The Struggle for Legitimacy

Illustrated upon the relief work carried out through different actors

after the earthquake 2015 in Nepal

Essay on Development Policy
MAS Development and Cooperation
Handed in by: Leonie Hensgen
Supervised by: Rudolf Batliner
April, 2016

Table of Contents

Abbreviations

AIN	Association of International NGOs in Nepal
CBC News	Canadian Broadcasting Cooperation News
CS	Civil Society
DDC	District Development Committee
EU	European Union
GoN	Government of Nepal
HDI	Human Development Index
INGO	International Non-governmental organisation
Ktm	Kathmandu
MES	Mahila Ekta Samaj
NGO	Non-governmental organization
NPC	National Planning Commission
OCHA	Office for the coordination of Humanitarian Affairs
OECD	Organization for Economic Cooperation and Development
SFGC	Search for Common Ground
SWC	Social Welfare Council
UN	United Nations
VDC	Village Development Committee
WCF	Ward Citizen Forum

A. Introduction

In the area of development cooperation the "struggle for legitimacy" is mostly linked either to the legitimacy of development cooperation as such or to specific actors. Whereas the legitimate existence of the development sector is questioned because of doubts raised in terms of its need and impact[1], development actors struggle for legitimacy when it comes to their agenda and their performance.
In fragile contexts not only non-state actors but also the state constantly struggles for its legitimacy. For the fact that development cooperation is always closely linked to the state/the government this thesis not only elaborates upon the legitimacy of non-state actors but also the legitimacy of states. The debate about the legitimacy of development cooperation as such is no part of this thesis.

One example quoted over and over when it comes to the legitimacy of development actors as well as of the state in fragile contexts is the situation in Haiti. Haiti since long is a very popular place for (I)NGOs ((international) non-governmental organizations). Limited capacities of the government and weak public institutions had been breeding grounds for (I)NGOs to create a parallel system of delivering "public" services. NGOs provide 70% of healthcare and private schools (mostly run by NGOs) and accounted for 85% of national education (Zanotti: 2010, 755ff.). Supported by the US government, reluctant to channel aid directly to the Haitian government because of its volatile politics, INGOs have gained importance and became the main addressee for foreign assistance. The pattern true before the earthquake held ground also afterwards. Humanitarian agencies, INGOs, private contractors, and other foreign non-state service providers received 99% of relief aid—less than 1 % of aid in the immediate aftermath of the quake has gone to public institutions or to the government (Farmer: 2012, URL). Also in the longer-term recovery only 23% of the funding was channelled through the Haitian government (Ibid.).

The result of this, one could almost call it "shifted responsibilities" when it comes to public functions, is that Haiti appears as a worrisome country on the news screens even today, ten years after the earthquake. The dominance of non-state actors and the availability of an immense international funding didn´t help the country to regain strength after the disaster and to gradually become independent from foreign assistance. This again has raised the question in the international prominent debate of whether the claims that non-state actors, especially INGOs are equipped with a better expertise, with more flexibility in their working approach, with a closer connection to the affected population and with a more transparent and accountable attitude can hold ground? Are they really more legitimate to carry out public functions than the government? The answer depends a lot upon who judges upon it. Do locals

---

[1] For more information about this debate see Sangmeister/Schönstedt: 2010, 18ff.

perceive the legitimacy of actors in a similar way than the decision makers from the donor state? And how does the government perceive the situation?

Similar questions also came up after the earthquake in Nepal. The chaos in the first weeks resembled the situation in Haiti where consequences were disastrous, information was scarce, and coordination non-existent. Nepal faced an enormous influx of foreign non-state actors and the critique upon the government´s reactions towards the disaster could be heard in every corner. Who was doing what and who did it effectively? Is effectiveness the indicator for legitimacy or what else is taken into account?

This thesis seeks to find answers to those aspects, approaching the topic of legitimacy from a theoretical and a practical perspective. In the first chapter the term "legitimacy" will be shortly explained (I.). The second chapter already turns the focus towards legitimacy in the context of development cooperation. The aspects why legitimacy matters in this area (II.1.) and what are different sources/criteria for legitimacy (II.2.) are elaborated upon. Chapter II.2. focuses on (I)NGOs and grassroots initiatives. The reason for this limitation is that those non-state actors, in general the most present ones in the development cooperation also have been the most actives ones in the emergency response in Nepal. The third chapter examines upon legitimacy in crisis affected/fragile countries. The first three chapters are based on literature review. In chapter IV the mere abstract discussion is left behind and the concrete situation in Nepal is at the centre. Information sources for this chapter have been Nepali newspapers, published in English recently after the quake and stakeholder interviews. [2] After giving a general overview about the development sector in Nepal before (IV.1.a) and after the earthquake (IV.1.b) the results of the interviews are summarized. The aim of the interviews had not been to receive a definition of legitimacy from the interview partners or a direct statement on how they judge their legitimacy or the legitimacy of others. The questions rather focused on the activities carried out after the earthquake by their organization to see which criteria had been applied for the decision-making process as well as for the performance. The word "legitimacy" was not at all or only at the end mentioned. The quantity of interviews as well as the selection process of interview partners does not reflect an approach strict and unbiased enough to present scientific results. Only eight persons have been interviewed, selected mostly along factors as their willingness to share their opinions, time and personal contacts. However, do the answers reflect interesting attitudes and perceptions, possibly of use for further research in this area. Therefore they have been included in the thesis. The analysis in chapter IV is narrowed down to the immediate relief operations, carried out in the short term. Long-term reconstruction efforts are not considered. The thesis ends with a conclusion in which a line is drawn between the abstract discussion on legitimacy in chapter I-III and the practical input from chapter IV. What actors in the development sector should take into account when it comes to their own legitimacy as well as the legitimacy of the state, especially in fragile contexts is the guiding question for this last part of the thesis.

---

[2] The interviews have been recorded by the author in Nepal in September 2015.

B. Main part

I. The concept of legitimacy and its definition

Legitimacy is a very common term in the political discourse. The legitimacy of the EU is questioned since its establishment. The regime of Assad is denied its legitimacy by most of the states and the fact that Iran finally agreed to external controls of its nuclear program shows its acceptance towards the international perception of illegitimacy of nuclear bombs. But what does legitimacy exactly mean?

What makes it difficult to define legitimacy is the fact that the term is not only used and defined by different academic disciplines[3] but also common in our every-day language. People talk about legitimate conclusions and claim to have a legitimate demand (Hinsch: 2008, 704). Whereas in the latter examples the purpose is to show that something is adequate/appropriate in relation to a valid system of norms, academics tend to use the term in a more specific way. Verdicts of legitimacy or illegitimacy are related to the normative status of a political order and/or the norms based upon it (Schmelzle: 2012, 419). The concept of legitimacy is thus related to the exercise of power or authority and the question of its rightfulness. While earlier on, the state was at the core of the debate on legitimacy, nowadays the variety of actors exercising power in the society demands to detach the term from a mere political sphere. Legitimate power should be understood as power that is rightful because it meets certain criteria about how the power was obtained and how it is exercised (Beetham: 2013, x).

The criterion to judge upon the "rightfulness" and thereby on the legitimacy of power is one difficult aspect in the studies of legitimacy. [4] Another one is the question what to attend to when assessing sources of legitimacy. One of the most famous sociologists studying legitimacy was Max Weber. He defined legitimacy through the *Legitimitätsglaube*; the belief of the people in something to be legitimate (Weber: 1964, 158; 1968, 213). Although his approach laid an important foundation to legitimacy studies researchers in later years expressed critiques upon his rather descriptive definition. The most elementary ones are: first that his definition is reduced to one dimension, people´s belief (Beetham, 15ff.) and second that it leaves out a normative evaluation, explaining why people believe in something to be legitimate (Schaar: 1969, 284; Pitkin: 1972, 283: Grafstein: 1981, 456).

Beetham, a leading authority on Max Weber took those critiques into account and modified Weber`s definition proposing that: a given power is legitimate because it can be *justified in terms of the peoples` beliefs* (Beetham, 11). In his view legitimacy of power needs to be assessed through analysing in how

---

[3] Especially social, political and legal scientist study the concept of legitimacy.
[4] Philosophers try to clarify and justify universal standards of the right and the good. While for legal experts legitimacy is equal with legal validity (power aquisitioned and exercised based upon established law), moral and political philosphers rather base legitimacy on what is morally justifiable (Beetham, 5).

far it conforms to the given values and standards and in how far it satisfies the normative expectations people have (Ibid.). It is thus not the people´s beliefs but the reference to their beliefs, established through their actions of approval/rejection that confer legitimacy. The conception of legitimate power is not anymore reduced to one single dimension but is based on a complex of factors, taking the normative dimension of legitimacy into account. Furthermore Beetham´s definition allows addressing elements of legitimacy not linked to beliefs. For the stated advantages Beetham`s understanding of legitimacy as *a power, which is justified in terms of the peoples` beliefs* will serve as definition for this thesis.

