference of the Rwanda Mininfra Waste Water Management Project.
- A grant to Republic of South Sudan for advisory services and capacity building in the oil and gas sector.

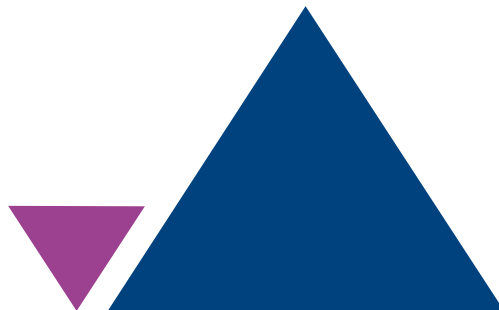


September

The ALSF won Best Legal Department of the Year prize at the African Legal Awards

The ALSF supported the African Institute of International Law and Botswana Power Project.





May

The Management Board approved:

- A recoverable grant for Advisory services and Capacity building activities to support the West African Power Pool Secretariat in the energy sector
- A conditional advance for Advisory Services and Capacity Building activities to support the Government of Mauritius Central Electricity Board

The Management Board held its 25th meeting and the Governing Council held its 9th Annual Meeting in Busan, South Korea

The Governing Council approved:

- Revised General Regulations
- Revised Rules governing the appointment of the members of the Governing Council
- Revised Rules governing the selection of the members of the Management Board
- Revised Rules of Procedure of the Governing Council
- The appointment of a new member of the Management Board
- On a pilot basis to receive funding from private entities to support a specific project



June

The ALSF received an award from the African Energy Forum



October

The Management Board approved:

- Supplementary grant to the Government of Guinea in support of Guinea Arbitration
- Supplementary Grant for the Somalia Airport
- Capacity building support to Government of Chad on PPP & Sovereign Debt
- Advisory and capacity building support to Government of Senegal on Senegal Eurobond
- Capacity building and knowledge management for Africa Sovereign Debt Book Print



November

The Management Board approved:

- A grant for AMLA Year 2 project proposal outlining the second year of the five (5) year AMLA project was presented to the Board. The project provides for knowledge management and capacity building activities.
- The 2019 Work Plan and Budget subject to the incorporation of the comments made in the final edition.
- A grant to develop the Gambia Power Roadmap

Discussed the 2017 ALSF Effectiveness Review and assessed its operations and institutional activities in 2018.



December

The Management Board approved a supplementary Grant for the Eswatini Power

The ALSF provided rapid assistance in advisory services to the Gambia Toll Bridge

The Facility approved to provide assistance on the Guinea in Soguipami project.

The ALSF held a Donors' meeting

The ALSF received 4 million from the Federal Republic of Germany

The ALSF signed a grant agreement of 5 million euros with the European Commission

# Chapter 2

## Enhancing African Legal and Technical Capacities

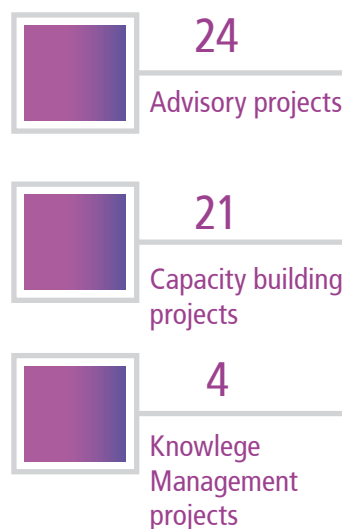


### Overview of the ALSF Operations in 2018

The ALSF works with a wide range of stakeholders that include public and private sectors, legal professionals and law firms, civil societies and international partners. In 2018, the Facility continued to provide top notch legal assistance to African governments to advance infrastructure and extractive projects. The aim is to negotiate balanced commercial agreements that are in the long-term interests of citizens, governments and investors.

The ALSF also focused on real transfer of knowledge and skills development to African lawyers and government officials through customized workshops, seminars, and partnerships in 2018. Specifically, the Facility developed practical handbooks; updated and managed websites with precedents; developed relevant curricula and facilitated training platforms. These ALSF capacity building and knowledge management activities have cumulatively equipped over 5,000 African lawyers and technical experts to negotiate and conclude equitable and sustainable commercial agreements—to maximize the resources for economic and social progress in Africa.

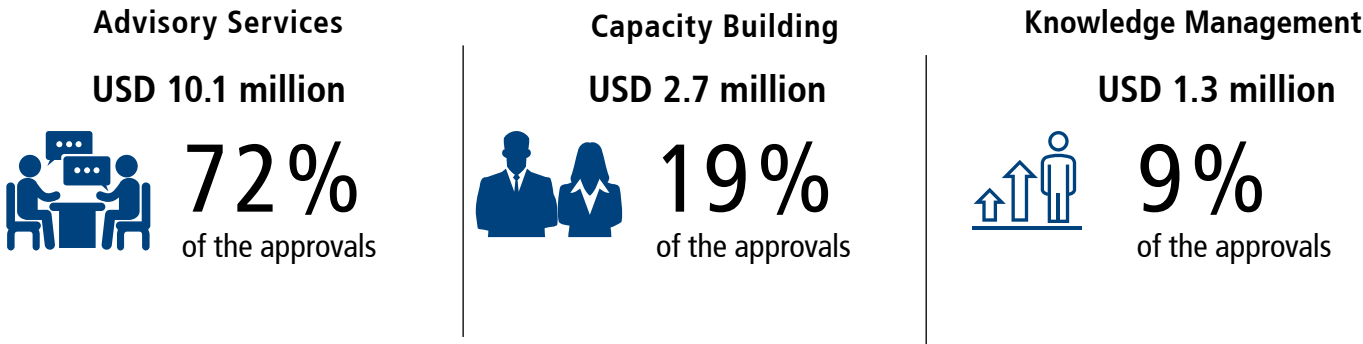
In 2018 alone, the ALSF approved a total of 49 operations with a total value of USD 14.1 million. These interventions covered:





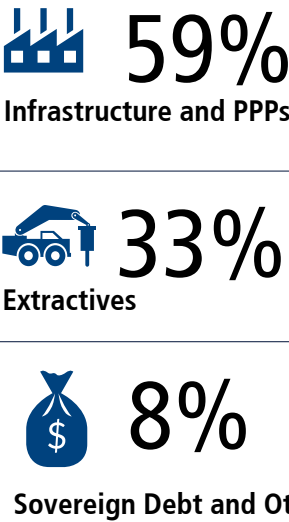
## Operations by Priority Areas

During 2018, the ALSF approvals focused on supporting African states to negotiate better agreements, especially in major infrastructure projects and commercial business transactions. In terms of value, the bulk of the ALSF operations provided advisory services, which stood at USD 10.1 million, representing 72 percent of the approvals, followed by capacity building activities, which accounted for 19 percent (USD 2.7 million) and knowledge management products that took up 9 percent (USD 1.3 million).

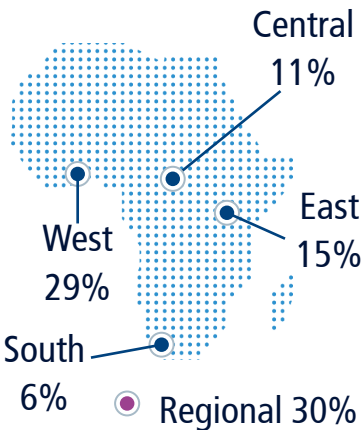


## Operations by Sector

As of 31 December 2018, the ALSF’s support to infrastructure-related interventions stood at USD 8.3 million (59 percent); natural resource and extractive industries management were worth USD 4.7 million (33 percent); and other activities mainly related to litigation, sovereign debt and ALSF Academy interventions amounted to USD 0.8 million (8 percent). In sum, the ALSF operations mainly focused on improving access and quality of infrastructure and achieving greater benefits from extractive wealth in Africa.

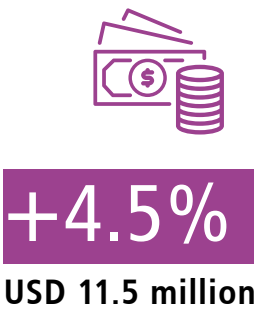


## ALSF Operations by Sub-Region



## Summary of Disbursements

Total disbursements stood close to USD 11.5 million, a 4.5 percent increase over 2017, and the highest on record for the ALSF. As of 31 December 2018, the cumulative disbursements amounted to USD 56 million. This strong performance is partly due to the continuous effort to improve the quality of projects at entry, and to streamline the disbursement process through portfolio clean-ups, and adequate engagement with our clients.



# Areas of Special Emphasis

## Promoting Gender Equality for Inclusive Growth

Gender equality and women's empowerment is integral to achieving the Sustainable Development Goals and a quality feature of the ALSF work. More specifically, the current Medium Term Strategy (2018-2022) provides a mandatory framework for embedding and promoting gender equality within the ALSF, and across its project interventions in Africa.

The gender mainstreaming approach of the Facility is at two levels. Firstly, all projects and interventions of the Facility include gender mainstreaming considerations. Secondly, the Facility makes every effort to maintain its human resources at gender parity (50 percent representation) at all levels both management and support services.

### *Mainstreaming Gender in ALSF Operations*

In 2018, the ALSF created opportunities for women to participate in, and benefit from, the development of their communities and nations. To do so, the ALSF staff were trained and equipped to facilitate the gender mainstreaming processes in its operations. The staff ensured that during the preparation of respective project Performance Measurement Frameworks, due-diligence, and implementation of the legal assistance, specific provisions or arrangements for gender equality were included in the respective agreements and activities. Further to this, during the post-contract phase, the ALSF team checked for compliance to gender equity indicators.

These efforts yielded credible results, the ALSF continued to experience a decrease in gender disparities among the participants attending its training workshops. Additionally, the ALSF has empowered and encouraged African women to play an active role in ALSF supported energy, extractive and transport projects and provided university accommodation in Malawi critical for women to guarantee them a conducive environment for higher education among others. Over the year, the ALSF continued to promote gender equality across its operations, including:

**The ALSF Academy Project:** This ALSF intervention has integrated gender considerations in the development of the curricula, selection and monitoring of participants' in the online trainings. As a result, approximately 37 percent and 24 percent of the participants in the in-person trainings that took place in Rwanda and Benin respectively, were female. Deliberate efforts to encourage equal gender participation in the ALSF Academy's online portal will be made, monitored and evaluated over the implementation period of this project. Finally, marketing and future course development goals and strategies will also take into account the results of these assessments.

**The Rwanda Mining Project:** With the support of the ALSF, Rwanda crafted a "Law on mining and quarry operations". The language used in the document is gender neutral to avoid bias towards a particular gender. It is anticipated that this will equally encourage women and men to hold mineral rights and access employment opportunities in the mining sector. To further advance gender equality, the law stipulates that agreements for mineral exploration and mining:

- Require licensees to comply with laws promoting gender equality and complementarity;
- Require licensees to provide fair remuneration and conditions of service to employees and ensure that employment practices comply with applicable employment, labour, gender and human rights laws of Rwanda;
- Provide for inspections by the Government to ascertain whether licensees have put in place health and safety measures that are adequate for women employed in the mineral operations; and
- Prohibit licensees from employing children in mineral operations.





**The UEMOA Extractive project:** The ALSF provided legal and technical assistance to government officials in the extractives sectors from Benin, Burkina Faso, Côte d'Ivoire, Guinea Bissau, Mali, Niger, Senegal, and Togo to negotiate and conclude balanced agreements in the extractives sector. The training workshop highlighted the role of women in the extractive industries and discussed the importance of addressing the gender equality and female empowerment related issues in the new Common West African Economic and Monetary Union Mining Code.

**The African Mining Legislation Atlas (AMLA) project:** AMLA is a legislation gathering, organization, dissemination and capacity building project with three main activities:

- Create a free online one-stop resource for Africa's mining legal framework (mining codes, regulations and related legislation) platform with interactive features to provide comparative data;
- Prepare guiding template, an annotated document that outlines a menu of legislative solutions to assist countries in the preparation or revision of their mining laws; and
- Train African law students in the use and population of the platform and on overall issues in mining law.

In 2018, the AMLA workshop held in Kigali, out of a total of 57 participants, 24 were female as compared to 23 male

trainees. These trainees were from 28 African Universities, representing 19 countries on the continent.

