

The Google SSA Legal Hub Newsletter

BY THE HUB, FOR THE HUB

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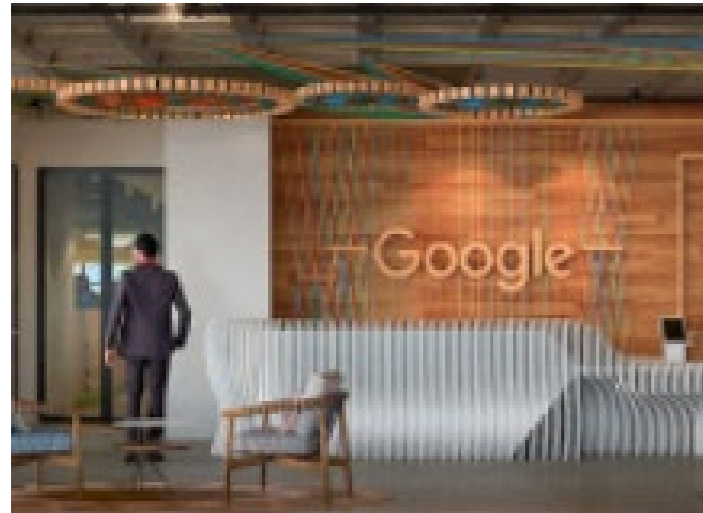
Contents

Let's Explore 2022 Highlights in Google SSA	4
At a Glance: Legal Developments in the Hub	5
Kenya	6
Nigeria	8
South Africa	12
Uganda	14
Zimbabwe	16
Ghana	18
Tanzania	20
Ethiopia	21
Meet the Team! – ENSafrica Ghana	23



Let's Explore 2022 Highlights in Google SSA

Google's vision is "to provide access to the world's information in one click."



Product development centre launched

Google announced the launch of its first product development centre in Nairobi which is expected to be operational by 2024. The centre shall be used to build transformative products and services for the African market and the world. It will be Google's second major research and development investment in Africa, after Ghana's which was set up in 2019

New cloud region announced

The last quarter of 2022 was an exciting one for the region, we announced our first Cloud region which will be based in South Africa - Google Cloud is already working with customers in SSA but the new cloud region will further help users, developers, businesses and educational institutions across Africa to move more information and tools online, improve access options for customers and in turn, create jobs. The investment comes as part of Google CEO Sundar's pledge in 2021 to invest **\$1 billion dollars** over a five year period to support Africa's digital transformation. We're partnering with policymakers, nonprofits, local businesses, creators, and communities across the region to deliver on that commitment and help boost Africa's digital transformation.

Google Cloud
Announcing our intent to establish a Google Cloud region in Africa

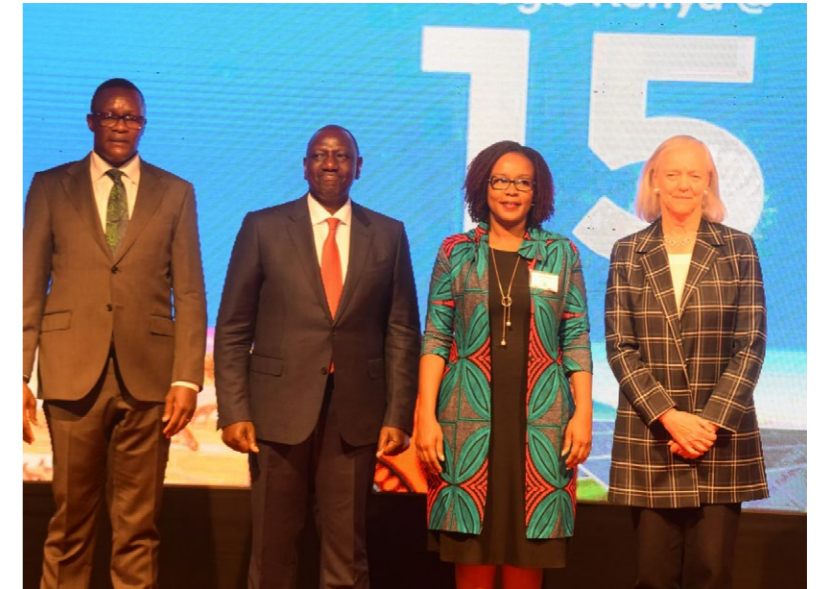


Equiano completes all Phase-1 landings!

Google's first big bet on African infrastructure came in 2005 with the Seacom cable. Seventeen years later, [Google's state-of-the-art Equiano subsea cable](#) has now landed in ports in Togo, Nigeria, Namibia and South Africa. [Research from Africa Practice](#) shows that Equiano will significantly increase international bandwidth, leading to a rise in average internet speeds and improved affordability of access — expanding overall internet penetration and helping to create jobs. This has the potential to generate economic growth, support innovation, and increase access to services across the continent. Equiano completed all phase 1 landings in Togo, Nigeria, Namibia and South Africa and will be ready-for-service in Q1 2024.

Google Kenya turned 15!

Additionally, we Celebrated 15 years since Google first arrived in Kenya. To mark the occasion, His Excellency, the President, Republic of Kenya, Dr. William S. Ruto graced the event appreciating a range of initiatives by Google from improved smartphone access to investment in startups to help boost Africa' digital transformation, supporting SMBs, partnering with - policymakers, nonprofits, businesses and creators — making the internet more useful to more people in Africa. In 2007, Google opened its first office in Sub Saharan Africa, in Nairobi, Kenya. It was a small space, with just enough room for a couple dozen Googlers, but a huge step in Google's penetration and growth into Africa. Google Kenya will become the largest office in Africa when the Africa Product Development center is opened.



Youtube Black Voices Class of 2023

The YouTube Black Voices Creator, Artist, Singer and Songwriter Class Class of 2023 was announced in November 2022! It's our biggest class yet with 179 grantees, hailing from around the world and innovating in every way. We believe in the power and importance of amplifying Black stories. From content centered around fashion and wellness, to videos about comedy and politics, Black creators and artists continue to play an important role in shaping the culture of YouTube and driving the platform forward every day. That's why, in 2020, we created the [YouTube Black Voices Fund](#), a global, multi-year commitment to center and grow Black creators and artists on our platform, as well as to produce and acquire new YouTube Original programs, focused on racial justice and Black experiences.





At A Glance: Legal Developments In The Hub

KENYA



John Syekei
Head of IP and Technology



Daniel Mwathe
Partner



Rose Njeru
Senior Associate



Esther Kimanzi
Associate



Stephanie Mulului
Associate

Google Developments

Google opened its first product development centre in Africa, based in Nairobi, Kenya in 2022. The centre is aimed 'creating digital transformation products and services for people in Africa and around the world'. Google stated that *"...At our Google for Africa event last October, our CEO, Sundar Pichai, announced a billion-dollar investment plan over the next five years to fund projects aimed at providing fast, reliable and affordable internet access across the continent, creating useful local products and supporting entrepreneurs and small businesses that support African economies. We also opened a Google AI Research Center in Accra, Ghana to foster useful innovations. The new product development center is a continuation of this commitment"*.

[See here](#) for more on the product development centre.

Co-Regulation Framework for Broadcast, Video on Demand (VOD) and Over the Top Services (OTTs)

by John Syekei, Rose Njeru and Stephanie Mulului

In March 2022, the Kenya Film Classification Board (KFCB) being the regulatory agency mandated to regulate the creation, broadcasting, possession, distribution and exhibition of content in Kenya, developed a Co-Regulation Framework for Broadcast, Video On Demand ("VOD") and OTT Content (the "Proposed Framework"). The [Proposed Framework](#) is intended to apply to broadcasters, VODs, OTTs and digital content distributors, exhibitors and aggregators with a significant number of followers, subscribers/viewership and output of content in Kenya. The purpose of the Proposed Framework is to equip content broadcasters, VOD and OTT platform operators with the requisite knowledge and skills to enable them to classify a determined proportion of content in line with the Film Classification Guidelines issued by the KFCB.

