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The Economic Community of West African States (ECOWAS) Court of Justice orders Senegal's government to revoke the parrainage (electoral sponsorship) law, which requires potential candidates for presidential and local elections to obtain voter endorsements equivalent to 0.8% of the electorate. President Macky Sall (2012-present) chairs the presidential council for youth employment and integration, which reveals details of the 450 billion FCFA (\$820.8m) Programme d'Urgence pour l'Emploi et l'Insertion Socio-Économique des Jeunes (PUEISE-Jeunes) (emergency youth employment and socio-economic placement programme) to the public. Canada-based gold producer Barrick Gold Corp. confirms it has referred a \$208m tax claim by the Direction Générale des Impôts et Domaines (DGID) (Senegalese taxation body) to the International Chamber of Commerce (ICC) for arbitration. Senegal has vaccinated over 435,000 individuals with at least one dose of Covid-19 vaccine as of 19 May since the start of its national vaccination campaign in February.

ECOWAS Court orders government to revoke electoral sponsorship law

The **Economic Community of West African States (ECOWAS) Court of Justice** in Abuja (Nigeria) has ordered the Senegalese government to revoke its electoral sponsorship law (*loi de parrainage électoral*).¹ The controversial law, adopted in February 2018 as part of the **Code Électorale** (electoral code), requires potential candidates for presidential and local elections to obtain voter endorsements equivalent to 0.8% of the electorate.² Opposition **Union Sociale Libérale (USL)** president **Abdoulaye Tine** lodged a complaint against the application of the electoral sponsorship law in December 2018, claiming the law violates the civil and political rights of Senegalese political parties and candidates.³ Tine also claimed the law does not guarantee judicial security and is not in line with ECOWAS norms.⁴

The controversy over the law stemmed largely from the validation of candidacies for the February 2019 presidential elections.⁵ The **Cour Constitutionnelle** (constitutional court) confirmed only five candidacies out of 87 applications, citing candidates' inability to comply with the requirements of the new sponsorship law.⁶ Then justice minister **Ismaila Madior Fall** defended the legislation, stating that "*all functional democracies have rules to filter presidential candidates*" (see *ARC Briefing Senegal January 2019*).⁷ In response, opposition leaders whose candidacies had not been validated, including Tine, formed the **C23** coalition to protest the application of the sponsorship requirement, which led to the deposition of the complaint at the ECOWAS court.⁸

The ECOWAS Court of Justice ruled in Tine's favour on 28 April. The court declared the complaint admissible, noting in its 32-page judgement that the sponsorship law "*violates the right to free participation in elections*"⁹ and compromises vote secrecy, as the sponsorship procedure entails that

¹ Dakar Matin, 28 Apr 2021

² Jeune Afrique, 19 Apr 2018

³ Dakar Matin, 28 Apr 2021

⁴ Dakar Matin, 28 Apr 2021

⁵ Jeune Afrique, 29 Apr 2021

⁶ Jeune Afrique, 3 Jan 2019

⁷ Jeune Afrique, 3 Jan 2019

⁸ Jeune Afrique, 3 Jan 2019

⁹ RFI, 29 Apr 2021

voters declare who they will vote for, in order for their candidate's electoral bid to be accepted.¹⁰ However, the court did not agree that the law is discriminatory or violates political party statutes.¹¹ The ECOWAS court ordered the Senegalese government to remove all obstacles to free participation in elections within six months and to submit a report outlining the execution of the ruling.¹²

Tine described the ruling as “*a victory over the law, whose illegality is finally recognised*”¹³ and called on President **Macky Sall** (2012-present) to respect the verdict, suggesting that failure to respect a ruling emanating from a regional body would weaken his moral authority.¹⁴ However, government officials and supporters of the ruling **Benno Bokk Yakaar** coalition criticised the ruling. Former justice minister Fall said the ECOWAS court had made serious errors that could undermine its credibility.¹⁵

Government spokesperson **Seydou Guèye** described sponsorship as a democratic, legal modality to organise elections in view of the large number of political parties in Senegal.¹⁶ Gueye said the sponsorship law had passed through various consultations before the **Assemblée Nationale** (national assembly) eventually adopted it.¹⁷ However, opposition MPs boycotted the April 2018 parliamentary session in which the law was voted, claiming the new law put opposition candidates at a disadvantage.¹⁸

