

**AFRICAN LEGAL SUPPORT FACILITY  
FACILITE AFRICAINE DE SOUTIEN JURIDIQUE**



# **2010 Annual Report <sup>1</sup>**

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<sup>1</sup> Approved by the Governing Council during its 2011 annual meeting, on the 7<sup>th</sup> June 2011.

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## LIST OF ACRONYMS AND ABBREVIATIONS

|        |   |
|--------|---|
| AfDB   | African Development Bank  |
| ALSF   | African Legal Support Facility                                      |
| AU     | African Union   |
| BDEAC  | Central African States Development Bank                             |
| BOAD   | West African Development Bank                                       |
| EC     | European Commission   |
| EU     | European Union  |
| DRC    | Democratic Republic of Congo  |
| OECD   | Organization for Economic Co-operation and Development              |
| OMVG   | <u>Organisation pour la Mise en Valeur du Fleuve Gambie</u>         |
| OHADA  | Organisation for the Harmonisation of Business Law in Africa        |
| PALU   | Pan-African Lawyers Union   |
| PPIAF  | Public-Private Infrastructure Advisory Facility                     |
| PETRAD | International Programme for Petroleum Management and Administration |
| RMCs   | Regional Member Countries   |
| UEMOA  | West African Economic and Monetary Union                            |
| US\$   | United States Dollars   |
| UA     | Unit of Account   |
| UNECA  | United Nations Economic Commission for Africa                       |
| UNDP   | United Nations Development Programme                                |
| WB     | World Bank  |
| WEF    | World Economic Forum  |

## **1. INTRODUCTION**

1.1 The African Legal Support Facility ("ALSF" or the "Facility") whose establishment was endorsed by the Board of Directors of the African Development Bank ("AfDB") on April 30, 2008<sup>2</sup>, was formally established in June 2009 as a legally autonomous and independent institution, temporarily housed in the AfDB while awaiting a final decision by ALSF's Governing Council. ALSF was established mainly as a response to calls from G-8 finance ministers<sup>3</sup> and African finance ministers to: (i) assist AfDB's Regional Member Countries (RMCs) address litigation brought against them by vulture funds (and other such entities) which creates obstacles to obtaining the full benefits of debt relief available; (ii) create an avenue for regional members of the AfDB to access technical advice when negotiating complex commercial transactions (especially in the area of infrastructure and natural resources); and (iii) investing in and organizing the training of legal counsel from participating RMCs to equip them with legal expertise necessary to better represent their countries.

1.2 Although the Facility was formally established in June 2009 it did not start operating until March 2010 when the President of the AfDB, at the request of ALSF, seconded an AfDB staff member to act as the Facility's Interim Director pending the appointment of a substantive Director. Furthermore, during the June 2009 Constitutive Meeting, the Facility's Constitutive Assembly appointed the Governing Council which in turn appointed the members of the ALSF Management Board.

1.3 Despite the initial delay in the implementation of the Facility, much progress has been made including the approval of the General Regulations and the Operational Guidelines. With the approval of the first Work Plan and Budget in April 2010, the Facility commenced operations and implementation of activities. This report will show that the Facility has made significant strides and achievements within nine (9) months of commencement of operations.

1.4 Although the present document regards the ALSF 2010 Annual report, it was found appropriate to mention some of the progresses made during the first half of 2011. In addition, Annex E hereto presents the approved Administrative Budget for 2011<sup>4</sup>.

## **2. MEMBERSHIP RESOURCE MOBILISATION**

2.1 As of March 16, 2010<sup>5</sup>, the Treaty establishing the ALSF counted forty-two (42) signatories comprising forty (40) countries and two (2) international organisations namely AfDB and the Organisation for the Harmonisation of Business Law in Africa (OHADA). Since then, two (2) countries (Netherlands and Egypt), the African Union (AU) and the

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<sup>2</sup> As described in Revised Board paper ADB/BD/WP/2008/47/Rev.2, dated June 19, 2008

<sup>3</sup> In a Pre-summit statement issued in Essen, Germany on 19 May, 2007, the G-8 Finance Ministers expressed concern about actions of some litigating creditors against HIPC's and agreed to work together to identify measures to tackle this problem based on the work of the Paris Club.

