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NGO LEGITIMACY IN SUPPORTING INFORMAL SETTLEMENTS COMMUNITIES: REPRESENTATION, PARTICIPATION AND ACCOUNTABILITY EXPLORED THROUGH A SOUTH AFRICAN CASE STUDY

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A thesis submitted to the Faculty of Engineering and the Built Environment, University of the Witwatersrand, Johannesburg, in fulfillment of the requirements for the degree of Doctor of Philosophy

Johannesburg, 2010

Declaration

I declare that this thesis is my own unaided work. It is being submitted to the Degree of Doctor of Philosophy to the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination to any other University.

Peter

.....18.....day of March.....year 2011.

Abstract

This thesis studies the legitimacy of NGOs in supporting communities living in informal settlements in South Africa. The key objective is to explore how development NGOs derive legitimacy by using representation, participation and accountability. This is a difficult feat considering the challenges these NGOs face working in informal settlements where tenure issues are often not easily resolved.

The thesis discusses two approaches to legitimacy, the prescriptive/normative approach and the descriptive approach, applying both in a single case study of the South African development NGO Planact and its activities at Zandspruit Private Property, an informal settlement in Johannesburg.

The case study explores normative legitimacy through representation, because development or advocacy NGOs derive legitimacy through what Pitkin in her seminal work in 1967 refers to as substantive representation of communities' needs and interests. The case study discusses descriptive legitimacy through the perceptions of stakeholders, namely government, the community and Planact itself.

The thesis found that representation, participation and accountability counted little in establishing the NGO's legitimacy. Because of unresolved tenure, Planact's legitimacy was not constructed through representation, participation and accountability. However, Zandspruit community, local government and Planact itself still perceived Planact to be legitimate. The thesis concludes that the prescriptive/normative framework of NGO legitimacy is limited in the context of unresolved tenure and marginalisation. Zandspruit community being marginalised and desperate for assistance, the community had no power to demand greater accountability from Planact. The performance of Planact in Zandspruit was hampered by the lack of tenure security. The thesis recommends that to improve the performance of development NGOs in relation to service delivery,

governments need to limit delays in securing tenure. This, however, is a complex challenge in its own right and needs further research.

Dedication

This thesis is dedicated to my mother for her continuous love, support, patience and encouragement throughout the many years of my education.

Asante sana mama. Nakupenda.

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LIST OF ACRONYMS

AGMs - Annual General Meetings

ANC - African National Congress

BESG: Built Environment Support Group

BNG - Breaking New Ground

CALS: Centre for Applied Legal Studies

CBD – Central Business District

CBOS – Community Based Organisations

CDCs - Community Development Committees

CDF –Community Development Forum

COHRE – Centre On Housing Rights and Eviction

CSOs: Civil Society Organisations

DA - Democratic Alliance

EHS- Emergency Housing Subsidy

FEDUP - Federation of Urban Poor

GAP - Global Accountability Project

GEAR - Growth, Employment And Redistribution

HIS - Institutional Housing Subsidy

IDP: Integrated Development Planning

IDT - Independent Development Trust

IHS: Institutional Housing Subsidy

JC - Joint Committee

LPM - Landless People Movement

MDGs: Millennium Development Goals

NDA - National Development Agency

NGO - Non-Governmental Organisations

NIMBY - Not-In-My-Back-Yard

NRF - National Research Foundation

PHP - People's Housing Process

RDP - Reconstruction and Development Program

SACP: South African Communist Party

SAHPF – South African Homeless People's Federation

SAIL: Social Action in Lusaka

SANCO - South African National Civic Organisation

SANGOCO - South African National NGO Coalition

SDF - Slum Dwellers Federation

SDI - Slum Dweller International

UDF –Urban Development Forum

UF - Urban Foundation

UN - United Nations

UNDP – United Nation Development Programme

USN - Urban Sector Network

1.0 CHAPTER ONE
INTRODUCTION

The role of non-governmental organisations (NGOs) has grown significantly in the past three decades. Their importance has increased and they have become influential in global governance. The influence of NGOs in international as well as local policy fora and debates is to a large extent due to their ability to reach out to the poor and the marginalised (Dicklitch, 1998 and Hearn, 2007). In peripheral countries, most NGOs work with groups of people or communities living in informal settlements where among other things tenure is insecure, shelter is inadequate and access to basic services such as water and sanitation is precarious.

Some NGOs specialise specifically in addressing the underdevelopment challenges facing communities in informal settlements. Because of their assumed ability to work with and for poor communities often in informal settlements, such NGOs have enjoyed legitimacy locally in South Africa, as well as globally. However, questions have been directed at the legitimacy of development NGOs in representing marginalised communities. In South Africa, the introduction of a legitimate democratic and representative state in 1994 reduced the immediate need for NGOs in the eyes of many of their former donors. In some ways, the surviving NGOs had to redefine and reconstruct their legitimacy towards donors, the new government and to the communities in which they sought to continue their work.

Although NGOs face questions regarding their legitimacy, they are still largely seen as important and legitimate due to their claimed appropriateness in facilitating community participation. In the case of informal settlements, it is not clear how development NGOs claim legitimacy using represention of the needs and interests of communities that are occupying land illegally. In this thesis, I examine the case of the Johannesburg-based South African urban development NGO, Planact. I examine the short period of time – late 2002 to 2004 – in which it operated in the Zandspruit informal settlement in the north-western outskirts of

Johannesburg, towards the northernmost point of Beyer's Naude Drive, in the vicinity of the formal upmarket suburbs of Honeydew, Northriding and Marina Drive. Zandspruit is accessed from the Provincial Road R1410 as seen in Figure 1. More information on Planact and Zandspruit is provided in Chapter Four.

This thesis uses the case of Planact-Zandspruit to explore NGO legitimacy within the recent South African context. It examines in particular, how Planact constructed its legitimacy using representation, participation and accountability in its brief period of work in this informal settlement. This first chapter provides a brief introduction to the legitimacy challenges of NGOs working in informal settlements, before moving on to key definitions, the problem statement, objectives and research question, the assumptions in this research, brief introductory notes on the approach, the justification for the research, research limitations and an outline of the thesis.

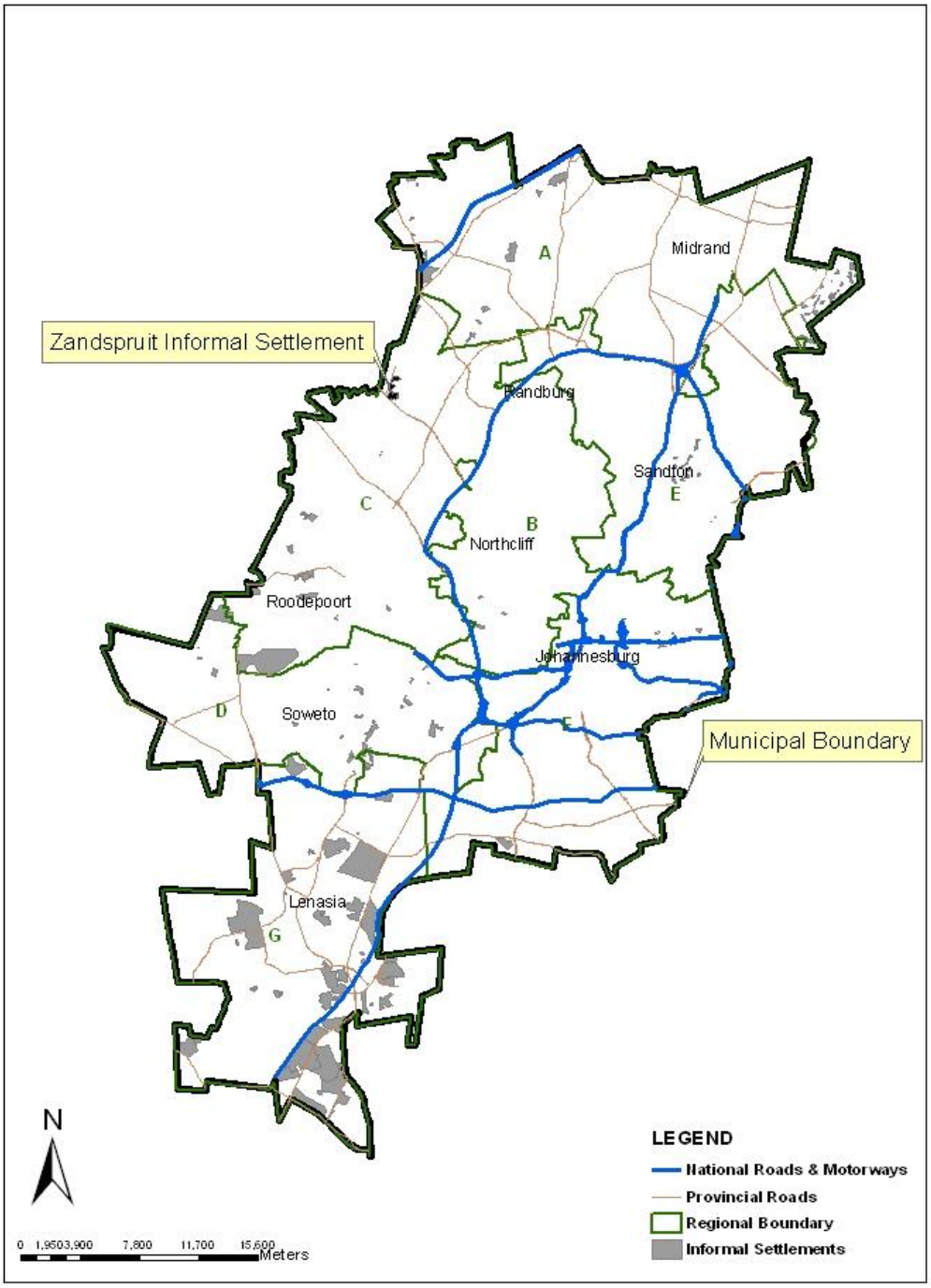


Figure 1: Map of Johannesburg and its seven regions (A-G) locating Zandspruit informal settlement.
Map compiled by Corporate Geo-Informatics, City of Johannesburg, 16th November 2009

1.1 Background to the research

The roles and strategies of NGOs have evolved over time. Korten (1990) indicates that the initial focus of NGOs was on providing effective relief operations during humanitarian emergencies. Since then, the operations of NGOs have expanded to include community development, promoting sustainable development systems and offering support to peoples' movements (Korten, 1990). Today NGOs can be categorised in relation to their objectives or orientation, William (1991) and the World Bank (2001) categorise NGOs according to their objectives into charitable, service oriented, participatory, empowering, advocacy and operational NGOs. In addition, Cernea (1988), Korten (1990) and William (1991) distinguish NGOs according to the level of operation which range from local community-based to international NGOs. As noted above, and discussed further in Chapter Three, there are different types of NGOs with different objectives. Therefore, in this thesis the focus is on development NGOs working at sub-national level focusing on empowerment and participation of marginalised communities (in informal settlements) in decision making processes.

Although the activities and influence of NGOs have increased, their advantages, accountability and representativeness are increasingly being questioned internationally (Lister, 2003). Much scepticism remains about their legitimacy with questions being levelled at their entitlement in representing communities as they are unelected and not directly accountable (McDonald, 2004). The NGOs have responded to these criticisms by claiming that their representation of communities' needs and interests makes them legitimate (Edwards, 2003; Niggli and Rothenbuhler, 2003; Upadhyay, 2003). Although NGOs' legitimacy may involve accountability, participation and representation, the latter is the central issue in NGO legitimacy (Atack, 1999; Edwards, 2003; Niggli and Rothenbuhler, 2003; Upadhyay, 2003; McDonalds 2004). The main issue is who and how NGOs represent, their right or mandate to represent and consent of the represented. It must be noted that, although NGOs face challenges concerning their legitimacy, ability to represent communities and where exactly their accountability lies,

NGOs still remain as the best means for community participation process, especially in the case of marginalised communities (Abbott, 1993).

Virtually all Third World cities face an acute shortage of affordable housing, which has contributed to a significant increase in the number of informal settlements. Governments' views and responses to informal settlements are varied, ranging from tolerating them and sometimes upgrading them, to seeking solutions for their elimination (Agevi, 2003). Informal settlements by their nature create a number of challenges for NGOs that seek to convey the needs of the resident communities to government. This is mainly because of the many barriers in these communities that include illegalised occupation. The illegality of informal settlements, according to Durand-Lasserve and Tribillon (2001) and Payne (2002) is often as a result of the residents of informal settlements not owning the land or house they occupy. They have not entered into a formal agreement with the land owners and they do not comply with planning and building laws and regulations. In some cases, they may own the shelter but the illegality of residence still remains as they may not comply with the local government ordinance.

Locally, informal settlement dwellers are mainly South African citizens. In a few instances, the residents may include a few illegal/legal immigrants. Although the action of occupying the land may be considered illegal by the state, informal settlement dwellers have rights to demand better living conditions or improved services even if these settlements are considered illegal. In most cases, they demand services as citizens.

In South Africa, informal settlements have been a part of towns and cities for over five decades. In the 1950s and 1960s the main housing policy for Africans ensured that 'black populations did not stay in urban areas permanently. They commuted for work daily from the townships that were somewhat far from the city centre'. During the 1970s in particular the apartheid state housing policies did not cater for Africans (or the so-called 'black' population) living in urban areas (O'Regan, 1992:37). With much ambiguity the apartheid state revised its policies

in the 1980s allowing for home ownership and serviced sites for Africans, but mostly on the urban peripheries. By the time the democratic government came into power in 1994, people could move freely to the city. This resulted in an increased number of people requiring housing as they sought to be closer to areas with employment opportunities and services in the city. This saw a rise in informal settlements around South African cities.

The problem of informal settlements in South Africa is particularly pronounced in the major cities, such as Johannesburg, Cape Town and Durban. The informal settlements registration conducted in August 2005 by the Gauteng Department of Housing indicated there were about 405 informal settlements in Gauteng Province alone (Gauteng Department of Housing, 2005). The same number of registered settlements is noted in the year 2009 (Department of Housing, 2009). In 2005, the City of Johannesburg municipality had the highest number of informal settlements in the province with 134 informal settlements (Gauteng Department of Housing, 2005). By 2009, there were about 180 informal settlements within the municipal boundaries of the City of Johannesburg comprising approximately 200 000 households. Although Gauteng Province has been formalising some of the settlements, new settlements are developing at the same time. Therefore, the number of settlements is subject to change where settlements are being formalised or where new ones are formed (Masondo, 2009).

Policies of the South African government to address the informal settlement problem were repressive and deterministic (providing solutions to the poor without consultation with affected communities) during apartheid, but have been tolerant during the early years of democracy. However, in the first 10 years of post-apartheid government the government actions have been mainly deterministic in terms of solutions to the problems poor communities face (Huchzermeyer *et al*., 2006). After the first 10 years of democratic rule, policies of dealing with informal settlements have become more responsive and realistic (Huchzermeyer, *et al.*, 2006) although implementation has been varied.

In addressing the problem of poverty and informal settlements, the main point of reference for the South African government since 2000 has been the Millennium Development Goals (MDGs) of the United Nations (UN). Recent national policy in addressing informal settlements in South Africa includes upgrading of informal settlements. The implementation of the policy is intended to be done through cooperation with different spheres of government (national, provincial and local). This has created problems mainly in terms of budgetary processes as they are not integrated or aligned effectively. This has resulted in lack of capacity in many South African municipalities to take a developmental role in addressing informal settlements (United Nations, 2004).

In addition to government working with informal settlement communities in South Africa, NGOs have been sought to assist in development issues in the informal settlement. Huchzermeyer *et al*. (2006) note that civil society concern for informal settlements varied over the decades. There was strong concern in the late 1970s and 1980s. With increasing evictions, involuntary relocations and a persistence of unequal distribution of land rights in the 1980s, civil society organisations' support for informal settlements re-emerged in the form of the number of new urban development NGOs such as Development Action Group (DAG) and Planact. These NGOs were aided by some university initiatives such as the Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand. In the 1990s very few new organisations such as Homeless People Federation/ People's Dialogue Alliance emerged and 'a formal space for these movements and NGOs to influence policy, or to have a voice in policy, was not created' (Huchzermeyer, *et al*. 2006:31). NGOs claim success in their work with marginalised communities as their legitimacy is based on their ability to project the plight of the marginalised communities to government and donors. Robins (2008:24) adds that:

> 'NGOs are especially well placed to do this work of moral intervention precisely because they are not run directly by government and are assumed to act on the basis of ethical or moral imperatives'.

Therefore, in this thesis I used the seminal theoretical model of representation developed by Hanna Pitkin (1967) to explore how NGOs construct legitimacy using representation, participation and accountability. Pitkin's (1967) concept of representation focuses on how representatives act in the interest of the represented in a manner responsive to them. This according to Pitkin (1967:209) establishes what bad or good representation may be. Pitkin's theory of representation discusses four different concepts of representation: these are formalistic representation in terms of authorisation to represent and accountability to the represented; descriptive representation where representatives resemble the represented; in symbolic representation representatives stand for the represented; and substantive representation as 'acting in the interest of the represented'. In this thesis, the focus is on representation as acting for and in the interest of those represented. I explore how NGOs ensure participation of communities, accountability to the community, and representation (acting for and on behalf of communities), in order to claim legitimacy.

Although Pitkin's theory of representation is a few decades old, it remains relevant as the most groundbreaking work on representation. Subsequent work on representation has mostly expanded on the concept, without seriously questioning Pitkin's fundamentals. For example, Young (1990), Phillips (1995) and Williams (1998a) all expanded on the standard view and mainly offered arguments of inclusion of different groups on the concept of representation. Another example is by Whitby (2000) noting that Pitkin's (1967) four dimensions of representation provide a useful conceptual framework for determining how responsive congress in the US really is to black people's policy concerns. Whitby's (2000) book '*The colour of representation*' examines congressional responsiveness to black interests. The book uses Pitkin's (1967) concept of representation to provide an understanding of the meaning of representation. It also uses Pitkin's (1967) substantive and descriptive concepts of representation to explore the relationship between descriptive and substantive representation on policies related to race by critically assessing the voting behaviour of members of the U.S House of

Representatives on a variety of important topics directly relevant to the black community (Whitby, 2000).

Pitkin's (1967) concept of representation is also used by Childs (2008) in his book '*Women and British Party Politics: Descriptive, Substantive and Symbolic Representation'.* Childs (2008) explores what 'women's participation means for ideas about and, the practice of, representation, in particular symbolic and substantive representation' (Childs, 2008: xxiv). Childs (2008) outlines and evaluates classic and contemporary feminist theories of political representation. Childs (2008) disagrees with feminist debates on descriptive and substantive representation of women in British politics being linked. Childs (2008) indicates that this relationship is complicated and other factors determine whether representatives act for women.

Similarly, the following authors have highlighted the use of Pitkin's concept of representation: Blakeley and Bryson (2007) in their book '*The Impact of Feminism on Political Concepts and Debates'*; Connor and Oppenheimer (2003) in 'from Concept to Context: representation in the twentieth century in Ahuja and Dewhirst (2003) in the book '*Congress Responds to the Twentieth Century';* and Tuschhoff (1999) in '*The compounding effect - the impact of federalism on the concept of representation in compounded representation in West European'.*

However, a few authors have challenged Pitkin's concept. Galligan *et al*. (2007:42) argue that in Pitkin's (1967) 'account of political representation, Pitkin opts for the term representative government rather than individual representatives'. Rehfeld (2006:20) argues that Pitkin's (1967) concept of accountability does not cater for 'instances of representation where authorisation and accountability mechanisms are missing'. Here, Rehfeld (2006) is referring to representation by international agencies and organisations such as UN and World Bank. Rehfeld (2006:20) explains that in such agencies or organisations 'there are no democratic structures by which the representation can authorise or hold the international institutions to account and yet their representative function is

something that many people are willing to accept and recognise'. In this case Rehfeld (2006) is applying formalistic representation to these organisations. This is only one type of representation Pitkin (1967) discussed. For international organisations or NGOs the type of representation that can be applied is substantive representation that does not require accountability and authorisation.

Another critique of Pitkin (1967) is from Wissenburg (2009:152) who indicates that 'Pitkin introduced descriptive representation as a kind of straw man [argument] merely to be aimed at and shot down in the end as a confused mix of two more really distinct ideas – symbolic and active representation'. Wissenburg raises three arguments against Pitkin's (1967) concept of representation. Wissenburg (2009:152) indicates that Pitkin's phrase 'made present where they are not present, and in fact cannot be present' cannot work in modern democracies because the electorate is too large to all meet. The second argument by Wissenburg (2009:152) indicates that 'Pitkin too easily, too optimistically, discards descriptive representation ... the chosen few may not even be capable of representing the excluded simply because they do not live their lives, do not share their experiences, do not know their perspectives on life'. And the last critique from Wissenburg(2009:152) indicates that 'Pitkin's model has too few dimensions [which] she recognised but does not solve the mandate – independently dilemma, although translated into terms of the best interpretation of substantive representation, but silently passes over'.

In general Pitkin's (1967) work has been revised and extended 'to a significant extent, the fundamentals of the account have remained more or less unchallenged' (Galligan *et al*., 2007:36). Pitkin's (1967) concept of representation is still being used as a reference point when discussing representation mainly because Pitkin was one of the first political science authors to describe representation using four different views. Dovi (2006) indicates that Pitkin has set the terms of contemporary discussions about representation by providing a schematic overview of the concept of political representation. Pitkin's (1967) argument is that one must consider the different ways in which the term is used, as different uses of the

term provide different views of the concept. As discussed further in Chapter Two, there have been some advances in the literature on Pitkin's (1967) concept of representation using the different views of representation. However, in general discussions by different authors before and after Pitkin's 1967 concept of representation the focus is mostly on the formal procedures of authorisation and accountability within nation-state formalistic representation, which is just one of Pitkin's view of representation. Pitkin's (1967) different views of representation are especially important when interrogating NGOs' claim to legitimacy based on representation. This is discussed further in Chapter Two.

1.2 Definitions of key concepts

This section briefly defines those concepts and terms that are most central to this thesis. The seven concepts that follow are complex and several definitions could apply. My objective here is to clarify the definition applied in this study.

Non-governmental organisation (NGO)

NGOs are a component of civil society. Different dimensions have been used in defining NGOs, such as the size, organisational structure, operational programme areas, geographical specificity, funding sources and membership structure (Bartlett, 2005). With reference to the different dimensions Farrington and Bebbington (1993:5) define an NGO as an organisation that 'embraces everything outside the public and private commercial sectors'. In Cernea's (1988) definition, NGOs are private organisations that pursue activities to relieve suffering, promote the interest of the poor, protect the environment or undertake community development. For the purposes of this thesis, I define NGOs as groups and institutions that are entirely or largely independent of government, which can be voluntary organisations and are mainly not for profit. Their objectives are primarily to relieve suffering and assist with developmental issues at the community level rather than commercial objectives. In very simple terms, I define an NGO as a not-for-profit organisation that works in communities, assisting poor

and marginalised groups. An in-depth review of the literature that categorises and analyses NGOs is provided in Chapter Three.

Informal settlements

There is limited literature defining what an informal settlement is. Most available literature provides characteristics of what makes a settlement informal or illegal. Geyer *et al.* (2005: 289) define informal settlements as a:

> '(type) of residential development with the specific characteristics: temporary residential structures, erected with limited or no formal infrastructure, densely populated, no secure tenure for occupants, no property demarcations, often being associated with overcrowding/limited or no privacy, low standard of living, and being situated in high risk areas with an increased risk for disease and disasters'.

Magigi and Majani (2006: 1066) describe informal settlements as settlements

> ' (in) which inhabitants do not enjoy rights to an adequate standard of living and legal rights to access occupation and use of land, and therefore [are] exposed to risks of being evicted, inadequate basic services, informal land transactions and haphazard housing development'.

In this thesis, the definition of informal settlements is drawn from Geyer *et al.* (2005), and Magigi and Majani (2006), summarised as areas with limited or no formal infrastructure, densely populated, with insecure tenure, and with illegal or unauthorised settlement formation processes, land use and building types.

Legitimacy

It has been a challenge to define the term legitimacy because, although it is used in political literature and in the policy context, it is rarely defined. What is seen as legitimate or illegitimate depends of the two approaches to legitimacy. These are normative/prescriptive and descriptive approach. The normative approach which

is more traditional approach to legitimacy defines legitimacy according to systematic properties. The problem with this approach is that it depends on formal structures and processes. The second approach is the descriptive approach that defines legitimacy according to public opinion depending on people's attitudes and actions (Weatherford, 1992). Suchman (1995:574) provides a broad definition of legitimacy as follows:

> 'A generalised perception or assumption that the actions of an entity are desirable, proper or appropriate within some socially constructed system of norms, values, beliefs and definitions'.

A working definition of 'legitimate' as it applies to NGOs is provided by Edwards (1999: 258):

> 'Having the right to be and do something in society-a sense that an organisation is lawful, proper, admissible and justified in doing what it does, and saying what it says, and that it continues to enjoy the support of an identifiable constituency'.

In the NGO context, legitimacy should be seen as complex and dependent on a number of variables working together. From the variables that inform the legitimacy of NGOs, the three key variables (also emphasised in Chapter Three) are representation, accountability and participation. In this thesis, the legitimacy of the NGOs is based on these three variables although there could be more.

Representation

The classic description of representation by Pitkin (1967) is still widely cited by political theorists. Pitkin's (1967) description of individual representation and political representation involves authorisation, accountability and looking out for another's interests. Pitkin's (1967:8-9) own definition of representation is the simplest and most straightforward: 'making present in some sense of something which is nevertheless not present literally or in fact'.

Birch (1971:15) identifies three main usages of representation: 'To denote an agent or spokesperson who acts on behalf of his principal, to indicate that a person shares some of the characteristics of a class of persons and to indicate that a person symbolises the identity or qualities of a class or persons'. Brennan and Hamlin (1999:109) define representation as 'involving indirect decision making or agency'. For Hertel (2003:41), representation is 'a process by which some individuals select others to take their place in formal decision-making'.

Hickey and Mohan (2004:19) see representation in two ways: 'speaking of'- constructing accounts and writings texts - or 'speaking for'- advocating and mediating. The simplest definition comes from Rehfeld (2006) who notes that in representation there are those who represent, known as representatives, and those who are represented. In this thesis the principle definition I apply is substantive representation which according to Pitkin (1967:209), is when representatives are 'acting in the interest of the represented, in a manner responsive to them'. This will enable me to explore Planact's representativeness of the Zandspruit community.

Accountability

There are many types of accountability. According to Schedler *et al.* (1999), these range from political, moral, administrative, financial, professional, constitutional legal and other. Across the different types of accountability, there are two main ways of looking at accountability, namely vertical and horizontal. Schedler *et al.* (1999:23) explains that horizontal accountability is the relationship between equals '[It] refers to somebody holding someone else of roughly equal power accountable'. Schedler *et al.* (1999:23) also indicate that 'vertical accountability describes a relationship between unequals; it refers to some powerful 'superior' actor holding some less powerful 'inferior' actor accountable'. In addition 'horizontal accountability complements but is to be distinguished from vertical accountability through which citizens, mass media and civil associations seek to enforce standards of good conduct on public officials' Schedler *et al.* (1999:3).

The main interest in this thesis is in vertical accountability, exploring downward accountability mainly from the NGO to the community. However, downward accountability from donors to NGO also plays a role in the Planact and Zandspruit Private Property case study. Edwards and Hulme (1996:967) add that accountability as 'the means by which individuals and organisations report to a recognised authority (or authorities) and are held responsible for their actions'. However, Fox and Brown (1998:2) emphasise the process rather than the means. To them, accountability is 'the process of holding actors responsible for their actions'. Ebrahim (2003:815) notes that:

> '(accountability) is [a]complex and dynamic concept and can be defined as a means through which individuals and organisations are held responsible for their actions and means by which organisations and individuals take internal responsibility for shaping their organisations mission and values'.

Grant and Keohane (2005:29-30) expand on the implications of accountability as:

> '[some] actors having the right to hold other actors to a set of standards, to judge whether they have fulfilled their responsibilities in light of these standards, and to impose sanctions if they determine that these responsibilities have not been met… the concept of accountability implies that the actors being held accountable have obligations to act in ways that are consistent with accepted standards of behaviour'.

In this thesis, the focus is on NGO accountability to the marginalised communities which NGOs work with and seek to represent in relation to, and in competition with, other accountability demands from donors and internally to the NGO itself. The general assumption is that NGO accountability is associated with participation and representation because limited participation by the community in decision-making processes affects the level of representation of the community by the NGO and the accountability of the NGO to the community (Moncrieffe, 1998).

Participation

Participation is defined by the World Bank (2006) as a process through which stakeholders influence and share control over priority setting, policy making, resource allocation and access to public goods and services. In the context of informal settlement upgrading projects, Imparato and Ruster (2003:20) define participation as 'a process in which people, and especially disadvantaged people, influence resource allocation and policy and program formulation and implementation'. Beyond people's involvement in individual projects, the United Nations (UN) sees participation as a development strategy and as a democratic process where the weak and poor identify and voice their demands especially through civil society and civic engagement (UNDP, 2009).

Arnstein (1969) in the seminal article '*A Ladder of Citizen Participation'*, argues that participation is the redistribution of power that enables poor citizens who are excluded from political and economic processes to be deliberately included in future decision-making processes. For NGOs, participation of communities is seen as a critical variable in ensuring representation and accountability and as a means for NGOs to claim legitimacy of their activities (Edwards and Hulme, 1995; Saxby, 1996; Eade, 1997; Pearce, 1997; Hudson, 2000).

In this thesis, effective participation is defined as a process in which all community members, including the weak and poor, have the power to affect the outcome of the process. In the case where NGOs represent communities, participation refers to the process whereby information about a project is made available to the public or 'community', where community members are involved in the decision making and the weak and poor can bargain over decisions with the government, with some form of assistance from the NGO. In this thesis, the main activity of the case study NGO Planact regarding participation was to ensure effective involvement of the community in the statutory participatory processes of local government.

Community

For a few decades, political scientists, historians and philosophers have been divided on the definition of 'community'. Nelson *et al.* (1960) note that 'community' is a complicated and often mysterious set of relationships among people, groups and institutions. They argue that the term 'community' refers to different things, depending upon who is using it and the context in which it is being used. Plant (1974) explains that 'community' has been linked to locality, identified functional interests, a sense of belonging, shared cultural and ethnic ideas and values as well as to a way of life or in opposition to the organisation and bureaucracy or modern mass society.

Agbola (1994) defines community as a geographical unit. For example, it could be a group of people living in the same area, such as a village, town or urban neighbourhood. Agbola (1994) also notes that there are functional communities, such as religious, ethnic and occupational groups whose members interact but who do not live in the same geographical area. Members of the community share a common identity which sufficiently distinguishes them from other communities (Agbola, 1994).

Delanty (2003:3) argues that 'community has a variable nature and cannot simply be equated with particular groups or a place. Nor can it be reduced to an idea, for ideas do not simply exist outside social relations, socially structured discourses and a historical milieu'. Delanty (2003) describes four broad positions of the term community relating to social, political, cultural and technological issues.

Drawing on all of the above, community can be seen as a group of people in a specific geographical area (informal settlement) organising themselves along a broadly common identity (being marginalised) for collective action (improved services and housing) and requiring support from NGOs and government.

1.3 NGO legitimacy in informal settlement work

NGOs are seen as being better equipped than local government to implement community participation in minority or marginalised communities (Clark, 1995). It is argued that NGOs have this advantage over government because the size of any country and its population makes it difficult for direct involvement of all individuals in decision-making processes in governance. In government, individuals' interests are only represented by their vote. This type of representation does not allow for minority needs and interests to be heard, as it only covers majority interests. Therefore, Morrill (2004) argues that for minorities to be heard, they must organise themselves into small groups with organisation such as NGOs representing them. The arguments of Clark (1995) and Morrill (2004) are further supported by ideas from Abbott (1993) and Dicklitch (1998) who indicate that NGOs are better agents of community participation than government in representing poor and marginalised people's needs and interests.

According to Fowler (1995) NGOs are in a better position to adapt their organisational structure, methods and processes to enable them to engage with communities in ways that gain a greater degree of participation and local input in providing the services they need. There is a body of literature on NGOs and the work they do with marginalised communities in general and in informal settlements in particular, for example Otiso (2003) indicate the important role NGOs play in mobilising and assisting communities articulate their needs to government and other agencies, and act as intermediaries between government, businesses, donors and communities. Winayanti and Lang (2004) also add that NGOs play a crucial role in mobilising the resources of the urban poor communities. But there is no literature exploring how these NGOs claim legitimacy using representation, participation and accountability. There is a gap in the literature on whether NGOs working within the context of unresolved tenure security can substantively claim legitimacy using representation, participation and accountability.

Even though there is general acceptance of the advantages NGOs enjoy in relation to representation, there are also doubts raised in the literature pertaining to NGO legitimacy in their activities in marginalised communities (Fowler, 1997; Edwards 1999, 2001; Marschall, 2002; Lister, 2003). MacDonald (2004) adds that NGOs are not elected and therefore cannot claim a representational role. However, this criticism is based on only one dimension of representation (namely formal representation) and ignores other forms of representation. To defend their legitimacy, NGOs emphasise their representation of poor and marginalised communities. In addition to formal representation, Pitkin (1967) notes that there is descriptive representation based on the extent the representative mirrors the characteristics of the represented; symbolic representation as the extent to which a representative is accepted by the represented as one of their own; and substantive representation which depends on the responsiveness of the representative to the expectations of the represented. Looking at the other forms of representation, NGOs do still claim legitimacy using substantive representation.

The problems which need to be addressed and answered in this thesis are whether the advantages enjoyed by NGOs in terms of their claims to legitimacy through representing marginalised communities that are considered legal can also be realised when representing communities in informal settlement. In the context of marginalised informal settlements with unresolved tenure, can NGOs claim legitimacy by ensuring assistance to communities in participation in relevant decision-making processes and in representing their real needs and aspirations adequately while satisfying multiple accountabilities to their donors, the community and themselves?

In this thesis I chose the specific case of the development NGO Planact's work in the Zandspruit informal settlement from the end of 2002 to 2005, because Planact made a relatively abrupt decision to withdraw from this work. This decision related to a number of factors, including the NGOs inability to facilitate resolution of the tenure security - a key aspiration of the community. And despite Planact's exit from Zandspruit, the NGO continues to enjoy legitimacy, even within the

Zandspruit ‘community’. This case, therefore, explores how NGO legitimacy is constructed in such a situation, to what extent representation, participation and accountability are used, and whether there were other factors at play.

1.4 Justification for the research

My review of the prescriptive approach to legitimacy in Chapter Three indicates that NGOs are seen as legitimate by claiming representation of marginalized communities. An organization can claim representation by ensuring the represented communities participate in the decision making processes and the organization is accountable to the representatives. While reviewing this literature, I observed that conclusions on the prescriptive legitimacy of the NGOs are based on NGO work in communities that do not face the obstacle of illegal occupation. There is an urgent need for empirical research in the context where settlement status is not certain or easily resolved. NGOs are generally assumed to be effective in implementing representation and participation in marginalised communities and thereby achieving the improvement in people’s lives. In reality, most ‘marginalised communities’ in the Third World cities occupy land informally or without authorisation, are often under threat of eviction or are with extended indecision over their future or over the prospects of development.

This research, which builds on information in a single case study, will clarify issues on the legitimacy of NGOs’ representational role in relation to communities they may work with that occupy land without authorisation. The research provides a window into the complex interface between a small and under-resourced NGO and a marginalised informal settlement in which development is seemingly unable to be unlocked or resolved due to tenure insecurity. The particular socio-political context of South Africa around 2002 to 2004, during which the NGO Planact worked with the Zandspruit community is illustrated. With the contribution from both the prescriptive and descriptive approaches to understanding legitimacy, this research hopes to begin to provide a deeper understanding for the academic

community, governments, NGOs and donors on the legitimacy of NGOs working with marginalised communities in informal settlements.

1.5 Objectives of the research

There are few NGOs helping communities in informal settlements to engage with local governments in South Africa. Planact is one of the few development NGOs working with a small number of informal settlement communities in Johannesburg and its surrounds. The City of Johannesburg lists 182 informal settlements. It aims somewhat unrealistically to eradicate, formalise or relocate all of these by 2014 (Davie, 2008). Zandspruit is one of these 182 informal settlements which in 2008 was not yet linked to either relocation or a formalization programme, private owners of the land being the main obstacle. Zandspruit is one of many similar informal settlements around Johannesburg and Planact is one of only a few NGOs working with such settlements. Most of Johannesburg's informal settlements do not have the assistance of a development NGO, and Zandspruit enjoyed this status only for the short period from 2002 to 2004.

The main objective of this thesis is to explore how development NGOs such as Planact, working in this particular context of vast need and very limited NGO capacity, construct their legitimacy using representation, participation and accountability, given the challenges they face working in unauthorised informal settlements.

The specific objectives of the thesis are:

- To explore how NGOs that support communities in informal settlements towards the goal of development construct their legitimacy using representation, participation and accountability.
- To explain challenges NGOs face working in informal settlements with unresolved tenure.

- Using prescriptive approach, to establish how Planact constructed legitimacy working with Zandspruit informal settlement

1.6 Research questions

What is the role of representation, participation and accountability in constructing legitimacy of NGO support to informal settlement communities?

Sub-questions

- How did Planact facilitate participation of Zandspruit residents in the decision-making process?
- To what extent did Planact represent the actual interests, needs and aspirations of Zandspruit residents?
- What challenges did Planact face working with the illegally occupied section ('Private Property') of Zandspruit?
- What accountability challenges did Planact encounter working with the Zandspruit community?
- How did Planact construct legitimacy in Zandspruit?

1.7 Hypothesis

The assumption in this research is that the legitimacy of the NGOs working with communities in informal settlements can be secured through substantive representation by ensuring responsiveness to the expectations of the communities represented. For an NGO to be responsive to a community's needs, priorities and aspirations, the people or members of that community must be able to participate effectively and influence policy and decisions on matters affecting them. In addition the NGO must be accountable to the people and advocate people's interests, needs and aspirations. Based on the theoretical and literature review, in this case study I expected to find that Planact legitimacy working with Zandspruit informal settlement is determined by Planact representation, Zandspruit participation and Planact's accountability to Zandspruit community. The

assumption here is that if people participate effectively, and Planact is accountable to the people and represent and advocate real interest, needs and aspirations of the people, then Planact is legitimate in its activities. In the final chapter I return to these assumptions showing that the Planact-Zandspruit case opened up complexities and realities beyond what I was expecting to find.

1.8 Introductory notes on the research methods

NGO legitimacy is explored using both normative/prescriptive and descriptive approaches to legitimacy. Therefore, in this exploratory research, the decision was to apply qualitative research methods in constructing the Planact and Zandspruit case study as this allowed for a discussion of legitimacy in many dimensions and layers to portray the role and challenges in a multifaceted form (Leedy, 1997). It was expected that in-depth interviewing with open-ended questions would give the participants an opportunity to respond in their own words and provide responses that were unanticipated, meaningful, salient, rich and explanatory. It would also allow follow-up and elaboration on answers.

After initial review of literature about NGOs and legitimacy challenges, I discussed the topic with a few NGO staff in South Africa working in informal settlements in search of relevant phenomena to investigate. Recognising the need for understanding the role of NGOs and legitimacy challenges they face working in informal settlements, the research continued into the next stage of reviewing international literature on the role of NGOs in general and how NGOs construct legitimacy using prescriptive approaches to legitimacy as discussed in Chapter Three.

1.8.1 Qualitative Case Study Approach

To explore the legitimacy of NGOs working in informal settlements, this thesis applied a case study strategy because it is useful in understanding a particular problem in more details (Patton, 1990:54). Patton (1990:54) supports the use of

qualitative case studies indicating that this enable the research to describe the units of analysis in depth, detail and context. Patton (1990) further indicates that although there are criticisms of the use of qualitative inquiry, namely that such research is subjective; it is still useful as a research method tool. To deal with the limitations of the qualitative case study approach, researchers must adopt a stance of neutrality.

In defending qualitative research practice, especially the case of subjective bias in a single case study, Flyvbjerg (2004) indicates that it is not only case studies that face subjectivity challenges. In the case of other methods, for example a structured questionnaire used across a large sample of cases in quantitative research, there is a possibility of subjectivism. This happens when the categories and variables remain without being corrected with a large sample in quantitative study (people being interviewed just fill the questionnaire without follow up questions) because the researcher does not get as close to the under study, compared to qualitative case study where the researcher gets close to study objects and the subjectivism can be corrected by the subjects talking back (Flyvbjerg, 2004).

In this research, the use of a case study on Planact's work in Zandspruit is important because it provides an empirical enquiry that investigates a contemporary phenomenon of NGO legitimacy within its 'real-life context and allows the use of multiple sources of evidence' (Yin, 2003:13). In choosing a case study approach, I was aware of its challenges, namely not having grounds for generalisation, case biases due to intense exposure, the possibility of 'taking too long and resulting in a massive, unreadable document' and only being useful as an exploratory tool. In selecting this research methodology, I focussed on the unique strength of the case study approach, namely its ability to deal with a range of evidence at the same time, when compared to other strategies such as surveys, experiments and analyse of archival records (Yin, 2009:15). In addition Flyvbjerg (2004:428) argues that 'the advantage of the case study is that it can 'close in' on

real life situations and test views directly in relation to phenomenon as they unfold in practice'.

1.8.2 Empirical methods

In this qualitative case study, empirical methods have been used, guided by preliminary theoretical exploration. Qualitative techniques used for collecting empirical data include questionnaires and structured interviews, recorded details about the context surrounding the settlement, information about the physical environment, and direct observation in community meetings and fieldwork. Secondary data sources included published and unpublished documents, such as Planact reports and articles. Data was collected through interviews with government officials, Planact and Zandspruit community leaders and members to understand the background and context. As I am exploring NGOs legitimacy and donor funding contributes to the ability of NGOs implementing their objectives, one would expect donors to be interviewed too in this thesis.

However, donors have not been interviewed because of the sensitivity of NGO funding topic with both NGOs and donors. My research on NGO legitimacy depended on the NGO openness in discussing its activities in different communities. I believed inquiring about specific details on funding and interviewing the NGOs donors would have limited the openness and willingness of the NGO in providing the needed information. Chapter Five sets out the methodology and scope of the interviewing in detail.

1.8.3 Data analysis

Analysis of the data will be carried out by identifying the major themes and sub-themes and understand the relationship between the data and the conceptual framework. The classification of qualitative data into themes and patterns will facilitate content analysis within a particular setting and across variables. This approach is supported by Patton (1990:384) who notes that 'the case study

approach to qualitative analysis is a specific way of collecting, organising and analysing data. The purpose is to gather comprehensive, systematic, and in-depth information about each case of interest'.

According to Patton (1990:376), there are two types of case study analysis: case analysis and cross-case analysis. Patton (1990:425) defines cross-case analysis as 'grouping together answers from different people to common questions or analysing different perspectives on central issues'. In addition, Patton (1990:425) points out that 'for scholarly inquiry, the qualitative synthesis is a way to build theory through induction and interpretation'. Miles and Huberman (1994) also stated that cross-case analysis deepened understanding and explanation of a certain phenomenon. In this research, although it is a single case study strategy, the case study analysis is done using cross-case analysis by grouping answers from different people to common questions or topics from the interview guide. Before doing the cross-case analysis, I wrote a pre-case analysis using all the data for each person interviewed.

1.8.4 Limitations of the study

According to Yin (2003:37), 'the common complaint about case studies is that it is difficult to generalise from one case to another'. In this research, this limitation is more pronounced due to the fact that only one case study was used. The argument against using only one case study, according to Yin (2009:15), is that it 'provides little basis for scientific generalisation. How can you generalise from a single case? This is a frequently heard question'. To counter this argument, Yin (2009:15) indicates that 'single case studies, like experiments, are generalisable to theoretical propositions and not to population or universes'. In constructing a case study, one's goal is to expand and generalise to theories and not to enumerate frequencies (*ibid.*). However, Flyvbjerg (2004) notes that formal generalisation is not the only legitimate method of scientific inquiry. Flyvbjerg (2004:424) indicates that

> ‘formal generalization is only one of many ways by which people gain and accumulate knowledge. That knowledge cannot be formally generalized does not mean that it cannot enter into the collective process of knowledge accumulation in a given field or in a society. A purely descriptive, phenomenological case study without any attempt to generalize can certainly bring value in this process and has often helped cut a path towards scientific innovations’.

This is what this thesis attempts to do, namely to add insight on how an NGO constructs legitimacy working with informal settlements. Therefore, the findings from this thesis will not be extrapolated from the experiences of Planact to those of NGOs in South Africa generally.

Yin (2003:40) argues that the rationale for using a single case include that a

> ‘[single] case can represent the critical case in testing a well-formulated theory. The single case can then be used to determine whether a theory’s propositions are correct or whether some alternative set of explanations might be more relevant’.

In addition, Yin (2009:48) explains that

> ‘[a] case study may present a typical ‘project’ among many different projects, [can be applied in situations where the] investigator has an opportunity to observe and analyse a phenomenon previously inaccessible to social science inquiry, [and can also be used] in longitudinal case[s] studying the same single case at two or more different points in time’.

Although there are numerous justifications for using a single case, multiple-case designs may still be preferred over single-case designs. Multiple case studies are considered more compelling than a single case study (Yin, 2003). In this research, I have used a single case study with one NGO (Planact) selecting one informal settlement that it works with (Zandspruit) in Johannesburg because as an in-depth

case study, it displayed all the conditions for exploring the relevant theory. Zandspruit settlement had no prospects of being legalised despite Planact's attempt at improving the informal settlement community's standing in relation to the participatory governance processes of the municipality. This case study, therefore, could raise relevant questions in relation to substantive representation, accountability, participation and, ultimately, legitimacy. Multiple case studies of this depth would have required extensive resources and time, and would still not have allowed me to generalise.

1.9 Outline of the thesis

Chapter Two presents the theoretical review and begins with principles of legitimacy and then examines the concept of representation, theories of participation and the concept of accountability. These concepts are discussed to provide the relevant theoretical context for an exploration of how NGOs construct their legitimacy using representation, accountability and participation.

Chapter Three provides an international literature review on NGOs, discussing theories of NGO existence, types of NGOs, their role in communities and the challenges they face in terms of their legitimacy, representation, accountability and participation. I have separated the discussion of NGO theories from the theoretical chapter (chapter two) because a more in-depth discussion of NGOs (in this chapter) was necessary, before engaging with the conceptual framework in Chapter Four. This chapter also covers international literature on the advantages and challenges of community participation because participation is a core tool in constructing legitimacy. The chapter is concluded by a review of literature on informal settlements by discussing issues concerning their tenure insecurity and informality, government policies and strategies in addressing the problem of informal settlements and the role NGOs play in community participation processes in informal settlements.

Chapter Four provides a historical development of informal settlements and the role of NGOs in South Africa. The discussion then moves to the transition to

democracy and the resulting shift in NGO accountability and legitimacy. I then discuss post-apartheid strategies in addressing the challenge of informal settlements and the role of NGOs after the end of apartheid. In the last section, I introduce Zandspruit informal settlement, present its history and background, explain its location and its characteristics and discuss Planact's involvement and role in the informal settlement.

Chapter Five focuses on the conceptual framework for assessing how a small, localised development NGO such as Planact constructs its legitimacy by ensuring representation and participation of communities it supports and balancing its accountability to its donors with that to communities, government and itself. The conceptual framework indicates how these variables are explored in the context of unresolved tenure and marginalised informal settlements, exploring the dimensions of settlement illegality in relation to the definition of informal settlements provided earlier in this chapter. The research methodology and questions are further discussed in this chapter, indicating how I approached and interacted with the community in conducting the fieldwork and challenges that I encountered in this process.

Chapter Six presents the findings on how representation, participation and accountability were implemented to construct Planact's legitimacy. The first section discusses structures of representation in Zandspruit as implemented by government and Planact (through the Joint Committee). The second section shows how participation was implemented and facilitated by local government and Planact. The last section discusses Planact's multiple accountabilities to donors, government, community and Planact itself and implications for Planact's legitimacy.

Chapter Seven expands the empirical discussion in chapter six. Firstly, I discuss the complex context of unresolved tenure and marginalisation of Zandspruit and how it limits the use of prescriptive approach to legitimacy in this case study. Using the descriptive approach to legitimacy I discuss how Planact constructed its

legitimacy in Zandspruit legally and morally, from the view of the community, government and Planact.

