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From Sinners to Saviours: How Non-State Armed Groups use service delivery to achieve domestic legitimacy

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From Sinners to Saviours: How Non-State Armed Groups Use Service Provision to Achieve Legitimacy

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Abstract

This study aims to examine how non-state armed groups (NSAG) use service provision as a tool for achieving legitimacy. Drawing on state-formation, state-building and taxation-governance theory, three core processes are identified that define the relationship between service provision and legitimation. These relate to building capacity through a bureaucratic infrastructure, developing accountability to the population through a bargaining process, and forging and maintaining a social contract. This study tests how valid these processes are when transferred to a non-state context, and how relevant they are for developing a general theory on the legitimation of NSAGs.

List of Acronyms

IHO	International Humanitarian Organisation
LTTE	Liberation Tigers of Tamil Eelam
NSAG	Non-State Armed Group
PA	Palestinian Authority
PSR	Palestinian Center for Policy and Survey Research
TEEDO	Tamil Eelam Economic Development Organization

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1. Introduction

In the post-Cold War era, there has been a shift in the field of armed conflict. Warfare is no longer characterised by the collision of interstate hegemonies, but by sub-national conflict where militias, insurgents and rebels enter the field as key players alongside the state (Kaldor 2012). These non-state armed groups (NSAG) present a new and complex challenge to national policy makers. From a western-centric perspective, these groups are perceived as drivers of 'regime instability, political disorder, violent conflict, and overall conditions of insecurity and violence' (Davis 2009, p.221). They threaten the Westphalian nation-state's monopoly of violence, which Weber (1946, p.78) argued is the very basis of the state's legitimacy. Yet from a local perspective, these groups often derive their mandate from civil society, which sees them as legitimate actors, often representing a subjugated or minority group. This can explain how a group such as Hamas is listed as a terrorist organisation by the European Union and the United States, yet won legislative elections in the Palestinian Territories. Adopting purely military tactics against such NSAGs is likely to alienate the populations that these groups claim to represent, and who perceive the groups as legitimate. On the other hand, allowing them to pursue violent conflict threatens regional stability. Understanding how these NSAGs achieve legitimacy at a local level is fundamental to resolving conflict and establishing sustainable peace.

There is a gap in the current academic discourse, with a need to address legitimacy from a non-state perspective. Much of the seminal work on legitimacy, by scholars such as Weber, Lipset, Beetham, Easton and Gilley, analyses the concept using a nation-state framework. This analysis needs to be extended beyond the state to NSAGs. These groups illustrate that legitimacy is a context-specific and mobile attribute, defined by the relationship between an organisation and the population. This study seeks to form a conceptual framework on the legitimation process of nation-states, by drawing on state-building, state-formation and taxation-governance theory, and test its applicability to NSAGs. Focussing on the provision of key public goods, it aims to elucidate the relationship between service provision and the legitimation of NSAGs. The following research questions are used to guide the subsequent analysis: *how do non-state armed groups use service provision to achieve legitimacy? What are the key processes that shape the relationship between service delivery and the legitimation process?*

This study is organised into seven chapters. Following this introduction, chapter two covers the key terminology used throughout the study. Chapter three reviews the key literature on state-formation, state-building and taxation-governance theory, bringing the three themes together

into one cohesive framework, to identify the core processes that define the relationship between service provision and legitimation. Chapter four covers the methodological approach of the study. It explains how the concept of legitimacy is operationalised by adopting a multilevel analysis, and how data is drawn from case studies to use as evidence to test the conceptual framework. Chapters five and six offer a chronological analysis of the two case studies: Hamas and the Liberation Tigers of Tamil Eelam (LTTE), and tests the processes identified in the literature review. Finally, chapter seven summarises the findings, draws conclusions on the validity of the theoretical processes, discusses the implications and suggests where further work could be targeted.

2. Terminology

Defining key terms ensures a mutual understanding of the parameters of this study and how it contributes to the wider academic discourse. This section begins by examining the term 'legitimacy,' discussing its meaning, how it is achieved and why it is important. The section proceeds with a definition of the term 'NSAG' and identifies the sub-category most pertinent to this study. Finally, it outlines the interpretations of 'service provision' and 'bureaucracy'.

What is Legitimacy?

Adopting the subjective approach to legitimacy, *legitimacy reflects the belief of the governed of the rightfulness of a ruler to govern them, which invokes voluntary compliance with rules, principles or demands*. This conceptualisation is grounded in the work of Max Weber who noted that 'the basis of every system of authority, and correspondingly of every kind of willingness to obey, is a belief, a belief by virtue of which persons exercising authority are lent prestige' (Weber 1964, p.382). As such, legitimacy is a subjective belief, held by each individual about the rightfulness of rule, relative to the moral expectations of society. In contrast, the objective approach to legitimacy involves judging rulers[1] by externally derived moral standards to determine whether they are legitimate or not. This tells us little about the relationship between the governed and the ruler, which is the central concern of this study.

A major critique of the subjective approach is that one accepts as legitimate anything that is believed to be legitimate, regardless of the actions of a ruler, or the moral foundations of their rule. Legitimacy is based on a value judgement relative to one's social and cultural norms, it depends on the belief of the citizens, not on the correctness of the regimes procedures (Barker 1990). In such a case, a despotic and abusive ruler may be perceived as legitimate if the governed believe he or she has a right to govern them.

How is legitimacy achieved?

There is no agreed consensus on how legitimacy is achieved. Given that legitimacy is based on subjective beliefs, it is morally relative, and as such, sources of legitimacy will be context specific and based on the social norms that underpin citizens' perceptions of the right to rule in a

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[1] The term 'ruler' is used throughout this study as a catchall term to describe an incumbent government or political regime.

specific society, at a specific time (McLoughlin 2014). It can be argued that there can be no consensus around the origins of state legitimacy, other than that these are multiple, interconnected and context specific (Gilley 2006). Whilst this is a justified approach, it is possible to outline a number of key sources that are undoubtedly important and consistently re-emerge in the literature.

Weber (1964) famously identified three ideal principles on which legitimacy can be claimed: charisma, tradition and legal-rationality. Whilst this provides a useful starting point, the typology is considered anachronistic and does not take into account the heterogeneity of contemporary societies and the multidimensional sources of legitimacy that expand beyond his three principles (Dogan 2009). Whilst Weber's work introduced the possibility of categorising sources of legitimacy, Beetham (1991) argues that it is deficient as a general theory of legitimisation and for the comparative analysis of political systems in the modern era.

Expanding on the idea of 'tradition' being a source of legitimacy, one can draw on the importance of historic norms and relationships that legitimise political systems. Drawing on African leaders as an example, Hoffmann and Kirk (2013) argue that legitimate rule is often based on client-patron networks formed according to kinship, ethnicity, religion and shared business interests.

