

**To: Professor Naff**  
**Memo#3: The Constitutional Right to Housing in South Africa**  
**From: Rosalie Beauchamp**

**PA800**

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**Summary:**

Dissatisfied with squalid living conditions, Irene Grootboom and 150 families, moved from the shanty town of Wallacedene, South Africa, to a private property zoned for low cost housing. The owners of the property banefully evicted the “Grootboom community,” sparking debate in the Constitutional Court of South Africa. With legal assistance, the Grootboom community fought their eviction, in hopes they would be granted the right to adequate living conditions through the support of South Africa’s Bill of Rights. While the Constitutional Court ruled that the Grootboom community had the right to shelter, it concluded that the responsibilities lie within the states to address the issue of providing shelter for its residents through its own particular interventions, and on its own terms.

**Issues:** Based on its jurisprudence, the Constitutional Court gave responsibility to the states to remedy the Grootboom situation, but the ruling did not suggest what department or division of government programs would be responsible for implementation of services, Schneider (2001). Additionally, there were numerous other communities besides the plaintiffs who had been waiting for adequate shelter. Government funding was limited for housing services which only compounded the problem. Although the court acknowledged that the Grootboom community had undergone a housing crisis; they provided little advocacy for them. For example, the court did not enforce the development of programs, require any type of mandate or urge the Minister of Finance to make appropriations for housing services. Since the court was vague in its rulings regarding states responsibility, an aggressive leadership stance on alleviating the countries homeless epidemic needed to be implemented on a local level with enforcement through legal assistance.

**Recommendations:** Considering that the court order left states with the power to ensure residents have adequate shelter; localities must develop vigorous programs and maintain existing programs that assist the homeless. The court implied that support programs which assist South Africa's most financially vulnerable should put forth their resources in order to see that these families are adequately served (Schneider, 2001, p.7). Residents need advocacy and leadership from members of housing programs and legal aid. Housing program leaders must successfully implement services and justify to the Minister of Finance that funding is imperative for the vitality of these programs. Denhardt & Denhardt (2006) concur that agencies that possess internal leadership can positively impact the external support an agency receives. States must also initiate internal leadership within social services and housing agencies through mandates that require agenda setting. Bolman & Deal (2003) recognize that agenda setting can effectively "create an agenda for change" and "address the concerns of major stakeholders" (p.205). Additionally, public interest lawyers should provide a leadership role through targeting the violation of resident's socio-economic rights when appropriate. Finally, housing programs and public interest lawyers must collaborate in order to see that residents retain their fair right to shelter. Bingham & O'Leary (2008) suggest that small collaboration groups can act as leaders that ultimately reach a broader scope of stakeholders to take on the cause. Community leaders should organize on a local level; this creates community awareness and demands the attention of state decision makers, therefore increasing the chances of alleviating the homeless problem. Rubin & Rubin (1992) also offer that issue based organizing can create leadership within the community, help gain exposure to a problem and quite possibly urge the nation to find a solution. Since the state appears to be passive in its actions, responsibility lies within communities to provide leadership, advocacy, and legal aid to ensure that all residents receive adequate shelter.

### References

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