



African Legal Support Facility
ANNUAL REPORT
2021



Achieving **Sustainable**
Legal Capacity
for **Africa**

African Legal Support Facility

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To learn more about the African Legal Support Facility please visit our website at www.alsf.int.

Cover page photograph: The ALSF team and various stakeholders visiting a mining site in South Africa on the sidelines of an ALSF sponsored capacity building event.

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» List of Acronyms and Abbreviations

ADF	African Development Fund
AfDB	African Development Bank
AIFP	Africa Infrastructure Fellowship Program
ALSF	African Legal Support Facility
AMLA	African Mining Legislation Atlas
APLA	African Petroleum Legislation Atlas
AUC	African Union Commission
CABRI	Collaborative Africa Budget Reform Initiative
CLDP	Commercial Law Development Program
EITI	Extractives Industries Transparency Initiative
ECNR	African Natural Resources Centre
ERSUMA	Ecole Régionale Supérieure de la Magistrature de l'OHADA
FCDO	Foreign, Commonwealth and Development Office
GC	Governing Council
IFFs	Illicit Financial Flows
IsDB	Islamic Development Bank
MADI	Minerals Africa Development Institution
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
USA	United States of America
UNECA	United Nations Economic Commission for Africa
UNECE	United Nations Economic Commission for Europe
USAID	United States Agency for International Development
USD	United States Dollars
WAPP	World Association of PPP Units & Professionals

» Management Board Members



Ms. Eva Jhala
Chairperson



**Mr. Jacob Diko
Mukete**
Member



**Ms. Christine
Anyango Agimba**
Member



Mr. Arve Ofstad
Member



**Ms. Nimatou
Dramane Feliho**
Member



Mr. Olivier Pognon
Director and CEO &
Ex-Officio Member

» Message from the Chairperson of the Governing Council

Poorly conceived and negotiated contracts prevent many African countries from reaping the full long-term benefits of their resources; undermine the continuous progress in reducing poverty and inequality; and can entrench conflicts, particularly when governance systems are inadequate. To respond to some of these challenges, the ALSF provides vital support to African countries requiring expert legal advice, technical assistance in structuring and negotiating complex commercial transactions, creditor litigation and other related sovereign transactions. Alongside this, the ALSF develops innovative tools for capacity building and knowledge management. Each one of these support mechanisms are critical for sustained development, for building a better Africa, safeguarding future generations, and for ensuring peace and prosperity for all.

More specifically, the interventions of the ALSF have led to: speedy negotiations and conclusion of sustainable and equitable complex commercial infrastructure and extractive agreements; increased fairness and balance in commercial creditor litigation representation and outcomes; enhanced capacity of African lawyers to negotiate complex commercial deals; increased financial and non-financial benefits for Africa states; and development of relevant knowledge products to fill legal capacity gaps.

Recognizing the relevance and impact of the ALSF interventions; and the recommendations by its members, in 2021, the ALSF Governing Council extended the term of the Facility for a further fourteen (14) years from 2022 to 2036.

We recognize the accomplishments of the ALSF in its short existence. And we salute the pioneers and founders of the ALSF for their vision. We pay homage to all those, who over the years, in serving the ALSF at different levels, have made this endeavour possible. And we thank the financing and strategic partners of the ALSF for their strong support over all these years.

Despite the ALSF's achievements, challenges remain in ensuring fair and balanced contracts and sustainable debt management. And the ALSF recognises the importance of its mandate and its central role in ensuring the rule of law in developing and transforming Africa. Thus, the ALSF will continue to assist African governments to embrace opportunities as well as tackle persisting challenges, including but not limited to: inadequate local legal capacities; poorly drafted concessions or contracts; mounting debt and vulture fund litigation; challenges



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

of investment court systems; and illicit financial flows or capital flight from Africa. The Governing Council pledges its support to the ALSF Management Board and staff and as we plan to tackle these issues in the coming years.

In a special way, I would like to express our heartfelt gratitude to Mr. Stephen Karangizi for his dedication and excellent contribution to the ALSF, during his successful tenure at the helm of the ALSF over the last decade. I also take this opportunity to congratulate and welcome the in-coming Director and CEO, Mr. Olivier Pognon and wish him all the success in his new role.

Let me also take this opportunity to recognise and thank all the members of the Governing Council and the Management Board, and the ALSF staff for their dedication and hard work in 2021. With the support of financing partners, we embark on 2022 determined to consolidate the achievements of the ALSF as a valuable institution able to support our Regional Member Countries' shared development aspirations.

» Message from the Director and Chief Executive Officer

2021 was an eventful year for the African Legal Support Facility ("ALSF" or the "Facility") and its beneficiaries. I was honoured to be appointed as the second Director and CEO of the ALSF to succeed the first substantive Director and CEO, Stephen Karangizi, who provided 10 years of dedicated and distinguished leadership and service to the ALSF and the African continent. I applaud our Management Board and Governing Council for ensuring a smooth transition.

2021 was also significant for the extension of the term of the Facility for a further 14 years from 2023 to 2036. In the penultimate year of implementing the second Medium-Term Strategy (MTS) 2018-2022, the ALSF's services were confirmed by evaluators to be highly relevant and in demand, and that our projects are contributing to the MTS goals of "fair commercial negotiations and agreements", and "enhanced legal capacity of African governments", and ultimately fostering sustainable development of our regional member countries. By extending the term of the Facility, the Governing Council has assured African governments of continued legal and technical support to facilitate investments and development in the regional member countries. I commend the Governing Council and the Management Board, as well as the dedicated staff of the Facility for their efforts in positioning the ALSF as a credible and trusted legal partner for African governments.

In 2021, our responsive and adaptable services proved timely and relevant as our regional member countries bravely persevered to build back from the ravages of the COVID-19 pandemic and resume or restructure projects or initiate new ones. Our support ranged from timely legal due diligence and emergency advisory services to full-scale legal advisory and capacity building projects in the extractives and natural resources, power, infrastructure and public-private partnerships (PPPs), and sovereign debt sectors, and resulted in funding for legal support in excess of USD 11 million for various projects in 2021.

Through our support, our regional member countries successfully determined whether to pursue various projects, terminated unfair or frustrated contracts, negotiated beneficial and durable agreements, unlocked funding resources, and enhanced the knowledge, and legal and technical capacities of many African lawyers and government officials. Notably, our sovereign debt support to the Gambia, Sudan, and Somalia facilitated effective negotiation outcomes and improved debt restructuring arrangements as well as a combined debt cancellation of over USD 14 billion. We also grew our power sector portfolio, including more renewable energy projects such as the Gabon's Kinguele Aval hydro project (35 MW) and the Lesotho Ramarathole solar project (20 MW).



» Olivier *POGNON*,
Director and CEO

Our performance in 2021 mirrored the improvements in our regional member countries. While there were immediate benefits from the ALSF supported projects, such as crowding in funding, employment, social infrastructure, debt relief, etc., the understated value in our support lay in the sound legal advice that will prevent undue commitments by governments and unsustainable debt, and the enhanced capacities in government offices to respond to future issues and crises. Based on the increasing requests received in 2021, we foresee expansion in the number and scope of requests in the following years. In 2021, we also welcomed on board new financial and strategic partners who support the objectives and great work of the Facility. We are grateful to our new and longstanding financial partners for providing the resources without which none of the support to our beneficiaries would be possible.

As we look forward to 2022 and beyond, we are cognisant of the responsibilities compelled by the extension of the term of the Facility, and we remain fully committed to achieve our goal of sustainable legal capacity for Africa to contribute meaningfully to Africa's development.

» Executive Summary



During 2021, the ALSF continued to implement its Medium-Term Strategy (2018-2022) (MTS) by focusing on providing sustainable legal and technical capacity in African countries, related to complex commercial transactions, especially in the natural resources and extractives, power, infrastructure and public private partnerships sectors, as well as for sovereign debt management and creditor litigation.



33 New projects

amounting USD 6.8 million



17
Advisory
Services /
Litigation
Services

16
Capacity Building
& Knowledge
Management

This 2021 Annual Report reviews the ALSF interventions in the operational priority areas of the MTS. It also discusses the development impact of the ALSF operations, examines the corporate management activities of the ALSF, and presents the governance structure of the ALSF, highlighting the activities, oversight functions, and strategic responsibilities of the ALSF Management Board and Governing Council over the year.

In 2021, the COVID-19 pandemic continued to have a detrimental impact on many African countries due to limited access to vaccines and low vaccination rates— including disrupting health services, devastating economies, and worsening inequality. The countries also experienced disruptions to international commercial transactions and stagnation in the provision of much-needed infrastructure projects. The

complex legal implications due to the said disruptions and delays continued to require careful scrutiny of legal provisions including force majeure, material adverse change, price adjustments, liability limitations or exclusions, and potentially terminations or renegotiations. The consequent impact on debt vulnerability, especially in countries in fragile situations and commodity dependent economies cannot be overstated. The ALSF was prepared and ready to provide legal and technical support to African governments to overcome these challenges and to avoid deepening the crisis. Accordingly, the ALSF staff supported the implementation of continuing and new projects.

Additionally, the ALSF worked closely with the governments to evaluate potential areas of vulnerability and to adopt mitigating measures against them.

The ALSF also provided government decision-makers with the necessary tools to strengthen their response to the impacts of the COVID-19 crisis and enhance their resilience against future crises.

More expediently, the ALSF provided emergency and timely assistance to countries that needed immediate legal and technical support. While responsive to the immediate needs of the beneficiaries, the long-term approach of the support deepened due diligence processes and prepared the countries to access the full range of the ALSF's interventions and to maximize other developmental support or investments.



Operational Activities

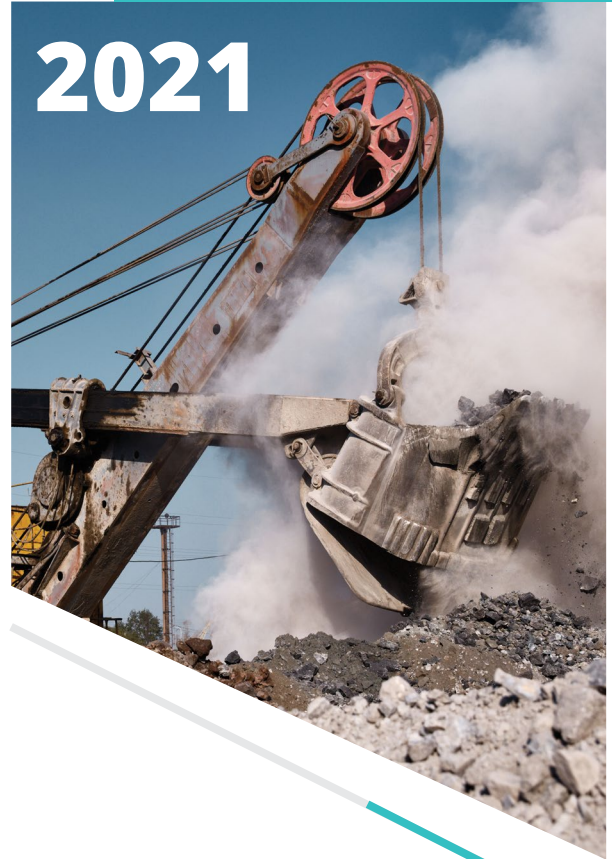
In 2021, the ALSF approved¹ 33 new projects amounting to USD 6.8 million. These operations comprised: 17 advisory services / litigation projects; and 16 capacity building and knowledge management projects.

Over the same period, the ALSF committed² over USD 11 million for its interventions in the extractives and natural resources, power, infrastructure and public-private partnerships and sovereign debt sectors. Additionally, the ALSF improved its operational effectiveness, as well as knowledge capability and business processes.

The ALSF commitments in 2021 focused on supporting African states to negotiate more beneficial and durable agreements, especially for major infrastructure projects

and commercial business transactions. In terms of value, 48.7 percent of the ALSF's financial commitments (USD 5.4 million) were dedicated to advisory services; 32.8 percent (USD 3.6 million) for capacity building and knowledge management activities; and 18.5 percent (USD 2.0 million) was expended towards creditor litigation related interventions.

Disbursements amounted to USD 11.07 million in 2021 compared to USD 13.85 million in 2020. In 2021, USD 9.02 million was fully disbursed to directly support our operations and projects shared cost, representing 81.5 percent of the total amount of annual disbursements. As of 31 December 2021, the cumulative disbursements amounted to USD 93.80 million.