II. Legitimacy in the context of international development cooperation

The expansion of actors beyond the state-level has lead to new questions in regards to legitimacy. One is the struggle for legitimacy by different actors in the field of development cooperation.

1.   Why does legitimacy matter in the context of international development cooperation
Very generally speaking, legitimacy matters in every context where power is gained and exercised. In the context of the nation-state the question why legitimacy matters is often answered through the aspect of obedience and cooperation. While the legitimacy of the exercised power is one reason for the citizen to obey to state-given rules and cooperate, for the state it is one justification to perform and rule. The erosion of a state`s legitimacy leaves it only with coercion to enforce cooperation, a situation in which the quality of performances decreases. Whereas at the state and sub-state level power and legitimacy can be analytically separated, the power that is exercised by international non-state actors by contrast depends almost wholly on the recognition of its legitimacy (Beetham, 270). As coercion is no means development actors can resort to, their legitimacy becomes even more crucial. Without the voluntary cooperation of the beneficiaries one of the main precondition for all development activities would be missing. Eventually, it is not only the cooperation of the beneficiaries development institutions depend upon. It's a multiple audiences they have to please. Besides the cooperation of the beneficiaries crucial for the implementation of projects, the support of donors is needed to dispose over a budget, big enough to carry out development work. Furthermore, without the cooperation of governments there might be no space to operate and only as long as staff cooperates the quality of the work can be ensured. Especially (I)NGOs struggle to respond to each of these legitimacy claims, often even contradicting each other. At least, according to their normative expectation emphasis is put on different legitimacy criteria.

2.   Criteria influencing legitimacy
Legitimacy rules in the field of development cooperation are moving targets, often implied rather than stated and habitually mutated (Van Rooy: 2004, 62). The insight that there is no single basis for legitimacy sufficient on its own to fully justify the power is undisputed today (Kane et al.: 2011, 9). In contrast to the legitimacy of a state, power in the sphere beyond the state is dispersed between a host of

institutions, each has to be legitimated separately and continuously. In the following several criteria, subsumed underneath three general legitimacy sources will be elaborated upon.[5]

a) Legality/authorisation

Rules can confer legitimacy as far as they are valid or authorized. Non-state actors at the international level are only considered legitimate to the extent that they conform to established legal requirements, set out in their own founding treaties but also in the national laws of the mother and/or host country and in international legal covenants. Especially for host/mother states and donors legality might be an important aspect of legitimacy whereas beneficiaries rather judge the legitimacy of an (I)NGO upon criteria that falls under the normative justifiability.

b) Normative justifiability

The normative justifiability is the source of legitimacy most often referred to when the legitimacy of NGOs is judged upon. Eventually it is the verdict in how far the expectation that the common purpose, the organisation is established for is fulfilled effectively according to procedures accepted as fair (Beetham, 272ff.). Democratic and technocratic elements, both depending upon and influencing each other, constitute this dimension of legitimacy.

Democratic element

"Who do you/your organization speak for?" is repeatedly asked by those challenging the legitimacy of non-state actors (Gunter: 1999, URL; Alexandroff: 2000, 107), questioning the meaningful representation of an important constituency through (I)NGOs. In contrast to governments no one elected non-state actors, an argument sometimes brought forward to demand for higher conditions (I)NGOs need to meet to be considered legitimate.[6] On the other hand, the democratic conception of a pluralistic public arena often biased towards the voices of the powerful, in which NGOs claim to represent the marginalised, disadvantaged groups often left unheard counts in favour of the legitimacy of non-state actors. This stems from the moral authority given to organizations that represent the public interest or a common standard against power driven concerns of the state and/or the economy.[7] Provoking in this regard are two aspects: the difficulties to show evidence of the precise relation with marginalised groups and their growing self-esteem, openly denying an interest to be represented by external actors, especially

---

[5] Those sources of legitimacy should be understood as a general framework, necessary to assess the emergence and the erosion of legitimacy of non-state actors. The following outline refers to Beetham's categorization (271ff.), based on his dimension of legitimacy stated at the beginning of I.2. Further content is given with reference to the research done by Van Rooy, 62ff.

[6] In this regard see Kemper: 2015, who distinguishes between republicanism (declining the concept of global governance with a variety of legitimate actors because only states with elected governments are seen as legitimate) and liberalism/pluralism, which sees global governance as a welcomed complement to a system of rules based only on states as legitimate actors.

[7] Still, a moral element often based on values, such as equity, human centred etc. might be a slippery ground for legitimacy as proof in how far an organization is value-based is hard to give besides the difficulties to say what the consistent integration of the values a NGO stands for means in practice. The promotion of a common standard (e.g. codified in international law such as the protection of human rights) is more grounded and might therefore be a better source to legitimate the work/existence of a NGO (Van Rooy, 97).

INGOs. Whereas the first aspect, being of main importance for donors can find a solution through a technocratic approach it is the second aspect, which points at the heart of development cooperation – the idea that people in specific countries are disadvantaged and therefore need external support. The response to changed realities cannot only be an adjusted framing, talking about development cooperation instead of development aid. The idea of cooperation needs to be reflected in the working modalities of (I)NGOs to still be considered legitimate, for example through the inclusion of members of the relevant constituency in the board of the NGO. Aspects like gender balance, regional representation and the representation of a proportionate cross-section of the public opinion are crucial for the coherence between the mission, the internal set-up and the working style.

Another aspect related to representation is the volume of membership. For some (I)NGOs, as for example Amnesty International working in advocacy the number of members is important. The more members they have the more representative their expressed views and the more essential it becomes for others, especially governments to take them into account when presenting their agenda.

Aspects of internal democracy might be especially important in terms of generating legitimacy vis-a-vis staffs, members and supporters. Elements taken into consideration are how leadership roles are selected, what measures of control over the leadership exist for the members, how accountable the leadership is back to its members and how transparently an organization provides access to information about its politics, funding, decision-making processes etc.

Technocratic element

The technocratic element is based on the expertise and the experience in the particular field the (I)NGO operates. Knowledge, information and sound analyses able to withstand public scrutiny are the key factors in this regard. Depending on the mission of the organization different aspects of the technocratic element gain importance. For advocacy NGOs legitimacy can be gained through the access to information, which is rare and difficult to collect.[8] However, the accusation of being well intentioned but ill informed (Friedman: 2001, URL; see also Simmons: 1998, 90; Grady/Macmillan in Schmitz: 2000, 26) clearly shows that legitimacy lasts only as long as the information is consistently valid and accurate. Whereas advocacy organizations heavily rely on good research teams, dedicated only to the collection of information, for (I)NGOs active in the field of service delivery it is rather the experiential evidence based on its "grassrootedness" that is crucial for its credibility and legitimacy (Van Rooy, 92). Authentic direct experience on the ground which enables organizations to come up with approaches appropriate to the people´s needs they become a legitimate advocate for development issues (see Hudson: 2000, URL). Further sources of legitimacy can be the history of the NGO´s engagement and the degree to which an organisation is able to transcend a single-issue orientation. Being focused on only one aspect makes arguments in the development sector implausible, as the themes are mostly

---

[8] This is for example the case with information about state corruption, collected by Transparency International or human rights violations the state is involved in, collected by the Lawyers Committee for Human Rights. Sometimes highly technical information might be of special value to address complex issues as trade law or environmental challenges.

closely interconnected. Finally, sometimes it is less the quality but the suspect quality of knowledge and information that can play a role for legitimacy. One common opinion is that NGOs filled the information vacuum that exists due to low trust and confidence in government and business and are therefore given greater credibility (Fraser: 2000, URL).

c) Performative endorsement

Actions of performative endorsement can take many forms and can come from multiple actors. As the audience of non-stat actors, judging their legitimacy is diverse the stated forms of recognition are shaped distinctively. Besides the already addressed cooperation of beneficiaries, which should be understood and analysed as a form of performative endorsement, the acceptance of NGOs by national governments as partners in the service delivery and contributors to policy formation is an act of endorsement. Stated actions in this regard are the consultation of NGOs, support for their work, their invitation to important meetings and the exchange of information. Donors show their endorsement through the money they transfer to the NGO whereas members, volunteers and supporters provide their time and effort, stating that the organisation is worthy of support. For institutions active in advocacy the most powerful form of endorsement is their recognition as legitimate participants in treaty negotiations and deliberations of inter-governmental agencies.

