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Human Security in Fragile States



Unravelling public authority

paths of hybrid governance in Africa

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IOB
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Africa

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Hybrid governance: just new development jargon or a useful conceptual tool?

Widespread disillusionment with ‘failed state’ perspectives on African governance has drawn attention to new forms of order emerging on the ground in areas where the presence of the state is weak. The term ‘hybrid governance’ has emerged to refer to these new organizational arrangements, incorporating local institutions and popular organizations, which fill gaps in state capacity. Related concepts such as ‘governance without government’, ‘twilight institutions’, ‘real governance’ or ‘negotiated statehood’ view governance as the outcome of complex negotiations between a number of actors, groups and forces.^{1,2,3,4,5} Instead of focusing on fixing failed states, development practitioners and academics are asking new questions about whether more appropriate forms of order can be constructed by ‘working with the grain’ of local institutions.⁶ Given the burgeoning popularity of hybrid governance in current development thinking, it is worth asking if it is just new development jargon or does it provide a useful conceptual tool for facilitating more grounded and sustainable systems of organization in fragile parts of Africa?

This question was examined in the context of a recent workshop on hybrid governance organized in collaboration between the London School of Economics and the University of Antwerp, and attended by academics and practitioners from Europe and Africa (Box 1). Drawing on current, empirically grounded research, participants explored the realities of hybrid governance in a range of fragile and more resilient African states, including Somalia, the DR Congo, and South Sudan, as well as Uganda, Niger, Somaliland, Rwanda and Senegal. Discussion focused on the social basis, development objectives, and performance of hybrid institutional arrangements in specific governance activities, such as market regulation, and the provision of healthcare, security, justice and electricity. The core objective was to clarify what hybrid governance involves, how it reshapes regulatory arrangements, and its implications for state capacity, political legitimacy, and accountability in contemporary Africa.

Box 1: Workshop ‘Unravelling Public Authority: Paths of Hybrid Governance in Africa’

A workshop entitled ‘Unravelling Public Authority: Paths of Hybrid Governance in Africa’ held at the London School of Economics on 6-7 December 2013 was organized by the Department of International Development (LSE) and the Institute of Development Policy and Management (IOB) of the University of Antwerp, with significant support from the IS Academy Human Security in Fragile States at Wageningen University and the Justice and Security Research Programme (JSRP) at the LSE.

- 1 Migdal, J. and K. Schlichte (2005). Re-thinking the state. In: K. Schlichte (ed.) *The Dynamics of States: the formation and crises of state domination* (Ashgate, Burlington VT).
- 2 Hagmann, T. and D. Péclard (2010). Negotiating statehood: dynamics of power and domination in post-colonial Africa. In: *Development and Change* 41(4): 539-62.
- 3 Lund, Christian (2006). Twilight institutions: public authority and local politics in Africa. In: *Development and Change* 37, (4): 685–705.
- 4 Raeymaekers, T., K. Menkhaus, K. Vlassenroot, (2008). State and non-state regulation in African protracted crises: governance without government? In: *Afrika Focus* 21, 2: 7-21.
- 5 Olivier de Sardan, J.P. (2008). *Researching the practical norms of real governance in Africa*. Discussion Paper 5, Africa, Power and Politics Programme, Overseas Development Institute.
- 6 Kelsall, T. (2008). *Going with the grain in African development?* Discussion Paper 1, Africa, Power and Politics Programme, Overseas Development Institute.

From ideal to functional governance

The idea that there are forms of order beyond the state is nothing new. Hybrid arrangements incorporating non-state institutions into formal governance arrangements have been well documented in Africa since colonial experiences of indirect rule. What is new is the move from state-based ideals of post-colonial order to a more practical emphasis on local non-state arrangements already operating on the ground in fragile areas of Africa. This signals a paradigm shift from the 'good governance' agenda of neo-liberal state building to a focus on 'arrangements that work'. There is a suspension of normative judgements about emerging forms of order involving actors or institutions perceived as informal, coercive or corrupt, in favour of a focus on practical outcomes in public service delivery under difficult conditions. A surprising array of non-state actors are carrying out governance functions, including rebel militias engaging in taxation and service provision in neglected areas of the DRC⁷, or public health services in Niger depending on bribery and voluntary cleaning services by hospital users.⁸ Attention is focused on 'function rather than form'⁹ in a context in which suboptimal hybrid arrangements are better than the total collapse of services.

