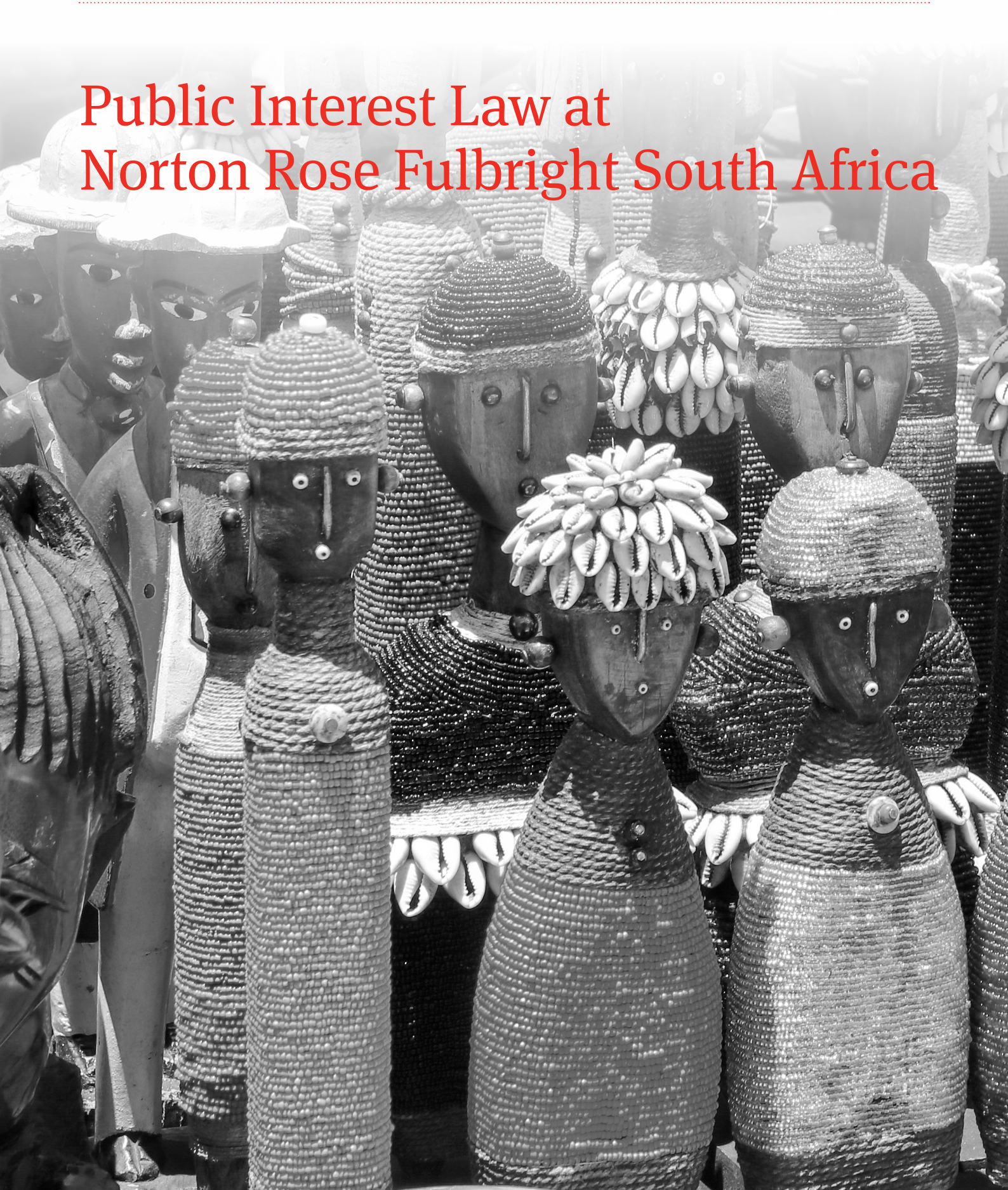


Financial institutions
Energy
Infrastructure, mining and commodities
Transport
Technology and innovation
Life sciences and healthcare

 **NORTON ROSE FULBRIGHT**

Public Interest Law at Norton Rose Fulbright South Africa



Norton Rose Fulbright

Norton Rose Fulbright is a global law firm. We provide the world's preeminent corporations and financial institutions with a full business law service. We have more than 4000 lawyers and other legal staff based in more than 50 cities across Europe, the United States, Canada, Latin America, Asia, Australia, the Middle East and Africa.

Recognized for our industry focus, we are strong across all the key industry sectors: financial institutions; energy; infrastructure, mining and commodities; transport; technology and innovation; and life sciences and healthcare. Through our global risk advisory group, we leverage our industry experience with our knowledge of legal, regulatory, compliance and governance issues to provide our clients with practical solutions to the legal and regulatory risks facing their businesses.

Wherever we are, we operate in accordance with our global business principles of quality, unity and integrity. We aim to provide the highest possible standard of legal service in each of our offices and to maintain that level of quality at every point of contact.