<sup>4</sup> The 2011 annual Work Plan and Budget was approved by Resolution ALSF/MB/2011/IP/01 dated March 16, 2011.

<sup>5</sup> Date of the appointment of the Interim Director of the Facility.

West African Development Bank (BOAD)<sup>6</sup> have adhered to the Treaty, bringing the total of signatory parties to forty-six (46) members. Annex A hereto provides the specific dates of signature of the Agreement establishing the ALSF.

2.2 In line with the 2010 and 2011 ALSF Work Plans, discussions are underway with a number of countries and international organisations for their membership in the ALSF including but not limited to, Algeria, Angola, France, Italy, Namibia, Portugal and the West African Economic and Monetary Union (UEMOA).

2.3 The ALSF is taking strong actions towards mobilizing adequate resources to meet the targeted operational and organizational activities. Until the end of 2010, the ALSF had received financial support only from the AfDB. Efforts undertaken in 2010 to mobilize additional resources, have been rewarding: France has confirmed its contribution for an amount corresponding to EUR 544,000 dedicated to technical assistance and stolen assets recovery to Tunisia. Furthermore, Belgian Cooperation has allocated an amount of EUR 545,457 to the Facility; and the Public-Private Infrastructure Advisory Facility (PPIAF), an instrument of the World Bank, has awarded EUR 153,846 dedicated to capacity building actions, in particular to the organization of regional seminars in the African regions by PALU.

2.4 It is anticipated that the Facility will receive more commitments during 2011 that will further support its missions: the European Commission has expressed interest in co-financing a project with ALSF to assist Guinea; the United Kingdom, through DFID, is currently considering the amount and terms of its contribution to the Facility (confirmed during a meeting with DFID's Head of International Financial Institutions Department, on April 2011). In addition, discussions with the European Union and the Islamic Development Bank are underway for additional funding for operational and administrative costs of the Facility.

### **3. ORGANIZATIONAL STRUCTURE AND ORGANS**

3.1 Although the organs of the Facility were put in place on June 29, 2009 when ALSF held its Constitutive Assembly, the Facility has only been operational since the appointment of the Interim Director on March 16, 2010. The organs of the Facility consist of (i) the Governing Council; (ii) the Management Board; and (iii) a Director.

3.2 The Management Board is chaired by Mr. George Aron<sup>7</sup>, a Ugandan national and consists of 5 members (including the chairman) namely: the vice- Chairman Mr. Peter Eigen, (German)<sup>8</sup>, Mrs. Alia Abdallah (Tunisian)<sup>9</sup>; Mr. Janvier Litse (AfDB Representative)<sup>10</sup> and Carol Musyoka (Kenyan)<sup>11</sup>.

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<sup>6</sup> The BOAD joined the ALSF in April 2011.

<sup>7</sup> Mr. George Aron is a well-known jurist and is a retired former manager of the Administration and Litigation Affairs Division in the African Development Bank's Legal Department.

<sup>8</sup> Mr. Peter Eigen, an eminent jurist, is a German national who is the founder and former chairman of Transparency International. He is also the former chairman of the Extractive Industries Transparency Initiative (EITI).

3.3 The Management Board members do not receive any remuneration from the Facility, which only reimburses their travel and accommodation expenses incurred for ALSF activities and meetings.

3.4 In 2010, the Management Board has held two (2) meetings as follows:

- (i) In Tunis, Tunisia on April 30, 2010 to discuss and approve the 2010 Annual Work Plan and Budget;
- (ii) In Abidjan, Côte d'Ivoire on May 28, 2010 to discuss and approve (a) ALSF/Pan-African Lawyers Union (PALU) capacity-building project (US\$900,000) ("ALSF/PALU Project"); and (b) ALSF/Djibouti advisory services project (US\$500,000).

3.5 On November 8, 2010 the Management Board adopted the ALSF/ DRC Project by decision taken by postal ballot.

3.6 The Governing Council is chaired by Prof. Tchétché N'guessan, an Ivorian national who is also Executive Director of the AfDB, and consists of twelve (12) members, ten (10) of which have already been appointed. The full list of the Governing Council members is attached hereto as Annex B and includes Côte d'Ivoire, Republic of Congo, Zimbabwe, Seychelles, Libya amongst others. In its meeting held in Abidjan on May 28, 2010, the Governing Council admitted the United Kingdom (UK) as its second OECD member following Belgium. The Netherlands is the third OECD member having joined the Facility and for a good organizational structure, the membership of a fourth country for the OECD College is envisaged.