### *Mainstreaming Gender at the ALSF Directorate*

To build a gender-responsive institution, the ALSF management is committed to creating a working environment that attracts and retains the best female and male professionals. To achieve that, the ALSF co-opted the AfDB Gender Strategy and it has put in place family-friendly practices such as job sharing to help women returning to work after maternity leave, and both men and women who have responsibility for caring for children or elderly or disabled relatives; providing assistance for travel for breastfeeding mothers; and promoting telecommuting to support staff who have to be away from the duty station. Alongside this, the ALSF also ensures that it has a largely balanced gender representation on its Management Board and Governing Council. These efforts towards gender equality and internal family-friendly practices have had a positive impact. By the end of 2018, the share of the female ALSF staff stood at 60 percent; two out of six ALSF Management Board members are women; and our current Board Chairperson is a female.





## Looking Ahead

As articulated in our Medium Term Strategy, the ALSF will continue to take account of gender considerations in our services to ensure that gender perspectives are given priority in our interventions. The ALSF will also be guided by gender equality aspirations, as it carries out its activities related to addressing international commercial arbitration issues. Connected to this, the ALSF plans to support the global initiative entitled “The Pledge” 15, which aims to raise the visibility and presence of women in the field of arbitration.

To remain efficient and responsive, the ALSF will to the extent possible align its gender mainstreaming approaches with the AfDB guidelines and checklists which provide for, among others, promoting strategies for effective implementation of internationally accepted norms and standards on women’s rights, as well as supporting reforms within RMCs judicial systems including capacity enhancement for the promotion and respect for women’s human rights.

In line with our Medium Term Strategy, in the coming years, our interventions will mainly focus on increasing women’s:

- Access to enhanced legal capacities expressed in terms of:
  - number of women participating in the ALSF supported trainings; and
  - proportion of women in these respective sessions; and
- Access to infrastructure services (water, small businesses sub-contracted and so on) provided by the ALSF supported projects.

## Encouraging Environmental Sustainability to accelerate Inclusive Development

The ALSF addresses environmental and social concerns in its operations to support environmentally sustainable and socially inclusive economic growth in Africa. Specifically, the Facility promotes a constant incorporation of environmental considerations in negotiated contracts, including best practices and other measures to improve natural resource management and environmental protection.

## Good Governance

The ALSF’s work is underpinned by the respect of the rule of law, equity, transparency and good governance. Guided by these values, the Facility has facilitated the negotiation or review of more than 60 contracts and tender processes. Among these, the ALSF has over the years helped to:

- Renegotiate a PPA to develop a 158.7 MW wind farm in Senegal
- Negotiate a solar project concession worth USD 24 million in Rwanda;
- Develop 1 PPA and 1 transmission and distribution agreement in Gambia;
- Finance a detailed review of a PPA in Togo;
- Advise on 2 complex commercial transactions to build a dam in Mauritius;
- Renegotiate 3 large mining concession agreements in Niger;
- Analyze existing gas Production Sharing Agreements in Tanzania;
- Evaluate 4 mining conventions and drafted 1 convention in Liberia;
- Review commercial contracts in Djibouti;
- Negotiate 2 PPAs and related contracts in Benin;



*The ALSF will focus on increasing women’s access to enhanced legal capacities and access to infrastructure services*



## Enhanced Engagement in Transitioning States

The ALSF assists African States that are categorised as Transitioning States by the AfDB and are eligible for assistance from the African Development Fund window for states in fragile situations. Such states are more vulnerable to creditor litigation and more susceptible to the risk of concluding inequitable commercial agreements.

By the end of 2018, the ALSF had cumulatively approved over 90 projects amounting to USD 39.0 million to Transitioning States. These operations covered 16 countries including: Chad, Côte d'Ivoire, Eritrea, Gambia, Guinea, Guinea-Bissau, Liberia, Madagascar, Mali, Mozambique, Niger, Sierra Leone, Somalia, Sudan, Togo and Zimbabwe.

### Niger Mining

**Objective:** Assist Niger to negotiate large mining concession agreements with investors

**Impact:** Negotiated mining concessions resulting in an increase of USD 220-330 million in additional revenues for the host country.

### Liberia Firestone

**Objective:** Assist Liberia to re-negotiate a Concession Agreement with Firestone Natural Rubber Company

**Impact:** Successfully renegotiated the concession agreements and generated additional revenues for the government and avoided job losses of around 8,000 Liberians

### Somalia Airport

**Objective:** Assist Somalia to negotiate the concession agreement for the Mogadishu International Airport. Train government officials on the negotiation of concession agreements.

**Impact:**

- Developed the Draft Concession Agreement
- Trained 22 government officials in undertaking due diligence and negotiating Concession Agreements

### Democratic Republic of Congo Vulture Fund Litigation

**Objective:** Support DRC to resolve commercial disputes with a vulture funds

**Impact:** Successfully won an appeal that in the United States of America. This released over USD 100 million in funds back to DRC government that it has used for other development purposes

### Gambia Oil

**Objective:** Assist Gambia to review existing model petroleum and licensing agreements; advise on competitive selection process of licensees; negotiate six petroleum exploration and production licensing agreements; build capacity of government officials in the negotiation of exploration and production licensing agreements.

**Impact:**

- Revised the model/template of the petroleum and licensing agreements
- Restructured the tendering process of the licensees.



## Promoting the Use of International Arbitration

In June 2018, the ALSF hosted a conference on Arbitration in Africa, and the launch the African Arbitration Association (AfAA) in Abidjan, Côte d'Ivoire.

AfAA was created by the 71 arbitral institutions in Africa. It was founded for the purpose of promoting the development of international arbitration and other forms of international dispute resolution on the African continent. It is anticipated that the AfAA will be a forum where arbitral institutions will pool their resources to coordinate efforts toward promoting arbitration and foster growth.

The ALSF is committed to promoting commercial law development in Africa to deliver commercial justice in the years to come. The establishment of the AfAA deeply aligns with the ALSF's objectives of advocating for arbitration in Africa; creating awareness campaigns to advance the use of arbitration; and building relevant capacities among members of arbitration in Africa.

## Discouraging Illicit Financial Flows (IFFs)

The ALSF provides advisory services to negotiate fair contracts that minimize defaults and debt accumulation that could potentially expose African countries to IFFs. Furthermore, the Facility also raises awareness on the impact and risks of IFFs to African states. Related to this, the ALSF participated in the Extractive Industries Transparency Initiative (EITI) Conference on Beneficial Ownership Transparency in 2018.

The Conference gathered senior government officials from 24 African EITI countries, including ministers and experts in the field of ownership transparency. This event showcased good practices and progress made by EITI countries implementing beneficial ownership disclosure, discussed challenges, provided peer-learning and exchanged experiences. During the Conference, the ALSF's Director facilitated the session on Legal approaches to ownership transparency. This session explored different approaches to beneficial ownership transparency and identified good practices in terms of definition, scope of disclosure, system for collecting and storing information, enforcement and cooperation between authorities.







ALSF received an award from Africa Energy Forum for its impact on energy development in Africa

The ALSF has been instrumental in raising awareness of the existing gaps experienced by African countries in legal capacities and resources. Beyond this and more importantly, the Facility has consistently provided assistance to the African countries in strengthening their legal expertise and negotiating capacities in debt management and litigation, natural resources extractive industries and commercial and business transactions. Our support to infrastructure projects also enhances the role of the private sector investment in the commercial ventures thereby reducing on accumulation of public debt.

In 2018, the Facility witnessed a strong performance across its operations and institutional activities. For these efforts, the ALSF team was recognized as Best Legal Department of the Year (Large Teams) at the 2018 Annual African Legal Awards held in Johannesburg, South Africa on 8th September 2018. At the same event, the Facility also received special mention for its support to African governments in negotiating investment related transactions essential for their social and economic development. Similarly, earlier in the year, the ALSF was also recognized by the African Energy Forum as an innovative tool that continues to impact energy development in Africa.

## The ALSF Selected Capacity Building Events, 2018

### Workshop on Public-Private Partnership

Abuja, Nigeria - January

51 participants

### Rwanda EPC Negotiations Workshop

Kigali, Rwanda - January - February

13 participants

### Seminar on Legal and Institutional Framework of Oil and Gaz Transactions

Dakar, Senegal - February

24 participants

### Seminar on Tax, Accounting and Financial Aspects of Oil and Gaz Transactions

Dakar, Senegal - March

32 participants

### Seminar on Contractual Aspects in Oil and Gaz Sector

Dakar, Senegal - April

32 participants

### Capacity Building Workshop on Negotiating Fisheries Agreements and Concessions

Abidjan, Côte d'Ivoire - May

21 participants

### Seminar on International Arbitration and Litigations related to the Renegotiation of Mining Contracts

Conakry, Guinea - June

48 participants

### Sao Tome and Principe Bar Association Workshop

Sao Tome, Sao Tome and Principe - June

20 participants

### The Second Global Roundtable on Infrastructure Governance and Tools

Grand Bassam, Côte d'Ivoire - June

150 participants

### Procuring Infrastructure Public-Private Partnership – Presentation of the 2018 Report

Abidjan, Côte d'Ivoire - June

30 participants



*ALSF's work is leveraging strengths, expertise and resources for large scale impacts.*



## The ALSF Selected Capacity Building Events, 2018

### Regional Capacity Building Training Workshop on Fisheries Access

Pretoria, South Africa

28 participants

### Capacity Building Seminar in the Mining Sector

Bissau, Guinea Bissau - October

24 participants

### Seminar on Public Participation Management in the Extractives Sector

Dakar, Senegal - October

19 participants

### Enhancing Institutional Capacity to Implement Public Private Partnerships in the Energy Sector

Mbabane, Eswatini - October

30 participants

### ALSF Academy EALS & SADCLA Lawyers Workshop

Kigali, Rwanda - October

43 participants

### ALSF Academy CIFAF & ABLFA Lawyers Workshop

Cotonou, Benin - November

42 participants

### African Mining Legislation Atlas - AMLA Workshop

Kigali, Rwanda - December

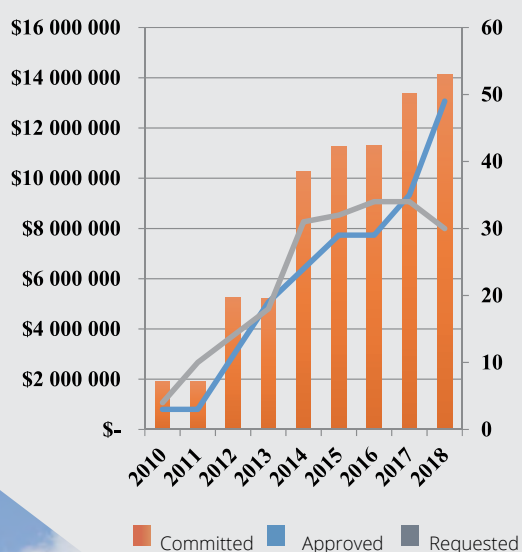
57 participants

# Historical Overview of the ALSF Operations

2010-2018

By the end of December 2018, the ALSF had cumulatively approved **USD 74.5 million for 192 operations in more than 40 African countries**. The graphs below indicate the evolution of the operations and the historical distribution of these operations by priority areas and sector.

## Evolution of the Operations



192

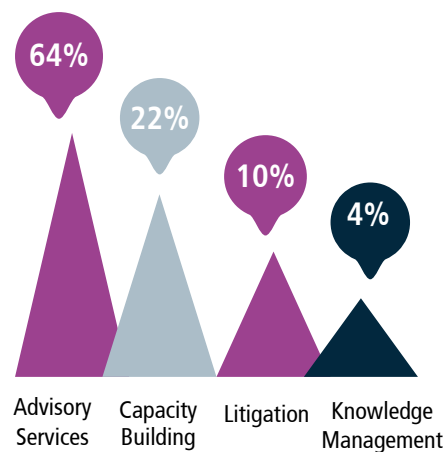
Operations

USD 74.5 million

40

African countries

## Cumulative Operations by Priority Areas



## Cumulative Operations by Sector

48%

Infrastructure and PPPs

35%

Extractives

11%

Debt

6%

Other



# Key Results 2018

The table below highlights the potential developmental impacts of evaluated projects upon completion, and the results for key projects across countries for the year 2018.

