

Extend Human Rights to Housing

Need exists for continental tenants' union

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THE meeting of the ANC's national general council will affect the lives of all South Africans, one way or the other. What will not be discussed at the conference are the rights of tenants that should fall within a human rights perspective, and rental housing targets. About 12 million people live in rental accommodation that includes backyard shacks, garages and small cubicles for which they pay exorbitant rentals.

In the early period of our democracy, there was unparalleled enthusiasm between civil society and the ANC, and later with the ANC led government, to formulate policies and draft legislation that would benefit all people. We expunged a myriad unjust laws, much to our credit. Yet, we have failed the poor and continue to enrich a few at the expense of the poor.

eThekweni Municipality officials should explain why poor tenants are required to pay enormous debts of previous tenants and suffer humiliation of not having services connected to their dwellings until they pay these debts.

There is reference to co-operation and consultation between the government and the people, but no cohesive forum exists.

There is no robust debate with the people to enrich the ANC and the masses.

The divide between poor and rich, black and white and the source of cheap labour were all intertwined in land laws of the past.

Plight

Post-apartheid, the plight of the poor, particularly the inhabitants of the informal settlements, is rooted in the history of dispossession of land laws from the 1600s.

Tenant-landlord legislation through vigorous engagement was overhauled but still linked to a feudalistic system with the notion of a

contract being sacrosanct no matter how oppressive the terms and conditions for tenants.

The English, Roman and Roman-Dutch hegemony powerfully pervades our entire legal system and laws.

We have not investigated African paradigms and solutions.

We "ubuntunise" our judgments that makes for fascinating reading but fail to provide the narratives of a authentic African guiding norm in jurisprudence. 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 landlords' representatives to work in partnership with their respective governments to bring about a just and fair dispensation for both tenants and landlords in South Africa and across the continent. 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.

Discrimination, greed and disregard for human dignity cannot be changed by the Constitution.

The change must come from within, and the ANC can be that force for change and for a better life for all since it is one of the most democratic organisations.

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