

# *Private tenure promotes good land use*

**T**HE government has come out strongly in favour of private individual tenure for South Africa.

In its White Paper it says: "Private ownership gives people a stake in the land, offers social security, promotes the optimal use of land and also stimulates an awareness of the importance of the preservation of this valuable resource."

This belief in the value of private individual ownership is made concrete through land laws passed earlier this year. These laws include the Upgrading Of Tenure Rights Act and the Informal Township Establishment Act.

The Upgrading Of Tenure Act provides for "inferior forms of tenure" to be upgraded to full private ownership.

Examples of such "inferior forms of tenure" are leasehold, quitrent, permission to occupy and certificate of occupation.

In rural areas, where most land is held in terms of permission to occupy and certificate of occupation, land will have to be surveyed.

People will also have to produce documentary proof of occupation. In addition, the landowner will also have to agree



that upgrading should occur.

This law also provides for tribal land to be privatised.

Although communities living in the homelands see the privatisation of land as a means to dispossess them, many homeland governments have accepted the principle of privatisation of land.

KwaZulu, Ciskei and Qwa Qwa have legislation to effect this privatisation.

The Informal Township Establishment Act makes communal residential occupation and development of land bought on the market subject to state control and approval.

In the section dealing with rural villages, the White Paper states: "To enable tribes and tribal communities to acquire land for communal possession, without, however, compromising high potential agricultural land or other land unsuitable for residential communal land use, the Bill [now the Informal Township Establishment Act] provides that land which a tribe wishes to use on a communal basis for residential purposes must first be declared suitable for such use by the Administrator."