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# Legitimation of Security Regionalism

## A Study of the Legitimacy Claims of the African Union and the European Union

by

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A thesis submitted in partial fulfilment of the requirements for the degree of

Doctor of Philosophy in Politics and International Studies

University of Warwick, Department of Politics and International Studies

September 2015

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## Acknowledgements

This thesis is the culmination of a doctoral research that benefited from the support and guidance of many people. My years as a PhD student have been deeply and positively transformative and I am very grateful to all who contributed to this achievement.

My deepest gratitude goes to my two supervisors, Stuart Croft at the University of Warwick and Christian Olsson at the Université Libre de Bruxelles. Both showed impressive dynamism and understanding within the challenging context of co-supervision between two institutions and two different national research environments.

I am very grateful to Christian for our numerous discussions on the topics of security and legitimation and for his guidance towards a coherent

parent's understanding and commitment to my life decisions and objectives, even when that meant moving across the ocean to Europe. My family has been the foundation on which I build all my achievements in life.

Lastly, I wholeheartedly thank my partner Magda who has been on my side from the moment I sent my application to the PhD program until the challenging and seemly endless times of writing. Magda's unconditional support and friendship had a profound impact on the success of this research and her hard work was always an inspiration. I am deeply grateful for her love and encouragement.

## Declaration

This thesis is submitted to the University of Warwick in support of my application for the degree of Doctor of Philosophy. It has been composed by myself and has not been submitted in any previous application for any degree.

# Abstract

This thesis identifies and analyses the legitimacy claims of regional security organizations in relation to their policies and their existence as relatively new sites of authority. Hence, it explores the normative context underpinning security regionalism between global and national levels. In this regard, it proposes a conceptual and theoretical framework for the study of self-legitimation, which is understood as a dynamic and intersubjective social process of justification of the right to rule. This framework is based on the intersection between the literatures on security, regionalism, and political legitimacy. Its main focus is the identification of the arguments of legitimation that can justify the unequal power relations between rulers and ruled. This thesis' case studies are the security missions and policies of crisis management of the African Union and the European Union in response to the crisis in Darfur (2003-) and adjacent areas such as Chad and Central African Republic. Building on the framework of self-legitimation and on the analysis of documents produced by both regional organizations, the empirical part identifies fours large patterns of arguments, which are called 'images of security regionalism'. These images are the beneficial regionalism, the necessary regionalism, the inevitable regionalism, and the multilateral regionalism. The images of security regionalism show that the legitimation of policies and actions, on the one hand, and the legitimation of regional organizations and their positions within security governance, on the other, are indissociable. Moreover, they also reveal that, more than the legitimation of actions, it is often the legitimation of the perceived inaction that is crucial to the organizations' role as security actors. Finally, the patterns of arguments referring to the inter-organizational relations and to the multilateral and collective character of the organizations' policies point to a trend of mutual recognition and, by consequence, mutual legitimation among regional organizations.

The fates of human beings are not equal. Men differ in their states of health or wealth or social status or what not. Simple observation shows that in every such situation he who is more favoured feels the never ceasing need to look upon his position as in some way "legitimate," upon his advantage as "deserved," and the other's disadvantage as being brought by the latter's "fault." That the purely accidental causes of the difference may be ever so obvious makes no difference.

Max Weber, *Economy and Society*.

# GENERAL INTRODUCTION

Today's global politics are marked by the coexistence of multiple sites of authority that are permanently being constructed and reaffirmed. Concepts such as neo-medievalism,[1] multilevel governance,[2] post-national constellation,[3] and even globalization[4], all highlight in their own terms this state of affairs that might question the Westphalian principle of non-overlapping sovereignties. This construction of authority is a quasi-permanent process of not only unequal material and hard power, but also of intersubjective relations among multiple social actors, which include rulers in position of authority, the subjects to said authority, and even those outside the hierarchical relationship.

Hence, multiple actors in position of power lay authoritative claims, leading individuals, families, and communities into hierarchical and unequal relations between rulers and ruled. A person living in Scotland, for example, is subject to the political authority of the local government in Edinburgh, the laws enacted by the British Parliament in London, the European Union's directives and regulations coming from Brussels, and occasionally the resolutions passed in

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[1] Bull, Hedley, *The Anarchical Society*, 3rd ed.(New York: Palgrave, 1971), 245-7.
[2] Marks, Gary and Liesbet Hooghe, *Multi-Level Governance and European Integration* (Oxford: Rwoman & Littlefield Publishers, 2001).
[3] Habermas, Jürgen, *The Postnational Constellation: Political Essays* (Cornwall: MIT Press, 2001).
[4] Held, David and Anthony Mcgrew, *Globalization/ Anti-Globalization: Beyond the Great Divide* (Cambridge: Polity, 2007).

New York by the United Nation's Security Council or other UN agencies.[5] Edinburgh, London, Brussels, and New York along with their political bodies are all possible sites of authority, among many others, to which individuals might be subject. But this context of overlapping authorities is by no means exclusive to the 'Western and developed' world as it reaches the most 'remote places on Earth' such as, for instance, the Sudanese province of Darfur.

Since the beginning of the current crisis in Darfur in 2003, the on-going conflict has claimed the lives of hundreds of thousands and displaced millions, the majority of which is still settled in refugee and IDPs camps. If anything, this crisis allowed for even more authoritative claims and intrusion from different national and transnational actors that respond to the situation and 'intervene' in the region with a wide array of policies, from funding and political mediation up until military intervention and coercion.[6] Any individual living in Darfur in the last decade is simultaneously subject to the rules and policies of a large number of political institutions such as the state of Sudan, the United Nations and its different bodies like the UNHCR, the African Union and the European Union, the local tribal leader, and the chief of the armed militia, to name a few. All could lay down authoritative claims in the conflictual region to 'solve' and 'manage' the crisis or to 'win the war'. Hence, the case of the international response to Darfur points to at least three levels where authority might be located: the national and sub-national, the global, and the regional.

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[5] A similar example is to be found in Held, David and Anthony Mcgrew, "The Great Globalization Debate: An Introduction," in *The Global Transformations Reader: An Introduction to the Globalization Debate*, ed. D. Held and A. McGrew (Cambridge: Polity, 2003).

[6] Williams, Paul D., *War & Conflict in Africa* (Malden: Polity Press, 2012); De Waal, Alex, "Darfur and the failure of the responsibility to protect", *International Affairs,* 83 (2007), 1039-54.

The provision of security and the use of force to, among other goals, address a crisis such as the one in Darfur have been traditionally seen as an almost exclusive responsibility of sovereign national states (SNS). As Max Weber famously argued, the state is the sole source of the right to use physical force as it successfully claims the monopoly to legitimate coercion.[7] Although inaccurately, since it is above all a claim to a monopoly, it has been usually simplified that states have the *monopoly of legitimate violence*. The Peace of Westphalia of 1648 famously marks this "normative trajectory"[8], gradually articulated until the early 19th century, underpinning a system composed of unitary, territorial, non-overlapping and autonomous polities. Civil wars, rebellions, and national power struggles as well as the consequent violence were, for the most part and unless affecting the interest of other states, considered domestic affairs. Interventions to 'save lives' of non-nationals or to stop bloodshed in other countries as it has been often seen and claimed over the last couple of decades, are actually, in the long run of centuries, the exception rather than the norm.[9]

Less than a century ago, a global dimension was added to this system of sovereign states as international organizations such as the League of Nations, from 1919 to 1946, and the United Nations (UN), since 1945, were gradually given the responsibility of maintaining the international peace and protecting human rights. These global institutions may also be seen as generating political

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[7] Weber, Max, *Economy and Society: An outline of an Interpretative Sociology* (Berkley: University of California Press, 1978).

[8] Held, David and Anthony Mcgrew, *Globalization/ Anti-Globalization: Beyond the Great Divide*, 15.

[9] Finnemore, Martha, *The Purpose of Intervention: changing beliefs about the use of force* (Ithaca: Cornell University Press, 2003).

obligations to its members, as the obligation to settle disputes peacefully, in an analogue way as citizens are perceived as having moral duties vis-à-vis their states. The rights to declare and wage war, for example, are attached to the UN, more particularly to the Security Council (UNSC), which must legally authorize any transnational use of force by the member states that goes beyond self-defence.[10] Furthermore, besides the right to wage war (*jus ad bellum*), global governance is also the main site framing the legal basis of actor's rights and obligations during (*jus in bello*) and after (*jus post bellum*) conflicts, regulating military interventions, creating rules for arms production and trade, supporting initiatives against illegal traffic, piracy, terrorism, and many other perceived security issues. The UNSC, it was agreed upon by states signing the UN Charter, has a *universal primacy* to determine what constitutes a threat to international peace, and to act and authorize actions to address it. In time, issues previously considered internal matters of states began to be seen as threats to international peace and, given the number of humanitarian interventions and the rise of the idea of responsibility to protect, the global level became ever more intrusive and authoritative within national states.

Finally, more recently and especially following the wave of post-hegemonic new regionalism[11], one can witness the emergence of regional organizations as yet another site of authority in world politics, in general, and in security governance, in particular. Many security organizations were created over

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[10] Weiss, Thomas G. et al., *The United Nations and Changing World Politics* (Boulder: Westview Press, 2014).

[11] Telò, Mario, *International Relation: A European Perspective* (Farnham: Ashgate, 2009); Fawcett, Louise, "Exploring regional domains : a comparative history of regionalism", *International Affairs,* 80 (2004), 429-46; Hurrell, Andrew, "One world? Many worlds? The place of regions in the study of international society", *International Affairs,* 83 (2007), 127-46.

the last three decades and other regional institutions were granted security mandates that coexist with both national and global levels. Such regional institutions vary in scope, objective, membership, capacity, and level of institutionalization. They also overlap in time and space, meaning that a country might be member of two or more regional security organizations at the same time as it is the case of the overlapping membership of the EU, NATO, and the Council of Europe. In the present day, virtually every world region has at least one security organization and the vast majority of countries in the world are members of at least one, if not many different overlapping security arrangements. Examples of such organizations include the European Union (EU) and its Common Defence and Security Policy, the South-American Defence Council of the recently created Union of South-American Nations (UNASUR), the African Union (AU) and its Peace and Security Council, the Shanghai Cooperation Organization (SCO), the Economic Community of West African States (ECOWAS), and the Regional Forum of Association of Southeast Asian Nations (ASEAN), among others. In the context of the crisis of Darfur, for instance, the AU took a leading role while supported by other regional organizations such as the EU, NATO, and the Arab League.

As regional security organizations flourish around the world, growing in number, mandate and capacity, they stand between the 'sovereignty' of states in a national level, on the one hand, and the 'universal primacy' of the UNSC in a global level, on the other. Being the combination of their member states and of transnational bureaucracies, regional organizations build on a certain degree of autonomy and constitute sites – and sources – of authority on their own without, of course, being omnipotent or completely independent from their member

states. [12] Be it through simple arrangements or highly institutionalized organizations, the regional level of governance can, in some cases, be perceived as more effective and as more legitimate than global or national authorities.[13] In addition, the 'rise' of the regional level and the on-going construction of these "transnational regional polities"[14] are also seen as potentially influencing the direction of changes in the global order to the point where it is possible to talk about "multiregionalism"[15] in a "world of regions"[16], "regiopolarity"[17], and a "regionalized international order"[18].

And as regional organizations become more intrusive in the lives of individuals and in the politics and domestic affairs of member states, they do not escape, as any other political institution, questions about the normative underpinnings of their acts, of their own existence, and of the authority they claim to have as security actors. This is even more the case as they stand not only as complements, but also as possible alternatives to sovereign states and to the UN, which are more traditional and established polities and institutions within security governance. In sum, regional organizations do not escape questions

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[12] Finnemore, Martha and Michael Barnett, *Rules for the World, International organizations in global politics* (Ithaca: Cornell University Press, 2004).

[13] Breslin, Shaun and Stuart Croft, eds., *Comparative Regional Security Governance* (Abingdon: Ashgate, 2012), 7.

[14] Schimitter, Philippe C., "Foreword," in *Closing or Widening the Gap? Legitimacy and Democracy in Regional Integration Organizations*, ed. A.R. Hoffmann and A.v.d. Vleuten (Adelshort: Ashgate, 2007).

[15] Hettne, Björn, "Interregionalism and World Order: The Diverging EU and US Models," in *European Union and New Regionalism: Regional Actors and Global Governance in a Post-Hegemonic Era*, ed. M. Telò (Aldershot: Ashgate, 2007), 107.

[16] Katzenstein, Peter J., *A World of Regions: Asia and Europe in the American Imperium* (Ithaca: Cornell University Press, 2005).

[17] Acharya, Amitav, "Regional Worlds in a Post-Hegemonic Era", *Spirit Working Papers,* June (2009), 6-7.

[18] Buzan, Barry, *The United States and the Great Powers: World Politics in the Twenty‑First Century* (Cambridge: Polity Press, 2004), 143.

about the 'rightfulness' and the 'desirability' of their existence as security actors and of their acts and policies.

Authority, the classic formula establishes, equals power and legitimacy.*[19]* Much has been written about the first element of this equation: power in world politics. The discipline of International Relations (IR) is, to a very large extent, an exercise to understand what power is, how it is distributed and how it can be 'measured', what forms it might take, how it is used and constructed, and how the unequal relations of power – above all among states – affect the international system and are, of course, balanced. Thus, concepts such as hard and soft power, normative and civilian power, smart power, material and military power, or biopower abound in the literature, and so do theories such as balance of power and the endless categorizations of superpowers, great powers, regional powers, middle powers, and the like.

The second element of the equation, however, has lagged behind in the literature. Certainly, there have been attempts to understand subjective and normative aspects of international politics by invoking the concept of legitimacy[20], but these approaches were far from the discipline's 'mainstream' that would restrict legitimacy to national politics. If the international realm was

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[19] Wight, Martin, *International Theory: The Three Traditions* (New York: Holmes & Meier, 1992), 99. See also: Hurd, Ian, "Legitimacy and Authority in International Politics", *International Organization,* 53 (1999), 379-408; Christiano, Thomas, "Authority", in *Stanford Encyclopedia of Philosophy*2012.

[20] For early works, refer to: Claude Jr., Inis L., "Collective Legitimization as a Political Function of the United Nations", *International Organization,* (1966); Wight, Martin, "International Legitimacy", *International Relations,* 4 (1972), 1-28; Franck, Thomas M., "Legitimacy in the International System", *The American Journal of International Law,* 82 (1988), 705-59.

marked by an overwhelming feature of anarchy, the underlining reasoning implied, and if legitimacy was about the 'rightfulness' of hierarchical relations between rulers and ruled, then legitimacy had no place in international relations. Nevertheless, it has been gradually accepted that, even in the absence of an overarching power, "there have always been pockets of authority in international society"[21]. And not only legitimacy can be analysed beyond national politics, but the fact that there is no world government to ensure obedience and compliance means that legitimacy becomes even more relevant in the world stage.[22]

What was a shy resurgence of the concept of legitimacy in the 1990s is now a booming field of research with ramifications in international law[23], normative theory of international relations[24], EU studies[25], and traditional IR approaches such as constructivism and the English School[26]. By building on more traditional scholarships of political science analysing and sometimes defining legitimacy such as Max Weber, Niklas Luhmann, David Beetham, Jacques Lagroye, and Rodney Barker[27], the current literature already

[21] Zaum, Dominik, "International Organizations, Legitimacy, and Legitimation," in *Legitimation of International Organizations*, ed. D. Zaum (Oxford: Oxford University Press, 2013), 5.

[22] Hurd, Ian, "Legitimacy and Authority in International Politics", 61; See also: Wendt, Alexander, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999).

[23] Franck, Thomas M., "The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power Disequilibrium", *The American Journal of International Law,* 100 (2006), 88-106.

[24] Frost, Mervyn, "Legitimacy and International Organizations: The Changing Ethical Context," in *Legitimation of International Organizations*, ed. D. Zaum (Oxford: Oxford University Press, 2013).

[25] Schmidt, Vivien A., "The problems of identity and legitimacy in the European Union: Is more politics the answer?," in *Debating Political Idendity and Legitimacy in the European Union*, ed. S. Lucarelli, F. Cerutti, and V.A. Schmidt (Abingdon: Routledge, 2011); Scharpf, Fritz W., "Reflections on Multilevel Legitimacy", *MPIfG Working Paper,* (2007).

[26] Hurrell, Andrew, "Legitimacy and the use of force: can the circle be squared?", *Review of International Studies,* 31 (2005), 15-32.