Norton Rose Fulbright Verein, a Swiss verein, helps coordinate the activities of Norton Rose Fulbright members but does not itself provide legal services to clients. Norton Rose Fulbright has offices in more than 50 cities worldwide, including London, Houston, New York, Toronto, Mexico City, Hong Kong, Sydney and Johannesburg. For more information, see nortonrosefulbright.com/legal-notices.

The purpose of this communication is to provide information as to developments in the law. It does not contain a full analysis of the law nor does it constitute an opinion of any Norton Rose Fulbright entity on the points of law discussed. You must take specific legal advice on any particular matter which concerns you. If you require any advice or further information, please speak to your usual contact at Norton Rose Fulbright.

Norton Rose Fulbright’s vision and business principles are quality, unity and integrity. Our commitment to public interest law and pro bono work embodies and manifests these principles. We recognise our responsibility and privilege to contribute to the positive development of society and the need to use our cumulative professional skills to promote access to justice for the most vulnerable and disadvantaged members of society.

In addition to each of our lawyers rendering at least 24 hours of free legal work a year to the individuals and organisations who need it most, we have a dedicated public interest law team which renders pro bono services on a full time basis, with a focus on public impact litigation.

The team aims to use their specialist skills to promote the fair and just operation of laws, policies and practices for all to protect basic human rights; for constitutional law reform; for strategic use of the law to effect social change and to provide advocacy for the most vulnerable and marginalised social groups.

ProBono.Org Wills Project Award

2017

Winner – ProBono.Org’s
“Most impactful case”

2015 – 2016 (*Arthurstone Village case*)

Winner – PILNet’s Global award
“Local Pro Bono impact”

2016 – 2017 (*CASAC’s ICC case – Budapest*)

Finalist – ProBono.Org’s
“Most impactful case”

2014 – 2015 (*Mgungundlovu Community
Land Claim*)

TrustLaw Domestic Law Firm
of the Year Award

2016

TrustLaw Impact Award –
one of the nine law firms involved
in the project

2014

Some of the work we have done and the impact it has made

Restitution of land: *District Six Working Committee v Minister of Rural Development*

District Six – where more than 60,000 people had their homes destroyed – is emblematic of the apartheid government’s programme of forced removals and racial discrimination. It is symbolic of the democratic government’s failure to implement the Restitution of Land Rights Act, enacted to remedy those forced removals. The forced removal has had severe long-standing repercussions, driving many people into poverty and desperation.

Our client is the District Six Working Committee which represents approximately 2,400 families who had their homes bulldozed in the 1960s. The state has taken more than two decades to provide adequate restitution to the victims. Many of the claimants are elderly and are unlikely to see restitution within their lifetime without action against the State.

A successful application was launched against various State parties seeking a declaratory order that the government was in breach of its Constitutional duties towards the District Six claimants. The State has been directed by the court to formulate – and adhere to – a reasonable plan and programme to provide timeous relief for victims. It is under an obligation to report to the court on its progress on finalising restitution every three months until the process is completed.

Restitution of stolen land: *Mgungundlovu Community v Minister of Rural Development and others*

For generations, a rural Eastern Cape Mgungundlovu community lived on and farmed beachfront land. However, in 1979, their chief made a deal with a hotel chain for their forced removal – in exchange for a Mercedes Benz.

During the bulldozing of the site, a mother witnessed the exhumation of her child’s remains.

The community was evicted to crowded, barren land and, unable to farm, fell into poverty. With our help, they won back ownership of their land and those affected received a portion of the R50m compensation from the Department of Rural Development.

The hotel’s operating lease was cancelled and replaced with one containing commercial terms favourable to the community. The settlement has changed the lives of hundreds of people and their future generations. Norton Rose Fulbright was a finalist for ProBono.Org’s “Most Impactful Case” in 2015 for this matter.

Emergency, life-saving medical treatment

In a desperate attempt to save his life, Mr. Dlamini* approached us for pro bono legal assistance.

He was suffering from chronic kidney disease and had not received haemodialysis treatment during the preceding nine days (he required treatment three times a week). He had been removed from the State’s dialysis programme on questionable grounds.

He was in intense pain and literally dying when he came to see us and urgently needed to receive the life-saving treatment. We approached the court for an urgent order for emergency medical treatment. We managed to persuade the State to reinstate Mr. Dlamini immediately onto the kidney dialysis programme. This saved his life.

* Not their real names.

Helping orphaned children to survive

Three children lost their mother and sister who were shot and killed after the SAPS negligently returned a firearm to an abusive husband.

After years of abuse, Mrs. Nkosi* had approached People Opposing Women Abuse (POWA) for shelter and assistance with a domestic violence protection order, which was granted by the Magistrates Court.

The order stipulated the confiscation by SAPS of the firearm her husband had repeatedly used to threaten her. However, despite this order still being in place, his gun was returned to him after telling police the “fight with his wife was over”. Although living in a place of safety, Mrs. Nkosi and one of her daughters were shot and killed outside the courtroom when she sought a maintenance order against her husband. Her remaining children, motherless and without financial support, were forced to move to a rural area where they lived in poverty, without receiving any education.

