

Globe: A Journal of Language, Culture and Communication, 6: 210-226 (2018)

The Road to Rolpa: constructing the Sahid Marg and the dynamics of state legitimacy during the armed conflict in Nepal

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Abstract: Using the road construction case, Road to Rolpa, as a basis for our study, we explore to what extent service delivery by non-state organisations might have affected state legitimacy in a period of violent conflict in Nepal. During the armed conflict, the government withdrew development activities and cut the budget from many of the Maoist-controlled areas, particularly from areas where the insurgents were governing parallel to the state. In this critical situation, and at the peak of the conflict (2002-2006), the Maoists initiated the construction of the Sahid Marg to win the hearts and minds of the people while also aiming at undermining the ruling power. This study portrays that it was more important for people that services were actually delivered than who delivered them and how they were delivered, even under very deprived conditions. People granted the Maoists a certain degree of legitimacy, mostly in terms of what they obtained. Simultaneously the legitimacy of the government as basic service provider was historically weak, but it was strengthened by the oppressive working procedures of the Maoists. This article argues that gaining legitimacy in one form by the Maoists can result in the gain of legitimacy in another form by the state.

Keywords: Service delivery, governance, legitimacy, Maoist, Nepal.

1. Introduction

During periods with protracted conflicts within a country, people construct multiple structures of authority and regulation. Resistance strategies against the state may focus on the lack of state investment in infrastructure, marginalization or exclusion, and partly build on these grievances. Investment in parallel service delivery by a competitor then symbolizes the failure of the state and presents the competing party as ‘the better alternative’ (Haar and Heijke 2013). Empirical studies of how governance works in spaces marked by conflict, and how local people cope with and respond to, such conditions is still limited.

Citizens expect that the state provides a range of services, particularly law and order, drinking water, electricity, roads, social security, welfare redistributions, and market regulations. Success in service delivery is the key indicator of the state’s degree of success in pushing social transformation (Riaz and Basu 2010). Hence, service delivery initiatives are crucial aspects of post-conflict reconstruction and stabilization and can offer an important contribution to state-society relations (ADB, DFID and ILO 2009). In fragile situations, where the state lacks the willingness, capacity or opportunity to ensure service delivery, non-state actors may develop alternative arrangements around services – with or without government cooperation. The effects of such initiatives on the degree of the state’s legitimacy have so far been largely unexplored.

The case study road to Rolpa addresses these issues exploring the question: To what extent service delivery by non-state organisations might have affected Nepalese state legitimacy in a period of protracted conflict in Nepal? The actual case was Sahid Marg (Martyr’s Road) road in the Rolpa district that the Maoists constructed with participation from local people and local organisations. The large number of labourers was unique in comparison to other road construction projects in Nepal. The research team chose to study this road partly because national and international media described it as an example of successful alternative service delivery. In the

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development sector, concerns were raised about the decrease of state legitimacy if services are provided by non-state organisations. The research team wanted to understand how the process of constructing the road influenced people's perception of the Nepalese state's legitimacy.

The article first defines legitimacy and describes the methods used. Then we present the social and political context in which the road construction took place. Finally, the findings are presented and analysed from various legitimacy perspectives.

2. Legitimacy of state and non-state institutions

Our core concept in the theoretical framework is legitimacy. We define legitimacy as the normative belief of a political community that a rule or institution should be obeyed. Legitimacy is the acceptance of a governing regime as correct and appropriate (Papagianni 2008) and 'right' when assessed from a public perspective (Noor et al. 2010). In the context of this research we followed the Organisation for Economic Cooperation and Development (OECD 2008) in distinguishing five forms of legitimacy (Stel et al. 2012).

- General (related to support for the state and non-state institutions as a whole, and willingness to participate in activities and projects organized by the institutions.)
- embedded (related to prior state formation or other historical dynamics)
- process (related to the way in which the organisation operates, its governance procedures)
- performance (related to what the organisation produces/yields)
- international (related to international standards and contexts)

Legitimacy and authority are, especially in conflict and post-conflict situations, constantly shaped, contested and dispersed among a large variety of societal actors, and, in many situations, the state does not have a privileged monopolistic position. It has to share authority, legitimacy and capacity with other institutions (Noor et al. 2010). Legitimacy is thus socially negotiated and expectations are changed based on social, political and economic contexts.

3. Methodology

The main focus of this research was on the road construction period during the time of Maoist conflict from 2002/03-2006². Field visits were conducted to interview key informants of various political parties, teachers, civil society members and the staff of Sahid Marg Road in Liwang, at the district headquarters, and through informal interactions of people along the road. Some of the interviews were done in Kathmandu as some of the people from higher institutional echelons resided in the capital. Informal interviews were held with people who lived close to the road corridor and, therefore, witnessed the process closely, and with people who were working on the road between 2002 and 2006.

After the initial exploration in Kathmandu, the field research was carried out along the major section of the road in 2011. A list with key stakeholders was prepared in advance to talking to key persons at both policy and operational levels. In total, 29 key informants from target groups that were identified for the study were consulted in the Rolpa District and in Kathmandu. The researchers talked to more than 50 local people, some individually and some in groups, while walking on the road, drinking tea in local shops and in the evening while staying in local hotels, to understand their perceptions regarding the initiation of the Maoist road project, their participation during the construction phase, and the legitimacy of the state.