Chapter Eight provides a brief summary of what the thesis set out to do in assessing NGO legitimacy working with informal settlements. The chapter then articulates the main finding in relation to the extent to which representation, participation and accountability establish Planact's legitimacy. Combining prescriptive and descriptive approaches to legitimacy I demonstrate that in the case of Planact and Zandspruit the conceptual framework using a prescriptive approach to legitimacy has limits. These limits were demonstrated by the descriptive approach indicating that Planact enjoyed legitimacy in the eyes of community, local government and itself although there was limited representation, participation and accountability. This was mainly due to the context of unresolved tenure and marginalisation of the Zandspruit community.

2.0 CHAPTER TWO
THEORETICAL REVIEW OF FACTORS DETERMINING NGO LEGITIMACY

The influence of NGOs on global politics has increased, and this has raised questions about their legitimacy (Dicklitch, 1998). There are arguments that NGOs are not elected and have no direct accountability, and as such they cannot speak on behalf of communities or a wider population (McDonald, 2004). NGOs defend themselves by insisting that they represent marginalised communities and, at the same time, empower communities to participate in policies that influence people's lives (Niggli and Rothenbuhler, 2003). In defending NGO legitimacy Young (2000:5) indicates that 'a democratic spirit and practice inspires many voluntary organisations, and movements composed of such groups sometimes influence government actions and the actions of other powerful institutions'. Young (2000) argues that democracy is necessary to promote legal, administrative and social changes towards greater justice. Young (2000:6) further indicates that 'the normative legitimacy of a democratic decision depends on the degree to which those affected by it have been included in the decision-making processes and have had the opportunity to influence the outcomes'.

In most democratic processes there is under-representation of minorities and some sections of society are marginalised in the decision making processes. Therefore, to ensure greater inclusion in the decision making processes, there is need for measures that encourage more representation of the marginalised. Young (2000:6) notes that some organisations of the twentieth century have mobilized around demands for oppressed and marginalized people to be included as full and equal citizens in their polities. For organisations to legitimately mobilise and represent marginalised communities, communities must be able hold the representatives accountable and engage with both each other and their representatives (Young, 2000:8).

As already mentioned, there are two main approaches to assessing legitimacy, namely prescriptive and the descriptive approach. These are discussed further in this chapter under principles of legitimacy. The concept of democracy is introduced to establish the position of NGOs in a democratic process and their capacity to represent marginalised communities. Then I discuss the principles of legitimacy, the concepts of representation, participation and accountability and how these are all interlinked in constructing the legitimacy of NGOs.

2.1 **Principles of legitimacy**

As Birch (1970:45) points out '[t]he word democracy comes from the Greek and literally means rule by the people'. Other definitions of democracy include 'government by the people' or by the people's elected representatives' (Arblaster, 1987:2); 'popular control over collective decision making and equality of rights in the exercise of that control' (Beetham and Boyle, 1995:1); and 'a form of government in which the people rule' (Ellingsen, 2004:3). The different authors above indicate that democracy involves decision making processes that allow participation and control by the people. However, not everyone can participate or is represented in a democratic society.

In both democratic and non-democratic societies, NGOs often fill the institutional vacuum where other participatory political institutions are weak or absent and form the basis for many social movements, empowering local communities (Wiktorowicz, 2002:77). In the case of undemocratic societies Kuzio (2006) observed that NGOs played a vital role in representing communities during the democratic revolutions in Serbia (2000), Georgia (2003) and Ukraine (2004). It has also been noted that in Asia, Africa and Latin America, NGOs have made significant contributions to political change Clarke (1998). Wiktorowicz (2002) indicates that NGOs may be central to the advent and consolidation of democratisation.

Ndegwa (1994) and Clarke (1998) note the potential for NGOs to positively affect democratisation and governance. A few examples of countries in Africa in which NGOs played a role in challenging undemocratic governments include Zambia and Kenya. In these countries, NGOs challenged the government and contributed to the democratization into multi party systems (Ndegwa, 1994). In South Africa, civic organisations played a similar role during apartheid by creating and sustaining an oppositional role to apartheid government. Young (2000:154) notes that in South Africa 'civil society served as a school of democracy for citizens to activate democratic legal process'. Young (2000:155) further indicates that civil society promotes trust, choice and virtues of democracy. Because this thesis explores NGO legitimacy in contemporary South Africa, the discussion will be on the role and legitimacy of NGOs in a democratic sphere.

In a democratic society NGOs claim legitimacy in representing marginalised groups. The argument is that marginalised groups are under-represented even in most contemporary democracies and this undermines promises of equal opportunity and political equality implied by democratic commitments (Young, 2000). Szazi (2009:20) indicates that

> 'democracy requires the engagement of several constituencies presenting their opinions and debating the issue at stake. The NGOs' role is to enhance the debate with different points of view, concerns, and alternative models, qualifying the decisions that will be made'.

Hanberger (2001:214) warns that although civil societies may play an important role in a democratic society, they're not an alternative to democratic government, but they participate in a free space in which democratic attitudes are cultivated and democratic behaviour is conditioned. This view is supported by Young (2000:156) who avers that 'state institutions have unique capacities for co-ordination, regulation and administration on large scale that well-functioning democracy cannot do without. Young (2000:153) argues that, in addition to the democratic government, strong, plural and aggregated activities of civic

associations offer individuals and social groups, in their own diversity, maximum opportunity to be represented in public life. Although there is general agreement on the role of NGOs representing marginalised communities, NGOs still face questions regarding their legitimacy.

Legitimacy is seen as a central concept in political science and has received sustained attention over more than a decade. The term legitimacy has both theoretical and methodological challenges. This is because measures of what is considered to be public legitimacy are scattered and unsystematic (Weatherford, 1992:149). As the concept of legitimacy is complex, most scholars break it down into different tenets, exploring legitimacy in different contexts (Weatherford, 1992:149). This argument is supported by Beetham (1991:15) who argues that to 'understand the concept of legitimacy there is a need to recognise that legitimacy is multi-dimensional in character'.

Weatherford (1992; Steffek's 2003) explore the concept of legitimacy by using two approaches: the traditional system level approach (prescriptive) and the more recent approach focussed on the relevance of public opinion (descriptive). The traditional approach distinguishes legitimate from illegitimate governments by focussing on constitutional provisions that establish the opportunity for wide participation and ensure procedural regularity, especially provisions dealing with majority rule, minority rights and accountability in regular and frequent elections (Weatherford, 1992: 150). The legitimacy of an institution (whether it is a government or an NGO) in this system depends on how effective the implementation of the democratic system is.

This approach formulates legitimacy in systematic properties that facilitates comparative analysis. According to Weatherford (1992: 150), these include:

> '1. *Accountability*. Are rulers accountable to the governed via a process that allows wide, effective participation? 2. *Efficiency*. Is government set up to accomplish society's ends without undue waste of time and resources? 3.

> *Procedural fairness.* Is the system structured to ensure that issues are resolved in a regular, predictable way and that access to decisional arenas is open and equal? 4. *Distributive fairness.* Are the advantages and costs allocated by the system distributed equally'?

According to Weatherford (1992:150) the weakness of this approach is that it tends to concentrate more on formal structures and aggregate processes. Nevertheless, it is important in assessing legitimacy of an institution because it provides analysis of accountability, participation and efficiency of an institution.

Steffek's (2003) prescriptive approach to legitimacy indicates that legitimacy can be assessed using political philosophers and legal theorists who have already reflected on the conditions under which an institution is seen as legitimate. An institution is judged to be legitimate or not depending on certain rules and principles (for instance, democratic principles). This approach does not ask why people accept an institution as legitimate.

Other forms of prescriptive/traditional legitimacy have been formulated by Max Weber's initial description of legitimacy. According to Weber, an institution is seen as legitimate through traditional grounds (in accordance with custom), charismatic domination (extraordinary quality of a person) and rational or legal belief in the legality of rationally established rules (Matheson, 1987). Matheson (1987) agrees with Weber but adds that instead of three, there are eight forms of legitimacy based on command and obedience. Among these are: conventional or prescribed by norms, contract, conformity with universal principles, sacredness of authority, and personal quality among others. Beetham (1991:15) introduces the concept of 'different dimensions of legitimacy', by noting that there are three different elements/levels of legitimacy: conformity to rules (legal validity), justifiability of rules in terms of shared beliefs and legitimating through expressed consent. Although Beetham (1991) discusses levels/elements of legitimacy in terms of power, these arguments also apply to the legitimacy of organisations such as NGOs. Beetham (1991:16) indicates that 'power is said to be legitimate if

it is acquired and exercised in accordance with established rules'. This is seen as the most basic level of establishing legitimacy.

In relation to NGOs, an organisation is considered to be legitimate by following the rules and regulations of the government policies. In most cases this is demonstrated by registering the organisation. Legitimacy of NGOs' is poorly theorised in development studies literature (Lister 2003). Legitimacy of NGOs in most cases, according to the prescriptive approach to legitimacy, is dependent on accountability, performance and representation, 'which masks deeper questions about legitimacy for whom, for what and how it is constructed' (Lister, 2003:175).

In addition to the rules, Beetham (1991:17) notes that 'legal validity is insufficient to secure legitimacy. Power is legitimate to the extent that the rules of power can be justified in terms of beliefs shared by both dominant and subordinate'. The legitimacy of NGOs in representing communities is seen as an agreement between NGOs and communities; communities being in agreement with NGOs in terms of the interests and needs to be represented. Lastly, the final element according to Beetham (1991:19) involves 'demonstrable expression of consent on the part of the subordinate to the particular power relation in which they are involved, through actions which provide evidence of consent'. Beetham (1991:19) further explains

> 'If the public expression of consent contributes to the legitimacy of the powerful, then the withdrawal or refusal of consent will, by the same token, detract from it. Actions ranging from non-co-operation and passive resistance to open disobedience and militant opposition on the part of those qualified to give consent will in different measure erode legitimacy'.

For NGOs, this level of legitimacy is demonstrated by communities allowing an NGO to work with them and their willingness to work with the NGO. However, for NGOs representing marginalised communities, the 'expression of consent' by

marginalised communities, especially communities occupying land illegally in informal settlements, may not be an effective variable to assess legitimacy of representation. This is because communities consent may be given to NGOs without communities really questioning NGOs on what their mission is. Moreover, communities may not be in a position to refuse assistance from NGOs even if what is offered is not really what they want.

The second approach to the concept of legitimacy according to Weatherford (1992) is from the grass roots. The focus of this concept is on the views of the public on what they consider to be legitimate. In this view, legitimacy is not about how effective the system is but on what people feel or think is legitimate. This idea was introduced by Tocqueville in the nineteenth century when he indicated that democracy faced great dangers concerning legitimacy if citizens voluntarily withdrew from political life. If citizens withdraw from political life and do not participate at all, it means the democratic government is not legitimate (Weatherford, 1992:150). According to Steffek (2003), the descriptive approach to legitimacy depends on peoples' views as to why they accept and support an organisation as legitimate.

In this thesis, the two approaches of legitimacy are used in exploring how NGOs construct legitimacy working with informal settlements. I expand on the prescriptive approach in this chapter and Chapter Three on what makes an institution legitimate. The two approaches are used because the prescriptive approach provides the theoretical debates that are used to create the conceptual framework for assessing Planact's legitimacy. The descriptive approach provides an understanding of legitimacy as encountered on the ground according to different views. Therefore, by combining the two, I am able to assess whether or not NGOs can claim legitimacy using representation, and if not, what it is that makes an NGO legitimate in the eyes of communities they work with.

As noted, authors have indicated the different ways in which legitimacy can be constructed in various institutions and what makes an institution legitimate in

different contexts. The judgements on legitimacy are essentially judgements on the degree of legitimacy. This makes theorising the concept of legitimacy challenging. There are many ways organisations construct legitimacy, because there are many sources of legitimacy. To avoid these challenges in this thesis, I focus on the context of the legitimacy of development NGOs representing/working with informal settlement communities.

2.2 The concept of representation

As noted above, representation is an important concept that is normally used by NGOs to claim legitimacy. In this section, representation is explored using Pitkin's (1967) concept of representation. Pitkin's (1967) concept of representation provides a foundation for a discussion of representation because it offers comprehensive and classical views on representation. As mentioned in the introduction, it is also one of the most influential and often cited works in literature on representation.

Discussions on political representation began when representative government emerged in England in the seventeenth century in America and France during the latter part of the eighteenth century and in other European countries in the nineteenth century (Birch, 1971:30). Dovi (2006:5) notes that since then, political representation has become a way of establishing legitimacy for democratic institutions and creating institutional incentives for governments to be responsive to citizens.

The writings on political representation began in the seventeenth and eighteenth centuries with three theorists who wrote about political obligation. These are Thomas Hobbes, John Locke (both seventeenth century philosophers) and Jean-Jacques Rousseau (an eighteenth century philosopher). They believed that authority is something that had been conferred upon the government by the people and their exploration of authority and obligation led them to the concept of representation (Birch, 1971:31). Hobbes (as explained in Birch, 1971), saw a

representative as an agent who had the right to commit his principal to whatever actions or policies the agents thought appropriate, and on this basis it was asserted that citizens of an ordered society were morally obliged to accept and obey whatever rules their governing authority made. Hobbes's focus on a representative relationship was, however, one sided. This resulted in his concept of representation not being accepted as a general guide to the nature of representation in political life (Birch, 1971:32).

Hobbes's idea of representation left no room for deliberation. Once the agent had been selected to represent a community, the community would not be able to question the agent. The only way of expressing their needs would be withdrawing the representative when the need arose by electing or selecting a new agent.

John Locke, at the end of seventeenth century, pointed to society's 'belief in trusteeship and a belief in government by consent' (Birch, 1971:33). Locke argued that for a government to be legitimate there has to be consent from the governed (Birch, 1971:33). The process of government by consent involves two steps: first, 'men would agree to form a society and accept the decisions by majority and, second, the majority would establish a government to make laws and execute them'. The weakness in Locke's theory is that it does not provide 'any institutional process by which the consent could be granted or withheld' (Birch, 1971:34).

Jean-Jacques Rousseau's concept of representation during the middle of the eighteenth century shows that governmental decisions should reflect the will of the people. Rousseau believed that a representative might only be able to look after another persons' interests if these interests were clearly known, but a representative could hardly formulate another person's will as this is something a man could do only for himself (Birch, 1971:34). All these theorists looked at one type of representation, formalistic representation as noted by Pitkin (1967).

In the twentieth century, Hannah Pitkin (1967) developed a breakthrough in theory arguing that there are different types or forms of representation. Pitkin's book '*The Concept of Representation'*, was published in 1967 and has been in print continuously since. This book is the most cited work in political science journals (Rehfeld, 2005). Rehfeld (2005) argues that Pitkin's (1967) concept of representation has survived for so long because her arguments on representation are correct and still applicable today. Rehfeld (2005:2) notes that Pitkin's discussion 'began by unpacking theoretical development of political representation to discussing what the concept of representation means in the context of democratic government'.

As already briefly explained in Chapter One, Pitkin (1967), a political scientist, provided a revolutionary theory on the concept of representation. First, Pitkin (1967) indicates that in order to understand representation, one has to consider the different ways in which the term is used, which provides a different view of the concept. And the different views of representation can also provide different standards for assessing representatives and the relationship they have with the represented. Pitkin's theory of representation is focussed on what is good and bad representation. Although Pitkin's work is over four decades old, it remains relevant in contemporary discussions of representation as a foundation for discussions on representation.

Pitkin (1967) presents four views of representation: first, the formalistic view, which initiates representation using authority and accountability. Pitkin indicates that representatives have to be given authority to act on behalf of the represented and they must be accountable to the represented and act in accordance with their wishes (Pitkin, 1967). In this scenario, authority and accountability make representation legitimate. Second, the symbolic view means a representative 'stands for' the represented. Third, the descriptive view means representatives resemble those being represented in terms of looks, common interests or sharing same experiences. Finally, the substantive view means representatives take action

on behalf of, in the interest of, as an agent of and as a substitute for the represented (Pitkin, 1967).

Pitkin's (1967) argument on substantive representation is that representatives must ensure deliberation for the more general good of all. This means the representative will range through the extremes of mandate and independence - pluralists and republicans- limited by free and fair elections. With substantive representation, representatives advance policy preferences that serve the interests of the represented. This is the type of representation that NGOs use to justify legitimacy by claiming to be representatives of marginalised communities' interests. Pitkin's focus has been more on the actions of representatives than on their identities. This thesis uses Pitkin's substantive representation to assess how NGOs act in the interest of the represented in a manner that is responsive to their needs and interests.

After Pitkin's (1967) writings on the concept of representation were further studies on representation. For example, Birch (1971) adds on Pitkin's (1967) concept of representation by indicating that in addition to the types of representation, there are different roles played by representatives. Birch (1971:15) agrees with Pitkin's (1967) fundamentals of what makes an institution representative. As already briefly mentioned in Chapter One, Birch (1971) provides three main usages of the term 'representative' that are similar to Pitkin's' description of representation. Birch notes that representatives can denote an agent or spokesperson who acts on behalf of his/her principal (the represented). A representative can be used to indicate that a person shares some of the characteristics of a class of persons, and a representative can be a person that symbolises the identity or qualities of a class of persons. In terms of the relationship between the representatives and represented, Birch (1971:19) notes that representatives generally act as spokespersons for their electors. However, the nature of the proper relationship between elected persons and their constituents has been a matter of dispute. On that note, Pitkin (1967) asserts that the ability of representatives to represent the needs of the represented is influenced by many

factors. In addition to the type of representation, Birch (1971) indicates that representation fulfils a variety of functions. There are general and specific functions according to Birch (1971:107-108) that include

> '.1. *Popular control*: to provide for a degree of popular control over government. (a) Responsiveness: to ensure that decision makers are responsive to the interest and opinions of the public.
> (b) Accountability: to provide a way of holding political leaders publicly accountable for their actions.
> (c) Peaceful change: to provide a mechanism for replacing one set of leaders by another without violence.
> 2. *Leadership*: to provide for leadership and responsibility in decision making.
> (a) Leadership: to provide for the recruitment of political leaders and the mobilization of support for them.
> (b) Responsibility: to encourage political leaders to pursue long-term national interests as well as reacting to immediate pressures.
> 3. *System maintenance*: to contribute towards the maintenance and smooth running of the political system by enlisting the support of citizens.
> (a) Legitimation: to endow the government with a particular kind of legitimacy.
> (b) Consent: to provide channels of communication through which the government can mobilize consent to particular policies.
> (c) Relief of pressure: to provide a safety valve through which aggrieved citizens can blow off steam and to disarm potential revolutionaries by engaging them in constitutional forms of activity'.

In the twenty-first century, there have been some new challenges to the concept of representation. The inadequacies of traditional representation are noted by different authors. Urbinati (2000) indicates that representation should not be the aggregation of interests, and that the preservation of disagreement is necessary for preserving liberty. She emphasises the importance of disagreements and rhetoric

to the procedures, practices and the ethos of democracy. This account expands the scope of theoretical discussions of representation away from formal procedures of authorisation to the deliberative and expressive dimensions of representative institutions. According to Mansbridge (2003) and Grant and Keohane (2005), this means there is a need to broaden the understanding of representation to keep up with recent empirical research, contemporary democratic practices and contemporary realities in the international arena.

Warren and Castiglione (2004) note that there are new actors considered in the representation debates, such as international, transnational and non-governmental organisations who act as representatives in advancing public policies on behalf of democratic citizens. These new actors/representatives 'speak for', 'act for' and can even stand for individuals within a nation; and the political representation is no longer in the hands of elected representatives, and representatives of the marginalised groups are no longer located in the formal political arena. This argument is supported by Dovi (2006:6) who indicates that the traditional representation has been focussed on formal procedures of authorisation and accountability within the nation state, and that this is not satisfactory any longer due to political transformations. This new view raises questions on how legitimate representation is constructed in the informal political arena with different representatives, who are not necessarily elected, being involved. Thus NGOs are seen as 'new' representatives who are not accommodated in the formal procedures. There is need to explore these new actors' claims of representation. How do they implement representation to claim legitimacy?

Given these changes in the new political arena, authors such as Mansbridge (2003), Grant and Keohane (2005), and Dovi (2006) stress the need to change the conceptual understanding of political representation, specifically of democratic representation, to reflect contemporary realities in the international arena. In her article 'Rethinking Representation', Mansbridge (2003:515) argues that there is more than one way to be represented legitimately in a democracy. She identifies four forms of representation in modern democracies.

Firstly, with promissory representation, representatives act to further the interests of the represented. Secondly, with anticipatory representation, representatives focus on what they think the people they represent like and would reward in the next election. Such representatives try to please future voters so that they are elected again (Mansbridge, 2003:516). Thirdly, with gyroscopic representation, voters select representatives who can be expected to act in ways the voter approves of, without external incentives (Mansbridge, 2003:520). Lastly, in surrogate representation, representatives have no electoral relationship with the voter. This form of representation caters for minority groups who do not feel represented by the majority winners in the formal district representation, and therefore they get together, e.g. as labour unions or organisations (Mansbridge, 2003:522). NGOs fall into the category of surrogate representation as they also do not have an electoral relationship with the voter.

With all the different forms and views of representation, Dovi (2006:1) lists four key components of political representation. These include, firstly, the party that represents (the representative, an organisation, movement or state agency); secondly, the party that is being represented (the constituents, the clients); thirdly, the issue that is being represented (opinions, perspectives, interests); and fourth, a setting within which the activity of representation is taking place (the political context). In this case study, the party representing communities is the NGO Planact, the party being represented is the Zandspruit community, what is being represented is access to basic services, land and housing and all this is taking place in a democratic South Africa with particular structures for decision making and participation.

The discussion above on representation indicates that ensuring that marginalised communities or minorities are included in the decision-making process seems to be the main challenge of the representation process. The different principles of democracy and representation seem to all face challenges in ensuring the voices or needs of minorities and marginalised communities are represented. In support of

marginalised or minority communities, Dovi (2006) suggests the use of Pitkin's substantive representation because it is useful in representing people who have been marginalised in the past. Substantive representation as discussed above means representatives taking action on behalf of, and in the interest of the represented who are in this case marginalised communities. This form of representation helps compensate for the past and continued injustice, allowing historically excluded people to get onto the political agenda. Pitkin's (1967) substantive representation can be useful in assessing an NGO's legitimacy through representation of marginalised communities in informal settlements in South Africa, given the history of marginalisation in the past (during apartheid). This thesis is analysing substantive representation (Pitkin, 1967) because it can be applied by NGOs to claim legitimacy by acting in the interest of the represented.

In support of marginalised communities, Williams (1998b:14) recommends an understanding of representation as mediation. He identifies three dimensions: voice of disadvantaged groups in legislature; trust, (due to previous experiences of betrayal, disadvantaged groups need to be represented by their own members); and memory (due to the fact that the boundaries of groups are partially established by past experiences and they therefore need institutional mechanisms to guarantee presence). Williams (1998b) supports this form of representation against the traditional conception of representation, because the latter fails to take into consideration injustices experienced by marginalised groups.

The challenge in the representation process is to ensure effective representation, and representation of marginalised communities. NGOs claim that they have advantages in representing marginalised communities because they have access to these communities and they focus on specific sectors. NGOs that claim to represent communities are mostly aligned to Pitkin's three forms of representation: descriptive, symbolic and substantive representation, as they represent interests and take action on behalf of communities (Pitkin, 1967). Representation by NGOs echoes the recent debates on NGOs' voices, namely whether they speak as the poor, with the poor, for the poor or about the poor

(Slim, 2002). These questions on the role of NGOs in communities are mainly about what gives NGOs the legitimacy to represent when they face challenges regarding who they are accountable to; communities, donors, governments or themselves.

To defend themselves, NGOs claim that because they are more effective in the community participation process, they are able to represent communities' needs more effectively and this makes their role in communities legitimate. All institutions face challenges when it comes to ensuring representation. Young (2000) notes that a normative problem of representation is the disconnect between the representatives and the represented. Young (2000:132) argues that

> 'establishing and maintaining legitimate and inclusive process of representation calls up responsibilities for both officials and citizens. Citizens must be willing and able to mobilize one another actively to participate in processes of both authorizing and holding to account'.

This is where representation and participation come together. Young (2000:132) indicates that 'without such citizen participation, the connection between the representatives and constituents is most liable to be broken, turning the representative into an elite ruler'. The question then is how do representatives ensure participation to claim legitimacy? In the next section I relate this to the concept of participation.

2.3 **Theories of participation**

There is need for more rights to participation beyond the traditional voting and political rights (Gaventa, 2004:30). Hickey and Mohan (2004:19) note that participation is important because there are 'difficulties in ensuring direct participation and ensuring people's voices are heard due to limited institutional channels and resources in many governments'. The available institutional channels within political systems and resources required to participate at higher

levels means that much of what is considered participatory is in fact a process whereby large numbers of people are represented by a relatively small group of participants (Hickey and Mohan, 2004, 19). A paradigm shift in mainstream development thinking stresses the active participation of local people in the development process and the inclusion of other actors in the representation process. Due to this shift, NGOs are seen as agents with potential to put participation into practice, because they claim to be innovative, flexible and not weighed down by bureaucracy. As NGOs also operate at the grassroots level and have access to marginalised communities, this suggests that the approach of NGOs fits naturally with the emphasis on participation (Lane, 1995:181).

The idea of making democracy more inclusive has created new spaces for representation and participation. The focus has been on increasing citizen participation in political processes to improve democracy. Gaventa (2007: xiii) indicates that 'in democracy, a robust civil society can serve as an additional check and balance on government behaviour, through mobilisation, advocacy and playing watchdog role'. NGOs have these advantages in representing communities' needs and interests in direct participation because, in most cases, in a democratic government, the only means of participation available to the citizens is voting for leaders (Lane, 1995). However, Pateman (1970) notes that the electorate does not have the means to control its leaders after elections if these leaders do not represent its needs anymore. In most cases, the electorate may only have a chance to replace its leaders in the following elections.

2.3.1 Participatory development

Participation has been at the centre of discussions and concerns in the discourse to development. Participatory approaches to development are aimed at making people more involved in decisions that affect them. Cooke and Kothari (2001: 5) explain that 'participatory development is conventionally represented as emerging out of the recognition of the shortcomings of top-down development approaches'. Hickey and Mohan (2004:9) add that 'several approaches to participation emerged

in an era of state failure, panic over top-down modernization approaches, proclamations of the end of grand explanations and a measure of post-colonial guilt'. Cooke and Kothari (2001:5) explain that the 'aim of participatory development is to increase the involvement of socially and economically marginalised peoples in decision-making over their own live'. Hickey and Mohan (2004:3) also explain that 'participation has actually deepened and extended its role in development, with a new range of approaches to participation emerging across theory, policy and practice'.

Hickey and Mohan (2004) see an evolution of participation from an obligation of citizenship, in the 1940s and 1950s, to participation as a right and an obligation of citizenship in the 1960s and 1970s. In the 1960s and 1970s, participation was also seen as a means of challenging subordination and marginalisation. In the 1980s participation focus was in projects rather than broader political communities. In the 1990s to the present, participation is again seen as a right and obligation, very much like it was in the 60s and 70s (Hickey and Mohan, 2004). Although there are critiques on the participation process, participation is still an important vehicle in development and it has its advantages. The advantages and challenges of participation are discussed further in Chapter Three.

As Hickey and Mohan (2004:5) note participation has a longer and more varied genealogy in development thinking and practice. The focus of this thesis is not on participation as a process that emerges from the grassroots, but rather on whether the level of participation implemented is considered real participation to ensure representation of people's needs and interests.

2.3.2 Levels of participation

Participation to non-participation can be viewed as a continuum. Arnstein (1969) is one of the early authors to provide structure to the concept of participation in the work titled 'A ladder of Citizen Participation'. Arnstein (1969) noted that participation is about the influence of power in decision-making processes where

the redistribution of power allows people who are excluded from economic processes to be included. This redistribution of power is between representatives and the represented.

Arnstein (1969) lists eight rungs or types of citizen participation as indicated in Table 1. Degrees of participation range from no power (manipulation and therapy), which is considered non-participation, to some degree of tokenism participation (placation, consultation and informing) (Arnstein, 1969:218). In the latter, those represented still do not have the power to negotiate in the decision-making process in terms of putting forward their interests and needs to the representatives. Tokenism participation can, however, be considered a step towards legitimate participation (Arnstein, 1969:219). Citizen power (partnership, delegated power and citizen control) is what is considered real participation where there is negotiation between citizens and power holders (Arnstein, 1969:221). Arnstein adds that, in reality, there could be more rungs of citizen participation than the listed eight.

Table 1: Arnstein's ladder of citizen participation

Ranking*	**Type of participation**	**Degree of partition**
1	Manipulation	Non participation
2	Therapy	
3	Informing	Degree of tokenism
4	Consultation	
5	Placation	
6	Partnership	Degree of citizen power
7	Delegated power	
8	Citizen control	

*****Ranking – levels of participation; Source: Arnstein (1969:218)

Although Arnstein's model has been used in different cases in assessing the process of participation, Abbott (1993:56) notes that Arnstein's concept of citizen participation is not very clear on the context in which this ladder can operate. He notes that it may be limited in different contexts, especially in underdeveloped countries, because the model was based on urban renewal programmes in the US.

There are arguments that power alone is not enough in deciding the level of participation as indicated below by different authors.

Choguill (1996) indicates that Arnstein's (1969) model is useful but cannot be applied in developing countries. Choguill (1996) differs with Arnstein (1969) regarding the extent to which power determines the end product. Choguill (1996) argues that a general ladder of community participation will not apply in developed and underdeveloped countries alike. He argues that Arnstein's ladder of citizen participation is based on 'the extent of citizens' power in determining the end product (of public policy).

In underdeveloped countries, Choguill (1996) adds that residents from low-income communities need more than power for decision-making processes. They are in need of urban services and housing from a government that may not have the resources or the will to provide them. Hence, they may need more than power to influence the end product in decision making processes. For citizens in underdeveloped countries to get the benefits, they may be willing to contribute their labour, time and money.

Choguill (1996) suggests that, if a participation ladder were to be constructed for an underdeveloped country the terminology and descriptions used would have to be amended. For Choguill (1996), a key element of such a model is the strategic input of outside assistance, whether it comes from government or non-governmental sources, and the approach should be based on the progressive improvement of infrastructure. Choguill (1996) argues that the scale of participation for underdeveloped countries is based on the degree of governmental willingness in carrying out community mutual-help projects.

Choguill (1996) indicates that apart from power, effective participation of communities is influenced by outside help, willingness of governments to support communities and communities' ability to add their time, money and labour. Power alone will not result in effective participation and making a positive change to the

lives of the poor. Choguill (1996) discusses participation in developing countries with poor communities in mind. His description on effective participation does not state whether power is also a limiting factor to participation in middle-class or affluent communities. Table 2 illustrates what Choguill (1996) recommends as the model of citizen participation for underdeveloped countries

Table 2: Ladder of community participation for underdeveloped countries

Hierarchy level	Participation	Role of outsider
1	Empowerment	Support
2	Partnership	
3	Conciliation	
4	Dissimulation	Manipulation
5	Diplomacy	
6	Informing	
7	Conspiracy	Rejection
8	Self- management	Neglect

Source: Choguill (1996).

Choguill's (1996) ladder of participation for underdeveloped countries is useful but also has some limitations. Although it indicates the role of the outsider, this does not determine whether there is participation or not. Support does not necessarily mean empowerment or partnership. For example, in the case of NGOs working with marginalised communities in informal settlements, the support of an outsider may not result in participation. An NGO could be supporting a community with a certain cause but the community does not necessarily participate in the decision-making process of the project.

Paul (1987) asserts that the level of participation in a developing-world context depends on the three concepts. Firstly, the intensity of participation which indicates the level of participation; secondly, project objectives indicating the focus of the community participation process, and thirdly, instruments that indicates who will be used to implement the participation process. The weakness of Paul's concept of participation lies in the fact that it does not indicate who decides on the level of intensity and objectives of the community participation process (Abbott, 1993). The intensity, project objectives and instruments of

participation are all decided by the outsider. Communities need to be involved in deciding project objectives, which instruments would work best and the intensity.

Abbott's (1993) concept of participation in the developing countries context is based on a combination of actors and needs with appropriate instruments of participation. Abbott (1993) indicates that the level of participation depends on the combination of the following: openness of government to the inclusion of the community in the decision-making process; nature of decisions to be made; technical involvement of the decision-making process, homogeneity of the community; the arena or surrounding within which the participation process operates and identification of primary actors. Abbott adds that the roles, agendas and relationships of the different actors; the point of input into the participation process; the practical implementation of the participation process framework as well as and the differing needs of the communities and the needs of the other actors are also important determinants of a proper citizen participation.

Abbott's (1993) concept of participation is expanded on by Imparato and Ruster (2003), who focus on the role and relationship between community and outsider. In their research for the World Bank on slum upgrading and participation in Latin America using Goethert's (1998) concept of participation, Imparato and Ruster (2003) indicate that the level of community participation in informal settlement upgrading projects ranges from absence of participation to full control of the decision-making process. They add that the level of participation is influenced by the relationship between communities and outsiders as seen in Table 3.

Goethert's (1998) levels of participation are somewhat similar to Arnstein's (1969) ladder of citizen participation. In addition to the level or degree of participation in the Arnstein's Model, Goethert (1998) adds the different roles played and relationships between community and outsiders.

Among the different ways of assessing whether there is participation or not by the different authors above, Goethert's (1998) framework of different levels of

participation is the more comprehensive approach to assessing participation especially of marginalised communities. This approach emphasises that participation really depends on the role and relationship between community and outsider. When outsiders play a surrogate role, there is no participation and communities either play a small role or no role at all in decision-making processes. When outsiders only provide resources, the communities are assumed to have more power and full control of decision-making processes. This rarely happens though, especially in the case of NGOs working in marginalised communities. In most cases, the funding comes from donors and is implemented by local or national NGOs. The community rarely has any power in decision-making processes. This power is between donors to a large extent, and NGOs. As this study investigates the interaction between communities, NGOs and government, Goethert's (1998) framework is the model most suited for it.

In this thesis a combination of different models of participation is used to assess participation. Goethert's (1998) framework is used to establish the role and relationship between community and outsider, and the different levels of participation according to Arnstein (1969) and Choguill (1996) are used to establish whether or not participation takes place. The relationship and role of the outsider and community determines whether the level of participation will be informing, manipulation or in fact citizen control.

Table 3: Levels of participation influenced by the role of community and outsider

Level of participation	Community role	Relationship between community and outsider	Outsider role
None		Communities do not play any role in decision making, and outsiders stand in for them in negotiations with government or donor institutions	Surrogate
Indirect		Communities play a very small role in communication and negotiation of strategies	
Consult	Interest group	Outsiders have more power than communities in negotiating community strategies	Advocate
Shared control	Stakeholder	Equal partners in community management strategies in decision making	Stakeholder
Full control	Principal	Communities have more power than outsiders in community management strategies. Outsider only provides recourses	Resource

Sources: Goethert (1998) in Imparato and Ruster (2003:23)

The influence in decision making by local communities could increase, depending on the relationship between the communities and outsider representatives. There is a need to develop strategies which will enable communities to decide what should be on the agenda in terms of intensity, objectives and instruments that should be used for implementation. NGOs in developing countries are not free in terms of deciding the level of participation, because by the time they begin working with communities in project implementation, everything is fixed according to the proposal to the donors in terms of budget and time. So when it comes to participation, NGOs might not allow a lot of influence from the community to avoid project delays and budget increases. The question, then, is how do NGOs ensure participation and representation of communities' interests and needs to claim legitimacy?

Marginalised communities in underdeveloped countries also require government support and a framework for participatory governance that allows accountability from outsiders to the communities they represent. As noted above, legitimate

representation depends on authority, accountability and participation in the decision making processes. For representatives to be seen as legitimate they must be accountable to the represented and ensure the represented participate in the decision making process.

2.4 The concept of accountability

In a democratic society, accountability is as important in ensuring legitimate representation as is participation. Pitkin (1967) indicates that what makes a representative legitimate is the fact that he or she is authorised to act by the represented. In addition legitimate representatives must be accountable to those whom he or she represents; otherwise the representative is acting on his/her own. The concept of accountability is not new in political theory, although it has gone through some changes as debates revolve around who should be held accountable. The evolution of the concept of accountability has been from a traditional concept to a more recent concept that has been influenced by the need for more direct participation in decision-making processes. Paul 1992:1048) notes that the

> '[original] thrust of government accountability to the public rested with the political leadership at the macro level, but recent developments have brought about attention to accountability as a means of controlling the behaviour of individual civil servants of public service [at the lower level of government]'.

In South Africa, there has been increased dissatisfaction with the performance of institutions and delivery of services. As a result, there have been calls for accountability by means of holding individuals or organisations responsible for their performance measured as objectively as possible (Paul, 1992:1047). NGOs and other civil society organisation have been in the forefront, 'holding governments and corporations accountable to policies and promises, [therefore] their continued effectiveness will turn on their capacity to live up to their own standards' (Brown and Jagadananda, 2007:4).

On the part of government, the traditional public accountability, such as expenditure audits and legislative reviews are seen in a different perspective from the task of ensuring accountability for public services at the lower level of government (Paul, 1992:1047). The instruments and measures used to implement this accountability are based on inputs rather than outputs, as outputs are too complex and diverse to measure. This higher level accountability tended to be top-down with leaders holding accountable those reporting to them through a controlled system. With expansion of the public sector, higher level accountability systems have become overloaded and ineffective (Paul, 1992:1048). Kovach *et al.* (2003) indicate that traditional accountability is an end-stage process where only those who have formal authority over an individual or organisation can hold them to account. For example, citizens hold their elected leaders formally accountable during elections. This concept requires clearly defined roles, responsibility, regular reporting and monitoring of behaviour against these roles and responsibilities (Kovach *et al*., 2003:3).

To address the limitations of accountability at higher level, Paul (1992:1048) suggests that accountability mechanisms should be focussed at the lower public level by seeing that 'the public [are] ... customers to be served, who have access to a number of other alternative suppliers of services and there is potential to exit' when they are not happy with the service. Another option for the public to ensure accountability at the lower level is to 'ensure there is participation to influence the final outcome of a service irrespective of whether the exit option exists'.

Then there is a second approach to accountability known as a 'stakeholder approach to accountability' which is ongoing and dynamic. This approach expands on the traditional approach by adopting a more open and participative concept of accountability. The difference here is that this approach does not depend on formal authority. It is assumed that anyone who is affected by an organisation can hold the organisation responsible (Kovach *et al*. 2003:3).

Brown and Jagadananda (2007) describe three forms of accountability. Representative accountability is applied in government where public sector actors are required to be accountable to the voters. The second form of accountability they consider is the principal-agent accountability which is applied in the business world and implemented by contracts and formal agreements. The third form of accountability according to Brown and Jagadananda (2007) applies to NGOs and is referred to as mutual accountability which is based on shared understanding, respect, trust and mutual influence.

Brown and Moore (2001:570) state that an actor is accountable when that actor recognises that it has made a promise to do something and accepted a moral and legal responsibility to do its best to fulfil that promise. This means accountability involves a promise to perform and this promise is made by one person to another. For this to happen it means there has to be a relationship between the person or organisation making the promise and the person/persons they are making a promise to. Hence, accountability may be defined by a relationship that is not only morally and legally important, but is also important in enforcing the agreement. This relationship and the extent to which the parties can hold one another accountable are influenced by power differences and degree of trust (Brown and Moore, 2001:572).

In 2003, the global accountability report came up with the refinement of the idea of a move away from the traditional approach to accountability. Brown and Jagadananda (2007:10) indicate that since

> ‘accountability relations involve specific relationships and expectations, they are more subject to direct influence by CSOs [Civil Society Organisations] than legitimacy perceptions. After an elaborate analysis of accountabilities for intergovernmental organisation, multinational corporations, and transnational civil society associations, the Global Accountabilities Project identifies four core accountability mechanisms’.

The Global Accountability Project (GAP) developed a model of accountability called the GAP model of accountability drawing on the stakeholder approach. This model identifies key dimensions affecting an organisation's accountability (Brown and Jagadananda, 2007). As seen in Table 4, these mechanisms are a starting point for ensuring accountability with both external and internal stakeholders. These categories are influenced by member control, appointment of senior staff, compliance mechanisms and evaluation processes, consultations, complaints mechanisms, corporate social responsibility and access to information (Kovach *et al*., 2003:3).

Table 4: GAP Model of Accountability

Mechanism	**Internal/external stakeholder accountability**
Participation mechanisms	Enable internal and external stakeholder to be involved in organisational decision making. Could be through consultations or inclusion of stakeholder representatives on boards of directors.
Transparency mechanisms	Allows free flow of information between organisation and stakeholders in decision making, performance and reporting. For example, audited accounts and annuals reports.
Complaints and redress mechanism	Vehicles for raising questions about performance especially when stakeholders are not in a position to do so due to power inequality
Evaluation mechanisms	Make it possible for stakeholder to assess activities, outputs, outcomes and impacts. Can be done by the use of organisational monitoring and evaluation systems, independent programme evaluations and social audits

Source: Table created from Kovach *et al* (2003); Brown and Jagadananda (2007)

The stakeholder approach indicates that anyone can hold an organisation accountable and formal authority is not necessary in some cases. This creates what Ebrahim (2003) calls multiple accountabilities. This happens in the case of NGOs where the organisation has to deal with internal and external stakeholder accountability to the community, donors and in some cases government. The multiple and sometimes conflicting accountability requirements NGOs face from the community and donors are created by the gap between what is needed by the poor and what is done by the aid agencies (Satterthwaite, 2001). Satterthwaite

(2001:137) explains that there is 'limited capacity of most international agencies to support local initiatives and institutions that respond to the needs and priorities of the urban poor, to support organisations they have formed, and to have some measure of accountability to them'. Aid agencies do not implement projects. Hence, they fund organisations such as NGOs to do the implementation. While implementing the projects, NGOs are usually 'constrained by difficulties of managing donor finance, with its emphasis on short-term project funded, on financial accountabilities and on tangible outputs' (Mitlin, 2001:164). This limits the contribution of communities who might want to do things differently. It creates multiple accountability demands on NGOs funded by aid agencies and working with poor communities.

Accountability and legitimacy of NGOs is important as Brown and Jagadananda (2007:5) indicate that

> 'CSO often mobilize people and resources through commitments to social values and missions that enhance the public good. Their reputation as legitimate and accountable stewards of those missions is vital to their ability to recruit staff and allies to their causes'.

Hence, accountability is a challenge to NGOs because they are accountable to many stakeholders. At the same time accountability is important in claiming legitimate representation. How do NGOs then claim legitimacy in representing communities if they have accountability challenges?

2.5 **Conclusion**

This chapter provided a prescriptive approach to legitimacy by explaining the theoretical arguments on how NGOs can construct legitimacy through representation of communities by ensuring participation and accountability. It has been noted that in any democratic or undemocratic system there is always a group of marginalised people or a minority that is not represented in the majority's

interests. NGOs earn legitimacy in representing these marginalised groups by claiming that due to their focus on small communities and specific issues, they can ensure representativeness of marginalised communities through participation. Although NGOs claim these advantages they still face questions on their actual representation, participation and accountability. The legitimacy of NGOs in this thesis has been assessed using representation because NGOs claim a representational role when working with communities.

Prescriptive approaches to legitimacy indicate that NGOs claim legitimacy as representatives of the marginalised communities, but to legitimately claim this role NGOs have to ensure communities participate in the decision-making processes and are accountable to the communities they represent. In order to claim representation there has to be participation and accountability. Due to different forms of representation, in most cases whether in democratic or undemocratic systems, representatives face challenges representing the interests of minority or marginalised communities. NGOs claim to have an advantage representing these groups but their representativeness is questioned due to challenges these NGOs face in ensuring participation and accountability to communities they represent. There is a need to include other actors outside of governments, such as NGOs and recognise the representational role they play. This is necessary because the formal procedures of representation tend to leave out marginalised communities and minorities.

Although NGOs have a role to play in representing marginalised communities they still face questions regarding their legitimacy. This is mainly due to the accountability and participation challenges that NGOs face. When it comes to accountability, although mechanisms for ensuring accountability are in place, the implementation of accountability is a challenge for many organisations. Accountability requires representatives to be accountable to the represented and to hold the representatives accountable to the promise to perform.

3.0 CHAPTER THREE
NGOS, COMMUNITY PARTICIPATION AND INFORMAL SETTLEMENTS

For the past six decades informal settlements have featured in development debates, with arguments ranging from issues such as to demolish, redevelop or relocate the informal settlement to ways of improving the quality of life of people living in these settlements. However, there is limited academic discussion on NGO legitimacy representing informal settlement communities that are occupying land illegally. This chapter provides background on the legitimacy of NGOs working in 'legal' communities or on legally neutral challenges. It explains the importance of community participation and introduces informal settlements as a concept. This background provides the basis for exploring how NGOs construct legitimacy while working with communities in informal settlements, or with those occupying land without legal authorisation.

The first section of this chapter discusses theories explaining the existence of NGOs, types of NGOs, their roles and challenges. It is important to discuss theories about NGOs because these theories provide an understanding on questions relating to views from government and communities on NGO legitimacy. The legitimacy challenges NGOs face differ depending on the type of NGOs and the role that an NGO plays in society. Therefore, I begin with a broad discussion on the different types of NGOs, and then indicate the type of NGO explored in the case study. This chapter serves as a backdrop for the work of development NGOs in informal settlements in South Africa, which is the focus of Chapter Four.

3.1 NGO theories, types, roles and challenges

In the past 25 years, Africa has seen a huge growth in both numbers and influence of national NGOs (Hearn, 2007). Idahosa (2008) notes that the growth of NGOs in Africa has mainly been due to Africa's economic crisis. During the 1970s and

1980s the state was often viewed as a major source and cause of development's uncertainty and/or decline (Idahosa, 2008:77). In addition to the economic crisis, governments have failed to promote development. This resulted in NGOs being seen as a more effective option to deliver certain types of programmes. NGOs also became important channels for the funds of official development agencies (Idahosa, 2008).

In South Africa, the trajectory was the reverse of what happened in other African countries. NGOs in South Africa began working against the apartheid government then shifted to working alongside the democratic government where donors have come to fund the government directly. With the current challenges such as the housing backlog facing the new democratic government, NGOs are facing similar legitimacy challenges as they do in other African countries.

3.1.1 Theories explaining the existence of NGOs

A number of theories have been developed to explain the existence and role of NGOs. Tvedt (1998) warns against generalisation and transferring these theories from one field to another and one country to another. Applicability may depend on a number of issues, including the variety of NGOs types. Debates on theories explaining NGOs are focused on different forms of failure either by the state, the market or both. Using Tvedt's (1998) study 'Angels of Mercy or Development Diplomat? NGOs and Foreign Aid' I will select and discuss some of the main theories on NGOs, namely public goods theory, contract failure theory, and functionalist and political functionalist theories. Theories explaining the existence of NGOs indicate that NGOs emerge when governments fail, when the private sector fails and because of the availability of political and financial initiatives (Tvedt, 1998).

Public Goods theory

The existence of NGOs is explained by the 'public goods theory' as being a result of government failure. According to the 'public goods theory' NGOs exist to

satisfy the residual or unsatisfied demand in societies by supplying the public goods that are not provided by the government. The public goods theory implies that the state tends to provide public goods at the level which satisfies the median voter where there is majority support (Tvedt 1998:41). Hence, if public goods are supplied conventionally, then a significant minority may be excluded. NGOs then step in to fill the gap left by government by providing services to the excluded communities. For example Idahosa (2008:83) adds that 'the weakening of the African state has further re-enforced the complementarities of non-state actors like NGOs, who have made themselves attractive to global institutions because they appear to be able to fill policy and practical lacunas'. This relates to the role development NGOs play when working in informal settlements. Informal settlements could be seen as marginalised or minority communities and NGOs working in these settlements could claim to fill the gap left by government in assisting these communities to access services. The question is, by filling the gap left by the state, can NGOs claim legitimacy by representing communities with insecure tenure? The legitimacy of NGOs is questioned in representing the interests and needs of communities because for representation to be considered legitimate there has to be participation and accountability.

NGOs working at national level, ensuring participation of the represented and accountability to the represented is a challenge. This is largely because in most cases when it comes to filling the gap left by the government in terms of service provision, funding is from other international or northern NGOs and from donors that fund projects in developing countries. As national NGOs only play an implementing role, they are not in a position to ensure the participation of communities represented and their accountability mainly lies with the funding organisation (Hellinger, 1987). Nevertheless, NGOs are still seen to be playing an important role in representing marginalised communities.

Contract Failure Theory

The second theory on existence of NGOs is the 'contract failure theory' which addresses situations where the private sector fails to provide its services

efficiently, or where communities mistrust the private sector motives for the service delivery. Indeed Tvedt (1998:42) notes that:

> 'NGOs arise where ordinary contractual mechanisms fail to provide the public with adequate means to access the services firms produce. When contractual mechanisms fail, people will trust NGOs more than commercial firms, because the former are seen as having fewer incentives to take advantage of the consumers' ignorance'.