Shift from 'good governance' to a focus on 'arrangements that work'

Terms such as 'practical hybrids'¹⁰ and 'practical norms'¹¹ explore alternative values that may underpin otherwise worrying hybrid arrangements. Yet the emphasis on practicality risks bringing in normative judgements through the back door. Decisions about 'what works' often reflect international goals of security and stability, or local adjustments to hard times. This may attribute a higher level of deliberate agency to what local actors themselves experience as more temporary or desperate strategies to access resources, normalizing behaviour perceived by the people directly concerned as socially undesirable and sub-optimal. This risks blurring the line between coping strategies and socially accepted practices.¹² It is important to understand the extent to which hybrid arrangements are actually normalized, institutionalized or seen as socially legitimate. The focus on practicality may distract attention from the structural factors, policy regimes and economic pressures in the wider political economy that constrain alternative options. Such pragmatic approaches to governance too easily suggest that these arrangements work for everyone, instead of asking for whom these practices work and why, and who pays the price for them.

7 Raeymaekers, T. (2013). *Robin Hood, the Godfather and Judge Dredd: explaining de facto sovereignty in sub-Saharan Africa*. Paper presented at Hybrid Governance Workshop.

8 Hahonou, E. (2013). *Juggling with the norms: informal payment and everyday governance of health care facilities in Niger*. Paper presented at Hybrid Governance Workshop.

9 Centre for the Future State (2010). *An Upside Down View of Governance*. Brighton: IDS.

10 Booth, David (2012). *Development as a collective action problem. Addressing the real challenges of African governance*. Synthesis report of the Africa Power and Politics Programme.

11 Olivier de Sardan, J.P. (2008). *Researching the practical norms of real governance in Africa*. Discussion Paper 5, Africa, Power and Politics Programme, Overseas Development Institute.

12 Helmke, G. and S. Levitsky (2004). *Informal institutions and comparative politics: a research agenda*. In: *Perspectives on Politics* 2 (4): 725-740.

Hybrid Governance or Hybrid Ungovernance?

While offering mechanisms for filling gaps in state provision, hybrid governance approaches also give rise to a number of tensions. How are non-state institutional partners selected? Whose interests are served? How does hybridity affect wider concerns about state capacity and accountability? An emphasis on the messy nature of state-building can distract attention from a more detailed analysis of actual processes and the diversity of possible outcomes. Despite a rejection of idealized notions of the state, studies often default to simplistic theoretical models of how hybrid orders produce stable political development. Behind an emphasis on historical realities is a tendency to gloss over the fact that acceptable political orders do not necessarily result from the messy struggles of state building.

Acceptable political orders do not necessarily result from the messy struggles of state building

Indeed, Tilly himself highlights five different possible paths, including state failure, only one of which offers desirable conditions for the population.¹³ At least two divergent paths of hybrid public authority have been documented among rebel groups in the DRC. The Ugandan-backed UPC developed into a coercive military junta, while the RCD-ML gave rise to a coercive but capitalist-friendly oligarchy of militias and local businessmen oriented toward local taxation, minimal service provision and integration into global markets.¹⁴ The significant involvement of international actors in hybrid governance processes further complicates assumptions that messy hybrid arrangements can lead to positive processes of state formation. International actors can shift the balance of forces away from socially accountable political processes, substituting upward for downward accountability in response to resources and monitoring systems.^{15,16}

Other contexts have raised questions about whether hybrid governance actually creates new forms of order or simply compounds the realities of institutional pluralism (as highlighted by Goodfellow and Lindeman¹⁷). Focusing on contrasting experiences of hybrid governance of market places in West Africa and the DRC, Box 2 illustrates the contrast between cohesive and more chaotic forms of hybridity. In the case of West Africa, the integration of indigenous women's market institutions extends the reach of the state, while in the case of Kinshasa street markets, the outcome looks more like 'hybrid ungovernance'. There is a need to demonstrate rather than assume that grafting together incompatible organizational logics or instituting parallel taxation systems will lead to the emergence of stable systems of public authority.

The tendency of hybrid governance approaches to identify particular actors with particular social fields or regulatory logics also tends to obscure real-life complexities. The issue of complexity

13 Tilly, C. (1985). War Making and State Making as Organized Crime. In: Evans, P., D.Rueschemeyer, and T. Skocpol, (eds.), *Bringing the State Back In*. Cambridge: Cambridge University Press, pp.169-187.

14 Raeymaekers, T. (2013). *Robin Hood, the Godfather and Judge Dredd: explaining de facto sovereignty in sub-Saharan Africa*. Paper presented at 'hybrid governance' workshop.