Legitimacy largely depends upon the match between the stated objectives and the means adopted to pursue them (Johnson: 2000, 77). The mere statement to knowledgably act for a common interest is not enough to gain legitimacy. NGOs need to show their professionalism, effectiveness, institutional austerity as well as their political and financial independence to be perceived as legitimate. In a period of many using the NGO sector for their private and selfish ends it is a big challenge for committed and serious NGOs to be preserved as morally and ethically responsible (Holloway: 1999, 4).

III. Legitimacy in fragile/crisis-affected countries

Although it is impossible to name one reason for states to be/become fragile, those states most often have some characteristics in common: weak state policies and institutions making them vulnerable in their capacity to deliver services, to control corruption, and/or to provide for sufficient voice and accountability as well as the risk of conflict and political instability to arise. As instability easily leads to crisis, the term fragile state is often considered as umbrella term under which crisis-affected states can be subsumed. In a fragile context the tasks performed by non-state actors often shift from influencing, pressuring and supporting generally capable governments to an accession of public functions, especially in terms of service delivery. The question is whether such fundamental structural changes can also be justified in terms of the people´s beliefs, thereby becoming legitimate. Only when the legitimacy of the state authority erodes people start turning to other actors they perceive to be more

legitimate. In the following the criterion of service delivery will be exemplary used to explain how citizens assess legitimacy in the context of fragile states.[9]

Often only the performance of the state is assessed to judge upon its legitimacy. The easily drawn conclusion is that weak capacities lead to an inadequate delivery of basic services thereby reducing the state´s legitimacy.[10] Still, it is widely acknowledged that the correlation between the service delivery performance and the state´s legitimacy is nonlinear (Mcloughlin: 2015). Other factors as the expectations of what the state should provide, subjective assessments of impartiality and distributive justice as well as the characteristics of the service condition the relationship between service delivery and legitimacy (Ibid). The legitimizing effects may further depend on whose views count (Lipset: 1984), the degree of legitimacy the state possessed before a period of poor performance (Gibson: 2004, 289), the state´s purposes to deliver services (Tilly: 1992; Migdal: 2001; Van de Walle/Scott: 2011)[11] and the state´s capacities to engender and maintain the belief that existing institutions are the most appropriate for the society (Lipset; Beetham).

Studies of the attitudes and priorities of conflict-affected people have concluded that the degree to which states meet citizens' everyday needs is an important component of the subjective assessment of it (Robins: 2012, 4). In situations where the state was/is mistrusted or feared positive encounters with service officials might feasibly be a source of legitimacy for the state (Brinkerhoff et al.: 2012). Perceptible improvements in regards to the quality of the experiences and the accessibility of services may be more significant than absolute or verifiable measures of performance for legitimacy (Sack: 2011; Asunka: 2013).[12] Challenging in terms of citizens expectations with state capacities is that those may be low, or non-existent in fragile and conflict affected states (Stel et al.: 2012). Expectations have first to be stimulated for a state to be able to (re)gain legitimacy (Ibid.). Situations in which citizens don´t expect the state to deliver services might lead to legitimacy gains of non-state actors. Thus, reducing the state´s visibility as service provider can further undermine its legitimacy (Bellina et al.: 2009; Sacks: 2009).[13]

Another aspect to be considered is that expectations shift over time. Multi-country research indicates that in some fragile and conflict-affected countries (Nepal being one of them) where services are poor

---

[9] This criterion is chosen because of its importance in the citizen-state relation and its link to both aspects discussed in this chapter; fragility and legitimacy, as well as to development cooperation as the broader topic of this thesis.

[10] Although illustrative cases show a link between declining service performances and crisis of legitimacy (Alexander: 2010) the reserve proposition that improved performances enhances state legitimacy is not nearly so established (Brinkerhoff et al.; Gilley: 2006).

[11] Those authors illustrate that the state does not only provide services to its citizens to take care of its reponsive responsibilities towards them but also to exercise social control, to pacify citizens and for the purposes of penetration, standardization and accomodation – coercive and controlling elements absent from mainstream development policy narratives (Mcloughlin, 345).

[12] Based on quantitative study across Africa, Latin America and Asia

[13] It has to be taken into account that to whom people attribute service performance does not always reflect who is actually delivering them in practice. Research shows that often it is those actors more effective in branding themselves to whom services are attributes. Especially in fragile states this is rarely the government but non-state actors (Sacks: 2009). Another aspect in this regard is the degree to which citizens are informed about the state´s indirect involvment in service delivery. The more people realize that the state is fulfilling its overall responsibility although not always visible, the less effect the direct delivery by non-state actors has fort he state´s legitimacy (Stel et al.: 2012; Mandefro et al.: 2012).

or non-existent, expectations can quickly graduate from initial concerns over access to those over quality and cost (Ndaruhutse: 2012).[14] Thus, when assessing the significance of service delivery for the state´s legitimacy it is not only the performance, which needs to be considered but locally determined normative criteria by which services are individually and collectively judged (Coicaud: 2002; Holsti: 1996). Which those criteria are might differ in peaceful situations and fragile ones.

IV. "Aid legitimacy" in the context of Nepal

Nepal, officially the Federal Democratic Republic of Nepal is a small, landlocked country in South Asia with China and India as powerful neighbours, both fighting for the more influential position in Nepal. It was not until 2008, after a decade long civil war that the elections for the first Nepali Constituent Assembly on 28.05.2008 voted for the abolition of the monarchy and the establishment of a federal multiparty representative democratic republic. In September 2015 the new constitution finally followed the political changes after several years of working with only an Interim constitution. Nepal ranks low on the Human Development Index (HDI),[15] and is characterized by a low-income economy. Nepal´s government is ambitious to graduate from least developed country in 2022.

1. The "aid" situation in Nepal[16]

As the position of the HDI indicates the situation of life expectancy, education and income per capita is rather poor in Nepal. Other indices as the Fragile State Index as well as the Governance Index[17] similarly present rather low than high figures, referring to a challenging context at the political, social and economic level. How this has shaped the "aid" situation will now be elaborated upon.

a) Before the earthquake

Although Nepal receives foreign aid since over 60 years the first wave for democratic change after 1990[18] has marked an important moment for the development sector in Nepal. More than 90% of the more than 39.000 NGOs active today have been founded after 1990. The agency responsible to coordinate, monitor and evaluate the activities of INGOs/NGOs is the Social Welfare Council (SWC). According to the Social Welfare Act 2049 all NGOs/INGOs need to register with the SWC, waiting for its permission and if this is given entering into an agreement with the SWC before they are allowed to

---

[14] Eventually there may also be a tipping point in the legitimating returns from expanded service provision. Once desired improvements were achieved attention quickly turned to other areas where performance was lagging (Guerrero: 2011).

[15] Number 145 out of 187 countries.

[16] The term „aid" situation should express the extent to which humanitarian and development institutions are present and active in the given country.

[17] Published by the World Bank and evaluating upon the five governance criteria: voice and accountability, political stability, government effectiveness, regulatory quality, rule of law, control of corruption.

[18] 1990 was the time of the first so called „Peoples Movement" in Nepal. The Nepali congress joined with the United Left Front to campaign for a multiparty democracy. They were successful to the degree that the king was convinced to enforced a new constitution, still he stayed in office as constitutional monarch till 2008.

become active in Nepal.[19] INGOs have to submit their annual expenditure as well as the annual programme to the SWC. All financial, technical and commodity help NGOs receive from abroad must be approved through the SWC. Detailed information relating to the project the support will be used for must be given to the SWC. With the argument of being detrimental to the national interest the SWC can disapprove any proposals. In the case of offering emergency relief registered institutions need to inform the SWC about their activities. Project implementation of INGOs should always take place through national NGOs as implementing partner. All financial transactions should be carried out through national commercial banks. Although the Social Welfare Act was passed in 1992 its implementation was not always as strict as it could have been.[20]

In regards to the impact NGOs/INGOs had with their work in Nepal many criticise it to be too low compared to the huge number of organisations active in the country (Pandey: 2011/2001/1999; Devokta: 2008, 80). Thomas Bell, a well-known writer when it comes to analyses of Nepal´s politics and economy even calls "Nepal one of the best examples of failed development aid" (Bell: 2015, URL). He claims that although the amount of foreign aid Nepal receives "is generally running at fairly stable levels, currently worth over $1bn a year[21] the achievements have fallen far short of what´s been promised" (Ibid.).[22] Neither the corrupt government nor development institutions, ignoring the fatal political situation and pouring more money in the country that cannot even be spend are capable of bringing forward positive changes (Ibid.). In his view, development institutions should withdraw from Nepal until those who rule start working for the national and not their personal interest (Ibid.).

   b) *After the earthquake*
The earthquake on 25.04.2015 with a magnitude of 7.8 hit the country mostly unprepared. Across several districts entire villages were flattened with causalities of more than 8.800 dead and almost 22.000 injured people. Around a million of people were rendered homeless.

