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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’. 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.
Virtually all corporate transactions and activities in the 21st century include complex insurance elements, either by virtue of the parties being in this highly-regulated industry or in relation to the risks insured against.

In some instances, insurance may be the dominant feature in a matter, such as when an insurance portfolio is transferred from one service provider to another, or a coverage issue and dispute arises in relation to a claim. In other cases, insurance may form a smaller but no less vital component, whether in relation to a sale or purchase agreement in a cross-border M&A transaction wherein warranties and indemnities are insured, or in terms of the regulatory approvals that might be required.

Our insurance law specialists are active across the insurance value chain in Sub-Saharan Africa, and provide the highest quality advisory and dispute resolutions services to some of the region’s leading (re)insurers and policyholders.

Deal teams seamlessly integrate insurance law specialists, whose market experience coupled with the team’s solid appreciation of the client and sector, and leads to tailored support on intricate, high-value transactions such as acquisitions and investments, financing and tax. Our complete range of advisory services covers policy wording issues, product development, insurance portfolio reviews, support through the placement of deal-specific cover and incident (claim) related advice.

We are regularly approached by (re)insurers and corporates to provide guidance on insurance-related regulatory, compliance and governance issues. Our strong relationships with financial services regulators across the continent, combined with a deep knowledge of local regulations and business conditions underpins the incomparable value we offer in this space.

We offer a full range of insurance dispute resolution support, with deep coverage, defence and enforcement capabilities across all sectors where risk is inherent. We also have specialist dispute experience in all specialist insurance lines, including financial lines, aviation, data and cyber, environmental, construction and engineering, healthcare, manufacturing, marine, mining, and telecommunications, among others.

Our dedicated insurance specialists work closely with our M&A, finance, corporate investigations, employment, real estate and tax colleagues, offering clients the broadest range of insurance legal services reinforced by genuine sector expertise.

We act for clients acquiring equity stakes or interest in insurance companies and also advise on greenfield set-up and corporate restructuring (including transfers of life and general business portfolios). This may include advising on foreign ownership restrictions and minimum capital or solvency requirements, as well as providing strategic advice on the most appropriate solutions for insurance and financial services clients operating in Sub-Saharan Africa.

We also advise on the financing of acquisitions and investments, draft service level agreements and intermediary agreements and provide tax, employment law and general commercial advice relating to insurance transactions.

We assist clients to comply with insurance and financial services laws and regulation in Kenya, Mauritius, South Africa, Tanzania and Uganda. This includes advising on insurance laws and regulations, providing regulatory or legal advice that insurers may require, acting for clients in contentious regulatory matters and advising on regulatory compliance.

Our work ranges from liaising with insurance industry ombuds to advising and assisting with applications when approvals are required from insurance regulators, and providing regulatory opinions to the insurance industry.
AVIATION

We help our clients deal with aircraft losses and disputes. We take a proactive approach that entails fully investigating all potential claims and advising on the merits and strategy of each, thus obviating unnecessary litigation.

We also advise on regulatory issues, coverage, third-party claims and subrogated recoveries, and assist insurers and reinsurers in the development of aviation-related insurance products.

Clients include air service operators, airport operators, ground handlers, maintenance and ground-handling service providers, original equipment manufacturers, financiers, lessors and hull and liability insurers and reinsurers.

MARINE

The coastline of Southern Africa is well known for its serious and high-profile losses. Over the past two decades, we have worked with clients involved in some of the most significant local shipping casualties. Immediate legal assistance is available in emergencies through our 24-hour national helpline.

In addition to major casualty work, we provide traditional shipping insurance, including hull, cargo and professional & indemnity insurance.

LITIGATION

Our dispute resolution expertise spans advice on insurance policy response, wording and interpretation, and managing and processing subrogation claims across the spectrum of sectors including aviation, shipping, life & health, professional indemnity and medical malpractice.