[27] For the main titles of these authors concerning legitimacy, refer to: Weber, Max, *Economy and Society: An outline of an Interpretative Sociology*; Luhmann, Niklas, "The

acknowledges the importance of subjective and normative elements in hierarchical relations among various actors for the study of international politics. [28] However, there is not yet sufficient research and analysis on legitimacy that can shed light on the puzzling question about the normative underpinnings of security regionalism between state's claim to the monopoly of legitimate violence and the universal primacy of the UNSC as well as on the quasi-permanent construction of its legitimacy. Hence, the need of bringing together at least three bodies of literature – security studies, regionalism, and legitimacy – in order to grasp the dynamics of legitimation of security regionalism and regional security organizations.

**Figure 1. Intersections of the Main Literatures**



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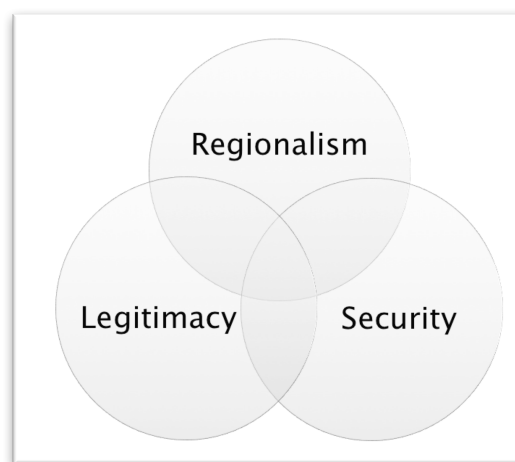
Representation of Society within Society", *Current Sociology,* 35 (1987), 101-08; Beetham, David, *The Legitimation of Power* (Basingstoke: Palgrave Macmillan, 1991); Lagroye, Jacques, "La légitimation," in *Traité de Science Politique*, ed. M. Grawitz and J. Leca (Paris: Presses Universitaires de France, 1985); Barker, Rodney, *Legitimating Identities: the self-presentations of rulers and subjects* (Cambridge: Cambridge University Press, 2001).

[28] See, for instance, the notable edited volumes: Hurrelmann, Achim, Steffen Schneider, and Jens Steffek, eds., *Legitimacy in an Age of Global Politics* (New York: Palgrave Macmillan, 2007); Coicaud, Jean-Marc and Hilary Charlesworth, eds., *Fault Lines of International Legitimacy* (Cambridge: Cambridge University Press, 2010); Zaum, Dominik, ed. *Legitimating International Organizations* (Oxford: Oxford University Press, 2013).

First of all, the large amount of work on security regionalism and other related concepts (e.g. regional security, regionalization of security, regional security governance, security communities, etc.)[29] reveals that there is already much intersection between security studies and the regional level. Yet, since much of this scholarship has been 'imported' from the so-called global level[30], meaning that the analyses of regional security tend to privilege questions of power over those of legitimacy, there is little reflection on what justifies the existence of regional organizations as security actors and their policies.

Secondly, there is, of course, research on the legitimacy of regional organizations and of regionalism, with a strong focus on the European Union's experience and notable exceptions going beyond Europe[31]. Nevertheless, most of this scholarship at the intersection between legitimacy and regionalism leaves security aside to focus on the EU's democratic deficit, the project of European integration, specific EU institutions, and high profile policies such as trade, environment and migration.[32] Relatively less attention is given to the legitimacy

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[29] See, for example: Katzenstein, Peter J., *A World of Regions: Asia and Europe in the American Imperium*; Buzan, Barry and Ole Wæver, *Regions and Powers: The Structure of International Security* (Cambridge: Cambridge University Press, 2003); Kingah, Stephen and Luk Van Langenhove, "Determinants of Regional Organisation's Global Role in Peace and Security", *South African Journal of International Affairs,* 19, no. 2 (2012); Breslin, Shaun and Stuart Croft, *Comparative Regional Security Governance*; Kirchner, Emil J. and Roberto Dominguez, "The Security Governance in a Comparative Regional Perspective", *UNU-CRIS Working Papers,* 8 (2013); Lake, David A., "Regional Security Complexes: A Systems Approach," in *Regional orders: building security in a new world* (University Park: The Pennsylvania State University Press, 1997).

[30] Kelly, Robert E., "Security Theory in the 'New Regionalism'", *International Affairs,* 9 (2007), 197-229.

[31] Hoffmann, Andrea Ribeiro and Anna Van Der Vleuten, eds., *Closing or Widening the Gap? Legitimacy and Democracy in Regional Integration Organisations* (Aldershot: Ashgate, 2007).

[32] See, among others: Moravcsik, Andrew, "In Defence of the 'Democratic Deficit': Reassessing Legitimacy in the European Union", *Journal of Common Market Studies,* 40 (2002), 603-24; Fuchs, Dieter, "European identity and support for European intergration," in *Debating Political Idendity and Legitimacy in the European Union*, ed. S. Lucarelli, F. Cerutti, and V.A. Schmidt (Abingdon: Routledge, 2011); Schmidt, Vivien A.,

of regional organizations as *security* actors and of their security policies, and even less in a comparative perspective going beyond the EU.

Finally, perhaps the largest body of literature among all three can be located at the last intersection, between security and legitimacy. On the one hand, there are the debates over the national state and its claim to legitimate coercion, over the legitimacy of the society of states and war among them, and over the legitimacy deficit of international organizations as 'security providers' and of security governance as a whole. On the other hand, there are the debates over the legitimacy, hence the right, to use force in international relations, in general, and as humanitarian interventions, in particular.[33] This literature, however, tends to overlook the regional organizations' policies and role in crisis management as it focuses on the actions of the United Nations and high profile interventions such as the US-led invasion of Iraq and the NATO bombing campaigns in the Balkans. In sum, regional organizations have acquired a role in crisis management[34] that is not yet adequately matched by the scholarship analysing the legitimacy of the use of force.

"Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'", *Political Studies,* 61 (2013), 2-22; Biegoń, Dominika, "Specifying the Arena of Possibilities: Post-structuralist Narrative Analysis and the European Commission's Legitimation Strategies", *Journal of Common Market Studies,* 51 (2013), 194-211.

[33] See, for example: Hurrell, Andrew, "Legitimacy and the use of force: can the circle be squared?"; Olsson, Christian, ""Legitimate Violence" in the Prose of Counterinsurgency: An Impossible Necessity?", *Alternatives: Global, Local, Political,* 38 (2013), 155-71; Chesterman, Simon, "Legality Versus Legitimacy: Humanitarian Intervention, the Security Council, and the Rule of Law", *Security Dialogue,* 33 (2002), 293-307; Coleman, Katharina P., *International Organisations and Peace Enforcement: The Politics of International Legitimacy* (Cambridge: Cambridge University Press, 2007).

[34] Bellamy, Alex J. and Paul D. Williams, "Who's Keeping the Peace?: Regionalization and Contemporary Peace Operations", *International Security,* 29 (2005), 157-95.

Hence, this thesis aims at contributing to these growing 'intersections' between security, regionalism, and legitimacy by bridging elements of all three scholarships. It does so in order to address the puzzle that is to understand the normative underpinnings of security regionalism in between national states and the global security governance in a context of multiple sites of authority. However, there is one main caveat that must be taken into account when looking at the construction of regional organizations as sites of authority within security governance: the use of *legitimation*[35] instead of *legitimacy* as the object of study.

While legitimacy can be, in very general terms, understood as "a virtue of political institutions"[36] or the "right to rule"[37], any definition that is more precise would be subject to controversy to the point where it is possible to say that legitimacy is an "essentially contested concept"[38]. Defining political legitimacy or selecting criteria that would have to be fulfilled for an organization or policy to be legitimate imply a normative stand taken by the scholar. Another approach to the concept would be to look at the *belief* on the legitimacy and on the right to rule, meaning that an institution would be legitimate if a given community believes it is. However, even if the problems of actually grasping these beliefs were ignored, this would still imply arbitrary choices regarding, for instance, what community matters and how much it has to 'believe' in order for the institutions to be legitimate. Both this approaches, known respectively as

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[35] This thesis uses the term *legitimation*, and derived vocabulary such as legitimated and the verb 'to legitimate', instead of *legitimization, legitimized* or *legitimize*. However, it makes no distinction regarding the meaning between these two radicals – both can be found in the literal quotations from the literature, they were reproduced as in the original texts.

[36] Peter, Fabienne, "Political Legitimacy", in *Stanford Encyclopedia of Philosophy* 2010. 1.

[37] Buchanan, Allen and Robert O. Keohane, "The Legitimacy of Global Governance Institutions", *Ethics and International Affairs,* 3 (2006), 596-624.

[38] Gallie, W. B., "Essentially Contested Concepts", *Proceedings of the Aristotelian Society,* 56 (1956), 167-98.

normative and sociological, essentialize the concept of legitimacy and risk treating it as a 'substance' that is inherent to certain political institutions in detriment of others according to the researcher's own choices and preferences. Moreover, both approaches eventually lead to a static understanding of legitimacy based on a set of universal criteria or a 'picture' of the current support a community gives to a political order.

Therefore, the choice for legitimation instead of legitimacy is the acknowledgement of a dynamic and intersubjective social process of justification of unequal power relations between rulers and ruled. Thus, legitimation is preferable to legitimacy as an object of study because no institution can be said to be inherently legitimate – its political legitimacy derives from a successful process of claiming the right to rule and the rightfulness of the inequality between rulers and subjects. It is understood that these power relations are not legitimate because they meet certain normative criteria or because a given community believes they are, but because they "can be justified in terms of their beliefs"[39].

This justification of the right to rule can be translated into legitimacy claims in discursive acts, which might originate from the rulers, from the subjects, or even from social actors who are *a priori* outside the hierarchical relationship. In this research, legitimation is restricted to *self*-legitimation, meaning the legitimacy claims of the rulers themselves who, intentional or unintentional, might link their policies and the existence of regional security organizations to the communities' normative beliefs. The underlying postulate

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[39] Beetham, David, *The Legitimation of Power*, 11.

here is that every political institution, every system of domination, attempts to legitimate itself, and that regional organizations, even if above all composed by transnational bureaucracies, are no different.[40]

Building on these assumptions, this thesis proposes a theoretical and conceptual framework of self-legitimation, which is defined, for the purposes of the present research as an auto-referential discourse, intentional or unintentional, made by one or a set of actors in the position of authority within a system of political domination, that is capable of justifying unequal power relations by linking its social reality to an audience's beliefs. With this definition, the concept of legitimation is de-essentialize so that social actors themselves, in this case the regional organizations, can add meaning to it[41].

Various questions might arise from this definition, which could look, for example, at what audiences are being privileged, at how the legitimating discourse is elaborated and 'propagated', or even at whether and how the audiences are convinced by the legitimacy claims and to what extent. This research, however, focuses on the *arguments* of legitimation given by regional organizations in relation to their own security policies, or the lack thereof. By doing so, it is possible to grasp the normative context, at least in the view of the organizations themselves, on the standing of security regionalism between national states and global institutions. Hence, the main research question, which is explored in the later part of this thesis, is the following:

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[40] Weber, Max, *Economy and Society: An outline of an Interpretative Sociology*, 213 and 954; See also:Barker, Rodney, *Legitimating Identities: the self-presentations of rulers and subjects*; Lagroye, Jacques, "La légitimation."
[41] Pouliot, Vincent, "The Essence of Constructivism", *Journal of International Relations and Development,* 7, no. 3 (2004), 319-36.

*What are the patterns of arguments in the self-legitimation process of regional security organization's policies of crisis management?*

Hence, this thesis' main goal in relation to the research question is to identify the arguments of self-legitimation and to group them in larger patterns that are coherent, intelligible, and exhaustive to a larger extent. These larger patterns are then called 'images of security regionalism'. The conceptual framework of self-legitimation, which derives from the research question, and the identification of the images are both relevant contributions for at least five reasons.

First of all, the justification of power, as Martin Wight put it, is the "fundamental problem of politics" [42] and consequently of political science. Secondly, to look at what is claimed to underpin unequal power relations is at the heart of the discipline because, following Rodney Barker [43], that is what institutions, rulers, and governments constantly work on, spending time and resources. Thirdly, the case of regional security organizations is crucial not only because it is insufficiently researched, but also because these institutions, as expressed by Philippe Schimitter[44], are potential transnational *polities* in a world stage and they would still be intrusive in the lives of many even if most certainly not following the same path nor possessing the same attributes of nation-states. Fourthly, a research on the arguments of legitimation, which are provided by the regional organizations themselves, 'speaks the normative context' in which the

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[42] Wight, Martin, *International Theory: The Three Traditions*, 99.
[43] Barker, Rodney, *Legitimating Identities: the self-presentations of rulers and subjects*.
[44] Schimitter, Philippe C., "Foreword."

political institutions build their standing in security governance. As Martha Finnemore has shown:

> When states justify their interventions, they draw on the articulated shared values and expectation that other decision makers and other publics in other states hold. Justification is literally an attempt to connect one's actions with standards of justice or […] with standards of appropriate behaviour. Thus, through an examination of justifications, we can begin to piece together what those internationally held standards are and how they change over time.[45]

And her reasoning is certainly relevant for the justification – and self-legitimation – of regional organizations' security policies as much as for that of national states' interventions. Therefore, images of security regionalism are, at the very least, part of a larger and changing normative context of shared 'standards of appropriate behaviour'. Finally, by looking at arguments of legitimation and at how organizations claim legitimacy it is possible to identify contradictions that are internal to the organizations discourses – independent from what is 'really' happening on the ground – along with the 'discursive tools' that might be used to address these contradictions.

The answer to the research question is provided by the empirical analysis of two case studies of self-legitimation of regional organization's policies of crisis management. Arguably, the cases that would most adequately fit the purposes set by the puzzle are the, largely simultaneous, responses of the European Union and the African Union to the violent crisis in the Sudanese region of Darfur and adjacent areas in Chad and Central African Republic (CAR) from 2003 onwards. More than providing a context in which two of the most

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[45] Finnemore, Martha, *The Purpose of Intervention: changing beliefs about the use of force*, 15.

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institutionalized regional organizations in terms of crisis management act simultaneously, various additional reasons justify the choice for the context in Sudan. Firstly, Darfur illustrates a case of 'bottom-up regionalization of security and insecurity since the conflict gradually become 'regionalized' to other areas, including ramifications across national borders to Chad and CAR. Secondly, Darfur illustrates a 'top-down' regionalization in which regional organizations grow intrusive and are constantly intervening in response to security issues and sometimes taking the leading role. Thirdly, the response to the crisis in Darfur reveals constant 'vertical' interplay between global and regional institutions, which is highly visible in the AU-UN hybrid mission UNAMID or in the transfer of responsibilities from the EU to the UN the Chad. Fourthly, there is also a more 'horizontal' interaction between regional organizations themselves as in the so-called partnership between the EU and the AU. Lastly, taken together, the case of Darfur allows for the analysis of self-legitimation of one organization from the region itself, the African Union, and another organization external to the African continent, the European Union, which is acting beyond its 'borders'. On this last note, is should be mentioned that, even if the EU has security policies and regulations that are internal to the bloc, it is the legitimation of the external dimension that is analysed, meaning the Common Foreign and Security Policy and its ramifications.

In addition, it should be noted by now that while the current literature on the legitimation of regional and international organizations remains largely focused on the legitimation of 'entities', organizations, rules of the game,

regimes, or regional projects,[46] this research focuses on the legitimation of specific policies – or a set of policies in response to the crisis in Darfur. This is not to say that there is no reference to the stand of the organization as a whole or that the legitimation of policies and organizations are independent from each other, but only that the *emphasis* is put into the legitimation of policies – the response to Darfur, in this case – and that the data are then collected and analysed accordingly. Finally, while the literature tends to focus on the legitimacy and the legitimation of controversial missions such as those that are not authorized by the hosting states or by the UNSC, this research looks at policies and missions that received the green light from both the Security Council and the hosting nation and were consequently seen as legal. Hence, there has not been a large controversy in regard to the missions in Darfur other than the fact that they were usually considered to add up to too little action on the part of the international community that should be doing more to solve or at least stabilise the conflict.