Idahosa (2008:83) adds that:

> 'because of the reality and the perception of the failure of (the) market (in Africa) and the inability of the weakened state to compensate for their deficiencies in the face of the problems created by market adjustments ... NGOs are viewed as being able to carry out primarily project-based tasks that neither the state nor the market can achieve'.

Informal settlements in many countries including South Africa are a result of government and private sector failure. Therefore, development NGOs working in informal settlements in South Africa, as elsewhere have sought to address this challenge.

Functional and Political Functionalist theories

Functionalist theory argues that NGOs emerge as a response to growth in political and financial initiatives of the donor community and ongoing competition among donors for suitable and good local partners (Tvedt, 1998:53). This means the existence of NGOs is influenced by the availability of willing sponsors to provide funding for their activities in communities. Igoe (2003:870) notes that 'the shift of donor money away from African states toward the NGO sector made African NGOs one of the few growth industries in a continent where most economic sectors were shrinking at an alarming rate'. The more funding that is available from international donors the more local and national NGOs emerge. This means

the existence and role of NGOs in society depends on donor funding. This may explain the growth in NGOs in East Africa in the late 1980s and 1990s.

Hearn (2007:1095) describes the 1980s as the 'NGO decade in Kenya, where between 1996 and 2003 alone, the number of registered NGOs grew from 511 to 2511. In Tanzania there were 41 registered NGOs in 1990 and by 2000 the number of NGOs increased by more than 10000 (*ibid.*). This growth was motivated by the availability of donor money as NGOs were no longer seen as gap fillers, but as important members of civil society. The focus shifted away from international NGOs to national NGOs as these were seen to be closer to communities and able to address development problems (Hearn, 2007).

Political functionalist theory indicates that 'NGOs and other non-profit organisations provide the state with unique opportunities to solve social problems which, although may be politically risky, are important in furthering government interests and policies (Tvedt, 1998:58). This means governments' views on NGOs may influence the existence and role NGOs play in communities. For example, a government may outsource contracts to NGOs to implement some of its objectives. The functionalist and political functionalist theories raise questions on the independence of NGOs in representing communities, which in turn raises further questions on how NGOs construct their legitimacy.

According to the two theories above, public good theory and contract failure theory, NGOs exist or emerge as 'angels' rescuing marginalised and minority communities in terms of providing services and speaking on their behalf to donors and governments. However, functionalist theories argue that NGOs exist to carry out agendas of international governments instead of merely being 'angels of mercy'. All three theories described above are important is explaining the existence of NGOs in this research. Therefore, the theoretical framework for discussing NGOs in this thesis is a combination of all the three theories.

Public goods theory is important because it indicates that NGOs exist to provide unsatisfied demand as governments tend to only provide for large majority and leave minorities out (Tvedt, 1998). This theory explains the role of NGO working in informal settlements trying to assist marginalised communities. Contract or private sector theory is also useful in explaining NGOs mainly because the failure by the market creates the need and existence of NGOs in informal settlements as communities tend to believe NGOs are there to help them as opposed to private businesses who they think do not have their interests at heart. Lastly, the functional theory is important in describing how NGOs emerge as without the provision of funding by international donors and government NGOs will not be able to provide the services that they do to the marginalised communities.

Furthermore political functionalist theory is important in explaining the need for government support to NGOs, which creates an environment conducive for NGO activities. With governments contracting NGOs to implement some of its work, as noted by political functionalist theory, the state creates the space for NGOs to survive or sometimes to thrive. Funding by government in contracting NGOs is contentious among activist NGOs. Activists fear the funding from government might divert NGOs' missions. In order to deal with this challenge, NGOs have to decide whether funding from government will improve their missions or create contradictions with their commitments to serve the needs of the poor (Rugendyke, 2007). As noted by Tvedt (1998) generalising and transferring theories on the existence of NGOs from one field to another and across different countries will not provide a true picture of the role of NGOs and how they construct their legitimacy. Robins (2008:24) agrees with the theories above with his two schools of thought on NGOs 'as benevolent agencies that provide solutions to political and humanitarian crises that states and markets cannot and/or are unwilling to address [and as] ideological conduits of neo-liberal capital'.

3.1.2 Types of NGOs

The wide range of NGOs can be broadly grouped into three main criteria, namely: the level of operation or location of NGOs; their objectives or orientation; and/or the period they came into existence. This has implications for their objectives and role in relation to communities. Cernea (1988), Korten (1990) and William (1991) use different terms in describing these three categories of NGOs.

a. Level of operation

As indicated in Table 5, the level of operation refers to the geographical location of the work of NGOs. William's (1991) first category is CBOs, which refers to NGOs that are mainly devoted to helping people understand their rights in gaining access to needed services. Korten (1990) describes these organisations as individual or community NGOs and Cernea (1988) refers to them as grassroots/local NGOs that grow out of local communities and are committed to having an impact on their constituents' lives.

The second category of NGOs refers to city-wide organisations (William, 1991), or national NGOs (Korten, 1990). Cernea (1988) refers to them as southern/national NGOs. The third category according to William (1991) covers international NGOs, Korten (1990) refers them as NGOs operating at global level, and Cernea (1988) refers to them as northern/international NGOs with activities covering a number of different countries other than their home country.

Table 5: Types of NGOs by level of operation

Level of operation	Description	Examples
Community NGOs	Arise out of peoples' own initiatives e.g. sports clubs, women's organisations, neighbourhood, religious or educational organisation.	Community Based Organisations (CBO) Individual NGOs
	Large variety supported by NGOs, national or international NGOs, or bilateral or international agencies, and others independent of outside help.	
	Devoted to raising the consciousness in communities, or helping them understand their rights in gaining access to needed services, while others are involved in providing such services.	
National NGOs	Include organisations such as the Rotary or Lion's Club, chambers of commerce and industry, coalitions of business, ethnic or educational groups and associations of community organisations.	Citywide organisations Southern NGOs
	Some exist for other purposes and become involved in helping the poor, and some are created explicitly with purpose of helping the poor	
International NGOs	Range from secular agencies such as Save the Children organisations, OXFAM, CARE, Ford and Rockefeller Foundations to religiously motivated groups.	NGOs operating at global level Northern NGOs
	Their activities vary from mainly funding local NGOs, institutions and projects, to implementing the projects themselves.	

Sources: Compiled from Cernea (1988), Korten (1990) and William (1991).

b. Objectives of the NGOs

A categorisation by objectives or orientation mainly differentiates NGOs according to their different roles in communities. Based on William (1991) and the World Bank (2001) there are six categories of NGOs. These include charitable NGOs which provide relief with little participation by the beneficiaries; service oriented NGOs which are programme oriented and provide services such as health and education and participatory NGOs focusing on self-help projects helping communities identify their needs and contribute to the implementation of the project Other categories are empowering NGOs which make people aware and understand factors affecting their lives and help them to take control of their lives; advocacy NGOs which defend, promote and lobby for people and their rights and

operational NGOs which focus on design and implementation of projects. Table 6 shows that most of the roles of NGOs overlap and create a continuum from service delivery to advocacy. However, the focus of this thesis is on NGOs with advocacy, participation and empowerment as their main objectives.

Table 6: Types of NGOs by objective and/or orientation

Type of NGO	NGO objective/orientation
Charitable	Top-down effort with little participation by beneficiaries.
	Goal is meeting the needs of the poor e.g. food, housing, transport, schools, clothing or medicine.
	May undertake relief activities during natural disasters.
Service oriented	Activities such as provision of health, family planning or education services.
	Programme designed by NGO.
Participatory	Self-help project where local people are involved in the implementation of project by contributing cash, tools, land, material labour.
	In classical community development projects, participation begins with the need definition and continues to planning and implementation.
Empowering	Help people develop clearer understanding of the social, political and economic factors affecting their lives.
	Strengthen awareness of their potential power to control their lives.
	Sometimes these groups develop spontaneously around a problem or issue.
Advocacy	Defend or promote specific cause.
	Seek to influence the policies and practices.
	Raises awareness, acceptance and knowledge by lobbying.
Operational	Focus on design and implementation of projects.
	Stress on service delivery and participation.

Sources: Compiled from William (1991) and World Bank (2001)

c. NGOs according to different generations

NGOs can also be categorised according to the period that they came into existence. The first generation of NGOs focused mainly on relief and welfare where the scope was to deal with individuals or families as seen in Table 7. For example,

'many of the large International NGOs such as Catholic Relief Services, CARE, Save the Children, and World Vision began as charitable relief organisations to deliver services to the poor and unfortunate, [but with] limitations of relief and welfare approaches in the stress of local self-reliance ... with intent that benefits would be sustained beyond the period of NGO' (Korten, 1987:147).

Table 7: Strategies of development-oriented NGO: Four generations

	Generations			
	FIRST	**SECOND**	**THIRD**	**FOURTH**
	Relief and welfare	*Community development*	*Sustainable systems development*	*People's movements*
Problem definition	Shortage	Local inertia	Institutional and policy constraints	Inadequate mobilising vision
Time frame	Immediate	project life	10 to 20 years	Indefinite future
Scope	Individual or family	Neighbourhood or village	region or nation	National or global
Chief actors	NGO	NGO + community	all relevant public and private institutions	Loosely defined networks of people and organisations
NGO role	Doer	Mobiliser	Catalyst	Activist/educator
Management orientation	Logistics management	Project management	Strategic management	coalescing and energising self-managing networks
Development education	Starving children	community self-help	Constraining policies and institutions	Spaceship earth

Korten, D. (1990:116)

Due to the 'limitation of relief and welfare approaches as development strategy many [second generation] NGOs took community development to improve self-reliance and sustained benefits after NGOs leave the community' (Korten, 1987: 147). The second generation of NGOs dealt with community development involving neighbourhoods or villages. The third generation of NGOs focussed on sustainable systems development with a regional or national

scope. The fourth generation are people's movements with a national or global scope. It should be noted that these different generational NGOs can evolve from one level to another and no generation has completely disappeared. All generations of NGOs co-exist together even today (Korten, 1987).

In terms of these generations, my research is focussed on an NGO with characteristics that are found in the second, third and fourth generation as seen in Table 7. Hence, I define these NGOs as advocacy, empowering and participatory NGOs which operate at the city level, and belonging in either the second, third or fourth generations of NGOs. From now on, when I refer to NGOs I mean the NGOs with these characteristics.

Selection of the NGO for the study

The type of NGO is here defined by the level of operation, the objectives and generations. Three levels are identified as community NGOs, national NGOs and international NGOs. Community and international NGOs are eliminated and the national/city level NGOs selected. National NGOs are appropriate in terms of their scale and scope, as well as in testing legitimacy issues in terms of participation and representation. NGOs operating at this level are mostly funded by international NGOs.

Of the six types of NGOs based on objectives/orientations as listed by William (1991) and World Bank (2001) (charitable, service, participatory, empowering, advocacy and operational NGOs), I choose not to explore charitable, service and operational NGOs. For a more focused analysis I consider NGOs whose objectives include participation, empowerment, and advocacy in the broader context of development. These NGOs claim legitimacy in representing the interests of communities. To claim legitimacy they have to ensure participation as discussed under section 2.3 and accountability section 2.4 and this is a challenge for national NGOs due to their dependency on donor funding as already discussed under the section on accountability. This makes national NGOs useful in

exploring how NGOs ensure accountability and participation in order to be able to claim representational legitimacy.

The objectives of NGOs operating at international to local levels have been changing over time with some objectives carried over different generations. There are mainly four NGO generations as discussed above. As the objectives of NGOs are evolving from one generation to another, it is difficult to clearly separate NGO objectives/activities strictly according to individual generations. In this thesis the chance of finding a purely first generation NGO was low and was eliminated. As already mentioned, the focus in this thesis is on an NGO with objectives that fall between the second to fourth generations. The NGO selected has characteristics that demonstrate activities in promoting community development in a neighbourhood or village, or in the case of this thesis, a community in an informal settlement, where the NGO plays the role of a 'mobiliser'. This NGO also has characteristics of a third generation NGO because it also has an influence on policy formulation. Its fourth generation characteristic includes an attempt to address the inadequate mobilisation vision.

Therefore in this thesis looking at all types of NGOs using the level of operation, objectives and generation, the focus is on what I call development NGOs, operating at national level with the aim of improving participation, empowerment and advocating for marginalised communities. Therefore, in Chapter Four when introducing the South African case study I focus on development NGOs. I will specifically explore the legitimacy of NGOs in the development sector seeing as Abbott (1996) indicates that the involvement of NGOs in development is changing the nature of NGOs activities and their relationship with communities.

3.1.3 The roles and challenges of NGOs

Different types of NGOs play different roles in communities. There are different views on the role of NGOs. Ley (2009:64) explains that

> ‘the experience of global interrelated problems has stimulated the emergence of an international civil society characterised by NGOs entering in international policy arenas. [And] globalisation has influenced NGOs which have become actors on multiple levels with multiple linkages. More recently also locally based NGOs from the Global South are representing their constituencies in international arenas’.

NGOs have grown in importance and numbers for the past few decades. According to Dicklitch (1998) they have become influential in global governance with the arguments that they are capable of reaching the poor/marginalised communities, and could therefore be used as agents of community participation to represent poor people’s needs and interests. Dicklitch (1998), looking at NGOs in Africa, indicates that the recognition of the important role of NGOs began in the early 1990s, when NGOs were considered to have closer links with the communities. Hence NGOs became important in poverty alleviation, and humanitarian and emergency aid provision initiatives. Hearn (2007:1095) states that ‘when NGOs emerged in the 1980s and 1990s in Africa they were seen as ‘magic bullet’, the solution to top-down development and the means to poor people’s empowerment’. Dicklitch (1998) argues that since then, NGO activities have expanded and by the late 1990s were being heralded as important vehicles for empowerment, democratisation and economic development. This has resulted in the increasing funding and the number of NGOs, especially in East Africa (Hearn, 2007).

In addition, NGOs play an important role of service providers (Fowler, 1995) in filling the gap left by government and the market. The World Bank (2004) notes that NGOs can play a role in increasing project-reach and sustainability by making it easier for communities and government or other institutions to have a dialogue with local communities, which in turn helps in promoting participation and creating ownership of development projects. Other roles NGOs can play include being catalysts for change and playing a key role in creating a civic

culture, pluralising the political, economic and social arena, and bridging the gap between the masses and the state by acting as intermediaries (Dicklitch, 1998: 3).

Although NGOs seem to have an advantage in representing marginalised communities through advocacy, empowerment and participation, there are arguments that NGOs have problems reaching the poor. For example, Mokbul (2003) and William (1991) list some of the problems NGOs face as: lack of sustainability and cost-effectiveness; problems of legitimacy and accountability; problems concerned with advocacy; problematic relationships with states and problems concerning scaling up their projects. These all limit the effectiveness of NGOs. On paper, or according to the prescriptive approach to legitimacy, the roles of NGOs seem clear-cut, but on the ground the situation is different. NGOs have been criticised for being motivated by careerism and funding. Robins (2008:22) notes that

> 'NGOs are also routinely challenged for introducing processes of individualism and depoliticisation that undermine the possibility of collective mobilisation and promote the interests of the state and neo-liberal capital'.

Robins (2008: 22) further explains that

> 'some have argued that the term franchise state accurately describes the new relations between NGOs and the state in neo-liberal contexts wherein NGOs subcontract the management and administration of essential services from the state'.

> 'mainstream NGO literature tends to portray NGOs as autonomous, participatory and accountable [but this has changed and] 'such description of NGOs are [now being]… routinely deconstructed as NGOs myths ... [with] critics claim[s] that NGOs have lost their critical edge as they have become increasingly under pressure to manage their programmes on a

> profitable basis, with state subsidies cut and soft loans and grants for development programmes being minimised'

South African NGOs have also faced similar challenges and criticism, this is discussed further in Chapter Four.

Dicklitch (1998) further notes that even though NGOs are allowed to function as gap-fillers, they are often discouraged by the state and the international financial institutions from performing politically-sensitive advocacy or empowerment roles. This has direct implications for the perceived legitimacy of NGOs because it affects their role as representatives of communities' needs and interests. International NGOs have greater influence in influencing policies and organisation's agendas and as a result there are questions about the legitimacy of their influence. International NGOs are accused of expanding their global influence with no expanded accountability or representation (Collingwood, 2006). This does not mean it is only international NGOs that face legitimacy challenges. All NGOs face these challenges one way or the other.

a. Legitimacy of NGOs

Development NGOs have integrated characteristics of state, market and civil society and have anchored themselves in civil society without really belonging into it.

> 'Towards state [NGOs] are characterised as policy influence and watchdog in return for demand for legitimacy and accountability. Relationships to civil society are characterised by [NGOs] receiving legitimacy and accountability and resources through grassroots, in exchange for innovations, articulation of interests, mediation and negotiation' (Ley, 2009:65).

Questions regarding NGO legitimacy are increasing as NGOs speak out to challenge governments, corporations, armed factions and other non-state actors and this does not only apply to international NGOs but also to national and local NGOs (McDonald 2004). McDonald (2004) argues that questions of legitimacy arise mainly due to the fact that NGOs are not elected and not directly accountable. For international NGOs it is a challenge to ensure normative legitimacy, because in an international arena what one country might see as legitimate might differ from another. There are no global agreements on what is legitimate (Collingwood, 2006). Therefore, the source of legitimacy for the activities of international NGOs are rooted in notions of universal human dignity or global justice, international norms such as the international convention on Human Rights or the convention on the rights of the Child, political/financial independence, extensive membership, or giving voice to or empowering abused or marginalised groups such as children or refugees. International NGOs use their expertise as a form of legitimation as well as their partnerships with or support from powerful actors, such as governments, international organisations, funding bodies or corporate institutions (Collingwood, 2006). In addition, international NGOs also justify their legitimacy in individual countries by partnering with national NGOs (Idahosa, 2008).

> 'International NGOs have especially had to construct grounds for their legitimacy, or justification for their participation in development; and they have done so by locating their legitimacy within being in partnership with southern [national] NGOs and representing southern views' (Idahosa, 2008:73).

Partnerships between international NGOs and national NGOs have not eliminated questions of NGO legitimacy.

National NGOs also face questions regarding their legitimacy. Brown and Jagadananda (2007) have provided four reasons why NGOs face legitimacy questions. Firstly, NGOs have a diversity of stakeholders which may contribute to

competing accountability claims. NGOs are generally not accountable to any one clearly defined stakeholder. Secondly, when NGOs support poor and marginalised communities in some instances they may be required to challenge some 'powerful constituencies whose interests may be harmed by proposed changes' (Brown and Jagadananda, 2007:5). Thirdly, descriptive legitimacy questions arise due to problematic behaviour in some NGOs. This resulted in all NGOs motives being questioned. Lastly, NGOs' roles have grown 'in the sphere of social development and change ... [NGOs] have always been seen as gap fillers ... now taken on capacity building and policy advocacy roles that make them participants in multi-sectoral governance processes' and this raises questions regarding NGO legitimacy (Brown and Jagadananda, 2007:6).

According to Bratton (1989:570), the relationship between governments and NGOs is at the base of the policies that impinge on the legitimacy of different types of institutions to exercise power, with questions such as who has the right to assert leadership, to organise people and to allocate resources. This basically means the legitimacy of national NGOs will differ from one country to the next, depending on government policies and the relationship between government and NGOs.

There are several ways NGOs could obtain their legitimacy depending on their working environment or, in particular, depending on how they relate to government. The relationship between NGOs and government could be positive or oppositional. An oppositional relationship prevails in cases where the government refuses to acknowledge the role of the NGOs and makes their working environment more difficult as compared to NGOs that enjoy a positive working relationship with the government. When NGOs play an oppositional role in relation to government their legitimacy is doubted, especially by national governments. However, they may at the same time derive legitimacy from playing the same oppositional role based on the following criteria.

On the one hand, Atack (1999) notes that in connection with the state there are two types of criteria for legitimacy: formal procedural and substantive-purposive. On the other hand, Slim (2002) and Edward (2003) note that in most cases NGOs establish their legitimacy morally and legally. Although the criteria provided by the above authors are differently worded, they basically come to the same argument. For example Atack's (1999) formal procedural criteria mean that the legitimacy of NGOs depends on their representivity (the extent to which they are transparent, accountable and acting in a spirit of genuine partnership with others) and they should have distinctive value associated with their work. The substantive-purposive criteria means the legitimacy of NGOs depends on their effectiveness in achieving goals and their ability to empower individuals to take direct control over their lives (Atack, 1999).

Atack (1999) considers two criteria for NGO legitimacy which are based on representation, effectiveness, distinctive value and empowerment. These are similar to Edwards' (2003) criteria for legitimacy as being derived legally and morally. Edwards (2003) indicates that legally NGOs can establish their legitimacy when registered according to the country's laws. Legally derived legitimacy is mainly implemented by governments and recognised by governments. This means legal legitimacy can only be derived in situations where government policies towards NGOs are not repressive.

In situations where government policies are repressive, NGOs tend to derive their legitimacy morally rather than through the law. This does not mean that when they have legal legitimacy they do not claim moral legitimacy. In cases where NGOs are seen as useful organisations by governments, they have to register according to the law and also claim legitimacy morally (Edwards, 2003).

Edwards (2003) indicates that NGOs derive legitimacy morally through representation, when they have formal membership that can hold leaders accountable for the positions they take. In this case, Edwards and Hulme (1995:14) indicate that 'NGOs do not have to be member-controlled to be

legitimate, but they do have to be accountable for what they do if their claims to legitimacy are to be sustained'. McDonalds (2004) indicates that NGOs can claim a representational role and obtain their legitimacy through non-electoral mechanisms of authorisation and accountability. Another morally derived legitimacy according to Edwards (2003) is through competence and expertise or meeting certain norms for performance (Brown and Jagadananda, 2007). When NGOs are recognised by other legitimate bodies as bringing valuable knowledge and skills to the table they are seen as legitimate because NGOs are often value-based. In addition Brown and Jagadananda (2007) note that NGOs are also seen as legitimate when promoting public interest by meeting interests of their stakeholders or at least being in sympathy with large segments of public (Edward, 2003). NGO activities that are seen as appropriate causes the NGO to be seen as legitimate (Brown and Jagadananda, 2007).

NGOs could also construct or improve their legitimacy by using the media to improve their public relations. The use of the media for legitimacy of organisations really falls under public relations. Public relations scholars have identified a gap in theorising the role of media or public relations in the legitimation of organisations (Patel *et al.,* 2005). Available literature demonstrates that NGOs make use of new media tools in their public relations activities to promote an organisation's image and to encourage fund raising (Hyunjin *et al*., 2009).

The debates on NGO legitimacy are based on NGOs working in environments that are considered secure from a tenure perspective. The question is how do NGOs working in informal settlements that have insecure tenure construct their legitimacy? Large segments of the public do not support the existence of informal settlements, in particular their informality and perceived or actual illegality. The popular understanding is that they are breeding grounds for crime and affect property values negatively (Mumtaz, 2001). These perceptions are discussed further in Section 3.4. Therefore, what legitimacy challenges do NGOs working in informal settlements face, considering the fact that they are not promoting public

interests as perceived by certain (dominant) sectors of societies? Or are these NGOs seen as legitimate by governments because in some way they are assisting governments in discharging their responsibilities towards poor urban communities? Whose perception of legitimacy matters in this case - governments, the communities they serve or the wider public? NGOs claim legitimacy by claiming to be representatives of the communities they serve (Edwards, 2003 and Upadhyay, 2003).

b. Are NGOs legitimate representative?

NGO representation and legitimacy are interlinked. Upadhyay (2003) indicates that the watchdog role of NGOs has raised questions as to who these groups represent. NGOs in turn claim legitimacy due to their representation of marginalised communities (Edwards 2003; Upadhyay, 2003). In response to an attempt made by NGOs in defending themselves, Niggli and Rothenbuhler (2003) note that NGOs insist that they 'represent' civil society and thus lay claim to a representational function which, besides trade unions or farmers' organisations, virtually no NGO actually has.

In support of the NGOs claim of representation role, Frantz (1987:122) argues that theoretically there are limits to NGOs' representivity compared to the state, as 'governments reach society as a whole, both in social and spatial terms, NGOs respond to the specific interests of discrete parts of the civil society'. NGOs might not be able to reach the whole society as government does, but their representation of small communities is more effective than that of government. The depth of reach of NGOs is particularly relevant in informal settlements, as the latter have different characteristics that require different strategies. Where NGOs also involve communities in decision making processes, NGOs intervention and representation could be more effective than that of government. However, Marschall (2002:2) argues, that 'NGOs and governments should be seen to be complimentary, not rival...'. In communities where the government lacks a deep penetration into the lowest community level, NGOs can complement government activities by their

ability to reach deep into small communities. This way, both the government and NGOs are able to deliver effective development to disadvantaged communities.

Marschall (2002:2) argues that the community participation role is claimed by advocacy NGOs and 'carries its own self-originated legitimacy; it does not need to borrow legitimacy from representation'. He argues that NGOs become legitimate through what they do, and representation alone does not make an NGO legitimate. Marschall (2002) further indicates that NGOs are legitimate through participation and not representation. Marschall (2002) is supported by Niggli and Rothenbuhler (2003) who argue that NGOs are not essentially about representing anyone in the way governments do. Rather they are there to provide a voice to groups that cannot successfully project their interests and which risk being bypassed in the struggle between the dominant interests. The argument here is that NGO representation should not be compared to government representation. Upadhyay (2003:1) also notes that from a human rights perspective, NGOs represent the conscience of a society and act in the interests of those represented; a legitimate, alternative force that questions the consequences of government action, and inaction.

Marschall (2002) argues that civil society and representative democracy should be complementary and not rival to each other. Marschall (2002:2) explains, 'civil society is about participation, while parliamentary democracy is about representation'. Most NGOs are focused on a single issue and the representation they claim is based on that particular issue (Marschall, 2002). Therefore, for NGOs to claim representation, the important factor in judging this representation for NGOs is the participation of the sector that an NGO claims to represent.

Representation and participation are important issues to NGOs because without effective participation (Elster, 1998), representation and accountability (O'Neill, 2001) the decisions made in these processes will not be considered legitimate. For NGOs to address challenges they face in terms of their legitimacy in representing communities, they have to ensure communities participate in the decision-making

process (Moncrieffe, 1998). They should also be accountable to the communities they serve (Edwards and Hulme, 1995; Moncrieffe, 1998). Moncrieffe (1998: 397) argues that 'limited participation affects the level of representation and accountability which the democratic state is able to achieve'. A study by Igoe (2003) found that donor agendas in Tanzania influence the types of programmes NGOs choose to undertake, and that communities are not involved in the decision-making processes when deciding what project is most important. In that study, Igoe found that an NGO implemented a water project without the target community being involved in the project. National NGOs are largely funded by foreign donors and do not have the power to influence decisions made, or agendas agreed upon, by these donors. For example, Bebbington (2005) notes that national or local NGOs in Peru and Bolivia were funded by Dutch NGOs which, in turn, were funded by the Dutch government, and as such, it is the Dutch government that influenced how the money was spent and the programmes implemented. In addition, these Dutch NGOs had to demonstrate to the Dutch government how their work reduced poverty in these countries. This means that these NGOs are preoccupied with accountability to the Dutch government, and in turn, they demand accountability from the national NGOs in Peru and Bolivia, that they fund. Hence, national NGOs are sometimes so focussed on accountability to donors that they fail to focus on participation of communities (*ibid*.). NGOs cannot claim to be legitimate representatives of communities' if they do not involve communities in the decision making process. For NGOs to be able to provide the voice on real problems for groups that cannot represent their own interests (Upadhyay, 2003), these communities have to participate in the deliberation of ideas to be represented by NGOs to other institutions. So unless NGOs ensure accountability and participation of communities they claim to represent, they cannot claim legitimate representation.

c. The dilemma of NGO accountability

Accountability can be distinguished in terms of functional accountability (accounting for resources, resource use, and immediate impacts), and strategic

accountability (accounting for the impacts that an NGO's activities have on the actions of other organisations and their wider environment) (Ebrahim, 2003). Increased influence of NGOs has resulted in closer scrutiny and accountability demands. Brown and Jagadananda, (2007:12) note that 'questions about the legitimacy of Civil Society Organisation [CSO] are often raised in terms of who elected them and who holds them accountable. There are different forms of accountability that apply to different sectors. For example, in government circles it is representative accountability, which emphasises the obligations of representatives to their constituents ... [In the] business world [it is] principal-agent accountability, which focuses on motivating agents to achieve the goals of their principal [and for CSOs it is] on creating mutual accountability compacts that bind members through shared values, aspirations and social identities' (Brown and Jagadananda, 2007:10).

Questions on the accountability of NGOs arise mainly because NGOs are faced with multiple and sometimes competing accountability demands (Ebrahim, 2003). For example, donors demand 'integrity, efficiency and impact of programmes'. Beneficiaries demand that 'locally determined development' is fostered rather than donors imposing 'their own priorities'. NGOs staff wants to live up to the higher purpose of objectives that 'drew their commitment to the enterprise'. Other partners that work with NGOs demand that NGOs 'live up to promises they made in forging their partnership'. Many different stakeholders call NGOs to account for their activities (Brown and Moore, 2001:1).

NGO-patron accountability or 'upward' accountability refers to relationships with donors, foundations and governments (Ebrahim, 2003). In contrast, NGO-accountability to clients or downward accountability primarily to relationships with communities NGOs provide services to although it may also include communities or regions indirectly impacted upon by NGO programmes. The third category of accountability concerns NGOs themselves. This is an internal accountability including NGOs' responsibility to their mission and staff (Najam, 1996).

The different activities of NGOs require different structures of accountability. This means NGOs need different structures for making themselves accountable to different stakeholders, depending on their role. Brown and Moore (2001) analyse NGOs with different roles and accountability demands and indicate that welfare and service delivery NGOs face dual accountability to financial contributors and clients. Given these premises, the accountability system an NGO establishes ought to change whenever the role of the NGO changes (Brown and Moore, 2001). NGOs are obligated by donors to use the financial resources effectively. The accountability of capacity building NGOs' should mainly be to clients, but there are complications where other powerful stakeholders have strong interests. Due to multiple and conflicting accountability demands, the best way NGOs can make up the natural 'accountability gap' is to generate public trust by full transparency and high standards of performance (Marschall, 2002).

In order for NGOs to derive both upward and downward accountability there are five broad mechanisms that can be used. According to Ebrahim (2003) these are:

1. Disclosure of statements and reports;
2. Performance assessment and evaluation that includes internal and external evaluations;
3. Participation, which is a process rather than a tool - it includes distinctions between different levels of participation; providing information to the communities at public meeting, surveys and formal dialogue, public involvement in actual project-related activities, citizens being able to negotiate and bargain over decisions with NGOs, and people's own initiatives which occur independently of NGO and state-sponsored projects;
4. Self-regulation where NGOs develop standards or codes of behaviour and performance;
5. Social auditing, which refers to a process through which an organisation assesses, reports, and improves upon its social performance and ethical behaviour through stakeholder dialogue.

NGO accountability mechanisms are also influenced by the form/type of accountability. Representative accountability is applied in government, 'voters need mechanisms that enable transparency and evaluation of representative performance, such a publication of votes or a free press that investigates and publishes representatives activities' (Brown and Moore, 2001:11). Principal-agent accountability is mostly used in business - 'principals must negotiate contracts that specify performance expectations, reporting arrangements, and rewards and punishment for various outcomes' (*ibid.*). Mutual accountability applies mainly between different NGOs working together - 'the parties must develop shared goals and perspectives and relationships of mutual respect and trust that can underpin their compact' (Brown and Moore, 2001:12).

NGOs should be subjected to some form of regulation (Niggli and Ruthenbuhler, 2003). There are different legal requirements NGOs are supposed to meet, and these differ from one country to the next. In addition to the legal registration requirements, there are additional basic legal requirements NGOs have to comply with to ensure accountability. At the same time it is acknowledged that NGOs do need 'some freedom' for their work. This argument is based on the assumption that 'unelected', advocacy NGOs could represent civil society, provided that they conform to certain guidelines (Niggli and Ruthenbuhler, 2003).

Although there are mechanisms to ensure NGO accountability, NGOs still have problems ensuring their accountability to communities. For example, a case study found that, although NGOs were aware of the importance of accountability for empowerment and had accountability mechanisms, they never saw accountability mechanisms as central to their functions (Kilby, 2006). These NGOs argued that a shift in accountability to communities would weaken their control over programs and derail them from fulfilling a broader community and public roles. In a separate study in Tanzania on an NGO representing pastoralists land rights, Igoe (2003:863) noted that with time the

> ‘NGO leaders [had become] less accountable to their constituent communities, and the movement [or NGO objectives] itself lost momentum as its energies have been diverted into activities that can be justified in donors funding reports’.

The discussion in this section indicates that one of the mechanisms NGOs use to construct legitimacy is through representation of communities’ voices and interests (Edwards, 2003; Upadhyay, 2003). For representation to occur, NGOs have to be accountable to the communities they to serve and ensure communities are involved in the decision-making process (Edwards and Hulme, 1995; Marschall, 2002). This means that without community participation, NGOs will not be considered to be representative or accountable and therefore not legitimate. What creates problems for NGO legitimacy is the argument that NGOs depend on donor funding for survival therefore they face multiple accountability, to donors, communities and other stakeholders.

3.2 Instrumentality of community participation for NGOs

Community participation has become a pivotal concept in community development and accepted in theoretical discourses in development fields (Abbott, 1996). Although participation may be seen as an important tool in the development process, and NGOs are often seen as the best agents in implementing participation, there are challenges and advantages of using participation. In the implementation of community participation, Abbott (1993) and Clark (1995) argue that NGOs as instruments of participation, whether invited or not by governments, emphasise the participation of the poor.

In emphasising the importance of NGOs in community participation and representation, Morrill (2004) indicates that minorities or marginalised people have to organise themselves to ensure their voices are heard. In order for marginalised groups to organise themselves they need NGO assistance, as NGOs are seen as good agents of community participation (Abbott, 1993; Dicklitch,

1998) due to their ability to adapt their organisational structure and gain relevant community input (Fowler, 1995). NGOs have potential to contribute to development because of

> '(a) their scale – northern NGOs act as conduits for 12% of total development assistance ... ; (b) their ability to reach the poor especially in inaccessible areas; (c) their capacity for innovation and experimentation, which are difficult for official agencies ...; their representivity – often having close links with poor communities and (e) their skills of participation ...' (Clark, 1995:594).

John Turner's 1960s perception of aided self-help as response to informal settlements (adopted by the World Bank in 1972) helped create a positive attitude in assisting the community from the government's point of view. In the early 1970s, communities' voices were heard when a non-government pressure group called Social Action in Lusaka (SAIL) engaged in various activities. The NGO's press campaign managed to lobby various responsible authorities in support of upgrading, as the urban council was reluctant to cooperate in illegal settlement affairs (Tait, 1997).

There are many debates on the merits and demerits of community participation. The aim of discussing these in this section is not to assess whether community participation is effective or not as a process, but to inform my later discussion on how NGOs implement community participation effectively to claim representation and prescriptive legitimacy in their activities in informal settlements.

3.2.1 Advantages of using community participation

The debates that support community participation strategies indicate a number of benefits in using it as a development strategy. Imparato and Ruster (2003) support the process of participation in slum upgrading as important in order to support

communities and help sharpen the focus of communities' vision. Imparato and Ruster (2003: 16) list three main advantages of using community participation indicating that participation 'improves project design and effectiveness; enhances the impact and sustainability of projects; and contributes to overarching goals such as good governance, democratisation and poverty reduction'.

The World Bank (2006) sees community participation as the only means of meeting objectives, and it has the potential of increasing efficiency and cost effectiveness of the project. Daniels and Uys (2006) argue that there are numerous advantages to community participation. These include enhancing understanding and commitment by involving communities in the preparation of plans. As a process of empowerment, participation helps communities that have no other platform for their voices to be heard.

Involving local communities in decision-making processes helps in gaining insights into existing conditions. Their involvement helps to break the mentality of dependence and promotes self-awareness and confidence. Raco (2000: 574) indicates that most 'governments place great importance on the real involvement of local communities ... [and] this can lead to better decision-making, enhance programmes delivery and improve sustainability'.

Although community participation is seen as important, it is not clear what is meant by participation (Abbott, 1996). Different parties interpret community participation in ways which meet their own interests and perceptions. For example, development professionals may see it as a way of mobilising community support; NGOs may see it as a way for local communities to take control of the development process and bring about political change; development agencies may see it as a method of improving project performance; and government departments may see it as threatening and subversive (Abbott, 1996).

As different parties interpret community participation in ways which meet their own interests and perceptions, they are likely to implement participation

differently, and in this way they may not always be able to attain the stipulated advantages of using community participation. This is because these advantages are not clear but are diverse and depend on different objectives. Therefore, when assessing participation in the case of NGOs it is important to establish what the NGOs' objectives are in ensuring participation.

3.2.2 Challenges of community participation

There are challenges in implementing community participation which often lead to NGOs ignoring and failing to consider community participation as a development strategy in their projects. Sarkission *et al*. (1997) argue that these challenges are mainly due to the problem of bridging the gap between the theory and practice of community participation. Failure in bridging this gap often leaves planners struggling with how best to engage with the communities.

This argument by Sarkission *et al*. (1997) is supported by Abbott (1993) who points out that the inability of government, NGOs or any other institutions to deal with the heterogeneous nature of communities can affect the effectiveness of community participation. The inability to define geographical boundaries of communities especially with physical infrastructure also contributes to the problem. Furthermore, the process of community participation lacks rigorous academic foundation or conceptual structure. As a result there are different perceptions of what community participation is, and a lack of understanding of the relationship between community participation and infrastructure provision (Abbott, 1993).

Shirlow and Murtagh (2004) also agree that community participation problems are due to the simplistic construction of community as a distinctive stakeholder with a shared set of values and clear identity. The nature of decisions to be made might also have a negative effect on the community participation process. Abbott (1993) notes that the particular approach to decision making could have social, political, financial, economic and technical components that make the decision-making

process more complex and time consuming. This results in conflicts among individuals and groups.

Abbott (1993) also indicates that instruments of community participation can hamper the effectiveness of community participation. The instruments used in community participation may involve audio-visual aid materials, but may reach out only to dominant community groups.

Gaventa (2007) argues that spaces of participation such as institutions, channels and opportunities are not neutral; they are shaped by power relations around and within them (Abbott, 1993; Sarkission *et al.*, 1997; Shirlow and Murtagh, 2004). Thus power creates challenges in the participation process in terms of whose voice can be included and whose voice is excluded. How power influences effectiveness of community participation is further explained by Arnstein (1969) who noted that when participation is defined as re-distribution of power, not everyone agrees it is the best practice, and that participation without redistribution of power is an empty and frustrating process for the powerless.

Wilcox (1994) notes that participation requires an understanding of power as power depends on who has information, money, skill and confidence. Imparato and Ruster (2003) indicate that in order to deal with power struggles and conflict in community participation, the focus should not be on maximising participation because there are different levels of participation that are determined by different situations and times.

Effectiveness of the participation process depends on power relations between individuals in a community and between community and other institutions such as local governments and NGOs (Lyon, 1987). This means in order to improve the quality of life in a community there is a need to understand power relations in the community. In order to understand power relations, knowledge about the community in terms of education, demographic structure such as population size, work force, age, and residential and business land-use patterns is important (*ibid.*).

Arnstein (1969: 217) argues that attention must be paid to the fact that although there are different blocs of people with power, neither the have-nots nor the power holders are homogenous blocs as each group encompasses a host of divergent points of view, significant cleavages, competing vested interests and splintered subgroups.

Emphasising Arnstein's (1969) point, Raco (2000) posits that even when community representatives are recognised as equal partners in negotiations in the decision-making process, they often lack power, resources and technical knowledge to operate on equal footing with other stakeholders. In this situation Raco (2000:577) argues that without power, resources and knowledge, communities will have minimal influence in decision-making processes. Communities will be 'used to obtain legitimacy through incorporation in public sector programmes' although they will have no power in the decision-making processes (Raco, 2000:577). This means, emphasis on participation and new programmes for participation 'will not necessarily result in greater inclusion or pro-poor policy change' (*ibid.*).

The relationship between donors, NGOs and communities demonstrate how power, resources and knowledge affect participation. Donors offer financial resources, which give them the power to influence the decisions that are made; NGOs provide knowledge on how to implement projects in the communities and how to access funding for the community. The community is a beneficiary which is meant to 'participate' in the development decisions that are going to affect it. But because the community has not contributed in terms of resources or knowledge, their participation is limited. For example, Igoe (2003) tells of a project in Tanzania which was initiated because donors were offering money and the women only participated because they did not want to be seen as people who did not like development and would be bypassed in future. NGOs leaders implemented the projects and advised the community because their interests were in accessing any possible funding, which would assist in the NGO's survival. The funding agencies working with the NGO's leaders did not consult and involve the

community in the decision-making processes on what project would benefit them. The community in turn did not have the power to demand participation, as they were not contributing any resources (*ibid.*).

For the informal settlement context, Imparato and Ruster (2003) emphasise the importance of community participation in different interventions. Imparato and Ruster (2003:37) note that in upgrading informal settlements, some people might have to be moved or relocated to create public or private spaces within the settlements. If the people concerned are not involved in the decision making processes in deciding alternatives and goals of the project, implementation will be very difficult if not impossible (*ibid.*).

The observed challenges in community participation in turn affect representation. When the level of participation of the represented (communities) is very low, the chance to project their interests and needs to government or donors is likely to be limited.

3.3 The state of informal settlements

Durand-Lasserve (2006) argues that the term informality is difficult to define in reference to settlements and economic activities. He notes that informality in the human settlement context may be defined negatively when the borderline between formal and informal is blurred. Thus whether a settlement is formal or informal depends on different policies regarding land, urban planning and housing.

As with the term informality, Durand-Lasserve (2006:1) notes that the

> '…term illegality poses similar definitional problems, but with distinctively more repressive connotations. When this term is used by governments' authorities it reveals a clearly repressive intention and the most visible expression of repression is eviction'.

Although the action of occupying the land is considered by government as illegal, informal settlement residents have the same basic rights in law as other citizens. For example the Republic of South African Constitution (Act 108 of 1996) contains the right to adequate housing. For example Section 26(1) indicates that 'everyone has the right to have access to adequate housing'; Section 26 (2) directs that 'the State must make reasonable legislative and other measures within its available resources, to achieve the progressive realisation of this right'; Section 26 (3) states that 'no one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions' (South African Government Information, 2010). In some instances governments do attempt to provide services to the settlements as Durand-Lasserve (2006) notes, but these basic services are normally provided using temporary service-providers especially for water and transport. Moreover, these services are often provided at higher cost compared to what other city dwellers pay.

Residents of informal settlements face problems such as illegal tenure and public health challenges. As the land is occupied informally, public authorities often do not recognise or acknowledge the existence of these settlements and they do not plan for service provision for the residents. Azfar and Rahman (2004) and Durand-Lasserve (2006) indicate that service provision such as public health and safety are major issues and remain largely uncatered for in informal settlements, as governments are reluctant to intervene because such action might be viewed as a first step towards legal recognition of the settlements and tenure.

The problem of informal settlements, which results from widespread poverty and inequality and shortages of affordable housing, is experienced both in developed and developing countries though to different degrees. This is due to differences in economic, social, political, ecological and demographic characteristics that influence the rates of urbanisation and formal housing production (Aldrich and Sandhu, 1995). Housing shortages in sub-Saharan African countries are mainly the result of the historical development of African cities, immigration and high

rates of urbanisation (Tait, 1997). Housing policies during the colonial era or apartheid in South Africa ensured that formal housing in towns was selectively provided to the white population, while relegating most Africans to temporary residences in the peripheries of the towns (Schlyter, 1995; Tait, 1997). Lack of affordable housing for the urban poor resulted in significant growth of informal settlements in most urban centres (Agevi 2003). Furthermore, rapid urbanisation, and other socio-economic problems combined with the incapacity of most national or city authorities to undermine the provision of adequate serviced infrastructure to their growing urban population (Agevi 2003).

In countries where governments have repressive policies towards informal settlements, participation of citizens in these settlements via government channels is significantly limited. Most governments see an informal settlement as a problem, which needs a solution and most of the time the solution is to remove people from these types of housing to a 'better' standard of living. For example, between 2003 and 2007 more than 800 000 residents in Nigeria were forcefully evicted from informal settlements in Abuja without adequate consultation, written notice, compensation or alternative housing (COHRE, 2008). Also, in 2005, the Zimbabwean government demolished a number of informal settlements in Harare, leaving thousands of people homeless (Du Plessis, 2006). Du Plessis (2006:180) further notes that 'every year millions of people around the world are forcibly evicted, leaving them homeless and in the process entrenching patterns of poverty, discrimination and social exclusion'. These kinds of evictions have been happening despite international law explicitly recognising the right to adequate housing. These forced evictions result in entrenched patterns of poverty, discrimination and social exclusion and it is a violation of human rights that contradict human development (Du Plessis, 2006).

Pithouse (2009) explains that although there has been progress with development of policies in South Africa, such as the 'Breaking New Ground' policy in 2004, some municipalities still act unlawfully to evict, demolish and forcefully remove people from new settlements. Apart from the government views on informal

settlements, Mumtaz (2001) notes that ordinary people who are themselves formally housed are against informal settlements due to the 'NIMBY (not-in-my-back-yard) principle' as informal settlements are perceived to bring down the market value of their properties due to the disorderly layout, ramshackle, makeshift construction, lack of services, and fear that these settlements are breeding grounds for crime and prostitution.

The question then is, can NGOs' advocacy work enable communities in informal settlements to engage with government more effectively to improve their standard of living in terms of service provision? Can NGOs claim representation and legitimacy by ensuring participation of these communities in decision-making processes? Following this brief synopsis of views on informal settlements and opposing attitudes towards these settlements, I turn to government policies and strategies in response to the next section explores South African strategies on solving the developmental problems in informal settlements. It will also investigate the role of NGOs play to represent the interests of urban poor in informal settlements in South Africa.

3.4 Government policies and strategies on informal settlements

There is no question that informal settlement residents have rights to basic services like other citizens, but the fact remains that informal settlements are seen as a problem by the majority of the other town dwellers.

Governments' views of and responses to growth of, and problems in, informal settlements are varied. Some governments tolerate the existence of informal settlements while others aim to eliminate them. Harrison (1992) indicates that negative attitudes towards informal settlements are supported by an argument that they blur the image of modernisation that developing countries are trying to portray. Informal settlements are regarded as symbols of the loss of control by the central authorities, and as breeding grounds for crime and disease. Apart from perceptions that informal settlements spoil the image of modernisation, Agevi

(2003) indicates that governments and public organisations have refused to recognise that informal settlements are indeed a productive and creative solution to shelter needs, preferring instead to treat them with suspicion and downright opposition.

Durand-Lasserve (2006:2) notes that the views towards informal settlements have undergone a significant transformation in public debate, from non-recognition in the 1960s, to repression in the 1970s and 1980s, to tolerance in the 1990s. More recently, there are concerns also noted by Huchzermeyer *et al*. (2006:6) that some governments have gone back to repressive measures that are being implemented as proactive policies. The change in perception of informal settlements in the late 1960s and early 1970s have been influenced by theorists such as John Turner who asserted that informal settlements are not a problem but are part of the solution to the housing crisis and that informal settlements represent the creativity and energy of the poor. This new perception has successfully established a far more positive approach to informal settlements. Governments' and donors' attitudes toward informal settlements have been changing from positive attitudes to repressive measures and back to positive attitudes (Huchzermeyer *et al*., 2006). For example, as noted by Harrison (1992), governments' stand on informal settlements tends to differ with political and economic influences from within government and from other organisations. Harrison (1992) further indicates that in some instances governments change their policies on informal settlements from being hostile to finding positive ways of dealing with the problem and back to being hostile and ignoring informal settlements again. These changes mainly depend on the direction the government in office is taking towards provision of public services.

According to Huchzermeyer *et al.* (2006) the different government attitudes towards informal settlements are determined by state-society relations. Huchzermeyer *et al.* (2006:21) provide three classifications of government's attitude. These are oppositional (hostile, repressive or exploitative), indifferent (neglecting, tolerating or ignoring), or cooperative (co-opting or integrating). Huchzermeyer *et al.* (2006:21) further indicate that most governments are

oppositional when they are ‘blinded by negative perceptions and interpretations of informal settlements among dominant classes’ and when the government follows rigid approaches imposed by lending institutions. Huchzermeyer *et al* (2006:21) note that indifferent state-society relations with regard to informal settlements may result under several conditions. First, where the ruling party considers these settlements necessary for political support, second, where their existence does not pose a threat to the principle of private property, and third, where they are recognised as supporting the economic and social system.