By visiting local social gatherings and engaging with people at road restaurants and tea shops

² Initially this research was part of an international comparative project: 'Knowledge Network for Peace, Security and Development' created under the Schokland Akkoorden.

a snowball tool was used to find those respondents who could reflect on their participation and on the construction of the road. The respondents were grouped into: people who participated in the construction of the road, beneficiaries, contractors, state actors, and civil society (political leaders, journalists, NGO staff). The interviews were conducted by a senior and a junior researcher, one male and one female who, because of their background and their training in anthropology and sociology, would have access to various age groups, men, women, and to different casts.

4. The social and political context

4.1 Conflicts and service delivery in Nepal

For centuries, Nepal was a unitary, autocratic and centralised state. These state characteristics created fertile ground for political revolt and agitation in Nepal (Einsiedel et al. 2012). Recent Nepali history has thus seen several revolts or periods of agitation (e.g. 1951, 1971, 1980, 1990, 1996 and 2006) of which the aim was to change unequal social-political power relations in the country. The violent conflict waged by the Community Party of Nepal (Maoist) was one of them. The Maoist insurgency in Nepal began in 1996. By 2003, it engulfed whole Nepal, seriously disrupting all aspects of everyday life and resulting in the death of thousands. The Maoists followed many of the original guidelines and the concepts of the Chinese revolutionary Mao Tse-tung. The Maoist military forces and the state military forces had been at each other's gullet across the country. A large number of innocent civilians were severely injured, displaced or disappeared (Mishra 2004). Human rights violations included the killing of many 'enemies of the revolution', mainly in the rural areas. The government was forced to withdraw from many of the Maoist-controlled areas, particularly from the many areas where the movement started and where the insurgents were governing parallel to the state. In addition, since July 2002, the locally elected representatives were absent and had been replaced by appointed civil servants whose performance was considered to be unsatisfactory. The Maoists filled this void and engaged in service delivery, particularly infrastructure (ADB 2007). Their strategy was to legitimize their governance to the people, as well as to the international community. At the same time this implementation of Maoist ideology aimed to de-legitimize the function of the state. Rolpa, the district where we conducted research, was one of the birthplaces of the Maoist movement. The destruction of the local government and line agency offices, telecommunications towers and other infrastructure by the insurgents along with the security threats to government employees resulted in a decrease in the provision of local services in rural areas (LFP 2010; ADB 2010).

The Maoists also tried to 'win the people' to support their philosophy. On 4 February 1996, they submitted a 40-point demand to the Prime Minister of Sher Bahadur Deuba of the Nepali Congress Government with the ultimatum that a 'people's war' would be waged if the government did not respond to the demands within 15 days. The Prime Minister left on an official visit to India without responding to the demands (International Crisis Group 2007; Einsiedel et al. 2012). They put forward 40 political demands centring on the abolition of the monarchy, introducing a new 'people's government' and focusing on social justice. These demands aimed at empowering women, Dalits, and minorities. It also aimed at counteracting corruption, injustice, social inequality and foreign domination. The Maoists started a violent conflict on 13 February 1996, two days before the deadline attacking police posts in Rolpa and Rukum districts.

During the early phase, the government acknowledged the Maoist insurgency as a security problem to be addressed by the police. In other words, there was not a high level conflict from the beginning. In the early years, the Maoists gained significant support throughout the country, and they established '*Janasarkar*' (people's government) in several districts. In many districts where they had strongholds, the Maoists claimed a 'multi-party people's democracy'. They evolved into a big force especially in the hills which they call their 'base areas' for a worldwide Maoist

revolution.

Conflict dynamics changed when the Maoists withdrew from the first negotiation with the Government in November 2001. The Government declared a state of emergency for the entire country, and the king authorized the army to fight the Maoists. Moreover, after 11 September 2001, the Maoists were declared as terrorists. As part of the international anti-terror campaign, the United States and the British Government began to support the Nepali government with military aid.

These geo-political interventions created a context in which security played a major role, meaning that military intervention was a prerequisite for development to happen. The international community assisted the Government of Nepal with military power to secure development. The idea behind these interventions was based on a logic that a perceived and real threat from terrorist organizations leads to destabilized states, leading to more poverty and in turn to more destabilization or terrorism. This idea of a linear relation between poverty and terrorism can and should be scrutinized. The Sahid Marg in Rolpa had many layers, both figuratively and literally. It was seen on the one hand that the Maoists, a 'terrorist organization', created legitimacy with the international community and the local people for its actions by focusing on service delivery, whilst on the other they undermined the legitimacy of the state as a basic service provider.

A decade of Maoist revolution hampered development, but at the same time contributed to a significantly increased level of political awareness among people, particularly among the poor. Sharma and Donini (2010) argue that this historical change came as a result also of development work done by civil society organizations, coinciding with the expansion of formal and non-formal education. It was apparent that, due to the Maoists, there was an increase in awareness of women's civil rights, of socially and economically disadvantaged groups and of class, and of caste-based discrimination. The conflict ended in April 2006, after which the country remained in a transition process towards social and economic development.