The empirical analysis of the self-legitimation of the case studies identified four larger patterns of legitimation, the images of legitimation, which are capable of justifying both the policies being implemented and the position

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[46] See, for instance, the following edited volumes in which chapter correspond to organizations: Zaum, Dominik, *Legitimating International Organizations*; Hoffmann, Andrea Ribeiro and Anna Van Der Vleuten, *Closing or Widening the Gap? Legitimacy and Democracy in Regional Integration Organisations*. See also Sternberg, Claudia S., *The Struggle for EU Legitimacy: Public Contestation, 1950–2005* (Basingstoke: Palgrave Macmillan, 2013); Foret, François, *Légitimer l'Europe : Pouvoir et symbolique à l'ère de la gouvernance* (Paris: Les Presses de Sciences Po, 2008); Biegoń, Dominika, "Specifying the Arena of Possibilities: Post-structuralist Narrative Analysis and the European Commission's Legitimation Strategies"; Delcourt, Barbara, "Usages du droit international dans le processus de legitimation de la politique exterieure europeenne", *Droit et Société,* 49, no. 3 (2001), 769-90. for emphasis on the European Union and the integration project, the European Commission, and the European Security and Foreign Policy.

occupied by the regional organizations within security governance. The first image, which highlights the positive outcome of the regional organizations' policies to a given community, is called **beneficial regionalism**. Arguably, most if not all institutions claim to rule for the benefit of a group and regional organizations are no different. This is a consequentialist image that puts emphasis on how effective is the ruling *for* the people[47]. The second group of patterns is here called **necessary regionalism.** This image portrays the actions of the regional organizations, and by consequence their roles as security actors, as a *sine qua non* condition to address a 'dramatic situation'. Hence, two distinct and sometimes overlapping arguments are put forward: the characterization of the context as violent and chaotic, on the one hand, and the depiction of the organization's actions as crucial to restore order and peace.

The third image is the one of **inevitable regionalism,** meaning that the policies and the existence of regional organizations are taken for granted and portrayed as the 'natural course of things'. Hence, the organizations are depicted as simply 'following the law' and as disinterested and neutral bureaucratic bodies that don't have a saying and are 'following orders'. Finally, the fourth and last image is called **multilateral regionalism** and refers to the general narrative that 'doing things together' is preferable to unilateral actions. Thus, this pattern is underpinned by the horizontal relations among regional organizations and their emphasis, on the one hand, on their partnership and cooperation and, on the other, mutual support for each other's policies and positions within the response to the crisis.

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[47] Scharpf, Fritz W., "Problem Solving Effectiveness and Democratic Accountability in the EU", *MPIfG Working Paper,* 03/1 (2003).

Building on a more detailed analysis and combination of these fours images, as presented in the empirical chapters, and on the state of the art literatures on regionalism, security and legitimacy, it is possible to make at least five main claims regarding the nature of legitimation of security regionalism and the normative position of regional organization within security governance.

1. *Perceived inaction, or insufficient action, is and must be legitimated as much as actions.*

For every action that is taken by the regional organizations there are numerous courses of action that are *not* taken, be it for lack of willingness, lack of capacity, or any other factor. While most studies of legitimacy look at the legitimation of organizations, projects, and, usually highly controversial, policies, it can be argued that the legitimation of inaction is at least as crucial, especially in cases were policies are widely expected by the public. Such is the case of the crisis management of Darfur in which actions by the 'international community' were not only seen as legal and uncontroversial, but also deemed necessary.

Hence, the European Union and the African Union appeal to various 'tools' in order to justify the possible gap between what is expected and what is actually being done. The image of beneficial regionalism, for example, highlights the permanent struggle of both organizations to 'remain relevant' and constantly inform and publicize what they are doing in response to the crisis as well as the positive outcome of their policies. If policies do not produce the desired results, then it is the 'hard work' of the personnel that is emphasised. In the image of inevitable regionalism, the blame for the inaction is transferred to 'unavoidable

factors' such as following the law, the lack of authorization from the Sudanese government, or the hardship and isolation of the terrain in Darfur – geographic challenges beyond the organization's control.

Legitimation of actions is inherently linked to the legitimation of inactions. Whenever an organization justifies something it is doing, did or will do, it is also justifying everything else it is not doing. Action and inaction go hand in hand. Hence, regional organizations have to justify the inaction in order to legitimate their position and existence: if an institution does not act when it is expected, for instance in response to of what many considered genocide in Darfur, then why do we need yet another hierarchical relation, yet another ruler?

2. *The legitimation processes of the organizations, of their standing within security governance, and of their policies are, all three, indissociable.*

This thesis' focus on the legitimation of actions is but a methodological choice, which implies the collection of data that relate to the policies of crisis management in particular. But in the process of legitimation, and the results it produces, the justification of actions cannot be separated from that of the organization and the position it occupies. Hence, the legitimation of policies presents a double nature. While some actions must be legitimated on their own, other actions and policies serve mainly as arguments that might legitimate the organization behind them as well as the position it takes within security governance. When the African Union is justifying its position as 'leader' and its role as a security actor, it appeals to, among other narratives, the actions it is taking that are helping to 'solve the crisis' in Darfur.

Moreover, the legitimation of regional organizations arguably happens in deeper levels[48] in comparison to states. National states, on the one hand, are established polities. This means that what is usually legitimated is the leader in position of authority, the government and the political party in power, or at most the rules of the game, the laws and the state's constitution. The existence of states or their role as security actors is not contested. Regional organizations, on the other hand, are a novelty in comparison to states, and it is their existences, or at least their role of security providers, that are ultimately legitimated.

3. *The regional identities and regional 'comparative advantages' are diminished in front of legal-bureaucratic features of 'impersonal and neutral' regional organizations.*

The images of inevitable and beneficial regionalism also show that the arguments of legitimation highlighting the regional features of regional organizations such as identity, on the one side, or comparative advantages, on the other, are much less frequent than the legal-bureaucratic arguments of impartiality. While both the European Union and the African Union touch on identity and their nature as regional organization when mentioning respectively the 'European tradition of helping people in need' of the 'African solution for African problems', it is clear from the empirical analysis, which is presented in the image of inevitable regionalism, that these arguments are secondary when compared to the emphasis put on the 'impersonal', the legal, and the neutral characters of their policies.

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[48] On levels of legitimation, refer to Lagroye, Jacques, "La légitimation."

Other than regional identity, the literature of security regionalism often highlights the comparative advantages offered by regional organizations in relations to national states and the United Nations when it comes to policies of crisis management. [49] These possible 'advantages' are, for example, lower financial costs, better knowledge of the terrain and local population, proximity to the conflict and greater interest in solving it, and greater consensus and speed of reaction, all adding up to a larger efficiency. Nonetheless, the image of beneficial regionalism shows that these advantages are rarely, if ever, mentioned and that the positive outcome of the organization's policy is not linked to the idea that they can 'do better' than states or the UN, but rather that they act in complementarity.

4. *Security-related arguments of legitimation based on dramatization are potentially 'double-edged swords' that might create responsibilities the organization cannot meet.*

Security-related legitimation functions as a double-edged sword: while part of a legitimation process of policies and organizations that is capable of constructing actions as necessary, they also establish a particular set of responsibilities to actors in dealing with the problems. An opposition between two contrasting, mostly hypothetical, narratives articulates the image of necessary regionalism. Firstly, the depiction of a chaotic and violent scenario that needs to be addressed – this first phase it here called 'dramatization'. Secondly,

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[49] See, for example: Tavares, Rodrigo, *Regional Security: The Capacity of Regional Organizations* (Abingdon: Routledge, 2010); Kirchner, Emil J. and Roberto Domínguez, eds., *The Security Governance of Regional Organizations* (Abingdon: Routledge, 2011).

the depiction of the regional organization and its policies a key factor to bring stability and peace.

However, the risk lies with constructing a dramatic situation that 'gets out of hand' and that, for any number of reasons, cannot be addressed by the organization as would be then expected. Hence, there is a gap between the necessity and the actual policies and the results, a gap that might endanger the organization's standing as security provider. In other words, if an organization cannot fulfil its responsibilities – those that are attribute to it by, among other things, the very same dramatization of the context – then again, why should we have yet another political institution? RSOs then appeal to a legitimation argument in which the situation is said to get better (beneficial regionalism), but not so much to the point in which it ceases to be needed (necessary regionalism).

5. *Multilateralism 'diffuses' the responsibility for acting while also underpinning 'reciprocal legitimation' among regional organizations that, in turn, do not expressly challenge the UN primary responsibility.*

According to its basic assumption, the image of multilateral regionalism establishes that 'doing things together' is preferable to unilateral actions. However, the references to multilateralism – the narrative of cooperation and coordination among 'partners' working together in the same international response to a crisis – are also 'tools' to both diffuse the responsibility and support the organizations' claim to a specific position within security governance. For the former, a regional organization refer to their partners and to the cooperation among them to argue that while it is not doing everything that was expected to fulfil its perceived responsibilities, it is nonetheless part of a

larger and 'comprehensive' multilateral engagement in which expectation are met by the actions of many of its so-called partners. For the latter, regional organizations turn to the support and cooperation of their peers to justify and sustain the position they take within security governance and as security actors. Hence, the African Union highlights the support from the international community to its position as leader while the European Union, an organization from outside the region, highlights the fact the AU supports its position in the Africa. More generally, the image of multilateral regionalism also reveals a trend of 'reciprocal legitimation' among regional organizations that is somehow analogue to the mutual recognition among sovereign states.

In order to support these and other claims, the theoretical part of the thesis builds on the three bodies of literature that are brought together in this research. Hence, the first three chapters coincide with the literatures on security, regionalism, and legitimacy. **Chapter 1** explores the concepts of security, of security regionalism as a project, and of security governance as a system of rule. It also defines what is meant by regional security organization (RSO). **Chapter 2** presents the empirical and normative dimensions of security regionalism and details this thesis' main puzzle that is the rise of security regionalism in-between the 'national constellation' of sovereign states and the global institutions. Moreover, it provides a historical perspective on the crisis in Darfur, Sudan, and above all a retrospective of the international community's responses to the conflict, which includes of course the policies and the missions of regional organizations. Finally, **chapter 3** revises the literature on political legitimacy,

mainly in the discipline of international relations. It argues for the use of legitimation instead of legitimacy as object of study and presents the research field that follows this trend, focusing on a broad constructivist tradition in IR.

Following the revision of all three literatures, **chapter 4** proposes, as an ideal-type, a conceptual and methodological framework to analyse the self-legitimation of policies of regional security organizations. It then clearly defines, in relations to the case studies of the policies of crises management of the European Union and the African Union in Darfur from 2003 onwards, the objects of legitimation, the legitimating actors, the legitimating audiences, and, above all, the arguments of legitimation. The chapter also explores the methods that were used to collect and analyse the data and offers an example of document analysis.

The last fours chapters present and analyse the arguments of legitimation that are grouped into four main 'images of security regionalism'. Hence, **chapter 5 to 8** respectively present the images of beneficial regionalism, necessary regionalism, inevitable regionalism, and multilateral regionalism. More than the systematic presentation of the regional organization's arguments of self-legitimation, each of the four chapters also links these images to the relevant literature, details the legitimation of inaction and the special features of the legitimation of *regional* organizations in a comparative perspective between the European Union and the African Union, and finally points to the possible contradictions within the discourse and the 'tools' that are used to manage these contradictions. The **general conclusion** brings the fours images together, links them to the general puzzle of this thesis, and proposes other avenues for research.

# SECURITY AND REGIONALISM

Chapter 1

# SECURITY REGIONALISM: GOVERNANCE AND ITS ORGANIZATIONS

This first chapter narrows down the focus of this dissertation by addressing how security relates to concepts such as regionalism, governance, and regional organizations. It is argued that both regionalism – as a policy and a project – and governance – as a system of rule – present an element of intentionality and are subject to questions of rightfulness and political legitimacy. Moreover, the two concepts relate to the process of widening and deepening of security. In this regard, regional organizations constitute one of the most visible aspects of both policies of regionalism and governance's heterarchy, with a bureaucratic actorness capable of relative autonomous discourse, and are part of the struggles of building regions and of defining and shaping security itself.

This chapter is divided into five main sections. Each of the first fours sections – security, security regionalism, regional security governance and regional security organizations – presents the current literature and advances a definition to be used in the thesis that shall guarantee the conceptual coherence throughout the chapters that follow. A final section details the security components of the European Union and the African Union as regional security organizations, going further into the details of the case studies.

## 1) Security

The definition of security must not be taken for granted, as it is bound to social context and can be studied from multiple intellectual perspectives. This section presents key elements that challenge a traditional context-independent view of security in order to advance an understanding of security as "discursive in nature [and] performative in character" [50].

The current debates within international security studies are marked by a high degree of heterogeneity. Since the 1980s, the so-called traditional approach to security has been contested by different perspectives such as constructivism, [51] international political sociology, [52] critical theory, [53] poststructuralism, [54] feminism, [55] postcolonialism, [56] and of course the discussions around the theory of securitization. [57] Most of these scholarships would oppose a narrow, context-

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[50] George Christou et al., "European Union Security Governance: Putting the 'security' Back in," *European Security* 19, no. 3 (September 2010): 343.

[51] Peter J. Katzenstein, *The Culture of National Security : Norms and Identity in World Politics* (New York: Columbia University Press, 1996).

[52] Didier Bigo, Christian Olsson, and Thierry Balzacq, "Security Practices," *International Studies Encyclopedia Online* (ISA, 2010); Didier Bigo, "International Political Sociology," in *Security Studies: An Introduction*, ed. Paul D. Williams, 2nd ed. (London: Routledge, 2013), 120–34.

[53] Ken Booth, *Theory of World Security* (Cambridge: Cambridge University Press, 2007).

[54] Lene Hansen, *Security as Practice: Discourse Analysis and the Bosnian War* (London: Routledge, 2006); Lene Hansen, "A Case for Seduction? Evaluating the Poststructuralist Conceptualization of Security," *Cooperation and Conflict* 32, no. 4 (December 01, 1997): 369–97; David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity*, Revised Ed (Manchester: Manchester University Press, 1998).

[55] Annick Wibben, *Feminist Security Studies: A Narrative Approach* (London: Routledge, 2011); Laura Sjoberg, ed., *Gender and International Security: Feminist Perspectives* (London: Routledge, 2010).

[56] Tarak Barkawi and Mark Laffey, "The Postcolonial Moment in Security Studies," *Review of International Studies* 32, no. 02 (May 24, 2006): 329.

[57] Barry Buzan, Ole Wæver, and Jap de Wilde, *Security: A New Framework of Analysis* (Boulder: Lynne Rienner, 1998); Michael C. Williams, "Words, Images, Enemies: Securitization and International Politics," *International Studies Quarterly* 47 (2003): 511–31; Barry Buzan and Ole Wæver, "Macrosecuritisation and Security Constellations: Reconsidering Scale in Securitisation Theory," *Review of International Studies* 35, no. 02 (April 29, 2009): 253–76; Thierry Balzacq, "The Three Faces of Securitization: Political Agency, Audience and Context," *European Journal of International Relations* 11, no. 2 (June 01,

independent, definition of security such as those proposed by Stephen Walt who limits security research to "the study of threat, use, and control of military force"[58], or even by Mohammed Ayoob who, despite proposing a 'Third World' perspective, restricts security to threats and potential threats that can "bring down or significantly weaken state structures, both territorial and institutional, and regimes"[59]. Both positions, while advancing universal and abstract definitions that are inherently state-centric, do not recognize the multiplicity of referent objects, actors, and threats.

This view contrasts with a "new thinking"[60] in security studies. The intellectual developments of the sub-field in the last thirty years made clear the necessity of including other sectors beyond the traditional military one and taking into account other referent objects to security beyond the state. As Rob Walker argues, in the study of security, "[m]ere physical survival […] is not enough, and power comes not just or even primarily from the barrel of the gun".[61] In fact, the last three decades witnessed such widening and deepening of the concept, as well as the introduction of so different ontological and

2005): 171–201; Matt Mcdonald, "Securitisation and the Construction of Security," *European Journal of International Relations* 14, no. 4 (2008): 563–87.

[58] Stephen M. Walt, "The Renaissance of Security Studies," *International Studies Quarterly* 35, no. 2 (1991): 212. In a longer passage, Walt limits security studies to "the conditions that make the use of force more likely, the ways that use of force affects individuals, states, and societies, and the specific policies that states adopt in order to prepare for, prevent, or engage war".

[59] Mohammed Ayoob, "Defining Security: A Subaltern Realist Perspective," in *Critical Security Studies: Concepts and Cases*, ed. Keith Krause and Michael C. Williams (University of Minnesota Press, 1997), 130.

[60] Steve Smith, "The Increasing Insecurity of Security Studies : Conceptualizing Security in the Last Twenty Years," *Contemporary Security Policy* 20, no. 3 (1999): 72–101.

[61] R. B. J. Walker, "The Subject of Security," in *Critical Security Studies: Concepts and Cases*, ed. Keith Krause and Michael C. Williams (University of Minnesota Press, 1997), 65.

epistemological perspectives, that security studies come to have no clear borders, but only frontier-zones[62].