Gueye also questioned the enforceability of the judgement. There is no mechanism in place to ensure that the Senegalese authorities carries out the electoral reforms stipulated by the court. ECOWAS High Court president **Edward Amoako Asante** in June 2020 decried member states' lack of compliance with the court's judgements.¹⁹ Senegal failed to implement ECOWAS court directives in February and June 2013 when the court ruled that former minister **Karim Wade** should be tried at the **Haute Cour de Justice** (higher court of justice) rather than the **Cour de Repression de l'Enrichissement Illicite (CREI)** (court against illicit enrichment) for his corruption trial.²⁰ The court also ruled that the CREI had violated Wade's presumption of innocence (see *ARC Briefing Senegal December 2018*).²¹ President Sall has been accused of using the legislation and the judiciary to side-line political competitors, accusations which contributed significantly to anti-government protests in March (see *ARC Briefing Senegal March 2021*).²²

In light of the current socio-political context and the criticism directed at it, the government may feel pressured to carry out these reforms, as a sign of good faith towards the opposition.²³ Local press reports indicate that the interior ministry is “*not opposed*” to reaching consensus with the opposition over possible reform of the sponsorship law.²⁴ The order to withdraw the sponsorship law is timely, as Sall signed a presidential decree on 10 May setting the date for local elections on 23 January 2022.²⁵

Sall hosts presidential council on youth employment and integration

In an attempt to quell youth grievances over unemployment and the lack of economic opportunity, President Macky Sall chaired a presidential council for youth employment and integration on 22 April.

¹⁰ Jeune Afrique, 29 Apr 2021

¹¹ RFI, 29 Apr 2021

¹² RFI, 29 Apr 2021

¹³ RFI, 29 Apr 2021

¹⁴ RFI, 29 Apr 2021

¹⁵ Dakar Actu, 8 May 2021

¹⁶ RFI, 29 Apr 2021

¹⁷ Le Quotidien, 30 Apr 2021

¹⁸ Jeune Afrique, 19 Apr 2018

¹⁹ Jeune Afrique, 29 Apr 2021

²⁰ Jeune Afrique, 15 Nov 2018

²¹ Jeune Afrique, 15 Nov 2018

²² ARC Senegal analyst

²³ ARC Senegal analyst

²⁴ Dakar Actu, 14 May 2021

²⁵ Dakar Actu, 11 May 2021

Sall announced details of the 450 billion FCFA (\$820.8m) **Programme d'Urgence pour l'Emploi et l'Insertion Socio-Économique des Jeunes (PUEISE-Jeunes)** (emergency youth employment and socio-economic placement programme),²⁶ first discussed in the aftermath of anti-government protests in March that decried the government's perceived inability to create jobs (see *ARC Briefing Senegal March-April 2021*). Sall has promised the government's full involvement in the programme but has also called on the private sector to assist in promoting employment and training opportunities.²⁷

Sall said the preparatory process was inclusive and saw the consultation of a variety of stakeholders, including youths engaged in the informal sector.²⁸ Attendees included members of cabinet, youth representatives from each of Senegal's 14 regions, private sector actors and religious leaders.²⁹ The forum aimed to assess the state of employment, employability and entrepreneurship in Senegal and how to train and finance youth-oriented initiatives in these facets.³⁰ Sall stated:

*"We want to measure our actions, identify our constraints and above all, correct our shortcomings to improve our performance."*³¹

Sall said the PUEISE-Jeunes, dubbed "*Xeyu Ndaw Gni*" (youth employment) in the local **Wolof** language, is set to run from 2021-2023 and will see funds allocated to 10 existing institutions, including the **Centres des Formations Professionnelles et Techniques** (centres for professional and technical training).³² Sall has promised to establish training centres in each of Senegal's 45 departments, including 15 in 2021.³³ Clarifying which structures would receive funding, Sall noted:

*"We are not starting from scratch because the concerns of young people for employment and the creation of income-generating activities have always been at the heart of the priorities that I have assigned to the structures and support mechanisms for the supervision and financing of young people and women in particular."*³⁴

Sall underlined the importance of consistency and improving the coherence of all structures involved in facilitating the training and employment of youth, as well as better pooling of state resources in these domains.³⁵ Sall said educational reform is a major aspect of the new employment drive, which will entail promoting scientific fields, orienting 30% of students towards vocational training and dual school-business training.³⁶

