

In partnership with



The Future Of Mining | Diversity

February 2020

Foreword

After what can be described as a difficult period for mining, many are predicting that the mining sector is experiencing a renaissance and nowhere is this welcomed more than on the continent of Africa.

Global law firm Hogan Lovells has teamed up with Africa Legal, the leading integrated online platform for the African legal community around the world, to produce a thought leadership series on the Future of Mining in Africa. Over the last ten years the industry has experienced a cyclical low, but with the interest from China, Russia and India, alongside the advent of new technology and a changing demographic, we wanted to review what lies in store for the industry and what changes need to be made in order for it to stay ahead.

The first report in our three-part series focuses on Diversity in Mining. This is a critical and important subject. By combining the results of our independent survey of over 170 mining professionals, with industry and legal analysis and the real-life experiences of those in the sector, this report draws out some of the key issues around diversity and its importance to the future of mining. The survey presents data and information that is valuable for understanding the current market and useful in helping the reader to inform the strategy that will drive change within their own businesses.

This report provides a transparent overview of a topical debate in the mining

industry, assessing the long-term impact of a lack of diversity. Although there is acknowledgment that things have improved over the last thirty years, there is still a long way to go. It is clear that attitudes are continuing to change positively across the diversity spectrum. This evolution will help to deliver innovation, efficiency, and the sustainability of the industry for the benefit of all stakeholders.

At Hogan Lovells we value and advocate for diversity across all sectors, including our own. We strongly believe that diversity makes us a better law firm and helps us to attract the best talent, drive innovation and deliver the best experience for our clients.

We hope that you take inspiration from this report and the thought-provoking statistics and interviews it contains. The information presents you with alternative views that can give rise to new ideas and fresh perspectives. As we steady ourselves for the 4th industrial revolution, the mining sector will continue to play a significant role in the continent's growth. To compete, the industry needs to adapt; and quickly. Could embracing diversity be one of the keys to unlocking its future? Read our report and make up your own mind.

Enjoy.

Andrew Skipper

Partner and Head of Africa Practice

Matthew Johnson

Partner and Global Head of Mining

About us

Hogan Lovells is a pre-eminent full-service global law firm with 50 offices worldwide. We have a deep understanding of and passion for Africa and have been active on the continent for over 40 years, working with international and local clients in the public, DFI and private sectors. Our lawyers are considered trusted advisers with the experience, knowledge and local understanding to navigate complex and challenging business issues. We have a dedicated Africa team that stretches across our offices from Johannesburg to London, Paris and globally. Within Africa, we work with a select group of leading local law firms to ensure that we deliver the best possible results and provide a service of the highest quality.

The Hogan Lovells mining practice provides the full spectrum of legal services to the mining sector in a wide

range of areas; from financing, securities and merger and acquisition transactions, to project development, commercial contracts, sales and marketing arrangements, environmental, regulatory, and dispute resolution. Our clients include every type of stakeholder in a mining transaction and project. Our extractive clients include both private and publicly traded mining companies engaged in a number of industries, including gold, copper, coal, iron, silver, nickel, diamond, uranium, and platinum.

Our mining lawyers operate out of the key international mining hubs and the strength of our team comes from our international network and ability to draw upon skills from all corners of the globe. We leverage our global expertise for the benefit of our clients and deploy integrated international deal teams wherever you need us.

In partnership with Africa Legal

Africa Legal provides increased access to news, market insight, jobs and online courses via one integrated online platform for the African legal community around the world. Building on our established relationship we are delighted to support Hogan Lovells in their desire to create visibility over core issues affecting the

future of the mining sector and wish to thank our community for their willing participation.



About the data

Research was conducted via an anonymous survey completed by:


170
individuals

from
31
countries



Mining for Diversity

The mining industry has long been accused of lacking diversity. It is an industry best known for its “old boys club” and for anyone who doesn’t fit the bill, access is denied.

But why has this established sector been so slow to change and adapt to the changing global environment and marketplace it operates in? We examine the experience of minority groups who have managed to get into the club to share their thoughts on what it means to be sitting on the other side of the table and what can be done to bring about the wholesale change the industry needs to reflect a more inclusive culture.

A day in the office

Valencia Malatji is preparing for another day underground at one of Bauba Platinum’s chrome mines in the northern part of South Africa. The 32-year-old female geologist is responsible for finding the best quality chrome ore on site, showing the miners where to cut—and then making sure they have done it right.

Malatji, who grew up in a rural village surrounded by mines on the country’s Bushveld Igneous Complex, is exactly the kind of worker African mining companies are hoping to attract as they seek to redress their gender inequality and their need for more highly-skilled workers from local communities.

Malatji’s story underscores the potential for talent from under-represented groups to forge successful mining careers if they are given the opportunity—but as this survey shows, the African mining industry still has much work to do to fix that imbalance.



A seat at the table? Diversity targets

The first step many mining companies take when trying to boost diversity levels is to introduce quotas, or at the very least, clearly outlining and communicating their diversity policies. The most common diversity target respondents said their organisations are pursuing is the percentage of female employees in leadership roles (59%).

That was followed by the percentage of under-represented groups in senior management positions (47%) and then diversity targets within suppliers (40%).

