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the legal profession®

# The IBA Global Cross Border Legal Services in Africa Report 2018

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## INTRODUCTION

This database was produced for the IBA Bar Issues Commission Trade in Legal Services Committee. It is an extract from a larger Global Crossborder Legal Services database which covers over 140 countries, and more than 220 jurisdictions worldwide. Given the growth of crossborder activity amongst lawyers in Africa, this extract, covering only the African jurisdictions in the database, may be a useful tool for Bar Associations and others interested in looking at how cross border legal services works in different jurisdictions on the continent.

### *How the database was compiled*

The IBA Global Crossborder Legal Services database is available in full on the IBA's website. The jurisdictions covered in this extract have been compiled using the same methodology. This is as follows:

- First desk research was undertaken to find relevant statutory, regulatory and, where appropriate, judicial or Common Law provisions governing the regulation and supply of legal services in the various countries covered in the database.
- These initial results were then sent to the responsible competent authority for verification and if this was not possible, confirmation of the regulatory position was sought from local practising lawyers. The organisation undertaking this verification is mentioned at the end of each jurisdiction's entry, where applicable

### *Sources used*

Wherever possible primary sources have been used. Answers to questions on lawyers' titles, basic qualification requirements, reserved areas of work and responsible competent authorities are drawn in most cases from primary legislation or government gazettes. Competent authorities, who are responsible for the admission and registration of lawyers are the most common source for information on codes of conduct and requirements in relation to practice, including corporate forms in which lawyers may practise, the ability to practise in partnership with host country lawyers or to employ host country lawyer and the existence of other restrictions. Links to the sources used on a country by country basis are included in the body of the database. The World Trade Organisation services database ([www.wto.org](http://www.wto.org)) has been used as the main source of information on countries' market access commitments for legal services and horizontal commitments and its Regional Trade Agreement database for information on the coverage of legal services in RTAs and bilateral trade agreements. Information on the commercial presence of foreign legal providers has been obtained from published commercial sources, such as Chambers and Partners website ([www.chambersandpartners.com](http://www.chambersandpartners.com)) or Legal 500 ([www.legal500.com](http://www.legal500.com)), where possible this has also been verified with registration data held by competent authorities. Information on general investment restrictions has been derived from a variety of sources, including individual government investment agencies and the World Bank's 'Doing Business' website ([www.doingbusiness.com](http://www.doingbusiness.com)). Information on visas and work permits has come from both the horizontal commitments notified to the WTO and from commercial visa procurement agencies.

### ***Notes on Interpretation***

Legal services are defined for the purposes of this database as in UN CPC 861 and arbitration and mediation services, which are frequently conducted by lawyers are also considered. Many countries define the 'practice of law' within their own jurisdictions differently from the UN CPC classification and many also distinguish between services which are regulated and therefore restricted to qualified lawyers (often only locally qualified lawyers) and those services which are unrestricted, subject only to immigration and work permit requirements. The broad approach taken by this database allows us to reflect a fairer picture of overall market access offered by host countries.

Certain terminology has been used throughout this database, such as 'licensing', 'foreign legal consultant rules' and 'fly in fly out'. Many countries do not use this terminology themselves and may, for example, permit foreign lawyer establishment without having a formal FLC regime, but in order to obtain a basis for comparison, we have described arrangements that are considered to have equivalent effect in these sections even if they would not be described locally as such.

There are missing elements in this database which could usefully be added in future. We have not, for example, included any information about disciplinary arrangements, however most of the authorities who are responsible for issuing licences are also the authorities responsible for issuing certificates of good standing to individuals wishing to move across borders.

# Algeria

*Is there legislation governing the legal sector*

The Law on the Organisation of the Legal Profession, Law no.91-04 dated 8 January 1991

*Under what title do lawyers practise?*

Algerian lawyers practise under a single title, 'mohamy' which may be translated as 'avocat' or 'lawyer'

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

"In order to take the title of lawyer in Algeria, an individual must be registered in the table of lawyers (Article 7 Law No. 91-04). The table of registered lawyers include the titles of lawyers, their names, dates of registration and places of residence. It is organized in order of seniority and includes a list of those accepted into the training system. An individual needs to fulfil the following conditions in order to have the right to be registered (Article 9):

1. To have Algerian nationality
2. To be at least 23 years old.
3. To be in possession of a bachelor's degree in law or equivalent degree in Islamic law or PhD in law.
4. To have a certificate of competency for the legal profession
5. To enjoy political and civil rights.
6. Not to have been convicted of any crime of dishonesty.
7. Not to have taken any action opposing the revolution of 1 November 1954.
8. To be in sufficient good health to practice the profession.
9. To be a person of good behaviour.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The Algerian legal license entitles the holder to practise throughout the country. According to Article 5 of Law 91-04, a lawyer registered in the table of lawyers can practise his profession throughout the national territory in front of all judicial bodies and tribunals, administrative and disciplinary organizations except where provided for by special provisions.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Lawyers are the only class of people who are entitled to practise law in Algeria.

*Do you need to hold local nationality to be eligible to practise law?*

Only Algerian nationals may practise law in Algeria (subject to the exceptions outlined below).

# Algeria

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Law 91-04 explicitly allows Algerian lawyers to establish law firms. According to Article 94: A company, called a lawyers' firm may be established between two or more lawyers through a contract which possesses moral personality and which has the aim of the common practice of the legal profession as it is organized under this law.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The code of conduct was adopted by the National Bar Association [l'Union Nationale des Barreaux] on 25 March 1995 and approved by decree of the Justice Minister of 4 September 1995. It makes provisions in relation to conflict of interest, professional secrecy, and upholding the honour and dignity of the profession. A full version in French can be found at [www.avocats-alger.com](http://www.avocats-alger.com).

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

According to Article 96 of Law 91-04, an Algerian law firm must be registered with the Bar in the place in which it has its main office.

*Which authority issues licences? Are there different authorities for individuals and firms?*

According to article 7 and article 96 both individual lawyers and law firms must be registered with the Bar in order to be able to practise law.

The registering authority is the relevant local Bar within Algeria.

Contact details: Union nationale des barreaux algériens, Palais de Justice, B.P. 17, Alger, Algeria, 16000

Telephone: +213 2 160 37 13

Fax: +213 2 160 36 97

*Is the jurisdiction a member of the WTO?*

Negotiations on Algeria's accession to the WTO were opened in 1996 and have proceeded slowly.

*Has it made any WTO commitments on legal services?*

A draft schedule of services commitments to be made on Algeria's accession to the WTO was circulated in February 2012 but no details are publicly available.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Algeria has had a bilateral association agreement with the EU since 2002 and is party to the Pan-Arab Free Trade Area agreement.

*Do these currently include legal services or are there plans to include them in future?*

None of its bilateral agreements include legal services.



# Algeria

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Algeria recognises French diplomas when admitting lawyers (although only Algerian nationals benefit from this).

*Are there any 'foreign law' firms present in this jurisdiction?*

Foreign law firms with their own offices in Algeria run by Algerian lawyers include: Lefevre, Pelletier & Associés (France), Gide (France), CMS-Bureau Francois Lefebvre (France), Thomson and Knight LLP (US), Ferchiou & associés (Tunisian). SNR Denton has a formal agreement with a local firm. Many other US, French and English law firms are active on Algerian matters from their Paris offices and act regularly for the Algerian government and state-owned operations.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

The rules governing temporary practice by foreign lawyers relate primarily to appearance in court and require the foreign lawyer to register and practise from a 'host' local law firm.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Business visas of up to six month duration may be obtained on the invitation of a local business or Ministry.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

According to Article 6 of Law 91-04, it is possible for a foreign lawyer to obtain a limited licence to defend and act on behalf of litigants in an Algerian Judicial Body. In order to obtain this licence the foreign lawyer must be granted a licence for that purpose by the competent regional Chairman of the Bar and must operate from the office of a local lawyer practising in the jurisdiction of the relevant Judicial Council. This licence may be cancelled at any stage.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Once granted a limited licence, the foreign lawyer must practice from the office of a local lawyer.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

The foreign lawyer must be in good standing with his home bar or licensing authority.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Foreign lawyers are permitted to undertake international arbitration in Algeria. Where domestic arbitration provides for the appointment of a lawyer, the Bar Council will

# Algeria

	appoint an arbitrator from amongst its members, who are by definition Algerian nationals.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Following article 6 of Law 91-04, a foreign lawyer may obtain a special licence to appear before an Algerian judicial body under certain circumstances.
<i>Can foreign lawyers requalify as local lawyers?</i>	There is no provision for a foreign lawyer to requalify as an Algerian lawyer because of the nationality condition.
<i>Can a foreign law firm obtain a licence to open an office?</i>	A foreign law firm may not obtain a licence to open an office unless this is registered as a local law firm by Algerian lawyers.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	A foreign business setting up in Algeria must have 51% ownership by Algerian nationals. This requirement coupled with rules governing Algerian lawyers mean that a foreign law firm cannot set up as a business consultancy outside of legal sector regulation.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	A 51% rule on local ownership stipulates that any foreign company investing in Algeria must be majority owned by an Algerian company.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Only lawyers who are members of one of Algeria's 11 Bar Associations can practise as advocates and run law firms.

## Algeria

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Algerian lawyers may only enter into partnerships with other lawyers who are registered with one of the Algerian Bars (article 151 of the Rules governing the Legal Profession 1996).

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

There is nothing in the law to prevent an Algerian lawyer employing a foreign lawyer as a legal consultant, provided that foreign lawyers does not practise law in Algeria.

*Other useful sources or comments or links*

Ministry of Justice - <http://arabic.mjustice.dz>

Company Registration Office - Centre National du Registre du Commerce - [www.cnrc.org.dz](http://www.cnrc.org.dz)

# Angola

*Is there legislation governing the legal sector*

Lei da Advocacia 2017 (Lei n08/17) which defines the practice of law and builds on Lei n.01/95, of 6 January 1995 which established the Ordem dos Advogados and established abogados as a self-regulating profession

*Under what title do lawyers practise?*

Advogado/a

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

A person who wishes to become an abogado in Angola must obtain a law degree from one of Angola's three law schools and undertake six months initial training with the Bar's training centre, or take an extended degree course at University. After the initial period, an aspiring abogado must enrol with the Ordem as a trainee and complete an eighteen month traineeship before admission as a full abogado. An abogado must renew their licence annually.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country (see article 2 of the Estatuto da Ordem dos Advogados)

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

According to Article 20 of the Advocacy Act, the following activities undertaken in a professional capacity on behalf of third parties are reserved to advogados, to the extent that these are not permitted to other regulated professions or regulated by other laws. These activities are: (i) Practise in courts and arbitral tribunals; (ii) Provision of legal consultations for public and private entities; (iii) The preparation of contracts and the practice of preparatory acts leading to the constitution, termination or dissolution of legal business; (iv) Practice related to public regulatory bodies, registries and notary offices, central administration, local and other autonomous administrations; (v) Actions for debt collection; (vi) Legal mandates relating to administrative or tax acts; (vii) Accompanying clients to meetings and interviews with any authorities.

*Do you need to hold local nationality to be eligible to practise law?*

Yes. Under article 14 of the Act, only Angolan nationals may enrol in the Ordem, which is a prerequisite for regulated legal practice in Angola.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Abogados can practise as individuals or through chambers, or in law firm partnerships or associations

# Angola

<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Abogados must adhere to the Code of Ethics of the Ordem dos Advogados de Angola
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Law Chambers and Partnerships must register with the Ordem in accordance with Lei 16/16 of 30 September 2016.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Ordem dos Advogados de Angola is responsible for registering both individual lawyers and law firm chambers and partnerships
<i>Is the jurisdiction a member of the WTO?</i>	Angola joined the WTO on 23 November 1996
<i>Has it made any WTO commitments on legal services?</i>	Angola has made no sectoral GATS commitments on legal services
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Angola is a member of the Southern African Development Community (SADC) and is currently negotiating membership of the Southern African Customs Union (SACU). It is also a party to the EU-SADC Economic Partnership Agreement and eligible for preferential treatment under the US African Growth and Opportunity Act.
<i>Do these currently include legal services or are there plans to include them in future?</i>	SADC members are committed to progressive integration through a Free Trade Area, Customs Union and a Common Market. Various rounds of trade liberalising negotiations have been held and these have recently got round to services trade. Legal and other professional services are, however not a priority services sector for improving regional market access.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Foreign law firms are not permitted to establish in Angola but a number of Portuguese firms operate in the jurisdiction through associations (e.g. Miranda, PLMJ, MC&A) and there is a local vereim member of DLA Piper Africa.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Article 10 (5) of the Law on Advocacy 2017 prohibits foreign lawyers from working temporarily through the offices of Angolan law firms for more than 30 days at a time.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Business visas allow foreign nationals to hold meetings but not to earn income. An invitation letter must be provided by an Angolan business

# Angola

<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no foreign lawyer licensing regime.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	No applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Arbitration Law No. 16/03 (2003), based on the UNCITRAL Model Law, governs domestic and international arbitrations in Angola. Parties can appoint arbitrators of any nationality or professional qualifications, although only lawyers registered in Angola may represent parties in arbitration proceedings taking place in Luanda.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No. Practise in court is reserved to Angolan nationals under the Act on Advocacy
<i>Can foreign lawyers requalify as local lawyers?</i>	Article 98 of the Statute of the Ordem dos Abogados states that foreign nationals may register with the Ordem if they have graduated in law from the Angolan University and if, in their respective countries, a licensed Angolan abogado would have reciprocal rights of registration.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign law firms are not permitted to open offices in Angola but may operate through cooperation and association agreements with local law firms. Copies of these agreements must be deposited with the Secretariat of the Angolan Bar
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign companies may set up as limited liability companies, public companies, branch offices or representative offices. Joint ventures are also used but not as a legal form.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable

# Angola

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Article 9 of the 2017 Law on Advocacy permits Angolan abogadados to enter into international associations provided that they do not lose their independence and that they continue to adhere to the legal requirements applying to the profession in the Republic of Angola.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Angolan Abogados may be employed but any employment contract must respect the ethical rules of the Angolan Bar and uphold the independence of the abogado concerned. (Article 43 of The Statute of the Ordem dos Abogados)
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Article 9 of the 2017 Law on Advocacy permits Angolan abogadados to enter into international associations provided that they do not lose their independence and that they continue to adhere to the legal requirements applying to the profession in the Republic of Angola.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Foreign lawyers are not allowed to practise in Angola for more than thirty days at a time. Any foreign lawyer employed in Angola would therefore not be able to practise law or hold themselves out as a lawyer.
<i>Other useful sources or comments or links</i>	<u>Ordem dos Advogados de Angola</u> <a href="http://www.oaang.org/">http://www.oaang.org/</a>

# Benin

*Is there legislation governing the legal sector*

The law of April 29, 1965 establishing the Benin Bar. Regulation 05/CM/WAEMU on the harmonization of the rules governing the legal profession in WAEMU.

*Under what title do lawyers practise?*

Avocat

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To be admitted to the Benin Bar, a candidate must: i) hold a Master's degree in law (Maîtrise en droit); and ii) have passed the professional examination giving the certification leading to the professional Certificate of Aptitude to the profession of Avocat (CAPA). The candidate must then apply to the Bar Association for admission to an internship. At the end of the two year internship, the candidate must apply to be entered on the roll of the order.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only lawyers have the right to appear in court and plead cases in civil, commercial and criminal law (except where the parties to the lawsuit represent themselves).

*Do you need to hold local nationality to be eligible to practise law?*

Yes. Beninois nationality is a condition of registration, although an exception is made for WAEMU (West African Economic and Monetary Union) nationals and other foreigners may be able to join the Benin Bar, subject to reciprocal arrangements in their home jurisdiction.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Avocats may work in sole practice or through partnerships and collaborative entities.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Yes. Ethical requirements are contained in the law establishing and organizing the legal profession, in the WAEMU Community Regulation and in the internal rules of the Bar Association.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

The creation of a law firm does not require a specific authorization or license.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Barreau du Benin registers individual lawyers.

*Is the jurisdiction a member of the WTO?*

Benin joined the WTO on 22 February 1996

*Has it made any WTO commitments on legal services?*

Benin has made no sectoral GATS commitments on legal services



## Benin

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Benin is a member of the Economic Community of West African States (ECOWAS) and of the West African Monetary Union (WAEMU/UEMOA) and it is a party to the West Africa-EU Economic Partnership Agreement with the European Union. In addition, Benin has preferential trade agreements with: Australia, Canada, European Union, Iceland, Japan, Kazakhstan, New Zealand, Norway, Russian Federation, Switzerland, Turkey, India, Morocco, United States of America, Chile, China, China, Kyrgyz Republic, Tajikistan, Thailand, Republic of Korea and the United States of America.

*Do these currently include legal services or are there plans to include them in future?*

The West African Economic and Monetary Union, WAEMU, provides for the free movement of legal services by lawyers from member states throughout the region (Community Regulation No. 05 / CM / UEMOA on the harmonization of the rules governing the legal profession in the Community, Article 7). In addition, Benin has a bilateral judicial cooperation agreement with France which provides for freedom of movement of legal services between lawyers in the the countries concerned (Article 6 of the Judicial Cooperation Agreement between the Government of the French Republic and the Government of the Republic of Dahomey of 27 February 1975).

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from other WAEMU member states receive national treatment. They can move and establish or create a subsidiary firm. Lawyers from France are permitted by the Judicial Cooperation Treaty to appear before the Benin Courts.

*Are there any 'foreign law' firms present in this jurisdiction?*

Senegal firm Cabinet Maitre Cheikh Fall has an office established in Cotonou by virtue of the WAEMU agreement.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

No

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

There are no special requirements relating to lawyers visiting clients or undertaking marketing visits. Business visas are subject to various conditions. See <http://www.consulatdubenin.fr/visa-benin/>

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no foreign lawyer licensing regime.

*Are there any conditions that must be fulfilled once a foreign lawyer has been*

Not applicable

# Benin

*granted a limited licence (e.g. residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)* Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?* Yes, While the provisions of the uniform acts on mediation and arbitration in OHADA (Organization for the Harmonization of Business Law in Africa) does not specify that foreign lawyers undertake arbitration and mediation, this is the case in practice.

*Are foreign lawyers allowed to appear in court under any circumstances?* Only lawyers who are nationals of WAEMU member states, or lawyers from countries granting reciprocal access to Benin lawyers, are allowed to appear before the Benin courts.

*Can foreign lawyers requalify as local lawyers?* Yes, subject to reciprocity or being a national of a WAEMU member state.

*Can a foreign law firm obtain a licence to open an office?* Lawyers from WAEMU member states may request the opening of a main office, or one or more secondary offices in Benin.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)* Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)* Not applicable

*Is there a quota on the number of licences available?* Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* Not applicable

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?* Not applicable

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Not beyond the rules applying to local lawyers/law firms.

## Benin

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Ordre des Avocats du Benin ( <a href="https://barreaudubenin.bj">https://barreaudubenin.bj</a> ). See also <a href="http://www.ohada.com">www.ohada.com</a> and <a href="http://www.ecowas.com">www.ecowas.com</a>
<i>Verified by</i>	Verified by the Ordre des Avocats du Bénin, May 2018

## Botswana

*Is there legislation governing the legal sector*

Legal Practitioners Act 1996

*Under what title do lawyers practise?*

Legal practitioner which encompasses the titles advocate, attorney, notary or conveyancer. Practice as advocate or attorney is mutually exclusive. Notaries and conveyancers must be attorneys but must pass additional tests to hold those titles.

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

A person who is a citizen of Botswana shall be qualified to be admitted as a legal practitioner if he satisfies the court that: (a) s/he is a fit and proper person; (b) s/he has obtained an LLB from the University of Botswana, University of Lesotho, University of Swaziland or another a recognised university together with any additional qualifications as may be required (c) s/ he has passed such practical examinations as may be prescribed (d) s/he has undertaken a pupillage for an aggregate period of not less than 12 months under a pupil master and has attended such vocational courses in the practice and procedure in the courts as may be provided by the Council. Legal Practitioners must register annually.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Under section 16 of the Legal Practitioners Act, rights of audience in courts in Botswana and recognition as an 'officer of the court' are restricted to legal practitioners.

*Do you need to hold local nationality to be eligible to practise law?*

No, but a legal practitioner must be ordinarily resident in Botswana or must obtain an exemption from the Minister of Justice.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Legal Practitioners may only work as sole practitioners, in partnership or in employment

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Law Society has issued a code of ethics in accordance with its responsibilities under Section 59 of the Legal Practitioners Act

## Botswana

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

No. Practising certificates are issued on an individual basis however the Law Society of Botswana does maintain a list of law firms

*Which authority issues licences? Are there different authorities for individuals and firms?*

The official register of legal practitioners is held by the Registrar of the High Court. But in order to obtain a practising certificate and entry on the register, a legal practitioner must fulfil certain requirements with the Law Society (i.e. have obtained a fidelity fund certificate, submitted audited accounts and paid fees).

*Is the jurisdiction a member of the WTO?*

Botswana joined the WTO on 31 May 1995

*Has it made any WTO commitments on legal services?*

Botswana has made no sectoral GATS commitments on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Botswana is a member of the Southern African Development Community (SADC), the Southern African Customs Union (SACU), a party to the EU-SADC Economic Partnership Agreement, the US-SACU Trade Investment, and Development Cooperative Agreement (TIDCA), the SACU-Mercosur agreement and benefits from some unilateral preferential arrangements under the US African Growth and Opportunities Act (AGOA).

*Do these currently include legal services or are there plans to include them in future?*

SADC members are committed to progressive integration through a Free Trade Area, Customs Union and a Common Market. Various rounds of trade liberalising negotiations have been held and these have recently got round to services trade. Legal and other professional services are, however not a priority services sector for improving regional market access. Botswana is also one of only four SADC members to have committed to trade negotiations with the EU covering market access in services under the SADC-EU EPA.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. A few Botswana firms work in association with foreign law firms (e.g. DLA Piper) and the African network AB & David also has a local member.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no explicit rules on fly in fly out advisory practice.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Nationals of most Commonwealth countries (and many others) do not require visas to visit Botswana. Work permits are required for commercial activity.

## Botswana

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no licensing regime for foreign legal consultants in Botswana.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Arbitration in Botswana is governed by the 1959 Arbitration Act which does not distinguish between domestic and international arbitration. Parties are free to appoint the arbitrators of their choice but the Act does give the court some powers to intervene in appointments

*Are foreign lawyers allowed to appear in court under any circumstances?*

Under article 7 of the Legal Practitioners Act 1996, a qualified advocate from a Commonwealth country, or another country prescribed by Parliament, and who is not a citizen of Botswana or permanently or ordinarily resident in Botswana, may on an application to the Chief Justice with notice of the application to the Law Society, be admitted to practise as an advocate for the purpose of any specific cause or matter of importance and complexity in or regard to which he has been instructed either by the Attorney-General or an attorney in Botswana. This is a temporary admission which lasts only for the duration of the hearing of the specific cause or matter.

## Botswana

*Can foreign lawyers requalify as local lawyers?*

Under article 5 of the Legal Practitioners Act, a citizen of a Commonwealth country may be admitted as a legal practitioner in Botswana if he satisfies the court that-

(a) he is a fit and proper person;

(b) he has been admitted, has done his pupillage and is entitled to practise as a barrister in England, Northern Ireland, the Republic of Ireland or as an advocate in the Court of Session in Scotland; or

(c) he has been admitted, has done his pupillage and is entitled to practise as an advocate in any Division of the Supreme Court of the Republic of South Africa or in the High Court of Zimbabwe; or

(d) he has been admitted, has done his pupillage and is entitled to practise as an attorney or solicitor of any of the courts of Record in London, Belfast or Dublin, or being a Writer to the Signet or a solicitor or law agent admitted to practise in the Court of Session of Scotland; or

(e) he has been admitted, has done his pupillage and is entitled to practise as an attorney or solicitor in any Division of the Supreme Court of the Republic of South Africa or in the High Court of Zimbabwe; and

(f) he is ordinarily resident in Botswana or intends to reside permanently in Botswana; and

(g) there is a reciprocal provision in the law of the Commonwealth country of which he is a citizen to permit a citizen of Botswana qualified in terms of the laws of that country to be admitted to practise in that country. Qualified lawyers from non-Commonwealth jurisdictions must either fulfil all of the educational requirements demanded of a Botswana citizen seeking first qualification or can only be admitted on an ad hoc basis for a specific case.

*Can a foreign law firm obtain a licence to open an office?*

There is no licensing regime for foreign law firms and foreign lawyers are not permitted to practise in the courts in Botswana unless they are admitted.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Foreign companies must obtain a licence from the Ministry of Trade and Industry. Certain sectors are restricted for foreign investment but legal consultancy is not included on this list.

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

## Botswana

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not beyond the limitations imposed on individual foreign lawyers
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Botswana legal practitioners are prohibited by section 7 of the Law Society Code of Ethics from "permit(ing) their professional services or their names to be used in any way which would make it possible for persons to practice law, who are not legally authorised to do so". This implicitly prohibits employment of local lawyers by foreign lawyers.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Botswana legal practitioners are prohibited by section 7 of the Law Society Code of Ethics from "permit(ing) their professional services or their names to be used in any way which would make it possible for persons to practice law, who are not legally authorised to do so". This implicitly prohibits co-ownership between local and foreign lawyers.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	There is no framework in Botswana for foreign legal practice so any foreign qualified individual employed by a law firm in Botswana would not be recognised as a legal practitioner.
<i>Other useful sources or comments or links</i>	<u><a href="http://www.gov.bw">Attorney General's Chambers (accessible via www.gov.bw)</a></u>



## Burundi

*Is there legislation governing the legal sector*

Law No. 1/014 of 29 November 2002 Regulating the Legal Profession; & the internal rules and Regulations of the Burundi Bar Association of 22 April 2004

*Under what title do lawyers practise?*

Advocat

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

According to chapter IV of Law No. 1/014 of 29 November 2002 and Chapter I of internal rules and Regulations of 22 April 2004, to be admitted to the Bar, an applicant should: i) hold at least a law degree from a University of Burundi or a foreign university degree equivalent; ii) file an application to the Secretariat, with which are attached the documents referred to in Article 7 of the Act of 29 November 2002; iii) be subject to an inquiry and report on suitability of the candidate for admission, carried out by the President or a member of the Council delegated for this purpose. After the filing of the report, the Bar Council decides whether the individual should be admitted to the Roll of Advocates (Big Roll) or to the list of Interns (Small roll); iv) An internship lasts 2 years and is conducted under the supervision of an enrolled advocate; v) On completion of the internship, the trainee must make a request for admission on the roll of Advocates; vi) Judges and Prosecutors with at least 6 years seniority, holders of a PhD in Law and lawyers who have been government lawyers for at least two years, are exempted from the internship.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

In Burundi, the representation and provision of assistance to parties in court are reserved to registered avocats (Art 30 of the Law and Art 4 of the internal rules).

