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Subject: The Constitutional Right to Housing in South Africa

Case Summary

The government of South Africa was forced to deal with the issue of providing adequate housing for their poorest residents living in a town called Wallacedene. This town lacked many basic housing resources such as electricity, running water, and sanitation. In 1998, there was an influx of new residents who settled in the town, which ultimately made the living conditions even worse. To alleviate the problem, Irene Grootboom (a resident of the town) sought to build new homes on a privately-owned piece of land, which eventually became known as the Grootboom community. Building the new homes on this private property led to subsequent evictions. Also, the way the evictions were carried out violated many of the resident's constitutional rights.

Irene and the Grootboom community brought forth a lawsuit against the government of South Africa, which ultimately made it to their country's Constitutional Court in 2000. The court had to make a decision about the housing situation for the country's poorest citizens and interpret the newly established democratic constitution put in place in 1996. There were two specific sections in the constitution that needed to be examined by the court, which were guaranteeing everyone the right of access to adequate housing and guaranteeing children the right to shelter. The following report will identify three major issues in the case and provide recommendations to address those issues.

Issues

1. South Africa was dealing with a health crisis because their poorest citizens were living in unsanitary conditions, which created a large amount of health problems like tuberculosis and HIV/AIDS.
2. The government had limited financial resources, which made it difficult for them to fully implement their housing policy. As a result, resources were misused because there was a shortage of appropriate housing. In addition, the government lacked the financial resources to comply with two sections of the 1996 constitution.
3. The government was not able to effectively implement their housing policy because they didn't have a criteria/plan established early on in the public policy process. This created confusion because there was no

formal process established to help them decide who would be entitled to the housing aid.

Recommendations

1. It's important to understand how problems are recognized and defined before any other actions can take place in the policy-making process. Kingdon mentioned that problems come to the attention of governmental decision makers through systematic indicators (Kingdon, 1984). There were several indicators present to push the health crisis issue to the top of the agenda. Unfortunately, the health crisis issue became a low priority for the government of South Africa because they failed to understand the magnitude of the problem. In this type of situation, it's recommended that people in and around government frequently monitor the various activities and events taking place in the problem area.

2. The government of South Africa was not able to effectively implement their housing policy because they lacked the financial resources. It's important to consider what can be accomplished with available time and resources when a policy is at the implementation stage (MacRae & Whittington, 1997). The government should be held accountable for misusing financial resources. A recommendation would be for the government to create a performance-based budget that allows citizens and stakeholders to see the objectives of the program and how they will be achieved. This allows for more transparency for citizens to see how their tax dollars are being spent as well as helping the government make important policy and resource decisions.

3. The government of South Africa had no real direction on how to effectively implement their housing policy. The entitlement criteria, for example, should have been well defined and established early on in the public policy process to avoid confusion in the implementation stage. The lack of information and resources can create barriers to making decisions or taking actions that will contribute to policy goals (Schneider & Ingram, 1990). As soon as a policy is formulated, it is recommended that the government invest their time and resources in establishing a criteria/plan that will help them achieve and measure their policy goals. At this stage, they should also consider all the policy alternatives and resources available to them. The government should always remember that policies are continuously transformed by implementing actions that simultaneously alter resources and objectives (Majone & Wildavsky, 1984).

It's very difficult to create policy when problems are not at the top of the agenda, especially when financial resources are not available, and when there is no criteria/plan established to carry out such policy.

References

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