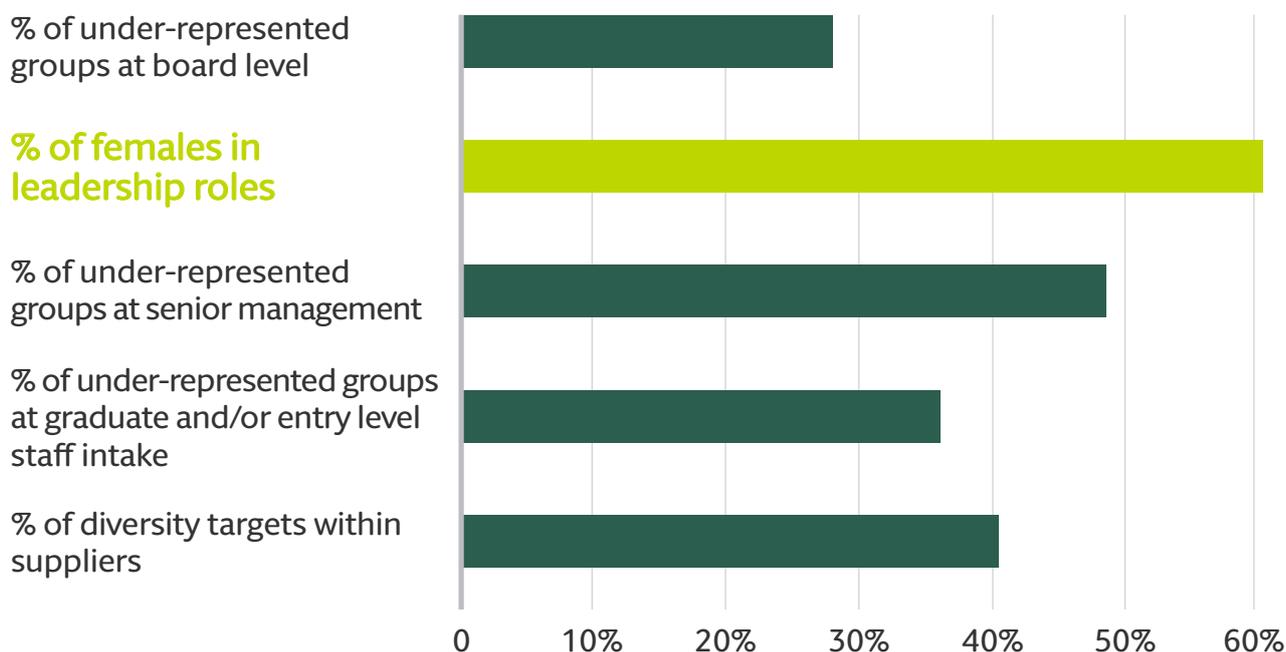
Increasing the number of under-represented groups at senior management level is critical in Africa given that expertise is often imported from outside the continent. Breaking that cycle by

nurturing more local talent will increase the pool of candidates from under-represented groups that could fill those senior management positions in the future.

Just 29% of respondents said their organisation was trying to increase the percentage of under-represented groups at board level—potentially reflecting the dearth of suitable candidates already in senior positions ready to make the step up, which could make any targets unrealistic.

But it is not just in African mining where under-represented groups are sidelined. One respondent from Canada—a non-white female immigrant—says lower pay and limited opportunities for leadership roles are a challenge for women even in North America.

Which diversity representation targets does your organisation currently pursue via communicated policies and quotas?



Respondents were asked to rank their top 3 most important and scores have been aggregated.



Vivien Chaplin

Partner
Hogan Lovells,
Johannesburg,
South Africa

Involving local communities

“What we’re starting to see is an understanding from international mining companies that a more involved local community on local projects will probably reap better results. That way you’ll have a better relationship with the regulator and a better relationship with the communities, which is fundamentally good for business. Companies shouldn’t just swoop in with a bunch of their own staff to structure, build or run new projects in Africa. We’re also seeing that African regulators have become a bit more circumspect about issuing work permits to foreign professionals to come in and work on a project. In the past, where they might have issued 20 work permits, now they would only grant 5 and require that the rest of the skilled work is undertaken by locally registered mining engineers and so on, so that’s a big change. Without local involvement there tends to be a disconnect between the community and the mining company—and mining does have a bad reputation from that perspective—so greater diversity and local involvement makes relationships with all stakeholders more harmonious.”

“Mining companies seek to redress their gender inequality and their need for highly skilled workers from local communities.”





Re-addressing the diversity gap

Given the mining industry is largely male-dominated, it is perhaps little surprise that respondents ranked ‘gender’ at the top of the list for the areas of diversity most in need of improving on the continent. Attracting younger people into the industry is also a top priority, with ‘youth’ being ranked second.

This shows mining companies need to do a better job of communicating the breadth of career paths available—not just for women but also for school leavers and graduates. Perceptions of mining as a hazardous and physically demanding job with long hours in remote locations may often deter potential candidates.

Countering those concerns could make a job in mining seem more appealing, but that might also need a different mindset

at a societal level. As one respondent noted, women in Africa are not brought up culturally to take on careers, especially in mining.

The need for more lesbian, gay, bisexual and transgender, or LGBT, representation ranked last, underscoring the challenges the LGBT community faces on a continent that in many countries still outlaws homosexuality.

And some respondents are not interested in improving diversity at all: “The whole issue of gender equality, diversity and quotas for diversity is detracting from the real issue—the real issue is that the mining sector needs to focus on hiring the best candidate for the job with the rest being of no importance.”