*Do you need to hold local nationality to be eligible to practise law?*

Yes. Burundian nationality is a condition of enrolment as an avocat.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

An avocat can practice either as an individual or collectively through a partnership, collaboration or in a professional civil company (article 17 of the internal rules)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

There are ethical and regulatory requirements that the advocate must adhere to. These requirements and regulations are contained in both the ILaw on the Legal

## Burundi

	Profession and the Rules and Regulations of the Burundi Bar.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	The creation of a law firm does not require a specific license, however Article 16 of the internal rules of the Burundi Bar Association requires that the President of the Bar is informed about the creation of subsidiary offices. Copies of contracts governing the relationship between lawyers must be sent to the Bar Council for verification of the compliance of these contracts with the Law and Regulation of the Profession (articles 19 to 24 of the internal Rules)
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Council of the Bar Association of Burundi licences individual lawyers and gives its approval for the creation of gassociations, professional companies ("societe civile professionnelle") and collaborations.
<i>Is the jurisdiction a member of the WTO?</i>	Burundi joined the WTO on 23 July 1995
<i>Has it made any WTO commitments on legal services?</i>	Burundi has made no sectoral GATS commitments on legal services
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Burundi is a member of the Common Market for Eastern and Southern Africa (COMESA) and the Eastern African Community (EAC). It is also a party to the EAC-East African Community EPA.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The Common Market Protocol of the East African Community provides for the integration of professional services including legal services in the community. Negotiations are underway for an EAC Mutual Recognition Agreement for Advocates. In addition, although the COMESA negotiations have not yet covered legal services, the second round of trade in services negotiations launched in 2017 does cover business services, which include legal services.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Burundi has made a commitment under the EAC-Common Market Protocol to sign up to a Mutual Recognition Agreement covering the recognition of professional qualifications, including of lawyers. This is still in draft form.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. International law firms Norton Rose Fulbright and DLA Piper have associations with firms in Burundi.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Not for advisory work but in accordance with Article 30 of the Law Organizing the legal profession; the lawyer who wants to plead before the Burundian courts for a specific case must: a) Introduce an application to the

## Burundi

	Court which approve after getting opinion of the President of Burundi Bar; and b) comply with the professional obligations applicable to lawyers in Burundi.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Obtaining the visa is subject to certain conditions . see link: <a href="http://www.ambassade-du-burundi.fr/visa/">http://www.ambassade-du-burundi.fr/visa/</a>
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no licensing regime for foreign legal consultants in Burundi
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Domestic arbitration in Burundi is governed by Law No. 1/010 of 13 May 2004 and ICSID rules apply to international arbitrations.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No, the foreign lawyer can only plead before the Burundian court for a specific case and after authorization of the president of the bar association. However, the article 30 of Law No. 1/014 of 29 November 2002 provides that "a foreign lawyer may be authorized by the court to assist or represent a party summoned before that court."
<i>Can foreign lawyers requalify as local lawyers?</i>	No
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable

## Burundi

<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not Applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Under the relevant laws and regulations, domestic lawyers may not be employed by a foreign lawyer or law firm. However, in reality this is known to take place.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	In practice - yes. However, they cannot appear in court.
<i>Other useful sources or comments or links</i>	<a href="http://www.intracen.org/Ordre-des-avocats-du-Burundi/">http://www.intracen.org/Ordre-des-avocats-du-Burundi/</a> <a href="https://www.eac.int/">https://www.eac.int/</a>
<i>Verified by</i>	Verified by the Ordre des Avocats du Burundi

# Cameroon

*Is there legislation governing the legal sector*

Law No. 90/059 of 19 December 1990 Organizing the Profession of Advocate in Cameroon & Vice Prime Minister & Minister of Justice Decree N° 41/DPJ/SG/MJ OF 12 April 2005 on Internal Rules of the Bar.

*Under what title do lawyers practise?*

Advocate

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To be admitted to the Bar, the applicant must: i) hold a law degree or a Bachelor of Law (LLB) degree or recognized equivalent legal diploma by the competent authority at the time of submission of the file; ii) have passed the Bar exam iii) be admitted to the list of interns iv) Complete a two-year internship under the supervision of a senior advocate v) Pass a further Bar examination after completion of the internship and vi) Apply to be entered on the Roll of Advocates.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only licensed lawyers may represent parties in court (Article 2 of the law of 1990). Lawyers located in the South West and North West provinces may additionally perform the functions of notary (section 74 of the Act)

*Do you need to hold local nationality to be eligible to practise law?*

Yes. Nationality is a condition of registration, although under reciprocal agreements, the authorization to practice (or to be an intern) may be granted by the Minister of Justice in consultation with the Bar Council. In addition, any lawyers with foreign nationality who were practising in the Republic of Cameroon at the date of the promulgation of the law were authorized to continue the exercise of their profession.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

An avocat in Cameroon can practise as an individual or through a professional company (Articles 4 and 32 of the law); and in collaboration (Rule 77 of the internal rules)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Yes - These requirements and regulations are contained both in the Law on the Organisation of the Profession of Advocate in Cameroon and in the internal rules of the Ordre.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

The creation of a law firm requires prior authorisation by the Bar council (articles 76 and 77 of the internal rules of procedure).

# Cameroon

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Council of the Bar Association of Cameroon licenses individual lawyers and approves the creation of law firms.

*Is the jurisdiction a member of the WTO?*

Cameroon joined the WTO on 13 December 1995

*Has it made any WTO commitments on legal services?*

Cameroon has made no sectoral GATS commitments on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Cameroon is a member of the Economic and Monetary Community of Central Africa (CEMAC). It is also a party to the EU – Cameroon Economic Partnership Agreement and the Global System of Trade Preferences among Developing Countries (GSTP), and has signed preferential trade agreements with: Canada, Kazakhstan, Norway, Russian Federation, Switzerland, Turkey and the United States of America.

*Do these currently include legal services or are there plans to include them in future?*

No, but negotiations are under way at the CEMAC level to strengthen integration, particularly of professional services. Cameroon has signed a bilateral Judicial Cooperation Agreement with France which provides for the free movement of legal services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from France are permitted by the Judicial Cooperation Treaty to appear before Cameroon courts as local lawyers.

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. There are international firms (e.g. DLA Piper and Miranda) and regional firms (John W Fooks & Co) active in Cameroon through associations and alliances with local firms.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Not for advisory practice. Foreign lawyers will need the authorization of the president of the court before which he wants to appear (section 73 of the law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Obtaining a business visa in Cameroon, is subject to the conditions of justification of the reason for the stay, and presentation of a letter of invitation from the Cameroon correspondent. See:  
[https://www.diploconsult.com/index.php?option=com\\_dossier&view=dossier&layout=edit&Itemid=126&lang=fr](https://www.diploconsult.com/index.php?option=com_dossier&view=dossier&layout=edit&Itemid=126&lang=fr)

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no licensing regime for foreign legal consultants in Cameroon.

## Cameroon

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Once he has been authorized to appear in local courts, the foreign lawyer must elect domicile to one of the local law firm/lawyer.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	The limited licensing regime is not recognized in Cameroon. To practise, apart from application to the court (under reciprocity), the law and regulation doesn't specify other conditions.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Arbitration in Cameroon is governed by the OHADA Uniform Act on Arbitration 1999 which permits parties a choice of arbitrator
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Only lawyers of any country granting reciprocity may appear before the Cameroon courts upon the approval of the President of court (Art 73 of the law) however, it also states that "Subject to reciprocity with his country of origin, a lawyer registered with a foreign bar may be authorized by the president of the court to plead in a particular case."
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes, subject to reciprocity (section 73 of the law)
<i>Can a foreign law firm obtain a licence to open an office?</i>	No. Foreign law firms are not permitted to establish in Cameroon.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable

## Cameroon

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes (in a form accepted by the law)
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Barreau du Cameroun ( <a href="http://www.barreaucameroun.org">www.barreaucameroun.org</a> ) <a href="http://www.ohada.com">www.ohada.com</a> <a href="http://www.cemac.int">www.cemac.int</a>
<i>Verified by</i>	Verified by the Ordre des Avocats du Cameroun



## Cape Verde

*Is there legislation governing the legal sector*

Lei n° 91/VI/2006 de 9 de Janeiro

*Under what title do lawyers practise?*

Advogado/a

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

Article 101 of Lei 91/VI/2006 states that, to be admitted as an advogado, an applicant must: (i) Have a law degree; (ii) Undertake a fourteen month traineeship approved by the Bar; (iii) Be morally suitable for the practice of advocacy; (iv) Have full civil rights; (v) Not practice any incompatible occupation; (vi) Apply for enrolment as a member of the Ordem dos Advogados de Cabo Verde (OACV). The register is updated annually.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only trainee lawyers and lawyers with registration in force at the OACV may carry out legal practice, which is defined as: a) The exercise of a judicial mandate; b) Legal consultation; (c) the drawing up of documents and the carrying out of preparatory and subsequent acts aimed at establishing, altering or extinguishing legal transactions, namely those practised at notary offices and records; d) Negotiation aimed at debt collectios; e) Complaints or challenges to administrative or tax authorities.

*Do you need to hold local nationality to be eligible to practise law?*

Yes, Cape Verdean nationality is a requirement but the national of another State with Treaty arrangements with Cape Verde may register with the OACV if all of the local erquirements for authorisation are fulfilled.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Advogados may only work in offices composed of advogados regardless of legal form. Advogados may however provide services on an individual basis within Trade Unions, business associations and other non-profit entities in the interests of the members of those organisations, if they receive prior approval from the Ministry of Justice.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

All licensed abogados must comply with the rules set out by the OACV and the ethical requirements set out in Chapter II of the Act.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

No

## Cape Verde

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Ordem dos Advogados de Cabo Verde (OACV) registers abogados. There is no separate registration procedure for law firms.

*Is the jurisdiction a member of the WTO?*

Cape Verde joined the WTO on 23 July 2008

*Has it made any WTO commitments on legal services?*

Cape Verde has made commitments in modes 1-3 for the provision of legal services (CPC 861) in the form of consultancy on the law of the jurisdiction where the service supplier is qualified as a lawyer and on international law. There are no nationality conditions on investment but foreign investors may be required to train and upgrade the technical and management skills of local employees.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Cape Verde has bilateral trade agreements with Portugal, Germany, China, Angola, Cuba, Netherlands and Switzerland.

*Do these currently include legal services or are there plans to include them in future?*

No

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No

*Are there any 'foreign law' firms present in this jurisdiction?*

There are a number of Portuguese law firms (e.g. Miranda and Associates, Edge International and Viera de Almeida) with associated offices in Cape Verde. The global verein Dentons also has an associate firm in Cape Verde.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no explicit rules on fly in fly out advisory practice by foreign lawyers.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Obtaining a business visa requires a letter from the applicant's company supporting the invitation and indicating who will be financially responsible for the applicant's costs.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no licensing regime for foreign legal consultants in Cape Verde

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

## Cape Verde

<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	The principal national arbitration statute in Cabo Verde is the Arbitration Law No. 76/VI/2005 of 16 August 2005. Law No. 89/IV/93 of 13 December 1993 provides that disputes between the State of Cabo Verde and foreign investors shall be resolved through arbitration and conciliation subject to Cabo Verde arbitration law. Parties are free to choose arbitrators.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	The Act permits recognition of foreign lawyers by the OACV for admission locally, if they are from countries with whom Cape Verde has Treaty arrangements.
<i>Can foreign lawyers requalify as local lawyers?</i>	The Act permits recognition of foreign lawyers by the OACV for admission locally, if they are from countries with whom Cape Verde has Treaty arrangements.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Not applicable
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable

## Cape Verde

<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No - abogados may only work with other abogados.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No - abogados may only work with other abogados.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	There is no framework in Cape Verde for foreign legal practice so any foreign qualified individual employed by a law firm in Cape Verde would not be recognised as a legal practitioner.
<i>Other useful sources or comments or links</i>	Ordem dos Advogados de Cabo Verde ( <a href="http://www.oacv.cv/">http://www.oacv.cv/</a> )

## Central African Republic

*Is there legislation governing the legal sector*

Law No. 10.006 of 26 June 2010 Regulating the Profession of Advocates in Central Africa Republic (Loi portant statut de la Profession des Avocats en Republique Centre Africaine)

*Under what title do lawyers practise?*

Advocat

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

Articles 8 to 29 of the Law No. 10.006 of 26/ June 2010, state that admission to the Bar requires the applicant: i) to hold Bachelor or Masters Degree in law; ii) To pass the Bar Exam (CAPA); iii) To undertake two years of internship under the supervision of an advocate on the roll. Following the completion of the internship, the candidate may apply to the Bar Council to be admitted to the Roll of advocates.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only a licensed lawyer can represent and assist parties in courts.

*Do you need to hold local nationality to be eligible to practise law?*

Yes. Nationality is a condition of registration. However, a non-national of the Central African Republic may be allowed to practice law if reciprocal arrangements exist in his/her home country and he/she complies with the conditions of registration at one of the Bars (Article 7 of the law).

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A CAR avocat may practice his profession either as an individual, or collectively through a partnership, collaboration or through a professional company (article 5 of the law).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The law requires an avocat to adhere to the internal rules and regulations made by the bar with which he is registered.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

The creation of a law firm does not require authorization or a license. However, the copies of the contracts between the lawyers concerned must be transmitted to the Bar Council for verification of conformity with the law (Article 5). The Advocate may have only one principal firm established within the jurisdiction of Court of Appeal where he is registered. This principal office is his professional domicile. However, he/she may have a secondary office in the jurisdiction of another Court of

## Central African Republic

	Appeal after authorization of the Bar Council of the respective Bar Association (Article 6).
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Council of the Bar Association authorizes both individual practice or practice through an association, collaboration or professional company.
<i>Is the jurisdiction a member of the WTO?</i>	The Central African Republic joined the WTO on 31 May 1995
<i>Has it made any WTO commitments on legal services?</i>	The Central African Republic has made no sectoral GATS commitment on legal services
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The Central African Republic is a member of the Central African Economic and Monetary Community (CEMAC). CAR also has preferential trade agreements with Australia, Canada, European Union, Iceland, Japan, Kazakhstan, New Zealand, Norway, Russian Federation, Switzerland, Turkey, United States of America, India, Morocco, Chile, China, Kyrgyz Republic, Tajikistan and the Republic of Korea.
<i>Do these currently include legal services or are there plans to include them in future?</i>	No, but negotiations are under way at the CEMAC level to strengthen integration, particularly of professional services. The Central African Republic has signed a judicial cooperation agreement with France which provides for the free movement of legal services (Article 28 of Cooperation Agreement on Justice between the French Republic and the Central African Republic).
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Lawyers from France are permitted by the Judicial Cooperation Treaty to appear before CAR courts as local lawyers.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. The regional African firm John W Fooks & Co has an association with a local law firm in CAR.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	No
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	There are no special requirements on foreign lawyers.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no licensing regime for foreign legal consultants in the Central African Republic.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been</i>	Not applicable.

## Central African Republic

*granted a limited licence (e.g. residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

CAR does not have a limited licensing regime. However, subjected to reciprocity, a foreign lawyer may be allowed to appear before the Central African courts for specific cases under the conditions provided for in Article 7 of the Law. He must be introduced to the court by the President of the bar and appear with a local lawyer.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes, While the provisions of the uniform acts on mediation and arbitration in OHADA (Organization for the Harmonization of Business Law in Africa) do not explicitly permit foreign lawyers to undertake arbitration and mediation, in practice this is the case.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Only lawyers who are nationals of states granting reciprocity to the Central African Republic may appear before the Central African courts.

*Can foreign lawyers requalify as local lawyers?*

Yes, subject to reciprocity (Article 8)

*Can a foreign law firm obtain a licence to open an office?*

No, there is no such licensing regime for foreign law firms in Central African law.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable.

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Not applicable

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

Not applicable

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

*Are there rules about the name a foreign law firm can take?*

Not applicable

## Central African Republic

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes – A local law firm may mention that it is a member or an affiliate in an international network.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, but this is conditional on the lawyer's authorization to practice law in the Central African Republic.
<i>Other useful sources or comments or links</i>	centrafriqueledefi.com www.cemac.int www.ohada.com
<i>Verified by</i>	Verified by the Ordre des Avocats



## Comoros

*Is there legislation governing the legal sector*

Law No. 08-01A0/AU dated 23 June 2008 regulating the legal profession in the Union of the Comoros

*Under what title do lawyers practise?*

Avocat à la Cour (Avocat)

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

Admission to the Bar requires (i) a master's degree in law from the Faculty of Law of the University of Comoros or an equivalent diploma; (ii) the Certificat d'aptitude a la profession d'avocat - CAPA ((iii) A 2 year training period organized by the Conseil de l'Ordre. At the end of the training, on the recommendation of the Conseil de l'Ordre, the trainee receives a certificate which confers him the quality of Avocat à la Cour.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only lawyers have the ability to plead, apply on the behalf of and represent parties before administrative or disciplinary courts. They also have the exclusive right to appear in court and undertake the acts necessary for the execution of a court decision.

*Do you need to hold local nationality to be eligible to practise law?*

Yes. Comorian nationality is a condition of registration. However lawyers who are nationals from member state of OHADA or from states granting reciprocity to Comorian nationals can also apply for recognition.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A Comorian lawyer may practise as an individual, or collectively through a partnership or collaboration, in accordance with the internal regulations of the Bar.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The ethical requirements governing the practise of law in Comoros are set out in the Internal Regulations of the bar.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

No

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Council of the Bar Association of Comoros (Conseil de l'Ordre) authorises individual avocats. There is no separate authorisation procedure for law firms.

*Is the jurisdiction a member of the WTO?*

Comoros is negotiating accession to the WTO and has held observer status since 2007

*Has it made any WTO commitments on legal services?*

Comoros has made an initial services offer to other WTO members as part of its accession process

## Comoros

(currently confidential but likely to include legal services)

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Comoros is a member of the Common Market of Eastern and Southern Africa (COMESA)

*Do these currently include legal services or are there plans to include them in future?*

COMESA provides for the integration of professional services including legal services. The second round of negotiations launched in 2017 includes business services, which encompasses legal services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers registered at the Bar of a Member State of the OHADA or of a State granting reciprocity to Comorian nationals may plead before the Comorian courts but must be resident in Comoros.

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. The regional African firm John W Fooks & Co has an association with a local law firm in Comoros.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Not for advisory practice but for representation of clients in court, authorization is granted by the Bâtonnier of the Conseil de l'Orde

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Yes a foreign lawyer is required to obtain a visa to enter the Comoros to visit clients or to market. It can be obtained upon arrival at the airport. A valid passport at least six months after the return date is required.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

All foreign lawyers must be expressly authorized to plead after having taken residency in Comoros, which authorization is granted by decision of the Bâtonnier or Conseil de l'Orde

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

No.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Yes, unless the authorization granted by decision of the Bâtonnier or Conseil de l'Orde provide otherwise.

## Comoros

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Lawyers registered at the Bar of a Member State of the OHADA or of a State granting reciprocity to Comorian nationals may plead before the Comorian courts. Foreign lawyers other than the above, after having elected domicile in Comoros and authorized by the Bâtonnier or Conseil de l'Orde (when the Bâtonnier represents a party in the case) can appear in court. On a temporary basis, foreign lawyers must be expressly authorized to plead after having elected domicile in Comoros. The Authorization is granted for a specific case by decision of the Bâtonnier or Conseil de l'Orde when the Bâtonnier represents a party in the case.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	All other foreign lawyers must be expressly authorized to plead. Authorization is granted for a specific case by decision of the Bâtonnier of the Ordre.
<i>Can foreign lawyers requalify as local lawyers?</i>	No.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Not applicable
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable

## Comoros

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes, however, the foreign lawyer cannot plead unless an authorization from the Bâtonnier or Conseil de l'Orde (when the Bâtonnier represents a party in the case) is obtained, which authorization is granted for a specific case.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	In practice - yes. However, they cannot appear in court unless expressly permitted.
<i>Other useful sources or comments or links</i>	<a href="http://www.ohada.com">www.ohada.com</a>
<i>Verified by</i>	Verified by John W. Fooks & Co

## Congo (Republic of)

*Is there legislation governing the legal sector*

Law 026-92 of 20 August 1992 on Organization of the Profession of Advocates

*Under what title do lawyers practise?*

Advocat

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

In accordance to Articles 24 to 32, to be admitted to the Bar, the applicant must: i) hold a master's degree in law or equivalent degree and a diploma from the National School of Administration and Magistrate; ii) Undertake two years of internship under the supervision of an enrolled advocate. After enrollment by the Bar Council, a notification is sent to the Minister of Justice (Art.31).

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country (Art 48)

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only a licensed lawyer has the monopoly of representation of the parties in courts (Art.1).

*Do you need to hold local nationality to be eligible to practise law?*

Yes. Nationality is a condition of registration. However, a non-Congolese national may be authorised to practise law in the Congo if reciprocal access exists in his/her home country (Art. 24).

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A Congolese lawyer may practise as an individual or collectively through a partnership or collaboration, or within a professional company (Art. 47).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The ethical and regulatory requirements that a lawyer must adhere to are contained in the internal rules and regulations of each local bar and of the National Bar Association.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

The creation of a law firm does not required any particular license. However, subsidiary offices require the authorization of the National Council of the Bar Association (Art. 18). Copies of the contracts between lawyers involved in firms must be sent to the Bar Council for verification of the conformity of these contracts with the law.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The National Bar Council issues licences to individual lawyers and authorises any new law firms in accordance with the law.

*Is the jurisdiction a member of the WTO?*

Congo joined the WTO on 27 March 1997

## Congo (Republic of)

*Has it made any WTO commitments on legal services?*

Congo has made no sectoral GATS commitment on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Congo is a member of the Central African Economic and Monetary Community (CEMAC). It also has preferential trade agreements with Australia, Canada, European Union, Iceland, Japan, Kazakhstan, New Zealand, Norway, Russian Federation, Switzerland, Turkey, United States of America, India, Morocco, Chile, China, Kyrgyz Republic, Tajikistan, Republic of Korea.

*Do these currently include legal services or are there plans to include them in future?*

No, but negotiations are under way at the CEMAC level to strengthen integration, particularly of professional services. Congo has a judicial cooperation agreement with France which provides for the free movement of legal services (Article 48 of Decree No. 82-140 of 3 February 1982, Cooperation Agreement between the French Republic and the People's Republic of Congo).

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from France are permitted by the Judicial Cooperation Treaty to appear before Congolese courts as local lawyers.

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. The regional African firm John W Fooks & co has an association with a local law firm in the Republic of the Congo.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Not for advisory practice

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Obtaining a visa for Congo is governed by a number of conditions.  
See: <https://www.legal-office.fr/visa-congo-brazzaville/>

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no licensing regime for foreign legal consultants in the Congo.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)?*

No.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

No

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes, While the provisions of the uniform acts on mediation and arbitration in OHADA (Organization for

## Congo (Republic of)

	the Harmonization of Business Law in Africa) does not specify that foreign lawyers undertake arbitration and mediation, in practice this is the case. Additionally, Art.9 of the of the Mediation and Arbitration rules of Congo Centre for Mediation and Arbitration (published in February 2014) provides that: "each party may be represented by any person of its choice, a practising advocate or not".
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Only lawyers of any country offering reciprocal access may appear before the Congolese courts (Art. 24)
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes (Article 24)
<i>Can a foreign law firm obtain a licence to open an office?</i>	No. Lawyers covered by reciprocity agreements may open a law firm in the accepted forms in Congo
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	No
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms must meet the same requirements as local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	Not beyond the rules applying to local lawyers/law firms.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes

## Congo (Republic of)

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

A local law firm may mention that it is an affiliate or partner in an international network.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes, but he/she must be registered to appear in court.

*Other useful sources or comments or links*

[www.ohada.com](http://www.ohada.com)  
[www.cemac.net](http://www.cemac.net)  
[www.adiac-congo.com](http://www.adiac-congo.com)  
[www.batonnier-mabassi.com](http://www.batonnier-mabassi.com)

*Verified by*

Verified by the Ordre National des Avocats du Congo  
Barreau de Brazzaville



## Cote d'Ivoire

*Is there legislation governing the legal sector*

Law No. 81-588 of 27 July 1981, regulating the profession of Advocates & Regulation 05/CM/WEAMU of 25 September 2014 on the harmonization of the rules governing the legal profession in WAEMU

*Under what title do lawyers practise?*

Advocat

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

In accordance with Title II of Law No. 81-588 OF 27 July 1981, to be admitted to the Bar, an applicant must: i) hold a master's degree; ii) Pass a bar exam organised by the Government (CAPA); iii) Undertake an internship of two years, which takes place both in professional training centers and in law firms; iv) receive final certificate at end of training; v) make an application to the Bar council for formal enrollement.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only a licensed advocat may represent parties in court.

*Do you need to hold local nationality to be eligible to practise law?*

Yes. Ivorian nationality is a condition of registration, although an exception is made for WAEMU (West African Economic and Monetary Union) nationals.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

An Ivorian lawyer may practise as an individual, or collectively through a partnership or collaboration, or within a professional company (Art. 56)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The ethical and regulatory requirements that an Ivorian lawyer must adhere to are contained in the internal regulations of the bar, in Regulation 05/CM /UEMOA on the Harmonization of the Rules Governing the Legal Profession in WAEMU, and in Law No. 81-588 of July 27 1981.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

There is no special authorization for the creation of a law firm, however, copies of contracts between lawyers must be forwarded to the Bar council to verify compliance with the law (Art. 60)

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Council of the Bar Association issues licenses for both individual lawyers and for law firms.

