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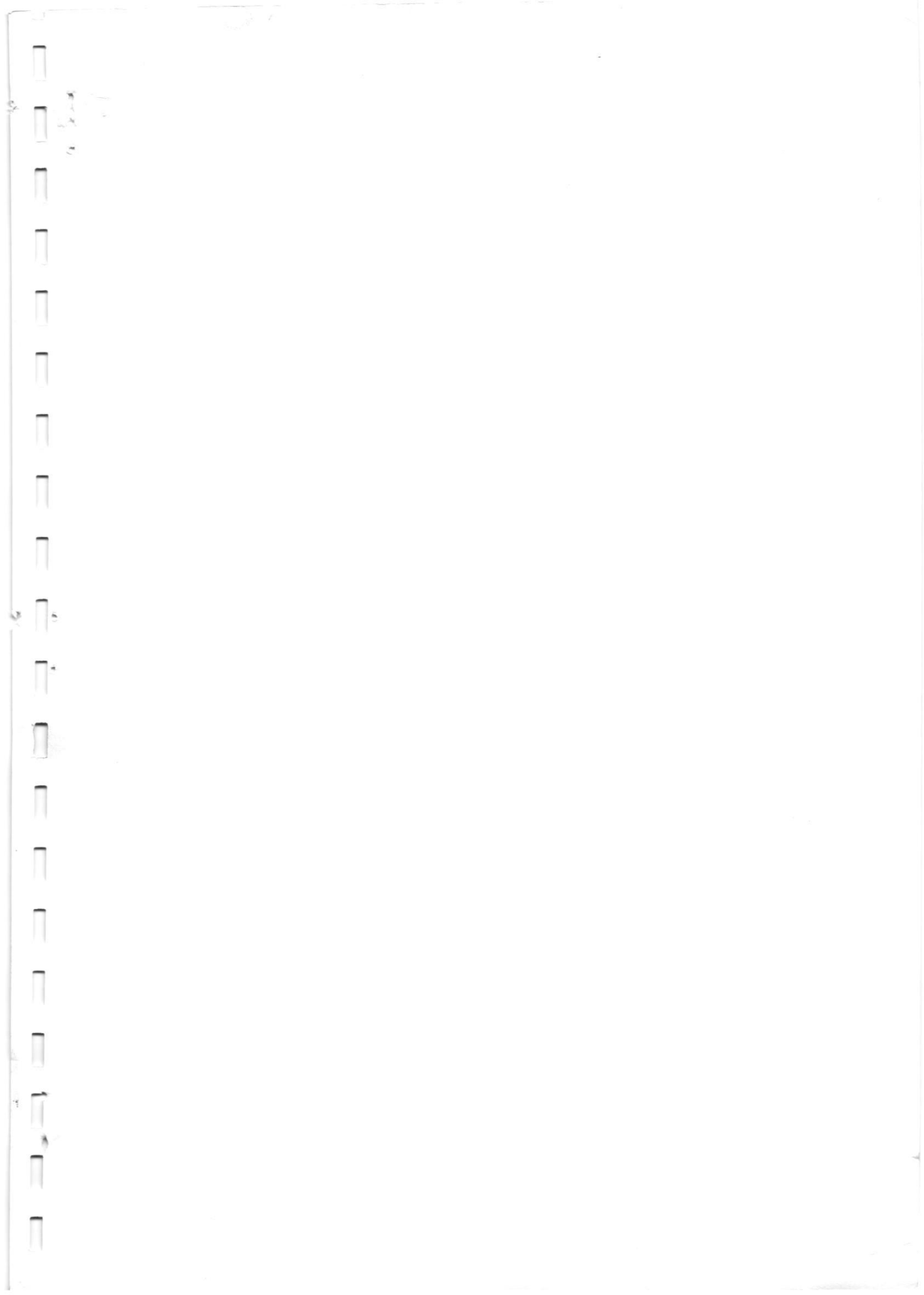
**AGREEMENT**

**FOR**

**THE ESTABLISHMENT**

**OF**

**THE AFRICAN LEGAL SUPPORT FACILITY**



**THE STATES AND INTERNATIONAL ORGANIZATIONS,  
PARTIES TO THE PRESENT AGREEMENT**

**RECALLING** the declaration of the African Finance Ministers of 2 June 2003 on Aid, Trade, Debt, IMF, HIV/AIDs in which they called for the rapid establishment of a legal technical assistance Facility to help Heavily Indebted Poor Countries ("HIPCs") in Africa address the problems of creditor litigation;

