

EXPERIENCE IN AFRICA

TRACK RECORD

Africa is a land of great opportunity, but it is also associated with diverse challenges and legal risks. With over 200 lawyers we recognise the importance of a comprehensive understanding of applicable laws, business etiquette and cultural practices when doing business in Africa. Our in-depth expertise and years of experience enables us to anticipate potential challenges and take preventive measures to mitigate risks.

Through LEX Africa, a unique network of leading African commercial law firms, we have representation in 30 African countries which enable us to offer a seamless legal service to clients investing on the continent.

We have an excellent track record in Africa. We have advised major banks and corporates on a range of complex transactions, dispute resolution and other corporate/commercial and regulatory matters including mergers and acquisitions, capital markets, private equity, joint ventures, banking and project finance, competition, litigation and tax practices in various African countries. We have an unrivalled depth and breadth of experience in the disparate legal and commercial environments of many African countries. We have the real African story to tell through our undisputed track record and hope you will include us in your journey. Highlights are provided on the following pages.

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The Corporate & Commercial Law Firm
www.werksmans.com

A member of the LEX Africa legal network

HIGHLIGHTS OF OUR AFRICA EXPERIENCE

DESCRIPTION OF MATTER AND OUR ROLE	COUNTRY	PRACTICE AREA
Advised Liberty Holdings in respect of its acquisition of 50% of the issued share capital of Stanbic Investment Management Services.	Botswana	Corporate/M&A
Advised Tati Nickel Mining Company , a subsidiary of Lionore International Mining, in respect of its project funding for Botswana Metal Refinery project.	Botswana	Mining
Advised on the joint venture between Jonah Coal and Aquila Resources for the development of a coal mining and power generation facility.	Botswana	Mining
Advised on the establishment of Blue Employee Benefits – a Medium Term Note Programme guaranteed by Blue Financial Services .	Botswana	Banking & Finance
Represented a Botswana shareholder in resolving a complex dispute over the control of a Botswana-based 'cash & carry' company.	Botswana	Litigation & Dispute Resolution
Advised The Motor Vehicle Accident Fund in Botswana on securing IT project management services.	Botswana	Technology
Advising Eqstra Mining Services in the disposal of its mining services business units in South Africa and Botswana to mining equipment provider Caterpillar Global Mining units. Q1 2012 (announced March 15; value R475m) - DealMakers	Botswana	Corporate/M&A
Advised Diamond Core Resources in relation to its merger with BRC Diamond Corporation in the DRC.	Democratic Republic of Congo	Corporate/M&A
Advised Glencore International in relation to its acquisition of a stake in Mutanda ya Mukonkota copper mine.	Democratic Republic of Congo	Corporate/M&A
Acting for Kamoto Copper Company SARL (a company registered in the Democratic Republic of Congo) against Zhongji Development Construction Engineering Company Limited (a Chinese company) in an arbitration arising from the termination of a contract relating to the supply and construction of civil work for the supply of cement at the KOV Mine in the Democratic Republic of Congo.	Democratic Republic of Congo	Litigation & Dispute Resolution
Assisted a client with the acquisition of interests in a bauxite mine.	Guinea	Mining
Advised the Guinea government in relation to drafting of their mining laws.	Guinea	Mining

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Acted as legal counsel for Firestone Diamonds Plc and Liqhobong Mining Development Company (LMDC) with respect to South African and Lesotho legal matters, in connection with a senior loan facility provided by ABSA Bank Limited to LMDC for the construction and development of a diamond mine in Lesotho.	Lesotho	Banking & Finance
Advising a Chinese consortium made up of: Tewoo Group Co. Ltd, General Nice Development Ltd., China Africa Development Fund and Hebei Iron and Steel Group Co. Ltd in its acquisition of 74.5 % in Palabora Mining Company from Rio Tinto and Anglo America. A Mauritius Special Purpose Vehicle (SPV) was set up by the Chinese consortium for the acquisition of Rio Tinto's shares which will be conducted offshore via the Mauritius SPV.	Mauritius	Commercial/Mining/Tax
Advised One Thousand and One Voices African Fund on multi-jurisdictional employment of senior executives in South Africa and Mauritius.	Mauritius	Labour
Acted for African Rhino Limited (a subsidiary of The Jidong Development Group), the indirect majority shareholders of The Mamba Cement Company (RF) Proprietary Limited, in a project finance transaction for the building of a cement production plant in Limpopo. The majority shareholder is a Mauritian company with its ultimate parent company being a Chinese state owned company. Therefore governing law was RSA and Mauritius.	Mauritius	Commercial/Banking & Finance
Advising Transaction Capital Ltd in its disposal of 100% of its subsidiary, Bayport Financial Services Pty Ltd (BFS). We advised on the tax and exchange control aspects of the transaction. The acquirer of BFS, Bayport Management Limited (not part of the group despite the same name) is a company carrying on business and listed in Mauritius.	Mauritius	Tax
Advising ZTE Mzansi (Pty) Ltd , who was formerly the BEE partner of the Chinese telecommunications ZTE Group, in its action against the parent company for monies owed arising from a share sale transaction. Instituting arbitration proceedings in Mauritius.	Mauritius	Litigation & Dispute Resolution
Acquisition by DPI International (Distribution and Warehousing Network) from Aureos Southern Africa Fund of a stake in Plastic Investment International. (DealMakers 2014)	Mauritius	Corporate/M&A
Advised NedGroup in acquiring control of Banco Unico and 36.45% of the shares in the share capital of Banco Único from Gevisar.	Mozambique	Corporate/M&A/Tax
Advised Brigadier Gold on the acquisition of interests in gold licences in Mozambique.	Mozambique	Mining