*Is the jurisdiction a member of the WTO?*

Cote d'Ivoire joined the WTO on 1 January 1995

## Cote d'Ivoire

*Has it made any WTO commitments on legal services?*

Cote d'Ivoire has made no sectoral GATS commitment on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Cote d'Ivoire is a member of the Economic Community of the West African states (ECOWAS), and the West African Monetary Union (WAEMU/UEMOA). It is also a party to the Ivory Coast-EU Economic Partnership Agreement and the West Africa-EU Economic Partnership Agreement and has preferential trade agreements with Canada, Norway, Switzerland, Turkey, Kazakhstan and the United States.

*Do these currently include legal services or are there plans to include them in future?*

The West African Economic and Monetary Union, WAEMU, provides for the free movement of legal services by lawyers from member states throughout the region (Community Regulation No. 05/CM/UEMOA on the harmonization of the rules governing the legal profession in the Community, Article 7). In addition, Cote d'Ivoire also has a bilateral agreement with France on judicial cooperation which provides for the free movement of legal services (Article 34 of the Cooperation Agreement on Justice between the French Republic and the Republic of Côte d'Ivoire of 24 April 1961).

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from other WAEMU member states receive national treatment. They can move and establish or create a subsidiary firm. Lawyers from France are permitted by the Judicial Cooperation Treaty to appear before the Ivorian Courts.

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. The international law firm DLA Piper and the multijurisdictional African firm John W Fooks & Co both have associated offices in Cote D'Ivoire. Senegal firm Cabinet Maitre Cheikh Fall has an office established by virtue of the WAEMU agreement.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

No

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Obtaining a visa for the Cote d'Ivoire is subject to a number of conditions. See <https://www.legal-office.fr/visa-cote-divoire>

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no licensing regime for foreign legal consultants in the Cote d'Ivoire.

## Cote d'Ivoire

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Ivorian legislation does not recognize the limited licensing system, however foreign lawyers are allowed to appear in the Ivorian courts for specific cases, subject to reciprocity. They must be employed in the law firm of an Ivorian lawyer.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes, While the provisions of the uniform acts on mediation and arbitration in OHADA (Organization for the Harmonization of Business Law in Africa) do not explicitly permit foreign lawyers to undertake arbitration and mediation, in practice this is the case.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Only lawyers who are nationals of WAEMU member states or of any lawyer from reciprocating state may appear in the courts of Côte d'Ivoire. However, a non-Ivorian advocate within WAEMU space may be allowed to practice before the Ivorian courts subject to reciprocity (Article 125)
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes, subject to reciprocity.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Lawyers from WAEMU member states are allowed to establish and open law firm or a Subsidiary firm (Cabinet Secondaire) as per Art. 7 Para 1 of WAEMU Regulation 2014
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable

## Cote d'Ivoire

<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms from WAEMU Member States may establish in the same forms permitted to local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	Not beyond the rules applying to local lawyers/law firms.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes, so long as it is done in the form allowed by the law on legal profession and regulations
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, but foreign lawyer must be licenced to practice.
<i>Other useful sources or comments or links</i>	<a href="http://www.ordredesavocats.ci">www.ordredesavocats.ci</a> <a href="http://www.ohada.com">www.ohada.com</a> <a href="http://www.ecowas.int">www.ecowas.int</a>
<i>Verified by</i>	Verified by the Ordre des Avocats de Côte d'Ivoire

## Democratic Republic of the Congo

*Is there legislation governing the legal sector*

Ordonnance-loi No 79-028 du 26/09/1979 portant organisation du Barreau, du corps des défenseurs judiciaires et du corps des mandataires de l'Etat (Law on the organisation of the Bar, judicial defenders and State representatives).

*Under what title do lawyers practise?*

“Avocat” or “Défenseur judiciaire”

*How does an individual lawyer obtain a “licence” to practise law? How often must this be renewed?*

Unlike some civil law countries, where there is a separate legal education for judges and lawyers, the Congolese basic law degree (licence) entitles its holders to practise either as judges or advocates. Requirements for a ‘licence’ to practise law as an “avocat” (=lawyers) or as a “défenseur judiciaire” (judicial defenders) are different because the scope of practise they are entitled to is different: a “défenseur judiciaire” has a limited scope of practice and may only plead before local courts. Requirements for a qualification as an “Avocat”: To access the legal profession one needs to (Article 7 of the Act): a) hold DRC nationality; b) hold a degree in law or a doctorate in law issued by the National university of Zaire (or the former National school for legal and administrative studies) or an equivalent diploma issued by a foreign university ( the applicant must in this case justify that he or she has knowledge in DCR law); c) complete a 2-year internship (stage) with a registered local lawyer (section II of the Act); d) pass the final exam after completion of the internship (certificat d’aptitude professionnelle).

Lawyers must be registered in the list of the Bar association of their place of establishment (Article 3 of the Act).

Conditions for admission as a “défenseur judiciaire”: a) hold DRC nationality; To have graduated in law at the National University of DRC or hold an equivalent degree.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

“Avocats” can automatically practise before all jurisdictions in DRC (except for the Supreme Court see below) according to Article 5 of Law no 79-028. There is no jurisdictional limit. However, before pleading in a court outside the area covered by his or her bar association,

## Democratic Republic of the Congo

lawyers must introduce themselves to the judge heading the trial (président de l'audience ), to the public prosecutor, to the head of the local bar association (bâtonnier), and to the lawyer of the opposite party (Article 78 of the Act).

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

According to Article 6 of the Act, only lawyers (avocats) are allowed to assist and represent clients, to make procedural acts on the behalf of clients, to file conclusions and plead before courts.

Judicial defenders have the same rights but their activity is limited to local bars (Tribunal de paix and tribunal de grade instance); they may not appear in Courts of appeal.

Only lawyers admitted to the Supreme Court (avocats à la Cour suprême de justice) may plead before it and need to have practised for 10 years and have published several legal articles in order to be eligible to do so (Article 105).

*Do you need to hold local nationality to be eligible to practise law?*

Local nationality is a requirement, however there is the possibility of reciprocal access for foreign lawyers (article 7).

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Lawyers may practise in several legal forms which are laid down in article 64 of the Act.

They may be self-employed (exercice à titre individuel), in an association of lawyers, as a collaborator of another lawyer, or in a group of lawyers.

The contract of collaboration is the contract by which a lawyer commits himself to work for another lawyer in exchange of a salary.

An association is a contract between 2 or more lawyers who decide to practise together in the same law firm (cabinet) or different law firms and share benefits and losses.

## Democratic Republic of the Congo

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The national Bar Association (Conseil National de l'Ordre) has issued the Règlement Intérieur du Barreau which elaborates on the basic ethical requirements contained in the law.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

There is no licensing procedure for law firms, however article 70 of the Act says that copies of contracts between lawyers (association and collaboration) must be sent to the "Conseil de l'Ordre" not more than fifteen days after they are entered into.

*Which authority issues licences? Are there different authorities for individuals and firms?*

"Conseil de l'Ordre" of each local bar association is the authority in charge of contracts between lawyers as well as the register of individual lawyers (tableau de l'ordre).

*Is the jurisdiction a member of the WTO?*

DRC joined the WTO on 1 January 1997

*Has it made any WTO commitments on legal services?*

DRC has made no commitments in the WTO on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

DRC is a member of the Common Market for Eastern and Southern Africa (COMESA) which is currently discussing deeper integration of the region, including in professional services.

*Do these currently include legal services or are there plans to include them in future?*

COMESA is currently negotiating deeper regional integration, including of professional services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No

*Are there any 'foreign law' firms present in this jurisdiction?*

There are a few Belgian nationals who have established permanently in DRC but they are also dual qualified.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no explicit rules on fly in fly out practice.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Business invitations require prior approval by the Ministry of Foreign Affairs

## Democratic Republic of the Congo

<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no foreign legal consultancy regime
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	DRC has recently acceded both to OHADA and to the New York Convention and foreign lawyers are permitted to act as arbitrators in DRC.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Exceptionally a foreign lawyer may appear in a specific case without first being registered in the DRC. However, this requires prior authorization from the president of the local bar and assistance from a local lawyer.
<i>Can foreign lawyers requalify as local lawyers?</i>	Registration is subject to reciprocity. Foreign degrees may be recognized if deemed equivalent to a DRC diploma. Candidates must also pass an examination to show proof of sufficient knowledge of Congolese law.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no licensing regime for foreign law firms.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign law firms are not permitted in DRC.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	Not applicable



## Democratic Republic of the Congo

<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	The name of a law firm in the DRC may consist only of the names of its local partners. But it is acceptable for a local firm to mention that it is an affiliate or member of an international firm/network.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	There is a limit on the percentage of foreign employees (25%) who may be employed depending on the type of position.
<i>Other useful sources or comments or links</i>	Gombe Bar Association: <a href="http://www.barreaudelagombe.cd/">http://www.barreaudelagombe.cd/</a>

## Djibouti

*Is there legislation governing the legal sector*

Loi N°236/AN/87 du 25 Janvier 1987

*Under what title do lawyers practise?*

Avocat

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

Any candidate wishing to become a member of the Bar must apply for a license to practice the profession of lawyer at the Ministry of Justice and must meet the registration requirements set out in Article 16 of the Law of 25 January 1987 which are: 1) To be Djiboutian (see exceptions to this requirement below); 2) To hold at least a Master's degree in Law or an equivalent degree; 3) To have no criminal conviction for acts contrary to honor, probity or morality; 4) To have no disciplinary record which has given rise to a sanction, dismissal, cancellation, revocation, withdrawal of approval or authorization; and 5) To have not been declared bankrupt. After an investigation carried out by the Public Prosecutor's Office and reasoned opinion of the First President of the Court of Appeal, the Attorney General and the President of the Bar, the file is transmitted to the General Secretariat of the Government. Accreditation is given by decree in the Council of Ministers. If the application is accepted, the approved candidate, presented by the bâtonnier, shall take an oath before the court of appeal. He must first report to the president and the members of the council of the order who will have to check the conditions of his installation and ensure his knowledge of the essential rules of the profession. All lawyers must be registered with the bar, administered by the Council of the College.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Article 4 of the law states that only a lawyer may assist or represent parties, apply and plead before the courts, professional bodies or disciplinary tribunals, unless otherwise permitted by the law.

*Do you need to hold local nationality to be eligible to practise law?*

Yes. Djiboutian nationality is required. However, in Article 19 of the Law of 25 January 1987, individuals of foreign nationality wishing to settle in Djibouti and to practice the profession of lawyer, may be authorized to do so only exceptionally and in consideration of their titles or speciality by the Minister of Justice.

## Djibouti

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Articles 25, 26 and 27 of the Internal Regulations of the Djibouti Bar provide the legal forms through which lawyers may practise provided that they are structured in ways that are compatible with the practice of the legal profession. Permitted structures include: individual law firms; professional civil companies (SCP); groups formed under foreign law; and associations. Structures of means include: civil society means; the grouped practices agreement; and the international organic correspondence convention.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The ethical rules governing practise in Djibouti are set out in the Reglement Interieur du Barreau de Djibouti adopté le 30 Septembre 2017 par le Conseil de l'Ordre

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Licences to practise are only granted to individual Djiboutian lawyers and not to the firm. However every structure through which lawyers practise must pay an activity license or tax.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Minister of Justice issues licences to individual lawyers. Business licenses for law firms are granted by the Director of Taxes and Indirect Taxes.

*Is the jurisdiction a member of the WTO?*

Djibouti joined the WTO on 31 May 1995

*Has it made any WTO commitments on legal services?*

Djibouti has made no sectoral GATS commitment on legal services.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Djibouti is a member of the Common Market for Eastern and Southern Africa (COMESA), the League of Arab States (LAS), the Intergovernmental Authority on Development (IGAD) and the Cotonou Agreement.

*Do these currently include legal services or are there plans to include them in future?*

COMESA provides for the integration of professional services including legal services. The second round of negotiations launched in 2017 includes business services, which encompasses legal services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. The international law firm CKR LLP (headquartered in California) operates in Djibouti through a local subsidiary.

## Djibouti

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not allowed to practise the profession of lawyer in Djibouti, except with the authorization of the Ministry of justice for a very limited time and taking into account their title and speciality (See article 19 of the law of 25 January 1987).

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

There are no restrictions on obtaining a visa to visit Djibouti for business purposes.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

The Law of 25 January 1987 on the profession of lawyers does not distinguish the activity of legal consultant and that of representation in litigation. Article 19 of the Law of 25 January 1987 states that "Candidates to the bar of foreign nationality wishing to settle in Djibouti and to exercise the profession of lawyer there, may only be allowed to do so on an exceptional basis and in consideration The Minister of Justice may call upon the Minister for Foreign Affairs to obtain further information about the candidate abroad, if necessary."

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

The law of 25 January 1987 does not provide for any special conditions after a foreign lawyer has obtained the limited license.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

A foreign lawyer may be exceptionally authorized by the Minister of Justice only if he has a specialty and/or can provide services not otherwise available in Djibouti. French and foreign lawyers who were established before the entry into force of the law of 25 January 1987, are authorized to practice the profession at the Djibouti Bar under the same conditions as nationals.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

This area of law is not regulated, but in principle there are no restrictions on arbitration and mediation.

*Are foreign lawyers allowed to appear in court under any circumstances?*

At the end of article 17 paragraph 2 of the law of January 25, 1987, "lawyers not registered at the bar of Djibouti and having obtained permission from the Minister of Justice to plead before a Djiboutian court can represent their client in the conditions

*Can foreign lawyers requalify as local lawyers?*

The Law of 25 January 1987 on the profession of lawyers allows foreign lawyers to register with the permission of the Minister of Justice and practise on the same basis as nationals.

*Can a foreign law firm obtain a licence to open an office?*

No.

## Djibouti

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	A foreign firm has no right to establish in any form in Djibouti. The Law of 25 January 1987 on the Profession of Lawyers does not deal with the issue of foreign law firms.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	The law of 25 January 1987 does not cover this issue.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	At the end of the provisions of the Internal Regulation of the Bar of Djibouti, it is possible that a lawyer and or national firm employs a foreign lawyer provided that he has been authorized to practice the profession of lawyer in Djibouti and registered with the Bar of Djibouti.
<i>Verified by</i>	Verified by Law Firm & Associates ABAYAZID AND ABDOURAHMAN (CAA-Law Firm Djibouti)

# Egypt

*Is there legislation governing the legal sector*

The Advocates Law 197/2008 (amending Law No 17/1983)

*Under what title do lawyers practise?*

Egyptian lawyers practise under the title 'mohamy' which may be translated as 'avocat' or 'lawyer'.

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

Egyptian lawyers can only practise law after registering in the table of lawyers regulated by Law no.197, although lawyers employed by the state are exempt from registration. In order to register, the individual concerned must: 1. Have Egyptian nationality; 2. Have full civil capacity; 3. Possess a law degree from an Egyptian university or hold a certificate from a foreign university which is considered equivalent under Egyptian law; 4. Not have any outstanding disciplinary findings against them; 5. Be of good conduct and reputation, worthy of the respect required for the profession; 6. Pass a medical examination at a hospital determined by the Bar Council to make sure of his fitness for the practice of the profession; and 7. Pay the registration fees and annual subscriptions required by law. After obtaining a law degree, an Egyptian lawyer must undertake two years of training as an Avocat-Stagiaire and plead a minimum of twenty-five cases during this period. The lawyer will be fully admitted to practice in the lower courts on the recommendation of the president of the lowest court and members of the local bar association.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

Licensed Egyptian lawyers are entitled to practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

According to the Advocates Law, only registered lawyers are allowed to practise law and call themselves lawyers.

*Do you need to hold local nationality to be eligible to practise law?*

Only Egyptian nationals may practise law in Egypt as of right. (Subject to the exceptions outlined below).

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Further to Article 4 of Law no.197, a lawyer can practise the legal profession on his own account, in partnership with other lawyers, or in a law firm. A lawyer may also practise law in social bodies, public and private sector companies, press institutions, private banks and

## Egypt

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

companies and associations in accordance with the provisions of Law no.197.

The Advocates Law 197 contains a number of provisions relating to ethical conduct, including, inter alia: The need for a lawyer to take an oath to carry out his/her duties 'with honour and integrity'; 'to protect the ethics of the profession and its traditions and to respect the Constitution and the Law'; to provide legal aid; to avoid conflicts of interest and maintain client confidentiality. There is no separate code of conduct promulgated by the Bar Association

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Article No.5 of Law no.197 states that: Lawyers admitted before the Court of Cassation and the Courts of Appeal may establish between them a civil law firm with separate legal personality. The name of the law firm should include the name of one of the firm's original partners and this name may continue to be used even when that partner is deceased. The law firm must be registered with the Egyptian Bar in a special register. Egyptian law firms may participate before the initial courts.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Lawyers and law firms must be registered with the Egyptian Bar

*Is the jurisdiction a member of the WTO?*

Egypt joined the WTO on 30 June 1995

*Has it made any WTO commitments on legal services?*

Egypt has scheduled no legal services commitments under the GATS

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Egypt is a party to the Pan-Arab Free Trade Area and COMESA, it has bilateral free trade agreements with EFTA and Turkey. It also has an Association Agreement with the EU.

*Do these currently include legal services or are there plans to include them in future?*

No

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No

*Are there any 'foreign law' firms present in this jurisdiction?*

There are a few international law firms with a presence in Egypt, mostly in association with local law firms but

# Egypt

	<p>Trowers and Hamblins has an office which is fully integrated into the international firm's network of offices.</p>
<p><i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i></p>	<p>The Advocates Law sets out in article 13 that the Minister of justice, in coordination with the Bar, could license a foreign lawyer to work in a particular case or a particular topic in Egypt, provided reciprocal conditions exist.</p>
<p><i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i></p>	<p>Business visas are available to foreign nationals for up to 90 days with a letter of invitation giving the purpose of the visit. Resident nationals in a number of Arab states do not require visas.</p>
<p><i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i></p>	<p>There is no foreign legal consultant regime.</p>
<p><i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i></p>	<p>Not applicable</p>
<p><i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i></p>	<p>Not applicable</p>
<p><i>Are foreign lawyers permitted to undertake arbitration and mediation?</i></p>	<p>There are no restrictions on the participation of foreign lawyers in arbitration and mediation proceedings.</p>
<p><i>Are foreign lawyers allowed to appear in court under any circumstances?</i></p>	<p>There is a provision in the Advocates Law which would permit the Minister of Justice, in coordination with the Bar to give a license to foreign lawyers to work in a particular case or a particular topic in Egypt, provided that reciprocal arrangements exist in the foreign lawyer's home jurisdiction.</p>
<p><i>Can foreign lawyers requalify as local lawyers?</i></p>	<p>Requalification is not possible due to the nationality provision in the law</p>
<p><i>Can a foreign law firm obtain a licence to open an office?</i></p>	<p>A foreign firm can only open an office in association with local partners. There is no formal licensing regime for foreign law firms to regulate these arrangements.</p>
<p><i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i></p>	<p>Not applicable</p>



## Egypt

<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	A domestic lawyer or law firm may employ a foreign lawyer but they cannot hold themselves out as a lawyer given the nationality restrictions on the practice of law in Egypt. They may therefore be described as a legal consultant.
<i>Other useful sources or comments or links</i>	Egyptian Government Portal - <a href="http://www.egypt.gov.eg">www.egypt.gov.eg</a>

## Eritrea

<i>Is there legislation governing the legal sector</i>	Advocates Proclamation 88/96
<i>Under what title do lawyers practise?</i>	Advocate
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	In order to qualify as a lawyer, an individual must have a degree in law and pass the exams prepared by the Legal Committee of the Ministry of Justice. The Ministry may waive the requirement for law degree in the case of experience as a judge, registrar or prosecutor in Eritrean courts. Following the examination, successful candidates must complete at least two years of supervised work experience. The Legal Committee of the Ministry of Justice will then make a final decision on admission applications.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	A licensed lawyer can practise throughout the country
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Only advocates can represent clients in Zoba Court, High Court, and the final appellate Court. Special licences are required to representation at levels above Zoba Courts.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Yes.
<i>What legal forms can lawyers work in? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Eritrean advocates are licensed individually by the Ministry of Justice.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Some basic ethical requirements are covered in the Advocates proclamation 88/96
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	There is no law firm licensing regime.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Ministry of Justice licenses individual lawyers.
<i>Is the jurisdiction a member of the WTO?</i>	Eritrea currently has no status with the WTO either as a member or as an observer
<i>Has it made any WTO commitments on legal services?</i>	Not applicable
<i>Is the jurisdiction party to bilateral agreements which offer special treatment</i>	Eritrea has signed bilateral trade agreements with Russia and Iran and is a party to the Common Market for Eastern and Southern Africa (COMESA)

## Eritrea

*to businesses or individuals from particular countries?*

*Do these currently include legal services or are there plans to include them in future?*

COMESA provides for the integration of professional services including legal services. The second round of negotiations launched in 2017 includes business services, which encompasses legal services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No

*Are there any 'foreign law' firms present in this jurisdiction?*

No but there are a few local firms with informal international 'best friend' relationships.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

No

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Business visas require a letter of invitation from an Eritrean entity.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

This area of law is not regulated

*Are foreign lawyers allowed to appear in court under any circumstances?*

No

*Can foreign lawyers requalify as local lawyers?*

No

*Can a foreign law firm obtain a licence to open an office?*

No

## Eritrea

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign companies setting up in Eritrea need to contact the Ministry of Trade and Industry
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Foreign legal practice is not permitted
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	No
<i>Other useful sources or comments or links</i>	Ministry of Justice, P.O. Box 241, Asmara

# Ethiopia

*Is there legislation governing the legal sector or the practise of law? (Please give title e.g. Legal Practice Act)*

Proclamation No. 199/2000; Federal Courts Advocates Licensing and Registration Proclamation; Federal Courts Advocates Ethics Regulation No. 57/1999; Council of Ministers Regulation Advocates exam & fee 65/2000; 2 Internal Directives of Attorney General. [N.B these are for federal level, the regions have their own legal framework]

*Under what title do lawyers practise in this jurisdiction? (e.g. Advocate)*

Advocate

*Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?*

Advocates must have a diploma in law from a legally recognised educational institution, knowledge of the basic laws of Ethiopia, and relevant work experience. Advocates must submit an application along with credentials, a letter from former employers regarding the applicant's conduct/performance, evidence of passing entrance examination for relevant license, evidence of payment of required fee. The license must be renewed annually.

*Does this licence entitle the holder to practise throughout the country? Please explain the jurisdictional limits (e.g. state limitations etc.)*

Advocates with federal licence can practise in regions where the regional courts have delegated powers, otherwise a separate licence is required to practice in each region

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Advocate is the protected title for those who are registered to render advocacy services and any Ethiopian who wishes to render advocacy services shall hold a license. Three different licenses are available: 1) federal first instance court advocacy license; 2) federal court advocacy license; and 3) federal court special advocacy license.

*Do you need to hold local nationality to be eligible to practise law?*

Yes - The Advocacy Licence & Administration Proclamation 2011 made clear the requirement of Ethiopian nationality to practise law in the country.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Licences are issued for individuals to practise independently. Firms or other forms of partnership are not generally recognized, however, if two or more individuals wish to work together they can do so with a permit from the Minister. Advocacy must be conducted through a non-business organisation, the liability of which is unlimited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The ethical requirements for Ethiopian lawyers are set out in Federal Courts Advocates Ethics Regulation No. 57/1999

*Do law firms need to receive a "license" (or permission/approval) to practice law in addition to any individual licences?*

Yes. Any two or more advocates who wish to form a law firm must apply in writing to the Ministry.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Attorney General licenses individual practitioners and the Minister of Justice has the power to recognise law firms.

# Ethiopia

<i>Is the jurisdiction a member of the WTO?</i>	Ethiopia has been negotiating accession to the WTO since 2003.
<i>Has it made any WTO commitments on legal services?</i>	Not applicable
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Ethiopia is a member of the Africa Economic Community and a party to the African, Caribbean, and Pacific Group States-European Union Economic Partnership Agreement (ACP-EU EPA), the Agreement Establishing Intergovernmental Authority on Development (IGAD) and the Common Market for Eastern and Southern Africa (COMESA).
<i>Do these currently include legal services or are there plans to include them in future?</i>	COMESA provides for the integration of professional services including legal services. The second round of negotiations launched in 2017 includes business services, which encompasses legal services.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. There is a local member of the DLA Piper Africa verein in Ethiopia and the Italian law firm Bonelli Erede also has a local alliance partner. In addition, there is an Ethiopian law firm members of the regional network ALN (Africa Legal Network).
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are not permitted to practice in Ethiopia
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Business visitors must obtain a visa unless they are from Djibouti or Kenya and must have a letter of invitation
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Foreign nationals are not allowed to act as arbitrators in Ethiopia. (Ethiopian Civil Code of Procedure governs arbitration in Ethiopia as there is no specific arbitration act.)