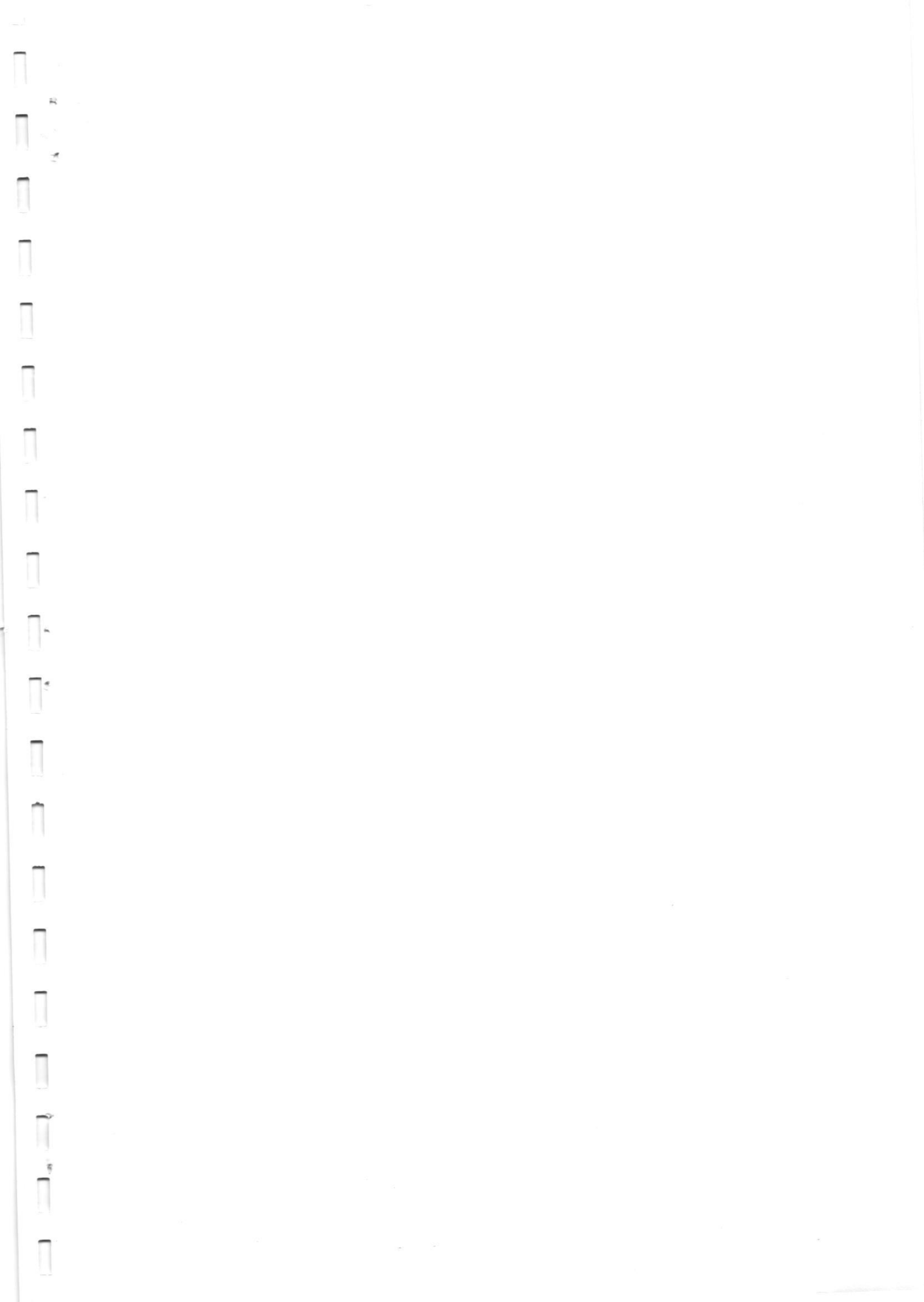
**MINDFUL** of the fact that these lawsuits threaten the core objectives of the HIPIC initiative by effectively reducing the impact of the debt relief for the HIPICs and causing inequitable burden sharing among creditors;

**RECALLING** that, in this regard, the Commission for Africa called for the establishment of a rapid response of a legal technical assistance Facility, independent of the Bretton Woods Institutions, to assist African countries pre-empt, avoid or successfully prosecute such lawsuits;

**RECALLING** the resolution of the African Ministerial Conference of February 2007, jointly organized by the African Development Bank and the United Nations Economic Commission for Africa, on the management of Africa's natural resources for growth and poverty reduction, which acknowledged the skills disparity between African and industrialized countries in negotiating contracts for extractive natural resources, and called specifically for the creation of a facility to assist African countries develop expertise and capacity to negotiate and conclude fair and equitable arrangements for the management of Africa's natural resources and extractive industries;

**RECOGNISING** that African countries lack expertise and capacity in creditor litigation and in negotiations of complex commercial transactions, and that their ability to acquire such expertise and capacity is constrained by financial and institutional limitations;

**CONVINCED** that beneficial commercial relationships and proper balance of rights and obligations in complex commercial transactions, investment agreements, natural resource contracts and creditor litigations can only be maintained if the parties thereto have full



knowledge of their respective rights and obligations as well as equal opportunity and access to competent legal services;

**NOTING** the commendable efforts of the African Development Bank in promoting the establishment of an African legal support facility;

**HAVE HEREBY AGREED AS FOLLOWS:**

### **ARTICLE I Establishment**

There is hereby established an international legal institution to be known as the "African Legal Support Facility" (hereafter called the "Facility"), which shall operate in accordance with the provisions of this Agreement.

### **ARTICLE II Purposes and Functions**

1. The purposes for which the Facility is established are:
  - (i) To provide legal advice and services to African countries in creditor litigation;
  - (ii) To provide technical legal assistance to African countries to strengthen their legal expertise and negotiating capacity in matters pertaining to debt management and litigation; natural resources and extractive industries management and contracting; investment agreements; and related commercial and business transactions, as the case may be;
  - (iii) To strengthen process in African countries.
2. To serve its purposes, the Facility shall carry out the following functions and activities:
  - (i) identification of legal expertise on creditor litigation; debt management; as well as the case may be in extractive