The Proposed Framework also sets out the procedure for classification of audio-visual content prior to exhibition in Kenya on various platforms.

Regulation of Digital Lenders in Kenya

by Cynthia Amutete, Dominic Indokhomi

The Central Bank of Kenya (the **CBK**) is now set to fully regulate digital credit providers after publishing applicable regulations - The Central Bank of Kenya (Digital Credit Providers) Regulations, 2022 (the **DCP Regulations**). The DCP Regulations have been issued under The Central Bank of Kenya (Amendment) Act, 2021 (the **CBK Amendment Act**), which introduced regulations for digital lenders. Please see [here](#) for some of the key provisions of the DCP Regulations.

Credit-only institutions who run digital platforms as one of the ways of delivering their services are regulated as DCPs; notwithstanding that they may offer other financial services to their customers that expose them to human interactions with their customers. Credit-only lenders should therefore review the impact of the DCP Regulations to their businesses and, if applicable, take steps to comply with the Regulations. This follows the decision in *Association of Micro-Finance Institutions Kenya (AMFIK) vs The Central Bank of Kenya & 3 others (Constitutional Petition E008 of 2022) [2022] KEHC 13053 (KLR)* that non-deposit-taking microfinance institutions are digital credit providers (DCPs) and are therefore subject to oversight by the Central Bank of Kenya (CBK). Read more [here](#).

The Finance Act, 2022

by Patience Mbugua, Fredrick Ogutu, Andrew Oduor, Samuel Githanda & Alex Mathini

The Finance Act, which was assented into law on 22 June 2022, has been gazetted today, 8 July 2022. This is in spite of most of the provisions having come into effect on 1 July 2022. The belated gazettment may be a ground to challenge the enforcement of the provisions that took effect on 1 July 2022 and collection of the resultant taxes for the period between 1 to 8 July 2022. The Act has introduced amendments to various tax statutes, including the Income Tax Act, VAT Act, Excise Duty Act, Tax Procedures Act and the Miscellaneous Fees and Levies Act. Further, the Act introduced some changes that were not contained in the Finance Bill that was published earlier in April. One of the key changes not contained in the Bill is the change of VAT treatment of exported services from exempt to standard rated (16%), save for the exportation of taxable services in respect of business process outsourcing, which is now zero rated. To read more, click [here](#).

The High Court upholds wide interpretation of payment service providers

by Cynthia Amutete, Dominic Indokhomi

The High Court has held that regulation of payment service providers (PSPs) by the Central Bank of Kenya (CBK) under the National Payment Systems Act, 2011 (the NPS Act) extends to any person engaged in any process in a payment system. A payment system is widely defined under the NPS Act as a system or arrangement that enables payment.

In *Kenya Commerce Exchange Service Bureau Limited (KENEX) v Central Bank of Kenya (Constitutional Petition E181 of 2021) [2022] KEHC 13189 (KLR)*, KENEX challenged the CBK's circular dated 17 May 2021 (the Circular) to banks in relation to connectivity to SWIFT and back-up for business continuity. KENEX argued, among other things, that it is not a PSP as its role is limited to providing software solution that connects banks to SWIFT. It stated that

it does not send or receive payment messages neither does it process payments on behalf of banks and is not therefore subject to regulation by the CBK under the NPS Act.

The Court held that the definition of a PSP under the NPS Act does not limit a PSP to one who sends or receives messages or processes payments or other messages on behalf of the banks. As KENEX's platform (through SWIFT) was used by banks to send and store messages or make payments, KENEX could not dissociate itself from the payment process and fell within the definition of a PSP. Read more [here](#).

Towards protection of children's rights in the digital space

by Esther Kimanzi, Rose Njeru, John Syekei

With the rapid industrial revolution and digitization in Kenya and globally, coupled with access to the internet via various devices, children are vulnerable to various risks such as child trafficking, prostitution, child pornography, trafficking, early age exposure to alcohol advertising, cyberbullying and crimes like identity theft. The Communications Authority of Kenya ("CA"), established under the Kenya Information and Communications Act, 1998 ("KICA") as the regulatory authority for Information Communication and Technology, has undertaken measures to protect children from these risks. For instance, in 2021, the CA launched a three-month campaign aimed at creating awareness to protect children.

Recently, the CA developed draft Industry Guidelines for Child Online Protection and Safety in Kenya ("Draft Guidelines"). These Draft Guidelines are issued pursuant to the KICA (Consumer Protection) Regulations, 2010 ("Consumer Protection Regulations"). Licensees, products and services targeted under the Draft Guidelines will be, among others, required to implement a corporate child online protection and safety policy and strategy. Read more [here](#).



At A Glance: Legal Developments In The Hub

NIGERIA

TEMPLARS



The National Information Technology Development Agency's (NITDA) Code of Practice for Interactive Computer Service Platforms/ Internet Intermediaries

by Oghomwen Akpaibor, Senior Associate

On 26 September 2022, the Federal Government of Nigeria issued a Code of Practice for Interactive Computer Service Platforms ("ICSPs") and Internet Intermediaries ("IIs") (the "Code"). The Code stipulates best practices required of digital platforms i.e. ICSPs and IIs, in order to combat online harm such as disinformation and/or misinformation and to ensure a safe digital ecosystem in Nigeria. By the Code, ICSPs and IIs have a general obligation not to deploy or modify their platform in any way that will undermine or interfere with the application and/or enforcement of extant laws in Nigeria. Other notable compliance obligations include the takedown requirements for unlawful content, upon receipt of a notice from an authorised government agency within 48 (forty-eight) hours.

Additionally, the Code prescribes further responsibilities for a class of platform providers known as Large Service Platforms (the "LSPs"), which include mandatory incorporation in Nigeria and the appointment of a liaison officer to act as a communication channel with the Nigerian government, amongst other things. You may find the Code [here](#).

National Information Technology Development Agency (NITDA) Conditions for Operating in Nigeria

by Okabonye Chukwuani, Associate

On 13 June 2022, the National Information Technology Development Agency (NITDA) via its official twitter handle, issued a press release notifying Interactive Computer Service Platforms ("ICSPs") and Internet Intermediaries ("IIs") of conditions for operating in Nigeria. The press release stipulates 6 (six) conditions for operation, bordering on registration of operations, taxation and management of prohibited content.

Specifically, the conditions include the registration of a legal entity at the Nigerian Corporate Affairs Commission; the appointment

of a designated representative in Nigeria for the purposes of interfacing with Nigerian authorities; establishment of a compliance mechanism to prevent publication of prohibited contents on their platforms and compliance with all regulatory and tax obligations under Nigerian law. Additionally, ICSPs and IIs are required to provide information to authorities on harmful accounts and other disinformation networks, as well as to delete any information that violates Nigerian law. View the press release [here](#)

The Federal Government of Nigeria suspends the proposed 5% excise duty on telecommunications services in Nigeria

by Tomisin Olanrewaju, Associate

In July 2022, the Federal Government of Nigeria, through the Ministry of Finance announced its plans to impose an additional 5% excise duty on telecommunication services (phone calls, text messages, and data usage) in Nigeria. The proposed excise duty is in addition to the already existing 7.5% VAT which telcos are required to pay.

