Contents

04 Our Firm
05 Our Presence in Africa
06 Our Environmental Service Line
07 Our Specialist Services
09 Our Signature Matters
12 Accolades
14 Key Contacts
Our Presence in Africa

Recognising the size and enormous diversity of Africa, our approach to providing legal services across the continent is intended to offer on-the-ground advice in the countries that matter for our clients. Our presence in Africa is always evolving to meet the changes that are shaping the future of this vast continent.

Currently, we have our own offices in six African countries: Kenya (Nairobi), Mauritius (Moka), South Africa (Cape Town, Durban, Johannesburg), Tanzania (Dar es Salaam), Uganda (Kampala) and Zambia (Lusaka).

We work closely with our Bowmans Alliance firms in Ethiopia (Aman Assefa & Associates Law Office) and Nigeria (Udo Udoma & Belo-Osagie). These are two of the leading corporate and commercial law firms in their jurisdictions.

We have special relationships with competent practitioners in Malawi and Mozambique. We also have a non-exclusive co-operation agreement with French international law firm Gide Loyrette Nouel that provides our clients access to assistance in francophone west and north Africa and Gide's. The arrangement provides complementary access for Gide's clients and lawyers to markets in central, southern and eastern Africa.

We ensure that, whenever our clients need legal advice in other parts of Africa, we can assist them by tapping into our comprehensive database of contacts of the best firms and practitioners across the continent.

On the global front, Bowmans has long-standing and excellent relationships with a range of international law firms with whom we often work on Africa-focused client mandates. We are also a member firm of Lex Mundi, a global association of more than 160 independent law firms in all the major centres across the globe. Lex Mundi gives us the ability to connect our clients with the best law firms in each of the countries represented.
Our Environmental Service Line

Doing business in Africa requires specialised counsel to manage corporate environmental risks and decision-making. Our specialist lawyers are equipped with a practical understanding of the law and its application by the regulators and are able to handle environmental matters across our footprint in Africa, and in other African jurisdictions through our network of established relationships in other countries.

We have a leading environmental law team, offering real depth and a broad range of expertise, including legal risk mitigation and management; advice on permitting, projects and developments; assistance with appeals against administrative decisions and judicial reviews; handling criminal and administrative disputes; litigation; as well as conducting due-diligence investigations and compliance auditing.

We have a strong commercial-environmental understanding in a transactional and lending context as well as a solid grasp of general environmental transactional risks. We know the unique environmental requirements within a range of areas such as energy and infrastructure developments, industrial and commercial property developments, mining and oil and gas exploration.

We focus on looking after our clients’ interests through appropriate mechanisms for allocating environmental risks and liabilities. In the context of our footprint across Africa, we are able to ensure that our clients’ requirements and environmental issues are managed in alignment with their broader business requirements.

We also frequently represent clients with respect to authority enforcement actions, compliance notices, directives, appeals and reviews, as well as in criminal prosecutions relating to environmental matters.

We serve the top end of the South African and broader African market, advising on government processes, commercial lending and mergers and acquisitions (including cross-jurisdictional legal issues). Our clients include major listed corporations, financial institutions and the public sector.

Our Specialist Services

Our specialist environmental services include:

- **Due diligence, project finance and transactional advice** – we routinely conduct environmental due diligence investigations as a component of mergers and acquisitions as well as project finance transactions. We follow the most appropriate protocols and use our environmental-commercial experience to assess issues and advise our clients on the material risks and liabilities and how these should be addressed in the transaction.

- **Mining and petroleum resources** – we have extensive experience in the environmental aspects of prospecting and mining as well as petroleum and gas production activities.

- **Environmental impact related advice** – we assist in identifying and resolving impact related risks, provide advice on strategies to address anticipated adverse impacts, and participate in regulatory authority interaction. Our lawyers also often work with environmental assessment practitioners, scientists and engineers on impact and dispute resolution – we handle all forms of environmental disputes and litigation, including court actions and applications, criminal matters as well as administrative appeals, hearings and enquiries.

- **Administrative processes, appeals, litigation and dispute resolution** – we offer a full service on all aspects and for all scales of developments and projects, from advice at project conceptualisation stage, to ensuring that the land use, zoning, environmental impact and permitting processes and strategies are integrated into the project plan, to assisting in any environmental litigation and administrative or other challenges to a project.

- **Pollution and contaminated land** – we advise industries, mines, property owners and lessees on the implications, risks and liabilities and the response actions required in the context of polluted and contaminated land. This extends to transactions involving a transfer of ownership or an interest in polluted or contaminated land and appropriate contractual mechanisms for the allocation of risks and liabilities.

- **Lender and shareholder environmental liability** – we advise on the potential for lender and shareholder liability, as well as on mechanisms to mitigate the potential risks.

- **Water law** – we advise on all legal aspects of water resource management, including water use licencing, pollution, pricing and all other aspects of compliance with water legislation.

- **Waste law and hazardous substance control** – we have extensive experience in all matters concerning waste and hazardous substances law, including licensing issues relating to waste management activities and advising on liabilities in respect of pollution, contamination and waste management.

- **Commercial contracts** – we frequently deal with environmental issues pertaining to commercial contracts.

