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# Tanzania - Navigating the Mining Landscape

Thursday 7 June 2018

# The Use of Investment Treaties in Political Risk Mitigation Strategies for Resource Related Projects

# OVERVIEW

- Investment Treaties – the key concepts
  - “Qualifying Investors”
  - What is an “Investment”
  - What is Typically Protected
  - How are Claims brought
- An Overview of Structuring
  - Establishing “Nationality”
  - Balancing Investment Protection with Tax Efficiency
- Other Features of Political Risk Mitigation
- The Tanzanian Example

# INVESTMENT TREATIES – THE KEY CONCEPTS – QUALIFYING INVESTORS

**Investment of an investor of a Party** means an investment owned or controlled directly or indirectly by an investor of such Party.

**Investor of a Party** means a Party, a national of a Party or an enterprise of a Party, that seeks to make, is making or has made an investment.

[Canada – Tanzanian BIT]

# INVESTMENT TREATIES – THE KEY CONCEPTS – WHAT IS AN INVESTMENT?

**Investment** means:

- a) an enterprise;
- b) shares, stocks and other forms of equity participation in an enterprise;
- c) bonds, debentures, and other debt instruments of an enterprise;
- d) a loan to an enterprise;
- e) notwithstanding sub paragraphs (c) and (d) above, a loan to or debt security issued by a financial institution is an investment only where the loan or debt security is treated as regulatory capital by the Party in whose territory the financial institution is located;
- f) an interest in an enterprise that entitles the owner to a share in income or profits of the enterprise;
- g) an interest in an enterprise that entitles the owner to share in the assets of that enterprise on dissolution;
- h) interests arising from the commitment of capital or other resources in the territory of a Party to economic activity in such territory, such as under:
  - i. contracts involving the presence of an investor's property in the territory of the Party, including turnkey or construction contracts, and concessions such as to search for, develop, extract and process natural resources, or
  - ii. contracts where remuneration depends substantially on the production, revenues or profits of an enterprise;
- i) intellectual property rights; and
- j) any other tangible or intangible, moveable or immovable, property and related property rights acquired in the expectation of or used for the purpose of economic benefit or other business purpose;

[Canada – Tanzanian BIT]

# INVESTMENT TREATIES – THE KEY CONCEPTS – WHAT IS AN INVESTMENT?

but **Investment** does not mean:

- k) claims to money that arise solely from:
  - i. commercial contracts for the sale of goods or services by a national or enterprise in the territory of a Party to an enterprise in the territory of the other Party, or
  - ii. the extension of credit in connection with a commercial transaction, such as trade financing, other than a loan covered by sub paragraph (d); or
- l) any other claims to money, that do not involve the kinds of interests set out in sub paragraphs (a) to (j);

[Canada – Tanzanian BIT]

# INVESTMENT TREATIES – THE KEY CONCEPTS – WHAT IS TYPICALLY PROTECTED?

- No Expropriation without prompt payment of fair compensation
- Fair and Equitable Treatment
- Most Favoured Nation Treatment
- National Treatment
- Transfers
- All subject to express “carve-outs” which are often greater in more modern form BITs

# INVESTMENT TREATIES – THE KEY CONCEPTS – HOW ARE CLAIMS BROUGHT?

- What is a “Cooling-off period”
- Precise forum at Investor’s Option
  - ICSID
  - ICC/UNCITRAL/SCC
- Tribunal Selection
- Process/Duration
- Appeal/Review/Challenge
- Enforceability Considerations
- Claim Finance



# AN OVERVIEW OF STRUCTURING

- Establishing a claim to nationality in a State that is a party to an Investment Treaty with the “Host” State
- Not all treaties offer the same protection:
  - Modern form v. old form
  - Carve-outs and exclusions
  - Qualification requirements

# AN OVERVIEW OF STRUCTURING

- Direct and indirect rights
- Trade-offs with tax efficiency

## OTHER FEATURES OF POLITICAL RISK MITIGATION

- MIGA and other options
- Commercial hedging strategies
- Anti-corruption audit (linked to classic State BIT claim defence)
- Sanctions compliance
- Physical and cyber security
- Contingency planning

# THE TANZANIAN EXAMPLE

- July 2017 Tanzania brought in three new laws:
  - The Natural Wealth and Resources Contracts (Review and Renegotiation of Unconscionable Terms) Act
  - The Natural Wealth and Resources (Permanent Sovereignty) Act
  - The Written Laws (Miscellaneous Amendments) Act

## THE TANZANIAN EXAMPLE

- Right to renegotiate and/or expunge “unconscionable terms” from existing contracts
- To take or increase an interest in certain projects
- To increase royalty rates

# THE TANZANIAN EXAMPLE

- All are classically actions that most modern form BITs seek to restrain

## THE TANZANIAN EXAMPLE

- Acacia Mining/ Barrick Gold - Mining
- Anglo Gold Ashanti - Mining
- Bharti Airtel/ Airtel Tanzania - Telecoms
- Agro Eco Energy – sugar cane to Ethanol in Bagamoyo
- Sun Lodges Ltd/ Sun Lodges (T) Ltd – Mikindani Estate - Agriculture