On 15 September 2022, the suspension of the 5% excise duty was announced by the Federal Government of Nigeria, following the petition of Dr. Isa Pantami in his capacity as the Chairman of the Presidential Council on Digital Economy and eGovernment. The petition highlights the unfair nature and the negative impact of the potential tax burden on the telecommunications sector which plays a huge role in the booming digital economy of the country and the consequent increase in the nation's gross domestic product. The petition was particularly on the backdrop of the fact that the telecommunications sector is already overburdened with a plethora of taxes.

Following the suspension, the Federal Government has inaugurated a committee chaired by the Minister of Communications and Digital Economy, to review the tax policy. Find the media release [here](#), read more [here](#)

The Advertising Regulatory Council of Nigeria (ARCON) Act, 2022

by Oghomwen Akpaibor, Senior Associate

In June 2022, the President of the Federal Republic of Nigeria signed the Advertising Regulatory Council of Nigeria (ARCON) Act into law. The Act applies to individuals, organisations, body corporates, or agencies of the government that engage in, regulate, sponsor, or take benefit of advertising services, advertisements, and marketing communication services in Nigeria with the purview of the Act extending to advertisement on online platforms.

The Act requires every person or organisation, whether Nigerians or foreigners, that intend to practice or continue to practice advertising and marketing communications in the Nigerian advertising market to be registered with and/or licensed by the Advertising Regulatory Council of Nigeria (ARCON). Such license may be revoked by the ARCON on the basis that the entity on which it was conferred is operating in a manner that is detrimental to the interests of the public. What amounts to being detrimental in this regard is not defined, which allows the Council the absolute discretion to determine the criteria for accessing the same. You may find the Act [here](#).

The Nigerian Data Protection Bill 2022

by Okabonye Chukwuani, Associate

The Nigeria Data Protection Bureau on 4 October 2022, released a draft Data Protection Bill (the "Bill") as a legal framework for the protection of personal data. The scope of application of the Bill extends to instances where the data controller or processor is domiciled, ordinarily resident in or ordinarily operating in Nigeria; the processing of the collected data occurs in Nigeria or to the processing of personal data of a resident of Nigeria where the data controller was actively marketing to, targeting, or monitoring such residents within Nigeria.

More particularly, the Bill outlines principles of lawful processing of personal data such as the need to obtain the data subjects consent, and obligations of data processors/controllers to implement

appropriate technical, and internal measures for the protection of personal data. The rights of a data subject are also enshrined in the Bill, which include but not limited to, the right to obtain from a data controller, information relating to the processing of the subject's personal data; withdrawal of consent and the erasure of personal data concerning him/her. Furthermore, the Nigeria Data Protection Commission is established under Bill as the supervisory and enforcement authority for the Bill. You may view the Bill [here](#).

Limited Interim Regulatory Registration Framework and Guidelines for Digital Lending 2022

by Tomisin Olanrewaju, Associate

As part of the efforts of the Federal Competition and Consumer Protection Commission ("FCCPC") to curb unethical lending practices, the FCCPC on 26 August 2022, released the Limited Interim Regulatory Registration Framework and Guidelines for Digital Lending (the "DL Guidelines"). The digital lending space has been a great concern for customers and regulators in Nigeria. In 2021, NITDA had issued a lending company a fine of 10,000,000 (Ten Million Naira), following the receipt of about 40 petitions from members of the public over abuse of personal data.

Further to such instances, the recent DL guidelines require digital lending businesses to register with the FCCPC by filling out a form known as the Form DLG 001, which requests relevant information such as the address of the business, its website and source(s) of funding, amongst other things. Alongside the Form DLG 001, digital lending businesses are also to furnish supporting documents including but not limited to, a certified copy of the certificate of incorporation and a brief description of the business.

Notably, is the requirement for the representatives of digital lending businesses to sign a form DLG 002, declaring that their business is legitimate, lawful and will operate in continuing compliance with any prevailing and applicable laws. You may view the DL Guidelines [here](#), and read more [here](#).



At A Glance: Legal Developments In The Hub

NIGERIA



Startup Labelling

by Jumoke Lambo, Yinka Edu, Festus Onyia, Mesuabari Mene-Josiah, Babatunde Olayinka, Pamela Onah and Precious David

The Nigeria Startup Act 2022, which was recently signed into law, aims to promote, harness and provide stability to the startup ecosystem in Nigeria. The regulatory purview of the Act extends to companies that have been incorporated under the Companies and Allied Matters Act, 2020 (as amended) and which have been granted the startup label under the Startup Act ("Labelled Startup"). For a company to qualify as a Labelled Startup, it must obtain a digital certificate issued by the Secretariat, National Information Technology Development Agency.

A company will qualify as a Labelled Startup if it is a Nigerian Company that is not older than ten years; its business objects are innovation, development, production, improvement and commercialisation of a digital technology innovative product or process; it is a holder or repository of a product or process of digital technology or the owner or author of a registered software; and it has at least one-third of local shareholding held by one or more Nigerians as the founder or co-founder of the startup. The provisions in the Startup Act will not apply to an organisation which is a holding company or subsidiary of an existing company which is not registered as a Labelled Startup.

The provisions of the Startup Act will not apply to an organisation which is a holding company or subsidiary of an existing company which is not registered as a Labelled Startup. For more information, see [here](#).

Digital Assets

by Yinka Edu, Joseph Eimunjeze, Pamela Onah and Precious David

The Securities and Exchange Commission ("SEC"), on the 11th of May 2022, released the Rules on Issuance, Offering Platforms and Custody of Digital Assets (the "Rules"), which addressed the various aspects of dealings in digital assets.

The Rules are divided into five parts, and these parts address: (a) the issuance of digital assets as securities; (b) the registration

requirements for Digital Assets Offering Platforms; (c) the registration requirements for Digital Assets Custodians; (d) the regulation of Virtual Asset Providers; and (e) the regulation of Digital Asset Exchanges. The Rules define Digital Assets as *"a digital token that represents assets such as debt or equity claim on the issuer"*, while Virtual Assets are defined *"as a digital representation of value that can be transferred, digitally traded and can be used for payment or investment purposes excluding digital representations of Fiat currencies, securities and other digital assets"*.

The Rules have not yet been implemented, this is partly due to the prohibitions the Central Bank of Nigeria ("CBN") placed on financial institutions and other institutions under its regulatory purview from dealing in crypto assets and instructing these Regulated Institutions to close accounts of persons dealing in crypto assets. To read more, click [here](#).

Regulatory Sandbox

by Yinka Edu (Partner), Joseph Eimunjeze (Partner), and Pamela Onah (Senior Associate)

The Central Bank of Nigeria ("CBN") invited for applications to all entities, including digital lenders, application developers, start-ups, and financial technology providers with innovative financial solutions and CBN-licensed institutions to submit expressions of interest to participate in the CBN's Regulatory Sandbox Operations in line with the Framework for Regulatory Sandbox Operations ("Framework"). The applicants are to apply by completing a form via <https://sandbox.cbn.gov.ng/>, and successful applications will receive a letter of approval, and applications are to be submitted on or before 1st February 2023.

The CBN, in 2021, released the Framework, which set out the requirements for qualification and application to participate in the CBN sandbox programme. The sandbox programme aims to encourage innovation in the Fintech sector and promote financial inclusion in Nigeria.

The Framework requires the applicants to, among other things, identify risks to financial institutions and financial consumers that may arise from the testing of their product, service or solution in the sandbox and propose appropriate safeguards to address the identified risks. In addition, the framework set out consumer safeguards to be implemented by participants. The requirements were implemented to mitigate the risk to consumers who may participate in the exercise. For more information, see [here](#).