- **Climate change** – we have been involved in various aspects of climate change work and advice. This includes in respect of the recent and current greenhouse gas reporting, carbon tax and other climate change legislative developments in South Africa.
Our Signature Matters

• Mine/occupational health and safety services – we offer a range of services in the mining and occupational health and safety sectors, including advice on the governing legislation and its application, health and safety compliance audits and health and safety legal registers. We also assist in investigations and inquiries in terms of the mining and general occupational health and safety legislation and assist clients in addressing prohibition notices, directives and ‘stop’ notices.

• Legal development and authority representations – we have been involved in drafting environmental legislation at a national, provincial and local level. We have also advised and assisted clients to prepare submissions and representations on legislative issues of concern.

• Conservation – we have advised in the field of wildlife and nature conservation law, including drafting and advising on concession and other agreements and on the export/import and translocation permits required for protected species of plants and animals in terms of the various provincial and national legislation and international agreements such as CITES. We have also assisted with the creation and regulation of protected areas.

• Training – we develop training courses that assist attendees in understanding and implementing specific aspects of environmental law. The courses aim to raise awareness and understanding of the risks and responsibilities for employees of parastatals and other entities, and for various levels of management, including directors.

Our recent experience includes advising/acting for:

• The South African Department of Energy and National Treasury on the various IPP programmes, including IPP bid processes for renewable energy which has won several awards, base load coal, LNG gas to power, and a number of related programmes in South Africa. Using appropriate information barriers, other members of our team have acted on these IPP programmes, including on many projects that have reached financial close (such as Gouda Wind Farm 140MV, Hopefield Wind Farm 65MW, Sishen Solar Project BMV and Stortemelk Small Hydro Project 4MV).

• A voluntary industry body on the regulatory aspects of the planned introduction of waste management charges in the paper and packaging industry and the publication of requirements for industry waste management plans to be submitted to the South African Minister of Environmental Affairs for approval. We assisted in making representations that resulted in the withdrawal of a gazetted publication requiring the submission of industry waste management plans due to (among other things) lack of proper consultation and insufficient periods provided for the submission of such plans.

• Various clients with respect to numerous mergers and acquisitions and other commercial transactions. This includes the following recent matters:

• An international chemicals company, in a long running matter where we ultimately successfully defended criminal proceedings brought against it in respect of the burial of waste and effluent by a contractor. The contractor pleaded guilty, our client was placed under pressure to plead similarly but, in 2016, after two years of litigation and after representations were made to the prosecuting authorities, the charges against our client were withdrawn.

• On compliance with Kenyan environmental laws and regulations on the proposed PPP structure for a concession to finance, build, operate and maintain a 93km road from Ngong - Kiserian to Isinya and Kajiado – Imaroro under the Kenya Rural Roads Authority.

• MSC Cruises S.A. in connection with their bid to the Transnet National Ports Authority for a long-term concession to build and operate the new cruise terminal in Durban, South Africa.

‘Sources agree that the team possesses “a wealth of knowledge and years of experience” in environmental law.’

Chambers & Partners, 2017
• The Friends of Tsitsikamma (a voluntary association comprising scientists, academics and marine conservationists), acting on the instructions of the Wildlands Conservation Trust, to interdict and review a decision by the relevant authorities to permit recreational angling in the South African Tsitsikamma Marine Protected Area.

• Various IPP developers (such as the Malindi Solar Group 40MW plant in Malindi and the Aperture Green/ Power China 50MW wind farm in Limuru) on compliance with Kenyan environmental laws and regulations, including environmental impact assessment licences and other environmental process documentation.

• Various private nature reserves and representing them in negotiations and drafting of a new ‘open system’ agreement with the South African National Parks Authority and other reserves adjacent to the Kruger National Park.

• Various clients on their environmental compliance obligations, risks and liabilities, as well as with respect to the reporting and handling of contamination at a number of sites around South Africa. This includes advising on the transfer of third party contaminated land and the transferability of remediation obligations.

According to a client quoted, we delivered ‘great service, on short notice and whilst under time constraints’ and provided ‘a workable solution that takes our business operations into account’. Chambers & Partners, 2019
ACCOLADES

AFRICAN LEGAL AWARDS 2021
Bowmans won awards in five categories, more than any other single firm. The firm was named Capital Markets Team of the Year, Environmental and Renewables Team of the Year, Restructuring Team of the Year, and Transportation and Infrastructure Team of the Year, and won the Crisis Management Initiative of the Year Award.

DEALMAKERS AFRICA AWARDS 2020
Bowmans was DealMakers top dealmaker in East Africa for 2020 by number of M&A transactions worked on. The firm had more than 26% market share and advised on the deal named Deal of the Year.

DEALMAKERS SOUTH AFRICA AWARDS 2020
Bowmans was among South Africa’s leading dealmakers for 2020, placing third for both transaction value and transaction volume in the General Corporate Finance Category and fourth for both deal value and deal volume in the M&A Category.

IFLR AFRICA AWARDS 2021
Bowmans received three awards including the awards for National Law Firm of the Year in both South Africa and Zambia. The firm was also named National Law Firm of the Year: South Africa (Project Finance) for its work on various project finance matters including the Beitbridge Border Post Modernisation Project, which was named Project Finance Deal of the Year.

MERGERMARKET’S AFRICAN & MIDDLE EAST LEAGUE TABLES 2020
Bowmans was identified as the top ranked legal firm by number of completed deals in 2020.
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