This study is concerned with how NSAGs use service provision to gain legitimacy relative to a rival in the form of a state or the dominant ruler. As such, the manner in which states achieve legitimacy through the provision of public goods is of particular interest. Drawing on state-building and state fragility literature, a core function of the state is the provision of vore public goods, including: security (both internal and from foreign enemies), political participation, economic development and employment, a legal framework, welfare gains and democratic rights (Moore 1978; Rotberg 2002; Ghani et al. 2005; Gilley 2006; Brinkerhoff 2007; OECD 2011, Podder 2014b). Providing these goods is one of many sources of legitimacy, and service delivery plays an integral part in meeting these obligations to the population.

Why is legitimacy important?

Legitimate rule can be considered rightful because it meets the moral standards of a political community. As such, legitimacy may be considered important simply from a deontological perspective because it is synonymous with adherence to societal norms. Adopting a social

science lens, legitimacy is also important for a variety of practical reasons relating to the exercising of authority and the stability of a regime. By morally accepting that something is 'right,' a population is inclined to obey the rules that govern society, and the ruler has less need to resort to coercion to gain compliance. The compliant behaviour elicited by legitimacy ensures the stability of the political system (Gilley 1966; Zelditch 1984; Lamb 2014).

Rulers lacking legitimacy are more likely to face opposition and resistance to their authority forcing them to resort to coercion to maintain their rule. Brinkerhoff et al. (2012) illustrate how this dynamic is self reinforcing, leading to instability and violence:

> [W]eak legitimacy leads to a decreased acceptance and the emergence of opposition; repression and the use of force increase to assert control; service delivery capacity declines; and conflict intensifies, leading to further weakening of legitimacy. Thus, illegitimacy becomes both a cause and a consequence of fragility, and complicit in a downward spiral towards state failure. (p.275)

In conclusion, legitimacy is essential for effective governance that minimises coercion and maintains stability.

What is a NSAG?

The term "NSAG" incorporates a large variety of groups. There is no universally accepted definition of the term and attempts to define it are subjective and open to debate (Geneva Centre for the Democratic Control of Armed Forces 2015). The term itself offers two key characteristics: 1) a willingness and ability to use violence to pursue objectives; and 2) operating outside of state control or within an entity not recognised as a state. This leaves a broad typology of sub-groups including warlords, insurgents, militias, paramilitary forces and criminal organisations amongst others.

This study is primarily interested in liberation movements, insurgents, rebel groups and de facto governments without the legal right to rule. Characteristics of such groups include the aim of radical change from the status quo and of conquest and control of a territory, the use of physical rather than psychological violence, and a socio-political agenda rather than an economic one (Schneckener 2006, pp.28-31). In addition these groups possess a degree of cohesiveness as an organisation and their campaigns last a certain duration (Krause and Milliken 2009, p.203). The key characteristic of these organisations is that they are politically motivated and aim to alter the regional power dynamics by force. Policzer (2005, p.8) offers a minimalist definition of NSAGs vis-à-vis the Weberian state: NSAGs are 'challengers to the state's monopoly of

legitimate coercive force'. This definition accommodates the variety and fluidity of NSAGs, but becomes problematic in areas not recognised as states or areas of contested statehood (Risse and Lehmkuhl 2006).

This study uses the following definition:

A NSAG is a cohesive organisation which operates within a given territory outside of state control, or within an entity not recognised as a state. It seeks to challenge the dominant political authority through armed violence in order to achieve a political objective.

What is service provision/delivery?

Service delivery or service provision refers to the distribution of a wide range of resources that citizens depend upon. This study will use the definition provided by Berry et al. (2004) in a working paper on service delivery in difficult environments:

> Service delivery is conceptualised as the relationship between policy makers, service providers, and poor people. It encompasses services and their supporting systems that are typically regarded as state responsibility. These include social services (primary education and basic health services), infrastructure (water and sanitation, roads and bridges) and services that promote personal security (justice, police). (p.8)

This incorporates public goods (non-rival and non-excludable), club goods (impure public goods for which some exclusion is possible), and private goods (completely excludable) that are tangible.

What is bureaucracy?

The most widely analysed approach to bureaucracy is the sociological model based on Weber's (1957, pp.329-341) rational-legal, ideal type. However, for the purpose of this study, a descriptive definition is required, rather than an approach that looks at the sociology of an organisation. Bureaucracy therefore refers to the institutions of public administration for political bodies with territorial sovereignty (Niskanen 1971). This incorporates ministries, government departments, local offices and their employees, including what Lipsky (1980) refers to as 'street-level bureaucracy' (such as schools, police and welfare departments, lower courts) where there is direct interaction between bureaucrats and the population in the provision of services and the collection of taxes.

3. Conceptual Framework

Linking Legitimacy to Service Provision

This study draws on work by Lipset to explore the relationship between service provision and legitimacy. Lipset (1959, p.86) connects legitimacy to the ability of the political system to engender and maintain the belief that existing political institutions are the optimal ones for society. He argues that the best way to instil this belief and gain legitimacy is through sustained effectiveness, 'effectiveness being the actual performance of the government and the extent to which it satisfies the basic needs of most of the population and key power groups' (1993, p.8). In order to be effective and achieve legitimacy, political systems require an efficient state apparatus including a bureaucratic structure and decision-making system.

By meeting the needs of the people, the ruler forges a social contract with the population, whereby the ruler earns legitimacy in return for providing public goods. By upholding their obligations to the population, the contract becomes the key source of legitimacy for the ruler (Grynkewich 2008; Podder 2013). Lipset's (1959) analysis falls short in identifying what the key obligations of the ruler might be. Lipset adopts a reductionist approach, proposing a strategy of fostering economic growth in order to achieve effectiveness and ultimately legitimacy, and does not explore the wider obligations of the political system to the citizenry. Gilley (2006), in a cross-national quantitative analysis on the sources of legitimacy, expands the conceptualisation of the responsibility of the political system beyond the sphere of economic development, to take political and social factors into account. He concludes that legitimacy is predominantly based on performance in delivering good governance, upholding democratic rights and delivering welfare gains. Some studies include service provision as a core function of the state and therefore an explicit part of the social contract (Grynkewich 2008; Brinkerhoff 2007; OECD 2011; McLoughlin 2015), however, it is also an implicit component of the contract, instrumental to achieve broader, core obligations, such as welfare gains or security.

Political authorities gain legitimacy based on how well they fulfil their multiple functions and how they are judged by the citizenry (Brinkerhoff et al. 2012). Service delivery is therefore one of many interdependent variables that play a role in the process of gaining legitimacy. Service delivery is of particular interest because it falls under the direct influence of rulers and can be instrumentalised for their own gain. This study's interest is in exploring how NSAGs use service

delivery to extend their control over a population and present themselves as legitimate political actors, whilst simultaneously undermining the legitimacy of their rivals.