Whereas in Haiti the blamed actors were mostly (I)NGOs in Nepal it was above all the government that has been criticised to react in an uncoordinated and delayed manner. Accuses to demand taxes for relief material at the Indian border, to stop private and NGO trucks attending to bring food and shelter-building material to remote areas, to impose massive bureaucratic boundaries and to supply the affected with low quality and not-needed material have been voiced from several sources (Burke/Rauniar: 2015, URL; Bhattarai: 2015a; Sharma: 2015a/b; Rijal: 2015; Bharadwaj: 2015; Upadhyaya: 2015)[23]. Although verification might not be possible in terms of all those accusations the mere amount of articles referring

---

[19] The conditions for NGOs to start working in Nepal are lower than for INGOs.
[20] Another important regulation, which goes in the same line as the SWC Act is the Development Cooperation Policy 2014, published by the ministry of the finance. Although the need for support is recognized the government wants to remain the main authority, deciding who is active in the country and how.
[21] This amount contributes to about a quarter of the governments budget.
[22] Improvements that could be achieved mainly are caused through the remittances migrant workers send from abroad, which nowadays count for 25% oft he GDP in Nepal (Ibid.)
[23] Those are just some examples. The list could be extended with more articles in the same line.

to the same problems over and over as well as some official figures[24] indicate for at least some truths in the criticism. People rendered homeless not only sometimes had to wait for several days to receive relief material they had to endure monsoon season and the winter period in temporary shelters.[25] It is not surprising that the level of frustration and anger increased, even causing events of violence against public official shortly after the quake (Ghimre: 2015).

Besides the GoN many other actors have engaged in relief activities. Villagers themselves started to help each other after they realized that they are cut off from official relief channels (Khanal: 2015; Paudel: 2015; Ktm Post: 2015). Foreigners as well as Nepali volunteers, privately organized started to provide assistance (Thapa: 2015; Manandhar: 2015; Tamot: 2015), not to forget about the 4,050 rescue workers from 34 different nations who had flown to Nepal to help in rescue operations, provide emergency medical care and distribute food and other necessities (CBC News: 04.05.2015, URL). Those numbers still don´t contain the staff of national NGOs also being part of the relief work. Although many wanted to help with good intentions often, local knowledge, humanitarian expertise and coordination among each other's was totally absent. The GoN although already struggling to regulate its own bodies strongly wanted to lead the whole emergency response, proving its authority at the national and international level. Incidents such as the rejection to let in foreign helicopters even though need for additional machines was obvious or the stoppage of trucks with relief material from (I)NGOs by the army to take over the distribution themselves clearly show how the GoN tried to recover its visibility as the main authority in charge of the emergency response. Besides such efforts to be more present in the affected communities the GoN has demanded a strict implementation of the SWC Act and the International Cooperation Policy.

2.   Who is legitimate to carry out relief work in Nepal

For the lack of any coordinated response from the GoN even several days after the earthquake the international community started to question the capability of the GoN to lead the emergency response. The struggle of the GoN to be recognized as the main authority was obvious. But did the GoN also had to fear for its legitimacy?

The interviews with different stakeholders, all active in the relief work address this question indirectly by asking about their own activities, their motivations and why they felt responsible to engage after the earthquake.[26] The selection of interview partners was meant to show a variety of different actors, different in size, outreach, humanitarian knowledge and level of organization.

---

[24] On April 30, 2015 out of 29 severly affected districts, 13 yet had to receive food and tents as required. Out of the estimated 600,000 tents needed for temporary shelter only 50,000 had been distributed so far (Sharma: 2015). On May 18, 2015 a peliminary assessment by the Special Parliamentry Committee members showed that in 14 worst-hit districts many remote villages are yet to receive basic supplies (Bhattarai: 2015b). Delays in relief operations repeated themselves in terms of reconstruction. It will take one year after the earthquake for the reconstruction work to actually start (Ktm Post: 16.01.16, URL).[24]

[25] Even if they would possess over the means to start rebuilding their houses, doing so before the release of the governmental guidelines they would risk to receive nothing of the promised amount of financial support even possibly being forced to tear down their house, as it might be not in line with the official standards.

[26] The questionnaires for the different stakeholders can be found in annex.

a) INGOs

<u>Plan International</u>

Plan International has been working in Nepal since 1978. The INGO focuses on children, improving their situation in regards to education, health and in emergencies.[27] The interview was conducted with Shyam Sunda Jnavaly, Disaster Risk Management Coordinator. For him, Plan was responsible and legitimate to respond to the needs of the people after the earthquake for several reasons. First and most important is the expertise Plan has in humanitarian relief work and risk management. It is one of five key working components and Plan had since several years, in close collaboration with the GoN prepared on how to react after an earthquake.[28] The preparedness and the knowledge in the area is for Shyam the main reason why the GoN has explicitly asked Plan for support right after the quake and allowed Plan to use the army helicopters to drop relief material to hardly reachable communities. Close cooperation not only with the central but also with local officials was ensured and through the Plan field officers information about damages and needs could be gathered on the ground. Information also crucial for the GoN as for the lack of local representatives the means to receive information directly from the affected communities was limited. Plan complied with the official rule to work with local partner NGOs to organize the distribution and offered accountability mechanisms such as boxes/hotlines where local could address their grievances.

For Shyam the fact that the GoN obviously needed support from INGOs/NGOs to deal with the situation after the earthquake did not reduce its legitimacy. The GoN recognizes that official processes and systems are too slow to respond to a crisis where immediate action is needed and therefore asks registered NGOs/INGOs with more flexible capacities for help. Although in Shyam´s view the GoN is to blame for the lack of preparedness he feels that the GoN as the ultimate authority did the best they could to respond to the earthquake.

<u>Search for Common Ground</u>

In contrast to Plan, Search for Common Ground (SFCG) a peace-building organization, has no experience in the humanitarian sector neither were the affected districts its working areas. Still, one connection SFCG could use in the earthquake aftermath was its close contact to several radio stations. Those were asked to broadcast "Public Service Announcements" which should help the citizens to stay safe.[29] Further activities SFCG thought to realize never received funding and were therefore not implemented.[30] The interview was conducted with Rajendra Mulmi, the country director.[31] Rajendra did not question the legitimacy of the GoN, rather acknowledged what had been done from the official

---

[27] For more information about the organisation see: https://plan-international.org/nepal.

[28] In 2013 a simulation was organized by Plan. International Plan staff as well as government official were invited to take part, give recommendations and develop an emergency plan.

[29] The topics of the announcemnts can be found on the INGOs webpage: https://www.sfcg.org/earthquake-in-nepal/. Furthermore they helped destroyed local radio stations to rebuild after the earthquake.

[30] Ideas have been for example to establish a management system to keep track on the private initiatives carried out after the quake or to facilitate dialogues between the state and citizens.

[31] He is also chairperson of the Association of International NGOs (AIN) in Nepal.

side. He as well sees the role of (I)NGOs as a complementary one to the state. The task of non-state actors is to support and monitor the state. The latter aspect in his view is barley accepted by the GoN. As the activities of SFCG after the quake were limited Rajendra outlined general aspects he feels crucial when it comes to relief activities. His strongest point was the close engagement with the local communities, replying to their needs, acting in a context-sensitive way and using the existing local mechanisms instead of building parallel new ones. In his view, local NGOs or at least local staffs is better equipped to live up to those criteria than foreigners, often lacking local knowledge and ignoring local mechanisms. In the aftermath of a crisis where trust might be reduced for Rajendra peer-to-peer communication is the most effective way to transport messages. Therefore approaches in which locals engage with locals are acknowledged and appreciated better by Nepalis than the interaction with foreigners. An aspect in Rajendra´s opinion totally overlooked in the relief response was the strength of youth and their potential to be recognized as partners, by (I)NGOs and the state, as well.

Overall, Rajendra lamented the lack of Nepali leadership in the earthquake response. For the dominance of foreign experts local skills unreasonably have been left unused. He considers the lack of preparation of the Nepali CS as the main failure, as they eventually are the legitimate actors in Nepal.

b) NGO – Helvetas Swiss Intercooperation Nepal

Helvetas is active in Nepal since 1956. Humanitarian response hasn´t been a working area of Helvetas before the earthquake. The decision to engage in the relief response was therefore by internal decision tied to two conditions: support was needed from a more experienced (I)NGO in the humanitarian area and activities were restricted to areas in which Helvetas had engaged in before, geographically and content wise. For the latter issue to be solved activities were carried out only in the water sector, a key working area of Helvetas in geographic areas where ties to the local communities had been established already before. The solution for the first aspect was a partnership with Solidar Suisse.

