



2020 ANNUAL REPORT

Assisting African
Countries in
Unprecedented
Times



Contents

Management Board Members	8
Message from the Governing Council	9
Message from Director and Chief Executive Officer	10
Executive Summary	11
Chapter 1: Understanding the Work of the ALSF	14
The ALSF Services	15
2020 Key Highlights	16
Chapter 2: Enhancing African Legal Capacities	20
Overview of the ALSF Operations in 2020	22
Area of Special Emphasis	26
Key Results in 2020	28
Stories from the Field	31
Chapter 3: Institutional Development & Corporate Management	39
Chapter 4: Collaboration, Partnership Building and Outreach	43
Donors' Voices	45
Chapter 5: Financial Status	47
Chapter 6: Governing Council, Management Board, Director & Staff	50
Chapter 7: Lessons Learnt at the ALSF	54
Chapter 8: Looking Ahead	55
Annexes	59

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List of Acronyms and Abbreviations

ADF	African Development Fund
AfAA	African Arbitration Association
AFD	Agence française de développement
AfDB	African Development Bank
ALSF	African Legal Support Facility
AMLA	African Mining Legislation Atlas
APLA	African Petroleum 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
CSO	Civil Society Organisation
EALS	East Africa Law Society
EITI	Extractives Industries Transparency Initiative
ECNR	AfDB's African Natural Resources Centre
ERSUMA	Ecole Régionale Supérieure de la Magistrature de l'OHADA
FCDO	Foreign, Commonwealth and Development Office
GC	Governing Council
HIPCs	Highly Indebted Poor Countries
ICON	ICON-INSTITUT
IFFs	Illicit Financial Flows
IPP	Independent Power Producer
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
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
SDG	United Nations Sustainable Development Goals
SOAS	School of Oriental and African Studies of the University of London
TSF	Transition Support Facility
UNECA	United Nations Economic Commission for Africa
USAID	United States Agency for International Development
USD	United States Dollars
WHO	World Health Organisation

Management Board Members

Dr. Gaston Kenfack Douajni
Chairperson



Ms. Eva Jhala
Member



Ms. Christine Anyango Agimba
Member



Mr. Arve Ofstad
Member



Ms. Nimatou D. Feliho
Member



Mr. Stephen Karangizi
Director and CEO
Ex-Officio Member



Message from the Governing Council



Christopher Chalmers
Executive Director for Italy,
Netherlands, UK
African Development Bank Group,
Interim Chairperson of the ALSF
Governing Council

The COVID-19 pandemic has triggered unprecedented global economic shocks due to the persistent health crisis, decline in international trade and tourism, limited capital flows, unstable commodity prices, significant rise in domestic and external debt, and the disruptions to international commercial transactions and the provision of much-needed infrastructure projects in Africa.

The urgency of the current situation requires fast, flexible, emergency responses to preserve the progress that has been made in recent years and limit the negative impacts of the pandemic across the continent.

Following the travel and other lockdown restrictions imposed by the various Regional Member Countries (RMCs), the ALSF quickly assessed and restructured its ongoing projects to ensure effective utilisation of resources and continuity of projects in its core operational sectors - sovereign debt, power, extractives and natural resources, infrastructure and PPPs, and investment disputes resolution.

The ALSF also capitalised on its partnerships with other organisations to deliver relevant advice and training to enable African governments to confront the challenges presented by the pandemic in these sectors and to develop appropriate COVID-19 mitigation and recovery strategies.

The importance of the ALSF's support to RMCs continues to manifest itself in the increasing and widespread demand for its services; growing membership; the recent endorsement to extend the life of the ALSF beyond the initial period by the RMCs; and the high satisfaction rates and relevance of the ALSF interventions reported in the independent review of its previous Medium-Term Strategy. Additionally, the involvement of the ALSF in several projects has become synonymous with high quality transactions, objectivity and propriety, and inclusiveness, that engender trust and promote social cohesion and development.

The ALSF will continue to respond quickly and adequately to the extraordinary needs that the

COVID-19 pandemic is generating on the continent. To build back better after COVID-19, the ALSF will consolidate its gains, further develop and strengthen legal, governance, and enforcement capacities for effective management of resources and better development outcomes, and prepare RMCs for future challenges, within the framework of its current Medium-Term Strategy.

We express our appreciation to the ALSF Management Board and staff who work tirelessly to implement the vision of the Facility and support African governments to protect their citizens and economies from the effects of COVID-19 and to conclude equitable, bankable and sustainable agreements that deliver maximum value to the respective African countries.

As Africa continues to pursue its development agenda and address the challenges of the pandemic, we are confident that, with the support of its financing partners, ALSF interventions will become even more catalytic, to leverage strengths, expertise and resources for large scale impacts to enhance economic development and inclusive growth in Africa for the years to come.

Message from Director and Chief Executive Officer



Stephen Karangizi,
Director and CEO

I am pleased to submit this 2020 Annual Report, which looks back at a challenging but largely successful year. As you know, the COVID-19 pandemic presented countries with unprecedented challenges this year, requiring them to respond swiftly to significant disruptions in health care, economic activity, and livelihoods. Confronted with these challenges, our Regional Member Countries (RMCs) took bold and commendable measures to limit the spread of the pandemic within their national borders and to sustain economic livelihoods.

The ALSF responded in tandem and complemented the efforts of the RMCs by quickly producing the COVID-19 response alerts across its priority sectors (Sovereign Debt, Power, Extractives and Natural Resources, Infrastructure

& PPPs, and Investment Disputes Resolution) to enable the countries anticipate and determine adequate response measures to mitigate the impact of the pandemic on transactions within these sectors.

The ALSF also made adjustments to its ongoing projects, including restructuring and prioritisation to optimise implementation and impact, and developed innovative and rapid response services to support RMCs, especially transition or fragile states.

Notwithstanding the challenges of 2020, the ALSF chalked up significant accomplishments, including successfully holding its tenth anniversary High Level Meeting (HLM) at which RMCs pledged commitment to the ALSF and endorsed the extension of its tenure. The ALSF Management Board and Governing Council also approved the extension of tenure as well as a number of significant RMC requests and projects. By the end of the year, 39 projects corresponding to over USD 12 million had been approved, matching 2019 levels. The ALSF also launched the African Petroleum Legislation Atlas and organised more than 30 webinars with various partners that strengthened knowledge and capacity development of more than 4000 lawyers and technical officials in critical issues on debt, power,

natural resources, infrastructure & PPPs and investment dispute resolution across the continent. The projects will contribute to sustainable development and building resilience as the continent recovers from the pandemic.

The ALSF continued to pursue and strengthen strategic partnerships to enhance the impact of its projects. Importantly, thanks to our donors, the ALSF will be able to meet the expected surge in requests as investment and economic activities pick up in the RMCs.

I am extremely grateful to the ALSF Management Board and Governing Council for their accessibility and constructive guidance, as well as to the ALSF's hardworking team for their reliability and dynamism. As our RMCs continue to grapple with the impacts of this pandemic, the ALSF remains agile and committed to providing the assistance they need to recover from this crisis and achieve sustainable and inclusive recovery.

Executive Summary

2020



Operational Activities

2020 was an unpredictable year for the world, on account of the outbreak of COVID-19 which was declared by the World Health Organisation (WHO) as pandemic in March 2020. Since then, the pandemic has upended the global economy causing an unprecedented global recession. In Africa, while quick and decisive measures were taken by many countries to control the spread of the pandemic to manageable levels comparatively, the continent could not escape other impacts such as overstretched health resources, reduction in trade, stalled infrastructure development, loss of investments, loss of revenues, debt vulnerabilities, and generally contraction in GDP.

Guided by its current Medium-Term Strategy 2018-2022, which is aimed at addressing some of the above-mentioned challenges, the ALSF was prompt to provide innovative and adaptable solutions aimed at reducing the severe economic and social impact of the COVID-19 pandemic on its RMCs and Africa's private sector. The ALSF intensified its support to African countries, including providing immediate and short-term solutions such as emergency review of contracts, financing arrangements and restructuring options, review of debt relief programs, debt sustainability and communications strategies, negotiations and restructuring of various contracts and transactions; and long-term solutions such as institutional capacity building, training programs, and relevant strategies and toolkits.

The ALSF Operations: By the end of December 2020, the ALSF had approved 39 projects, with a total value of USD 12.1 million. These projects focused on supporting African countries to negotiate better agreements, especially in major infrastructure projects and commercial business transactions. Advisory services constituted more than three-quarters of the projects (i.e. 78% or USD 9.5 million) while capacity building and knowledge management activities accounted for the rest (22% or USD 2.6 million).

Despite the pandemic, total disbursements reached USD 13.1 million. This strong performance is largely due to the utilization of our innovative approaches and the deployment of rapid assistance tools to respond to the impacts of COVID-19. The ALSF also continued to implement a comprehensive quality assurance plan, covering every step in the project cycle, to enhance the quality of its operations. Notably, this year, in response to the pandemic, new selectivity guidelines were introduced, to drive a tighter focus on more strategic and impactful interventions.



39 projects



USD 9.5 million
Advisory Services



USD 2.6 million
Capacity Building
Activities



USD 13.1 million
Total disbursements



Key Operational Achievements: Cumulatively to date, the ALSF has approved more than USD 100 million to support the provision of legal advice and technical assistance in the negotiation of complex commercial transactions, creditor litigation and other related sovereign transactions, especially in relation to the extractives, infrastructure/Public-Private-Partnerships (PPPs), and power sectors in Africa. Notable achievements in 2020 include:

Somalia

Negotiation and agreement with Paris Club creditors to cancel USD 1.4 Billion debt

Gambia

Obtaining financing assurances from key creditors to restructure their claims thus enhancing the fiscal space for government programs

Rwanda

Negotiation of major amendments to an Engineering Procurement and Construction contract for construction of the main terminal of the new Bugesera Airport, facilitating the investment of a further USD 780 million by Qatar Airways

Lesotho

Renegotiation of Mining and Shareholder Agreements changing the royalty regime from discretionary rates of 4-8% to a statutory rate of 10%

Eswatini

Successful launch of Request for Qualifications (RfQ) for development of a 40 MW solar PV plant

Gabon

Development of three hydropower plants with a total generation capacity of about 125 MW plants with a total generation capacity of about 125 MW

Uganda and Tanzania

Negotiation of key agreements to develop and construct the East Africa Crude Oil Pipeline (EACOP) worth USD 3.5 billion

Ghana and Togo

Structuring of a PPP transaction to provide access to drinking water to nearly 4 million people

Institutional Development and Corporate Management



High Level Meeting of the ALSF's Members: The first High Level Meeting (HLM) of the ALSF's Members acknowledged the continued relevance of the Facility's mission and its role in facilitating sustainable economic development in Africa, and made a Declaration supporting the extension of the life of the Facility beyond the limit stipulated in the ALSF Treaty and committed to contribute to the financial sustainability of the ALSF.

Resource Mobilization: In 2020, the ALSF endeavoured to expand its resource base, especially with the onset of the COVID-19 pandemic and the increasing need for its services. The Facility also engaged with its existing financing partners to ensure that pledges made by the respective donors are honoured in a timely manner. Through these efforts, the

European Union, and the Netherlands, disbursed more than USD 4.7 million to the ALSF in 2020. The Facility secured additional funding from the African Development Fund Transition Support Facility (AfDB-ADF15-TSF), Norway and UKaid amounting to UA 16 million, NOK 20 million and £ 1 million respectively. Additionally, the Facility received a grant of USD 0.5 million from the World Bank's Extractives Global Program to support the ALSF's African Mining Legislation Atlas (AMLA) activities. The World Bank's Global Infrastructure Facility also provided USD 900,000 to support the ALSF's work in the Infrastructure and PPPs sector and committed its first Private Entity Funding.

To further expand its financial resources in 2020, the Facility continued to approve and award

projects through cost-sharing arrangements with RMCs. Such arrangements require countries or a project to contribute to or pay back the financing provided by the Facility when the project begins or is concluded. The ALSF also identified and remained engaged with other potential sources of funding for its activities, including Agence Française de Développement (AFD), African Export-Import Bank (Afreximbank), Federal Republic of Germany, and the Netherlands.

Regulations and Internal Guidelines: The ALSF produced or reviewed governance documents for its statutory organs including Governing Council and Management Board Charters, a policy document on the recruitment of a New Director and CEO, three Directives concerning internal procedures, and a revised toolkit on membership matters.

Monitoring and Evaluation: With the support of its donors, the ALSF undertook various activities to strengthen the documentation of results and reporting with a view of meeting stakeholder expectations and recommendations. The summative evaluation of the previous MTS (2013-2017) was finalized and approved by the Board and Governing Council. The findings of the evaluation emphasized the relevance of the ALSF among Regional Member Countries, thus providing further justification for extension of the life of the Facility. The ALSF's Due Diligence processes were enhanced to better capture baseline data including crosscutting issues (i.e., governance, environment, and gender) to improve project monitoring and results-based reporting. The Facility also successfully designed and developed a Management Information System (MIS) to streamline and facilitate data aggregation for analysis and reporting.



Collaboration, Partnership Building and Outreach

Strategic Partnerships:

During 2020, the ALSF partnered with various bilateral and multilateral institutions. Over the same period, the ALSF negotiated and signed Memoranda of Understanding with the following institutions: The Centre for Energy Petroleum and Mineral Law and Policy Extractives Hub, University of Dundee; the United Kingdom's Foreign, Commonwealth and Development Office (FCDO); and Strathmore Extractive Industry Centre to work with the ALSF Academy. *Annex III summarizes the ALSF's strategic partnerships.*

With assistance from KfW, the ALSF continued to partner with ICON-INSTITUTE Public Sector GmbH (ICON) to strengthen its strategic planning, monitoring, financial sustainability, effectiveness and efficiency. Over the year, ICON supported the ALSF to:

- Develop a Management Information System;
- Develop a draft communication and outreach document;
- Train staff in project cycle

management, mainstreaming cross-cutting issues in the operations; and

- Enhance the operationalization of monitoring and evaluation concepts and framework and implementing procurement rules.

