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To Whom it May Concern,

We are writing to comment on the proposed amendments to the **Prevention of Illegal Eviction From and Unlawful Occupation of Land Amendment Bill, 2006.**

The International Labour Research and Information Group (ILRIG) is an NGO providing education, publications and research for the labour and social movements. ILRIG was founded in 1983. For many years we were linked to the sociology department at the University of Cape Town but since 2003 ILRIG is an independent trust. We study the kinds of socio-economic issues central to housing, homelessness, basic services, land invasions and evictions and we work with social movements trying to deal with repercussions of policies and practices around basic survival issues. It is our belief that the proposed change in legislation will make the situation of the poor and working class worse.

Our overall concern is that the bill has been proposed in response to the "nature and increase in land invasion" as a way to make it easier to evict "invaders" rather than getting at the root of why people are increasingly moving into open spaces, and how these actions can be negotiated or embraced by the state. We are concerned that the Constitutional right to housing is infringed upon by the proposed changes and that the changes offer no room to critique the roles and responsibilities of municipalities, or to include mechanisms that analyse why a particular invasion takes place. In fact, Section 3 of the proposed changes puts default of lease/bond payment over and above consideration of circumstances of occupiers such as length of time of occupation, the needs of the elderly, disabled, child, and female headed households, and the availability of suitable alternatives. Without considering socio-economic factors, the bill makes it a crime to be poor, desperate, and homeless.

The changes will make it easier to evict people, and thus easier to ignore their right to housing. Brazil, for example, also has a housing crisis. The Brazilian Constitution gives people ownership rights to private land peacefully occupied for 5 years. And the effects of legally embracing informal land occupation has been positive for land utilisation, and distribution for the poor, and for planners tasked with waiting lists and hundreds of thousands without homes in the city. Informality has been embraced by the Brazilian Constitution and "land invasions" are seen as a human needs-led development, and a process that can desegregate and positively shape urban space. The proposed changes to the law leave little room for the landless to become active agents of desperate change needed in accommodation policies and practices in South Africa and will rather push people into insecure subdivisions or overcrowded rooms vulnerable to exploitation by landlords.

The consideration of circumstances, and the availability of suitable alternative accommodation is too vague to be supported as an alternative to the way the bill is encoded at present. Likewise, by changing the term "owner" the bill blurs responsibility and gives more power to more people to act on behalf of "the haves" while eliminating someone in particular who needs to be responsible for justifying the eviction. For example, by proposing to change the term "owner" to "administration or control" the bill will make it harder to pin point who is responsible for making decisions about land. Rather, the Bill needs to ensure security of tenure in a way that does not only depend on interpretation of the judge, and in a way that stipulates that alternative accommodation does not disrupt the social networks people form for survival- i.e. alternative accommodation needs to be mandatory close to where people are "evicted" from.

It is our belief that the proposed change to the legislation will make the situation of the poor and working class worse. There will be less access to land, less participation, and the potential for violent conflict between state actors, like the police, and those effected, will increase with state officials having less flexibility to negotiate solutions other than forcibly evicting people from land/buildings.

The public participation process regarding this bill prevented those community organisations that we work with from making a submission. ILRIG would have preferred to make its submission as part of the coalition of social movements known as the Social Movements Indaba. The almost complete lack of publicity and the tight deadline of this process means that such groups are effectively barred and we have to make the submission on our own. Our participation does not mean we view this process as legitimate and fair. Such serious changes to constitutional legislation should not be made without mass based input and participation, especially by those who will be most effected by the changes- if the process continues to exclude the poor and especially their organisations it is fundamentally illegitimate and unfair.

For all of these reasons, ILRIG submits that that PIE Bill should not be presented to Parliament in its current form.

Signed,

Leonard Gentle
Director