3.7 In conformity with the provisions of the Rules governing the appointment of the members of the Governing Council regarding "Alternate Members", the second meeting of the Governing Council held on May 28, 2010, in Abidjan, adopted a resolution<sup>12</sup> concerning the nomination and the appointment of Alternate Members for the College of RMCs. The RMCs so nominated were: (i) Benin; (ii) Burundi; (iii) Madagascar; (iv) Djibouti; and (v) Morocco. To complete the appointment of the Alternate Member RMC's representatives, ALSF has requested the assistance of the relevant Executive Directors of the AfDB in liaising with the relevant national authorities.

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<sup>9</sup> Mrs. Alia Abdallah is a renowned Tunisian national who is the former chairperson and CEO of several Tunisian Banks. Mrs. Abdallah never attended the meetings of the Board neither has she participated at any discussion or decision of the Board.

<sup>10</sup> Mr. Janvier Litse is a member of staff of the African Development Bank and is the Country Director for West Africa.

<sup>11</sup> Mrs. Carol Musyoka, a Kenyan national, is an experienced lawyer and banker with several years of global financial leadership and legal experience. She is also a non-executive director on the boards of Transcentury Ltd, a Kenyan based Pan-African conglomerate, Enablis EA which is a CIDA sponsored entrepreneur network, Wedco Investment Trust, a holding trust for Microfinance Institutions in Kenya and Zambia, and the Institute for Economic Affairs. Mrs. Musyoka was awarded an Eisenhower fellowship in May 2010.

<sup>12</sup> Resolution ALSF/GC/2010/IP/03

3.8 At the moment, the position of the Director is being held by an AfDB staff member, Mr. Mamoudou Deme<sup>13</sup>, who has been seconded to fill the position as Interim Director. With the assistance of the Human Resources Department of the Bank, ALSF Management will soon complete the process of selecting a substantive Director. Until the procedure is completed, the AfDB will continue to support the Facility and the tasks of ALSF will be undertaken by consultants and short term support staff in order to minimise administration costs as was strongly recommended by the AfDB Board when approving the establishment of the Facility.

#### **4. APPROVAL AND IMPLEMENTATION OF OPERATIONS**

4.1 In 2010 ALSF has approved and started the implementation of three (3) projects in line with its objectives related to the provision of technical advice in negotiation of complex commercial transactions, the training of legal counsel from participating RMCs to equip them with legal expertise necessary to better represent their countries and the provision of technical advice in addressing litigation against the so called “vulture funds”. These projects are:

- (i) **ALSF/DJIBOUTI** Advisory Services Project;
- (ii) **ALSF/PALU** Capacity Building Project; and
- (iii) **ALSF/DRC** Advisory Services Project.

4.2 The ALSF/Djibouti advisory services Project is in line with the second ALSF objective related to the provision of technical advise for the negotiation of complex commercial transactions. The ALSF/Djibouti advisory services project will benefit from a US\$ 500,000 grant to assist the Government of Djibouti in the review of contractual issues with Dubai Port World and recruiting an international experienced law firm to represent the Government. A Letter of Agreement between ALSF and the Government of Djibouti was signed in July 2010. In September 2010 ALSF and the selected law firm have also signed a letter of engagement for the provision of advisory services wherein the law firm will, inter alia, provide monthly updates on the activities undertaken.

4.3 The Pan-African Lawyers Union (PALU) is a transcontinental professional organization bringing together lawyers and jurists of the African continent and the Diaspora, headquartered in Addis Ababa, Ethiopia and which is a Member of the Economic, Social and Cultural Council of the African Union. The ALSF/PALU Project is in line with the third ALSF objective of providing training to lawyers and aims to provide financial assistance in the form of a US\$ 900,000 grant to PALU for organizing seminars in

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<sup>13</sup> Mr. Mamoudou Deme, who is a member of the French Bar association, is a graduate of the University of Paris (Sorbonne) and has a PhD in law from the University of Rouen in France. He was an assistant professor of law in the University of Rouen and Paris X (Cergy) and a regional legal counsel for the International Finance Corporation in West Africa before joining the Bank.