Business Development:

During 2020, the ALSF attended and participated in several strategic events including: Mining Indaba, Africa Energy Forum, and Utility CEO Forum. The ALSF also sponsored an Arbitration in Africa survey conducted by the SOAS University of London and participated in the 8th East Africa International Arbitration Conference and OHADA member states conference. Additionally, the ALSF was involved in co-organizing or participating in a number of webinars on COVID-19 and Investment Dispute Resolution, impact and management of COVID-19 on the external public debt, COVID-19 and the extractives sector, and recommendations to governments and measures to be taken to effectively manage PPP contracts during COVID-19.

ALSF Membership: Cabo Verde, Kenya, Malawi, South Sudan and Tanzania are completing the processes to finalize their membership; and Angola, Botswana and Equatorial Guinea are at an advanced stage in their accession to the ALSF Agreement. Annex V provides the complete list of signatories to the ALSF Agreement as of 31 December 2020.

Communication and Outreach:

In 2020, the ALSF had carried out a number of activities including all communication related to the HLM; produced a brochure presenting the Governing Council and Management Board members; developed and disseminated a number of publications on the ALSF's response and approach to the COVID-19 pandemic; promoted several webinars to discuss the impacts of COVID-19 and role of the ALSF; produced 10 Press Releases and the ALSF developed its new website.

Governing Council, Management Board, Director and Staff

Governing Council and Board Activities:

As in previous years, the ALSF Management Board exercised their oversight and fiduciary functions relating to various operations of the institution. The Management Board and Governing Council devoted considerable time to provide strategic guidance for the ALSF's operations and institutional matters. By the end of 2020, the ALSF had successfully hosted two Governing Council meetings and three Management Board meetings. The Management Board also attended and actively participated in the High-Level Meeting of the ALSF's members (HLM).

Human Resources Management:

The ALSF had a total of 37 staff members by the end of December 2020. Priority was given to recruitment for critical positions to deliver development results at scale.

To support its increasing workload, the ALSF recruited six (6) new legal counsels and a Senior Finance and Budget Officer to ensure effective project and financial management to further strengthen ALSF's performance.

In 2020, the ALSF trained its staff to improve their knowledge, skills and competencies to enhance efficiency and effectiveness in carrying out their assignments. The internal trainings comprised trainings on the revised Operational Guidelines and procedures, Procurement Manual, updated Operational Risk Matrix; the Management Information System (MIS), project management applications, and monitoring & evaluation, as well as sectoral in-house trainings to share experiences and improve best practices.



Chapter 1

Understanding the Work of the ALSF



Hosted by the African Development Bank, the ALSF is an international organization dedicated to providing legal advice and technical assistance to Regional Member Countries (RMCs). Cumulatively, the ALSF has undertaken operations in more than 45 RMCs, helping them to resolve issues in major natural-resource contracts, negotiate fair infrastructure and commercial deals, and defend against vulture funds.

“Achieving sustainable legal capacity for Africa”

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.

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.

Mission

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

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 achieves this through:



Capacity Building and Knowledge Management

Supporting the development of legal and technical capacities in Africa in the above-mentioned areas. Its capacity building model focuses on a real transfer of knowledge and skills development to nationals by means of workshops, conferences, and seminars. The ALSF also helps 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 achieve equitable and sustainable creditor litigation outcomes to prevent debt distress in the respective African states.



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.



ALSF Key Highlights

2020



02 February

- Participated in the African Mining Indaba (together with the AfDB's African Natural Resources Centre and Private Sector Division) - moderated the ministerial symposium and intergovernmental sessions, participated in panel discussions on Enhancing Local Content & Value Addition in Africa's Mining Sector: Opportunities, Challenges & Gaps, as well as held meetings with various government ministers delegations and partners.
- The ALSF organized its First High-Level Meeting (HLM) on the theme: "ALSF after 10 years: Facilitating Investment and Maximizing Resources for National Development".
- The ALSF Governing Council held an informal meeting on 21 February 2020.

01 January

The ALSF approved the following projects:

Botswana Power: A grant with a contribution commitment to develop an IPP toolkit, negotiate project documents governing the solar PV project and coal bed methane project and capacity building activities.

Gambia Port of Banjul: A grant to provide advisory services and capacity building activities in the infrastructure/public private partnerships for the expansion of the Port of Banjul.

Tanzania AG Office Capacity Building: A grant to finance capacity-building activities in extractives, infrastructure/public private partnerships and sovereign debt sectors for the office of the Attorney General.

The ALSF supported and attended a Colloquium on "The settlement of investment disputes by arbitration and mediation in the OHADA Area (hosted by the Association for the Promotion of Arbitration in Africa) in Douala.

03 March

The ALSF approved the following projects:

Congo Oil: A grant to provide advisory services and capacity building activities in the oil sector to strengthen the Government's negotiating skills and its capacity to ensure balanced agreements.

Liberia Oil: A grant to finance advisory services and capacity building activities in the oil sector to enhance capacity of Liberian professionals and government officials in the oil and gas sector and the negotiation of equitable terms in complex petroleum agreements

Madagascar Solar: A grant to provide advisory services and capacity building activities in the power sector to enhance capacity of Government legal and non-legal employees in negotiating Independent Power Producer (IPP) projects and understanding the standard risk allocation matrix in solar IPP projects.

Somalia PSA Transactional: A grant to finance advisory services and capacity building activities in the oil and gas sector to (i) enhance capacity of Somali professionals and government officials in the

oil and gas sector (ii) fair commercial contracts and agreements; and (iii) increase revenues and benefits from the extractives sector.

Mauritius PPP: A grant to provide capacity-building activities in Public Private Partnerships (PPPs) to 1) increase foreign direct investments in Public-Private Partnerships and Infrastructure, 2) increase PPP based infrastructure in Mauritius, 3) ensure projects are compliant with applicable social and environmental safeguards.

Madagascar Hydro: A grant to provide advisory services and capacity building activities with respect to the completion of the drafting and negotiation of the Madagascar Hydro Project's structuring and negotiation of four (4) hydroelectric projects.

The Management Board held its first meeting to consider and review the Annual Report and key strategic and operational documents.

04 April The Management Board held its 30th meeting virtually on 30 April 2020.

05 May

The ALSF approved the following projects:

Ethiopia Geothermal Power: A grant to provide advisory services and capacity building activities with respect to structuring, drafting and negotiating of Implementation Agreements and Power Purchase Agreements in respect of concessions for the development of 4 geothermal projects with a collective capacity of approximatively 450MW.

Gambia Sovereign Debt II: A grant to provide advisory services and capacity building activities with respect to building institutional capacity of the Ministry of Finance and Economic Affairs' Directorate of Loans and Debt Management on sovereign debt.



08 August

- Participated in the 8th East Africa International Arbitration Conference
- Launched the 2020 Arbitration in African survey Report



10 October

The ALSF approved the following projects:

- **Angola Namibia Baynes Hydro Project:** A grant to provide legal and technical assistance to Angola and Namibia towards development of a trans-frontier 600MW hydro power plant which will lead to increased energy security for the two countries.
- **Uganda Power Privatization:** A grant to finance advisory services and capacity building activities with respect to the privatization of electricity distribution services.
- **The Lightbulb Project:** A grant to provide advisory services and capacity building activities that will assist transitioning African countries¹ with the tools and technical skills for developing bankable power projects



- The ALSF held a Management Board meeting on 27 October 2020.



Mali Solar Power: A grant to provide advisory services for contractual documents relating to the construction of a 50 MW solar power plant in Diakadougou and capacity building activities on negotiation of contracts with independent power producers.

South Sudan Sovereign Debt: A grant to build institutional capacities of the Directorate of Macroeconomic Planning and Aid Coordination on sovereign debt.

The ALSF held a Governing Council meeting on 11 May 2020.



11 November

The ALSF approved:

2021 & 2022 Work Plan & Budget and Financial Statements for the second and third quarter 2020 and reviewed and considered other key operational and institutional documents.

12 December

The ALSF held a Donors' meeting to share and discuss progress reports and results



Farewell Meeting for Mr. Charles Boamah as outgoing Chairman of the Governing Council. From Left to right: Mr. Karangizi ; Mr. Boamah ; Mr. Lebastard ; and Ms. Carmen Freire Da Costa.

¹ Based on the AfDB's country-by-country eligibility assessments, these are African countries often affected by armed conflict, external shocks, regional insecurity, structural vulnerabilities, and environmental impact.

Chapter 2

Enhancing African Legal and Technical Capacities

2020 was an unpredictable year for the world, on account of the outbreak of COVID-19 which was declared by the World Health Organisation (WHO) as pandemic in March 2020. Since then, the pandemic has upended the global economy causing an unprecedented global recession and leaving deep social, economic and political impacts for years to come, particularly for African countries weighed down by fragility, poverty and conflict. While many countries in Africa took quick and decisive measures to control the spread of the pandemic to manageable levels, the continent could not escape other challenges such as overstretched health resources, reduction in trade, stalled infrastructure development, loss of investments, loss of revenues, and debt vulnerabilities, culminating in projected contraction in GDP of about 1.7%.²

To respond to some of these challenges, the ALSF supported many African governments by providing expert legal advice and capacity building to manage their debt effectively; to negotiate and conclude equitable and sustainable transactions related to extractives, infrastructure (PPPs, Power and Transport); to achieve equitable and sustainable creditor litigation outcomes to prevent debt distress; and to conclude balanced investment and commercial agreements.



The ALSF was able to respond quickly to the needs of RMCs for two main reasons – first, the current Medium-Term Strategy 2018-2022 is premised on some of these challenges, which were exacerbated by the pandemic; and secondly, the ALSF had adopted flexible and innovative processes to effectively coordinate support from across the continent and to deliver relevant legal, and

development solutions to its RMCs long before the onset of the pandemic. Thus, the ALSF's experience and processes for addressing the RMCs pre-COVID-19 challenges made it uniquely placed to anticipate the worsening conditions caused by COVID-19, and to provide the immediate and relevant support required by RMCs. For example, the first-rate legal counsel and technical experts and

the panel of international law firms maintained by the Facility ensured that RMCs were provided with rapid assessment of the impact of COVID-19 on sovereign transactions and projects as well as pertinent support to prevent or mitigate the negative impact of the crisis.

The ALSF also deployed innovative and creative tools for capacity building. For example, the Facility delivered various trainings, including on oil and gas laws and transactions and sovereign debt negotiations, to more than 300 participants through its flagship e-learning platform - the ALSF Virtual Academy.

Through collaborations with strategic partners, the ALSF was able to maximise its resources and extended its reach to deliver capacity building to many RMCs. Other collaborations facilitated the exchange of information, and insights and analyses, informed the structuring/restructuring of projects and the provision of practical solutions to the RMCs during this period. Altogether, the ALSF organised or collaborated with various strategic partners to organise more than

34 webinars across its priority sectors (Sovereign Debt, Extractives and Natural Resources, Power, and Infrastructure and PPPs), that highlighted inter alia, issues, opportunities, and solutions in relation to the impacts of COVID-19.



Links to the ALSF considerations prepared for African Governments to Respond to COVID-19:



International Investment Dispute Resolution
<https://www.alsf.int/publication/BCPXZvIh.pdf>



Extractive Industries and Natural Resources
<https://www.alsf.int/publication/H8BW6shn.pdf>



Power
<https://www.alsf.int/publication/mSWFKLdx.pdf>



PPP/ Infrastructure – Opportunities
<https://www.alsf.int/publication/E224BB5U.pdf?>



Sovereign Debt
<https://www.alsf.int/publication/IXM70osb.pdf>

Overview of the ALSF Operations in 2020



During 2020, the ALSF approved 39 new projects, with a total value of USD 12.1 million. These comprised: 26 advisory projects; and 13 capacity building and knowledge management projects.



26
Advisory
Services



13
Capacity Building
and Knowledge
Management Activities

Summary of Operations by Sector

The ALSF's operations in 2020 were dominated by projects in the power sector which accounted for nearly USD 5.5 million (46%); followed by extractives and natural resources projects at USD 3.5 million (29%); infrastructure and PPPs projects at USD 1.375 million (11%), sovereign debt related issues at USD 1.1 million (9%); and other projects including: supporting the Attorney General's Office in Tanzania with the requisite skills to provide advisory and negotiations support to government ministries, departments, and agencies in undertaking various international commercial transactions; strengthening procurement processes in Angola; and conducting an arbitration survey in Africa, all amounting to USD 0.5 million (5%). In sum, the ALSF's operations largely focused on improving access to energy infrastructure and achieving greater benefits from extractive wealth in Africa.

46%
Power



29%
Extractives



11%
Infrastructure
and PPPs



9%
Debt Services



Summary of Operations by Priority Areas

The ALSF operations in 2020 focused on supporting African states to negotiate better agreements, especially in major infrastructure projects and commercial business transactions. Advisory services constituted more than three-quarters of the projects (i.e. 78% or USD 9.5 million) while capacity building and knowledge management activities accounted for the rest (22% or USD 2.6 million).

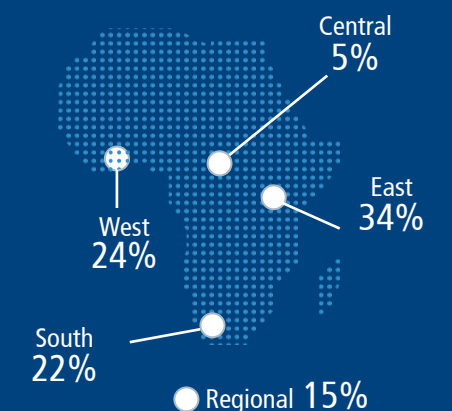
USD 9.5 million
Advisory Services

USD 2.6 million
Capacity Building
and Knowledge
Management
Activities



ALSF Operations by Sub-Region

By the end of 2020, the regional distribution of the ALSF resources approved was as follows: Countries in East Africa accounted for 34% of the Facility's resources; Countries in West Africa accounted for 24%; Countries in Southern Africa accounted for 22%; Countries in Central Africa accounted for 5%; and 15% of the resources were utilized for regional projects, i.e. projects involving more than one country.