Deconstructing the Social Contract

For a ruler to achieve legitimacy, they must form a social contract with the population and upholds their end of the agreement. Levi et al. (2009) conceptualise the establishment of the social contract as a process whereby a ruler provides welfare enhancing services and gains the trust and confidence of the people over time. As a result, the population attributes legitimacy to the ruler, manifest as a sense of obligation and a willingness to obey their authority. Achieving legitimacy is a gradual and iterative process that balances the expectations of the populace with the capacity and responsiveness of the ruler (OECD 2011). This process is reflected in Easton's (1957, 1965, 1975) analysis of legitimacy, where the development of trust can be seen as the accumulation and transformation of specific support, linked to particular outputs, into a generalised feeling of goodwill towards the political system, referred to as diffuse support.

Service provision does not generate immediate legitimacy. A prolonged period of performance is required, in which a ruler consistently meets the expectations of the people and fosters trust and confidence. Huntington (1968, p.12-13) refers to this as 'institutionalisation,' whereby the longer a political authority meets its obligations, the more value and stability it acquires. As such, brief spikes in support may indicate satisfaction or contentment with a particular output, but are not an indication of legitimacy.

When a ruler fails to fulfil their side of the social contract, NSAGs have an opportunity to step in by providing services in an efficient and incorrupt manner. In doing so, NSAGs draw attention to gaps or inadequacies in the ruler's provision of services, whilst forging a new social contract with the population. Thus they simultaneously undermine the legitimacy of the ruler, and achieve legitimacy themselves. De Waal (1997) offers a comprehensive analysis of how international humanitarian organisations (IHO) undermine national governments in this manner, which can be transposed to NSAGs. Through the creation of parallel structures of service provision, IHOs elicit comparisons between themselves and the government, which are unfavourable to the latter. Consequentially, these organisations appropriate the moral responsibility of service provision and delegitimise the government. NSAGs may seek to intentionally undermine their rival's legitimacy in the same manner.

In addition to service provision, NSAGs will often launch anti-corruption campaigns to draw attention to government corruption in comparison to the group's apparent honesty and integrity (Magouirk 2008). Interpreting corruption as a symptom of governance failure (Landell-Mills 2013), the group in effect highlights the deterioration of the existing social contract and positions itself as a more legitimate actor, committed to meeting the demands of the people.

The Importance of the Apparatus

Drawing on state-formation and taxation-governance theory, this section now analyses the central role that bureaucracy plays in service delivery and the legitimation process. Through the development of bureaucratic structures, states increase their capacity to deliver services, and become accountable to their citizens through state-society bargaining. The capacity to provide services and accountability to the population are both precursors to achieving legitimacy. Politically motivated NSAGs who attempt to establish control over territory and form proto-states develop capacity and accountability in a similar manner.

Bureaucracy, Service Provision and Capacity Building

The bureaucratic structure is essential to build state capacity to govern a territory, as it facilitates the extraction of resources through taxation. These resources fund the development of other governance structures, such as the military or service delivery infrastructure. Tilly (1990) provides an entry point to examine this process in his comparative study of state formation across Western Europe. He argues that having established control over a territory, warriors engage in four crucial activities: statemaking, warmaking, protection and extraction, with the fourth activity providing the means for pursuing the other three. Tilly notes that to facilitate the extraction process, an infrastructure of 'taxation, supply and administration' is created, enhancing state capacity to administer the territory and distribute goods and services (1990, p. 20). Olson (1993) echoes Tilly's analysis, but adopts a rational actor framework. He argues that rather than being forced to administer a territory, 'stationary bandits' have a vested interest to provide security and services, and to foster economic growth within their territory, to the extent that it increases revenue through taxation. Whilst Olson does not address legitimacy or capacity in his work, Podder (2013, p.18) expands on his analysis. She proposes that stationary groups develop capacity by building effective governing structures enabling them to engage in state-building activities.

NSAGs build a bureaucratic infrastructure as part of a strategy to administer a territory and maximise resource extraction. The provision of security and services is a fundamental part of this strategy. By developing their bureaucracy and generating revenue, NSAGs enhance their capacity to control and administer their territory (OECD 2008b). Enhanced capacity does not drive the legitimation process on its own; it is one of the preconditions to effectively meet the demands of the people. NSAGs will only be incentivised to act in this manner if they are accountable to the population, a relationship that emerges through bargaining with the people.

Bureaucracy, Service Provision and Bargaining

Accountability ensures that rulers use their capacity to meet the needs of the people rather than to pursue selfish goals (though the two are not mutually exclusive). Without accountability mechanisms, states may build capacity and exert power in predatory ways. Drawing on taxation-governance theory, states dependent on taxpayer-citizens bargain with the population over the conditions of taxation and service provision, in order to achieve compliance and minimise the cost of coercion (Moore 2007; D'Arcy 2012;). This bargaining takes place through the service and taxation bureaucracy, which is the point of interaction between citizen and ruler (Van de Walle and Scott 2009; Ringold et al. 2012; McLoughlin 2015). As Levi (1988, p.118) notes '[n]o ruler could collect taxes without consulting the people to be taxed'. The bargaining process incentivises states to promote prosperity and improve public policies to meet citizens' demands (OECD 2008a). As such, the service and taxation bureaucracy provides the locale to establish accountability to the population resulting in rulers that are responsive to the needs of the people (Prichard 2009). Al-Awadi (2004, pp.92-93) offers an example of the bargaining process in a study of the Muslim Brotherhood in Egypt. When providing services on university campuses, the organisation distributed questionnaires to obtain student feedback to better understand the students' needs.

There are three key processes that can be identified that form an integral part of the relationship between service delivery and legitimacy.

1. *Driven by a revenue incentive, NSAGs develop a bureaucracy to extract resources through taxation to fund their military operations. This builds their capacity to administer a territory and provide services.*

2.   *The expanding bureaucracy represents the face of the NSAG, and through a process of interaction and bargaining with the population, the NSAG provides services with input legitimacy and accountability to the people.*

Having built the capacity to provide services effectively, and the developed accountability to the population, the final process brings the first two together over a period of time:

3.   *The NSAG provides services in a manner that is effective and responsive to the needs of the population forging and maintaining a social contract over time that earns the NSAG legitimacy, whilst simultaneously undermining the legitimacy of its rival.*

Contesting the Conceptual Framework

In an analysis of Latin American guerrilla movements Wickham-Crowley (1987, p.483) asserts that resource demands on the population are minimal in the early phase of governance, which is characterised by a 'bestowal of gifts' upon the population. Therefore guerrillas are not initially driven by a revenue-incentive as argued by the state-formation literature (Tilly 1990; Olson 1993). This proposition calls into question why NSAGs would develop a bureaucratic infrastructure if not incentivised by resource extraction. Wickham-Crowley still connects building capacity to service delivery, but does not elaborate on what incentivises guerrillas to build capacity, the mechanism by which this occurs, or the role of bureaucracy.