The contours to these frontier-zones are established, as Barry Buzan and Lene Hansen explain, by ontological, epistemological and normative positions, which are taken by the researcher and "set crucial boundaries not only for how security is defined, but also for what kind of research projects and analyses are carried out"[63]. It is necessary, for instance, to reflect upon "whose security is at stake"[64] (e.g. collectivities, environment, individuals, etc.), whether to consider only external or also internal threats and actors, or whether to expand security studies beyond the military sector. Finally, it is also important to delineate the position in relation to politics and change as well as the main epistemological assumptions underpinning the research.

Traditional approaches to security, on the one hand, tend to answer these questions with a positivist methodology, with a realist view of politics in which political change is dependent on external impulse, and with a state-centric analysis of security restricted to the military sector and focused above all on external threats. Non-traditional approaches, on the other hand, have sought to rethink these questions with multiple, but also contrasting, perspectives. Ole Wæver, for example, popularized the division of critical security studies in three schools, Paris, Copenhagen and Aberystwyth[65]. A strict categorization, however,

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[62] Barry Buzan and Lene Hansen, *The Evolution of International Security Studies* (Cambridge: Cambridge University Press, 2009), 18.
[63] Ibid., 21.
[64] Walker, "The Subject of Security," 65.
[65] Ole Wæver, "Aberystwyth, Paris, Copenhagen New 'Schools' in Security," in *International Studies Association*, 2004.

might be misleading as the debates go beyond these groups to include others and intertwined contributions.[66]

By navigating within the frontier-zones of international security studies (ISS), the social context becomes even more important. Given the epistemological and ontological incompatibilities already embedded in the sub-field, a consensual, universal, and abstract definition of security is neither necessary nor desirable. In fact, claims about security are, "despite their rhetorical linkage with hardheaded claims about the way the world is […], at root primary normative both in their commitments and their effects."[67]. As Didier Bigo puts it, "any academic definition which tries to *stabilize* the meaning of security, is either naïve or politically oriented"[68]. In this regard, the approach presented next, relying on a constructivist take on security, seems to corroborate these demands by focusing on context instead of abstract definitions, and on discourse as well as materiality.

Any given approach to security is not only bound to its empirical context, but also to the assumptions of what matters, what security is and does, and how we come to know it. A critical constructivist approach to security also tries to answer to normative, ontological, and epistemological questions and comes with a specific focus on discourse. As Lene Hansen writes, "the point is that it is through discourse that the material – and the ideational – is represented for us

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[66] C.A.S.E. collective, "Critical Approaches to Security in Europe: A Networked Manifesto," *Security Dialogue* 37, no. 4 (December 01, 2006): 444–6; See also Columba Peoples and Nick Vaughan-Williams, *Critical Security Studies: An Introduction* (Abingdon: Routledge, 2010).
[67] Walker, "The Subject of Security," 62.
[68] Bigo, "International Political Sociology," 126 emphasis mine.

and by us"[69]. In this sense, the so-called borders of security are discursive and its concept has a deep political nature[70].

This discourse is not limited to words, but encompasses practices, representations, and inter-subjective relations. In addition, it is shaped and controlled by a number of social procedures of exclusion, which determinate what shall be said, who is in the position to do so and how it should be done.[71] Thus, it is possible to say that, in a so-called field of security, only certain groups and institutions "authorize themselves and […] are authorized to state what security *is*"[72]. The same reasoning applies for the definition of what constitutes a threat, for not everybody can do so and the characterization as such is seen as "part of a political and material struggle, rather than as corresponding to an immanent quality of the situation"[73]. Thus, even if constructivist scholars might remain statecentric, critical constructivism opens the way to analysis of referents other than the state. Regional organizations such as the European Union or the African Union [74], as amalgamation of member states and transnational bureaucracies[75], are part of this struggle when they assess a situation in their region or abroad, point out to threats or simply 'express concern' as means of

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[69] Hansen, "A Case for Seduction? Evaluating the Poststructuralist Conceptualization of Security," 382.

[70] Buzan, Barry and Lene Hansen, *The Evolution of International Security Studies* (Cambridge: Cambridge University Press, 2009), 192.

[71] Michel Foucault, *L'ordre Du Discours* (Paris: Gallimard, 1971).

[72] C.A.S.E. collective, "Critical Approaches to Security in Europe: A Networked Manifesto," 457.

[73] Hansen, "A Case for Seduction? Evaluating the Poststructuralist Conceptualization of Security," 383.

[74] See chapter 6.

[75] Williams, Paul D., "Regional and Global Legitimacy Dynamics: The United Nations and Regional Arrengements," in *Legitimation of International Organizations*, ed. D. Zaum (Oxford: Oxford University Press, 2013).

justifying their actions. In this regard, their security and foreign policies are legitimated by particular discursive constructions of security.[76]

Some elements of a constructivist approach to security overlap with a poststructuralist perspective, especially by bringing a strong focus on the dichotomies of exclusion and inclusion[77]. Discourse is, therefore, understood as constructing an opposition, be it in the process of identity formation and the opposition between the 'self' and the 'other', in the division between internal and external security and threats, or in the opposition between order and chaos. Hence, discourse sets the boundaries between a security issue that necessitates response – sometimes urgent and exceptional – and what remains outside security. Discourse also sets the borders of security sectors that might go beyond the military[78] and takes into account not only states, but also collectivities, economies, the environment, and individuals whose security is threatened. In fact, it is assumed that the distinction between state and individual security is very much blurry, as one comprises the other.[79] Claims about individual security, on the one hand, presuppose a public and political engagement linked to collective security. State security, on the other, "implies a particular solution to the problem of individual security"[80]. Referent objects to security are, therefore, historically contingent.

Finally, this view assumes that political change is possible, but that depends on how discourse is constructed and operates. Theorizing security might

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[76] Buzan, Barry and Lene Hansen, *The Evolution of International Security Studies*, 199.
[77] For an overview of postructuralism and discourse, see Peoples and Vaughan-Williams, *Critical Security Studies: An Introduction*, 63–68.
[78] Ibid., 381.
[79] Hansen, *Security as Practice: Discourse Analysis and the Bosnian War*, 36.
[80] Buzan and Hansen, *The Evolution of International Security Studies*, 25.

also be an element of change since there is no clear boundary between it and the practice of security itself.[81] Change is, however, limited by our ability to think other forms of political life: "[t]he security of states dominates our understanding of what security can be, and who it can be for, not because conflict between states is inevitable, but because other forms of political community have been rendered almost unthinkable." [82] Theorizing the security struggles of other polities, such as regional organizations, is an experiment beyond traditional boundaries and it allows for questioning what is taken for granted – a process that is at the heart of constructivism.

Thus, security comes to mean different things in different contexts and according to different approaches. For the purpose of this research, security claims refer to political urgency and special allocation of resources to deal with a constructed threat to an equally constructed referent object within a discursive framework. Both the threat and the referent object are constructed. It also refers to the empowerment of one or multiple actors to a position of authority capable – perceived as capable or even responsible – to deal with the security issue. Therefore, it is understood that for every security issue, there is a struggle among different actors for the 'rightfulness' of defining its contours and of dealing with it. Put simply, security discourses function as a double-edged sword: while part of a legitimation process of policies and organizations, they also establish a particular set of responsibilities to actors in dealing with the problem.[83] This thesis shall look at exactly this process by which the actor's *ethos* is built and

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[81] C.A.S.E. collective, "Critical Approaches to Security in Europe: A Networked Manifesto," 473.
[82] Walker, "The Subject of Security," 73.
[83] Hansen, *Security as Practice: Discourse Analysis and the Bosnian War*, 35.

justified: the discursive strategies by which the right to speak and do security are constructed as well as how the responsibility to do so is managed by discursive tools.

## 2) Security regionalism

Security, being inseparably linked to its social and political context, also connects to different geographical, physical, spaces. These spaces might involve sub-national regions, one or multiple states, or even the entire planet. That is not to say that there is no interaction among actors in different spaces, but that some might acquire more relevance over others in specific discourses. This section explores the links between security and one of these 'spaces': the world regions, or simply *regions* henceforth.

An ever-increasing number of works, from a variety of perspectives, points to the importance of security for regions and within the new wave of regionalism.[84] Terms such as region, regionalism and regionalization are subject to multiple interpretations, the last two being frequently used interchangeably. In this regard, Louise Fawcett makes a useful distinction between regionalization and regionalism. While the latter refers to a policy or a *project* "whereby states

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[84] David A. Lake and Patrick M. Morgan, "Building Security in a New World of Regional Orders," in *Regional Orders: Building Security in a New World*, ed. David A. Lake and Patrick M. Morgan (University Park: The Pennsylvania State University Press, 1997), 343–55; Douglas Lemke, *Regions of War and Peace* (Cambridge: Cambridge University Press, 2004); Barry Buzan and Ole Wæver, *Regions and Powers: The Structure of International Security* (Cambridge: Cambridge University Press, 2003); Björn Hettne, "Security Regionalism in Theory and Practice," in *Globalization and Environmental Challenges: Reconceptualizing Security in the 21st Century*, ed. Hans Günter Brauch et al. (Berlin: Springer, 2008), 404–12; Peter J. Katzenstein, *A World of Regions: Asia and Europe in the American Imperium* (Ithaca: Cornell University Press, 2005); Elzbieta Stadtmuller, "Regional Dimensions of Security," in *Global Politics of Regionalism: Theory and Practice*, ed. Mary Farrell, Björn Hettne, and Luk Van Lagenhoven (London: Pluto Press, 2005), 105–19.

and non-state actors cooperate and coordinate strategy within a given region", the former is a *process* that might happen as result of spontaneous forces and that refers, broadly speaking, to a concentration of activity in the regional level.[85] Thus, one can say that regionalism, as opposed to regionalization, is intentionally promoted.

For Fawcett,[86] three elements help understand security regionalism: **a.** the experience of Western Europe; **b.** the normative frames it presents or draws upon can either support or oppose global order; **c.** and the multilateral/global institutions' need to share the burden, especially in conflict resolution. In this last aspect, (new) regionalism can be seen as motivated by, among other factors, the UN incapacity to deal with security demands.[87]

In many studies, however, 'security regionalism' refers not only to specific phenomena of regional projects, but also to the scholarship working on regions as a 'space' for security. Indeed, the literature is already very extensive, and the approaches vary considerably. When reviewing the security studies' contributions to regionalism, Robert Kelly [88] shows that most approaches downscale – or deduct – the debates of international relations theory to the regional level, considered to be anywhere between the national level and a fully

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[85] Louise Fawcett, "Regionalism from an Historical Perspective," in *Global Politics of Regionalism: Theory and Practice*, ed. Mary Farrell, Björn Hettne, and Luk Van Langenhove (London: Pluto Press, 2005), 23–7; See also Hettne, "Security Regionalism in Theory and Practice."

[86] Louise Fawcett, "Regional Institutions," in *Security Studies: An Introduction*, ed. Paul D. Williams, 2nd ed. (Abingdon: Routledge, 2013), 364–5.

[87] In this regard, as Fawcett highlights with a constructivist approach, regionalism serves as vector for alternative conceptions of order and security, meaning the world can be conceived differently, like the "Asian Way" or "African solution to African problems". The next chapter elaborates on the relation between global primacy and regionalism.

[88] Robert E. Kelly, "Security Theory in the 'New Regionalism,'" *International Affairs* 9 (2007): 197–229.

global space, this last one being where IR theory traditionally focuses. Hence, considerably less effort has been put on building theories that are specific to regional security and to regional organizations, which also concerns the gap on the study of legitimacy of policies and projects of security regionalism that this research intends to fill.

Perhaps the most popular approach to regional security to date, Barry Buzan and Ole Wæver's regional security complex theory (RSCT)[89], presents a mix of realist theory down-scaled to the study of regions (e.g. polarity, anarchy, state-centrism, state capacity, etc.) and some elements of constructivism as those brought by securitization theory. In their work, the authors divide the world into non-overlapping security complexes according to their account of processes and relations of securitization.[90] Underpinning most of the study, however, is the assumption that regions take preponderance in the security realm because of both the move away from bipolarity that signifies the absence of systemic dispute between superpowers and the fact "that most threats travel more easily over short distances than over long ones"[91]. Thus, the limits of each security complex might change in time because they are constructed according to relations of securitization and threat among international actors, mainly states.

Along with RSC theory, other scholarship pieces also propose their own definition of what a region is and how one can identify them. David Lake and Patrick Morgan look at actors around common security externalities, breaking

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[89] Buzan and Wæver, *Regions and Powers: The Structure of International Security*, 40–83.
[90] Buzan and Wæver (*Regions and Powers: The Structure of International Security*.) define regional security complexes as "a set of units whose major processes of securitization, desecuritization, or both are so interlinked that their security problems cannot reasonably be analyzed or resolved apart from one another".
[91] Ibid., 21.

with the territorial cohesion of regions as proposed by Buzan and Wæver; Douglas Lemke bases his study on regional hierarchies and identifies at least 23 different regions; looking at regions as products of hegemon's actions, Peter Katzenstein presents six large regions corresponding to the American Military Commands.[92] Nonetheless, despite their different approaches, these studies would very rarely take into account the importance of institutions and formal organizations other than states within regions, let aside the normative question of rightfulness of these actors in playing a role in the regional realm.

For the purposes of this thesis, regionalism is understood as a set of intentional political projects, acts, policies and discourses that originate and enhance regional institutions in a broader sense and in a contiguous space, which is in itself also constructed by regionalism. This includes not only formal organizations, but also shared procedures and norms in a regional level. Simply put, regionalism promotes a specific idea of region in terms of identity, shared goals, and geographical space. It participates in the *construction* the regions themselves by advancing the regional commonalities and setting their geographical and social limits.

Overlapping regionalisms compete on building overlapping conceptions of regions and, by consequence, exclude and build other adjacent regions. Promoting a South American identity over a Latin American one, for example, would necessarily exclude, and therefore also help constructing, a Central American region. It could also the case of the Europe of the European Union in

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[92] Lake and Morgan, "Building Security in a New World of Regional Orders"; Lemke, *Regions of War and Peace*; Katzenstein, *A World of Regions: Asia and Europe in the American Imperium*.

contrast to the rest of European continent, or the Sub-Saharan Africa in opposition to a continental-wide African region as that of the African Union. By building a region, regionalism also 'excludes' other regional conceptions and discourses that overlap in time and space. This exclusion of the other is not necessarily radical and does not always mean a rivalry, but it certainly helps construct and set limits to regions.

Behind regionalism, and both its construction and exclusion elements, are a variety of actors. Actors capable of promoting regional project are usually public, but there can also be private actors involved. Furthermore, regionalism as a project can also increase regional awareness and regional identity, promote common norms and behaviour, and of course create and further develop formal institutions such as regional organizations.

If a constructivist approach to security means that it cannot be objectively defined, the same approach to security regionalism would mean that regions, in addition to security, could not be defined in abstract terms or detached from their context. Regions are socially constructed, and their limits and attributes vary according to the perspective adopted (e.g. economical, cultural, political, etc.) and the points of view of different actors involved. To say that regions are socially constructed means above all that they could be different – a counter-factual that is at the heart of constructivism – and are constantly rebuilt or reaffirmed by different initiatives.

But regions are not only built by intentional projects and policies of regionalism. They are also constructed by process of regionalization that can be non-intentional and spontaneous. Regionalization of security happens in two

opposing directions: by the geographical 'spill-over' of security issues previously restricted to national borders (e.g. an escalation of a civil war conflict) or the 'downscale' of security from global to regional. In security studies particularly, regionalization commonly refers to the latter in relations to peace operations and conflict management, in a broader sense, that are managed not exclusively by the United Nations, but also by regional organizations when the they take over at least part of the responsibility.[93] In both directions, regionalization comes to mean the rise in importance of the regional level in the construction of security.

## 3) The governance of regional security

Initially, before the 1980s, governance had a broad meaning similar to that of political regime.[94] More recently, in the last couple of decades, it has acquired more specific definitions, being applied in multiple disciplines, from economics to environmental studies. Presented as a system of rule[95], as a set of structures and process[96], or as structures of authority[97], governance commonly refers to the diffusion of political authority, to the decentralisation of governing, decision-making or policy implementation, and to the participation of multiple

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[93] Fawcett, "Regionalism from an Historical Perspective," 25.

[94] Elke Krahmann, "National, Regional, and Global Governance, One Phenomenon or Many?," *Global Governance* 9 (2003): 331. See, for example, Heiner Hänggi, "Making Sense of Security Sector Governance," in *Challenges of Security Sector Reform* (Munich: LIT Verlag, 2003), 6–7. The author presents governance as something "more emcompassing then government", the latter being somehow part of the former.