15 Leander, A. (2004). Wars and the Un-Making of States: Taking Tilly seriously in the contemporary world. In: Guzzini, Stefano and Dietrich Jung (eds.), *Copenhagen Peace Research: Conceptual Innovations and Contemporary Security Analysis*. London and New York: Routledge, pp. 69-80.

16 Tilly, C. (1985). War Making and State Making as Organized Crime. In: Evans, P., Rueschemeyer, D. and Skocpol, T. (eds.), *Bringing the State Back In*. Cambridge: Cambridge University Press, pp.169-187.

17 Goodfellow, T. and S. Lindemann (2013). The clash of institutions: traditional authority, conflict and the failure of 'hybridity' in Buganda. In: *Commonwealth & Comparative Politics* 51(1): 3-26.

is not just about the diversity of non-state institutions, but about the multiple linkages between state and non-state orders. There is extensive straddling between these spheres by actors from both sides. West African market women mobilize official as well as indigenous norms and organizations in pursuit of their objectives, and even cultivate links with international organizations such as the ILO.¹⁸ Conversely, the former Senegalese president Abdoulaye Wade cultivated his position within the Mouride religious network, while some Mouride religious officials were elected to government positions.¹⁹ Hybrid governance interventions not only risk disrupting complex non-state ecosystems, but may strengthen or weaken elements within the state in unpredictable ways. However, concerns that engagement with such institutional multiplicity is uncharted territory ignore more than thirty years of detailed empirical research on precisely these issues emanating from the vast literature on legal pluralism.²⁰

Box 2: Divergent Paths of Hybrid Market Governance

Hybrid governance has played an important role in the large and dynamic open markets of West Africa. Women's market institutions fill important regulatory gaps owing to the lack of formal administrative capacity to regulate West Africa's complex informal markets. Market women's associations enjoy popular legitimacy, and play a key role in taxation and dispute resolution. They engage actively with the state, but have demonstrated an ability to mobilize widespread popular resistance to excessive taxation, creating an effective basis for negotiation.

From: Prag, E. (2013). *West African governance of marketplace: gender and hybrid governance in West Africa*. Paper presented at Hybrid Governance Workshop.

In the informal street markets around the Central Market in Kinshasa, DRC, hybrid arrangements for tax collection have emerged through collaboration among street traders, brokers, local residents and local officials in order to legitimate illegal use of urban public space. Illegal street trade has become an important source of local livelihoods and public revenue, blurring legal as well as administrative boundaries. Conflicts have arisen over who has the 'right' to collect taxes in illegal street markets, generating struggles among officials of bordering municipalities and a range of unofficial middlemen and brokers. Emerging practical norms weaken rather than promote market governance and undermine the common good through mounting pollution, congestion and insecurity.

From: Ayimpam, S. and J. Boujou (2013). *Hybrid Urban Governance Arrangements? Public Space Management and Proliferation of Informal economy in Kinshasa*. Paper presented at Hybrid Governance Workshop.

18 Prag, E. (2013). *West African governance of marketplace: gender and hybrid governance in West Africa*. Paper presented at Hybrid Governance Workshop.

19 Babou, C. (2013). *Negotiating the boundaries of Power: President Wade, the Muridiyya and State Politics in Senegal, 2000-2012*. Paper presented at Hybrid Governance Workshop.

20 Von Benda-Beckmann, F. and K. von Benda-Beckmann, eds. (2006). *Dynamics of plural legal orders*. Special double issue of *The Journal of Legal Pluralism and Unofficial Law*. Number 53-54.

Legitimizing Hybrid Governance

Talk of governance beyond the state raises questions about legitimacy. Who defines the legitimacy of hybrid arrangements: scholars, international policy makers, states or citizens? Hybrid governance perspectives tend to assume that embedded non-state orders are locally legitimate by definition. Yet the local legitimacy of non-state orders is often as contentious as that of official orders in many African states. Some embedded institutions, such as religious societies or market women's associations, enjoy greater local legitimacy than others, such as mafias or criminal gangs.

Who defines the legitimacy of hybrid arrangements?

Collaboration with legitimate or illegitimate non-state institutions shapes distinctive paths of hybrid governance, which may alleviate or exacerbate instability. The use of informal enterprise associations to collect taxes from the informal sector in Ghana and Nigeria is widely regarded as legitimate.²¹ By contrast, the incorporation of coercive 'witch cleansing' practices in hybrid justice systems in northern Uganda, or rebel militias in local security systems in the DRC, raise serious questions of legitimacy, despite being sanctioned by Local Government officials and international development organizations.^{22,23} Efforts to construct legitimacy by granting formal recognition to local institutions that fill gaps in basic service provision risk glossing over local struggles against unaccountable or coercive systems. Hybrid arrangements with dubious non-state orders may create low cost solutions to governance problems in the short run, but risk eroding local legitimacy and consent in the long run. This highlights the 'dark side' of hybridity, in which violent or oppressive social practices become embedded in officially recognized governance systems.