4.2 The Rolpa District

Rolpa ranks as one of the least developed districts on the socio-economic and infrastructure development index. The district is known to suffer from chronic food deficit, which has been recognized as one of the triggers for internal and seasonal migrations. Rolpa is predominantly a rural area characterized by rugged highlands (altitude ranging from 701 meter to 3639 meter) with limited infrastructure development. The district is situated between other districts with no direct connection to the East-West Highway, the main highway in Nepal. Liwang, the district headquarter, is linked to the East-West highway via a feeder road passing through Dang and Pyuthan.

Rolpa has often been identified as the cradle for the communist movement and the Maoist revolution. Unsuccessful development endeavours, corruption and bad governance, large economic and regional inequalities and poverty, have been identified as the prime reasons for conflicts in Nepal, but the cause of this particular conflict was essentially political and ideological (Mishra 2004; Thapa and Sijapati 2003; Basnett 2009). Sharma and Donini (2010) claim that there was a widespread feeling of discontent and injustice among the local people. People felt that the state had neglected them and their community.

During the conflict period the Maoists engaged in building infrastructure like roads and bridges. Many roads were built in the hill areas, although many of them were never completed, and are still not in a vehicle pliable condition. Lawoti (2010) describes these activities undertaken by the Maoists as an attempt to win support in the villages by providing 'public goods'. He stresses that even though the Maoists mostly used mandatory labour for construction projects, the people were not totally against such development initiatives (Lawoti 2010). Further, unpaid labour for

developing local infrastructure [development] was not a new phenomenon in the district. It could be stated that this existing tradition supported the increased Maoist legitimacy.

4.3 *The Martyr's Road in Rolpa*

Sahid Marga was one of the development endeavours of the Maoists. The name 'Sahid Marga', a literal translation of 'Martyr's Road', was given by the Maoists in honour of those who were killed in the revolutionary war. The construction of road by the state was stopped as the intensity of conflict increased, and was continued by the rebel groups during the later stages of the Maoist insurgency in Nepal (around 2002/03). This road corridor, which lies in the mid-western development region of Nepal, passes through three districts in the Rapti zone - Dang, Rolpa and Rukum. The road is approximately 180 km long. The road was considered to have strategic importance as it served a large number of people in the Rapti Zone, particularly the western belt of the Rolpa District and the southern region of Rukum.

The idea of developing this particular road was first conceived in the mid-1980s but under a different name: *Dang-Holeri-Chunabang Sadak*. The alignment followed was an old salt trading route, a trail used by the local people from the region to procure salt from newly emerging towns in the south. Later, according to a respondent who had also taken the responsibility of Pradhan Pancha³ during the Panchayat period, this road was initiated in order to improve the access to the region. Before 1990, with the start of democracy in the country, all the activities were operating under the then ruling system 'Panchayat System'. Some of the work was done through contractors, though machines were still not used. In order to complete the road construction as planned, the leaders had to mobilize local workers. Thus with labour contribution from the local people they were able to build a road up to Holeri and made the road pliable at least for the tractors.

With the advent of democracy in 1990, the Department of Roads (DoR), Dang Division, took over the responsibility of completing the road construction from Ghorahi of Dang to Chunbang, Rukum (DoR 2010). The DoR, according to their policy, implemented the plan through contractors. They improved the Ghorahi-Holeri section and by 1995, a public bus service was started. Similarly, within the next few years the road was made pliable up to Nuwagaon (Rolpa), about 46 km from Ghorahi, Dang. According to the local people, the public bus first reached Nuwagaon in 2001.

The Maoist party started the "People's war" in 1996 from their heartland – Rolpa and Rukum. The road work was still being implemented by the government through contractors, though work progress, according to the people, was slow, especially after the Maoist revolution started. In 1999, DoR stopped its entire construction work in the area due to increased Maoist activity. Moreover, the government opted for a strategy to cease allocation of the development budget in Maoist dominated areas, including Rolpa. In 2002/03 the Maoists started their construction of the Ghorahi-Holeri-Chunbang road under a different name: the "Martyr's road" (Sahid Marga), in honor of all those who had died for the People's War. The final destination of the road was also changed from Chunbang in Rukum to Thabang in Rolpa, their stronghold for decades⁴.

According to a member from the Maoist Central Committee⁵, the road construction started from Nuwagaon till Thabang with a vision of completing the entire road length in a period of five years. People from the Rapti zone and other neighbouring districts contributed with labour. It was

³ Pradhan pancha, the chief of the Village Panchayat, was an executive body of the Village Assembly and the local political unit of the Panchayat System. The members of the Village Panchayat were elected directly and entrusted with the responsibility of carrying out development activities.

⁴ Considered a revolutionary capital for the Maoist regime, a historical place for the Maoist Movement in Nepal.

⁵ Personal communication with a member of the Maoist Central Committee.

claimed by the Maoists that every single day, around 8000 people were working on the entire road length. A few months after the Maoists began the road construction, the road was vehicle pliable up to Tila, Rolpa which is 56 km from the district headquarter of Dang, and sections of the road to Thabang were cleared except for difficult sections.

After the insurgency, a new and elected government took charge over the road construction project; the road alignment was listed in the Government of Nepal Redbooks⁶. The Sahid Marga Road project was launched in 2008 as a project separately looked after by the Central Office of DoR. Since 2008 the DoR regularly allocated money for the Sahid Marga construction. The work was implemented through the contractors according to the Public Work Directives (MoPPW 2002). Similarly, improvement work was done along the pliable section of the road corridor.