# Ethiopia

<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No
<i>Can foreign lawyers requalify as local lawyers?</i>	No
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign companies may only invest in certain sectors and legal is not open. However the business and management consultancy, as well as accountancy sectors now admit foreign investment. Foreign investment is regulated by the Ethiopian Investment Commission.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign legal practice is not permitted
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Not applicable
<i>Other useful sources or comments or links</i>	Not applicable
<i>Verified by</i>	Verified by the Ethiopian Lawyers Association

## Gabon

<i>Is there legislation governing the legal sector</i>	Law No. 013/2014 of 7 January 2015 Organising the Profession of Advocates in Gabon
<i>Under what title do lawyers practise?</i>	Avocat
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	In accordance with provisions of Ch. 3, to be admitted to the Bar the applicant must: i) hold a law degree in or a master's degree in law or any other equivalent degree (Art. 19); ii) have completed a one-year internship under the supervision of a licenced lawyer with at least 5 years on the Roll of Advocates. (Art. 19); iii) after the first internship, make an application to the president of the bar association for the second internship period of one year (Art. 20); iv) At the end of the second internship, make an application to the Bar Council for enrolment at the bar (Art. 31).
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	A licenced lawyer can practise throughout the country
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Only a licenced avocat has rights of audience in courts (Art. 10)
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Yes. Gabonese nationality is a condition.
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	An avocat may practise as an individual, in a partnership, within a professional company, in collaboration, as a salaried lawyer, or in a company of advocates (Art. 5).
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The ethical and regulatory requirements that the lawyer must adhere to are contained in Law No. 013/2014 of 7 January 2015 organising the Profession of Advocates in Gabon
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Yes. Law firms must be authorized by the Council of the Gabon Bar (Art. 46)
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Council of the Bar Association of Gabon issues licenses for both individual lawyers and law firms.
<i>Is the jurisdiction a member of the WTO?</i>	Gabon joined the WTO on 1 January 1995



## Gabon

<i>Has it made any WTO commitments on legal services?</i>	Gabon has made no sectoral GATS commitments on legal services
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Gabon is a member of the Central African Economic and Monetary Community (CEMAC). In addition, Gabon has signed preferential trade agreements with Kazakhstan, Turkey and United States of America.
<i>Do these currently include legal services or are there plans to include them in future?</i>	No, but negotiations are under way at the CEMAC level to strengthen integration, particularly of professional services. Gabon also has a bilateral judicial cooperation agreement with France which provides for the free movement of legal services (Art. 31 of the Convention on Mutual Legal Assistance, Exequatur of Judgments and Extradition between the French Republic and the Republic of Gabon of 23 July 1963).
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Lawyers from France are permitted by the Judicial Cooperation Treaty to appear before Gabonese courts as local lawyers.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. Local law firms are alliance members of the DLA Piper network and in association with the multijurisdictional African law firm John W Fooks & Co.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	No
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Obtaining a business visa in Gabon, is subject to conditions. See link: <a href="http://www.visa-en-ligne.com/pays/gabon.php">http://www.visa-en-ligne.com/pays/gabon.php</a>
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No, there is no licensing regime for foreign legal consultants in Gabon.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	No
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	There is no limited licensing regime for foreign lawyers in Gabon, however the law allows foreign lawyers to have access to Gabon courts subject to certain conditions including practicing in association with a local lawyer (Art 45)

## Gabon

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes. While the provisions of the uniform acts on mediation and arbitration in OHADA (Organization for the Harmonization of Business Law in Africa) do not specify whether or not foreign lawyers may undertake arbitration and mediation, this happens in practice.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Only lawyers from a country offering reciprocal access may appear before the courts, if they meet certain conditions (Art. 12).
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes - subject to reciprocity conditions.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Gabon's 1998 investment code implements CEMAC's investment regulations and provides the same rights to foreign companies operating in Gabon as to domestic firms. Foreign businesses need to register with the Investment Promotion Agency (ANPI-Gabon).
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Lawyers of foreign nationality may practise in Gabon with one or more Gabonese lawyers, on condition that the Gabonese advocates hold the majority of shares of the firm concerned. (Art. 45)
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable

## Gabon

<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign lawyers may not hold the majority of shares in a law firm in Gabon.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, but the foreign lawyer must first be authorised to appear in court.
<i>Other useful sources or comments or links</i>	<a href="http://www.ohada.com">www.ohada.com</a> <a href="http://www.cemac.int">www.cemac.int</a>
<i>Verified by</i>	Verified by the Ordre des Avocats du Gabon

## Ghana

*Is there legislation governing the legal sector or the practise of law? (Please give title e.g. Legal Practice Act)*

Legal Profession Act, 1960 (Act 32); Legal Profession (Professional Conduct and Etiquette) Rules 1969 (LI 613); Legal Profession (Professional and Post-Call Law Course) Regulations, 2018 (L.I. 2355).

*Under what title do lawyers practise in this jurisdiction? (e.g. Advocate)*

Solicitor & Barrister

*Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?*

To obtain a Solicitor's License to practise, issued by the General Legal Council, an applicant must: i) satisfy the Council that he/she is of good character; ii) hold a qualifying certificate from the Council; iii) practise six months in the chambers of another lawyer, who has been a lawyer for no less than seven years. (Section 8).

Also, a citizen of Ghana may obtain a licence if he satisfies the General Legal Council : (a) that he or she is of good character; (b) that he or she is qualified to practise law in any country having a sufficiently analogous system of law; (c) that he or she has satisfactorily completed a course of lectures in customary law and in such other subjects as the General Legal Council may prescribe of not less than three months' duration at a school of law or other place of instruction specified by the General Legal Council; and (d) that he or she has practised six months in the chambers of another lawyer, who has been a lawyer for not less than seven years. The licence is renewed annually. (Section 8.1)

*Does this licence entitle the holder to practise throughout the country? Please explain the jurisdictional limits (e.g. state limitations etc.)*

A licensed lawyer can practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only persons who are licensed to practise law in Ghana are allowed to prepare any document for reward (either direct or indirect) to be used in or concerning any cause or matter before any court or tribunal. (Section 9). Only persons who are licensed to practise law in Ghana are allowed to either directly or indirectly for or in expectation of any fee, gain, or reward draw or prepare any legal document. (Section 44).

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer can practise as an individual or as a member of professional chambers (Rule 4.3). In practice, lawyers can be self-employed or operate in an unlimited liability company.

## Ghana

<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Licensed lawyers must comply with the Legal Profession (Professional Conduct and Etiquette) Rules 1969 (LI 613) and the Code of Ethics of the Ghana Bar Association.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law in addition to any individual licences?</i>	Yes. Law chambers must be authorised by the General Legal Council.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The General Legal Council issues licences to individual lawyers, chambers and law firms.
<i>Is the jurisdiction a member of the WTO?</i>	Ghana joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Ghana has made no sectoral GATS commitments on legal services.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Ghana is signatory to the ACP-EU Partnership. Ghana is also one of the beneficiaries of the US African Growth and Opportunity Act (AGOA) and a member of the Economic Community of West African States (ECOWAS).
<i>Do these currently include legal services or are there plans to include them in future?</i>	No
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. There is a local member of the DLA Piper Africa verein in Accra as well as members of the ENSafrica and AB & David African networks.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Not permitted
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Foreign lawyers cannot practise in Ghana and any touting or advertising is strictly prohibited.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no licensing regime for foreign legal consultants in Ghana.

## Ghana

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	The law does not provide for limited licences. Foreign lawyers must fully qualify and be admitted to practise by the General Legal Council
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Alternative Dispute Resolution Act 2010 (Act 798) allows a person of any nationality to be appointed as arbitrator by parties involved (section 12).
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Yes - so long as they have been approved to practice by the General Legal Council (if eligible).
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes - A person may, at the discretion of the General Legal Council, be enrolled if he satisfies the Council— (a) that he is of good character, and (b) that he is qualified to practise in any country having a sufficiently analogous system of law and that his qualifications are such as to render him suitable for enrolment, and fulfils such conditions, whether as to status or proficiency, as may be prescribed. (Section 3.2)
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign companies setting up in Ghana need to register with the Ghana Investment Promotion Centre
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No

# Ghana

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

No

*Other useful sources or comments or links*

“Ghana and the WTO”

([https://www.wto.org/english/thewto\\_e/countries\\_e/ghana\\_e.htm](https://www.wto.org/english/thewto_e/countries_e/ghana_e.htm))

Ghana Bar Association (<http://www.ghanabar.org/>)

## Guinea-Bissau

<i>Is there legislation governing the legal sector</i>	Estatutos da Ordem dos Advogados da Guiné-Bissau, 1991
<i>Under what title do lawyers practise?</i>	Advogado
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	Admission as a lawyer requires: (i) A degree in law; (ii) Full civil rights; (iii) No unspent criminal convictions.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	A licensed lawyer can practise throughout the country
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Only avocats may make oral or written submissions and representations before any court or tribunal and along with notaries may authenticate documents.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	The law does not cover this issue
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The statute lays down various ethical requirements (e.g. on professional secrecy) and provides for the Ordem to make further regulations.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	There is no explicit mention of law firms, or other structures for cooperation between lawyers, in the law.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Bar Association issues licences to individual lawyers.
<i>Is the jurisdiction a member of the WTO?</i>	Guinea-Bissau joined the WTO on 31 May 1995
<i>Has it made any WTO commitments on legal services?</i>	Guinea-Bissau has made no sectoral GATS commitments on legal services.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Guinea Bissau is a party to the West African Economic and Monetary Union (WAEMU/UEMOA) and has a bilateral trade agreement with Portugal.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The West African Economic and Monetary Union, WAEMU, provides for the free movement of legal services by lawyers from member states throughout the region (Article 7 of Community Regulation No. 05/CM/UEMOA on the harmonization of the rules governing the legal profession in the Community)



## Guinea-Bissau

<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Lawyers from other WAEMU member states receive national treatment. They can move and establish or create a subsidiary firm.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. International law firm Dentons has a local partner law firm in Bissau.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit regulatory restrictions on foreign lawyers providing advisory services on a fly in fly out basis.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Nationals of many West African countries do not require visas. Other nationals may obtain a visa on arrival.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no licensing regime for foreign legal consultants in Guinea Bissau.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes, While the provisions of the uniform acts on mediation and arbitration in OHADA (Organization for the Harmonization of Business Law in Africa) does not specify that foreign lawyers undertake arbitration and mediation, this is the case in practice.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Lawyers who are nationals of WAEMU member states, or lawyers from countries granting reciprocal access, are allowed to appear before the courts of Guinea-Bissau.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign law firms may set up a subsidiary company, but more commonly open a branch office. A branch office is governed by the statutes of the parent company, and must be managed by a resident of Guinea-Bissau though this need not be a local citizen.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign companies must register with the Centro de Formalização de Empresas CFE)

## Guinea-Bissau

<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms from WAEMU Member States may establish in the same forms permitted to local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	Not beyond the rules applying to local lawyers/law firms.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	The law is not specific on this point
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	The law is unclear on this point.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	<u>Ordem dos Abogados da Guine Bissau</u> ( <a href="http://www.aa.pt/conteudos/temas/lista_temas.aspx?idsc=31068">http://www.aa.pt/conteudos/temas/lista_temas.aspx?idsc=31068</a> )

## Kenya

*Is there legislation governing the legal sector*

The Advocates Act - Chapter 16 of Laws of Kenya. Law Society of Kenya Act (Act No. 21 of 2014, Laws of Kenya)

*Under what title do lawyers practise?*

Advocate

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To be admitted as a lawyer, an individual must: (i) Attend an education institution that is recognised by the Council of Legal Education in Kenya for four (4) years and receives a Bachelors degree in law; (ii) Attend the Kenya School of Law for one (1) year, complete a bar exam and be issued with a post-graduate Diploma-in-Law; (iii) Undertake a pupillage, under an advocate of at least five (5) years in institutions recognised by the Council of Legal Education; (iv) Petition the Chief Justice of Kenya on the recommendation of the Law Society of Kenya. The individual is then admitted to the Kenyan Bar and his/her name is entered to the Roll of Advocates and issued with a practising certificate by the Registrar of the High Court of Kenya. The practising certificate must be taken out annually.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only a licensed lawyer can: (a) cause any summon or other process to issue or institute, carry on or defend any suit or other proceedings in the name of any other person in any court of civil or criminal jurisdiction; (b) take instructions or draw or prepare any document: (i) relating to the conveyancing of property; (ii) relating to the formation of any limited liability company, private or public; (iii) relating to an agreement of partnership or the dissolution; (iv) For the purpose of filling or opposing a grant of probate or letters of administration; (v) For which a fee is payable under the Advocates Remuneration Order; or (vi) Relating to any other legal proceedings.

*Do you need to hold local nationality to be eligible to practise law?*

No. A person may be admitted as a Kenyan advocate if they are a citizen of an East African Community member state. However, advocates to the superior court of a country within the Commonwealth who has practised for at least 5 years and is in good standing with his/her country's professional body may be admitted to practise law in Kenya.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Kenyan advocates may practise as self-employed advocates or through Limited Liability Partnerships, General Partnership, Limited Liability Companies and unincorporated Public Limited Companies.

## Kenya

<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Law Society of Kenya's Code of Ethics and Conduct for Advocates and common law rules on ethics.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Yes
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Law Society of Kenya issues licences to individuals and authorises law firms.
<i>Is the jurisdiction a member of the WTO?</i>	Kenya joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Kenya has made no sectoral GATS commitments on legal services
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Kenya is a member of the East African Community (EAC) and of the Common Market for Eastern and Southern Africa (COMESA)
<i>Do these currently include legal services or are there plans to include them in future?</i>	The Common Market Protocol of the East African Community provides for the integration of professional services including legal services across the community. Negotiations are underway for an EAC Mutual Recognition Agreement for Advocates. In addition, the second round of COMESA market access negotiations launched in 2017 includes business services, which encompasses legal services.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Kenya has made a commitment under the EAC Common Market Protocol to sign up to a Mutual Recognition Agreement covering the recognition of professional qualifications, including of lawyers. This is still in draft form.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. There are local Kenyan firms which are members of the DLA Piper Africa Verein and in alliance with Norton Rose Fulbright. International law firm Dentons also advertises of a longstanding "combination" with a local firm.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no regulatory restrictions on foreign lawyers who are providing advisory services outside the scope of the activities reserved to Kenyan Advocates. Foreign advocates wishing to appear in specific cases before the courts must apply to the Attorney General for temporary admission.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Yes
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There are no licences for foreign lawyers. However, a foreign lawyer may operate as a consultant but may not do any of the matters which are "reserved" for advocates.

## Kenya

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes. Arbitration and mediation in Kenya is not reserved to advocates. Therefore, unqualified persons, including foreign lawyers may undertake arbitration and mediation.(Kenya's Arbitration Act 1996 & Kenya's Civil Procedure Act 2009)
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Yes. A foreign lawyer may appear in court if admitted to practice by the Attorney-General for the purpose of a specific suit in which the person has been instructed by the Attorney-General or a legal practitioner who is entitled to appear before a superior court of a commonwealth country. The foreign advocate may only appear in court if he appears with an advocate in Kenya or other designated public official. Even then, the foreign advocate may not be entitled to sign or file any pleadings in court.
<i>Can foreign lawyers requalify as local lawyers?</i>	No.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	A foreign law firm could establish in Kenya provided it was not practising Kenyan law or provided it was run by Kenyan advocates.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable

# Kenya

<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No. An advocate is not permitted to act as an agent of an unqualified person (section 39 of the code of ethics).
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No. The sharing of profits with unqualified persons is prohibited. (section 37 of the code of ethics)
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes. However, this is only possible if the foreign lawyer is acting as a paralegal or has been admitted to practice by the Attorney-General for the purpose of a specific suit in which the foreign lawyer has been instructed by the Attorney-General or a legal practitioner who is entitled to appear before a superior court of a commonwealth country.
<i>Other useful sources or comments or links</i>	Law Society of Kenya <a href="http://www.lsk.or.ke/">http://www.lsk.or.ke/</a>
<i>Verified by</i>	Verified by MMC Africa Law

# Lesotho

<i>Is there legislation governing the legal sector</i>	The Legal Practitioners Act 1983 (Cap 11) and The Law Society Act 1983 (Cap 13)
<i>Under what title do lawyers practise?</i>	Advocate, Attorney, Notary or Conveyancer
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	<p><u>To become an Advocate</u>, a person must be (a) fit and proper (b) be at least 21 years old (c) have satisfied all the requirements for a degree of Bachelor of laws of the National University of Lesotho, or be a citizen of Lesotho with a Bachelor of Laws degree from a University outside Lesotho (d) have passed a Bar Practical Examination set by the Law Society, or Board of Examiners appointed by it or by the Chief Justice for that purpose; or (e) be an attorney of the Courts of Lesotho and therefore entitled to be admitted as an advocate of Lesotho.</p> <p><u>To be admitted as an attorney</u>, a person must be (a) a fit and proper person (b) be at least 21 years old and (c) Either be entitled to be admitted as an advocate of the Courts of Lesotho and have passed the required practical examinations or (iv) take and pass the examinations prescribed by the Chief Justice for attorneys and have completed the required period of articles, and (d) have an office in Lesotho which is manned full-time by an attorney, notary public or conveyancer engaged in full-time practice in Lesotho. Annual renewal of registration is required of both attorneys and advocates.</p>
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	A licensed lawyer can practise throughout the country
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Section 31 of the Legal Practitioners Act states that "No person, other than a legal practitioner, shall practise as such within Lesotho or in any manner hold himself out as or pretend to be, or make use of any words or any name, title, or addition or description implying or tending to give an impression that he is an advocate, attorney, notary or conveyancer or is recognised by law as such". Section 31(8) further provides that it is illegal for anyone who is not a legal practitioner to undertake any of the following activities: (a) draw, prepare or causes to be drawn or prepared: (i) a contract, deed or instrument relating to land or immovable property or to any right in or to land or immovable property other than conditions of sale or brokers notes; (ii) a will or other testamentary instrument; (iii) a memorandum or articles of association or prospectus of a company; (iv) a contract deed or instrument relating to or required or intended for use in an action, suit or other proceedings in a court of civil jurisdiction within Lesotho; (b) act as an intermediary or

# Lesotho

	<p>agent for a person in a claim upon an insurance company or in any damages claim under the Workman's Compensation Act 1977 or equivalent Acts which pay damages for workplace injury.</p>
<p><i>Do you need to hold local nationality to be eligible to practise law?</i></p>	<p>No, but section 8 of the Act requires that an admitted legal practitioner must maintain an office in Lesotho which is staffed by an attorney, notary or conveyancer engaged in full-time practice in Lesotho.</p>
<p><i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i></p>	<p>In accordance with the Law Society Rules 2012, a legal practitioner may work in (a) a partnership of practitioners; (b) as a sole practitioner practicing on his/her own account in Lesotho; or (c) in the form of a professional company which conducts the practice of a practitioner.</p>
<p><i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i></p>	<p>Legal Practitioners must adhere to the ethical code laid down by the Law Society in the Law Society Rules 2012</p>
<p><i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i></p>	<p>There are no separate licences for law firms in Lesotho, but attorneys must practise from an office in Lesotho and comply with various requirements imposed via the Legal Practitioners Act 1983 in relation to handling of money, premises, collaboration and marketing.</p>
<p><i>Which authority issues licences? Are there different authorities for individuals and firms?</i></p>	<p>The Law Society of Lesotho is responsible for the registration and conduct of individual legal practitioners.</p>
<p><i>Is the jurisdiction a member of the WTO?</i></p>	<p>Lesotho joined the WTO on 31 May 1995</p>
<p><i>Has it made any WTO commitments on legal services?</i></p>	<p>Lesotho has made a commitment to permit commercial presence (mode 3) for advisory services in foreign and international law only. It is unbound for modes 1 and 2 and permits market access in modes 3 and 4 to the extent permitted by horizontal commitments</p>
<p><i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i></p>	<p>Lesotho is a member of the Southern African Development Community (SADC) and of the Southern African Customs Union (SACU). It is a party to the US-SACU Trade, Investment, and Development Cooperative Agreement (TIDCA), the SACU-Mercosur agreement and a beneficiary of the US African Growth and Opportunities Act (AGOA) and a party to the EU-SADC Economic Partnership Agreement.</p>



## Lesotho

*Do these currently include legal services or are there plans to include them in future?*

Lesotho is seeking to negotiate mode 4 arrangements in professional services under the SADC-EU Economic Partnership Agreement (EPA) negotiations on trade in services. It is also engaged in SADC negotiations on services trade liberalisation, which have not yet covered legal services as a priority sector for which parties are asked to make commitments.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No

*Are there any 'foreign law' firms present in this jurisdiction?*

No but local law firms are members of the regional and international law firms networks (e.g. Lex Africa).

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no explicit rules on fly in fly out advisory practice by foreign lawyers.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

The nationals of over 70 countries can travel to Lesotho for periods of between 14-90 days on a visa free basis.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no explicit foreign legal consultancy regime in Lesotho although Lesotho has made a commitment to permit foreign advisory practice

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Arbitration International Investment Disputes Act of 1974 commits Lesotho to accept binding international arbitration of investment disputes.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Foreign lawyers are not permitted to appear in courts in Lesotho but qualified barristers, advocates or equivalent from other countries may be admitted by the Chief Justice, with the consent of the Law Society under section 22 of the Legal Practitioners Act

*Can foreign lawyers requalify as local lawyers?*

Article 22 of the Legal Practitioners Act 1983 states that a person who has been admitted and enrolled as a barrister. or advocate or equivalent legal profession of prescribed courts of prescribed country or territory approved by the Chief Justice after consultation with the Law Society may be

## Lesotho

	admitted and enrolled as an advocate in Lesotho, provided that (a) he is a fit and proper person to be so admitted and enrolled; (b) he has been admitted and practised continuously as a barrister or equivalent in the country of admission for 5 years or more and is in good standing (c) he has passed any examination prescribed by the Chief Justice or been exempted from them.
<i>Can a foreign law firm obtain a licence to open an office?</i>	A foreign law firm does not need a specific licence to open a law firm but would need to meet the conditions required of general investors.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Licences for consultancy businesses may be obtained from the One Stop Business Facilitation Centre of the Ministry of Trade and Industry
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	Under the terms of Lesotho's GATS commitment, foreign law firms can only provide advisory services in foreign and international law (UN CPC 861)
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not beyond the requirements imposed on foreign companies in general
<i>Are there rules about the name a foreign law firm can take?</i>	Not beyond the requirements imposed on foreign companies in general
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	The One-Stop Business Facilitation Center <a href="http://www.obfc.org.ls/business/default.php#Biz%20Licensing">http://www.obfc.org.ls/business/default.php#Biz%20Licensing</a>
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No - foreign businesses may own 100% of consultancy businesses
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Section 30 of the Legal Practitioners Act prohibits a Lesotho Legal Practitioner from opening, operating or maintaining an office which is not in the normal course of business under his direct and personal supervision or from assisting an unqualified person to recover charges for services rendered by him. Both of these

# Lesotho

<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	provisions effectively prevent employment by a foreign lawyer or law firm.  No. The Law Society's Rules 2012 do not permit a legal practitioner to make over, share or divide any portion of his professional fees with anyone other than a legal practitioner in Lesotho, either by way of partnership, commission or allowance.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Under section 30 of the Legal Practitioners Act it is illegal for a legal practitioner to assist, enable or allow an unqualified person to do work or charge fees for work which only a legal practitioner is qualified to do or to remunerate an employee or a person who is not a legal practitioner, either by way of shares or otherwise from the profits of his law practice.
<i>Other useful sources or comments or links</i>	<u>Law Society of Lesotho <a href="https://lawsociety.org.ls/">https://lawsociety.org.ls/</a></u>

# Madagascar

*Is there legislation governing the legal sector*

Loi N° 2001-006 du 9 avril 2003 Organisant la Profession d'Avocat

*Under what title do lawyers practise?*

Avocat

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become an avocat in Madagascar, an individual must: (i) be at least 21 years' old; (ii) have possessed Madagascan nationality for at least five years; (iii) have a Masters degree in law or an equivalent degree; (iv) Have passed the Certificat d'Aptitude aux Professions d'Avocats (CAPA) provided by the Institut de Formation Professionnelle des Avocats (IFPA); and (v) Be of good character. After completing the CAPA, an aspiring avocat must then: (vi) Complete a 3 year training contract, which can be extended for up to a further 2 years. Once qualified, annual registration is required.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country (Article 19 of the 2003 Act)

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Article 1 of Loi 2001-006 of 9 April 2003, reserves the right of advocacy and representation in courts and tribunals to Avocats, except where otherwise provided for in specific laws.