ALSF as a Knowledge Broker

Notably, in 2020, the ALSF produced 22 toolkits or model instruments to facilitate the structuring and negotiation of various transactions in a number of African countries. These consisted of 11 Power Sector toolkits, 5 Infrastructure and PPP toolkits, 5 Extractives and Oil and Gas Sector toolkits, and 1 Fisheries sector toolkit. The toolkits are user-friendly, accessible, and ensure that the transaction documents will be bankable by the time they reach investors—and in so doing create a conducive investment climate in their respective sectors and countries. The table below highlights the ALSF webinars and selected capacity building events in 2020.



Webinars and Capacity Building Events in 2020

Dispute Resolution

Event	Number of Participants
1. ALSF and ERSUMA Series – The COVID-19 pandemic and investment arbitration	494
Total participants	494

Infrastructure and PPPs

Events	Number of Participants
1. AP3N - Bridging Africa's Infrastructure Gap by Enhancing the Bankability Projects in the COVID-19 Era	70
2. ALSF and ERSUMA Series – Impacts and Opportunities after COVID-19 on the Infrastructure Sector	86
3. ERSUMA Series – Recommendations to governments and actions to be taken to effectively manage PPP contracts during COVID-19	482
4. Lusophone Webinar Series - Financing infrastructure projects in the new normal	91
5. PPP Anglophone Webinar Series - Charting Africa’s Road to Recovery – Infrastructure Sector Upgrades	100
Total participants	829

Extractives (mining, oil & gas)

Events	Number of Participants
1. ALSF and ECNR - Africa's COVID-19 Response in the Extractive Sector: The Future of Mining in Africa	89
2. ALSF and ERSUMA - How to optimize the private financing of public infrastructure and extractive industries in Africa: Preparation and drafting of contracts	257
3. ALSF and ERSUMA Series - How to optimize private financing of public infrastructure and extractive industries in Africa: litigation management	33
4. High Level Policy webinar series on environmental protection during contracting for mining and petroleum projects in East Africa	252
5. Integrating environmental, social and sustainability considerations in natural resource contract negotiations	49
6. Techniques and strategies for negotiating and drafting oil and mining contracts in Africa	40
7. ALSF and ECNR - Africa’s COVID-19 Within the Extractives Sector: Building Resilience Now and Beyond	113
8. APLA - The Importance of Transparency and Accessibility of Africa’s Petroleum Laws to its Stakeholders	200
9. APLA - Virtual Training on Fundamentals of Oil & Gas Laws	47
10. Digital Energy Festival - Exploration & Production: is it too late for Africa to profit from its resources?	94
11. Regulatory Challenges for Governments managing distress in the oil sector	
Total participants	1174



Power

Events	Number of Participants
1. AEF 2.0 - Nigeria Focus: Energy for Healthcare	200
2. Africa CEO Forum - COVID-19 Crisis - What outcome for power projects in Africa	300
3. Africa Energy Forum ALSF's Boardroom - Perspectives of Unsolicited Bids for IPP Projects in Sub-Saharan Francophone Africa	32
4. Balancing Act: Negotiating Tenable PPAs for IPPs and Private Buyers	45
5. Digital Energy Festival Energy & Her - Enhancing the Productive Use of Electricity at the Last Mile	100
6. Lesotho Solar and Sovereign Guarantees Project	20
7. Lusophone Webinar Series - The Key Ingredient In Negotiations: Understanding Risk Allocation In Power Projects	53
8. The Key Ingredient in negotiations: Understanding risk allocation in power projects	330
9. Women in Energy - Women in Leadership, taking your career to the next level	60
10. Zambia Power Project	32
Total participants	1172

Sovereign Debt

Events	Number of Participants
1. ALSF and ERSUMA Series – The public debt sector: impact and management of COVID-19	390
2. ALSF and ERSUMA Series – What future for public debt contracts in Africa?	223
3. Overview of common legal practices in debt contracts, specific clauses, and some negotiation strategies	122
Total participants	745

Multi sector

Event	Number of Participants
1. ALSF Academy - High Level Meeting	54
Total participants	54

Additionally, the ALSF Director and CEO participated in various webinars that focused on developing capacities of East African Public and Private Sector Legal Experts in integrating Environmental, Social and sustainability considerations in natural contracts' negotiations; improving governance and regulatory regimes for effective utilization of financing and opportunities in intra-continental trade under the African Continental Free Trade Area; discussing the benefits of more tailored approaches to contract documents to enhance the successful implementation of renewable projects; and discussing challenges faced by African states in international arbitration, such as limited legal capacity and infrastructure, exorbitant costs, and proliferation of arbitral centres and highlighted the role of the ALSF in mitigating the challenges through contracts negotiations support, capacity building, and including dispute prevention within legal frameworks.



Areas of Special Emphasis

As articulated in the ALSF's 2018-2022 Medium-Term Strategy, the ALSF in addition to its key results areas, promotes gender equality, environmental sustainability, and good governance standards and practices across all of its projects and interventions. Including improving outcomes for end-users and RMCs, the ALSF's sensitivity to these cross-cutting issues aligns with the United Nations Sustainable Development Goals, the African Union Agenda 2063 and the African Development Bank's strategies and policies, including the Gender Strategy and the 2003 Integrated Environmental and Social Impact Assessment Guidelines.



Gender Equality: Reducing the gender gap and accelerating women's empowerment are core activities of the ALSF's current Medium-Term Strategy to ensure sustainable and inclusive development in Africa. In 2020, ALSF supported efforts to promote and enhance the gender equality by including in respective agreements and contracts provisions that enhance opportunities for women to generate income and that strengthen gender informed policy making. Over the year, more than 1000 women also are participated in training workshop to strengthen their legal skills in the negotiation of complex commercial transactions.

Environment Sustainability: The ALSF places prioritizes supporting RMCs to mitigate the negative environmental effects of investment projects. To this end, the ALSF ensures that environmental and social sustainability safeguards are incorporated in the ALSF supported negotiations and transactions. This includes issues relating to climate change, climate and disaster resilience, and environmental sustainability to achieve a prosperous, inclusive, resilient and sustainable development in Africa.

In 2020, the ALSF continued to advance climate change mitigation and adaptation and disaster resilience in its operations in Africa. This mainly included negotiating contracts for renewable

electricity generation, promotion of advanced climate technologies, and sustainable natural resource management. In sum, the ALSF promoted strong compliance with environmental and social safe guards that will ensure that the future economic growth in Africa is environmentally sustainable and socially inclusive.

Good Governance: The ALSF's support includes promoting good governance practices in the RMCs. The enhanced technical capacity and transparency and accountability demonstrated by the institutions supported by the RMCs attracts superior quality investments, enhances the profile and independence of public institutions, and reduces transaction costs. Consequently, the ALSF's support has become synonymous with high quality and successful transactions, objectivity and propriety, and inclusiveness, which promote social cohesion and development.

During 2020, the ALSF continued to strengthen the ability of African countries to produce strong, consistent, and transparent laws in the extractives sector through development or revision of extractives regulatory regimes, development of model agreements, and updating of the African Minerals Legislation Atlas (AMLA) as a living reference for good governance of Africa's mineral regimes. The ALSF also partnered with the African Natural Resource Center (ECNR) of the AfDB to develop the African Petroleum Legislation Atlas (APLA) project, a free online one-stop resource to support improvement and good governance of Africa's petroleum legal frameworks.

During the year, the ALSF continued to devote a significant proportion of its resources to support transition states to enhance their capacity to attract and sustain investment, including the development of an innovative project, Project Lightbulb, to create an enabling environment to attract more IPP projects to the transition states. The ALSF also undertook a number of activities to promote the development of arbitration for resolving international investment disputes and to raise awareness on illicit financial flows.

ALSF's Work In Transitioning States: The ALSF is committed to supporting 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. The ALSF provides requisite legal and advisory support

to countries facing fragility to avoid concluding inequitable commercial agreements in the natural resource and infrastructure development sectors.

Specifically, the ALSF interventions prevent debt distress; build capacity for the negotiations linked to natural resource and concession contracts by offering legal assistance during the negotiation of complex commercial transactions in transitioning states. Notably, in 2020, under ADF-15, the Bank recently approved an allocation of UA 16 million to the ALSF to harmonize the efforts in addressing the sources of fragility across the continent.

During 2020, the ALSF approved 21 operations amounting to nearly USD 8.1 million to the transitioning countries.

These operations covered 8 transition states including: Gambia, Liberia, Madagascar, Mali, Sierra Leone, South Sudan, Togo and Zimbabwe. These interventions helped to rehabilitate infrastructure, develop economic opportunities, provide basic services and build the relevant capacities of governments and citizens including the development of an innovative project, Project Lightbulb to equip transitioning states with the tools and capacities required to engage effectively with the private sector towards developing bankable power projects, to reduce the time and costs of producing independent power producer (IPP) projects.



”

21 ALSF operations approved to support 8 transitioning countries

ALSF Innovation in the Power Sector



The ALSF prioritizes support to African countries for the development of energy infrastructure because broad and inclusive access to energy is essential for economic development. The ALSF therefore assists countries to improve access to electricity by providing the tools necessary to engage effectively with the private sector towards developing bankable power projects.

This is especially critical for transition states where improved access to energy creates a multiplier effect in the economy. However, despite the availability of support, transition states have limited institutional and human capacity to facilitate such support. It is therefore important for the Facility to reach out to transition states to address their unique problems to enable them take advantage of the Facility's power sector support.

During 2020, the approved the ALSF's "Project Lightbulb", a proactive and innovative approach developed by the ALSF to assist transitioning states in identifying and addressing specific legal and regulatory challenges to their electricity supply problems through research, data collection, sector-specific dialogue, knowledge exchange, development of toolkits, formulation of country-specific legal and regulatory strategy papers, and implementation of a power sector roadmap.

This process enables transitioning states to acquire relevant information and develop the capacities required to request and manage support from the ALSF and other development or private sector partners for specific power projects. The objectives of "Project Lightbulb" are:

- to develop generic model toolkits on various technologies used for power projects transitioning states, including power purchase agreements; implementation agreements; escrow agreements; and grid connection agreements.
- to develop a database of electricity supply data for transitioning states in the past decade.
- to produce the Lightbulb, a periodic short journal which addresses range of topics
- to produce a handbook for development of power sector roadmaps in transitioning states.
- to translate, reprint, and when required, revise the ALSF power sector handbooks.

The ultimate outcome of Project Lightbulb is to equip transition states with the tools and capacities required to engage effectively with the private sector towards developing bankable power projects, to reduce the time and costs of producing independent power producer (IPP) project toolkits for power projects in transition states, and to create an enabling environment to attract more IPP projects to the transitioning states.



Promoting the Development of Arbitration:

The ALSF advocated for the advancement of arbitration as well as promoted the development and use of local arbitration for commercial disputes in Africa. Specifically, the ALSF sponsored the 2020 Arbitration in Africa Survey conducted by SOAS University of London and a conference by the Organization for the Harmonization of Business Law in Africa (OHADA), as well as co-organized and participated in a webinar with the High Regional School of Magistracy (ERSUMA) of the OHADA to discuss the effect of COVID-19 on Dispute Resolution. These interventions deeply align 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 for arbitration in Africa.

Raising Awareness on Illicit Financial Flows (IFFs):

The ALSF continued to collaborate with a number of strategic partners including the African Union (AU), AfDB, UNECA and CSOs to discourage IFFs from Africa. The ALSF supported the adoption by the AU of the Common African Position on Asset Recovery (CAPAR) in February 2020 as well as worked with the partners towards the implementation of the AU High Level Panel (HLP) on IFFs Report on curbing IFFs from Africa, including making representations to the United Nations High Level Panel on International Financial Accountability, Transparency and Integrity for Achieving the 2030 Agenda (UN FACTI Panel), developing a framework for implementing the HLP Report and mobilising resources for implementation of the report.