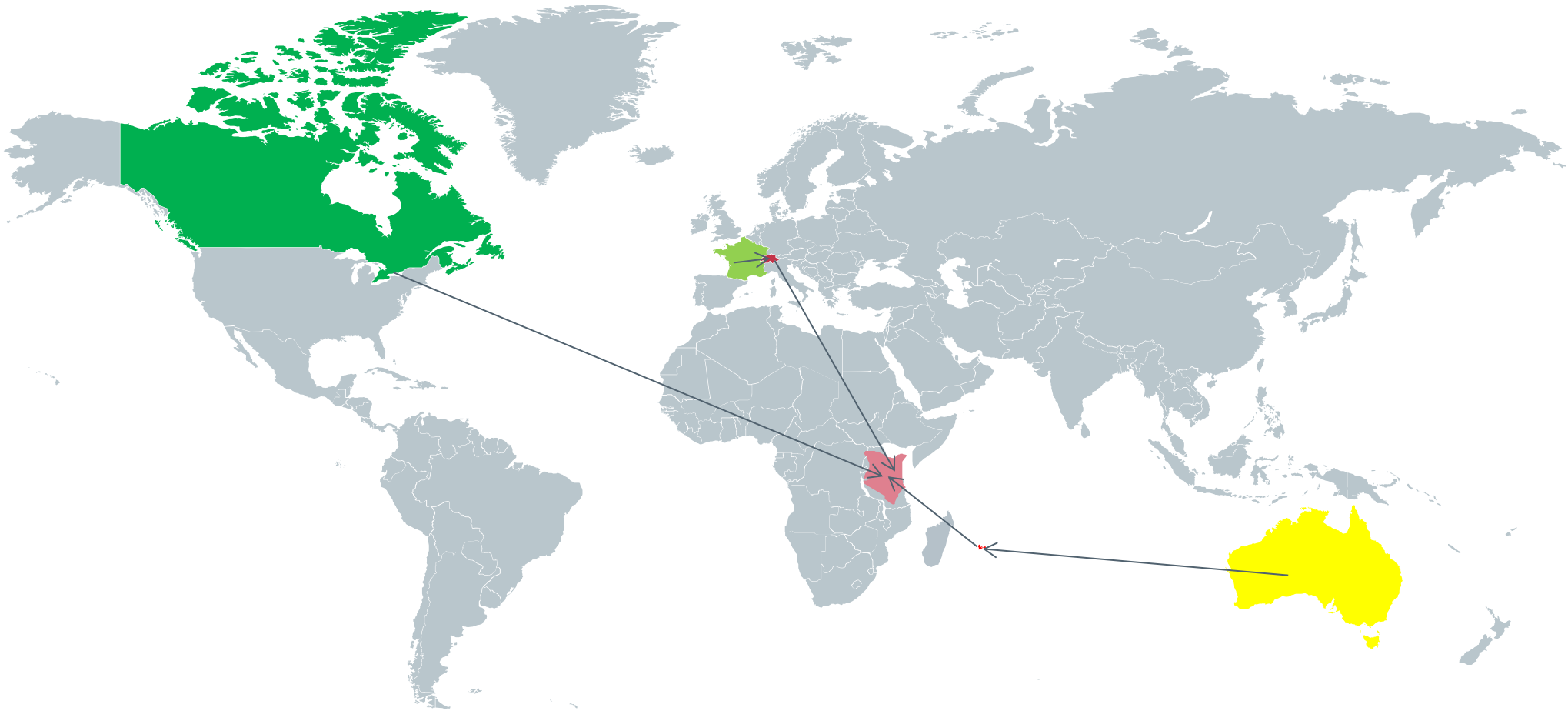
# THE TANZANIAN EXAMPLE

No.	Partners	Status	Date of signature	Date of entry into force	Text
1	Canada	In force	17/05/2013	09/12/2013	Full text: <a href="#">en</a>
2	China	In force	24/03/2013	17/04/2014	Full text: <a href="#">en</a>
3	Denmark	In force	22/04/1999	21/10/2005	Full text: <a href="#">en</a>
4	Egypt	Signed (not in force)	30/04/1997		
5	Finland	In force	19/06/2001	30/10/2002	Full text: <a href="#">en</a>
6	Germany	In force	30/01/1965	12/07/1968	Full text: <a href="#">en</a>   <a href="#">de</a>
7	Italy	In force	21/08/2001	25/04/2003	Full text: <a href="#">en</a>
8	Jordan	Signed (not in force)	08/10/2009		Full text: <a href="#">ar</a>
9	Korea, Republic of	Signed (not in force)	18/12/1998		Full text: <a href="#">en</a>
10	Kuwait	Signed (not in force)	17/11/2013		
11	Mauritius	In force	04/05/2009	02/03/2013	Full text: <a href="#">en</a>
12	Netherlands	In force	31/07/2001	01/04/2004	Full text: <a href="#">en</a>
13	Oman	Signed (not in force)	16/10/2012		Full text: <a href="#">en</a>
14	South Africa	Signed (not in force)	22/09/2005		Full text: <a href="#">en</a>
15	Sweden	In force	01/09/1999	01/03/2002	Full text: <a href="#">en</a>
16	Switzerland	Terminated	03/05/1965	16/09/1965	Full text: <a href="#">fr</a>
17	Switzerland	In force	08/04/2004	06/04/2006	Full text: <a href="#">en</a>
18	Turkey	Signed (not in force)	11/03/2011		Full text: <a href="#">en</a>
19	United Kingdom	In force	07/01/1994	02/08/1996	Full text: <a href="#">en</a>
20	Zimbabwe	Signed (not in force)	03/07/2003		