*Do you need to hold local nationality to be eligible to practise law?*

Yes. In order to qualify as an avocat in Madagascar, an individual must have had Malagasy nationality for more than 5 years or come from a jurisdiction which grants reciprocal rights to avocats from Madagascar.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Under article 48 of Loi 2001-006, Madagascan avocats may form associations. These associations must be governed by contracts approved by the Conseil de l'Ordre. Associations take the form of unlimited liability partnerships.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

In addition to overarching ethical principles laid down in Loi 2001-006, avocats in Madagascar must also adhere to the requirements of the Règlement intérieur du Barreau de Madagascar

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

The Conseil de l'Ordre must approve and register all associations between Malagasy avocats.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Ordre d'Avocats is responsible for maintaining the register of practising avocats and association between avocats. This is updated at least every two years and

# Madagascar

	deposited with the Registrars of the Supreme Court, the Court of Appeal and the Court of First Instance.
<i>Is the jurisdiction a member of the WTO?</i>	Madagascar joined the WTO on 17 November 1995
<i>Has it made any WTO commitments on legal services?</i>	Madagascar has made no sectoral GATS commitments on legal services.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Madagascar is member of the Southern African Development Community (SADC) and the Common Market for East and Southern Africa (COMESA). It is also a member of the Indian Ocean Commission which seeks to improve trade access amongst member countries and is a party to the EU-SADC Economic Partnership Agreement and a beneficiary under the US African Growth and Opportunity Act.
<i>Do these currently include legal services or are there plans to include them in future?</i>	Madagascar is also engaged in SADC negotiations on services trade liberalisation, which have not yet covered legal services as a priority sector for which parties are asked to make commitments. However, it is also a party to the second round of COMESA market access negotiations launched in 2017, which include legal services.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No but local law firms are members of the regional and international law firms networks (e.g. ALN and Eversheds). Madagascar is also the home jurisdiction of the multijurisdictional African law firm John W Fooks & Co.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit rules on fly in fly out advisory practice by foreign lawyers.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Business visas may be obtained for up to 90 days and require only a letter from the applicant company stating the reason for the visit.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no foreign legal consultancy regime in Madagascar.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable

# Madagascar

<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Act 98-019 of December 15, 1998, and Articles 439 to 464 of the Civil Procedure Code (2003) govern domestic and international arbitrations in Madagascar. The Arbitration Act is based on the UNCITRAL Model Law. The parties are free to select arbitrators of any gender, nationality, or professional qualifications in both domestic and international arbitrations and foreign counsel may represent the parties in arbitration proceedings. Parties are also free to choose any arbitral institution of their choice, including the Arbitration and Mediation Center of Madagascar (CAMM).
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Under article 44 of Loi 2001-006, lawyers who are enrolled in a foreign bar which has a reciprocal agreement with the Malagasy Bar, may be allowed to represent the parties and to plead only with the authorization of the Minister of Justice, following the favourable opinion of the Bar Association of the Order and the Attorney General at the Court of Appeal Antananarivo.
<i>Can foreign lawyers requalify as local lawyers?</i>	Foreign lawyers can only be admitted if they have held Malagasy nationality for at least five years and have fulfilled the other requirements of entry to the profession set out in Article 23 of Loi 2001-006
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no licensing regime for foreign law firms.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign consultancy businesses may set up in a variety of forms in Madagascar. An LLC may be entirely foreign owned and investment authorisation is not required, however at least one executive must reside in Madagascar
<i>Are there different types of foreign law firm 'licence'? (E.g. Joint Law Venture, stand-alone foreign licence etc.)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable

# Madagascar

<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not beyond the requirements imposed on foreign companies in general
<i>Are there rules about the name a foreign law firm can take?</i>	A foreign law firm establishing a consultancy office in Madagascar cannot take a name which implies any connection to a local law firm
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Article 27 of the Reglement Interieur implicitly prohibits this on the grounds that it would violate the lawyer's duty of independence.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Article 61 of the Reglement Interieur provides that associations can only be between lawyers who are registered with the Order.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	There is no explicit rule to prohibit this but unless the foreign lawyer was also registered as an avocat, they could not hold themselves out as such.
<i>Other useful sources or comments or links</i>	Barreau de Madagascar ( <a href="http://www.barreau-madagascar.org/">http://www.barreau-madagascar.org/</a> )

# Mali

<i>Is there legislation governing the legal sector</i>	Law No. 94-042/An-Rm of October 13, 1994 Establishing and Organization of the Advocates Profession. Regulation 05/CM/WEAMU of 25 September 2014 on the harmonization of the rules governing the legal profession in WAEMU
<i>Under what title do lawyers practise?</i>	Advocate
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	In accordance with the provisions of Chapter 2 of the law, to be admitted to the Bar the candidate must: i) hold a diploma from the National School of Administration (Section of Legal Sciences or Public Administration) or an equivalent diploma (Art. 15); ii) pass a Bar the exam for admission as Intern (Art. 14-16); iii) at the end two year of the internship, make an application to the Bar for enrolment (Art. 22)
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	A licensed lawyer can practise throughout the country
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Only a licensed lawyer can represent parties in the courts (Art. 11). Only those who are licensed may plead, assist or represent the parties before the jurisdictional and disciplinary jurisdictions without territorial limitations in the WAEMU zone (Art. 3 of the WAEMU Regulation)
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Yes. Malian nationality is a condition of registration, although an exception is made for WAEMU (West African Economic and Monetary Union) nationals. The recognition of lawyers from other jurisdictions is subject to reciprocity (Art. 13).
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Malian lawyers can practise either individually or collectively within the framework of a partnership, professional company or in collaboration in accordance with the law (Art. 9)
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	There are ethical and regulatory requirements contained in the Law on Advocates and in the Regulation No. 5/CM/WAEMU on the Harmonization of the Rules Governing the Legal Profession in WAEMU.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	No special authorization is required for the creation of a law firm in Mali
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Bar of Mali licences individual lawyers.
<i>Is the jurisdiction a member of the WTO?</i>	Mali joined the WTO on 31 May 1995



# Mali

*Has it made any WTO commitments on legal services?*

Mali has made no sectoral GATS commitments on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Mali is a member of the Economic Community of West African States (ECOWAS), the West African Monetary Union (WAEMU/UEMOA). Mali is also a party to the EU-West Africa Economic Partnership Agreement and has signed preferential trade agreements with: Australia, Canada, European Union, Iceland, Japan, Kazakhstan, New Zealand, Norway, Russian Federation, Switzerland, Turkey, United States of America, India, Morocco, Chile, China, China, Kyrgyz Republic, Tajikistan, Thailand, and the Republic of Korea.

*Do these currently include legal services or are there plans to include them in future?*

The West African Economic and Monetary Union, WAEMU, provides for the free movement of legal services by lawyers from member states throughout the region (Article 7 of Community Regulation No. 05/CM/UEMOA on the harmonization of the rules governing the legal profession in the Community). Mali has also signed a judicial cooperation agreement with France which provides for the free movement of legal services (article 28 of the Agreement of cooperation on justice between the French Republic and the Republic of Mali of March 9, 1962)

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from other WAEMU member states receive national treatment. They can move and establish or create a subsidiary firm. Lawyers from France are permitted by the Judicial Cooperation Treaty to appear before the Mali Courts.

*Are there any 'foreign law' firms present in this jurisdiction?*

Senegal firm Cabinet Maitre Cheikh Fall has an office established in Mali by virtue of the WAEMU agreement.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no explicit rules on fly in fly out advisory practice by foreign lawyers.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Obtaining a business visa to visit Mali is subject to conditions. See link: <https://www.legal-office.fr/visa-mali/>

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no foreign legal consultancy regime in Mali.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

# Mali

<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	There is no limited licensing regime for foreign lawyers in Mali, however foreign lawyers are allowed to plead before the Mali courts for specific cases, subject to reciprocity. They must be domiciled in the law firm of an Malian lawyer.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes, While the provisions of the uniform acts on mediation and arbitration in OHADA (Organization for the Harmonization of Business Law in Africa) do not explicitly permit foreign lawyers to undertake arbitration and mediation, in practice this is the case.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Only lawyers who are nationals of WAEMU member states or of any lawyer from reciprocating state may appear in the courts of Mali
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes subject to reciprocity
<i>Can a foreign law firm obtain a licence to open an office?</i>	Lawyers from WAEMU member states are allowed to establish and open a law firm or a subsidiary (Cabinet Secondaire) as per Art. 7 Para 1 of WAEMU Regulation 2014
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	The Agency for Investment Promotion (API) is a one-stop shop for foreign investment in Mali
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand-alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms from WAEMU Member States may establish in the same forms permitted to local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	Not beyond the rules applying to local lawyers/law firms.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable

## Mali

<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes, so long as it is done in the form allowed by the law on legal profession and regulations
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, but foreign lawyer must be licenced to practice and listed on the roll, especially to appear in court.
<i>Other useful sources or comments or links</i>	<a href="http://www.ohada.com">www.ohada.com</a> <a href="https://www.linkedin.com/company/le-barreau-du-mali">https://www.linkedin.com/company/le-barreau-du-mali</a> <a href="http://www.ecowas.int">www.ecowas.int</a>
<i>Verified by</i>	Verified by the Ordre des Avocats près la Cour d'Appel du Mali Palais de Justice

# Mauritius

<i>Is there legislation governing the legal sector</i>	The Law Practitioners Act (1984) and the Law Practitioners (Amendment) Act 2011
<i>Under what title do lawyers practise?</i>	Law Practitioner, Attorney, Barrister or Notary.
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	Any citizen of Mauritius may apply for admission to practise law so long as the applicant: (i) has a law degree; (ii) has completed the required vocational course; (iii) has sat and passed the Vocational Board Examination; and (iv) has completed a pupillage of between 9-12 months. (Articles 4 & 5)
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	A licensed lawyer can practise throughout the country
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Only registered barristers, attorneys, notaries and foreign lawyers may provide legal services in Mauritius. These titles are protected and only a barrister can appear in the courts of Mauritius.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Yes.
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Mauritian lawyers may work alone, in partnership and in law firms, which may be incorporated structures.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	All legal practitioners are required to comply with the Code of Ethics from the relevant association with which they are registered (e.g. Mauritius Bar Association, Mauritius Law Society, Chamber of Notaries or Chief Justice)
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Yes, prospective law firms must submit an application to the Attorney-General.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Chief Justice admits individual lawyers to the Roll. Law firms are authorised by the Attorney-General.
<i>Is the jurisdiction a member of the WTO?</i>	Mauritius joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Mauritius has made no sectoral GATS commitments on legal services
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Mauritius is a member of the Southern African Development Community (SADC) and an active member of the Common Market for East and Southern Africa (COMESA) where it is promoting accelerated cooperation on trade in professional

# Mauritius

	services. It is also a member of the Indian Ocean Commission.
<i>Do these currently include legal services or are there plans to include them in future?</i>	SADC negotiations on services trade liberalisation have not yet covered legal services as a priority sector for which parties are asked to make commitments.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. The international law firms Appleby and Eversheds have offices in St Louis and there is a local member of the DLA Piper Verein. The African networks ALN and ENSafrica also have members in Mauritius.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	According to s.3 of the Legal Practitioners Act (as amended), individuals providing pure legal consultancy are not restricted in the services they provide, but if a foreign lawyer wishes to conduct arbitration or similar services or provide legal advice on foreign or international law, then they must register with the Attorney General.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Visas for nationals of most countries are either available on arrival or are not required. There is no distinction between tourist or business visas for short stays.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	Yes. According to the Law Practitioners Act 2008, foreign lawyers must register. The scope of practice permitted to foreign lawyers is: (a) in relation to arbitration proceedings; (b) in relation to proceedings before bodies other than Courts, being proceedings in which the body concerned is not required to apply the rules of evidence and in which knowledge of the law of a country other than Mauritius is essential; (c) for conciliation, mediation and such other forms of consensual dispute resolution as may be prescribed; or (d) by tendering legal advice in relation to foreign law or international law. A foreign lawyer may also advise on the effect of a Mauritian law where: (a) the giving of advice on Mauritian law is necessarily incidental to the practice of foreign law or international law; and (b) the advice is expressly based on advice given on the Mauritian law by a law practitioner.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	No

# Mauritius

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

A foreign lawyer must have a clean disciplinary record with their home Bar Association.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Mauritius's International Arbitration Act (2008) regulates only international arbitrations taking place within the country. Domestic arbitrations are governed by the Code de Procédure Civile. Foreign lawyers are explicitly permitted to provide legal services in relation to arbitration proceedings by the Law Practitioners Act 2008

*Are foreign lawyers allowed to appear in court under any circumstances?*

Only individuals who hold the title of barrister may appear in court.

*Can foreign lawyers requalify as local lawyers?*

There are preferential arrangements for English Barristers. A person who has been called to the Bar of England and Wales is not required to sit for the Bar Vocational Course with the Council of Legal Education in Mauritius. He/she only has to satisfy the 12-months pupillage requirement locally or in England and Wales to be admitted to practise as barrister.

*Can a foreign law firm obtain a licence to open an office?*

Yes Foreign lawyers must register through the Legal Secretary. Local and foreign law firms may lodge applications with the Attorney-General

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Foreign law firms must submit an application to be licensed and registered as a law firm to the Attorney-General. The Attorney-General may, where satisfied, give a firm permission to provide advice or legal services on or in relation to Mauritian law.

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand-alone foreign licence etc.?)*

Foreign law firms may operate as international or foreign law firms within a traditional corporate structure. If they choose to engage in a joint venture structure with Mauritian legal practitioners then they may no longer practice international or foreign law as well.

*Is there a quota on the number of licences available?*

No

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Foreign law firms are required under Section 10G, subsection 2d to have a physical establishment in Mauritius. There is no limit on the number of branches a foreign firm may have.

## Mauritius

<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	A law firm may perform any of the functions that its individual constituent members can perform, so the scope of practice open to a foreign law firm will depend whether it is operating as a JLV or as a foreign law firm.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	No - Foreign law firms are permitted to operate in traditional corporate law structures or joint law ventures with other law firms. A joint law venture may be constituted as a limited company or societe. However, a law firm which is constituent of a joint law venture shall cease to provide legal services in foreign or international law (Article 10H, sub-section 5)
<i>Are there rules about the name a foreign law firm can take?</i>	There are no limitations on law firm names, so long as they do not infringe on the guidelines provided by 10B, which also applies to local law firms.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	The Legal Secretary at the Attorney General's Chambers
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Only Mauritian legal practitioners are permitted to own Mauritian law firms but there is no limitation on foreign ownership in joint law ventures, provided there is at least one Mauritian legal practitioner involved.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes/
<i>Other useful sources or comments or links</i>	<u>Mauritius Law Society</u> <a href="http://www.mauritiusslowsociety.com/">(http://www.mauritiusslowsociety.com/)</a> <u>Mauritius Bar Association</u> <a href="http://www.mauritiusbarassociation.com/">(http://www.mauritiusbarassociation.com/)</a>

## Morocco

*Is there legislation governing the legal sector*

Dahir (Royal Decree) n° 1-08-101 on Law no. 28-08 of 20 October 2008 on 'Organising the exercise of the lawyer's profession'

*Under what title do lawyers practice?*

Lawyers in Morocco practise under a single title which may be translated as 'advocate' or 'lawyer'

*How does an individual lawyer obtain a "license" to practice law? How often must this be renewed?*

According to article 2 of Law No. 28.08, only registered advocates may be members of the legal profession. In order to be registered, an individual must: 1. Be Moroccan, or a citizen of a country which is linked with the Kingdom of Morocco by an agreement which allows citizens of both countries reciprocal rights to practise the legal profession; 2. Be at least 21 years of age and enjoying full civil capacity; 3. Possess a bachelor's degree in law from one of Law schools in Morocco or an equivalent certificate from a recognised university; 4. Have obtained a certificate of eligibility to practise law (i.e. the CAPA or certificate of aptitude to practise the lawyer's profession); 5. Have no disciplinary convictions; 6. Never have been declared bankrupt; 7. Not have been in linked to the management of any public institution within a certain period; 8. To be a practising member of the profession; 9. Not to exceed the age of forty-five, if not exempted from training. New entrants will be entered on the roll of trainee lawyers for a period of two years after having passed the bar examination organised by the Ministry of Justice.

*Does this entitle the holder to practice throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

Moroccan advocates are entitled to practise throughout the country but may only be registered with one bar (district of the Court of Appeal).

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

According to article 2 of the Advocacy Law, advocates are the only class of people who can practise law in Morocco.

*Do you need to hold local nationality to be eligible to practise law?*

The practice of law in Morocco is reserved to Moroccan citizens or to citizens of countries with agreements with the Kingdom of Morocco that provide reciprocal rights of practice.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Article 26 of the Advocacy Law provides that a lawyer may be self-employed, or practise with other lawyers in a professional civil company (SCP d'avocats). A Moroccan lawyer may only have one office, however two firms may



# Morocco

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

associate together. If the name of all the partners is not used then the term 'et associés' must be used.

The law contains further provisions governing engagement, client care, fees, professional secrecy and advertising. Moroccan lawyers are explicitly permitted to have websites which provide essential information, subject to permission of the President of the Bar and despite some tight controls on general publicity.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Article 27 of the Advocacy Law permits association, cohabitation and collaboration between Moroccan lawyers. An application to establish a civil company (law firm) must be submitted to the Bar Association. If the Bar does not make a ruling on the application within three months it is deemed approved. There is a special law governing law firms in Morocco, law no. 29.09.

*Which authority issues licences? Are there different authorities for individuals and firms?*

"Registration of both individual lawyers and law firms is undertaken by the relevant local Bar Associations (Ordres des Avocats). The largest are:

Ordre des Avocats, 94, rue Prince Moulay Abdallah, Casablanca, Maroc (Tél. 00 212 22 27 71 06; Fax. 00 212 22 27 97 54)

Ordre des Avocats Cour d'Appel de Rabat, Rabat, Maroc (Tél. 00 212 37 76 41 23 - 00 212 37 72 39 60; Fax. 00 212 37 76 60 88). "

*Is the jurisdiction a member of the WTO?*

Morocco joined the WTO on 1 January 1995

*Has it made any commitments under GATS in legal services?*

Morocco has made no legal services commitments in the WTO

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Morocco has trade agreements with the EU, EFTA, USA, Turkey and is a party to the Pan Arab Free Trade Area

*Do these currently include legal services or are there plans to include them in future?*

Morocco's association agreement with the EU provides for a free trade area in services to be progressively achieved.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Not applicable

*Are there any 'foreign law' firms present in this jurisdiction?*

There are around 6 US, UK and French firms with offices in Morocco.

## Morocco

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no rules on temporary practice for foreign lawyers outside of the courts.

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practice?*

Business visas are not required for citizens of EU and Arab states for visits of up to 90 days. Other nationals do require visas.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers may, under certain circumstances, obtain approval to appear in the Moroccan courts in relation to specific cases or may fully requalify as Moroccan lawyers but there is no formal limited licensing regime regulating the work of legal consultants.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

There are no restrictions on the participation of foreign lawyers in arbitration and mediation proceedings.

*Are foreign lawyers allowed to appear in court under any circumstances?*

A foreign lawyer may appear in the Moroccan courts provided reciprocal rights exist in the foreign lawyer's home jurisdiction.

*Can foreign lawyers requalify as local lawyers?*

Foreign nationals may sit the Moroccan bar examination provided that their home jurisdiction is party to a bilateral agreement with Morocco and provides reciprocal arrangements. A foreign lawyer must resign their membership of their home country Bar in order to join the Moroccan Bar.

*Can a foreign law firm obtain a licence to open an office?*

Foreign law firms can only open offices in association with Moroccan law firms. There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

## Morocco

<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Since foreign firms are limited to working in association with local firms they are covered by the restriction limiting Moroccan lawyers to a single branch.
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	This is not defined but it clear that since only those on the roll of lawyers may practise law that foreign lawyers may not work on Moroccan law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	As foreign law firms are limited to working in partnership with Moroccan lawyers, they are limited to the form of civil company used by Moroccan lawyers.
<i>Are there rules about the name a foreign law firm can take?</i>	According to law 1.08.102 of 20 October 2008, a Moroccan law firm must use the name of the partners of the firm and the corporate designation 'SCP d'avocats' after its name.
<i>What entity grants a 'license' to a foreign law firm? If that entity is on the Internet, please provide the URL</i>	Foreign law firms do not obtain licences in their own right but through association with Moroccan firms.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	The law on Moroccan law firms states that no one partner in the firm can have more than 50% of the shares in the firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Lawyers are regarded as associates in firms, or trainees, rather than as employees.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Ministry of Justice - <a href="http://www.justice.gov.ma">www.justice.gov.ma</a>

## Mozambique

*Is there legislation governing the legal sector*

Law 7/94 of 14 September 1994 Establishing the Order of Advogados of Mozambique updated by Law No. 38/09 of 29 September 2009 Regulating the Profession of Lawyers.

*Under what title do lawyers practise?*

Advogado

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become an advogado, a candidate must: (i) have a law degree; (ii) complete a two-year internship with a practising lawyer; and (iii) Pass the National Exam to be admitted to the Mozambique Bar Association.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country (Article 2, 7/94)

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only currently registered advogados and trainee advogados may appear before any court, tribunal, authority or public authority to conduct the profession of a lawyer and in particular, exercise their judicial mandate or legal consultation functions as a paid liberal professional (Article 34). The title of advogado is reserved to those registered with the OAM

*Do you need to hold local nationality to be eligible to practise law?*

No, although a foreigner must either graduate from a law faculty in Mozambique or be admitted through a mutual recognition procedure.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Neither the law nor the regulations made by the OAM cover the issue of permitted forms of practise.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Ethical requirements are contained in the Statute and in various regulations made by the OAM, including the Regulamento Disciplinar 1997 and the Regulamento do Trajo Profissional 1997

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

No special authorization is required for the creation of a law firm in Mozambique.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Ordem dos Abogados de Mocambique (OAM)

*Is the jurisdiction a member of the WTO?*

Mozambique joined the WTO on 26 August 1995

## Mozambique

*Has it made any WTO commitments on legal services?*

Mozambique has made no sectoral GATS commitments on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Mozambique is member of the Southern African Development Community (SADC).

*Do these currently include legal services or are there plans to include them in future?*

SADC negotiations on services trade liberalisation have not yet covered legal services as a priority sector for which parties are asked to make commitments.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

The OAM has signed a protocol with the Portuguese Bar Association (OA) but unlike similar protocols with other lusophone African countries, this agreement does not offer preferential market access and only covers encourages training of Mozambiquan abogados by Portuguese law firms.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are local law firms working in cooperation with international law firms (DLA Piper) and with Portuguese and Spanish law firms.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Fly in fly out practice is not covered in the Regulations governing foreign legal practice.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Nationals of SADC countries may travel visa free. Nationals of other countries travelling for business purposes will require a letter of invitation from a local organisation.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no foreign legal consultancy regime in Mozambique. Foreign lawyers may only be admitted to the Bar the same full rights as local practitioners, apart from the right to vote or be elected in Bar elections.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

A foreign lawyer must have have a domicile and tax registration in Mozambique.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Yes. According to the OAM Rules on foreign lawyers, in order to register with the Ordem a foreign lawyer must have 20 years of prior practice experience, the ability to speak Portuguese, a clean disciplinary and criminal record and a tax compliance certificate from their home jurisdiction or jurisdiction in which they have practised for the previous five years.

## Mozambique

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Law No. 11/99 governs mediations and arbitration in Mozambique. The same rules apply to both domestic and international arbitrations. Unless there are specific laws providing otherwise, commercial disputes can generally be submitted to arbitration. There are also restrictions on disputes involving state entities that can be submitted to arbitration. Parties are free to select arbitrators of any nationality, gender, or professional qualifications in both domestic and international arbitrations. The law stipulates that arbitrators must be impartial and independent. Parties are also free to have foreign lawyers represent them in domestic arbitration proceedings.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Yes. According to Article 122 of the Law of 1994 on the Order, foreign lawyers who are qualified by law in their respective countries may register and appear in court provided that there are governmental agreements that establish reciprocity and which meet the requirements stipulated by the Order.

*Can foreign lawyers requalify as local lawyers?*

Yes. According to Article 122 of the Law of 1994 on the Order, foreign lawyers who are qualified by law in their respective countries may register provided that there are governmental agreements that establish reciprocity and which meet the requirements stipulated by the Order.

*Can a foreign law firm obtain a licence to open an office?*

There is no explicit foreign law firm licensing regime

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Since 2009, there have been no areas restricted to foreign investment. Foreign investors must register with the Investment Promotion Centre (CPI).

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Not applicable

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

Not applicable

## Mozambique

<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Not applicable
<i>Other useful sources or comments or links</i>	Ordem dos Advogados de Mocambique <a href="http://www.oam.org.mz/">http://www.oam.org.mz/</a>

# Namibia

*Is there legislation governing the legal sector*

Legal Practitioners Act 1995 Cap 15

*Under what title do lawyers practise?*

Legal Practitioner

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a legal practitioner in Namibia, an individual must: (i) Hold a degree in law from the University of Namibia, or an equivalent qualification in law from a university situated outside Namibia which has been recognised in accordance with the procedure set down in the Act; (ii) Have been issued with a certificate by the Board for Legal Education stating that he or she has satisfactorily undergone practical legal training; and has passed the Legal Practitioners' Qualifying Examination.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

An unqualified person cannot hold themselves out as a Namibian legal practitioner or "issue out any summons or process or commence, carry on or defend any action, suit or other proceeding in any court of law in the name or on behalf of any other person, except in so far as it is authorised by any other law". Under article 22 of the Act, no unqualified person may draw up on behalf of another person (a) a will or other testamentary instrument; (b) any contract, deed or instrument relating to the creation or dissolution of a partnership or a variation of the terms thereof; (c) any contract, deed or instrument for the acquisition, disposal, exchange or lease of immovable property or a right relating to immovable property, other than a contract for the lease of immovable property for a period less than five years; (d) the memorandum or articles of association or prospectus of a company, Legal practitioners also have certain rights enshrined in the Act, including (a) the right of audience in any court or tribunal in which persons are entitled by law to legal representation; (b) have the right to present any document for registration in a deeds registry or for attestation or execution by the registrar of deeds, if he or she holds, or is deemed to hold, the certificate in conveyancing; (c) if he or she holds, or is deemed to hold, an appointment as notary public under section 86, have the right to perform any act which in terms of any law is required to be performed by a notary public. Practise in the Supreme Court requires practising experience of not less than one year.



## Namibia

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Namibian lawyers may practise individually, in partnerships or through companies. Article 7 of the Legal Practitioners Act permits lawyers to form limited companies to practise law, however all shareholders must be directors and all must be admitted as Namibian legal practitioners

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Ethical requirements are set out in the Rules of the Law Society of Namibia (as amended)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Law firms are deemed to be legal practitioners by virtue of Article 7 of the Act. Legal practitioners practising through law firms and partnerships may obtain dispensation from the requirement to maintain individual fidelity fund certificates where a single certificate is obtained on behalf of the entire firm

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Court registers and issues licences to individuals. The Law Society lays down the conditions for joint practice between individual lawyers.

*Is the jurisdiction a member of the WTO?*

Namibia joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Namibia has made no sectoral GATS commitments on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Namibia is a member of the Southern African Development Community (SADC), the Southern African Customs Union (SACU) and a party to the US-SACU Trade, Investment, and Development Cooperative Agreement (TIDCA) and to the SACU-Mercosur agreement.

*Do these currently include legal services or are there plans to include them in future?*

SADC negotiations on services trade liberalisation have not yet covered legal services as a priority sector for which parties are asked to make commitments.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

In accordance with article 85 of the Legal Practitioners Act, if the Minister is satisfied that the law of a foreign country permits the admission or authorization otherwise of legal practitioners resident in Namibia to practise law in that country, whether generally or in particular cases, the Minister may, after consultation with the Chief Justice and by notice in the Gazette, declare such a country to be a reciprocating country for the purposes of this Act.

## Namibia

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. The international law firm DLA Piper has a verein member in Windhoek and a local member of the African network ENSafrica.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no explicit rules on fly in fly out advisory practice by foreign lawyers.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers wishing to visit Namibia for reasons beyond attending workshops/conferences or exploring business opportunities, must obtain a business visa in advance.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Foreign lawyers who are granted the right to practise under reciprocal or special licences, are not entitled to accept, receive or hold trust money.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

No

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

In the case of special dispensation to practise, a foreign lawyer must possess the particular expertise or experience required by the matter

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Arbitration in Namibia is governed by the Arbitration Act 42 of 1965 which was adopted prior to Namibian independence and which is unspecific on the position of foreign lawyers. This has been supplemented by the Foreign Investment Act 1990, which only applies to foreign investors.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Article 85(2) grants the power to the Chief Justice to permit a foreign lawyer to act in Namibia in relation to a matter, where there are particularly complex or special circumstances and the foreign lawyer concerned has special expertise.