When asked to rank in terms of importance, the areas within the diversity spectrum that needed the most improvement:

Gender

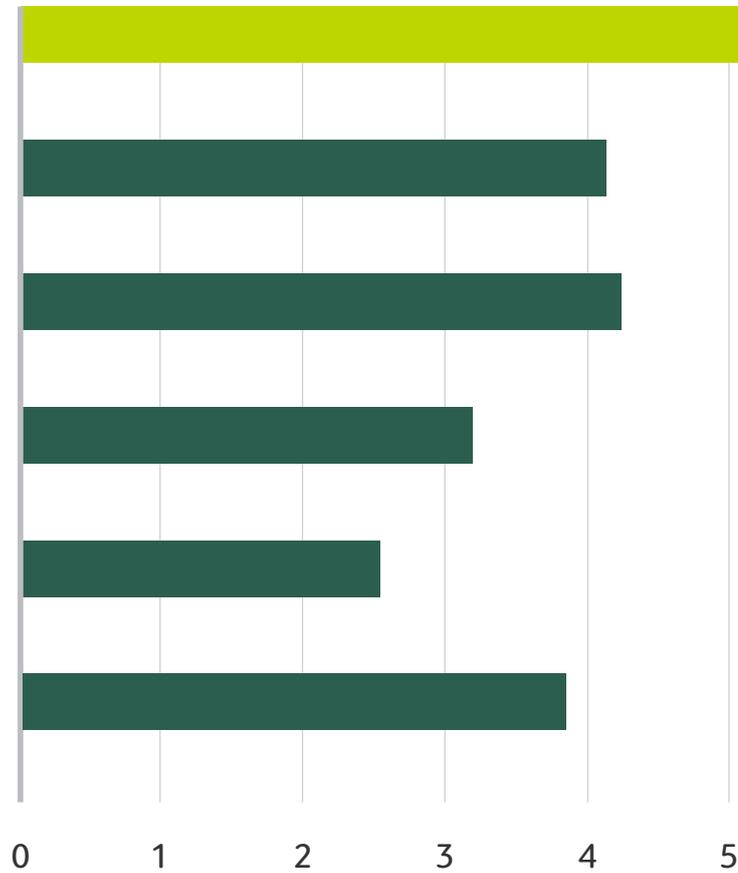
Ethnicity/Race

Youth

Disability

LBGT

Socioeconomic
Backgrounds



Respondents were asked to rank their top 3 most important and scores have been aggregated.





Leading the way

The introduction of the Mining Charter in South Africa to boost black economic empowerment has helped set a benchmark for other African countries. The latest iteration of the charter passed in 2018 states that any new mining rights that are granted in the country must have at least 30% black ownership—up from 26% in the previous charter in 2010.

Given that backdrop, 56% of respondents said South Africa is the country doing the most to increase diversity on the continent. While no other country received more than 6% of votes, one respondent noted that across West Africa, middle management roles are increasingly held by experienced national or regional staff, and women are organising to be more vocal about their role in the industry and encouraging young female graduates to join it. Yet not everyone is convinced South Africa has gone far enough.

“South Africa is still a deeply sexist country and the attitude of black and white senior managers needs a complete reboot,” one respondent said.

A majority of respondents (38%) said they didn't know how diversity and inclusion in Africa compared to other emerging market regions such as Latin America and South East Asia, though 36% said they think it is less diverse. Such regional comparisons are not easy to make, mostly because the data is either unavailable or patchy, and because the development of countries within those regions can often vary enormously.



Industry insights

Q&A with Frances Rogoz

Vice President Project Development, Genser Energy Africa



GENSER ENERGY

How do you see diversity levels at mining companies in Africa?

“At management level within these companies, it is overwhelmingly male but I have seen signs of things changing. I know of a number of women that are in very senior management positions within mines in Ghana and I was recently in a mine in western Mali where I was giving a presentation to the leadership of that particular mine, and there were two women that were included in the meeting, which is quite rare—I often find myself as the only women in the room when meeting with mining executives. I know that mines are working very hard to recruit more female students from colleges and universities, so the hope is they will be able to take this young talent and then pull them up through the organisation as they progress in their career.”

How important are government regulations to help boost diversity?

“It certainly shoves everyone in the right direction much faster. For instance, in Ghana where we’re mostly based, there are national policies that say ownership structures must have a certain percentage of local ownership depending on the industry. So that is something that we always take into account when we’re talking to suppliers or contractors, and it can become a tipping point of moving more towards a particular supplier or contractor that abides by those rules. Government regulation is what leads, and then it’s a lot easier to make those changes within an organisation both structurally and culturally.”

How do you see attitudes towards women within the mining industry?

“It depends a lot on the leadership of the company that you’re working for. If the leadership of the company is one that particularly values a diverse work place and that values a diverse executive team, then you find in my experience less of that sexism and cultural bias that you may see if you’re working for a mining company that is very much stuck in the old ways. Anytime you have an industry that has been male dominated since its inception, it’s going to be difficult to change people’s minds. Hopefully we’ll just age out of it as the younger generations start taking leadership roles, given that they’ve grown up in a society and culture that values diversity much more than their parents’ generation. I’m heartened by the way I am treated on mining sites, because while sexism certainly happens, it’s becoming less common. So I am hopeful because of that.”