5. Findings and discussion

Field investigation suggests that the road construction was a strategy of the Maoists to gain legitimacy. Road building is one of the main symbols for development. Though a direct relation between roads and development is not straightforward, it remains a strong and powerful paradigm in development thinking (Wilson 2004). The construction of the road with the people's participation was an attempt by the Maoists to develop the region, which was suffering from neglect from the state and poor governance. The road was built with mandatory 15-day contributions of labour or an equivalent in cash from each household in Rolpa and its neighbouring districts. By the end of the third year, in 2005, the Maoist had worked on 93 km of road and cleared almost half of the road length. Local people mentioned this as a big achievement.

People's general perception regarding the road construction project varied, depending upon the extent and nature of their involvement and understanding of the Maoist's strategy during the conflict period. It was seen as development work, an initiative for service provision, but the approach practiced during the period seems to have a significant impact on people's lives and perceptions. As part of an agenda of rivalry with the state or as an act to gain legitimacy, the implementation process was viewed with different perspectives by the local people and political leaders, even long after the war was over. The location of the road users and the extent to which the road was being used or seen as beneficial, seems to have had a significant impact on people's perception. The initial section of the road (about 30 km) had been functioning since the mid-1990s, but people living in other surrounding areas did not find the road construction by the Maoists beneficial for them, but as an act of coercion upon the people. Informants living towards the end of the road, though still not approving the forced labour, appreciated the Maoist road construction, stating that development would have been delayed if they had not done so. People seemed to have increased their self-confidence as a result of such collective initiative.

Our analysis shows that parallel service provisions by the rebel groups were assumed to have challenged the state's legitimacy, but the accounts given by the people, indicates that this was not necessarily the case. The degree of legitimacy gained by the state or the rebel group depended upon the implementation approach; people expressed disapproval of the forced labour contribution under critical and dangerous circumstances. Historically, people experienced road construction by the government before as well as after the conflict, which strengthened the idea that the state institutions were responsible for service provision and which gave people a reference for comparison.

5.1 General legitimacy

The Maoists were fairly successful at mobilising the frustrated and socio-economically deprived population against the government and the multi-party political system, attracting them to their

⁶ Government publication of annual consolidated plan and budget details for each fiscal year.

slogan of uprooting the ‘feudal’ political system. They used ethnic and social class politics to get support from local people. They highlighted the weaknesses of the state governance system, poverty, discrimination, injustice and exclusion. In addition, women were motivated to support the Maoist’s campaigns of gender equality and women’s progress.

The Maoist movement and the eventual takeover of the road construction by the state influenced the state’s general legitimacy. The Maoists’ strategy of using mandatory labour led to them losing legitimacy. A quote from a local teacher shows that people seem to support the idea of road development conceived by the Maoist, but the circumstances were judged negatively:

What Maoists did was a development effort but done in wrong way, but still fruits of the hard labour has been good. But people cannot always contribute labour. It is the government that should take the responsibility.

People felt that the provision of road services should be the state’s responsibility. However, they preferred that the roadwork or provision of service delivery would be done through the user groups or the local people themselves rather than through external contractors. Perhaps people had been sensitized more to this argument because of their heavy involvement and responsibility in the Maoist campaign. Moreover they were willing to work on the state led development work as they believed a sense of ownership prevailed within the local people and that it would lead to a better performance. People explicitly expressed their emotional connection to the road and their commitment:

It was just like the pain felt during the birth of child but eventually you cannot help but love the baby. That’s exactly how we feel. Thinking of it now makes us sad “*dukha*” but we think of it as our own and now we love it dearly. If nobody looks after it we must.

However, there was also a serious concern that “the state doesn’t trust people” (Interview with a local road user in Rolpa, June 2011). It appears that people felt that the government was implementing work through contractors rather than using local people because the government felt that the road users committee did not have the capability to handle the work. The government also feared that the budget and the work could be manipulated at the local level. In contrast, people mentioned that the state had its own implementation strategies, which were not satisfactory. A majority of the respondents insisted that the state should lead the service provision. The researchers felt that the people were talking out of desperation and frustration from years of suffering from the conflict, so this could mean that there was a positive perception of the state, which previously had not always been seen as a good service provider.

The findings suggest that general legitimacy had, to some extent, been given by the people, and mainly by the users. There seemed to be a strong perception that service delivery should be the state’s responsibility, whether at the local, the regional or the national level. This could be due to the increased level of consciousness among people of the state’s responsibility, and also to their experience of working under critical situations during the conflict period. The fact that they were forced to participate in activities organized by the Maoists seems to have had a positive effect on the degree of legitimacy granted to the state. Another important observation was that legitimacy was attributed to the state also because of peoples’ experience with state institutions and activities. The tangible outputs from earlier state interventions, such as road construction, seemed to have positively influenced people’s perception of the state.

The following quotes are local people’s interpretations of the Maoists seeking to gain

legitimacy as developers (instead of destroyers) and as leaders, by having full control of the region and by gaining acceptance from the people.