## Namibia

<i>Can foreign lawyers requalify as local lawyers?</i>	A foreign lawyer may be admitted as a Namibian legal practitioner if his or her name appears on the list, register or roll of legal practitioners, advocates, attorneys, or equivalent, kept by a competent authority of any country specified in Schedule 3 of the Legal Practitioners Act, and he or she has either been exempted by the Board from complying with the usual qualification requirements, or has complied with any conditions imposed. These jurisdictions are permission are typically granted to those who have qualified in common law jurisdictions.
<i>Can a foreign law firm obtain a licence to open an office?</i>	The Act is silent on foreign law firms, only making provision for individual foreign lawyer practice in Namibia
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Namibia is open to foreign investment in all sectors. The first port of call for foreign investors is the Namibia Investment Centre, which is a department of the Ministry of Industrialization, Trade and Development.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Foreign legal practitioners are not permitted to hold fidelity fund certificates and by implication are not permitted to undertake conveyancing.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	The Act is silent on foreign law firms, only making provision for individual foreign lawyer practice in Namibia
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign legal practitioners are not permitted to hold any ownership interest in a Namibian law firm
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No - employment by non-legal practitioners is explicitly barred under article 33
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Legal Practitioners are deemed to be guilty of unprofessional conduct if they share professional fees either by way of partnership, commission or allowance or in

## Namibia

any other manner with non-legal practitioners. The Act also prohibits legal practitioners from jointly advertising with non-legal practitioners and signing any form of contract that allows the latter to share in the remuneration of a legal practitioner.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

No

*Other useful sources or comments or links*

Law Society of Namibia ([www.lawsocietynamibia.org/](http://www.lawsocietynamibia.org/))

# Niger

<i>Is there legislation governing the legal sector</i>	Advocates Act 2004-42 du 8 June 2004, and Regulation 05/CM/WAEMU of 25 September 2014 on the harmonization of the rules governing the legal profession in WAEMU
<i>Under what title do lawyers practise?</i>	Advocate
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	Admission to the Niger Bar, requires the following (Title III): (i) A Master's degree in Law; (ii) Completion of the Certificate of Professional Practice (CAPA); (iii) Passing the entry exam; (iv) Completion of a two year internship, except for holders of CAPA who need only do 1 year); (iv) at the end of the internship, the trainee lawyer obtains a Certificate of Completion, after receiving a reasoned opinion from their training supervisor and is then eligible to register in the roll of the bar.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	A licensed lawyer can practise throughout the country
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Yes, only a licensed lawyer may attend or represent their clients, and plead before the courts (Article 3).
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Nationality is a condition except for WAEMU (West African Economic and Monetary Union) nationals. However, a non-national lawyer WAEMU may be allowed to plead before the Ivorian courts subject to reciprocity (article 10 of the law)
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A Niger avocat may practise either: i) individually; ii) within a professional association or professional company (Societe Civile professionnelle); iii) as an employee or as a self-employed, employee of another lawyer or law firm; or iv) within a group of firms or companies (article 50).
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Ethical requirements for Niger avocats are contained in the internal regulations of the bar and in Regulation No.05/CM/WAEMU on the Harmonization of the Rules Governing the Legal Profession in WAEMU and in the Advocates Act 2004-42 of 8 June 2004.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	There is no special authorization required for the creation of a law firm. However, copies of contracts between lawyers (collaboration) must be forwarded to the Bar Council in order to verify the compliance of the Bar rules (Article 52).

# Niger

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Bar Council issues licenses to individual lawyers, and authorises law firms or other forms of collaboration.

*Is the jurisdiction a member of the WTO?*

Niger joined the WTO on 13 December 1996

*Has it made any WTO commitments on legal services?*

Niger has made no sectoral GATS commitments on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Niger is a member of ECOWAS and of the West African Monetary Union (WAEMU/UEMOA). It is a party to the West Africa-EU Economic Partnership Agreement and has signed preferential trade agreements with: Australia, Canada, the European Union, Iceland, Japan, Kazakhstan, New Zealand, Norway, Russian Federation, Switzerland, Turkey, the United States of America, India, Morocco, Chile, China, Kyrgyz Republic, Tajikistan, Thailand, and the Republic of Korea.

*Do these currently include legal services or are there plans to include them in future?*

The West African Economic and Monetary Union, WAEMU, provides for the free movement of legal services by lawyers from member states throughout the region (Article 7 of Community Regulation No. 05/CM/UEMOA on the harmonization of the rules governing the legal profession in the Community). Niger has also signed a bilateral judicial cooperation agreement with France which provides for the free movement of legal services (Article 48 Of the Convention on judicial cooperation between the French Republic and the Republic of Niger of 19 February 1977).

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from other WAEMU member states receive national treatment. They can move and establish or create a subsidiary firm. Under reciprocity agreements, lawyers from reciprocating countries have the right to appear in Niger courts, with some conditions (art. 10 of the Advocates Act 2004).

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. Senegal law firms Geni & Kebe (also a member of the DLA Piper Africa Verein) and Cabinet Maitre Cheikh Fall have offices in Niger.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no explicit rules on fly in fly out advisory practice by foreign lawyers.

# Niger

<p><i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i></p>	<p>Obtaining a visa to visit Niger is subject to conditions. See <a href="https://www.legal-office.fr/visa-niger/">https://www.legal-office.fr/visa-niger/</a></p>
<p><i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i></p>	<p>There is no foreign legal consultancy regime in Niger.</p>
<p><i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i></p>	<p>Yes. Under article 10 of law of 8 June 2004 regulating the profession of lawyers, a foreign lawyer who is taking residence in the office of a lawyer in Niger must inform the President of the Bar and Bar Council and, in relation to judicial matters, the President and the Public Prosecutor of the relevant court.</p>
<p><i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i></p>	<p>No.</p>
<p><i>Are foreign lawyers permitted to undertake arbitration and mediation?</i></p>	<p>Yes, While the provisions of the uniform acts on mediation and arbitration in OHADA (Organization for the Harmonization of Business Law in Africa) do not explicitly permit foreign lawyers to undertake arbitration and mediation, in practice this is the case.</p>
<p><i>Are foreign lawyers allowed to appear in court under any circumstances?</i></p>	<p>Only lawyers who are nationals of WAEMU member states or of any reciprocating state may appear in the courts of Niger.</p>
<p><i>Can foreign lawyers requalify as local lawyers?</i></p>	<p>Yes, subject to reciprocity (article 41). Lawyers and trainee lawyers previously registered for a period of at least three years on the roll or on the roster list of a State which has concluded a reciprocal agreement with Niger in this field are exempted from all requirements other than the need to make a written declaration.</p>
<p><i>Can a foreign law firm obtain a licence to open an office?</i></p>	<p>Lawyers from WAEMU member states are allowed to establish and open a law firm or subsidiary (Cabinet Secondaire) as per art. 7.Para 1 of WAEMU regulation 2014</p>
<p><i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i></p>	<p>Foreign investors must register with the Centre for Promotion of Investments (CPI)</p>
<p><i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i></p>	<p>Not applicable</p>
<p><i>Is there a quota on the number of licences available?</i></p>	<p>Not applicable</p>

# Niger

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms from WAEMU Member States may establish in the same forms permitted to local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	There are no rules concerning the name of foreign firms, since the foreign law regime does not exist in Niger. However, article 67 of the law on the organization of the legal profession provides that "does not constitute a prohibited advertisement for the lawyer to affix on the outside or inside a building, a plaque indicating his full name, as a lawyer, academic and professional award titles.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, but the foreign lawyer will need to be enrolled to practise.
<i>Other useful sources or comments or links</i>	<a href="http://www.intracen.org/Ordre-des-avocats-du-Niger/">http://www.intracen.org/Ordre-des-avocats-du-Niger/</a> OHADA ( <a href="http://www.ohada.com">www.ohada.com</a> ) ECOWAS ( <a href="http://www.ecowas.int">www.ecowas.int</a> )
<i>Verified by</i>	Verified by the Ordre des Avocats du Niger



# Nigeria

*Is there legislation governing the legal sector*

Legal Practitioners Act 1962

*Under what title do lawyers practise?*

SOLICITOR AND ADVOCATE OF THE SUPREME COURT OF NIGERIA

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

In order to become a Nigerian lawyer, an individual must obtain a bachelor's degree in law (LL.B) from an accredited university, attend and pass the examination at the Nigerian Law School then subsequently be called to the Nigerian Bar by the Body of Benchers followed by enrolment at the Supreme Court of Nigeria as a Legal Practitioner.

Admission into the Nigerian Law School is open to persons who hold an LL.B from an accredited Nigerian university or any other recognised university from other parts of the world.

Once a person is called to the Nigerian Bar and enrolled in Roll of Legal Practitioners kept at the Nigerian Supreme Court, he\she is entitled to practice law in Nigeria without any further requirement. A practitioner is only required to register at a branch of the Nigerian Bar Association and pay practising fees to that branch. Practising fees are payable annually. Non-payment of practising fees may only disentitle the practitioner from audience in Nigerian courts.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

Nigeria is a single jurisdiction and a Solicitor and Advocate of the Supreme Court may practise throughout the country.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only persons licensed to practise law in Nigeria can act as a legal practitioner in Nigeria. This includes all activities that are carried out by lawyers especially appearing in Court as Counsel on behalf of litigants and preparing, for a reward, drawing an instrument relating to immovable property, probate or letters of administration etc.

# Nigeria

*Do you need to hold local nationality to be eligible to practise law?*

No. A non-Nigerian may be eligible to practise law in Nigeria if he/she meets the requirements for enrolment as a legal practitioner

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer can practice law in Nigeria as a sole practitioner or in a partnership and in a limited liability partnership (in some states like Lagos State).

A lawyer can practice law in a multi-disciplinary partnership. Such partnerships can however not engage in the practice of law as a profession. For instance, a lawyer can be a partner in a consulting, financial advisory and tax advisory partnership but the partnership cannot carry on work as a firm of legal practitioners.

A lawyer may be a legal adviser, company secretary or acquire other designations in a corporation. Such a lawyer can however not practice outside his employment and cannot appear in court as an advocate for the corporation.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

There are standard rules of professional conduct which lawyers licensed to practice law in Nigeria must comply with. They are embodied in the Rules of Professional Conduct, made pursuant to the Legal Practitioners' Act.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Law Firms do not require any licence, permission or approval to practice law. However, there is a need to register as a business name at the Corporate Affairs Commission if any other word is added to the firm's name apart from the names of the practitioners.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Only individuals require a licence – in form of call to Bar and enrolment - to practise law in Nigeria. The licence is issued by the Body of Benchers. Firms operate as mere business names for legal practice by the individual lawyers and have no legal personality.

*Is the jurisdiction a member of the WTO?*

Nigeria joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Nigeria has made no commitments in the WTO on legal services

# Nigeria

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Nigeria is a member of ECOWAS (The economic community of West African States). This agreement only covers trade in goods.

*Do these currently include legal services or are there plans to include them in future?*

No

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Not applicable

*Are there any 'foreign law' firms present in this jurisdiction?*

No. There are no foreign firms practising law in Nigeria

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Yes. A person can practice only in respect of certain proceedings for which he has been granted a warrant by the Chief Justice of Nigeria. To be entitled to such a warrant, the person must make an application to the Chief Justice showing that he is entitled to practise as an advocate in any country where the legal system is similar to that of Nigeria. If the Chief Justice is satisfied that it is expedient to permit such person to practice in Nigeria as an advocate for purposes of the particular proceedings applied for, the Chief Justice may grant such a warrant.

See Section 2(2) of the Legal Practitioners Act.

There are no specific rules on fly-in-fly-out transactional work other than if that work falls under the definition of legal services, that person must be qualified to provide legal services in Nigeria.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Yes.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No. Concept of foreign legal consultant is not recognized in Nigeria. Anyone offering legal practice in Nigeria must be qualified and enrolled as a local practitioner.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

## Nigeria

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Article 4 of the Arbitration Rules under the Arbitration and Conciliation Act provides that “parties may be represented or assisted by legal practitioners of their choice...” The definition and qualification of a legal practitioner in Nigeria under Section 2 of the Legal Practitioners’ Act does not exclude arbitration or mediation. To carry out any form of legal work, a person must either be enrolled to practice in Nigeria or not being enrolled in Nigeria, must have been granted a warrant by the Chief Judge to practice as a barrister in such arbitration or mediation proceedings
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Not generally. The only instance where this is possible is where a warrant has been issued to such foreign lawyer in respect of particular proceedings.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. If he/she passes the qualifying Bar Exams administered by Nigerian Law School, produces a qualifying certificate to the Body of Benchers and satisfies the Benchers that he/she is of good character and is enrolled as a legal practitioner at the Supreme Court.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm ‘licence’ (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there “scope of practice” rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable

# Nigeria

<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	A foreign lawyer or law firm cannot employ a Nigerian lawyer as a means of practising in Nigeria. A foreign lawyer or law firm can however engage a Nigerian lawyer to provide services as local counsel in respect of specific legal works.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No, not for purposes of establishing a practice or presence in Nigeria.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, provided the foreign lawyer is qualified to practice law in Nigeria.
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Paul Usoro & Co Legal Practitioners (March 2014) <a href="http://www.paulusoro.com">www.paulusoro.com</a>

# Rwanda

*Is there legislation governing the legal sector*

Law No 83/2013 of 11/09/2013 Establishing the Bar Association in Rwanda and determining its organization and functioning & The rules and regulations of the Rwanda Bar Association of 16/09/2014

*Under what title do lawyers practise?*

Advocate

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To obtain a license to practise as a Rwandan advocate, one must: i) be a Rwandan national; ii) hold at least a bachelor's degree in law or its equivalent; iii) have a recognized certificate from the Institute of Legal Practice and Development or an equivalent; iv) not to have been definitively sentenced to a term of imprisonment equal to or exceeding six (6) months; v) to have passed the test conducted by the Bar Association. The license is renewable annually.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A Rwandan advocate can practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only a licensed Rwandan advocate has rights of audience in Rwandan courts (Art.2, Para.1)

*Do you need to hold local nationality to be eligible to practise law?*

In principle Rwandan nationality is a condition. However, a foreign lawyer may also be allowed to practise if reciprocal access is granted or in accordance with international agreements to which Rwanda is a party (Art. 6). Where their national legislation provides for reciprocity and subject to international agreements, Advocates from foreign Bar Associations shall be granted the right to practice if need be, provided they observe the regulations governing the Advocates' profession in Rwanda. The President of the Bar Association has the power to grant such authorization (Art. 7)

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

An advocate may practice either individually or collectively through a collaboration, association or partnership. Partnership is only permitted with other licensed advocates (Art.107 of Internal Rules).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The ethical and regulatory requirements that Rwandan lawyers must adhere to are contained both in the 2013 law and in the Internal Rules of the Bar Association and in the Bar Association regulation of 16/09/2014

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

The formation of firms is subject to the prior approval of the Bar council (Art.108 the Rules and Regulations)

## Rwanda

<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Bar Council issues license for both individual lawyers and law firms.
<i>Is the jurisdiction a member of the WTO?</i>	Rwanda joined the WTO on 22 May 1996
<i>Has it made any WTO commitments on legal services?</i>	Rwanda has made commitments in modes 1-3 for legal services (CPC 861)
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Rwanda is a member of the East African Community (EAC) and of the Common Market for Eastern and Southern Africa (COMESA) and a party to the EAC-EU Economic Partnership Agreement.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The Common Market Protocol of the East African Community provides for the integration of professional services including legal services in the community. Negotiations are underway for an EAC Mutual Recognition Agreement for Advocates. In addition, the second round of COMESA market access negotiations launched in 2017 includes business services, which encompasses legal services.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Rwanda has made a commitment under the EAC Common Market Protocol to sign up to a Mutual Recognition Agreement covering the recognition of professional qualifications, including of lawyers. This is still in draft form. However, Rwanda has also made a market access commitment under the EAC Treaty to permit
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. A number of international law firms (e.g. Dentons, DLA Piper) have associations with local law firms and there are local members of African networks including ENSafrica and ALN.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit rules on fly in fly out advisory practice by foreign lawyers.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Obtaining a visa to visit Rwanda is subject to conditions. See: <a href="https://www.migration.gov.rw/index.php?id=13">https://www.migration.gov.rw/index.php?id=13</a>
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no foreign legal consultancy regime in Rwanda.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable

## Rwanda

<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Foreign lawyers authorised to practise in Rwanda must respect the rules governing the profession (Art. 7)
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes foreign lawyers can undertake arbitration in Rwanda as Article 12 N ° 005/2008 OF 14/02/2008 of the Law on Arbitration and Conciliation in Commercial Matters states that "the Arbitrators may be from Rwanda or any other country".
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Yes - so long as they have been recognised under the terms of a reciprocal or international agreement and are registered with the Bar, having been authorised by the President of the Bar Association.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes, subject to reciprocity.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Rwanda is open to investment in all sectors. Foreign investors need to contact the Rwandan Development Board.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not beyond those required of local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	Not beyond those required of local law firms.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable



## Rwanda

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Yes

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links* Rwanda Bar Association (<http://www.rwandabar.org.rw/>)  
East African Community ([www.eac.int](http://www.eac.int))

*Verified by* **Verified by the Rwanda Bar Association**

# Senegal

<i>Is there legislation governing the legal sector</i>	Law No. 84-09 of 4 January 1984 establishing the the Bar association; Internal Rules and Regulations of Senegal Bar Association; & Regulation No.05/CM/WAEMU on the harmonization of the rules governing the legal profession in WAEMU
<i>Under what title do lawyers practise?</i>	Advocat
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	To be admitted as an advocat (ss. 33-43) a candidate must: i) hold a Master's degree in Law or an equivalent degree; ii) have obtained the Certificat d'Aptitude aux Professions d'Avocats (CAPA); (iii) have completed a two-year internship; (iv) have applied for for enrolment with Senegal Bar Association.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	A licensed lawyer can practise throughout the country
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Only a licensed lawyer has rights of audience in courts (Art. 4)
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Nationality is a condition except for WAEMU (West African Economic and Monetary Union) nationals. However, access to the Senegal Bar is open to foreigners subject to reciprocity (Art. 16)
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Lawyers can practise individually, in association or collaboration; as a salaried lawyer; through a Professional Companies; in grouped firms; and in a Professional Interest Group (GIP).
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	There are ethical and regulatory requirements that the lawyer must adhere to, contained both in the 1984 law establishing and organizing the legal profession in Senegal, and in regulation No.05/CM/WAEMU on the Harmonization of the Rules Governing the Legal Profession in WAEMU.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	There is no authorization required for the creation of a law firm in Senegal , however the establishment of subsidiary offices require the authorization of the Bar council (articles 103 and 104 of internal rules and Regualtion). Copies of the contracts made between the lawyer partners in a law firm must be transmitted to the Bar council to verify the conformity of these contracts with the law (Art. 73 of Internal rules and Regulation).

# Senegal

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Bar Council issues licenses for individual lawyers and to subsidiaries of law firms.

*Is the jurisdiction a member of the WTO?*

Senegal joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Senegal has made no sectoral GATS commitments in legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Senegal is member of ECOWAS and of the West African Monetary Union (WAEMU/UEMOA) and a party to the West Africa-EU Economic Partnership Agreement. Additionally, Senegal has preferential trade agreements with Australia, Canada, the European Union, Iceland, Japan, Kazakhstan, New Zealand, Norway, Russian Federation, Switzerland, Turkey, United States of America, India, Morocco, Chile, China, Kyrgyz Republic, Tajikistan, Republic of Korea.

*Do these currently include legal services or are there plans to include them in future?*

The West African Economic and Monetary Union, WAEMU, provides for the free movement of legal services by lawyers from member states throughout the region (Article 7 of Community Regulation No. 05/CM/UEMOA on the harmonization of the rules governing the legal profession in the Community). Senegal has also signed a judicial cooperation agreement with France that provides for the free movement of legal services (Article 46 of the Convention on Cooperation in Judicial Matters between the Government of the French Republic and the Government of the Republic of Senegal of March 29, 1974)

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from other WAEMU member states receive national treatment. They can move and establish or create a subsidiary firm. Lawyers from France are permitted by the Judicial Cooperation Treaty to appear before the Senegalese Courts.

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. The African regional firm John W Ffooks & Co has an office in Senegal and there is a local law firm which is a member of the DLA Piper Africa verein.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

No. however, the law provides that lawyers from a reciprocating state may plead before the court. The President of the court and the legal representative of the opposing party shall be informed. In criminal matters the legal representative of the public prosecutor will be informed as well (Article 9).

## Senegal

<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Obtaining a visa to visit Senegal is subject to certain conditions. See: <a href="http://www.consulsen-paris.com/Demande-de-visa-107">http://www.consulsen-paris.com/Demande-de-visa-107</a>
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no such legal licensing regime for foreign legal consultants in Senegal.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	No
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes, While the provisions of the uniform acts on mediation and arbitration in OHADA (Organization for the Harmonization of Business Law in Africa) do not explicitly permit foreign lawyers to undertake arbitration and mediation, in practice this is the case.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Only lawyers who are nationals of WAEMU member states or from a state which offers reciprocal access to Senegalese lawyers may appear in the Senegalese courts.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes, where the foreign lawyer is from a state which offers reciprocal access to Senegalese lawyers or is a national of a WAEMU Member State.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Lawyer nationals of WAEMU Member States, or of countries granting reciprocal access to Senegalese lawyers can request the opening of a main office or a subsidiary in Senegal and under the forms defined by law governing the profession (Art.103 and 107 of Internal Rules.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign investment is open in all sectors and is particularly targeted in the technology sector. Foreign investors should contact Invest in Senegal ( <a href="http://www.investinsenegal.com/">http://www.investinsenegal.com/</a> ).
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable

# Senegal

<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms from WAEMU Member States may establish in the same forms permitted to local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	Not beyond the rules applying to local lawyers/law firms.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes , but any form of relationship with a foreign lawyer/law firm requires the prior authorization of the president of the bar association (Article 77 of the Internal Rules of the Bar of Senegal)
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, to the extent provided for in the law and regulation of the Bar in Senegal.
<i>Other useful sources or comments or links</i>	Senegal Bar Association ( <a href="http://www.ordredesavocats.sn">www.ordredesavocats.sn</a> ) OHADA ( <a href="http://www.ohada.com">www.ohada.com</a> ) ECOWAS ( <a href="http://www.ecowas.int">www.ecowas.int</a> )
<i>Verified by</i>	Verified by the Ordre des Avocats du Sénégal Palais de Justice

# Seychelles

<i>Is there legislation governing the legal sector</i>	Legal Practitioners Act 1994 (as amended)
<i>Under what title do lawyers practise?</i>	Attorney-at-Law
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	An individual shall be admitted as an attorney-at-law if he/she: (i) holds a degree in law, of a level prescribed by the Minister, awarded by an institution designated by the Minister after consultation with the Chief Justice and the Bar Association of Seychelles ; (ii) has successfully completed such professional or vocational examination or training as the Minister may by regulations prescribe; and (iii) has passed the admission examination.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	A licensed lawyer can practise throughout the country
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Subject to some exceptions, only an attorney-at-law may (a) assist and advise clients; (b) appear, plead or represent a person in every court, tribunal or other institution established by law for the administration of justice where the person has a right to be heard and be represented by legal practitioner; or (c) appear and represent a person who has a right to be heard and be represented by legal practitioner before any other person or tribunal exercising quasi-judicial functions.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	The forms in which attorneys-at-law may work are not covered by the Act.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	A Seychellois Attorney-at-Law must adhere to the Legal Practitioners (Professional Conduct) Rules 2013.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	There is no law firm licensing regime.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Supreme Court registers and issues licences to individual lawyers.
<i>Is the jurisdiction a member of the WTO?</i>	The Seychelles joined the WTO on 26 April 2015
<i>Has it made any WTO commitments on legal services?</i>	The Seychelles has made GATS commitments for legal advisory services on foreign and international law in modes

## Seychelles

1, 2 and 3 but is unbound in mode 4 except as provided for in the horizontal commitments

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The Seychelles is member of the Southern African Development Community (SADC), of the Common Market for Eastern and Southern Africa (COMESA) and of the Indian Ocean Commission.

*Do these currently include legal services or are there plans to include them in future?*

SADC negotiations on services trade liberalisation have not yet covered legal services as a priority sector for which parties are asked to make commitments.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. The international law firm Appleby has an office in Mahe.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no explicit rules on fly in fly out advisory practice by foreign lawyers.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

The Seychelles is a visa free country and permits are only required for those wishing to take up permanent residency/employment.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no foreign legal consultancy regime in the Seychelles.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Arbitration Act No. 42 of 1965 regulates arbitration in South Africa. The legislation makes no distinction between domestic and international arbitration. The Arbitration Act is not based on the UNCITRAL Model Law, although many of the provisions are similar. Parties are free to elect arbitrators of any nationality, gender, or professional qualifications, and they may also select foreign counsel to represent them in arbitration proceedings.

## Seychelles

<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Yes. A foreign lawyer may be admitted on an ad hoc basis and exempted from the requirement to serve a pupillage in order to provide legal services in relation to foreign law or Seychelles corporate and financial law.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. An individual shall be admitted as an attorney-at-law if he/she has been called to and stands enrolled or registered at the Bar in a country or Jurisdiction designated by the Minister after consultation with the Chief Justice and Bar Association of Seychelles. Foreign lawyers must possess at least five years of prior experience at the bar, or as an advocate, attorney-at-law or solicitor. However, a person who under these conditions is exempted from the requirement to serve as a pupil shall only provide legal services in relation to: a) foreign law; or b) Seychelles corporate and financial law.
<i>Can a foreign law firm obtain a licence to open an office?</i>	The Law does not explicitly address this issue and only deals with individual attorneys-at-law.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	The legal sector is not mentioned as a sector in which investment is reserved to Seychellois or restricted to some percentage. Foreign investment is regulated by the Seychelles Investment Board.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	The Act is silent on foreign law firms, only making provision for individual foreign attorneys-at-law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	No
<i>Are there rules about the name a foreign law firm can take?</i>	No
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	The Act is silent on foreign law firms, only making provision for individual foreign attorneys-at-law.