Key Results in 2020

Results	Anticipated Results	Project Level Results	Sustainable Development Goal (SDG)
Impact 1: Enhanced economic Growth	Government savings attained and or income released: \$1.4B	Somali Debt: USD 1.4 Billion (Debt cancellation by Paris Club)	<ul style="list-style-type: none"> • SDG 1: End poverty in all forms everywhere • SDG 7: Ensure access to affordable, reliable and sustainable modern energy for all.
Impact 1: Enhanced economic Growth	Government revenues from extractive USD 1.3 billion	<ul style="list-style-type: none"> • Somali PSA Emergency support: USD 1.7 million • Ethiopia gas: USD 300M • Liberia oil: USD 1 million 	<ul style="list-style-type: none"> • SDG 1: End poverty in all forms everywhere • SDG 7: Ensure access to affordable, reliable and sustainable modern energy for all.
Impact 2: Sustained Inclusive development	Power production in Megawatts (MW) 3470	<ul style="list-style-type: none"> • Ethiopia Geothermal 450MW • Madagascar Solar 20 MW • Zambia/Zimbabwe Bakota hydro 2400 MW • Angola/ Namibia Baynes hydro: 600 MW 	<ul style="list-style-type: none"> • SDG 1: End poverty in all forms everywhere • SDG 7: Ensure access to affordable, reliable and sustainable modern energy for all.
Outcome 1: Enhanced economic growth in targeted sectors	Value of projects supported by sector-Extractives	USD 3,525,000	<ul style="list-style-type: none"> • SDG 1: End poverty in all forms everywhere • SDG 7: Ensure access to affordable, reliable and sustainable modern energy for all.
Outcome 1: Enhanced economic growth in targeted sectors	<ul style="list-style-type: none"> • Value of projects supported by sector-Infrastructure • Increased foreign direct investment in targeted sectors: USD 17.24 billion 	USD 1,375,000 <ul style="list-style-type: none"> • Uganda refinery USD 20 million • Madagascar solar USD 19.5 million • Sao Tome mini hydro grids USD 1 million • Bakota Hydro USD 16 billion • Baynes hydro: USD 1.2 billion 	<ul style="list-style-type: none"> • SDG 1: End poverty in all forms everywhere • SDG 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
Outcome 2: Increased socially responsible and environment-friendly investments/Fair commercial contracts/agreements in targeted sectors	Number of contracts with specified and budgeted strategies to enhance gender, environment and rights of people living in areas where resources will be extracted or with respect to an infrastructure project	20	SDG 11: Make cities and human settlements inclusive, safe, resilient and sustainable

Results	Anticipated Results	Project Level Results	Sustainable Development Goal (SDG)
Outcome 2: Increased socially responsible and environment-friendly investments/Fair commercial contracts/agreements in targeted sectors	Countries with improved procurement system for complex tendering	17	SDG 11: Make cities and human settlements inclusive, safe, resilient and sustainable
Outcome 3: Reduced number of creditor litigation cases and payments	<ul style="list-style-type: none"> • Total ALSF commitments for legal assistance in creditor litigation cases • Number of RMCs requesting support on sovereign debt or creditor litigation 	USD 1,055,000 5	<ul style="list-style-type: none"> • SDG 10: Reduce inequality within and among countries • SDG1: End poverty in all forms everywhere

Output Level

Result Level	Indicator	Number
Output 1:Capacity building provided to African countries	<ul style="list-style-type: none"> • Number of African legal professionals, private sector and government officials trained on negotiation of complex commercial transactions or commercial creditor litigations • Number of requests from fragile governments for support or follow-up support • Partnerships established with other capacity programs or legal bar associations 	4,468 18 11
Output 2: Knowledge products developed and disseminated	<ul style="list-style-type: none"> • Number of legal knowledge products developed (model agreements, toolkits, etc.) • Number of hits on ALSF websites and social media platforms-Twitter, LinkedIn, ALSF website • Number of webinars organized by the ALSF for knowledge sharing 	22 33,237 34
Output 3: Improved performance of ALSF	<ul style="list-style-type: none"> • Increase in number of projects under the new financing agreement • Number of projects successfully implemented and closed • Number of RMC that contribute to the ALSF • Number of projects contributing to renewable energy • Number of capacity building training that specifically cover cross cutting issues (i.e. good governance, environmental protection, and gender equality) 	4 50 1 10 35

Historically, the ALSF has approved more than USD 100 million to support the provision of legal advice and technical assistance in the negotiation of complex commercial transactions, creditor litigation and other related sovereign transactions, especially in relation to the extractives infrastructure / Public-Private-Partnerships, and power sectors in Africa.

ALSF Stories From the Field 2020

Extractives & Natural Resources

Uganda East Africa Crude Oil Pipeline (EACOP)

The ALSF provided technical legal advisory services and capacity building assistance to the Government of Uganda to negotiate and draft complex agreements in the oil and gas sector.

More specifically, in collaboration with the Ugandan National Oil Company, the Facility appointed a consortium of advisors (legal, technical and financial) to support the negotiation and drafting of key agreements to develop and construct the EACOP. Once fully operational, the pipeline is expected to have export flow rate of 216,000 barrels a day.

Our interventions led to the signing of the Ugandan Host Government Agreement. With the completion of this milestone, plans are underway to conclude the other project relevant agreements (i.e. Tanzania Host Government Agreement, Shareholders Agreement, Tariff and Transportation Agreement) to facilitate the construction of the 1,445 km EACOP.

The project is estimated to cost USD 3.5 billion. The pipeline will connect Uganda's oil fields to Tanzania's port of Tanga. This will enable Uganda to export its vast crude oil reserves and lead to enhanced government revenues, job creation, and also accelerate the socio-economic development of the East Africa region.



Extractives & Natural Resources

Lesotho Mining

Lesotho's mining sector contributed to 8.4% of the country's GDP in 2018, with plans to increase this number to 10% by 2025 and was projected to employ 10,000 people by 2020. With the support from the ALSF, the Government of Lesotho renegotiated Shareholder and Mining Agreements with an investor. This led to an increase from a discretionary royalty of 4-8% to a statutory royalty rate of 10%, thereby maximizing the Government's earnings.

In 2020, the ALSF also provided advisory services support to develop mining sector toolkits, which included a template Mining Agreement and Shareholders Agreement. The Facility contributed to the legislative drafting and review process by facilitating a legislative report on the review of applicable mining laws, and the draft Mining and Minerals Bill 2017.



Infrastructure & PPPs

Rwanda Airport

The Government of the Republic of Rwanda approached the ALSF for support with the provision of legal, technical and financial advisory and capacity building services for the negotiation and drafting of complex commercial agreements concerning the construction and development of Bugesera International Airport.

In 2020, the negotiation of the major commercial points surrounding the amendment of an Engineering Procurement and Construction contract entered into with a contractor to construct the main Airport Terminal was concluded.

The amendment of this contract will facilitate the investment of a 60% stake (amounting to approximately USD 780 million) into the Airport by Qatar Airways.

It is expected that the Airport will become Rwanda's largest airport and supplement Kigali International Airport that is currently operating at maximum capacity. The first phase of construction of the Airport will accommodate up to seven (7) million passengers annually, while a second phase would double the capacity to fourteen (14) million passengers per year.

Infrastructure & PPPs

Ghana-Togo Transboundary Water Supply

In 2014, the governments of Ghana and Togo jointly agreed to develop a project to improve access to drinking water of the populations of Lomé and selected Ghanaian border communities. The objective is to extract and purify water from the Volta River and deliver it through a system of water pipelines to the national water utility of each country.

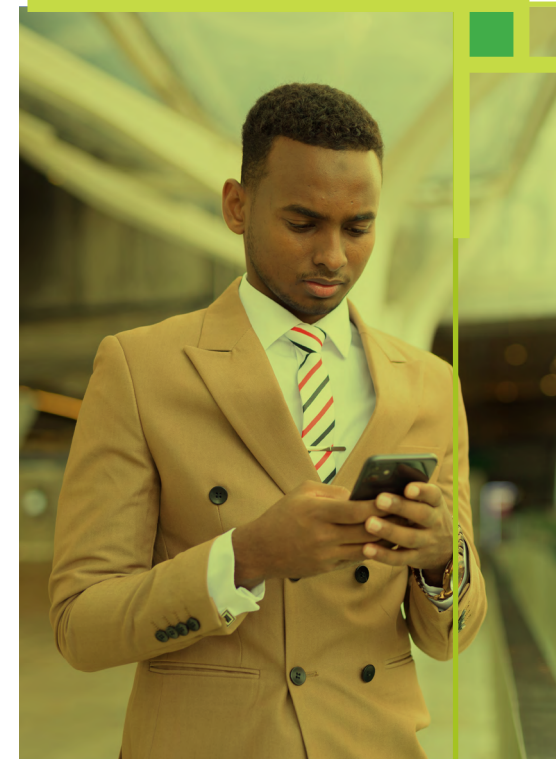
The project is expected to be structured as a Public-Private-Partnership (PPP). The private partner is expected to design, finance, build, operate and maintain the infrastructure. It involves the

construction and operation of: (i) a system of pipelines to carry water from the Volta River in Ghana to Lomé, Togo, with additional deliveries to certain towns in Ghana; (ii) a water treatment facility near the intake point in Sogakope, Ghana; and (iii) any required pumping stations.

The ALSF is providing transaction advisory services to both countries to prepare and structure the project. This transaction is particularly challenging, as it is a cross border – natural resource – infrastructure project for which over 90% of the assets will be based in Ghana, while over 90% of the potable water will be used by Togo. It also involves countries with different languages

and legal regimes (common law and civil law). The project made significant progress in 2020. The transaction advisers presented the draft feasibility report, which highlighted the various structures required for the project (financial, corporate, institutional and procurement), and recommended the optimum financing structure for the project, based on a range of financial models.

Once completed, the project is expected to provide access to safe drinking water to nearly 4 million people in the targeted area.



Sovereign Debt

Somalia Sovereign Debt

With the assistance of the ALSF, Paris Club creditors agreed to cancel USD 1.4 Billion of Somali debt, leading the Federal Republic of Somalia to the enhanced Highly Indebted Poor Countries (HIPC) Initiative Decision Point. In preparation for the Decision and Completion Points for the HIPC initiative, the International Monetary Fund (IMF) and the World Bank required the Government to re-negotiate and restructure its debt with its current creditors, including members of the Paris Club, which accounts for approximately 58% of the country's debt. The Government requested technical and financial assistance from the ALSF, which engaged technical and financial advisors to support the Government in negotiations with the country's Paris Club creditors. Somalia and its Paris Club creditors successfully conducted and concluded the first ever virtual Paris Club negotiations on 31 March 2020. These negotiations resulted in Somalia receiving debt relief in the amount of USD 1.4 Billion. The relief took the form of the cancellation of approximately 67% of the country's Paris Club debt. Following the negotiations, it is expected that Somalia will receive further debt relief on a bilateral basis, eventually leading to 100% debt cancellation and bringing the country closer to the HIPC Initiative Completion Point.

Power

Eswatini Solar PV

The ALSF supported the Kingdom of Eswatini's first competitive procurement process through the launch of a request for Qualifications (RfQ) for the procurement of 40MW of solar PV. The capacity for each solar PV plant will range between 5-15 MW and each project shall utilize proven ground mounted solar PV technology.

The RfQ was launched on 7 June 2019 by the Eswatini Energy Regulatory Authority. During the RfQ stage, there was an excellent response from the market and 13 bidders were pre-selected for the request for proposals (RfP). The RfP was launched on 6 March 2020 followed by a virtual Bidders' Conference on 8 April which was attended by all the pre-selected bidders despite the challenges of the COVID-19 pandemic.

The Government officials and the ALSF and Advisors have been in constant communication with the

bidders and the process continues with an expectation that the final bids will be submitted by the end of 2020 and the final awards will be made in the first quarter of 2021.

Gabon Hydro

The ALSF is supporting the Government of Gabon for the development of three hydropower plants in the country with a total generation capacity of about 125 MWs: the hydroelectric dam of Ngoulmendjim has a generation capacity of 73 MW; the hydroelectric dam of Dibwangui will produce 15 MW; and the hydroelectric dam of Kinguéle Aval will generate about 35 MW.

The Ngoulmendjim and Dibwangui Projects developed reached commercial close in November 2018 and are almost reaching financial close. The consortium leading the Kinguéle Aval Hydro Project also signed a concession with the Government in October 2019.



The Gambia Sovereign Debt

The Government of The Gambia sought capacity building assistance from the ALSF with respect to: (i) negotiations with The Gambia's creditors with a view towards obtaining debt relief and (ii) development of a prudent and sustainable restructuring strategy, in each case to assist it to meet a precondition to an IMF financing program. The Government also requested support in the development of a media strategy. Finally, the Government requested capacity building training on sovereign debt. ALSF's assistance resulted in:

- Confirmation from creditors regarding their commitment to restructure The Gambia's debt, and to the extent possible restructuring agreements and/or similar arrangements between the Government and its creditors;
- Comprehensive restructuring plan derived from negotiations with creditors;
- Development of a media strategy that conveyed a sound and positive narrative around the restructuring plan; and
- Capacity building for public debt managers and selected members of the Ministry of Finance and Economic Affairs.

Through the Project, with the assistance of the advisors, the Government succeeded in obtaining the financing assurances from the vast majority of creditors who agreed to restructure their claims. As of 31 December 2019, 70.1 percent of all participating creditors had either produced new debt schedules or agreed on a detailed loan-by-loan treatment of their Gambian debt profile.

Chapter 3

Institutional Development and Corporate Management

In 2020, the ALSF adopted and undertook a number of internal reforms to ensure that it remains agile and responsive to the needs of its clients in accordance with its operational priorities. Specifically, the Facility continued to implement its Monitoring Evaluation Framework, and innovative approaches to swiftly respond to the effects COVID-19 pandemic. To expand its financial base, increase ownership, and enhance sustainability, the ALSF's management continued to engage with the RMCs, particularly during their premier High-Level Meeting to discuss RMCs contribution to the financial sustainability of Facility. This chapter discusses the ALSF's institutional activities in 2020.

High Level Meeting of the ALSF's Members:

The ALSF hosted the first High Level Meeting (HLM) of the ALSF's Members on 26 to 27 February 2020, in Abidjan, Côte d'Ivoire on the theme: "ALSF after 10 years: Facilitating Investment and Maximizing Resources for National Development". The participants included 30 Member States, 6 International Organizations, and 2 Observer States. The meeting acknowledged the continued relevance of the Facility's mission and its role in facilitating sustainable economic development in Africa, and made a Declaration supporting the extension of the life of the Facility beyond the limit stipulated in the ALSF Treaty and committed to contribute to the financial sustainability of the ALSF. *Annex VI: Presents the Declaration of the First members of the High-Level Meeting.*

Resource Mobilization:

The ALSF continued its efforts to expand its resource base to meet the increasing demand for its services, especially to address the impacts of the COVID-19 pandemic. Specifically, in 2020 the Facility followed up with its existing financing partners to ensure that pledges made by the respective donors are honoured in a timely manner. The Facility also continued to intensify efforts toward the mobilization of additional resources – and particularly held bilateral meetings with existing and previous financing partners including Canada, European Union, Germany, Netherlands and Norway, in this regard.

Through these efforts, the European Union and Netherlands disbursed over USD 4.7 million to the ALSF in 2020. The Facility has also secured additional funding from

the Bank's African Development Fund Transition Support Facility (AfDB-ADF15-TSF), Norway and UKaid amounting to UA 16 million, NOK 20 million and £ 1 million respectively.

Additionally, the Facility received a grant of USD 0.5 million from the World Bank's Extractives Global Program to support AMLA activities. The World Bank's Global Infrastructure Facility also provided USD 900,000 to support the ALSF's work in the Infrastructure and PPPs sector and the ALSF committed its first Private Entity Funding.