Interview with Bikram Rana (team leader of the relief work).

Besides the two mentioned conditions, which Bikram strongly supports he outlined further criteria important in his view in terms of engagement in relief operations. Many correspond to what had been mentioned by other interview partners and are therefore at this point only briefly described.

- Only engage in relief work when you are equipped with the necessary funds
  The consequence of unfulfilled expectations is the lost of trust in (I)NGOs by the locals

- Never overestimate your role, openly admit your limitations, ask for help if needed

- Engage local partners in the relief distribution and the collection of data/information

- Use the existing local mechanisms, ideally the ones functioning properly already

- Avoid local structures that are known to be biased/politicised and focused on self-interest

- Be transparent and disseminate all your data, even so other organizations don´t do the same

- Put aside your opinion when sticking to it means discussion and delay in the response

- Follow the official guidelines and cooperate with official bodies

- Show your commitment before expecting too much from the locals
- Visibility stems from the impact your work has not from unnecessarily spending money on jackets and T-shirts with the name of your organization
- Ensure a fair and equal distribution even so this means that more time/effort is needed
- Conduct a step-by-step process, leaving room for iterations to learn from failure and improve
- Set aside your predetermined mind-set, be flexible towards the realities on the ground

Bikram, as well as other interview partners felt that the lack of elected bodies at the local level, which could have been used as main focal point to organize and carry out the distribution, was the main challenge in terms of the relief operations. Furthermore the delayed response of the GoN, the lack of official data and criteria for distribution and the fact that many took part in the relief work without having any expertise hindered the effectiveness. Still, what the GoN did was acknowledged and doubts upon its legitimacy were not raised at all. Interestingly, when asked about other local partners than the Village Development Committee (VDC) and the Ward Citizens Forum (WCF) to collaborate with, Birkam saw no alternatives. For him the potential politicisation is the reason to exclude for example youth clubs or women organisations as local partner.

Interview with Mona Sherpa (deputy country director)

The interview with Mona focused more on the different actors in Nepal in general than their positions in the relief work. Mona positioned herself very critical towards the effectiveness of the GoN, not limiting her critique to the situation after the earthquake. Although she didn´t directly question its legitimacy she feels that the GoN in general is lacking components indispensable for democratic structures, such as the representation of the people, accountability, rule of law, checks and balances, transparency, independence from the private sector as well as trust-building mechanisms between the CS and the GoN. The reason for Mona why people don´t perceive non-state actors in Nepal as an alternative to the GoN when it comes to their effective representation is because they are often divided among ethnic lines and barely fight for a common purpose. As long as CS organisations aren´t strengthened and the GoN doesn´t become more accountable towards its citizens the dominant role of INGOs in the country won´t be changed in Mona´s view. The added value INGOs can have in Mona´s opinion is their strength in advocacy. INGOs should use their ties to the GoN and the civil society (CS) to bridge the gap between them. However, for her the legitimate actors to solve the problems on the ground are the local people, organized in cooperatives, producer and youth groups.

c) NGO/Grassroots organisation – Mahila Ekta Samaj

Mahila Ekta Samaj (MES) is a network organization of landless women. In contrast to the other organizations interviewed MES is organised at the very grass-roots level. All staffs are landless women themselves. The interview was conducted with three MES representatives.

The main problem the landless women face is that the GoN does only recognize few of them as citizens of Nepal. For most any official support after the quake was denied. Therefore the women, with some

financial support from other (I)NGOs had to organize the relief response on their own. Interestingly, through their close connection with the affected communities the approach MES followed was more in line with those "best practices" for relief work big organizations often proclaim but often are hardly able follow.

Coming from those communities where the main beneficiaries live has allowed MES to adopt a very context-sensitive approach immediately after the quake. The beneficiaries as well as the geographic areas had been well known already before the disaster. Strong ties with the affected communities made it easy for MES staff to collect the needed data, assess the situation and concentrate on what was really needed when purchasing relief material. The distribution was totally handed over to the affected communities, as trust in their work was there and organizational structures had been established already through the previous work of MES. Unit committees were given full responsibility over the material and the distribution, as they knew best who needed what. In close cooperation with the locals distribution criteria was developed and MES staff reduced its responsibility to monitoring and supporting if needed. A special team was given the task to prevent tensions through engaging with the beneficiaries, explaining them criteria and process. A conflict-sensitive approach was thereby ensured. Transparency was realized through public charters that listed all relief material, to whom it was distributed and according to which criteria. Regular updates were posted and MES constantly verified the data they received from the unit committees. MES has included a wide range of actors in their activities, motivating youth clubs and girls clubs to support the relief work. Limitations in regards to MES own capacities as well as the support from the GoN were clearly stated and attention was given not to raise unrealizable expectations. Finally, although disappointment about the GoN´s response towards their situation MES constantly informed the District Development Committee (DDC) and the WCF[32] about their activities. It was astonishing to hear how those women, most of them without having finished basic education levels, living a life in slums responded to the needs of their communities in an immediate, organized, efficient and sensitive manner.

Despite the huge disappointed about the low level of support received through the GoN no one in the interview questioned its legitimacy. MES staff still hopes to be recognized as part of the society and therefore, besides deepening the support within the landless communities tries to engage in official fora, such as the WCF. The role of INGOs for MES is the one of a mediator between the state and the CS. INGOs should make the GoN aware of community needs. Furthermore INGOs could support MES financially and in capacity building.

d) Private Volunteers

Both, the Red Mud as well as the Yellow House are normally cafes/restaurants. The owners decided to stop their regular business for some weeks to engage in the relief work. Whereas in the Red Mud a rather small team of friends and acquaintances worked together, the Yellow House attracted hundreds of

---

[32] Both are officially recognized committees which represent the people on different local levels.

volunteers without any personal link to the organisation team every day. Fluctuation of volunteers was high and only a core team stayed engaged throughout the whole time. Both initiatives had no prior expertise in the humanitarian field, adopted a learning-by-doing approach and kept administrative costs as low as possible. Priority was given to the immediate help to affected communities in a time the GoN was absent on the ground and most INGOs were still occupied with assessments.

Yellow House

The activities at Yellow House started already two days after the earthquake. Young Nepalis together with Ben Ayers, the country director of dZi foundation formed a core group and began to organize distribution to affected villages as well as clean up and medical teams. Through crowdsourcing the team was able to collect so much money that after some days they stopped the calls for funding. Most of the money came from abroad. Social media as well as online databases were used as main source to collect data and to spread information. Volunteers were asked to organize themselves. Everyone was welcomed to either post calls for help or to inform whatever she/he could offer. Often activities were organized rather chaotic and with more preparation more professionalism would have been possible, but this wasn´t the aim. The main goal was to supply the earthquake victims as soon as possible with basic items obviously needed by everyone. Whereas some institutionalized organizations feared the politicisation of local groups and avoided them as partners the Yellow House people actively tried to engage with them. As no prior links existed with the areas the volunteers went to the locals were their first and only entry point. For the interview partner Ben bureaucracy, assessments, accountability and control were unnecessary at this point. "The urgent need for help gave legitimacy to self-organizing groups" such as Yellow House and the non-bureaucratic approach they followed. However, the awareness that an emergency situation bringing forward special conditions in terms of legitimacy is terminated made the group decide up from the beginning to stop activities after two weeks.

Red Mud

The decision of the three Red Mud owners to engage in the relief activities was motivated mostly out of two reasons: 1st because the GoN didn´t do anything in the first weeks and 2nd because of a general responsibility of every Nepali to support the affected people as far as possible. Activities were carried out for 15 days in hardly reachable villages. After that period the team felt that materials weren´t needed anymore and that other actors, officially responsible took over and therefore stepped back themselves. Social media was actively used for fundraising, sharing and collecting information and communicating urgent needs. In the initial phase funding came from friends abroad, later Nepalis became aware of the activities and donated materials but also gave money. To ensure transparency and accountability towards the donors all financial details have been published online. The information the Red Mud team had about affected villages mostly came from personal sources. Relief material was brought there as per availability. After one incident where villagers violently started to fight for materials, more information about the number of households and families was collected and support from villagers was assured in the forehand. Local mechanisms were not asked to support the distribution because of their political

biasedness. Exchange with other organisations didn´t took place because the team felt no need for it. Similar to the Yellow House a learning-by-doing approach was at the centre of the activities carried out by Red Mud.