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Advised East African Farming and Timber (UK) and ATFC Mozambique II in connection with a funding facility provided by Industrial Development Corporation of South Africa to them for the acquisition of a plantation in Mozambique.	Mozambique	Banking & Finance
Legal work on share subscription valued at over US\$214 million for a mine to be developed on an area which harbors the 3rd largest uranium-only deposit in the world.	Namibia	Corporate/M&A/Mining
Advised South African entities on a review of a decision of the Communications Regulatory Authority of Namibia (CRAN).	Namibia	Litigation & Dispute Resolution
Acted for Schwenk and Ohorongo with regard to a 125 million euro cement plant in Namibia.	Namibia	Corporate/M&A
In the acquisition of Elgin Brown Hamer Group Holdings (Pty) Limited, we assisted DCD Dorbyl (Pty) Limited , a subsidiary of Investec Principle Investments, with obtaining approval from the South African and Namibian competition authorities.	Namibia	Competition
Acquisition by SAB (Namibia) of Castle Brewing Namibia. (DealMakers 2014)	Namibia	Corporate/M&A
Assisting Eli Lilly South Africa Proprietary Limited and other companies in the Eli Lilly group with drafting agreements to be entered into with Quintiles Commercial Solutions South Africa Proprietary Limited ("Quintiles") through various African countries. Certain of the agreements between Eli Lilly and Quintiles have been entered into in terms of the laws of Nigeria.	Nigeria	Labour
Acting for Umcebo Mining (Pty) Ltd , a subsidiary of the Glencore group, in its claim in Swaziland against USA Distillers, a Swaziland-incorporated entity, for monies owed.	Swaziland	Litigation & Dispute Resolution
Acquisition by Distribution and Warehousing Network from GI Adamson of shares in Exipro. (DealMakers 2014)	Swaziland	Corporate/M&A
Advised BSG Resources on the acquisition of prospecting licences in Tanzania.	Tanzania	Mining
Advised Glencore International on its acquisition of Sable Zinc Kabwe.	Zambia	Corporate/M&A
Advised Stanbic Bank Zambia in relation to the Lilayi housing project outside Lusaka in Zambia, it's funding and arrangement.	Zambia	Banking & Finance

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Acted for the Bollore Group with regard to an acquisition in Zambia.	Zambia	Corporate/M&A
Successfully represented Bidfood in having an application for an interim injunction denied. CAA Import & Export brought about the application in Zambia.	Zambia	Litigation & Dispute Resolution
Enforcing a US\$100 million arbitration award in favour of KfW Bank against the Government of Zimbabwe.	Zimbabwe	Litigation & Dispute Resolution
Advising in the acquisition by FedEx Express of Supaswift businesses in South Africa and six other African countries — Botswana, Malawi, Mozambique, Namibia, Swaziland and Zambia. (Q2. 2013 – DealMakers)	Multi-jurisdictional: South Africa, Botswana, Malawi, Mozambique, Namibia, Swaziland and Zambia	Corporate/M&A Competition Law
Advised Makon Group Limited , a Nigerian-based engineering company, in its liquidation of its South African and Mozambican subsidiaries.	Multi-jurisdictional: Nigeria and Mozambique	Litigation & Dispute Resolution
Advised Rapid African Energy on its oil prospecting activities and related corporate matters.	Multi-jurisdictional: Zambia, DRC and Mauritius	Corporate/M&A
Advised Rapid Energy on a review before the Zambian courts of the Zambian Ministry of Mines' decision to cancel a petroleum exploration licence.	Zambia	Litigation & Dispute Resolution
Advised a major international accounting firm with the set-up of a structure to manage its practices in Mozambique, Swaziland, Botswana, Namibia and Lesotho.	Multi-jurisdictional: Mozambique, Swaziland, Botswana, Namibia and Lesotho	Corporate/M&A
Advised Aspen Pharmacare in respect of its collaboration with GlaxoSmithKline for the marketing and selling of prescription pharmaceutical products in sub-Saharan Africa (excluding South Africa, Lesotho and Swaziland), to be known as "GSK Aspen Healthcare for Africa".	Multi-jurisdictional: sub-Saharan Africa (excluding South Africa, Lesotho and Swaziland)	Corporate/M&A
Advised Barloworld Logistics on its acquisition and subsequent restructuring of Swift Freight International, a multi-national freight forwarding and logistics company.	Multi-jurisdictional: DRC, Burundi, Rwanda, Ghana, Ivory Coast, Kenya, Mozambique, Nigeria, Togo, Tanzania, Uganda and Zambia	Corporate/M&A
Advised SABMiller in respect of a number of acquisitions and investments throughout Africa.	Multi-jurisdictional	Corporate/M&A
Advised Palladino Holdings in relation to its various interests in the mining and energy sectors throughout Africa.	Multi-jurisdictional: Chad, DRC and Congo Brazzaville	Corporate/M&A
Advised on the coal mining and power generation joint venture between Scharrig Mining and Jonah Capital .	Multi-jurisdictional	Mining

