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Why the EU's international legitimacy matters: the case of crisis management

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IN MANY EXTERNALLY oriented policies, the European Union puts itself at the centre, branding as an ideal that it tries to reproduce in its relationship with third countries. The EU's crisis management policy – the Common Security and Defence Policy (CSDP) – is no different: it is simply based on the premise that crises can only be solved in a stable and long-lasting manner if countries develop liberal democratic institutions based on European standards and models.

Even though the CSDP is meant to be a very limited tool in terms of scope and time, it is integrated in strategies and approaches that reproduce what the EU envisages for a given region. The EU thus assumes a role of *civilizing the other*, taking for granted that everybody else wants to emulate its ideals, norms, and values, whereby the latter's alleged universality and appropriateness is somehow meant to legitimate the EU's interventions (especially in cases where executive mandates are in place). When we describe the EU as having such normative 'civilizing' ambitions, we mean that it attempts to make 'others' – especially States, State actors, and State institutions – behave in a way that the EU views as normal and adequate, by organising and modernising them according to European standards. The EU's crisis management policy is more than mere crisis resolution: it is largely crisis management through state building.

International legitimization principles

According to David Beetham's book, *The Legitimation of Power*, there are certain features that have appeared repeatedly in conceptualisations of legitimacy throughout history. These form a core definition of legitimacy that can be applied to different types of power relations. In the case of international legitimacy, the principles are:

- 1) Legality or authorisation,
- 2) Normative justifiability,
- 3) Performative endorsement.

In the context of the CSDP, legal instruments essentially include EU documents (such as Council decisions and joint actions, or mandates stemming from the crisis management procedure), as well as agreements between the EU and the host country, including a formal invitation and SOMAs or SOFAs. In some exceptional cases, UNSC resolutions provide a mandate for the EU to act (or intervene) in specific contexts. Out of these sources of the CSDP's main legal instruments, the Council of the EU is likely to be the least controversial one with regard to legitimacy *at this level* in matters of legality and authorisation, because it is comprised of representatives of Member States, because it concerns exclusively the intergovernmental dimension of EU policy-making, and because the EU's institutions follow the establi-

shed legal procedures and requirements set out in the treaties and Council decisions.

On the other hand, the authorities of the countries that host CSDP missions and operations – insofar as they sign agreements with the EU for the purpose of inviting and requesting (or allowing) the latter to engage in crisis management practices in their territory – are both, on the one hand, a source of, and on the other hand, an endorser of, and complier with, CSDP legal instruments. If we consider that international legitimacy is solely about the relationship between States and between these and international institutions, does this mean that the status of the former's domestic legitimacy is irrelevant? As is often the case with countries that request the EU's assistance in crisis management, the presence of lawlessness and corruption of countries in crisis is not uncommon. If these circumstances affect the host countries' populations' trust in, and legitimization of, their authorities or governments, then, perhaps indirectly, this resulting lack of trust may also affect the legitimacy of the legal agreements created and signed by the latter and the EU.

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This problem is likely to be found in cases where the host country's governmental institutions don't work properly. Nonetheless, the EU is not likely to refuse a plea to act in the context of a crisis simply because the requesting country or territory does not have a functioning or legitimate government, since countries in crisis oftentimes do not. Moreover, some CSDP missions (particularly civilian) are commonly related, in some way, to the establishment or reinforcement of structures that reflect EU values (such as democracy or the rule of law), and that, in principle, contribute to an increase in the legitimacy of local authorities, at least according to European standards. We acknowledge this issue, and its potential implications for at least part of the legitimacy of the CSDP. However, we won't emphasise this matter disproportionately, as our focus is the EU's, rather than States' (either EU Member States or CSDP host countries'), international legitimacy.

The sole presence of these legal instruments is not enough to guarantee the legitimacy of the EU's crisis management policy. Compliance therewith without the use of coercion, on the other hand, provides visible validation and legitimates the EU's crisis management endeavours. The difficult part is getting from the first (legality) to the third (compliance) without coercion. In this specific case, neither of these principles (or stages) of legitimacy is entirely without contention or disagreement, and they are intricately linked with the beliefs of those who take part in this relationship, namely the political elites and decision-makers from the EU and from the countries that host CSDP missions and operations. This means that *justifying* the appropriateness and validity of these instruments, materialised as missions and operations, and thus convincing others to endorse the EU and comply with its legal instruments is the most important step, because it is how the EU legitimates itself as an actor.

Why is international legitimacy relevant for the EU's 'actorness'?

The academic debate surrounding the topic of the EU's actor capability – or its 'actorness' – has established, by and large, that the EU can be considered a global actor, even though it is a complex one, with a composite structure of multiple actors with different levels of power and competences. Actorness is a socially constructed concept, and in the specific case of the EU, it is especially volatile because of its atypical and contested nature, that requires constant internal and external validation. The socially constructed nature of actorness, in the case of the EU, doesn't stem only from its fulfilment of a given set of criteria, but depends substantially on how the EU portrays itself and projects this ideal onto its relations with the rest of the world, and how the latter responds to this projection. The effort on behalf of academics and practitioners to attribute specific power roles or identities to the EU – such as Ian Manner's 'normative power Europe' – reflects this logic.