USD **11** million
Commitments



USD **3.6** million
Capacity Building &
Knowledge Management

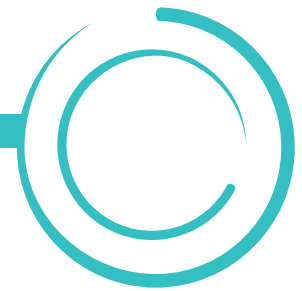


USD **5.4** million
Advisory Services



USD **2** million
Creditor Litigation

1. Approvals refer to the total grant amount approved by the appropriate ALSF authority for projects in the Regional Member Countries.
2. Commitments refer to the amount actually allocated to support the approved projects.



Key Operational Achievements in 2021



Somalia

Provided continuing contract management support after over 3 years of negotiations of an amended and restated concession agreement for the Mogadishu Port. The negotiations contributed to achieving greater clarity and balance in the concession contract, particularly concerning the basis for revenue sharing, rights and responsibilities of the parties, services and service levels, and other key contractual terms.



The Gambia

Aided the Government in negotiations with non-participating creditors and in the finalization of debt restructuring arrangements.

Successfully advised and facilitated negotiations for on an amicable exit of an international oil company from the A1 block offshore oil exploration license, resulting in a substantial indemnification payment in favour of The Gambia.



Central African Republic

Successfully developed a Guide for Parliamentarians to help the Parliament play its constitutional role in approving extractives agreements entered into by the government and advised the government on a series of changes to be made to the mining legislation, which recommendations have been considered in the new draft mining code.



Lesotho

Succeeded in assisting the Kingdom of Lesotho in a solar arbitration to obtain a negotiated stay of execution on a crippling monetary award against the Kingdom. Further assistance is being provided to set aside the award and the judgement orders in all jurisdictions.



Botswana

Successfully advised on the structuring and negotiation of the first IPP project using coal-bed methane technology on the African continent. The innovative power plant will contribute towards reliable electricity production in Botswana while limiting its carbon dioxide emissions.



Gabon

Successfully advised on the structuring and negotiation of a 35 MW hydroelectric power plant at Kinguele Aval, attracting investment valued at 179 million euros.



Sudan

Assisted the Government with the historic milestone of reaching the HIPC Decision Point, resulting in the sovereign debt cancellation of USD 14.1 billion and rescheduling of approx. USD 9.4 billion. Coordinated support with development partners International Monetary Fund, World Bank's Debt Management, Facility and UK's Foreign, Commonwealth and Development Office (FCDO).



Ethiopia

Successfully supported the Government of Ethiopia to review a Gas Sale Purchase Agreement and provided capacity building to senior officials on the negotiation process and to develop an effective negotiation strategy for future transactions. The gas produced will provide energy for a 3.8 million tpy fertilizer industry to be established in Dire Dawa, using local resources - Ethiopian gas and Moroccan phosphoric acid - to support the region's agricultural sector. The project also successfully integrated effective environmental management and good governance systems, as well as gender equality for the benefit of the Ethiopian people.

Second Edition of "Understanding Power Purchase Agreements" handbook

The ALSF, in partnership with Commercial Law Development Program (CLDP), has coordinated the review and update of the first edition of the handbook, to ensure its continued utility as a reference for transactions in the African power sector.

"Understanding Power Transmission Financing" Handbook

The ALSF, in partnership with CLDP, has coordinated the development of the first handbook on transmission financing for the African power sector. The handbook is intended to inform the ALSF's beneficiaries on the various approaches to finance transmission lines across the continent.

Institutional Development and Corporate Management

Extension of the Term of the ALSF

In September 2021, the ALSF organized a High-Level Event (HLE) of all its stakeholders to commemorate the extension of the term of the ALSF for a further 14 years from 2023 to 2037. The occasion was also used to bid farewell to the out-going Director and CEO - Mr Stephen Karangizi, and to welcome the new Director and CEO - Mr Olivier Pognon. The HLE was attended by members of the statutory organs of the ALSF, RMCs, as well as financing and strategic partners, and deliberated on the ALSF's accomplishments and the impending needs of RMCs in order to plan the ALSF's future support to the RMCs.

Resource Mobilization

The ALSF continued to mobilize external resources to support the implementation and achievement of its strategic objectives. Through these efforts, the African Development Fund - Transition Support Facility (AfDB-ADF15-TSF), Bill and Melinda Gates Foundation, Federal Republic of Germany, the European Commission, Norway, United Kingdom, and The Gambia disbursed a total of USD 22.86 million. The Facility also secured additional funding from the Korea-Africa Economic Cooperation (KOAPEC), the Netherlands, and the Global Infrastructure Facility (GIF) amounting to USD 600,000, € 0.3 million, and USD 1.9 million respectively. The ALSF also continued to encourage RMCs to contribute financially to the Facility. To this end, The Gambia contributed USD 100,000 to support the activities of the ALSF.



Regulations and Internal Guidelines

During the year, the ALSF developed new, and updated some of the existing regulations and guidelines. Specifically, the ALSF prepared Several policies and procedures for the creation a forum of the members of the ALSF and for the appointment of a Patron of the ALSF. These These policies will foster efficiency, accountability, inclusion, ownership and transparency among staff, management, and other relevant stakeholders.

Monitoring and Evaluation

To further streamline the data management function and facilitate data aggregation and analysis, and reporting, the ALSF migrated its data from the web applications Box to Basecamp and its Management Information System (MIS). In parallel to this, the ALSF team revised and harmonized Project Management Framework (PMF) templates for the MIS.

The ALSF conducted a mid-term review of the current Medium Term Strategy (2018-2022) which underscored the importance of the ALSF to enhancing the capacity of RMCs and made recommendations for improving the ALSF's efficiency.

The ALSF team also developed quarterly performance reporting framework to guide management's decision-making and interventions.

Collaboration, Partnership Building, and Outreach

Strategic Partnerships

During the year, the ALSF negotiated and signed Memoranda of Understanding with the following institutions to advance collaboration in areas of common interest: The Eastern and Southern Africa Trade and Development Bank (TDB); Africa Legal Solutions Ltd; and Oxford Policy Fellowship Ltd; and World Association of PPP Units & Professionals (WAPPP). It also deepened its partnership with KfW to support the completion of the operationalization of the MIS; procurement of Panel B Law firms; finalization and implementation of the Monitoring and Evaluation System; and the development of the Staff Benefits' System of the ALSF.

Business Development

During 2021, the ALSF attended and participated in several activities, virtual conferences, webinars, and trainings to develop and maintain strategic relationships with the ALSF's stakeholders, development partners, co-financiers, donors, and our Panel of law firms, as well as to create outreach opportunities to RMCs, and strengthen relationships between the ALSF and its member countries.



Governing Council, Management Board, Director and Staff

Governing Council and Management 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 (MB) and Governing Council (GC) devoted considerable time to provide strategic guidance for the ALSF's operations and institutional matters. By the end of 2021, the ALSF had successfully hosted four (4) Governing Council meetings and six (6) Management Board (MB) meetings. The MB also held five (5) additional meetings towards recruitment of the new Director and Chief Executive Officer (CEO) of the ALSF. Notable accomplishments by the GC and MB include the extension of the duration of the ALSF for a second fourteen-year term after 2022; recruitment of the new Director and CEO; adoption of several internal By-Laws, procedures, and policies; and completion of a mid-term review of the current Medium-Term Strategy (2018-2022).

Human Resources Management

The ALSF had a total of 34 staff members at the end of 2021. A new Director and Chief Executive Officer (CEO) was recruited and assumed office in October³. The ALSF also recruited a Head of Operations, 2 legal counsels, and 1 Human Resources Officer, as well as 4 GS positions to respond swiftly and effectively to the needs of its beneficiaries.

To provide guidance to the staff, and ensure sustainability and continuity of its operations, in 2021, the ALSF Board approved relevant internal policies and procedures including: Human Resources Policy; Amendments to the staff rules and regulations; bylaws for the executive level officer; policy on contract agents; and adoption to the African Development Bank Code of Ethics.

ALSF Membership

In 2021, Cabo Verde, Kenya, Malawi and Tanzania were in the process of finalizing their membership; and Botswana and Equatorial Guinea reached an advanced stage in their accession to the ALSF Agreement. The Development Bank of Southern Africa (DBSA) is also in the process of becoming a member of the ALSF. Annex V provides the complete list of signatories to the ALSF Agreement as of 31 December 2021.

Communication and Outreach

In 2021, the ALSF carried out a number of activities including all communication related to the HLE to commemorate the extension of the term of the Facility; launched and regularly updated the new website; produced and disseminated a number of publications; promoted several webinars to discuss issues related to the work, role, and achievements of the ALSF; finalized the communication strategy; and produced several press releases and newsletters.

3. The ALSF Director and CEO 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.



» 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 negotiate fair and equitable natural resource contracts, as well as infrastructure and commercial transactions, and to ensure debt sustainability and defend against vulture funds.

Mandate

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



» **Achieving
Legal Expertise
for Sustainable
Development
in Africa**

Mission

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

Values

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



The ALSF Services



The overall objective of the ALSF is to strengthen the legal capacities of African governments to negotiate and conclude equitable and sustainable agreements that deliver maximum economic value to African countries, and to protect their sovereign rights. The ALSF achieves this through:

Advisory Services



Providing African governments with required 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 transactions.

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.

Capacity Building Projects and Knowledge Management Activities



Supporting the development of legal and technical capacities in Africa in the above-mentioned areas. The ALSF's capacity building model focuses on a real transfer of knowledge and skills development to national lawyers, government professionals and civil servants 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 precedents, curricula development, publications, and training platforms.



2021 ALSF Key Highlights



January

The ALSF approved:

DRC Arbitration: a supplementary grant to support the Democratic Republic of Congo to negotiate fair settlement or defend against an award to and claims instituted by FG Hemisphere – a vulture fund.

February

The ALSF approved:

- **Madagascar Hydro:** a grant to provide advisory services and capacity building activities in the power sector.
- **Sierra Leone Power:** a grant for advisory services and capacity building activities to enhance legal and technical skills in the power sector.

March

The ALSF approved:

- **Sudan Sovereign Debt III:** a grant for advisory services and capacity building activities in the sovereign debt sector to build the government's skills and capacity in debt management.
- **AMLA Year 3:** a grant for advisory services and capacity building activities for knowledge management through the AMLA online platform.

April

The ALSF Board held its 33rd meeting on the 7th and 8th April, 2021.





May

The ALSF approved:

- **Mozambique Port Litigation:** a grant for advisory services in a potential dispute relating to the withdrawal of exclusivity rights of a port concession.
- **Namibia Housing:** a grant for capacity building activities in the infrastructure sector for reviewing the legal and institutional framework applicable to both the affordable housing sector and Public-Private Partnerships.
- **Africa Arbitration Academy Sponsorship:** a grant to finance the Africa Arbitration Academy survey on disputes funding in Africa, and the training and an online platform on the African Continental Free Trade Area (AfCFTA) agreements for purposes of knowledge management.

June

The ALSF approved:

- **Lesotho Solar Arbitration:** a grant to provide rapid support in relation to an arbitration award and related court orders against the Kingdom of Lesotho.
- **Tunisia PPP:** a grant to develop and structure two pilot projects for a desalinisation plant and a wastewater treatment plant.
- **Ethiopia Sovereign Debt Capacity Building:** a grant for capacity building activities to junior government officials and lawyers to strengthen their knowledge and expertise in matters related to debt incurrence and debt management.
- **ALSF Academy – Year 3:** a grant to assist knowledge generation and management and capacity building to support the ALSF Academy online capacity building platform.
- **African Petroleum Legislation Atlas (APLA) -Year 1:** a grant to assist knowledge generation and management and capacity building activities in the petroleum sector to support the online APLA knowledge management platform.
- **Burundi PPP:** a grant to provide for capacity building activities in the PPP sector.
- **São Tomé e Príncipe Energy:** a grant to provide advisory services by way of a supplementary grant in the energy sector.

The ALSF Management Board held its Annual meetings over two sessions in May and June, 2021.

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

2021 ALSF Key Highlights



July

The ALSF Governing Council held its Annual meetings over two sessions in May and July, 2021.

The ALSF approved:

- **Somalia Port Contract Management:** a grant to support advisory services and capacity building activities to assist in the implementation of the renegotiated 2013 Port of Mogadishu concession agreement with an investor.
- **Comoros Road Dispute:** a grant to provide advisory services for matters related to a potential dispute that may arise with the private operator.