Another contestation to the state-formation and taxation-governance theory argues that external funding is required to build capacity, as resource extraction by taxation is time consuming and expensive. Magouirk (2008) argues that the provision of services is expensive, requiring financial and human resources. As such, groups with high levels of external funding are more likely to utilise service provision strategies to signal commitment to long-term governance. Groups with few financial resources are more likely to use coercion as a cost-effective way to extract resources, rather than build a bureaucratic structure. With access to external funding, a ruler may build capacity, but is not incentivised to bargain with the citizenry, given that there is little financial dependence on them. Therefore, the ruler is unlikely to establish the accountability mechanisms necessary for legitimate rule. Magouirk's analysis contradicts influential work that argues that the presence of external funding either in the form of lootable resources or foreign sponsors increases violence towards civilians (Podder 2014a; Weinstein 2007; Wood 2010). Whilst Magouirk's analysis hinges on the availability of funding, he does not

consider the different incentive structures that are formed when the revenue source is not connected to the population.

Factors that can disrupt the relationship between service provision and achieving legitimacy

Alternative Revenue Base

NSAGs that depend on revenue from citizen-taxpayers are incentivised to build a bureaucratic structure to facilitate taxation and service provision, and create a stable environment that fosters prosperity. Groups that are able to secure revenue sources unconnected to the population face a different incentive structure, as they are not dependent on the population. As such, they can coerce or violently exploit civilians without fear of undercutting their revenue base, and have no incentive to build a bureaucratic structure or provide services (Wood 2010, p.612; Podder 2014a). Weinstein (2007), in a study of four NSAGs, argues that resource-wealthy organisations attract a particular type of opportunistic individual that is more likely to use indiscriminate violence against civilians, as opposed to forming cooperative relationships and providing services.

In a conflict setting, the opportunity to take advantage of war economies may provide an alternative revenue source that benefits multiple actors in a conflict. Keen's (2005, 2008) work frames war as a system rather than as a contest to show that supposedly rival groups often cooperate with each other to meet mutual economic agendas. Focussing on the Sierra Leone civil war he illustrates how abuse of civilians escalated as rebel and government troops collaborated to loot and extract diamonds. When there are sources of revenue unconnected to the citizenry, such as natural resources, foreign sponsorship, diaspora remittances or from illicit activities such as the narcotics trade or human trafficking, NSAGs are more likely to forge an abusive relationship with the population, rather than invest in a bureaucracy to provide services.

Coerced into Entering the Social Contract

If service recipients are forced into entering the social contract and have no choice but to accept the services provided by the organisation, the relationship between the NSAG and the population becomes tainted by coercion, and is not based on trust and accountability. Flanigan (2007, pp.647-649) notes that there is an unequal power dynamic at play when the recipients are poor and disenfranchised and are unable to obtain services elsewhere. In such a situation

recipients may not be physically coerced into accepting services, but their socio-economic conditions force them to consume the services from whoever provides them. In other situations, recipients may accept services for fear of punishment should their refusal be seen as an act of defiance or hostility. Levi and Sacks (2005, p.5) refer to this as 'quasi-voluntary compliance' based on a combination of coercion and cooperation. Such service provision that is imposed on the population either indirectly due to lack of other options or through fear is less likely to build trust and confidence in the provider.

The Process of Providing Services Lacks Input Legitimacy

If the procedural aspects of service provision are not deemed to be fair, inclusive and proper, then the services are unlikely to generate legitimacy. In a study on the provision of WASH services in Botswana, Stel and Ndayiragije (2014, p.10) note that it was 'the process of interaction, co-ordination and joint implementation rather than the projects' concrete effects on service delivery . . . that impacted people's perceptions of the state.' This is supported by an earlier cross-national study of service provision by the Peace, Security and Development Network (2012) which concluded that local involvement, community representation and accountability mechanisms were key in determining whether beneficiary communities attributed legitimacy to service providers. Krasner and Risse (2014, p.547) add to the discussion, stating that services lacking input legitimacy fail to engage politically relevant actors in the population, and therefore do not identify and address the needs of the people. Gordon (2011), in an analysis of service provision by Provincial Reconstruction Teams (PRT) in Afghanistan, illustrates how service delivery lacking input legitimacy fails to legitimise the provider. Projects suffered from the perception of insufficient community engagement and accusations of corruption. As a result, projects lacked local ownership, failed to meet community needs and alienated the local population (p.45-46).

The population's expectations and perceptions regarding service delivery

Actors will not achieve legitimacy if the outcomes and the procedural nature of service delivery do not meet the standards expected. Bellina et al. (2009, p.3) argue that irrespective of the procedures adopted or the objective output, people's expectations are the focal point against which services are measured. As such, in certain scenarios, the quality of services may increase, but the ruler may lose legitimacy if the population had expected greater improvements. Conversely, the quality of services may decrease, but the ruler may gain legitimacy if the people had expected a greater deterioration in service quality. Empirical studies by Guerrero (2011, p.21) in Colombia and Stel and Ndayiragije (2014, pp.15-17) in Botswana support this position.

People's perceptions are also more important than objective results when attributing legitimacy to a service provider. This is particularly pertinent when citizens incorrectly perceive that services are delivered by one actor when in fact they are delivered by another. McLoughlin (2015, p.350) analyses this in the context of citizens incorrectly attributing service provision to NGOs when they are actually provided by the state, or vice versa. This phenomenon is evident in the sphere of NSAGs, where groups will intentionally mislead the population in order to gain credit for the service delivery of others. Mampilly (2011, p.154) offers an example in the SPLM/A in South Sudan, who controlled the actions of aid organisations and ensured that the distribution of foreign funds, resources, and services went through their own structures so that the local population credited them with the delivery of the services. By misleading the population in such a way, NSAGs can achieve legitimacy in the eyes of the people whilst engaging in superficial service provision.

The actual performance of service provision is an important variable, but arguably what is more important is how citizens perceive this performance, and whether it meets their expectations. As such, legitimacy is based on a normative judgement of service delivery, rather than the objective outputs.