Based on Aina’s (1997) classification of state-society relations, Huchzermeyer *et al.* (2006) developed a typology of six policy responses to informal settlements. The first one of these is called repressive and is characterised by removal of informal settlements at whatever cost to the communities living in the settlement. The Nigerian case, discussed above under section 3.3 is an example of this type of response to informal settlements. A deterministic response is usually characterised by formulated strategies in addressing informal settlements problems. These strategies do not involve communities’ interests or how the strategy would affect the community. Tolerant/ambivalent responses are those that are used by government officials during election time to gain popularity and votes from the settlement. These responses provide temporary rights to residents to occupy a piece of land, as is the case with transit camps, and has been implemented in South Africa. However, this may not be a good solution as it creates uncertainty to the communities living in transit camps. Nevertheless, giving such ‘amnesty’ lends people a right to occupy the land, whether temporarily or permanent and protects communities from being evicted. Finally, a transforming policy response involves the upgrading of the informal settlements with the provision of basic services.

NGOs could work within any of these state-society relations when it comes to assisting communities in informal settlements. In the case of repressive policies, NGOs could assist the community fight for its rights, for example, by defending the urban poor from being evicted or educating them about their rights as citizens.

In the context of deterministic policies, NGOs could assist communities in engaging with government more effectively. With transitional, amnesty and transforming policy contexts, NGOs could assist the community in engaging government in influencing the development strategies of the area and project implementation. The objectives and the type of NGOs working in an informal settlement determine how and whether the NGOs can assist communities in these settlements. For example, in this thesis, the NGO Planact was working in a settlement established illegally on a private land. However, if the government acquires the land, the residents might eventually obtain permanent occupational rights. However, the policy context is primarily 'deterministic', with little political will to move in a 'transformative' direction that would involve *in situ upgrading* and serious involvement of the community in decision-making over its future.

The arguments above indicate that the role of NGOs in community participation depends on the type of government policy being implemented. Huchzermeyer (2004a:55) categorises a number of existing interventions that recognise informal settlements and seek to improve conditions in informal settlements, into three categories. Firstly, she considers externally designed and comprehensive upgrading that transforms an illegal and substandard environment to acceptable standards through a capital intensive intervention. Secondly, she considers government initiated support-based intervention that explores alternative informal settlement intervention approaches (Huchzermeyer, 2004a:64). Finally she recommends an NGO initiated support-based interventions (*ibid.*). Huchzermeyer (2004a:64) indicates that the government initiated support-based interventions addresses some of the shortcomings of the conventional once-off physical interventions. Support-based interventions provide opportunities for communities to participate in the projects as some parts of such projects are managed within organised communities.

NGO initiated support-based intervention are mostly important in situations where government policies towards informal settlements are oppositional or indifferent, as classified by Aina (1997). Huchzermeyer (2004a:70) further indicates that even when government policies are tolerant towards informal settlements, the

government can only reach a small percentage of informal settlements leaving the rest without services. Schlyter (1995) argues that governments are tolerant or cooperative when they have support in the form of funding from international NGOs and when the political motives suit the government in power. Huchzermeyer (2004a) agrees with this argument by Schlyter's. For example Huchzermeyer notes that, in the mid 1970s the Zambian government depended heavily on external funding and when this funding was delayed or cut, upgrading was discontinued.

Huchzermeyer (2004a:70) states that when governments cannot intervene in improving the living standard of informal settlement communities, NGOs may attempt to assist communities with two objectives

> 'Firstly, they attempt to challenge the poor to explore what they are capable of achieving without the assistance of governments and to empower them to successfully engage with government to win support for their self-defined local objective ... Secondly, they attempt to challenge funders to reform the regulations to which their finance is tied, which is to break with the product-oriented funding mechanisms designed for the conventional contractual procedures of comprehensive upgrading'.

Huchzermeyer (2004a) states that the attempt by an NGO to empower a community to engage more effectively with local government is a realistic one. As noted in the discussion above, informal settlements erupt because of government failure and the private sector to create conditions for the urban poor to access affordable housing. As discussed under the section on NGO theories, this is where development NGOs find their niche, claiming to represent the needs of marginalised communities in informal settlements.

3.5 **Conclusion**

Marginalised communities in informal settlements are vulnerable to problems of unresolved tenure security. As such, communities in informal settlements are poorly represented in the local government decision making processes. Government policies that address the problem of informal settlements vary from tolerance to repressive measures to eliminate them depending on the attitude of the leaders in power. This is where NGOs claim their legitimacy in representing these marginalised communities.

There are different types of NGOs with different roles working with different stakeholders. The representation and legitimacy of NGOs is questioned because NGOs face multiple and sometimes competing accountabilities from the different stakeholders. In most cases NGOs have to be accountable to the donors, communities they represent, partners and NGOs own mission. Although there are mechanisms to ensure accountability, often NGOs are accused of being more accountable to the donors than communities they claim to represent, because donors seems to have more power as they provide financial resources for the survival of the NGOs. As a result of their accountability to donors, the participation of communities is not implemented effectively as communities do not have the power to demand participation and accountability.

Although NGOs face legitimacy questions in claiming representational role, NGOs are still seen to have an advantage in ensuring marginalised communities such as those in informal settlements participate in decision-making processes. In the next chapter I introduce South African development NGO Planact and Zandspruit informal settlements. The focus of the discussion is on the historical development of informal settlements and the role of NGOs in South Africa with a particular emphasis on Planact and Zandspruit.

4.0 CHAPTER FOUR
AN INTRODUCTION TO SOUTH AFRICAN DEVELOPMENT NGO PLANACT AND ZANDSPRUIT INFORMAL SETTLEMENT

South Africa's economic inequalities are highlighted by the fact that the country has one of the highest rates of disparity between the very wealthy few and the vast majority of the poor in the world. Nothing characterises the disparities as clearly as the explosion of new upmarket town houses alongside vast informal settlements on the outskirts of most urban areas in South Africa. Fifteen years after the end of apartheid, little seems to have changed for the urban poor living in informal settlements. Although development NGOs are at the forefront of assisting communities in some informal settlements by engaging the government to provide housing and basic services, there are still many communities which are still marginalised.

In South Africa, emergence of NGOs can be traced back as far as the arrival of missionaries and colonisation from Europe in the 1600s, although they were not called NGOs at the time (Editors Inc, 2000). Most development NGOs in South Africa have their roots in the country's anti-apartheid struggle in urban townships. After the advent of democracy, urban development NGOs have been mainly involved in policy advocacy by promoting people centred approaches in housing and local government policy formulation. Currently, urban development NGOs are mainly working in two areas, housing and local governance issues. Common programme areas for urban development NGOs include supporting community participation in low income housing delivery, conducting local governance and housing research and working in support of the institutional development of local authorities (Sangonet, 2010).

Much more recently, the relationship between NGOs and the South African government has changed from antagonistic and adversarial to collaborative. With the changes in these relationships, NGOs faced challenges and questions regarding their legitimacy. During apartheid, NGOs that took a stance against the government were seen as more legitimate by the community and donors than the government. NGOs at this time were largely accountable to the communities they represented. With the transition to democracy, NGOs faced challenges such as adjusting their role and accessing foreign funding. This resulted in some NGOs working with government and competing for donor funding.

These developments shifted NGOs' accountability from communities to donors and government. The benefits of a transition to democracy have not reached all marginalised communities in the informal settlements, especially regarding service delivery. The focus of this study is to look at the role of development NGOs in the apartheid to the post apartheid periods and how these changes affected or influenced NGOs' claim to legitimacy in representing marginalised communities.

The other area of concern is how the democratic government in South Africa has attempted to address informal settlements challenges. The view in the informal settlements is that the efforts of the government, so far, have not yielded desired results from their perspective. Lastly, I provide a background on Zandspruit the informal settlement in my case study, and how Planact began its work in this settlement.

4.1 The emergence of informal settlements

Informal settlements have emerged in different guises throughout the last century and they continue to form and expand (Huchzermeyer and Karam, 2006). A shortage of affordable housing in urban centres alongside stark economic disparities is blamed for the increasing number of informal settlements, and has been one of the challenges facing the successive governments for over five

decades (COHRE, 2005). Huchzermeyer and Karam (2006:4) argue that 'the need for illegal occupation of land and informal dwelling arrangements stems from a deep marginalisation and exclusion from formal access to land and development'. The marginalisation of the urban poor was deliberate during apartheid years and the effects are still seen today, with inadequate redress in terms of access to housing and basic services by urban poor.

Ballard *et al.* (2006:10) point out that marginalisation is 'often linked closely to a lack of material resources and poverty and associated with powerlessness and lack of representation and freedom'. Marginalisation by race in South Africa began before apartheid policies were clearly defined. For example, in 1913, 'at least three decades before the crystallisation of apartheid policy, the government passed the Natives Land Act, which made it illegal for blacks to purchase property from whites except in reserves. As a result, the entire black and native population of the country existed on less than eight per cent of South African land' (Adgate *et al*, 2008:1). Adgate *et al.* (2008:1) further indicate that 'ten years later [the Natives Land Act] was followed by The Native Urban Areas Act' 1923 that restricted the movement of black people into the cities.

Informal settlements in South Africa mushroomed in the 1940s. At the same time communities were represented by community leaders whose mobilisation did not result in political conscientisation of the rest of the community. Legislated exclusion of blacks from the cities meant evictions and removals of black individuals to municipal emergency camps (Huchzermeyer, 2004a). Adgate *et al.* (2008:1) add that the

> 'Group Areas Act of 1950 aimed at residential areas that separated people by race throughout the country. Throughout the 1950s and 1960s several vibrant communities, like the famous Sophiatown, were invaded by the state. These townships, once epicenters of interracial interaction were bulldozed to the ground. This was supported by the Prevention of Illegal Squatting Act of 1951 that gave the Minister of Native Affairs the power to

> remove blacks from public or privately owned land and to establish 'resettlement camps' that were located in undesirable locations, far from job opportunities or viable community centers'.

By the mid-1960s, informal settlements within and around South Africa's towns and cities had largely been eradicated (although the state never managed to fully eradicate informal settlements in Cape Town) and replaced with sprawling townships. However, despite the declining rural economies and rapid urbanization, construction of houses by the government came to a virtual standstill in white urban areas due to the policy of territorial separateness (Huchzermeyer, 2004a). This resulted in unprecedented proliferation of informal settlements and from 1979-1985 the extent of the housing crisis was apparent due to the urbanisation surge and the years of inactivity due to the then government's policy of separate development in housing (Harrison, 1992).

In the 1970s, with the re-emergence of community and political mobilisation, new responses to informal settlements emerged. During 1970s, the African opposition to the apartheid government was mainly staged in the informal settlements through the civic movements. The civic movement was supported by the professional sector through the formation of development NGOs (Huchzermeyer, 2004a). Social movements and some NGOs during apartheid were focused more on the construction of liberation and winning state power than addressing the problems of informal settlements (Buhlungu, 2006:69).

Nevertheless, there were a few development NGOs that focused on working with the communities in the informal settlements. Mayekiso (2003) adds that the civic movement also developed a distinct development philosophy and sought to improve conditions in townships and informal settlements.

With the increasing deterioration of conditions in the townships and in particular to the uprising in 1976, the Urban Foundation was created in 1976 as a Section 21 (not for profit) think-tank on urban development. Its main task was to promote

freehold tenure for Africans in urban areas (Huchzermeyer, 2001a). The Foundation was sponsored mainly by the business community with the aim of raising the socio-economic circumstances of the black population in terms of housing, education, health, welfare and community development among others. But the agency faced challenges due to apartheid policies and soon focused on influencing changes in the policy environment (Smit, 1992). Huchzermeyer (2001b:73) notes that the central tenets that the Urban Foundation promoted were private sector delivery of a standardised product [serviced site], financed through a once-off household-based capital subsidy. This had a strong influence on policy-making in the transition to democracy.

Since most political organisations were banned during apartheid (Terreblanche, 2002), marginalised communities in townships were represented by civic organisations which collectively formed the civic movement. This represented the virtual social movement across the country (Mabin and Smit, 1997). McKinley and Veriava (2002:72) point out that during apartheid these social movements gave a voice to the poor. Besides the civic organisations, there were church organisations and humanitarian NGOs, such as the Black Sash, which together engaged in non-political relief (Huchzermeyer, 2004a). According to Mabin and Smit (1997), the civic movement obtained technical support by interacting with students, academics and practitioners. This resulted in the formation of several development NGOs in the 1980s (Huchzermeyer, 2004a).

Mamphiswana (2004) notes that during the mid 1980s, NGOs were formed within the context of the anti-apartheid struggle. Their services to organisations fighting apartheid are considered have been central to the final dismantling of the apartheid system (Mamphiswana, 2004:27). NGOs in the mid-1980s were concerned with challenging the South African state and furthering a democratic society (Habib and Taylor, 1999). It was during this period that development NGOs assisting communities in informal settlements emerged (Huchzermeyer, 2004a:118). It must be noted that prior to the 1980s NGOs critical of apartheid were subjected to continuous harassment and banning. The political and legal

system was only supportive to NGOs that served the white community (Habib and Taylor, 1999:74). 'This political environment was transformed with the liberalization of the South African polity and economy in the early 1980s. Although not supportive of anti-apartheid NGOs, the P.W. Botha regime allowed many to emerge, organise, and serve the disenfranchised and marginalised majority black population' (Habib and Taylor, 1999:74).

Abbott (1996) notes that in the early 1980s two types of NGOs, emerged in South Africa: development NGOs and NGOs in education and media advocacy. 'The latter was perceived as a serious threat by the government and many of its members were banned and detained. The result was that development NGOs operated in a political space which allowed them a significant amount of freedom of action' (Abbott, 1996:200).

Development NGOs had a good working relationship with grassroots communities and derived a good deal of their legitimacy representing these marginalised communities (Lee, 1991). International donors in turn gave support to these NGOs.

The development NGO Planact was formally launched in Johannesburg in 1985 by a group of development professionals working at the University of the Witwatersrand and in private practice (Abbott, 1996:200). The other development NGOs at the time were Built Environment Support Group (BESG) formed in 1982 in Durban and Development Action Group (DAG) which was formed in 1986 in Cape Town (Huchzermeyer, 2004a). Later on in 1992 Afesis Corplan was formed in East London.

Planact worked on requests from organised communities and trade unions on issues broadly related to housing and urban development. According to Planact's original constitution, Planact was described as a voluntary organisation of professionals who committed

> ‘their skills to the homeless, the poorly housed and those that do not have access to sound professional services in relation to their living environment and the struggle for a free, united and non-racial and democratic South Africa, in which all may participate in all levels of society’ (Development Works, 2006:15).

With the increasing influence of development NGOs, ‘Urban Sector Network (USN) was formed in 1988, enabling co-operation and co-ordination between various localised development NGOs across South Africa. This strengthened an independent nation-wide development NGO movement’ (Huchzermeyer, 2004a:119).

Abbott (1996:202) indicates that ‘Planact had been the prime mover in the establishment of an Urban Sector NGO Network in South Africa. [In 1992 Planact] was dealing with almost 100 projects and was an integral part of the national consultations process. It was an adviser to the ANC, and World Bank missions could not have credibility unless they had spoken to Planact’.

The development provided in urban areas by the apartheid government was inadequate. Responding to pressure from the business constituency through the Urban Foundation, in the early 1980s the apartheid government offered to provide infrastructure and services to the urban poor while the private sector and individuals would be responsible for building houses. This was effective in securing tenure in some settlements and ensuring access to services, but did not lead to improved shelter (Huchzermeyer, 2004a). Moreover, as Harrison (1992:18) notes, ‘despite the government’s commitment to accommodating urbanization in an orderly fashion, the housing backlog continued to escalate during the second half of the eighties, [and] informal settlements grew rapidly’ in this period.

4.2 NGOs and informal settlements after 1994

With the changing political conditions during the early 1990s there was a clear need for social and economic upliftment of the poor South Africans living in the informal settlements. This forced civic societies to move from the politics of resistance to tackle issues of urban development, despite the fact that apartheid institutions still remained relatively intact. As a strategy, civic and non-governmental organizations reacted by forming alliances to work together (Bremner, 1994:39). The political change post-1990 also impacted significantly on urban policy and planning. The creation of the White Paper on Land Reform, the scrapping of the Group Areas Act and the restrictive legislation, provision for non-racial local authorities are some of the factors that led to a more liberal South Africa's polity and economy (Harrison, 1992).

Although the political change impacted on urban policy and planning, there was little change on the ground in terms of access to adequate housing by the urban poor. This resulted in the continued expansion of informal settlements in major cities such as Durban, Cape Town and Johannesburg as the marginalised people trying to relocate closer to economic opportunities. Zandspruit, the informal settlement in my case study was formed during this time.

Hence, civic organisations were increasingly in a better position to focus on development rather than resistance. Development NGOs instead pursued development programmes. Huchzermeyer (2004a:119) notes that,

> 'in the late 1980s, when the civic leadership [that was detained in early 1980s as noted above] was released from detention and could rebuild the civic movement, civic organisations were increasingly in a position to focus on development rather than resistance. However, the development NGOs had by then developed a language and agenda of their own'.

Development NGOs under the Urban Sector Network were now to a large extent involved in implementing the 'Urban Foundation' approach to development in informal settlements and faced difficulties realising the envisaged results (people's direct participation in all aspects of the development of their own settlements) (Huchzermeyer, 2004a:121).

The Urban Foundation promoted informal settlement intervention primarily as a form of housing delivery, dismissing a direct or central role for community organisations. Huchzermeyer (2004a:119) explains that the 'Urban Foundation's thinking on informal settlement intervention had been semi-institutionalised through the Independent Development Trust, thus increasingly dictating the shape of development'. The IDT was set up through a government grant in 1990s as a development agency that offers programme management and development advisory services for the eradication of poverty to government departments and other development partners. The IDT supplied grants for poverty relief, infrastructure development, and services in the education, housing and welfare sectors. As it was originally funded by the South African government, it was accountable to the apartheid state. Huchzermeyer (2004a:2) indicates that the

> 'IDT's funding mechanisms for low income development ... took the form of a uniform 'capital subsidy'. It was allocated to a developer on behalf of the individual household, and covered the cost of a peripherally located serviced site with freehold tenure'.

In the absence of other sources of development funding for informal settlements upgrading, the Urban Sector Network NGOs working in informal settlements placed 'themselves in an uncomfortable position between civics and a rigid development framework from which they were no longer independent' (Huchzermeyer, 2004a:119). The role of Urban Sector Network NGOs in part became managing the Independent Development Trust projects and they had to abide by the dictates of the development framework, including its time constraints

and individualised site-and-service product (Huchzermeyer, 2004a:119). This led Mayekiso (1996:271) who himself was a civil leader as well as a staff member of Planact to observe that

> 'it was an entirely different experience building community organisations in the early 1990s, because not only could civic leaders negotiate with the regime directly, but the enemy now included a much more sophisticated crew of development technocrats even more intent on co-opting us and forcing us to accept their capitalist agenda'.

Mayekiso (1996) notes that development technocrats (partly in development NGOs) took over the implementation of a rigid form of development. NGOs were to play the role of ensuring smooth implementation of projects. This required NGOs to discourage civics from insisting on their views and ideas of development. This experience also contributed to demobilisation of civics. Thus, 'while the IDT espoused community participation the IDT's entire development apparatus was geared against it. It sought to limit consultation to the state after installation of basic services and made little, if any funding available for participation' (Bremner, 1994:38).

After the unbanning of political parties in 1990, a political transformation also occurred, which affected the way civil society organisations operated in relation to development:

> 'the ANC moved swiftly to demobilise the popular organisations that had done vastly more to break apartheid ... these organisations were brought under control of top-down party structures and lost a significant degree of their autonomy ... The ANC aligned all organisations in informal settlements under a development committee that was ANC aligned to the South African National Civic Organisation [SANCO] ... bottom up movement became top-down institution of social control under the ANC' (Pithouse, 2009:7).

A new social movement emerged in the early 1990s. People's Dialogue/Homeless People's Federation Alliance applied a different approach to representing the interests of the marginalised, mainly people living in informal settlements. It was strongly supported by the Indian Slum Dwellers Federation (SDF) and NGO Slum Dweller International (SDI) as well as by a coterie of international network that promotes active federation membership based on daily savings (Huchzermeyer, 2004a). South Africa Homeless People's Federation (SAHPF) was formed in 1992 with the participation of communities drawn from 40 settlements in both South Africa and Namibia. SAHPF also created links with other similar organisations in India and elsewhere. The NGO People's Dialogue was formed to support SAHPF to 'assist individuals in squatter settlements, back-yard shacks and hostels to set up savings programmes and establish small-scale loans' (Jenkins, 1999:443).

At this time 'Planact focussed on the policies behind the state programme and the development of alternative policies … Communities needed practical alternatives for their negotiations with the state and Planact needed to develop these alternatives' (Abbott, 1996:201). Mayekiso (1996) also acknowledged that NGOs were focused on finding and promoting development alternatives. In this context,

> 'Local struggles were being linked to national policy, implementation was moving rapidly and there was suddenly a massive influx of private sector organisations entering the market, all supposedly committed to community participation and all offering different services to the community organisation' (Abbott, 1996:201).

This removed the monopoly previously enjoyed by Planact (Abbott, 1996:202). Abbott (1996:202) noted that in dealing with this challenge, Planact restructured the organisation by 'dismantling the departments and replacing them with programmes, whose character was defined in terms of goals, outputs and client accountability'.

Although there were changes in policy and legislation, most development alternatives and strategies addressing informal settlements faced challenges. As Bremner (1994:38) points out

> 'development proposals were put forward at a time that was intensely politically loaded. Unbannings of the ANC, the SACP, and other liberation movements in February 1990 saw the beginning of the South African government, under De Klerk, openly negotiating with its former enemies'.

This resulted in deep tensions with communities which often erupted into conflict. For example, this was observed in Phola Park by Bremner (1994) and Adler (1994) and in Alexandra by Mayekiso (1996). The significant changes in this period did not result in an immediate improvement in living conditions of most of the people residing in informal settlements. These communities had expectations that the new democratic government would form development strategies that would drastically improve their living conditions. This shaped the context of NGOs work in informal settlements in the post apartheid period.

4.3 Post-apartheid informal settlements strategies

Democracy in South Africa came with much excitement and expectations that the new government would provide the basic services which most of the population were denied before. There was a sense of euphoria and a large number of optimistic policy promises (Mackay, 1999). Apartheid laws were being repealed and new policies introduced. Although there was political change leading to policy and legislative changes, Mayekiso (2003:57) notes that political democracy alone was not enough to undo the generations of economic exclusion and exploitation that led to the extremely uneven development of South African cities.

Informal settlements growth mirrored this uneven development. By 2005, the city of Johannesburg had 124 informal settlements with 147 248 shacks

accommodating 157 903 households, representing 12% of the city's population (Gauteng Department of Housing, 2005). These statistics underestimated the total number of households living in informal settlements. According to the City of Johannesburg Council (2004), there were an estimated 14% of households living in unserviced backyard shacks and a further 4% living in serviced sites in 2004s. This means an estimate of 18% of the city's households were living in informal settlements (City of Johannesburg Council, 2004).

Although there has been an effort by NGOs and civic movements to assist informal settlement communities, 10 years after democracy, the majority of communities that live in informal settlements are still marginalised from development and do not access basic services like water. This situation is more pronounced in informal settlements on private land (such as Zandspruit Private Property), where local governments struggle to resolve the tenure situation before providing the necessary service and infrastructure needs of the community.

4.3.1 Changing role for NGOs

Robins (2008:3) notes that post-apartheid South Africa witnessed the emergence of a proliferation of NGOs and social movements in the, housing, labour and health sectors.

The advent of democracy in South Africa brought about a number of challenges socially and politically for civil society organisations. These organisations had to redefine their identities and roles within a legitimate constitutional democracy (Motala and Husy, 2001:75). With the changing roles of civil society organisations Ley (2009:151) argues that, although the state has redistributive responsibilities, both state and civil society have rights and responsibilities.

After apartheid, the assumption by the broader civil society was that NGOs would assume responsibilities on the one hand, of being agents of change and development and on the other hand, being watchdogs where their main role would

be to advise and challenge the state. NGOs were to continue with their advocacy role, advocating for the welfare of the poor and marginalised communities while, at the same time, adopting a new developmental role. Developmental role here refers to active participation of people and putting people and their needs first (Development Works, 2006). However, this has not taken place, and development continues to be largely implemented in a top-down manner.

NGOs underwent profound change under the ANC-led democratic government (Habib and Taylor, 1999). Habib (2003) noted that after 1994, the state was willing (though with limited capacity) to partner with NGOs in the policy development and service delivery arenas. This opened up a new avenue of operation for NGOs and transformed their relations with the state. NGOs were not functioning on non-government concerns, and worked on government policies and approaches even if this did not align with their pre-1994 orientations.

Habib and Taylor (1999) note that some development NGOs had a good relationship with the new ruling party (ANC), and this provided them with a large degree of legitimacy. However, Habib and Taylor (1999) indicate that this changed when NGOs were facing funding crises and turned to commercialisation to address the crisis. This marked a dramatic change in the relationship between NGOs and government. This also marked the beginning of NGOs being challenged on their legitimacy.

In a large part, the ensuing changes in NGO strategy was due to their large numbers and conflicts between them and civic movements (Meintjies, 1994). Voices within the RDP office of the new ANC government immediately questioned the relevance of some NGOs in the context of a legitimately elected government. Thus, the problem of NGO legitimacy became more apparent after the end of apartheid. As noted by Habib and Taylor (1999:80).

In addition to the argument above, Habib and Taylor (1999:80) looking at development NGOs which include both urban sector NGOs and Planact indicate

that the 'NGOs' relations with government [could] work to strain their commitment and lines of accountability to the poor'. They argue that 'NGOs' dependence on state funding and their newly formed 'client' relationships with government must lead one to question their autonomy and whether they can avoid being mere appendages of state institutions' (*ibid.*). These questions arose because traditionally NGOs have been seen as institutions that serve the interests of the poor and marginalised (Korten, 1989). NGOs legitimacy in the post apartheid period was also challenged when 'Nelson Mandela ... accused some [NGOs], at the ANC's national conference in December 1997, of following the agendas of foreign governments' (Habib and Taylor, 1999:80).

According to the prescriptive/normative legitimacy approach to NGOs, NGOs have to be accountable to the represented and ensure participation of the represented to claim legitimacy through representation of marginalised communities. NGO's financial crisis and competition for donor funding, while working with government, meant NGO accountability was primarily to donors and government and to a lesser extent to the communities NGO represent. Hence, Habib and Taylor (1999:80) correctly noted that 'the legitimacy of NGOs also can be undermined by the kind of client relationships that Mandela's own government has sought to establish'. Habib and Taylor (1999:80) therefore warned that 'The financial crisis and commercialisation of the new NGO sector in South Africa thus could evolve into a full-blown crisis of legitimacy and effectiveness'.

In explaining the financial crisis of NGOs, Kraak (2001) explains that donors did not reduce their funding to South African NGOs, but chose to channel the funding through government. Donors expected a strong partnership between NGOs and the state, but lack of capacity in government meant that government under-spent or under-allocated and the funds often did not reach the NGOs. Kraak (2001) argues that, NGOs accessed more funding from local sources such as the National Development Agency (NDA) than directly from international donors. Kraak (2001:132) mentions that other reasons for the lack of funding for NGOs at this time were the result of a shift in patterns of funding which benefited NGOs that

were able to read the changing environment and, therefore, changed their fundraising strategies. Hence, NGOs that were willing to compromise their stand on core values fared better in accessing funding.

Facing these challenges, NGOs organised themselves under the umbrella of the South African National NGO Coalition (SANGOCO) in August 1995. Habib and Taylor (1999:77) note that SANGOCO's primary role was advancing the interests of the poor and developing an enabling environment for the NGO sector by providing an arena for mutual monitoring. Kraak (2001:148) also indicates that SANGOCO, raised the NGO sector public profile.

> '[under] the leadership of Kumi Naidoo, blazed a trail through the sector between 1995 and 1997. It put the sector squarely on the map, raised its public profile and gave it political voice to speak out on poverty hearings in 1997, which drew a defensive response from government. But this pioneering style of leadership could not be sustained, and a host of internal problems arose ... a period of organisation introspection followed, in which the sector was effectively left without a voice'.

Under SANGOCO, NGOs re-emerged more streamlined, in three different blocs. Formal NGOs which were bigger and more sophisticated and well resourced; informal community-based associations which emerged within marginalised communities to enable its residents to simply survive the ravages of poverty ; and more formal organisations and networks that started to engage more critically with neo-liberal policies and their effects on the lives of ordinary people (Kraak, 2001). Trade unions and churches have traditionally formed the core of this critical space (Habib and Kotze, 2002). Although SANGOCO was successful in organising NGOs, it also faced a number of difficulties. These were organisational, strategic and programmatic. The coalition has struggled to maintain its role as a prime force in uniting and co-ordinating voluntary sector organisations and initiatives. These problems were mainly due to a lack of effective leadership, lack of clear

decision-making procedures, as well as a weak programme and organisational focus (Kraak, 2001).

NGOs explain that the challenges they faced during this time arose due to lack of organisational capacity (Royston, 2009). Habib and Taylor (1999:79) see the lack of organisational capacity resulting from 'high turnover as skilled staff moved into government and state-run institutions'. Some NGOs did not manage to adapt to the new political and funding environment and closed down while others made significant shifts in orientation and began to embrace new roles, including 'being participants in the policy-making process, becoming partners in service delivery and monitors of the new government's performance' (Motala and Husy, 2001:74).

4.3.2 NGOs and challenges in the new era

With regards to civic movements, Mayekiso (1996:260) observed that 'after the new democratic government came into power, the feeling was to enhance the capacity of social movements, CBOs [were] to adapt to partially changing roles'. Civic movements had to also change their organisational structure and political ideology as most of their leaders had taken up positions in the new government (Mayekiso, 2003). For example, although Homeless People Federation became more prominent, it also faced significant challenges. As a result it adopted a new structure and picked a new name becoming FEDUP (Federation of Urban Poor) in 2005/06. People's Dialogue was also disbanded and its staff incorporated into uTshani Fund.

As was the case with NGOs, civic movements had also to change due to the fact that the battle against apartheid had been won and there was no clarity on consensus on the post-apartheid role of social movements. However, most CBOs and social movements faced challenges transforming their activities from a largely oppositional mode into a more developmental one (Mayekiso, 1996). Representative civic movement structures in townships and informal settlements

were ignored, and in their place or in addition, RDP forums and later community development committees (CDCs) arose.

Mayekiso (2003:60) notes that to cope with the changing environment social movements also re-oriented themselves and instead of confronting government to address urban issues, they opted for

> 'consultation and co-operation or collaboration as weapons to ensure service delivery and proper development of communities. Confrontation was a last resort. This accommodating approach has met with only limited success, and was unfortunately complicated by the internal failure to restructure civic organisations to meet the challenges of a democratic dispensation'.

Evolution of Planact in the post - apartheid period

In South Africa, an NGO as a Section 21 company has to have a minimum of seven members and at least two directors. NGOs may also register with the Department of Social Development, which before the year 2000 was known as the Department of Welfare. However, this is voluntary. The requirements to register include a formal constitution explaining what the organisation does, how it will be structured, how it will run and includes the duties of each office bearer. The organisations may also register under the Non-Profit Organisation Act 71 of 1997 if their operations are not for profit. One of the objectives of the Non-Profit Organisations Act 71 of 1997 is to encourage and support non-profit organisations in their 'role towards meeting the diverse needs of South Africa's population, by inspiring them to maintain adequate standards of transparency and accountability' (Department of Social Development, 2001:16).

Planact is a small organisation that manages a large budget. To meet legal requirements, Planact had to register under Section 21 of the Companies Act. If an organisation manages a large budget, deals with the buying and selling of goods and/or acquires expensive assets, the Companies Act will protect the members

from being individually responsible for the debts of the organisation. This was one of the reasons Planact changed from a voluntary association to a Section 21 company (Department of Social Development, 2001).

During the 1995/6 period Planact's work 'concentrated on integrated local government and land and housing' (Royston, 2009:32). Planact also 'continued to provide support to CDFs and other CBOs (Royston, 2009:34)'. Planact had a 'broad vision for integrated development planning [summarised as] integrated development planning; producing a development framework; organisational development; and identifying strategic intervention' (Royston,2009:33).

In 2000, 'Planact developed a new identity statement which it is still using to date. Planact positioned itself as a non-governmental developmental organisation, working mainly in the urban areas of Gauteng Province, with people who lack access to habitable environments' (Royston, 2009:44). By 2003/2004 Planact concentrated its work in two programmatic areas, namely community development and the empowerment of local government ward councillors through capacity building. It was also active in research and evaluation, and policy analysis and advocacy. 'Planact's activities focussed mainly on facilitating CBO's participation in the local development agenda with a view to reinforcing the link between informal communities and their local municipalities' (Development Works, 2006:46).

Like other NGOs in South Africa, Planact faced legitimacy challenges in the context of the post apartheid funding crisis. Abbott (1996:202) notes that Planact recognised in 1995 that it had serious problems, but attributed these primarily to structural problems with the organisation. Abbott (1996) argues that this was a mistake on Planact's part, as addressing structural problems is just dealing with symptoms and not the problem, namely the misunderstanding of its role as an NGO. Abbott (1996:203) argues that 'NGOs working in development face tensions and contradictions between advocacy and practical implementation'. Abbott (1996:203) further argues that in addressing this challenge, Planact made a

shift from advocacy to implementation. However, Abbott (1996) argues that in reality, this did not happen as the new mission to promote integrated community-driven development meant that Planact had to play the role of professional supporters and independent project managers at the same time. Planact could not maintain both roles because 'each of these roles would have required a different economic perspective and Planact was trying to be all of them at the same time' (Abbott, 1996:203). As a result, 'Planact was unable to make the transition across to being an implementing agent because that would force it to abandon its ideal as a community support organisation' (Abbott, 1996:203). Other reasons for Planact's challenges were its inability to integrate its policy with projects and relationships between individuals and the organisation (Abbott, 1996:203).

Planacts problems multiplied during 1994-95, as it was unable to raise salaries for its staff, which at some point, went without pay for several months. It embarked on massive staff cuts to remedy the situation. For example in 1993 its total staff stood at 47 and by 1995, it had reduced to 28 (Royston, 2009). The decline in the number of staff intensified in 1995 through 1996, as it faced a funding crisis, forcing it to retain only 14 employees (Development Works, 2006).

Abbott (1996:202) also notes that Planact's funding base was dismantling rapidly due to the fact that it had not adapted quickly enough or, more importantly, in the correct way to the changing environment. Although Planact was already modelled on private sector organisations providing a service for a fee, Planact's holding on to a supposed NGO identity which it no longer fully lived up to also contributed to the crisis after 1994. Planact underwent organisational restructuring (reducing its staff further) to increase managerial efficiency and to deal with the increasingly demanding and competitive environment in accessing funding from international donors. The outcome of this management crisis for Planact was a new mission statement and 'dismantling the voluntary constitution and creating a not-for-profit registered company' (Abbott, 1996:202).

Planact continued with its work of supporting community participation in municipal affairs which it had been doing well before 1994 (Royston, 2009:38). To ensure community participation was more effective, Planact focussed on training and capacity building by assisting CBOs to constitute their own community development forums (CDFs). Planact also played a role in capacitating community leaders to mobilise their communities and explain to them how government works (Planact Annual Report, 2001/2002).

Planact realised that there was need to continue with its work in the informal settlements to ensure voices in these communities were heard. Planact's penetration and reach in the informal settlements in Gauteng has rather been shallow. Of the 189 informal settlements in Johannesburg, Planact has only managed to work with less than 10 between year 2000 and 2010. Some of the settlements in which Planact has had significant community development projects are Diepsloot, Vosloorus, Bekkersdal, Muldersdrif, Zevenfontein and Zandspruit. Zandspruit consists of two separate settlements. Planact worked with Zandspruit Transit Camp first, and then shifted its work to Zandspruit Private Property, before exiting Zandspruit all together, as discussed in the section below. These initiatives were funded by foreign donors and the local government which commissioned Planact to train ward councillors. In most of its programmes, Planact seeks to promote participatory initiatives aimed at working 'with' and not 'for' communities (Planact, 2004). Planact's aim in working with poor communities in informal settlements is to help them play a meaningful role in the processes of local government.

4.3.3 Key legislative, policy commitments and strategies

While the social movements and NGOs were reorganising themselves, marginalised communities continued to experience neglect with minimal change in their situation. 'Patience was exercised, and although social conditions remained difficult for the poor, communities were not inclined to mobilise' (Ballard *et al*, 2006:17).

‘Even if communities wanted to mobilise, the institutional environment that historically enabled this had all but disappeared. The organisational mechanisms that had been used to express opposition to government prior to the transition – the UDF, ANC, civics, NGOs were either now part of the government or operating in close collaboration with the government’ (Ballard *et al*, 2006:16).

In order to address informal settlement problems, the Mandela government embarked on an ambitious housing policy. However, as argued by Jones and Datta (2000:393), the new democratic government ‘inherited an unenviable housing record as a legacy of apartheid and its protracted demise’. In the new housing policy of December 1994 (White Paper on Housing) the national housing vision was aimed at ‘establishment of viable, socially and economically integrated communities, situated in areas allowing convenient access to economic opportunities as well as health, educational and social amenities, within which all South African’s people will have access in progressive basis” (South African Government Information, 1994:19)

In the new democratic era, the government began dealing with informal settlements with the ANC election manifesto’s Reconstruction and Development Program (RDP). RDP's housing agenda promised to provide 1 million government-subsidised units to accommodate the nearly five million (of an estimated 12.5 million) South Africans without proper housing (Adgate *et al*, 2008:1). It must be noted, though, that RDP was an ANC election manifesto promise and was never properly translated into a coherent programme. Once in power, the ANC departed from several of the key tenets of the RDP. According to Adgate *et al* (2008:1),

> ‘[The] RDP was abandoned and replaced by growth, employment and redistribution (GEAR) a neoliberal strategy of growth-led development and national trends of marketisation and managerial insulation. GEAR

> emphasised liberalising trade and privatising industry. The RDP ideal of 'people driven' development, with its goals of training citizens, educating them, and engaging them in housing initiatives was completely abandoned. GEAR centres on 'streamlining management systems, cutting costs, and emphasising administrative performance rather than mobilising participation'.

Although the new liberal policy created

> 'improvements in the growth rate, lowering inflation, a reduction of the budget deficit, a narrowing of racial income inequality and some degree of black economic empowerment, on the negative side, GEAR created a growing problem of unemployment and a poor record of delivery in respect of some important areas of social and physical infrastructure' (Habib and Padayachee (2000:256).

Habib and Kotze (2002) argue that there is some indication that GEAR has had a devastating effect on the lives of millions of poor and low-income families with increasing unemployment and economic inequalities trapping more people in poverty.

Strategies addressing informal settlements

Recent attempts to address informal settlement concerns according to COHRE (2005:30) include the 'People's Housing Process (PHP) being implemented in the period 1995-1997 with the aim of assisting communities to supervise and drive the housing delivery process at community level'. This was introduced as an alternative to the developer-driven and unparticipatory housing delivery situation, through a project-linked subsidy. South African Homeless People Federation and People's Dialogue were key contributors to the ideas and practices of the PHP programme (Carey, 2009). However, the PHP has never received full support, nor were its structures for participation or beneficiary decision making properly resolved.

A new subsidy guideline by the Minister of housing in 2002 required financial contribution from communities. Those who could not raise the cash were exempted. As a result of affordability constraints the normal developer driven housing projects were now being defined as PHP projects (Carey, 2009:15). The main challenge with this strategy was limited institutional capacity (COHRE, 2005:30). Other housing subsidies include the Institutional Housing Subsidy (IHS) that catered for organisations that could be private, government or nongovernmental, for the provision of accommodation to qualifying beneficiaries in a form other than ownership (COHRE, 2005:31).

In 2004, reluctantly recognising the short comings of its predominantly one-size-fits all subsidised housing delivery programmes, the government aimed at housing interventions that were more flexible and responsive to demand. That year, the Department of Housing released the 'Breaking New Ground (BNG)' housing plan (Ministry of Housing, 2004), in which municipalities were given a central role in implementation. BNG introduced, for the first time, a subsidy programme specifically for informal settlements upgrading (Huchzermeyer, 2006a). The BNG policy aimed to 'shift from conflict and neglect to the integration and cooperation with informal settlements' and it focussed on inclusion of informal settlements 'into the broader urban fabric to overcome spatial social, and economic exclusion' via a phased *in situ* upgrading approach' (Ministry of Housing, 2004:12). BNG also introduced the Emergency Housing Subsidy (EHS) in 2004 that provides for temporary but secure access to land and basic municipal services to people who have been left without a home (COHRE, 2005:31).

According to Pithouse (2009:1), the BNG housing policy has failed to deliver due to contradictions between policy and implementation problems in terms of 'financial provision for participatory and collectives *in situ* upgrades'. Pithouse (2009:11) further indicates that BNG has a basic contradiction in that

> ‘its focus on a holistic and consultative process based on the development of housing as a form of support for communities, and slum eradication measures ... BNG takes inadequate housing as a fundamental problem and seeks to take action to develop more adequate housing. Slum eradication takes shack settlement as a fundamental problem and seeks to get rid of them’.

4.3.4 New challenges facing informal settlements

Smit (2006) notes that informal settlements are complex, and in order to improve the lives of communities living in these settlements there is need to ensure that the upgrading process entails integrated programmes, participation of communities and flexibility of programmes. Smit (2006:121) further notes that ‘participation is important in informal settlements with existing communities whose lives might be affected by the upgrading process’. To ensure effective participation, Smit (2006:121) recommends that ‘in these communities there should be a committee elected by beneficiaries and committee members must be accountable to the beneficiaries’. Planact attempted to adopt such strategies in Zandspruit Private Property when it helped the community form a Joint Committee. The importance of participation and flexibility of programmes is all incorporated in the Informal Settlement Upgrading Programme under the BNG. BNG emphasises empowerment, not just participation and sets aside a budget for this purpose (Ministry of Housing, 2004). Unfortunately, most of the time, this provision is ignored by the municipal structures of the local governments in Gauteng Province.

Legally, communities in informal settlements have the right to participation in the decision-making processes within their local municipalities. This is demonstrated by the Local Government/Municipal Structures Act 117 of 1998, which aims to enhance participatory democracy in local government. This act is implemented by ward committees in metropolitan municipalities (Huchzermeyer *et al*., 2004). Huchzermeyer (2004b) notes that although ward councillors have the responsibility of representing communities from both formal and informal areas,

this often does not happen. Ward councillors are often from formal areas and tend to be biased towards the interests of the people living in formal areas, to the neglect of - and often in conflict with - the interests of those in informal settlements. Even when the councillors are not from the formal part of the ward they often tend to adhere to 'the formal, technically driven system of resource allocation and service delivery' rather than looking for effective ways to address the social realities in informal settlements (Huchzermeyer, 2004b).

To address these constraints, the Local Government/ Municipal Systems Act 32 of 2000 was introduced. This Act provides a flexible opportunity for community involvement in local government by acknowledging that the ward committee system may not be sufficient for effective community participation (Roux, 2004:24). The Systems Act allows for community participation in municipal planning through civic organisations, NGOs, private sector and labour organisations in local affairs, within the municipality. The municipality should consult with these organisations representing a significant portion of the residents of an informal settlement (Huchzermeyer *et al*., 2004). However, some aspects of the act, such as the informal settlements upgrading programme, are largely ignored, and the City of Johannesburg only began to engage with social movements directly in 2009.

The City of Johannesburg has a number of mechanisms for public participation. The first is the ward committee which is elected by the ward. The ward committee facilitates community participation and representation of these interests within the government system (Department of Provincial and Local Government, 2005:5). The second mechanism is the IDP process where the public participates in the identification of development priorities (through ward public meetings, regional stakeholder fora and city wide fora); the development of intervention strategies (regional stakeholder fora and city wide sectoral fora); and the adoption of the IDP document (Johannesburg stakeholder fora) (City of Johannesburg Metropolitan Municipality, 2005). NGOs are involved in the two of the three phases - the identification of development priorities and development of

intervention strategies and 'participation of informal settlements depends on the level of representation of these communities in the active stakeholders such as NGOs and ward committees in each region' (Mohamed, 2009:165). The third mechanism is ward public meetings, which are open mass meetings organised at ward level. Ward public meetings function as a platform for informing the residents of the ward matters concerning the ward and public consultation on the city's annual review of the IDP and budget (City of Johannesburg, 2002). The fourth mechanism is the mayoral road show that creates a space for leaders to interact with communities to listen and respond to their needs. The road show begins with one day at the regional administration office and the second day, a visit to selected communities and priority projects (City of Johannesburg Metropolitan Municipality, 2005). Lastly, there is a petition management system that allows the community to petition its grievances (City of Johannesburg Council, 2001). This is more about implementation issues rather than policy issues (Mohamed, 2009).

However, Huchzermeyer (2004a) argues that, although there have been strategies on community participation since 1994, the intervention process has mainly been top-down with almost no chance for communities to influence or shape the process. The lack of community involvement in the policy decision-making processes is further demonstrated with the BNG policy. Huchzermeyer (2006b:40) points out that,

> '[time] frames for the formulation of the new housing plan and its Informal Settlement Upgrading Programme were too tight to allow for comments from the public, in particular civil society, and some aspects of the Upgrading Programme remain unresolved'.

Mohamed (2006:44) explains that although a legislative framework exists in South Africa, there are

> ‘limiting factors that inhibit the active participation of informal settlements communities in policy formulation at the city level, [and these are] attributed to the configuration of the municipal system in South Africa, the attitude of the local governments towards informal settlements, the prevailing urban management approach, the approach to public participation and the lack of strong organisations that represent informal settlements communities’.

Participation through public meetings has its own challenges as it only allows for the flow of information with no control by the masses or grassroots communities over the final outcome in the policy-making processes. The ability of informal settlement communities to attend the meetings is also influenced by the accessibility of venues, timing and relevance of the agenda (Mohamed, 2009).

In most cases, community involvement only takes place when community members are asked to ratify a housing delivery plan, and only once the budget and objectives of the plan have already been set. There is still a need for communities and their representatives to be involved in the design and implementation of municipalities’ integrated development planning and the preparations of budgets (Roux, 2004:28). Limited participation of communities in development projects, such as service delivery, security, tenure and housing issues, reinforces marginalisation of informal settlements residents. This creates a niche for social movements and NGOs to enter these communities and attempt to help them engage the government (Roux, 2004:28). They may suggest partnering communities with government, negotiating and often accepting compromises and delays with patience.

Responding to dissatisfaction with the new democratic government, informal settlements have re-emerged on the civil society agenda. For example, the Landless People Movement (LPM) emerged in 2001 ‘in the context of the negative effects of years of belt-tightening fiscal policies on the poor and marginalised majority of the country following the adoption of GEAR’

(Greenberg, 2006:135). However, membership of the social movements has not spread to all informal settlements. For example, there are no active social movements at Zandspruit informal settlement. The period 1999-2000 saw formation of many social movements to challenge water and electricity cut offs, evictions and lack of land redistribution and social dislocation. The economic devastation was increasingly seen by the poor as betrayal by the ANC government. Social movements challenging the new democratic government resulted in these movements being seen as enemies of the ANC, and of the ANC-led government, although the latter would still like to be identified with the strong liberation movement tag (McKinley and Veriava, 2002:65). These social movements are now referred to as 'new' issue-based social movements representing a massive diversity of concerns. (Ballard *et al.*, 2006:17; Huchzermeyer and Karam, 2006).

In the apartheid era, development NGOs worked on representing marginalised communities. Although there is a new democratic government, there are still large sections of communities that remain marginalised. With the democratic government in power, NGOs have compromised their accountability to the community in favour of foreign donors and government. Planact's brief involvement with Zandspruit Private Property and its exit from the settlement provides deeper insight into this legitimacy. Analysts such as Habib (2003) blame both the government and NGOs for the wavering commitment, the latter not being pro-active in redefining the role and agenda of the sector. Although there are questions around the normative approach to legitimacy, NGOs such as Planact still succeed in constructing their legitimacy to donors, to the state and, indeed, to the communities they do and do not directly work with.