August

The ALSF approved:

- **Somalia Debt II:** a grant to provide advisory services in relation to Somalia's sovereign debt management and build related capacities of government officials in this area.
- **Sao Tome and Principe Petroleum:** a grant to provide advisory services to review and broker data license agreements and provide the related capacity building to government officials.

September

Organized and held a High-Level Event (HLE) to celebrate the achievements of the ALSF and to mark the extension of its mandate for a further 14 years. The theme of the event was "Smart Legal Capacity for Africa: A New Phase for the African Legal Support Facility".



SMART L
A New Ph
Support F

October

The ALSF approved:

- **ALSF Academy Level 2:** a grant to develop the ALSF Level 2 Dispute Resolution course within the ALSF Academy online capacity building platform.
- **Ugandan Alternative Dispute Resolution Capacity Building:** a grant to build capacities of government officials on Dispute Resolution and give its officials the requisite skills in alternative disputes resolution.
- **Zimbabwe Commercial Creditor Litigation:** a grant for advisory services on commercial creditor litigation.
- **Lesotho Solar Arbitration/Litigation:** a grant to continue ALSF's assistance in potential arbitration/litigation dispute involving the government in the power sector.



November

The ALSF approved its 2022 Work Plan & Budget and quarterly Financial Statements for 2021 and reviewed and considered other key operational and institutional documents.

The ALSF approved:

- **Africa Energy Forum Sponsorship:** a grant to sponsor and participate in the African Energy Forum (AEF) from 15th November – 17th November 2021 in London, United Kingdom.



December

The ALSF approved:

- **Burundi Energy:** a grant to strengthen the legal capacity of government officials and civil servants in the structuring, negotiation and implementation of PPAs and other related contracts.
- **Madagascar PPP:** a grant for the development of capacity building activities in the area of public-private partnerships.
- **Uganda Revenue Authority Extractives:** in partnership with ECNR, a grant to build capacities of government officials and local lawyers involved in the auditing of mine operations, negotiation of fiscal terms, implementation of mining and petroleum exploration and production licensing agreements, and international arbitration.

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

» Chapter 2: Enhancing African Legal and Technical Capacities



In 2021, the ALSF committed USD 11 million to support several operations in its Regional Member Countries (RMCs). These projects were mainly distributed between the priority sectors of the ALSF, i.e., Sovereign Debt, Power, Infrastructure and Public-Private Partnerships (PPPs), and Extractives and Natural Resources. The ALSF's operations delivered advisory services, capacity building, and knowledge management in relation to: power purchase agreements, sovereign debt negotiations and restructuring, negotiation of mining development agreements and petroleum production sharing agreements, PPP projects, review of sector legal and regulatory frameworks, development of model agreements, bidding documents and other facilitation transaction tools, provision of toolkits for structuring PPP agreements or auctioning extractive rights;

training of government officials and lawyers; and development of knowledge databases.

The impacts of the COVID-19 pandemic accelerated ALSF's efforts to streamline and improve the efficiency of its processes with the use of cost-effective instruments at the initial stages of some projects such as the Rapid Assistance and Assessment Allocation (RAAA) tool, especially in transition states. The RAAA enabled a deeper and more progressive due diligence and allowed the Facility to phase the allocation of funds, thus avoiding the encumbrance of funds for long periods.

This enabled the Facility to optimize and manage its financial resources efficiently as well as to assess the viability of projects before making appropriate commitments.

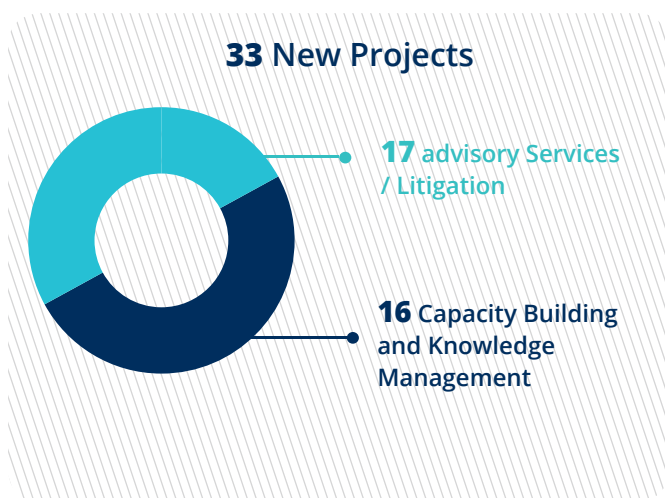
Additionally, the ALSF continued to implement measures to strengthen its resource allocation processes and the use of its resources to better serve its clients. More specifically, the ALSF activities focused on:

1. providing emergency assistance to respond to the immediate effects of COVID-19;
2. improving the quality of projects at entry;
3. enhancing project supervision and monitoring;
4. working in partnership with others to maximize development impact;
5. expanding its resource mobilization activities;
6. implementing its monitoring and evaluation programs; and
7. effectively communicating its results.

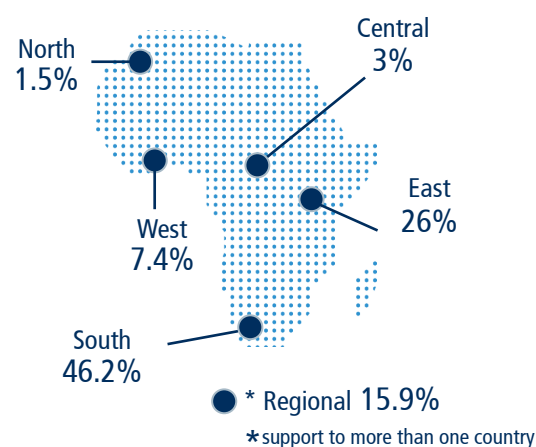
Overview ALSF Operations in 2021

By the end of December 2021, the ALSF had approved 33 new projects amounting to USD 6.8 million. These operations comprised: 17 advisory services / litigation projects; and 16 capacity building and knowledge management projects. In terms of commitments, the ALSF allocated over USD 11 million, and the section that follows briefly highlights the composition of these operations.

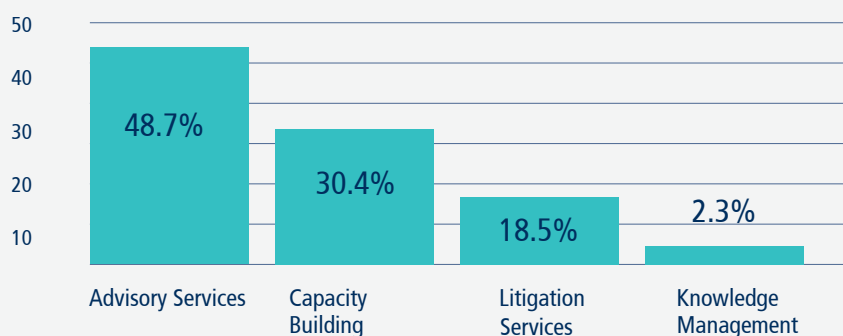
The annual disbursements amounted to USD 11.07 million compared to USD 13.85 million in 2020. In 2021, USD 9.02 million was fully disbursed to directly support our operations and projects shared cost, representing 81.5 percent of the total amount of annual disbursements. As of 31 December 2021, the cumulative disbursements since the inception of the ALSF amounted to USD 93.80 million.



ALSF Operations by Sub-Region



Operations by Priority Areas



ALSF Operations by Sector



45.5%
Power



14.2%
Infrastructure & PPP



13.6%
Sovereign Debt



10.7%
Extractives & Natural Resources



10.6%
Multisector



5.5%
Investment Treaties & Dispute Resolution

ALSF as a Knowledge Broker

Most notably, in 2021, the ALSF produced 3 toolkits or model instruments to facilitate the structuring and negotiation of various transactions in a number of African countries. These consisted of the Gambia PPP Agreement toolkit; Lesotho Mining Toolkit; and Mauritius PPP University Housing 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 2021.



Webinars and Capacity Building Events in 2021

Investment Treaties & Dispute Resolution

Event	Number of Participants
1. Paris Arbitration Week (Online) - Overview of the governments' approach to arbitration in OHADA and non-OHADA West African countries	172

Infrastructure & PPP

Events	Number of Participants
1. Angola PPP Training	90
2. Are Public-Private Partnerships (PPPs) a Panacea for Africa's Digital Infrastructure Deficit?	130
3. Contract Conditions for Resilient PPPs: How to Negotiate and Implement with Success	60
4. Managing Insurance Risks on Major Projects in Africa	168
5. SOS Children's Villages International: Social Impact PPPs in Africa	150
6. The United Nations Economic Commission for Europe (UNECE) Fifth International Forum on Public-Private Partnerships	40
7. World Association of PPP Units & Professionals (WAPPP) Congress: Implementing tools that enable Next Level PPPs	96
8. World Association of PPP Units & Professionals (WAPPP) Congress: The role of municipalities in advancing the PPP Agenda on the African Continent	99

Natural Resources

Events	Number of Participants
1. ALSF/ECNR/NAI - Webinar Series on COVID-19 and Africa's Extractives Sector: Minerals and Africa's Development: Challenges and Opportunities	174
2. ALSF/ECNR/NAI Webinar Series on COVID-19 and Africa's Extractives Sector: Africa's Oil & Gas: Prospects for economic transformation and a cleaner future	189
3. Minerals Africa Development Institution (MADI) - Understanding the legal and regulatory framework in the mineral resources sector	103
4. MADI - Strategies and techniques for drafting and negotiating resource contracts	195
5. MADI - Balancing interests: mineral resource development and the environment in Africa (challenges and best practices)	21

Power

Events	Number of Participants
1. How COP26 can provide the launchpad for Africa's energy transition	130
2. West Africa Power Pool Workshop on Bankable IPPs in West and Central Africa in partnership with AfDB, United States Agency for International Development (USAID), CLDP and Power Africa	50

Sovereign Debt

Events	Number of Participants
1. AIFP - Understanding and Managing Contingent Liabilities	23
2. ALSF COVID 19 and Debt Restructuring	38
3. Collaborative Africa Budget Reform Initiative (CABRI): Virtual policy dialogue on raising and managing public debt for post COVID recovery - Taking stock of recent sovereign debt restructurings and relief operations	85
4. Government of Somalia Debt Management Unit	11
5. Macroeconomic and Financial Management Institute of Eastern and Southern Africa (MEFMI) - Prepare for International Bond Issuances	33

Multisector

Events	Number of Participants
1. Africa Arbitration Academy: Enforcement of Arbitral Awards	30
2. The East African International Arbitration Conference: Energy Development Trends and Disputes in Africa	230

Areas of Special Emphasis

Guided by its values and 2018-2022 Medium-Term Strategy, the ALSF actively promotes gender equality, supports greater environmental awareness, and encourages compliance with good governance practices and standards across all of its projects and interventions. In addition to improving outcomes for end users and RMCs, the ALSF's sensitivity to these cross-cutting issues aligns with the African Union Agenda 2063 and with the African Development Bank's strategies and policies, including the Gender Strategy and Integrated Environmental and Social Impact Assessment Guidelines.

At a project level, the ALSF project documents set out the context, objectives and deliverables of the proposed project. This provides the mechanism for integration of environmental, social and gender considerations and ensures in all its operations, good governance, gender equality and environmental sustainability considerations are identified and systematically applied through a process of dialogue, analysis, decision-making, and strategic implementation.

All projects supported by ALSF funding under-go a multi-layered assessment process to ensure environmental, social, governance and gender considerations form part of the project delivery and implementation.

In 2021, the ALSF projects or interventions accounted for or facilitated:

- inclusion of almost 700 women in the ALSF training and capacity building programmes;
- prevention of adverse impacts of projects on women and children;
- enhancement of transparency and due process;
- improved coordination and collaboration among government agencies;
- prevention of corrupt practices;
- incorporation of environmental and social impact assessments and implementation of appropriate management plans; and
- prioritization of environmental and climate-friendly projects or measures.



Gender Equality

Advancing gender equality and promoting female empowerment is vital to achieve inclusive, resilient and sustainable development in Africa. The Facility's efforts to close the gender gap are implemented both at the corporate level, to strengthen its gender-responsiveness, and through gender mainstreaming in its operations. Internally, the ALSF appointed a female Board Chairperson, Ms.

