

Wessel Badenhorst

Partner

Johannesburg

Biography

His sound working knowledge of mining operational practices and principles, underpinned by a thorough understanding of relevant legislation make Wessel Badenhorst the go-to person for clients that face a variety of commercial and operational challenges in the mining sector.

A partner in our mining team, he has over 20 years' experience in operational mining transactions, restructuring and disposal of distressed mining and smelter operations, health and safety, mining labour law, mining and mineral dispute resolution, and environmental law pertaining to the mining industry.

Wessel has led a team of lawyers who have recently successfully restructured mining and smelting operations with combined debt exposure of over ZAR10 billion. He has spearheaded the commercial transactions in respect of the disposal of several mining, smelter and beneficiation operations. Having recently obtained a land-mark judgment in respect of the enforcement jurisdiction of environmental laws in respect of mining sites, he continues to advise mining companies in respect of such matters.

Wessel has extensive experience in advising Chinese state-owned entities (SoEs) and Chinese companies in respect of their investment into the mining industry.



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Languages

English
Afrikaans

Practices

Infrastructure, Energy, Resources,
and Projects

Executive Compensation, Employee
Benefits, and Share Incentives

Litigation

Environment and Natural Resources

Commercial Litigation

Industries

Energy and Natural Resources

Together with his team he successfully facilitated negotiations between SoEs and Chinese banks to restructure debt in excess of ZAR5.8 billion in order to rescue ailing mining operations.

During his many trips to the People's Republic of China, he has developed a good understanding of the cultural approach to the business needs of SoEs and private Chinese and Asian corporates that invest in South Africa and on the continent of Africa.

As head of the firm's Asia-Africa Practice, Wessel acts as the liaison for legal advice given to a variety of Asian and Chinese clients throughout Africa.

Representative experience

Advising IFMSA in respect of the disposal of its ferrochrome smelter, mining operations and related entities with a transactional value in excess of ZAR500m.

Advising ASA Metals and Dilokong Chrome Mine on the restructuring of their ferrochrome and mining operations, with a transactional value in excess of ZAR500m.

Advising junior coal exporters in respect of their entitlement to export coal and acting for the former administrator of coal export allocations.

Representing a major coal producer for the past nine years in respect of disputes arising from coal take-off agreements.

Advising international shareholders in respect of exposure resulting from ailing mining operations in the chrome, diamond, coal and manganese commodity industries.

Advising foreign mining companies and their boards of directors regarding legislative obligations and operational structures, including BEE and shareholding structures.

Areas of focus

Mining and Resources: Mining

IERP Dispute Resolution

Construction and Engineering

Hogan Lovells China Desk

Education and admissions

Education

B.Com., University of Johannesburg

LL.B., University of South Africa

Court admissions

South Africa

Accolades

Wessel Badenhorst is a highly regarded lawyer in the area of mining health and safety, as well as being equipped to handle environmental mining mandates. He further acts for industry clients on business restructurings and employment matters. One source noted: 'He's a core mining lawyer but an exceptional corporate lawyer also.'

Chambers Global

Highly regarded mining health and safety lawyer Wessel Badenhorst

Representing a mining client in respect of the investigations into a major fall of ground disaster, which resulted in multiple fatalities.

Conducting operational legal audits and advising foreign holding companies of legal risks pertaining to South African mining operations.

Awards and rankings

- Energy & Natural Resources: Mining: Health & Safety (South Africa), *Chambers Global*, 2015-2019
- Recognised, *The Best Lawyers of South Africa for Mining*, 2019

Latest thinking and events

- Press Releases
 - Hogan Lovells relaunches in Johannesburg, South Africa
- Hogan Lovells Publications
 - Publication of the Draft Broad-Based Socio-Economic Empowerment Charter for the Mining and Minerals Industry 2018 *Mining Alert 1*
- Published Works
 - Radio interview: SARS/Makwakwa *Classic FM*
- Published Works
 - Hogan Lovells' Makwakwa headache: 'Why we could not break SARS's privilege' *Fin24*
- Published Works
 - The fox guarding the henhouse? *Without Prejudice*
- Hogan Lovells Publications
 - In partnership with the PRC

offers clients significant expertise in high-profile casualties and fatalities. He also acts on business rescues and restructurings, as well as providing employment and environmental advice.

Chambers Global

Wessel Badenhorst has notable experience and demonstrates impressive capacity in relation to health and safety, environmental and labour law in the mining industry.

Chambers Global