4. Methodology

Case Study Selection

This study adopts a qualitative approach drawing on two explanatory case studies (Yin 2003), in order to gain an in-depth knowledge of how service delivery generates legitimacy, with the aim of deconstructing this process in different contexts. The case studies were chosen based on a typical case methodology (Gerring 2007), with both Hamas and the LTTE indicating a priori that service delivery plays a central role in the legitimation process. Hamas' legitimation is evidenced through its successful performance in municipal and legislative elections, alongside its transformation from a militant group with a network of social services, to the de facto government of the Gaza strip. The LTTE developed a comprehensive service bureaucracy to deliver public goods, and achieved legitimacy as many civilians in rebel-held areas came to view the group as the sovereign authority.

Operationalising Legitimacy

Because legitimacy is associated with the subjective belief, it is an unobservable phenomenon and problematic to measure. Sustained support can be used as a proxy for legitimacy. However, there is the possibility that support is mistaken for coercion or bribery. As an example, if one measures support by the rate at which members of the population join a NSAG, one may conclude that high levels of recruitment indicate legitimacy, when in fact the NSAG may be using coercion and the threat of violence to force membership.

To avoid the pitfall of mistaking legitimacy for another variable, this study adopts a multilevel analysis of legitimacy focusing on three levels (Lamb 2014):

- Individual-level (through interview and survey data)
- Group-level (through public actions and voting patterns)
- System-level (looking at the behaviour of the NSAG to discern if it is in line with the norms and values of the population).

This ensures a congruent approach to identifying legitimacy, and if there are disparities in the evidence at the different levels of analysis, one can conclude that support is not based on legitimacy. As an example, surveys and election results may indicate support for an NSAG at individual and group level, but one can only infer that this is indicative of legitimacy if it is

corroborated by system level analysis, i.e. the NSAG's behaviour is in accordance with the values of the population.

Transforming Descriptive Data into Analytical Explanations

The dissertation organises the case study material in a chronological narrative to provide the reader with a structured account of the case studies, whilst developing a theoretically focused analysis (George and Bennett 2005, p.94). This approach reflects a theory-guided process-tracing analysis, which seeks to draw explanatory inferences from diagnostic evidence embedded in the case study narratives (Collier 2011). As Büthe (2002) notes with regard to narratives:

> Insofar as they are independent of the information used to construct the [theoretical] model, these narratives can serve as data to test the model or as "evidence" to support the model's plausibility. (p.482)

Materials and Resources Used

Empirical data is obtained through a desk review of secondary sources including books, academic journals, policy reports and survey data.

Limitations

Social processes are highly complex phenomena that do not lend themselves to universal explanations involving two or three variables (Tilly 2003, p.40). Therefore, this study will not seek to validate a singular causal theory connecting service provision with legitimacy. Instead, this study seeks to identify any covariance between service provision and legitimation and explore certain mechanics in the relationship.

Finding reliable and accurate data relating to rebel groups can be problematic. Given that these groups often operate outside formal administrative structures there are few (if any) official records offering information such as financial sources.

Given the nature of the subject, the literature on NSAGs is sometimes subject to partisan bias. Secondary data is presented through the lens of the author and there is a degree of subjectivity in the interpretation of the primary data.

Given the limitations, this study can be classified as what Van Evera (1997) terms a 'straw in the wind test', that is, a test that is not decisive by itself and cannot definitively confirm or rule out a given theory, but can instead provide useful information that sheds some light on the theory's relevance.

The next two chapters analyses the case studies of Hamas and the LTTE to see to what extent they conform to the theory. Each case study begins with a brief introduction and background to the relevant NSAG.

5. Hamas in Gaza

Background

Hamas is the acronym for the Movement of the Islamic Resistance (*Harakat al-muqawama al-islamiyya)*, an organisation defined by the ideologies of "resistance" and Islam. It sought to end Israeli occupation of the West Bank and Gaza, and form a sovereign Islamic Palestine, through a combination of military resistance, political organisation, charity and social work. Hamas has pursued a strategy that combines armed resistance against Israel in the form of suicide bombings and rocket launches through their military wing (*Izz Eddine al-Quassam Brigades)*, with the extensive provision of social services that seek to improve people's welfare and form a unified identity based on shared norms of behaviour (Malka 2007). This study picks up from the signing of the Oslo Peace Accords in 1993.

Evolving Legitimacy

During the Oslo Peace Process (1993 – 2000) Hamas benefitted from a stable level of legitimacy among the Gaza population. Adopting a multilevel approach, survey data and election performances serve as positive individual-level and group-level indicators of support. Surveys conducted by the Palestinian Center for Policy and Survey Research (PSR) show consistent support for Hamas from between 10 and 20 per cent of the population, whilst the group performed well in local non-political elections. Hamas achieved public backing to a large degree through the extensive provision of social services in an accountable manner, indicating system-level behaviour in accordance with local norms.

Following the start of the Second Intifada in September 2000, individual-level and group-level support for Hamas steadily increased. Surveys show public backing climbed to a peak in March 2006 when 41% of the population in Gaza declared support for Hamas (PSR Poll♯19 2006), and the group performed well in municipal elections between December 2004 and January 2005, ultimately gaining a majority vote in legislative elections in January 2006 (Pina 2006; Berti 2015). A system-level analysis shows that during the intifada, Hamas continued to provide essential services, whilst the institutional infrastructure of the ruling Palestinian Authority (PA) was destroyed by the Israeli military campaign, undermining their ability to meet the population's needs. More importantly, however, the start of the intifada marked a change within Hamas, as it drastically accelerated its military campaign against Israel providing a coherent strategy of resistance, when no other group could (Roy 2004).

This study argues that service provision earned Hamas a baseline level of legitimacy as is evidenced from 1993 to 2000 during the Oslo Peace Process period. Service delivery remained important during the intifada, however the marked rise in legitimacy from 2000 onwards coincides with the Hamas' shift in strategy as it accelerated its military campaign against Israel using rocket attacks and suicide bombings. As such, service provision was important to establish legitimacy, but in a context of violent conflict and occupation, the legitimation process accelerated as the group provided a strategy of resistance.

Forging the Social Contract and the Role of Bureaucracy (The Oslo Peace Process 1993 – 2000)

Between 1993 and 2000 Hamas achieved legitimacy by forging a social contract with the Palestinian population, as it shifted its focus towards the socio-economic sphere through the provision of services, in recognition of increasing opposition to military activity. The group delivered services through a well-developed institutional infrastructure inherited from the Muslim Brotherhood. This included schools, mosques, social and sports clubs, medical clinics, *zakat* committees and food distribution networks (Abu-Amr 1993, p.14). Through this grass-roots service delivery, the organisation developed a reputation for honesty and integrity, which translated into strong performances in local elections in universities, workplaces and trade unions (Roy 2014; Berti 2015, p11). The evidence illustrates how Hamas developed a social contract with the Palestinian population through the gradual and iterative process of gaining trust and legitimacy, by effectively meeting the needs of the people, as described by Levi et al. (2009).