Africa for lawyers working within Government institutions and dealing with complex commercial transactions<sup>14</sup>.

4.4 The ALSF/DRC advisory Services Project is in line with the first ALSF objective of assisting RMCs address litigation brought against them by vulture funds (and other such entities). Following ALSF's mission to the DRC in August 2010, the Facility received a formal request from DRC to assist in several cases against the vulture fund FG Hemisphere, by recruiting an experienced international law firm to represent DRC.

4.5 The ALSF/DRC Project will benefit from a grant in the amount up to US\$ 500,000 towards legal fees for the appointment of international legal counsel in order to assist the Government of DRC. Following an international competitive bidding process, an international law firm has been selected to represent the Government of DRC<sup>15</sup>.

## 5. PROJECT PIPELINE AND REQUESTS FOR ASSISTANCE

5.1 ALSF's project pipeline is robust and continues to grow with increased awareness of ALSF amongst RMCs and also efforts of ALSF staff to publicize the Facility. In line with the Work plan and Budget approved for 2011, the ALSF expects to fund the following operations in 2011:

- (i) **ALSF/TUNISIA Project** - Following the recent political events, the Government of Tunisia submitted a request for assistance through the provision of funding and technical assistance to recover assets misappropriated by the former regime<sup>16</sup>.
- (ii) **ALSF/LIBERIA Project** – Following ALSF's mission to Liberia in November 2010, the Government of Liberia submitted a request for ALSF's assistance (received on December 16, 2010). The request concerns advisory services in negotiation of several agro-business concession contracts<sup>17</sup>.
- (iii) **ALSF/OMVG Project** - The OMVG (L'Organisation pour la Mise en Valeur du Fleuve de Gambie) submitted a request for assistance in the context of an Energy PPP project. The ALSF has received formal requests for assistance by all the OMVG member countries. More

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<sup>14</sup> The ALSF/PALU Project was officially launched on February 11, 2011 in Kigali, Rwanda where the first regional seminar of the Project took place.

<sup>15</sup> The letter of engagement for the provision of advisory services has been signed by the Minister of Finance of DRC in April 2011.

<sup>16</sup> The ALSF/TUNISIA Project has been approved by the Management Board on April 19, 2011. It awards a grant up to USD 700,000 towards capacity building and the appointment of an international legal counsel with the purpose of assisting the Government to develop a legal framework for stolen assets recovery.

<sup>17</sup> Recently the ALSF has received all the necessary information regarding this request for assistance and has submitted the project to the Management Board for consideration and approval, on April 21, 2011.

details on the project are still required and the OMVG has already informed that these will be provided at the earliest.

5.2 During 2011, the Facility further expects to process some <sup>18</sup> of the following requests for assistance:

- (i) **BURKINA FASO:** a request for assistance for provision of advisory services in connection with the negotiation of the construction of the new Donsin airport; and/or a request for the provision of advisory services related to a cotton plant project;
- (ii) **BURUNDI:** a request for advisory services assistance regarding the negotiation of the Port of Bujumbura concession contract, also involving Zambia;
- (iii) **GUINEA:** a request for assistance in the renegotiation of mining concession agreements;
- (iv) **NIGER:** a request for assistance in the negotiation of oil and mining concession agreements;
- (v) **RWANDA:** a request for assistance for capacity building to the Rwanda Development Board (RDB) in the context of an energy PPP project;
- (vi) **TANZANIA:** a request for assistance for the provision of advisory services in respect to contract negotiation for the extension/operation of the new airport in Zanzibar; and/or a request for the provision of advisory services in the context of a wind farm project.

5.3 Moreover, as a result of contacts made and identification missions conducted by ALSF, a number of requests are expected to be received in the coming months from participating States such as Republic of Congo, Ethiopia, Gabon, Guinea Equatorial, Mauritania, Senegal, Sierra Leone, Togo and Uganda (regarding assistance in negotiating concession agreements in the areas of infrastructure, oil and mining) and Zimbabwe (regarding vulture fund litigation).

## 6. ADMINISTRATION

In its first meeting in 2010, the Management Board requested the AfDB (and the AfDB agreed) to bear the cost of the salary and benefits of the Interim Director seconded from the AfDB. This was also in accordance with the overall recommendation of the AfDB Board to minimise administrative costs of the Facility.