Sall identified a host of large-scale infrastructure projects that will help to create jobs, including the construction of five regional airports, the finalisation of the **Train Express Regionale (TER)** and the recommencement of the **Dakar-Tambacounda** railways.³⁷ The new port at **Ndayane**, worth \$1.127 billion and aiming to become the largest port in **West Africa** (see *ARC Briefing Senegal January 2021*), has already received \$840m in funding and could generate 14,500 direct jobs.³⁸ The creation of **Special Economic Zones (SEZ's)** is expected to lead to an estimated 8,000 new jobs,³⁹ which will be complemented by opportunities emerging from the establishment of industrial development zones (IDZ's) at **Diamniadio** and **Sardiana** and the construction of power stations.⁴⁰

²⁶ Lejecos, 22 Apr 2021

²⁷ Lejecos, 22 Apr 2021

²⁸ APS, 22 Apr 2021

²⁹ Financial Afrik, 22 Apr 2021

³⁰ Financial Afrik, 22 Apr 2021

³¹ Lejecos, 22 Apr 2021

³² Lejecos, 22 Apr 2021

³³ Financial Afrik, 22 Apr 2021

³⁴ Lejecos, 22 Apr 2021

³⁵ Lejecos, 22 Apr 2021

³⁶ Financial Afrik, 22 Apr 2021

³⁷ Financial Afrik, 22 Apr 2021

³⁸ Financial Afrik, 22 Apr 2021

³⁹ Financial Afrik, 22 Apr 2021

⁴⁰ Lejecos, 22 Apr 2021

Sall claims these projects will have a positive impact on people's lives, acknowledging that the private sector will play an important role in executing the projects and the employment agenda.⁴¹ Sall promised to foster a more attractive business climate to encourage the business community to fully participate.⁴² Sall described the fight against unemployment as a long-term battle that the government cannot win alone.

Although Senegal experienced an average economic growth rate of 6% from 2014, creating an average of 150,000 jobs annually,⁴³ youth unemployment and economic deprivation were major themes of the anti-government protests in March (see *ARC Briefing Senegal March 2021*). An estimated 76% of Senegalese are under the age of 35.⁴⁴ The **Agence Nationale de la Statistique et de la Démographie (ANSD)** noted an unemployment rate of 16.8% in 2019,⁴⁵ which the Covid-19 pandemic exacerbated in 2020, as Senegal slipped into its first economic recession in 25 years. Budget minister **Abdoulaye Samb** reported in January that Senegal experienced 0.8% economic growth in 2020 compared to the initially projected 0.7% contraction.⁴⁶ The economic downturn forced hundreds of desperate Senegalese to attempt to migrate clandestinely to **Europe** via the **Canary Islands** (see *ARC Briefing Senegal December 2020*).

Barrick Gold takes Senegal government to arbitration court over tax dispute

Canada-based gold producer **Barrick Gold Corp.** has confirmed that it has referred a \$208m tax claim by Senegalese tax authorities to the **International Commerce Chamber (ICC)** for arbitration.⁴⁷ Barrick claims that numerous attempts to resolve the matter have failed and that the investment agreement between Barrick and the government provides for using the ICC as the dispute resolution mechanism.⁴⁸ Given Barrick's long history of investment in Senegal's gold mining sector and continuing operations in the country, it is likely do its utmost to find an amicable solution to its tax dispute with the government.

Barrick issued a communiqué on 1 May stating that the **Direction Générale des Impôts et Domaines (DGID)** (Senegal's taxation body) had unjustifiably demanded tax amounting to \$208m, stemming from Barrick's sale of its **Massawa** gold project to Canada-based **Teranga Gold** in December 2019 (see *ARC Briefing Senegal December 2019 and March 2020*).⁴⁹ Barrick claims the tax demand is unjustified and not in line with the investment agreement signed with the state or current tax legislation.⁵⁰

According to local press accounts, the DGID presented its tax claim to Barrick on 31 March as part of capital gains tax that the DGID said Barrick had not paid following the Massawa sale.⁵¹ According to Senegalese law, a 90% capital gains tax is levied on such a transaction.⁵² After tax adjustments, the DGID finalised the amount of \$208m but Barrick reportedly offered to pay only 5 billion FCFA (\$9.3m) in taxes to the DGID.⁵³