To expand its financial resources in 2020, the Facility continued to approve and award projects on cost-sharing arrangements with RMCs. Such arrangements require countries (or a project) will contribute to or pay back the financing provided by the Facility when the project begins to roll out or is concluded. By the end of 2020, the ALSF had 14 active operations that are expected to reimburse USD 6.8 million to the Facility in the future.

The ALSF also identified and remained engaged with other potential sources of funding for its activities, including Agence

française de développement (AFD), African Export-Import Bank, Federal Republic of Germany, and the Netherlands.

To further expand its financial resources in 2020, the Facility continued to approve and award projects through cost-sharing arrangements with RMCs.

USD 4.7 million
received from
financing
partners in
2020

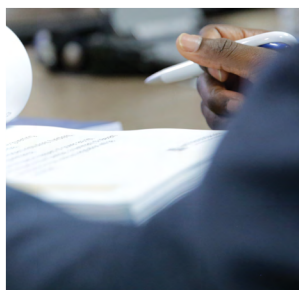


ALSF Contributions Received (USD millions), 2010-2020

Donors	Years		
	2010-2019	2020	Total
African Development Bank	21.87	-	21.87
African Development Fund	15.21	-	15.21
Belgium	0.79	-	0.79
BOAD	0.19	-	0.19
Canada	8.5	-	8.5
ECOWAS Bank for Investment and Development (EBID)	0.05	-	0.05
The Ford Foundation	5	-	5
France	0.3	-	0.3
Germany – (Through KfW)	8.29	-	8.29
Guinea Republic	0.99	-	0.99
Islamic Development Bank	8.29	-	8.29
Netherlands	11.8	3.56	15.4
Norway	7.05	-	7.05
United Kingdom	9.05	-	9.05
USAID	3	-	3.0
World Bank	0.05	-	0.05
European Union	1.23	1.23	2.46
TOTAL	93.42	4.79	98.25

ALSF Contributions Held in Trust by the AfDB (USD millions), 2010-2020

Donors	Years
	2010-2020
France	0.70
India	0.76
TOTAL	1.46



Regulations and Internal Guidelines: To enhance clarity of responsibilities and roles including corresponding actions from all stakeholders, the ALSF produced governance documents for statutory organs of including GC and MB Charters; the terms of reference of the Chairperson and Vice Chairperson of the GC; a policy document on Director and CEO recruitment; three Directives concerning internal procedures; and a revised toolkit on membership matters. These will foster a culture of responsiveness, integrity, confidence and transparency.

Monitoring and Evaluation and Learning: During 2020, the ALSF through the support of its donors embarked on activities to strengthen the documentation of results and reporting with a view of meeting stakeholder expectations and recommendations. In 2020, the Facility successfully rolled out the ALSF Management Information System (MIS) that will assist the facility to streamline data management through centralization of all documents into one system, making it easier to aggregate data and run reports.

The summative evaluation of the previous MTS (2013-2017) was finalized and the report presented to the Board and Governing council for approval. The findings of the evaluation emphasized the relevance of the ALSF among Regional Member Countries, providing further justification for extension of the life of the Facility.

The ALSF revised its due diligence questionnaires to better capture baseline data at project formulation stage while assessing relevant

crosscutting issues that can be monitored for each project. In order to improve project monitoring and results based reporting, PMFs with baseline and targets were integrated into project proposals for all projects approved; through the support of our partners specifically ICON, the M&E team benefited from technical assistance in refining the evaluation methodology including ex-post project evaluation missions in The Gambia and Seychelles; Task managers received additional training on integrating of crosscutting issues and inclusion of M&E indicators into each performance monitoring framework.

The M&E team also revamped the ALSF project dashboard to better manage its portfolio which will facilitate the monitoring of projects and tracking project timelines.

The ALSF is carrying out the mid-term review of its current MTS to provide insights into the development effectiveness of the ALSF operations and will continue to monitor active projects and review completed operations. Relevant M&E tools including the Project Cycle Management manual and the Evaluation Policy will also be validated.



ALSF Information Management System

Since the inception of the ALSF in 2010, demand for its services has greatly increased from a handful of requests to a portfolio of over 100 active projects. This growth came with an increase in the volume of information and data that the facility handles as well as a need to demonstrate results while being accountable to the donors and stakeholders. Given the nature of the services provided by the Facility, it became increasingly necessary for a unique and reliable system to manage information, track progress, and analyse results for better decision making.

With the support from the Federal Republic of Germany, through KfW the Facility engaged ICON to develop an online Management Information System (MIS) that has since accelerated the storage and analyses of project data on



demonstrate change while reducing the workload and time spent by task managers in generating project documents.

The MIS will also improve the efficiency of the Facility in managing institutional data by keeping a record of all institutional events and minutes while having an effective interface and connectivity to the financial management application.

The system will also be linked to the ALSF website to allow for easy access of specific information by stakeholders, including RMCs, donors, and the general public.

Mid-Term Review of the MTS 2018-2022:

2020 marked the midpoint of implementation of the current Medium-Term Strategy 2018-2022 (MTS). Accordingly, a midterm review is under way in order to assess progress achieved against the goals and objectives in the key result areas outlined in the MTS. Building on the findings of the recently concluded summative evaluation of the previous MTS 2013-2018, the current midterm review will assess the impact, relevance and sustainability of results for participating African Governments, assess

the effectiveness and efficiency of the ALSF interventions, provide findings, conclusions, and lessons learned to inform the continued implementation of the MTS 2018-2022, as well as recommendations for future design, in particular regarding options for strategic positioning of the ALSF.

The midterm review is being undertaken by independent evaluators, BKP advisors, and will also give an independent opinion on the financial instruments and ALSF's business model as embedded in the operational guidelines and

their potential contribution to the sustainability of ALSF.

Due to the travel restrictions occasioned by the COVID-19 pandemic, the review is being carried out through desk reviews together with key informative interviews. The portfolio wide review approach will cover all projects under implementation between January 2018 to June 2020. Upon completion in March 2021, the findings from the review will be shared with the Management Board, Governing Council, and donors; and inform the next medium-term strategy.

Chapter 4

Collaboration, Partnership Building and Outreach

In 2020, the ALSF continued to strengthen its strategic relationships with existing donors and partners, while exploring collaborative arrangements and partnerships with a number of development partners, including bilateral aid agencies, multilateral development institutions, academic and knowledge institutions, national governments, and African civil society organizations. The Facility participated in several regional and global events to enhance dialogue on common strategic issues. These interactions helped the ALSF build on, and maximize its expertise, while obtaining the necessary support to continue to deliver high quality services and implement its mandate in an effective and coordinated manner.

Strategic Partnerships:

During 2020, the ALSF engaged and partnered with a wide array of various bilateral and multilateral institutions to advance development dialogue and action at all levels to help address Africa countries' development. This year, in particular the ALSF brought together key partners to facilitate sharing information and identify avenues for collaboration to tackle the impacts of COVID-19 pandemic.

Over the year, the ALSF closely worked with the following institutions: African Development Bank; African Energy and Minerals Management Initiative in Uganda; Columbia Center on Sustainable Investment; Commercial Law Development Program (US Commerce Department); East Africa Law Society; Eduardo Mondlane University, Mozambique; Extractives Industries Transparency Initiative; Geothermal Risk Mitigation Facility for Eastern Africa; Germany (through KfW); International Monetary Fund; International Senior Lawyers Project; Macroeconomic and Financial Management Institute of Eastern and Southern Africa; Natural Resource Governance Institute; Organization for the

Harmonization of Business Law in Africa (OHADA) and ERSUMA; Strathmore University in Kenya; the Collaborative Africa Budget Reform Initiative; the International Training Centre in Africa for Francophone Lawyers (CIFAF); the Southern African Development Community Lawyers Association (SADCLA); West African Institute for Financial and Economic Management; University of SOAS; and the World Bank Group.

In 2020, the ALSF negotiated and signed Memoranda of Understanding with the following institutions: The Centre for Energy Petroleum and Mineral Law and Policy Extractives Hub, University of Dundee; and Strathmore Extractive Industry Centre to work with the ALSF Academy. Currently, the ALSF is negotiating MoUs with United Kingdom's Foreign, Commonwealth and Development Office, and working towards formalizing a partnership with the African Export-Import Bank.

During the year, with the assistance from KfW, the ALSF continued to partner with ICON-INSTITUTE Public Sector GmbH (ICON) to strengthen its strategic planning, monitoring, financial sustainability, effectiveness and efficiency. Over

the year, ICON has supported the ALSF to:

- Develop a Management Information System;
- Develop a draft communication and outreach document;
- Train staff in project cycle management, mainstreaming cross-cutting issues in the operations; and
- Enhance the operationalization of monitoring and evaluation concepts and framework and implementing procurement rules.

To effectively deliver on our mandate, in 2020, the ALSF continued to work closely with the African Development Bank's various complexes, departments, divisions and units including: Power, Energy, Climate and Green Growth Complex; Private Sector, Infrastructure and Industrialization Complex; Gender, Women and Civil Society Department; Transition States Coordination Office; African Development Institute; African Natural Resources Center; and African Water Facility.



Business Development:

In 2020, the ALSF organized its First High-Level Meeting on the theme: "ALSF after 10 years: Facilitating Investment and Maximizing Resources for National Development". The main purpose of the event was to discuss: the future of the ALSF and the expansion of its membership; and ways to encourage member countries to make financial contributions towards the sustainability of the ALSF. The event also provided opportunity for bilateral meetings between ALSF staff and some African countries to discuss on-going and potential projects and membership formalities.

During 2020, the ALSF also attended and participated in a number of strategic events including: Africa Energy Forum; CEO Utility Forum and Mining Indaba. The ALSF also sponsored an Arbitration survey conducted by the SOAS University of London; participated in the 8th East Africa International Arbitration Conference; OHADA member states conference; and co-organized with ERSUMA and participated in webinars on COVID-19 and Investment Dispute Resolution; Impact and management of COVID-19 on the external public debt; and Recommendations to governments and measures to be taken to effectively manage PPP contracts during COVID-19. In sum, the ALSF organized or participated in more than 34 webinars.

ALSF Membership: Today, the total number of ALSF members is 60 which includes 53 states and 7 International Organizations. In 2020, the ALSF team continued to follow up with a number of countries to complete their membership. Due to these efforts, Cabo Verde, Kenya, Malawi, South Sudan and Tanzania are completing the processes to finalize their membership, and Angola, Botswana and Equatorial Guinea are at an advanced stage in their accession to the ALSF Agreement. *Annex IV provides the complete list of signatories to the ALSF Agreement as of 31 December 2020.*

Donors' Voices

At the beginning of 2020, the African Legal Support Facility (ALSF) had approved over 100 operations amounting to about USD 53 million in Transition States, strengthening the countries' legal expertise and negotiating capacity in debt management and litigation; natural resources and extractive industries management and contracting; investment agreements, and related commercial and business transactions.

By collaborating with the ALSF, the Bank is able to strengthen its engagement with its Regional Members Countries (RMCs) by equipping them with tools to ensure fair and balanced negotiations with investors and creditors. This is important under the current COVID-19 context, as countries navigate the nexus between debt resolution, governance and inclusive growth.

We hope that the collaboration between ALSF and the Bank's Transition Support Facility, will continue to support the rebuilding and resilient recovery of transition states

Yero Baldeh, Director, Transition States Coordination Office (RDTs) African Development Bank Group (AfDB)



Our support for the ALSF is part of the Norwegian Government's efforts to promote domestic resource mobilisation and financial transparency, and to combat illicit financial flows out of Africa. Governments are faced with complex commercial transactions and investment agreements, not the least in infrastructure and extractives industries. The ALSF has established a strong track record in offering legal expertise. With the additional social and economic challenges following the COVID-19 pandemic, the ALSF services continue to be relevant, not the least for the low-income countries.

We value our partnership with the ALSF and support its priorities as set out in the ALSF Medium Term Strategy (2018-2022). We encourage the ALSF to continue tracking and reporting on how its work contributes to the achievement of key Sustainable Development

Goal targets and Africa's Agenda 2063. We see the ALSF's contribution relevant also in the context of the G20 Compact with Africa Initiative, which Norway is fully behind."



Aksel Jakobsen, State Secretary (International Development), Ministry of Foreign Affairs, Norway



The Netherlands has been a proud supporter of the ALSF's operations since 2013, and in 2020 we were glad to announce we will continue that partnership. We appreciate the ALSF's high-quality services to support African countries and to strengthen their legal expertise and negotiating capacities to ensure balanced and sustainable transactions. The ALSF is Africa's trusted legal partner during transactions in the natural resources and extractives, sovereign debt, and Public Private Partnerships (PPPs) and infrastructure sectors. We also value the ALSF Academy as an important capacity building tool, for example through the publication of the ALSF Sovereign Debt course handbook, containing important insights for debt practitioners across the continent.

Over the years, the ALSF has successfully supported countries to conclude complex commercial transactions and develop capacities in these sectors and contributed to reduction in debt distress, development of relevant infrastructure, increased revenues and benefits from extractives and other commercial transactions, expansion of access to sustainable energy, good governance, environmental sustainability, and gender equality. Accordingly, the ALSF's interventions are aligned with the Netherlands' development cooperation objectives to reduce poverty, prevent conflicts and instability, and promote sustainable growth and climate action.

Given the havoc that COVID-19 wrecks on many African countries the ALSF is more relevant than ever to enhance African countries' capacities to mobilize public resources and manage the post pandemic recovery effectively to achieve the UN Sustainable Development Goals and the AU Agenda 2063 goals.