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<sup>18</sup> Out of the 6 projects listed, it is expected that 4 will be processed during 2011 upon selection by the Management Board.

Consistent with the recommendation of the Board of the AfDB on the appropriate staffing levels required during the transition phase, the current ALSF team is composed of an Interim Director, six (6) consultants and three (3) short term support staff.

ALSF has its own premises (situated on the second floor of Amen Bank building in Tunis) after concluding a Hosting Agreement that is based on the Memorandum of Understanding with the AfDB concluded on July 22, 2010. Also in line with the Memorandum of Understanding with the AfDB, the ALSF follows AfDB's financial, accounting and audit procedures.

In a mission led by the Governing Council's Chairman, Prof. Tchétché N'guessan, ALSF met with the Government of Côte d'Ivoire and held consultations on the conclusion of a Host Country Agreement between the ALSF and the Republic of Côte d'Ivoire. This is in line with the provisions of the resolution <sup>19</sup> adopted by the Governing Council on June 29, 2009 stipulating that the headquarters of the Facility are the same as those of the AfDB.

Following a resolution adopted at the first meeting of the Governing Council<sup>20</sup>, the design of ALSF's Seal and Logo has been completed and submitted for registration with the African Intellectual Property Organization (OAPI).

ALSF and AfDB are also collaborating on the transfer of all relevant instruments and documents in the possession of the AfDB to the Facility. Finally, the establishment and maintenance of the following three (3) data bases is underway:

- (i) A database on specialized law firms and legal experts to provide assistance in support and capacity building to RMC members in creditor litigation and negotiations of complex commercial transactions;
- (ii) A database on precedents and case law in creditor litigation involving sovereign debtors;
- (iii) A database on pending vulture funds cases involving African countries.

## **7. PROMOTIONAL ACTIVITIES AND NETWORKING**

As far as promotional activities are concerned, Management, with the support of the AfDB external communications department, has publicized the Facility and its missions in the international media, specialized international economic periodicals as well as in the local media whenever undertaking missions in particular countries. So far several articles have been published aimed at increasing awareness of the Facility. These include the following:

- (i) *AfDB to help Africa Fight Vulture Funds*, Reuters, May 27<sup>th</sup> 2010,

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<sup>19</sup> Resolution ALSF/GC/2009/05.

<sup>20</sup> Ibid.

- (ii) *Interview with the ALSF Interim Director*, African Business, September/October 2010,
- (iii) *African body defies the vultures*, The Lawyer, September 29<sup>th</sup> 2010,
- (iv) *Une Facilité Africaine*, Les Afriques, 14-20 October 2010.

Further contacts have been established and meetings planned with other international periodicals and with radio stations like the economic service of *Radio France Internationale* (RFI).

In line with the principle of aid effectiveness through donor coordination, the ALSF is establishing a network with other organizations such as the World Bank (WB), the Public-Private Infrastructure Advisory Facility (PPIAF), the United Nations Economic Commission for Africa (UNECA), the United Nations Development Programme (UNDP), the European Union<sup>21</sup> and the International Programme for Petroleum Management and Administration (PETRAD).

ALSF has also participated in several conferences and workshops such as, the Mineral Sector Event of the World Economic Forum (WEF) for Africa held on May 5, 2010 in Dar es Salaam, Tanzania, the 2<sup>nd</sup> Annual Natural Resource Charter Workshop: “Building an Informed Consensus” held in Oxford, UK from 15 to 16 September 2010, and the African Forum for PPP Infrastructures held in Dakar in October 2010.

Consistent with global efforts on debt relief and debt sustainability, in November 2010, the ALSF participated at a survey undertaken by the United Kingdom Treasury on the impact of the United Kingdom’s legislation against Vulture Funds (the Debt relief (developing Countries) Act 2010<sup>22</sup>), which would expire on June 8, 2011. As a result of this survey the Government of the UK decided to make the Act permanent.

Together with the Cooperation Unit of the AfDB (ORRU), the ALSF is exploring the possibility of establishing a partnership with Harvard Law School (HLS). This partnership would envisage the HLS cooperation in the organisation of capacity building seminars for Government officials from regional member countries.

