

DIALOGUE OVERDUE ON RENTAL RELATIONSHIP

Rights rethink needed to find solutions to Africa's challenges

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THE NEW South African constitution led to remarkable democratic reforms in the sphere of housing.

Tenant-landlord relationship changed for the better with the introduction of the Rental Housing Act, 50 of 1999 (the Act) and the provincial Rental Housing Tribunals (Tribunals) that are empowered by the Act to resolve disputes.

It was dialogue and consultation between the government and grassroots structures that brought about changes in legislation to regulate the relationship between tenant and landlord.

These changes, however, need further investigation and feedback from the Tribunals and representatives of tenants and landlords to amend certain flaws and loopholes. One urgent area of concern is the need to subsidise rentals of poor tenants, single parents and those with "disabilities".

While more tenants have moved into the inner cities because of urbanisation, the democratic constitution accelerated the urbanisation process. Over the past few years, market forces have shown an increase in property sales and the change in ownership has led to rentals increasing rapidly.

Sectional titles and share block schemes that were introduced as alternate forms of ownership - based mainly on the European system and under strict racist laws in South Africa - are proving to be "malfunctioning" in post apartheid era.

Rents legislations passed globally after World War I as a measure to protect tenants have undergone drastic changes in the West, but little modification in most of Africa. There is a need to study and understand the experiences, challenges and solutions on this continent.

Solutions

Too often we look at so called first world countries that have wrought excellent solutions

to problems that are universal, but also indigenous and idiosyncratic.

Tenants' rights in South Africa and on the African continent are of particular concern to the Organisation of Civic Rights (OCR) and, as it enters its third decade, the OCR hopes to meet with relevant African non - governmental organisations (NGOs) and community based organisations (CBOs).

It would appear that existing laws dealing with tenant-landlord issues are inadequate and very few "specialist" organisations are involved in changing the feudalistic and colonial models.

What is needed is a strong African tenant's union to share information across the continent and for NGOs, CBOs and tenants and landlords' representatives to work in partnership with their respective governments to bring about a just and fair dispensation for both tenants and landlords.

An African tenants' forum will need to exchange ideas with tenants' groups in countries such as the United States, European countries, Canada and Australia where tenants' rights movement have 70 years of experience. Africa has to re-emerge as the centre of knowledge and progress.

Tenants' rights are part of human rights, and the urgent need to respect the dignity of every person by certain African governments and unscrupulous landlords is long overdue.

Stable, democratic governments and peaceful co-existence between ethnic and religious communities within a diverse cultural milieu is an inseparable part of restoring human dignity and human rights.

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