What do you see as the biggest benefits of diversity?

“The one I identify most with is better decision-making—anytime you have a room full of people that have different points of opinion or different backgrounds, whether it be because of their gender, or where they are from, or their work experience, you’re going to have a much more diverse set of information upon which to draw from to make decisions. If you have a diversity of experience, you’ll then have a diversity of opinion, and a higher probability that you’ll come up with a creative solution.”



Contingent diversity drivers

We have already seen that many organisations use quotas to set diversity targets, and respondents believe that process—alongside a company’s wider corporate culture—will have the biggest influence on improving diversity in mining in the future. That is followed by government policies and regulation, with individual attitudes not far behind.

One observation to draw here is that there is no shortcut for boosting diversity—the top three responses all rely on each other in some way if they are to work effectively. For example, while some companies might have a forward-thinking diversity agenda in place—particularly large multinational miners that often have broader social and corporate governance policies to comply with—others could lack incentives to pursue similar goals. Underpinning those corporate diversity targets with government policy, therefore, would ensure all companies are striving towards the same outcomes.

Of course, none of that matters if people from under-represented groups do not feel valued or comfortable at work. That

means employees across an organisation need to understand the importance of the ‘inclusion’ aspect of diversity. This is why individual attitudes matter.

Respondents also said better educational pathways, including scholarships, are the fourth most important way to improve diversity. Attracting talent from poorer socioeconomic backgrounds, where limited financial resources can prevent students from pursuing relevant courses, means mining companies could benefit from offering such scholarships.

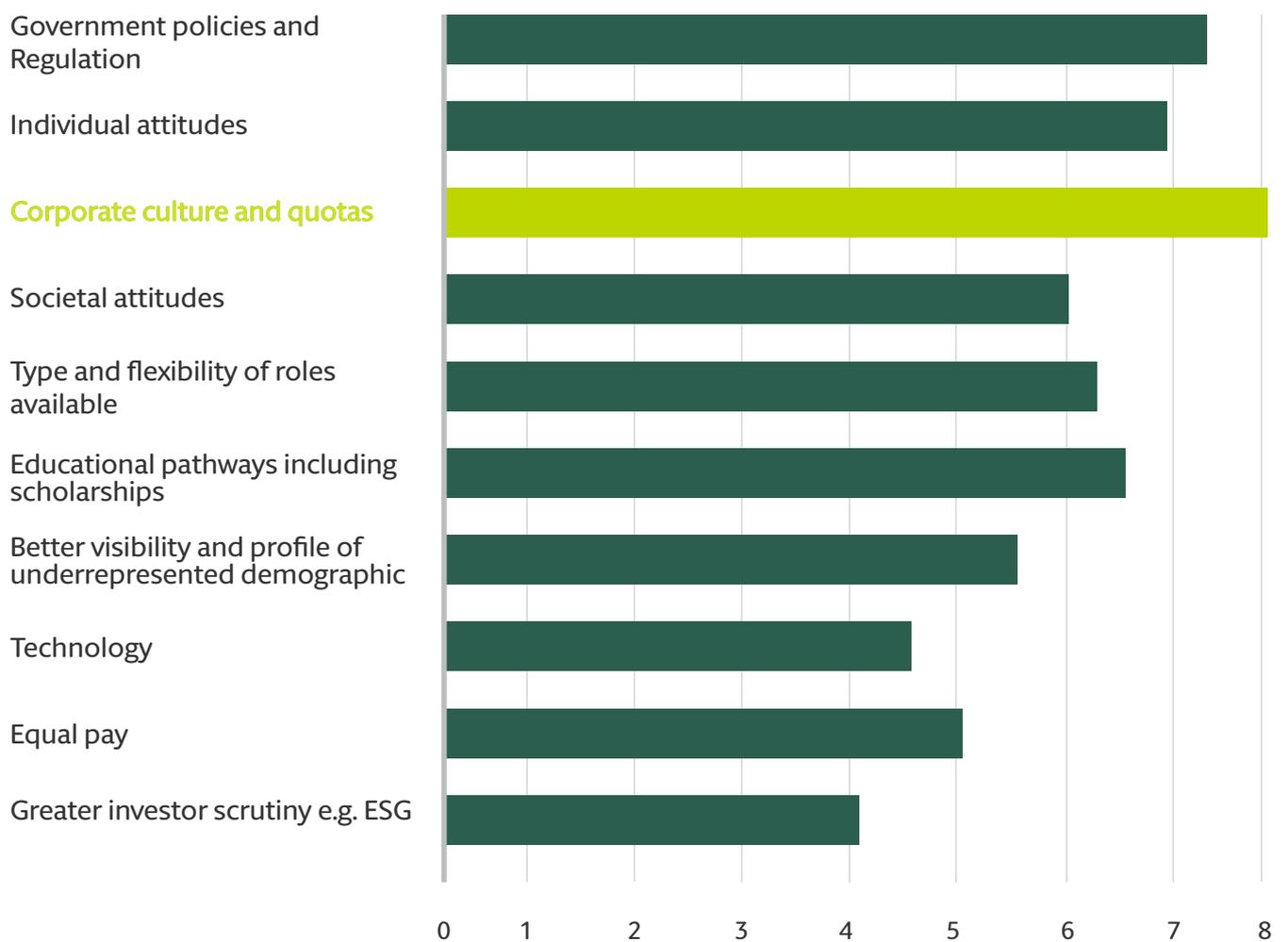
As one respondent noted:

“Mines are not giving students opportunities to learn and grow.”