KEY CLIENTS

Our clients in the insurance sector include blue chip long-term, short-term and health insurers, for example: Absa Wealth Investment Management and Insurance Division, Alexander Forbes, Britam Investments, Discovery, Hollard, Liberty, Lloyds Underwriters, Marsh, Mayfair Group, MMI Holdings, Old Mutual, Resolution Group and Sanlam.

LIFE INSURANCE AND NON-LIFE
INSURANCE BUSINESS AND POLICIES

We provide regulatory advice in relation to non-life and life insurance policies (including life events, health events, disability events, death events etc), with particular focus on employee benefits and group insurance policies (employer, pension funds, medical schemes).
Our Signature Matters

We advised:

- Alexander Forbes Ltd on its disposal of its short term insurance business through an auction process and the sale of 100% of its shares in the following entities: Alexander Forbes Direct Proprietary Limited, Alexander Forbes Administration Services Proprietary Limited, and Alexander Forbes Insurance Company Limited. The process drew significant interest from both local and international trade players, which resulted in four bidders making it to the second round of the auction process.


- Alexander Forbes on the shareholder reorganisation transaction pursuant to which African Rainbow Capital substantially increased its stake in Alexander Forbes through (i) the purchase of shares from Alexander Forbes anchor shareholder, Mercer, and (ii) swapping shares in a subsidiary of Alexander Forbes for shares in Alexander Forbes itself.

- An airport operator and its liability insurers in respect of a high value theft of consignment of bank notes in Uganda.

- Amlin Insurance SE, a foreign insurer, on the regulatory requirements for it to conduct business in South Africa, the regulatory requirements for foreign insurer to receive business through South African brokers, regulatory requirements applicable to a local South African insured seeking cover abroad through a foreign broker and whether a foreign insurer is permitted to conduct insurance business in South Africa and to receive such business through a foreign broker.

- Capitalworks in relation to its complex acquisition of shares in AON Tanzania Limited (now Minet Tanzania), one of the biggest insurance brokers in Tanzania, which required notification to various regulators in Tanzania, FCC merger filing and all subsequent restructuring and local issues in AON Tanzania for the recent amendments to local content requirements for brokers in Tanzania. The transaction adds Africa’s largest risk and human capital advisory network to Capitalworks’s investment portfolio.

- Land Bank Insurance Company SOC Limited on the implications of being designated as an insurance group by the Prudential Authority and assisting with representations to the Prudential Authority, motivating against designation as an insurance group.

- Liberty Group Ltd in relation to the reinstatement of 25 deregistered underwritten pension funds and an industry wide investigation by the financial services regulator into unclaimed benefits arising from the cancellation of approximately 6000 retirement funds including funds underwritten and managed by long-term insurers.

- Liberty Holdings Ltd and its affiliate, STANLIB Tanzania Limited, in relation to a claim brought against them by a previous Managing Director in the Commission for Mediation and Arbitration.

- Marsh in its acquisition of the insurance brokerage and risk business of Alexander Forbes in South Africa and seven other African jurisdictions.

- Old Mutual Emerging Markets on its multi-jurisdictional (covering over 7 countries with different regulatory regimes and levels of development) implementation of its managed separation with implication for its operations across multiple jurisdictions in Africa. The matter includes the unbundling of Old Mutual’s majority stake in Nedbank Limited as well as issues regarding the regulated capital of insurance and banking entities within the OMEM Group.

- The Navigators Group Inc, the liability underwriters of ship repairers Elgin Brown & Hamer (Pty) Ltd, following an incident in the Cape Town harbour when the offshore supply vessel “Go Regulus” that Elgin Brown were contracted to repair, collided with the harbour quayside during dry-docking operations.

- The owners of a Maersk Supply Service A/S in connection with a towage charter of a distressed vessel (mv Sheng Ming), which encountered difficulties entering the port of Cape Town. We were engaged in time critical negotiations with various interested parties including the Port Authorities (Transnet) and the South African Safety Authority to come up with a mutually acceptable solution for all concerned. The negotiations were complex and wide-ranging but ultimately led to a resolution of the matter, which was of great significance for the client.