Restrictive Agreements

by Jumoke Lambo (Partner), Yinka Edu (Partner), Festus Onyia (Partner), Mesuabari Mene-Josiah (Senior Associate), Babatunde Olayinka (Senior Associate), Pamela Onah (Senior Associate) and Precious David (Associate)

The Federal Competition and Consumer Protection Commission ("FCCPC") issued the Restrictive Agreements and Trade Practices Regulations 2022 ("RATP Regulations") to provide regulations relating to restrictive agreements and all related matters. The RATP regulations also provide guidance on the regulatory review process for agreements or decisions and clarify the process for authorisation of exempted agreements and practices among undertakings. The RATP Regulations seek to implement Part VIII (Restrictive Agreements) and some aspects of Part XIV (Abuse of Dominant Position) under the Federal Competition and Consumer Protection Act 2018 (the "FCCPA").

The RATP Regulations distinguish between agreements that have restriction of competition as their purpose and agreements that have the effect of restricting competition. Under the RATP regulations, (i) agreements that restrict competition are illegal, (ii) agreements with purpose-based restrictions may be justified, and (iii) effect-based restrictions may be justified where there is a block exemption or on an individual basis pursuant to section 60 of the FCCPA where the FCCPC is satisfied that the agreement may be justified on efficiency grounds. In assessing whether an agreement is restrictive, the FCCPC will consider if there are any pro-competitive effects of the agreement and if such pro-competitive effects outweigh its anti-competitive effects.

ARCON's suit against Meta Platforms Incorporated and AT3 Resources Limited

by Jumoke Lambo (Partner), Yinka Edu (Partner), Festus Onyia (Partner), Mesuabari Mene-Josiah (Senior Associate), Babatunde Olayinka (Senior Associate), Pamela Onah (Senior Associate) and Precious David (Associate)

The Advertising Regulatory Council of Nigeria Act 2022 (the "Act") established the Advertising Regulatory Council of Nigeria ("ARCON"), which is saddled with the administration, monitoring, and enforcement of matters relating to advertisements, advertising, and marketing communications services in Nigeria. The Act provides, amongst others, that every person or organisation who intends to practice or continue to practice advertising and marketing communications in the Nigerian advertising market shall be registered with ARCON.

ARCON instituted an action at the Federal High Court, Abuja, against Meta Platforms Incorporated and AT3 Resources Limited, contending that the defendants, through their online/social media platforms, published and exposed Nigerians to advertisements without the prior approval of the agency and without paying the requisite fees as required by law. According to ARCON, the defendants' conduct of not seeking its prior approval before the advertisements contravenes the provisions of the Act.

ARCON is claiming over N16 billion as accrued fees that the defendants should have paid and an order of perpetual injunction restraining the defendants from making further online/social media advertisements without its prior approval.

For more information, see [here](#).



At A Glance: Legal Developments In The Hub

SOUTH AFRICA



Google Developments

Google Cloud Interconnect

Google has announced its plans to develop a new Cloud Interconnect data centre in Cape Town, South Africa. Google owns and operates various data centres around the world to keep its products running 24 hours a day, 7 days a week, and this new cloud region forms part of Google's broader vision to digitize Africa. The Cloud Interconnect data center will cover 15,000 square meters in eight data halls and will be hosted within an Africa Data Centre (ADC). For more information, see [here](#) and [here](#).

Equiano Subsea Cable

Google's subsea 'Equiano' cable, which was announced in 2019, landed in Cape Town, South Africa, on 8 August 2022. The submarine internet cable starts in Eastern Europe and runs along the West Coast of Africa, between Portugal and South Africa. The cable is expected to create a total of approximately 1.8 million jobs between 2022 and 2025, with 180 000 jobs expected in South Africa alone. The subsea cable will accelerate digital transformation, lower wholesale and retail internet prices and contribute to a decline in greenhouse gas emissions. For more information, see [here](#) and [here](#).

Regulation of cryptocurrencies

by Azraa Moyideen, Candidate Attorney

The Financial Sector Conduct Authority (FSCA) announced that it is establishing a new regulatory framework for cryptocurrencies in South Africa which will likely be introduced between 2023 and 2024. Crypto-assets and cryptocurrencies have never been specifically regulated in South Africa before but have been at the forefront of many discussions.

The proposed regulations will see cryptocurrencies classified and treated as financial assets (rather than currencies) and fall under the scope of the Financial Intelligence Centre Act, 2002. This implication of the proposed regulation will have implications for investors (local and foreign) as well as crypto-asset service providers, who will require the relevant authorisations / licences. For more information on the potential regulation of cryptocurrencies, see [here](#) and [here](#).

Regulation of crypto assets

by Megan Wakefield, Candidate Attorney

South Africa's financial sector authority, the Financial Sector Conduct Authority (FSCA), has declared that crypto-assets are to be treated as financial products – with immediate effect. Providers of financial services related to crypto assets are now required to apply for the relevant licence between 1 June and 30 November 2023. The move towards regulation has been years in the making and is the first step towards promoting transparency, clarity and security related to crypto assets.

The FSCA defined crypto assets as “a digital representation of value” but deliberately refrained from referring to it as ‘cryptocurrencies’ – as the regulator confirmed that it did not consider it a ‘currency’. The FSCA also clarified that non-fungible tokens (NFTs) are not covered by the new declaration, as it is considered to be more of a traditional art investment, rather than a crypto asset.

Spectrum auction: Phase 2

by Azraa Moyideen, Candidate Attorney

On 17 August 2022, the Independent Communications Authority of South Africa (ICASA) published a memorandum in which it communicated its intentions to start the second phase of the licensing process in respect of additional radio frequency spectrum for mobile networks. The second phase is aimed at providing licensees with additional capacity to meet continuous demand in mobile services.

This follows ICASA's highly successful initial process that concluded in March this year, in which ICASA raised R14.4 billion after setting a target of R8 billion. ICASA has indicated that: *“the main aim of licensing the low- and mid-frequency bands within the designated frequency ranges is to increase nationwide broadband access for all citizens by 2025 [which] will be achieved by increasing universal access and service by ensuring rural connectivity, giving consumers more choice, promoting investment in the sector, unlocking economic growth, ensuring quality of service and experience, and ensuring affordability of services.”*

ICASA's second phase of the licensing process is expected conclude by March 2023. For more information, see [here](#) and [here](#).



Artificial Intelligence Institute

by Megan Wakefield, Candidate Attorney

The Minister of Communications and Digital Technologies, Khumbudzo Ntshavheni, in partnership with the University of Johannesburg (UJ) and Tshwane University of Technology (TUT), has announced the launch of South Africa's first Artificial Intelligence (AI) Institute.

The AI Institute is a realization of one of the recommendations of the Presidential Commission on the Fourth Industrial Revolution (PC4IR) and will be a catalyst for bridging the digital divide in the developing world. The South African Cabinet had the following to say about the AI Institute: *“It will stimulate economic growth, address unemployment and create a positive social impact. The AI Institute will expand the teaching of robotics and coding currently being offered in public schools”*

The AI Institute will focus on research and development, implementation capabilities in AI as well as legal and ethical questions in relation to the advances in AI. For more information on the AI Institute, see [here](#) and [here](#).

Proposed sunset of 2G and 3G

by Megan Wakefield, Candidate Attorney

In September 2022, the Minister of Communications and Digital Technologies, Khumbudzo Ntshavheni, published the Next Generation Radio Frequency Spectrum Policy (the Spectrum Policy). The Spectrum Policy seeks to promote optimum spectrum occupancy and effective utilization of high demand spectrum through the continuous review and shutdown of inefficient networks to free ‘high demand spectrum’. In this regard, the Spectrum Policy proposes to “sunset” 2G and 3G service and networks as follows: 2G services will be shut down on 31 March 2024 and 2G networks will be shut down on 30 June 2024; and

3G services will be shut down on 31 December 2024 and 3G networks will be shut down on 30 March 2025.