We instituted proceedings for loss of support. The case was settled and the amount invested in a trust for the personal and education needs of the children.

Access to water

3,500 of the poorest, most vulnerable, women, children and child-headed households, survived for years without access to water. By law, the basic minimum the state is required to deliver is 25 litres of potable water per person, per day. Some families – of up to nine people – received just nine litres of water a week.

This is insufficient for drinking, let alone survival. The water was contaminated with Cholera and E.coli and caused illness. Their safety, health, ability to work and be educated was affected. The people had to walk for kilometres on end to access alternative water sources.

On behalf of the residents and the South African Human Rights Commission, we challenged the government on the right to access sufficient water. With the success of the first court order, the 3,500 households obtained a sufficient but temporary supply of water. The second round of litigation currently being pursued seeks a permanent solution in the form of water supply infrastructure.

Charities and initiatives we regularly support

Langa Clinic

We work in collaboration with [ProBono.Org](#) on a pilot legal clinic for the indigent community of Langa. Our lawyers serve at the clinic monthly and provide legal assistance to hundreds of people on matters including domestic violence, property transfers, wills and contractual issues.

Community workshops

We work in collaboration with [ProBono.Org](#) on adult community education workshops across various indigent communities in the Western Cape. The topics include the law of succession and the basics of property law (the importance of registering the sale of a property, for example). Workshops take place in Dunoon, Gugulethu, Langa, Elsies River and Kuils River.

Kids Haven helps protect homeless children and children in crisis in Ekurhuleni (eastern Johannesburg) and give them a brighter future. It runs a children's home and works extensively in the community through early childhood development centres and interfacing with families. We provide legal counsel, draft agreements, amend founding documents and provide governance and other advice.

The Thoughtful Path Charity, developed by Project Hope UK, is changing lives in Munsieville (western Johannesburg), the township where Desmond Tutu lived as a child. The charity helps communities improve health in children, tackle poverty and address poor education and serious child abuse. We covered the legal aspects to help the charity become operationally independent of Project Hope UK.

Black Umbrellas, the brainchild of President Cyril Ramaphosa, develops 100 per cent black-owned businesses through their incubation centres. They have incubated hundreds of black-owned business and created thousands of jobs. We run a legal education programme and give talks on legal topics relevant to start-up enterprises and young SMEs. In addition, we are able to provide certain of the SMEs contractual support on a pro bono basis.

The Domestic Violence Helpdesk Project addresses the dire need of poorer people to secure the protection offered by the Domestic Violence Act. We run a helpdesk at the Randburg Magistrate's court every Friday morning where we assist members of the public apply for domestic violence protection orders. Our involvement significantly increases the court's ability to assist unrepresented people.

The Wills Project, in conjunction with [ProBono.Org](#), educates disadvantaged people about testate law. We meet with identified communities and hold information sessions on wills. We also draft wills for those who request them. During National Wills Week each year we partner with corporates who have workers who lack the means to consult legal practitioners and run a version of this project with their staff. We won an award from [ProBono.Org](#) in 2017 for the Wills Project.

In 2017, Norton Rose Fulbright in collaboration with ProBono.Org launched a Practitioner's Guide to Refugee Law which equips lawyers to offer their services to refugee free of charge. The guide is a summary of refugee law and sets out practical steps for lawyers to take on refugee-related matters.

Phindiswa Nkatshu

An elderly shack dweller had utilised her life savings to purchase a piece of land to build a permanent home. She discovered that the piece of land was occupied by unlawful occupiers and could therefore not build her home on it or take occupation of it. We launched eviction proceedings to have the unlawful occupiers evicted. The elderly lady received her property back and has built a house on it. She invited us to her housewarming.

Arthursstone

Successfully represented the South African Human Rights Commission and the Arthursstone residents in a judgment handed down on June 8, 2016 by the High Court in Pretoria. The High Court found in favour approximately 150 residents who were evicted from a piece of communal land known as the Arthursstone Farm in Bushbuckridge, Mpumalanga Province. They were evicted and homes demolished at the behest of their traditional council, the Amashangana Tribal Authority. The eviction and demolition of homes had a devastating effect on the evicted women, children and older persons. They were traumatised by the loss of their homes, rendered destitute and caused serious hardships as well as socio-economic challenges. The Court found that the eviction did not comply with the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act) and section 26 (3) of the Constitution. The PIE order was reviewed and set aside. The Amashangana Tribal Authority was ordered to construct temporary and thereafter permanent dwellings equivalent to those destroyed.

Multi-jurisdictional research projects

Through our relationship with TrustLaw, The Thomson Reuters Foundation global pro bono programme, we have participated in multi-jurisdictional research projects on topics ranging from street harassment to gun control to the working conditions of fisherman to HIV self-testing. The research is requested by an NGO in a particular jurisdiction. They want to know what happens in other jurisdictions and what constitutes 'best practice' so they can lobby for change in their home country. We were part of a team that won TrustLaw's Collaboration Award in 2014 for research into HIV self-testing.

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