In a 6 May interview with Senegal daily **Le Quotidien**, Barrick CEO **Mark Bristow** denounced the "aggressiveness" of local tax authorities against investors. Bristow said the firm had tried to engage with the government on several occasions in order to explain its stance on the matter, arguing that

⁴¹ Lejecos, 22 Apr 2021

⁴² Lejecos, 22 Apr 2021

⁴³ Financial Afrik, 22 Apr 2021

⁴⁴ Financial Afrik, 22 Apr 2021

⁴⁵ Sika Finance, 11 Mar 2021

⁴⁶ Lejecos, 28 Jan 2021

⁴⁷ Barrick Gold Corp. 1 May 2021

⁴⁸ Barrick Gold Corp. 1 May 2021

⁴⁹ Barrick Gold Corp. 1 May 2021

⁵⁰ Barrick Gold Corp. 1 May 2021

⁵¹ Dakar Actu, 1 May 2021

⁵² Dakar Actu, 1 May 2021

⁵³ Dakar Actu, 1 May 2021

the DGID had not followed the law and its provisions.⁵⁴ Bristow did not confirm whether Barrick had offered payment of 5 billion FCFA (\$9.3m) to the DGID, but said he hoped that the ICC would provide judgement based on the facts of the case and promised to accept the outcome of its ruling.⁵⁵ Bristow added that Barrick remains open to working with Senegalese authorities towards finding a solution.⁵⁶

Local civil society organisations (CSOs) have called on the government to pursue Barrick for the tax payment.⁵⁷ One of the major grievances of the March anti-government protests centred on accusations that the government allows foreign firms to operate freely without paying taxes. **Forum Civil**, a local CSO partner of **Germany**-based anti-corruption watchdog **Transparency International**, has declared its support for the government in obtaining payment from Barrick.⁵⁸ **Comité Territoriaux pour la Justice Fiscale (CTJF)** (territorial committee for financial justice), a CSO supported by **United Kingdom**-based non-governmental organisation **Oxfam** and the **Tax Justice Network for Africa**, has similarly called for Barrick to comply with the tax payment request.⁵⁹ Forum Civil president **Birahime Seck** has called on Senegalese citizens to protest against Barrick's refusal to pay the tax.⁶⁰

Barrick's continuing interest in Senegal's gold sector makes it likely that the company will seek a mutually acceptable outcome in its dispute with the government. After Barrick and its local partner, **Compagnie Sénégalaise de Transports Transatlantiques Afrique de l'Ouest (CSTT-AO)** sold their stake in the Massawa project to Teranga Gold in December 2019, Barrick retained an 11.45% stake in the Massawa project (see *ARC Briefing Senegal December 2019*).⁶¹

This is not Barrick's first run-in with a sitting government over tax payment disputes. In 2017, late **Tanzanian** President **John Pombe Magufuli** (2015-2021) slapped Barrick subsidiary **Acacia Mining** with a \$190 billion outstanding tax bill.⁶² Although Barrick was not the owner of Acacia at the time, it settled the dispute in October 2019 by agreeing to pay \$300m to settle outstanding tax and other disputes.⁶³

Covid-19 vaccine campaign continues

Senegal has vaccinated over 434,600 individuals with at least one dose of the Covid-19 vaccine as of 19 May since beginning its national vaccination campaign on 23 February with 200,000 doses of the **China**-manufactured **Sinopharm** vaccine.⁶⁴ The health ministry received a donation on 14 May from the Chinese government of 300,000 doses of the Sinopharm vaccine as well as 300,800 syringes.⁶⁵ The Chinese Embassy in Senegal issued a communiqué on 12 May citing China's desire to promote Sino-Senegalese relations as rationale for the donation.⁶⁶

According to the **Bureau de Prospective Economique du Sénégal (BPE)** (economic forecasting bureau), Senegal's weekly case total has risen slightly.⁶⁷ A total of 240 cases were recorded during the week of May 17 to 23, compared to 158 during the week of 10 to 17 May.⁶⁸ Recorded deaths also increased from six to seven deaths per week.⁶⁹ As of 23 May, Senegal had confirmed 41,142 positive