The termination of 2G and 3G networks will have extensive socio-economic impacts, for consumer, retailers and producers alike. For more information on the proposed termination of 2G and 3G services and networks, see [here](#).

E.Tv litigation, June 2022

by Azraa Moyideen, Candidate Attorney

On 13 October 2021, e.tv, the first and only privately owned free-to-air television station in South Africa, launched proceedings against the Minister of Communications and Digital Technologies (the Minister), Khumbudzo Ntshavheni, seeking, amongst other things, that the court declare that the Minister must undertake a consultation process with affected parties including but not limited to e.tv in respect of the analogue switch-off date, the date for the completion of the digital migration process and whether appropriate measures have been put in place to ensure that South Africans who are currently reliant on analogue broadcasting are not deprived of their constitutional right to access information.

On 28 June 2022, in the case of *e.tv (Pty) Ltd v Minister of Communications and Digital Technologies* [2022] ZACC 22, the Constitutional Court unanimously ruled in favor of e.tv, holding that the switch-off of analogue television broadcasting in South Africa must be delayed to allow for more consultation. Nevertheless, the Court has left it to the Minister of Communications and Digital Technologies, Khumbudzo Ntshavheni, to determine a new analogue switch-off date and a new deadline for registrations for set-top boxes. The full judgment is accessible [here](#).

At A Glance: Legal Developments In The Hub

UGANDA



The Personal Data Protection Office issues annual compliance report notice to registered data collectors, controllers, and processors

The Personal Data Protection Office (“PDPO”) pursuant to Regulation (“Reg”) 50 of the Data Protection and Privacy Regulations, 2021, directed all data collectors, controllers and data processors registered under the Regulations to submit to the office an annual compliance report between 1st July and 28th September of every calendar year.

Under Reg. 50, every data collector, data processor and data controller registered under the Regulations is required to submit to the PDPO a summary of all complaints received, all data breaches and the actions taken to address such data breaches. Reg. 4(b) of the Data Protection and Privacy Regulations mandates the PDPO to coordinate, supervise and monitor data collectors, data processors and data controllers on all matters relating to the Act. To this end, the PDPO monitors the said persons by expanding the scope of the annual compliance report to ensure the desired levels of compliance are reached.

Parliament passes the Computer Misuse Amendment Act

On 8 September 2022, the Parliament of Uganda passed the Computer Misuse Amendment Act, 2022. Shortly thereafter, the Act was assented to by the President on 13 October 2022. The Computer Misuse (Amendment) Bill, 2022 sought to amend the Computer Misuse Act, 2011 to enhance the provisions on unauthorised access to information or data; prohibit the sharing of any information relating to a child without authorisation from a parent or guardian and to prohibit the sending or sharing of information that promotes hate speech among other objects.

The Computer Misuse (Amendment) Act, 2022 creates the offence of hate speech and states that a person shall not write, send or share any information through a computer, likely to ridicule, degrade or demean another person, group of persons, tribe, ethnicity, religion or gender. It also creates the offence of unsolicited information and sending of misleading or malicious

information. Importantly, it states that a person who is convicted under the Act shall not be eligible to hold a public office for a period of ten years and where the person convicted is a leader or public officer, the person shall, in addition to the prescribed punishment, be dismissed from office or vacate his or her office.

Thirteen Petitioners have however petitioned the Constitutional Court challenging the constitutionality of the Computer Misuse (Amendment) Act, 2022. The petitioners argue that the amendments to the Act are overly broad, imprecise, and unjustifiably limit the freedom of expression and the right to practice one’s profession and carry on any lawful occupation, trade, or business and access to information.

Bank of Uganda and Uganda Communications Commission signed a Memorandum of Understanding

On 9 November 2022, Bank of Uganda (“BOU”) signed a memorandum of understanding with Uganda Communications Commission (“UCC”). This is following the MoU signed in 2018 to collaborate on delivering financial services via mobile phones. It is reported by BOU that the revised MoU provides a framework that is fit for digital transformation by facilitating information exchange and cooperation on licensing, approval, oversight and supervision of payment services & systems as well as the related financial service innovations.

UCC also reported that the MoU will govern their affiliation regarding licensing, approval, regulation and supervision of payment services and systems in Uganda. The MoU will further provide a framework for the authorities to exchange information, coordinate licensing, risk management, cyber security and consumer protection within the payments eco systems and related financial services in Uganda.



PearlAfricaSAT-1 satellite launch

On 6 November 2022, Uganda launched PearlAfricaSAT-1 following efforts by the government towards creating an indigenous space program. PEARLAFRICASAT-1 is part of the BIRDS-5 project to enable local engineers to obtain training in designing, building, testing, launching and operation of satellites. The BIRDS-5 project was led by Kyushu Institute of Technology, Japan.

From the report of the Minister of Science, Technology and Innovation under Office of the President, PearlAfricaSat-1 was handed over to the Japan Aerospace Exploration Agency (JAXA) for final testing on 10 May 2022. The satellite, according to Hon. Monica Musenero Musanza completed all tests and was subsequently handed over to the United States of America’s National Aeronautics and Space Administration (NASA) for launch and deployment. It will subsequently be deployed into low earth orbit in December 2022.

The Minister reported that PearlAfricaSat-1 has a multispectral camera payload which will provide research and observation high- resolution image data to support weather forecasting, land, water, and mineral mapping, agriculture, monitoring, infrastructure planning, border security and disaster prevention.

Presentation of the Report of the 4IR Taskforce

On 8 December 2022, the 4IR Presidential Task force, which was inaugurated in 2019, handed over a report with recommendations of actions to be undertaken by the Government of Uganda to harness different 4IR technologies such as 5G, Artificial Intelligence and blockchain.

The Report includes recommendations on the potential of Uganda to become a global leader in harnessing 4IR application to solve development challenges and calls upon the private sector and civil society to join hands with the government to collectively harness 4IR opportunities for growth, competitiveness and business development.

Importantly the 4IR strategy looks towards key opportunity zones such as unlocking potential in agriculture, transforming human capital development, overcoming the economic shortfalls and supplementing urban governance. The critical enablers of this shall be 4IR connectivity, agile governance, upskilled government population, e-government and resource mobilization governance. The delivery mechanisms shall be through funding coordination, ecosystem facilitation and government coordinating mechanisms.

Government seeks to reduce cost of gigabyte of data from USD \$35 to USD \$25

The State Minister for ICT and National Guidance Godfrey Baluku Kabyanga, stated that the Uganda Government was working on measures to reduce the cost of a gigabyte of data by \$10 by 2023. Speaking at the launch of the E-Trade and Start-up Association of Uganda, Mr Kabyanga said the government’s target is to bring the cost of a gigabyte of data from the current \$35 (Shs135, 000) to at least \$25 (Shs96,000). This, he said, will be achieved through continued investment in the National Data Transmission Backbone Infrastructure and e-Government Infrastructure Project across the country, which will deepen digital communication and e-commerce.

The Association, which was founded by among others, Safe Boda, Jumia and Tugende, a for-profit social enterprise seeks to enhance e-trade in the country as well as devise ways through which they can tackle the threat of cyber-attacks. The association will also seek to help e-trade companies and start-ups unlock the potential of e-commerce as well as ensure that all transactions and sold goods or services meet required standards.



At A Glance: Legal Developments In The Hub

ZIMBABWE



Proposed cyber and data protection regulations

by Mholiwethu Nyathi

The December 2021 enactment of the Data Protection Act [Chapter 11:12] represented a positive step towards increasing and promoting data protection in Zimbabwe. However, it remained apparent to data controllers, subjects, and regulators alike that gaps subsisted in the regulatory framework that needed attention. These were proposed to be dealt with and addressed in regulations to be promulgated by the Data Protection Authority.