<http://investmentpolicyhub.unctad.org/IIA/CountryBits/222>



# THE TANZANIAN EXAMPLE





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## TANZANIA

### Navigating the Mining Landscape



# TOPICS FOR DISCUSSION

## FACTORS INFLUENCING CURRENT CLIMATE

- Global trend towards nationalism
- Revenue generation
- “Acacia Effect”

## REGULATION

- Mining (Minimum Shareholding and Public Offering Regulations) (October 2016)
- Mining (Minimum Shareholding and Public Offering) (Amendment) Regulations (February 2017)
- Metallic concentrates and ore “export ban” (March 2017)
- Written Laws (Miscellaneous Amendments) Act (July 2017)
- Natural Wealth and Resources (Permanent Sovereignty) Act (July 2017)
- Natural Wealth and Resources Contracts (Review and Re-Negotiation of Unconscionable Terms) Act (July 2017)
- Various Mining Regulations (including Local Content Regulations) (January 2018)
- Mining Commission established and meets for first time (April 2018)

## WHERE TO FROM HERE?

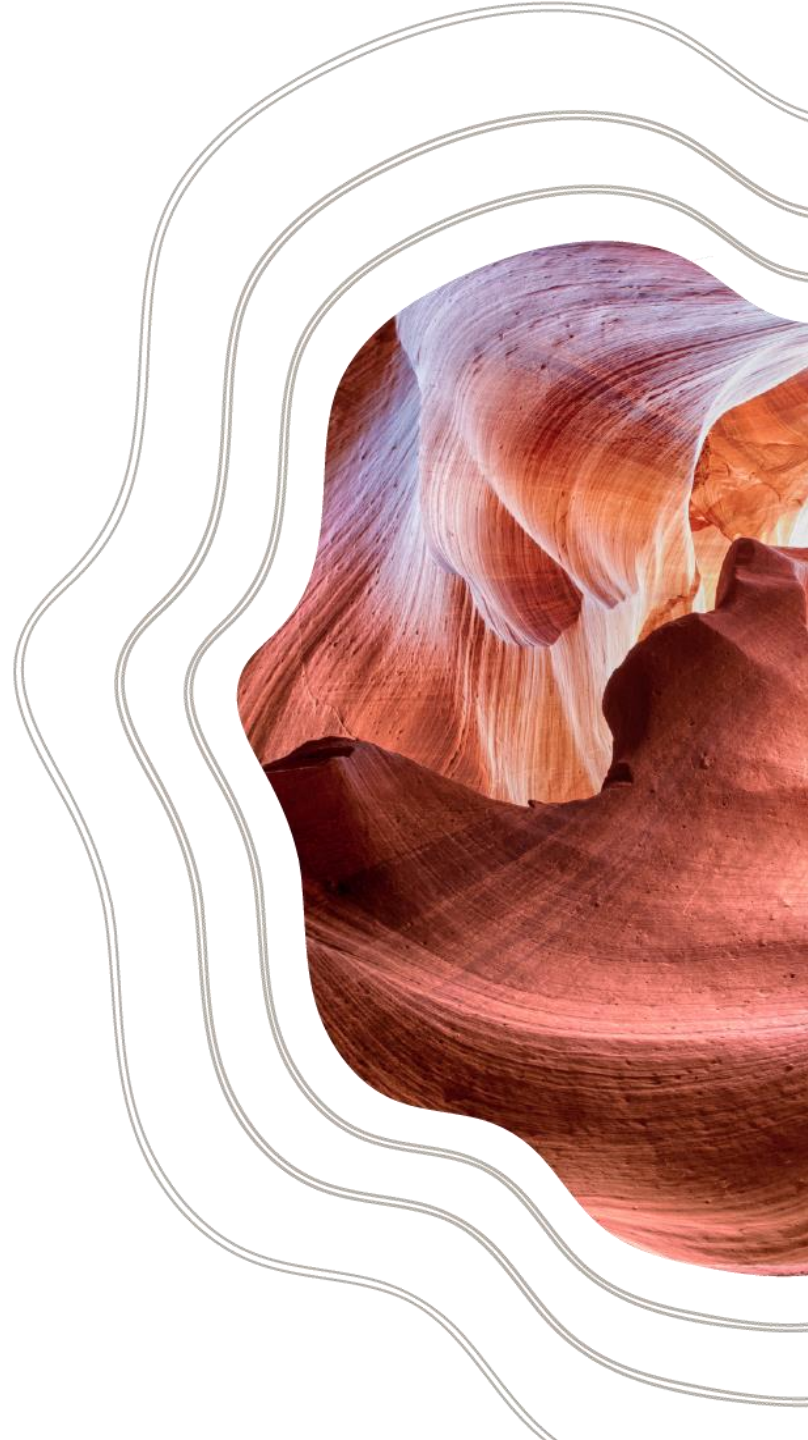
- Investment
- Extent of compliance/enforcement
- BITs
- Factors likely to encourage increased confidence