Expected Overall Impact Level Results	Expected Project Level Results	Targeted Sustainable Development Goals (SDG)
<b>Access to Power-over 3.9 million</b>	<ul style="list-style-type: none"> <li>Gabon Hydro: 1.9 million</li> <li>Taiba N' Diaye: 2 million</li> <li>Cameroon hydro: 335,000</li> </ul>	SDG 7: Ensure access to affordable, reliable, sustainable and modern energy for all
<b>Power production- 2,994 MW</b>	<ul style="list-style-type: none"> <li>Cameroon hydro: 420 MW</li> <li>Gabon Hydro : 88 MW</li> <li>Cote d'Ivoire Energy: 1300 MW</li> <li>Rwanda Hydro Nyabarongo II: 28 MW</li> <li>Taiba N'Diaye:158 MW</li> <li>Ethiopia Corbetti: 1000 MW</li> </ul>	SDG 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
<b>Jobs Created:162,900</b>	<ul style="list-style-type: none"> <li>Cameroon hydro: 1,500</li> <li>Gabon Hydro : 9,000</li> <li>Rwanda Bugesera: 2,000</li> <li>Taiba N'diaye: 400</li> <li>Bagamoyo Port:150,000</li> </ul>	SDG 9: Promote sustained and sustainable economic growth, full and productive employment and decent work for all
<b>Government Savings realized-USD 895 million</b>	<ul style="list-style-type: none"> <li>Guinea Bissau-China Exim: USD 45 million</li> <li>DR FG Hemisphere case: USD 100 million</li> <li>Cameroon Eurobond: USD 750 million</li> </ul>	SDG 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development
<b>Revenue to Governments from Extractives—USD 330 million</b>	<ul style="list-style-type: none"> <li>Niger Mining : USD 330 million</li> </ul>	SDG 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development
<b>Funds recovered by Governments—USD 128 million</b>	<ul style="list-style-type: none"> <li>DRC FG Hemisphere case: USD 100 million</li> <li>Tunisia government: USD 28 million</li> </ul>	SDG 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development
<b>Value of projects negotiated—USD 60.5 billion</b>	<ul style="list-style-type: none"> <li>Rwanda Bugesera Airport: USD 818 million</li> <li>Nachtigal Hydro: USD 1.2 billion</li> <li>Senegal wind farm: USD 20 million</li> <li>Uganda Oil refinery: USD 4 billion</li> <li>Malawi PPP Hostels: USD 450 Million</li> <li>Niger Mining: USD19 million</li> <li>Bagamoyo port: USD10 Billion</li> </ul>	SDG 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation



# Results by Projects

2018



## Uganda Oil Refinery

### Intervention at ALSF

Provision of legal, financial and technical support for advisory services and capacity building services for the negotiation and drafting of complex commercial agreements concerning the construction and development of the Uganda Refinery Project, and the financial structuring

### Immediate outcomes

- Successful negotiation of the Project's Core Terms and the negotiation of the Project Framework Agreement that saw the investor post a commitment bond of USD 2 million before the signing of the Project Framework Agreement (PFA) with the government for the oil refinery.
- The PFA stipulates that the investors' consortium will fund the Government of Uganda's - advisors for the project through the development phase for all pre-financial investment decision activities.
- Enhanced capacity of local legal practitioners in complex contract negotiations, specifically in PFAs.

### Ultimate outcomes

- Increased processing of crude oil 60,000 barrels per day, increasing markets for refined oil
- Additional source of income to the country resulting in an anticipated growth in the GDP is by 2 percent annually.





## Malawi PPP

### Intervention at ALSF

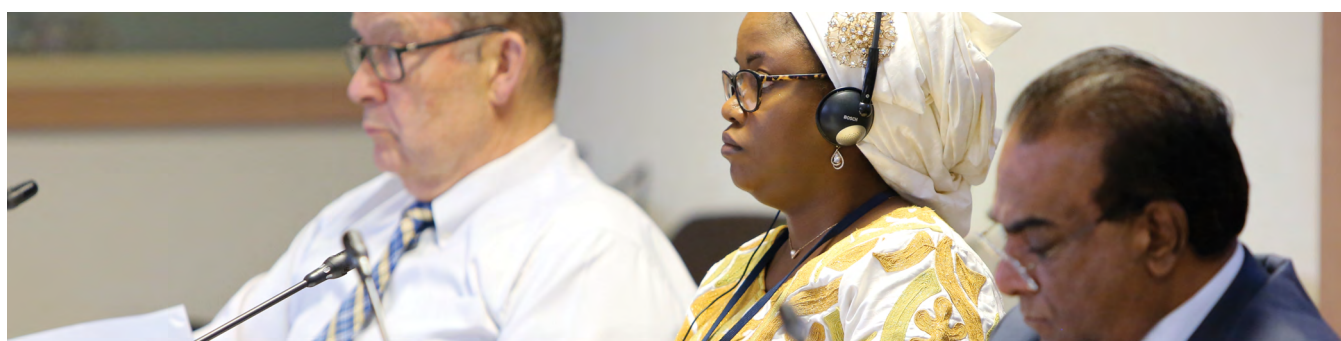
Capacity building in the contract negotiations for PPP in the construction of dormitories across 8 college campuses in Malawi.

### Immediate outcomes

Successful contract negotiation and selection of two firms to undertake the construction of the dormitories at a cost of at USD 450 million.

### Ultimate outcomes

- Increased intake/enrollment of students from 14,000 to 24,980 annually.
- Higher student enrolment into the public universities, assures the country of increased human capital and improved social-economic development.



## Senegal Boardroom Training on PPP

### Intervention at ALSF

Facilitation of the Executive Training for State Representatives on Boards of Directors of Companies engaged in the extractives Sector and PPP projects for Francophone countries.

### Immediate outcomes

Successful implementation of the training resulting in the increased knowledge in contractual aspects, tax accounting and legal and institutional framework in the oil and gas sector for government officials from ten countries i.e. Algeria, Burkina Faso, Chad, Cote d'Ivoire, Central African Republic, Gabon, Guinea, Niger, Senegal and Togo.

### Ultimate outcomes

- Guinea Société Guinéenne de Patrimoine Minier officially requested ALSF assistance in negotiating an upcoming complex commercial transaction related to the commercialisation of Bauxite ore that is worth USD 6 billion.
- Expression of interest by the Senegalese power utility on assistance for advisory services related to a gas power plant under development.





## Cameroon Hydro

### Intervention at ALSF

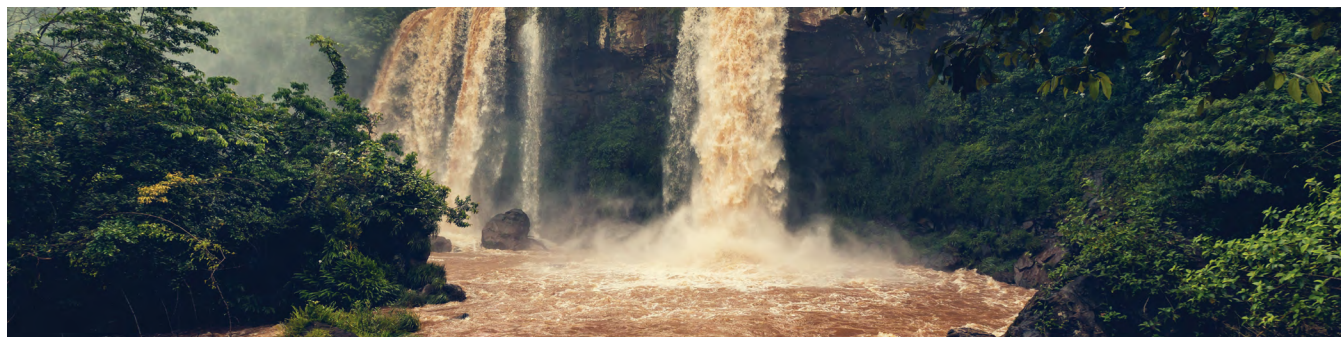
Legal advisory services to the government of the republic of Cameroon in negotiations in energy sector for the Natchigal-Amont hydroelectric project

### Immediate outcomes

Financial close of the project with the negotiation of 10 complex project and financial agreements in the power sector and enhanced capacity of Government representatives, national experts and local practitioners in the negotiation of PPPs and power purchase agreements

### Ultimate outcomes

- Production of 420 MW of power
- Boost the countries power generation capacity by 30 percent
- Reduction in power generation costs by USD 100m per annum.
- 1500 jobs will also be created



## Rwanda Hydroelectric power (Nyabarongo II)

### Intervention at ALSF

Provision of full time legal advisory services for the Ministry of Infrastructure to work closely with local advisors on contract drafting, negotiations and contract management

### Immediate outcomes

Successful contract negotiation between Rwanda and Sino hydro Corp for the provision of Hydroelectric power

### Ultimate outcomes

Enhancement of the rural electrification program and contribution of 28 MW of electricity to the national grid. The government anticipates to reduce the monthly expenditure on importation of diesel from a tune of USD 12.9 million to USD 7.4 million



## Gabon Hydro

### Intervention at ALSF

Preparation and negotiation of power purchase agreements and related contracts for hydroelectricity plants, and building capacities for the negotiation of contracts in the power sector

### Immediate outcomes

Successful negotiation of three power purchase agreements that will govern the power production

### Ultimate outcomes

- 88 MW of power generation anticipated
- 1.9 million people accessing electricity
- 9,000 new jobs created
- 600,000 residents accessing clean energy



## Côte d'Ivoire Energy

### Intervention at ALSF

Advisory services in PPP financial technical and legal aspects specifically in the energy sector

### Immediate outcomes

Revision of service concession agreements and power purchase agreements: improved capacity of national experts in PPP and funding of projects in the energy sector

### Ultimate outcomes

Increased capacity of electricity production in Côte d'Ivoire in solar (50 MW), Thermal Energy (972 MW), Biomass (46MW) and hydro energy (230MW) by the year 2020 and increased access rate to electricity, particularly for rural communities



# ALSF Notable Stories

2018

## Strengthening Legal and Technical Capacities in Africa



### Building Capacities of Energy Industry Players on Structuring PPPs in Eswatini

In 2018, the ALSF and AfDB jointly hosted a national workshop on “Enhancing Institutional Capacity to Implement Public Private Partnerships (PPPs) in the Energy Sector” in Mbabane, Eswatini.

The workshop was aimed at closing the skills gap between practitioners and policy-makers in Eswatini and across the region. The event was attended by over 30 participants from government and energy industry practitioners.

The weeklong training focused on building the capacities of energy industry players on structuring PPPs. It specifically provided the participants with the legal and financial knowledge, skills and tools to initiate and implement PPPs. It is anticipated that this will in the long run, contribute to increased space for PPPs and improved access to energy and infrastructure services in the country.



## ALSF Virtual Academy – Strengthening African Legal and Technical Capacities

One of the key drivers of attracting Foreign Direct Investment is the need for African countries to conclude equitable and durable agreements with investors that can stand the test of time. However, many African countries often face the challenge of negotiating these deals due to having limited expertise in the new areas that are often not taught at African institutions.

Since 2010, the ALSF has been dedicated to sustainable capacity building for African lawyers and experts in negotiating major commercial agreements. As part of its goal towards attaining its mission, the Facility launched a flagship initiative entitled the "ALSF Academy Project". Under this initiative, the ALSF developed a three-level capacity building and certification program. This program will be conducted through an interactive online portal, starting with an inception phase consisting of a series of in-person workshops.

In partnership with, the East Africa Law Society (EALS), the Southern African Development Community Lawyers Association (SADCLA), the International Training Centre in Africa for Francophone Lawyers (CIFAF) and the African Business Law Firms Association (ABLFA), the Facility held the ALSF Academy Project's two introductory level inaugural in-person training workshops in 2018.

The first introductory level workshop took place in Kigali, Rwanda for African lawyers selected by the SADCLA and the EALS. Following the success of this workshop, the ALSF ran a similar workshop in Cotonou, Benin for lawyers selected by the CIFAF and the ABLFA from African countries that belong to the Organisation for the Harmonization of Business Law in Africa and other francophone jurisdictions.

The subject areas covered by the workshops are particularly pertinent to African governments and lawyers and include: (i) mining; (ii) oil & gas; (iii) power ; (iv) infrastructure and PPPs; (v) sovereign debt; and (vi) soft skills required for a successful legal practice. To foster the exchange of knowledge during the workshops, participants were encouraged to share relevant experiences and network with each other. This educational environment not only enhanced the knowledge attained through such interactions, but also highlighted the importance of collaboration amongst African practitioners. Through the training, the participants will be better equipped to negotiate key issues relating to complex commercial transactions in Africa.





*We are hoping to have more of these capacity building workshops, they are essential for Africa to move forward,”*

The Director-General of Fisheries and Aquaculture of Gabon,  
Micheline Schummer Glandji

## Empowering African Lawyers to Negotiate Fishing Agreements and Concessions

Illegal, Unregulated, and Unreported fishing represents USD 1.2 billion loss in revenue for West African countries alone. Some of this loss is due to inadequate governance in the sector. There is a growing awareness among African countries and regional bodies dedicated to maritime economy, of the need to strengthen capacity in this sector and empower government ministries for negotiations.

To respond to this need, the ALSF in partnership with the African Natural Resources Centre (ENRC) of the African Development Bank held regional seminars on negotiating fishing agreements and concessions for African countries.