Roy's (2011) ethnographic research offers a micro level perspective of service delivery by Hamas affiliated Islamist social institutions (ISI) that represented the face of the organisation. She shows how the service bureaucracy was efficient and accountable to the population through a process of engagement and bargaining, ensuring that service delivery benefitted from input legitimacy. As an example, she notes a range of community outreach initiatives organised by the al-Jam'yya organisation, which ran thirty-five kindergartens throughout Gaza, which included:

> [O]rganized meetings between mothers and teachers designed to address children's problems; community meetings between school officials and parents designed to solicit their input on kindergarten activities; and invitations to parents to visit kindergarten classes and observe. (Roy 2011, p.172)

The evidence illustrates the inclusive nature of service delivery, and how the engagement between citizenry and street-level service bureaucracy generated input legitimacy (Moore 2007; OECD 2008a; Van de Walle and Scott 2009; OECD 2010; D'Arcy 2012; Ringold et al. 2012; McLoughlin 2015). Through this service provision, Hamas forged a social contract and was able to achieve a stable level of diffuse support, value and legitimacy from the Gaza population (Easton 1957, 1965; 1975, Huntington 1968).

The Al-Aqsa Intifada and the Accelerated Legitimation of Hamas (2000 – 2006)

The outbreak of the second intifada saw the beginning of a steady rise in support for Hamas. An increasing number of people recognised the group as a legitimate organisation, as it continued to provide services alongside military attacks against Israel. This culminated in Hamas' strong showing in municipal elections between in 2004 and 2005, ultimately winning the January 2006 legislative elections following Israeli withdrawal from Gaza (Pina 2006; Berti 2015). Given the severely deteriorating socio-economic conditions in Gaza, the rise in legitimacy cannot be attributed to welfare gains or economic development caused by service provision, as Lipset (1959, 1993) proposed. Instead, the population's perception that Hamas offered the best solution to end Israeli occupation led to the rise in legitimacy, as the social contract between Gazans and the PA collapsed.

The intifada saw a politico-military campaign launched by Israel against the PA, resulting in the large-scale destruction of its institutional infrastructure including police stations, prisons and security forces, its leadership command structure and its administrative apparatus (Roy 2004, p.260). This significantly diminished the PA's capacity, leaving it unable to fulfil its commitment to Palestinian citizens under the social contract in three key areas: security, corruption and economic stability (Pina 2006, pp.2-4). The PA had a reputation for widespread corruption and cronyism and appeared to be plagued by internal divisions (International Crisis Group 2002). Its inability to ensure the security of civilians both from Israeli attacks and from internal instability and criminality deeply discredited its leadership (Scholey 2007, p.135). Finally, the deepening economic crisis resulted in dissatisfaction with the organisation (World Bank 2004). The breakdown in the social contract with the PA created space for Hamas to forge a new contract defined by a combination of service delivery and military attacks.

Hamas was able to achieve legitimacy during the intifada partly by maintaining a level of service delivery, but also by offering a strategy to end the occupation. Survey data shows that whilst

poverty, unemployment, corruption and internal anarchy were key concerns for the Palestinian population, ending the occupation was consistently one of the top three priorities during the intifada (PSR Poll#2 2001; PSR Poll#5 2002; PSR Poll#13 2004; PSR Poll#16 2005; PSR Poll#17 2005). The civilian population linked the aforementioned issues of poverty, internal anarchy etc. to the Israeli occupation. Therefore, their central demand was for resistance.

The population believed that violence was best way to end the occupation. Survey results during the intifada show that over ninety per cent of Gazans consistently supported attacks on Israeli soldiers and settlers, and over sixty per cent supported attacks on Israeli civilians (PSR Poll#5 2002; PSR Poll#9 2003; PSR Poll#11 2004). Through its use of suicide bombings and rocket launches, Hamas emerged as the party of resistance, and obtained legitimacy by offering the most organised strategy to end the occupation. A September 2005 poll (PSR Poll#17 2005) shows that 91.9% of Gazans viewed Israeli withdrawal as a victory for armed resistance, with 41.6% of Gazans believing Hamas deserved the greatest credit for the withdrawal (18.3% credited the PA, and 9.7% credited Fatah). As such, Hamas achieved legitimacy during the intifada from its ability to challenge, if not end the occupation, not from providing services within the occupation.

What about the disruptive factors?

Perceptions played an important role in apportioning legitimacy to Hamas from the provision of services by ISIs. Roy (2011, p.164) notes that beyond staff support for, or membership of Hamas, the relationship between the group and ISIs was very unclear, and in specialised sectors, such as healthcare and education, it is unlikely that Hamas played any direct role. In many cases, 'common knowledge' that a mosque, *zakat* committee or orphanage was linked to Hamas, was only an assumption and not founded on any official linkage (International Crisis Group 2003, p.11). ISIs were connected to Hamas to varying degrees, and according to people's perceptions of this connection, the population would have attributed legitimacy to Hamas based on the service provision of the ISI. As such, at times, Hamas may have gained legitimacy from the activities of ISIs, whilst having minimal input in providing services.

Whilst Hamas received local financial support in the form of *zakat*, the vast majority of its revenue was obtained internationally from foreign charities and governments (Levitt 2006). This could have led to an abusive relationship between Hamas and the population, as the group would have had little incentive to build a bureaucratic infrastructure or bargain with the

population (Podder 2014a; Weinstein 2007; Wood 2010). In Hamas' case, the group inherited the bureaucratic infrastructure from the Muslim Brotherhood and therefore did not have to invest heavily to set it up. With regard to being accountable to the population, Bhasin and Hallward (2012) argue that Hamas' donors were primarily concerned with civilian welfare, and as such, Hamas' incentives aligned with those of the donors. The group had to ensure that it met the needs of the population and was accountable to Gazans to maintain external financial support. The example of Hamas shows that even with an external revenue source, an NSAG can be incentivised to provide services in an accountable manner, enabling it to achieve legitimacy.

6. The Liberation Tigers of Tamil Eelam (LTTE)

Background

The LTTE was an ethno-nationalist insurgent group, seeking the establishment of an independent Tamil state in Sri Lanka, based on national self-determination. The group's inception can be traced back to 1976, and it was engaged in armed conflict with the Sri Lankan government from 1983 until its official defeat in 2009. This study picks up from the departure of the Indian Peacekeeping Force (IPKF) from Sri Lanka in 1990, at which point the LTTE assumed control over northern and eastern parts of the country.