As a result, the Postal and Telecommunications Regulatory Authority (“the DPA”) has since circulated draft Cyber and Data Protection (Licensing of Data Controllers and Appointment of DPOs) Regulations, 2022 (“the proposed Regulations”) for public comment and may be published in the near future. The proposed regulations seek to address many of the outstanding gaps, including the regulations relating to data protection licensing categories, costs, procedures, exemptions, and timeframes. Notably, the proposed regulations seek to address the requirements, licensing, and duties of data protection officers.

New ICT Policy on the cards

by Tatenda Moyo

In recent years, Zimbabwe has been focusing efforts on developing institutional and legal frameworks aimed at promoting the growth of the Information Communication Technology (“ICT”) sector and the economy at large. This drive culminated in the drafting and launching of various ICT Policies aimed at addressing the existent policy gap. Years later, in recent months there is now talk of another ICT policy, which the Ministry of ICT will soon unveil. The main purpose of the proposed policy is to accelerate national growth towards achieving a Digital Government, a Digital Economy, and a Digital Society, by 2030.

This upcoming policy has, further, seen recognition in Zimbabwe’s 2023 National Budget, which has seen overall budget support for the digitalization agenda, during 2023, amounting to ZWL\$56.7 billion. This budget is aimed at catering for various e-Government programs, expansion of the infrastructure backbone, and other related programs. Despite there being no disclosure of when the new ICT policy may be published, we look forward to its publication and what it will entail for the local ICT landscape.

Mobile virtual network operators’ licence: a first of its kind in Zimbabwe

by Tatenda Moyo

The operation of mobile virtual network operators (“MVNOs”) is common internationally. Through feeding off established telecommunications companies / mobile network operators (“MNOs”), such MVNOs can provide internet related services to the consuming public. This is without necessarily erecting their own independent base stations but simply making use of the excess capacity from MNOs.

Mobile virtual network operators’ licence: a first of its kind in Zimbabwe

Until the last quarter of this year, the operation of MVNOs was non-existent in Zimbabwe. However, the Postal and Telecommunications Regulatory Authority of Zimbabwe (“PORTRAZ”), being the regulator of all telecommunications companies in Zimbabwe, paved way for a new era in the sector by issuing Zimbabwe’s first MVNO license after the extensive changes to the Postal and Telecommunications Regulation framework in 2021 which saw the introduction of several new Telecommunications licenses and variation of services offered by existing licenses. This inaugural MVNO license was issued to an entity known as Dolphin Telecommunications. Via its management, Dolphin has already advised the local market that an agreement has been secured with one (1) MNO. Historically, we have noted significant barriers of entry and over-regulation in the local telecommunications market. We therefore note, with anticipation, the positive developments in this area, and the potential for increased competition and improved customer service offerings.

ZimSat-1, Zimbabwe’s first orbiting space satellite

by John Makanda

On 7 November 2022, Zimbabwe launched its first space satellite, the ZimSat-1. The satellite (which is a 1U CubeSat portable satellite) was sent to space on the Northrop Grumman’s Antares rocket. This initiative was done through the Zimbabwe National Geospatial and Space Agency (ZINGSA). The satellite’s main mandate will be to gather visual and spectral data on the surface such as land use/cover, soil fertility and water quality assessment. Zimbabwe is part of the BIRD 5 Project, setup to allow countries without orbiting satellites to be able to have their own satellites in space. The project also has an Android Application called BIRDSNEST, available on Google Play, which shows images of progress made by the project.

The launch of ZimSat1 represents a significant technological development for Zimbabwe and its success will guide future satellite policies and initiatives going forward.

A shifting attitude towards digital currencies

by Chatapiwa Malaba & Nyasha Chidembo

In 2018, the Reserve Bank of Zimbabwe (“the RBZ”) issued a circular to financial institutions (Circular No 2 of 2018) prohibiting financial institutions from the use, trade, holding or transacting in virtual/crypto currencies and/or providing banking services to facilitate any person or entity from dealing with or settling virtual/ crypto currencies.

Various cautionary press statements have further been issued by the RBZ to the public advising that virtual/crypto currencies are not regulated and do not have legal tender status in Zimbabwe. However, and in a refreshing change of outlook, the RBZ advised, in its 2022 Monetary Policy Statement, that it was actively exploring the feasibility of adopting a Zimbabwean Central Bank Digital Currency (“CBDC”) as an alternative to cryptocurrency.

In line with these efforts, the RBZ, on 10 November 2022, published a CBDC Consumer Survey to solicit opinions (by 07 December 2022) on the design and nature of the CBDC and its acceptance by the public. The RBZ’s newfound efforts are a positive shift from the stance initially adopted in respect to digital currencies and is actively engaging stakeholders with a view to review its policies in line with international standards. We look forward to further regulatory engagements and the potential introduction of the use of digital currencies in the local economy.



At A Glance: Legal Developments In The Hub

GHANA



Bank of Ghana issues guidelines on dormant electronic money accounts and unclaimed balances

The Bank of Ghana has issued its guidelines on the treatment of dormant electronic money accounts and unclaimed balances. The guidelines are intended to guide electronic money issuers and float holding banks, as well as any other Payment Service Provider (PSP) as the Bank of Ghana may determine. The guidelines require dormant electronic money issuers (DEMI) to maintain a dormant electronic money account for 12 months, after which the account would be terminated. The guidelines also include rules regarding reactivation of dormant electronic money accounts as well as investing funds of dormant electronic money accounts. To read more, click [here](#).

Ghana's 2023 budget on technology

The Minister of Finance presented the Statement and Economic Policy of the Government of Ghana for the 2023 Financial Year (the "Budget") to Parliament on 24th November 2022. The Minister indicated that the Ghana Revenue Authority, in alignment with the Government of Ghana's National Digitalization Programme, has developed a 10-Pillar Technology Transformation Programmes that will underpin the achievement of the tax-to-GDP ratio target as follows: Cashless policy; Online Filing; Third Party Data Sharing; Fundamental IT Infrastructure; Digital Talent; Digitized TCC/E-VAT invoicing; Digitalization of Records; Digitalize Internal Processes; Digitalize administrative Processes; and Taxpayer Experience. To read more, click [here](#).

Introduction of VAT for unregistered non-resident telecommunication/ electronic-commerce service providers

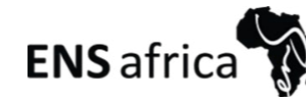
A new Value Added Tax (Amendment) Act, 2022 (Act 1082) was passed on 12th September 2022, which, among others: effectively creates new sanctions for unregistered, non-resident person who do not register for VAT in Ghana; makes it a requirement for taxable persons to issue tax invoices through a certified invoicing system; makes it a requirement for the certified invoicing system of the taxable person to be integrated into the invoicing system of the Commissioner-General; and expands the filing/payment days for taxes to include weekends for non-resident e-commerce/digital taxpayers. Find out more about the new law [here](#).

Ghana and Singapore on the development of cybersecurity

At a meeting held at the 7th Singapore International Cyber Week (SICW) organised by the Cyber Security Agency of Singapore on 20th October 2022, Ghana's Minister for Communications and Digitalization held bilateral discussions with Singapore's Minister for Communications and Information on cybersecurity cooperation in critical information infrastructure protection, regulation of cybersecurity service providers, capacity building and professional exchanges between officials of the Cyber Security Agency of Singapore and the Cyber Security Authority of Ghana. The Ministers agreed to deepen collaboration for cybersecurity skills development and experience sharing on the protection of critical information infrastructures and regulation of cybersecurity services, among others. To read more, click [here](#).