The training workshops were attended by technical personnel from the relevant ministries in African

countries, and featured negotiation simulations as well as experience sharing in the fisheries sector. These workshops advanced the ALSF’s mission to build sustainable legal capacity in Africa, in synergy with African Development Bank’s High 5 priorities of Feeding Africa and Improving the Quality of Life in Africa. The workshops empowered regional member countries whose economies are affected, with tools to negotiate agreements and concessions in the best interest of their respective countries.



## Creating an Enabling Environment for PPPs in Burkina Faso

The ALSF assisted the Government of Burkina Faso to build relevant legal and technical capacities in PPP transactions. The support focused on drafting of standardized bidding documentation and model PPP contracts applicable to any sector, with a special emphasis on the toll-roads infrastructure transactions.

The specific activities included: reviewing and preliminary analysis of the PPP legislative and regulatory frameworks; developing of a “toolkit” with standardized legal documents for procurement and model PPP contract and standardized documents for the toll-road infrastructure sector; and organizing of a capacity building training seminar for Government officials and local lawyers. The skills acquired will undoubtedly be essential in helping the country negotiate fair PPPs’ contracts in the years ahead.



*Once again, I would like to express our gratitude for the support of the ALSF in the preparation of our PPPs and standard contract files. We have started using it for the selection of private partners and a ministerial decree was signed making it mandatory from January 2019.*

The Director of PPP Burkina Faso,  
Philippe Palenfo



### Promoting Fair Commercial Negotiations and Agreements

#### Harnessing Geothermal Potentials in Ethiopia

In 2014, having signed a Heads of Terms, the Government of Ethiopia formally requested the ALSF's assistance negotiating the PPA and Implementation Agreement (IA) in respect of the first 500MW geothermal plant - Corbetti. In response, the ALSF recruited a leading eminent legal counsel to support the Government.

The complex negotiations concluded in December 2017 with the historic signing of the agreements in Addis Ababa. Leveraging the ALSF's support and the work undertaken by Corbetti the PPA and IA in respect of the second 500MW geothermal plant, Tulu Moye, were also signed in December 2017. The transformational Corbetti and Tulu Moye Projects signifies a watershed moment for the investment trajectory of Ethiopia's economy and will provide its citizens with access to clean sustainable renewable energy in the future.

The ALSF continues to support the Government of Ethiopia by providing capacity building services in respect of contract management and implementation relating to the Conditions Precedent of the PPAs and the IAs; which are key to ensuring the continuity and ultimate completion of a project. In sum, the ALSF's successful intervention has allowed for the negotiations of key project documents as well as the near completion of Conditions Precedent for these Projects. The Facility remains on standby to support the Government to financial close of these historic landmark projects.

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#### Developing a 4 MW Floating Grid-Connected Solar PV Plant in Seychelles

With the support and technical guidance of the ALSF, the Government of Seychelles announced the launch of the tender of the right to develop, finance, own and operate a 4MW floating grid-connected solar PV plant in the Lagoon le Rocher, Mahé.

The Seychelles Solar PV Project will be the first in Africa, and one of the first salt-water floating solar PV plants in the world. More importantly, this clean and innovative project has a great potential to be replicated elsewhere; and become a promising and scalable energy solution to land scarcity island states as they turn towards more renewable energy.

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### Providing University Student Accommodation in Malawi

In March 2018, the ALSF assisted the Government of Malawi to negotiate and sign seven concession agreements for the design construction, financing, operation and maintenance of university accommodation at seven campuses and universities across Malawi, including associated facilities. The push for the development of private sector funded accommodation at the university campuses was a result of the Government of Malawi's recognition that due to the increase in the number of enrolled students at the universities there is not sufficient appropriate accommodation. The campuses concerned included, amongst others, the Malawi University of Science and Technology, Lilongwe University of Agriculture and Natural Resources, and the College of Medicine.

The concessionaires involved are M&M Development and Infrastructure Company holding five concessions and Old Mutual Investment Group holding two concessions.

The Project has the potential to have a significant and wide-spread impact on the country as the increased availability of student accommodation makes it easier for students from across the country, both urban and rural areas, to attend University.

This in turn helps the country build capacity and produce more skilled people, allowing for greater economic productivity.

### Increasing Energy Access in Rwanda

The ALSF assisted Rwanda's Energy Development Corporation, Ltd., a subsidiary of the national utility, Rwanda Energy Group Limited to sign an EPC with Sinohydro Corporation Ltd. for the Nyabarongo II hydroelectric power project. The EPC establishes the critical terms for the design and construction of a hydroelectric power station, and all associated facilities and infrastructure for a total of 43.5 MW of electricity in the Southern Province of Rwanda.

The Project is a key component of Rwanda's development agenda as it contributes to the increased availability of electricity in the country in both rural and cosmopolitan areas. It will help provide access to electricity to households and business, thereby improving livelihoods and increasing business productivity. The Project will also produce access roads and related infrastructure, which will improve connectivity and create jobs. All of the aforementioned Project outcomes are key to promoting sustainable development and inclusive growth.







## Enhancing Business Environment for Regional Trade Through a Better Road Network in Uganda

The Government of Uganda requested the support of the ALSF in strengthening the country's recently-established PPP Unit with the eventual aim of better negotiating contractual terms with foreign investors. In addition to organizing a series of week-long, capacity-building workshops, the Facility worked closely with Uganda's PPP Unit to develop a toolkit of model contracts, checklists and matrices, as well as best practices related to transportation infrastructure.

These ALSF interventions not only helped to prepare the Ugandan PPP Unit for the broad portfolio of investments it's expected to manage, it had a specific and constructive effect on the Unit's negotiation of the forthcoming 77-kilometer the Kampala-Jinja expressway. As the "flagship PPP project in the country," according to Hon. Minister of Finance Matia Kasaija, the ALSF worked closely with its Ugandan counterparts to carefully review the feasibility study, draft PPP Agreement, and procurement documents in order to ensure the success of the project.

The roads between Jinja and Kampala are the busiest and most congested motorways in Uganda, and represent the main import-export route for other land-locked countries like Rwanda and Burundi, as well. Chronic road congestion not only reduces the productivity of local residents, it can often dissuade foreign investors from engaging with Ugandan businesses. The Kampala-Jinja expressway has been designed to address and remedy these issues by providing a broad, new road for commuters, long-haul trucks, and tourists alike.

Through continued collaboration with the AfDB and the ALSF, the Ugandan government expects to complete construction of the Kampala-Jinja expressway in 2025, subsequently positioning Uganda as a nerve-center for regional travel and trade.

## Extractives and Natural Resources

### Strengthening Mining Agreements in Niger

The ALSF is currently supporting the Government of the Republic of Niger through the provision of legal and financial assistance within the framework of the renewal of mining agreements with investors. This assistance will also involve post-contractual advisory services to ensure project follow-ups and capacity building activities.

With the support from the ALSF, three mining agreements that nearly expired were timely initialled and signed, and subsequently approved by the Council of Ministers on 28 December 2018. This swift response helped Niger to complete negotiations and ensure a strict adherence to the fiscal, financial and social provisions in place. Additionally, allow for the rigorous enforcement of the Niger mining law and other sector relevant regulations.

These negotiations also raised fundamental issues for the Republic of Niger. Among these, the government secured the investors' written commitment to assume the environmental liabilities of the mining company

on behalf of their subsidiaries. This is a major step forward since, under current Niger law, there is no provision for passive solidarity between lessor and lessee, and a shareholder cannot, in this sole quality, be held responsible for failures of its subsidiaries.



### Crafting a Local Content Policy in Mozambique

The discovery of significant gas resources in Mozambique represents a huge development opportunity for the country. While presenting great potential to increase fiscal revenues from gas and liquified natural gas exports, it also bears some risks related to the over development of a single sector and its negative impact on the development of other economic sectors.

One of the key mitigation measures that may contribute to the success of the gas sector investment (and expected returns) is the establishment of domestic linkages between the sector and the local communities, which will foster the development of other economic sectors related to the gas value-chain.

In partnership with the ECNR, the ALSF provided support by way of international expertise in local content law and policy in the oil and gas domains to facilitate a workshop highlighting domestic linkages and local content development process and opportunities in the extractives sector.

The workshop brought together government officials and other institutional stakeholders and enabled a fruitful dialogue on the legal framework for local participation in the gas sector.



## Maximizing Benefits from Rwanda's Mining Sector

The mining sector in Rwanda is considered to be an important pillar to the country's long-term sustainable economic growth and development. Today, it is the second highest foreign exchange earner after tourism and employs over 40,000 people. However, the sector is dominated by artisanal and small-scale mining and large parts of the country's potential mineral deposits remain unexplored. To fully reap the benefits from its natural resources, the country sought to further develop its mining policy and mining legal framework.

To this end, the Government of Rwanda requested the ALSF to support the development of a mining policy, and the development and implementation of a comprehensive and robust mining framework to regulate the mining sector. Working closely with Rwanda's Mines, Petroleum and Gas Board, the ALSF developed the national mining policy. This policy caters for the institutional and legal mechanisms required to achieve the Africa Mining Vision. It also provides safeguards for the environment and local host communities, while simultaneously seeking to promote the enhancement of governance, and make Rwanda a recognized, reliable and attractive jurisdiction for mining investments.

Further to this, the ALSF supported the review of Rwanda's draft Mining and Quarrying Law and its Implementing Orders ("Draft Mining Law and Regulations"). This review provided for clear, transparent and systematic rules governing the mining sector and is encouraging the use of modern mining methods for the sustainable development of the mining sector. The revised Law and Regulations also promoted the development of sector linkages and value addition, allowing for further potential avenues of revenue and economic growth resulting from the mining sector.

Specifically, this ALSF assistance helped the Government of Rwanda to draft the new mining and quarrying bill that will replace the 2014 Law on Mining and Quarry Operations and a series of new draft regulations on: (a) categorization of mines and quarries; (b) structure; membership and functioning of the minerals licensing committee; (c) acquisition of mining license; (d) competition for mineral licenses; (e) environmental rehabilitation guarantee; (f) content mining agreement; and (g) modalities for dealing with mineral samples.



## Tackling Sovereign Debt Issues

### Capacity Building on Sovereign Debt and Creditor Litigation in São Tomé & Príncipe

In 2018, the ALSF organized a training to raise awareness and enhance capacity of Santomean lawyers in matters pertaining to sovereign debt and creditor litigation. This training covered a range of technical issues such as debt issuance and the preparation of the relevant documents; sovereign debt crisis and restructuring; and creditor litigation.

In sum, the workshop was designed to strengthen São Tomé & Príncipe's technical and legal expertise to identify and deal with sovereign debt related issues in view of enhancing legal capacity to prepare, negotiate and effectively implement legal documents to accelerate the country's economic development.

The training was interactive and enriching with participants given an opportunity to share experiences, discuss debt issues, debate case studies, and identify red herrings related to sovereign debt, as well as the usefulness and benefits of debt issuance, which if properly managed can contribute to economic growth and development.



## Botswana: A Contingency Plan for the Continent

In 2018, the ALSF undertook a mission to Botswana to discuss avenues of cooperation and potential assistance. In the context of these discussions, the issues surrounding the contingent liabilities stemming from sovereign guarantees were discussed and the Government expressed its concerns over the impact of such liabilities on its external debt restriction (i.e. how the guarantee would be reflected on the country's balance sheet). Of particular importance is the legislative constraint imposed by Botswana's constitution, the Stock Bonds and Treasury Act and the Finance and Audit Act, which together provide the legal basis for the Country's maximum (external) debt level currently restricted to 20 percent of the country's GDP.

As an outcome of the mission, the ALSF and Botswana have agreed to work together in developing an approach to sovereign guarantees that will minimize their negative impact on the borrowing levels. The analysis intends to assist the Botswana government in determining the best sovereign instrument (i.e. the type of agreement) as well as the most adequate accounting framework to record the contingent liabilities. With the help of legal and sovereign debt experts, the ALSF/Botswana team will also collect the views of the International Monetary Fund to ensure that the developed approach follows rigorous standards and best practices.

This issue of contingent liabilities is not peculiar to Botswana as most other African states face it when negotiating infrastructure projects with the private sector. The intention is to apply the same consistent approach towards contingent liabilities across Africa, thereby providing much needed certainty to the governments and investors alike. This initiative is a stepping stone towards unlocking Africa's potential and a pathway towards more privately funded infrastructure.





# Our Successful Knowledge Management Products

## Understanding Power Project Development Handbook Series

In partnership with the U.S. Government's Power Africa initiative and the Department of Commerce's Commercial Law Development Program (CLDP), the ALSF have worked to develop a series of handbooks to establish a common understanding of best practices around successful power project development.