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## FACTORS INFLUENCING CURRENT CLIMATE



# FACTORS INFLUENCING CURRENT CLIMATE

## Global trend towards nationalism

- Tanzania has been experiencing a trend of inward focus; not only in the mining sector
- Not dissimilar in principle to "MAGA", "BREXIT" etc.
- Similar challenges faced in other sectors (including oil & gas, telecoms, shipping and marine etc.)
- Visible in approach to "expats"; residence and work permits

## Revenue generation

- Tanzania Revenue Authority possibly most active and aggressive regulator
- Apparent that revenue collection being driven through other regulators too (eg. FCC, TCRA, BRELA, SUMATRA)
- Many aspects of new mining regulation aimed at widening the tax net

## The "Acacia Effect"

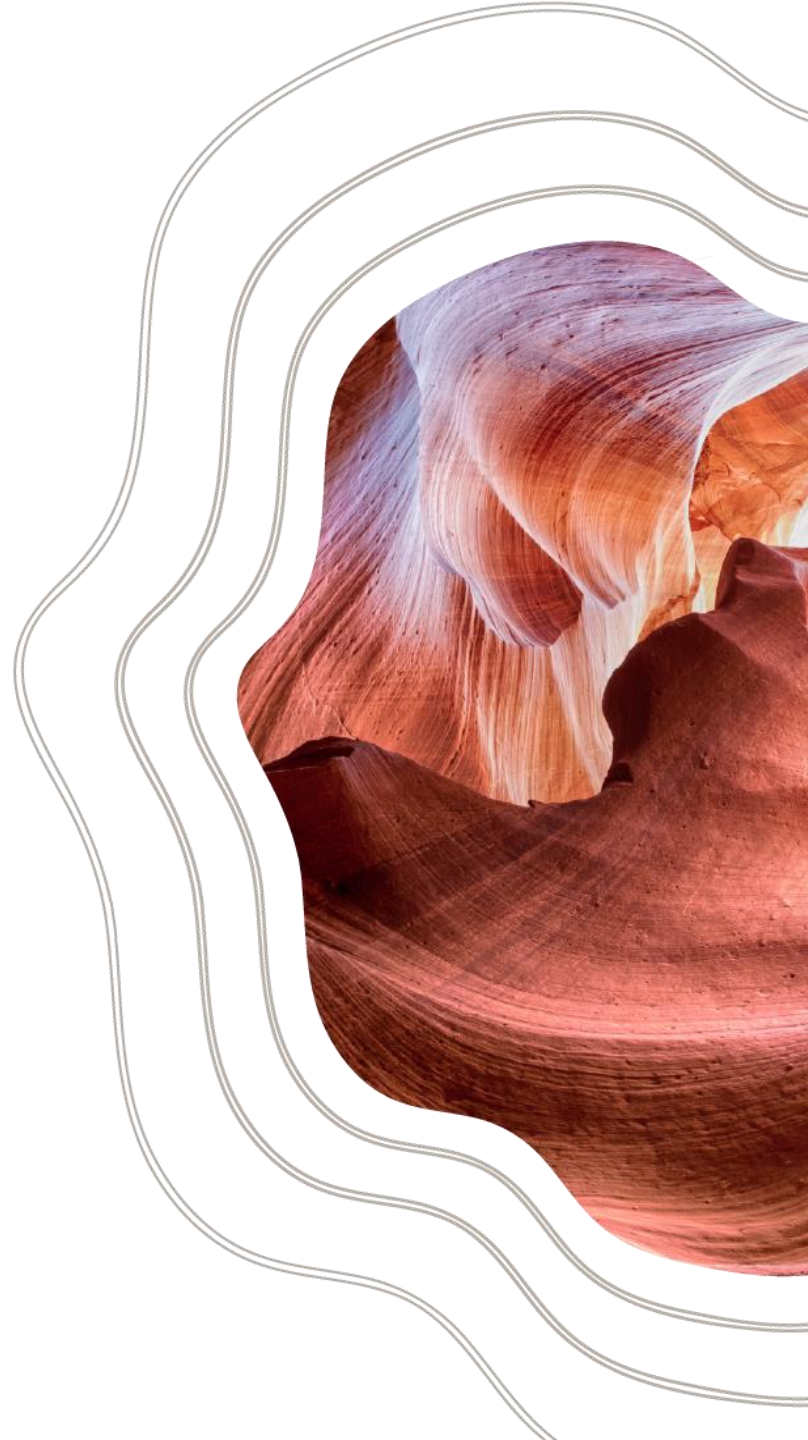
- Uncertainty caused by aggressive government (including TRA) approach
- Publicised "framework agreement" reached between Barrick and government (not approved by Acacia to our knowledge)
  - omnibus settlement of all tax disputes
  - 16% free carry (non-dilutable) in all Acacia operating entities
  - Government participation at board/management level
  - 50/50 sharing of "economic benefit"
  - Commitments to local content, corporate social responsibility, Tanzanian dispute resolution etc.