The Sahid Marga was a central level plan. We believe it was started out as a threat/challenge to the Government. (A local from Tribeni, Rolpa who worked on the road)

People understood the Maoists as the destroyers. Thus it was an attempt to prove that the Maoists also construct. And also to gain Maoists' legitimacy. (An NGO staff member who was working on human rights during the conflict period)

It was to prove that the Maoists are not against development work. (A local with political affiliation to Nepali Congress)

The main objective of the Maoists was to show that the rebel group has full control over the region. (Currently employee of government of Nepal, during the conflict period actively involved as a journalist)

It is an attempt by the Maoists to gain acceptance from the people and to portray it as their creative work. (A human rights activist)

It can be said that people in Rolpa granted the Nepalese government general state legitimacy. The (limited) state provision of basic services in this area, nor the output of the Maoist road construction project, decreased the perception of general state legitimacy significantly. In terms of the process, people preferred the state as a provider of services because of the control and safety issues.

5.2 Embedded legitimacy

The state at all levels was recognized by the respondents as the most suitable authority to take responsibility for service provision. Those in leadership positions insisted that every activity should be coordinated with the local government authorities. The researchers think that this was influenced by the lack of options to choose service providers.

People's trust in the government of Nepal was limited. Most of the people felt that the government authorities did not operate in accordance with the law. People hinted at the exploitation of resources, pointing implicitly at government officials who, they believed, were misusing resources. An NGO representative, a human rights activist and a community member, mentioned that the policies, rules and regulations made by the government were in order, but that the implementation of these policies were absent. The people believed that there was a high tendency of the state activities to divert away from law and order, and this indicated a "crisis of trust" between the state actors and the people.

The Maoists used the mistrust of people towards the government and implemented campaigns to empower people politically. The dysfunctionality of service provision by the government in remote areas in the past, combined with a marginalised position of many people, created fertile ground for the Maoist movement. Belonging to excluded minority groups, discriminated cast groups, experiencing gender inequity and social injustice fuelled the delegitimisation of the state and created space for interventions by the Maoists.

People of Rolpa District had modest expectations from the state. At the time of our research, they had experienced almost four years of service provision from the government since the peace

agreements and the progress had not exceeded their expectation. People, having experienced years of DoR projects and implementation processes, were most doubtful about the deliveries of the contractors and, thus, of the DoR. What stands out was the fact that people were not forced to work and that some people were getting employment, and that this generated a positive attitude towards the state. In addition, people said that even though the progress was slow, there was a clear progress. The people implied that the government authorities at least were capable of delivering services to some extent.

Embedded legitimacy had been affected by the conduct of the state bodies in the process of service provision. The state bodies were perceived to bypass rules and regulations, leading to a prevailing low degree of trust and a most significant impact on the embedded legitimacy. People knew about the historical dynamics prevailing within the state institution, and this seems to have undermined the embedded legitimacy of the state.

5.3 Process legitimacy

Process legitimacy is basically concerned with the process itself and how the service is being delivered. During the conflict period, the state did not have a strong role in organizing service deliveries. It was asserted by the Maoist leaders that the state did not support the idea of a road construction during the insurgency, mainly because the state identified the movement as a threat. However, people believed that although there was no cooperation between the actors, the state did not interfere in the road campaign, having in mind the security of the people. People, it seems, had neither a positive nor a negative perception of the role of government authorities during the Maoist road construction campaign.

In this case study, it was observed that people viewed the Maoist campaign somewhat positively, but the working modality was not viewed positively. A study conducted around 2007-2009 showed that although people did not always agree with Maoists' tactics, they appeared to be popular and were accepted as a strong political force by most people (Sharma and Donini 2010). Today, people think that the implementation of the roadwork by the state would have been impossible particularly in such a short period. People are amazed with the achievement and maintain that the state would not be able perform similarly due to a lack of resources and a slow and lengthy implementation process. However, people did not and still do not agree with the strategy as practiced by the Maoists in implementation. Besides the coercion, the use of 'staged participation' and consultations by the Maoists with the communities significantly delegitimized their system and governance.

In terms of the process, people were more satisfied with DoR's work compared with Maoist arrangement. The fact that people were not forced to work was the major determinant for people's perception of the arrangement. People have been known to have contributed labour during the Panchayat period and long before that. Unpaid labour participation was not new, but the involuntary and unsafe situation during the conflict period influenced people's perceptions. In addition, people were aware of ongoing "institutionalized corruption" (interview with a local in Rolpa, June 2011) practiced by members of the Maoist party in the DoR's Sahid Marga project. People in Rolpa were disturbed by the fact that the Maoists were one of the major actors misusing the Sahid Marga Road project and that very little had been done to create more transparency. The DoR made an effort to reduce the influence of Maoists in the tender processes by introducing e-bidding in 2010. According to the project manager, it had been effective. However, these coercive and exploitative actions continued to put the Maoists in a negative light.

However, there were also interpretations of the Maoist road construction project that showed how the legitimacy of the Maoists was undermined by the process. Process legitimacy ensures that people are content with the process, the manner in which the project was conducted. In this case,

the forced labour and the security threats that the people faced undermined the development attempts of the Maoists.

Road construction was not a new activity. People were used as human shield. (A local with political affiliation to CPN- UML).

During the three years construction period a large part of the population from the Rolpa district and its surrounding districts contributed labour. It was a dangerous time causing fear among people. The respondents who were involved in the construction work mentioned that they were overwhelmed by fear of death from the clashes between the government security forces and the Maoists and also of potential accidents during road construction. Some of their reactions show this fear.

We were in constant fear of our life, would we live or not? (A local from Sakhi VDC).

