

# Norton Rose Fulbright wins 18-year-old land claim

Thirty-five years ago, in 1979, the indigenous Eastern Cape community of Mgungundlovu was removed off the land it had occupied and farmed since time immemorial, to make way for a hotel, golf resort and casino.



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Norton Rose Fulbright pro bono client, the community of Mgungundlovu, has been successful in their 18-year-old land claim under the Restitution of Land Rights Act, to have its land restored and receive appropriate compensation for lost years and lost land.

Ownership of the claimed land will be restored to the impoverished Mgungundlovu community and it will be given R50m compensation by the Department of Rural Development. Each affected household will receive a portion of this compensation. The existing operating lease will be cancelled and replaced by better commercial terms.

## New agreement

A Communal Property Association (CPA) will be established to take transfer of the restored land and, under the terms of the new agreement, the land will be leased by the CPA to the hotel group for R4m per annum, escalating at 6% per year. The Mgungundlovu community will purchase 28.4% shares in the business and will also have representation on the board of directors of this hotel group.

The community approached Patrick Bracher, a lawyer with proud experience in human rights and land claims, who promised them their land back. Nicki van't Riet, pro bono lawyer in South Africa, pursued the matter in the Land Claims Court for five years and won the land back for the Mgungundlovu people. Van't Riet led a team of Norton Rose Fulbright employees made up of lawyers and business services who all put in great personal commitment to the cause.

"I am proud of everyone involved in this rewarding project. This settlement will change the lives of hundreds of people and generations to come. It is an amazing example of how the law can be used to break cycles of poverty," said Rob Otty, managing director of Norton Rose Fulbright in South Africa.

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