⁵⁴ Le Quotidien, 6 May 2021

⁵⁵ Le Quotidien, 6 May 2021

⁵⁶ Le Quotidien, 6 May 2021

⁵⁷ Dakar Actu, 1 May 2021

⁵⁸ Dakar Actu, 1 May 2021

⁵⁹ Dakar Actu, 30 Apr 2021

⁶⁰ Dakar Actu, 1 May 2021

⁶¹ Reuters, 10 Dec 2019

⁶² The East African, 25 Jul 202

⁶³ Reuters, 20 Oct 2019

⁶⁴ Le Quotidien, 12 May 2021

⁶⁵ APS, 14 May 2021

⁶⁶ Le Quotidien, 12 May 2021

⁶⁷ Dakar Actu, 24 May 2021

⁶⁸ Dakar Actu, 24 May 2021

⁶⁹ Dakar Actu, 24 May 2021

cases, 39,799 recoveries and 1,132 deaths in its population of 16.3 million since recording its first case of Covid-19 on 2 March 2020.⁷⁰

Senegal's health state of emergency was lifted on 19 March by President Sall, removing the majority of restrictive measures, with the exception of large gatherings.⁷¹

Planner

7-8 Jun 2021 **Dakar (Senegal) 6th Islamic Finance Forum**
 7-9 Oct 2021 **Montpellier (France) France-Afrique Summit**;
 2021 7th **Forum International de Dakar sur la Paix et la Sécurité** (Dakar International Forum for Peace and Security (TBA));
 2021 **Turkey-Africa Summit** (TBA);
 22 Jan 2022 **(Senegal) Municipal elections**;
 2022 **Sangomar** offshore oil field: production of crude oil set to begin
 2023 **Grand Tortue Ahmeyim (GTA) (Senegal)** offshore gas field production of natural gas set to begin.

Chronology

25 May 2021 **Dakar (Senegal) RFI**. Government spokesperson **Seydou Guèye** defends the purchase of a new presidential plane, which reportedly costs \$110m and will be delivered on 16 July;

24 May 2021 **Dakar (Senegal) Dakar Actu**. The **World Bank** approves 80 billion FCFA (\$125m) loan to the Senegal government, which will go towards improving the competitiveness of small and medium-sized enterprises (SME's);

22 May 2021 **Dakar (Senegal) Sud Quotidien**. Petroleum and energy minister **Sophie Gladima** declares 25.7% of work on the **Sangomar** offshore oil project has been completed;

21 May 2021 **Dakar (Senegal) Agence Ecofin**. State electricity provider **Senelec** says construction of the €153.8m (\$166.3m) 120 MW **Malicounda** power station is 95% complete and will be commissioned in September 2021;

19 May 2021 **Dakar (Senegal) RFI**. Petroleum and energy minister **Sophie Gladima** launches Senegal's first oil register, to track oil and gas activities as part of efforts to improve transparency in the country's nascent hydrocarbons sector;

14 May 2021 **Dakar (Senegal) Sud Quotidien**. Senegal receives a donation of 300,000 doses of the **China-manufactured Sinopharm Covid-19** vaccine from the Chinese government;

11 May 2021 **Dakar (Senegal) Agence Ecofin**. Fisheries and maritime economy minister **Alioune Ndoye** says the \$520m mineral and bulk port of **Bargny-Sendou** (35 km from Dakar) will be completed in March 2022;

10 May 2021 **Dakar (Senegal) Sika Finance**. Senegal recorded a 514 billion FCFA (\$950.5m) budget deficit during the first quarter of 2021;

8 May 2021 **Dakar (Senegal) Financial Afrik**. **United Kingdom**-based **Helios Towers** has signed an agreement with the digital economy and telecommunications ministry to invest \$200m in telecoms infrastructure in Senegal over the next five years;