- The owners of the mv Sunrise Jade and their P&I and hull and machinery insurers following a collision with the total loss of the fishing vessel mv Lezandi off Cape Point, near Cape Town. Our assistance included facilitation of the investigation and technical analysis of data, retaining experts, taking of statements, collecting and preserving evidence and liaison with the local safety authority.

- The owners of STANLIB Tanzania Limited, in relation to a claim brought against them by a previous Managing Director in the Commission for Mediation and Arbitration.

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**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 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 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.

**CHAMBERS & PARTNERS 2021 RANKED US IN THE FOLLOWING AREAS**

**BAND 1**

KENYA
- Banking & Finance
- Corporate/M&A
- Employment
- Real Estate

SOUTH AFRICA
- Capital Markets: Debt
- Capital Markets: Equity
- Project Development: Energy/Power
- M&A

UGANDA
- Financial & Corporate
- Project Development

**TIER 1**

KENYA
- Financial & Corporate
- Project Development: Mining

SOUTH AFRICA
- Capital Markets: Debt
- Capital Markets: Equity
- Project Development: Energy/Power
- M&A

UGANDA
- Financial & Corporate
- Project Development

**TIER 2**

KENYA
- Project Development: Energy/Power
- Project Development: Infrastructure

SOUTH AFRICA
- Banking
- Project Development: Infrastructure
- Project Development: Mining
- Project Finance

TANZANIA
- Financial & Corporate

**AFRICANA WIDE**

TMT

KENYA
- Private Wealth Law
- Projects & Energy

SOUTH AFRICA
- Administrative & Public Law
- Banking & Finance
- Dispute Resolution
- FinTech
- Media & Broadcasting
- Restructuring/Insolvency

**IFLRI000 2021/2022 RANKED US IN THE FOLLOWING AREAS**

**BAND 2**

AFRICA WIDE
- TMT

KENYA
- Private Wealth Law
- Projects & Energy

SOUTH AFRICA
- Administrative & Public Law
- Banking & Finance
- Dispute Resolution
- FinTech
- Media & Broadcasting
- Restructuring/Insolvency

**TIER 1**

KENYA
- Banking, Finance & Capital Markets
- Commercial, Corporate & M&A
- Employment
- Real Estate & Construction

SOUTH AFRICA
- Commercial, Corporate & M&A
- Competition
- Employment
- Projects & Infrastructure
- Shipping & Transport

TANZANIA
- Employment

**TIER 2**

KENYA
- Dispute Resolution
- Privatisation & Projects

SOUTH AFRICA
- Banking & Finance
- Dispute Resolution
- Investment Funds
- Tax

**THE LEGAL 500 EMEA 2021 RANKED US IN THE FOLLOWING AREAS**

**TIER 1**

KENYA
- Banking & Finance
- Corporate/M&A
- Employment
- Environmental
- IT & Telecommunications
- Private Wealth Law
- Projects & Energy
- Real Estate
- Shipping
- Tax

SOUTH AFRICA
- Administrative & Public Law
- Banking & Finance
- Corporate/M&A
- Employment
- Environment
- IT & Telecommunications
- M&A
- Mediation
- Projects & Energy
- Real Estate
- Shipping
- Tax

TANZANIA
- Financial & Corporate

**TIER 2**

KENYA
- Banking
- Commercial & Corporate
- Employment
- Environmental
- IT & Telecom
- Private Wealth
- Projects & Energy
- Real Estate
- Shipping
- Tax

SOUTH AFRICA
- Banking & Finance
- Corporate/M&A
- Employment
- Environment
- IT & Telecommunications
- M&A
- Mediation
- Projects & Energy
- Real Estate
- Shipping
- Tax

TANZANIA
- Financial & Corporate

**OTHER NOTABLE**

MAURITIUS
- Financial & Corporate

ZAMBIA
- Financial & Corporate
- Project Development
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