Eva Jhala; women comprise half of the ALSF's Management Board; and 60 percent of its personnel in 2021. During the year, the ALSF continued to strengthen gender integration from due diligence stage, project implementation and results reporting. The due diligence stage assessed and integrated gender components during the implementation of its operations.

For example: The Facility took deliberate steps to ensure that more

women participated in its training workshops to strengthen native legal skills in the negotiation of complex commercial transactions.

Additionally, the ALSF also supported efforts to promote and enhance gender equality by including in respective agreements and contracts provisions that enhance opportunities for women and that strengthen gender informed policy making.



Strengthening Environmental Sustainability

The ALSF seeks to maximize the development impact of its interventions. To partly achieve this, the ALSF prioritizes supporting RMCs to mitigate the negative environmental effects of investment projects. To this end, the ALSF ensures that environmental and social sustainability safeguards as well as are climate change mitigation and adaptation measures are incorporated in the ALSF supported negotiations and transactions. This includes ensuring that environmental



and social impact assessments and management strategies, as well as issues relating to climate change and climate and disaster resilience are adequately considered in projects development and implementation to ensure environmental sustainability as well as prosperity and inclusive, resilient and sustainable development in Africa.

In sum, in 2021, the ALSF promoted strong compliance with environmental and social standards that will ensure that the future economic growth in Africa is environmentally sustainable and socially inclusive.

Promoting Good Governance

The ALSF's work is underpinned by the respect of the rule of law, equity, transparency, and good governance. Over the years, the ALSF has supported more than 20 countries in the negotiation of natural resources contracts, revision of laws and agreements, and adoption of model mining and petroleum agreements, which include provisions for enhancing transparency and accountability.

The ALSF developed, and in 2021 continued to update the compendium of African mining laws and a guiding template (<https://www.a-mla.org/guidingtemplate>) for revising or drafting laws that promote good governance, including model clauses on anti-corruption, conflicts of interest, and anti-transfer pricing. In addition, the ALSF has in collaboration with other partners, developed a repository of publicly available oil, gas, and mining contracts (www.resourcescontracts.org) to improve contract transparency and accountability and reduce corruption. The ALSF also partnered with the African Natural Resource Center (ECNR) of the AfDB to implement the African Petroleum Legislation Atlas (APLA) project, a free online one-stop resource to support improvement and good governance in Africa's petroleum legal frameworks.

During 2021, the ALSF allocated a significant proportion of its resources to support transition states to enhance their capacity to attract and sustain investments. 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.

Enhanced ALSF Engagement in Transitioning States

Most of the countries in fragile situations in Africa have abundant natural resources that can serve as a foundation for employment and macroeconomic development. However, these states often lack the capacity to effectively transform those resources into sustained economic growth, good jobs, and the achievement of the Sustainable Development Goals.

To maximize the benefits of its abundant resources, and contribute to transforming these economies, the ALSF assigns priority to countries in fragile situations that are eligible to the assistance from the African Development Fund, and other development partners, as they are more vulnerable to creditor litigation and more susceptible to the risk of concluding inequitable commercial agreements. To this end, the ALSF has continued to intensify its interventions in these states, and today it has cumulatively approved over 130 projects amounting to USD 62 million to the eligible countries.

Over the years, these operations covered 21 transition states including: Burundi, Central Africa Republic, Chad, Comoros, Côte d'Ivoire, Democratic Republic of Congo, Eritrea, Guinea, Guinea-Bissau, Liberia, Madagascar, Mali, Mozambique, Niger, Sierra Leone, Somalia, South Sudan, Sudan, The Gambia, Togo and Zimbabwe. Among others, these interventions helped to rehabilitate or develop new infrastructure, increase clean energy sources, maximize government revenues, promote economic opportunities, enhance basic services, build the

relevant capacities of governments and citizens, and improve the lives of Africans generally. In 2021, the ALSF approved USD 3 million to support 14 operations. These interventions will mainly provide legal advisory services, and build capacity in Burundi, Comoros, Democratic Republic of Congo, Madagascar, Mozambique, Sierra Leone, Somalia, Sudan, The Gambia, and Zimbabwe.

Promoting the Development of Arbitration

The ALSF continued to advocate for the advancement of arbitration as well as promoted the development and use of arbitration for commercial disputes in Africa. Specifically, the ALSF attended and participated in the Paris Arbitration week, the symposium of the Conférence des Barreaux de l'Espace OHADA; co-organized and participated in a webinar with the Minerals Africa Development Institution on the trends in Africa's dispute resolution in resource contracts and reviewed a model on Bilateral Investment Treaties. 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 for arbitration in Africa.

Building Capacity and Raising Awareness on Illicit Financial Flows (IFFs)

The ALSF is a member of the Consortium to curb IFFs from Africa, which includes: The H. E. Thabo Mbeki-led African Union Commission (AUC)/UNECA High Level Panel on IFFs; and the AUC's Coalition for Dialogue on Africa; PALU, and the African Capacity Building Fund among others. The Facility also collaborates with the Extractive Industries Transparency Initiative (EITI) to discourage IFFs. Additionally, the ALSF promotes the adoption of appropriate legislation and strengthening of relevant state institutions to combat IFFs in Africa.





Key Results 2021

Over the years, our interventions have led to significant savings for RMCs, increased power supply, institutional strengthening, and poverty reduction. Additionally, all ALSF projects incorporate the cross-cutting issues of governance, gender equality, and environmental protection, which enhance the quality, impact, and sustainability of the projects. Below are the anticipated results from projects that were active in 2021 i.e. approved, implemented and/or closed in 2021.

Results Chain	Anticipated results	Contribution to AfDB's High 5's priority areas	Contribution to African Union 2063 Agenda Goals	Contribution to UN Sustainable Development Goals (SDGs)
Impact 1: Enhanced economic Growth	<p>Government Savings Realized and or income released: USD 14.8 billion</p> <p>Sudan Sovereign Debt: USD 14.1 billion (debt cancelled)</p> <p>Somali Debt II: USD 649 million</p>	Improve the quality of life for the people of Africa	Goal 1: A high standard of living, quality of life and well-being for all citizens.	<p>SDG 1: End poverty in all forms everywhere</p> <p>SDG 7: Ensure access to affordable, reliable and sustainable modern energy for all</p>
Impact 2: Sustained Inclusive development	<p>Direct, indirect and induced jobs created by projects supported by the ALSF: 165,332</p> <ul style="list-style-type: none"> Sierra Leone Power: 1332 <p>Total Power production in Mega-watts (MW) 148 MW</p> <ul style="list-style-type: none"> Sierra Leone Power: 128MW Lesotho Solar : 20 MW 	<p>Improve the quality of life for the people of Africa</p> <p>Light up and power Africa</p>	<p>Goal 1: A high standard of living, quality of life and well-being for all citizens.</p> <p>Goal 6: Blue/ Ocean for accelerated economic growth</p> <p>Goal 4: Transformed economies</p>	<p>SDG 1: End poverty in all forms everywhere</p> <p>SDG 7: Ensure access to affordable, reliable and sustainable modern energy for all</p>
Outcome 1: Enhanced economic growth in targeted sectors	<p>Increased foreign direct investment in targeted sectors: USD 3.84 Billion</p> <ul style="list-style-type: none"> Sierra Leone Power USD 217 million Somali Port Contract USD 50 million Tunisia PPP: USD 79.6 million Uganda EACOP: USD 3.5 billion 	Industrialize Africa	Goal 4: Transformed economies	<p>SDG 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation</p> <p>SDG 7: Ensure access to affordable, reliable, sustainable and modern energy for all</p>
Outcome 2: Fair commercial contracts/ agreements in targeted sectors negotiated	Number of contracts with strategies to enhance good governance, gender equality, environmental sustainability, and the human rights of project affected persons: 8	Improve the quality of life for the people of Africa	Goal 1: A high standard of living, quality of life and well-being for all citizens.	SDG 11: Make cities and human settlements inclusive, safe, resilient, and sustainable
Outcome 3: Reduced number of creditor litigation cases and payments	<p>Total ALSF commitments for legal assistance in creditor litigation cases: USD 1.1 million</p> <p>Number of RMCs requesting support on sovereign debt or creditor litigation: 5</p>	Improve the quality of life for the people of Africa	Goal 1: A high standard of living, quality of life and well-being for all citizens.	<p>SDG 10: Reduce inequality within and among countries</p> <p>SDG1: End poverty in all forms everywhere</p>



Outputs

Output 1: Capacity Building Provided to African Countries



- 2 317 African legal professionals, private sector and government officials trained on negotiation of complex commercial transactions or commercial creditor litigations
- 12 requests from fragile governments for support or follow-up support
- Partnerships established with other capacity building programs or legal bar associations

Output 2: Knowledge Products Developed and Disseminated



- 14 legal knowledge products developed (model agreements, toolkits, etc.)
- 155 563 hits on ALSF websites and social media platforms-Twitter, LinkedIn, ALSF website
- 27 webinars organized by the ALSF for knowledge sharing

Output 3: Improved Performance of ALSF



- 5 projects under the new financing agreement
- 12 projects successfully implemented and closed
- 2 RMC who contribute to the ALSF
- 2 projects where ALSF is providing support that promote generation of renewable energy

2021 Notable Stories



Natural Resources

Central African Republic

In line with industry standards and internationally recognised best practice, the Government of Central Africa Republic developed a strategy for the mining and oil sectors to ensure efficient management of its natural resources and promote the country's economic development.

To help the country reap the benefits from its extractives sector, the ALSF supported the development of a Guide for Parliamentarians to adequately review extractives agreements entered into by the government. The ALSF assistance also proposed several changes to the existing mining legislation, and these recommendations have been considered in the new draft Mining Code.

Ethiopia

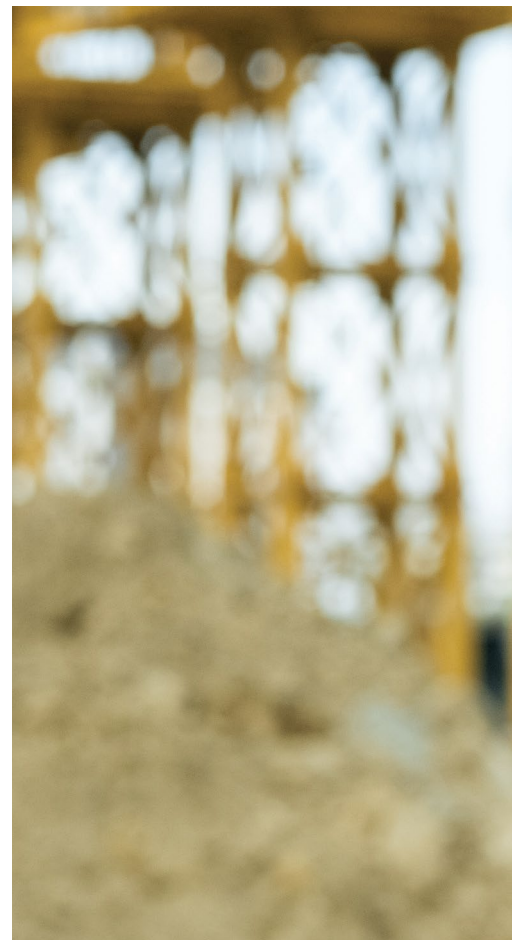
Ethiopia has embarked on a gas project to develop and produce natural gas, for domestic consumption and export. It is expected that the revenues generated from the project will greatly impact the country's social and economic transformation. The Government requested the ALSF's support to review an existing Gas Sale Purchase Agreement (GSPA), provide capacity building to senior officials on the negotiation process; and develop an optimum negotiation strategy.

The ALSF successfully supported the Government for the review of the GSPA and ensured to include environmental considerations and compliance to environment regulations in the negotiation strategy proposed to the Government, and, for the GSPA to remain enforceable, to address the decommissioning phase in the risk mitigation strategy.

The Gambia

The ALSF has supported the Government of The Gambia to conduct a transparent and competitive licensing round which helped protect the interests of the country and more recently, successfully advised the Government on an amicable exit of an international oil company from the A1 block offshore oil exploration license, resulting in an indemnification payment in favour of The Gambia.

In recognition of the ALSF's longstanding support in implementing The Gambia's development agenda, the Government made a financial contribution to the ALSF's, becoming the second African country, after Guinea, to fund the institution.



Tackling Sovereign Debt Issues



The ALSF has provided advisory and capacity building support to the Government of the Republic of The Sudan in connection with The Sudan's efforts towards debt relief and arrears clearance from Paris Club and non-Paris Club creditors.

