

To: Dr. Naff
Fr: Amy Gee
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RE: Constitutional Rights to Housing in South Africa

This case study illustrates the struggle of the Irene Grootboom family and other similar residences for housing in South Africa. These families, suffering from extreme poverty, settled on a piece of privately owned land and were evicted. The eviction stirred anger among the citizens and resulted in a lawsuit regarding their constitutional rights to housing in South Africa. The court's ruling was deliberately vague and resulted in different interpretations from various groups. A small team was formed by the national Department of Housing to interpret the court ruling. The following discusses the issues of the court ruling, recommendations to resolve the issues, and the leadership and skills required to implement the recommended changes.

Issue 1: How should intolerable conditions be defined and what is a crisis situation?

According to the case, there are other citizens in parts of South Africa suffering from similar circumstances (without proper housing or land). How can Grootboom or his neighboring 150 families be considered in more of a crisis than others? The court did not specifically grant these families the right to land or housing.

Recommendation: A statement of declaration is necessary to define the conditions of a crisis and how the Grootboom and neighboring families met those conditions. The statement should be reviewed and approved by the Constitutional court to refine the group's status as being entitled to the accommodations. Explicit declaration of conditions makes it possible to realize the issues and to create strategies and solutions to tackle the problem (Rochefort & Cobb 1994).

Issue 2: What are the housing requirements to accommodate those in need of a roof?

There were various opinions as to what constitute an appropriate accommodation: some citizens thought of a small brick house with a few rooms, running water and an individual toilet while some lawyers thought of a tent with a corrugated roof and access to public toilets and running water.

Recommendation: A comprehensive assessment should be conducted regarding the families' existing housing situation and on similar residences in other parts of the country. The assessment serves as a basis

for residences to make compromises with the government regarding their accommodation needs. A consensus must be reached by both the government and citizens regarding acceptable housing requirements. Both parties must achieve goal congruence and share a similar desired outcome (Goldsmith & Eggers 2004).

Issue 3: Who, or which department(s), is to provide the accommodation?

The Constitutional court ruled that the “state” should provide necessary housing, but did not specify which department(s) or what level, national or local, should be responsible for funding and building such accommodation.

Recommendation: A network alliance must be formed with the government on various level (state, provincial, and local) to determine how the government across all levels should contribute to different parts of the project. While funding may come from more than one level, the local government should be responsible for building the accommodation and overseeing the placement of citizens. A network is required to ensure communication and agreement within the government regarding the share of responsibility for this project (Kamarck 2007).

Leadership and Skills Required:

In order to implement the recommendations, the task force must be led by an experienced leader who has the essential skills required for effective communication and lobbying. The ability to communicate, motivate, and influence both the community and the government is essential for making effective negotiation and compromises across all levels (Denhardt B. & Denhardt V. 2006). Lobbying further requires the ability to create strategic alliances with the court, lawmakers, and the government, and the ability to critically analyze information, and the ability to work with a diverse community (Grace 2003). A leader with the essential communication and lobbying skills will be able to lead the team in declaring crisis conditions, conducting housing assessments, making compromises with the residences and the state, and ensuring that the housing project is funded and provided by the appropriate branch(es) of the government.

References:

Denhardt B., & Denhardt V. (2006). *Public Administration: An Action Orientation*. Thomson: Belmont.

Grace, K. (2003). "Leadership & Team Building." In E. Tempel (Ed.), *Hank Rosso's Achieving Excellence in Fund Raising*. Jossey-Bass: San Francisco.

Goldsmith, S. & Eggers, W. D. (2004). *Governing by Network: The New Shape of the Public Sector*. Brookings Institution Press.

Kamarck, E. C. (2007). *The end of government-- as we know it: Making public policy work*. Lynne Rienner: Boulder, Colorado.

Rochefort, D. A., & Cobb, R. W. (1994). *The politics of problem definition: Shaping the policy agenda*. Lawrence, Kan: University Press of Kansas.