The Understanding series now includes a total of four handbooks with 40,000 copies in print and tens of thousands more downloaded on line. More specifically, the ALSF partnered with CLDP and other institutions to develop **Understanding Power Purchase Agreements, Understanding Power Project Financing, and Understanding Power Project Procurement** handbooks that African government officials are now using when negotiating project finance deals.

Available both online and in print, the 'Understanding' series has been translated into both English and French, and more than 40,000 copies have been distributed.

## PPPLRC Database Project—Available at <http://ppp.worldbank.org>.

The Facility continues its partnership with the World Bank's Public Private Partnership Legal Resource Centre to provide model agreements for PPP projects. With the aim of facilitating and stimulating the development of PPPs in the region, the ALSF has supported the expansion of the website's available content by regularly disseminating new PPP Country profiles, promoting the use of standardized provisions in PPP project agreements, and supporting the development of new multimedia, multilingual training materials.

## Africa Mining Legislation Atlas (AMLA)—Available at <http://www.a-m-la.org>.

Jointly-initiated by the World Bank, the ALSF, and the African Union in 2013, the African Mining Legislation Atlas (AMLA) aims to gather, organize, and broadly disseminate the mining laws and regulations being implemented in the region. The database is freely-accessible, searchable, and allows African lawmakers and researchers to easily

compare the legal frameworks used on the continent.

In July 2017, the World Bank transferred implementation leadership of the project to the ALSF, which has since organized four large AMLA-related capacity building events, leveraging the platform to strengthen regional knowledge of African mining laws, codes, and regulations.



2018 AMLA Workshop in Kigali, Rwanda



## Procuring Infrastructure Partnership— Available at <http://www.aflsf.org/publication/procuring-infrastructure-public-private-partnerships>

The ALSF recognizes that many governments around the world have turned to public-private partnerships (PPPs) to design, finance, build, and operate infrastructure projects. It also appreciates that despite the presence of broadly known good practices and tools, governments around the world still fall behind in preparing, procuring, and managing effective public-private partnerships (PPPs) that meet the needs of their citizens.

To build relevant capacities and share experiences, the ALSF supported the development of a new report, *Procuring Infrastructure PPPs 2018*, which offers recommendations to governments to improve the quality of their regulations and better deliver infrastructure service through PPPs. Related to this, the ALSF was also

involved in the dissemination process of the report, and in close partnership with the World Bank, the Facility organized a presentation of the report findings to the African Development Bank staff in Abidjan.

In sum, the report benchmarks the regulatory framework of 135 economies against international recognized good practices, scoring them on four elements: preparation, procurement, contract management, and treatment of unsolicited proposals. It found that the average performance of each of the categories varies across regions and income level, with OECD high-income economies and the Latin America and Caribbean region performing at or above average. In contrast, Sub-Saharan Africa and the East Asia and Pacific (EAP) region have the lowest average scores across thematic areas. EAP sees the greatest intraregional variance. Across the board, the report found that there are opportunities for improvement in PPP preparation and contract management.

Despite the importance of an appropriate consideration of the fiscal implications of PPPs, the report found that this is still an uncommon practice. Approval by the Ministry of Finance to ensure PPPs' fiscal sustainability is not required in 19 percent of economies.

The report notes that most economies perform relatively close to recognized good practices in the procurement phase, particularly on public disclosure of information—for example, by publishing PPP procurement and award notices. Yet, there are gaps in disclosure of project assessments and performance data, which could lead to better-managed projects.

The report covers nearly three quarters of Sub-Saharan countries, demonstrating the region's commitment to engaging the private sector smartly as it increases resources for development.



# Chapter 3

## Institutional Development and Corporate Management

In 2018, the ALSF maintained reform to enhance result-oriented operational efficiency and increase the capacity to respond rapidly to demand in accordance with its operational priorities. Most notably, this year, the ALSF began the implementation of its Medium Strategy for 2018 to 2022.

**Rapid Assessment and Assistance Allocation:** During 2018, the ALSF also adopted a new Rapid Assessment and Assistance Allocation (RAAA). This allocation was approved as part of this 2018 budget. The purpose of this allocation was three-fold: to improve the quality of the ALSF portfolio of projects; to increase the use of African lawyers by the ALSF; and to enhance the responsiveness of the ALSF to transitioning states.

Over the year, the ALSF allocated USD 570,000 to the RAAA component to provide assistance to RMCs. The use of the RAAA has been successful for a number of reasons:

**Improved due diligence and project screening and selection processes:** The RAAA has helped strengthen the assessment of project risks (commercial, political and legal) on underlying transactions being supported by the Facility. Previously, a comprehensive due diligence process for some projects could only be conducted after the Management Board approval because there was no pre-approved budget for extensive due diligence. The RAAA is helping resolve this shortcoming and also helping improve the quality of the ALSF portfolio of projects

**Rapid and timely response to urgent needs of African Governments:** The RAAA also assisted the Facility to expedite interventions on transactions that require urgent responses to our clients. This has been achieved at very minimal costs to the Facility.

**Increased the use of African lawyers by the ALSF:** The Facility has deployed the RAAA and engaged local counsel to undertake due diligence on behalf of the Facility to ensure compliance with national laws. This has presented an opportunity to competent local legal counsel to assist governments at very competitive fees. More specifically, the following projects benefitted from the RAAA in 2018:

Rwanda Mining Legislation <b>60 000 usd</b>	Botswana Power <b>167 000 usd</b>	Lesotho Mining <b>75 000 usd</b>	Malawi Power <b>65 000 usd</b>
African Arbitration Association <b>18 000 usd</b>	Mozambique Local Content <b>5 000 usd</b>	African Institute of International Law <b>30 000 usd</b>	Gambia Toll Bridge <b>75 000 usd</b>
<b>Total: 570 000 USD</b>			

**Resource Mobilization:** In 2018, the ALSF constructively engaged with a number of existing and potential donors including: African Development Bank, Canada, European Union, Germany, Netherlands, Norway, Power Africa Initiative/ USAID and The Ford Foundation. By the end of year, the ALSF had received over USD 7.5 million from Germany through KfW, Netherlands, Norway, and the Ford Foundation.

The ALSF has continued to intensify its efforts to expand its resource base in 2018. Connected to this, the ALSF continued to engage the European Commission (EC) and through the AfDB and EC Pillar Assessed Grant or Delegation Agreement, and more specifically, under its Pan African Programme, the EC approved a grant of EUR 5 million to finance the activities of the ALSF Medium Term Strategy for the period 2018-2022.

Additionally, the ALSF Governing Council also considered and approved a proposal for the Facility to receive on a pilot basis funding from the Private Sector on behalf of a State with respect to a specific project and use the funds to extend advisory services to selected projects pending the consideration of a policy on the matter. The GC also approved the grant provided by the Ford Foundation for implementation of a project in the extractive sector. Specifically, the ALSF will:

- Receive and manage funding from a private sector consortium which has signed a Project Framework Agreement with Uganda for development of an oil refinery; and
- Receive funding from the Ford Foundation for a joint capacity building effort with ENRC.

The ALSF held discussions with the relevant departments of the AfDB on incorporating the detailed implementation modalities of its new Financing instruments into the AfDB systems. In terms of operational progress, the ALSF had 7 active projects that had benefitted from its reimbursable Financing Instruments by end of the year. Once fully implemented, these new Financing Instruments will create a revolving funding mechanism for operations and reduce dependence on donor funding.







## ALSF Contributions Received (USD millions), 2010-2018

Donors	Years		
	2010-2017	2018	Total
African Development Bank	15.21		15.21
African Development Fund	12.28	-	12.28
Belgium	0.78	-	0.78
BOAD	0.20	-	0.20
Canada	8.31	0.09	8.40
ECOWAS Bank for Investment and Development (EBID)	0.05	-	0.05
The Ford Foundation	-	0.30	0.30
France	5.00	-	5.00
Germany – (Through KfW)*	3.68	4.61	8.29
Guinea Republic	0.05	-	0.05
Islamic Development Bank	1.00	-	1.00
Netherlands	10.11	1.69	11.8
Norway	5.11	0.94	6.05
United Kingdom	9.05	-	9.05
USAID	3.00	-	3.00
World Bank	0.05	-	0.05
<b>TOTAL</b>	<b>73.88</b>	<b>7.63</b>	<b>81.51</b>

*\*Excludes the EUR 1.5 million of KfW total funding which was set aside and competitively recruited ICON Institute Consulting Group to assist the ALSF strengthen its institutional activities*

## ALSF Contributions Held in Trust by the AfDB (USD millions), 2010-2018

Donors	Years		
	2010-2017	2018	Total
France	0.70		0.70
India	0.76		0.76
European Union		5.44	5.44
<b>TOTAL</b>	<b>1.46</b>	<b>5.44</b>	<b>6.90</b>

**Staff Development:** In 2018, the ALSF continued to empower its staff through training, encouraging diversity and supporting different, and creative ideas. The ALSF team benefitted from various training opportunities to enhance their skills in monitoring and evaluation, and public procurement, project finance; oil and gas negotiations; and financial analysis. These trainings will equip the ALSF team to swiftly and adequately respond to the clients' needs and in so doing grow the institution.

The ALSF Power Unit established the Power Sector in-house training series. These internal training seminars take place fortnightly, members of both the Project and Institutional Teams come together for a two-hour discussion on topical issues within the power sector. Readings are assigned in advance from the three ALSF "Understanding Power" manuals and other relevant sources to guide the discussion, and where necessary engage external experts to further enrich the sessions. Given the number of power sector transactions on which the ALSF works, it is imperative for as many members of the team as possible to have an in-depth understanding of the sector.

Alongside this, the ALSF team also prepare ALSF Power Sector Standard Documents and are in the process of putting together an ALSF Power Sector Data Base. It is anticipated that this will be an ideal platform for the team to remain up to date and well informed about the recent developments in power sector.

**Regulations and Internal Guidelines:** In 2018, the ALSF updated some of the existing regulations and guidelines. Specifically, Governing Council approved the revision of the compendium of By-Laws and Rules and updated its revised operational guidelines. The Procurement manual has also been updated to enhance accountability, and compliance with the internationally accepted standards.

**Monitoring and Evaluation:** During 2018, the ALSF conducted eight (8) ex-post evaluations and four (4) internal Monitoring and Evaluation trainings; prepared baseline questionnaires for all ALSF projects approved in 2018; and collected projected implementation data. The M&E team is currently working on: a searchable M&E relational database with its management system; 2017 ALSF Effectiveness Review and updating the M&E manual to include a section on mainstreaming cross-cutting issues into the ALSF operations. In line with the MoUs, plans are underway to undertake evaluations for Canada and KfW in 2019.



*ALSF continued to empower its staff through training, encouraging diversity and supporting different, and creative ideas.*

**Communication and Outreach:** In 2018, the ALSF undertook a number of activities including production and publication of 8 Monthly News Bulletins; over 30 Press Releases; more than 10 Media Advisories and updated its website. It also prepared and disseminated new communications products: ALSF 2017 Annual Report; ALSF Brochure; AMLA Brochure; and Roll-ups. This contributed to increasing the visibility of the institution.



# Chapter 4

## Collaboration, Partnership building

### and Outreach

**Strategic Partnerships:** The ALSF continued to deepen and diversify its strategic partnerships in 2018, at both international and regional levels. Over the year, the ALSF consolidated and initiated strategic partnerships with a number of bilateral and multilateral institutions including: African Development Bank, African Institute for International Law, ADF, Extractives Industries Transparency Initiative (EITI), Columbia Center on Sustainable Investment, International Institute for Sustainable Development (IISD), Commercial Law Development Program (US Commerce department), South Africa IPP Office, Strathmore University in Kenya and University of Kigali, Power Africa Initiative; Natural Resource Governance Institute, World Bank, International Senior Lawyers Project and Germany (through GIZ and KfW) among others. Furthermore, the Facility sponsored the African Business Law Firms Association (ABLFA) Conference; Africa Ministerial Forum at Mining Indaba; and successfully hosted 16 African Energy ministers at the 20th Africa Energy Forum in 2018.

The ALSF also partnered with the East Africa Law Society (EALS), the Southern African Development Community Lawyers Association (SADCLA), the International Training Centre in Africa for Francophone Lawyers (CIFAF) and the African Business Law Firms Association (ABLFA), to launch the ALSF Academy Project. **Annex III summarizes the ALSF's strategic partnerships.**

In 2018, ALSF enjoyed a special relationship with KfW. Specifically, as a follow-on action to the feasibility study carried out by the Federal Republic of Germany in 2015. The ALSF received funding from KfW to procure consulting services to: strengthen ALSF's strategic planning and its monitoring and evaluation activities; assist in launching the procurement procedure for the selection of the law firms that will compose the panels stipulated in the new Procurement Manual; develop the relevant requisite staff skills and competencies; explore other sources of funding to reduce its heavy reliance on international donors and enhance financial sustainability; and improve the ALSF's effectiveness and efficiency.