However, respondents were unconvinced that potential drivers such as equal pay or greater investor scrutiny (given the rise of environmental, social and corporate governance investment) would have much influence.



What, in your view, is the most important influencer(s) to improve diversity in mining going forward?



Respondents were asked to rank their top 3 most important and scores have been aggregated.



Matthew Johnson

Partner and Global Head
of Mining
Hogan Lovells, Perth, Australia

Get fit for the future

“Attracting younger people into mining starts with education, and promotion of the industry as a career path in itself. In a number of universities there are an increasing number of specific mining courses and mining streams of more generic degrees, which is encouraging younger people to think of the industry as a career. It’s also important to focus education in areas where there is going to be a talent gap in the future that is directly

applicable to the mining industry—so education around computer science and technology, for instance relating to artificial intelligence, or unmanned aircraft—those areas are all going to be really important, particularly for more remote mining locations in Africa. That technological education and innovation will boost diversity too, especially for women in mining. It opens up more roles that are not necessarily about being present at the mines themselves; someone can sit in an office in a more accessible location and control a drone, for example.”

Why quotas are important

“Promotion through merit is critical, though companies need to be proactively looking for more diversity. Target quotas are important drivers for companies to increase and encourage diversity—they can focus thinking on actually going out there and finding ways to make it happen.”

Diversity fuels innovation

“A function of companies becoming more diverse and promoting inclusiveness, is that they become more innovative and efficient. The need for more sustainable mining practices for both existing mines and development of new resources is key for the future of the mining industry. This is a global issue, not just in Africa.”

Cultivating the next generation

Ensuring new entrants into the mining sector have the right skills for the future can also help improve diversity by pulling in graduates from a broader range of educational disciplines. Respondents ranked engineering as the most needed skill in mining today, followed by data and computer science and then natural sciences (such as geology and physics).

That means the African mining industry needs to spend more time working with schools and universities to promote mining as a natural career path for those subjects—as well as ensuring that people

from less advantaged backgrounds are given opportunities to study. That will not only help plug future skills gaps but also ensure mining companies have a wider local talent pool to hire from.

Formal sciences, such as maths and economics, are also in demand—as are skills in deep technology (such as artificial intelligence and robotics). Respondents believe, however, there is less need for people with humanities or legal education backgrounds as the industry becomes more automated.