21 Joshi, A. and J. Ayee (2008). Associational Taxation: A Pathway into the Informal Sector. In: D. Brautigam, O.-H. Fjeldstad and M. Moore (eds.), *Taxation and State-Building in Developing Countries*. Cambridge, Cambridge University Press.

22 Allen, T. and K. Reid (2013). *Justice at the margins: witches, poisoners and social accountability in northern Uganda*. Paper presented at Hybrid Governance Workshop.

23 Raeymaekers, T. (2013). *Robin Hood, the Godfather and Judge Dredd: explaining de facto sovereignty in sub-Saharan Africa*. Paper presented at Hybrid Governance Workshop.

Hybrid Governance and State Building

A comparison of hybrid governance arrangements in fragile and more stable states advances our understanding about how hybrid governance works. There are important differences between fragile political orders such as DRC and South Sudan and more successful hybrid orders found in Somaliland or Senegal. Processes of hybrid governance tend at best toward a strengthening of regulatory coherence and legitimacy, and at worst toward regulatory chaos as state as well as non-state actors manipulate normative arrangements and compete over regulatory authority. These differences are not necessarily points on an evolutionary continuum, but can reflect distinct trajectories of hybrid authority.

Processes of hybrid governance tend at best toward a strengthening of regulatory coherence and legitimacy

In fragile contexts, local populations or state actors are often not the key decision makers in the constitution of hybrid arrangements. Though often invisible in accounts of hybrid orders, a range of international actors beyond the state, including Aid agencies, multinational corporate interests and foreign governments wield considerable influence in defining hybrid governance priorities and outcomes. In South Sudan, international financial institutions and foreign insurance companies exert considerable leverage on local bureaucrats, traders, military patronage networks and state elites in reshaping taxation arrangements and social insurance systems. In the DRC, donors, international mining interests and foreign governments ally with rebels and civil society groups in defining hybrid arrangements. Struggles over the boundaries of public authority are as much about international demands and strategies as about local political aspirations.

A range of international actors beyond the state wield considerable influence

However, even in fragile contexts, authoritative resources and practices of the state continue to shape the terms on which non-state practices can be integrated into governance arrangements. Even in a new state such as South Sudan, pre-existing legislation, administrative routines and elite networks constitute an ‘institutional toolbox’ necessary to legitimate and incorporate non-state practices.²⁴ Just as new formal institutions need to be legitimated by anchoring themselves in indigenous arrangements,²⁵ new non-state practices must draw on legitimating laws and symbols of state authority to justify their authority.²⁶ Despite the pervasive focus on function, form also matters in the constitutions of hybrid arrangements. However, vulnerability to crises can create institutional ruptures or ‘open moments’ that widen the space for radical rather than negotiated institutional change.

In hybrid systems involving capable states, the influence of international powers and Aid organizations is reduced, while state authority constitutes a more influential actor in defining and shaping hybrid arrangements. Indeed, the success of the Somaliland state is often attributed

24 Twijnstra, R. Titeca, K. (2013). *Everything changes to remain the same? State reform in South Sudan*. Paper presented at Hybrid Governance Workshop.

25 Douglas, M. (1986). *How Institutions Think*. New York: Syracuse University Press.

26 Lund, Christian (2006). Twilight institutions: public authority and local politics in Africa. In: *Development and Change* 37(4): 685-705.

to the comparative absence of Aid agencies and foreign involvement.²⁷ Hybrid arrangements with capable states are less about blurring than about a mutual reshaping of the boundaries of state and non-state authority through on-going negotiations. In the case of Senegal, hybrid governance arrangements between the state and the Mouride Islamic brotherhood have produced something resembling a social contract, in which hybridity reinforces rather than undermines mutual obligations between the state and society, promoting a measure of tax compliance and democratic accountability.²⁸ Similarly, in Somaliland, the sometimes volatile negotiations between the state and local businessmen over electricity provision have moved toward defining and stabilizing the regulatory boundaries and public responsibilities of state, local private providers and consumers. Hybrid arrangements in capable states tend to involve defining rather than blurring boundaries between state and non-state regulation.²⁹ Recent efforts by the former Senegalese president Wade to blur boundaries between state and the Mouride brotherhood for purposes of political capture were felt to weaken both the state and the brotherhood, and were resoundingly rejected by Senegalese society.