The ALSF assisted the Government with the historic milestone of reaching the Highly Indebted Poor Countries Initiative (HIPC) Decision Point, resulting in the cancellation of approximately USD 14.1 billion and rescheduling of nearly USD 9.4 billion.

This positive outcome is the result of a coordinated support with development partners such as the International Monetary Fund, World Bank's Debt Management Facility and the UK's Foreign Commonwealth, and Development Office (FCDO).



Infrastructure & PPPs



Gabon

The Government of Gabon approached the ALSF for capacity building support on public-private partnerships in the water and energy sectors. The purpose of the assistance was to train Government representatives and civil servants in the legal, technical, and financial aspects of negotiating a PPP, and to produce a toolkit of standard documents including a concession agreement, a power purchase agreement, and a PPP agreement in the water sector.

The ALSF and the Government of Gabon organized two workshops, the first one addressing the fundamentals of project finance and PPP projects, both from a legal and financial perspective, and the second focusing on the legal, technical, and financial aspects of a solar PV power project and a water treatment project. The use of mock negotiations throughout the workshops was a value added for the participants, who really committed to the role and showcased how well they had retained the new knowledge.

Chad

The Government of Chad approached the Facility for assistance for a three-level capacity building workshops targeting high-level government officials such as Government Ministers and Secretary Generals, Cabinet Directors, and Directors and National Institutions, and technical professionals. The purpose of the workshop was to equip each category of persons with the tools needed, depending on their level of interaction with PPPs, to make informed decisions, advise, and implement PPP projects with confidence.

The workshops, which occurred in November 2021, hosted 69 participants throughout Government. Given that the PPP Unit in Chad was only recently appointed, the workshop came at a poignant time.



Power Sector

Botswana

With the support of the ALSF, Botswana Power Corporation signed on October 18, 2021, a Power Purchase Agreement (PPA) with an energy producer. The deal foresees the supply of 10 MW of Coal Bed Methane (CBM) over a period of five years.

CBM is an important untapped renewable resource for Botswana. This agreement will cover the first production phase of Tlou Energy’s Lesedi project housing 252 billion cubic feet of CBM proven, probable and possible gas reserves.

This project is part of Botswana’s ambition to reduce electricity imports by increasing CBM electricity production to 100 MW over the next few years.



Lesotho

A court order was awarded in favour of a developer, and writs of execution were issued further thereto to attach assets held by and/or owed to the Kingdom of Lesotho and state-owned enterprises in several jurisdictions. The court order adopted an arbitration award in favour of the developer and against the Government for damages related to a supply contract. The judgment represents 2.2% of Lesotho’s GDP.

The ALSF succeeded in assisting the Kingdom of Lesotho in obtaining a negotiated stay on execution of a crippling monetary award judgement and ongoing assistance is provided to set aside the award and the judgement orders in all jurisdictions.

Lesotho

With the support of the ALSF, the government of Lesotho, the Lesotho Electricity Company, and a renewable power producer, executed in November 2021 a Power Purchase Agreement and several project agreements governing the construction and operation of the first independent power producer project in Lesotho.

Sierra Leone

With the support of the ALSF, on the 18th of November 2021 marked a significant milestone and statement of intent by the Government of Sierra Leone in signing a Power Purchase Agreement and other project agreements to implement the Western Area Power Generation Project.

Due to the complex nature of the Project, the Government sought advisory and technical assistance from the ALSF in August 2020. In response, the ALSF provided legal, financial and technical advisors to the government to draft and negotiate the project agreements.

These efforts culminated in the signing of a Power Purchase Agreement between the government and the independent power producer.

Testimonials From Our Beneficiaries



Through the assistance of ALSF, the Ministry of Mineral Resources, Green Technology and Energy Security has been able to accelerate capacity building for the Ministry officers through the training and mentoring process provided by ALSF. This assistance includes amongst others; Procurement of Independent Power Producers, Preparations of bid documents for and negotiations for complex commercial agreements such as the 10MW Coal Bed Methane (CBM) signed PPA. Through their assistance, the Ministry team has been able to prepare on its own, an Invitation to tender (ITT) for 100 MW CBM projects, project documents for the ongoing Tender for the 300MW Coal and the Request for Qualification for the 200 MW Concentrated Solar Power project in-house by the Local Botswana team.

Pelaelo Khowe
Financial Advisor at Ministry of Mineral Resources, Green Technology and Energy Security, Botswana

The Government of the Gambia is grateful to the ALSF for the support provided to its oil and gas sector. With the support of the ALSF, the Government of the Gambia, in April 2019, developed a model Petroleum Exploration and Production Licensing Agreement and successfully conducted an open, transparent and competitive licensing round and signed an exploration and production license in April 2019 with British Petroleum.

The Government then sought further support for the ALSF with respect to contract monitoring and management activities concerning active petroleum exploration development and production licenses including the BP license. During the implementation of the Gambia Oil 2 Project, BP informed the Government of its intention to exit the license.

With the support of the ALSF, the Government was able to successfully negotiate an agreement with BP to settle BP's exit from the A1 block offshore oil exploration license resulting in the payment of approximately twenty-nine million three hundred thousand (USD 29,300,000) in favour of The Gambia.

In recognition of the ALSF's decisive support in achieving this milestone, the Government contributed one hundred thousand United States Dollars (USD 100,000.00) to the ALSF's resources.

We wish to express our sincere appreciation to the ALSF for its continued support to the Gambia.

Jerreh Barrow
Director General of the Petroleum Commission, The Gambia





It has been a great pleasure collaborating with the wonderful team from the ALSF on mineral resources concessions and governance. The work focused on three main aspects, being the review of the existing mining lease agreements, analysis of the legal framework and capacitation of the institutions involved in mineral resource governance through training workshops.

Through this collaboration, the Ministry was able to streamline its licencing process by doing away with overlapping elements in the mining lease and shareholders' agreement thus simplifying their implementation and monitoring and evaluation. This measure also facilitated a speedier issuance of mineral concession by utilising a thorough, standardised template. As it stands the Ministry continues to use the toolkit adopted in other derivative works pertaining to the mining industry.

The Ministry has been looking to update its legal framework along the lessons and experience learned in the course of the project and especially the legal opinion offered by the ALSF team. Unfortunately, the process has been slow due to pandemic-induced disruptions. Nonetheless, we would gladly appreciate working with the ALSF once again going forward.

**Moliehi Seoli, Chief Legal Officer,
Ministry of Mining, Lesotho**

Sahofika 192 MW hydropower project has reached a major milestone with the signature, in November 2021, of the Concession Agreement, the Power Purchase Agreement, and a Protocol of Application:

"Because this was a very first project of this kind for Madagascar, as the country had never negotiated such contracts, there was a lot of real-time learning involved in the preparatory sessions of the negotiations. After long and tough negotiations, we were able to come up with balanced contracts, thanks to ALSF's support and high level of availability. I would like to highlight the Facility's qualities of responsiveness, flexibility and adaptability in relation to the scope of assistance, which had to be adjusted on several occasions, depending on: the project's dynamics; the context; and the national and international situation (Covid in particular).

The Facility managed to meet the expectations of the Government Team by providing comprehensive and adapted transactional support. This enabled us to receive very high-quality advice, similar to that provided to the private investor."

**Razafimahatratra Dina Anjaraniaina
Director of Energy Emergence, Ministry of Energy
and Hydrocarbons**

» Chapter 3: Institutional Development and Corporate Management

In 2021, 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 innovative approaches to respond to the existing and emerging needs of its RMCs. To remain relevant, expand its financial base, increase ownership, and enhance sustainability, the ALSF's management continued to engage with its various stakeholders, particularly during the High-Level Event. This chapter discusses the ALSF's institutional activities in 2021.

Extension of the Term of the ALSF

Based on the recommendation of the 2020 High-Level Meeting of its members and the relevance and effectiveness of the ALSF during its initial term, the Governing Council of the Facility in their Annual Meeting held on 26 May 2021 extended the term of the Facility for a further fourteen (14) years from 2022 ("New Phase").

In September 2021, the ALSF organized a High-Level Event (HLE) of all its stakeholders to commemorate the extension of the term the ALSF. The occasion was also used to bid farewell to the out-going Director and CEO and to welcome the new Director and CEO. The HLE was attended by members of statutory organs, RMCs, financing and strategic partners, who deliberated on the ALSF's accomplishments and the impending needs of RMCs in order to plan the ALSF's future support to the

RMCs. The commemoration event was highly successful in:

- Reviewing the work of the ALSF and noting its progress and positive impacts on sustainable development of the continent that have culminated in the extension of the term of the Facility;
- Identifying persisting and new legal and technical capacity needs in Africa, including due to COVID-19, climate change, digitalisation, and illicit financial flows, and providing recommendations for enhancing support to African governments;
- Strengthening engagement with stakeholders, including donors, RMCs, development institutions;
- Galvanising financial support for the work of the ALSF;
- Showcasing the ALSF as a mature international institution and a reliable partner of African countries in their development efforts; and
- Extracting views and recommendations for consideration in preparing the third cycle of the ALSF's strategy.

Resource Mobilization

During 2021, the ALSF continued to reach out to various financing partners to expand its resource base. Specifically, the Facility followed up with its existing financing partners to ensure that pledges set out by the respective

donors are honored in a timely manner. These included: African Development Bank, Norway, Foreign, Commonwealth and Development Office, UK (FCDO), European Commission, Federal Republic of Germany through KfW and The Netherlands.

During the year, the Facility had also prepared all the relevant documents, and actively engaged with potential and existing financing partners for additional funding including Bank Trust Funds such as African Private Sector Assistance (FAPA), African Integrity Fund (AIF); Korea-Africa Economic Cooperation (KOAPEC); Bill and Melinda Gates Foundation; and The Netherlands. Through these efforts, the African Development Fund - Transition Support Facility (AfDB-ADF15-TSF), the European Commission, and Norway disbursed a total of **USD 18.85 million**. The Facility also secured additional funding from KOAPEC, The Netherlands and Global Infrastructure Facility amounting to USD 0.6 million, € 0.3 million and USD 1.9 million respectively.

The ALSF also continued to encourage RMCs to contribute financially to the Facility. To this end, the Gambia contributed USD 100,000 to support the activities of the ALSF. By the end of the 2021, the ALSF received more than USD 22.96 million to finance its activities. The table below summarizes the status of donor commitments by the end of 2021. To expand its financial resources in 2021, the Facility continued to implement projects on 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 to roll out or is concluded.

ALSF Contributions Received (USD millions), 2010-2021

Donors	Years		
	2010-2020	2021	Total
African Development Bank	15.21	-	15.21
African Development Fund	21.86	10.94	32.80
Netherlands	15.37	-	15.37
Norway	7.13	2.25	9.38
Federal Republic of Germany through KfW	8.29	7.10	15.39
United Kingdom	9.05	0.70	9.75
Bill and Melinda Gates Foundation		0.53	0.53
Canada	8.41	-	8.41
France	5.00	-	5.00
USAID	3.00	-	3.00
European Commission	1.23	1.34	2.57
Gambia		0.10	0.10
Republic of Guinea	0.05	-	0.05
Belgium	0.79	-	0.79
BOAD	0.20	-	0.20
ECOWAS Bank for Investment and Development (EBID)	0.05	-	0.05
Islamic Development Bank	1.00	-	1.00
The Ford Foundation	0.27	-	0.27
World Bank	0.05	-	0.05
Total	96.95	22.96	119.92

ALSF Contributions Held in Trust by the AfDB (USD millions), 2010-2021

Donors	Years
	2010-2020
France	0.70
India	0.76
Korea-Africa Economic Cooperation	0.60
Global Infrastructure Facility	1.90
TOTAL	3.96



Regulations and Internal Guidelines

During the year, the ALSF developed new, and updated some of the existing regulations and guidelines. Specifically, the ALSF prepared several policies and procedures for the creation a forum of the members of the ALSF and for the appointment of a Patron of the ALSF. These will foster efficiency, accountability, inclusion, ownership and transparency among staff, management, and other relevant stakeholders. A major achievement was the preparation, and Board approval of following internal policies and procedures:

- **Human Resources Policy.** To provide a framework which addresses the ALSF mission vis a vis its employees, ensures operational efficiency, clarifies expectations of performance and behavior and helps create the desired workplace culture.
- **Amendments to the Staff Rules and Regulations 2021.** To harmonize the previous regulations with the current African Development Bank staff regulations especially as it relates to promotions and parental leave.