[95] Emil J. Kirchner, "Regional and Global Security: Changing Threats and Institutional Responses," in *Global Security Governance: Competing Perceptions of Security in the 21st Century*, ed. Emil J. Kirchner and James Sperling (London: Routledge, 2007), 3–22; James Rosenau, "Change, Complexity, and Governance in Globalising Space," in *Debating Governance: Authority, Steering and Democracy*, ed. Jon Pierre (Basingstoke: Macmillan, 2000), 164–200; Emanuel Adler and Patricia Greve, "When Security Community Meets Balance of Power: Overllaping Regional Mechanisms of Security Governance," *Review of International Studies* 35 (2009): 59–84.

[96] Elke Krahmann, "Conceptualizing Security Governance," *Cooperation and Conflict* 38, no. 1 (March 01, 2003): 5–26.

[97] Shaun Breslin and Stuart Croft, *Comparative Regional Security Governance* (Abingdon: Ashgate, 2012).

actors, public and private as well as the interaction between formal and informal actors and 'authorities'.

Following this trend is the work of Elke Krahmann[98] who contrasts governance to government, placing both concepts in a spectrum of decentralisation/centralisation, which includes attributes such as decision-making, policy implementation, distribution of resources, and geographic centralisation. Following a similar trend, Emil Kirchner defines governance as:

> [T]he structures and processes which enable a set of public and private actors to coordinate their interdependent needs and interests through the making and implementation of binding policy decisions in the absence of central political authority.[99]

Hence, governance points to the decentralisation of governing, a move away from a unifying authority, which has, in modern history, been represented by state centrism. Both governance and government are ideal-typical poles, and political structures and process are often somewhere in the middle of this spectrum. Krahmann's continuum, however, is not exhaustive when it comes to world politics. As Emanuel Adler and Patricia Greve[100] remind us:

> Whereas in domestic politics [governance] describes a movement 'from government to governance' – suggesting a process of fragmentation and 'hollowing out of state' – in international politics the term can be seen to have emerged describing the move from (realist) 'anarchy' to 'governance'.

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[98] Krahmann, "National, Regional, and Global Governance, One Phenomenon or Many?"
[99] Krahmann, "Conceptualizing Security Governance," 11. As Krahmann points out, this definition opposes a broader understanding of governance according to which a centralised government is one of the possible combinations of governance, a concept regarded almost as synonym to the one of politics itself.
[100] Adler and Greve, "When Security Community Meets Balance of Power: Overllaping Regional Mechanisms of Security Governance," 65.

Accordingly, in world politics, governance refers to a degree of *decentralized* authority, but not always to the process of *decentralization* of authority. On the contrary, it might highlight a move towards at least some degree of hierarchy as opposed to the completely anarchical conception of international politics as defended by classical theories of IR. This 'move' from anarchy to governance, as shown in the chapters that follow, needs to be justified and legitimated.

The security element in regional governance is still not sufficiently clear in the literature. It is usually assumed that *security* governance refers to the same phenomenon as governance, but with a specific focus on the "structures and processes that characterize national and international security"[101]. Kirchner, for example, defines security governance in very broad terms, lacking specific references to security itself or elements such as urgency, survival or threat:

> Security governance can be defined as an intentional system of rule that involves the coordination, management and regulation of issues by multiple and separate authorities, interventions by both public and private actors, formal and informal arrangements, and purposefully directed towards particular policy outcomes.[102]

Definitions proposed by Shaun Breslin and Stuart Croft[103] as well as by Krahmann[104] treat governance as a loose[105] concept capable to grasp the reality of a new security environment. Facing new challenges and threats of this new

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[101] Elke Krahmann, "Security Governance and Networks: New Theoretical Perspectives in Transatlantic Security," *Cambridge Review of International Affairs* 18, no. 1 (April 01, 2005): 22.

[102] Kirchner, "Regional and Global Security: Changing Threats and Institutional Responses," 3.

[103] Breslin, Shaun and Stuart Croft, "Researching regional security governance: dimension, debates and discourses," in *Comparative Regional Security Governance*, ed. S. Breslin and S. Croft (Abingdon: Ashgate, 2012).

[104] Krahmann, Elke, "Conceptualizing Security Governance", *Cooperation and Conflict,* 38 (2003), 5-26.

[105] Christou et al., "European Union Security Governance: Putting the 'security' Back in," 343.

context, the state's monopoly of the (legitimate) use of force seems to be eroded as it interacts with private actors and international organizations for reasons of effectiveness or cost-efficiency[106].

At the same time, most definitions of security governance seem to corroborate a wider and deeper understanding of security. George Christou and his co-authors.[107], for example, work with the concept of securitization in relation to European security governance, an approach that would accept multiple sectors beyond the traditional military. Of course, the notion of security governance points to a process of erosion of the state's monopoly of legitimate violence, and not to a complete extinction.[108] Even constructivist and poststructuralist approaches, which consider and give voice to other actors beyond the state, would acknowledge that security "still remains for the most part a prerogative of the state."[109] When looking at private security, for instance, Rita Abrahamsen and Michael Williams[110] argue that states retain much of their prerogatives and resources in the intersection between governance and security and that governance comes into existence because national institutions enabled it. Indeed, power relations and domination become simultaneously national and

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[106] Krahmann, "Security Governance and Networks: New Theoretical Perspectives in Transatlantic Security," 23.

[107] Christou et al., "European Union Security Governance: Putting the 'security' Back in."

[108] See, for example, Frédéric Mérand, Stéphanie C. Hofmann, and Bastien Irondelle, "Governance and State Power: A Network Analysis of European Security," *Journal of Common Market Studies* 49, no. 1 (January 15, 2011): 121–47. The authors show that, despite the apparent highly heterarchical character of the Common Security and Defence Policy of the EU, much of the action is still restrained to a few state actors.

[109] Hansen, "A Case for Seduction? Evaluating the Poststructuralist Conceptualization of Security," 383.

[110] Abrahamsen, Rita and Michael C. Williams, "Security Beyond the State: Global Security Assemblages in International Politics", *International Political Sociology,* 3 (2009), 1-17: 95.

international and cannot be reduced to "questions of more or less state power"[111]: state authority is 'regionalized'.

But not every approach to governance necessarily corresponds to a wider approach to security. Heiner Hänggi, for instance, proposes that, from a state-centric perspective, the focus of security governance would be on military and traditional security in the so-called security sector governance, which includes mainly "the protection of the state and its constituent communities"[112]. Adler and Greve[113] also try to insert a more distinctive, perhaps traditional, element of security by defining security governance as:

> […] a system of rule by individual and corporate actors aiming at coordinating, managing, and regulating their collective existence in response *to threats to their physical and ontological security*. This system of rule relies primarily on the political authority of agreed-upon norms, practices, and institutions, as well as on the identities, rationalities, technologies, and spatial forms, around and across which international and transnational security activity takes place.

Despite the differences, there is apparently a common trend in security governance literature to consider a certain number of key features, as presented by Mark Webber and his co-authors. Accordingly, security governance refers to a large number of actors of different nature (e.g. states, international organizations, and private actors) whose relations are marked by heterarchy, but also by formal and informal frameworks of institutionalization and a certain diffused authority.

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[111] Ibid.: 121.

[112] Hänggi, "Making Sense of Security Sector Governance." Even the focus on the traditional security sector, however, already reveals a large number of actors. The author works, for example, with five distinct groups: those authorized to use force, civil management and oversight bodies, justice enforcement institutions, and non-statutory security and civil society groups. The sector is also object of considerations about accountable democratic or simply 'good governance'.

[113] Adler and Greve, "When Security Community Meets Balance of Power: Overllaping Regional Mechanisms of Security Governance," 64, emphasis mine.

Furthermore, their interactions are "ideational in character, structured by norms and understandings as much as by formal regulations"[114]. Finally, the relation is also characterised by a collective purpose. This last aspect marks an element of intentionality that is, as shown above, also common to policies of regionalism.

Krahmann's work also demonstrates that the understanding of governance at different levels – national, regional, and global – refers, broadly speaking, to the same phenomenon of diffused authority.[115] The distinctiveness of the literature on *regional* governance, however, is its larger European footprint developed since the 1990s[116], as it "almost exclusively refers to what has been termed multilevel decision-making within the European Union"[117]. This focus in the literature is mainly due to the so-called post-Westphalian attributes of EU policy-making and the very complex relation within the region as well as with its periphery and in the transatlantic space.

As with regional governance in general, most of the literature on regional *security* governance was built upon the European and transatlantic experience.[118] Research on regions, however, has already been published since the 2000s[119].

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[114] Mark Webber et al., "The Governance of European Security," *Review of International Studies* 30 (2004): 8.

[115] Krahmann, "National, Regional, and Global Governance, One Phenomenon or Many?"

[116] See, for example Gary Marks, Liebsbet Hooghe, and Kermit Blank, "European Integration from the 1980s- State-Centric v. Multi-Level Governance," 1996.

[117] Krahmann, "National, Regional, and Global Governance, One Phenomenon or Many?," 325.

[118] Christou et al., "European Union Security Governance: Putting the 'security' Back in"; Krahmann, "Conceptualizing Security Governance"; Webber et al., "The Governance of European Security"; Emil J. Kirchner and James Sperling, *EU Security Governance* (Manchester: Manchester University Press, 2007); Emil J. Kirchner, "The Challenge of European Union Security Governance," *Journal of Common Market Studies* 44, no. 5 (2006): 947–69; Mérand, Hofmann, and Irondelle, "Governance and State Power: A Network Analysis of European Security."

[119] Emil J. Kirchner and Roberto Domínguez, "The Performance of Regional Organizations in Security Governance," in *The Security Governance of Regional Organizations*, ed. Emil J. Kirchner and Roberto Domínguez (Abingdon: Routledge, 2011); Emil J. Kirchner and Roberto Domínguez, eds., *The Security Governance of Regional Organizations*

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Much of the literature, in fact, overlaps with the subfield of comparative regionalism and, even if the concept of governance is not directly present, recent analyses aim at comparing the role of international organizations and other actors in regional security and the complex security environments, which is very much in line with governance's heterarchy.

Two comparative studies of regional security governance, including of course regions other than the European space, have recently been published. The first one is an edited volume by Emil Kirchner and Roberto Domínguez[120]. The authors provide a framework for comparison based on the possible contributions of regional organizations to security provision.[121] The typology offers a broader interpretation of security that allows for comparison of 10 regional organizations, bringing into the analysis, for example, non-military elements of human security and development.[122] Nonetheless, it does not go much far beyond traditional aspects of security as most of the studied attributes of these institutions actually gravitate around conflict prevention and conflict resolution. A second comparative study was proposed, in an edited volume, by Shaun Breslin and Stuart Croft[123] who open up the concept of security in order to consider not only the organizations' contribution, but also a more constructivist element of how

(Abingdon: Routledge, 2011); Breslin and Croft, *Comparative Regional Security Governance*.

[120] The authors also published a more recent working paper on the comparison of security goverance: Emil J. Kirchner and Roberto Dominguez, "The Security Governance in a Comparative Regional Perspective," *UNU-CRIS Working Papers* 8 (2013); Kirchner and Domínguez, *The Security Governance of Regional Organizations*.

[121] Kirchner and Domínguez' typology is based on the interaction between the organization's role or functioning (institution building or conflict resolution) and the instruments that might be used (persuasive and coercive). The two by two table presents then fours types of policies that can be promoted by regional organizations: prevention (persuasive means to institution building), protection (coercive means), assurance (persuasive means of conflict prevention) and compellence (coercive means).

[122] Ibid.

[123] Breslin and Croft, *Comparative Regional Security Governance*.

regions themselves come into being and how (shared) identities and discursive practices play a role in the process. Its introductory chapter does not offer common criteria for comparison in the same way as Kirchner and Domínguez do. Instead, the authors advance a definition of governance and an understanding of security. Most chapters, in this regard, tend to look at traditional aspects of security such as conflict prevention or public security. To put it in critical security terms, the understanding of security governance that is put forward by both studies seems to focus on the deepening of security rather than on the widening: the theoretical and conceptual frameworks allow for entities other than the state to play a role, but the analysis remain largely within the political-military sector.

These studies have shown that there is more to security governance then the European space and that the concept and what it entails can be applied in other regions. As Kirchner sustains, the many regions in the world present different degrees of cohesion, institutionalization, and effectiveness in addressing security issues, but the phenomena of regional security governance have, in its geographical variations, "become established features in the international system".[124] Kirchner goes on to say that the focus on regional security governance sheds light on the "inherent territoriality of contemporary international security"[125], a statement linked to a sort of territorial bound of security regionalism also put forward by Buzan and Wæver's RSC theory. And this security governance can be, as the authors put it, self-standing within the region or, as in many cases, vertically linked to the global institutions, above all

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[124] Kirchner, "Regional and Global Security: Changing Threats and Institutional Responses," 13.
[125] Ibid., 9.

the United Nations. Finally, there is also a horizontal relation between regional institutions themselves in what has come to be known as inter-organizationalism, such as between the EU and NATO, or interregionalism when multiple geographic spaces are concerned.[126]

When bringing the concept outside Europe, there is a need to use a broader understanding of governance, encompassing different realities. Furthermore, a focus on regional governance does not mean that only regional actors can be considered. It is important to acknowledge that actors internal *and* external to the region are often playing a role. Hence, the concept of governance, if taken as a heuristic tool, can grasp the multitude of centres by which different actors, public and private, "organize their common and competing interests in international security"[127].

Two aspects favour the use of governance as a heuristic tool[128] within our approach to security. Firstly, this study has no ambition of using the concept to understand how the decision-making takes place, how the system of governance originated and what drives it, or who is behind certain policies. Secondly, a heuristic and broader understanding of governance as decentralized system of rule would still take into account social power relations and its asymmetries between different actors. [129] As Frederik Mérand and his co-authors have shown,

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[126] Olsson, Christian and Gustavo G. Müller, "The EU and NATO's Comprehensive Approaches in Afghanistan and Somalia: Interregional or Intraregional?," in *The European Union and Interregionalism: Controversial Impact on Drivers of Regional Cooperation*, ed. M. Telò, L. Fawcett, and F. Ponjaert (Farnham: Ashgate, 2015).

[127] Krahmann, "Conceptualizing Security Governance," 5.

[128] It should be clarified that by 'heuristic tool' it is meant a device that facilitates learning, understanding and investigation. In this regard, heuristic tool is much less pretentious then a theoretical approach.

[129] Mérand, Hofmann, and Irondelle, "Governance and State Power: A Network Analysis of European Security," 122.

"a governance system is also a vector of power in which some actors dominate others".[130] As presented in chapters 3 and 4, it is this unequal relation of domination, which is inherent to security governance, that is being legitimated.

This view is compatible with a broad constructivist approach according to which the move towards decentralization of governing *could* empower and give agency to more actors to participate in the construction of security beyond the unifying, and ideal-typical, authority of the state. Thus, governance includes not only *cooperation*, but also *struggle* among actors. In other words, within a security governance architecture there is a variety of interacting actors, cooperating and competing to promote, direct, shape, implement, and suppress security discourses and practices. State and non-state actors might, for example, have different perceptions on what constitutes a threat and how to deal with them.

As the next chapter demonstrates, the security governance responding to the crisis in Darfur in Sudan and its adjacent areas from 2003 onwards has regional features mainly because of the positions occupied by regional organizations such as the European Union and the African Union. Put together along with roles and policies implemented by the United Nations, the national governments of the region, third-countries, and other member of the so-called 'international community', one clearly sees the heterarchical nature of governance and the multiplicity of sites of authority related to the crisis.

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[130] Ibid.

Finally, it is also important to note that security regionalism does not necessarily lead to decentralization. As Mario Telò[131] shows, a regional project might be pursued by a single state in authoritarian and non-negotiated fashion or it might be worked through a hegemonic project. However, in current days, the new wave of regionalism often does lead to diffusion of authority as it creates and enhances new institutions, gives voice to a variety of actors and develops new procedures of governing that must be justified and legitimated.

## 4) Regional security organizations and their policies

The most visible manifestation of security regionalism is the creation, or the empowerment, of formal institutions that can be regrouped by the label of regional security organizations (RSO). From confidence building measures to framing military operations, they also figure among the possible sites of authority within security governance. Since the number of such organizations has grown significantly in the first two decades following the Cold War, it is now possible to say, even if one considers only a narrow approach to security as military and defence, that virtually every region counts at least one security organization and that the vast majority of countries in the world are members of at least one, if not many different overlapping security arrangements, form alliances to larger bureaucracies.