4.4 **Zandspruit**

The Zandspruit informal settlement emerged because of the wave of evictions from smallholdings in the sub-region in the period preceding the first democratic elections (Development Works, 2005). Zandspruit consists of two sites as seen in

Figure 2: ‘Transit Camp’ and ‘Private Property’. In the section below I begin the discussion by describing the characteristics of the settlement explaining the two separate areas Planact has worked with in Zandspruit, namely ‘Transit Camp’ and ‘Private Property’. Then the focus shifts to Zandspruit Private Property which is the settlement used for the case study. I provide background on Zandspruit Transit Camp and Private Property in terms of their population and the limited basic services in the settlements. I conclude the discussion by explaining how Planact started working in Zandspruit Private Property.

Zandspruit Private Property

Zandspruit Private Property is the larger and more densely populated of the two settlements and densely populated, as seen in Figure 2 and 3. The two names are applied mainly by the communities and officials are aware of the two names but describe Zandspruit in general using the plot numbers. The difference between the two plots is that the municipality bought the land from its owner on behalf of Zandspruit Transit Camp residents and has already subdivided into 122 small stands, whereas Zandspruit Private Property is on eight large parcels of private land owned as seen in Figure 2, which the state had not yet purchased as the time of my fieldwork in 2007.

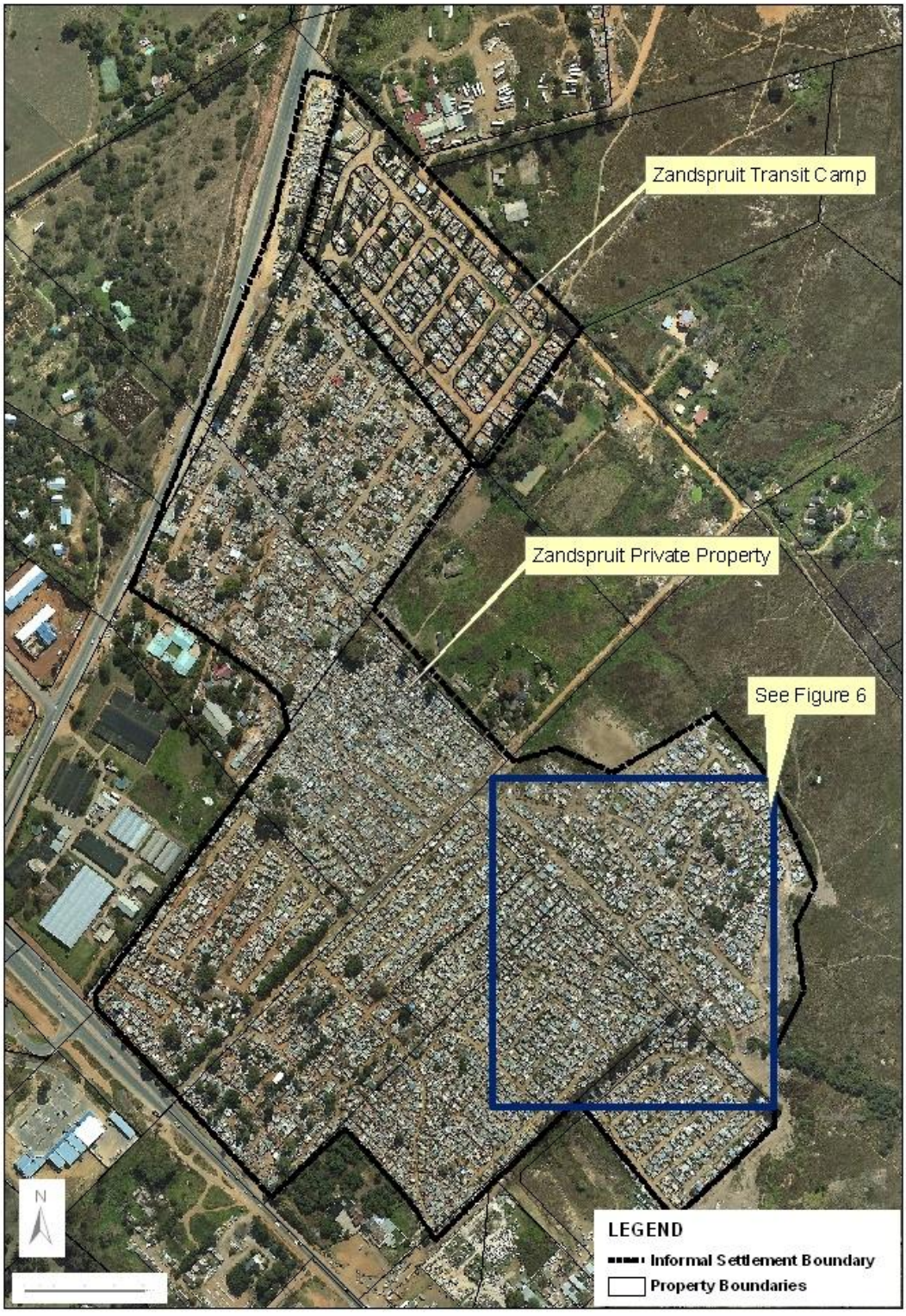


Figure 2: Zandspruit Private Property and Transit Camp

Map compiled by Corporate Geo-Informatics, City of Johannesburg, 16 November 2009.

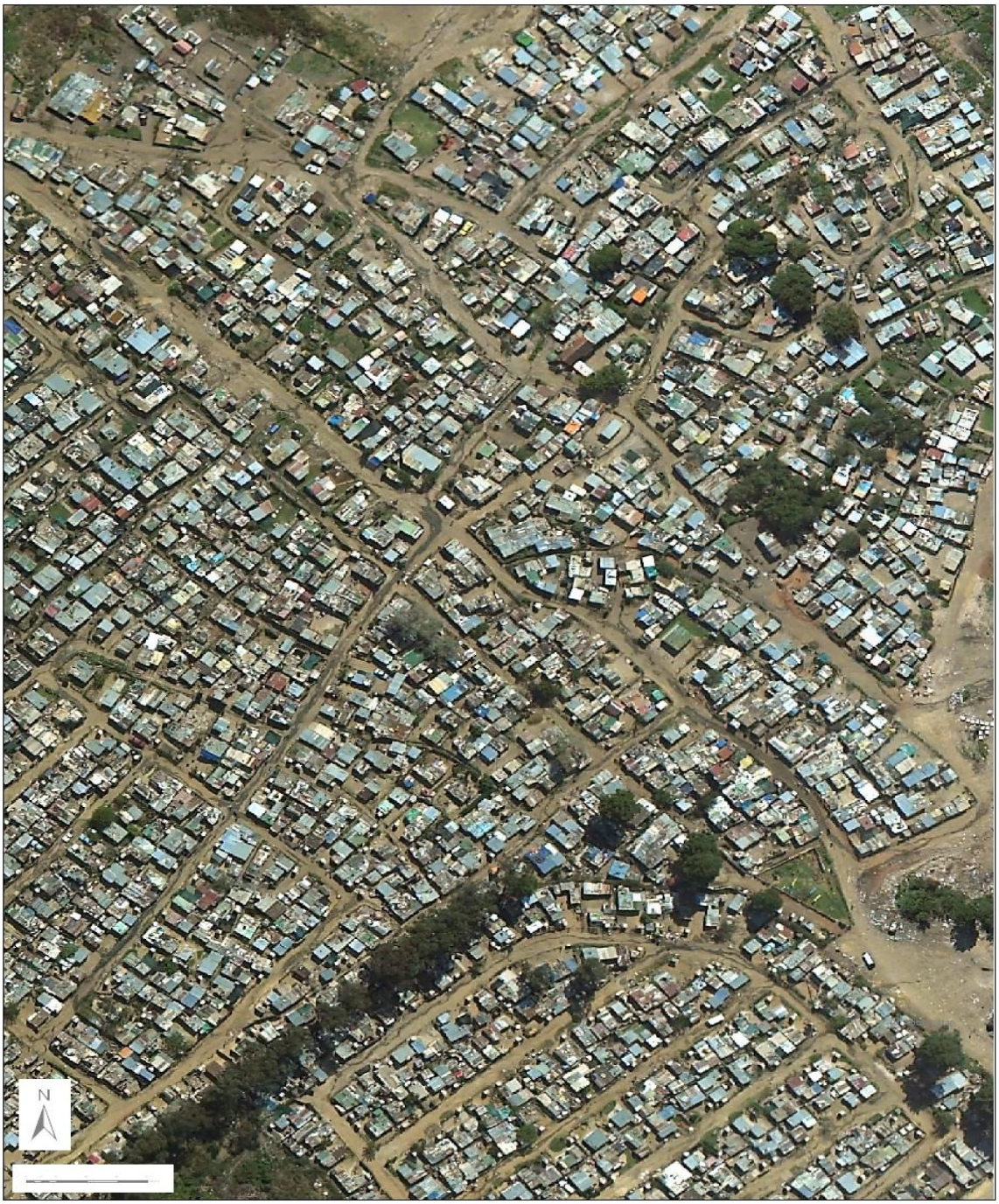


Figure 3: A section of Zandspruit Private Property illustrating spatial layout and shack density

Map compiled by Corporate Geo-Informatics, City of Johannesburg, 16th November 2009.

Transit Camp (no longer a transit camp but the name remains) residents, unlike Private Property residents, access better services and hold title deeds to their properties. As seen in Figure 4, Transit Camp has services such as roads water and drainage. Moreover, construction of subsidised housing began in 2008 and (see Figure 5).



Figure 4: Zandspruit Transit Camp tarred roads. Source: (Ole Saibul, 2008)



Figure 5: Zandspruit Transit Camp Housing. Source: (Ole Saibul, 2008)

Zandspruit Private Property informal settlement has unresolved tenure, with limited accessibility to basic services. Zandspruit Private Property presented itself as a relevant case study for my research because of the following characteristics: Firstly, the continued illegal status of occupation of this community creates particular challenges for the role of NGOs and raises questions of legitimacy and accountability of NGOs working in communities whose occupation is not easily regularised or legalised. Secondly, Planact only worked for short period in the settlement, and is not able to show significant development results. This raises accountability questions about the relevance of Planact's work in Zandspruit and the subsequent perception of Planact's legitimacy in relation to Zandspruit Private Property. The Zandspruit Private Property case allowed me to explore legitimacy challenges development NGOs face when working with citizens who have right to basic services, but whose occupation is informal and do not conform to the rules and regulations of planning in terms of the materials used in the structures and the arrangement of these structures.

4.4.1 Historical background of Zandspruit

From the study by Development Works in 2005, residents' accounts on the origin of Zandspruit Transit Camp differ to a large degree. Some residents indicate that Zandspruit settlement originated from initial 'shack farming' where plots were allocated by a third party for R200. Others maintain that the evictees from the initial Randburg Council site and the surrounding farms declared it a temporary transit camp in 1994. In order to halt the expansion of the settlement into the public site, the then Randburg Council conducted the first registration of households in 1997 (Development Works, 2005).

The residents were provided with identity documents and subsidy forms. The area was then fenced off and security guards posted to prevent more people from moving in. These plans were meant to upgrade the area and formalise it.

Accordingly, in 1997 the settlement was declared permanent (no longer a transit camp). This provided prospects for upgrading by the government and more people moved into the settlement with the hope of eventually obtaining formal housing. As a result, the population of Transit Camp grew from 50 people just before 1994 to 1600 people by 1998. Even the move of fencing off the settlement and placing security guards was not effective in stopping new people from coming into the settlement (Development Works, 2005).

The sudden and significant increase in the number of inhabitants of Transit Camp erupted into violence and forced people to move out and settle elsewhere. Hence, people moved from Transit Camp to the surrounding empty privately owned land, hence the origins of Private Property, the area bordering the Zandspruit Transit Camp as indicated in Figure 2.

Households who invaded the land first build their own shacks and later continued to build smaller shacks surrounding their homes for rental for new arrivals. Several people may have merely moved into the Zandspruit Private Property area with the intention of having a place to stay, but later became entrepreneurial and began shack renting. This increased demand for land in Zandspruit Private Property as shack renting became a vital source of income. As a result, invasion spiralled and the settlement mushroomed out of the municipality's control. It is not clear how many people are currently renting in this area and how many are shack owners.

Private Property is divided into four sections named after the land owners: Mbele section, Woolf, Vuku Zenzele and Breaker Brothers. Some residents claim to own the plots which they say they bought for about R35-R650. On top of these initial fees they had to later pay monthly rents to land owners. Others are renting and in 2005 rents ranged from R40 to R1500 per month (Development Works, 2005).

4.4.2 Population and services

During my visits to Zandspruit Private Property from January to August 2007, I interviewed the Zandspruit area manager of the Region 5 municipal office and collected documents from the Region 5 Department of Housing. The City of Johannesburg (2007) records indicate that by 2006, the population of Zandspruit Private Property was 19 318 people living in 5 529 shacks.

In terms of development status, Zandspruit Private Property only has limited services – that comprise mainly water access through public standpipes as seen in Figure 6 and Figure 7. Other services are high-mast lights and VIP toilets as seen in Figure 8 and 9. The Department of Local Government and Planning of the City of Johannesburg together with the agency Johannesburg Water, had installed 30 stand water pipes and 1800 VIP toilets (roughly one for every 2-3 shacks) in all sections of Private Property during the 2005/2006 financial year. Households are being issued with two plastic bags per week which are collected once a week by Pikitup, the City's waste management company (Pikitup, 2009).



Figure 6: Zandspruit Private Property public taps. Source: (Ole Saibul, 2008)



Figure 7: Zandspruit Private Property public taps. Source: (Ole Saibul, 2008)

The main source of transport for Zandspruit Private Property residents is public taxis, public buses and private motor vehicles as some households own cars. Zandspruit Private Property depends on Transit Camp for social services, such as the one primary school (with no adequate sports facilities as the area is too small), and one clinic as seen in Figure 10. The community is serviced by Honeydew Police Station. Other services include one makeshift soccer field as seen in Figure 11, churches and halls.



Figure 8: Zandspruit Private Property VIP toilets. Source: (Ole Saibul, 2008)

The City of Johannesburg identifies the current community problems as limited access to basic services (illustrated in Figure 12 and Figure 13), shack farming, crime, narrow roads, overcrowding, and illegal electricity connections (City of Johannesburg, 2007). From the government's observation, it is evident that currently there is not enough land earmarked for the purpose of upgrading if conventional residential densities are applied (City of Johannesburg, 2007).



Figure 9: Zandspruit Private Property VIP toilets. Source: (Ole Saibul, 2008)



Figure 10: Zandspruit Clinic in Transit Camp. Source: (Ole Saibul, 2008)



Figure 11: Zandspruit Private Property Soccer Field. Source: (Ole Saibul, 2008)



Figure 12: Lack of services in Zandspruit Private Property (no drainage).

Source: (Ole Saibul, 2008)



Figure 13: Lack of services in Zandspruit Private Property (no drainage).
Source: (Ole Saibul, 2008)

The local government's attitude (at regional level) towards this settlement is claimed to be transformative. In Region C, according to one government official, Area Manager - Zandspruit (personal communication, 2007), the government's plan regarding informal settlements is to formalise these areas and have communities 'involved' in the process. He added that some of the challenges the government faces include the illegal building and selling of new shacks, which results in a growing number of shacks. Although the local government official indicates that it would like to get the community involved, the community involvement that is being implemented according to the government official is informing the community about the development projects. Communities are not effectively involved in the decision-making process from the inception of the projects.

The biggest challenge in the informal settlements is how to provide basic services and housing to communities occupying privately owned land. This makes development of the area very difficult unless the government buys the land from the private owners or if the owners accept such development on their land. Once

the government owns the land then the process of service provision may begin (as happened in Zandspruit Transit Camp). New policy was introduced in 2004 after Planact exited Zandspruit. Chapter 13 of the Housing Code provides for the purchase of the occupied land. However, it has not yet been implemented by the City of Johannesburg.

4.4.3 Planact involvement with Zandspruit

As Planact mainly focussed on informal settlements with the aim of organising the communities and empowering them to engage with local government more effectively, the Zandspruit Transit Camp community had requested Planact's assistance. Planact started working in Zandspruit Transit Camp in 2000, with the aim of establishing representative community-based structures capable of engaging government agencies and other service providers around the delivery of services and housing (Planact Annual Report, 2000/2001). According to Planact's Annual Report (2001/2002), it played its part by helping the community form a democratic, accountable and representative community development forum (CDF). Partly through this structure, the community managed to acquire sites and service stands, water and sewage lines from the then Northern Metropolitan Local Council in 2001.

However, by the end of that year, community violence against foreign nationals in Zandspruit Transit Camp erupted and made Planact's continued involvement in the area difficult. The CDF leader with whom Planact was working was also implicated in the xenophobic attacks. The CDF leadership itself appeared divided and attendance of meetings was low. Planact's 2001 Annual Report (Planact, 2001) explains that the xenophobic violence was mainly blamed by community members on the perception that foreign nationals (Zimbabweans) were the main source of crime in the area. Violence erupted when a South African citizen was allegedly killed by a Zimbabwean. Planact withdrew its project officer from Zandspruit Transit Camp on safety grounds. In September 2002 Planact ended its support of the CDF and Zandspruit Transit Camp residents indefinitely and began

assisting informal communities on private land around Transit Camp that is Zandspruit Private Property.

Planact has no one uniform approach to its entry into communities. Planact's overall strategy for working in informal settlements, according to Planact's 2006-2009 Director (who was Planact's Project Manager from 2002), is as follows:

> '[we] are here to work with the most marginalised people on issues of human settlement and governance. We work with informal settlements to try to get them into the government system, to try secure housing, land and basic services. We try to build leadership that represents most of the interests groups in the community'. (Planact Director, personal communication, 2007)

At the time when Planact was working in Transit Camp and before the violence broke out in that area, already Planact was approached by people from Private Property. With the violence in Transit Camp, Planact then considered moving its activities to Private Property. Planact began to interact with the four sections commonly referred to as Private Property. These settlements had no services at all. From September 2002, Planact withdrew its support from the CDF in Transit Camp indefinitely and concentrated on assisting the informal communities settled on the Private Property. This latter action was a way to maintain some involvement with Zandspruit (Planact, 2001). Zandspruit Private Property residents comprise both foreign nationals; and South African citizens (forming the majority group) (Development Works, 2005).

According to the then Director of Planact, the organisation's strategy in Zandspruit Private Property was to support and expand some fledging organisations which were trying to represent residents in terms of accessing land, housing and basic services. The Planact Director further indicated that when Planact asked the City of Johannesburg for help they were met with resistance from the city officials who indicated that they could not do anything to help as the

community was based on privately owned land (Planact Director, personal communication: 2007).

When Planact started working in Zandspruit Private Property, the initial aim was to intervene by helping the community form structures for engagement on development issues affecting them. The main challenges Private Property faced were lack of access to services, inadequate amounts of water from boreholes on the property and threat of eviction. Since Zandspruit Private Property has no security of tenure, the community tends to be very vulnerable and are still deprived of adequate services as seen in Figure 12 and Figure 13. For example, despite its existence since 1997, by the year 2002/2003, the community was still coping with temporary services such as shared water tanks and family bucket toilets. Up to the latter part of 2002, the municipality still refused to provide services to this private land as a matter of policy, but, eventually in 2004, the local government did provide temporary basic services such as communal water points, high mast lights and shared toilets (pit latrines).

In 2006, at the time of the fieldwork for this thesis, there was a slight improvement as the community had shared public water taps and VIP toilets provided by the municipality. During the period when Planact worked with Zandspruit Private Property (2002-2004), strategies for residents' permanent settlement continued to be delayed due to difficulties the government was facing in trying to buy the land from its owners - the municipality claimed the owners kept raising prices. Another reason for the delay was that the Johannesburg Metro Council was left to develop its own strategies without any policy guidance or dedicated funding prior to BNG in 2004. Generally, a very negative perception of informal settlements on the part of all tiers of government existed. This led to a somewhat adversarial relationship with communities and it made developing the area difficult during this period (Planact, 2003).

By the end of 2002 to early 2003, Planact focussed on the formation of a Joint Committee at Zandspruit Private Property. The Joint Committee consisted of

representatives from the four sections. Each section has its leadership structure which represents its section at the Joint Committee meeting, where issues to be taken to local government are discussed. Planact noted that by the end of 2003, its new focus on Private Property was making a positive impact (Planact Annual Report 2003/2004). The Joint Committee recognised the role of Planact's assistance in bringing together the leadership structures and building a stronger voice on issues common to sections of Zandspruit Private Property than had previously existed (Planact, 2004). The community became more focussed on strategic concerns and its engagement with government (Planact Annual Report, 2002/2003).

For over a year, Planact seemed to be doing well in Private Property and making progress in assisting the community with leadership training and capacity building. After just over two years of concentrating on Zandspruit Private Property, Planact stopped its activities in this informal settlement. Planact explained that this was due to the problems of staff shortages in the NGO and the fact that it was not making real progress in assisting the community due to the municipality's failure to acquire the land. This exit by Planact from Zandspruit Private Property raises several questions about Planact's accountability, its commitment to particular forms of representation and participation and, ultimately, the construction of its legitimacy.

The Zandspruit community requested Planact's assistance; there was no mandate for Planact when it began its work. There was just mutual understanding and acceptance that Planact would accomplish its promises to the community. This is in line with mutual NGO accountability to communities based on shared understanding, trust and respect. This type of accountability is difficult to maintain due to the many stakeholders involved. In addition, the Zandspruit community was in no position to question Planact's accountability as discussed in my findings. Unpacking this case allowed me to explore Planact's multiple sources of legitimacy and in particular, legitimacy working with the Zandspruit community.

4.5 Conclusion

In South Africa, during apartheid, the existence of NGOs could be explained using what Tvedt (1998) referred to as public goods theory and contract failure theory where NGOs represented marginalised communities. At this time, NGOs received donor funding to assist black majority communities that the apartheid government and private sector did not cater for. Although the political environment was not conducive as the apartheid government continued harassing NGO leaders, the existence of NGOs could also be explained by using the functionalist theory, due to the financial resources that were available for NGOs from international donors.

With the transition to democracy, NGOs had to transform their roles and objectives to fit the new democratic dispensation. During this period NGOs faced legitimacy challenges in terms of their role in a democratic society and most of the funding from donors was channelled to the new democratic government. The relationship between development NGOs and government and donors changed and raised questions on how NGOs can claim representation of marginalised communities in the informal settlements such as Zandspruit while they face multiple accountabilities.

Participation of informal settlement communities in decision making processes is seen as important by government. Participation mechanisms are there through ward committees. Although there is a legislative framework for participation, there are factors limiting participation of informal settlement communities. Development NGOs work with communities to improve their participation in decision making processes by mobilising communities, act as intermediaries between communities, government and donors and assist communities articulate their needs to government and other agencies. In the case of Planact and its work in Zandspruit informal settlement, Planact attempted to create representation structures to improve the engagement between Zandspruit and local government. Zandspruit community face challenges in terms of security of tenure and has

limited services. Due to tenure insecurity in Zandspruit, Planact left the community before they could access housing and secure tenure. Planact indicated that it was taking too long to resolve tenure security and the organisation could no longer continue working with the settlement. Planact's exit from Zandspruit community created questions on the legitimacy of NGOs in representing communities with tenure insecurity. With reference to the prescriptive approach to legitimacy, in the next chapter I present the conceptual framework, which I used to explore Planact's legitimacy working with Zandspruit informal settlements. I also expand on the research questions and methodology.

5.0 CHAPTER FIVE
CONCEPTUAL FRAMEWORK IN RELATION TO RESEARCH QUESTIONS AND CASE STUDY METHODOLOGY

Prescriptive legitimacy as discussed in the theoretical framework and literature review provides a number of ways organisations can construct or claim legitimacy. In this thesis I explore legitimacy in relation to representation because developmental NGOs claim legitimacy in representing marginalised communities. For development NGOs to claim legitimacy in the representational role, they have to ensure communities participate in the decision-making processes and ensure accountability to the communities. This thesis explores how Planact constructs its legitimacy in representing a marginalised community, namely Zandspruit an informal settlement for which development is delayed indefinitely due to unresolved land tenure.

5.1 Conceptual framework

NGOs often claim to represent marginalised communities' needs and interests. In order to be an effective representative of communities' needs and interests, there has to be participation by the communities in decisions on which issues will be put forward as their interests and needs. Therefore, without community participation, the representative role NGOs perform will not be credible to construct legitimacy. For NGOs to claim to perform a representative role, they have to be accountable to the communities they claim to represent. Therefore, the variables that are used in this thesis to assess NGO legitimacy are participation, representation and accountability.

Based on this conceptual framework, the legitimacy of the NGO working in informal settlements will be determined by its representational role which is, in turn, determined by the effectiveness of the participation of the communities and the NGO's accountability to the communities. As already indicated, NGO

legitimacy in this thesis is explored in the context of an informal settlement in which participation was unable to achieve development results and the NGO accountability to the community was limited. The question then is: can NGOs be considered legitimate if the representational role is not accompanied by effective participation of communities, and NGOs are not accountable to the communities they represent?

5.1.1 NGO Legitimacy

There are two main approaches to legitimacy as seen in Figure 14. In this section, I explain the conceptual framework created using a prescriptive or normative approach to legitimacy. This framework as seen in Figure 14 is used to explore how NGOs construct legitimacy. Different arguments by social scientists explain that NGOs do not have to be elected to be legitimate. NGOs claim prescriptive legitimacy by representing marginalised communities (Hudson, 2000). Lister (2003:177) also agrees that the legitimacy of development NGOs especially in advocacy work is often considered to rest on issues of representativeness. NGOs can derive their legitimacy legally or morally through accountability (Edwards and Hulme, 1995 Edwards, 2000); and participation (Marschall, 2002).

Prescriptive legitimacy of NGOs is based on their legal and moral status. The latter comprises representativeness, participation and accountability, while the former refers to whether an NGO complies with the provisions or legislations for non-profit organisation of the host country.

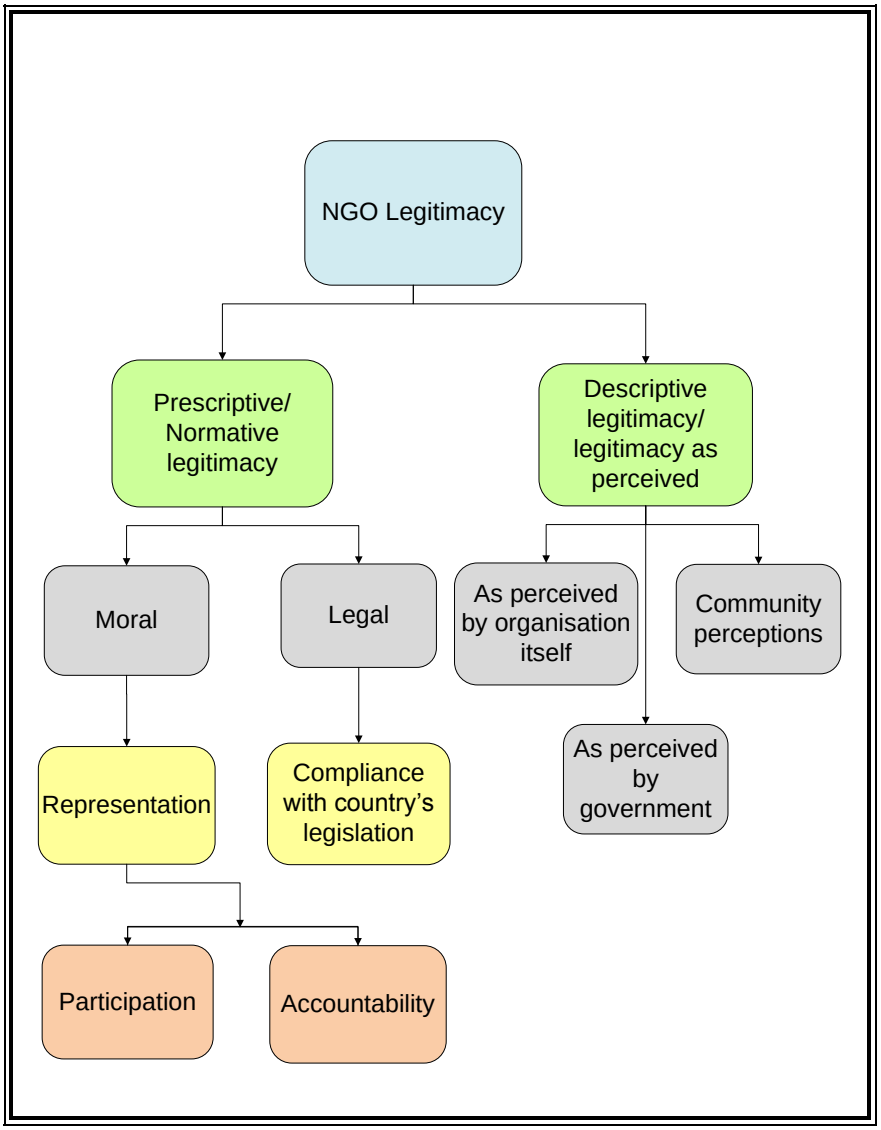


Figure 14: A conceptual framework to assess the legitimacy of NGOs

Source: Based on the information in chapters Two and Three.

Moral claims are specifically based on whether organisations promote public interests and are receptive to communities' needs; whether communities are interested and participate in the organisation's activities, as well as whether communities accept and consider the NGO legitimate.

5.1.2 NGOs' representation

Questions on an NGO's representational role arise because NGOs, unlike governments, are not elected. In this sense, it may not be legitimate for them to claim a representational role. In addition, NGOs have to be accountable to donors, and to some extent governments, and not to the community alone. For NGOs to claim a legitimate representational role, they should demonstrate the whole share of accountability to the community alone. However, the representational role of NGOs does not have to be the same as that of governments as NGOs can claim legitimacy through a number of ways, such as through community participation (Marschall, 2002), representation (Atack, 1999; Edwards, 2003; and Niggli and Rothenbuhler, 2003) and accountability (Edwards, 2003).

Pitkin's (1967) form of substantive representation, which sees representatives as actors or agents of the community, can be used to assess the representational role of NGOs through the existing structures and processes. In the case of Zandspruit informal settlement, the representational processes considered were participation and accountability. Participation and accountability are mutually inclusive, as each influences the other.

The structures used in the representation processes in a democratic dispensation are official government structures. But the argument for the existence of NGOs according to the public goods theory and contract failure theory is that, government structures in most cases do not effectively represent the interests and needs of the marginalised communities. Therefore, there are attempts by NGOs to show that there is a need for them to step into the gap and represent the interests and needs of these communities. This is how NGOs claim legitimacy. Therefore, when assessing NGO legitimacy using representation I use structures and processes to assess representation as seen in Figure 15. In terms of structures, I look at the two structures of community representation, namely those of local government and those of the NGO. And processes include participation and accountability.

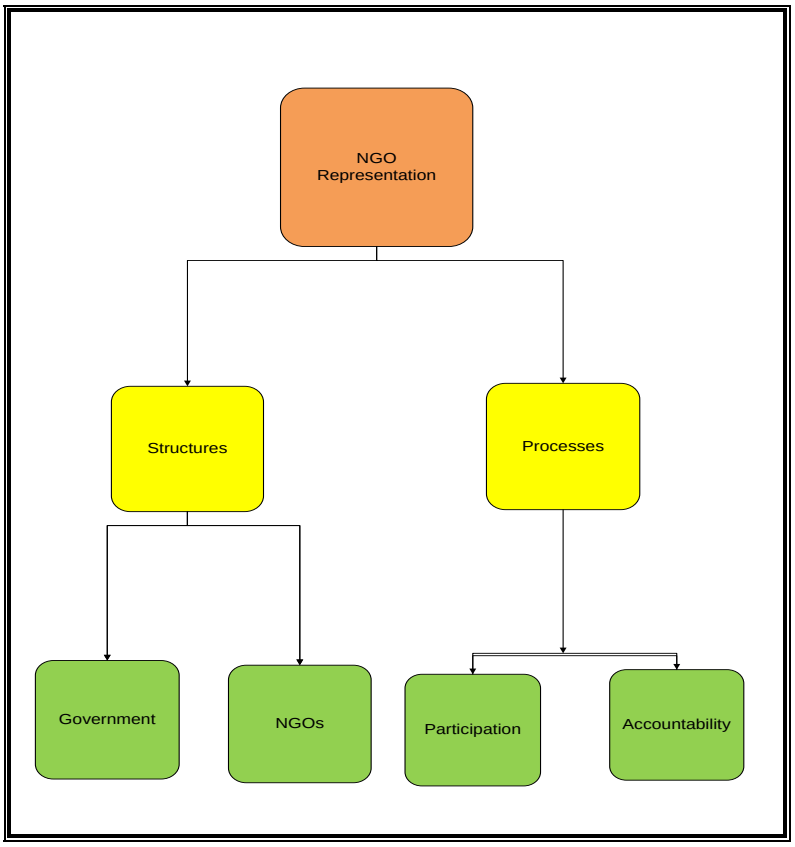


Figure 15: Framework used for NGO representation

5.1.3 Participation processes

For NGOs to claim legitimacy through representation, communities that are being represented have to participate in the decision-making processes to ensure accurate representation of their needs and interests. Participation plays an important role in NGOs' claim to legitimacy through representation as seen in Figure 16. In this research, mechanisms for assessing participation of communities in decision-making processes with NGOs include variables from Abbott (1993), Wilcox (1994) and Choguill (1996), Arnstein (1969) and Imparato and Ruster (2003), and will be discussed below.

Effective participation depends on government support, the community's willingness or ability to participate and the access to a participation process as illustrated in Figure 16. The Zandspruit community willingness to participate in

decision making processes was measured by the nature of decisions made, and willingness to contribute their private resources (time, labour and money) as well as the homogeneity of the Zandspruit community. Homogeneity was assessed using the community's political orientation, ability to resolve disputes and the willingness of the four different sections of Zandspruit Private Property to work together.

The development of effective participation in any country depends on government support (Choguill, 1996). Participation depends on outside help and government support in terms of resources and willingness to carry out mutual help projects. It also depends on the openness of government to the inclusion of the community in the decision-making processes. I explored government's support by looking at the structures it had put in place for participation. NGOs alone cannot assist communities in accessing development in informal settlements without government support in providing basic services, such as water, electricity and housing. The Zandspruit community's access to the participation process was established through the instruments used for participation. These could be through the use of community development workers or NGOs (Wilcox, 1994; Abbott, 1993). The instruments observed included communities' attendance at meetings, the technical involvement used in the participation process and the role and relationship between Zandspruit and Planact.

Other factors in assessing participation included how organised the community was. According to Wilcox (1994), Oakley and Marsden (1984) and Durand-Lasserve (2006), communities that are organised into small organisations are more assured of participation compared to communities that are organised into a large organisation (where the minority will not be heard). Organised communities have more voice in their demands compared to an individual. I explored the level of organisation by looking at the CBOs within the community to establish their relationship with NGOs and the community. The above factors would influence whether there would be any participation at all and the level of participation. Once it has been established that there is some sort of participation taking place,

Arnstein (1969) and Choguill's (1996) levels of participation can be used to establish the level of participation.

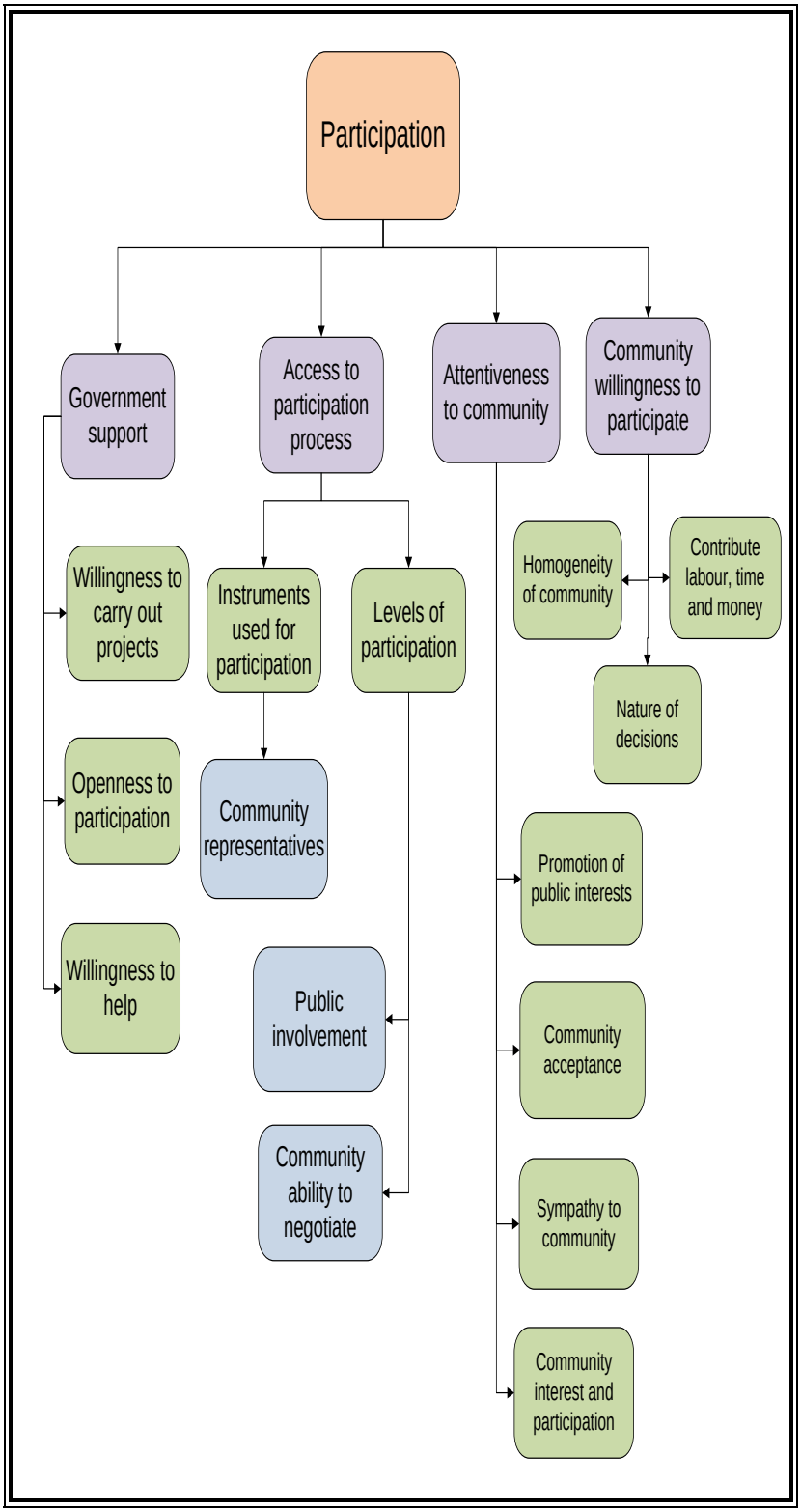


Figure 16: Conceptual framework used to assess participation

5.1.4 Mechanisms for NGO Accountability

Representatives have to be accountable to those who give them authority/responsibility to ensure effective participation and legitimate representation. Available literature indicates that NGOs have multiple and sometimes conflicting accountabilities (Ebrahim, 2003). For NGOs, multiple accountabilities relate to multiple actors, such as patrons, clients and NGOs themselves. This creates upward and downward accountability as well as internal accountability within the NGO itself as indicated in Figure 17.

Planact's accountability is assessed through its functions (functional). The interest in this thesis is not on strategic accountability because strategic accountability is focused on accounting for the impacts that an NGO's activities have on the actions of other organisations and their wider environment (Ebrahim, 2003). The interest in this thesis is rather to establish how Planact's multiple accountabilities create and affect its representational role in Zandspruit. Planact has multiple accountabilities, as shown in Figure 17, and these include up-ward accountability, downward accountability and internal accountability. Upward accountability is measured on how Planact accounted to the individuals and organisations that provided financial aid (patrons/donors). Statements and reports are widely used tools of accountability as they provide information to donors and anyone who wants to know about the activities of the NGO (Ebrahim, 2003). Downward accountability is evaluated through the impact of Planact's programmes in Zandspruit. This was assessed using reports and documents and Planact's performance.

Internal accountability is assessed on how Planact reported to internal and external stakeholders. The internal accountability is influenced by how members control the actions of the organisation, how senior staff members are appointed, compliance mechanisms regarding the power of organisation in enforcing its decisions, and processes on how the organisation is evaluated and reported on to the public. External accountability is influenced by how organisations involve

external influence in decision-making processes. Examples are complaints mechanisms regarding how organisations enable the registration of complaints and what follow-up mechanisms are in place; how organisations incorporate social responsibility; how an organisation manages, evaluates and reports on its social and environmental impact; and access to information (Kovack *et al*. (2003). External accountability then influences an NGO's accountability to the community and donors. It may also determine how downward and upward accountabilities influence each other.

The way Planact engaged with its different stakeholders illustrates some of the challenges Planact faced trying to meet these multiple accountability measures - upward, downward and internal (within Planact itself). For instance, which stakeholders had the greatest say in, and largely influenced, Planact's programmes? Planact's accountability was also determined by how it accounted for and used the resources at its disposal and the immediate impacts of the programmes.

Measures for accountability include first establishing what the accountability is, then establishing to whom accountability is due and finally identifying the indicators of establishing accountability. These indicators include disclosure of reports and statements, performance assessment and evaluation, self-regulation and social auditing (Ebrahim, 2003). An NGO can also determine its accountability using social auditing, which refers to a process through which an organisation assesses reports and improves upon its social performance and ethical behaviour through stakeholder dialogue (Ebrahim, 2003). I used these mechanisms as variables in assessing NGO accountability in this case study.

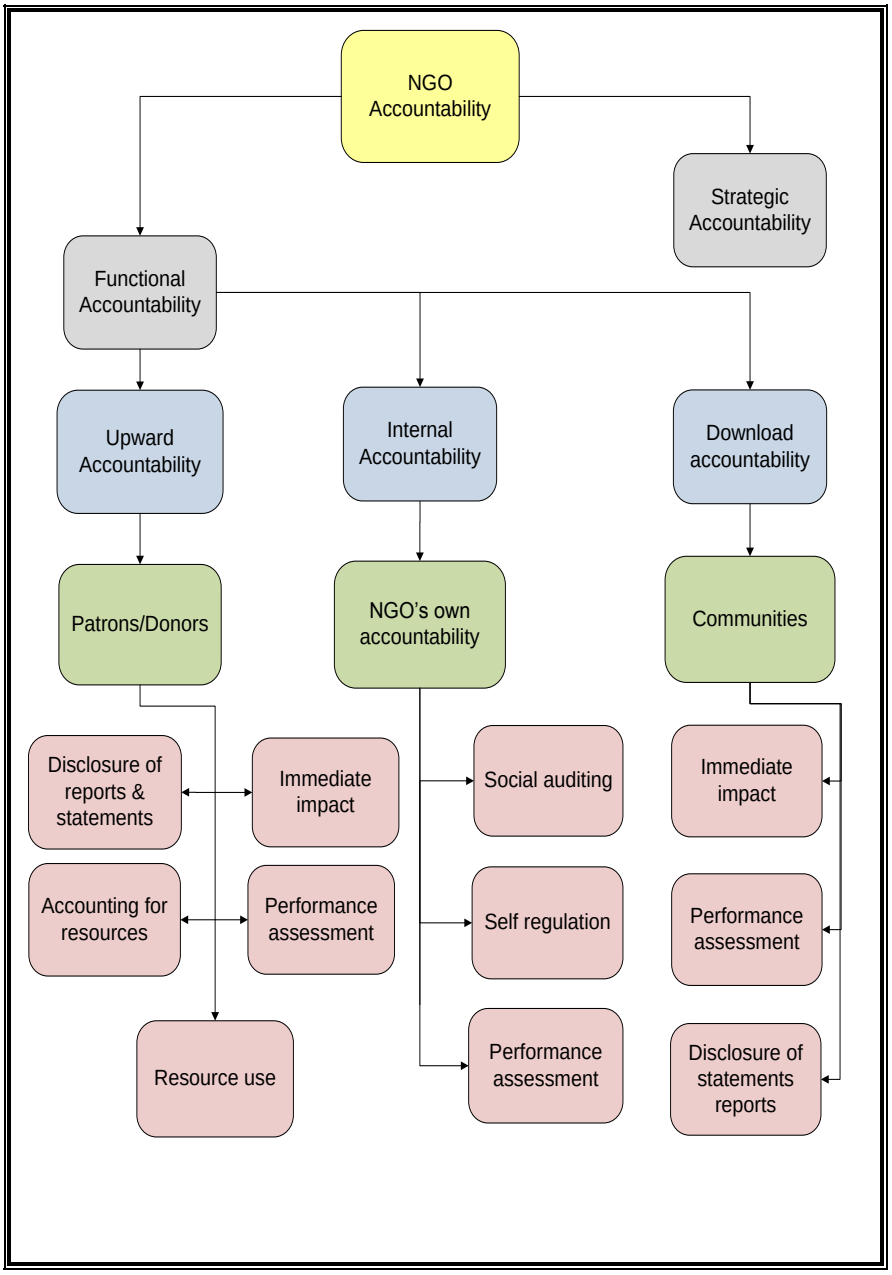


Figure 17: Conceptual framework used to assess Planact's accountability

This study explored whether Planact provided statements and reports to communities and donors. I enquired from Planact whether they availed the statements or reports to communities and governmental officials, whether governmental officials and communities received reports and statements from the Planact, and whether these mechanisms were good enough to warrant accountability.

Given that Planact implemented social auditing, I was able to enquire whether the community felt involved in the social auditing processes. In addition to social auditing, NGO accountability can be measured or gauged using NGOs' performance (Ebrahim, 2003). In this thesis, I did not assess Planact's performance *per se* because Planact did not have a specific mandate working with Zandspruit community. Instead, I explored the views of communities, government and Planact itself on Planact's performance in Zandspruit Private Property.

5.2 Contextual analysis of the case study

In order to establish how NGOs construct legitimacy when working in informal settlements, there is need for a clear understanding on what makes a settlement 'informal'. There are certain characteristics that determine whether the settlement is legal or illegal. For example, the legality of a structure depends on whether the inhabitant has legal ownership of the land, has an agreement with the owner and follows the planning and building laws and regulations of the city or country (Durand-Lasserve and Tribillon, 2001) and (Payne, 2002). Therefore, my assessment of the legality of structures and settlements was done using the following variables.

Legality issues and how these influenced Planact's legitimacy were analysed at two levels. First, based on Planact's compliance with the relevant legislation of South Africa, and second, how Zandspruit informal status influenced Planact's representational role. The informality of Zandspruit as discussed in Chapter Four was determined in terms of compliance to planning and building laws and

regulations, ownership of the land, agreements with land owners and rights to subdivide plots and how these affected Planact's representational role and legitimacy. I explored also how this affected Planact's representation of the Zandspruit community to local government.

5.3 Research question

The main research question, as stated in Chapter One, is: How do NGOs construct their legitimacy using representation, participation and accountability working in an informally occupied informal settlement? This question was further split into sub-questions to focus on different aspects of the research. This section expands on these sub-questions as a guide to this case study. These are sub-questions on legitimacy, representation, participation, accountability and the settlement informality.

Legitimacy

What is the basis for legitimacy of NGOs using representation, participation and accountability?

- How does Planact construct its legitimacy working in informal settlements?
- In particular, what are the Zandspruit community's and relevant government officials' views on the legitimacy of the NGO Planact?
- What criteria do the Zandspruit community and government officials use to assess Planact's legitimacy in its role in Zandspruit?

Representation

To which extent did Planact represent the actual interest, needs and aspirations of Zandspruit residents?

- What entails Planact's representation of the Zandspruit community?
- In particular, does Planact face challenges representing communities that are considered illegal?

- How did Planact ensure different needs and interests of the Zandspruit residents were represented?
- How did Planact gain community trust and did people in Zandspruit trust Planact to represent their needs and interests?
- Did people in Zandspruit feel their needs and interests were being represented to government and donors efficiently by Planact, and did Zandspruit residents' views on representation affect Planact's construction of legitimacy?

Participation

How did Planact facilitate participation of Zandspruit residents in the decision making process?

- Did Zandspruit residents have access to the participation process?
- How did Planact deal with different power relations within the Zandspruit community to ensure effective participation?
- Did the organisation of the Zandspruit community by Planact improve the participation and representation of their needs and interests to government?
- Was there government support towards the participation of the Zandspruit community in the decision-making process?
- Were Zandspruit residents willing to give their time, labour and money to the participation process?
- Did the nature of decisions to be made affect the participation process?
- Did the homogeneity of the Zandspruit community affect the participation process?
- What level of participation is implemented in Zandspruit?
- What challenges did Planact face working with local government?
- How effective was Planact as an instrument of participation between the Zandspruit community and government or donors, and did this affect their legitimacy?

Accountability

What accountability challenges did Planact face while working with Zandspruit community?