## Seychelles

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

The law and rules of professional conduct do not explicitly prohibit this.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

The law and rules of professional conduct do not explicitly prohibit this.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes but not as a pupil or articled clerk.

*Other useful sources or comments or links*

Bar Association of Seychells  
(<https://sites.google.com/site/barassociationsc/about-us>)

## South Africa

*Is there legislation governing the legal sector*

Act No. 28 of 2014: Legal Practice (Amendment) Act 16 (2017); Rules for the Attorneys' Profession (Gaz. No. 39740, 2 of 2016); "Qualification of Foreigners as Attorneys in South Africa" (MVB/15/1/04)

*Under what title do lawyers practise?*

Attorney, Advocate (Legal Practitioner)

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To be admitted as a legal practitioner, one must fulfil the following requirements: (i) be a South African citizen, or permanent resident in the Republic; (ii) satisfy all the requirements for the LLB degree obtained at any university in the Republic, or LLB-equivalent degree from a foreign country which has been recognised by the South African Qualifications Authority; (iii) complete the two-year service under a contract of articles of clerkship with a South African firm of attorneys or community service at an accredited law clinic or approved office of the Legal Aid Board; (iv) pass the Attorneys Admission Examination; (v) complete a legal training course approved by the provincial law society in which the candidate intends to practise; and (vi) satisfy the Court that the person applying for admission is a fit and proper person to practise as an attorney.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

Any person who has been admitted and enrolled to practise as a legal practitioner in terms of this Act, is entitled to practise throughout the Republic, unless his or her name has been ordered to be struck off the Roll or he or she is subject to an order suspending him or her from practising. (2) A legal practitioner, whether practising as an advocate or an attorney, has the right to appear on behalf of any person in any court in the Republic or before any board, tribunal or similar institution.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Subject to any other law, no person other than a practising legal practitioner who has been admitted and enrolled may, in expectation of any fee, commission, gain or reward— (a) appear in any court of law or before any board, tribunal or similar institution in which only legal practitioners are entitled to appear; or (b) draw up or execute any instruments or documents relating to or required or intended for use in any action, suit or other proceedings in a court of civil or criminal jurisdiction within the Republic.

*Do you need to hold local nationality to be eligible to practise law?*

A candidate must be a South African citizen, or permanent resident in the Republic. There are pathways open to foreign practitioners who have already fully qualified in their home country. Additionally, those who have acquired foreign law degrees may have parts of the degree certified by the South African Qualification Authority.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Attorneys may practise: On their own account (and may only share or divide their professional fees with other attorneys), as part of a juristic entity, as part of a law clinic, as part of Legal Aid South Africa, or as an attorney in full-time employment of the State as a state attorney or in the South African Human Rights Commission. Advocates may practise: on their own account (without any fee sharing), as part of a law clinic, as part of Legal Aid South Africa, or as an advocate in the full-time employment of the state as a state advocate or the South African Human Rights

## South Africa

Commission. A commercial juristic entity may be established to conduct a legal practice provided that: its shareholding, partnership or membership is comprised of exclusively attorneys; all present and past shareholders, partners or members are liable jointly and severally together with the commercial entity.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

South African legal practitioners must adhere to the Code of Conduct for Legal Practitioners, Candidate Legal Practitioners and Juristic Entities. The Code of Conduct sets standards of conduct which can be enforced by the Legal Practice Council.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Law firms must register with the Companies Commission and make application to the South African Legal Practice Council. Specific reference to the acquisition of a license is not included in the Act.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Individuals are admitted by the High Court and apply for a licence to practice from the Legal Practice Council.

*Is the jurisdiction a member of the WTO?*

South Africa joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

South Africa has made a commitment to permit commercial presence (mode 3) for advisory services in foreign and international law. It is unbound for modes 1 and 2 and permits market access in mode 4 to the extent permitted by horizontal commitments

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

South Africa is a member of the Southern African Development Community (SADC), the Southern African Customs Union (SACU) and a party to the US-SACU Trade, Investment, and Development Cooperative Agreement (TIDCA) and to the SACU-Mercosur agreement.

*Do these currently include legal services or are there plans to include them in future?*

SADC negotiations on services trade liberalisation have not yet covered legal services as a priority sector for which parties are asked to make commitments.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. There are a number of international law firms present in South Africa, including Norton Rose Fulbright, DLA Piper, Baker McKenzie, Hogan Lovells, Eversheds Sutherland and Dentons.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice?*

There are no explicit rules on fly in fly out advisory practice.

## South Africa

*out practice of law? I.e.*

*Do you need to obtain a licence for temporary practice?*

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Visitors to South Africa for 90 days or less for either business or tourism purposes do not require a visa.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

The law does not make provision for "foreign legal consultants".

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

The Act provides that in future, the Minister of Justice may, in consultation with the Minister of Trade and Industry and after consultation with the Council, and having regard to any relevant international commitments of the Government, make regulations in respect of admission and enrolment to— (a) determine the right of foreign legal practitioners to appear in courts in the Republic and to practise as legal practitioners in the Republic; or (b) give effect to any mutual recognition agreement to which the Republic is a party, regulating— (i) the provision of legal services by foreign legal practitioners; or (ii) the admission and enrolment of foreign legal practitioners.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Arbitration Act No. 42 of 1965 regulates arbitration in South Africa. The legislation makes no distinction between domestic and international arbitration. The Arbitration Act is not based on the UNCITRAL Model Law, although many of the provisions are similar. Parties are free to elect arbitrators of any nationality, gender, or professional qualifications, and they may also select foreign counsel to represent them in arbitration proceedings.

*Are foreign lawyers allowed to appear in court under any circumstances?*

The Act does not make provision for foreign lawyers appearing in court. Only advocates are permitted to appear in South African Courts.

## South Africa

<i>Can foreign lawyers requalify as local lawyers?</i>	The Minister of Justice, the Minister of Trade and Industry, and the Council may make regulations in respect of admission and enrolment to determine the right of foreign legal practitioners to appear in courts in the Republic and to practise as legal practitioners in the Republic, or give effect to any mutual recognition agreement to which the Republic is a party, regulating: i) the provision of legal services by foreign legal persons. A foreign-qualified individual will need to satisfy all the requirements for a law degree obtained in a foreign country, which is equivalent to the LLB degree and recognised by the South African Qualifications Authority established by the National Qualifications Framework Act, 2008 (Act No. 67 of 2008).
<i>Can a foreign law firm obtain a licence to open an office?</i>	The Act is silent on foreign law firms, only making provision for individual foreign attorneys-at-law. However, a number of international law firms have offices in South Africa.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign law firms wishing to set up non legal practices in South Africa need to contact the Department of Trade and Industry (DTI) and Trade and Investment South Africa (TISA) ( <a href="https://www.thedti.gov.za/trade_investment/how_todo_business_insa.jsp">https://www.thedti.gov.za/trade_investment/how_todo_business_insa.jsp</a> )
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	The Act is silent on foreign law firms, only making provision for individual foreign attorneys-at-law.
<i>Are there restrictions on the corporate form a</i>	Not applicable

## South Africa

*foreign law firm can take?*

*Are there rules about the name a foreign law firm can take?*

Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

The Act is largely silent on the enrollment and practice rights of foreign lawyers save Section 24 (3) which provides as follows: The Minister may, in consultation with the Minister of Trade and Industry and after consultation with the Council, and having regard to any relevant international commitments of the Government of the Republic, make regulations in respect of admission and enrolment to—  
(a) determine the right of foreign legal practitioners to appear in courts in the Republic and to practise as legal practitioners in the Republic; or  
(b) give effect to any mutual recognition agreement to which the Republic is a party, regulating—  
(i) the provision of legal services by foreign legal practitioners; or  
(ii) the admission and enrolment of foreign legal practitioners

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not applicable

*Other useful sources or comments or links*

Law Society of South Africa (<https://www.lssa.org.za>)

*Verified by*

Verified by the Law Society of South Africa

## Sudan

<i>Is there legislation governing the legal sector</i>	The Advocacy Act 1983 ( NB. A new bill is currently under discussion)
<i>Under what title do lawyers practise?</i>	Advocate
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	In order to become an Advocate in Sudan, an individual must be of Sudanese nationality, at least twenty-one years of age and of good character, be in possession of a LLB degree from a recognised educational institution and have passed the Legal Professing exam managed by the Advocates Admissions Committee, unless exempt. Successful applicants must complete a one year prescribed term of traineeship. Candidates are interviewed by the Bar Admission Committee and must swear an oath before they can be admitted. Licences are renewed annually.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	Yes
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	The licence and title of Advocate only relates to representation in front of the Court, all other areas of legal practice are unregulated.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Only Sudanese nationals are eligible to obtain a full licence to practise law in Sudan.
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Lawyers generally work in sole proprietorships although it is legally possible for them to work in partnership, limited liability or multidisciplinary partnerships or in corporations (Partnerships Act 1933; Companies Act 1925)
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Advocacy Act 1983 sets out a number of the ethical duties of Sudanese advocates, including duties to clients, client secrecy, advertising etc. The Sudanese Bar Association has also promulgated a code of conduct.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	There are no provisions governing law firms in Sudan, a Sudanese advocate must, however, register his/her office address with the Bar Association and is covered by provisions set out in the Advocacy Act 1983 in relation to advertising, holding of client money. Contingency and

## Sudan

	conditional fees are currently prohibited by legislation but the pending Advocacy Bill proposes a change).
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Sudan Bar Association (Advocacy Act 1983)
<i>Is the jurisdiction a member of the WTO?</i>	Sudan is currently negotiating membership of the WTO
<i>Has it made any WTO commitments on legal services?</i>	Not applicable
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Sudan is a member of the Common Market for East and Southern Africa (COMESA) which is negotiating a customs union.  Sudan is member of the Greater Arab Free Trade Area (GAFTA).
<i>Do these currently include legal services or are there plans to include them in future?</i>	Not at present but there is a plan to undertake MRAs in future with a number of Arab countries.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Article 20 of the Advocacy Act allows for preferential recognition of certain jurisdictions.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are no foreign law firms established in Sudan.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit rules on fly in fly out practice.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Yes
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	Sudanese nationality is a prerequisite for practice in Sudan, however foreign nationals may appear on a case by case basis in court.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable



## Sudan

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Under the Arbitration Act 2005, parties are free to appoint arbitrators of their choice, and rejection of an arbitrator can only be on the grounds of lack of independence or neutrality.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Alien advocates may appear before Sudanese Courts on a case by case basis, in conjunction with a local Advocate (Advocacy Act 1983 art.20 (c)). The fee payable in these cases is set by the Admissions Board and may be up to 2% of the value of the suit.
<i>Can foreign lawyers requalify as local lawyers?</i>	Requalification of foreign lawyers is not possible given the requirement for advocates to be Sudanese nationals.
<i>Can a foreign law firm obtain a licence to open an office?</i>	This is dealt with by the Sudan Bar Central Committee on a case by case basis, although there are no rules forbidding a foreign law firm from establishing and offering the same services as domestic law firms, this system has yet to be tested.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Invest in Sudan sets out the conditions for investment and the formalities required <a href="http://www.sudaninvest.org/English/Invest-Services.htm">http://www.sudaninvest.org/English/Invest-Services.htm</a>  All companies must be registered at the Companies Registrar Office. Foreign companies can register a branch following the rules set in <a href="http://www.crd.gov.sd/f_companyRegistration.htm">http://www.crd.gov.sd/f_companyRegistration.htm</a>
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	In theory a foreign law firm could establish as a business outside of advocacy, under one of the business vehicles permitted in Sudan.

## Sudan

<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Sudanese Bar Association
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	There are no legislative provisions or rules covering ownership interests by foreign lawyers in Sudanese law firms
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There are no legislative provisions or rules on employment by foreign lawyers and in practice many Sudanese lawyers work outside of Sudan for foreign law firms
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	There are no rules preventing this.
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Sudan Bar Association (February 2014)

## Swaziland (Eswatini)

*Is there legislation governing the legal sector*

The Legal Practitioners Act 1964

*Under what title do lawyers practise?*

Advocate, Attorney (Legal Practitioner)

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To qualify and obtain a licence as an advocate, candidates must satisfy the High Court that s/he: (i) is a citizen of Swaziland or is ordinarily a resident in Swaziland, and (ii) is a fit and proper person to be admitted as an advocate; (iii) is of or above the age of 21 years old; (iv) holds an LLB from an approved university.

To qualify and obtain a license as an attorney, candidates must satisfy the High court that s/he: (i) is a citizen of Swaziland or is ordinarily a resident in Swaziland; (ii) is a fit and proper person to be admitted as an advocate; (iii) is at least 21 years old; (iv) holds an LLB degree from an approved university; and (v) has served a period of articles and passed examinations prescribed under this Act.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The Act makes provisions for advocates, attorneys, notary publics and conveyancers, but does not outline the boundaries and reserved activities of these professions.

*Do you need to hold local nationality to be eligible to practise law?*

One must be a citizen of Swaziland or be ordinarily resident in Swaziland to be eligible. However, there is provision for the Chief Justice to admit foreign lawyers on an ad hoc basis.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

The Act does not prescribe the forms legal practitioners may work in. However, in the Law Society of Swaziland By-Laws there are references to "partners" indicating that attorneys may practise in partnership with other attorneys, but not with other types of practitioners.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Ethical rules for Swazi Legal Practitioners are contained in The Law Society of Swaziland Bye-Laws, 1992 and are supplemented from time to time by guidance issued by the Law Society.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

There is no explicit requirement imposed on law firms in the Act. Individual legal practitioners are held responsible for maintaining their client account and for contributions to the Fidelity Fund.

## Swaziland (Eswatini)

<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The High Court maintains the register of individual legal practitioners on the advice of the Law Society of Swaziland.
<i>Is the jurisdiction a member of the WTO?</i>	Swaziland joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Swaziland has made no sectoral GATS commitments on legal services
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Swaziland is member of the Southern African Development Community (SADC) the Southern African Customs Union (SACU) and a party to the US-SACU Trade, Investment, and Development Cooperative Agreement (TIDCA) and to the SACU-Mercosur agreement. It is also a member of the Common Market of East and Southern Africa (COMESA).
<i>Do these currently include legal services or are there plans to include them in future?</i>	SADC negotiations on services trade liberalisation have not yet covered legal services as a priority sector for which parties are asked to make commitments.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No, although Swazi nationals or residents who have qualified as lawyers from South Africa, Lesotho, Zimbabwe, Namibia, Botswana, England, Ireland, Scotland receive special treatment by virtue of recognition in the Legal Practitioners' Act.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. A number of international law firms (e.g. Dentons, DLA Piper) have associations with local law firms in Swaziland.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit rules on fly in fly out advisory practice.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Visitors from many countries (SADC, EU, US, Canada, Australia, Mercosur, Russia etc) do not need a visa for visits of up to 30 days.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	The law does not cover "foreign legal consultants". However, there are pathways to entry for legal practitioners from some countries.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify</i>	Not applicable

## Swaziland (Eswatini)

*for a limited licence? (e.g. prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Under the Arbitration Act 1904, parties are free to choose arbitrators.

*Are foreign lawyers allowed to appear in court under any circumstances?*

The Act does not make provision for foreign advocates in court. The Chief Justice is permitted to grant individuals special audience before the court, when he feels compelled.

*Can foreign lawyers requalify as local lawyers?*

The Chief Justice may for the purpose of any particular case or matter grant a right of audience in the Courts of Swaziland or before any quasi-judicial tribunal in Swaziland to any person who, being otherwise eligible for admission, is not a citizen of Swaziland or ordinarily resident or practising as an advocate therein, in order to enable such person to appear as Counsel in any such case or matter.

*Can a foreign law firm obtain a licence to open an office?*

The Act is silent on foreign law firms.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Foreign companies wishing to set up in eSwatini should register with the Swaziland Investment Promotion Agency.

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Not applicable

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

The Act is silent on foreign law firms.

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

*Are there rules about the name a foreign law firm can take?*

The Act is silent on foreign law firms.

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not applicable

## Swaziland (Eswatini)

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

The law is silent on this issue.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

The law is silent on this issue.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes but not as lawyers

*Other useful sources or comments or links*

Law Society of Swaziland ([lawsociety@swazi.net](mailto:lawsociety@swazi.net))

## Tanzania - Tanganyika

*Is there legislation governing the legal sector*

The Advocates Act (Cap. 341) and Tanganyika Law Society Act (Cap. 307 R.E. 2002)

*Under what title do lawyers practise?*

Advocate

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

A person may apply to the Chief Justice to be admitted as an advocate if he/she is: i) the holder of a degree in law granted after examination by the University of East Africa or the University of Dar es Salaam by such other university or other institution as may be recognised by the Council for the purposes of this section; ii) a legal practitioner (or whatever name called) and thereby has a right of audience before any court having unlimited jurisdiction in civil and criminal matters in any Commonwealth country or in any other country designated by the Minister for the purposes of this section; iii) a Solicitor of the Supreme Court in England, Northern Ireland or the Republic of Ireland, a Writer to the Signet, a solicitor in the Supreme Court of Scotland or a person admitted or deemed to have been admitted as a solicitor under the Solicitors (Scotland) Act, 1933; iv) compliant with the acquisition of professional experience as may be specified in regulations made hereunder by the Council; v) has been in continuous practice as an advocate in Kenya, Uganda or Zanzibar during the five years immediately preceding application. To obtain a practising certificate, applicants must first be admitted by the Chief Justice, next submit their name to the Roll, and pay the prescribed fee to the Registrar for the practising certificate, and pay the fee for annual subscription to the Law Society of Tanganyika (compulsory).

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This license is for the practise of law throughout Tanzania

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only a registered lawyer holding a valid practising certificate, membership to the Tanganyika Law Society, and possessing a valid business license may practise law or provide any form of legal services. No unqualified person shall act as an advocate, or agent for suitors or, as such, issue out any summons or other process, or commence, carry on or defend any action, suit or other proceeding in the name of any other person or in his own name, in any court of civil or criminal jurisdiction, or act as an advocate in any cause or matter, civil or criminal.

*Do you need to hold local nationality to be eligible to practise law?*

No

## Tanzania - Tanganyika

<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Advocates may be self-employed, or work in general and limited liability partnerships.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	All practitioners must comply with the Rules of Professional Conduct and Etiquette of the Tanganyika Law Society 2015
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Yes, they must register and pay for a business license (Business Licensing Act) which must be renewed annually.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Registrar of the High Court issues annual practising certificates on the advice of the Tanganyika Law Society.
<i>Is the jurisdiction a member of the WTO?</i>	Tanzania joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Tanzania has made no sectoral GATS commitments on legal services
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Tanzania is member of both the East African Community (EAC) and the Southern African Development Community (SADC).
<i>Do these currently include legal services or are there plans to include them in future?</i>	The Common Market Protocol of the East African Community provides for the integration of professional services including legal services in the community. Negotiations are underway for an EAC Mutual Recognition Agreement for Advocates. SADC negotiations on trade in services have not yet covered legal services.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Foreign lawyers from England, Northern Ireland, the Republic of Ireland, Scotland, Kenya, Uganda and Zanzibare receive preferential treatment as a result of legacy agreements and may be admitted to practise as Tanganyikan advocates.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. Clyde and Co, ENSafrica and Dentons are all present in Dar es Salaam.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit rules on fly in fly out advisory practice.



## Tanzania - Tanganyika

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Visitors from SADC or EAC countries are visa exempt. Business visits to Tanzania from outside EAC/SADC require a letter from the inviting organisation and the visitor's employer.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

The law does not cover "foreign legal consultants", but does make provision for those practitioners seeking a limited license to practise within the country. The Chief Justice may, upon payment to the High Court of the prescribed fee admit to practise as an advocate for the purpose of any one case any person who has come or intends to come to Tanzania for the purpose of appearing in such case. Any person who is admitted to practise as an advocate for the purpose of any one case shall be deemed subject to the provisions of the Advocates Act as if he were an advocate.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Yes - foreign lawyers must be fully qualified in their home jurisdiction.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Tanzania's Arbitration Act (2002) governs domestic arbitral proceedings and enforcement of foreign arbitral awards. This has now been amended by the Public Private Partnership (Amendment) Act, 2018 which withdraws the country from international arbitration bodies and requires investors to seek redress in disputes through local courts.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Only where granted special permission by the Chief Justice.

*Can foreign lawyers requalify as local lawyers?*

Yes - so long as they are from a "designated country". See above.

*Can a foreign law firm obtain a licence to open an office?*

There is no foreign law firm licensing regime.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Yes - they must acquire a company license through the Tanzania Revenue Authority to operate as a business, in addition to individual registration with the Chief Justice.

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

No

*Is there a quota on the number of licences available?*

No

## Tanzania - Tanganyika

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not beyond those applying to foreign businesses in general.
<i>Are there rules about the name a foreign law firm can take?</i>	No
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Company license can be acquired through the Tanzania Revenue Authority.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	The law is silent on this issue.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes but not as lawyers
<i>Other useful sources or comments or links</i>	Tanganyika Law Society ( <a href="http://tls.or.tz">http://tls.or.tz</a> )

## Tanzania - Zanzibar

*Is there legislation governing the legal sector*

Legal Practitioners Decree 1941 (Cap.28)

*Under what title do lawyers practise?*

Advocate, Vakil (Legal Practitioners)

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

A person may apply to the Chief Justice to be admitted as an advocate if he/she is: i) the holder of a degree in law granted after examination by the University of East Africa or the University of Dar es Salaam by such other university or other institution as may be recognised by the Council for the purposes of this section; ii) a legal practitioner (or whatever name called) and thereby has a right of audience before any court having unlimited jurisdiction in civil and criminal matters in any Commonwealth country or in any other country designated by the Minister for the purposes of this section; iii) a Solicitor of the Supreme Court in England, Northern Ireland or the Republic of Ireland, a Writer to the Signet, a solicitor in the Supreme Court of Scotland or a person admitted or deemed to have been admitted as a solicitor under the Solicitors (Scotland) Act, 1933; iv) compliant with the acquisition of professional experience as may be specified in regulations made hereunder by the Council; v) has been in continuous practice as an advocate in Kenya, Uganda or Zanzibar during the five years immediately preceding application. To obtain a practising certificate, applicants must first be admitted by the Chief Justice, next submit their name to the Roll, and pay the prescribed fee to the Registrar for the practising certificate.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This license is for the practise of law throughout Tanzania.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The title of "advocate" is reserved for any person, other than a vakil, admitted to practise before the High Court. The title of "vakil" is reserved for a person admitted to practise and licensed to practise under the Legal Practitioner Rules. The term "legal practitioner" is used to refer to either an advocate or vakil.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

The Legal Practitioners Act does not prescribe the forms in which legal practitioners may work.

## Tanzania - Zanzibar

<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Zanzibari Legal Practitioners are required to follow the Legal Practitioner Rules (Cap. 28) made under article 56 of the Zanzibar Order in Council 1914.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	There is no required licensing procedure for law firms.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Deputy Registrar of the High Court of Zanzibar maintains the roll of practising advocates.
<i>Is the jurisdiction a member of the WTO?</i>	Tanzania joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Tanzania has made no commitments in the WTO on legal services
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Tanzania is member of both the East African Community (EAC) and the Southern African Development Community (SADC).
<i>Do these currently include legal services or are there plans to include them in future?</i>	The Common Market Protocol of the East African Community provides for the integration of professional services including legal services in the community. Negotiations are underway for an EAC Mutual Recognition Agreement for Advocates.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	Foreign lawyers from England, Northern Ireland, the Republic of Ireland, Scotland, Kenya, Uganda and Tanganyika are permitted to practise as a result of legacy agreements.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit rules on fly in fly out advisory practice.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Visitors from SADC or EAC countries are visa exempt. Business visits to Tanzania from outside EAC/SADC require a letter from the inviting organisation and the visitor's employer.
<i>Can a foreign lawyer obtain a licence to establish and</i>	There is no such legal licensing regime for foreign legal consultants in Zanzibar.

## Tanzania - Zanzibar

*practise as a foreign legal consultant and what is the scope of this limited licence?*

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)* Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)* Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?* Tanzania's Arbitration Act (2002) governs domestic arbitral proceedings and enforcement of foreign arbitral awards. This has now been amended by the Public Private Partnership (Amendment) Act, 2018 which withdraws the country from international arbitration bodies and requires investors to seek redress in disputes through local courts.

*Are foreign lawyers allowed to appear in court under any circumstances?* The Legal Practitioners Rules also state that one may be admitted to practise before "Her Britannic Majesty's Court of Zanzibar" or any court subordinate (other than Mudirial Courts) and before any of the courts of His Highness the Sultan, so long as one meets the following conditions: Membership of the Bar of England, Scotland or Northern Ireland; solicitor of the Supreme Court in England or Northern Ireland, persons who have been admitted and are entitled to practise as pleaders or advocates before the Supreme Courts of any Dominion Commonwealth or self-governing Colony in the British Empire or before one of the High Courts in India or Pakistan.

*Can foreign lawyers requalify as local lawyers?* Yes. The following may be admitted to practise: Legal Practitioners qualified in England and Wales, Scotland, Northern Ireland or "pleaders or advocates" from any Commonwealth country, from India or Pakistan and with five years of prior continuous practice in Kenya, Uganda, Tanzania or Nyasaland (Malawi), or six months of residency in Zanzibar.

*Can a foreign law firm obtain a licence to open an office?* There is no foreign law firm licensing regime.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)* Foreign investors should consult with the Zanzibar Investment Promotion Authority to check that their project is permitted.