Industry insights

Q&A with Aviona Mabaso

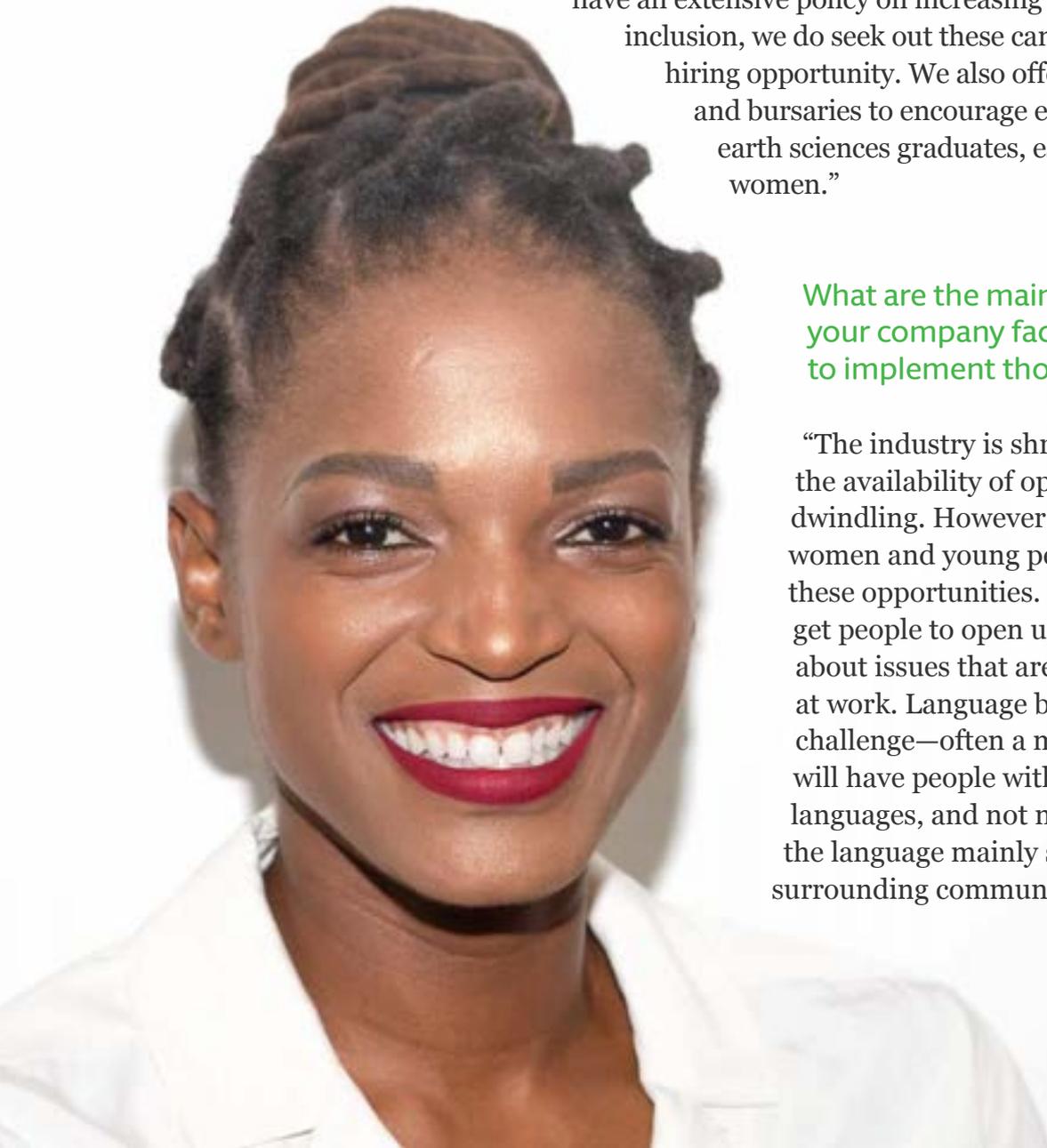
Group Legal Counsel, Bauba Resources

What policies do you have in place to increase diversity and inclusion at your company?

“Part of our long-term vision is to build a company that will also fulfil employees and uplift surrounding communities, in addition to providing shareholder returns. This inevitably entails having a strong commitment to increasing diversity and inclusion in our workplace. We don’t have a large workforce, but our aim is always to attract and hire previously disadvantaged people, with an emphasis on women and youth in the community surrounding our mine. Although we don’t have an extensive policy on increasing diversity and inclusion, we do seek out these candidates at every hiring opportunity. We also offer internships and bursaries to encourage engineering and earth sciences graduates, especially for women.”

What are the main challenges your company faces when trying to implement those policies?

“The industry is shrinking, and the availability of opportunities is dwindling. However, we need more women and young people to seek out these opportunities. It’s not easy to get people to open up and be honest about issues that are bothering them at work. Language barriers are also a challenge—often a mining operation will have people with different languages, and not necessarily the language mainly spoken in the surrounding communities.”



How important is government regulation when trying to improve diversity at an industry level?

“The government is crucial to regulating the improvement of diversity in the industry. In legal philosophy we debate the pull and push between law and morality. When and where does one influence the other. In this instance, the government has had to step in and prescribe diversity goals in order to help build and facilitate the improvement of diversity in this industry. They set the tone to try and push the industry—and the country in general—to start thinking progressively about inclusion of black women and youth in this industry.”

What are the biggest skills shortages your business is likely to face in the future?

“As the survey concluded, we need more engineering, computer and data science, natural sciences educational backgrounds in the industry—so STEM subjects. Improving diversity in the industry would allow us to attract women and young people who have those skills instead of losing them to other industries, especially the tech and health industries. Automation in the industry will not only revolutionise mining as we think of it today but will allow more opportunity to attract women and young people.”

What areas of diversity and inclusion have you seen the biggest improvements in at an industry level and what areas still need the most work?

“We know that as far as mining industries in the world goes,

South Africa certainly wins when it comes to female representation on mining boards.

And we are doing even better at senior management. But mining boards globally have the lowest female representation when compared to other industries. I still want a female general manager of a mine to be common. That would be impressive. Gender bias and sexism is rife and that is likely because women’s perceived abilities are reinforced by social norms that exclude and marginalise women. Formal policies on diversity and inclusion are still lacking in many organisations.”

Sexism & cultural bias

Despite efforts to improve gender diversity in the mining industry, respondents say that women will likely need to confront the same challenges in the future as they have been subjected to in the past. Respondents ranked sexism and cultural bias as the biggest obstacle women in mining have faced to date, followed by the working environment (such as health and safety, and remote locations) and a lack of promotion and opportunities—in line with what respondents expect to be the biggest obstacles in the future.

In other words, while sexism and cultural bias might have eased slightly, it is still the biggest impediment to greater inclusion for women in mining, highlighting the scale of prejudices that still need to be overcome.