Gerard Steeghs, Director, Multilateral Organizations and Human Rights Department, Ministry of Foreign Affairs of the Netherlands



The German Federal Ministry for Economic Cooperation and Development has been supporting ALSF's work since 2016. We value ALSF's high-quality services in enhancing the legal expertise and negotiation skills of African countries to ensure transparent, sustainable and balanced commercial transactions. Over the past years, the ALSF has become an important and reliable partner across Africa during complex commercial contract negotiations in the sovereign debt, extractive and infrastructure sectors. We appreciate ALSF's firm commitment that has successfully contributed to the reduction of debt risks, benefits from extractives and access to much needed infrastructure, e.g. for renewable energies, in several African countries. Due to the impact of the COVID-19 pandemic, ALSF's support will be even more crucial for many African countries to efficiently mobilize domestic resources that will allow post pandemic recovery. We are proud to continue our support to the ALSF in partnership with other organizations as part of our joint efforts to achieve the UN Sustainable Development Goals.

Dr. Thomas Helfen, Head of Division: Coordination of Operations in Africa; African Union, German Federal Ministry for Economic Cooperation and Development



The EU is proud to support the African Legal Support Facility's efforts to promote balanced and sustainable commercial arrangements between governments and the private sector. Thanks to the African Legal Support Facility, African governments now have access to some of the best legal advice available which can be mobilised at short notice.

The African Legal Support Facility is financing activities such as the review and analysis of legal, institutional and regulatory frameworks, the provision of advisory services for the structuring and negotiation of investment and commercial agreements and the organization of training programmes.

It makes the most of the opportunities available in key areas for economic development, including the green and sustainable economy and digitalisation, by boosting education and skills, investments, and creating decent jobs. We see this initiative as a good example of our shared vision of the European Union-Africa partnership. This is a positive story thanks to your commitment!

Sandra Kramer, Director Africa - Directorate-General for International Partnerships, European Commission

The UK has long supported the ALSF's work to build negotiation capacity across Africa. The Covid-19 pandemic has triggered a significant increase in debt vulnerabilities in many African countries and the work of the ALSF on debt has become of critical importance in helping countries engage with their creditors. We hope that the ALSF will be able to work closely with international partners to support countries seeking debt restructurings under the G20 and Paris Club Common Framework as well as maintaining strong performance across other core areas of business. We are proud to have renewed our financial contribution.

Phil Stevens, Head of International Financial Institutions Department, Foreign Commonwealth and Development Department, UK



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 2020 Financial statements have been prepared. The independent auditors report on the financial statements of the ALSF were approved and endorsed Management Board and Governing Council respectively.

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 2020 include the following:

Total Contributions Received

The total contributions received for the year ended December 31, 2020 amounted to USD over 4.7 million compared to USD 10.7 million for 2019. The cumulative contributions for 2020 and 2019 amounted to USD 96.9 million and USD 92.2 million.

Total Disbursements

The total disbursements made for the year ended December 31, 2020 amounted to USD 12.6 compared to nearly USD 13.1 million in 2019. The cumulative disbursement for 2020 amounted to USD 82.7 million as opposed to USD 69.6 million in 2019. This represents a reduction of USD 0.5 million compared to 2019 annual disbursements.

A summary of the primary financial statements of the ALSF for the year ended December 31, 2020 is shown below.

Statement of Financial Transactions for Years Ended 2019/2020 (USD)

	Years	
	2020	2019
Contributions		
Contribution Received	4,765,770	10,671,560
Net Income and Translation Gains	202,015	564,187
Disbursements	(13,083,140)	(13,585,084)
Surplus/Deficit	(8,115,355)	(2,349,339)



Statement of Commitment as at December 31, 2020 (USD)

	Years	
	2020	2019
Total Cumulative Funds Available	99,751,241	94,783,456
Cumulative Commitments*	(95,304,581)	(92,707,945)
Total Funds Available for Commitment	4,446,660	2,075,511

*Including ongoing activities and project support component disbursements

Statement of Financial Position as at December 31, 2020 (USD)

	Years	
	2020	2019
Contributions		
Contribution Received	96,956,834	92,191,064
Net Income and Translation Gain	2,794,407	2,592,392
Total Funds available	99,751,241	94,783,456
Disbursements	(82,721,903)	(69,638,763)
Net funds Available	17,029,338	25,144,693
Represented By		
Cash and Cash Equivalents	18,034,299	25,888,308
Net Amount Receivable (payable)	(1,004,961)	(743,615)
Net Funds Balance	17,029,338	25,144,693

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



The Governing Council delegates a number of its powers to the Management Board (MB) and the Management Board is responsible for the efficient and effective conduct of all the operations of the ALSF. This

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 and a list of the current representatives showing their constituencies is in Annex IV.

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 and CEO 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 Governing Council and Management Board provided oversight and strategic direction to the management of the ALSF in 2020. Activities undertaken by the Board gave considerable time to strategic operations and institutions matters of the Facility to effectively deliver on its mandate. Notably, the Board also approved 15 operations and attended the HLM and endorsed the extension of the mandate of the ALSF beyond the initial period; commended the ALSF's responses to the impacts of the COVID-19 pandemic and the recommendations of the Independent Evaluation of the Medium-Term Strategy (2013-2017) of the ALSF.



Governing Council Activities in 2020:

In 2020, the ALSF successfully hosted two Governing Council (GC) meetings. The first meeting was informal to review and refine the statutory documents in advance of the formal deliberations. The second was the 11th Annual Meeting of the ALSF Governing Council held on 21st February 2020. This meeting discussed, refined, approved and endorsed relevant working documents of the ALSF. These mainly focused on the revising and updating of internal guidelines to enhance efficiency, accountability, compliance with the best practices; and ensuring financial sustainability of the institution. The GC also appointed Mr. Dominique Lebastard as interim Chairperson of the ALSF Governing Council.

The Governing Council also appointed Ms. Christine Anyango Agimba from Kenya and Mr. Arve Ofstad from Norway to replace Mr. Bruce Montador from Canada and Mr. Mahomed Rafique from Mozambique on the ALSF Management Board for a three-year period, beginning 30 June 2020 to 29 June 2023. Details of the

current members of the Governing Council and Management Board are attached in Annex V.

Management Board Activities in 2020:

The ALSF Management Board held three formal meetings. During its 30th formal meeting, that was held on 21st February 2020, the Board considered or reviewed the following: the progress made in projects implementation in 2019; the 2019 Draft Annual Report and Financial Statements; and the findings and recommendations of the ALSF Medium Term Strategy (2013-2017). The MB also considered various new or revised internal guidelines of the ALSF to enhance efficiency, accountability, and compliance with standard practices, and to ensure financial sustainability of the ALSF.

The 31st Management Board was held virtually on the 30th April 2020. This meeting reviewed the progress on projects' implementation in 2019; considered and approved the 2019 Draft Annual Report and Financial Statements; reviewed and adopted the guidelines for the recruitment

of the ALSF Director and CEO and recommended the extension of the life of the ALSF beyond 2022.³

The final meeting of the Management Board was held on 27th October 2020. The Board considered and approved the Budget and Work Plan for 2021. During this meeting, Board members reviewed and considered the ALSF Financial Statements for the second and third quarter for 2020; discussed the progress report on projects' implementation; project outliers and exceptions report; updates on resource mobilization efforts and implementation of the MIS; received the progress on the implementation of the donors' recommendations and Human Resources Policy and Staff Rules; and updates on the Risk Management Framework; and approved a document on the eligibility of International Organizations to join the ALSF.

By the end of 31 December 2020, the ALSF Management Board members had also approved 15 operations amounting to nearly USD 10 million to help African countries build legal capacities in negotiation of complex commercial transactions in the natural resources and infrastructure development sectors.

In February 2020, the Management Board participated in the premier High-Level Meeting of the ALSF⁴ under the theme: "ALSF after 10 Years: Facilitating investment and maximizing resources for national development".

3. Article XXVIII of the ALSF Treaty provided for a duration of 14 years for the Facility, from 2008 to 2022, as well as mandated the Governing Council to limit or extend this duration.

4. All the 60 members of the ALSF were invited to the HLM, viz. 48 RMCs, 5 Non-RMCs, and 7 International Organizations. The HLM was attended by 47 delegations comprising 32 delegations from African States, 6 International Organizations, 8 current and former ALSF Management Board and Governing Council members and a former General Counsel of the African Development Bank Group (AfDB).

During the HLM, the ALSF:

- Took stock of the achievements of the ALSF and the evolution of the needs of its RMCs;
- Discussed the extension of the mandate of the ALSF post-2022 and its strategic positioning;
- Discussed issues concerning the ALSF's financial sustainability and contributions from RMCs;
- Built consensus and provide recommendations for consideration and approval by the ALSF Management Board and Governing Council; and
- Followed up with the 23 African countries that are yet to ratify the ALSF Treaty.

The HLM recommended that the life of the Facility should be extended, and that RMCs should contribute to the resources of the ALSF.

- Discussed issues concerning the ALSF's financial sustainability and contributions from RMCs;
- Built consensus and provide recommendations for consideration and approval by the ALSF Management Board and Governing Council; and
- Followed up with the 23 African countries that are yet to ratify the ALSF Treaty.

The HLM recommended that the life of the Facility should be extended, and that RMCs should contribute to the resources of the ALSF.

Director and Staff: In 2020, the ALSF maintained a total of 37 staff. The institution gave priority to recruitment for critical positions. To support its increasing work load, the ALSF recruited six (6) new legal counsels and a Senior Finance and Budget Officer to ensure effective project and financial management to further strengthen ALSF's performance.

To attract more senior and long-term staff, and following the guidance from the Board, the ALSF is preparing a staff benefits policy, in particular to provide for the establishment of a Staff Pension Plan. The Facility is also updating its staff manual for Board approval.

In 2020, the ALSF trained its staff to improve their knowledge, skills and competencies to enhance its efficiency and effectiveness in delivering on their assignments. Over the year, the staff have been trained to better understand and use the revised Operational Guidelines, Procurement Manual, updated Operational Risk Matrix; the Management Information System (MIS); the ALSF Style Guide; and the Basecamp application.

The ALSF staff also continued to participate in the routine sectoral in-house trainings which strengthened their skills in developing and analyzing relevant Framework Agreements. Finally, the team members also attended Monitoring & Evaluation; Project Cycle Management; and mainstreaming and monitoring and evaluation of cross cutting issues in ALSF operations training sessions.

The staff of the ALSF, led by its Director and CEO, is composed of lawyers and other professionals. The ALSF personnel complement is sub-divided into two categories. The first category comprises seven staff recruited under the Staff Rules and regulations. The second category of personnel are consultants recruited on short to medium and long term basis. Contracts for personnel recruited as consultants are subject to the availability of funds to the ALSF in the medium to long term.



The ALSF Staff by the end of 2020

	Name	Function
Director and CEO and Front Office	Mr. Stephen Karangizi	Director and Chief Executive Officer
	Ms. Imen Mejai	Director's Assistant
	Mr. Charles Afeku	Advisor to the Director
	Mr Timothy Wasswa Kabugo	Resource Mobilisation Officer
	Ms. Maureen Omiti	Monitoring and Evaluation Expert
	Mr. Sassire Napo	Monitoring and Evaluation Assistant
	Mr. Franck Tella	Finance Specialist
	Ms. Regine Yao	Finance Assistant
Institutional Division	Ms. Carmen Freire Da Costa	Corporate Secretary and Head of the Institutional Division
	Ms. Mukazi Kayitenkore	Senior Legal Counsel Institutional
	Ms. Eva Kabundu	Senior Legal Counsel Institutional
	Mr. Francis Omesa	Legal Counsel
	Ms. Eve Ehoura	Communication Officer
	Mr. Christian Tanoh	Assistant Institutional Team
Operations Division	Ms. Maude Vallée	Acting Division Manager & Head of Operations
	Mr. Thierno Olory-Togbé	Principal Legal Counsel
	Mr. Gadi Taj Ndahumba	Senior Legal Counsel & Head of Power Unit
	Ms. Toyin Ojo	Senior Legal Counsel & Business Development Officer
	Ms. Nicole Kears	Senior Legal Counsel and Knowledge Learning Expert
	Ms. Nnewuoghor Okhai-Akhigbe	Senior Legal Counsel
	Ms. Mariam Mohammed	Senior Legal Counsel
	Ms. Haruperi Rudo Mumbengegwi	Legal Counsel
	Mr. Reason Abajuo	Legal Counsel
	Ms. Manuela Dieng	Legal Counsel
	Mr. Abdoul Karim Kabélé Camara	Legal Counsel
	Mr. Rajneesh Seeras	Legal Counsel
	Ms. Rita Madeira	Legal Counsel
	Ms. Shaina Salman	Legal Counsel
	Mr. Joël Sanon	Legal Counsel
	Ms. Primah Atugonza	Legal Counsel
	Mr. Mehdi Oomar	Legal Counsel
	Ms. Mariame Bah	AML Secretariat – Legal Consultant
	Mr. Mohamed Stevens	APLA – Legal Consultant
	Ms. Nancy Ampiah	Secretary Operations Team
	Ms. Yvette Tidolé Derou	Secretary Operations Team
	Ms. Roseline Adou-Abodo	Secretary Operations Team

Chapter 7

Lessons Learnt at the ALSF in 2020

The ALSF project pipeline was affected by the COVID-19 pandemic in 2020. Projects experienced delays and project lenders are monitoring the situation closely. Over the year, we continued to improve quality of projects at entry, to increase due diligence, and to enhance project supervision and monitoring for better development impacts. The ALSF also provided sustained support to COVID-19 affected projects to improve chances of success.

The ALSF identified and implemented projects to develop appropriate capacities and effectively support the development needs of transition states. More specifically, the ALSF interventions in the transition states required closer engagement and collaboration with the respective implementing agencies at all stages of the project implementation cycle. This approach promotes mutual trust and allows for a more efficient transfer of knowledge and skills. Moving ahead, a significant proportion of time from both ALSF's and external legal counsel will continue to be devoted to capacity building throughout the project cycle to ensure sustainability and realization of the intended project objectives in the targeted countries.

During 2020, the ALSF continued to implement important reforms and associated improvements in its institutional capacity and business process. It swiftly adapted to remote working and reached out to its staff to support them through the challenging times to ensure employees' well-being and productivity during the pandemic crisis.

The ALSF remained flexible and adopted desk-based performance monitoring surveys; and further strengthened internal and external collaboration to improve the data collection and reporting systems to show impact of the ALSF interventions.

