

PRINT: ISSN 0970-9274 ONLINE: ISSN 2456-6608

JOURNAL OF HUMAN ECOLOGY

International Interdisciplinary Journal of Man-Environment Relationship

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J Hum Ecol, 42(3): 233-243 (2013)

PRINT: ISSN 0970-9274 ONLINE: ISSN 2456-6608

DOI: 10.31901/24566608.2013/42.3.05

Eviction Management in South Africa: Implications for Sustainable Housing Provision

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KEYWORDS Eviction. Homelessness. Remedies. Emergency and Desperate Situations. Slums. Meaningful Engagement

ABSTRACT On the 9th of October 2012, the Constitutional Court of South Africa, once again, in the case of Schubart Park Residents' Association and others v City of Tshwane Metropolitan Municipality and Another (CCT 23/12) [2012] ZACC 26 (9 October 2012) herein referred to as (Schubart case) handed down a groundbreaking judgment on arbitrary eviction of people from their homes without the authority making proper arrangement for alternative accommodation for the evictees. This paper contributes to the ongoing debate on the improper handling and failure of leadership in the management of eviction processes by those who bear the constitutional responsibility to protect the socio-economic right to access to adequate housing. The paper highlights government's strategic interventions and various legal frameworks that have been put in place to manage eviction. The paper presents an argument for reform and emphasizes the need for eviction management. To this end, the paper reviews numerous decisions of the courts and presents reasons why the courts should continue to be proactive by denying the request of evictors to evict people from their land and homes