The LTTE is considered one of the most sophisticated NSAGs ever assembled with a complex and highly structured military wing accompanied by a supporting political wing and international network (Richards 2014, p.6). The military apparatus comprised ground forces, a naval wing (The Sea Tigers), an air force (The Air Tigers) and a suicide-bombing unit (The Black Tigers). In addition, the group engaged in extensive service provision throughout rebel-controlled territories, controlling the security sector, through a judiciary and police force, whilst providing health and education by leveraging state institutions.

Assessing the LTTE's Legitimacy

Having asserted control over territory, the LTTE developed its bureaucratic infrastructure to establish internal security, and extract revenue from the population to fund military action against the Sri Lankan government. This is characteristic of 'stationary bandit' behaviour, supporting the state-formation literature (Tilly 1990; Olson 1993, Podder 2013). The LTTE created health and education ministries, a legal system comprising both a police force and a judiciary, and a comprehensive tax authority (Mampilly 2011). Taxation-governance theory postulates that through the expansion of the bureaucracy, the LTTE should have engaged in a bargaining process with the population (Levi 1989, Moore 2007, D'Arcy 2012) to develop an accountable service delivery system that would initiate the development of a social contract. Whilst this may have occurred in some instances, the LTTE routinely resorted to coercion to govern its territory, disrupting the legitimation process.

Adopting a multilevel analysis, the LTTE earned a contested legitimacy, where the gains made by service provision were undermined by exploitative behaviour in other aspects of governance. There was individual-level and group-level support for the LTTE with regard to the provision of security services including the police and judiciary, as Tamils expressed preference for the group

as a provider, compared to the Sri Lankan government (Stokke 2006; Mampilly 2011). This is supported by system-level analysis of LTTE behaviour in these sectors, deemed to be effective and trustworthy (Gerharz 2014). In other areas of governance, however, the LTTE used coercion and violence, particularly in the recruitment of soldiers, collection of taxes and elimination of political opposition. This abusive system-level behaviour reduced support as shown by group and individual-level analysis:

> We have a love and hate relationship to the LTTE, it is said. We love them when they die for us, and hate them when they take money from us. (Academic interviewed in northern Sri Lanka 2002 cited in Orjuela 2009, p.263)

The LTTE earned an equivocal legitimacy, where its abusive actions towards the Tamil population disrupted the legitimation process driven by service provision.

Forging a Social Contract through Inclusive and Effective Service Provision

Both the judiciary and LTTE police forces achieved a degree of legitimacy due to the manner in which they operated, which contributed to the LTTE's overall legitimacy (Gerharz 2014). The population saw the judiciary as effective and professional relative to the previous system of citizens' committees, whilst the police forces recruited members from the local population and placed a strong emphasis on integrity and public relations (Stokke 2006, p.1028). Tamils in government-controlled areas frequently crossed into rebel territory to file cases in the LTTE judicial system (Mampilly 2011, p.119) and the LTTE police force 'was more trusted to uphold the law, to maintain order and to enhance the personal security of the people in everyday life' compared to their government counterparts (Gerharz, 2014, p.71). The evidence indicates that the Tamil population perceived these LTTE institutions as legitimate, and that the institutions compared favourably against government alternatives.

In certain sectors of service provision, the LTTE encouraged local ownership, indicating input legitimacy. The Tamil Eelam Economic Development Organization (TEEDO) offers a case in point. Tasked with coordinating efforts to rebuild rebel territories damaged by war, the organisation held local Town-hall meetings to provide local residents and civil society actors with the chance to give feedback on plans for reconstruction and development (Mampilly 2011, p.110). Through such communication and interaction with the Tamil population in rebel-held areas, the LTTE forged a social contract, enabling the group to achieve a degree of legitimacy.

Working with the Enemy

Whilst service provision in security (police and judiciary) and reconstruction development enabled the LTTE to obtain legitimacy, the group adopted a very different approach to the delivery of healthcare and education. The LTTE built a service bureaucracy mirroring the government administration. However, rather than delivering services parallel to the government so as to elicit favourable comparisons (De Waal 1997), the group developed an elaborate system for controlling and channelling the resources of the government to portray these services as coming from the Tamil Tiger "state" (Flanigan 2008). Following the withdrawal of the IPKF, the LTTE leaders asked their government counterparts to resume service provision in LTTE controlled areas, whilst the rebel bureaucracy adopted an auxiliary role, regulating and supplementing government services (Orjuela 2009, p.259; Mampilly 2011, pp.112-113). The evidence suggests a strong degree of collaboration between the LTTE and the Sri Lankan government:

> At the district level, the LTTE staff coordinate their activities with the Government Agent (GA) and his staff. No decisions that concern the welfare of the people are taken by the GA's office or government officers or committees without consultation with LTTE officers responsible for the sector and/or area. (Nadesan 1996 cited in Stokke 2006, p.1030)

This approach to healthcare and education stands in stark contrast to the theory that NSAGs instrumentalise service provision to undermine the legitimacy of the ruler. Instead, the LTTE worked alongside government institutions to meet the needs of the civilian population. This arrangement allowed pre-existing government institutions to deliver services, whilst the LTTE oversaw and regulated the process, and worked to both the Sri Lankan government's and the LTTE's benefit. The government maintained a link to the Tamil population attempting to portray itself as the sovereign power, whilst the LTTE was able to keep the local Tamil population satisfied without having to invest resources in service provision (Mampily 2011).

What about the disruptive factors?

The LTTE influenced the perceptions of the Tamil population by creating the image of a welfare state, whilst in reality only playing an auxiliary role in sectors such as education and healthcare. The government paid the salaries of doctors, nurses and teachers, whilst the LTTE generally held an advisory and advocacy role, relying on INGOs to fill gaps in provision, particularly following the 2002 peace agreement (Richards 2014, pp.46-47). The LTTE made considerable efforts to

portray itself as the main service provider, directing the service activities of the government and INGOs through its own organisations, and appointed LTTE steering committees to government agencies that provided services (Flanigan 2008, p.504). In doing so, the LTTE ensured that the population under its control perceived it as the primary service provider.

Coercion was an integral part of LTTE governance, particularly with regard to taxation and recruitment (Human Rights Watch 2004), and was a key factor in undermining the group's legitimacy. The group used threats, forced detention and torture to force people to donate money, and it established control over companies and plantations, and appropriated fertile agricultural land in areas such as Amparai and Batticaloa districts (Sarvananthan 2007, p.46; Lilja 2009, p.315). The taxation system was seen to be corrupt and characterised by weak vertical accountability between citizens and the LTTE state, reflecting taxation without representation (Stokke 2006, p.1034). There is little evidence of a bargaining process taking place as proposed by taxation-governance theory.