At A Glance: Legal Developments In The Hub

GHANA



Regulatory and Innovative Sandbox

The Bank of Ghana (in August 2022) launched a regulatory and innovation sandbox for digital financial service providers. The aim is to encourage innovative digital financial services while mitigating emerging risks to avoid destabilizing the Ghanaian financial service industry. Participants in the sandbox will have the opportunity to live test financial products, services, and business models in a controlled environment under the supervision of BoG, and without being subject to the full scope of regulatory requirements which would ordinarily apply to similar products outside the sandbox. The sandbox is open to both licensed financial institutions and unlicensed fintech startups with products that meet any of these categories: (i) new unregulated digital business models, (ii) new and immature digital financial service technology, and (iii) innovative digital financial products and services that have the potential of addressing a persistent financial inclusion challenge.

The pilot phase of the sandbox saw BoG admitting a blockchain solution which is a promising sign for the growth and recognition of cryptocurrency in Ghana. At the end of the testing period, participants will exit with either of these outcomes the commercial scalability of their products to the wider public or a discontinuance of the sandbox due to a number of reasons, including the failure to meet the test objectives or the identification of substantial risks.

Please visit BoG's [website](#) for more information on the regulatory sandbox.

Tax liability for non-resident telecommunications or electronic commerce service providers

by Hamida Al-hassan, Associate

Under Ghana's VAT Act, non-resident persons who provide telecommunication services or electronic commerce to persons for use or enjoyment in Ghana (other than non-resident persons who supply services through locally registered VAT agents in Ghana) are required to register with the Ghana Revenue Authority (GRA), file returns and pay VAT to the GRA.

Although this requirement has been in existence since 2014, there was no platform through which non-resident electronic service providers could comply until 1 April 2022, when the GRA introduced an online platform for the registration, filing of returns and payment of VAT on electronic services. All non-resident electronic service providers have since been asked by the GRA to register and account for VAT from 1 April 2022. Failure to register may lead to a number of penalties including a restriction of access to the service provider's online platform or service, a fine and/or a term of imprisonment.

This development should be of interest to tech companies that provide services such as social networking, online gaming, cloud services, video or audio streaming, digital marketplace operations and online advertising services, as they are likely to fall within the requirement to register and account for VAT.





At A Glance: Legal Developments In The Hub

TANZANIA



Digital Services Tax

by Charles Mmasi, Fabiola Ssebuyoya and Kelvin Masha

In July 2022, the Government of Tanzania through the amendment of the Income Tax Act (ITA) introduced the Digital Services Tax which is applicable to certain types of digital (electronic) services provided by non-resident companies. The ITA amendments introduced 2% income tax on non-resident suppliers of "electronic services". The tax is intended to ensure that non-resident companies that provide digital services to consumers in Tanzania pay their fair share of taxes. The Government also amended the Value Added Tax Act (VATA) through the addition of Section 64(5) which enables a non-resident electronic service provider to register for VAT without needing to appoint a resident representative or agent.

Further, the Minister of Finance and Planning published the Income Tax (Registration of Non-Resident Electronic Service Providers) Regulations 2022 and the Value Added Tax (Registration of Non-Resident Electronic Service Suppliers) Regulations, 2022 (collectively Regulations). The Regulations are applicable to non-resident service providers of 'electronic services' following the amendment of the ITA and the VATA through the Finance Act 2022. The Regulations provide the requirement for non-resident suppliers of electronic services to register for income tax and VAT in Tanzania. To read more, click [here](#).

In December 2022 the Tanzania Revenue Authority (TRA) issued a Public Notice providing, among others, the mechanism for online registration for non-resident suppliers of electronic services to register for income tax and VAT in Tanzania. For more information, please read [here](#).



Personal Data Protection Act No. 11 of 2022

For many years, the existing privacy and data protection requirements in Tanzania have been found in varying degrees, in various pieces of sector-specific legislation. This included laws relating to privileged information obtained through relationships such as doctor-patient and employer-employee interactions, with the bulk of regulations found in the banking, electronic, and telecommunications sectors.

On 27 November 2022, the President assented to the Personal Data Protection Act of 2022 (the **Act**). The Act provides the basics of protection of personal data by setting the minimum requirements for the collection and processing of personal data. It establishes the Commission for the Protection of Personal Data and strengthens the protection of personal data processed by the Government, individuals, private and other public institutions. The Act is expected to come into operation on a date the Ministry of Information, Communication, and Information Technology will appoint in the Government Gazette.

The Act covers personal data processing carried out in whole or in part by electronic or non-electronic means. It applies to all processing of personal data by any data controller or data processor residing in Tanzania or in a place where the laws of Tanzania apply in accordance with international laws and who processes personal data while in Tanzania, or not residing in Tanzania and processing has taken place in Tanzania for purposes other than transferring the data to another country.

At A Glance: Legal Developments In The Hub

ETHIOPIA



Regulating the Online Media in Ethiopia

The Ethiopian Media Authority regulating the broadcasting service in the Country enacted the Online Media Directive No. 902/2022 to govern online media engaged in the provision of services related with the dissemination of internet-based information. This covers organizations whose principal business involves the collection, production, processing and dissemination of news and/or programs, and information disseminated through online images, audio, video, and websites or through a combination of the aforementioned means. The Directive requires online media service providers operating in Ethiopia and newly established companies to be registered at the Media Authority by fulfilling the requirements specified in the Directive. To read more, click [here](#)

Granting Investment Incentive to the Information and Communication Technology development sector in Ethiopia

The Council of Ministers enacted a regulation No. 517/2022 providing for investment incentives on 21 May 2022. The Regulation provides incentives for investment in the Information and Communication Technology sector, particularly software development; research, innovation, enrichment, and development works; business outsourcing process; startup development service; data center (bank) and cloud services. These sectors have been exempted from income tax for 4- 5 years in Addis Ababa and other areas, respectively. In addition, investors who invest in areas far from the center and/or with very low infrastructure development, as will be determined by a Directive, will be entitled to 30% deduction on income tax for three consecutive years in addition to income tax exemption under the relevant Schedule. To read more, click [here](#) and [here](#).



The Effort to Participate in the Global Data Security Initiatives

The Ministry of Innovation and Technology has announced its desire to be part of the Global Data Security Initiatives proposed by China. The Ministry has enunciated that the Global Data Security Initiatives are aimed at requesting all countries to put equal emphasis on development and security, and take a balanced approach to technological progress, economic development and protection of national security and public interests, among others. To read more click [here](#).

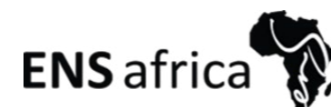
Partial Privatization of the State-Owned Ethio-Telecom

The Government of Ethiopia issued a proposal for the partial privatization of Ethio-telecom, a public enterprise engaged in providing telecommunication services in Ethiopia, by offering equity shares which constitute 40% of the company's equity share capital. The government has announced that this decision was reached after careful consideration of the market conditions. It is believed that such initiative will broaden the role of the private sector in the Ethiopian economy, improve the efficiency of public enterprises, enhance their competitiveness, increase their access to capital, and enhance the quality and accessibility of their services. To read more click [here](#).





Meet the Team! – ENS Africa Ghana



ENSAFRICA team members on Africa Day 2022

ENS Africa Ghana

ENSAfrica Ghana was launched on 1 December 2015, after ENSAfrica merged with one of Ghana's largest law firms, Oxford & Beaumont Solicitors. We currently have 29 lawyers and 3 business units - corporate commercial; finance and energy, mining and infrastructure; and commercial dispute resolution. Our office is located in Accra - known for its beautiful beaches and bustling nightlife.