⁷⁰ Worldometer, accessed 25 May 2021

⁷¹ AA, 11 Mar 2021

- 5 May 2021 **Dakar (Senegal)** *Sud Quotidien*. Economy, planning and international cooperation minister **Amadou Hott** signs an agreement with **Korean** development agency **KOICA** for the latter to provide 11.4 billion FCFA (\$21m) towards promoting rice production in the **Senegal River** valley;
- 5 May 2021 **Dakar (Senegal)** *RFI*. According to an electoral register audit report, 46.2% of Senegalese youths between the ages of 18-25 years old are not registered to vote;
- 1 May 2021 **Dakar (Senegal)** *Dakar Actu*. **Canada**-based miner **Barrick Gold** is reportedly preparing to take the Senegalese government to the **International Chamber of Commerce (ICC)** for arbitration regarding a tax dispute in which Barrick Gold has been asked to pay 113 billion FCFA (\$208m) for its participation in the sale of the **Massawa** gold project;
- 30 Apr 2021 **Dakar (Senegal)** *Agence Ecofin*. Agriculture minister **Moussa Baldé** announces Senegal produced 3.64 million tonnes of cereals during the 2020/21 harvest season, compared to the 2019/20 figure of 2.7 million tonnes;
- 29 Apr 2021 **Dakar (Senegal)** *International Monetary Fund*. The **International Monetary Fund (IMF)** and Senegalese government have concluded an 18-month financing agreement under **Stand-By Credit Facility (SCF)** and **Stand-By Arrangement (SBA)** which will see Senegal receive 453 billion FCFA (\$829.8m) that will go towards its response to the **Covid-19** health crisis and supporting economic recovery;
- 28 Apr 2021 **Dakar (Senegal)** *Dakar Matin*. The **Economic Community of West African States (ECOWAS) Court of Justice** has ruled that the “parrainage” law in the electoral code, which requires presidential election candidates to receive sponsorship equivalent to 1% of the population, violates the right to participate in elections and has called for its removal;
- 28 Apr 2021 **Dakar (Senegal)** *Agence Ecofin*. **Australia**-based **Woodside Energy**, the operator of the **Sangomar** offshore oil project, has awarded **Canada**-based **Zenith Energy** a multi-year contract to provide drilling engineering services for the development of the Sangomar oil field;
- 27 Apr 2021 **Dakar (Senegal)** *Sud Quotidien*. The **Société des Infrastructures de Rire Navale (Sirn)**, the **West African Company of Credit-Lease (Locafrique)** and **West Africa Capital Advisors (Wac Advisors)** have signed a partnership agreement to invest 430 billion FCFA (\$787.7m) over the next 10 years to modernise Senegal’s artisanal fishing sector;
- 26 Apr 2021 **Dakar (Senegal)** *Agence Ecofin*. The **African Development Bank (AfDB)** intends to rehabilitate 500 km of paved roads and build 100 km of paved roads in Senegal from 2021-2025;
- 26 Apr 2021 **Dakar (Senegal)** *Agence Ecofin*. The government will provide financing of 60 billion FCFA (\$110.4m) to the 2021/2022 agricultural campaign;
- 26 Apr 2021 **Dakar (Senegal)** *Agence Ecofin*. The government grants state-owned electricity provider **Société Nationale d’Electricité du Sénégal (Senelec)** a 99 billion FCFA (\$182.2m) subsidy to cover unpaid consumer bills;
- 23 Apr 2021 **Dakar (Senegal)** *Agence Ecofin*. **Australia**-based oil firm **Far Ltd** announces that **Remus Horizons Investment Fund** has abandoned plans to acquire Far shares in the **Sangomar** offshore oil project;
- 23 Apr 2021 **Dakar (Senegal)** *Africanews*. **Mauritius Commercial Bank Ltd (MCB)** announces it has granted financing of \$60m as part of a syndicated project finance facility of \$140m to **Turkey**-based **Karpowership** to operate the 235 MW **Powership** floating liquefied natural gas plant;
- 22 Apr 2021 **Dakar (Senegal)** *Sud Quotidien*. President **Macky Sall** hosts a presidential council that validates a 450 billion FCFA (\$828.1m) emergency plan to address youth unemployment;
- 16 Apr 2021 **Dakar (Senegal)** *Agence Ecofin*. State-owned electricity provider **Société Nationale d’Electricité du Sénégal (Senelec)** launches three major electricity projects with a total value of 9.7 billion FCFA (\$17.6m) as part of its efforts to improve access to electricity;

16 Apr 2021 **Dakar (Senegal) APS**. Former Senegal budget minister **Abdoulaye Diop** is appointed president of the **Union Economique et Monétaire Ouest Africaine (UEMOA)** (West African Economic and Monetary Union) commission;

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