New and enhanced institutions add up to the group of older organizations from the Cold War period that have not disappeared such as NATO – which can

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[131] Mario Telò, ed., "Globalization, New Regionalism and the Role of European Union," in *European Union and New Regionalism: Regional Actors and Global Governance in a Post-Hegemonic Era* (Aldershot: Ashgate, 2007), 1–20.

as well be considered a regional organization based on its membership in a North Atlantic region – and the Organisation for Security and Co-operation in Europe (OSCE). Actually, despite criticism on their efficacy, very few RSOs have been dismantled in the last six decades.[132]

As with security regionalism and regional governance, a large part of the literature about security organizations, from different theoretical backgrounds, refers to the European cases, be it NATO or the European Union and its Common Foreign and Security Policy (CFSP).[133] An important body of literature, however, that can be branded comparative regionalism, has been considering and comparing organizations from other regions with the EU and among themselves.[134] Rodrigo Tavares[135], for instance, looks at goals, priorities, and mandates as well as institutional designs of eleven organizations in their regions or nearby spaces. Furthermore, the author also identifies 38 regional organizations with security dimensions.[136] In parallel, other scholarship pieces have also been published with analysis of regional organizations' role in regional

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[132] Fawcett, "Regional Institutions."
[133] Examples include: Sebastian Barnutz, "The EU's Logic of Security: Politics through Institutionalised Discourses," *European Security* 19, no. 3 (September 2010): 377–94; Kirchner and Sperling, *EU Security Governance*; F. Merand, "Social Representations in the European Security and Defence Policy," *Cooperation and Conflict* 41, no. 2 (June 01, 2006): 131–52; Giovanni Grevi, Damien Helly, and Daniel Keohane, *European Security and Defence Policy*, *European Security* (Lisbon: The European Institute for Security Studies, 2009); Barbara Delcourt, "The Normative Underpinnings of the Use of Force: Doctrinal Foundations and Ambiguities in the CFSP/ESDP Discourse," *Baltic Yearbook of International Law* 6 (2006): 157–83.
[134] Rodrigo Tavares, *Regional Security: The Capacity of Regional Organizations* (Abingdon: Routledge, 2010); Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, *Rewiring Regional Security in a Fragmented World*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, *Rewiring Regional Security in a Fragmented World* (Washington: United States Institute for Peace Press, 2011); Katharina P. Coleman, *International Organisations and Peace Enforcement: The Politics of International Legitimacy* (Cambridge: Cambridge University Press, 2007); Kanti P. Bajpai et al., *Regional Conflict Management* (Oxford: Rowman & Littlefield Publishers, 2003).
[135] Tavares, *Regional Security: The Capacity of Regional Organizations*.
[136] Ibid., 10–1.

security, very often with a special focus on their interaction with the United Nations.[137]

This literature shows that the regional organizations dealing with security issues differ in terms of professed goals and mandates, the available capacity, the actual implementation of policies as well as their understandings of security, from a traditional to wider and deeper perspectives. Yet, it is possible to say that they all play a role in the security architecture of their regions, be it as symbolic, discursive, and practical agents or just something on which to put the blame for the perceived inaction of states in the face of a security issue.

This doctoral research proposes a definition of regional security organization (RSO), taking into account the works of Louise Fawcett and John Duffield,[138] with three basic features that are presented below: high level of institutionalization, regional attachment, and a connection with security issues.

*Institutionalization level*

First of all, a RSO is an international organization, which was created with, or has acquired, a highly institutionalized character, be it intergovernmental

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[137] Michael Pugh and Waheguru Pal Singh Sidhu, eds., *The United Nations and Regional Security: Europe and Beyond* (Boulder: Lynne Rienner, 2003); Stephen Kingah and Luk Van Langenhove, "Determinants of Regional Organisation's Global Role in Peace and Security," *EU-GRASP Working Papers*, EU-GRASP Working Papers, 30 (2012); Ademola Abass, *Regional Organisations and the Development of Collective Security : Beyond Chapter VIII of the UN Charter* (Oxford: Hart Publishing, 2004); Björn Hettne and Fredrik Söderbaum, "The UN and Regional Organizations in Global Security: Competing or Complementary Logics?," *Global Governance* 12 (2006): 227–32; Amitav Acharya, "Regional Security Arrangements in a Multipolar World ? The European Union in Global Perspective," *FES Briefing Papers*, FES Briefing Papers, 2004, http://library.fes.de/pdf-files/iez/global/50101.pdf; Crocker, Hampson, and Aall, *Rewiring Regional Security in a Fragmented World*.

[138] Fawcett, "Regional Institutions"; John S. Duffield, "International Security Institutions: Rules, Tools, Schools or Fools?," in *Oxford Handbook of Political Institutions*, ed. R. A. W. Rhodes, Sarah A. Binder, and Bert A. Rockman (Oxford: Oxford University Press, 2006), 633–53.

or supranational. More than juridical personality, the organization has at least one physical location, permanent bodies and secretariat, personnel, budget, and regular meetings. Here I adopt Robert Keohane's position[139] and consider international organizations as one specific, more formal, kind of international institution.[140] To use the UN vocabulary, more than an arrangement, a RSO is an agency[141], or a set of agencies.

Perhaps the most important difference regarding other institutions is that organizations behave as international bureaucracies with sufficient autonomy, despite their intergovernmental character and consensual decision-making for security and defence policies. Therefore, by analysing RSOs policies and discourses, it is not assumed that they simply "do what member states want", but that they present a certain degree of actorness:

> [Even if they are] not typically able to act in ways that directly contravene the interests of the states that create them, especially the more powerful ones, their autonomy allows them to perform certain functions more effectively than individual or even groups of states.*[142]*

Regional organizations are also able to adapt and react to change in their environment. Therefore, when facing a change in the normative environment, RSOs are expected to change the way they satisfy their stakeholders or, as chapter 3 will show, the way they legitimate their actions:

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[139] Keohane ("International Institutions : Two Approaches," *International Studies Quarterly* 32, no. 4 (1988): 383.) famously describes institutions, in a broad sense, as "persistent and connected sets of rules (formal or informal) that prescribe behavioural roles, constrain activity, and shape expectations". In this sense, international institutions examples include informal set of rules and procedures, common norms, treaties and conventions, international regimes, alliances, national states, or, in this case, international organisations.

[140] H. Haftendorn, Robert O. Keohane, and C. A. Wallander, *Imperfect Unions* (Oxford: Oxford University Press, 1999), 2.

[141] Tavares, *Regional Security: The Capacity of Regional Organizations*, 8–12.

[142] Duffield, "International Security Institutions: Rules, Tools, Schools or Fools?," 645.

> When conditions such as the security environment change, these organizations can react by changing their allocations of resources, the tasks they pursue, and the constituencies that they seek to satisfy. That is, they can adapt to change.[143]

By following the popular approach to actorness by Joseph Jupille and James Caporaso[144], we say that RSOs satisfy, to different degrees, four criteria, two of which are relatively straightforward while the last two require further clarification. First, actors interact and enjoy *recognition* by other entities, something that is clearly the case for RSOs when they are acknowledged by the United Nations, their peers and third-countries in international fora and cooperate with them[145]. Second, they have *authority*, a concept that the authors basically equate to legal competence or juridical personality.

Third and fourth, RSOs enjoy *autonomy* to various degrees and present a level of *cohesion* in their policy preferences. This does not mean, however, that they are free from the influence of their member-states, which effectively created them, or other groups. On the contrary, international organizations are often spaces of struggle and competition among their own members in an analogous way to national-states being sites of struggle among and within, for example, political parties or the administrative units in their bureaucracies. When they act and shape the actions of others, international organizations "may encounter varying degrees of resistance or co-optation, just as we see in all relationships

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[143] Haftendorn, Keohane, and Wallander, *Imperfect Unions*, 11–12.

[144] Jupille, Joseph and James A. Caporaso, "States, Agency and Rules: the European Union in Global Environmental Politics," in *The European Union in the World Community*, ed. C. Rhodes (London: Lynne Rienner Publishers, 1998), 214-21.

[145] Chapter 8 elaborates on the mutual recognition among regional security organizations and between RSO and the UN.

among international actors"[146]. They also face the limits of their capacity and of the opportunities presented to them. Actorness does not mean or necessarily require effective influence, for the capacity to influence and shape others' behaviour would be closer to power than actorness. Rather, an actor is able to act to various degrees of cohesion and various degrees of effectiveness to influence others. Furthermore, to say that regional and international organizations are autonomous, as Martha Finnemore argues, "does not, after all, make them omnipotent"[147]. Hence, it is important to bear in mind that no state, or any other entity in world politics for that matter, is omnipotent and it would be unreasonable to ask the same of regional organizations when considering their relative autonomy.

*Regional attachment*

The second feature refers to the regional character. A RSO is regionally attached in terms of membership and main goals (e.g. peace among neighbours, collective defence against external threats, etc.). In theory, it can be composed by a minimum of two member-states and go as far as any sub-global number. In practice, however, a RSOs' geographical space and membership tend to correspond to intuitive, although overlapping, conceptions of regions and sub-regions such as Western Europe, West Africa or Africa, North Atlantic, South Asia, and South America. This definition includes RSOs that overlap in space with others, and those that influence and act in extra-regional scenarios.

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[146] Barnett, Michael and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Ithaca: Cornell University Press, 2004).

[147] Ibid.: 154. See also: Kingah, Stephen and Luk Van Langenhove, "Determinants of Regional Organisation's Global Role in Peace and Security", 201-2.

By focusing on membership and ultimate goals, this definition does not make a distinction regarding the geographical area of action and influence. Moreover, we do not distinguish, at least for defining a RSO, between organisations that are internal-oriented (e.g. collective security) and external-oriented (e.g. military alliance). Very often an organization can aim at both internal and external spaces. The European Union, for instance, is a RSO even if it acts beyond the territory of its member-states. In an analogue way, states are 'national states' even if their policies reach beyond their territory.

Of course conceptions and boundaries of regions vary over time and accordingly to different issues such as security, economics, finance or trade, environment, culture, etc. In this sense, RSOs can be actual players in the 'construction of regions'. Moreover, the memberships of RSOs as well as the very creation of new organizations are facts that shape how the 'borders' of regions are ultimately perceived.

*The security element*

Finally, the third feature of a RSO refers to security itself. RSOs have security mandates to deal with security issues and they participate in the struggle that defines what are the security issues and threats and who or what should be protected.[148] But one might also inquire what is considered to be a security mandate. As with the concept of security, different positions can be taken. In a

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[148] See chapter 6 on 'whose security' matters. To deal with security threats can be the RSOs main or virtually sole objective as in the case of the OSCE or, to some extent, NATO. More often, however, RSOs have one or more specialised branches responsible for security issues within a larger institutional framework, as in the case of the South American Defence Council within the Union of South American Nations or the Peace and Security Council of the African Union.

broader sense, as Fawcett points out, almost every regional institution has a security element such as democracy and human rights promotion or environmental, and economic security. A more narrow understanding is offered by Duffield[149] who, while analysing international security institutions (ISI), considers institutions that address or regulate **a.** threat and use of physical force and the responses to such threats (e.g. military intervention, peace keeping operations); **b.** production, possession, exchange and transfer of weapons (e.g. military budget transparency, International Atomic Energy Agency); and/or **c.** peacetime deployment of military forces (e.g. military exercises). Fawcett[150] offers a similar definition by focusing on regimes and formal institutions whose aim is the *provision* of security.

Hence, organizations participate in the construction of regions and of security, being interested on advancing their own agenda. And this aspect refers not only to their policies, but also to particular understandings of what security is (what kind threats are relevant, who should be in charge of dealing with them) and related concepts such as human rights, humanitarian intervention, sovereignty, etc. With permanent representations and their own budgets, these organizations not only do things, but also say things. They issue policy statements and press releases after meetings, organize and fund conferences, and have their own institutes and think thanks producing working papers and training officials. Sometimes, they might be compelled to justify policies and actions, or the absence of them when the 'public' deems a policy necessary. In other

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[149] "International Security Institutions: Rules, Tools, Schools or Fools?," 634–5.
[150] Fawcett, "Regional Institutions," 358–9.

occasions, they might as well try to keep a low profile in face of unpopular or unjustifiable actions.

Therefore, it is possible to say that regional security organizations are also part of the discursive struggle within – and sometimes outside – their regions about security issues and how to deal with them. Furthermore, these policies and discourses of regional organizations in general, and security organizations specifically, both include and exclude actors, being an element in the construction of world regions and the related identities.

Most regional organizations, considered or self-proclaimed to have a security component, fall into a more classic definition of international security which refers to and tries to prevent "intentional, politically-motivated acts of physical violence directed by one political actor against another, typically – but not exclusively – states, that cross international boundaries."[151] A smaller number of regional organizations are also capable of planning, coordinating and/or executing military and civil operations, be it in the geographical space of their members or beyond it. Examples of regional organizations with capabilities of sending 'expeditionary' forces under their institutional framework include the European Union, the African Union, the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the Gulf Cooperation Council. By 2010, for example, around half of the peacekeeping operations were being conducted by regional organizations.[152]

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[151] Duffield, "International Security Institutions: Rules, Tools, Schools or Fools?," 634.
[152] Fawcett, "Regional Institutions."

When it comes to security operations, regional arrangements are one of the three actors beyond the United Nations that are currently conducting them, the other two being individual states and coalitions of the willing.[153] In security studies in particular, the trend by which regional arrangements are taking over a number of peace operations is known as 'regionalization of security'. These operations are not restricted to peacekeeping, civilian or police missions, and often include an element of use of physical force. As Coleman shows, states choose in many cases to launch peace enforcement operations through international institutions, among them what the author calls "sub-regional organizations"[154].

The policies and acts of different regional organizations vary considerably, from serving as facilitators in peace talks to the actual use of force in conflict situations, passing by judicial and police missions and post-conflict state building. They may work both towards securitization or desecuritization of an issue. These policies, as chapter 2 shall clarify, are subject to questions of efficiency and efficacy (e.g. what regional organizations do better than global institutions or individual states?), but also the related questions about rightfulness and accountability (e.g. what are the normative underpinnings of such policies?). In particular, this thesis seeks to analyse the claims of two regional organizations, the African Union and the European Union, which are presented in the next section.

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[153] Paul D. Williams and Alex J. Bellamy, "Who's Keeping the Peace?: Regionalization and Contemporary Peace Operations," *International Security* 29, no. 4 (2005): 167–71.

[154] Coleman, *International Organisations and Peace Enforcement: The Politics of International Legitimacy*.

## 5) The African Union and the European Union as examples of RSOs

The African Union is a continent-wide organization that assembles more than 50 members-states. It replaced the Organization of the African Unity (OAU), itself founded in 1963, when its treaty entered into force in July 2002. Politically, this new organization captains the idea of 'African solutions for African problems'[155] and is said to represent a move from non-interference – which at the time of the OAU had become a euphemism for inaction[156] – to non-indifference in the face of violence and human rights' violations happening in Africa. In this regard, the Constitutive Act of the AU gives it the right to intervene in a member-state when authorized by its supreme organ, the Assembly of Heads of State and Government.

The Assembly, however, only meets twice every year for ordinary sessions and it is the Peace and Security Council (PSC) that ensures the daily strategic and operational choices for conflict management in the continent. Created in 2003[157], the PSC is a body of fifteen members, which are elected among the African countries, respecting regional proportionality, for period of two or three years. The chairmanship of the PSC is held in turn by each member for one month. While unanimous decisions are to be sought, the Council can decide on procedural matters by simple majority and on every other decision by qualified majority of two thirds of a minimum quorum of 10 members.

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[155] Tardy, Thierry, *Gestion de Crise, Mantien et Consolidation de la Paix: acteurs, activités, défis* (Brussels: De Boeck, 2009), 156.

[156] Babarinde, Olufemi, "The African Union and the Quest for Security Governance," in *The Security Governance of Regional Organizations*, ed. E.J. Kirchner and R. Domínguez (Abingdon: Routledge, 2011), 276.

[157] African Union, "Protocol Relating to the Establishment of the Peace and Security Council of the African Union", Durban, 2002.