The ALSF website<sup>23</sup> is operational since March 2011. It is worth mentioning that the Economic Policy and Debt Department of the World Bank has requested ALSF to post a link to ALSF's website and /or its promotional documents in the Multilateral Development Banks' website section related to debt relief. ALSF has also prepared the relevant standard forms to be filled in by RMCs when submitting their requests for assistance. These forms are available on the ALSF website.

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<sup>21</sup> It is worth noting that on January 25, 2011, following an invitation of the EU Presidency, the Interim Director had the opportunity to make a presentation on the ALSF's missions, purposes and achievements so far, during a session at the EU Council of Ministers with the presence of the 27 EU Member States.

<sup>22</sup> The objective of the Debt Relief Act is to restrict vulture funds activities by limiting the amount that can be recovered by any commercial creditor of countries designated as having unsustainable external debts (HIPC's).

<sup>23</sup> [www.afisf.org](http://www.afisf.org)

## **8. CONCLUSION**

In 2010, following the Facility's operationalization, ALSF Management prepared, approved and started implementing three (3) operations relating to the ALSF/PALU capacity building Project, the ALSF/Djibouti advisory services Project and the ALSF/DRC advisory services for litigation Project. Further, in April 2011 the Facility has approved the ALSF/Tunisia capacity building project and is currently appraising and processing for approval six (6) additional operations. The ALSF has now a solid foundation in place and a robust pipeline of projects.

In terms of membership, forty-two (42) countries and four (4) international organizations have signed the Agreement establishing the ALSF. Nonetheless, the adhesion of non-African countries has not been as robust as expected largely due to the administrative processes and hurdles related to ratification and membership of treaty organizations such as ALSF. Furthermore, the current financial environment has spurred many OECD countries to put in place austerity measures due to budget constraints. Still, most countries have reiterated their commitment and interest in becoming members of the ALSF and eventually providing ALSF with the much-needed resources.

May, 2011

ANNEX A LIST OF SIGNATORY STATES AND ORGANIZATIONS <sup>24</sup>(MAY 2011)

|    | <b>States/Organizations</b>         | <b>Date of Signature</b> |
|----|-------------------------------------|--------------------------|
| 1  | <b>Belgium</b>                      | 25/09/2008               |
| 2  | <b>Benin</b>                        | 31/12/2008               |
| 3  | <b>Burundi</b>                      | 15/09/2008               |
| 4  | <b>Brazil</b>                       | 18/08/2008               |
| 5  | <b>Burkina Faso</b>                 | 24/09/2008               |
| 6  | <b>Cameroon</b>                     | 15/04/2009               |
| 7  | <b>Central African Republic</b>     | 14/05/2009               |
| 8  | <b>Chad</b>                         | 08/09/2008               |
| 9  | <b>Congo</b>                        | 19/09/2008               |
| 10 | <b>Côte d'Ivoire</b>                | 16/09/2008               |
| 11 | <b>Democratic Republic of Congo</b> | 22/08/2008               |
| 12 | <b>Djibouti</b>                     | 10/09/2008               |
| 13 | <b>Egypt</b>                        | 05/08/2010               |
| 14 | <b>Ethiopia</b>                     | 15/08/2008               |
| 15 | <b>Gabon</b>                        | 13/10/2008               |
| 16 | <b>Gambia</b>                       | 10/09/2008               |
| 17 | <b>Guinea</b>                       | 31/10/2008               |
| 18 | <b>Guinea Bissau</b>                | 12/09/2008               |
| 19 | <b>Kenya</b>                        | 07/11/2008               |
| 20 | <b>Kingdom of the Netherlands</b>   | 26/03/2010               |
| 21 | <b>Liberia</b>                      | 12/12/2008               |
| 22 | <b>Libya</b>                        | 25/08/2008               |
| 23 | <b>Madagascar</b>                   | 05/09/2008               |
| 24 | <b>Malawi</b>                       | 12/08/2008               |
| 25 | <b>Mali</b>                         | 15/12/2008               |
| 26 | <b>Mauritania</b>                   | 14/05/2009               |
| 27 | <b>Morocco</b>                      | 12/09/2008               |
| 28 | <b>Mozambique</b>                   | 16/09/2008               |
| 29 | <b>Niger</b>                        | 12/09/2008               |
| 30 | <b>Nigeria</b>                      | 31/07/2009               |
| 31 | <b>Rwanda</b>                       | 08/08/2008               |
| 32 | <b>Senegal</b>                      | 25/08/2008               |
| 33 | <b>Sierra Leon</b>                  | 13/05/2009               |
| 34 | <b>Seychelles</b>                   | 25/06/2009               |
| 35 | <b>Sudan</b>                        | 25/06/2009               |
| 36 | <b>Uganda</b>                       | 29/07/2008               |
| 37 | <b>United Kingdom</b>               | 17/12/2009               |
| 38 | <b>Tanzania</b>                     | 16/06/2009               |
| 39 | <b>Togo</b>                         | 08/09/2008               |
| 40 | <b>Tunisia</b>                      | 24/06/2009               |
| 41 | <b>Zambia</b>                       | 02/12/2008               |
| 42 | <b>Zimbabwe</b>                     | 14/10/2008               |
| 43 | <b>AFDB</b>                         | 11/02/2009               |
| 44 | <b>AFRICAN UNION</b>                | 23/08/2010               |
| 45 | <b>OHADA</b>                        | 23/06/2009               |
| 46 | <b>BOAD</b>                         | 05/04/2011               |