In May 2018, ICON-INSTITUT Public Sector GmbH (ICON) was commissioned to undertake this assignment. Subsequently, ICON prepared an inception report and mobilized key experts working alongside the ALSF staff for the next two years to improve the institution's operations in order to organize its growth path and to allocate and implement donor funds more efficiently and effectively while ensuring sustainable institutional and financial development.

**ALSF Membership:** Cameroon ratified the Agreement establishing the ALSF, bringing the total number of ratifications to twenty-six (26). By the end of 2018, the total number of ALSF members is 60 which includes 53 states and 7 International Organizations.

In 2018, the ALSF team followed up with a number of countries and international organizations to complete their membership. During the year, Democratic Republic of Congo, Uganda and Nigeria committed to complete membership procedures, while Angola and Algeria committed to accede to the ALSF agreement. Please see **Annex IV** for the complete list of signatories to the ALSF Agreement by the end of 2018.









# Chapter 5

## Financial Status

In accordance with the General Regulations of the ALSF and with the assistance of the Financial Control Department of the AfDB, the 2018 independent auditors report on the financial statements of the ALSF were submitted by the Management Board to the Governing Council and approved in June 2019.

The ALSF has an ongoing responsibility and commitment to ensure maximum efficiency of its financial resources. As in previous years, the ALSF focused on a high level budgetary discipline and effective cost controls.

The highlights of the Facility's financial performance in 2018 include the following:

- The total contributions received for the year ended December 31, 2018 amounted to USD over 7.6 million compared to nearly USD 20.6 million for 2017. The cumulative contributions for 2018 and 2017 amounted to USD 81.5 million and USD 73.9 million.
- The total disbursements made for the year ended December 31, 2018 amounted to USD 11.5 compared to almost USD 11 million in 2017. The cumulative disbursement for 2018 and 2017 amounted to USD 56.1 million and USD 44.6 million respectively. This represents an increase of 4.5 percent compared to 2017 annual disbursements.

A summary of the primary financial statements of the ALSF for the year ended December 31, 2018 is shown below.



### STATEMENT OF THE FINANCIAL TRANSACTIONS FOR YEARS ENDED 2018/17 (USD)

	Years	
	2018	2017
<b>Contributions</b>		
Contribution received	7,624,285	20,575,353
Net Income and Translation Gains	604,202	248, 694
<b>Contributions and Net Income Received</b>	<b>8,228,487</b>	<b>20,824,047</b>
Disbursements	(11,473,864)	(10,964,686)
<b>Surplus/Deficit</b>	<b>(3,245,377)</b>	<b>9,859,361</b>

## STATEMENT OF COMMITMENT AS AT DECEMBER 31, 2018 (USD)

	Years	
	2018	2017
Total cumulative funds available	83,547,709	75,319,221
Cumulative Commitments*	(76,748,949)	(66,755,064)
<b>TOTAL FUNDS AVAILABLE FOR COMMITMENT</b>	<b>6,798,760</b>	<b>8,564,157</b>

*\*Including ongoing activities and project support component disbursements*

## STATEMENT OF FINANCIAL POSITION AS AT DECEMBER 31, 2018 (USD)

	Years	
	2018	2017
<b>Contributions</b>		
Contribution received	81,519,504	73,895,218
Net Income and Translation Gain	2,028,205	1,424,002
<b>TOTAL FUNDS AVAILABLE</b>	<b>83,547,709</b>	<b>75,319,221</b>
DISBURSEMENTS	(56,053,679)	(44,541,655)
<b>NET FUNDS AVAILABLE</b>	<b>27,494,030</b>	<b>30,777,566</b>
<b>Represented By</b>		
Cash and Cash Equivalents	23,752,112	31,782,299
Net amount receivable (payable)	3,741,918	(383,705)
<b>NET FUNDS BALANCE</b>	<b>27,494,030</b>	<b>30,777,566</b>





# Chapter 6

## Governing Council, Management Board,

## Director and Staff

The Governing Council (GC) is the supreme body of the Facility with responsibility for managing the entire organization. Its functions include determining and approving policy, appointing the Management Board, authorizing replenishments of resources, and appointing external auditors. The Governing Council is made up of twelve (12) members and 12 alternate members who represent the Facility's constituencies of member states, the Bank, and other international organizations as follows:

AfDB Participating States: Five Members and five Alternate Members representing the Regional Member States of the AfDB which are also ALSF participating states

OECD: Four Members and four Alternate Members representing the Member States of the OECD which are also ALSF participating states

Non-OECD: One Member and one Alternate Member representing non-OECD Member States which are also ALSF participating states

Other international organizations: One Member and one Alternate Member representing other international organizations which are parties to the ALSF Agreement

African Development Bank: One Member and one Alternate Member representing the AfDB

The Members and Alternate Members of the Governing Council are each appointed for a period of two years

The Management Board (MB) is responsible for the efficient and effective conduct of all the operations of the ALSF. This includes approving the annual budgets and annual work programs, issuing by-laws, rules and regulations, and making decisions necessary to ensure the efficient and effective operations of the Facility. The Management Board also appoints the Director of the ALSF. The Management Board is composed of five members who serve in their personal capacity and are appointed by the Governing council for a non-renewable term of three years.

The ALSF Governing Council and Management Board responded with vigour to Africa's changing economic and structural challenges and its implications for ALSF interventions, as reflected by their deliberations through the year. They encouraged the ALSF staff to meaningfully engage with various stakeholders as well as continue to be creative, innovative and efficient.





*The GC appreciated the excellent contribution of the out-going member Mr. Amadou Dieng and appointed Dr. Kenfack Gaston to replace him, and serve on the Board.*

## Governing Council Activities in 2018

The ALSF Governing Council (GC) undertook a number of activities in fulfilling their mandate. In 2018, the ALSF Governing Council held two meetings to discuss, refine, approve and endorse relevant working documents of the ALSF. The first was an informal meeting on the 26 April 2018. During this meeting, the Governing Council preliminarily discussed and refined relevant working documents in view of their formal presentation at their annual meeting of 21 May 2018.

The second meeting was the 9th Annual Meeting of the ALSF Governing Council which took place in Busan, Korea, on 21 May 2018. On this occasion, the GC approved the Annual Report and the Auditors' Report and Financial Statements for the year ending December 2017 and had preliminary discussions on the future plans of the ALSF beyond 2022. Additionally, the GC appreciated the excellent contribution of the out-going member Mr. Amadou Dieng and appointed Dr. Kenfack Gaston to replace him, and serve on the Board for a three-year period, beginning 30 June 2018 to 29 June 2021. Details of the current members of the Governing Council and Management Board are attached in Annex V.

## Management Board Activities in 2018

The ALSF Management Board held three formal meetings. The first was the 24th ALSF Management Board meeting on the 6 April 2018 to review the progress on projects' implementation in 2017; the 2017 Draft Annual Report and Financial Statements;

updates on the implementation to the Financing Instruments; and revised regulations and internal guidelines. These documents were again considered and approved by the Management Board at its 25th Meeting in Busan, South Korea, on 20 May 2018.

The final meeting of the Management Board which was held on 26 November 2018 considered and approved the Budget and Work Plan for 2019. During this meeting, the Management Board also reviewed the 2017 ALSF Effectiveness Report; ALSF Financial Statements for the second and third quarter for 2018; and discussed the progress report on projects' implementation; project outliers and exceptions report and updates on implementation of the ALSF Financing Instruments and training plan.

In addition to the formal meetings, the ALSF Management Board considered and approved 24 projects for grants, recoverable grants and conditional advances. The projects ranged from capacity building projects to operations for the negotiation of complex commercial transactions in the natural resources and infrastructure development sectors, and debt management and creditor litigation support.



*ALSF Governing Council and Management Board meetings in Busan, Korea*

# A Word from the ALSF Out-going Board Members

## Ms. Dorcas Achapa, ALSF Management Board, Chairperson

The ALSF interventions have greatly enhanced the African states' negotiating capabilities of complex transactions contracts and investment agreements. During my tenure at the ALSF as a member and subsequently Chairperson of the ALSF Management Board, I've had the opportunity to witness first-hand the ALSF:

- Provide necessary financing that has enabled the Private sector to get involved in the negotiations of large scale infrastructure public sector projects. Previously, the private sector involvement in this field was indeed very limited. Governments depended heavily on their own internal capacity . With more exposure in commercial and business transactions the private sector has been able to bring in their expertise in the public sector. On the other hand, the public sector professionals have vast experience in infrastructure project administration and implementation which is lacking in the private sector. The result is a rich blend of expertise from both sectors. As they learn from one another capacity is eventually built in the member countries.
- Pay attention to the creation of enabling legal frameworks particularly in the natural resources sector. The environment created as a result determines the parameters for negotiations and promotes transparency and accountability. In addition, the model agreements being produced especially Model Mining Agreements, Model PPAs and tool kits create uniformity which member countries are confident to follow because they have seen them successfully implemented in other member countries.

- Support and mobilize relevant government institutions and officials to have joint trainings. This coordination and cohesiveness of government teams has facilitated successful negotiations of large scale infrastructure and other investment projects.

- Enhance the involvement of ALSF member countries in the negotiations. And in so doing, African countries have come to a realization that indeed they have more bargaining power and room to negotiate fair and balanced agreements. In the earlier days investors came to the negotiations with their documents already drafted giving limited room for negotiations. With the involvement of legal counsel sourced with the support of ALSF and the use of model agreements and toolkits, member countries are able to bring their own drafted documents to the negotiating table thus creating a level playing field with favourable terms and conditions.

Finally, I have noted that in the past few years demand for advisory services has been steadily increasing. This demonstrates that member countries have confidence in the advisory services being financed by ALSF, and that the services have an impact in their respective countries.





### Prof. Dandi Gnamou, ALSF Board Member

ALSF promotes gender equality in all its projects and interventions in Africa. Gender equality and women empowerment are an integral part in achieving ALSF's sustainable development goals. To this end, the ALSF undertakes various types of activities.

At the institutional level, ALSF takes into account gender equality in its day-to-day management. Its Management Board is chaired by a woman, 30 percent of the members of the Management Board are women and more than 60 percent of ALSF staff are women.

In practical terms, gender equality is one of the selection criteria, particularly when it comes to the recruitment of law firms to advise governments. ALSF is also guided by gender equality aspirations in its activities on international commercial arbitration issues.

At the programme level and as indicated in the Medium-Term Strategy (2018-2022), promoting gender equality and gender issues lie at the heart of the African Legal Support Facility's intervention.

In conclusion, we can affirm that the ALSF will continue to include gender considerations in its programs and actions in order to ensure that gender perspective remains a priority.

### Director and Staff

A total of 33 staff members were on board by the end of 2018. The ALSF is led by the Director. The Facility is organized into two divisions, each headed by a Manager. The Institutional Division provides support to the ALSF's corporate affairs including membership, ALSF Management Board and Governing Council matters, statutory meeting coordination and other institution matters. The Operations Division is responsible for ALSF projects.

The ALSF is continuously being reorganized to better respond to the increase of its work and ensure operational efficiency and a competitive work force. In light of this, the Facility was restructured to create the Power Unit to: coordinate all ALSF energy projects (which constitute over 40 percent of the current project portfolio); consolidate the ALSF's achievements in the power sector; and efficiently and adequately handle the growing demand for ALSF's services in Africa's power sector.

The ALSF has a personnel complement that is sub-divided into two categories. The first category relates to the seven staff recruited under the Staff Rules and regulations. The second category of personnel relates to experts recruited as consultants. Some of the consultant personnel are short to medium term (6 months to one-year terms) and consultants on longer term contracts for a duration of two years. Contracts for personnel recruited as consultants are subject to the availability of funds to the ALSF in the medium to long term. Table below presents the composition of ALSF's staff in 2018.