Plans are underway to consolidate a centralized and comprehensive M&E database to respond promptly to various requests and improve result measurement.

The ALSF also fully utilized its new Procurement Framework in 2020. The box below highlights the successes and lessons learnt.



The ALSF Procurement Framework

In 2019, the ALSF launched an international procurement, with the intent of competitively pre-selecting and retaining the best international law firms in its sectors of intervention to represent African governments in its projects and provide high quality advisory and capacity building services to the governments. Following the pre-selection of law firms, the Facility entered into a framework agreement with 16 successful law firms, that set out the terms and conditions governing the procurement and delivery of advisory services, capacity building activities, and other related activities, in five lots representing the clusters in which the ALSF provides support, i.e. sovereign debt management, litigation, and arbitration (Lot 1), natural resources & extractive industries (Lot 2), Energy / Power (Lot 3), investment agreements & related commercial and business transactions (Lot 4), and PPP & concession agreements (Lot 5).

The ALSF Legal Panel has since been utilised in the implementation of 28 projects and has significantly reduced the time it takes from project approval to engagement of legal counsel. This has reduced project implementation timelines and greatly improved efficiency in project management.

Chapter 8

Looking Ahead

This year, the COVID-19 pandemic presented one of the most serious health crises in history, with unprecedented socio-economic costs. The effects of the pandemic have led to contraction in economic growth of African economies and threatened to reverse the progress made in achieving the Sustainable Development Goals (SDGs). The economic impacts were largely a consequence of the preventive measures adopted by the respective governments to control the spread of the pandemic. Key measures adopted by most countries included the closing of their frontiers and partial or complete lockdowns of economies which among other things, saw the temporary closure of businesses, schools and social services.

These measures generated significant setbacks for African economies mainly in terms of lost productivity and trade both within and among countries. Specifically, these measures significantly strained almost all key growth enhancing sectors of many economies, and ultimately, on their overall income. According to UNCTAD, COVID-19 will lead to about 1.4% contraction in Africa's GDP, with smaller economies facing up to a 7.8% contraction mainly a result of export adjustments affecting primary commodity prices, and attendant losses to tax revenues reducing the capacities of the governments to extend public services to respond to the crisis.

Given the continent's debt burden, the impact of COVID-19 is expected to increase debt service pressure for many African countries over the short to medium term translating into increased poverty and reduced economic growth. Alongside this,

several countries have already been downgraded, or face a downgrade, from the ratings agencies.

The ALSF recognises the opportunities and responsibility to ensure the recovery efforts from the effects of COVID-19 and support the SDGs. The complex legal implications arising out of the disruption of major infrastructure and other projects require careful scrutiny of legal provisions, including force majeure, material adverse change, price adjustments, liability limitations and exclusions, extensions of time, variations or changes in law, terminations and potential renegotiations.

As a key development partner, the ALSF is acutely aware of its mandate in continuing to meet the needs of our RMCs. Moving ahead, the ALSF will play a vital role in responding to the immediate needs and in helping with the RMCs recovery in the medium and longer term. Thus, the ALSF will continue to deploy its resources and collaborate with various development agencies and stakeholders to facilitate and provide the legal and technical solutions required by African governments as they develop post-COVID-19 mitigation and recovery strategies.

The ALSF is currently moving fast to provide flexible responses aimed at reducing the severe economic and social impact of this pandemic on its RMCs and Africa's private sector. Specifically, the ALSF is:

- **Helping African countries obtain legal advice** to negotiate and conclude equitable and sustainable complex commercial transactions related to: extractive



resources, and PPP / infrastructure (Power, Transport, etc.);

- **Providing expert legal assistance** to African countries with their various public debt advisory needs, including debt restructuring, refinancing, and reprofiling, developing accounting approach to contingent liabilities for sovereign guaranties, commercial creditor and culture fund litigation strategy and defence, development of debt management strategies and the provision of advice on Eurobond issuances and related hedging arrangements. The objective is to achieve equitable and sustainable outcomes to prevent debt distress whilst building in-country capacity; and

- **Equipping RMCs with relevant knowledge and skills** to negotiate and conclude balanced investment and commercial agreements; and to adequately execute and manage sovereign debt transactions.

To effectively coordinate support from across the continent and to deliver relevant legal, and development solutions to its RMCs to respond to the impacts of the COVID-19 pandemic, we envisage that the ALSF will:

1. Provide Emergency Assistance: The ALSF has in place a “Crisis Response Toolkit”, i.e. project approval processes that can be deployed to provide expeditious emergency assistance. This includes:

- **Emergency Assistance Projects** for beneficiaries who require immediate legal assistance; and

- **Rapid Assistance and Assessment** Allocation to strengthen the assessment of project risks and (or) bankability of underlying transactions;

both which allow the Facility to allocate funds and mobilize experts within swiftly. This flexibility ensures a reaction time which mitigates the impact of delays on the issues at hand and the consequences for governments of dealing with complex legal issues without adequate capacity.

2. Utilize innovative, interactive technology:

The ALSF has adopted innovative, online capacity building programs and developed knowledge resource platforms which will be continually updated during this period. Indeed, the current context of physical distancing, travel restrictions and in-country lockdowns has rendered web-based solutions the new standard for capacity building and transaction support. Internet platforms, webinars, and legal hotlines will play a preponderant role in strengthening the ability of government officials and private sector professionals to monitor the implementation of existing contracts and negotiate new ones.

Along these lines, one of our flagship initiatives, the ALSF Academy (www.alsf.academy),

offers high-quality online courses on complex transactions in the mining, oil & gas, power, infrastructure and sovereign debt sectors. The course materials developed for the ALSF Academy, which include video presentations, slides and course handbooks, complement other sectoral publications (www.aflsf.org/public-resources/publications) and online resources (www.negotiationsupport.org, www.a-mla.org, www.a-pla.org, www.resourcecontracts.org) supported and/or developed by the Facility. These platforms will be key to our ability to address the challenges of the current crisis.

3. Provide additional support through legal hotlines: The ALSF has also successfully implemented legal hotlines to provide instant and specialized legal advice to ministries and other public entities’ relevant officials on specific legal issues. The objective is to give government experts involved in actual transactions the opportunity to call upon additional capacity where needed, without the need for legal counsel to travel to the beneficiary country.

4. Implement ALSF’s on-going projects: The ALSF will continue to implement and monitor its current active operations. As governments react to the impact of COVID-19, we have already taken steps to support our clients by quickly reaching out to reassure them that we are still fully operational and reviewing existing projects to identify and evaluate potential areas of vulnerability to provide decision-makers with the tools to strengthen their response to the COVID-19 crisis.

5. Support climate change projects: With the lessons learned from the pandemic, the ALSF support for RMCs will include measures to prepare for and build resilience against future or potential global crises, including climate change. Accordingly,

the ALSF will purposely support renewable energy projects and ensure that climate change issues are considered in the projects supported by the ALSF.

6. Identify new projects:

Since the beginning of the crisis, ALSF’s workload and speed of execution has not slowed down. In the light of the pandemic, projections indicate that the requests for the ALSF interventions will increase and we already noted a growth in projects relating to sovereign debt, which reflects the global concerns for rising debt levels on the continent. It is anticipated that this trend will increase as the continent seeks to recover from the pandemic and other economic shockwaves. With recent successful interventions in The Gambia and Somalia, the ALSF intends to leverage its experience in the sovereign debt sector to support other African countries in developing approach to mitigate the impact of the crisis.

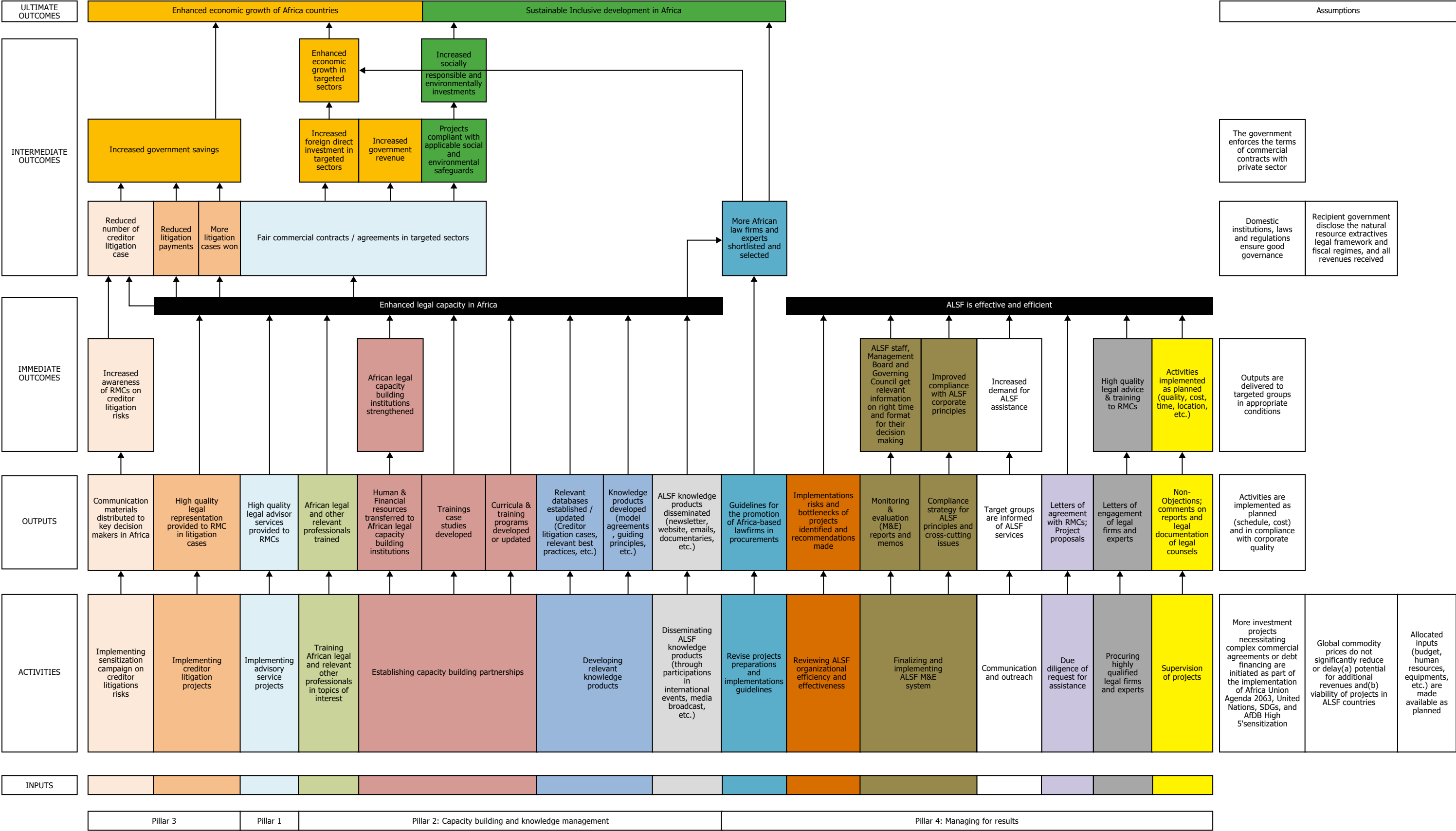
Looking ahead, the ALSF is ready and equipped to play its part by not only responding to requests for assistance, but by anticipating and identifying legal issues and offering effective solutions. We shall also work with our stakeholders and development partners to support Africa during this time of uncertainty and prepare for the work that is to come. There is a critical need to support governments as they navigate their way through the crisis and assist them as they develop strategies to deal with the aftermath.



Annexes

Annex I:

ALSF Logic Model

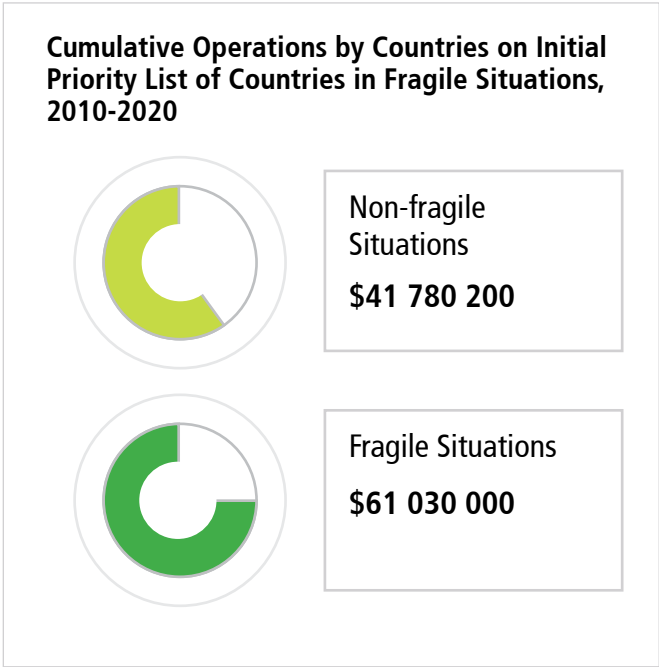
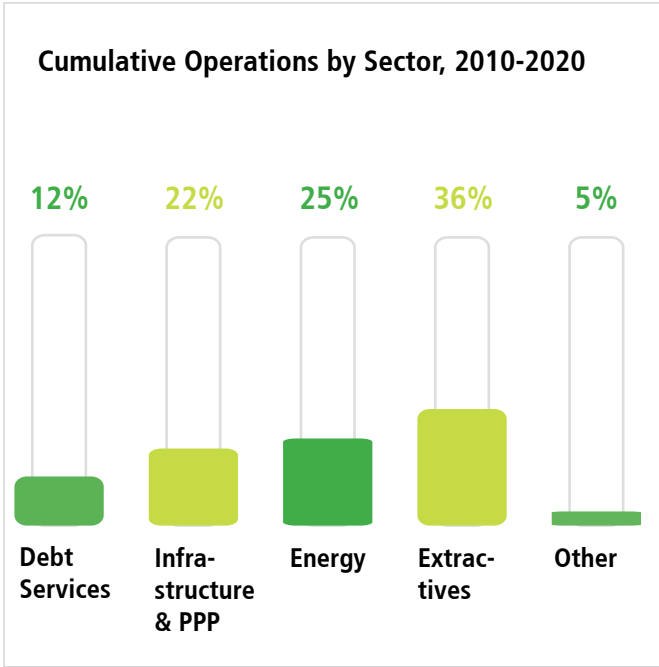


Source: ALSF Medium Term Strategy (2018-2022)

Annex II: Historical Overview of the ALSF Operations

By the end of 2020, the ALSF had cumulatively approved USD 102.8 million for 292 operations in more than 45 African countries. The graphs below indicate the evolution of the operations and the historical distribution of the ALSF's operations by priority areas, sector and country categorization.