## Tanzania - Zanzibar

<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not beyond those applying to foreign businesses in general.
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	The law is silent on this issue.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	The law is silent on this issue.
<i>Other useful sources or comments or links</i>	Zanzibar Law Society ( <a href="http://ealawsociety.org/zanzibar-law-society">http://ealawsociety.org/zanzibar-law-society</a> )

## Togo

<i>Is there legislation governing the legal sector</i>	Order No. 80-11 OF 9 January 1980 Concerning the Exercise of the Advocate Profession. Regulation No. 05/CM/WAEMU of 25 September 2014 on the harmonization of the rules governing the profession of lawyer in WAEMU
<i>Under what title do lawyers practise?</i>	Advocate
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	In order to be admitted to the Bar, the applicant must: i) hold a Bachelor's or Master's degree in law; ii) undertake a two year internship; and iii) apply to the Bar for enrolment. (See chapter 2 of the Order No. 80-11 OF 9 January 1980).
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	No, each lawyer can only practice within the boundaries of the bar Association of the court of appeal to which he belongs. If he/she wishes to practice outside the jurisdiction of his/her local bar, a separate application must be made to the relevant bar.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Only a licensed lawyer can represent parties in the courts (Art. 3)
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Nationality is a condition except for WAEMU (West African Economic and Monetary Union) nationals. However, access to the Togolese Bar is open to foreigners subject to reciprocity.
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A Togolese avocat may practise as an individual practitioner or through a partnership or professional company (Art. 2)
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The ethical and regulatory requirements that a Togolese lawyer must adhere to are contained in both Order No. 80-11 OF 9 January 1980 and in No.05/CM/WAEMU on the Harmonization of the Rules Governing the Legal Profession in WAEMU.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	The creation of a law firm does not require a specific authorization or licence. However, subsidiary offices require the authorization of the National Council of the Bar Association. Copies of the contracts between the partners in a law firm must be transmitted to the Bar council to verify the conformity of these contracts with the law (Art. 35).
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Council of the Bar Association issues licences for individual lawyers and for subsidiaries of law firms.
<i>Is the jurisdiction a member of the WTO?</i>	Togo joined the WTO on 31 May 1995

## Togo

*Has it made any WTO commitments on legal services?*

Togo has made no sectoral GATS commitments on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Togo is a member of the economic community of West African states (ECOWAS) and of the West African Monetary Union (WAEMU/UEMOA). Togo has also signed preferential trade agreements with: Australia, Canada, European Union, Iceland, Japan, Kazakhstan, New Zealand, Norway, Russian Federation, Switzerland, Turkey, United States of America, India, Morocco, Chile, China, China, Kyrgyz Republic, Tajikistan, Thailand, Republic of Korea

*Do these currently include legal services or are there plans to include them in future?*

The West African Economic and Monetary Union, WAEMU, provides for the free movement of legal services by lawyers from member states throughout the region (Article 7 of Community Regulation No. 05/CM/UEMOA on the harmonization of the rules governing the legal profession in the Community). Togo has also signed a judicial cooperation agreement with France which provides for the free movement of legal services (Art. 32 of Decree No. 82-183 of 18 February 1982 concerning the publication of the cooperation between the Government of the French Republic and the Government of the Togolese Republic, signed at Lomé on March 23, 1976)

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Lawyers from other WAEMU member states receive national treatment. They can move and establish or create a subsidiary firm. Lawyers from France are permitted by the Judicial Cooperation Treaty to appear before the Togo Courts.

*Are there any 'foreign law' firms present in this jurisdiction?*

No

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no explicit rules on fly in fly out advisory practice.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Obtaining a visa to visit Togo is subject to certain conditions. See: [http://france.ambassadetogo.org/?page\\_id=102](http://france.ambassadetogo.org/?page_id=102)

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no foreign legal consultancy regime in Togo



## Togo

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes, While the provisions of the uniform acts on mediation and arbitration in OHADA (Organization for the Harmonization of Business Law in Africa) do not explicitly permit foreign lawyers to undertake arbitration and mediation, in practice this is the case.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Only lawyers who are nationals of WAEMU member states or a lawyer from a reciprocating state may appear in the courts of Togo.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes, subject to the foreign lawyer's home jurisdiction offering reciprocal access to Togolese lawyers or Membership of WAEMU.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Lawyers from WAEMU member states may request the opening of a main office or one or more sub-offices in Togo (Articles 7, of the Community Regulation)
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign enterprises wishing to set up In Togo will need to consult the one-stop shop for business set-up - Centre de Formalités des Entreprises du Togo
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms from WAEMU Member States may establish in the same forms permitted to local law firms.

## Togo

<i>Are there rules about the name a foreign law firm can take?</i>	Not beyond the rules applying to local lawyers/law firms.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes, but must be in a form allowed by law.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, but foreign lawyer must be licenced to practice and listed on the roll, especially to appear in court.
<i>Other useful sources or comments or links</i>	Ordre des Avocats du Togo, Maison de l'avocat-Palais de Justice, 01 BP 3657 Lomé 01, Togo (www.ohada.com) OHADA ECOWAS (www.ecowas.int)
<i>Verified by</i>	Verified by Ordre des Avocats à la Cour de Lomé

# Tunisia

*Is there legislation governing the legal sector*

Law No 87/1989 on the Organisation of the Legal Profession.

*Under what title do lawyers practise?*

Lawyers in Tunisia practise under the title: avocat. They may be registered either as lawyers pleading before the Court of Appeal or the Supreme Court.

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

In order to practise as an avocat in Tunisia, an individual must be registered in the table of avocats. Registration requires an individual: 1. To have held Tunisian nationality for at least 5 years; 2. To be resident in Tunisia; 3. To be between 20 and 50 years of age; (4. repealed); 5. To hold a CAPA (certificat d'aptitude à la profession d'avocat) from the Institut Supérieur de la profession de l'avocat (those holding the title of professor of law from a Tunisian or foreign university may gain an exemption from this requirement); 6. To have no criminal record, never to have been declared bankrupt or to have had his/her registration cancelled for disciplinary reasons; 7. To have fulfilled all legal requirements for national service. If newly qualified, the lawyer is first entered as a trainee lawyer for one year during which time he/she can only plead in lower courts and cannot establish his own firm. After one year, he/she may apply to be entered on the roll as a lawyer with the right to plead before the Court of Appeal. A lawyer with at least 10 years professional experience, at least eight of which have been spent as a lawyer with the right to plead in front of the Court of Appeal may apply to become a lawyer with the right to appear before the Supreme Court.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A Tunisian avocat has the right to practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

According to article 26 of Law 87/1989, only lawyers may plead before any courts, subject to limited exceptions for the employees of public authorities and the relatives of litigants.

*Do you need to hold local nationality to be eligible to practise law?*

The practise of law in Tunisia is reserved to Tunisian nationals.

## Tunisia

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A Tunisian avocat may be self-employed, practise in association with another Lawyer or in a firm governed by law 87/1989 (Article 27).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Law 87/1989 lays out in some detail further ethical requirements including the handling of conflict of interest and confidentiality. Disciplinary proceedings against Tunisian avocats are conducted by the Tunisian Bar or its regional sections, as appropriate.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Yes, According to Law firms' act No 60 year 1998, Article 16 the demarcation of professional Law firms well be held by the National Council at the request of an order signed by all partners

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Tunisian Bar (Le Conseil de l'Ordre National des Avocats) can register an individual who has fulfilled all the necessary conditions in the relevant section of the roll, which is divided into the list of Stagiares, lawyers pleading before the Court of Appeal and lawyers pleading before the Supreme Court. Law firms must be registered with the Tunisian Bar. The Bar may be contacted at:  
Ordre National des Avocats de Tunisie, Palais de Justice, 50 Boulevard Bab Benat, 1006 TUNIS, TUNISIE  
Tél. 00 216 71 560 315 - 00 216 71 582 166, Fax. 00 216 71 568 923 - 00 216 71 261 009

*Is the jurisdiction a member of the WTO?*

Tunisia joined the WTO on 29 March 1995.

*Has it made any WTO commitments on legal services?*

Tunisia has not scheduled any commitments on legal services in the WTO.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Tunisia has bilateral trade agreements with the EU, EFTA, Turkey and is a signatory to the Pan-Arab Free Trade Agreement.

*Do these currently include legal services or are there plans to include them in future?*

Tunisia has not included legal services in any of its bilateral trade agreements although its association agreement with the EU makes provision for liberalisation of trade in services building on whatever commitments have already been made by both parties in the GATS.

# Tunisia

<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There is one French firm with an office in Tunisia which is structured as a local Tunisian firm. Many international firms are active in the Tunisian market from their Paris offices.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	As the practise of law is reserved to Tunisian nationals this is not applicable.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	As the practise of law is reserved to Tunisian nationals this is not applicable.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	As the practise of law is reserved to Tunisian nationals this is not applicable.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	As the practise of law is reserved to Tunisian nationals this is not applicable.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	No restrictions.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	As the practise of law in the courts is reserved to Tunisian nationals this is not applicable.
<i>Can foreign lawyers requalify as local lawyers?</i>	Requalification is not possible due to the nationality provision in the law.
<i>Can a foreign law firm obtain a licence to open an office?</i>	A foreign law firm may not obtain a licence in its own right but a Tunisian avocet or groups of avocats may open an office which is associated with a foreign law firm. There have been examples of foreign law firms opening offices as 'legal consultants' in the past but there is no legislative or regulatory framework covering this type of operation.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable

## Tunisia

<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Tunisian lawyers may not be employed by foreign law firms.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Partnership with foreign lawyers is not permitted.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Since the practise of law is reserved to Tunisian avocats, foreigners could not be employed as lawyers.
<i>Other useful sources or comments or links</i>	<a href="http://www.e-justice.tn">Tunisian Government Portal - www.e-justice.tn</a> , <a href="http://www.jurisitetunisie.com/tunisie/codes/avocat/menu.html">Tunisian lawyers law - www.jurisitetunisie.com/tunisie/codes/avocat/menu.html</a>

# Uganda

*Is there legislation governing the legal sector*

The Advocates (Amendment) Act 2002, No. 27 of 2002.

*Under what title do lawyers practise?*

Advocate

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To be admitted as a Ugandan advocate, an individual must: (i) Be a Ugandan citizen or normally resident in Uganda; (ii) Possess a Bachelor of Laws degree granted by a University in Uganda or such University or institution outside Uganda (in a country operating the common law system) recognised by the Law Council; (ii) Undertake a Post Graduate Diploma in Legal Practice offered at the Law Development Centre; (iii) Apply to have his or her name entered on the roll by applying to the Law Council; and the council, if satisfied that the applicant is eligible and is a fit and proper person to be an advocate, shall issue to him or her a certificate to that effect. The Advocate's License or certificate must be renewed annually.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The Act stipulates (s.64) that no one other than an advocate can act as "an advocate or agent for suitors, or as such sue out any summons or other process, or commence, carry on or defend any suit or other proceedings in any court, unless authorised to do so by any law". It is also an offence for a person to hold themselves out as legally qualified when they are not.

*Do you need to hold local nationality to be eligible to practise law?*

The Act stipulates that advocates must be a person who is a Uganda citizen or who normally resides in Uganda - i.e. naturalised and residency requirement.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Advocates may work in sole practice or partnership. A partnership can be a limited liability or general partnership. Advocates practice in approved chambers (law firms), legal departments of statutory bodies and private organisations or companies.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The ethical requirements for Ugandan Advocates are set out in the Advocates Code of Conduct (The Advocates (Professional Conduct) Regulations SI 267—2)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Yes

## Uganda

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Chief Registrar of the Courts of Judicature issues annual practising certificates to individual advocates. The Uganda Law Council (a part of the Ministry of Justice and Constitutional Affairs) issues annual certificates of approval of Chambers, which licenses law firms to operate.

*Is the jurisdiction a member of the WTO?*

Uganda joined the WTO on 23 July 1995

*Has it made any WTO commitments on legal services?*

Uganda has made no sectoral GATS commitments on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Uganda is member of the East African Community (EAC) and of the Common Market of Eastern and Southern Africa (COMESA).

*Do these currently include legal services or are there plans to include them in future?*

The Common Market Protocol of the East African Community provides for the integration of professional services including legal services in the community. Negotiations are underway for an EAC Mutual Recognition Agreement for Advocates. In addition, the second round of COMESA market access negotiations launched in 2017 includes business services, which encompasses legal services.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

Uganda has made a commitment under the EAC Common Market Protocol to sign up to a Mutual Recognition Agreement covering the recognition of professional qualifications, including of lawyers. This is still in draft form.

*Are there any 'foreign law' firms present in this jurisdiction?*

A number of foreign law firms (e.g. Dentons, DLA Piper) have associations with local firms and a number of regional networks (e.g. ALN and Lex Africa).

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Yes - a license is required

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Visitors to Uganda may obtain a visa on arrival for a stay of up to 3 months. A number of countries with which Uganda has agreements have visa exemptions.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no foreign legal consultancy regime in Uganda.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable



## Uganda

<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Foreign lawyers cannot represent parties in arbitration proceedings, unless they appear jointly with qualified Ugandan lawyers.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Foreign lawyers may only appear in court upon obtaining a special practising certificate and being temporarily admitted to practise in a particular matter. The foreign lawyer must appear with an advocate holding a valid practising certificate.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. However the Law Council makes provision that those with a degree from outside Uganda may be required to undergo courses of study in such subjects relevant to the law in force in Uganda as may be specified and to satisfy examiners in those subjects.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	No
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable

## Uganda

<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	A domestic lawyer can work for a foreign law firm but the foreign firm cannot establish offices in Uganda unless acting through local enrolled advocates as local partners.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	A person not enrolled as an advocate in Uganda cannot be partner in a law firm.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Uganda Law Society ( <a href="http://www.uls.or.ug">http://www.uls.or.ug</a> ) Uganda Law Council ( <a href="http://lawcouncil.go.ug/">http://lawcouncil.go.ug/</a> )
<i>Verified by</i>	Verified by Arcadia Advocates

# Zambia

*Is there legislation governing the legal sector*

The Legal Practitioners Act and the Legal Practitioners Act (Amendment) Act 2009

*Under what title do lawyers practise?*

Legal Practitioner

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To be admitted as a Zambian legal practitioner, an individual must : (i) Either have a degree in law obtained from a Zambian university, whose programme has been accredited by the Council of the Zambia Institute of Advanced Legal Education, or hold a degree in law obtained from a university in a Common Law country which has been recognised as equivalent by the Council of the Zambia Institute of Advanced Legal Education; (ii) have successfully completed the one year course of postgraduate study provided by the Zambia Institute of Advanced Legal Education; or after having obtained a degree, completed two years' service in Zambia as an articulated clerk under articles of clerkship to a practitioner; and (iii) have passed the Legal Practitioners Qualifying Examination. the Individual practitioner will then need to present a certificate from the Council of Legal Education to the Chief Justice in order to obtain admission. (See section 2 of the 2009 Act)

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Article 42 of the LPA states that no unqualified person shall act or practise, directly or indirectly, as an advocate or as such sue out any summons or other process, or commence, carry on or defend any action, suit or other proceeding in the name of any other person in any court of civil or criminal jurisdiction, or act as an advocate in any cause or matter, civil or criminal, or act as a Notary Public. Article 43 makes it an offence for a person to hold themselves out as an advocate and article 44 also makes the following practice by an unqualified person an offence where performed for or in expectation of any fee, gain or reward- (a) directly or indirectly draws or prepares any written document relating to real or personal estate, or to any proceeding in law or equity, not including A. an agreement under hand only, other than an agreement relating to the sale of land; or B. a memorandum or articles of association of a limited company; or C. a letter of attorney or power of attorney; or D. a transfer of stock containing no trust or limitation thereof;; or (b) writes any letter, on behalf of any other person, demanding payment of money, or the performance of or

# Zambia

abstention from performance of any act, and threatening legal proceedings in default of compliance; or (c) delivers or causes to be delivered to any person any document which, not having been issued under the authority of one of the courts of Zambia, has, by reason of its form or contents, or both, the appearance of having been issued under such authority.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Legal practitioners may work in sole practice, partnerships, a body corporate, a law office or firm of lawyers.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Licensed legal practitioners must adhere to the Legal Practitioner's Practice Rules (2002) made as subsidiary legislation to the Legal Practitioners Act.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

The Act does not cover law firm structures or licensing requirements.

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Law Association of Zambia licences individual lawyers.

*Is the jurisdiction a member of the WTO?*

Zambia joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Zambia has made no sectoral GATS commitments on legal services

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Zambia is member of the Southern African Development Community (SADC) and of the Common Market of Eastern and Southern Africa (COMESA).

*Do these currently include legal services or are there plans to include them in future?*

SADC negotiations on services trade liberalisation have not yet covered legal services as a priority sector for which parties are asked to make commitments.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

No.

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. There are local law firms which are in association with international law firms like DLA Piper and Dentons.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no explicit rules on fly in fly out advisory practice.

## Zambia

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Business visitors may enter for 30 days. An invitation letter is required specifying the nature of the business to be undertaken.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no foreign legal consultancy regime in Zambia but a qualified lawyer from another Commonwealth jurisdiction may be admitted as an associate member of the Law Association of Zambia

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Zambia Arbitration Act No. 19 of 2000 applies to both domestic and international arbitrations, and is based on the UNCITRAL Model Law. Parties may appoint an arbitrator of any nationality, gender, or professional qualifications.

*Are foreign lawyers allowed to appear in court under any circumstances?*

The Act makes no provision for foreign lawyers appearing in court.

# Zambia

*Can foreign lawyers requalify as local lawyers?*

A person may be admitted as a legal practitioner if (a) that person is a qualified lawyer, by whatever name called, and thereby has a right of audience before courts exercising original civil or criminal jurisdiction in a self-governing State which is, or was at any time, a Member State, or was part of a Member State, of the Commonwealth of Nations and which applies as its predominant basic system of law the Common Law or a legal system founded upon the Common Law and (a) that person (i) has been a practising lawyer of not less than three years' standing in the State in which the person is entitled to practice; (ii) has been actively employed for not less than six months in Zambia (iii) has for one year attended a course of post graduate study required by the Council of the Zambia

Institute of Advanced Legal Education; and (iv) has passed such parts of the Legal Practitioners' Qualifying Examination set by the Council of the Zambia Institute of Advanced Legal Education as may be specified by the Council; or (b) that person (i) has been a practising lawyer of not less than three years' standing in the State in which the person is entitled to practice and the Council of the Zambia Institute of Advanced Legal Education, after consultation with the Minister and the Chief Justice, deems the person's qualifications to be sufficient for the purposes of this section; (ii) has been actively employed for not less than one year in Zambia (iii) has for one year attended a course of post graduate study required by the Council of the Zambia Institute of Advanced Legal Education, and has been duly certified as having fulfilled the requirements of such course by the Director of the Institute; and (iv) has passed the Legal Practitioners Qualifying Examination set by the Council of the Zambia Institute of Advanced Legal Education.

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Foreign investors should register with the Zambian Development Agency.

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

## Zambia

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	The law does not cover the issue of employment of advocates.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	The law is not explicit on this point.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	An advocate may employ unqualified persons, which would include foreign lawyers.
<i>Other useful sources or comments or links</i>	Law Association of Zambia ( <a href="http://www.laz.org.zm/">http://www.laz.org.zm/</a> )

# Zimbabwe

*Is there legislation governing the legal sector*

The Legal Practitioners Act of Zimbabwe, [Chapter 27:07] 1981 (as amended).

*Under what title do lawyers practise?*

Legal Practitioner (Notary Public and Conveyancer and also protected titles)

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To be admitted as a legal practitioner in Zimbabwe, an individual must: (i) Be normally resident in Zimbabwe or a reciprocating country or have been granted a residential exemption certificate; (ii) be of or above the age of twenty-one years; (iii) not be an unrehabilitated insolvent or similar; and (iii) be a fit and proper person. They must then (i) Have a designated LLB degree from either the University of Zimbabwe or Midlands State University; (ii) Apply to the Law Society of Zimbabwe for registration (iii) be enrolled on the register at the High Court; (iv) Receive a practising certificate from LSZ. Practising certificates must be renewed annually. Holders of degrees from outside Zimbabwe must hold them from designated institutions and must then take a conversion examination.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A licensed lawyer can practise throughout the country

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Article 9 of the Legal Practitioners Act 1981 states that "No person other than a registered legal practitioner, registered notary public or registered conveyancer shall practise as such or in any manner hold himself out as or pretend to be...a legal practitioner, notary public or conveyancer, as the case may be". The LPA also states that no one other than a registered legal practitioner in possession of a valid practising certificate may "(a) sue out any summons or process or commence, carry on or defend any action, suit or other proceeding in any court of civil or criminal jurisdiction in the name of any other person; or (b) for or in expectation of any fee, commission, gain or reward in any way instruct or assist any other person to sue out or threaten to sue out any summons or process or to commence, carry on or defend any action, suit or other proceeding in any court of civil or criminal jurisdiction; or (c) appear, plead or act in the capacity of a legal practitioner for or on behalf of any other person in any action, suit or other proceeding in any court of civil or criminal jurisdiction". In addition, unqualified persons may not draw up: (a) a will or other testamentary instrument; (b) any legal process in any action, suit or other proceeding in a court of civil or criminal jurisdiction; (c) any contract, deed or instrument relating to the creation or



# Zimbabwe

	<p>dissolution of any partnership or any variation of the terms thereof; (d) the memorandum or articles of association of a company; (e) a contract, deed or instrument for the acquisition, disposal, exchange or lease of immovable property or any real right relating thereto, other than a contract, deed or instrument for the lease of immovable property for a period of less than five years.</p>
<p><i>Do you need to hold local nationality to be eligible to practise law?</i></p>	<p>No, but a practitioner must be ordinarily resident in Zimbabwe or a reciprocating country or have been granted a residential exemption certificate from the Minister of Justice.</p>
<p><i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i></p>	<p>The Act does not set out whether particular forms of practice are acceptable for lawyers. However, it does state that no registered legal practitioner shall make over, share or divide his professional fees with any person other than a registered legal practitioner practising as a legal practitioner, notary public or conveyancer in Zimbabwe. The Act also makes no provision for the licensing of law firms, foreign or domestic.</p>
<p><i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i></p>	<p>The ethical requirements for Zimbabwean legal practitioners are set out in SI 2018-037 Legal Practitioners (Code of Conduct) By laws 2018</p>
<p><i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i></p>	<p>The Act does not make specific provision for the licensing of law firms.</p>
<p><i>Which authority issues licences? Are there different authorities for individuals and firms?</i></p>	<p>The Registrar of the High Court of Zimbabwe maintains the register on the advice of the Law Society of Zimbabwe.</p>
<p><i>Is the jurisdiction a member of the WTO?</i></p>	<p>Zimbabwe joined the WTO on 1 January 1995</p>
<p><i>Has it made any WTO commitments on legal services?</i></p>	<p>Zimbabwe has made no sectoral GATS commitments on legal services</p>
<p><i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i></p>	<p>Zimbabwe is member of the Southern African Development Community (SADC) and of the Common Market of Eastern and Southern Africa (COMESA).</p>
<p><i>Do these currently include legal services or are there plans to include them in future?</i></p>	<p>SADC negotiations on services trade liberalisation have not yet covered legal services as a priority sector for which parties are asked to make commitments.</p>
<p><i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i></p>	<p>Yes. Practising lawyers from countries offering reciprocal admission to Zimbabwean Legal Practitioners may be admitted.</p>

## Zimbabwe

*Are there any 'foreign law' firms present in this jurisdiction?*

Yes. There are local firms in association with international firms like Norton Rose Fulbright and DLA Piper.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no explicit rules on fly in fly out advisory practice.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

A Business Visa is issued to foreigners travelling to Zimbabwe for business related purposes such as consultancy or to offer services. It may be granted for a period 30 (thirty) days and is non renewable.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

There is no formal foreign legal consultancy regime in Zimbabwe but foreign lawyer may be granted exemption certificates to deal with specific matters.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

A foreign lawyer may be granted a "residential exemption certificate". This limited license comes with the conditions that the legal practitioners concerned shall not engage in the practice of the profession of law in Zimbabwe except in relation to the matter for which the residential exemption certificate was granted; and it shall automatically lapse within seven days of the completion of the matter for which it was granted.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

No - the residential exemption certificate (or limited license) is granted by the Minister of Justice (after consultation with the Council for Legal Education) once both are satisfied that it is just and reasonable for a person to obtain the services of a legal practitioner who has special or particular experience relating to such matter and that such legal practitioner is not normally resident in Zimbabwe or a reciprocating country.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Zimbabwe's Arbitration Act 1996 is based on the UNCITRAL Model Law. Parties are free to appoint the arbitrator of their choice.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Yes - Under the residential exemption certificate (or limited license), audience is granted by the Minister of Justice (after consultation with the Council for Legal Education) once both are satisfied that it is just and reasonable for a person to obtain the services of a legal practitioner who has special or particular experience relating to a matter and that such legal practitioner is not normally resident in Zimbabwe or a reciprocating country.

## Zimbabwe

*Can foreign lawyers requalify as local lawyers?*

Yes. Where the Minister is satisfied that the law of any country other than Zimbabwe permits the admission to the practice of law in that country, whether generally or in particular cases or for particular purposes, of legal practitioners normally resident in Zimbabwe he may, after consultation with the Chief Justice and the Council for Legal Education, declare such country by statutory instrument to be a reciprocating country. Lawyers from other countries who are normally resident in Zimbabwe or a reciprocating country may sit conversion examinations to become admitted as legal practitioners.

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Restrictions on foreign investment have now been removed in all sectors other than platinum and diamond mining and the 51% localisation requirement no longer applies to most of the economy. The Zimbabwe Investment Authority acts as the one stop shop for foreign investors: <https://www.investzim.com/>.

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Not applicable

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

Not applicable

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

*Are there rules about the name a foreign law firm can take?*

Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Not applicable

## Zimbabwe

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

A licensed legal practitioner may not remunerate an employee who is an unregistered person by way of a share in the profits of his practice (S.23(1)(i) of LPA as amended).

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

The law permits legal practitioners to employ unregistered persons provided they do not carry out activities which are reserved or hold themselves out as qualified practitioners.

*Other useful sources or comments or links*

Law Society of Zimbabwe (<http://lawsociety.org.zw/>)