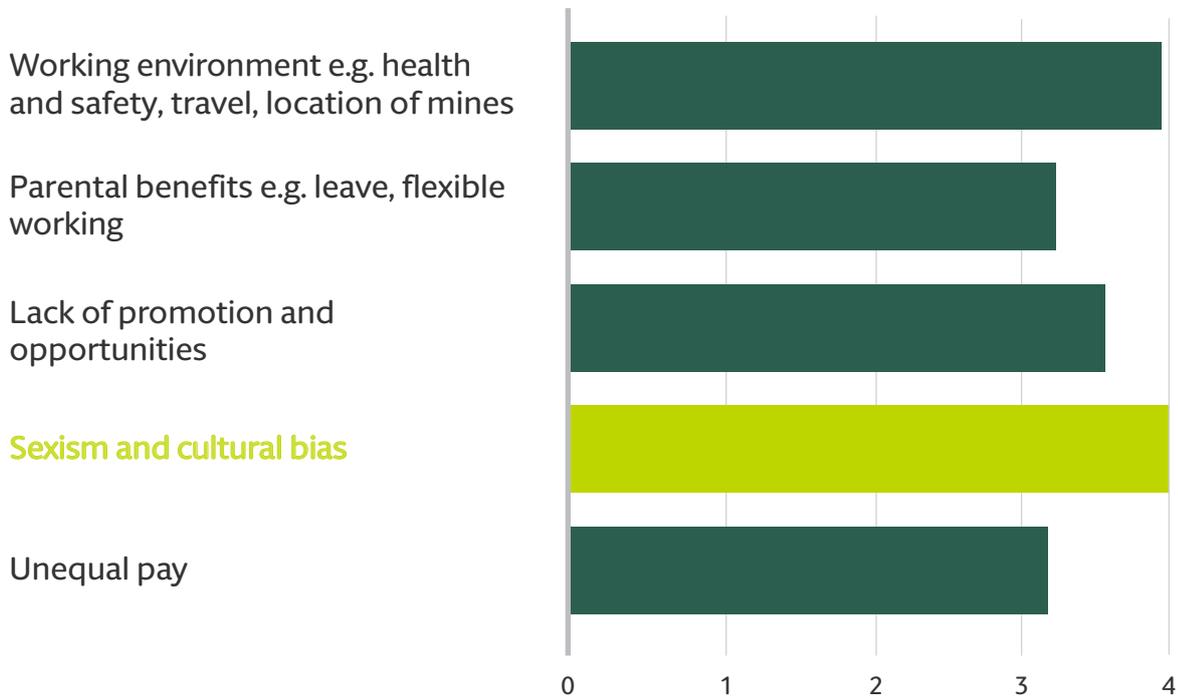
Here are just a few quotes from respondents outlining the difficulties that women face:

- “The mining industry is not yet ready for women—yes, they have implemented most strategies to retain women but women are still greatly marginalised in this industry.”
- “It’s hard being an African woman in mining. It’s for the strong hearted.”
- “The mines are still a very racially controlled environment and making it as a black person even worse as a black female to succeed. It’s still an industry that is highly regulated by white individuals who hold higher influential positions. Black females are used as window dressing to address their stats.”

But some progress is evidently being made. Take this account of what it was like 26 years ago when this respondent began her career in mining: “When I started I was harassed frequently, told the Y chromosome was a problem for jobs I applied for, was harassed in showers and in mine camps.”

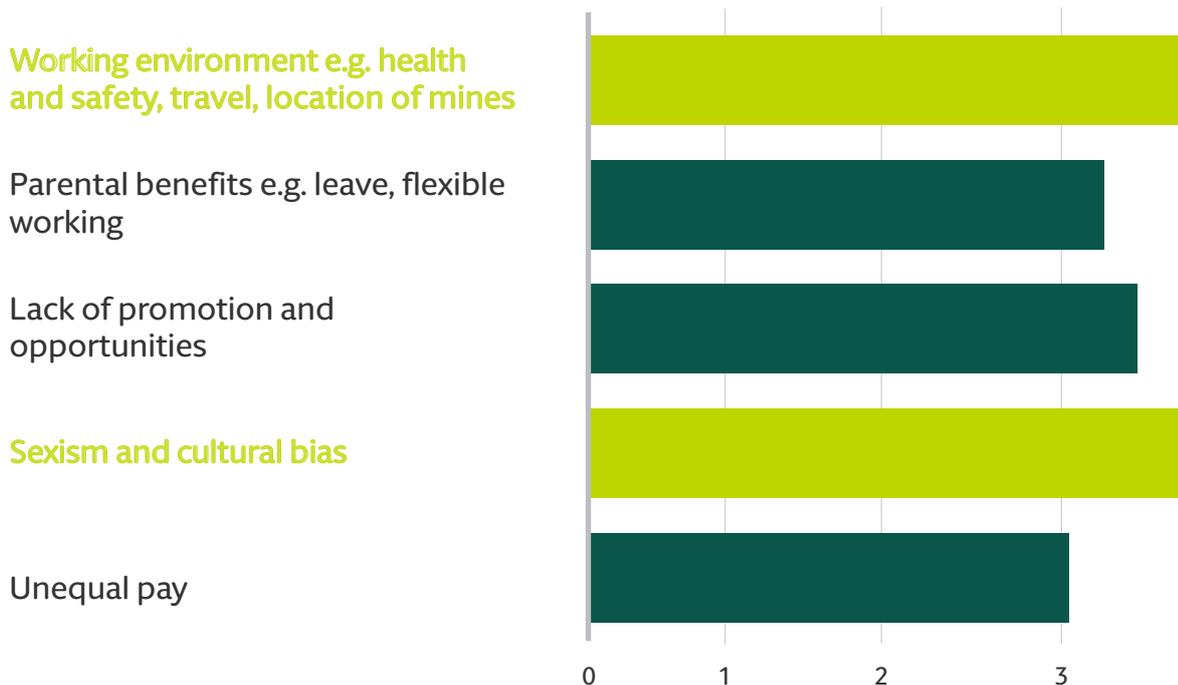
“This treatment came with the industry and was normal and acceptable. Many women left. Today none of these would be acceptable.”

In your view, what are the biggest hurdles women in mining have faced to date?



Respondents were asked to rank their top 3 most important and scores have been aggregated.

In your view, what are the biggest hurdles women in mining will face in the future?



Respondents were asked to rank their top 3 most important and scores have been aggregated.