The Council is advised by its Military Staff Committee, a subsidiary body composed by senior military of its current members. The Committee's creation was accelerated in the face of the crisis in Sudan in the early 2000s and its report was crucial to the enhancement of the AU's mission in the country. Overall, the PSC has been subject to three sets of criticism. One relates to its membership, which often includes countries run by authoritarian regimes that commit the atrocities the Council is supposed to address. It is also accused of being a reactive body, acting on the short run to extinguish the crisis instead of tackling the deeper causes of violence and insecurity in Africa. Finally, as the rest of the AU, the Council suffers from lack of capacity and especially a lack of reliable funds that, more often than not, come from external donors. [158]

Despite these problems, the African Union initiated security operations – peacekeeping and monitoring missions – in countries such as Burundi (2003-04), Comoros (2006), Sudan (2003-07), and Somalia (2007-), the last two involving more than 7 thousands troops each. In these cases, it has provided a faster response in comparison to other regional or global organizations. That being said, the AU has never authorized intervention without the host government's consent, a move that would be possible according to article 4(h) of the Constitutive Act in the case of Darfur for example, but that has proven to be politically untenable to most of the member-states. Furthermore, it is important to note that only a handful of members frequently contributes with troops. Thus, countries such as Rwanda, Nigeria, Senegal, Ethiopia, Uganda, and South Africa have a larger say in the choices made by the 50-members organization. Beyond

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[158] Williams, Paul D., "The African Union's Conflict Management Capabilities", *International Institutions and Global Governance Working Paper,* October 2011, no. 7 (2011).

military operations, the AU has also acted in political mediation, conflict prevention, and peacebuilding as well as helped to consolidate colonial borders for African states via the principle of *uti possidetis* and a continental-wide anti-imperialist stand.

The set of institutions and instruments of conflict management gravitating around the AU is commonly referred to as the African Peace and Security Architecture (APSA)[159]. Apart from the already mentioned Assembly and Council, the AU counts with an African Standby Force for peace operations and an Early Warning System, both of which are still largely in the making, as well as with the Panel of the Wise, a group of political figures who made 'outstanding' contributions to peace in the continent. The primary function of the Panel, which first met in 2009, is to use its moral authority and the experience of its members to contribute to efforts of mediation and preventive diplomacy, and to facilitate communication in general.[160]

Finally, a key role of coordination and monitoring of AU's activities in peace and security is played by the AU Commission, especially in the persons of the Chairperson of the Commission and the Commissioner of Peace and Security. In general terms, the AU Commission functions as a secretariat.[161] In a very similar fashion to the UN's Secretary-General, the Chairperson can bring an issue to the attention of the PSC and put his good offices at the disposal of the Council to carry out tasks of mediation, ensure the implementation of decisions –

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[159] Ibid.
[160] Ibid.
[161] Tardy, Thierry, *Gestion de Crise, Mantien et Consolidation de la Paix: acteurs, activités, défis*.

which includes the deployment of missions – and report on the activities of peace and security.

The European Union is a regional entity whose nature, which mixes both supranational and inter-governmental decision-making and policy implementation, is still being debated. As a matter of fact, the conclusions of the current scholarship on the nature of the EU range from a new polity[162] or international actor[163] in the making to a set of international and mainly economic regimes[164], passing by a kind of political federation or a "domestic regime"[165]. In this regard, EU's security policies remain largely inter-governmental. On the one hand, this means that its members-states ultimately retain the ability to bloc the policies (e.g. CSDP missions) that are against their interests and it also means that there is a process of consensus-building within the Council of Ministers that often reduces in size and the spectrum of the initiatives and leads to a 'consensus-expectation gap'[166]. On the other hand, however, due to the growing size of the EU's bureaucracy as well as the participation of other institutions such as the European Commission in some aspects of policies like development and humanitarian aid, one could say that the foreign and security policies of the EU are products not only of the interaction of the members states but also of the institutional and bureaucratic framework of the Union.

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[162] Schimitter, Philippe C., "Foreword."

[163] Telò, Mario, "European Union, Regionalism, New Multilateralism: Three Scenarios," in *European Union and New Regionalism*, ed. M. Telò (Aldershot: Ashgate, 2007).

[164] Moravcsik, Andrew, "Preferences and Power in the European Community: A Liberal Intergovernmental Approach", *Journal of Common Market Studies* 31 (1993), 473-524: 474.

[165] Marks, Gary and Liesbet Hooghe, *Multi-Level Governance and European Integration*, 33-4. See also: Caporaso, James A. et al., "Does the European Union Represent an n of 1?", *ECSA Review,* 10, no. 3 (1997), 1-5.

[166] Toje, Asle, "The Consensus-Expectation Gap: Explaning Europe's Inneffective Foreign Policy", *Security Dialogue,* 39, no. 1 (2008), 121-41.

The process of European integration, at the origins of the present-day EU, dates back to the aftermath of the Second World War and, despite having successfully contributed to peace on the continent – at least in the space of its membership and accordingly to commonly held perceptions – quickly acquired a focus on economic cooperation and common market development. The failure of the establishment of the European Defence Community in 1954 reaffirmed the leading role of NATO vis-à-vis the defence of the continent. It was not until the late 1980s, in a process that culminated in the Treaty of Maastricht in 1992, that the EU member-states would pave the way to a more institutionalized European security policy, which started by the incorporation of the European Political Cooperation into the Communities' treaties and included the express ambition to a common defence policy in the future.[167]

The crisis in the Balkans during the 1990s revealed the weakness of the mechanisms in place, which failed to timely react to the violence in the region as it was expected, and pushed the member-states to further develop the European Security and Defence Policy (ESDP). The European Councils of Cologne and Helsinki in 1999 aimed at giving enhanced crisis management capacity to the EU that would eventually engulfed the Western European Union (WEU). In this regard, the Treaty of Amsterdam incorporated in 1997 the WEU's Petersberg Tasks of 1992, which included humanitarian and rescue missions, peacekeeping, and combat forces for crisis management to the Treaty on the EU. The Treaty of Lisbon of 2007 added missions of military advice and assistance, of conflict prevention and disarmament, and of post-conflict stabilization to what is now

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[167] Bache, Ian, Stephen George, and Simon Bulmer, *Politics in the European Union* (Oxford: Oxford University Press, 2011), 512-3.

called Common Security and Defence Policy (CSDP), an integral part of the Common Foreign and Security Policy (CFSP).

While the European Council might give general guidelines for the EU's policies, the decision-making process of the CSDP takes place in the Council of the EU, also referred as the Council of Ministers, and its subsidiary bodies such as the Political and Security Committee, a Military Committee, a Military staff as well as other preparatory and preliminary structures. Unlike the PSC of the AU, all member-states of the European Union have permanent representatives in the Council and membership is not subject to election. Despite recent advancements of the community method in different policy areas of the Union, decisions related to security and foreign policy still require consensus among members of the Council of the EU in its Foreign Affairs configuration (FAC) that assembles the foreign ministers, their representatives, and eventually defence ministers for ordinary and extraordinary meetings. [168] As in the case of AU's crisis management, a few EU member-states tend to engage proactively and push forward the agenda of peace and security while simultaneously contributing more troops and funds. In this regard, countries like Germany, which traditionally weights heavily in other policy areas, leave room to France in construction of EU's foreign policy towards Africa, for example.

Since 1999, EU's foreign and security policy is carried out by the Union's High Representative for Foreign Affairs and Security Policy. And since the Treaty of Lisbon's entry into force in 2009, the HR is *ex officio* vice-

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[168] For details of CSDP and CFSP decision-making processes and the main actors, refer to: ibid.: 509-25; Merlingen, Michael, *EU Security Policy: What it is, how it works, why it matters* (London: Lynne Rienner, 2012), 41-58 and 117-26.

president of the European Commission where the person leads the Service for Foreign Policy Instruments and coordinates the variety of EU's foreign policy tools. This includes above all the EC's financial resources such as the Instrument for Peace and Stability (IPS) and the funding of CSDP civilian operations. The High Representative and Vice-President (HR/VP) is appointed by the European heads of state and government within the European Council by qualified majority for a five-year term. As a member of the EC, the appointment of the HR/VP has to be accepted by its president and confirmed by the European Parliament. In addition to these functions, the HR/VP chairs the monthly meetings of the FAC within the Council of Ministers, heads the Union's External Action Service (EEAS) and its delegations, and is responsible for the EU's especial representatives.

Since 2003, the EU has launched more than 30 CSDP missions in three continents – Europe, Africa, and Asia – but never within the territory of its member-states as it happens in the case of the AU. And although it does not scape criticism of inaction, delay or incoherence, the CSDP has been able to sustain medium-size military, civilian and police operations, of more than a thousand troops, in countries such as Congo, Bosnia, and Kosovo as well as in Chad and Central African Republic as detailed in the next chapter. Since 2007, the EU also disposes of a rotating structure of battlegroups for rapid reaction, under the authority of the Council. Even if these troops have not been deployed

as such and forces have been convened in a case-by-case fashion, CSDP operations frequently draw from the reaction forces capacities[169].

Two main differences between the EU and the AU are crucial to this thesis' goals. Firstly, it is important to bear in mind that the EU is currently the summit of a process of regional integration and institutionalization that is much deeper than that of African Union.[170] By consequence, there are considerable differences in terms of the size of the regional bureaucracies, their budgets and capabilities that will have an impact not only on how their policies play out on the ground but also on how much material (e.g. speeches, papers, communiqués) is actually produced by these organizations' organs when they present and explain their policies.

A second difference, which is even more relevant to this thesis, is that contrarily to the African Union, the EU systematically acts in response to security issues *beyond* the territory of its member-states, be it in its Balkan or Mediterranean neighbourhood or in far away places such as Congo or Afghanistan. Such is the case, for instance, of the EU's responses to the crisis in Darfur. This is a scenario that is usually taken for granted, but such relation would be unthinkable in the other direction with the AU involved in European security affairs. This one-way street has certainly consequences in the legitimation process that is presented in the coming chapters. Furthermore, while in the process of European integration the main threat has always been the

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[169] Merlingen, Michael, *EU Security Policy: What it is, how it works, why it matters*, 79.
[170] For an overview of the differences between EU and AU in terms of capacity, mandate and relationship with the United Nations, refer to: Kingah, Stephen and Luk Van Langenhove, "Determinants of Regional Organisation's Global Role in Peace and Security", 213-7.

revival of realpolitik and war to the continent[171] and, in this sense, EU's crisis management missions are but secondary to European security, the AU's missions address the most crucial threats in the African continent and are, at least in these terms, the institution's strongest *raison d'être*.

Despite these two crucial differences in terms of institutionalization and area of operation, both AU and EU present a very important similarity. Actually, it is not a similarity of the organizations themselves, but rather of the environment of which they are part. Both AU and EU are not the only organizations with security-related features and capacity of crisis management in their regions. On its side, the EU coexists in the European space with at least NATO, OSCE, and the Council of Europe. At the same time, the AU shares the African continent with sub-regional organizations such as ECOWAS, SADC, and IGAD that, despite being formally part of the African Peace and Security Architecture, are still independent organizations often analysed in their own right. In the context of Sudan, one might also add the Arab League, which has members in the Middle East and North Africa region (commonly referred as MENA region). This coexistence does not mean that different regional organizations are in permanent competition of rivalry, but it does shed light on the regional security governance in place and on the level of heterarchy of each region.

> The emergence of a new actor [of crises management] compels other institutions to reposition (competition for resources, inter-institutional cooperation, the use of comparative advantages), modifies the national politics

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[171] This is the traditional constructivist take on regional security in Europe. See, for instance: Buzan, Barry and Ole Wæver, *Regions and Powers: The Structure of International Security*, 352-78.

vis-à-vis these institutions (state preference for an institution, sharing of national resources among a large number of institutions, etc.), and finally changes certain practices (development of specific institutional cultures and practices).[172]

In this sense, AU and EU are constantly building their own standing and legitimating their policies in front of other possible sites of authority, which traditionally includes the nation-states, but also other organizations with similar, perhaps opposing, claims that fight for social resources and acceptance.

**Conclusion**

The literatures on the security-related elements of governance, regionalism and regional organizations obviously overlap. Thus, the purpose of the division in sections in this chapter is not to argue for strict distinction between them as if they were distinct bodies of literature. Rather, the aim is to advance these important concepts along with the debates over how they relate to security.

The main conclusion is threefold. First, it is now possible to argue, with a discursive understanding of security, that regionalism is a set of intentional projects and policies aiming at the regional level and that, in parallel, it is also possible to present security governance as an intentional and decentralized system of rule, when ruling is coordination, management and regulation as well as the production of biding acts and decisions. Secondly, this element of intentionality is crucial for the purpose of this thesis, for it is meaningless to analyse the political legitimacy of spontaneous or unintended phenomena.

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[172] Tardy, Thierry, *Gestion de Crise, Mantien et Consolidation de la Paix: acteurs, activités, défis*, 107. Translation mine.

Finally, with the definition of regional security organization here proposed, one can argue that there is sufficient autonomy in their discourses and practices so that RSOs – their member-states and bureaucracies – discursively promote their ethos by participating in the ever-going struggle of defining and maintaining what security is, where we find it, and how can we address security issues and manage crisis. Hence, RSOs also assert the rightfulness of their policies, decisions and acts performed in relation to constructed security issues, the special allocation of resources when facing 'urgent and dramatic issues', and their own existence as actor within security governance.

This right to rule within a security governance's system of rule and within regionalism's policies and projects is constructed and maintained by a process of political legitimation. When successful, if at all, this process leads to a general willingness to accept decisions emanating from individual organizations, informal institutions, and/or the system of governance as a whole. The most important point to conclude, in this sense, is that regionalism and governance, its policies and institutions, *are* objects of (de)legitimation and that RSOs can actively participate in this process.

As chapter 2 will demonstrate, regions, its formal and informal institutions, are very often perceived as more legitimate in dealing with security issues[173] when compared to global institutions, mainly the United Nations. Nonetheless, the process by which this virtue arises seems to be overlooked. The literature on regional security and its institutions has advanced considerably in

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[173] Breslin and Croft, *Researching Regional Security Governance: Dimension, Debates and Discourses*; See also: Alex J. Bellamy and Paul D. Williams, *Understanding Peacekeeping*, 2nd ed. (Malden: Polity Press, 2010), 310.

the last two decades both in terms of theoretical approaches and conceptual tools. The three main ways of looking at regional security that were described this chapter – namely, as security regionalism, as security governance and by focusing on regional organizations – touch upon the issue of legitimacy in one way or another, especially when the theoretical approach goes beyond realistic/traditional understanding of security. And yet, this aspect lacks deeper analysis or is touched upon in more static fashion, in terms of establishing normative criteria for legitimacy of a given group of organizations or in terms of the people's belief on the legitimacy of the organization at a specific moment in time. In the next chapter, we intend to fill this gap.

## Chapter 2

## SECURITY REGIONALISM: EMPIRICAL AND

## NORMATIVE CONNECTIONS

Security regionalism has both normative and empirical dimensions[174]. The goal of this chapter is to present the trends of each of these dimensions in international politics, which are explored in the first two sections. Given the general focus of the thesis and the object of analysis as presented in chapter 4, the emphasis is in establishing a common understanding of regionalization in the literature on international security, which accordingly to the case studies means the processes by which regional organizations take on roles of conflict management and peace operations.[175] Most of the process happens in relation – of complementarity, opposition or duplication – to the universal nature of the United Nations (UN) and its task of maintenance of international peace and security. Thus, regionalization in a normative sense ultimately refers to the ideas that regions should, to a certain extent, 'take care of their problems' and that they might be more legitimate than global institutions in doing so. The third and last section illustrates this trend by presenting the international response the crisis Darfur in the wake of the 21st century. This case serves not only as an example of regionalization of security, but also contextualizes the security policies

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[174] Bellamy, Alex J. and Paul D. Williams, *Understanding Peacekeeping*, 2nd ed.(Malden: Polity Press, 2010), 301.

[175] Fawcett, Louise, "Regional Institutions," in *Security Studies: An Introduction*, ed. P.D. Williams (Abingdon: Routledge, 2013); Bellamy, Alex J. and Paul D. Williams, *Understanding Peacekeeping*.

implemented by regional organizations, which are in turn analysed in the coming chapters.

## 1) A normative dimension

Gradually since the "normative trajectory" [176] set by the Peace of Westphalia, national-states claimed to have the monopoly of the legitimate use of force within their borders and war had been a foreign policy instrument among others to solve international disputes. The rise of global institutions in the first half of the 20th century added new elements to this normative structure. Article 2 of the UN Charter signed in 1945 established, with virtual universal validity, that member-states should "refrain from threat and use of force in their international relations."[177] Following the Charter, the use of force would only be acceptable when authorized by the UN Security Council (UNSC) or in cases of self-defence. The individual right of states to defence "was expanded to include the international community's right to prevent war"[178]. The UNSC can also define what constitutes a breach of peace, from terrorism to unconstitutional changes of regime.

Currently, the number of intra-state conflicts is by far larger than the number of inter-state conflicts and article 2 also prohibited UN's intervention

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[176] Held, David and Anthony Mcgrew, *Globalization/ Anti-Globalization: Beyond the Great Divide*, 15.

