

**Brenda Farrell**  
**PA800 – 2/17/08**

**Case #3: The Constitutional Right to Housing in South Africa and sequel**

This case covers issues related to policy development and implementation in light of budgeting constraints and a shortage of resources. It exemplifies how the ambitions of South Africa's government to right the wrongs of the apartheid era result in an almost schizophrenic attempt at democracy through the passing of a multitude of policies based on vaguely defined constitutional "rights". Some additional matters that arise in this case include issues of government accountability, the division of power and responsibility between various levels of government as well as issues of human rights.

The time line of the case occurs from 1996, the year that the South African constitution is established, through 2000, the year that the South African Constitutional Court rules on the case of *The Government of South Africa vs. Irene Grootboom and others*. The political environment in 1996 is one in which the transition has recently occurred from authoritarian white rule to a time of hope, promise and planning under the governing of the African National Congress (ANC). The case culminates during a period in 2000 when public dissatisfaction with the ANC has increased due to deteriorating social conditions and a failure by government to carry through on its promises. During this period, increased migration from rural to urban areas has resulted in a rising demand and cost of housing. The shantytowns that house the poor blacks who can't afford decent homes have increased in number and scale due to the migration. Crowded conditions and a lack of water, electricity and basic services breed crime and disease, as well as frustration by many of the shantytown inhabitants. A group of families ultimately take matters into their own hands and settle on a vacant piece of land in an effort not only to improve their living conditions, but to get the government, via a lawsuit, to act responsibly and adhere to

the rights set forth in the country's constitution to provide "adequate housing" for the citizens of South Africa.

The case concludes when the South African Constitutional Court basically rules that the state needs to do what it says it will do in the constitution (provide housing to its citizens) and that it needs to come up with a plan as to how it will fulfill this responsibility. Additionally, the court orders the Human Rights Commission to monitor the efforts of the state in complying with the mandate. Although the court's ruling is vague, such ambiguity, according to author Deborah Stone, can result in each conflicting party feeling like the "winner", thereby making parties more willing to negotiate and compromise on a resolution to the problem (Stone, 2002).

Certainly, any resolution devised will foremost need to include input and agreement from various stakeholders on defining the term "adequate housing". Moreover Cooper et al. (1998, p.190) recommend that when "limits on government capacity" are an issue, the policy community, which in this case includes government agencies, social service providers and NGOs, needs to come together to devise creative solutions to address the resource constraints that can hinder successful policy implementation. Establishing procedural requirements for participants and decision makers and emphasizing results rather than process, are also important strategies to consider according to authors Rabin, Hildreth and Miller (1996).

It may also be helpful to adopt Goldsmith and Eggers (2004) third party integration model by selecting someone from the Human Rights Commission to coordinate the efforts of the various stakeholders involved. Undoubtedly it would be vital that any person in such a position possess the skills Ott, et al. (2003) emphasize are important to any leader trying to create a culture of cooperation. Such skills include having good communication and listening abilities, as well as being patient, persistent, and a visionary. According to Ott, et al. 2003), empathy and social skills are also essential, particularly in a situation where achieving agreement amongst a divergent group of stakeholders will be vital in devising a resolution to the housing problem that is satisfactory to most, if not all constituents involved.

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