Kevin Pieteresen

Partner
Hogan Lovells,
Johannesburg, South Africa

Gender hurdles

“Perhaps one of the main reasons for excluding women from the industry was as a result of a convention that was put in place in 1935 by the International Labour Organization, which prohibited the employment of women in underground mining. South Africa only denounced this convention in 1996, and has effectively only had 20-odd-years to remedy the inequalities of the past. There are three main challenges women have faced in the mining industry. Physical limitations—

women do not always have the same physical strength as men and this, in some people’s view, can limit their ability to work underground. Mining equipment is often designed and manufactured with men in mind, such as tools that are designed for larger hands or overalls that have to be completely removed when using toilet facilities. Safety is an issue too—there have been some dreadful incidents in the past of sexual assault underground. On a day-to-day basis, women across the industry have reported physical assaults, verbal abuse or being placed in more junior positions with less pay than their male counterparts.”

Drivers for greater diversity

“There are four things that will probably drive improved diversity in the future. First, an ageing population and the need to fill skills shortages. That demographic change is pushing employers to look outside of their traditional talent pools to consider under-used groups to address labour shortages and fill critical skills gaps. Second, women, immigrants, people with disabilities and historically disadvantaged people are all groups of under-represented workers that have the potential to help fill those gaps. Third, mining companies will also have to comply with stricter regulations. South Africa’s Mining Charter is a good example of a regulatory mechanism that can be used to monitor, track and improve diversity. And fourth is the business case for a more diverse workforce. There is a growing body of evidence that ethnic and cultural diversity has been associated with increased revenue and productivity, and that there is a strong correlation between corporate financial performance and women’s representation on boards. Organisations that hire persons with disabilities have also shown improvements in profitability and competitive advantage.”

The dividends of diversity

While there are many reasons why companies should strive to become more diverse, respondents said the main benefit is that it leads to better commercial outcomes, such as improved financials and productivity. That is something that is also backed up by a growing body of research. In one recent global study by McKinsey & Co, companies with greater gender diversity were found to be 21% more likely to generate above-average profits than those with lower levels of gender diversity. That rose to 33% for companies with greater ethnic diversity. Respondents ranked having a happy and engaged workforce as the second biggest

benefit, underscoring why companies have to think about the ‘inclusion’ part as much as diversity itself. More effective decision-making was ranked third—the main dividend of having greater diversity of thought in an organisation given that it allows multiple perspectives to be considered, increasing the likelihood that companies will arrive at better decisions.

However, the prospect of greater diversity resulting in increased brand equity—therefore helping improve an organisation’s image—was not considered much of a benefit, with respondents ranking it last.

What are the benefits in striving towards greater diversity?

Commercial e.g. improved financials and productivity

Access to more investors

Happy and engaged workforce

Increased brand equity

Solving skills shortages

Social impact and cohesion

More effective decision making



Respondents were asked to rank their top 3 most important and scores have been aggregated.



Laurie Hammond

Partner
Hogan Lovells,
Johannesburg, South Africa

The benefits of cognitive diversity

“The key thing about having people in your company with diversity of thought and experience and worldview and everything else they bring to the table, is that they help you better identify risks and opportunities. Those risks or opportunities could be legal, commercial or practical and could make you more effective and more profitable. Having different viewpoints and identifying those

risks and opportunities opens you up to being more nimble and innovative. If you’re ahead of the pack and seeing either potential problems or ways to do things better, that’s going to give you an edge. You don’t always know what you don’t know, and if you only have a very limited pool of opinion and worldview, that can be restrictive. It’s important that people don’t just see diversity as a tick-box exercise, they have to understand the real benefits of doing it to fully support diversity and inclusion initiatives.”

Shifting expectations

“Most international mining companies have policies now on diversity and inclusion, as do key stakeholders including government entities, investors, clients and suppliers. When stakeholders expect and demand greater diversity, it becomes much more important for mining companies to comply and demonstrate that they are complying with these policies.”

A better place to work

“Having an engaged and productive team is critical because that feeds into all elements of a business—your company is as good as the people in it. If you have an engaged and productive team, you will see the benefits. It will help with decision-making, it will help with supporting and serving your clients, it will help with making money... being able to attract and retain talent and then keeping that talent happy and engaged is one of the key benefits of greater diversity and inclusion.”



Conclusion

As the survey shows, many organisations already have gender targets or other quotas in place, and while there is clearly much more work to do, attitudes are beginning to change. Some jurisdictions are further ahead than others. South Africa, for instance, has helped lead the way—in part because of policy, but also because of its history. And there is mostly an awareness that diversity is not just a tick-box PR exercise—it can actually deliver tangible benefits to the business, from more satisfied employees to improved economic performance. Back at

Bauba's chrome mine, Valencia Malatji says she is optimistic about the future. She hopes one day to be responsible for developing geology operational standards and procedures on the mine—and hiring more women. “I see myself as being an advocate for other women to work and acquire skills in the mining industry, that's what I really want to do,” she says.

So change is coming. How quickly, is up to those leading mining companies, and advocates like Valencia, pushing this agenda.

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The research was kindly supported by the following organisations:



International Women in Mining
(IWIM)

International Women in Mining (IWIM) is the fastest growing network for women in the mining industry, with more than 10,000 members in more than 100 countries, supporting more than 50 WiM groups around the world.

IWiM's mission – changing the world today for a more inclusive tomorrow. Our focus is to create and realise opportunities for our members and all women in the mining sector, and change the mining industry for the better for everyone everywhere.



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