The value of hybrid governance approaches depends on clarifying whether negotiations between state and non-state actors are shaping a social contract, fragmenting formal authority, or empowering illegitimate social forces

The value of hybrid governance approaches depends on clarifying whether negotiations between state and non-state actors are shaping a social contract, fragmenting formal authority, or empowering illegitimate social forces. Negotiations over legitimate boundaries of state-society relations seem most effective where capable states face organized local non-state interests, and least effective where state as well as non-state interests are self-serving, fragmented, or constrained by powerful external agendas. The synergistic, stabilizing trajectory conventionally ascribed to hybrid arrangements constitutes only one of a variety of possible outcomes, which also include collusion, contestation or predation.³⁰

In addition to identifying distinctive hybrid trajectories, attention is needed to ‘tipping points’ between different trajectories, which define when unstable hybrid arrangements achieve coherence or tip into chaos. It is argued that broad-based taxation and basic service provision entrench stable hybrid systems despite coercive tendencies, as in the case of RCD-ML in the DR Congo. However, allowing non-state actors to collect revenue without official authorization can fragment rather than stabilize governance, further undermining state capacity. Outside actors such as Aid agencies or multinational corporate actors may play a role in destabilizing processes of hybridity by supporting compliant non-state actors over state officials without adequate attention to the effects on institutional coherence and regulatory contestation.

27 Bradbury, M. (2008). *Becoming Somaliland*. Oxford: James Currey.

28 Babou, C. (2013). *Negotiating the boundaries of Power: President Wade, the Muridiyya and State Politics in Senegal, 2000-2012*. Paper presented at Hybrid Governance Workshop.

29 Lochery, E. (2013). *Business and state-making in Somaliland's utility sector*. Paper presented at Hybrid Governance Workshop.

30 Meagher, K. (2013). *Shaping informal economies: typologies of hybrid governance in Africa*. Paper presented at Hybrid Governance Workshop.

Hybrid Governance as a Policy Tool

The value of hybrid governance as an analytical and policy tool depends on four important considerations:

1. The need to problematize rather than normalize the concept of hybrid governance

Does it refer to the grafting together of diverse institutional logics, or does it create new forms of institutional coherence? Whose interests and strategies shape hybrid governance processes? The value of the concept requires moving beyond its normative and often functionalist preoccupations, with a view to deciphering actual processes, strategies and outcomes. If not, it risks misunderstanding the relation between analytical models and empirical reality.

2. Widening the focus to include international actors

A range of international actors active in hybrid governance processes are often left out of the frame, such as Aid agencies, multinational corporations and foreign governments. These actors are particularly influential in shaping hybrid arrangements in fragile states. This would also allow attention to different levels of hybridity – not only forms of hybridity operating outside the ambit of the state, but hybrid arrangements within the state, or hybrid arrangements at the level of international actors such as Aid agencies.

3. Legitimacy and legitimation

Public authority is as much about consent as about order. There is a need to move beyond assumptions that local non-state orders are legitimate by definition, and to consider the basis of their claims to legitimacy. Focusing on the compatibility of hybrid arrangements with local norms of legitimate authority, and the extent of their reliance on coercion, is important to understanding whether hybrid arrangements are regarded as locally legitimate and by whom. Greater attention is needed to processes of legitimation and delegitimation in hybrid governance processes, and to the role of institutional entrepreneurs as well as local norms in the construction, stabilization or erosion of legitimacy and regulatory authority.

4. Divergent Processes and Governance Outcomes

Attention to the diversity of possible trajectories and outcomes of hybrid arrangements is critical to understanding the real processes and governance implications unleashed by such initiatives. This calls for empirical analyses of process in specific cases, rather than assuming outcomes on the basis of potted theory. A more typological approach would be useful in tracing the factors shaping divergent paths and outcomes, and examining tipping points between different trajectories. This will facilitate a clearer assessment of when hybrid arrangements are fostering cohesive systems of public authority and social accountability, and when they are contributing to instability and the unravelling of effective public authority.

Workshop Participants

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The Special Chair Humanitarian Aid and Reconstruction focuses on the everyday politics and practices of service delivery, livelihoods and disaster risk reduction in the institutional landscapes of conflict- or disaster-affected areas. It engages in multi-sited qualitative and quantitative research. Research of Humanitarian Aid and Reconstruction is collaborative, interacting with policy and practice throughout the process to enhance research uptake.

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