- How did Planact deal with multiple and sometimes competing accountabilities in a context of informal settlement work?
- Did Planact provide statements and reports to both its donors and Zandspruit community?
- Did Planact implement self assessment, evaluation and regulation?
- What are internal and external stakeholder influences on Planact's accountability?
- Did the Zandspruit community think Planact was accountable to them, and did that affect their views on Planact's legitimacy?

Illegality/informality

What challenges did Planact face working with informally occupied sections of Zandspruit?

- Does the illegal occupation by informal settlement residents create additional challenges for the role and legitimacy of NGOs in community participation processes?
- In particular, what challenges did Planact face in representing the Zandspruit community that is occupying the land without authorization from the owner?
- Where does Planact position itself in representing informal settlement residents with a possible threat of eviction or relocation?
- Does Planact avoid areas with uncertain status of occupation to ensure success?
- What accountability dilemmas does Planact have in representing communities that have no financial resources or power to challenge NGOs?

5.4 Methodology

I have already introduced my choice of a case study approach in Chapter One, including a brief discussion on the strengths and limitations of this approach. Here, I provide details on the approach I took to the case study of Planact and Zandspruit Private Property.

5.4.1 Case study

The thesis case study is about Planact's brief involvement in Zandspruit Private Property from the end of 2002 to 2004, when it made a decision to abandon its work in this community. The case study fieldwork was conducted from 2007 to 2008, therefore reconstructing a chain of events. In order to respond to my overall research question, it was important to explore the contextual framework in terms of the status of Zandspruit and the views on Planact's representation, participation and accountability as these factors determine the legitimacy of an NGO. The framework in Figure 14 was used to assess the Planact's legitimacy. Planact's legitimacy was explored based on its legal and moral status. The legal status was established by checking Planact's compliance with non-profit organisation legislation of the country. Moral legitimacy was assessed through Planact's representation, participation and accountability.

5.4.2 Selection of the NGO and the community

For survey results to be generalisable, a representative sample must be used and for a sample to be representative it must be drawn up using probability methods (Gobo 2004). However, this rarely happens in qualitative research. Instead, qualitative research is based non- probability sampling that is not considered representative and therefore not generalisable (Gobo, 2004). Although there are arguments for the different types of generalisability, there are still challenges when it comes to generalising findings from a qualitative case study. The

arguments above for generalisability are useful in explaining the sampling process in the qualitative research.

In this thesis, because it is a qualitative research approach, non-probability sampling was used to select Planact and Zandspruit. In qualitative research there are two strategies for selecting samples or cases. These are random selection and information oriented selection. Flyvbjerg (2004:426) indicates that in random selection it is possible 'to avoid systematic biases in the sample. The sample size is decisive for generalisation'. There are two options when it comes to random selection, one can either use [a] random sample 'to achieve a representative sample that allows for generalisation for the entire population [or use a] stratified sample to generalise for specifically selected sub-groups within a population' (Flyvbjerg, 2004:426).

With information oriented selection the research is able 'to maximize the utility of information from small samples and single cases. Cases are selected on the basis of expectations about their information content' (Flyvbjerg, 2004:426). Flyvbjerg (2004) noted that there are four options,

> 'extreme/deviant cases – to obtain information on unusual cases, which can be especially problematic or especially good in a more closely defined dense; maximum variation cases – to obtain information about the significance of various circumstances for case process and outcome, e.g. three to four cases that are very different on one dimension: size, form of organisation, location, budget etc; critical cases – to archive information that permits logical deductions of the type, if this is (not) valid for this case, then it applies to all (no) cases; paradigmatic cases – to develop a metaphor or establish a school for the domain that the case concern'.

In this thesis the selection of Planact and Zandspruit was done using information orientated selection, based on the extreme/deviant strategy which allowed for the use of a small sample in this single case study research.

Planact's objectives include training and building the capacity of civil society to engage with government and become partners in development, targeting the most marginalised and disadvantaged communities in the urban areas of Gauteng, advocacy at policy level, and support of communities to participate in decision making. Planact's entry point is at a community level and from a community perspective (Planact Annual Report, 2000/2001). Planact seeks to promote participatory methodologies aimed at working with and not for communities to develop their own voices (Planact, 2004).

According to Brown and Jagadananda (2007), NGOs with capacity building and policy advocacy roles participate in multi sectoral governance processes and this creates legitimacy questions. These characteristics about Planact influenced the selection of Planact for the case study using Flyvbjerg's (2004) information selection strategy. It must be noted that there are other development NGOs with similar objectives working with informal settlement communities such as Afesis Corplan in East London, BESG in Pietermaritzburg and DAG in Cape Town. These latter were not selected because they were located in towns significantly far away from the base of my research. Moreover, in spite of Planact being nearer, it also has a connection with the University of the Witwatersrand through my supervisor Prof Marie Huchzermeyer and then head of school Prof Alan Mabin. Therefore, Planact was selected for this study.

Planact works with poor communities in informal settlements to help them play a meaningful role in the processes of local government. The focus here is on meaningful participation in government policies. These objectives are aligned with exploring how NGOs construct legitimacy using representation, by ensuring participation and accountability while working with communities that are occupying land illegally in informal settlements. In addition, Planact's exit from Zandspruit without meeting its objectives make Planact a useful NGO to use in exploring the legitimacy challenges NGOs face.

The informal settlement for the case study was also selected using Flyvbjerg's (2004) information strategy as noted above. Before I decided which settlement to use for this case study, I read the documents on different informal settlements Planact had worked with (and is currently working with) and visited each one with Planact's Project Officer. Zandspruit was selected for the case study due to the challenges Planact faced working with this community. Planact decided to stop working in this community because it was not making progress in meeting its objectives, due to the unresolved tenure security. This raised relevant questions on the accountability and representation of NGOs. I expected the Zandspruit case to provide insights on issues of legitimacy as it is an informal settlement that at the time of Planact's work, and still at the time of my fieldwork, was occupying the land without authorisation from the owner, with no change in sight, or no certainty regarding when or whether the land occupation would be regularised. Also, I expected relevant insights on NGO legitimacy as Planact had worked with the community but abandoned the work without meeting its objectives.

5.4.3 Data sources and collection

The information for this research was drawn from both primary and secondary sources. Primary sources of data used included community meetings, the physical environment in the community, and interviews with Planact staff, government officials, community members and community leaders. In selecting individuals to interview in a qualitative research, non probability sampling methods were used because I was interested in people who were there when Planact was working in the community and also people who were informed of what was happening in the community. Probability sampling methods could not be used in this case because of a chance of getting people who knew nothing about Planact. Non probability sampling methods for qualitative research included purposive sampling, quota sampling, and snowball sampling (Gobo, 2004). Purposive sampling 'consists of detecting cases within extreme situations (as) for certain characteristics or cases within a wide range of situations to maximize variation, that is to have all possible situations' (Gobo, 2004:448). Quota sampling 'is employed for objects that

contain a wide range of statuses. The population is divided into as many sub-sets as the characteristics we want to observe and the proportion of each sample is the same as in the population' – snowball sampling 'means picking some subjects who feature the necessary characteristics, and through their recommendations, finding other subjects with the same characteristics' (Gobo: 2004: 449).

In this thesis the methods used for community interviews are snowball sampling and convenience sampling. All those who were available during the survey and willing to take part were included in the study. The same method was used when selecting government officials to be interviewed. Local government officials that were working with Zandspruit were selected for the research. Two Planact staff that were available for the interviews were interviewed, one Project Officer and Planact's Director. Sixteen community members were interviewed, four from each section. Interviews with community members were mainly *ad-hoc* as recruitment depended on contact given by other interviewees, who recommended knowledgeable informants. Using this format and choosing different interviewees to test emerging themes, I was able to get a range of views. I have only interviewed 16 community members because after interviewing two three people in each section I was not getting anything new, so I decided to leave it to four considering these were long interviews of about two hours. Four community leaders, (three men and one woman) one from each of the four sections were interviewed. Seven of the community members and two community leaders were not employed. The rest had what they referred to as 'piece jobs' they may have worked on one day but not on the next.

To protect their identity, interviewees were given names in this thesis that are not their real names. The names of the community leaders are simply referred to as 'community leader' from Section One to Four. Two government officials were interviewed and they are described using their position. These are the Zandspruit Area Manager and City of Johannesburg (region 5) Project Manager. Two political representatives were also interviewed; these are the ward councilor and a development worker. The secondary sources of data included documentation

(administrative and formal studies), archival records such as organisational records, survey data and service records.

The information collected included the following: data about the physical environment, historical development, economic and social factors to understand the background and context. Other data was about the role of Planact, its relationship with CBOs, the community participation process, information on the power structures in the community, attitudes and perceptions of individuals towards Planact as agent of community participation. Data was also collected on mechanisms and processes of legitimacy using accountability and representation, mechanisms of community participation, representation, accountability and legitimacy. Other information sought was on land ownership, Planact's self regulation techniques and accountability to the community as well as government support, levels of participation and the nature of decisions to be made.

Data collection techniques and instruments included the following. A desktop investigation was used to collect historical data and background on the role of NGOs as agents of community participation and their relationship with financial institutions and communities. This informed the theoretical and literature review chapters. Questionnaires and structured interviews were used when conducting interviews with Planact officials, government officials and community members and leaders in Zandspruit. These instruments are attached in *Appendix One.*

Direct observation in Zandspruit and other informal settlements was conducted during meetings in the settlement to observe the interaction between community members. These meetings were organized by the community leaders. This provided information on community power relations and whether they were influenced by gender, age or other factors. The direct observation also provided information on the mechanisms and processes of community participation. Unfortunately I did not get the opportunity to see how Planact interacted with the Zandspruit community as Planact was no longer active in the community. The

information on how Planact interacted with the community was obtained during interviews with community members, leaders and Planact staff.

5.4.4 How the fieldwork was conducted and its limitations

At the start of the fieldwork I had some anxiety that there might be problems with the community considering the fact that I am not South African, and the community had a history of xenophobic attacks. I was pleasantly surprised that they did not mind that I was a foreigner from another African country. All the people I came into contact with, both community members and leaders were very welcoming and willing to be interviewed. In some cases I had to politely explain that I had no resources and due to time limitations, I could not interview as many people as came forward.

I had expected to conduct most of my interviews over weekends but I could not do so because after visiting the community one Saturday morning I realised some community members were intoxicated from the previous night and were in no state to give objective interviews. I then decided to conduct the interviews during the week and during day time. I did not have problems getting people to interview because most of them are self employed or not employed at all.

I was granted access to the Zandspruit community by Planact's project officer who provided me with the cell phone number of the chairperson of the Zandspruit Joint Committee whom I made an arrangement to meet at Zandspruit Private Property. From there I was introduced to other community leaders from the four sections. Due to the fact that I received contact details of the chairperson from Planact, it became very difficult to remove the perception that I had a link to Planact. There was an immediate expectation that I could help the community to convince Planact to return and assist in Zandspruit. In Planact's staff own admission to me, Planact had left Zandspruit without explaining its reasons with no indication whether there was possibility of the NGO's return. This justified the community's high hopes of Planact returning. I explained to the community that I

was just a student and the study was for research purposes only, unless someone decided to make use of the academic document, which rarely happens. The residents and leadership accepted this, although some expectations did seem to linger.

I began by interviewing a project officer from Planact, gathering information on what the objectives were for Planact's work with Zandspruit, how far the organisation had gone in meeting the objectives and what challenges Planact faced. After interviewing the Planact officer, I proceeded to interview community members and leaders from the four sections in Zandspruit. The third phase of interviews was with government officials. I interviewed a regional manager of one of the Zandspruit's regions, a community and Project Manager from Johannesburg's Region Five. I also interviewed development worker and ward councilor. Lastly, I interviewed Planact's then Director using the interview guideline that incorporated issues raised by the community and government officials on the role of NGOs and, specifically, Planact and questions about its legitimacy. Due to my limitations in language, I used one research assistant who could communicate with the local community using the language they were comfortable with. The research assistant was used for roughly eight hours per week for eight weeks. Funding from National Research Foundation (NRF) of South Africa covered the field work costs.

During my fieldwork, I attended relevant community meetings organised by community leaders and workshops organised by Planact. These workshops were organised by Planact and included community leaders from different informal settlements. The workshops were not connected to Planact work in Zandspruit as Planact had already stopped working with Zandspruit. The meetings attended were organised by community leaders where they discussed challenges each section faced. The Zandspruit Private Property community was meeting and discussing their challenges to be presented to local government because there was development going on at Zandspruit Transit Camp and the community was pressing for development in their area too. Workshops were organised by Planact

and these sessions were done in town (near the CBD) away from the settlements. Leaders from different informal settlements participated in the workshops including Zandspruit Private Property leaders. The main focus of these workshops was on leadership skills and how informal settlement community leaders engaged the local government. Community meetings involving community members in each section were conducted mainly on Thursday nights which I could not attend due to security reasons. I only managed to attend community leaders meetings which took place during the day, comprising the four sections that form Zandspruit Private Property. I did not get a chance to observe an interaction between community members and Planact as Planact was not actively working in the community. However, I managed to observe an interaction between community leaders/representatives from different informal settlements at a workshop organised by Planact.

5.4.5 Data analysis and presentation

Data analysis is done using theoretical propositions and rival explanations by (Yin, 2003). Yin (2003) explains that theoretical propositions and rival explanations are preferred strategies when analysing case study findings. In this case, the objectives and design of the study are based on theoretical propositions. Therefore, the theoretical proposition helps organise the entire case study and define alternatives to be examined. Yin (2003:109) also indicates that the 'theoretical proposition answers how and why questions [which] can be extremely useful in guiding case study analysis'. The theoretical proposition in this case study has rival explanations from the community, government and Planacts' views on what makes Planact legitimate.

Using the conceptual framework as a guideline, I explored representation, participation and accountability looking at the different views from the community, Planact and government officials. Using an analysis process by Green *et al*. (2007) the analysis began by the researcher counterchecking the interview transcripts and contextual data. I then examined and organised the information in

the transcripts in each interview and the whole data. I made judgements and organised the transcripts into themes in terms of views on legitimacy, representation, participation and accountability in the different transcripts. I then explained the inter-relationships and made interpretations of the findings.

5.5 Ethical Considerations

Donors were not interviewed in this thesis because it a very sensitive issue and would have created a number of challenges. For example (a) it would have undermined the openness with which Planact's Director and Project Officer had during the interviews. I relied on their trust to get information on Planact work in different informal settlements. (b) I could not control the way donors might have reacted to my insights about Planact's work in and exit from Zandspruit. There is a probability this may have led to donor withdrawal, even with my best intentions not to undermine Planact. I therefore decided not to enquire about and interview Planact's donors as my findings could have be perceived as undermining the way donors fund NGOs.

5.6 Conclusion

This chapter provides a link between international the literature review and this case study. The literature review on legitimacy, representation, participation and accountability provided the basis for the conceptual framework for the case study. Background on the South Africa case study helped inform the research questions and methodology used in this thesis. The conceptual framework used a prescriptive legitimacy exploring how Planact constructed its legitimacy using representation, participation and accountability.

The next chapter presents my findings on the prescriptive legitimacy, discussing processes and views from community, Planact and government officials on Planact's representation, participation and accountability.

6.0 CHAPTER SIX
PRESCRIPTIVE LEGITIMACY: REPRESENTATION, PARTICIPATION AND ACCOUNTABILITY IN THE CONSTRUCTION OF PLANACT'S LEGITIMACY IN RELATION TO ITS WORK IN ZANDSPRUIT

The nature of Planact's work in Zandspruit demonstrates an NGO grappling with a context of community marginalisation where there are minimal governance structures to facilitate consultation, if not participation of the community in the municipal service delivery system. However, Planact's work in Zandspruit does not lend itself to straightforward conclusions about its prescriptive legitimacy. Instead, it points to interaction between representation, participation and accountability, and also to the Planact's own concerted efforts to maintain the legitimacy required for the continued relevance and existence of the organisation.

The conceptual framework for this thesis indicates the NGO legitimacy is constructed using prescriptive/normative and descriptive legitimacy. The prescriptive/normative legitimacy can be constructed legally or morally. How NGOs construct legitimacy legally is straight forward. In the case of Planact legally derived legitimacy was relatively straight forward as Planact is fully compliant with the legislation I reviewed in Chapter Four. Planact's Director indicated that Planact is registered as a Section 21 company; and the Act required it to have a constitution, article of association, a board of directors, membership, a mission statement, regular auditing and to hold an AGM. By Planact complying with these requirements, it derived legal legitimacy. Planact sees itself as legitimate by being registered under Section 21 of the company Act. Planact also makes public its financial statements through its AGM and annual reports with financial statements indicate financial accountability as required by law. Also Planact enters the formal legal contracts with donors as well as the government agents by which it is commissioned to carry out work or provide services. In the section below I discuss how Planact constructed moral legitimacy according to

government officials, Planact itself and the Zandspruit Private Property community.

Morally derived legitimacy in this case is explored through representation, participation and accountability. The first section of this chapter I describe the structures used in representing Zandspruit. Then I discuss processes of representation, participation and accountability in ensuring Planact's legitimacy.

6.1 Zandspruit community representation structures

A key component of NGOs claim to legitimacy in their work with marginalised communities is the extent to which they succeed in representing the communities' needs and interests to governments and different donor organisations. The discourse on NGOs is relatively new in representation debates. Political representation is no longer only in the hands of elected representatives. Representatives of marginalised groups are no longer located in the formal political arena only.

Legitimate NGOs are considered to fulfil a representational role on the basis of the advantage they have over government in reaching marginalised communities. As NGOs often focus on single issues, they are believed to have an advantage of depth which is relevant in representing marginalised communities such as informal settlements. Informal settlements have different characteristics and require different strategies in addressing developmental problems. Although NGOs are accommodated in the formal procedures as relatively new representatives, there are still questions regarding the legitimacy of NGOs as representatives of marginalised communities.

Planact's representational role in Zandspruit was primarily that of setting up representative structures rather than directly representing the communities to local government. Also Planact assisted communities through training and empowerment. Although this was the stated approach, when Planact attempted to

assist the Zandspruit community, some findings of this study indicate that in some cases Planact did represent Zandspruit's residents directly to local government, applying substantive representation. These situations are explained later in this chapter. Based on Planact's previous work in Zandspruit Transit Camp and other informal settlements, the Zandspruit Private Property community trusted that Planact would be able to assist the community in accessing some basic services.

The discussion on Planact's representation in this chapter begins with an explanation of the official representation structures set up by local government, indicating how representation was implemented and the challenges faced in implementing representation. I discuss how Planact worked with Zandspruit Private Property to ensure representation. During the discussion of Planact's structure of representation I also present the different views on Planact's representativeness from Planact itself, local government and the Zandspruit community.

Official local government representation according to city of Johannesburg legislation and policy formulation is done by the political branch, whereas the management and implementation of bylaws and policies, and co-ordination of council activities, are done by city's administrative branch. The administrative branch has 11 regional administrations which facilitate the participation of communities. Zandspruit is located in Region C under Ward 100. Within Region C, the Zandspruit community is formally represented by the elected ward councillor with the assistance of a ward committee. As set out by the City of Johannesburg, ward committees are responsible for assisting ward councillors keep abreast of concerns in the communities, and for supporting them in the conduct of ward responsibilities. Each ward committee is chaired by a ward councillor, and each ward committee is made up of 10 elected representatives from the communities. Each representative is responsible for representing the needs and interests of a specific sector. Most ward committees have a member responsible for representing issues, for example, on women, youth, religious

groups, culture, education, health sports and community. (City of Johannesburg, 2006)

In Zandspruit, representation by the ward committee has been problematic. One of the reasons is the fact that ward committee members have limited time to work with the community as they are not full-time political office bearers. However, the City of Johannesburg (2006) claims it has done much to ensure that it has workable ward committees. This has resulted in some achievements but these are not without challenges (City of Johannesburg, 2006) as noted in Chapter Four. Zandspruit community is represented to the ward councillor by a 'Joint Committee' as discussed further in the section below. Other small committees assist the Joint Committee. During the time of the interviews and Planact's work in Zandspruit there were no representatives from Zandspruit community in the 10 member ward committee. Nevertheless, the City of Johannesburg (Region C) Project Manager indicated that he recognised the Joint Committee as a representative structure.

> '[the] leaders will communicate with us and they are spokespersons for the community. As local government, we need the leaders' 'buy-in' (City of Johannesburg project manager, personal communication: 2007).

However, the Project Manager also seem to indicate that the preferred representative was the ward councillor,

> '[the] local government would approach community leaders to represent the community in decision making on projects. If there is no leadership, the area manager will then approach the community and call a meeting. This was mainly done when there was no ward councillor. Now it is easier as the region is represented by the ward councillor'.

In rating the effectiveness of the ward councillors, the Planact project officer, using an example from another ward, indicated that,

> '[their] performance differs from one area to the next, some ward committees are functioning, e.g. in Ward 64, the ward councillor would use loud speakers and call people to meetings, and would also give reports back to communities'.

The project officer further indicated that,

> '[the] challenges of working with [the] ward committee are because the ward committees are not functioning because they do not receive the administrative support from government. [For example], they do not have all the necessary documents to support their work. Also, when the ward councillor is an ANC member, the councillor will get his/her own comrades to be in a ward committee which is a problem because it is not a political structure, it is supposed to serve civil society ... a ward committee is supposed to have 10 members but at the end of the term there will only be three active committee members, as they do not attend meetings, alleging that ward councillors are bullying them. There is still a lot of work that needs to be done in this area in ward committee representation'.

Another challenge in working with ward committees as representatives of communities was noted by the Planact Director, who indicated that,

> '[ward] committees have disadvantages due to the fact that they do not represent the small communities, they represent a ward which is big and some communities might not be represented in the ward committee'.

To improve the effectiveness of the ward committee, Planact project officer suggested that:

> '[the] municipality needs to provide administrative support to the ward committee, [for example] provide name tags, office space, pens and paper,

build their capacity. Also revise how ward committees are elected - there is a need to look at the election process. Some people join the ward committee with the hope of moving up the ladder. This has an effect on whether a community knows who their ward committee is. The process has to be transparent'.

From these interviews it was apparent that the official representation by local government has challenges. The ward councillors represent large communities with different interests and needs. During the public meetings between ward councillors and the community, it is very difficult for community members to express their needs and interests in these large gatherings. The Ward councillor also reports to the local government officials who do not have powers to make any decisions. This means the ward councillor is not able to represent the community at the local government fora effectively.

Benit-Gbaffou's (2008) research showed that ward councillors have limited power in Council, and do not have incentives to ensure accountability to the communities that voted for them. This whole process becomes very frustrating for the community and local government. Lack of representation of poor communities is a problem beyond South Africa. Bracking and Hickey (2005:851) argue that 'people who live in poverty over extended periods of time are the least likely to gain political representation and have few immediate or natural allies in either civil or political society'. The question then, is what difference can an NGO make to improve representation of communities to local government? In the next section I discuss Planact's facilitation of representation through the Joint Committee.

6.2 Planact's work on representation

The discussion of this chapter focuses mainly on the Joint committee as a representative structure. Before Planact started working with Zandspruit Private Property, communities were represented by individual leaders from the four

different sections, and no committee existed to bring these leaders together. Apart from the four community leaders who under Planact's guidance eventually formed the Joint Committee, there have been, and still are, a few community groupings within each section. Initially when Planact was still working in Zandspruit there were objections to the Joint Committee. Some community members felt the process of selection of the coordinating committee members was not done with enough community involvement (Planact, 2002). There was a coordination committee that organised the election of the Joint Committee. Therefore, Planact facilitating the process of elections, the community formed a Joint Committee. The Joint Committee comprised seven leaders from each of the four sections as indicated in Figure 18. The seven leaders are elected by community members in their section. The role of the Joint Committee structure is to represent each section to local government and any other organisation attempting to work with the community. In order to establish the needs of the community, one Joint Committee member speaking at the Joint Committee level representing Zandspruit Private Property indicated that,

> '[leaders] from each section walk around and consult with members of their community in each section where community members would indicate their needs, interests and challenges. Community members would also approach their leaders to inform them of their problems. We would meet from each section as the Joint Committee and discuss the different needs and challenges from each section and decide on priority issues to be taken to government or any other organisation. After deciding the priority issues, the Joint Committee would write letters [jointly] to responsible people in government [Region C]'.

Planact did not work directly with the community members but with the leaders from the four sections who were expected to report important decisions and developments back to the community members and get feedback from them. A community leader from Section One who explained that 'Planact did not interact with the community directly; Planact was working with the Joint Committee'

(personal communication: 2007). In addition, public meetings were held between the Joint Committee leaders and community members (Planact Director, personal communication: 2007). A community member pointed out that 'the Joint Committee organised meetings with the community, using loud speakers ... The Joint Committee gives people reports on the progress and asks people to give input on community issues' (Masondo, personal communication: 2007).

The Joint Committee has a chairperson who is elected by the Joint Committee members. From the four sections of the Zandspruit Private Property community, there is a community leader from each of the four sections that form part of the leadership of the Joint Committee. The leadership was representative in terms of gender and geographical spread. Planact provided leadership training for the community leaders, such as how to chair meetings and the different leadership responsibilities (Planact Project Officer, 09/07/07). Although Planact attempted to ensure that the Joint Committee was representative of the community, there were many problems and the Joint Committee collapsed a number of times during the period of support from Planact due to power struggles between leaders from different sections of the Zandspruit Private Property settlement. Even though the Joint Committee had problems, it was important for Planact to ensure such a structure existed, as in Planact's view it was necessary for representation and participation (Planact Project Officer, 2007).

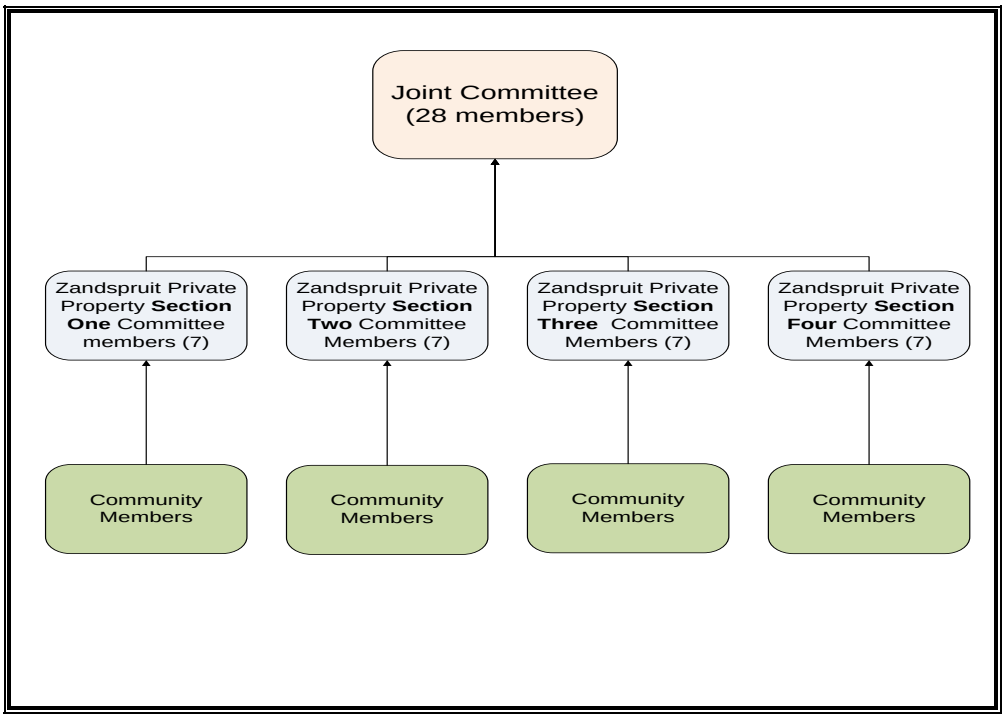


Figure 18: Planact's representation structure in Zandspruit Private Property

While most community members indicated that they were happy with the Joint Committee representation, some felt the Joint Committee at the time of interviews in 2007, was not doing much to represent the community. This was due to the power struggle in the leadership between the representatives from the four sections. Out of the 16 community members interviewed, four felt that the Joint Committee was not effective in its role, especially after Planact left Zandspruit. Two interviewed community members were not even aware that the Joint Committee existed or of its role in the community. One community member indicated that,

> '[the] Joint Committee is doing nothing at the moment, each section has its own committee and this is what is assisting the community now' (Dlamini, personal communication: 2007).

Another community member, 33-year-old Moloko, who is the head of his household, indicated that,

> ‘[the] Joint Committee is not doing much for the community as they only meet with the ward councillor; the process is too slow with the Joint Committee’ (Moloko, personal communication: 2007).

From my interviews with community leaders, I observed another challenge with the Joint Committee. The position of leader is a voluntary one, making it difficult for the Joint Committee to function properly as there are costs that leaders have to incur as individuals. Also, the Joint Committee has challenges dealing with the many different needs from the four different sections when it comes to prioritisation. Committee members expressed views that the Joint Committee comprised too many members; each section has seven committee members, resulting in a total of 28 members on the Joint Committee. My observation is that the negative perceptions about the Joint Committee may be due to the fact that the community has high expectations of the leaders and they become impatient when leaders are not seen to be securing delivery or solving their problems.

As indicated above, Planact did not only work with the Joint Committee to ensure representation. Planact explained that in order to make any progress in ensuring marginalised communities were represented in government policies, Planact would attempt to make contact with the local government by approaching the ward councillor of the area and other local government officials. It considered this extremely important. This direct approach is what Pitkin (1967) refers to as substantive representation, as discussed in Chapter Three. But ensuring an effective relationship with local government is very challenging as the Planact Director indicated:

> ‘It is a very challenging environment; in many cases you do not have access to people who can make the decisions e.g. the ward councillor cannot make decisions to provide land. Although the ward councillors are the ones close to the people they have no power to make the decisions. The ward councillor will also meet the Region officials but these officials also have no

> decision-making power, they only implement policies' (Planact Director, personal communication, 2007).

In explaining the relationship between local government and NGOs, the Planact project officer noted that,

> '[sometimes] NGOs are not trusted so there is need to work hard at developing [a] relationship with the ward councillors before moving on to other levels of government. As an NGO working in a community you need to prove yourself to the ward councillor first. In most areas we have had good relationships with ward councillors. Some ward councillors perceive NGOs as poisoning people against government; this could be because we have opened people's minds and eyes about their rights'.

Planact's role in representing the community to local government was mainly one of facilitating interaction between the community and the Region C local administration. This was done by assisting the community organise itself to speak with one voice. Planact also helped community leaders write letters using Planact's facilities, and to make calls and arrange dates and times for meetings with government. The Planact project officer explained that,

> '[Planact] would assist the community as a 'mediary' [mediator] in community and local government meetings so that the discussions would not escalate into a shouting match'.

What has been discussed so far are structures of representation by local government and Planact. The official local government structures of representation have implementation challenges in terms of ensuring that the interests of the community reach the decision makers in government. Planact attempted to ensure that Zandspruit community's interests and needs were represented to local government using the Joint Committee, in addition to its own direct representation of issues to the ward councillor and local government. The

Joint Committee also faced challenges in ensuring effective representation. Although both methods of representation have their limitations, the fact that the Zandspruit community allowed Planact to work in the community indicates that the community trusted that Planact understood the background of the community and would be able to assist them.

Although the Joint Committee has faced problems, as the structure of representation, is still seen as representative of the community by community members and government officials. It could be argued that the Zandspruit community still sees the Joint Committee as representative due to their shared history. As Williams (1998) indicates, there has to be trust between representatives and those represented in understanding communities' challenges, and this is more effective when communities 'are represented by their own members to government with an understanding of their past' (Williams, 1998b:14). The Joint Committee structure for representation is also important for representation because the leaders of the Joint Committee have memory of the community's past. As argued by Williams (1998b), memory is important in assessing representation because representatives must be aware of the community's past experiences in order to implement institutional mechanisms to their needs and interests in the future.

The findings above indicate that Planact's representation of the Zandspruit community has mainly been that of encouraging the Joint Committee to engage directly with government. This is something that has been observed in other developing countries. Bracking and Hickey (2005) show how in India, social movements are seen as a promising form of representation of the poorest groups compared to professional development NGOs. (Although I need to distinguish here between the community organisation in Zandspruit and a social movement referred to, in this case. What interests me is the role of the professional NGO in relation to either of these formations). According to research done in India by Kilby (2006), this could be because NGOs do not want to get directly involved in advocacy work in the political field, these 'NGOs did not directly involve

themselves in advocacy but rather allowed/facilitated the representative groups of women to take on issues with government directly' (Kilby, 2006:958).

Another example of limited representation by advocacy NGOs is described by Lavalle *et al*. (2005) in their study entitled *Lessons of Civil Society and participation from Sao Paulo, Brazil.* From this study, Bracking and Hickey (2005:851) observed that 'advocacy NGOs were not very successful in gaining the effective representation in Brazil. The most successful were National Network NGOs, particularly those that had historical links to political parties through a shared commitment to social justice'.

Dicklitch (1998:18) points out that in Africa, 'many NGOs hesitate to become politically active'. Dicklitch (1998:18) cites Manuh (1993:125), argues

> '[they] eschew any relations with political parties, in particular opposition groups. They operate in non-controversial areas building schools, providing water and health care, and extending services, credit and information to the poor and needy. In these activities, they are often backed by the state which sees them as supplementing their effort and often takes the credit for those services. In such ways, NGOs can prop up weak and discredited governments and actually act to disempower people'.

During apartheid Planact's mission was to promote community driven development and the achievement of this mission lay 'within the arena of confrontation' (Abbott, 1996:202). In the post apartheid era, Mayekiso (1996), Abbott (1996) and Habib and Taylor (1999) all observed that some development NGOs among other NGOs in South Africa began working in partnership with government. Planact is one of the NGOs that have sought a partnership with government as observed in Chapter Four by Abbott (1996). This process coupled with the particular role, government funded development projects geared to community participation (i.e. merely to ensure smooth implementation) was seen by some as demobilising civil society (Mayekiso, 1996).

In the case of Planact working with the Zandspruit community, Planact did not seek to directly represent the community's interests. Planact's work in Zandspruit focused on capacity building and training for the community leadership to effectively engage with government. This is consistent with approaches by Planact adopted in the transition to democracy period, which created a shift in the relationship between development NGOs and the community.

For representation to be considered legitimate, there must be processes through which people can participate and voice the interests and needs that are to be presented at higher levels. Because the Joint Committee is the tool Planact used to ensure representation of the Zandspruit community, in the next section I explore how participation has been implemented using the Joint Committee. This is where I will also discuss the interaction between Planact and the Joint committee.

6.3 Implementing participation to ensure representation

It is important to explore how participation has been implemented because, as Lavalle *et al.* (2005:961) argue, civil society plays a substantial role

> '[in] representing people living in poverty in the policy process. The dynamics of this representation cannot be understood on the same terms as that of individual citizen participation. Sectors of the poor obtain very different levels and forms of representation from civil organisations because these vary tremendously, including their capacity to participate and in the type of relations they have with their beneficiaries'.

Participation, as indicated by Marschall (2002), is assessed in the way people voice their interests and needs, and the influence communities have on the decision-making process. This influence determines the level of people's participation in the decision-making process. Participation, in this case, is assessed by observing the level of participation being applied by the local

government and Planact (via the Joint Committee), the openness and support of local government to the inclusion of communities, communities' willingness and ability to contribute their labour, time and money, and the role and relationship between Zandspruit Private Property, Planact and government. I then explain the different factors that have influenced participation in Zandspruit Private Property. In the next section I discuss Zandspruit Private Property participation as implemented by government.

6.4 Participation process as facilitated by local government

In South Africa, opportunity is created for the public to influence the policy decisions of government through the Ward Committee reporting to ward councillors. Communities are in turn expected to participate in these decision-making processes of local government. The ward councillor works with different organisations in the community such as ward development forums, community development forums, CBOs and other stakeholders. However, recent government intervention in informal settlements in South Africa has been top-down with almost no chance for communities to influence or largely shape the process (Huchzermeyer, 2004a). Also, the government has abandoned the bottom-up dialogue (Benit-Gbaffou, 2008). Other attempts by municipalities to facilitate participation include outreach programmes such as road shows and Integrated Development Planning (IDP)/budget outreach, as noted in Chapter Five (City of Johannesburg, 2006). These programmes are also not very effective. Mohamed (2006) indicates that, although there have been significant improvements in the level of community involvement in general, there are still challenges as the extent of community involvement in the decision-making processes in the IDP is not clear.

As already mentioned, the official participation process of the local government for the Zandspruit community is through the ward committee, which works with the ward councillor who is expected to report community challenges to the Region C administration. The views of the community leaders from the four sections

regarding access to the participation processes differ. First, it must be noted that there has been a change of the ward councillor. The ward councillor when Planact worked in Zandspruit was replaced in the 2006 local general elections, after which my interviews were conducted for this thesis. Community members and leaders compared the two councillors during the interviews. The majority of the community leaders and their community members were unhappy with the previous ward councillor, arguing that he was not interested in their community as it was located on privately owned land. Some community members also believed that the councillor had no interest because he represented a different political party, the Democratic Alliance (DA), while the majority of the community members in the area are supporters of the African National Congress (ANC). This argument is supported by Piper and Deacon (2008), who show the extent to which the work of ward committees and councillors in South Africa is dominated by local political leaders. In Zandspruit, leaders from the three sections supported the new ANC ward councillor, who started working with the ward in 2006. One pointed out that the 'previous ward councillor could not assist the community as he said the community was on private property and there was nothing to be done' (Community Leader Section Four: 2007).

The community leader from Section Two indicated that,

> '[the] previous ward councillor was not very supportive. Now we have a new ward councillor who is in touch with the community and community needs. The former ward councillor did not do his duties' (Community Leader Section Two: 2007).

This is the opposite of what the community leader from Section One believed. This leader argued that,

> '[our] chances of participating in government policies is limited because they undermine us. Previously there were some IDP processes under the DA ward councillor. The new ward councillor has not invited us [to participate

> in] the IDP processes. The ward councillor does not want us to raise the issues that concern us in the IDP meetings' (Community Leader Section One: 2007).

There was a perception that the Ward Councillor treated the four sections of Zandspruit differently. A community member from Section One was of the view that,

> '[the] ward councillor is busy with other sections and does not care about section one. We do not know who our government is; we voted for the ward councillor but now they keep on calling us Private Property' (Zungu, personal communication, 2007).

These views suggest that government support to Zandspruit Private Property community through the ward councillor was inconsistent and limited under the previous ward councillor. The lack of government support affects the level of participation, as the community is mostly merely informed of the initiatives and has no opportunity to influence project or policy decisions. In addition, a poor relationship between Zandspruit residents and the ward councillor influences the level of participation negatively.

One of the community members indicated that to address the participation challenges they face, they need NGOs, such as Planact because they are more effective in assisting the community engage government. The community member felt that 'Government needs us when it comes to voting only and not when it comes to addressing our problems' (Langa, personal communication, 2007). The community leaders believed NGOs would be beneficial to the community in engaging with government and obtaining better services.

As noted, the ability of Zandspruit community to participate in the decision-making process was limited due to lack of access to the participation process. In some cases, the community's ability to participate in decision making was

hampered due to the fact that people did not have the financial means (for transport) to attend meetings organised by local government. When Planact worked in Zandspruit, it was able to assist community leaders with money to attend meetings. Planact also availed its office facilities to community leaders who could make phone calls and write letters to arrange for community meetings.

In some cases, community members had the opportunity to contribute to a very limited form of community participation in terms of their labour, time and resources. For example, a community member (Magagula, personal communication, 2007) indicated that the community members were required by local government to contribute their labour by digging the hole for pit latrines that were built for individual households. Although they agreed to this, this does not comply with the idea of participation in decision making.

Residents in all the four sections indicated that they engaged with local government mainly through community leaders and the ward councillor. Community members would hear about ward public meetings through loud speakers and from their section leaders. During the meetings, the community would participate by raising their hands and expressing their views, while some would just sit and listen because they would not get the opportunity to speak. In most cases, in these mass meetings the government officials would inform the community on what was happening rather than involve them in decision making. Ten of the 16 interviewed community members felt that the local government did not involve them much in the decision-making processes. A community leader from Section One pointed out that,

> '[there] is no link with local government. The Joint Committee felt sidelined by the municipality. Region C has not organised even a general meeting for the community, they have only organised branch meetings for the ANC. The only way we get through to local government is through illegal mass action' (Community Leader Section One, personal communication: 2007).

A community member, Mr Zungu, lamented that, those 'people with higher positions from ANC offices do not listen when you give your suggestions' (Zungu, personal communication, 2007).

Participation in Zandspruit Private Property is also affected by lack of government support. Zandspruit residents expect the government to assist the community access adequate housing. The government has not been able to provide housing because residents do not own the land they occupy. The Zandspruit community sees this as lack of support from government. As indicated by a community leader from Section One, 'being on private property limits our participation as the local government is mainly focussed on the Transit Camp and not us' (Zungu, personal communication: 2007).

Such problems with community participation at local government level are not faced by the City of Johannesburg Municipality alone. Ley (2009) observed similar challenges in Cape Town. According to Ley (2009:154) DAG indicated that

> 'channels for influencing IDP and city-wide planning are very narrow... the new City Housing plan lack commitment for community participation and that in many projects communities are not consulted about developments'.

A number of reasons are provided by DAG for participation challenges. Ley (2009:153) explains that for DAG the

> 'lack of accountability of government's commitment to participation in housing processes [is due to] housing is a highly politicised matter ... political leaders are not trusted as they are perceived to be gate keeping and corrupt ... politicians interested in being re-elected want short-term delivery of houses and not a participative process'.

Although the Zandspruit community is willing to contribute its labour, time and money for the development of the area, its ability to engage local government is limited. The discussion above on participation by local government indicates that the Zandspruit Private Property community feels marginalised by the government. The level of participation afforded by local government considered mainly informative, which is seen as non-participation by Arnstein (1969) and Choguill (1996). Arnstein (1969) does not consider this to be participation as the communities affected by the project do not have the power to add their contribution to any government initiatives. Communities are just informed of a forth coming project and are not given the chance to influence the project. With these challenges facing Zandspruit, what participation measures could Planact implement to improve the participation process between the community and local government? In the next section I discuss the participation measures implemented by Planact with the aim of empowering the community to engage the local government more effectively.

6.4.1 The participation process (in Zandspruit)

The Planact project officer indicated that 'Planact is a pro-poor organisation trying to build the capacity of leaders to engage with government and participate in their own development'. The project officer further indicated that the focus of Planact on informal settlements was important because 'it is part of Planact's mission and vision to assist the poor people in these communities' (Project Officer, personal communication: 2007). With the advantages NGOs have in reaching the poor, as noted in the literature review, the question then, is what role did Planact play towards ensuring participation of the Zandspruit community and what did Planact's role in participation mean for the legitimacy of its activities?

To implement participation more effectively, Planact began by creating representation structures as noted in Section 6.2. The Joint Committee was formed to improve the chances of the community's voice being heard in local government

decision-making processes. The participation process between the Joint Committee and the community was facilitated through community meetings organised by community leaders, and the agenda consisted mainly of discussions about community problems. The Joint Committee as a representative structure and a tool for community participation is useful for the Zandspruit community, despite the limitations alluded to above.

The Joint Committee ideally enables the community to speak with one voice, which is more effective than each section of the community engaging government individually. Communities that are organised into small organisations are more assured of participation compared to communities that are not organised (Oakley and Marsden, 1984; Wilcox, 1994; Durand-Lasserve, 2006) due to the fact that they will have more authority in their demands compared to unorganised individuals.

The Joint Committee and community members' interaction involved informing communities about relevant developments. For example, in the case of basic services installations, Joint committee members would call a meeting and brief the community only about the need to volunteer their labour in initiatives. The participation of the community was through the community members raising their problems and providing labour in the different initiatives in the settlement. This type of participation falls under the rung of consultation and information. The main purpose of the Joint Committee appeared to be that of facilitating communication. As one community member indicated,

> 'I attend meetings organised by the Joint Committee and as a community we ask questions and indicate our needs to the community leader. The community leaders also inform us about the different projects initiated by the local government' (Moyo, personal communication: 2007).

To ensure participation of the Zandspruit community Planact, it worked with the Joint Committee, but not directly with the community. Planact's Director

indicated that Planact had a good relationship with local government and had better access to local government than the community. The Planact Director further indicated that local government tended to pay attention to intermediary organisations. The Director warned though that although Planact has a good relationship with local government, it does not mean the government always responds. This is mainly because the relationship is with the ward councillors and the regions, which are not in a decision making position regarding access to land or implementation. In Johannesburg the decision making is centrally located with the Mayoral committee (Mohamed, 2009). In an attempt to ensure participation of Zandspruit community, Planact would meet with community leaders or the Joint Committee and discuss the challenges the community faced. After the discussion Planact would use its position and relationship with government to make contact with local government officials and arrange meetings between Zandspruit community leaders and government officials. The Joint Committee would then discuss the challenges facing the Zandspruit community.

Although the Joint Committee was important in organising the community's engagement with government, it had its own challenges. For example, the Joint Committee participation process was limited by poor communication between the Joint Committee members and the Zandspruit community it represented. There was also reported poor attendance of meetings by the community members. This resulted in the community not being informed of what was happening in the community. The poor communication between the Joint Committee and the community it represents had been a problem since its inception. As noted by a community leader from Section Two, even when Planact still supported the Joint Committee, the Joint Committee would meet Planact but fail to report back to community members on the progress of a certain project. This was mainly due to personal problems experienced by Joint Committee members. Planact Project Officer noted that another challenge facing the Joint Committee was the lack of financial resources and motivation as some leaders accepted certain positions with the hope of 'climbing the ladder' and not necessarily to assist the community.

At the time of these interviews, some community members were not aware of Joint Committee meetings and did not participate in community meetings or projects. This was mainly due to the fact that they were working on weekends and were not present when meetings were conducted; the meetings were mostly conducted on weekends. For example, a community member (Lunga, personal communication: 2007) indicated that she heard about the community meetings organised by the Joint Committee from the children, and that she had not been able to attend the meetings because she worked on weekends. The community members interviewed were mostly aware of the community leaders in their individual sections and not of the entire leadership of the four sections as a whole.

From the interviews, it was evident that the Joint Committee worked more effectively with the community when Planact was still lending its support. The Joint Committee still existed at the time of my interviews in 2007 but was no longer functioning effectively due to power struggles between the leaders from different sections. These power struggles began from when the Joint Committee was formed and when Planact was actively working with the community. Power struggles jeopardised communication within the community. Power differences within a community can affect community participation processes (Wilcox, 1994). A Mr Zungu, a community member, said:

> '[we] have no Joint Committee because there is a power struggle within the leadership. Leaders are not working together anymore… and there has been no improvement in the community since the power struggle began' (Zungu, personal communication: 2007).

A community leader from section four also noted that 'due to differences in community leaders - some people fight for power and not development - , leaders worked only for their different sections'. Another community leader from Section Two suggested that Planact could have moderated this problem: 'The Joint Committee is not functioning properly as Planact is not here anymore; there is no

direction in Joint Committee' (Community Leader Section Two, personal communication :2007).

Apart from training provided by Planact, there were no other projects being implemented by the NGO, so assessing participation of communities through the vehicle of a Planact project was not possible. Participation of the Zandspruit community in influencing local government policies was very limited. Joint Committee participation processes yielded limited results, as committee members did not feel they were really influencing the decision-making processes of the local government. Although Planact assisted the community in creating representation structures to improve the participation process, the ability of the Zandspruit community to influence the decision-making processes by the government was limited. The various factors contributing to this are set out in Figure 19. Planact did not see it as its role to assert pressure on the municipality to address Zandspruit development problems. In the context of a staff shortage Planact opted to exit the settlement. This raises questions around Planact's advocacy work, its accountability and its legitimacy which I turn to in the next section.