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## REGULATION





# MINIMUM SHAREHOLDING AND PUBLIC OFFERING

## 2016 Regulations

- Apply to holders of “special mining licences” (large scale mining operation; capital investment not less than \$100m)
- Holder must issue shares to the public and list on a stock exchange in Tanzania; minimum local shareholding shall be 30%

## 2017 Regulations

- Shortened compliance periods
- Holder of licence issued before 24 Feb 2017 required to comply by 23 Aug 2017
- Position re: new licencees not entirely clear; suggests required to comply immediately after commencing any mining operations

# EXPORT BAN (MARCH 2017)

## MINISTERIAL “BAN” ON EXPORT OF MINERAL CONCENTRATES AND ORE

- Issued as an “administrative directive”, essentially in the form of a media release
- At the time, no statutory/regulatory instrument and not formally gazetted
- Was likely of no legal effect, but enforced practically through effectively freezing exports
- Superseded by amendments to the Mining Act and sovereign ownership legislation in July 2017



# NEW LEGISLATION (JULY 2017)

## WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT (JULY 2017)

- **Extensive amendments to, amongst other things, the Mining Act**
- **MDAs**
  - Repealed previous provisions regulating MDAs; replaced with basic requirement of 16%, non-dilutable, government free carry and, in addition, government holding of up to 50% “commensurate with total tax expenditures incurred by government in favour of the mining company”
  - MDAs no longer specifically provided for in the Act, but legislation still seems to contemplate “agreements or arrangements” relating to extraction, exploitation or acquisition and use of natural wealth and resources
  - Recognises that existing MDAs remain in force (subject to what follows)
- **Administration**
  - Sets out powers of Minister
  - Establishes Commission and sets out wide-ranging powers and functions (includes oversight of compliance; issuing licences; dispute resolution; monitor mining activities, environmental compliance, rehabilitation; audit capital investment and expenditure and report to TRA etc.)
- **Applications**
  - Includes “integrity pledge” and “local content plan” as requirements for all licence/permit applications
  - Applications for special mining licences to be tabled before Cabinet for approval

# NEW LEGISLATION (JULY 2017)

## WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT (JULY 2017) continued...

- **General prohibitions etc.**

- Every right holder to construct secure storage for storing raw minerals
- Access limited and subject to joint authorisation by authorised representative of company and responsible government official
- May not store for more than 5 days before moving to Government Minerals Warehouse for disposal for home refining or, where permitted, export
- **“All minerals won from the mines shall be beneficiated within Tanzania before they can be dealt with in any way”**
  - No licence or permit to be issued for export of raw minerals and mineral concentrates
  - Raw minerals may only be removed from Government Minerals Warehouse for beneficiation within Tanzania
  - Notwithstanding above, government may authorise export, but any benefits under law given under law for promotion of Tanzanian products in foreign markets not to be extended in this case
  - Any raw minerals confiscated by virtue of attempted export/handling forfeited to government

- **Stabilisation**

- In any negotiations for stabilisation regime, freezing of laws or contracting out of national sovereignty prohibited
- Any arrangement to be specific, time-bound and to provide for renegotiation from time-to-time
- Any tax stabilisation arrangement to quantify benefits and compensation to government for foregone revenue; government has option to convert compensation into equity

# NEW LEGISLATION (JULY 2017)

## WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT (JULY 2017) continued...

- **Re-investment**

- Every right holder to invest a portion of returns from mining activities in Tanzanian economy
- Annual return to be filed showing efforts undertaken in this regard
- Achievements will be factored into decisions around extensions/renewals

- **Local content**

- Mineral rights holders to give preference to goods produced in Tanzania and services available from Tanzanian citizens or “local companies”
- In terms of the Act, a “local company” is (i) a company incorporated in Tanzania which is 100% owned by Tanzanian citizens or (ii) a company that is “in a joint venture partnership” with Tanzanian citizens whose participating share is not less than 51%
- Where goods (services not specified, but seem to be included) required by the mineral right holder are not available in Tanzania they must be obtained from a local company which has entered into a joint venture with a foreign company
- In terms of the Act, the local company must have a 25% share in the joint venture
- A mineral right holder is required to prepare and submit to the Commission a 5 year procurement plan and, within 60 days of the end of each calendar year, a report of its achievements
- Mineral rights holders to submit annual programmes for recruitment and training of Tanzanian citizens, including succession plans in terms of which citizens will replace non-citizen employees
- Mineral right holders to submit annual “credible” corporate social responsibility plans agreed in conjunction with relevant local government authority, Minister of Local Government and Minister of Finance
- Mineral right holders required to comply with “integrity pledge” given at application stage. This is a wide ranging undertaking to comply with all relevant laws and to not do anything inconsistent with Tanzania’s economic objectives. Failure to adhere can result in suspension or termination of the relevant licence

# NEW LEGISLATION (JULY 2017)

## WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT (JULY 2017) continued...

- **Environment and pollution**

- Apart from obligations to comply with relevant environmental laws, the Act now provides that mineral right holders will be liable for pollution damage on a strict liability basis (i.e. without regard to fault)
- The only exception to this where an act of nature, act of war or the exercise by the Commission of its powers contributes to a “considerable degree” to the damage, in which case the liability of the mineral right holder will be reduced proportionately