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Advising Accenture , a multinational ICT company, on various litigation matters.	Multi-jurisdictional	Litigation & Dispute Resolution
Advice on enforcement of DRC judgments and arbitral awards in the Seychelles and South Africa.	Multi-jurisdictional: Seychelles and DRC	Litigation & Dispute Resolution
Recovery for a UK client of money in Mozambique.	Multi-jurisdictional: Mozambique, UK and Mauritius	Litigation & Dispute Resolution
Advising MultiChoice Africa on media and communications regulation, competition law, commercial and related matters.	Multi-jurisdictional: Angola, Botswana, Ethiopia, Ghana, Kenya, Malawi, Mozambique, Namibia, Nigeria, Swaziland, Uganda, Tanzania, Zambia and Zimbabwe	Media, Competition, Commercial and Litigation
Advising the National Research Foundation/Square Kilometre Array on the largest radio astronomy telescope in the world.	Multi-jurisdictional: Botswana, Ghana, Kenya, Madagascar, Mauritius, Mozambique, Namibia and Zambia	Media & Telecommunications
Advised Nokia Siemens Networks in relation to outsourcing transactions in various African jurisdictions.	Multi-jurisdictional	Technology
Assisted Edcon with the sale of the Edcon Debtors Book to Absa Bank Limited in a number of countries. Deal was notifiable in South Africa, Namibia, Swaziland and Botswana. Deal also deemed notifiable to COMESA.	Multi-jurisdictional: Namibia, Swaziland and Botswana	Competition and Commercial
Advised, drafted and lodged the first ever COMESA merger filing in relation to Funai Electric's acquisition of Philips' Lifestyle Entertainment business.	Multi-jurisdictional: Ethiopia, Libya, Madagascar, Mauritius, Rwanda, Seychelles, Uganda, Zambia and Egypt.	Competition
Advised Pembani on all aspects of its acquisition, along with the Public Investment Corporation (PIC), of control of AfriSam Group and the structuring of the debt and equity of AfriSam. The transaction also involved filings in various African countries in which AfriSam has operations. Deal notifiable in South Africa, Tanzania, Swaziland and Botswana.	Multi-jurisdictional: Tanzania, Swaziland and Botswana.	Competition and Commercial
Enforcement in South Africa of an award of The International Centre for the Settlement of Investment Disputes (ICSID) in Washington DC in favour of Miminco LLC against the Government of the DRC.	Democratic Republic of the Congo	Litigation & Dispute Resolution
Advised NMB Bank Limited , Zimbabwe, on an elaborate foreign exchange fraud committed on the Bank by South African citizens.	Zimbabwe and South Africa	Dispute Resolution

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Advised The Namibia Financial Institution's Supervisory Authority (NAMFISA) on regulatory matters and conducted an enquiry in terms of the NAMFISA Act.	Namibia	Litigation & Dispute Resolution
Advised Black Swan 1 SA on the attachment of assets in the BVI belonging to a wealthy Zimbabwean businessman.	Multi-jurisdictional	Litigation & Dispute Resolution
Obtained an AFSA arbitration award in favour of Siemens Limited against Mtibwa Sugar Estates Limited, Tanzania.	Tanzania	Litigation & Dispute Resolution
Advised Siemens Limited on an ICC arbitration against Mtibwa Sugar Estates Limited.	Tanzania	Litigation & Dispute Resolution
Acting for World Oil Limited, Tanzania , in its claim against Trafigura Singapore Limited.	Multi-jurisdictional	Litigation & Dispute Resolution
Advised Marange (Proprietary) Limited on the purchase and enforcement of a multi-million dollar claim against the Government of the DRC.	DRC	Litigation & Dispute Resolution
Advised Go AFRICA! Television Network, Gabon , on copyright protection in South Africa.	Gabon	Litigation & Dispute Resolution
Advised on the enforcement of a South African judgment against a hotel group in Cote d'Ivoire.	Cote d'Ivoire	Litigation & Dispute Resolution
Advised Africa Alpha Limited on the purchase of commercial and sovereign debt in Sudan.	Sudan	Litigation & Dispute Resolution
Advised Europlus UK Limited on the establishment of companies in Mozambique and Mauritius.	Mozambique and Mauritius	Corporate/M&A
Advising global resource technology company on data privacy regulation and related matters.	Multi-jurisdictional: Angola, Algeria, Ghana, Kenya, Morocco, Mozambique, Nigeria, Swaziland, Uganda, Tanzania, Tunisia, Zambia and Zimbabwe	Commercial