With a diversified revenue base, the LTTE's relationship with the population was partly predatory as elucidated in the previous paragraph. The group received funding from property and investment portfolios, small-scale business investments, white-collar crime, such as loan fraud and credit card fraud, and most importantly, the trans-national diaspora, which provided circa 80 per cent of the group's annual income (Fair 2005, p.140; Smith 2007, p.219). The fact that the LTTE did not resort to more intense, violent exploitation of the population, as suggested by Wood (2010) and Weinstein (2007), and engaged in service provision, can be put down to three factors: i) the LTTE still relied on local taxation; ii) the group had plans for long-term governance and sought to earn the support of the people; and iii) in a manner that reflects the case of Hamas' donors, the diaspora's interests were tied with those of the local population. As such, the LTTE was forced to provide services to present itself as the legitimate representative of Tamil nationalism, in order to maintain the flow of diaspora remittances.

7. Discussion and Conclusion

Summary

Following a review of the literature, this study identified three processes that were central to explaining how NSAGs achieve legitimacy by providing services. These processes were analysed through the review of two case studies, and the findings are presented below.

Building Capacity

The first process emerged from the state-formation literature (Tilly 1990; Olson 1993; Podder 2013): *driven by a revenue incentive, NSAGs develop a bureaucracy to extract resources through taxation to fund their military operations. This builds their capacity to administer a territory and provide services.*

This process does not appear relevant in the two case studies. It ignores the wider context in which NSAGs establish themselves, and the impact this context has on building bureaucracy and capacity. Hamas did not need to invest heavily to build a bureaucratic infrastructure as it inherited a network of service institutions from the Muslim Brotherhood. The process also overlooks the manner in which groups can take advantage of existing infrastructure, rather than build new parallel structures. The LTTE only built a shadow service bureaucracy in sectors such as education and healthcare, to control the services provided by the Sri Lankan government.

The process also fails to take into account exogenous factors such as donors' interests, and endogenous factors such as the NSAG's motivations for future governance, which can play an instrumental role in the bureaucracy building process. In Hamas' case, the interests of charities and foreign sponsors were tied to the welfare of the citizens, incentivising the groups to further develop its bureaucracy and provide services. In addition, both Hamas and the LTTE had intentions of establishing and governing sovereign states. Building a bureaucracy and creating taxation and service delivery systems was a natural step towards that goal, irrespective of the provenance of the group's financial sources.

Developing Accountability

The second process draws on taxation-governance theory (Levi 1989; Moore 2007; Prichard 2009; D'Arcy 2012; Ringold et al. 2012): *the expanding bureaucracy represents the face of the NSAG, and through a process of interaction and bargaining with the population, services are provided with input legitimacy and accountability to the people.*

Both case studies provide clear evidence of this process taking place, and of services being delivered through consultation and bargaining with the population and subsequently building trust and garnering support. Hamas gave citizens the opportunity to provide feedback and offer input with regard to service provision, and it was through this interaction with street level bureaucracy that they judged the service provider. Evidence from the LTTE showed that engagement with the police force and local consultation in the reconstruction process were important aspects of service delivery. There is less evidence of the LTTE engaging with the population in the healthcare and education sectors. In these areas where the group took an overseeing role, data is lacking to determine how the citizenry evaluated these services, and whether they judged the LTTE or the government as responsible. The second process remains relevant and an important part of the legitimation process. The more that NSAGs incorporate citizens into service provision and allow them to bargain and offer input, the more likely it is that services will be accountable and responsive to people's needs.

Establishing the Social Contract

Having built the capacity to provide services effectively, and developed accountability to the population, the final process involves achieving legitimacy: *the NSAG provides services in a manner that is effective and responsive to the needs of the population, forging and maintaining a social contract that earns the NSAG legitimacy over time, whilst simultaneously undermining the legitimacy of its rival* (Lipset, 1959, 1993; Grynkewich 2008; Levi et al. 2009; OECD 2011; Podder 2013).

Hamas established a social contract with the Gaza population as the group achieved legitimacy as evidenced by survey data and election performances. The worsening socio-economic conditions brought on by the Al-Aqsa intifada elicited direct comparisons between Hamas, who continued to provide essential services, and the PA who were seen to be ineffective and plagued by internal divisions and corruption. This illustrates how Hamas achieved legitimacy whilst undermining that of the PA. Hamas' rising support during the intifada can in part be attributed

to service provision, but the group also provided an organised strategy for resistance against the occupation. Disentangling the role of service provision in the legitimation process is problematic. As such it is difficult to ascertain to what extent it was service provision rather than resistance that boosted Hamas' legitimacy. At a minimum, service provision allowed the group to obtain a baseline level of legitimacy during the Oslo Peace Process period (1993 – 2000), and contributed to some extent to the group's rising legitimacy thereafter.

The case of the LTTE is more complex, and it appears that the coercive and predatory behaviour of the LTTE undermined the legitimation gains made through service provision. As such, the group obtained a contested legitimacy characterised by a 'love and hate relationship' with the population as evidenced in the interview cited in Orjuela (2007, p.263). The evidence also shows that depending on the context and incentive structures, NSAGs can take control of their rival's service bureaucracy to meet the needs of the people as the LTTE did. This is a more cost-effective strategy compared to building a parallel service structure, and by adequately manipulating the perceptions of the people, the NSAG can still undermine the legitimacy of the government by presenting itself as the primary service provider.

Implications

The results show that NSAGs can use service delivery as an effective strategy to gain legitimacy whilst undermining the legitimacy of a rival. Of the three processes identified, the first, relating to capacity building, appears anachronistic. It fails to take into account the specific context and the incentive structures that can lead to the building of a bureaucracy, even when an NSAG is not dependent on the local population. The remaining processes remain relevant, however they underplay the importance of the population's perceptions as to i) who is providing services and; ii) how service delivery is connected to the NSAG. The case of the LTTE shows how the group attempted to claim credit for services provided by the government. Evidence from Hamas shows that the group achieved significant legitimacy, despite vague and ambiguous connections to hospitals, schools, orphanages etc.

The findings also illustrate that legitimacy must be measured as a multidimensional concept taking into account the various factors that affect the legitimation process. Legitimacy gains from service provision cannot be separated from the loss in legitimacy due to coercive and authoritarian governance (LTTE), or from further gains due to armed resistance (Hamas).

Legitimacy is achieved in a multitude of ways, and without access to primary data, disentangling which factors are most important in driving the legitimation process is problematic.

This study finds that service provision that is effective and accountable to the population is an integral part of providing NSAGs with a baseline level of legitimacy. However, people's perceptions of who is providing services, and how the services are connected to the NSAG, underlie how service provision leads to legitimacy. Service provision is also only one of many variables that affect legitimacy, and further studies could adopt a holistic approach, addressing how different context-specific factors intertwine and impact the legitimation process.

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