ENSAfrica as a firm has over 200 years' experience in commercial work. We have more than 600 lawyers in 14 offices across 7 African countries - Ghana, Kenya, Rwanda, Uganda, Mauritius, Namibia and South Africa. Our scale and level of specialisation and "one-firm" ethos ensure that we are able to perform all mandates, from the simplest to the most complicated - across multiple practice areas and jurisdictions.

ENSAfrica Ghana has had excellent rankings in the world's leading legal directories. We have consistently ranked Tier 1 or Band 1 in our practice areas by leading legal directories like Chambers Global, Legal 500 and IFLR 1000. In 2022, Legal 500 ranked ENSAfrica Ghana as a Tier 1 law firm in Banking & Finance, Capital Markets, Corporate, Commercial and M&A, Dispute Resolution, Infrastructure Projects and Energy. We were also ranked Tier 1 by IFLR 1000 in M&A, Project Development - Power, Project Development - Infrastructure, Banking, Project Finance and Capital Markets.



Meet the Team! – ENS Africa Ghana

PROFILE TEAM



Amina Kaguah

Executive Head of ENSAfrica Ghana

Amina is the Head of ENSAfrica Ghana. She has over 24 years' experience at the bar and extensive experience in corporate and commercial law with specific expertise in technology, media and telecoms, private equity, mergers and acquisitions, capital markets, employment and labour and intellectual. Amina was a founding partner of the original firm that merged with ENSAfrica and subsequently held the position of director and senior counsel for the Africa Middle East region for a Fortune 500 company in the energy sector for several years before returning to ENSAfrica. She is recognised as a leading/recommended lawyer by Chambers Global Guide and Legal 500 EMEA. Amina loves spending time with family and doing charity work. On Saturday mornings, you are likely to find her at her son's football games. She is our resident health and fitness coach and never misses an opportunity to encourage the team to get fit! She loves trying out healthy recipes, reading and of course, working out!



Nana Yaa Ahmed

Executive ENSAfrica Ghana

Nana Yaa is a Partner at ENSAfrica Ghana and has acted for local and international clients in a variety of industries, including finance & fintech, petroleum & energy, telecommunications, media & technology, insurance, healthcare, manufacturing and food & beverages. Nana Yaa is recognised as a rising star / next generation / recommended lawyer by IFLR 100 and Legal 500 EMEA. Nana Yaa's experience includes advising clients on major merger and acquisition transactions, as well as on private equity investments. She is also experienced in corporate & commercial law and corporate restructuring, as well as technology, media and telecoms, equity capital markets, employment, corporate governance and regulatory matters. Nana Yaa loves spending time with family and friends. She enjoys a night out (when she can make the time!) and weekend trips out of town.

Meet the Team! – ENS Africa Ghana

PROFILE TEAM

Marian Ohui Apronti

Senior Associate ENSAfrica Ghana

Marian is an associate at ENSAfrica Ghana. She has acted for clients in a variety of industries, including mining, energy, technology and telecommunications. Marian's experience includes advising clients on their corporate commercial, corporate governance and regulatory matters, as well as on technology, media and telecoms, data protection, and employment matters, including employee benefits and incentives. Marian enjoys taking road trips with friends to visit the many hidden gems of Ghana. She also loves to listen to podcasts and watch shows on true crime.



Hamida Al-hassan

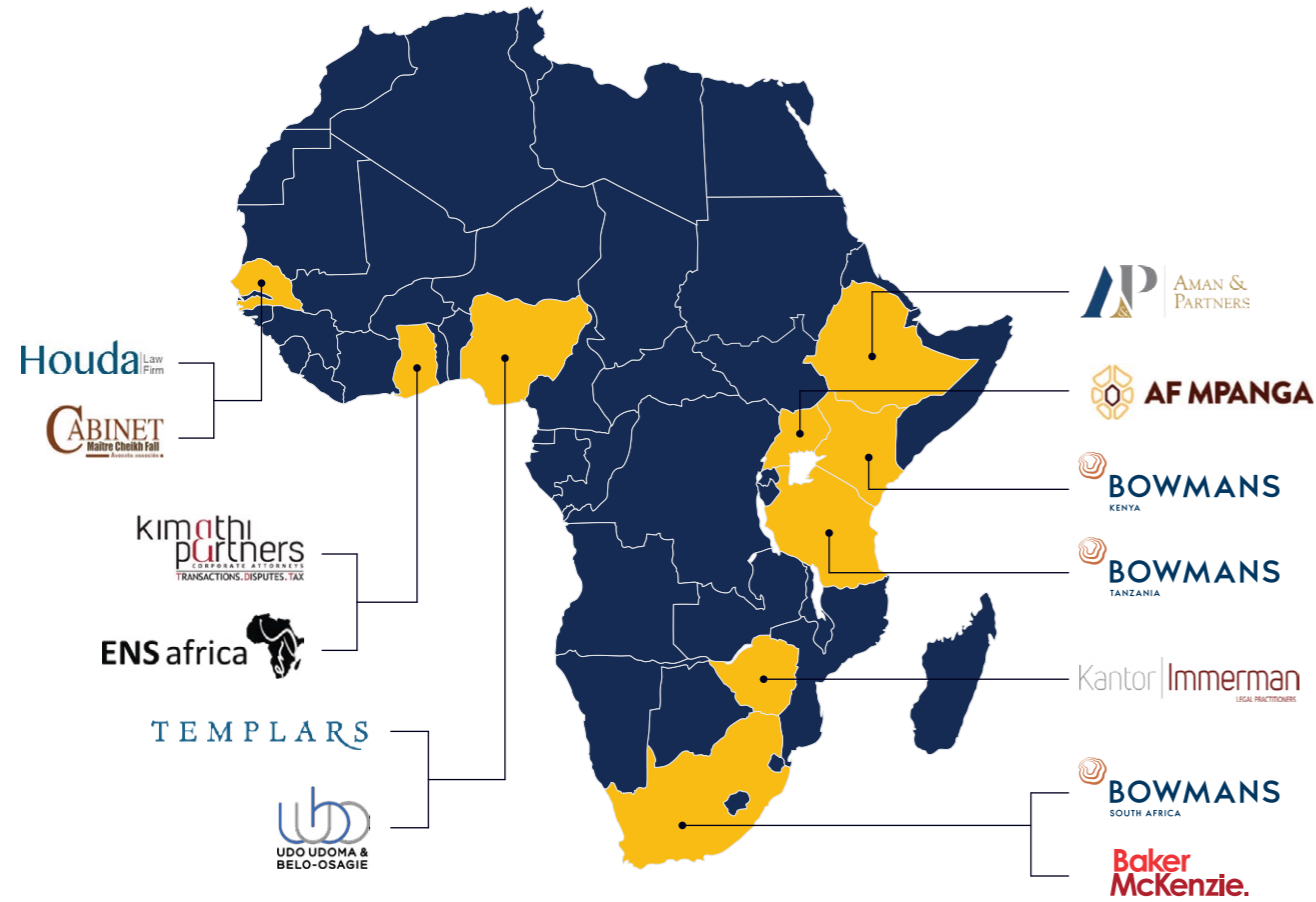
Associate ENSAfrica Ghana

Hamida is an associate at ENSAfrica Ghana. Hamida's experience includes advising clients on their corporate commercial, corporate governance and regulatory matters, as well as on technology, media and telecoms, and employment issues, including employee benefits and incentives. Hamida loves to bake and try out new recipes. She enjoys road trips out of town but also loves to curl up at home with a good book or tv show





Our footprint





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