This discourse is also how the EU legitimates its presence and actions in the international sphere: it fulfils the function of what David Beetham calls the 'normative justification principle' of legitimation. What follows this, in the context of international legitimacy, is, according to Beetham, the 'performative endorsement principle.' If there is a positive response to the actor's discourse, with endorsement and non-coercive compliance, then actorness is validated and legitimation occurs. If the response is negative – but is nonetheless present – one could argue that actorness may be validated, but legitimacy

is contested or absent. When actorness occurs without the latter, it is likely to be much more volatile and fruitless. Legitimacy and actorness are thus intricately linked.

The academic debate concerning the legitimacy of the CSDP has also been growing, but it is predominantly inward looking and prescriptive, proposing solutions mostly based on abstract conceptualizations of Eurocentric liberal ideals of legitimacy that amply rely on democratic sources. In other words, this academic debate has been almost exclusively dedicated to problems related to domestic democratic accountability. This would be fine, were it not for the fact that external dimensions of CSDP legitimacy, such as the legitimacy of UNSC resolutions, the EU's self-legitimizing discourse as a global crisis management actor, or public endorsement of Member State and host countries' representatives, elites, or public opinion, have been largely overlooked by this academic debate.

While the EU's legitimacy in the specific context of the CSDP could eventually be compared to other security and defence intergovernmental organisations, such as NATO, due to its exclusive intergovernmental nature, its is not as simple as that. The strong projection of European values and norms that occurs in the context of this policy – especially in the context of civilian peace building missions, through the establishment of liberal democratic institutions – makes effectiveness amply contingent upon the EU's ability to justify the validity and appropriateness of its actions, and on the host countries' voluntary acceptance thereof.

Performative endorsement complements the normative justifiability principle as the most visible component of legitimation at the international level, because endorsement/compliance validates as much as the latter's absence may delegitimise a given international institution. Yet, without normative justifiability – without convincing others – there is likely to be no endorsement and non-coercive compliance, and thus no legitimation. Therein lies an important link between international actorness and legitimacy, as this reflects the intricate link between power and legitimacy at the international level. Legitimacy doesn't exist without non-coercive endorsement or compliance; and non-coercive endorsement or compliance, in turn, doesn't exist without proper justification. Thus, a non-coercive engagement and interaction – where either public endorsement or compliance therewith occur – between host countries and the EU in the context of the CSDP is both a core proof of its actorness and its (external) legitimacy.

Last note

More than repeating the process of simply assessing whether or not the EU is a global actor (regardless of the policy area), in what would potentially result in a poor (or at least repetitive) contribution to the EU actorness debate, the scientific fields of EU Studies, IR and Political Science could benefit from more innovative stu-

THE LEGITIMACY OF UN SECURITY COUNCIL RESOLUTIONS

Although not all CSDP missions and operations require a UNSC mandate, this tool is sometimes used. The UNSC does have substantial power; however, it lacks the formal means with which to enforce it. This means that it relies on voluntary compliance of other States and actors. Thus, the UNSC is only effective if it is considered to be legitimate and visibly endorsed by others. And this is not always the case. The EU's institutions and Member States may consider the UNSC and its resolutions to be legitimate, but other actors, including CSDP host countries, may not, particularly in the context of executive missions or operations. The case of the relationship between the UNSC and Kosovo is interesting in this regard, because the problems in perceiving the other as legitimate are mutual: Kosovo has raised concerns regarding UNSC resolutions in the context of EULEX Kosovo; yet it has not been recognized as a State by all members of the UNSC.

Where does the UNSC's legitimacy stem from? And how does it provide other actors with legitimacy for the use of force in an international setting? When States ratify the UN Charter, they deliberately ascribe authority to the UNSC. The fact that most States in the world have done so is no accident. Yet, the UNSC's legitimacy is not entirely stable: the legitimacy of international institutions with a 'formalised hierarchy' has been progressively questioned. Ultimately, the UNSC's legitimation competency stems from, and depends on, being collectively legitimated by States (through actions and public declarations), for the purpose of monitoring their own behaviour. So long as States and other actors in the international system agree to it, the UNSC is considered legitimate. If it holds a UNSC mandate, the EU may even be an effective actor in a crisis management intervention; however, without being endorsed by host countries, its legitimacy is likely to be contested.

dies that look at international legitimacy as an important and (so far) widely neglected dimension of actorness in a period of unprecedented pledges of EU actorness.

The last note is from an interview with a senior officer seconded to the (then) recently created EU Military Staff, cited by C. Bretherton and J. Vogler (2006:194): "We are trying to build a global crisis management organisation including military and civil assets. Nothing like it exists elsewhere in the world". ■

References

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