

• NATIONAL DIRECTORATE •

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Our ref:
Your ref: JK/mg
Date:

1st September 1993

[102]

C102

LAWYERS
for
HUMAN
RIGHTS

**The Secretary
Planning Committee
Multi-Party Negotiating Forum
World Trade Centre
Jetpark
KEMPTON PARK**

Dear Sir/Madam

RE: THE GRANTING OF FREE ALL TITLE IN THE RURAL AREAS/TRANSKEI

Enclosed please find herewith a letter that was forwarded by our Transkei Regional Office to the Chairperson of the Military Council in the Transkei.

The letter deals with the granting of freehold title in rural areas and the real concerns that we have with such a process. We are not absolutely sure at this stage which committee, if any, will deal with such an issue. In our opinion it might well be relevant to the property clause that is being incorporated into the interim Bill of Rights and we trust that you will refer the letter to the appropriate committee.

With kind regards,

Jody Kollapen
JODY KOLLAPEN

LAWYERS FOR HUMAN RIGHTS TRANSKEI REGION

Your Ref :

HS/92DR/NB

Our Ref :

P.O. Box 703

111 Alexandra Road

Umtata

Tel.: (0471) 311837

(0471) 310229

16 August 1993

The Chairperson of the Military Council
Botha Sigcau Building
UMTATA

Dear Sir

RE: FREEHOLD TITLE IN RURAL AREAS

It has come to our attention that the government is considering the possibility of granting freehold to people occupying sites in rural areas.

We are most concerned that this may have seriously detrimental effects on the poorer members of the community.

The major problem with freehold for poor people is that the land can be seized by a creditor when the person falls into debt. The result is that the ownership of land eventually shifts to the wealthier members of the society and the poor become landless and are at the mercy of landlords. The net effect is homelessness, vagrancy and entrenched poverty.

There is a commonly believed myth that if a person has freehold he/she will be able to use it as security for loans to build. This has not been the case to date. Recent capital subsidy schemes which granted freehold to siteowners have not managed to provide the catalyst for commercial banks to make loans to the owners. This is because the owners, despite owning the land, are still considered to be the "poorest of the poor".

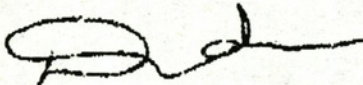
Regional Director : Denise Rudolph; Fieldworker : Nonkululeko Tsawana;
Paralegal Training Co - Ordinator : Themba Manyosi;
Human Rights Education Co - Ordinator : Nonkululeko Mayende

It is our contention that although the tribal land tenure system presently in place is not ideal, it is possible to find alternatives which will maintain the egalitarian nature of the system without the concomitant potential for corruption and abuse of power by those who allocate the land.

We respectfully request that you urge your government to consider the negative effects of a decision such as this before the damage is done.

Yours faithfully
LAWYERS FOR HUMAN RIGHTS

per:



D. RUDOLPH