Though we were scared eventually we did it thinking that it is for our own benefit. (A local teacher from Ota VDC).

The situation then was serious but the people kept working considering it a development work. (A local from Kureli VDC).

Initially we were scared of the security situation but once everyone started going and working on the road, once the public started working then we were comfortable. (A local from Ranksi VDC).

According to the Maoists, people were requested to voluntarily contribute 15 days of labour⁷ for each household for road construction. However, people stressed that labour contribution was not voluntary, they were forced to contribute despite the fact that some people were not in the capacity to do so, economically. The District Technical Officer, a local official, stated:

Every household had to work for a total of 15 days including travel time. People from far districts came to work on the road. And some households had to work more than once on the road. The locals including the government officials were also challenged by the Maoists.

At that time, according to discussions with local people, they were given very little choice. They said, "One member from each household would have to work on the road or join the Maoist party and support its rebel activities or pay the amount asked for". It was also mentioned that the Maoists had made provisions for tools and medicine, but food had to be arranged for by people themselves.

During the time of conflict, several interaction programs for the road construction were held where people were given a chance to speak. These participatory appraisal attempts were organized by the party leaders. The villagers used to complain about the (in)voluntary labour contribution that they were supposed to deliver for the road construction, but that the Maoists often turned a deaf ear towards public concern. Meanwhile they would give speeches about their efforts to develop and try to convince people to work in their campaign. These 'consulting' interaction programs were rather seen as a campaign that provided a stage for the Maoists.

⁷ 15 days of labour contribution includes travel time and days spent working on the road. If the people have to travel far their travel days would count as working days.

It may be argued that the process decreased Maoist legitimacy. Therefore state legitimacy remained in place.

5.4 Performance legitimacy

As the 'people's war' progressed, the Maoists became the de facto rulers of most of Nepal. They inactivated most of the state's mechanisms and formed parallel 'people's governments' from central to region, district, village and ward level (International Crisis Group 2007). The Maoists were viewed as committed and determined.

The relevant government authorities were not perceived as providing satisfying services. The people had reservations concerning the quality of the services provided by the state authorities, and the reliability or timeliness of the service provisions. Observations and perceptions of misuse of resources and extra-legal activities by government officials have been detrimental to the legitimacy of the relevant state institutions. The quality of the roads (the quality of materials, responsive and timely work) is thought to be suffering from this behaviour. People were outspoken about the performance of those who had been awarded contracts. People regarded DoR as being responsible for the underperformance of the contractors; it was revealed that many of the contractors had abandoned the work, thus delaying the progress.

However, compared with the Maoists, the state authorities were believed to have better resources than the Maoists in terms of funding and human resources and that they were capable to deliver and maintain a minimum standard, albeit the process was considered lengthy.

The use of improved technology contributed somewhat to state legitimacy as it was clearly visible to the public. After the DoR took over, it started with improvement work, like improving bends, replacing retaining structures, and building drainage structures of the already pliable road. Unlike during the conflict, when there was minimal or no use of machines and building materials, DoR had replaced existing dry and temporary walls with more robust structures like gabion walls and cement machinery walls.

According to the Maoists, the People's Liberation Army provided security to the people working on the entire length of the road. For this particular movement, a budget of ten million was allocated by the party (interview with a Maoist informant in Rolpa on June 2011) in its initial year. Although the source for this funding was not mentioned by the informant, it is believed that the Maoists collected money through forced donations, bank looting and taxation (Hachhethu 2008). The money was mostly spent on providing medical services and tools for constructing the road. The Maoists made groups of local people of manageable sizes, and these groups maintained a mess for their group throughout their stay for road construction. The construction work was carried out throughout the year except for the rainy season. Difficult sections of the alignment were taken over by the Maoist army (for example when dynamite was needed).

The Maoists were known to have utilized skilled labour forces from the region. A Maoist informant revealed that they did not have engineers or highly skilled people but they made use of semi-skilled people like those who had several years of experience working on road construction in India. These skills contributed to the quality of the road.

A former Nepalese staff member of an international non-governmental organization (INGO) stated that they provided technical assistance for alignment survey of the road constructed by the Maoist though it was done in a covert manner⁸. During informal conversations, it was said that there were rumours that the Maoists had been able to receive technical assistance from an INGO,

⁸ During the validation workshop, this former INGO worker said that the INGO for which he was working was the only agency that was allowed to enter the conflict affected areas of these districts. As they had the policy to engage with local people and provide on a needs basis, he appointed several workers for the road construction to support the local people from the area.

but the Maoists did not reveal this. One informant mentioned that the Maoists captured an overseer (technical personnel) of this INGO and had him survey the road alignment. From these multiple perspectives, it may be deduced that the Maoists were able to utilize skilled people and institutional resources.

The road was considered to be strategically important, providing a north-south connection, but it has mainly been used by the local people living along the road to travel south to much more accessible and richer towns. The road corridor has recently been linked to the district headquarter of Rolpa, but people along the road still prefer to travel on foot to the district headquarters through shorter trails (and without paying bus fares). For most people in the northern and western part of Rolpa it is inconvenient to use the Sahid Marga to go to the district headquarters. However, traveling to a town in the south of Rolpa has become easier. Markets have developed along the road corridor and besides the public buses, tractors, trucks and jeeps carrying consumer goods are using the road. People along the road corridor – particularly those at the far end – feel that their access to consumer goods has increased.