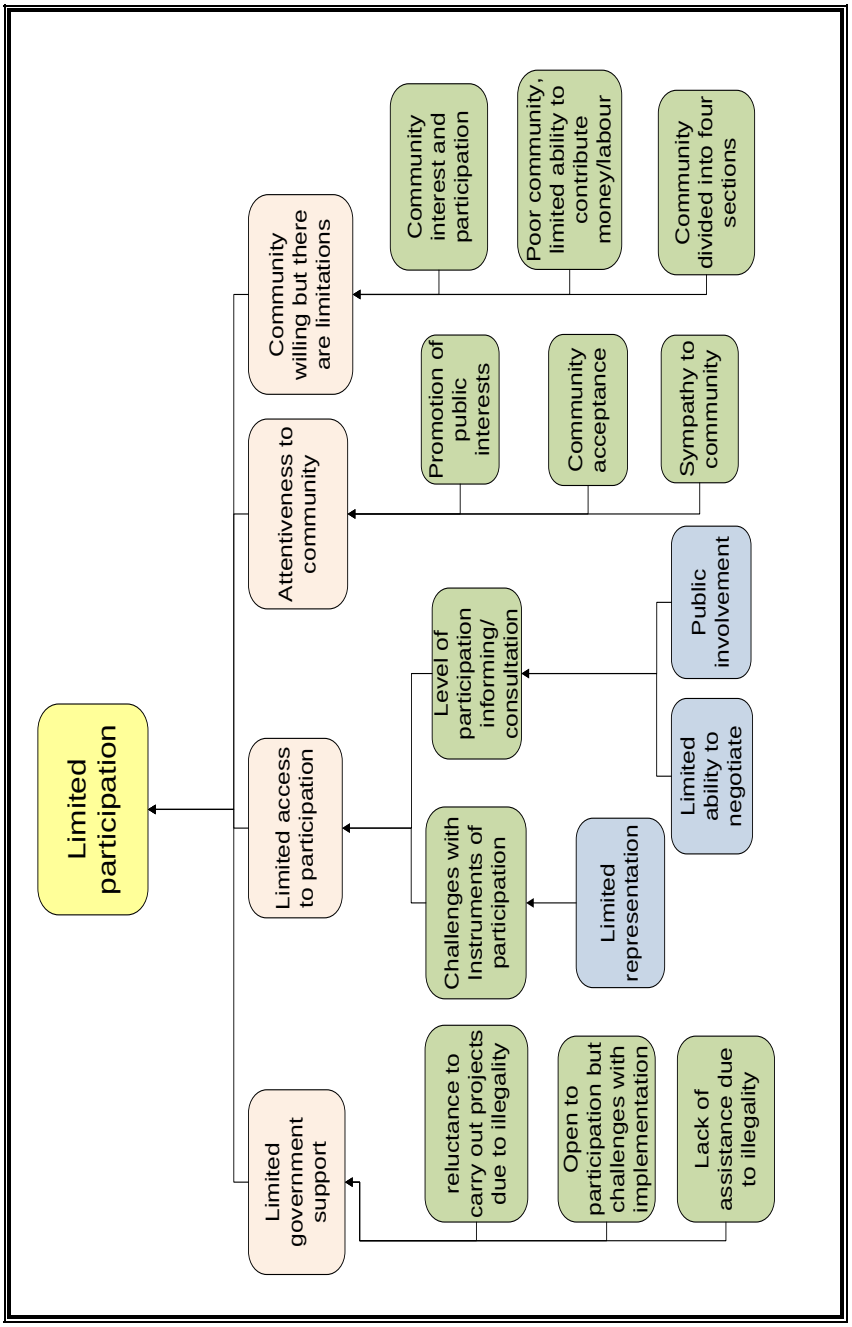


Figure 19: Limited participation by Zandspruit community

6.5 **Planact's multiple accountabilities**

The focus of this discussion is on Planact's accountability to the Zandspruit Private Property community which is important in claiming representation. Planact's accountability to government, to donors and internally to Planact itself is briefly discussed to highlight the accountability dilemma Planact faced.

Representatives can only be considered legitimate if they are accountable to the community that give them authority or responsibility to represent them (Edwards, 2003). Planact's exit from Zandspruit Private Property makes this an interesting case study to explore accountability challenges facing NGOs working in informal settlements. In my interviews, Planact expressed that it failed the community due to the circumstances of its exit from the community.

One would expect that Planact had a mandate when it began working with the Zandspruit community, but this was not the case. As noted in the review of Brown and Jagadananda (2007) in Chapter Two, mutual accountability is the form of accountability NGOs apply to their relationship with the communities. In the Zandspruit case, there was mutual accountability in the understanding that Planact would assist the community engage with government more effectively to access services such as land, housing and other basic services. This may considered mutual accountability because it was an informal agreement between Planact and Zandspruit with no legal/binding contracts. But Planact left Zandspruit before the land was secured and services accessed. Due to mutual accountability characteristics, there was no contract or formal agreement stating what Planact had to deliver or achieve in Zandspruit (Planact Project Officer, personal communication: 2007). Planact could only have a mutual accountability with the Zandspruit community because it also had to be mindful to its relationship with donors and with the Johannesburg Metropolitan Municipality. Explaining Planact's exit from Zandspruit Private Property, Planact's Director indicated that the main reason was that 'Planact had to be strategic with its resources. It was taking too long for government to process access to land and housing'. Planact's Project Officer also indicated that

> 'Planact left because it was short staffed, there was no visible headway in providing land and housing, and it was going to take over 10 years to make any difference. The Zandspruit community is on private land. Planact has been trying to get government to buy the land but due to shack farming and [because] land owners keep on increasing the prices, there was no progress

on accessing the land' (Planact Project Officer, personal communication: 2007).

The discussion above shows that Planact could not continue working in Zandspruit without a clear vision or positive results. Planact's Director agreed that there was always pressure to show positive results. She indicated that the organisation had not managed to go back to Zandspruit to resume its support because there were 'many other challenges around the time the organisation stopped its work in Zandspruit'. Basically, Planact's involvement with Zandspruit ended when the employment of the project officer working with the community had to be terminated (for reasons not directly related to Planact's work in Zandspruit). According to Planact's Director, Planact is a small organisation with few staff members, and there was no one to replace the project officer immediately. The decision was also made not to allocate a new project officer to Zandspruit due to the lack of progress. As noted by the Planact Director, 'Planact was at a dead end at this point in terms of making progresses. The Director further indicated that,

'[this] was also the beginning of Planact's enormous work [for local government] of training ward committees, so Planact was short staffed and there was no one to pick up right away on Zandspruit. Planact was experiencing huge staff turnover at that time. This resulted in an exit that was not planned, as the project officer was terminated from the organisation' (Planact Director, personal communication: 2007).

Responding to the question of the effect of Planact's exit from Zandspruit on Planact's commitment to facilitating representation and participation in Zandspruit, Planact's Director indicated that although Planact had stopped its support in Zandspruit Private Property, they had not cut all ties with Zandspruit. The Director noted that, 'We do not want the community to feel abandoned. If the city is taking years to make any decisions, it becomes difficult to work with the community'. The Planact Director also indicated the lack of communication

between Planact and the community at the time of the exit in explaining Planacts' decision to abandon its work in Zandspruit. The Director noted that, 'Although the exit situation was explained to the community, this was poorly done'.

Planact still keeps ties with Zandspruit by inviting the leaders to Planact network meetings, its annual general meetings and workshops. For example, the Director indicated that,

> '[we] have invited the Zandspruit community for workshops of Voices of the Poor, IDPs, Urban Sector Network, and [urban] Landmark, which provide the community with an opportunity to learn from other communities ... even if Planact is not active in their community any longer'(Planact Director, personal communication: 2007).

Planact assisted the community in creating representation and participation structures in an attempt to ensure that the Zandspruit community engages with local government more effectively, ultimately in order to secure legal access to land and housing. But Planact's exit from Zandspruit before Zandspruit community was able to access land and housing raises questions on Planact's ability to ensure representation through participation of marginalised community as an NGO advantage. Planact's inability to assist the community also raises questions about Planact's accountability to the community. In the section below, I discuss different views from the community, government and Planact on Planact's accountability. Mechanisms to explore how Planact ensures accountability to different stakeholders were adopted from Ebrahim's (2003) paper entitled *Accountability in Practise: Mechanisms for NGOs*. The mechanisms are used in the case of upward, internal and downward accountability and they include disclosure of reports and statements, performance assessment, accounting for resource use, social auditing, and self regulation. The main question is whether the different stakeholders see Planact as being accountable to them and whether this accountability or lack thereof matters.

6.5.1 Limited accountability to the community

Accountability between Planact and Zandspruit Private Property is what Brown and Jagadananda (2007) refer to as mutual accountability discussed earlier. NGO accountability to a community is important because it is necessary for the meaningful involvement or participation in and, ownership of, its projects by the community. NGO accountability to a community is also important in terms of prescriptive legitimacy. For NGOs to claim legitimate representation of marginalised community, NGOs must be accountable to the community they claim to represent. Therefore, the main focus here is on the extent to which Planact ensured accountability to the Zandspruit community. NGOs, compared to government, face unique accountability challenges as they are required to be accountable to multiple actors, clients and to themselves (Najam, 1996). Kilby (2006) indicates that there is less work available on the type of downward accountability to communities that NGOs may adopt.

For NGOs in India, Kilby (2006) notes that accountability mechanisms that are in place range from formal to very informal. Planact's accountability mechanisms in relation to Zandspruit are considered formal. Planact ensured accountability to the community through annual reports, including financial statements that were made available to the public. Although Planact had these formal mechanisms for accountability, Planact was not able to ensure effective accountability to community. One of the foremost problems with Planact's accountability to Zandspruit Private Property was the fact that Planact did not have a clear mandate from this community. The work began after a general agreement on an understanding of the assistance Planact was going to provide for Zandspruit.

According to Marschall (2002), NGOs can ensure accountability depending on the organisation's performance. In Zandspruit, both community members and leaders agreed that although Planact did not manage to assist the community in accessing land and housing, the organisation made a difference in the community. Hence, Planact's accountability to Zandspruit community members was mainly based on Planact's performance and services Planact offered to the community. This was

evident in its providing leadership training, capacity building and the formation of the Joint Committee. Planact also assisted the community in engaging with government more effectively, as a leader from Section Two acknowledged, at the same time expressing hope for Planact's return:

> '[Before], we would demonstrate and block roads, but now we use the sensible way to reach the government. Unfortunately, since Planact left the Joint Committee has no direction anymore. We need Planact support' (Section Two Community Leader, personal communication: 2007).

The Section Two leader further indicated that Planact provided guidance on how to engage with government. 'People needed to be informed that *toyi toyi* [protest action] is not a sensible way to reach the government'. Most community members in Zandspruit recognised Planact as having brought valuable skills to the community and were happy with Planact's performance at the time of its departure. Most articulated expectations of Planact's return to the community. For example, Section Three Community Leader indicated that,

> '[Planact] provided training in leadership which assisted the community in getting together to organise our needs and ways of engaging the government. Although they did not provide housing and land as anticipated by the community, the community was still happy with what Planact did and would be happy if they were to come back and continue with work in the community' (Section Three Community Leader, personal communication: 2007).

These statements must be understood in the context of the relative disempowerment and desperation by the community, certainly a factor that led to relatively low expectations from the community in terms of accountability from Planact. This also contributes to the continued legitimacy Planact enjoys in the Zandspruit Private Property community.

A formal mechanism for Planact's accountability to the Zandspruit community was by provision of project reports (annual reports and financial statements). This formal form of accountability was confirmed by the community leaders from section four who stated that, 'Planact would provide reports to us on progress on accessing land from Cosmo City' (at this stage, it was envisaged that some households might relocate to this housing project). The Planact Director also indicated that Zandspruit community members were invited to Planact's Annual General Meetings (AGMs). Financial reports were available to the public and distributed at the AGMs. This encapsulates the general problem with NGOs' downward accountability to communities; there are no requirements for NGO accountability.

Although Planact's mechanism for accountability to Zandspruit was formal, the community was in no position to question Planact's reports or financial statements. Inviting the community does not mean the community would attend these meetings with a critical mind to assess whether Planact was accountable or not. The context of Planact's work in Zandspruit was one where the community perceived itself as being marginalised by the government. At the time, Planact was the only NGO that offered any assistance to the community. Spatially located on the urban fringe, Zandspruit is not a settlement which university students have conducted action research, or where outreach programmes have ventured. Zandspruit informal settlement is significantly different from, for instance, Kennedy Road in Durban, where the shack dwellers' movement, *Abahlali baseMjondolo,* received support from the academic community in 2005 (Gibson, 2008). For example, in Durban with its housing policy to eliminate slums, social movements such as *Abahlali baseMjondolo* are very articulated and critical of government and NGOs. Gibson (2008:8) noted that *Abahlali baseMjondolo* 'have created tensions not only with government departments but also with NGOs, including the left NGOs, and other groups that lobby the government on behalf of the shack dwellers for service delivery'. The communities that are represented by this social movement are so mobilised by their own leaders that they do not want to be represented by NGOs. In this instance, NGO ability to represent these

communities seems in question, as their legitimacy is questioned by the communities.

Considering the real desire of the Zandspruit community for assistance, it was unlikely that its members would question an organisation which they understood was volunteering to assist them, considering the fact that there are many other settlements competing for the same help. Therefore, the Joint Committee might not necessarily perceive attending AGMs as an opportunity to critically assess Planact's accountability. Primarily, the AGMs are a form of celebration.

Apart from reporting to the Joint Committee, Planact also used the Joint Committee mass meetings to report directly to the community until it exited. A community leader from Section One indicated that, 'In some instances, Planact reported back to the community through public meetings where the community also raised issues they were not happy with, such as high crime levels and poor housing conditions'.

However, in these public meetings with Planact, residents raised issues that Planact could not deal with (Planact Director, personal communication: 2007). What did that mean for Planact's accountability? Did this contribute to Planact's dilemma of not being able to help this community, and to its decision to exit from Zandspruit? The Planact Director indicated that when the community raised issues that were beyond Planact's means, Planact tried to explain to the community that Planact was a small organisation and that 'if the City is struggling, then an organisation like Planact will not be able to cope with many problems the community is facing'. The Director further explained to the researcher that 'Planact needs to focus on areas where it will be able to get results, considering our limited financial resources'. The Planact Director indicated that Planact has a responsibility to be strategic as it cannot be a delivery agent *per se*. 'We have to document their [informal settlements'] processes and challenges. [But] Planact has not been so great about communicating these processes with the communities we interact with so that they know what to expect from us'.

In terms of views on NGO accountability to communities, the City of Johannesburg project manager (personal communication: 2007) from Region C stressed the same point, namely that Planact was not in Zandspruit to deliver on any particular project, as such:

> '[when] community members are working together with an NGO in the community to improve the living conditions of the community it is easier for the NGO to be accountable to the people in the area. Making community members part of the project is more important in ensuring accountability to the community, therefore in this case, accountability will depend on the level [at which] an NGO decides to involve the community in the project. In this case, this is not important in assessing Planact accountability as Planact did not do a 'project' as such in Zandspruit' (Project Manager City of Johannesburg, personal communication: 2007).

Although Planact provided statements and reports to the Zandspruit community and the community members and leaders were satisfied with Planact's performance, Planact's accountability to the community must be seen as being limited. Zandspruit community leaders were not in a position to question Planact's accountability as the community needed assistance in improving their living conditions. This was mirrored, though with possible generalisation, by a local government community development worker in Zandspruit (personal communication: 2007) who indicated that, 'NGOs just come as they please in the community with big promises and no accountability. They are more accountable to the donors. In most cases communities are disorganised with no proper structures. Therefore cannot demand accountability from NGOs'.

Although there were measures through which Planact attempted to account to the Zandspruit community, these measures were limited accountability. This was attributed to the nature of NGOs work as well as limited funding and dependency on donors. In most informal settlements, communities are marginalised and

desperate for help, and it becomes difficult to demand accountability from the one organisation trying to assist them, particularly because there are another 124 informal settlements in the city, and Planact cannot manage to support more than six of these at any one time. Although NGO accountability to the communities they represent is important in their effectiveness as representatives, there are 'few incentives for them to be accountable this way' (Kilby, 2006:951). For Planact, accountability to the Zandspruit community was the most important aspect of accountability to its claim for legitimate representation. Although Planact's accountability to the community was important, as discussed in Chapter Three, NGOs face multiple and sometimes competing accountabilities. In the following sections I discuss Planact's accountability to government, donors and itself.

6.5.2 Ambiguous accountability to government

Planact's accountability to government in this case is considered to be upward accountability. Planact did not have to provide statements and reports to government to ensure its accountability as is the case with donors. With the government Planact had to register the organisation as discussed in Chapter Four. Planact's accountability to government was assessed through its performance in implementing or facilitating government projects. This type of accountability between Planact and government occurs when Planact is commissioned to work for the government. This was similar to the IDT or other agencies delivering site and service or upgrading projects in the early 1990s. Planact did not have a direct accountability to the Johannesburg Metropolitan Municipality at the time of its work in Zandspruit. However, it still had to maintain a positive relationship with the government. As noted in Chapter Four, Planact has been doing, commissioned work for local governments, particularly in terms of assisting with training ward councillors. Therefore, in assisting the community to engage local government, Planact's aim was to ensure a positive relationship with government. This was confirmed by the Planact Project Officer who explained that when assisting a community engage with local government, the approach is to create a positive relationship with the local government first. This begins with the ward councillor

and then moves on to government officials at regional level (Planact Project Officer, personal communication, 2007).

Post-apartheid development NGOs pursued the role of being advocates and implementers in dealing with the government in the early 1990s (Development Works, 2006). At the time of its involvement with Zandspruit, Planact's general mission was focussed on integrated local government, land and housing. Planact worked with relatively newly established local governments and to some extent, with provincial and national structures. At the same time, it continued its work with community-based organisations (Planact, 2001).

While working with communities at Zandspruit, Planact also worked on other government contracts in other localities, such as the training of the ward councillors in the Greater Tubatse and Potchefstroom Municipality (Planact, 2002). Literature indicates that NGO accountability to communities is somewhat undermined once NGOs start to work for government (Habib and Taylor, 1999). However, the training of ward councillors in local municipalities outside of Johannesburg by Planact cannot be seen as having compromised accountability to the Zandspruit community. There is no evidence that this work for government impacted significantly on Planact's role and accountability to the Zandspruit community.

Although Planact did not face direct accountability challenges between Zandspruit community and the local government, Dicklitch (1998) shows that in African countries, NGO accountability to government is very important to ensure their legitimacy. As already discussed in the literature review, NGOs' ability to work with communities and their legitimacy depends on their relationship with government.

This is because in these African states, the legitimacy of the state depends on its ability to deliver services; therefore governments do not want to see NGOs delivering more services than them (Dicklitch, 1998). This means that 'states with

little legitimacy will be highly suspicious of NGO activities, especially those that may be construed as political (Dicklitch, 1998:24). In South Africa, where the post-apartheid state enjoys legitimacy, particularly from foreign aid agencies, the situation is somewhat the reverse - NGOs depend on government sanction for their own legitimacy. Donors may not fund an NGO that takes an adversarial position towards what is perceived to be a legitimate state. The fact that NGOs' main funding source for work in empowering marginalised communities is from foreign donors' raises important questions in relation to the role of Planact's accountability to its donors in the Zandspruit case.

6.5.3 Simultaneous accountability to donors

NGOs' accountability to donors is what Brown and Jagadananda (2007) describe as 'principal-agent accountability' based on contracts and formal agreements. Planact ensured accountability to its donors by providing annual reports accounting for its performance and the impact it is making in communities, and financial statements accounting for resource use. Accountability to donors is complex. It can affect NGOs' accountability to communities they claim to represent as well as to other stakeholders. In most cases donors demand financial accountability and accountability to the objectives of the programme (Kilby, 2006). At the time of Planact's work in Zandspruit, donor funding was (and still is) limited.

In order to secure funding for any initiative, an NGO submits proposals to those donors that support that specific objective. This means most NGOs work with different donors at the same time, depending on the different initiatives the NGO is pursuing. Regarding the suggestion that NGO accountability is primarily to its donors, the Planact Director indicated that this was not necessarily true for Planact. The Planact Director explained that,

> '[An] NGO has its mission and tries to get donors who will also support the mission. So NGOs are not controlled by the donors, they try to get donors

who will support their mission' (Planact Director, personal communication: 2007).

However, the Planact Director continued by admitting that,

'[there] are challenges, though, when an NGO cannot find a donor with the same mission. This means an NGO has to adjust its mission. It is only in the perfect world where an organisation does not have to adjust its mission. But it's not a perfect world so some NGOs have to adjust their missions. If this happens, and the NGO does not adjust, it means closing' (Planact Director, personal communication: 2007).

For example, as discussed in Chapter Four, Planact underwent changes in its objectives to cope with the changing political and financial environment around 1990 and, soon after, in 1994. During the transition to democracy in the late 1980s and early 1990s, Planact's funding base was dismantling rapidly due to the fact that it had not adapted quickly enough or, more importantly, in the necessary way, to the changing environment. Royston, (2009:32) explains that after 1994,

'[Planact] saw a way forward by responding to the main challenges of identifying new spaces for constructive engagement between municipalities and communities; retaining a solid core of activities capable of contributing towards the linked objectives of local government transformation and meeting the development needs of the poor communities; and sustaining a healthy funding base by attracting new donor partners while simultaneously developing the capacity to secure fee based income'.

In terms of the influence of donors on NGO objectives, the Planact project officer explained that Planact was focussed on working with communities where there were good chances of achieving positive results. In relation to Planact's exit from Zandspruit, the statement above raises questions on whether, due to pressure from donors, NGOs only work in communities that guarantee results.

When Planact's Director was asked whether funding and requirements from the donors influenced the decision to exit Zandspruit, she responded that, 'When Planact writes proposals for funding, we try to make the proposals as general as possible to allow for flexibility. [However], if we face problems with the community, we will withdraw and inform the donors'. Indeed, when Planact faced problems that were difficult to deal with Planact exited Zandspruit community. This shows that donor accountability in terms of following the original proposal or agreement with the donor is taken into account the project from its inception. Therefore, indirectly, accountability to donors was one of the reasons for Planact's exit from Zandspruit.

Although Planact or NGOs in general may attempt to work with marginalised communities which display potential for positive results, complications may arise. Planact's Director remarked that,

> '[Planact] would try analysing a community first to determine if there is a possibility for success, due to pressure to show results. This does not mean we only work with communities where there is potential for success. It is important to have successful projects but even if we have failures we document them and learn from them [but also exit them]' (Planact Director, personal communication: 2007).

As NGOs, and in this case Planact, tend to work with communities with the potential for positive results, and abandon communities that have challenges, it must be asked: who should support communities such as Zandspruit, which are marginalised, have internal challenges and have few prospects of securing improvements such as land regularisation in the near future? Donors seem to have control over the objectives of NGOs because of NGOs' dependence on donors for funding. This is not unique to Planact as many NGOs ensure accountability to donors for survival. For example Dicklitch (1998:28) explains,

> '[many] NGOs would not be functional if foreign donors did not provided funding for the various programmes and services offered by NGOs ... many NGOs have become heavily dependent on these donors, to the point that they would collapse without the funding. This dependence often serves to undermine an NGO's legitimacy to its constituency since they tend to be more accountable to foreign donors than to their targeted population ... if the NGO has little accountability to its constituency, its claim of representing the needs and desires of the poor is significantly undermined'.

Therefore, Planact failed to prove financial accountability to donors and it had to exit Zandspruit. It could not justify its work there due to lack of progress (as indicated by both Planact Director and Planact Project Officer). What does this mean for Planact's accountability to its own mission? In the next section I discuss Planact's internal accountability.

6.5.4 Internal accountability within the NGO

Planact's mission is to 'support and mobilise community processes that enhance good governance at the local level to improve people's habitable environment in ways that alleviate poverty' (Planact, 2004: i). This includes 'a right to the city' and 'facilitating civic empowerment' (Planact, 2004). Planact would develop annual plans as well as indicate its targeted communities and the objectives or goal of working with those communities in order to source funding (Planact Director, personal communication: 2007).

An NGO's internal accountability is assessed by looking at how members control the actions of the organisation, compliance mechanisms regarding the power of the organisation in enforcing its decisions, and evaluation processes on how the organisation is evaluated and reported on to the public. Social auditing refers to a process through which an organisation assesses reports and improves upon its social performance and ethical behaviour through stakeholder dialogue (Ebrahim, 2003). Planact carried out performance assessment and evaluation of its activities

to assess the organisation's internal accountability through its board of directors. Planact's Director indicated during an interview that:

> '[the] Board has quarterly meetings and scrutinises the financial reports and management reports, as well as strategic decisions. There is also a human resource committee and a finance committee appointed by the Board. The financial committee would interrogate the budget' (Planact Director, personal communication: 2007).

Although Planact faced challenges in adhering to its objective to be accountable to donors financially and by its performance, its project indicated that it was willing to work with informal or illegal settlements as this was part of its mission. The officer said, 'This is our mission - to formalise the areas by using the Constitution which says everybody has a right to adequate housing'.

Although Planact tries to work with communities and meet the stated objectives, in some cases, communities are not satisfied with its work. Planact's Director admitted that,

> '[sometimes] there are grievances, as we cannot get to assist all settlements due to a lack of resources and staff. We need to communicate this more effectively to the communities. For example, we need to start budgeting per programme and then budget per community, and try to communicate our plans to the community regarding our financial and staff capacity so that there are no high expectations from the community' (Planact Director, personal communication: 2007).

This situation is not unique to Planact and its work in Zandspruit. Kilby (2006), in his monitoring of accountability and empowerment in India, concluded that although Indian NGOs were aware of the importance of community participation and accountability mechanisms, they did not consider these as important in their day-to-day activities.

6.5.5 Defining Planact's accountability

The above section discussed Planact's multiple accountability to the community, government, donors as well as to Planact itself. Amidst these multiple accountabilities, the focus of this thesis is on Planact's accountability to the community. The other accountabilities were discussed to demonstrate the accountability dilemma NGOs face and how these influence their role and representation of communities' interests and needs. Concerning accountability to local government, Planact did not face a direct accountability dilemma because at the time of Planact's engagement at Zandspruit, no government-commissioned projects were underway in the Zandspruit.

In terms of Planact's internal accountability, Planact indicated that it followed the procedures of social auditing, self regulation and performance assessment. But Planact's ability to implement its mission depended more on donor funding. This made it difficult for Planact to adhere to its mission without considering donors' interests too. Planact staff indicated that in some cases Planact had to adjust its mission to suit donors' objectives. Accountability to donors was mainly ensured by providing financial statements and annual reports.

Assessing Planact's accountability to the Zandspruit community using Planact's performance and disclosure of reports and statements indicate that Planact's accountability to Zandspruit was limited as indicated in Figure 20. There was no significant impact observed in terms of Planact's performance. Planact did not meet its objectives of working with Zandspruit Private Property. However, the residents were still content with the limited impact of Planact's performance. This was because communities in the marginalised informal settlements, in this case Zandspruit, have little power to demand accountability from such an organisation. Communities that are not empowered through strong social movements are grateful for assistance rendered and are unable to demand accountability. This was demonstrated not only by the community satisfaction that was expressed in my interviews with regard to the support the community had received from Planact, but also by the fact (as explained in my research limitations in Chapter Five), that

the interviewees initially hoped to use me to persuade Planact to return. In summary then, although Planact disclosed statements and reports, the Zandspruit community had no ability to critically look at the reports and question Planact's performance.

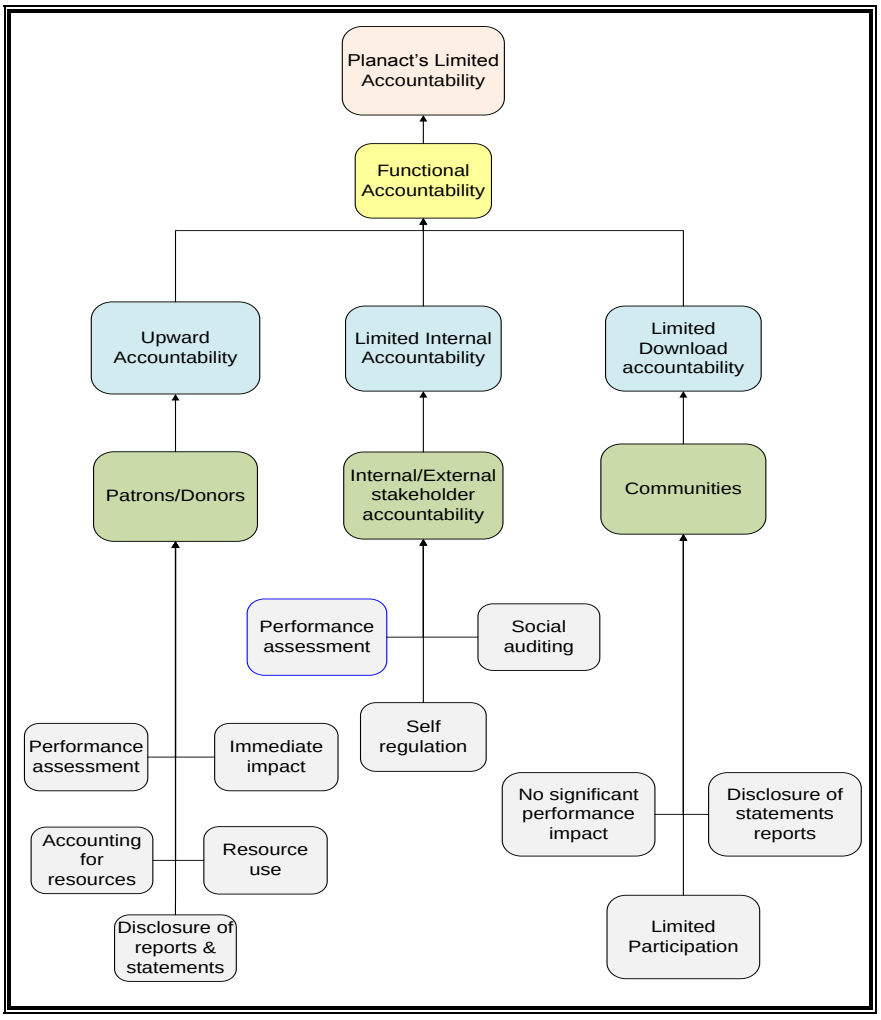


Figure 20: Limited accountability to Zandspruit Private Property

6.6 **Conclusion**

To be a legitimate representative according to prescriptive legitimacy as discussed in Chapter Two and Three, a representative must ensure participation of the represented and accountability to the represented. The discussion shows that, in the case of Zandspruit, representation by the local government had challenges. With limited representation and participation from government structures, NGOs claim the representation of the marginalised communities such as Zandspruit. This is where Planact came in to assist Zandspruit community and ensure the representation and participation of Zandspruit community in the decision making processes. Planact attempted to ensure Zandspruit's representation and participation in the decision making processes by assisting the community form the Joint Committee. As the community could not engage the local government as a whole, the Joint Committee role was to represent the Zandspruit community engage with government and Planact. The Joint Committee worked side by side with the official representative local government structure, namely the ward councillor and ward committee. In some situations, Planact also represented the community directly to local government and to donors.

The representation processes include participation and accountability. In the case of Zandspruit, the community participated in the decision making processes through the Joint Committee. The level of participation was mainly informing and consulting, which Choguill (1996) and Arnstein (1969) do not consider as real participation. In addition to the level of participation, representation and participation of the Zandspruit community in decision making processes, its influence in decision making at local government and to donors was limited. This was mainly due to limited government commitment or will, limited access to participation process, power struggles within the Joint Committee and limited financial capacity as noted in Figure 19.

Although NGOs claim to represent the interests of the poor, Kilby (2006:952) notes that 'there is no clearly defined path by which they can be held to account

by that constituent (who has little power in the relationship) in how they represent those interests'. Brown and Moore (2001) note that accountability is affected by differences in power and some NGOs will tend to be accountable to stakeholders with more power. In the case of NGOs, Igoe (2003:868) observes that 'NGO leaders often derive their power from local people and powerful outsiders. As a result, they are torn between the often-unrealistic expectations of their local constituents and often-unrealistic demands of their western donors'. As a result, due to different power pressures from government and donors, although NGO accountability to community is important, accountability may be limited, as demonstrated in the case of Planact and Zandspruit.

Planact's accountability to the community was assessed using its performance and the provision of statements and reports. Although Planact attempted to ensure accountability to the community by providing reports and statements, this accountability to the community was still limited. This is mainly because the Zandspruit community lacked the capacity to scrutinise the reports and statements of Planact. Planact performance was also limited in terms of assisting the community engage local government effectively to access land and housing.

Although Planact's performance was limited, the Zandspruit community was satisfied with Planact's limited performance. Some informal settlement communities are desperate for assistance, and accountability from NGOs may not be one of their priorities. What do limited representation, participation and accountability to the community mean to Planact's legitimacy working in Zandspruit? As far as the prescriptive approach to legitimacy is concerned, Planact cannot readily claim legitimate representation of the Zandspruit community. Nevertheless, the community and local government considered Planact legitimate in their activities in Zandspruit. Therefore, in Chapter Seven, I use a descriptive approach to explore Planact's legitimacy. I explore how Planact is perceived as being legitimate by the community, government and by Planact itself.

7.0 CHAPTER SEVEN
BEYOND REPRESENTATION, PARTICIPATION AND ACCOUNTABILITY: DESCRIPTIVE LEGITIMACY OF PLANACT IN RELATION TO ITS WORK IN ZANDSPRUIT

This thesis explores how NGO derive legitimacy using representation, participation and accountability within the context of informal settlements with unresolved tenure insecurity and against a backdrop of multiple accountabilities. Chapter Six explored legitimacy via representation, participation and accountability and found limited grounds for claims to legitimacy. The question then is, when there is no tangible representation, participation and accountability, what makes an NGO legitimate? In this chapter, using the descriptive legitimacy I present views from Planact, government officials and the Zandspruit community on Planact's legitimacy as perceived by the Zandspruit community. I first discuss why the prescriptive legitimacy provided limited grounds for claim to legitimacy as far as Planact's work in Zandspruit is concerned. This chapter therefore returns to the conceptual framework, explaining why representation, participation and accountability were relatively insignificant in the actual construction of Planact's legitimacy.

7.1 The challenging context of unresolved tenure and marginalisation

It has been shown that Planact claimed its initial legitimacy from its offer to assist the community through its representation structures to more effectively engage with local government in the pursuit of improved living conditions. However, this study demonstrates that, unresolved tenure and marginalisation in informal settlements blunted Planact's claim to prescriptive/normative legitimacy through representation, participation and accountability. The illegal occupation of the land

in particular, limited the applicability of this conceptual framework in demonstrating Planact's legitimacy.

From a normative or prescriptive approach to legitimacy, Planact could be judged to have limits to its legitimacy because there was limited accountability to the Zandspruit community and limited representation of, and participation by, the Zandspruit community in decision-making processes (Figure 21). Whereas a simplistic, normative analysis would conclude that Planact was not legitimate, the organisation did enjoy legitimacy in the eyes of the relevant stakeholders as discussed in relation to Planact's morally derived legitimacy below. While my findings indicate that Planact is legitimate in the eyes of the Zandspruit Private Property community, this is not to suggest that the respondents from Zandspruit Private Property were simplistic in their thinking. Several community members were aware that the illegality of the occupation or the problem of occupying private land was the main obstacle to permanent development or upgrading of Zandspruit Private Property.

Planact's legitimacy using representation, participation and accountability has been explored in the challenging context of unresolved tenure and marginalisation. This context presented limits to the applicability of representation, participation and accountability as variables in justifying Planact's legitimacy. For example, Zandspruit community saw itself as being marginalised by local government due to lack of support from the government because the community occupies the land illegally. This unauthorised occupation has created challenges that limited Planact's legitimacy according to the prescriptive approach.

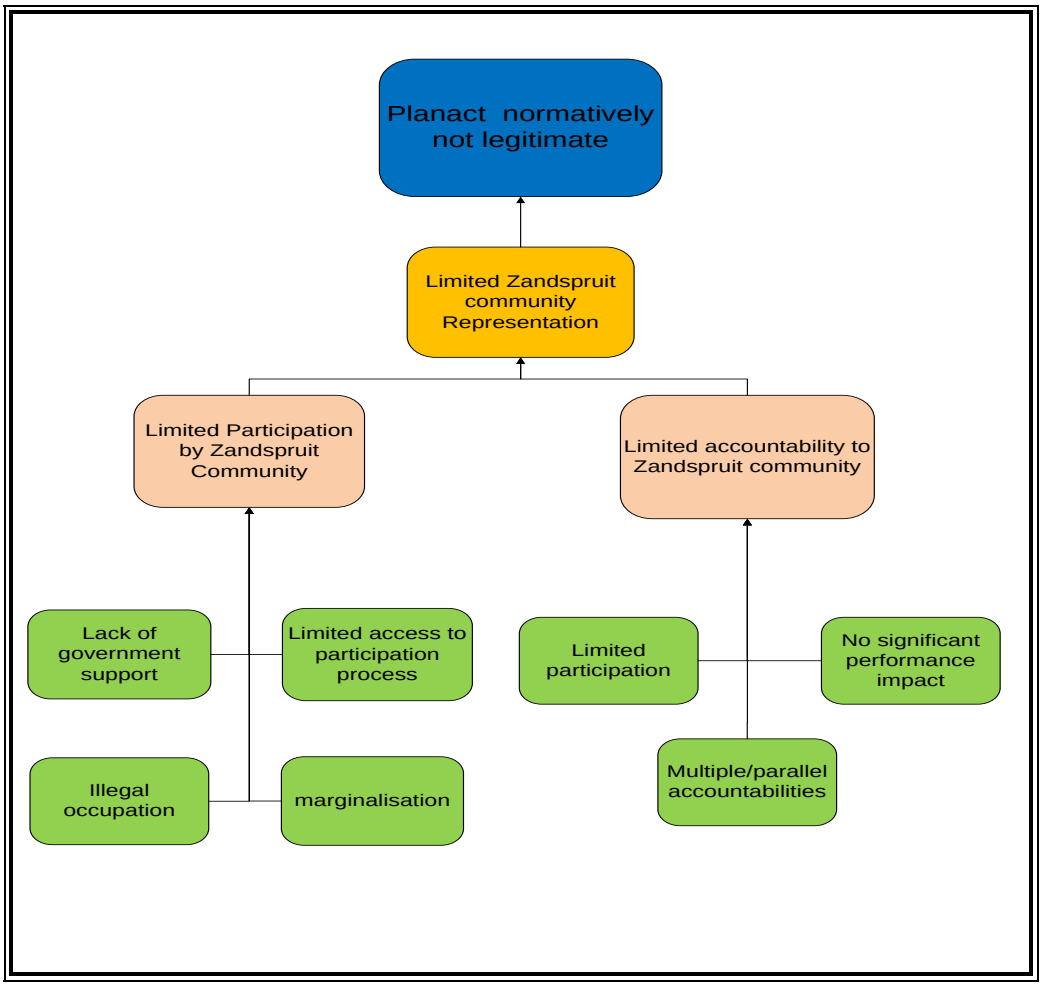


Figure 21: Planact not legitimate according to prescriptive/normative approach to legitimacy

One of Planact's reasons for exiting Zandspruit Private Property was that it was taking too long to resolve or legalise the settlement. Indeed Planact's director explained that the municipality was taking too long to acquire the land from private owners so that development could take place. The fact that Zandspruit Private Property residents were occupying the land illegally made it difficult to undertake development in the settlement. Zandspruit's informal occupation could not be regularised in a reasonable period of time, and power struggles within the Zandspruit Private Property leadership created challenges for Planact's. Planact felt that there was no meaningful progress with the government efforts of acquiring land for the community. Therefore, Planact felt its resources were being

spent with no real progress to justify and account to donors and to itself as an organisation. The Planact Project Officer specifically stated that donors do not want to fund projects that are not showing positive results.

Committee members and residents explained that due to the illegal occupation of the land in Zandspruit Private Property, the government had marginalised them and this was why development was taking too long. For example, Moyo (personal communication, 2007) stated that,

> 'as a community, we cannot move forward in terms of development, because we do not know where we stand with land. We need to get clarity on where we stand and how far the process is. We have written letters to Region C with no answers. Now the next move is going to the municipality, premier, and then the president's office. [Before Planact assisted us] We have even tried to *toyi toyi* on Beyers Naude road to show government we are here and we have problems'.

Some community members and Planact saw the unresolved tenure as a reason for the limited participation of the Zandspruit community in decision making processes. The unresolved tenure issue was also given as a reason for the lack of government support in developing the area. A community member indicated that the local government '… keep on saying we are on private property and there is nothing they can do for us now' (Dlamini, personal communication: 2007). A former Joint Committee member (who is now an adviser to the Joint Committee) also saw the community's challenges in the participation processes as resulting from the fact that they are located on privately owned land. She explained that,

> '[most] development projects in Zandspruit are in the Transit Camp area, which is on government-owned land. The community on the private land gets to hear about the projects in the Transit Camp through ANC general meetings in the area; we were advised to seek employment from the different projects. The only projects on the private land have been the

provision of public water taps, VIP toilets and high mast lights' (Moyo, personal communication: 2007).

Whereas the community feels being on private property limits its ability to participate, the local government does not think so. When asked whether the unauthorised occupation of Zandspruit limits its chances to participate, a Project Manager, City of Johannesburg (personal communication: 2007), said,

'[their] illegality does not affect their participation in government policies. We want them to participate because if they do not, they will do as they please. Working hand in hand with the community is important'.

However, Project Manager, City of Johannesburg insisted that there was no marginalisation (personal communication: 2007). Although government officials do not acknowledge the unresolved tenure issue as a big problem, there is continued marginalisation of communities that occupy land informally by the government.

This stand by the government is in sharp contrast to the views of Planact which sees the illegality of the settlement as a hindrance to the community's participation. Planact's project officer (personal communication, 2007) explained that:

'[in] Finetown [another informal settlement] we wanted to invite them [the residents] for the IDP review process but they could not participate because they were not included in the IDP processes. They did not participate in IDP processes at all'.

The Planact project officer (personal communication, 2007) also noted that,

'[Zandspruit] does not participate in any IDP processes. Their representation is also limited. That is why development of these areas is very slow. As

Planact, we wish a time would come when informal settlement communities would be involved in the mainstream decision making'.

The community feels that being on privately owned land limits its ability to participate and engage the government to improve housing and access to basic services. Masondo (personal communication, 2007) indicated that, 'what delays development is the problem of land and the government is taking too long to address the problem of access to land'. Dlamini (personal communication, 2007), stated that 'illegality affects development a lot because the shacks are mixed up with no roads and the government cannot develop the area as they have to buy the land first. And the municipality is supposed to help us, but for now they are not helping us, as they keep on saying we are on private property and there is nothing they can do for us'. This argument was supported by another community member Malope (personal communication, 2007) who shared his insight that, 'Private Property has different owners and this makes development in the area difficult. The illegality of this area causes problems in terms of developing the area as it is difficult to put infrastructure on the illegal land. As the result, government has problems putting water tanks in the settlements while the land owners do not agree with government'.

Although some community members felt occupying the land illegally is the reason for lack of development, some community members do not believe their illegal occupation should stop the government from developing the area. They felt the government was just marginalising. They maintained that if the government was serious about assisting them, it was possible to develop the area despite its illegality. For example, Zamani (personal communication, 2007) noted that, 'being on private property is not a problem for developing the area. We need houses, the place is really dirty and people get sick. We need government assistance'. This is supported by Lunga (personal communication, 2007), who stated that, 'although we are on private property and we have no title deed to the land we occupy. We believe the government should assist with the development of the area. It makes it difficult for us to get the services. Government could assist

by providing houses; it will address many problems like fires which burn a lot of houses'.

I discussed with local government officials the fact that the Zandspruit community is feeling marginalised by the government and that they saw this as a reason for the limited development in the area. Local government officials indicated to me that they do not regard the Zandspruit community as marginalised in any particular way because it is on private land. The Zandspruit Area Manager (personal communication, 2007) did not agree that being on private land limits participation of communities. However, the government official expressed the local government's real concern in relation to Zandspruit, namely that the government wants to work with the community in order to stop Zandspruit Private Property from growing in terms of construction of new shacks. The Zandspruit Area Manager (personal communication, 2007) explained that

> 'we would like the Zandspruit community to be involved and formalise the area. Being on private property does not compromise their ability to participate. We are not happy when people in informal settlement bring more and more people in the settlement. We want the community to assist in developing the area'.

Yet, change, densification and expansion are inherent characteristics of informal settlements. Government officials appeared unwilling to acknowledge this and could be seen as wishing away the reality of informality. Nevertheless the government officials agreed that the illegality of the settlement was an obstacle to development (Area Manager, City of Johannesburg, personal communication, 2007).

In addition to the unresolved tenure security of Zandspruit Private Property and the lack of government support as a reason for delayed development and limiting Planact performance in Zandspruit, some community members in Zandspruit believed that the delay in development was mainly due to lack of local

government support and lack of political interest. A Section One Community Leader noted that,

> '[it] has taken long to develop the area, because the previous ward councillor [from the opposition party, the Democratic Alliance] was not interested in the area. We had no one representing us to the government. This is why there was delay in development. But with the new ward councillor [ANC] things are moving and we can see light at the end of the tunnel' (Section One Community Leader, personal communication: 2007).

A Section Three community Leader added, '[when] the ANC came into the area last year [2006], that's when a little development began. So far we are happy with the progress the ANC is making in terms of development of the area'.

The development the community member is referred to in the area was the provision of VIP toilets and public water taps. In 2009, the government finally had a programme of purchasing the illegally occupied land for further development. It is not clear, though, whether Planact's work in the area in 2002-2003 assisted in getting the wheels in motion for this achievement, or whether it was going to happen even if Planact had not worked with the community. It was difficult to establish this causality. The community believed the program was due to the change in the ward councillor. This gave hope to the community although the process is still taking a long time. The new ward councillor indicated that,

> '[the] delay in development in Zandspruit is mainly due to the slow process of acquiring land. Also, the Johannesburg Property Agency is trying to get land from farmers but farmers are asking for very high prices and the plots are too pricey for the government' (Maureen, personal communication: 2007).

Although there was a promise to assist the Zandspruit community through purchase of the land, provision of title deeds, services and housing, Zandspruit

Private Property had been ignored by local government for many years in terms of access to housing. Nevertheless, it must be acknowledged that Zandspruit Private Property was provided with communal stand pipes and VIP toilets which many other informal settlements in Johannesburg did not have.

Even though interim development had been forthcoming after Planact's exit from Zandspruit, representation of Zandspruit Private Property community in decision making processes remains limited due to the implementation of the ward system. By 2007, the community still felt marginalised. This marginalisation and lack of support from local government seemed to create desperation for assistance from NGOs. Whether the representation that Planact had facilitated in 2002-2003 had been effective in securing development, the community continued to look for more assistance. This explains the expectations from the community that my research would help motivate Planact to return and assist the Joint Committee. However, the Zandspruit Private Property community was in no position to question whether Planact achieved effective representation, participation and accountability. This leads to a more detailed presentation how Planact's legitimacy is perceived by its stakeholders and itself.

Planact's legitimacy at Zandspruit in Chapter Three, was discussed that under the prescriptive/normative approach to legitimacy an organisation can claim legitimacy morally using representation, participation and accountability. Information from the fieldwork in this thesis indicates that organisations can construct legitimacy morally without directly using representation, participation and accountability as indicated in Figure 22. Using a descriptive approach to legitimacy, I discuss how Planact's legitimacy is perceived by the community, government and Planact itself. There would have been one more dimension to explore in relation to Planact's descriptive legitimacy, namely how donors perceive Planact's legitimacy. However, due to the precarious funding context and the potential of my research findings in Zandspruit to be interpreted in an undermining way by donors, I did not find it appropriate to include interviews with Planact's donors in my research.

7.2 Planact's views on its own legitimacy

Planact perceived itself as a morally legitimate organisation through the combination of its work across different settlements, its expertise, its historical legitimacy, the media attention it attracted as well as its success in facilitating representation of marginalised communities in the decision making processes at local government level as set out in Figure 22.

Planact had been in existence for the past 20 years as a development NGO working on different urban challenges including community participation and development in informal settlements. This provided Planact with a form of historical legitimacy as there was credibility created by people who acted in the name of the organisation. Planact was also seen as legitimate through its publication of its activities in annual report, Planact's website as well as its book *Making Towns and Cities Work for People: Planact in South Africa: 1985-2005,* which reflects on Planact's history as a development NGO in South Africa, made the organisation visible. In this book, Planact took stock of its experience in order to highlight its real achievements and reinforce key principles and values of the organisation In addition, '[Planact] staff would attend workshops and seminars to raise the organisation's profile' (Planact Project Officer, personal communication, 2007). Although there is limited literature on how NGOs use the media to improve or construct their legitimacy, there is no denying that the internet, publications and reports enable an organisation construct its legitimacy. In addition, Planact maintains that the work it had been doing in different informal settlement communities attributed to its being legitimate. Planact Project Officer indicated that what makes Planact legitimate,

> '[is] the work we have done for different communities. For example, in Diepsloot there were many organisations each claiming to represent the community. Within a year we managed to unite them and work together as a CDF. In these cases, they saw us as the Messiah. This makes communities

> see Planact as effective in their work/role within communities and therefore legitimate as an organisation'.