## NATURAL WEALTH AND RESOURCES (PERMANENT SOVEREIGNTY) ACT (JULY 2017)

- **Necessary to “make comprehensive statutory provisions to provide for ownership and control over natural wealth and resources and to provide for the protection of permanent sovereignty over natural wealth and resources”**
  - Ownership and control over natural wealth and resources exercised by the government
  - Natural wealth and resources are inalienable in any manner
  - All exploration of natural wealth and resources shall be conducted by the government which may, where necessary, authorise any person to perform its functions
  - Any arrangement or agreement for extraction, exploitation or acquisition and use of natural wealth and resources:
    - may be reviewed by the National Assembly
    - shall guarantee returns into the Tanzanian economy from the earnings accrued or derived from such extraction
    - shall ensure that no raw resources are exported for beneficiation outside Tanzania
    - shall include a commitment to establish beneficiation facilities within Tanzania
    - shall require earnings from disposal or dealings be retained in Tanzanian banks, except where distributed profits are lawfully repatriated
  - **Permanent sovereignty over natural wealth and resources won't be the subject of proceedings in foreign courts**

# NEW LEGISLATION (JULY 2017)

## NATURAL WEALTH AND RESOURCES CONTRACTS (REVIEW AND RE-NEGOTIATION OF UNCONSCIONABLE TERMS) ACT (JULY 2017)

- **Necessary to “make comprehensive statutory provisions that require all arrangements or agreements on natural wealth and resources to be tabled for review by the National Assembly for purposes of ensuring that any unconscionable terms are rectified or expunged”**
  - “Unconscionable term” means any term... which is contrary to good conscience and the enforceability of which jeopardises the interests of Tanzanian citizens
  - Where NA considers any agreement made before the Act came into effect, or any terms therein, to be unconscionable, it may advise the government to renegotiate that agreement
  - Government must, within 30 days, notify the mineral right holder of the intention to renegotiate
  - An extensive list of terms are deemed to be unconscionable, including those that:
    - restrict government authority over foreign investment
    - are inequitable to and onerous on the State
    - secure preferential treatment of or create a separate legal regime to be applied to the investor
    - deprive Tanzanian citizens of economic benefits arising from beneficiation in Tanzania
    - subject the state to the laws of foreign jurisdictions
  - Unless extended by agreement, the period for renegotiation is 90 days
  - **Where no agreement is reached, the relevant terms will “...cease to have effect and shall, by operation of the Act, be treated as having been expunged...”**

# NEW REGULATIONS (JANUARY 2018)

## MINING (LOCAL CONTENT) REGULATIONS

- Establishes “Local Content Committee” responsible for implementation of the Regulations and ensuring measurable and continuous growth in local content in all “mining activities”
- **Mining activities:** any activity engaged in within and outside Tanzania related to the exploration for, development and production of minerals, the acquisition of data, mining and extraction or mining of minerals, storage, transportation and decommissioning and the planning, design, construction, installation, operation and use of any facility for the purpose of the mining operations
- **Mining operations:** any operations carried out in the course of undertaking mining activities

# NEW REGULATIONS (JANUARY 2018)

## MINING (LOCAL CONTENT) REGULATIONS CONTINUED...

- **Contractors, subcontractors, licensees, the Corporation** or other “allied entities” carrying out any mining activity to ensure that local content is a component of such mining activity
  - **Contractor:** person who has entered into a mining agreement with government to undertake mining exploration and production activities
  - **Subcontractor:** third party with whom “the Corporation” or a contractor has entered into a mining contract for the provision of services for mining operations
  - **Licensee:** a person granted a licence to undertake mining activities
  - **Corporation:** entity that will hold government interests in mineral assets
- **Indigenous Tanzanian company** to be given first preference in grant of mining licence; at least 5% participation by an indigenous Tanzanian company other than the Corporation, unless Minister determines otherwise
  - **Indigenous Tanzanian company:** company incorporated in Tanzania that (i) has at least 51% equity owned by Tanzanian citizens and (ii) Tanzanians hold at least 80% executive / senior management positions and 100% non-managerial and other positions
  - **Similar, but not identical, to “local company” under the Act**
- **Non-indigenous Tanzanian company** wanting to provide goods or services to contractors, subcontractors, licensees, the Corporation or other “allied entities” to incorporate a JV with an indigenous Tanzanian company holding at least 20% of the equity

# NEW REGULATIONS (JANUARY 2018)

## MINING (LOCAL CONTENT) REGULATIONS CONTINUED...

- **Local content plan**

- When making application to undertaking mining activities, contractors, subcontractors, licensees and other “allied entities” required to prepare and submit a local content plan for approval by Commission
- Must comprise long-term plan corresponding with work programme and annual local content plan
- Content to include:
  - First consideration to be given to goods and services provided in Tanzania by citizens
  - Qualified Tanzanians to be given first consideration in employment decisions
  - Training of Tanzanian citizens