In conclusion, performance legitimacy was granted to the Maoists, although temporarily. The final product, the road, was considered positive, the quality was found to be in order, and people experienced benefits from using the road. After the Maoist leadership, the DoR took over and then the performance legitimacy was granted the Government of Nepal. Especially the technological performance of DoR was appreciated as big machinery showed that the state was present and working on the road. Also, the visual effect of a smooth tarmac road, in contrast to a more basic outlook would have made a difference.

5.5 International legitimacy

Some international actors were supporting the Maoists. The Revolutionary International Movement (RIM) supported the Maoists' 'ideological revolution' in Nepal. Ideological similarities between the Maoists and the RIM were the main factor for support. When the Maoists started 'people's war' in February 1996, the RIM issued a press statement entitled "From the Andes to the Himalaya, People's war is the only way to liberation" and praised the start of violent conflict in Nepal (International Crisis Group 2007).

Rolpa is recognized as a district with very little intervention from international organizations and this seems to have contributed to the absence of international legitimacy. The researchers understood that there was no donor involvement in the construction of Sahid Marga during the Maoist conception as well as after the state took over. The DoR has said that a small loan from Japan was diverted to the project. Nonetheless, whatever the source of funding, it seems that people were sceptical of the lawful use of the resources for road construction.

In the study area, most of the people were not aware of international quality standards for roads, or of the road standards of the DoR. However, people judged that the Roadwork of DoR had better standards than the Maoists had managed to produce.

People did not expect international support. This could be due to years of neglect by the international development community, similar to the GoN. The international presence from volunteers and journalists in the Maoist road construction had little effect on people's expectations. The fact that there was some involvement from the international community did not change people's perception that the ruling party remained weak in their ability to mobilize resources for Western Nepal.

The Maoists engaged in road construction with clear motives and strategies, although their initiatives were characterized by informal arrangements. According to a district level Maoist leader, the development movement was planned and envisioned by central level leaders to improve people's support of and compliance with the Maoists. The Maoists involved various actors in their

attempt to gain legitimacy. Participation by people was sought by demanding labour contributions. NGO involvement was also observed, although it was done in a covert manner and not through officially represented channels. An INGO representative, who was interviewed in Kathmandu in June 2011, confirmed that they provided technical assistance in the initial phase of the road construction. Likewise, involvement of other actors, journalists and international volunteers was observed, but they seem to have had an indirect role in the Maoist movement. A member of the Central Committee of Maoist Leaders referred to the Maoist strategy to gain legitimacy:

We were labelled as terrorists. We wanted to show who the Maoists are, what are they doing and to show that we are in favour of people, not against them. We could prove this through the road project. Without the help from GTZ, we might not have been able to construct the road.

The Maoists claimed that international actors participated in their 'development work'. It was stated during an interview with a Maoist leader that people from European countries and Pakistan had come in groups to participate in the road construction activity as an act of political affiliation. Though it is not clear what the stakes of those participants were, it has been observed from their journals that they were mostly left-wing supporters.

Other relevant actors were the international journalists as part of civil society institutions. Journalists from the USA, from Europe, from India and Bangladesh probably participated for ideological reasons. The Maoists controlled access to their base areas, and invited journalists and integrated them in the process in order to influence them positively of the legitimacy of the process.

The main actors were the Maoists and the communities. In addition, other societal and international actors were present, but the extent of their involvement is little compared to the people's participation from Rolpa. State actors and private actors were found to have little or no participation at all. The state actors are believed to have been against the Maoist movement, and every effort was directed towards disruption. Involvement from private sector was not visible. This could be due to the construction approach practiced by the Maoists which did not require purchasing of material (everything was used locally, requested or donated upon demand). The Maoists did not disclose how materials, for instance explosives for blasting, were procured.

International legitimacy was not strongly attributed to the Maoists. Although there was international support and visibility, the Maoists could not capitalize on it. The legitimacy of the state was not undermined by these international influences and support of the Maoist road construction project.

We understand legitimacy of state and non-state organisations by the five different expressions as described above. These forms of legitimacy should not be seen as standalone characteristics. It is a dynamic and fluid concept where one form of legitimacy can be gained and another form of legitimacy may be lost. The Maoists gained performance legitimacy, but they lost process legitimacy. The government of Nepal lacked a strong embedded legitimacy because of the distance to remote areas and neglect of its citizens. Even a weak performance legitimacy, resulting in a bad image for issues of transparency and accountability, did not lead to a full loss of legitimacy. Comparatively to the Maoist movement, they could not be blamed for coercive power. Their less problematic process legitimacy in combination with a sense of general legitimacy of the state preserved and reinforced the expectation that a state should first and foremost provide basic services. It is also important to address that legitimacy is not a zero sum game. Whereas the government of Nepal is perceived to be the legitimate service provider for roads, the people in Rolpa feel strong ownership of 'their' road. We therefore argue that the state is seen as the most

legitimate service provider. This does not mean necessarily that the Maoists were fully delegitimised. In part, they lost legitimacy by the people of Rolpa, but for its outcome, the performance they would still be considered to be legitimate. This was further strengthened by international organisations in this case. In the conclusion it will be further argued that the legitimacy of the state can be maintained when parallel authorities provide basic services, however it is an ongoing process to confirm and reinforce state legitimacy.