# The ALSF Staff by the end of 2018

	Name	Function
	Mr. Stephen Karangizi	Director and Chief Executive Officer
	Ms. Imen Mejai	Director's Assistant
	Mr. Ronald Chari	Adviser to the Director
	Mr. Franck Tella	Finance Specialist
	Ms. Maureen Omiti	Monitoring and Evaluation Expert
	Mr. Sassire Napo	Monitoring and Evaluation Assistant
<b>Institutional Division</b>	Ms. Carmen Da Costa	Corporate Secretary and Head of the Institutional team
	Ms. Mukazi Kayitenkore	Senior Legal Counsel Institutional
	Ms. Eva Kabundu	Senior Legal Counsel Institutional
	Mr. Francis Omesa	Legal Counsel
	Mr. Timothy Wasswa Kabugo	Resource Mobilization Officer
	Ms. Nnenna Nwokolo	Corporate Support Officer
	Mr. Christian Tanoh	Secretary Institutional Team
<b>Operations Division</b>	Ms. Maude Vallee	Chief Legal Counsel
	Mr. Thierno Olory-Togbe	Principal Legal Counsel
	Mr. Gadi Taj Ndahumba	Head of Power Unit
	Ms. Toyin Ojo	Senior Legal Counsel
	Mr. Jean Claude Mabushi	Senior Legal Counsel
	Ms. Mariam Mohammed	Senior Legal Counsel
	Ms. Nchimunya Ndulo	Legal Counsel
	Ms. Haruperi Rudo	Legal Counsel
	Ms. Manuela Dieng	Capacity Building Officer
	Ms. Nicole Kears	Knowledge Management Expert
	Ms. Nnewuoghor Okhai-Akhigbe	Legal Counsel
	Mr. Rajneesh Seeras	Legal Counsel
	Ms. Rita Madeira	Legal Counsel
	Ms. Shaina Salman	Legal Counsel
	Ms. Nancy Ampiah	Secretary Operations Team
	Ms. Yvette Tidolé Derou	Secretary Operations Team
	Ms. Roseline Abodo	Secretary Operations Team
	Mr. Abdoul Karim Kabélé Camara	AMLA Project Coordinator & Counsel
	Mr. Franky Lukanda	AMLA Project Coordinator & Counsel
	Ms. Noellie Gah	AMLA Secretariat – Legal Consultant



# Chapter 7

## Looking Ahead

To respond to Africa's needs and help countries realize their aspirations, the ALSF will continue to evolve and adapt. Organizational effectiveness and efficiency must continue to improve. To do so, the ALSF will continue to streamline its business processes; strengthen project identification and selection processes; identify and find creative and flexible project approval and implementation processes for the operations in transitioning states; and engage and dialogue with various partners to create awareness and increase the demand in strategic sectors and regions that currently have low demand for the ALSF services.

The ALSF's efforts will also focus on mobilizing resources to meet the anticipated high demand of its services from the RMCs. Related to this, the ALSF also plans to intensify discussions with existing and potential financing partners, successfully implement the reimbursable financing instruments and encourage financial participation through voluntary donations from African states to sustainably expand its resource base.

Moving ahead, our interventions will be closely aligned with the UN Sustainable Development Goals and the African Union 2063 Agenda to help transform the continent and lift millions out of poverty in Africa.





# Annex I: Fast Facts

2010-2018



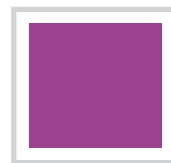
2008

Established



2010

Operational



53 States

7 Organizations

## Cumulative Operations by Sector



Infrastructure & Public Private  
Partnerships

USD 36 million



Debt Services

USD 8.4 million



Extractives

USD 26.1 million



Other

USD 4 million

## Cumulative Operations by Priority Areas



Advisory Services

USD 47.9 million



Litigation Services

USD 7.2 million

Capacity Building

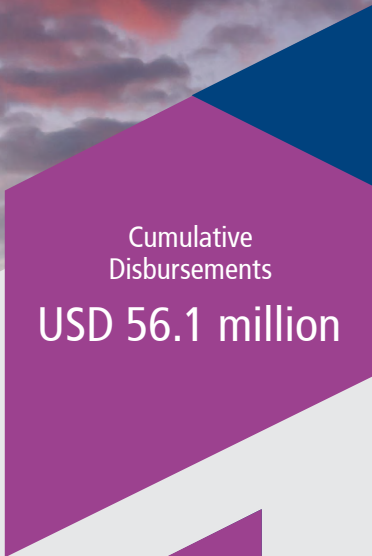
USD 16.2 million



Knowledge Management

USD 3.2 million

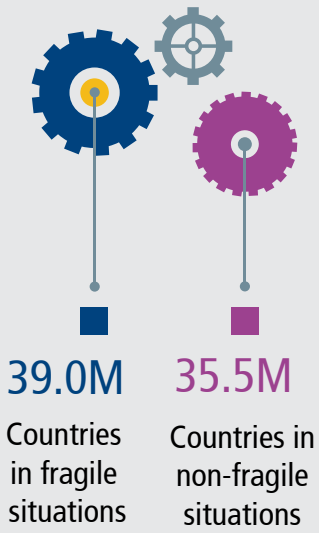




**Cumulative Operations by Region**

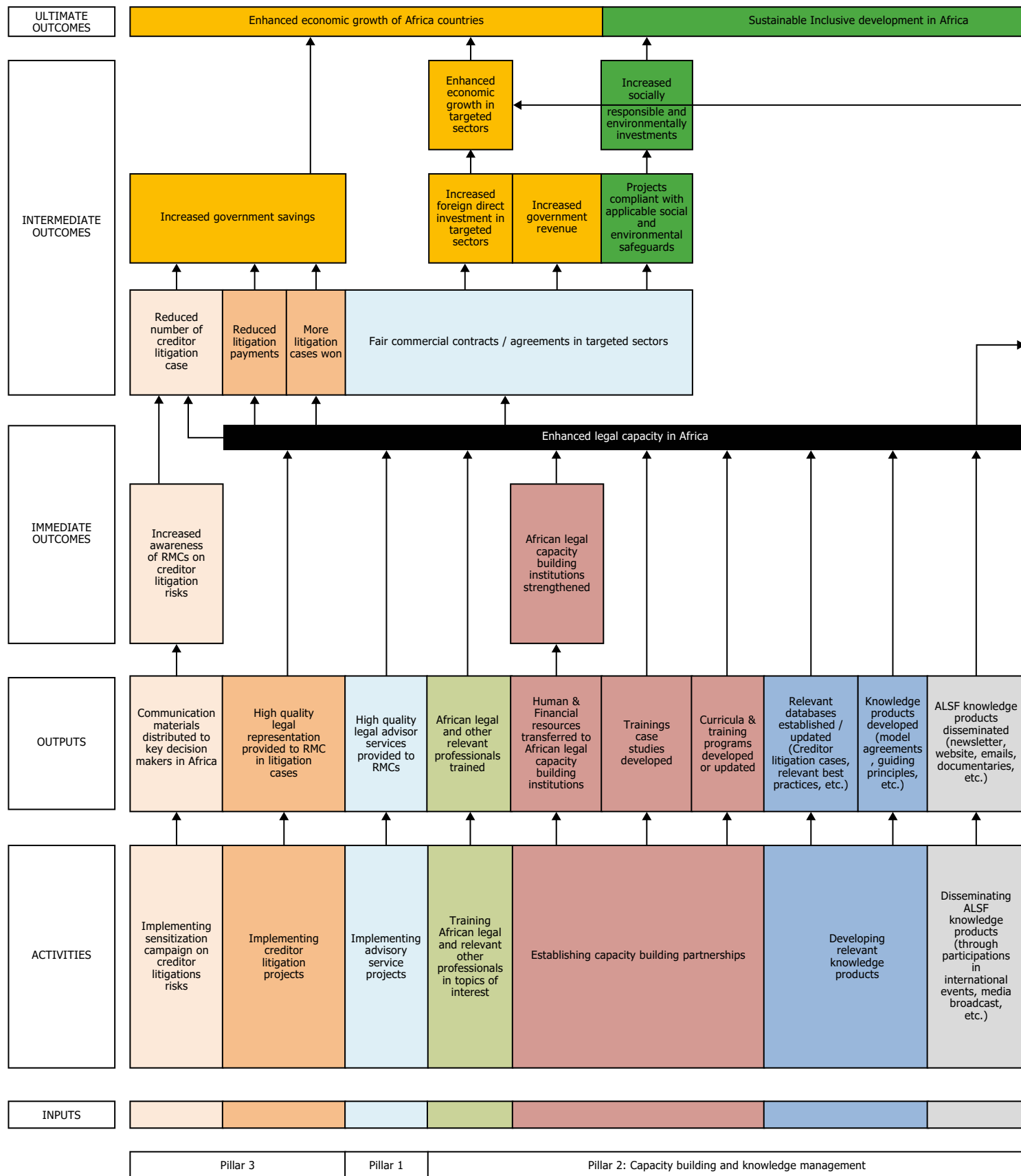


**Cumulative Operations by Country Categorization**

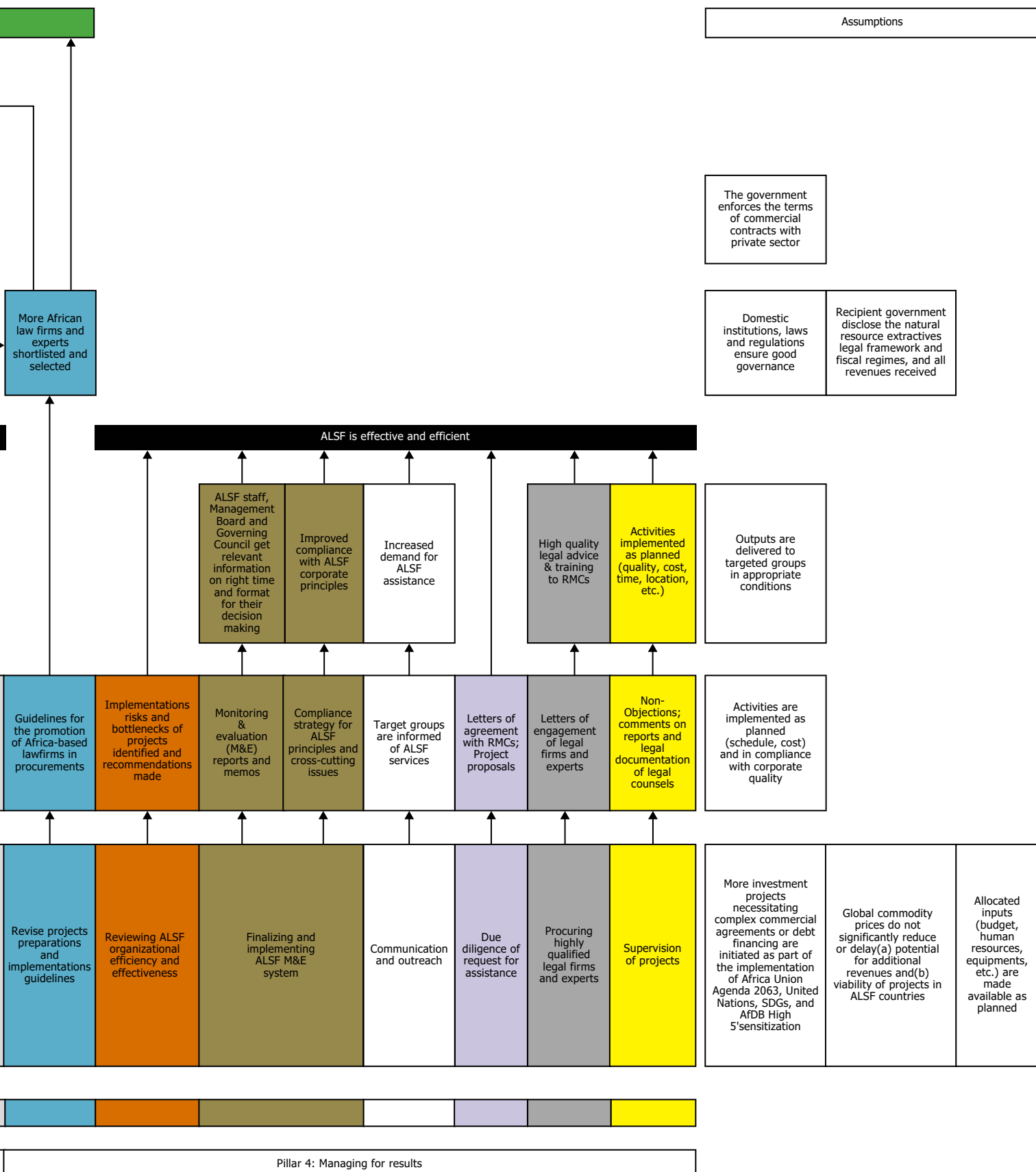


# Annex II:

## ALSF Logic Model







Source: ALSF Medium Term Strategy (2018-2022)

# Annex III:

## Summary of the ALSF's Strategic Partnerships

### Collaboration With Bilateral Partners

#### Department for International Development of the United Kingdom (DFID)

DFID's £ 6.3 million is targeted at:

