TOWARDS AN EFFECTIVE REALIZATION OF THE RIGHT TO ACCESSIBLE AND ADEQUATE HOUSING IN KENYA: A COMPARATIVE STUDY WITH SOUTH AFRICA

ARISI EVERLYN MONYANGI
G32/68942/20112011
SUPERVISOR: MR. ERIC OGWANG’

RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF THE MASTER OF LAWS DEGREE (LLM) OF THE UNIVERSITY OF NAIROBI

NOVEMBER 2013
ABSTRACT

Article 43 of the Constitution of Kenya explicitly provides for economic and social rights. As part of these rights, sub article (1)(b) specifically provides that every person has the right to accessible and adequate housing, and to reasonable standards of sanitation. To fully appreciate the content, impact and enforceability of the right to housing, this study focuses on making sense of the right to accessible and adequate housing by establishing the duties it entails while engaging with some of the key issues in the area. The main focus has been on the way courts have interpreted these rights and enforced them. This study extensively compares the Kenyan experience with that of South Africa in the implementation of the right to housing. It further reviews the past and existing government efforts in upholding the right to housing in the two countries. An exploration of the challenges experienced in these efforts has been done before concluding by offering appropriate recommendations on how best to realize the right to accessible and adequate housing in Kenya.