6. Shifting legitimacy: conflict to post conflict situation

People began to talk about holding dialogue to resolve the conflict within a couple of years of the start of the violent conflict in Nepal. The civil society members suggested to the government that it was a political problem to be addressed through reforms in the governing system and the socio-economic sphere. Meanwhile there was a royal massacre in June 2001 in which the king, queen, crown prince, princess and their relatives were killed. The Maoists undermined the new king and monarchy with arguments that the former king, who was relatively democratic, was murdered in a conspiracy, and that it was time to get rid of the monarchy for good. This was a new political climate, more volatile and insecure than before. It was both strategically important and advantageous for both the government and the Maoists to become engaged in talks. This was a long process of negotiation.

The Maoist revised their war strategy and reconsidered their goals. In 2005, the Maoists decided to ally with the parliamentary for “full democracy”. They accepted multi-party politics and made their immediate goal the formation of a democratic republic through an elected constituent assembly. The Maoists entered into peaceful politics in 2006, and gained the largest number votes in the April 2008 Constituent Assembly election. The biggest achievement so far has been the peacefully overthrowing of Monarchy in 2008. Puspa Kamal Dahal, the chairperson of the Maoist party became Prime Minister of Nepal on 15 August 2008. The responsibility of constructing Sahid-Marg was taken by the government of Nepal.

Today, many people question the necessity of ‘people’s war’ but the conflict provided political and social space to the Dalits, women and ethnic groups in Nepal. It also created political consciousness among the people at the grassroots level, and to some extent, awareness of the need for Nepal’s socio-economic transformation.

From this case study, it is clear that the people perceive the state and non-state institutions differently in different contexts. Whether people trust state or non-state actors is shaped by people’s perception, experiences, political affiliation and role of the government to protect their citizens. People have high expectations with regard to the improvement of their living conditions, worry about potential political and economic disadvantages and fear for their physical security in the violent conflict situation. How people behave in such situations of uncertainty is shaped by their perceptions of the political actors involved (Juan and Pierskalla 2016). In our case study, it can be seen that the general legitimacy for service delivery is attributed to the state. The state was also thought to be more legitimate in terms of process when constructing roads. In the post-conflict years, the state took action to improve and upgrade the road that was constructed by the Maoists. Intervening at this point in time, taking ownership of the road that was constructed under the Maoists and performing with ‘high’ technology reinforced the role of the state as service provider, capitalising on the previous work under the Maoists. It gives a sense that the state was aware of the loss of their legitimacy through parallel service providers and that the interventions were done strategically to gain back legitimacy by people in Rolpa.

7. Conclusion

This article has addressed the dynamics of legitimacy regarding the Sahid Marga. The Maoists

used the project to increase their legitimacy towards the people, within their internal party (ideology), and towards the international community. They also wanted to break down the legitimacy of the state. They succeeded to a certain degree, although the fear and coercion decreased their legitimacy somewhat. The fact that the GoN made great efforts after the 'war' to improve the road means that they wanted to gain back their legitimacy as a government. From these efforts, we see that the GoN was threatened and that it felt that its legitimacy decreased to some extent.

The main point is perhaps that road construction 'for development' is an effective intervention for the Maoist to gain legitimacy and challenge the state mechanism. With regard to the securitization of development, we can state that the Maoists who were labelled as 'terrorist groups' by the state and international community were able to change their image, from destroyers to developers. They used road construction, a very strong and powerful symbol for development, to change their image.

The Maoist strategy was successful in increasing access through the construction of a road. The Maoists worked on almost 100 km of proposed road alignment of which only the first 20 km was vehicle pliable.

One of the main tensions faced by the people involved in road construction was related to the political agenda and the infrastructural work. The political agenda in this case was based on the ideology of the Maoists, as well as the logistic arrangement and accommodation provided by them, and the fear of the state security forces by which they were controlled.

The case study showed that the services that are delivered are of more importance to people than who delivers them. The state's performance legitimacy increased when they took charge of the road again after the conflict. We found that people's perception was largely affected by how the services were delivered and particularly by the lack of opportunity to exercise their interests in the process. Comparatively, people viewed the DoR's implementation process positively, resulting in more legitimacy of state institutions. Currently, however, the state legitimacy is regarded as being significantly undermined by the conduct of the state institutions. The engagement of the Maoists in developmental activities and the cuts in budgets for development in conflict-affected areas, like Rolpa, negatively affected the people's opinion of the state.

Overall, the case study has shown that the state is a key basic service delivery agent. Parallel service delivery is especially threatening to the state legitimacy when it comes with parallel authority claims. The 'successes' of the Sahid Marg could be well explained by an initially weak presence of the state. The construction of the road was depending on changing power relations, the local historical context, and the coercive methods used by the Maoists during the conflict. It may be concluded that the Maoist's involvement in development work with clear ideology had been beneficial for them to win the local and parliament elections in the road connected districts. The project area is still considered one of the hard-core areas of the Maoists in Nepal though they are in mainstream politics today.

Acknowledgements

This research is part of the 'Knowledge Network for Peace Security and Development' carried out in 2011. The authors wish to acknowledge and extend our gratitude to Marit Bakke for her constructive feedback and suggestions, and the anonymous reviewers and the editors for their comments and suggestions. Any shortcomings remain our own.

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