- **Minimum local content levels**

- Specified in detailed schedule
- Sets out required local content within prescribed timeframes (e.g. local content to be attained in terms of goods and services from date of licence or mining agreement: 10% (start); 50% (5 years); and 60% - 90% (10 years))



# NEW REGULATIONS (JANUARY 2018)

## MINING (LOCAL CONTENT) REGULATIONS CONTINUED...

- **Offences and penalties**
  - Offence to knowingly submit false statements in plans, report etc.
  - Fronting now an offence, both for citizens and non-citizens who conspire to deceive the Commission
- **Transitional provisions**
  - Contractors, subcontractors, licensees and other “allied entities” to make arrangements to comply within 3 months of coming into effect of regulations
- Balance of Regulations deals with, amongst other things:
  - bid evaluation in context of local content requirements
  - detailed requirements for “sub-plans” and programmes (e.g. employment, training, succession; R&D; technology transfer)
  - local content requirements in relation to specific services procured by contractors, subcontractors, licensees (e.g. insurance, financial services and legal services)

# NEW REGULATIONS (JANUARY 2018)

## **MINING (MINERAL RIGHTS) REGULATIONS**

- Formalities for mineral right applications, renewals, surrender etc.

## **MINING (MINERALS AND MINERAL CONCENTRATE TRADING) REGULATIONS**

- Requirements and formalities for mineral export and import permits etc.

## **MINING (RADIOACTIVE MINERALS) REGULATIONS**

- Specific requirements re: applications for, operations pertaining to, use, storage and disposal of radioactive minerals

## **MINING (MINERAL BENEFICIATION) REGULATIONS**

- Prescribed formalities for processing, smelting and refining licences

## **MINING (GEOLOGICAL SURVEY) REGULATIONS**

## **MINING (AUDIT AND INSPECTION OF RECORDS) REGULATIONS**

- Every mineral right holder to keep records of all mining activities and operations
- Commissioner may give notice to audit and/or inspect any records maintained

# COMMISSION ESTABLISHED; MEETS (APRIL 2018)

## PUBLIC NOTICE ISSUED FOLLOWING FIRST MEETING

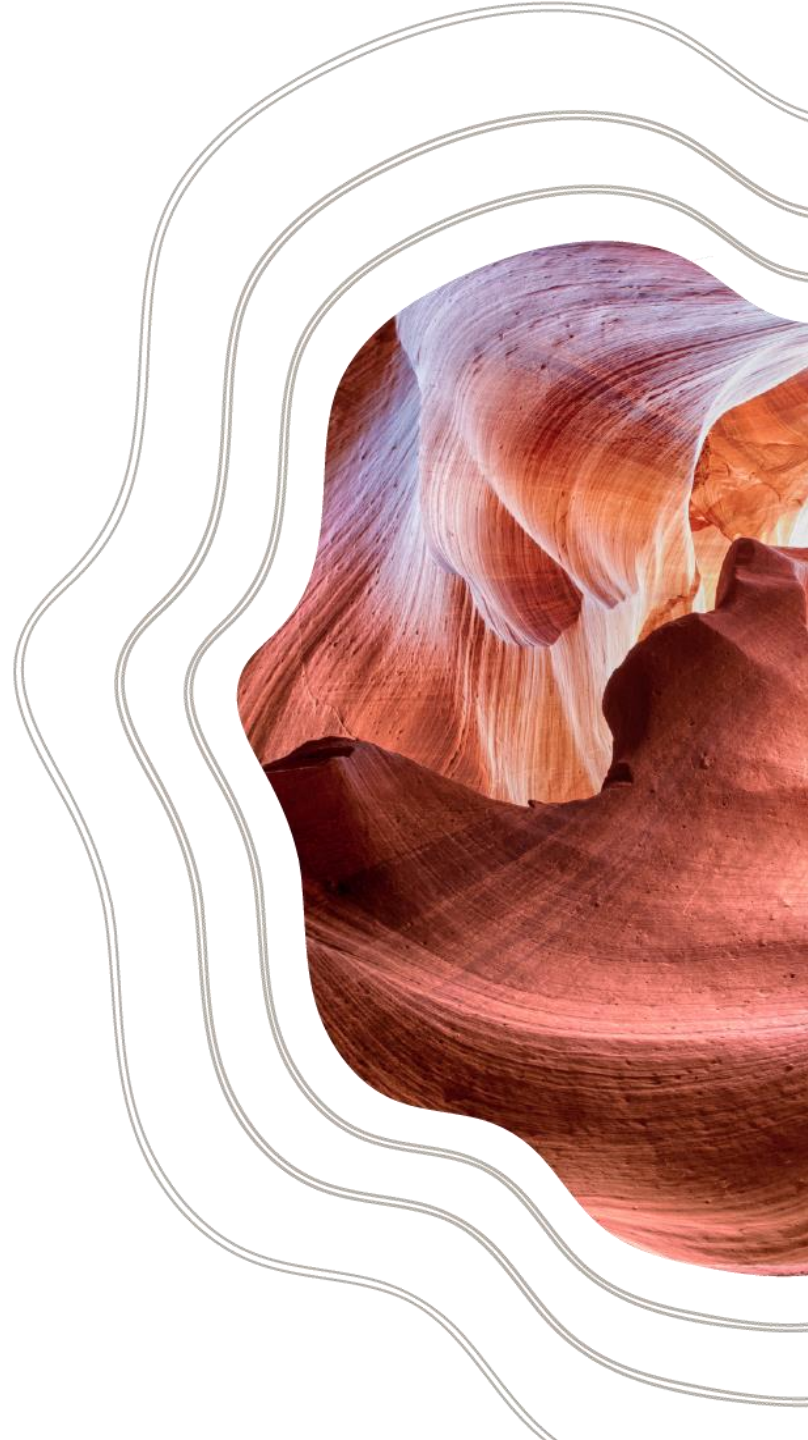
- Commission established, headquartered in Dodoma with Ministry
- All retention licences revoked; licensed areas revert to Government
- All applicants with pending applications (prospecting, primary, mining, special mining) to complete applications, pay fees and submit all new requirements (local content plans, corporate social responsibility plans, integrity pledges EIAs etc.)