Interestingly the interview partner, although criticising the delayed response of the GoN, didn´t expect something else. In his view official reactions towards crisis in recent years had always been very slow. Out of his answers one could gain the impression that the more the expectations had decreased the less critical the outspoken blame. Instead of pointing towards the GoN´s failures the Red Mud owner addressed the necessity of a more organized and active CS to fill the void. For him the responsibility lies within the Nepali society. He perceives the work of INGOs rather critical as in his view most of the money is spent on administrative issues instead of reaching to the ground.

e) GoN – National Planning Commission (NPC)

The interview was conducted with Bimala Rai Paudyal, member of the NPC. She was, taking into account her position, quite open towards the failures, especially the delayed response by the GoN after the earthquake. However she also strongly highlighted external factors as the geographic situation, the lack of infrastructure and the political vacuum at the local level as reasons "why the humanitarian response couldn´t be as effective as some had expected it to be."

Bimala admitted that the approach the GoN tried to follow in the first place was too much focused on its own visibility, being recognized as the legitimate leader of all response activities while leaving behind the severe needs of the victims.[33] Soon the GoN had to realize that the mere will to lead and to coordinate everything is not enough if manpower, capacities and flexible decision-making processes are absent. Procedures therefore had to be simplified, which was done after several days.

The strong interest of the GoN to be recognized, by the local people as well as the international community as the main authority in the humanitarian response was an aspect Bimala repeated several times during the interview. She even mentioned Haiti and in relation to that the fact that if one thing had to be prevented it was a Nepali government undermined by and dependent upon NGOs/INGOs. In her view INGOs and international experts are welcomed and needed as long as they train the local people. It is not their role to implement activities or to take over public functions. Bimala openly addressed the risk that non-state actors could try to fill the gap of trust, which still exists between the CS and the GoN. She even feels that some non-state actors push citizens to demand more actively for the state, leading to expectations higher than what the state can fulfil. Therefore in her view too much presence of NGOs/INGOs might even lead to destabilisation, a situation the GoN needs to prevent.

For Bimala, Nepalese are used to a self-help culture. After several years of conflict and an absence of governmental bodies people in general have rather low expectations in the state. They learned to rely upon each other, which is good in her view as often the support between neighbours is more direct and context-sensitive than external help. However, after a disaster self-help might not be enough. Special

---

[33] As per official regulation INGOs and NGOs were not allowed to distribute relief material on their own but only through the GoN. Funds were only accepted if channelled through the Prime Minister relief fund.

support is required – a situation the GoN should use as an opportunity to build and regain trust. Therefore, Bimala feels it was crucial for the GoN to be the leading figure instead of allowing non-state actors to take over. In her opinion although failures from the official side took place the Nepalese have recognized that the GoN tried to do its best.

For Bimala the most important lesson learnt was that in a similar incident in the future the work has to be channelled more directly through the local people. Existing networks should be strengthened to organize locally and to provide the central level with the necessary data to channel the support accordingly. Furthermore it is crucial for her to better integrate marginalized groups into decision-making networks to ensure an approach sensitive towards their needs.

Every actor interviewed had its own way to legitimize the approach that was followed. Whereas for INGOs it is mostly their established expertise in a specific area and the adherence to certain principles, local NGOs and grassroots initiatives put their close connection to the local communities, allowing for a very context-sensitive approach at the centre of their rationale. In contrast, spontaneously formed private groups follow a totally different strategy, offering an immediate response in a delimited time frame at the expense of preparedness, coordination and expertise. From the answers given it seems that the question whether the own organisation can be considered a legitimate actor in the relief work and to what conditions legitimacy is tied to was relevant for all non-state actors. In contrast, the GoN didn´t question neither its authority to lead the emergency response nor its legitimacy to do so, although none of the criteria conferring legitimacy upon the non-state actors, had been followed in the state´s response. Different legitimacy standards are set for different actors, depended on whose view counts. INGOs and foreign expats from an external perspective often found to be the most capable ones to handle the situation after a disaster are rather critically perceived by local NGOs and the GoN. On the contrary, the position by the international community openly questioning the effectiveness of the GoN to handle the crisis leading to potential doubts upon its legitimacy to be the leading actor of the emergency response, wasn´t reflected by the opinion the Nepalese expressed. Although frustrated, doubts upon the legitimacy of the GoN didn´t seem to exist, at least for all interview partners. A judgment of whether the reason for this are low expectations in the state, a verdict based rather upon the state´s willingness to do well than the actual quality of the response, lower levels of frustration than reported by the media or a legitimacy advancement that allowed the GoN to make failures without directly loosing its legitimacy cannot be made.

C. Conclusion

The quest to be considered a legitimate actor is something all actors in the development cooperation struggle with. The state as well, especially in fragile contexts can be confronted with a legitimacy crisis. Although, in contrast to non-state actors for governments, at least democratically elected ones there seems to be an advancement in terms of legitimacy, making it easier for them than for (I)NGOs to uphold their authority, also in moments of severe failure. This distinction may stem from the historical differences between states and non-state actors. Whereas states are nowadays generally accepted as the main legitimate authority in the public sphere, (I)NGOs are rather new actors, still in the period to establish their role. A process not too easy as criticism in regards to their performance, their trustworthiness, their real interest and the justifiability of their mandate became louder and louder in recent years after the first phase of euphoria about the new actors on the international stage, limiting the state power and being a real alternative to represent the common interest faded sooner than maybe expected at the beginning. The fact that doubts upon the development sector as such exist in developed as well as developing countries logically translates to doubts in regards to its actors. It became one crucial part of the development cooperation work to constantly prove its impact and its effectiveness, upholding and re-establishing its legitimacy. In contrast to the state development actors have not yet (or not yet again) reached the point where they are considered legitimate per se.

The different conditions that shape the struggle for legitimacy of the state and non-state actors could be perfectly seen through the answers given in the interviews. Whereas for non-state actors it is the justifiability of being part of the relief operations for the state maintaining its visibility is of core interest. Visibility in this context has two meanings – dependent on the addressee. Citizens judge the visibility of the state after a natural disaster as the earthquake in Nepal mostly upon its presence on the ground. Is the army there to rescue people, is the police active in reducing tensions and violence, are doctors and nurses available to serve the wounded and are relief materials distributed through public officials are criteria crucial for affected communities. In contrast, for the international community visibility is strongly connected to the state´s leadership capacities at the central level, focusing on the decision-making process within the government, on the ability to control, coordinate and monitor the different national as well as foreign actors and their activities in regards to the interaction with other states and international institutions offering support. The GoN tried to uphold both aspects of its visibility, although focusing, at least in the first days after the disaster more on the latter one. Interestingly, however doubts upon the effectiveness of the GoN have been voiced stronger from voices outside than inside the country. This again shows that universal norms or criteria to generate legitimacy don't exist. For any institution to induce legitimacy, it must ultimately be justified by reference to core social values, and resonate with beliefs about what is right for society (Beetham: 1991). The content of social values as well as the beliefs about what is right for society might differ in any given context.

What does this mean for the work done by development cooperation institutions, especially in fragile contexts? What recommendations can be derived from this insight?

The thesis started with some figures from Haiti. Only a minimal amount of the money disbursed by bilateral and multilateral donors was provided to the government. The major part went directly to non-state actors; an unequivocal signal to question the states legitimacy. Although the situation in Nepal was different from Haiti the GoN seemed to have feared similar consequences. This might explain some of the reactions, as for example the strict order for all aid money to be channelled through the Prime Ministers Relief Fund, at first sight hardly comprehensible for outsiders. Outrange and anger was a common reaction of many foreign actors, especially INGOs who felt restricted in their freedom to manage their funds independently, the way they anyhow felt was more appropriate in the given situation. One could question the real interest of those actors to strengthen the state´s legitimacy.

But shouldn´t this be the main aim in a fragile context? Shouldn´t all development actors think about the time the state again has to function without their support? Equally true for the humanitarian aid as well as for the development cooperation is the credo that the dependency of a state and its society on external support should be step by step decreased, gradually increasing the legitimacy of the state. Increasing the state´s legitimacy first of all needs a deeper understanding of how everyday encounters with officials affects citizens' perceptions of the state from the bottom up. Generating this understanding takes time, skills and efforts – all aspects the development cooperation work could offer its support to governments. However, this would demand for an acceptance of the government and its agenda by non-state actors even in those situations in which the system seems weak and failures are undeniable. An approach leading in this direction is the method of accompaniment, proclaimed by the UN Special Envoy for Haiti (Farmer: 2012 URL). He calls on the development cooperation actors to work with the state, its institutions and its society instead of offering parallel systems, especially in crisis affected and fragile contexts. Such an approach might not only allow the state to uphold and strengthen its legitimacy, it might also help non-state actors to be perceived as legitimate actors in relief operations. The critique that especially INGOs lack context-sensitivity and local knowledge wouldn´t come up anymore if those actors would limit their role to an almost invisible supporter and advisor in the background. Whereas the interest of the state to maintain its visibility is reasonable in terms of its legitimacy other criteria apply for non-state actors. Stepping back at a certain point, at least in terms of actively being engaged in service delivery, as done by the private volunteers organized at the Yellow House and the Red Mud could also be an option (I)NGOs should consider in the context of relief operations.

