

ABLFA 2018 Conference

Introductory Remarks by Stephen Karangizi – Director and CEO of the African Legal Support Facility

Introduction

*Madame la Bâtonnière du Barreau de Paris,
Mr. President of the African Business Law Firms Association,
Dear Partners,
Dear participants ,
Ladies and Gentlemen, distinguished guests, all protocol observed,*

I would like first to this opportunity to thank the African Business Law Firms Association for inviting me to speak at this 3rd edition of its Annual Conference on Investing in Africa.

Since 2010, the African Legal Support Facility has supported over 150 capacity building or advisory services projects across the continent, in the areas of:

- Debt Agreements
- Natural Resource Contracts
- Concession Agreements
- Infrastructure
- PPPs (Including PPAs)

We have extended capacity building programmes to African lawyers and government officials in the same areas, with the vision of achieving sustainable legal capacity for Africa, and paving the way for African experts to compete effectively on a level playing field with other professionals from across the world.

To achieve this, the African legal profession must fit into an ever changing global environment and reposition itself to overcome a few challenges.

Enhancing the commercial legal practice in Africa involves, among other challenges:

- 1. To recognize that legal services have become globalized;**
- 2. To adapt the traditional models to new areas of law and practices;**
- 3. To reform the legal education system in the view of promoting specialization and adoption of international standards; and**
- 4. To integrate the latest technological advances into African Lawyers work.**

In the last 15 years there has been an increasing changes in legal commercial legal practice in Africa. One of the key indicators has been the entrance of foreign law firms in Africa. This phenomenon sometimes called the “globalization of legal services” presents opportunities but also opens our legal practice to new challenges. The opportunities come in the form of augmenting competitiveness and deepening of the legal practices by introducing more modern business approaches through cooperation with African firms. The challenges come in the form of “potentially” reducing the business opportunities available to the domestic legal practices.

Other changes are reflected in the increased demands by clients for services and the new practices for engagement of legal services across borders both by governments as well as the private sector. The capacity expected of a law firm is much more than what was traditionally required. Law firms are required to provide advisory

services in commercial law, legal opinions and alternative dispute settlement options both domestic and in cross border transactions.

However, following the economic reforms that swept the continent in the 1990's, the increased role of the private sector in dominating new industries meant that new regulatory regimes were introduced that necessitated new legal skills. In addition, the increased discoveries of extractives in Africa in the 1990's and interest in launching Public Private Partnerships particularly in the infrastructure sector meant that commercial legal skills previously not utilized in Africa are now critically required.

Existing networks that have been established across the continent also provide law firms with an opportunity to share experiences on best practices. Those networks come in different forms. Partnering with foreign law firms has several advantages such as attracting multinational investors as the brand name of a foreign associating firm increases visibility and credibility. In addition, foreign law firms introduce more business like practices that have the potential to increase efficiency. However, those partnerships should be mutually beneficial and we should avoid situations where those arrangements do not incorporate sufficient knowledge sharing.

Most of the emerging legal issues are still not taught at law Schools. These include subjects like project finance; capital markets; competition law; arbitration; public procurement; new regulatory regimes (especially with respect to ICT); extractives related laws and many others. In addition, our law schools do not impress it upon our students that legal practice is also a "business", for those that would like to take that option, where you may have to respond to Requests for Proposals, conduct complex negotiations, and interact with highly demanding clients.

Considering these challenges, in collaboration with the ABLFA, national and regional bar associations, including the Southern African Development Community Lawyers Association (SADCLA), the East African Law Society (EALS) and the International Training Centre in Africa for Francophone Lawyers (CIFAF), the ALSF has launched a capacity building programme called the “ALSF Academy Programme”.

This Programme will provide relevant training in complex commercial areas including Sovereign Debt, Mining, Oil & Gas, Power, Infrastructure and PPPs for African professionals. It will constitute one of the concrete manifestations of the cooperation between the ALSF and the ABLFA. We look forward to benefiting from your supports in designing and implementing this flagship Programme.

Ladies and Gentlemen,

Lawyers and, indeed, law firms have the capacity to provide advisory services that can greatly impact development, and therefore, this 2018 ABLFA Legal Conference on Investing in Africa in Paris, is a unique platform for sharing ideas and paving the way for the emergence of the continent.

I truly believe that our generation has a unique opportunity to enhance commercial legal practice and take advantage of the many lawyers we are now producing.

I thank you for your attention.