- **Bylaws for the Executive level officer.** An exclusive regulation aimed at providing terms and conditions of service of the Director and CEO or such officer designated as an Executive Level Officer of the ALSF.
- **Policy on Contract Agents (including CA contract template).** To govern the terms and conditions for the new categorization of consultants as contract agents.
- **Adoption to the new AfDB Code of Ethics.** To update the previous Code of Conduct and incorporate the new AfDB code of ethics, including new principles that address sexual exploitation abuse and harassment and social corporate and environmental responsibility.

Monitoring & Evaluation and Learning

To further streamline the data management function and facilitate data aggregation and analysis, and reporting, the ALSF migrated its data from the web applications Box to Basecamp and its Management Information System (MIS). In parallel to this, the ALSF team revised and harmonized the Project Management Framework (PMF) templates for the MIS.

Additionally, all projects prepared in 2021 had PMFs with appropriate baselines and targets. Also, all Project Completion Reports now have results captured against the targets set out in the PMFs. This year, the ALSF also developed a log frame with baselines and targets for better tracking of results across its entire operations. The ALSF also developed quarterly performance review reports to guide management's decision-making and interventions and updated the ALSF risk matrix.

Mid-Term Review of MTS 2018-2022

During 2021, the ALSF conducted and finalized the mid-term review of the current ALSF Medium Term Strategy (2018-2022). The review assessed the impact, relevance and sustainability of results for participating African Governments, evaluated the effectiveness and efficiency of the ALSF interventions, provided 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.

Key Findings and Recommendations of the ALSF Mid-term Review of the Medium Term Strategy (2018-2022)

Evaluation Criteria	Key Findings	Recommendations
<p>Effectiveness: The overall rating of the facility's effectiveness is satisfactory</p>	<ul style="list-style-type: none"> Contribution of ALSF projects to MTS outcomes is satisfactory: Extent to which completed projects have achieved their expected outputs and outcomes is rated as satisfactory. 	<ul style="list-style-type: none"> ALSF's M&E system should give it the ability to consolidate and aggregate data at project and ALSF (from projects) level. Approval of projects by the Management Board and the ALSF Director should draw on a fully completed PMF.
<p>Relevance: The overall rating on the relevance of the facility in the provision of legal support to regional member countries is satisfactory</p>	<ul style="list-style-type: none"> Demand for ALSF services remains high in relation to the previous MTS, with advisory having most of the requests, followed by capacity building and knowledge management. ALSF has processes in place that ensure continued relevance of its interventions to RMC beneficiaries. 	<ul style="list-style-type: none"> Amalgamating vulture fund litigation with sovereign debt related interventions (which currently feature under advisory services) into one KRA should be considered, so that there would no longer be a single KRA without results to report on due to low levels of demand.
<p>Efficiency: The overall rating of efficiency is satisfactory</p>	<ul style="list-style-type: none"> Timeliness: ALSF has several tools in place to record project timing against predefined criteria Budgetary compliance is satisfactory with supplementary grant approvals constitute only three percent of project numbers Financial planning: ALSF has financial planning processes in place, through its annual work plans and budgets. A significant gap between financial figures included in its workplans and those reported in external annual audit reports was noted. Administrative costs: ALSF complies with its target of 18 percent of total non-project related administrative costs relative to total costs 	<ul style="list-style-type: none"> ALSF workplan budgets should be drawn up based on funds available. Reporting on actual commitments and disbursements should be aligned with independent auditor report figures. A full review of ALSF's financial planning processes should be considered.
<p>Sustainability of ALSF: The overall rating of sustainability is partly satisfactory</p>	<ul style="list-style-type: none"> Funding of ALSF: ALSF has enough funds at least until the end of the current MTS period to continue operation. Further funding would need to be received to be able to reach budget levels similar. Revenues generated through third party project financing: so far no funds have been received by ALSF through such instruments as most projects are still under implementation Revenues generated from direct RMC contributions: Direct funding from RMC is not a mechanism on which ALSF could rely for its budget as only one country has ever contributed to the ALSF 	<ul style="list-style-type: none"> ALSF should enhance its resource mobilization strategies to ensure continued financing to sustain its operations. A robust communication outreach to donors on the relevance as well as results from interventions touching on gender mainstreaming, renewable energy would be instrumental in attracting financing from donor.

» Chapter 4: Collaboration, Partnerships Building and Outreach

During the year, the ALSF continued to deepen 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

By the end of 2021, the ALSF had entered into strategic partnerships with various bilateral and multilateral institutions. The ALSF negotiated and signed Memoranda of Understanding with the following institutions: The Eastern and Southern Africa Trade and Development Bank; Africa Legal Solutions Ltd; and Oxford Policy Fellowship Ltd; World Association of PPP Units & Professionals (WAPPP) on areas of common interest. Annex IV summarizes the ALSF's strategic partnerships.

The ALSF also received additional support from the Federal Republic of Germany through KfW to sustain the impact of KfW's previous assistance. This assistance will focus on limited activities, including:

- Completion of the operationalization of the MIS;
- Procurement of Panel B Law firms;
- Finalization and implementation of the Monitoring and Evaluation System; and
- Development of the Staff Benefits' System of the ALSF.

Over the year, the ALSF partnered with the following institutions: African Development Bank; African Energy and Minerals Management Initiative; Africa Infrastructure Fellowship Program, 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 (MEFMI); Natural Resource Governance Institute; Organization for the Harmonization of Business Law in Africa (OHADA) and Ecole Régionale Supérieure de la Magistrature de l'OHADA (ERSUMA); Strathmore University in Kenya; the Collaborative Africa Budget Reform Initiative (CABRI); the International Training Centre in Africa for Francophone Lawyers; the Southern African Development Community



Lawyers Association; West African Institute for Financial and Economic Management; and the World Bank Group.

To effectively deliver on our mandate, in 2021, the ALSF continued to work 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.



ALSF Membership

Today, the total number of ALSF members is 60 which includes 53 states and 7 International Organizations. In 2021, Cabo Verde, Kenya, Malawi and Tanzania were in the process of finalizing their membership; and Botswana and Equatorial Guinea are at an advanced stage in their accession to the ALSF Agreement. The Development Bank of Southern Africa (DBSA) is also in the process of becoming a member of the ALSF.

Business Development

During 2021, the ALSF attended and participated in several activities, virtual conferences, webinars, and trainings to develop and maintain strategic relationships with the ALSF’s stakeholders, development partners, co-financiers, donors, and our Panel of law firms, as well as to create outreach opportunities to RMCs, and strengthen relationships between the ALSF and its member countries. In 2021, the ALSF team participated in the Africa Energy Forum, and the Utility CEO Forum. Additionally, the ALSF was involved in co-organizing and participating in a number of webinars on topics in our focus areas, as well as on the impacts of COVID-19, energy transition, and investment dispute resolution. The ALSF also collaborated with a number of international organisations such as United Nations Economic Commission for Africa (UNECA), United Nations Economic Commission for Europe (UNECE), ECNR, African Export-Import Bank, Arab Bank for Economic Development in Africa, and Africa Finance Corporation to organize the Democratic Republic of Congo Africa Business Forum in November 2021 to foster the development of a battery minerals, electric vehicles,

and renewable energy value chains and market based on the supply of battery minerals from the DRC and other African countries. In sum, the ALSF organized or participated in more than 25 webinars and events.

Communication and Outreach

During 2021, the ALSF had undertaken number of activities including all communication related to the HLE to commemorate the extension of the term of the Facility; launched and regularly updated the new website; disseminated a number of publications; promoted several webinars to discuss issues related to the work, role, and achievements of the ALSF; and produced several press releases and quarterly newsletters.

In 2021, the ALSF also finalized the draft communication strategy. This strategy identifies and provides methodologies for effectively communicating essential information, as well as provides guidance for strategic communication, including for ensuring internal coherence and efficiencies and streamlining development communication to targeted audiences. It aims to harness communication as a tool and process for the effective delivery of programmes; deepen stakeholder interest and support for the ALSF’s strategically important development work; enhance the Facility’s visibility and strengthen its positioning as a partner and advocate for positive change.



» 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 2021 Financial statements have been prepared. The independent auditors report on the financial statements of the ALSF were approved and endorsed by the 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 2021 include the following:

Total Contributions Received

The total contributions received for the year ended December 31, 2021 amounted to nearly USD 23 million compared to USD 4.8 million for 2020. The cumulative contributions at the end of 2021 and 2020 amounted to USD 119.9 million and USD 96.9 million respectively.

Total Disbursements

The total disbursements made for the year ended December 31, 2021 amounted to USD 11.1 million as opposed to 13.1 million in 2020. The cumulative disbursement for 2021 amounted to USD 93.8 million compared to 82.7 million in 2020.



23^{USD} Million
Total Contributions Received

11^{USD} Million
Total Disbursements

A summary of the primary financial statements of the ALSF for the year ended December 31, 2021 is shown below.

Statement of Financial Transactions for Years Ended 2020/2021 (USD)

	Years	
	2021	2020
Contributions		
Contributions Received	22,966,416	4,765,770
Net Income and Translation Gains	(131,293)	202,015
Disbursements	(11,079,155)	(13,083,140)
Surplus/Deficit	11,755,968	(8,115,355)

Statement of Commitment as at December 31, 2021 (USD)

	Years	
	2021	2020
Total Cumulative Funds Available	122,586,364	99,751,241
Cumulative Commitments*	(113,023,606)	(95,304,581)
Total Funds Available for Commitment	9,562,758	4,446,660

*Including ongoing activities and project support component disbursements

Statement of Financial Position as at December 31, 2021 (USD)

	Years	
	2021	2020
Contributions		
Contributions Received	119,923,250	96,956,834
Net Income and Translation Gain	2,663,114	2,794,407
Total Funds available	122,586,364	99,751,241
Disbursements	(93,801,058)	(82,721,903)
Net funds Available	28,785,306	17,029,338
Represented By		
Cash and Cash Equivalents	28,862,771	18,034,299
Net Amount Receivable (payable)	(77,465)	(1,004,961)
Net Funds Balance	28,785,306	17,029,338



» Chapter 6: Governing Council, Management Board, Director and Staff

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

- **AfDB Participating States:** Five Members and five Alternate Members representing the Regional Member States of the AfDB which are also ALSF participating states
- **OECD:** Four Members and four Alternate Members representing the Member States of the OECD which are also ALSF participating states
- **Non-OECD:** One Member and one Alternate Member representing non-OECD Member States which are also ALSF participating states
- **Other international organizations:** One Member and one Alternate Member representing other international organizations which are parties to the ALSF Agreement
- **African Development Bank:** One Member and one Alternate Member representing the AfDB.
- The Members and Alternate Members of the Governing Council are each appointed for a period of two years and a list of the current representatives showing their constituencies is in Annex IV.

The Governing Council may delegate some 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 includes approving the annual budgets and annual work programs, issuing by-laws, rules and regulations, and making decisions necessary to ensure the efficient and effective operations of the Facility.

The Management Board also appoints the Director of the ALSF. The Management Board is composed of five members who serve in their personal capacity and are appointed by the Governing Council for a non-renewable term of three years.

The Governing Council (GC) and Management Board (MB) provided oversight and strategic direction to the management of the ALSF in 2021. Activities undertaken by the Board gave considerable time to strategic operations and institutions matters of the Facility to effectively deliver on its mandate. Notable accomplishments by the GC and MB in 2021, include the extension of the duration of the ALSF beyond 2022; recruitment of the new Director and CEO; adoption of several internal by-laws, procedures, and policies; and mid-term review of the current Medium-Term Strategy (2018-2022).

Governing Council Activities in 2021

This year, the ALSF Governing Council held four (4) meetings to discuss, refine, approve and endorse relevant working documents of the ALSF. The first was an informal meeting on the 6th May 2021. On that occasion, the Governing Council preliminarily discussed and refined relevant working documents in view of their formal presentation at their annual meeting of 26th May 2021.

The second meeting was the formal Annual Meetings of the ALSF Governing Council which took place on 26th May 2021. At the meeting, the Governing Council endorsed and approved the Annual Report and the Auditors' Report and Financial Statements for the year ending December 2020. During the Annual meetings, the ALSF Governing Council extended the term of the Facility for a further fourteen (14) years from December 2022, based on the recommendation of the HLM, the relevance and effectiveness of the Facility, as well as the performance of the Facility since its establishment.