1. Expanding legal assistance to African Governments to negotiate 10-12 additional extractive deals and infrastructure projects related to major oil, gas mining and related infrastructure projects (especially energy and transport)
2. Expanding training provision for African lawyers and legal specialists
3. Upgrading the ALSF's monitoring and evaluation framework to be clearer about its own results and improve the evidence
4. based reporting for the development impacts of high-quality legal assistance
5. Driving improvements to the value for money from contracts with world-class law firms

#### European Commission

The European Commission's 5 million is targeted at:

1. Supporting the activities of the ALSF Medium Strategy (2018-2022). More specifically, the EC funds will assist Africa states to conclude balanced and sustainable agreements in the extractives industry, infrastructure, PPPs and agriculture

#### Government of Canada

Global Affairs Canada's CAD 10.12 million is targeted at:

1. Improving African countries' legal capacity to negotiate complex agreements related to extractive resources and related infrastructure, and
2. Capacity building in above ALSF focal areas

#### Government of Germany: • GIZ • KfW Group

The Government of Germany's 9 million Euros is targeted at:

1. Strengthening legal capacities of African governments to negotiate complex contracts in the extractives industry, infrastructure development and public private partnerships
2. Facilitating implementation of the Code of Conduct of the G7 CONNEX Initiative
3. Strengthening ALSF's internal strategic planning and monitoring and evaluation activities

#### Government of India

Supporting PPP Advisory Services in selected countries

#### Government of Norway

Royal Norwegian Ministry of Foreign Affairs' Norwegian Krone 45 million is targeted at:

1. Improving African governments capacity to respond to and manage external commercial litigation
2. Improving Africa's legal capacity to negotiate complex agreements in particular related extractive resources,
  1. Supporting and strengthening the ALSF so that it can serve as the primary source for the retention of competent legal counsel for resource constrained African countries especially with respect to negotiation of power projects

#### Power Africa Initiative/United States Agency for International Development (USAID)

USAID's USD 3 million is targeted at:

1. Supporting and strengthening the ALSF so that it can serve as the primary source for the retention of competent legal counsel for resource constrained African countries especially with respect to negotiation of power projects

#### The Kingdom of Netherlands

Ministry of Foreign Affairs, Netherland's 9.5 million is targeted at:

1. Assisting African governments in the negotiation of complex commercial transactions relating to the extractive industries, infrastructure, and commercial debt
2. Assisting African governments in commercial disputes relating to vulture funds, and
3. Capacity building for African lawyers (both government and private) in above areas

## Collaboration With Multilateral Partners

### African Development Fund (ADF)

1. Financing partner
2. Joint implementation of selected projects/programs

### Islamic Development Bank

IsDB's USD 1 million is targeted at:

1. Legal capacity building
2. Negotiation of complex commercial transactions in the field of infrastructure, mining and natural resources
3. Private sector development and promotion of investments in the above areas

### World Bank and the West African Development Bank

Cooperating on matters relating to PPPs

### African Development Bank Group (AfDB)

1. Founding and Hosting Institution.
2. Cooperating to ensure adequate know-how and logistics, as well as operational efficiency, particularly in terms of access to relevant networks throughout Africa, and to move further towards common development goals
3. Partners with various entities including departments and units within the Bank to facilitate selected projects and programs

### The African Water Facility

1. Jointly implementing a major water supply project between Ghana and Togo
2. Consultation on possible projects.

### United Nations Economic Commission for Africa and the African Union

1. Discussion in joint implementation (African Minerals Development Center) of the African Mining Vision - capacity building program on contract negotiations in the extractive resource industry with the Facility
2. Joint Implementation of the High-Level Report on Illicit Financial Flows (Mbeki report)

### World Bank (Public Private Infrastructure Advisory Facility)

Cooperation in capacity building for the ALSF Public Private Partnership (PPP) program

### World Bank (Public Private Partnership Legal Resource Centre)

Cooperation on the PPPIRC database of PPP precedents and guidelines.

### Africa Finance Corporation

Cooperation on identification of potential areas of assistance on behalf of governments.

### G7 CONNEX

Cooperation to provide RMCs with extended and concrete expertise for negotiating complex commercial contracts, especially in the extractive sector and helping governments to generate substantial revenues from their resources

### The Ford Foundation

The Ford Foundation's USD 0.3 million is targeted at: Implementing a project in the extractive industry with the ECNR Department of the AfDB

## Collaboration With Other Partners

### Capacity Building and Networking possibilities:

- African Institute for International Law
- Centre International de Formation en Afrique des Avocats Francophones
- Columbia Center on Sustainable Investment
- Commercial Law Development Program
- East African Law Society
- International Senior Lawyers Programme
- International Lawyers for Africa
- Pan-African Lawyers Union
- SADC Lawyers Association
- University of Cape Town and other African Universities

### Partnering to develop and maintain selected knowledge products:

- Natural Resource Governance Institute and Columbia Center on Sustainable



# Annex IV: Signatories of the Agreement for the Establishment of the ALSF

	States\Organizations	Date of Signature	Date of Admission
1	Belgium	25/09/2008	
2	Benin	31/12/2008	
3	Brazil	18/08/2008	
4	Burundi	15/09/2008	
5	Burkina Faso	24/09/2008	01/07/2009
6	Cameroon	15/04/2009	31/05/2018
7	Cape Verde	05/03/2015	
8	Central African Republic	14/05/2009	
9	Chad	08/09/2008	14/11/2009
10	Comoros	25/10/2013	14/04/2014
11	Congo	09/12/2008	18/06/2009
12	Côte d'Ivoire	16/09/2008	
13	Democratic Republic of Congo	22/08/2008	
14	Djibouti	10/09/2008	11/12/2008
15	Egypt	05/08/2010	12/02/2014
16	Eritrea	20/12/2016	04/01/2017
17	Ethiopia	15/08/2008	02/12/2008
18	France	11/02/2013	04/04/2015
19	Gabon	13/10/2008	
20	Gambia	10/09/2008	23/08/2012
21	Ghana	10/06/2013	
22	Guinea	31/10/2008	01/06/2016
23	Guinea Bissau	12/09/2008	19/09/2008
24	Kenya	07/11/2008	
25	Lesotho	16/05/2014	
26	Liberia	12/12/2008	
27	Libya	25/08/2008	
28	Madagascar	05/09/2008	25/11/2008
29	Malawi	12/08/2008	

	States\Organizations	Date of Signature	Date of Admission
30	Mali	15/12/2008	16/10/2009
31	Mauritania	14/05/2009	
32	Mauritius	22/08/2012	21/11/2012
33	Morocco	14/01/2011	28/06/2013
34	Mozambique	16/09/2008	
35	The Netherlands	26/03/2010	18/11/2011
36	The Kingdom of Swaziland	06/12/2013	
37	Niger	13/05/2009	09/12/2014
38	Nigeria	31/07/2009	
39	Rwanda	08/08/2008	25/01/2011
40	São Tomé et Príncipe	08/08/2012	
41	Senegal	25/08/2008	28/11/2008
42	Seychelles	25/06/2009	
43	Sierra Leone	20/12/2008	15/05/2012
44	Somalia	18/02/2013	
45	Sudan	25/06/2009	
46	Sudan South	25/05/2012	
47	Tanzania	16/06/2009	
48	Togo	08/09/2008	04/11/2008
49	Tunisia	24/06/2009	24/12/2010
50	Uganda	29/07/2008	
51	United Kingdom	17/12/2009	11/12/2014
52	Zambia	02/12/2008	22/12/2008
53	Zimbabwe	14/10/2008	
	States\Organizations	Date of Signature	Date of Admission
54	African Development Bank (AfDB)	10/02/2009	NA
55	Africa Finance Corporation	01/08/2014	NA
56	African Union (AU)	23/08/2010	NA
57	Islamic Development Bank (IsDB)	11/06/2013	NA
58	The ECOWAS Bank for Investment and Development (EBID)	30/10/2012	NA
59	West African Development Bank (BOAD)	05/04/2011	NA
60	Organization for the Harmonization in Africa of Business Law (OHADA)	23/06/2009	NA

# Annex V: Members of the Governing Council

2017-2019

States\Institutions	Electoral College		Name of Representatives
Ghana	RMCs of the AfDB	West	Mrs. Mangowa Ghanney
Rwanda	RMCs of the AfDB	Central	Mr. Rugeri Nkusi Christian
Mauritius	RMCs of the AfDB	South	Mr. Gerard Pascal Bussier
Somalia	RMCs of the AfDB	East	HE Abdirahman D. Beileh
Egypt	RMCs of the AfDB	North	Mr. Khaled Seliman
Islamic Development Bank (ISDB)	International Organization		Dr. Mansur Adetokunbo Noibi
African Development Bank	AfDB		Mr. Charles Boamah
Belgium	OECD		Mr. Denis Dubuisson
France	OECD		Mr. Dominique Lebastard
Netherlands	OECD		Mr. Pim De Keizer
United Kingdom	OECD		Mr. Paul Simister
Brazil	Non-OECD		Mr. Rafael Ranieri

## Alternate Members of the Governing Council, 2017-2019

States\Institutions	Electoral College		Name of Representatives
Guinea	RMCs of the AfDB	West	Mr. Hassan II Diallo
Burundi	RMCs of the AfDB	Central	Ms. Filde Citegetse
Swaziland	RMCs of the AfDB	South	Mr. Bheki S. Bhembe
Tanzania	RMCs of the AfDB	East	Dr. Philip I. Mpango
Libya	RMCs of the AfDB	North	Vacant
Africa Finance Corporation			Dr. Adesegun Akin-Olugbade



## Current Members of the Management Board

### Dorcas Achapa

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.

### Rafique Mahomed

Mr. Mahomed is currently the Chief Executive Officer at Moçambique Celular and Moçambique Telecom. He is a former AfDB Board member who has represented Angola, Moçambique, Namibia and Zimbabwe, and who has previously served as a member of the ALSF's Governing Council. His addition to the Management Board confers a wealth of maritime law, banking, investment, and tourism experience onto the Facility's Board.

As the Board provides operational guidance to the ALSF's staff, Mr. Mahomed's diverse experience as cabinet member of the Mozambique government, as the Director General of the Mozambique Investment Promotion Center, and as a member of the Board of Directors of Standard Bank in Mozambique, will prove to be an asset to the Board.

### Dandi Gnamou

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.

### Gaston Kenfack

He is currently the Director of Legislation at the Ministry of Justice in Cameroon. He holds a Doctorate in International Economic Law from the University of Paris I (Pantheon Sorbonne) obtained in 2005, a Certificate on Trade, Negotiations and Settlement of Trade Disputes from the Kennedy School of Government, Harvard University (USA) (2004) and a Habilitation to Direct Research at the University of Pau in France. He is the Editor of the "Revue Camerounaise de l'Arbitrage", the President of the Association for the Promotion of Arbitration in Africa (APAA) and the Chairman of the 49th Session of United Nations Commission on international Trade Law (UNCITRAL). He also teaches in different universities around the world.

### Bruce Montador

Mr. Montador is very familiar with the work of the AfDB and the ALSF, as he was the Executive Director representing Canada, China, Korea and Kuwait at the AfDB from 2007 to 2011, the period when the ALSF was set up. Prior to that, he was Vice-President, Multilateral Programs at the Canadian International Development Agency, and thus responsible for Canada's relations with the AfDB, and before that as General Director, International Trade and Finance at the Canadian Department of Finance, he was the Alternate Governor for Canada of the AfDB (and the other regional development banks). Currently, in addition to his work with the ALSF, Mr. Montador is Chair of the Africa Study Group of the National Capital Branch of the Canadian International Council and Board member and Treasurer of CODE, a Canadian NGO promoting literacy and children's book publishing in Africa.

### Stephen Karangizi, Ex-officio Member

He has been with the ALSF since October 2011. As Director, he is responsible for the oversight of the Facilities projects in the areas of negotiations of agreements in infrastructure developments (extractives sector, the energy sector); investment agreements and related commercial and business transactions; as well as debt management and litigation. He also acts as the legal representation of the institution.

## Current Financing Partners



Global Affairs  
Canada

Affaires mondiales  
Canada



Government of India



KfW



Ministry of Foreign Affairs  
of the Netherlands









#### Address

Immeuble CCIA, Plateau  
01 B. P 1387 Abidjan, Côte  
d'Ivoire

#### Telephone

Tel: (+225) 20 26 35 96  
Fax: (+225) 20 32 03 91

#### Web media

Email: [alsf@afdb.org](mailto:alsf@afdb.org)  
Website: <http://www.aflsf.org>