Bibliography

Monographies:

Beetham, David	The Legitimation of Power, 2nd edition Basingstoke, 2013 Cited: Beetham: 2013
Coicaud, Jean- Marc	Legitimacy and Politics: A Contribution to the Study of Political Right and Political Responsibility Cambridge, 2002 Cited: Coicaud: 2002
Gibson, James	Overcoming Apartheid: Can Truth Reconcile a Divided Nation? New York, 2004 Cited: Gibson: 2004
Holsti, Kalevi	The State, War and the State of War Cambridge, 1996 Cited: Holsti: 1996
Kane, John Loy, Hui-Chieh Patapan, Haig (Editors)	Political Legitimacy in Asia – New Leadership Challenges, Chippenham, 2011 Cited: Kane et al.: 2011
Kemper, Ulf	Politische Legitimität und politischer Raum im Wandel, Wiesbaden, 2015 Cited: Kemper: 2015
Mandefro, Fenta Noor, Mina Stel, Nora	Service Delivery and State Legitimacy: Multi-Stakeholder Processes in Water and Sanitation in Ethiopia Maastricht, 2012 Cited: Mandefro et al.: 2012
Migdal, Joal	State in Society: Studying How States and Society transform and constitute on another, Cambridge, 2001 Cited: Migdal: 2001
Pandey, Devendra Raj	Nepal´s failed Development: Reflections on the Mission and the Maladies Kathmandu, 1999 Cited: Pandey: 1999
Ders.:	Corruption, governance and international cooperation: Essays and impressions on Nepal and South Asia Kathmandu, 2001 Cited: Pandey: 2001
Ders.:	Looking at Development and Donors, Essays from Nepal Kathmandu, 2011 Cited: Pandey: 2011
Pitkin, Hannah	Wittgenstein and Justice Berkley, 1972 Cited: Pitkin: 1972
Sangmeister, Hartmut Schönstedt, Alexa	Entwicklungszusammenarbeit im 21. Jahrhundert, Baden-Baden, 2010 Cited: Sangmeister/Schönstedt: 2010

Tilly, Charles	Coercion, Capital and European States AD 990-1992, Oxford, 1992 Cited: Tilly: 1992
Van Rooy, Alison	The Global Legitimacy Game – Civil Society, Globalisation and Protest, Chippenham, 2004 Cited: Van Rooy: 2004
Weber, Max	Wirtschaft und Gesellschaft. Grundriß der Verstehenden Soziologie, Köln, 1964 Cited: Weber: 1964
Weber, Max	Economy and Society, University of California Press, 1968 Cited: Weber: 1968

Academic Articles:

Alexander, Peter	*Rebellion of the Poor: South Africa`s Service Delivery Protests – a preliminary analysis* In: Review of African Political Economy 2010, 37 (123), (pp. 25-40) Cited: Alexander: 2010
Alexandroff, Alan	*Guerilla Theater and the Uncivil Society* In: Policy Options Jan./Feb. 2000, (pp. 106-110) Cited: Alexandroff: 2000
Brinkerhoff, Derick Wetterberg, Anna Dunn, Stephan	*Service Delivery and Legitimacy in Fragile and Conflict-affected States* In: Public Management Review 14 (2), 2012, (pp. 273-293) Cited: Brinkerhoff et al.: 2012
Devokta, Surendra	*Alleviating Poverty for Sustainability in Nepal* In: Development Economics Research Trends (pp. 65-95), New York 2008 Cited: Devokta: 2008
Gilley, Bruce	*The Meaning and Measure of State Legitimacy: Results for 72 Countries* In: European Journal of Political Research 45 (3) 2006, (pp. 499-525) Cited: Gilley: 2006
Grafstein, Robert	*The failure of Weber´s concept of legitimacy* Journal of Politics 43 (1981), (pp. 456-472) Cited: Grafstein: 1981
Hinsch, Wilfried	*Legitimität* In: Handbuch der Politischen Philosophie und Sozialphilosophie (pp. 704-712), Berlin 2008 Cited: Hinsch: 2008
Hudson, Alan	*Making the Connection* In: New Roles and Relevance: Development NGOs and the Challenge of Change, West Hartford, 2000 Cited: Hudson: 2000
Johnson, Rebecca	*Advocates and Activists: Conflicting Approaches on Nonproliferation and Test Ban Treaty* In: The Third Force: The Rise of Transnational Civil Society (pp. 49-82), Wahsington, 2000 Cited: Johnson: 2000

Lipset, Seymour Martin	*Social Conflict, Legitimacy, Democracy* In: Legitimacy and the state (pp.88-103), Oxford 1984 Cited: Lipset: 1984
Mcloughlin, Claire	*When does service delivery improve the legitimacy of a fragile or conflict-affected state?* In: Governance – An International Journal of Policy, Administration, and Institutions (pp. 341-356), Vol. 28, No.3 (2015) Cited: Mcloughlin: 2015
Ndaruhutse, Susy	*State-Building, Peace-Building and Service Delivery in Fragile and Conflict-Affected States: Sythesis Research Report* London, 2012 Cited: Ndaruhutse: 2012
Robins, Simon	*An Empirical Approach to Post-conflict Legitimacy: Victims` Needs and the Everyday* In: Journal of Intervention and State-building (pp. 45-64), Vol. 7 (1), 2012 Cited: Robins: 2012
Schaar, John	*Legitimacy in the modern state* In: Power and Community, New York, 1969, (pp. 276-327) Cited: Schaar: 1969
Schmelzle, Cord	*Zum Begriff politischer Legitimität* In: Leviathan, 40.Jg. Special Edition 27/2012, Baden Baden (pp. 419-435) Cited: Schmelzle: 2012
Simmons, P.J.	*Learning to Live with NGOs* In: Foreign Policy, 112 (Fall 1998), (pp. 82-96) Cited: Simmons: 1998
Van de Walle, Steven Scott, Zoe	*The Political Role of Service Delivery in State Building: Exploring the Relevance of European History for Developing Countries* In: Development Policy Review 29 (1), 2011 (pp. 5-21) Cited: Van de Walle/Scott: 2011
Zanotti, Laura	*Cacophonies of aid, failed state building and NGOs in Haiti: setting the stage for disaster, envisioning the future* In: Third World Quaterly, Vol.35 V (2010), (pp. 755-771) Cited: Zanotti: 2010

Newspaper Articles:

Bharadwaj, Narad	*Managing Resettelment of Earthquake Vicitims* In: Rising Nepal, 29.05.2015 Cited: Bharadwaj: 2015
Bhattarai, Kamal	*Mess due to absence of central mechanism* In: Kathmandu Post, 02.05.2015 Cited: Bhattarai: 2015a
Ibid.	*Lawmakers say relief distribution inadequate* In: Kathmandu Post, 19.05.2015 Cited: Bhattarai: 2015b

Canadian Broadcasting Cooperation (CBC) News	*Nepal earthquake: Government needs International Support for Reconstruction* In: CBC News, 04.05.2015 Available under: http://www.cbc.ca/news/world/nepal-earthquake-government-needs-international-support-for-reconstruction-1.3059652 Cited: CBC News, 04.05.2015, URL
Friedman, Thomas	*Foreign Affairs: Protesting for Whom?* In: New York Times, 24.04.2001 Available under: http://www.nytimes.com/2001/04/24/opinion/foreign-affairs-protesting-for-whom.html Cited: Friedman 2001: URL
Ghimre, Binod	*Wait for earthquake relief gets longer* In: Kathmandu Post, 04.05.2015 Cited: Ghimre: 2015
Gunter, Lorne	*Beware the World`s Unelected Do-Gooders* In: National Post, 11.12.1999 Available under: http://www.fact.on.ca/news/news9912/np99121d.htm Cited: Gunter 1999: URL
Kathmandu Post	*Individual groups contribute to quake relief* In: Kathmandu Post, 19.05.2015 Cited: Ktm Post
Ibid.	*Rebuilding campaign set to kick-start today* In: Kathmandu Post 16.01.2016 Abrufbar unter: http://kathmandupost.ekantipur.com/news/2016-01-16/rebuilding-campaign-set-to-kick-start-today.html Cited: Ktm Post: 16.01.2016: URL
Khanal, Ajaya Bhadra	*Who´s afraid of the government?* In: Kathmandu Post, 14.05.2015 Cited: Khanal: 2015
Manandhar, Rajendra	*Dolkha locals help their district* In: Kathmandu Post, 27.05.2015 Cited: Manandhar: 2015
Paudel, Rishiram	*Locals stop relying on government, build shelters on their own* In: Kathmandu Post, 14.05.2015 Cited: Paudel: 2015
Rijal, Mukti	*Local State Building – Key to tackling the calamity* In: The Rising Nepal, 28.05.2015 Cited: Rijal: 2015
Sharma, Bhadra	*Quake-hit people suffer as relief only trickles in* In: Kathmandu Post, 01.05.2015 Cited: Sharma: 2015a
Ibid.	*Relief reaches few victims* In: Kathmandu Post, 02.05.2015 Cited: Sharma: 2015b
Tamot, Sophia	*In whom we trust?* In: Kathmandu Post, 19.05.2015 Cited: Tamot: 2015

