

PAN AFRICAN LAWYERS UNION (PALU)

SOUTHERN AFRICAN REGIONAL SEMINAR ON
INTERNATIONAL COMMERCIAL LAW IN AFRICA

CAPE TOWN, SOUTH AFRICA, 25 – 27 MAY 2011

**The PALU – ALSF Project on International
Commercial Law in Africa**

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Outline

- 1. About PALU**
- 2. About ALSF**
- 3. About the PALU-ALSF Project on International Commercial Law in Africa**
- 4. The Way Forward**

About PALU

1. Premier continental lawyers' umbrella association
2. 5 regional, 53 national lawyers associations
3. Networking, collaborating and building capacity of African Lawyers and Lawyers' Associations

Other details have been given by VP Elijah Banda, SC

About ALSF

- International institution, established by Treaty, under the auspices of the African Development Bank (AfDB)
- Based in Tunis, Tunisia
- The ALSF Agreement came into force on December 15, 2008:
 - After signatory by 29 member countries and 1 international organization
- ALSF Membership is open to :
 - AfDB member states;
 - Other States;
 - AfDB; *and*
 - Other international organizations
- Current Membership
 - 42 member countries
 - 3 international organizations

What ALSF exists to do

- The ALSF exists to: -
 - Assist Regional Member Countries (RMCs) to fight vulture fund litigations
 - Provide RMCs legal advice and preliminary analysis of vulture claims
 - Help RMCs to better understand and address complex issues of commercial-transactional negotiation in the extractive industry space
- However,
 - The ALSF will not encourage non-compliance with loan covenants, non-enforcement of legitimate claims or non-compliance with good governance practice.

PALU-ALSF Capacity Building Project on International Commercial Law in Africa

The Project is in line with both organizations' objectives of building capacity of African lawyers, in particular in dealing with complex commercial transactions.

The objectives of the Regional Seminars, are to: -

- Assess as well as build capacity for complex international commercial negotiations;
- Assess as well as build capacity for international commercial dispute resolution;
- Assess as well as build capacity for defence of Vulture Fund Litigation;
- Introduce/ re-introduce PALU to a wider range of African lawyers and motivate membership recruitment;
- Market ALSF and motivate ratifications/accessions amongst African States that have not yet done so (*including the Republic of South Africa*);
- Build a database of knowledgeable, skilled and experienced international commercial lawyers in Africa.

Progress to date

- **February – October 2010:** Negotiation of project and project details
- **October 2010:** Signing of Grant Agreement
- *(November 2010: Abortive Project Launch, scheduled for Tunis, Tunisia)*
- **11 – 12 February 2011:** Project Launch Ceremony & Bar Leaders' Conference, Kigali, Rwanda
- **14 – 16 February 2011:** Eastern African Regional Seminar, Kigali, Rwanda

Next Steps (2011 – early 2012)

- 3 Regional Seminars: -
 - **Central Africa:** Yaoundé, Cameroon
 - **Western Africa:** Dakar, Senegal
 - **Northern Africa:** Tunis, Tunisia
- *If possible, a 4th Seminar in Lagos, Nigeria*
- Building a Database (and later publishing a **Directory**) of leading African Commercial Lawyers
- Building a dedicated section on the **PALU web site**, for commercial law

What we need from you

- Active participation and information-sharing at this Seminar
- Country presentations on Friday 27th May 2011
- Contact details and information for consideration for the Directory of leading African Commercial Lawyers
- Continued engagement through the PALU website, and a dedicated blog for Commercial Law in Africa
- **Consider joining PALU** (*details from CEO and Secretariat staff present at this meeting*)



THE END