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Read the following excerpts (/c4x/LouvainX/Louv2.01x/asset/_Materials__Grootboom_Final_.pdf) of the judgment delivered by the Constitutional Court of South Africa in the case of *Grootboom and Others*, delivered on 4 October 2000. Then try to answer the following questions.

THE RIGHT TO HOUSING: GROOTBOOM - EXERCISE (1/1 point)

1. In the judgment authored by Yacoob J, the Constitutional Court distinguishes the duties of the State towards those who can afford to pay for housing, and the others. "For those who can afford to pay for adequate housing, the state's primary obligation lies in unlocking the system, providing access to housing stock and a legislative framework to facilitate self-built houses through planning laws and access to finance" (para. 36): this is what was described in section 5 as the duty to facilitate. But what are the duties of the State as regards those who cannot afford housing?

- ☐ The State must provide shelter to all;
- ☐ The State must provide access to adequate housing to all, which goes beyond shelter alone and includes appropriate services such as the provision of water, electricity and the removal of sewage;
- ☒ The State must devise a comprehensive and workable plan allocating responsibilities across different levels of government to ensure that the public housing programme is directed towards the progressive realisation of the right of access to adequate housing within the state's available means. ✓

EXPLANATION

The judgment describes the characteristics that the programme must present: the programme must "clearly allocate responsibilities and tasks to the different spheres of government and ensure that the appropriate financial and human resources are available"; and it must be "capable of facilitating the realisation of the right" (paras. 39-41). To this effect, the programme must not simply include legislative measures, but must also ensure adequate implementation (para. 42); it must be "balanced and flexible and make appropriate provision for attention to housing crises and to short, medium and long term needs", which required continuous review (para. 43); it must not exclude a significant segment of society (id.).

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