Thapa, Gaurav	*Boston-based Nepali helps out* In: Kathmandu Post, 20.05.2015 Cited: Thapa: 2015
Upadhyaya, Liladhar	*Hold Local Elections to Ensure State´s Presence* In: The Rising Nepal, 29.05.2015 Cited: Upadhyaya: 2015

Internet sources:

Bell, Thomas	*Nepal´s failed development* Al Jazeera, 22.03.2015 Available under: http://www.aljazeera.com/indepth/opinion/2015/03/nepal-failed-development-150322052502920.html Cited: Bell 2015: URL
Farmer, Paul	*Accompaniment in Aid Delivery* New York, 2012 Available under: http://www.lessonsfromhaiti.org/download/Report_Center/accompaniment-in-aid-deliverycon Cited: Farmer: 2012, URL
Fraser, C. Gerald	*Taking NGOs and Activists Seriously* Earth Times, 24.08.2000 Available under: https://www.globalpolicy.org/component/content/article/176/31364.html Cited: Fraser: 2000, URL

Other:

Asunka, Joseph	*What people want from the government: basic services performance rating, 34 countries* Afrobarometer 2013 Cited: Asunka: 2013
Bellina, Severine Darbon, Dominique Sundol Eriksen, Stein Jacob Sending, Ole	*The legitimacy of the State in Fragile Situations* Norwegian Agency for Development Cooperation, 2009 Cited: Bellina et al: 2009
Guerrero, Alejadro	*Rebuilding Trust in Government via Service Delivery: The case of Medellin, Colombia* Washington DC, World Bank, 2011 Cited: Guerrero: 2011
Holloway, Richard	*Freeing the Citizen´s Sector from Global Paradigms and Trying to Get a Grip on the Moral High Ground,* Birmingham, 1999 – Paper presented on the 3rd International NGO Conference Cited: Holloway: 1999
Sacks, Audrey	*Non-State Actor Provision of Services, Government Legitimacy, and the Rule of Law*, Paper presented at the annual meeting of the American Sociological Association San Francisco, 2009 Cited: Sacks: 2009

| Stel, Nora
De Boer, Diedrik
Hilhorst, Dorothea | *Multi-Stakeholder Service Provision and State Legitimacy in Situations of Conflict and Fragility: Experiences from Burundi, DR Congo, Nepal and the Palestine Territories*
Policy Brief, The Hague – Peace, Security and Development Network, 2012
Cited: Stel et al.: 2012 |

ANNEX – Interview questionnaires

The interviews were semi-structured. The questionnaire only served as a guideline and was not always strictly followed. Three different questionnaires had been prepared, one for (I)NGOS, grassroots initiatives and private initiatives, one for the interview with Bimala from the NPC and one for a very informal exchange with Mona Sherpa about legitimacy in general. Only when talking to Mona the topic of legitimacy and the struggle for legitimacy in the development sectors was stated clearly. For the other interviews the term "legitimacy" wasn´t mentioned at all or only at the end.

Questionnaire for (I)NGOS, grassroots initiatives, private initiatives

I. Questions concerning own activities

1. What was your motivation to become active right after the earthquake?
2. Why did you think you were the right ones to carry out relief work?
3. What have been the first things you thought about/finally realized in regards to relief efforts? What have been your main priorities?
4. What was the main message you wanted to send out with your activities?
5. Have there been any changes in your approach (comparison beginning/at a later stage)? Why did you think those changes were necessary?
6. Would you do anything different next time when organizing relief activities? If yes, what would it be?
7. What was the feedback you received from the beneficiaries you reached out to? Do you have the feeling you could live up to their expectations?
8. Was there any communication/cooperation wit the GoN? If yes, how did it start? How did it work out? What do you think was the motivation of the GoN to cooperate with you?
9. Did you face any problems with government officials when carrying out your activities?
10. What were challenges you faced? How did you overcome those?
11. What do you think about the criticism sometimes brought forward in regards to work of (I)NGOs, grassroots initiatives (not accountable, not transparent, created only for personal benefit)?

For private initiatives only:

12. Are you still active in the relief work?

    If yes, how long are you planning to stay active?

    If not, when and why did you decide to stop your activities? Was this an easy decision? Did all in the team share the same view in this regard?

13. Who were you working with? Could you attract volunteers? If yes, why do you think people were motivated to work with you?

Specifically for Yellow House interview partner:

14. What do you think was the reason you could attract so many volunteers? Did you do anything to motivate people to work with you?

15. You not only worked with private volunteers but also with big official organisations (e.g. UNHCR). Why do you think those actors decided to channel some of their support through your organisation and not the GoN?

II. Perception in regards to the efforts of other stakeholders

1. How do you perceive the government´s reaction after the earthquake?

2. How would you differentiate between the responsibilities of the GoN and other stakeholders involved in the emergency relief?

Questionnaire for government officials

I.   Questions concerning the government´s reaction

1. How would you judge the overall emergency relief?

2. What were the first actions taken by the government? Why?

3. What do you think were the main priorities of the GoN after the earthquake?

4. Can you describe the strategy of the GoN for the relief work?

   Have there been any principles the GoN followed?

5. How did the decision making process at the central level look like? Do you have the feeling it was inclusive and effective?

6. What would you describe as the main challenges the GoN faced in the relief work?

   How did the GoN try to overcome those?

7. What would you describe as the most important "lessons learnt" for the GoN?

   What would be changed in regards to the approach in the case of another earthquake?

II.   Questions concerning the reaction of the citizens in regard to the response of the GoN

1. How would you describe the citizens' reactions towards the government´s relief activities?

2. Do you have the feeling the expectations have been too high?

3. What do you think were the main reasons for the critique the GoN faced in regards to its relief activities?

4. Do you feel the critics voiced towards the GoN in general were justified? Yes/No – Why?

III.   Perception of other stakeholders involved in the relief work

1. How would you differentiate between responsibilities of the GoN and other stakeholders involved in the emergency relief?

2. What is you perception in regards to activities carried out by other stakeholders ((I)NGOs, private initiatives, donor community, grassroots organizations)?

   a. Did they cope with the needs of the affected people?

   b. Did they act according to the Nepali rules/regulations?

   c. Have they been accountable and transparent?

   d. Did their work support the GoN or rather cause additional work because of coordination efforts?

3. What are the criteria for the GoN to cooperate with (I)NGOs?

4. How was the communication strategy between the GoN and other stakeholders?

5. What do you think is necessary from the side of the GoN to attract donors – right after the quake but also concerning their long-term engagement?

Questionnaire for general discussion on legitimacy with Mona Sherpa

I.   Struggle for legitimacy in the development sector

1. Do you have the feeling the struggle for legitimacy is a real problem in the development sector? If yes, why do you think so? If no – why is everybody talking about it?

2. Do you have the feeling different actors in the development sector strive for legitimacy in different ways?

II.   Context of legitimacy in Nepal

1. How would you describe the struggle for legitimacy in the context of Nepal?

2. What changed in regards to this throughout history – especially before/after the period of conflict?

3. During the conflict: how was the relationship between the GoN and other stakeholders? What did the GoN demand from non-state actors to prove their legitimacy?

III.   HELVETAS response towards the legitimacy struggle

1. Why do you think HELVETAS can consider itself a legitimate actor in the development sector?

2. What are the ways/means legitimacy is created/strengthened?

3. What are the criteria important for HELVETAS when it comes to cooperation with other actors? Would you link those to legitimacy?

IV.   Earthquake

1. When you think about your answer just given concerning the process to create/strengthen legitimacy – did anything change after the earthquake?

2. How would you judge the overall emergency response – from Helvetas, from the GoN?

3. What do you think were the main reasons for the critics the GoN had to face for its efforts? Do you have the feeling this criticism was justified?

4. Do you have the feeling the expectations of the citizens have been too high?