<sup>24</sup> Procedures for ratification in each Country are currently being confirmed. Respective information will be provided in due course.

|     | <i>Name and First name</i>  | <i>Country/ Organization Represented</i> |
|-----|---|--|
| 1.  | <b>N'guessan, Tchetché</b><br>(AfDB Executive Director for Ivory Coast, Guinea and Guinea Equatorial)               | <b>Ivory Coast</b>                       |
| 2.  | <b>Nzapayeke, Andre</b><br>(AfDB Executive Director for Central African Republic, Burundi, Cameroon, Congo and DRC) | <b>Republic of Congo</b>                 |
| 3.  | <b>F. Tombwele, Mampuya</b><br>(AfDB Executive Director for Angola, Mozambique, Namibia and Zimbabwe)               | <b>Zimbabwe</b>                          |
| 4.  | <b>Muduuli, Mary C.</b><br>(AfDB Executive Director for Uganda, Eritrea, Kenya, Rwanda, Seychelles, Tanzania)       | <b>Seychelles</b>                        |
| 5.  | <b>Gadad, Abdul-Magid</b><br>(AfDB Executive Director for Libya, Mauritania and Somalia)                            | <b>Libya</b>                             |
| 6.  | <b>Nizeyimana, Philippe</b><br>(AfDB Senior Advisor representing Belgium)   | <b>Belgium</b>                           |
| 7.  | <b>Hall, Andrew</b><br>(AfDB Senior Advisor representing United Kingdom)  | <b>United Kingdom</b>                    |
| 8.  |   | <b>Netherlands<sup>25</sup></b>          |
| 9.  |   | <b>OECD Member country (vacant)</b>      |
| 10. | <b>Machado, Claudio</b><br>(AfDB Senior Advisor representing Brazil)  | <b>Brazil</b>                            |
| 11. | <b>Bedoumra, Kordje</b> (AfDB Vice President)   | <b>African Development Bank</b>          |
| 12. | <b>Dorothe C. Sossa</b> (OHADA Permanent Secretary)   | <b>OHADA</b>                             |

MEMBERS OF THE MANAGEMENT BOARD  
MAY 15, 2011

| <i>Name and First name</i>                     |
|--|
| <b>Aron, George</b><br>(Ugandan)               |
| <b>Eigen, Peter</b><br>(German)                |
| <b>Litse, Janvier</b><br>(AfDB representative) |
| <b>Abdallah, Alia</b><br>(Tunisian)            |
| <b>Musyoka, Carol</b><br>(Kenyan)              |