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**WHERE TO FROM HERE?**



# WHERE TO FROM HERE?

## Investment

- No significant (any?) new investment in last two years
- “Wait-and-see” approach
- Current operators “keeping the wheels turning”

## BITs

- Much of the recent spate of legislation/regulation probably entirely at odds with various BITs
- Potential exists for proactive challenges based on existing BITs or collateral challenges if/when enforcement attempted
- Practicalities?

## Extent of compliance/enforcement

- Very limited, at least until appointment of Commission recently
- To our knowledge, zero compliance with listing requirements / local ownership
- Local content requirements being addressed through various structures (including by mining services providers)
- Key for this will be reaction of licence holders to structures, particularly in light of the “integrity pledge”
- Final outcome of Acacia disputes will be NB

# WHERE TO FROM HERE?

## FACTORS THAT WILL ENCOURAGE INCREASED CONFIDENCE

- Simply, **certainty**
- Clarification of inconsistencies between Act and Regulations (although unlikely to be through formal amendments)
- Approach of Commission and Local Content Committee
  - (hopefully) experienced staff
  - ability to engage and seek guidance on implementation of regulation
- Final outcome of Acacia dispute

# WHERE TO FROM HERE?

## Recent meeting of President with Tanzania National Business Council (March 2018)

- Business communicated concerns about manner in which tax imposed/enforced; Government bureaucracy; laws and regulations which discourage FDI
- President directed Cabinet to review the landscape in the context of issues raised and present proposed solutions
- President: “...sincerely, my Government is not hostile to the business community... I support the business community... you should pay taxes as appropriate... we have heard the challenges and will work on them...”



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## THANK YOU

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## Tanzania - Navigating the Mining Landscape



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Ian's practice focuses on international disputes across a range of sectors encompassing both commercial and public international law issues. He is a CEDR Accredited Mediator, a Fellow of the Chartered Institute of Arbitrators and the coordinator of the firm's International Arbitration Group. His practice embraces alternative dispute resolution, international arbitration and both domestic and multi-jurisdictional litigation.



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James is a Partner in the London office, and is Co-Head of the Africa group within the firm. His practice covers a broad range of corporate areas, including fundraising and other transactions on the Official List and AIM (acting for both companies and nominated advisers/ brokers), mergers, acquisitions, joint ventures, group reorganisations and venture capital investments. James has experience in a range of sectors, but has a particular focus on oil and gas, mining and cleantech/ renewable energy.



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Chris is a partner in Bowmans' Dar es Salaam office.

Chris specialises in mergers and acquisitions and equity capital markets work. His expertise extends to public and private transactional work, having advised clients such as SABMiller, Coca-Cola Beverages Africa, Du Pont, Alexander Forbes and Rand Merchant Investment Holdings in South Africa and Sub-Saharan Africa. On the equity capital markets front, Chris' experience includes advising clients in both South Africa and Australia on their IPOs, capital raising transactions and general listings matters. Chris also advises clients on competition/ anti-trust and regulatory matters.

Chris has been seconded to Shell South Africa Energy as well as to the M&A and Capital Markets Practice of a leading Asia Pacific firm.

Chris has been featured as a Notable practitioner for Tanzania in IFLR1000's 2018 edition.

He has an LLB (cum laude) and a Certificate in Advanced Company Law from the University of the Witwatersrand.



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Wilbert is the managing partner of Bowmans' Tanzania office.

He specialises in corporate law, finance law, banking, privatisations, telecommunications and competition law. Wilbert has provided advisory services in numerous construction related projects including on roads, railways and airports.

He has over 20 years' experience advising domestic and international financial institutions and corporations on corporate, regulatory and transactional matters.

Wilbert is a member of the Tanganyika Law Society, Law Association of Tanzania, East Africa Law Society, International Third World Legal Studies Association and African Society of International and Comparative Law.

He is ranked Tier 1 in General Business Law by Chambers & Partners which cites him as being "highly praised by market commentators for his breadth of experience and strength in the market." His expertise is affirmed also by Legal 500 and IFLR1000 who list him as a leading corporate lawyer in Tanzania.

He has a Masters degree in Law from both the University of Dar es Salaam and Columbia University in New York, USA, as well as a Doctorate from Northeastern University in Boston, USA.