



Thabile Fuhrmann

Chairperson, Director

Thabile Fuhrmann is Chairperson and a Director in our Dispute Resolution practice. Before joining CDH, Thabile founded her own independent law firm called Thabile Fuhrmann & Associates Inc. Prior to that she practiced in partnership under the name and style of Knight Thabile Fuhrmann Attorneys. Upon dissolution of the partnership in August 2004, Thabile continued to practice for her own account until December 2011. She subsequently joined Cliffe Dekker Hofmeyr as a Director in January 2012. In April 2018, Thabile was appointed Chairperson.

Practice areas


Dispute Resolution


Sectors


Business Rescue, Restructuring & Insolvency
International Arbitration
Public Law
Regulatory
Government and State-Owned Entities sector

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Experience

Thabile's experience and career highlights includes:

- Successfully acted on behalf of the IDC in several matters involving PAIA applications inter alia from members of the Public, organisations such as AfriForum, the Office of the Public Protector, the Zondo Commission and other private sector companies in relation to the IDC's funding projects across various sectors of the South African economy (during the period 2012 to date).
- Successfully represented the IDC at the Zondo Commission of Enquiry into Corruption and State Capture (2019).
- Acted on behalf of Eskom in a PAIA application launched by Earth Life Africa.
- Successfully defended the City of Johannesburg in a landmark review application in respect of a public procurement tender awarded for substantial bulk roads and storm water infrastructural upgrade in Soweto.
- Successfully defended certain employees of the IDC (in their capacities as directors in an IDC subsidiary) in criminal proceedings instituted by the Green Scorpions in terms of the Environment Conservation Act, 73 of 1989 and Occupational Health and Safety Act, 85 of 1993 (Asbestos Regulations).

- Represented Rand Water in multiple procurement arbitral disputes.
- Furnished specialised legal opinion to the City of Johannesburg and Eskom (working closely with one of our country's leading senior counsel who is an expert in these fields) relating to post-retirement employees benefits at local government level and within a state-owned entities. This included, *inter alia*, investigating employee benefits at state-owned enterprise level; the legal implications of post-retirement medical aid contributions and the employer's obligations in that regard.
- Provided numerous opinions to the IDC in relation to tender disputes and the interpretation of public procurement laws, *inter alia*, Section 217 of the Constitution, the PMFA and Preferential Procurement Policy Framework Act, Treasury Regulations etc.
- Successfully acted on behalf of the IDC in various acrimonious insolvency proceedings and successfully converted provisional liquidation orders to business rescue proceedings involving IDC's investee companies.
- Successfully acted on behalf of the GEPP and PIC in a highly contested shareholder dispute in the high court relating to one of its investee companies.
- Successfully acted for the City of Johannesburg (COJ) in various high court applications to relocate large groups of Soweto, Diepsloot and Zandfontein residents who were beneficiaries of low-cost housing and the eviction of illegal occupants of improved and unimproved council properties in accordance with the provisions of the PIE and ESTA Acts.
- Successfully acted for the IDC in its capacity as both lender and shareholder in an acrimonious insolvency application involving a chrome mine; successfully opposed numerous interlocutory applications brought by aggressive creditors and hostile takeover bidders resulting in a successful conversion to business rescue and implementation of a turnaround strategy which saved the mine and the IDC's circa R300m investment; launched various counter applications to defend the mine property and the BRP's rights envisaged in Chapter 6 of the Companies Act.
- Thabile has been acting for and on behalf of the IDC and successfully perfected various of its notarial bonds nationally for the past 20 years.
- Successfully defended an investee company of the IDC in liquidation and arbitration proceedings involving one of South Africa's largest concentrated solar power projects in the Northern Cape resulting in the preservation of shareholder value for a consortium of multinational shareholders and thus saved the project from collapse.
- Successfully defended the IDC (*qua Escrow*) in well publicised dispute and arbitration proceedings involving the protection and preservation of funds held in an escrow account by the IDC on behalf of a poor mining community in the North West, pending resolution of a long-standing dispute amongst community members.
- Successfully defended a client (a listed ICT entity) against an arbitration involving a contractual dispute (contract value – in excess of R100m).
- Acted for the IDC in successfully recovering in excess R50 million worth of shares in a listed company it had funded in terms of a preference share subscription transaction as well as a cession and pledge of shares. This resulted in the IDC recovering the capital and interest in full (based on the value of the shares attached through the sheriff of court).
- Successfully defended the IDC against a R29 million claim by joint liquidators of a company in liquidation in terms of Sections 26 and 29 of the Insolvency Act.

- Successfully reviewed and set aside several decisions of the Master of the High Court, in favour of the IDC, in an acrimonious insolvency matter, with a punitive costs order against the Master's Office.
- Acted for and assisted the IDC in a multi-lender, multi-billion-rand manganese mining project in the Northern Cape.
- Successfully defended Business Connexion (Pty) Ltd in arbitration proceedings in a dispute relating to the interpretation of an inchoate agreement and the arbitrability of a claim arising from a lapsed agreement.
- Advised and assisted Aeromix SA (Pty) Ltd (holding sole distributorship rights for specialised mining equipment in the whole of the Southern African region) with the negotiation and sale of its business to a multinational UK based company (represented at the time by Webber Wentzel) and the successful transfer of its entire workforce in terms of Section 197 of LRA. (transaction value *circa* R200m).
- Furnished specialised legal opinion, in conjunction with two Senior Counsels specialising in the fields of corporate and tax law, to Eskom on structured finance transaction in respect of offshore investment opportunities in the ICT sector through the use of SPVs.
- Assisting corporate clients in several strategic BEE driven acquisitions in some of South Africa's leading ICT and related services companies. One of these transactions, valued at over R40 million, was finalized in August 2006 (with Invested as the debt funder) wherein *inter alia*, drafted and settled sale of shares and shareholders' agreements; reviewed the financing and dividend policy agreements from the financial institution involved; and reviewed and settled subscription and preference shares agreements and etc.

Education

- BProc, University of South Africa
- LLB, University of the Witwatersrand
- Certificate in Energy Law, Mandela School of Law, University of the Witwatersrand
- Admitted as an attorney in: 1996

Memberships

- Black Lawyers Association

Languages

English, Afrikaans, Sesotho, Tsonga, Sepedi, German, Setswana