The ALSF Governing Council also considered and endorsed important initiatives and policies to strengthen internal organization effectiveness—including enhanced human resources policies; adoption of the 2018 AfDB Code of Ethics and rules and procedures applicable to the ALSF CEO; and policy on the ALSF contract agents. In 2021, the Governing Council also appointed Mr. Jacob Diko Mukete to replace Dr. Gaston Kenfack Douajni after he completed his 3-year term on the Management Board.

Management Board Activities in 2021

By the end of 2021, the ALSF had successfully held six (6) Management Board (MB) meetings. The MB had also held five (5) additional meetings towards recruitment of the new Director and Chief Executive Officer (CEO) of the ALSF.

The first meeting was the 33rd ALSF Management Board formal meeting that took place on 7th and 8th April 2021, to review and discuss the 2020 draft Annual Report, the interim Financial Statements as of 31st December 2021; and the draft mid-term review of the ALSF Medium-Term Strategy 2018-2022. During this virtual meeting, the Board considered the above documents focusing on donors' recommendations to undertake organizational restructuring and a proposal to create a patron for the ALSF; and a note on the extension of the life of the ALSF. Alongside this, the Board members also reviewed and refined the ALSF risk management framework; revised draft on human resources policies; revised draft amendments to the staff rules and regulations; and creation of contract agents. The Management Board also received updates on the status of operations.

A subsequent formal Annual Meeting was held over two sessions on the 25th of May and 23rd June to: review the revised mid-term evaluation report on the Medium-Term Strategy 2018-2022; approve the revised 2020 Annual Report and the 2020 Audited Report and Financial Statements.

The Management Board bid a fond farewell to Dr. Gaston Kenfack Douajni, who served as a member of the ALSF Board for a three year period from 30 June 2018 to 29 June 2021 and Chairperson of the Board from June 2019 to June 2021; and to Mr. Stephen Karangizi, who served as the Director and CEO of the ALSF from October 2011 to October 2021. Both were recognized for their diligent work, invaluable guidance, and excellent contribution towards delivering the mandate of the ALSF. The Board also appointed Ms. Eva Jhala as its new Chairperson.

The final meeting of the Management Board which was held on 26 November 2021 considered and approved the Budget and Work Plan for 2022. In addition to the matters deliberated on at the meetings, the Board members also considered and approved several operations to assist African countries negotiate

complex commercial transactions in the natural resources and infrastructure development sectors; and provide debt management and creditor litigation support.

Director and Staff

The ALSF had a total of 34 staff members by the end of December 2021. The institution gave priority to recruitment for critical positions to deliver development results at scale. A major development during the year was recruitment of the new Director and Chief Executive Officer (CEO). The ALSF also recruited a Head of Operations, 2 legal counsels, and 1 Human Resources Officer, as well as 4 GS positions to respond swiftly and effectively to the needs of the beneficiaries.

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Staff
Members



The ALSF Staff by the End of 2021

	Name	Function
Director and CEO and Front Office	Mr. Olivier Pognon	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	Senior Budget and Finance Officer
	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	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 Kearsse	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
	Ms. Manuela Dieng	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
	Mr. César Vermos Ver	Legal Counsel
	Ms. Mariame Bah	AML Secretariat – Legal Consultant
	Mr. Mohamed Stevens	APLA- Legal Consultant
	Ms. Nancy Ampiah	Secretary Operations Team
	Ms. Roseline Adou-Abodo	Secretary Operations Team



Staff Development

During 2021, the ALSF empowered its staff through training, promoting diversity, and supporting different, and creative ideas. The ALSF staff benefitted from various training opportunities to enhance their skills in monitoring and evaluation; public procurement; PPPs and oil and gas contract negotiations and implementation; and sovereign and commercial debt management.

The internal trainings comprised trainings on 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. In September 2021, the ALSF also held a virtual team building event to foster better communication and collaboration among its staff.

Remote Working

In 2021, the ALSF continued to implement important reforms and associated improvements in its institutional capacity and business process. The staff continued to work remotely, and management continued to reach out to the team to support them through the challenging times to ensure employees' well-being and productivity during the pandemic crisis.

The ALSF remained agile 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.

» Chapter 7: Risks and Challenges

To ensure the achievements in 2021, the ALSF continued to manage and address risks and challenges relating to its activities. Guided by its risk management framework, the ALSF identified risks and challenges in delivering its mandate and determined appropriate mitigation measures. Continuous risk monitoring and proactive interventions resulted in improvements in disbursement volumes, overall portfolio performance, and project cycle and procurement processes.

The ALSF developed time-bound action plans to address the implementation challenges for each project to improve portfolio performance and efficiency in project cycle processes. Further initiatives are planned to reduce the average lapse of time from approval to effectiveness for first disbursement and from approval to first disbursement. The table below highlights some of the risks and challenges confronted in 2021 and how they were managed.

PERCEIVED RISKS/ CHALLENGES	LEVEL OF RISK	MITIGATING MEASURES	OUTCOMES OF THE MITIGATING MEASURES
Performance measurement of International Law Firms	Low	Recruitment of law firms through a competitive procurement framework Continuous performance assessment of the panel law firms based on the specifications of their appointment	Positive appraisals of law firms procured for RMCs. No complaints received on performance of law firms and legal counsel procured for projects
Unpredictable pipeline due to the demand driven nature of projects	Low	Data collection and analyses tools; Continuous resource mobilization to fund increasing demand, and continuous outreach and sensitization of countries about the range of ALSF services	Adequate planning and budgeting and high project implementation levels
Change of government or personnel in countries where ALSF is in the process of providing support to RMCs	Medium	Establish and maintain contact with focal points / technocrats who transcend governments, as well as with AfDB country offices	Less disruptions in project continuity based on shifts in / movements of in RMCs personnel
Possible obstacles outside the control of the ALSF such as conflict, and economic and social influences	Medium	Collaboration with other partners to anticipate issues quickly and find appropriate solutions	Improved predictability of issues and incidents; avoidance and reduction in costs of termination; improved coordination of support ; and enhanced resilience against new crises and challenges

» Chapter 8: Looking Ahead



The ALSF plays a key role in supporting the development of African countries through the provision of legal and technical assistance required to tackle unfair litigation and to negotiate complex commercial transactions in sectors of relevance for the countries, as well as to enhance the capacity of African lawyers and government officials to undertake such transactions. Accordingly, the Facility provides support to African countries in the following areas – natural resources, power, infrastructure and Public-Private Partnerships (PPPs), and sovereign debt management. To date, the Facility has provided nearly USD 110 million for over 330 operations in more than 45 African countries and contributed substantially to the sustainable economic development of African economies.

The current events in some Regional Member Countries (RMCs) underline the challenges of development for Africa. The process of adjustment to changing circumstances and to new demands will require the ALSF to show the same flexibility and responsiveness going forward as it has done in the past. As it seeks to accelerate its impact and scale up its activities, the ALSF will need to focus on addressing the bottlenecks to Africa's economic growth, and will specifically play a catalytic role to address: the massive infrastructure deficit; the paucity of skills needed to build to reap the benefits from its resources; promoting private sector development; and the long-term challenges of climate change and

energy generation. The ALSF has a role to play in further integrating climate change mitigation measures into its interventions and supporting RMCs to achieve a just energy transition as well as, and in gender mainstreaming, through effective collaboration with its development partners.

To do so, the ALSF expects to continue its traditional support to African countries in creditor litigation, structuring complex commercial transactions, and negotiating fair and durable contracts. Thus, the ALSF will deploy its resources and collaborate with the other partners to facilitate and provide the legal and technical solutions required by African governments as they develop and implement post-COVID-19 mitigation and recovery strategies, as well as tackle the complex legal issues relating to climate change and the fourth industrial revolution. The ALSF will respond to the immediate and long-term needs of RMCs, in particular through:

- **Legal advisory services:** provide legal and technical advisory and negotiation assistance for concluding equitable and sustainable complex commercial transactions related to extractive and natural resources projects and infrastructure & PPPs (Power, transport, technology, healthcare, etc).
- **Sovereign debt management:** provide legal and technical assistance and capacity for public

debt contracting and management and creditor litigation to prevent debt distress and ensure sustainable outcomes;

- **Curbing illicit financial flows:** provide legal and technical assistance and capacity to prevent illicit financial flows in new contracts and transactions and support countries to recover funds and assets lost through corrupt practices, transfer mispricing, tax avoidance practices, and illicit financial transactions generally; and;
- **Knowledge and skills building:** develop relevant knowledge products and provide skills in-country and continent-wide to adequately negotiate and conclude complex commercial transactions and sovereign debt management.

Ultimately, as we move ahead, the support provided by the Facility will be characterized by the increased utilization of smart tools and processes to ensure that the Facility can effectively anticipate the needs of RMCs and provide appropriate solutions including through the use and development of relevant technologies, optimization of capacity building through the ALSF's flagship digital platform (www.alsf.academy), and ensuring that the legal and technical solutions and capacity provided by the Facility are future proof, i.e., can address today's urgent challenges as well as to meet tomorrow's challenges.

» Annexes

Annex I: ALSF Result Framework 2018-2022

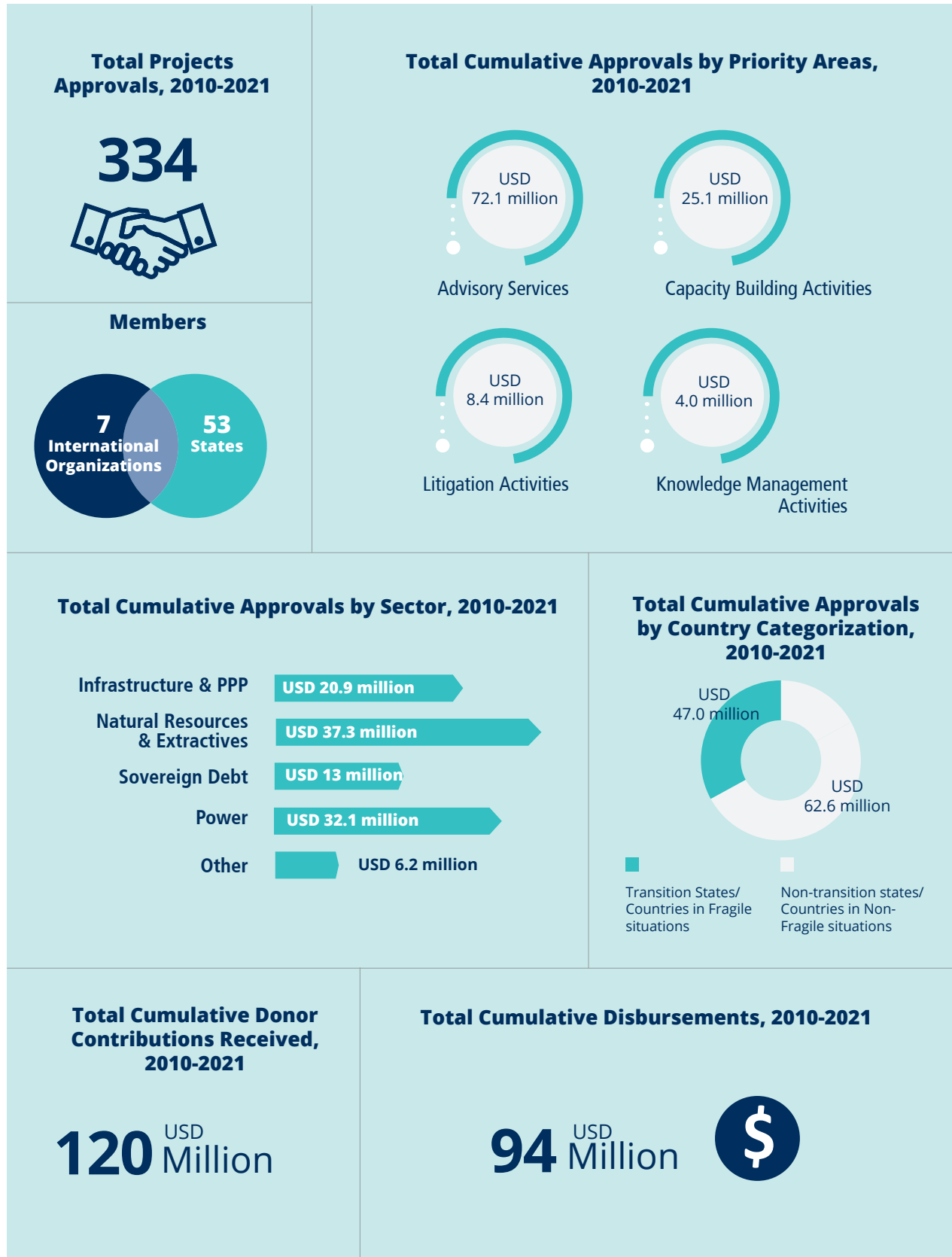
Objectives	Indicators	Sources	Assumptions
Impact: Contribution to enhanced economic growth and sustainable inclusive development in African countries	Indicator 1: Estimated savings and revenues for governments resulting from ALSF interventions <ul style="list-style-type: none"> Baseline value: USD 895 million (2018) Target value: USD 3 billion (2022) Actual value: USD 2.47 billion 	<ul style="list-style-type: none"> AfDB Statistics ALSF statistics (End of mission reports, work stream reports, project closing reports). 	
	Indicator 2: Increase of private sector investment resulting from ALSF interventions <ul style="list-style-type: none"> Baseline value: USD 926 million (2018) Target value: USD 20 Billion (2022) Actual value: USD 18.5 Billion 		
	Indicator 3: Renewable and non-renewable energy generated by projects supported by the ALSF in MW <ul style="list-style-type: none"> Baseline value: 2994 MW (2018) Target value: 6000 MW (2022) Actual value: 8061 MW 		
	Indicator 4: Direct jobs and indirect jobs created by projects supported by ALSF <ul style="list-style-type: none"> Baseline value: 162,900 (2018) Target value: 300,000 (2022) Actual value: 226,990 		