Planact also indicated that its legitimacy could be shown through its expertise. Planact skills included project management abilities of its staff. Such expertise could be employed to assist communities, such as in leadership training. 'Planact is able to open doors to community as we are better positioned to do research' (Planact Project Officer, personal communication: 2007). Such research can lead to better approaches or strategies the government could implement to improve the lives of marginalised communities in informal settlements (Planact Director, personal communication, 2007). Planact's Director further indicated that

> '[the] expertise we offer the community makes us legitimate. We are not [directly] representing communities; we just assist the communities to represent themselves. We are facilitators between community and local government, for the issues to be dealt with in a democratic process' (Planact Director, personal communication: 2007).

Although in most cases Planact rarely represented communities directly to government, Planact still saw itself as legitimate in representing marginalised communities. Planact's representation of communities Zandspruit was by facilitating representation as well as through 'substantive representation' (when representatives take action on behalf of, in the interest of, as an agent of and as a substitute for the represented). By speaking for the poor in this case, Planact represented informal settlements by writing funding proposals and formulating policies.

Planact facilitated the representation and participation of Zandspruit community by assisting the community form representative structures to engage government effectively. Planact also promoted and advocated the needs and rights of Zandspruit community. This was one of the visions of Planact in assisting Zandspruit marginalised communities (Planact's Annual Report 2004:

i). This type of representation falls under Pitkin's substantive representation in terms of NGOs advancing policies that serve the needs of represented, or what Bebbington (2005:938) calls

> '[representation] that speak[s] of poor people and their livelihoods rather than representation that speak[s] for poor people. These representations occur in various spheres: casual discussion, project documents, policy and strategic statements, information gathering, monitoring and evaluation system'.

Hence, Planact's own sense of legitimacy was derived from many sources, including its successful activities in other marginalised communities. Planact also believes that its exit from Zandspruit did not undermine its legitimacy. Moreover, the experience in Zandspruit may not have been very important to Planact's overall perception of its own legitimacy, because Planact derive its sense of legitimacy primarily from successful work in other settlements. Planact Project Officer explained that,

> 'its the work that we have done for different communities that makes us legitimate. For example, in Diepsloot there were many organisations that claimed to represent the community. Within a year we managed to unit [the community] and work together as a CDF' (Planact Project Officer, personal communication: 2007).

It appears that this is why it was 'easy' for Planact to exit Zandspruit. Planact sees the Zandspruit experience as a lesson which can be used to improve on its activities in different communities. Planact commissioned a report in 2006 ('*Re-membering Planact: Report on 'the Planact Way'*) on Zandspruit's development trajectory, indicating the challenges the organisation faced while working with the community. In addition, Planact's Director (2008) also stated that,

> '[in] June 2006 and July 2007, the organisation has been training the [Planact] staff on strategic planning and highlighting areas of community development that the organisation needs to work with, and training in entry and exit strategy for the staff to feel comfortable beginning work in the communities' (Planact Director, personal communication: 2008).

Further, Planact's project officer indicated that, in order to improve the legitimacy of Planact in the eyes of community, donors and government, 'With communities, we go out there and do our level best for them to see we are delivering what we promise, so that they see us as legitimate structure. We work very hard to earn it' (Planact Project Officer, personal communication: 2007).

Planact's Project Officer further indicated that to improve Planact's legitimacy in the community, more staff and financial resources would be required, as these constraints limit Planact's performance: 'We wish we had more staff so that we do not disappoint communities. Also lack of financial resources limits us' (Planact Project Officer, personal communication: 2007).

7.3 Government officials' views on Planact's legitimacy

The local government officials I interviewed see NGOs and their activities as legitimate because of the assistance some NGOs provide to government (Figure 22). For example, one local government official indicated that although, in their view, some NGOs might be overstepping their boundaries in some of their roles, the government still sees NGOs' role in the community as important (Zandspruit Area Manager, personal communication: 2007). Government sees the role of NGOs as being the watchdog of community. Zandspruit Area Manager from Region C, argued that,

> '[some] NGOs might be overstepping in some of their roles but as government we need them especially in Zandspruit, as NGOs volunteer to

> assist communities and this is helpful to government and makes them [NGOs] legitimate. I have not experienced the not so legitimate NGOs' (Zandspruit Area Manager, personal communication: 2007).

One official argued that government does not see NGOs as 'gap fillers' as the government can reach anywhere. Instead, this official saw NGOs as playing a facilitating role between community and government. The Project Manager City of Johannesburg for Region C noted that,

> '[NGOs] are the watchdogs of the community; they look at what the government is doing and inform people of what the government is doing. They are also the voice of community. We have a good relationship with NGOs' (The Project Manager City of Johannesburg, personal communication, 2007).

My analysis from the interviews with government officials suggest that government officials assume that NGOs are playing an important role in marginalised communities. The mistaken assumption from government officials is however, that there are many NGOs working in informal settlements by, for example, assisting communities engage with government more effectively. Zandspruit Area Manager (personal communication: 2007) pointed out that 'NGOs assist in training community members in leadership skills and it makes our jobs easier'.

During Planact's work in Zandspruit and during the time of this research, there were no other development NGOs working with Zandspruit community in terms of capacity building or facilitation of effective community engagement with government. The assumption is

> '[NGOs] assist in training community members in leadership skills and it makes our jobs easier. They also assist in terms of disasters like fires, providing counselling, clothes, food and they mobilise the community to

undergo training in preventing fires' (Zandspruit Area Manager City of Johannesburg, personal communication, 2007).

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According to government officials interviewed, the role NGOs play in communities should provide NGOs with legitimacy. These respondents also saw NGOs playing a facilitating role in improving communication between government and community. This makes government's task easier when dealing with community. When the relationship between government and the NGO is not confrontational, NGOs do not suffer legitimacy challenges from the government. Planact appeared to have had non-confrontational relationship with Region C government officials because it was perceived as assisting informal settlement communities by training them in leadership skills and capacity building. Indeed the Planact Director (personal communication: 2007) indicated that,

> '[this] year provincial local government called us to train the ward committee in three districts of Gauteng. This indicates the view of government towards Planact's legitimacy as they want us to train' (Planact Director, personal communication: 2007).

The role NGOs play in the communities differs from one NGO to the next. NGOs that are oppositional or challenge the government and therefore have a confrontational relationship with government are not seen as legitimate. This research revealed that government viewed Planact as legitimate, and therefore commissioned it to train the political representatives. One government official commented on Planact training saying

> 'it provided good leadership training and Planact should have posted someone there [Zandspruit] who the government can call upon to assist' (Zandspruit Area Manager, personal communication: 2007).

From the foregoing discussion, it is evident that the government officials saw Planact as a legitimate organisation in 'representing' the Zandspruit community.

Although Planact did not set out to assist government as such, the officials perceived Planact's work in Zandspruit to have assisted local government engaging with the community. Further, Planact helped Zandspruit represent itself, and also represented and acted substantively, and local government officials therefore saw Planact as representing communities. Views from interviewed government officials on whether they see Planact or other NGOs as legitimate are important, because NGOs operate within an environment in which government plays an important role. Planact demonstrated that it values being seen as a legitimate NGO in the eyes of government, because this improves the working environment for Planact. Planact Project Officer (personal communication, 2007) noted that 'sometimes NGOs are not trusted, so there is need to work hard at developing relationships with local government'. It is important to note that Planact also depended on government support to succeed in its objectives of assisting the Zandspruit community acquire land and housing. However, it did not succeed in achieving this.

The government officials' views on Planact's legitimacy relate to the relationship between NGOs and the government in South Africa in general. As noted in Chapter Four, many NGOs in South Africa work in partnership with or for government. It has also been observed by Dicklitch (1998:25) that in Uganda, the 'regime attempts to co-opt NGOs into its national development strategy, so that NGOs are vehicles of National Resistance Movement (NRM)-inspired and led development. This detracts from the ability of NGOs, particularly indigenous NGOs, to provide an alternative source of influence or accountability to the regime'. Dicklitch (1998:24) explains that this occurs more in 'states with little legitimacy [and therefore] highly suspicious of NGO activities'. This is not the situation in South Africa as the government is perceived as relatively legitimate in terms of the various subsidies it extends to the development of the community. Planact relationship with government through its commissioned work and its simultaneous aim of unlocking government commitments for Zandspruit community cannot be seen directly as co-optation. Planact's approach to its work

in informal settlements, as exemplified in the Zandspruit case and the descriptive legitimacy it enjoys, must be understood in this context.

7.4 Zandspruit community - Planact's legitimacy

Zandspruit community leaders and members saw the legitimacy of Planact through the perceived benefits the community derived from Planact (Figure 22). These benefits included leadership training, capacity building and assistance in the formation of the Joint Committee (JC). The training gave the community an ability to engage with government.

Planact, though, was not very successful at Zandspruit as its efforts could not result in acquisition of the private land. The latter was the reason Planact withdrew from the community. Planact, in addition, did not have a clear mandate in the Zandspruit community it was not subject to formal accountability demands from the community. As a result, the failure to achieve access to land, services and housing does not seem to have affected Planact's legitimacy in the eyes of the community. Most of the community members and leaders I spoke to believed Planact made a positive difference in the community. There was a general agreement on the contribution Planact had made to the Zandspruit community. For example, the Joint Committee adviser, who was in the initial Joint Committee when it was formed, Moyo, said that

> '[Planact] helped form the Joint Committee, provided training, workshops, phoning ... engaging with government, money for transport for training. The training was mainly on leadership, provided workshops on xenophobia. [Planact also] provided leadership training because people didn't understand what it meant to be a leader and there was a lot of conflict in trying to form the Joint Committee. The training Planact provided helped a lot'.

A community leader from Section One indicated that 'any NGO that promises to help the community is allowed to work with the community' (personal

communication; 2007). Although the residents indicated their collective willingness to work with any organisation for the sake of developing their community, there is no queue of NGOs approaching the Zandspruit community to help develop the area. With the community feeling marginalised by the government and no NGOs willing to assist them, this created a sense of desperation. It is not surprising that the Zandspruit community still felt Planact was legitimate even though Planact was not returning to assist the community access development. This underlined the community's desperation for assistance and explains why in part Planact could enter and exit the community without facing legitimacy challenges or without the community perceiving Planact as not being legitimate.

Joint Committee members pointed out that all they require for an NGO to commence work with the community is information on what the NGO wants to do in the community. Section Two community leader indicated, 'We agreed for Planact to come in, because the community is desperate for development'. This view was supported by one community member, Zungu saying,

> '[yes], we agreed for Planact to work in the community. We agreed, because we needed help. Planact offered training on leadership. They were mainly working with community leaders. Planact's role was very important in the community' (Zungu, personal communication: 2007).

However, the training of the Zandspruit leadership was not able to overcome the power struggle in the JC, and when Planact left the community, representation of the Zandspruit community was minimal. As Section Four community leader indicated that,

> 'the Joint Committee is not that active now [2007] due to differences in community leaders as people fight for power and not development. People used to be happy with Joint Committee but now they are not happy due to

> the infighting between leaders' (Section Four Community Leader, personal communication: 2007).

Nevertheless, Section Two community leader agreed on the continued legitimacy of Planact's work in their community saying,

> 'They do have a right to work in our community, because they gave us direction on how to engage with government. Before, we didn't know where to start talking to government' (Section Two Leader, personal communication, 2007).

Planact was seen as bringing valuable skills to the community and promoting Zandspruit Private Property's interests, therefore the Zandspruit community saw the organisation as legitimate. Even though the Zandspruit community sees Planact as legitimate, Planact did not achieve a major impact in terms of development. It must be noted though that although Planact did not achieve development in the case of Zandspruit, it did not fail entirely. Planact achieved empowerment through training and this seem to have had a lasting effect in the eyes of the community. It is just that the broader aim of development could not be achieved, and therefore Planact decided not to continue the very effective support it was giving to the community leadership and also in making office facilities available.

7.5 Planact's descriptive legitimacy in a nutshell

In the perception of its stakeholders, this study found that, by applying the descriptive approach to legitimacy, Planact faced no legitimacy challenges. It has been shown that Planact drew on the normative framework of legitimacy, in particular, representation and participation to explain its own perception of its legitimacy. Planact sees itself as legitimate, due to representation, the expertise offered to marginalised communities, and its performance in work done in other settlements. Planact used its website, reports and publications to construct or

portray this legitimacy to the outside world. The government officials saw Planact as legitimate because Planact was regarded as playing a facilitating role between communities and government. Views from government and Planact show perceptible reasons why Planact should be seen as legitimate. In the case of the community, there is nothing really discernible (other than training) to show why the community should regard Planact as legitimate.

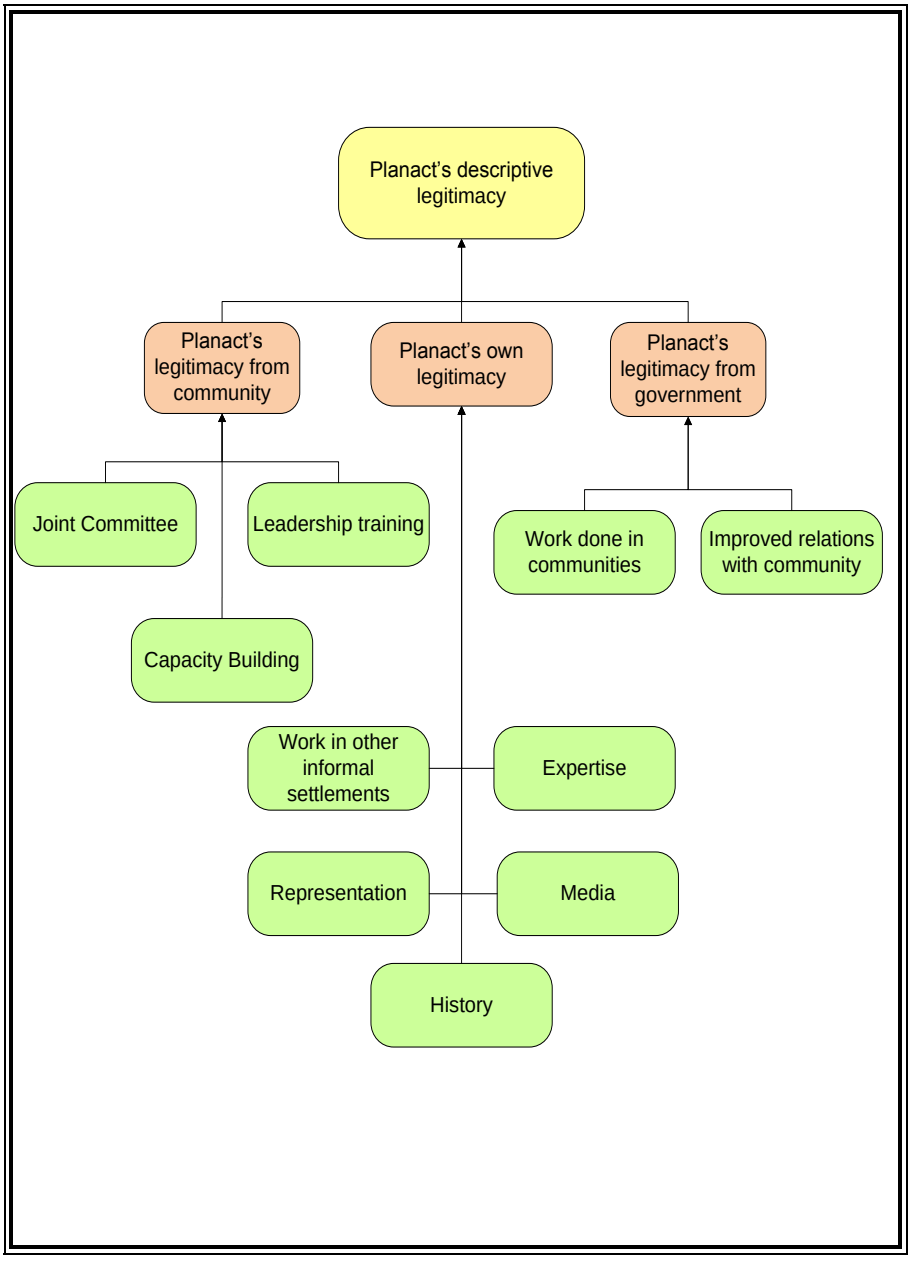


Figure 22: Planact descriptive legitimacy in the context of its work in Zandspruit Private Property

The leadership training and capacity building (with the formation of Joint Committee as a representative structure) that Planact provided, was much appreciated by the community and the government, but did not help unblock tenure security or entice the government to secure the private land on which the community had settled. Although Planact's performance was limited, Planact was still seen as legitimate by government and Zandspruit community as set out in Figure 22.

7.6 Conclusion

This chapter presented the findings on the descriptive legitimacy of Planact. Planact's legitimacy was explored in the context of unresolved tenure and marginalisation. My analysis of how Planact's legitimacy is perceived in relation to its work in Zandspruit Private Property indicates that Planact faced no challenges to its legitimacy despite having exited Zandspruit without achieving development.

The local government welcomed Planact's activities in Zandspruit because of the assistance Planact provided to the local government. Providing training to Zandspruit's leadership and assisting the community form the Joint Committee enabled the local government to engage with the Zandspruit community in a an effective manner. The community also saw Planact as legitimate because of the assistance Planact provided in leadership training and the formation of the Joint Committee. Although the Joint Committee had its internal challenges, which Planact was supporting it (and beyond) it was more effective in engaging with local government that the community.

The illegal occupation of the private land resulted in the failure of the government to access land and housing for the community. Although Planact left the Zandspruit community without meeting the community's expectations, there remained hope in the community that Planact would return and help them address

their development problems. Planact still enjoys legitimacy in Zandspruit: The Joint Committee appears to be useful (despite power struggles and other limitations) beyond Planact's exit in 2003. The mere fact that the structure still existed in 2007 (when the interviews were conducted) suggests that Planact's initiative was significant.

The unresolved tenure and marginalisation suggest limits in a normative/prescriptive approach to assessing Planact's legitimacy in relation to its work in Zandspruit. The normative framework indicates that NGO legitimacy depends on representation, participation and accountability. In reality, few poor communities get to participate in decision-making processes because they do not demand their right to participate (Cavill and Sohail, 2004). In the case of Zandspruit, being marginalised and desperate for assistance, the community had no basis to demand a higher level of representation, participation and accountability from Planact. Planact was also seen as legitimate by government officials, Planact itself and Zandspruit community.

Although Zandspruit did not make any significant inroads into accessing land, or housing to the community, the Zandspruit community was satisfied with the training and community organisation provided by Planact. The training gave the community a sense of being more effective in its dealing with local government. In the context of marginalisation and insecurity of tenure, it was difficult for an under-resourced development NGO such as Planact to continue working with Zandspruit community. This was because the ability to assist the community to access basic services depended on legalisation of the occupation and there was no foreseeable progress on this front. This indicates that there is more at stake in the construction of NGO legitimacy in the context of unresolved tenure and marginalisation than the normative framework of representation, participation and accountability suggest. The question remains, what this means in terms of NGOs' claim to representing marginalised communities? This is discussed in Chapter Eight.

8.0 CHAPTER EIGHT
CONCLUSION

Apartheid policies resulted in shortages of housing for impoverished black urban households. This pushed many such households into informal settlements (Adgate *et al*., 2008). Although since 1994 the democratic government has attempted to address the informal settlement problem through mass delivery of subsidised housing, there is still a growing number of urban households living in informal settlements (City of Johannesburg Council, 2004, Gauteng Department of Housing, 2005). Informal settlements are considered illegal or unlawful and this is one of the several factors that contribute to their marginalisation. Government policies and strategies dealing with informal settlements have mostly been negative, as these settlements are viewed as something that needs to be removed and replaced. Where strategies and policies have sought to support and integrate informal settlements, these have not been implemented effectively.

According to the review of public goods theory, contract failure theory and functionalist theory in Chapter Three, NGOs exist to provide services and represent interests of the societies that are not provided for by the government and market. Often the existence of NGOs depends on their particular political relationship with government and availability of financial resources (Tvedt, 1998). At global level, the influence NGOs in the approaches of global governance bodies has increased with the increased number of NGOs working in developing countries (Igoe, 2003; Hearn, 2007; Idahosa, 2008). This raises questions regarding NGO legitimacy. In defending themselves NGOs claim legitimacy through their role in representing the needs of marginalised communities (Atack, 1999; Edwards, 2003; Upadhyay, 2003; McDonalds, 2004).

My interest in exploring the legitimacy of development NGOs arose from the growing number of questions around the legitimacy that NGOs derive from representing communities (Frantz, 1987; Ebrahim, 2003; Upadhyay, 2003; Brown and Jagadananda, 2007). Given that NGOs are normatively seen to be effective in

representing marginalised communities' needs and interests, and derive a prescriptive/normative legitimacy from this, I found it important to explore how development NGOs derive legitimacy when working in marginalised settlements, facing development obstacles that relate to unresolved tenure insecurity. This thesis explored whether the prescriptive approach to legitimacy is applicable in the context of unresolved tenure.

Using a South African development NGO, Planact, I explored how a particular NGO constructed its legitimacy using representation, participation and accountability in the context of unresolved tenure in the Zandspruit Private Property informal settlement, located in the outskirts of Johannesburg. The governance context of this single case study is typical of the situation across South Africa. Mohamed's (2006) research examined challenges in involving informal settlement communities in decision making processes in the IDP in Johannesburg. Huchzermeyer (2009) notes the limited chance informal settlement communities have in influencing or shaping the decision making processes. One reason why informal settlements communities are not able to participate effectively in decision making is the ward system through which they ought to be represented. The ward system of representation is not a suitable means to represent marginalised communities in the informal settlements, because in many cases the ward councillor is from the formal part of the ward and represents those interests. In a situation of competing community interests, ward councillors tend to be biased towards communities in formal areas. In addition, ward councillors are not fulltime political office bearers and this limits their ability to engage and represent communities effectively (Benit-Gbaffou, 2008).

Development NGOs working in marginalised communities attempt to help these communities exploit existing governance structures. These NGOs assist marginalised communities engage with government to secure service delivery. As far as security of tenure and access to services is concerned, this thesis, through the Zandspruit Private Property case study, explored to what extent development NGOs derive legitimacy from their activities in the informal settlements. The case

study explored the extent to which Planact succeeded in representing the actual interests, needs and aspirations of the Zandspruit informal settlement community. In this respect, Planact's role in facilitating improved community representation was explored. There was some evidence of Planact's direct representation of the community's needs to local government. Planact's challenges in constructing legitimacy using representation, participation and accountability in the context of unresolved tenure were also explored.

NGO legitimacy in this thesis has been explored from the prescriptive/normative as well as descriptive perspective. The review of studies on the prescriptive or normative approach to legitimacy indicates that NGOs generally derive legitimacy through representation of marginalised communities that are largely neglected by government and/ have little interest to the market (Tvedt, 1998; Edwards, 2003; Upadhyay, 2003; McDonalds, 2004; Atack, 1999). To claim legitimate representation, NGOs must ensure that represented communities participate in the decision-making process of the NGO, such as those on community's interests and needs to be represented to government or donors. The NGO must also maintain a form of accountability to the community. Most authors refer to a range of participation from real participation to negligible levels of participation, depending on the relationship between the outsider, whether NGO or government, and the community. This relationship is influenced by the balance of power between the outsider and the NGO. Other factors include government support, community willingness to contribute resources for the participation process as well as community homogeneity and the differing needs of the community and outsiders (Abbott, 1996; Choguill, 1996; Imparato and Ruster, 2003).

Mechanisms for ensuring an organisation is accountable to the represented include a demonstration of the representative and stakeholder accountability. From the review of theories on NGO legitimacy, I created a conceptual framework to explore whether the same approach could be used to explain Planact's legitimacy in the Zandspruit informal settlement.

I conducted field work exploring how Planact constructed representation in the Zandspruit informal settlement by ensuring participation and accountability, and to what extent Planact derived legitimacy from this. This analysis indicated that Planact did attempt to generate representation, participation and accountability at Zandspruit Private Property to a limited success. According to the literature on NGO legitimacy, limited accountability, participation and representation means the NGO is not a legitimate representative of the community it claims to serve or represent. Normative/prescriptive legitimacy through representation, participation and accountability are not sufficient on their own in constructing the legitimacy of NGOs in relation to their work in informal settlements. Descriptive legitimacy in terms of the perception of the main stakeholders, in this case, the Zandspruit community and the local government, created Planact's legitimacy working in Zandspruit. This is mainly because in the informal settlement communities there are limitations in the application of representation, participation and accountability in constructing NGO legitimacy. This initial finding led me to explore more deeply how various stakeholders perceived Planact's legitimacy.

Descriptive legitimacy explored the legitimacy of Planact as seen by government, Planact and the community. Government had its own motives or reasons for seeing Planact as legitimate. The government officials thought Planact was legitimate through the training it conducted for the informal settlement community members. This was seen to improve the engagement between local government and the community. The capacity and leadership training also enabled effective engagement of the community and the local government. Despite the exit from Zandspruit without achieving its objectives, Planact still considers itself legitimate. This relates to its history of successful work in other informal settlements, Planact expertise, as well as the commissions it receives from government (which continues to recognise the value that Planact adds to society in general).

Zandspruit community saw Planact as a legitimate organisation partly because Planact had no clearly agreed-upon mandate for its work in Zandspruit. My

respondents in the community believed that the training provided by Planact assisted the community in engaging the government, and if only Planact could stay longer they could have assisted the community further.

The Zandspruit community felt marginalised by the local government, attributing the poor living conditions to the protracted illegality of the occupation or the inability to secure the land tenure to neglect by government. Zandspruit did not demand higher levels of representation, participation and accountability from Planact, the organisation that it felt was already assisting it significantly. Also, given a prolonged experience of not receiving assistance from the local government or any other organisation, the community could not ask for more from Planact. A large number of informal settlements in Johannesburg did not received assistance at all from development NGOs, volunteers or even wider grassroots social movements. Hence, the Zandspruit Private Property community was in no position to question Planact's accountability, participation or representation.

The thesis finds important limitations in the normative framework in explaining Planact's legitimacy in the context of marginalisation and unresolved tenure at Zandspruit Private Property. Assessment of NGOs' legitimacy in informal settlements with unresolved tenure is not limited to representation, participation and accountability. In such settlements, descriptive legitimacy in terms of the main stakeholders (communities, local governments and the NGO itself) bear the most weight in the assessment of the NGOs legitimacy. This thesis is a contribution to the refinement of the theories of NGO legitimacy.

In the case of Zandspruit Private Property, Planact is not seen as legitimate according to the prescriptive approach. The context of unresolved tenure created challenges in ensuring representation, participation and accountability. Planact attempted to ensure representation of the Zandspruit community by creating a Joint Committee. Ideally the Joint Committee was meant to be working with the local government through the ward system. But it was not possible to achieve this

due to the weakness of the ward system at Zandspruit. Other reasons for the poor working relationship between the Joint Committee and the government were attributed to the infighting within the Joint Committee. Therefore, although Planact attempted to ensure representation of the Zandspruit community, problematic representation structures resulted in limited participation of the Zandspruit community in decision making processes.

Downward accountability of NGOs to the communities is important in ensuring empowerment and representation, but there is limited literature on actual processes of accountability to communities. In the case of Planact's accountability to the Zandspruit community, the lack of a 'defined accountability path' to the community resulted in limited opportunities for the marginalised Zandspruit community to question Planact's accountability effectively (Kilby, 2006).

Brown and Jagadananda (2007) indicate that 'mutual accountability' is difficult to implement. In the case study in this thesis, Planact had alliances and stakeholders across different levels and regions. This created challenges for Planact to ensure mutual accountability to the Zandspruit community due to uncertainties of working with communities with unresolved tenure security. But because mutual accountability only binds members through values, aspirations and identities instead of contracts, Planact did not have to ensure its accountability to the Zandspruit community. This study shows that it is difficult for NGOs working at informal settlements where illegality of land exists, to demonstrate mutual accountability.

This thesis finds that NGOs play an important role in assisting marginalised communities. However, the legitimacy that development NGOs generally enjoy by claiming to represent marginalised communities is blurred in communities where there are unresolved tenure issues. Such obstacles of unresolved tenure issues, as well as staff shortages, led to the withdrawal of Planact from Zandspruit Private Property. Therefore, the normative/prescriptive framework that links representation to NGO legitimacy needs to be refined for situations such as that

explored in this Planact-Zandspruit case study. Planact could not continue its work in Zandspruit largely due to limited tangible development progress, with the main obstacle being the delay in the local government acquiring the land from its private owners. Development NGOs such as Planact, with their limited financial resources are seldom able to assist the communities in buying land from private owners or compelling governments to do so. This was the main obstacle that prevented any progress in securing access to services, and in turn limited Planact's capacity to contribute in improving living conditions at Zandspruit.

There is need for an enquiry into the way NGOs can be transformed to be able to secure more services for marginalised communities in the context of unresolved tenure. The normative framework according to which NGOs in this context derive their legitimacy may need to be refined. This can help create a better framework of NGO funding and assessment. However, this thesis did not explore in any detail the link between NGO funding and donors views on NGO accountability, particularly in the context of marginalised communities. There is need for further research to explore how donors construct NGO legitimacy, both from a prescriptive/normative framework and descriptive perspective. It is also important to understand how such legitimacy constructs may impact on NGOs working in marginalised informal settlements with unresolved tenure. Once a normative framework for NGO legitimacy is adopted by all stakeholders, development NGOs can begin to register a meaningful reversal of the marginalisation of poor urban communities.

It is hoped that the results of this study may be useful to governments, especially local governments in South Africa, in understanding the constraints that NGOs face in their attempts to address the problems of informal settlements and service delivery. The lessons for the South African government, in particular local government, are that, while it may rely on development NGOs to train communities and improve engagement with government, these NGOs face challenges representing marginalised communities. Service delivery and to some extent the performance of development NGOs in the informal settlements is

significantly undermined in situations where community development requires overcoming lack of tenure security. The Zandspruit case study shows that, to improve the supportive role of NGOs in informal settlements, governments need to do more to prevent delays in securing of tenure or regularising land occupation.

Donors should also appreciate the difficulty NGOs working with communities with unresolved tenure face in terms of accountability, participation and representation. This study also provides lessons for development NGOs and the development aid sector in general, regarding the way NGO legitimacy is derived, and accountability to communities is ensured, in marginalised informal settlements with protracted problems of tenure insecurity. NGOs and the development aid sector should be aware of tenure insecurity facing communities in informal settlements and should do more to find ways to support such communities during these delays. While it is important that the issues of tenure insecurity be dealt with expediently, the development sector should not abandon communities faced with unresolved delays. NGOs providing such support without clear development results should not face legitimacy challenges in relation to this work.

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Project Manager City of Johannesburg (2007) Personal Communication. 17/07/2007.

Section One Community Leader (2007) Personal Communication. 07/07/2007.

Section Two Community Leader (2007) Personal Communication. 07/07/2007.

Section Three Community Leader (2007) Personal Communication 17/05/2007

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Zamani, O. (2007) Community Member, Personal Communication. 25/04/2007.

Zandspruit Area Manager (2007) Personal Communication. 13/07/2007.

Zungu, P. (2007) Community Member, Personal Communication. 15/07/2007.

APPENDICES

Appendix A: List of persons interviewed

Government Officials (City of Johannesburg Municipality)

1. Project Manager City of Johannesburg. 17/07/2007. Region C offices
2. Zandspruit Area Manager from Region C. 13/07/2007. Region C offices.

Political Representative

1. Ward Councillor – Maureen 22/07/2007. Zandspruit community centre
2. Community Worker – Edward. Zandspruit community centre

Planact Staff

1. Planact Director. 27/06/2007. Planact offices
2. Planact Project Officer. 09/07/2007. Planact offices

Zandspruit Private Property Joint Committee leadership

1. Section One Community Leader. 07/07/2007
2. Section Two Community Leader. 15/07/2007
3. Section Three Community Leader. 17/05/2007
4. Section Four Community Leader. 26/04/2007

Zandspruit Private Property Residents

1. Precious Mdau– Mbele Secton. 15/07/07
2. Thabo Langa – Vukuzenzele Plot .02/02/07
3. Zanele Moyo – Vukuzenzele 25/04/07
4. Jackson Moloko – Brecker Brothers 14/05/07
5. Olivia Zamani – Ernest Wolfe. 07/07/07
6. Thomas Dlamini – Mbele Section. 17/07/07
7. Mangi Moroka – Brecker Brothers. 14/05/07
8. Khetsiwe Masondo – Brecker Brothers. 17/05/07
9. Themba Khoza – Ernest Wolfe. 07/07/07
10. Nomsa Mbele - Ernest Wolfe. 07/07/07
11. Ron Langa – Ernest Wolfe. 07/07/07
12. Janice Lunga – Vukuzenzele. 03/05/07
13. Leone Manzini – Vukuzenzele. 25/04/07
14. Yvette Magagula – Mbele Section. 03/05/07
15. Patrice Zungu– Mbele Section. 15.07.07

Appendix B: Community members interview structure

Name	
Date	
Name of the section	
Contact details	

Introduction

My name is Georgina Ole Saibul. I am a PhD student from Wits University and this is my research assistant Emmanuel who is doing his first degree in Town Planning at Wits University. He will be translating for us.

First I want to thank you very much for your time and agreeing to answer my questions. Please be assured this interview is anonymous and if you feel uncomfortable we can stop.

Planact worked with Zandspruit Private Property between 2003 and 2004. I would like you to answer a few questions on the role of Planact and what Planact did for the community. I would also like you to answer some questions on the relationship between Zandspruit Private Property community, Joint Committee and local government (Region C).

1. What role does the local government play in your community?
    a. Are there meetings organized by local government?
    b. How does the community participate?
    c. How do community members agree on what should be submitted as the needs and interests of community?
    d. Are there any other organizations involved in the participation process between community and local government?
    e. What role do they play?
2. What role does the ward councilor play in the community?
    a. How is the community engaging with the ward councilor?
    b. What is the relationship the community and ward councilors?

c. Do you participate in ward committee meetings?
d. Do you think the ward committee and councilor are effective in representing the needs of the community to government?
e. What are the challenges working with ward councilors?
f. How can these challenges improved?

3. What could be improved with local government to ensure community's needs and interests are represented effectively to different levels of government?
4. How did Planact get involved with this community?
    a. How did you get to know about Planact's involvement?
    b. Did you agree on Planact working in your community?
    c. Does Planact represent your interests? In what way?
    d. Do the residents of this settlement know Planact?
    e. What is their perception of Planact?
5. What role does Planact play in your community?
    a. What expertise did they bring to the community?
    b. Is the role Planact playing in the community important?
    c. How does Planact get community member involved in their projects?
    d. Are you satisfied with community involvement in Planact's projects?
    e. Is Planact seen as being efficient in community projects?
    f. Could there be any improvements in the way community members participate in Planact's projects?
6. Do you think Planact has a right to work in this community? Yes/ no…….why…….
7. What gives NGOs the right to work in communities?
8. Apart from Planact, which other NGOs are you affiliated to or seek help from?
    a. What role do they play in the community?

9. In your opinion, has the involvement of Planact been effective in involving community members in decision making on activities in the community? If yes how? In no, why?
10. Do you feel your needs are recognised by Planact? Yes/no….if yes how….if no, why…..
11. Should Planact continue to work in your community? Yes/no…….why…….
12. What do you know about Joint Committee?
    a. How did you find out?
    b. Have you been contacted by the Joint Committee
13. How do you select your Joint Committee leaders?
14. What has the Joint Committee done for the community?
    a. Do you think the Joint Committee represents the needs of the entire community residing in this settlement? Yes/ no…. If yes, how?.....If no, why….
    b. What are community's needs/demands?
15. Are there any other structures that represent your interests? Which are they?
16. Have you attended a Joint Committee or any other organisation meeting?
    a. How do people in this community participate in these meetings?
    b. Are you satisfied with the involvement of community members or do you have any suggestions on how it could be improved?
17. Do you feel represented by Joint Committee and any other organisations from your community? Yes/No…….If no, give reasons…….
18. How does the Joint Committee work with Planact?
    a. How does the community, Joint Committee and Planact work together to ensure effective representation of community's needs?
    b. Are community's needs and interests represented to Planact by Joint Community?

c. How does the Joint Committee represent community's needs to Planact?
d. And how does Planact represent your needs and interests to the government and financial institutions?

19. Do you think the representation of needs and interests as implemented by Joint Committee and Planact is effective in representing community's interests? What more could be done?
20. Have you been involved in community meetings?
    a. Who organised the meeting?
    b. What were they about?
    c. Were decisions made, or just information given?
21. Have there been any conflicts in the community meetings on projects?
    a. What kind of conflicts?
    b. Did the Joint Committee intervene?
    c. What were the competing interests?
    d. How was the conflict resolved?
22. How do you participate in the public meetings organised by local government and the Joint Committee?
23. How would you like to be involved in the decision making process?
24. Do you think it is important for Planact to report back to community on their processes and progress in community projects?
    a. Did Planact provide reports and statements back to the community on their work on a certain project in the community?
25. Do you think the fact that you are in an informal settlement which is illegal limits your ability to participate in the participation process according to the government policies? If yes, how?
    a. Does the illegality of the settlement make NGOs less willing to support the settlement?[1]
26. Are there any improvements in this community since the community has been working with Planact? Yes/no…. give reasons…..

[1] I realise in retrospect that this was a leading question. I have taken this into account in my analysis (See section 7.2). Same as question 19 appendix C.

Appendix C: Interview guide used for Joint committee

Name	
Date	
Name of the section	
Contact details	

Introduction

My name is Georgina Ole Saibul. I am a PhD student from Wits University and this is my research assistant Emmanuel who is doing his first degree in Town Planning at Wits University. He will be translating for us.

First I want to thank you very much for your time and agreeing to answer my questions. Please be assured this interview is anonymous and if you feel uncomfortable we can stop.

Planact worked with Zandspruit Private Property between 2003 and 2004. I would like you to answer a few questions on the role of Planact and what Planact did for the community. I would also like you to answer some questions on the relationship between Zandspruit Private Property community and local government (Region C).

1. What is the role of Joint Committee in Zandspruit?
    a. When was it formed?
    b. Were there other community organisations before Joint Committee?
    c. How was the Joint Committee created?
    d. How is it structured?
    e. How often do you elect the representative in the Joint Committee?
    f. What is on your agenda regularly?
    g. What other items have you discussed in the Joint Committee?
    h. What role do you play in settlement development?
    i. What has the Joint Committee achieved that might have been difficult without it?

2. What role does the local government play in your community?
    a. Are there meetings organized by local government?
    b. How does the community participate?
    c. How do community members agree on what should be submitted as the needs and interests of community?
    d. What role do they play?
3. What role does the ward councillor play in Zandspruit?
    a. How does the Joint Committee work with ward councillor and ward committee?
    b. What are the challenges working with ward councillors?
4. How does the Joint Committee deal with political parties?
    a. How many political parties are active in Zandspruit?
    b. Does any particular political party dominate the Joint Committee?
    c. Do the different political parties bring any challenges to Zandspruit?
5. What could be improved with local government to ensure community's needs and interests are represented effectively to different levels of government?
6. Are there any NGOs working in Zandspruit? List them
    a. What gives NGOs the right to work in this community?
    b. What role do NGOs play in informal settlements?
    c. What is the nature of the relationship between Joint Committee and NGOs?
    d. Are there any challenges the Joint Committee faces working with NGOs?
7. How did Planact get involved with this community?
    a. How did Planact work with Joint Committee?
    b. What expertise did Planact bring into the community?
8. Apart from Planact, which other NGOs you affiliate to or seek help from?
    a. What role do they play in the community?

9. How does the Joint Committee represent the needs and interests of community high levels of government?
    a. Are there any other structures or organisations that represent the needs of community to higher levels of government? Which ones and how?
    b. What are community's needs/demands?
    c. How are there needs established and represented?
10. How does the Joint Committee work with Planact in representing community's needs?
    a. How does the community, Joint Committee and Planact work together to ensure effective representation of community's needs?
    b. Are community's needs and interests represented to Planact by Joint Committee?
11. Do you know of any community projects in Zandspruit?
    a. How did you find out about the projects?
    b. Who initiated the projects?
    c. How did you participate in the projects?
    d. What has been your contribution to the project?
    e. Do you feel your participation was rewarding and your contribution was taken into consideration?
12. How does the Joint Committee get communities involved in community meetings?
    a. Who organise the meeting?
    b. What were they about?
    c. Were decisions made, or just information given to communities?
13. What role did Planact play in assisting Zandspruit take part in decision making processes?
    a. How did Planact interact with the community in Zandspruit?
14. In your opinion, has the involvement of Planact been effective in involving community members in decision making on activities in the community? If yes how? In no, why?

15. Was there an incident were the interests or needs of Zandspruit community were conflicting in the four sections?
    a. What were the competing interests?
    b. How were the conflicting interests resolved?
    c. Did The Joint Committee intervene? How?
    d. Did Planact assist in conflict resolution? How
16. Do you think it is important for Planact to report back to community on their processes and progress in community projects?
    a. Did Planact provide reports and statements back to the community on their work on a certain project in the community?
17. What is it that makes development difficult in Zandspruit?
18. What do you think makes it difficult for an NGO like Planact to work with this community?
19. Do you think the fact that you are in an informal settlement which is illegal limits your ability to participate in the participation process according to the government policies? If yes, how?
20. Does the illegality of the settlement make NGOs less willing to support the settlement?
21. Are there any improvements in this community since the community has been working with Planact? Yes/no…. give reasons…..

Appendix D: Interview guide for Planact Director

Name	
Date	
Location	
Contact details	

Introduction

My name is Georgina Ole Saibul. I am a PhD student from Wits University. First I want to thank you very much for your time and agreeing to answer my questions.

Planact worked with Zandspruit Private Property between 2003 and 2004. I would like you to answer a few questions on Planact's work in Zandspruit, questions about Planact's legitimacy, representation, participation and accountability. I would also like you to answer some questions on the relationship between Planact and government.

1. What were Planact's objectives working in Zandspruit Transit Camp and Zandspruit Private Property
2. Did Planact achieve its objectives in these areas?
3. Where they any challenges?
4. What were the reasons for exiting Zandspruit Transit Camp and Private Property?
5. What does Planact's exit from Zandspruit mean for its commitment to participation and accountability to community? What is Planact's mission?
6. What role does Planact play in informal settlements?
7. How does Planact work with local government structures?
8. Questions have been raised about NGO legitimacy, what makes Planact legitimate?
9. Is it important for Planact to be seen as legitimate by community, government and donors?
10. How does Planact represent the needs and interests of communities to government and financial institutions?

11. How does Planact work with Joint Committee in Zandspruit?
12. Do you think the Joint Committee represents the needs of the entire community residing in Zandspruit? Yes/ no…. If yes, how?.....If no, why….
13. Are there any other structures that represent the interests of the community? Which are they?
14. How do communities and Joint Committee work with Planact in community meetings to ensure effective representation of community's needs and interests?
    a. How do people participate in these meetings?
    b. How does Planact deal with different power relations within communities when implementing community participation?
    c. How does the Joint Committee represent community's needs to Planact?
    d. Do communities feel represented by Joint Committee and Planact? Yes/No…….If no, give reasons…….

15. How did Planact ensure Zandspruit community members participate in the decision making processes?
16. With multiple accountability challenges NGOs face, how does Planact balance their accountability demands to donors, community and government?
17. Does the illegal occupation of the settlement create any challenges on the role of Planact in communities living in informal settlements?
18. Does the illegality and other complications of the settlement make Planact less willing to support the settlement?
19. Is Planact focused on working in communities where there is potential for positive results due to donor pressure to perform?

Appendix E: Interview guide for Planact project officer

Name	
Date	
Location	
Contact details	

Introduction

My name is Georgina Ole Saibul. I am a PhD student from Wits University. First I want to thank you very much for your time and agreeing to answer my questions.

Planact worked with Zandspruit Private Property between 2003 and 2004. I would like you to answer a few questions on Planact's work in Zandspruit, questions about Planact's legitimacy, representation, participation and accountability. I would also like you to answer some questions on the relationship between Planact and government.

1. What is the focus of Planact's work? Does it work in informal settlements only?
2. What role does Planact play in informal settlements?
3. What particular challenges has Planact identified in relation to working in informal settlements?
4. What is the nature of the relationship between Planact and local government structures in settlements Planact is working in?
5. Are there and challenges working with local government? What challenges?
6. How does Planact engage with the ward councillor?
7. How does Planact ensure communities participate in ward committee meetings and engage with government?
8. What are the challenges working with ward councillors? Can these challenges improved?
9. What were Planact's objectives in Zandspruit Private Property?

10. Why did Planact exit Zandspruit Private Property were the objectives achieved?
11. Was Planact unique in its work in Zandspruit Private Property or were there other NGOs doing the same work?
12. How did Planact begin working in Zandspruit Transit Camp and why did Planact leave, were objectives met?
13. Questions have been raised about NGO legitimacy? What gives Planact the legitimacy to work in informal settlements?
14. Is it important for Planact to be seen as legitimate by community, government and donors?
15. How does Planact represent the needs and interests of communities to government and financial institutions?
16. What accountability responsibility does Planact have to donors?
17. Are there any other structures that represent the interests of the community? Which are they?
18. How is community participation implemented in the informal settlements?
19. How did Planact get the communities to participate in projects in Zandspruit?
20. Do you think community organisations are satisfied with the participation process between their organisation, community members, Planact and the local government?
21. What challenges did Planact face working in illegally occupied Zandsapruit Private Property?
22. Does the illegality of the settlement limit the ability of communities to engage local government?
23. Does the illegality and other complications of the settlement make Planact less willing to support the settlement?
24. Is Planact focused on working in communities where there is potential for positive results due to donor pressure to perform?

Appendix F: Interview guide for government officials

Name	
Date	
Location	
Contact details	

Introduction

My name is Georgina Ole Saibul. I am a PhD student from Wits University. First I want to thank you very much for your time and agreeing to answer my questions.

Planact worked with Zandspruit Private Property between 2003 and 2004. I would like you to answer a few questions on the role and legitimacy of NGOs in general in South Africa and Planact in particular. I would also like to ask you questions on how local government ensures participation of informal settlements communities considering issues of illegal occupation.

1. Who are land owners in Zandspruit Private Property?
2. What are development plans for Zandspruit Private Property?
3. How is Zandspruit community involved in the development process?
4. What is the role of the municipality in Zandspruit and other informal settlements in this municipality?
5. What is the nature of the relationship between municipality and Planact?
6. What is the role of NGO in communities?
7. What is the role of Planact in the community participation process?
8. What is the role of Planact in informal settlements?
9. Do you think Planact works with communities effectively and represent the needs and interests of communities?
10. Where do you think Planacts' loyalty lies? With donors, communities or them selves?
11. What is the role of ward councilors and committees?
12. How did the Joint Committee work with committees?

13. How does the Zandspruit community participate in the decision making processes?
14. What challenges do ward councilors and committee face in implementing participation processes?
15. What challenges do ward councilors face in their activities
16. Are ward committee members provided with any training? Who provides it?
17. How are disagreements between ward committee members dealt with?
18. What is the role of CBO leaders in community participation in informal settlement?
19. How important is it to get communities to participate in the decision making processes?
20. What are the obstacles to community participation with informal settlement dwellers?
21. At what level are communities involved in decision making processes on certain projects?
22. What are your views on legitimacy issues facing NGOs?
23. Is the role of NGOs in communities legitimate? If yes, what makes them legitimate? If no, why?
24. Does the informality/illegality of the settlement create any challenges on their ability to participate in government policies?

Appendix G: Interview guide for ward councillor

Name	
Date	
Location	
Contact details	

Introduction

My name is Georgina Ole Saibul. I am a PhD student from Wits University. First I want to thank you very much for your time and agreeing to answer my questions.

I would like you to answer a few questions on the role and legitimacy of NGOs in general in South Africa and Planact in particular working with communities in informal settlements. I would also like to ask you questions on how local government and ward committee works to ensures participation of informal settlements communities considering issues of illegal occupation.

1. What is the role of ward councilor?
2. What is the role of ward committee?
3. What is the nature of the relationship between ward councilors and ward committee?
4. What is the nature of the relationship between ward councilors, committee and community members?
5. What is the role of Planact in this community?
6. What is the role of Planact in the community participation process?
7. What is the nature of the relationship between Planact and ward councilors and ward committee?
8. Do you get feedback from Planact in terms of reports and statements of their activities?
9. Do you think Planact has an important role to play in this community?
10. How does the Joint Committee and ward committee work together in one community?

11. What are the challenges of working with communities in informal settlements and how are they addressed?
12. How do community members participate in the decision making processes in this community?
13. What challenges do ward councilors and committee face in the participation processes in the community?
14. Are ward committee members provided with any training?
15. Does the informality of the settlement create any challenges on the community participation process?