Cumulative Operations by priority areas, 2010-2020



Annex III: Summary of the ALSF's Strategic Partnerships

Bilateral Partners	Collaboration
Foreign, Commonwealth & Development Office (FCDO), United Kingdom)	FCDO £ 1 million is targeted at: 1. Provide high quality technical advice and support to developing countries to boost their debt management capacity, tackle debt vulnerabilities and to engage with their creditors.
Government of Canada	Global Affairs Canada's CAD 10.125 million was 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 <ul style="list-style-type: none">GIZKfW Group	The Government of Germany's 9 million 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
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
The Kingdom of Netherlands	Ministry of Foreign Affairs, Netherland's 15.5 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
Government of Norway	Royal Norwegian Ministry of Foreign Affairs' NK 75 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 ex-tractive resources, infrastructure and debt, and 3. Coordinating capacity building directed towards African member countries in the ALSF focal areas
Power Africa Initiative/ United States Agency for International Development (USAID)	1. USAID's USD 3 million is targeted at 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 2. Potential collaboration with Real Clear Infra to develop technology for gathering and analyzing vast data on prior projects for use in creating products to assist in benchmarking terms and conditions, accelerate procurement, improve risk management, and help create data backbone for a liquid market for infrastructure loans.

Multilateral Partners	Collaboration
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
African Natural Resources Centre (ECNR), AfDB	1. Collaboration on projects in the natural resources and extractives sector, including advisory and capacity building projects in Ethiopia, Ghana, Somalia, Namibia, Eritrea, Niger, and Zimbabwe. 2. Joint sponsorship and participation in Mining Indaba 3. Development of Africa Petroleum Legislation Atlas 4. Co-organisation of Webinar Series on COVID-19 and Africa's Extractive Sector
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 (Legal Vice Presidency)	1. Cooperation on the African Mining Legislation Atlas (AMLA) 2. Cooperation on development of a knowledge product – Regulatory Framework Review for Digital Technologies and the Changing Nature of Work in Africa's Mining Sector
World Bank (PPPIRC – Public Private Partnership Infrastructure Resource Center)	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
OECD Policy Dialogue on Natural Resource-based Development	1. 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 2. Collaboration in delivering the board room training program and provision of technical expertise for ALSF projects where required

Other Partners	Collaboration
African Institute for International Law	Capacity Building and Networking possibilities
Africa Arbitration Association (AfAA)	Capacity building and networking possibilities Development of an Africa Arbitration Legislation Atlas
Centre International de Formation en Afrique des Avocats Francophones	Capacity Building and Networking possibilities
Columbia Center on Sustainable Investment	Capacity Building and Networking possibilities
Extractives Industries Transparency Initiative	Capacity Building and Networking possibilities
East African Law Society	Capacity Building and Networking possibilities
International Senior Lawyers Programme	Capacity Building and Networking possibilities
International Lawyers for Africa	Capacity Building and Networking possibilities
Pan-African Lawyers Union	Capacity Building and Networking possibilities
SADC Lawyers Association	Capacity Building and Networking possibilities
University of Cape Town, Strathmore University in Kenya, Eduardo Mondlane University Mozambique, University of Kigali, and other African Universities	Capacity Building and Networking possibilities
Natural Resource Governance Institute and Columbia Center on Sustainable Investment	Partnering to develop and maintain selected knowledge products
West African Institute for Financial and Economic Management	Partnering to develop and maintain selected knowledge products
Macroeconomic and Financial Management Institute of Eastern and Southern Africa	Partnering to develop and maintain selected knowledge products
The Collaborative Africa Budget Reform Initiative	Partnering to develop and maintain selected knowledge products
Geothermal Risk Mitigation Facility for Eastern Africa	Partnering to develop and maintain selected knowledge products
OHADA and ERSUMA	Partnering to develop selected knowledge products
International Monetary Fund	Partnering to develop selected knowledge products
African Energy and Minerals Management Initiative in Uganda	Partnering to develop selected knowledge products
University of SOAS	Partnering to develop selected knowledge products
The Centre for Energy Petroleum and Mineral Law and Policy Extractives Hub, University of Dundee	Capacity Building and Networking possibilities

Annex IV: Signatories to the Agreement for the Establishment of the ALSF, 31 December 2020

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	Eswatini	06/12/2013	
18	Ethiopia	15/08/2008	02/12/2008
19	France	11/02/2013	04/04/2015
20	Gabon	13/10/2008	
21	Gambia	10/09/2008	23/08/2012
22	Ghana	10/06/2013	
23	Guinea	31/10/2008	01/06/2016
24	Guinea Bissau	12/09/2008	19/09/2008
25	Kenya	07/11/2008	
26	Lesotho	16/05/2014	
27	Liberia	12/12/2008	
28	Libya	25/08/2008	
29	Madagascar	05/09/2008	25/11/2008
30	Malawi	12/08/2008	

States/Organizations		Date of Signature	Date of Admission
31	Mali	15/12/2008	16/10/2009
32	Mauritania	14/05/2009	
33	Mauritius	22/08/2012	21/11/2012
34	Morocco	14/01/2011	28/06/2013
35	Mozambique	16/09/2008	
36	The Netherlands	26/03/2010	18/11/2011
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	
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: Composition of the Governing Council and Management Board Members

Members of the Governing Council, 2019-2021

States/Institutions	Electoral College		Name of Representatives
Guinea	RMCs of the AfDB	West	HE Mr. Hassan II Diallo
Burundi	RMCs of the AfDB	Central	Ms. Filde Citegetse
Eswatini	RMCs of the AfDB	South	Mr. Bheki S. Bhembe
Tanzania	RMCs of the AfDB	East	Dr. Philip I. Mpango
Morocco	RMCs of the AfDB	North	Ms. Baadia Setta
AfDB	AfDB		Mrs Baadia SETTA
AFC	International Organization		Mr. Amadou Soumano
Belgium	OECD		Mr. Denis Dubuisson
France	OECD		Mr. Dominique Lebastard
Netherlands	OECD		Mr. Pim de Keizer
United Kindom	OECD		Mr. Christopher Chalmers
Brazil	Non-OECD		Mr. Rafael Ranieri

Alternate Members of the Governing Council, 2019-2021

States/Institutions	Electoral College		Name of Representatives
Liberia	RMCs of the AfDB	West	Mr. Augustus Flomo
Cameroon	RMCs of the AfDB	Central	Mr. Valentin Lah Kouatou
Zambia	RMCs of the AfDB	South	Mr. Jacob Mkandawire
Uganda	RMCs of the AfDB	East	Mr. Christopher Gashirabake
Tunisia	RMCs of the AfDB	North	Mrs. Sonia Zouaoui
Organization for the Harmonization in Africa of Business Law			Dr. Boubakar Sidiki Diarrah

Current Members of the Management Board

Gaston Kenfack Douajni

He is 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.

Christine Anyango Agimba

She is currently the Deputy Solicitor General, State Law Office and Department of Justice (Office of the Attorney General). From 2017 to 2019, Ms. Agimba served on the ALSF Governing Council representing Kenya and the Eastern Africa constituency. She was a very active member of the Council providing her rich expertise in the growth of the Facility.

Christine previously held various positions in Kenya as; project manager and legal sector specialist at the Ministry of Finance, principal legal officer at the Trade and Development Bank (formerly PTA Bank) and partner at Hamilton, Harrison and Mathew Advocates. Looking ahead, the ALSF is ready and equipped to play its part by not only responding to requests for assistance, but by anticipating

and identifying legal issues and offering effective solutions. We shall also work with our stakeholders and development partners to support Africa during this time of uncertainty and prepare for the work that is to come. There is a critical need to support governments as they navigate their way through the crisis and assist them as they develop strategies to deal with the aftermath.

Nimatou D. Feliho

She is currently the General Counsel of a West African Development Bank (BOAD) which is member of the ALSF, and previously served on the Governing Council of the ALSF. She is knowledgeable about the Facility and has vast experience in international financing.

Arve Ofstad

Arve Ofstad is an economist with extensive experience in development, research and aid policy issues. Arve Ofstad is also a writer and freelance researcher. He is a current board member at Caritas Norway (2019-todate) and previously served as an alternate governor, African Capacity Building Foundation (2005-2008).

Arve Ofstad has held several senior positions in the Kingdom of Norway at as an Ambassador at Royal Norwegian Embassy in Lusaka Zambia (2011-2016), as Deputy Head of Mission Khartoum, Sudan (2009-2011) and as Senior Advisor, Ministry of Foreign Affairs (2003-2004).

At the Norwegian Agency for Development Cooperation (NORAD), Arve served as a Policy Director, State and Peace Building and Development Economics (2009-2011), as Head of Unit for

Development Strategies, Poverty Reduction and Peace –Building (2004-2006), and as Senior Advisor, Unit of Development Analysis (2002-2003).

Arve also held several researcher positions including as Research Director at the Chr. Michelsen Institute, Bergen, Norway (1976-2002). He was a United Nations Resident Co-coordinator in Sri Lanka (1995-1998). He is multilingual-excellent communication in English and Norwegian with intermediate communication in French and Portuguese.

Eva Jhala

An accomplished lawyer, currently managing a large law firm in Zambia. She has extensive experience in private practice. Notably, Mrs. Jhala was also Permanent Secretary of the Ministry of Justice in Zambia and she has a good knowledge and understanding of ongoing needs of African lawyers.

Stephen Karangizi, Ex-officio Member

He has been the Director and CEO of the ALSF since October 2011. He is responsible for the day-to-day administration of the Facility and oversees all the Facility’s projects including in the infrastructure, extractives, and energy sectors and sovereign debt management and litigation, as well as projects related to investment agreements and commercial and business transactions. He also acts as the legal representation of the institution.

Annex VI: Declaration of the First High Level Meeting of the Members of the ALSF

Recalling the resolution passed in 2007 at the African Ministerial Conference jointly organized by the African Development Bank and the United Nations Economic Commission for Africa for the creation of a facility to assist African Countries develop expertise and capacity to negotiate and conclude fair and equitable arrangements for the management of Africa's natural resources and extractive industries;

Recalling the Memorandum establishing the African legal Support Facility approved by the Board of Directors of the African Development Bank in April 2008:

We, the members of the Africa Legal Support Facility ("ALSF" or the "Facility") – 32 Regional Member Countries (RMCs)- *Benin, Burkina Faso, Cabo Verde Cameroon, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Democratic Republic of Congo, Djibouti, Gabon, Gambia, Guinea Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Mozambique, Nigeria, Rwanda, São Tomé and Príncipe, Senegal, Somalia, South Sudan, Tunisia, and Zimbabwe; 6 participating Institutions- African Development Bank (AfDB), African Finance Corporation (AFC), African Union (AU), West African Development Bank (BOAD), ECOWAS Bank for Investment and Development (EBID) and Organization for the Harmonization of Business Law in Africa (OHADA)- gathered in Abidjan, Côte d'Ivoire on the 26th February 2020, to discuss the future and sustainability of the African Legal Support Facility:*

I. **Took stock** of the tremendous achievements of the Facility over its first 10 years of activity and contribution to the benefit of our countries;

II. **Welcomed** Botswana and Equatorial Guinea who joined the meeting as observers;

III. **Reiterated** the importance of the Facility's mission and mandate to provide legal advice and technical assistance to African countries so as to strengthen their legal expertise and negotiating capacity in debt management and litigation, and natural resources and extractive investment agreements and in related commercial and business transactions;

IV. **Noted** unanimously that the assessment of the achievements and contributions of the Facility for its first 10 years in existence is positive;

V. **Welcomed** the continued support of the African Development Fund (ADF);

VI. **Recognized** the need for further support from the ALSF in strengthening legal capacity for complex negotiations in Africa;

VII. **Highlighted** the importance for our Countries in contributing further to reinforcing the financial sustainability of the Facility;

VIII. **Supported** the extension of the life of the ALSF beyond 2022;

IX. **Committed** to supporting the Facility's work which is in line with the AfDB's Agenda and its five development priorities, the African Union's Agenda 2063 and the United Nation's Sustainable Development Goals; and

X. **Warmly thanked** the ALSF management for organizing the first High-Level Meeting of the Members of the Facility and encourage it to continue with the initiative periodically;

DO HEREBY make the following recommendations;

i. **The life of the Facility** should be extended beyond 2022 and the determination on duration should be left to the Governing Council of the Facility. Its expectations should be maintained and the Facility should work towards enhancing its activities as the needs of its members evolve.

ii. **The financial sustainability** of the ALSF's should be ensured by Regional Members Countries, as beneficiaries, who are strongly encouraged to make financial contributions to the Facility, using mechanisms as may be determined by each Member Country;

iii. **Additional Funding accruing** to the Facility should be enabled by the Facility through the continued use of reimbursable financing instruments and innovation in mobilizing resources, such as pricing publications, subscription-based services and charging attendance for conferences

IV. **Consultation with the African Development Bank** should proceed on how to strengthen its cooperation and assistance including but not limited to accessing on a more sustained manner the resources of the cyclical African Development Fund's replenishments.

Annex VII: Current Financing Partners



Co-funded by
the European Union



Ministry of Foreign Affairs
of the Netherlands