**AFRICAN LEGAL SUPPORT FACILITY  
FACILITE AFRICAINE DE SOUTIEN JURIDIQUE**



**ANNEX D APPROVED PROJECTS**

|   | <b>Project</b>                 | <b>Approved by Management Board Resolution</b> | <b>Project Reference</b> | <b>Nature of the Legal Assistance</b>             | <b>Assistance Provided</b> | <b>Amount Provided by the ALSF</b> |
|---|--------------------------------|--|--------------------------|---|----------------------------|------------------------------------|
| 1 | Djibouti Project               | ALSF/MB/2010/IP/12 dated 28 May 2010           | ALSF/Projects/01/AS      | Advisory Services for Contract Renegotiation      | Grant                      | 500 000 USD                        |
| 2 | PALU Capacity Building Project | ALSF/MB/2010/IP/13 dated 28 May 2010           | ALSF/Projects/02/CB      | Capacity Building Training and Seminars in Africa | Grant                      | 900 000 USD                        |
| 3 | DRC vs. FG Hemisphere          | ALSF/MB/2010/IP/14 dated 08 November 2010      | ALSF/Projects/03/AS      | Vulture Funds Litigation                          | Grant                      | 500 000 USD                        |
| 4 | Capacity Building for Tunisia  | ALSF/MB/2011/IP/06 dated 20 April 2011         | ALSF/Projects/04/CB      | Capacity Building                                 | Grant                      | 700 000 USD                        |

**AFRICAN LEGAL SUPPORT FACILITY  
FACILITE AFRICAINE DE SOUTIEN JURIDIQUE**



**THE MANAGEMENT BOARD**

Resolution ALSF/MB/2011/IP/01

**Adopted by Postal ballot on the 16 March 2011**

Concerning the 2011 Work Plan and Budget

**THE MANAGEMENT BOARD,**

**HAVING REGARD** to the relevant provisions of the Agreement Establishing the African Legal Support Facility (the “Facility”), in particular Article XI (Management Board: Powers and Functions);

**RECALLING** Resolution ALSF/MB/2009/03, adopted by this Board on July 6, 2009 authorizing the President of the African Development Bank to appoint an interim Director for the Facility;

**TAKING COGNIZANCE** of the appointment on 16 March 2010 of the interim Director of the Facility;

**HAVING CONSIDERED** the proposed Work Plan and Budget submitted to this Board by the interim Director and the arguments presented for its approval;

**HEREBY:**

(1) **RESOLVES** in favor of the adoption of the Work Plan and Budget enclosed to this Resolution;

(2) **CHARGES** the interim Director with the duty of taking all appropriate actions and measures to implement this Resolution and to submit to this Board a progress report at its next meeting.

**AFRICAN LEGAL SUPPORT FACILITY  
FACILITE AFRICAINE DE SOUTIEN JURIDIQUE**



**ALSF's 2011 Approved Budget**

|   |                        |
|---|------------------------|
| LEGAL ASSISTANCE TO COUNTRIES   | \$ 3,000,000.00        |
| LITIGATION  | \$ 1,320,000.00        |
| CAPACITY BUILDING   | \$ 450,000.00          |
| CAPACITY BUILDING FOR ASSET RECOVERY<br>( TUNISIA )                               | \$ 1,300,000.00        |
| <b>TOTAL OPERATION EXPENSES</b>   | <b>\$ 6,070,000.00</b> |
| ALSF ACTING DIRECTOR COST <sup>26</sup> ( Salary, Benefits & Overhead) ADB FUNDED | \$ 305,000.00          |
| CONSULTANCY HONORARIUM  | \$ 660,000.00          |
| CONSULTANCY FIELD MISSIONS  | \$ 126,720.00          |
| RESOURCE MOBILIZATION MISSIONS  | \$ 63,360.00           |
| SUPPORT STAFF   | \$ 60,000.00           |
| ALSF MEETINGS Management Board / Governing Council                                | \$ 150,000.00          |
| HOSPITALITY   | \$ 18,000.00           |
| OFFICE SUPPLIES   | \$ 4,500.00            |
| PROMOTIONAL ACTIVITIES  | \$ 60,000.00           |
| PUBLICATION   | \$ 3,000.00            |
| OTHER COMMUNICATION EXPENSES  | \$ 36,000.00           |
| LIBRARY RESEARCH  | \$ 15,000.00           |
| EXTERNAL AUDIT FEES   | \$ 22,500.00           |
| TRANSLATION   | \$ 4,500.00            |
| OTHER PERSONNEL EXPENSES  | \$ 3,000.00            |
| <b>TOTAL ADMINISTRATIVE EXPENSES</b>  | <b>\$ 1,531,580.00</b> |
| HOSTING ARRANGEMENT   | \$ 38,289.50           |
| <b>TOTAL BUDGET</b>   | <b>\$ 7,639,869.50</b> |

<sup>26</sup> The cost of the Director is fully funded by the ADB and does not include the director's allowance which was mentioned in the 2010 Budget.