Objectives	Indicators	Sources	Assumptions
<p>Project objective:</p> <p>Fair commercial negotiations and agreements concluded, litigation cases outcomes improved and legal capacity of African governments to negotiate fair and balanced commercial transactions enhanced</p>	<p>Indicator 1: Number of contract negotiations that are negotiated with the support of the ALSF and by trained government officials that achieve greater benefits for host countries (including optimal royalty rates, development fees, taxes, local content development, etc.)</p> <ul style="list-style-type: none"> • Baseline value: 21 (2018) • Target value: 96 (2022) • Actual value: 57 	<ul style="list-style-type: none"> • Project Closing Reports, training evaluations • Interviews with government & investor negotiation teams • Media reports • ALSF M&E system, Mid-term reviews, End term Evaluations 	<p>Governments utilize benefits for development efforts</p>
	<p>Indicator 2: Number of ALSF supported contracts with gender, environment and social sensitive budgeted strategies</p> <ul style="list-style-type: none"> • Baseline value: 16 (2018) • Target value: 96 (2022) • Actual value: 55 		
	<p>Indicator 3: Percentage of ALSF supported creditor litigation cases won by RMCs against vulture funds</p> <ul style="list-style-type: none"> • Baseline value: 50% (2018) • Target value: 100% (2022) • Actual value: 50% 		
	<p>Indicator 4: Percentage of trained African lawyers and government officials reporting enhanced capacity in negotiating fair and balanced contracts.</p> <ul style="list-style-type: none"> • Baseline value: 80% (2018) • Target value: 100% (2022) • Actual value: 90% 		
	<p>Indicator 5: Number of legal African firms selected by the ALSF to negotiate complex contracts</p> <ul style="list-style-type: none"> • Baseline value: 5 (2018) • Target value: 10 (2022) • Actual value: 5 		

Outputs	Indicators	Sources	Assumptions
Output A High quality legal advice and capacity building provided to African countries	Indicator 1: Number of African legal professionals and government officials trained on negotiation of complex commercial transactions or commercial creditor litigations <ul style="list-style-type: none"> Baseline value: 5,000 (2018) Target value: 12,000 (2022) Actual value: 10,216 	<ul style="list-style-type: none"> Training reports ALSF reports 	
	Indicator 2: Number of contracts concluded with governments to negotiate complex commercial transactions or commercial creditor litigations <ul style="list-style-type: none"> Baseline value: 12 (2018) Target value: 60 (2022) Actual value: 42 		
	Indicator 3: Partnerships/ sponsorships established with other capacity building programs and institutions within the continent <ul style="list-style-type: none"> Baseline value: 23 (2018) Target value: 30 (2022) Actual value: 28 		
	Indicator 4: Number of legal professionals enrolled and mentored through the ALSF academy <ul style="list-style-type: none"> Baseline value: 150 (2018) Target value: 1,000 (2022) Actual value: 558 		
Output B Enhanced Knowledge Management	Indicator 1: Number of knowledge products available and distributed <ul style="list-style-type: none"> Baseline value: 6 (2018) Target value: 30 (2022) Actual value: 45 	<ul style="list-style-type: none"> Google Analytics Farewell Reports ALSF Reports 	
	Indicator 2: Number of followers/ users per year on ALSF social media and supported websites- AMLA, ALSF academy, ALSF website <ul style="list-style-type: none"> Baseline value: 526 on Twitter; 604 on LinkedIn (2019) Target value: 1,000 on Twitter; 1,000 on LinkedIn (2022) Actual value: twitter 677, LinkedIn 660 		
	Indicator 3: Number of webinars conducted <ul style="list-style-type: none"> Baseline value: 0 (2018) Target value: 50 (2022) Actual value: 34 		

Outputs	Indicators	Sources	Assumptions
<p>Output C</p> <p>Improved efficiency and effectiveness of the ALSF</p>	<p>Indicator 1: Number of project approvals per year</p> <ul style="list-style-type: none"> • Baseline value: 49 (2018) • Target value: 55 (2022) • Actual value: 39 	<ul style="list-style-type: none"> • Training reports • ALSF reports 	
	<p>Indicator 2: Percentage of projects successfully implemented and closed within the anticipated timelines</p> <ul style="list-style-type: none"> • Baseline value: 38% of projects closed on time (2019) • Target value: 70% of projects closed on time (2022) • Actual value: 24% 		
	<p>Indicator 3: Number of RMCs who become members of the ALSF and /or Ratify the ALSF treaty</p> <ul style="list-style-type: none"> • Baseline value: 26 (2018) • Target value: 30 (2022) • Actual value: 27 		
	<p>Indicator 4: Number of RMCs who make financial contributions to ALSF including reimbursable grants</p> <ul style="list-style-type: none"> • Baseline value: 1 (2018) • Target value: 15 (2022) • Actual value: 9 		

Annex II: Historical Overview of the ALSF Operations



Annex III: Summary of the ALSF Strategic Partnerships

Bilateral Partners	Collaboration
Foreign, Commonwealth & Development Office (FCDO), United Kingdom	FCDO £ 1 million is targeted at: <ol style="list-style-type: none"> 1. Providing 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 United Kingdom	UK's £ 6.3 million was targeted at: <ol style="list-style-type: none"> 1. Expanding legal assistance to African Governments to negotiate 10-12 additional extractive deals and infrastructure projects related to major oil, gas mining and related infrastructure projects (especially energy and transport) 2. Expanding training provision for African lawyers and legal specialists 3. Upgrading the ALSF's monitoring and evaluation framework to be clearer about its own results and improve the evidence 4. based reporting for the development impacts of high-quality legal assistance 5. Driving improvements to the value for money from contracts with world-class law firms
Government of Canada	Global Affairs Canada's CAD 10.125 million was targeted at: <ol style="list-style-type: none"> 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"> • GIZ • KfW Group 	The Government of Germany's 16 million is targeted at: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 16.5 million is targeted at: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 1. Improving African governments capacity to respond to and manage external commercial litigation 2. Improving Africa's legal capacity to negotiate complex agreements in particular related extractive resources, 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	<ol style="list-style-type: none"> 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

Multilateral Partners	Collaboration
African Development Fund (ADF)	<ol style="list-style-type: none"> 1. Financing partner 2. Joint implementation of selected projects/programs
Islamic Development Bank (IsDB)	<p>IsDB's USD 1 million is targeted at:</p> <ol style="list-style-type: none"> 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 (BOAD)	Cooperating on matters relating to PPPs
African Development Bank Group	<ol style="list-style-type: none"> 1. Founding and Hosting Institution. 2. Membership of GC. 3. 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 4. Partners with various entities including departments and units within the Bank to facilitate selected projects and programs
African Natural Resources Centre (ECNR), AfDB	<ol style="list-style-type: none"> 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 <p>Co-organization of Webinar Series on COVID-19 and Africa's Extractive Sector</p> <ol style="list-style-type: none"> 4. Collaboration in organisation of DRC Africa Business forum to foster the development of a battery, electric vehicles and renewable energy value chain and market utilising battery minerals from DRC and other African producers.
African Water Facility	<ol style="list-style-type: none"> 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 (UNECA)	<ol style="list-style-type: none"> 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) 3. Collaboration in organisation of DRC Africa Business forum to foster the development of a battery, electric vehicles and renewable energy value chain and market utilising battery minerals from DRC and other African producers.
World Bank (Public Private Infrastructure Advisory Facility)	Cooperation in capacity building for the ALSF Public Private Partnership (PPP) program
World Bank (Legal Vice Presidency)	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 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
School of Oriental and African Studies of the University of London	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
Trade and Development Bank (TDB)	Capacity Building and Networking possibilities
Oxford Policy Fellowship (OPF)	Enhancing advisory and capacity building support especially in transition states

Annex IV: Signatories to the Agreement for the Establishment of the ALSF, 31 December 2021

	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, 2021-2023

States/Institutions	Electoral College		Name of Representatives
Liberia	RMCs of the AfDB	West	Hon. Augustus J. Flomo
Cameroon	RMCs of the AfDB	Central	Mr. Valentin Lah Kouatou
Zambia	RMCs of the AfDB	South	Mr. Gregory C. Kabwe
Uganda	RMCs of the AfDB	East	Mr. Pius Biribonwoha
Tunisia	RMCs of the AfDB	North	Mrs. Sonia Zouaoui
Organization for the Harmonization in Africa of Business Law (OHADA)	International Organization		Prof. Emmanuel Sibidi Darankoum
African Development Bank	AfDB		Mrs. Chinelo Anohu
Belgium	OECD		Mr. Denis Dubuisson
France	OECD		Mr. Stéphane Mousset
Netherlands	OECD		Mr. Pim de Keizer
United Kingdom	OECD		Mr. Christopher Chalmers
Brazil	Non-OECD		Mr. Rafael Ranieri

Alternate Members of the Governing Council, 2021-2023

States/Institutions	Electoral College		Name of Representatives
Chad	RMCs of the AfDB	West	Mr. Aboubakar Adam Ibrahim
Niger	RMCs of the AfDB	Central	-
Mauritania	RMCs of the AfDB	South	Mr. Hama Khattar Mohamed Mahmoud
Djibouti	RMCs of the AfDB	East	-
Malawi	RMCs of the AfDB	North	-
The ECOWAS Bank for Investment and Development			M. Mamadou Saïdou Camara

Current Members of the Management Board

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.

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.

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.

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).

Jacob Diko Mukete

Jacob Diko Mukete is a Cameroonian national; an accomplished banker, economist and lawyer with expertise in corporate law, governance, economic and financial reforms. Jacob is currently an Independent Non-executive Director Standard Chartered Bank Cameroon and chair of the Board Governance Committee (April 2020 - present) and, a Vice Chair, Rwanda Finance Limited and member of its Board Governance and Audit Committee (November 2020 - present).

Jacob previously held several senior positions with the African Development Bank ("the Bank") as Director, Department of Governance Economic Reforms and Financial Management (2015-2016); Division Manager, Department of Governance

Economic Reforms and Financial Management (2011-2015); Resident Representative/Country Manager for Rwanda and Burundi (2007-2011); Officer-in charge Ghana country office (2006-2007); Personal Assistant and officer in charge, the President's Office (2002-2006) and, as a Chief Economist of several African Countries - Egypt (2000-2002), Nigeria (1998-2000); Ghana, Guinea Bissau and Cape Verde (1996-1998) and, Equatorial Guinea and Seychelles (1992-1996).

Prior to joining the Bank, he served in Cameroon as Division Manager (1987-1981) and Economist (1982-1987) at the Department of Operations, National Investment Corporation of Cameroon (1987-1981).

Olivier Pognon, Ex-officio Member

Olivier Pognon is the Director and Chief Executive Officer of the ALSF since October 2021. 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: Current Financing Partners



BILL & MELINDA
GATES foundation

Co-funded by
the European Union



KfW



Ministry of Foreign Affairs
of the Netherlands



NORWEGIAN MINISTRY
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