[177] States' resort to force in its disputes had been previously constrained within the League of Nations and made technically illegal to the signatory countries of the Kellogg-Briand Pact of 1928. The Pact, however, did not provide peaceful means of conflict resolution and it was only with the creation of the United Nations and the ratification of its charter that the illegally of war of aggression is taken for granted. The norm prohibiting war of aggression was therefore gradually established in the inter-war period. On the evolving aspects of *jus ad bellum* and international institutions, see: Weiss, Thomas G. et al., *The United Nations and Changing World Politics*, 25.

[178] Ibid.: 27.

into states domestic affairs. Yet, conflicts and crisis within states came to be gradually considered breaches of international peace not only because of their regional and sometimes global implications but also because of shared norms such as non-indifference towards human rights' violations. On the one hand, principles of non-intervention and sovereignty are still evoked in opposition to policies coming from outsiders, organizations and states alike. On the other, principles such as responsibility to protect (R2P) take international institutions deep into what was previously considered exclusive domestic affairs.

*Globalism and regionalism in the governance of security*

Regional organizations (ROs) are also part of the existing system of governance that frames, to use the UN's jargon, the "maintenance of international peace and security". As newcomers, the standing[179] of ROs both in relation to national-states and to the United Nations remains fluid and ultimately raises the issue of desirability of regionalization of security. The latest and current wave of regionalism reverberates the question of who, after all, is to rightfully address the so-called breaches of peace: which institution(s) ought to be responsible for the maintenance of international peace and security, and who is entitled to intervene militarily and in which circumstances?[180] These issues are not only debated in academic literature, but are part of the everyday political

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[179] 'Standing' is understood as the status enjoyed by an institution. Legitimate institutions, according to Allen Buchanan, enjoy a standing that is incompatible with "deliberately setting about to try to destroy or disable them". Buchanan, Allen, "Reciprocal Legitimation: Reframing the problem of international legitimacy", *Politics, Philosophy & Economics,* 10 (2011), 5-19: 8.

[180] Similar questions have also been raised by: Weiss, Thomas G. et al., *The United Nations and Changing World Politics*; Pugh, Michael and Waheguru Pal Singh Sidhu, eds., *The United Nations and Regional Security: Europe and Beyond* (Boulder: Lynne Rienner, 2003); Bellamy, Alex J. and Paul D. Williams, "Who's Keeping the Peace?: Regionalization and Contemporary Peace Operations".

discussions in the face of human rights violation, inter and intra-state conflicts and the like.

The current legal and normative frameworks defining the global-regional interplay in security provision were debated and institutionalized during the negotiations for the creation of the United Nations at the final stages of the Second World War.[181] By then, Winston Churchill famously advocated for the global security and peace architecture to be underpinned by pillars of regional councils.[182] A globalist alternative ultimately prevailed and the UN Security Council (UNSC) has, since then and according to the Charter, the primary responsibility to ensure world peace and the decision of the UNSC are legally binding to all member states.[183]

By definition, when the UNSC *authorizes* an action such as peace enforcement or crises management, it attempts to *give authority* to an institution to perform such action – which might actually be one of its own agencies such as the Department of Peacekeeping Operations or the Secretariat. Simply put, this is the central argument that Inis Claude developed already in 1966 as the "collective legitimization function"[184] of international political institutions. The UN, the argument goes, is authoritative because member-states have conferred this function to the organization as the closest thing there is to the 'voice of mankind' and the cosmopolitan ideal, or the Parliament of Men that is the core of

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[181] Weiss, Thomas G. et al., *The United Nations and Changing World Politics*, 39; Kingah, Stephen and Luk Van Langenhove, "Determinants of Regional Organisation's Global Role in Peace and Security", 203-4.

[182] Hughes, E. J., "Winston Churchill and the Formation of the United nations Organization", *Journal of Contemporary History,* 9 (1974), 177-94; See also: Acharya, Amitav, "Regional Security Arrangements in a Multipolar World ? The European Union in Global Perspective", *FES Briefing Papers,* (2004), 1.

[183] Weiss, Thomas G. et al., *The United Nations and Changing World Politics*, 30.

[184] Claude Jr., Inis L., "Collective Legitimization as a Political Function of the United Nations".

the "global security system"[185]. This idea finds resonance today when, for example, Ian Hurd and Bruce Cronin show that the public in most countries prefer "to see international interventions approved by the Security Council"[186] and Katharina Coleman argues that IOs "remain crucial gatekeepers to international legitimacy for interstate military deployments"[187]. Security institutions might constrain state's sovereignty and, at the same time, "provide it with legitimacy"[188].

At the time of writing, Claude did not restrict this function to the United Nations, but pointed to its prominence.[189] During the half-century since the original publication of his article, many institutions actually joined the international scene to the point where the UN's prominence is occasionally challenged. Because the UN coexists with regional organizations that possess a certain degree of authority in their geographic areas,[190] although not the formal authorization to use force, scholars now refer to a process of 'forum shopping' in which states look for the most appropriate institution to both achieve the desired outcome and justify their actions. Regional powers, for instance, are able to set

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[185] Kennedy, Paul, *The Parliament of Man: The Past, Present, and Future of the United Nations* (New York: Vintage, 2007), 51.

[186] Cronin, Bruce and Ian Hurd, "Introduction," in *The UN Security Council and the Politics of International Authority*, ed. B. Cronin and I. Hurd (Abingdon: Routledge, 2008), 15.

[187] Coleman, Katharina P., *International Organisations and Peace Enforcement: The Politics of International Legitimacy*, 20.

[188] Haftendorn, H., Robert O. Keohane, and C. A. Wallander, eds., *Imperfect Unions: Security Institutions in time and space* (Oxford: Oxford University Press, 1999), 10-11.

[189] Claude Jr., Inis L., "Collective Legitimization as a Political Function of the United Nations". For a complementary reading, refer to: Brewer, Thomas L., "Collective Legitimization in International Organizations: Concept and Practice", *Journal of International Law and Policy,* 2 (1972), 73-88. Brewer defines collective legitimation as the "act by which legitimacy is attributed to national policy and other 'objects' by multilateral organizations". Although the idea is certainly relevant, chapter 3 will demonstrate that IO's approval does not *give* legitimacy but its support is rather an *argument* that might be relevant or not in the dynamics of legitimation of an act or another institution.

[190] Cronin, Bruce and Ian Hurd, "Introduction."

local agendas within what is perceived as a legitimate institutional framework.[191]

Hence, RSOs can be sources of legitimacy as much as the UN or, as chapter 3

will clarify, their approval is an *argument* in the dynamics of legitimation.

In parallel, the UN Charter does provide space for regionalism and

regional initiatives. First and foremost, article 51 asserts the right of collective

self-defence, which logically includes regional alliances and organizations.

Moreover, ROs were given a role under Chapter VIII in which its three articles

establish that pacific settlements of local disputes should first pass by regional

arrangements acting under the principles of the Charter[192] (article 52), that

enforcement actions by ROs would be subject to UNSC authorization (article

53), and that the Council should be kept informed of all their actions related to

peace and security (article 54). Hence, Chapter VIII as well as article 33[193]

established a principle known as 'subsidiarity', meaning that the closest

organization to the crisis shall act in response to it before the issue is brought to

the UNSC, and that only if necessary.[194]

Thus, when looking at today's normative environment for international

security, one could talk of a "pyramid of legitimacy"[195] in which the UN and its

Security Council are on top and are followed by other regional and even sub-

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[191] Fawcett, Louise, "Regional Institutions," 364-5.

[192] The Charter makes reference to both regional arrangements and regional agencies, without clearly distinguishing. Given the lack of proper definition, a regional organization could be either an arrangement or an agency, but a clarification seems unnecessary to the arguments made here. Nonetheless, the term agency is preferred when referring specifically to regional organizations.

[193] Article 33 gives priority to regional agencies and arrangements for the pacific settlement of disputes including negotiation, enquiry, mediation, conciliation, arbitration, and judicial settlement.

[194] Weiss, Thomas G. et al., *The United Nations and Changing World Politics*, 39.

[195] Coleman, Katharina P., *International Organisations and Peace Enforcement: The Politics of International Legitimacy*, 57-8.

regional organizations towards the bottom. As Coleman suggests, this means that states have the option of obtaining the approval of smaller and regional organizations before moving up the pyramid to gain a 'green light' at the UNSC for their security operations. Once a RO or other international institution has granted the approval, it is argued, the issue might become politically sensitive in a way that it is hard for the UNSC *not* to approve a mission or policy. International institutions, to different degrees, are gatekeepers of international legitimacy.

In practice, however, most issues are discussed directly in the Council and few resolutions during the Cold War period would make any reference to regional organizations, let alone encourage any sort of regional-global cooperation. Furthermore, crisis can be simultaneously discussed at multiple fora, going back and forward from regional organizations to the UN without a particular order. Finally, even if the UNSC can delegate its authority and competencies to ROs, it cannot transfer the authority to determine what constitutes a breach of peace and an "unrestricted command and control of enforcement" when the organization acts under its authority.[196] Once more, these two exceptions are not always respected.

Additionally, the ideas of subsidiarity and security governance as a pyramid present at least three limitations. First, from a legal point of view there is little doubt that the UNSC stands at the top of the system. But as Coleman herself argues, legality alone is not the only source of legitimacy, especially because the Security Council is above all a political, and not juridical, body.

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[196] Weiss, Thomas G. et al., *The United Nations and Changing World Politics*, 38.

Certainly, it has an especial feature of 'inspiring' international law in some occasions, but it remains political and unequal above all. Second, in many cases not only what is done – such as a state sponsored peace enforcement operation – needs to be legitimated but also what is not and was not done. Little or no action in the face of crises and human catastrophes challenges the standing of organizations in the eyes of those expecting them to act. Constant inaction, therefore, puts in check the very existence of a system of governance – the organizations that are part of it – and raises questions about its legitimacy.

Finally, there is the issue of regionalism. The metaphor of a legitimacy pyramid is most certainly illustrative from a statecentric point of view, but this covers at most half of what is today's global security governance. By looking at ways states can justify their peace enforcement operations, the approach overlooks the need that international institutions and bureaucracies have to justify their *existence* and their *policies*. Even if these policies are ultimately inspired and carried out by states, they are also policies of international organizations and, as the previous chapters argues, of their relatively autonomous bureaucracies. And IOs seek legitimacy for themselves as much as they constitute gatekeepers to legitimacy of a state's intervention. Security governance is therefore much messier than forum shopping in a Kelsian-like pyramid might imply. It includes for instance the fact that the UN as much as RSOs and other institutions need, seek and make references to each other's approval and support for their actions. Such decentralized system raises questions of public accountability (who answers to whom?) and coordination

among actors (who coordinates the various simultaneous actions of the international community?).[197]

*Security regionalism as 'harbinger of change'*

Security regionalism highlights and arguably brings about change in the normative structure of international security and peace operations. On the one hand, regionalism points to the possibility of the erosion of state's sovereignty[198] and of the state's claim to the monopoly of violence. This includes notably the decline of the longstanding privilege of the SNS as the sole object of security whose existence is valued in international politics[199] and the inevitable decline of "state-centred balance of power"[200]. On the other hand, regionalism can be said to fill the gap in the provision of security left by global institutions, which in turn face a crisis of legitimacy. By doing so, it casts doubt on the prominence and the primacy of the UNSC. To put it differently, how can the UN system be the sole source of legitimation if it is perceived to be facing a crisis of legitimacy itself?[201]

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[197] Krahmann, Elke, "Conceptualizing Security Governance", 2.

[198] See for instance, the classical definition by Ernest Haas of regional integration by which state "voluntarily mingle, merge and mix with their neighbours so as to lose the factual attributes of sovereignty while acquiring new techniques for resolving conflicts among themselves". Haas, Ernst, "The Study of Regional Integration: Reflections on the Joy and Anguish of Pretheorizing", *International Organization,* 24, no. 4 (1970), 607-46: 610.

[199] Hansen, Lene, *Security as Practice: Discourse Analysis and the Bosnian War* (London: Routledge, 2006), 36.

[200] Hurd, Ian, "After Anarchy: Legitimacy & Power in the United Nations Security Council", (2007), 9.

[201] For a general view on the crisis of legitimacy in the global security governance and the UNSC in particular, see for example: Morris, Justin and Nicholas J Wheeler, "The Security Council's Crisis of Legitimacy and the Use of Force", *International Politics,* 44 (2007), 214-31; Cronin, Bruce and Ian Hurd, "Conclusion: Assessing the Council's Authority."; Hurd, Ian, "After Anarchy: Legitimacy & Power in the United Nations Security Council"; Hurd, Ian, "Legitimacy, Power, and the Symbolic Life of the UN Security Council", *Global Governance,* 8 (2002), 35-51.

First of all, global institutions are plagued by lack of consensus when facing international crisis and by lack of commitment and capacity when implementing responses. When a government of the P5 group is determined to do so, for example, it "can paralyze Security Council action"[202]. And inaction, as much as action, influences how (international) organizations are perceived. This is not to say that there weren't positive achievements of the United Nations in peace and security, but that the expectations were much higher both at the time of creation as well as at the end of the Cold War. A similar expectation was constructed by the time when the principles of R2P were endorsed early in the 21$^{st}$ century. Once again as the case of Darfur will illustrate, those hopes were shattered by lack of commitment and consensus. It is ultimately the gap between expected solutions to the multiple security issues around the globe and the reality of inappropriate responses that undermines the UN and the global stand in the provision of security.

Secondly, there is the challenge of unilateralism. By acting alone without prior authorization and by not complying with the UNSC decisions, states end up undermining the perception of the Council's authority. Such was the case, for instance, of the US-led invasion of Iraq in 2003. Finally, there is the issue of inherent inequality in a system created around the superpowers in the aftermath of World War 2. This inequality touches the UNSC, which is the centrepiece of a globalist peace and security in the universal community of sovereign states:

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[202] Kennedy, Paul, *The Parliament of Man: The Past, Present, and Future of the United Nations*, 51.

> [...] to any reasonable person nowadays, it is outrageous that a mere 5 of 191 sovereign states that make up the United Nations have special power and privileges.[203]

Paul Kennedy is obviously making a reference to the veto power of the Permanent 5, which leads those outside the privileged group to question its rightfulness. This is arguably the main argument for the reform of the UN system, and it has not been solved so far. These issues persist despite initiatives to address them in the last two and a half decades.[204] One of these initiatives is exactly the interaction with regional organizations. Thus, it seems appropriate to understand how exactly RSOs and security regionalism fit into this context of 'legitimacy crisis' as well as how and if they actually challenge the primacy and prominence of globalism and the UNSC.

The last two decades witnessed a growing interaction between the UN system and RSOs in opposition to the rare exchanges during the Cold War. Indeed, both the UNSC and the UN Secretariat have launched a series of gatherings with regional organizations dating back to 1994.[205]Before that, the Secretary-General Boutros-Ghali already highlighted the principles that should guide the relationship.

> Under the Charter, the Security Council has and will continue to have primary responsibility for maintaining international peace and security, but regional action as matter of decentralization, delegation and cooperation with the United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of

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[203] Ibid.: 57.

[204] See for instance, UN reports and publications in the period: An Agenda for Peace (1992); Brahimi Report (2000); Human Security Now (2003); A More Security World (2004); In Larger Freedom (2005).

[205] Tavares, Rodrigo, *Regional Security: The Capacity of Regional Organizations*, 5-8.

participation, consensus and democratization of international affairs.[206]

Following the Secretary's outline, the UN-RSOs cooperation would bestow legitimacy on RSOs actions while ensuring broader participation in the international decision-making.[207] In 2005, in the concluding document of the World Summit, which marked the UN's 60th anniversary, member states called for a larger role for regional organizations in peacekeeping, stressed their contribution to peace and security with a particular emphasis on the African Union, and highlighted their importance in relation to the rising idea of responsibility to protect.[208] In the same year, the Security Council urged member states to increase the capacity of RSOs following Resolution 1631, the first ever to address the topic of the UN-RSOs cooperation.[209] Once more, the focus was on the African continent and the African Union. These documents mark the 'honeymoon period' in the relationship between the global and the regional as well as the willingness to 'share the burden' of maintenance of peace and security with regional bodies based on principles of delegation and decentralization.

But RSOs can also challenge UN's primacy.[210] A notable example is the founding text of the African Union, its Constitutive Act of 2000. Its Article 4(h) famously gives the Union, through a decision of its Assembly, the right to

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[206] United Nations Secretary-General, "An Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping", A/47/277 - S/24111, New York, 1992. para. 64.
[207] Bellamy, Alex J. and Paul D. Williams, *Understanding Peacekeeping*, 305.
[208] United Nations General Assembly, "World Summit Outcome", A/RES/60/1, New York, 2005.
[209] United Nations Security Council, "Resolution 1631", S/RES/1631, New York, 2005.
[210] To be clear, challenges to UN's primacy that point to RSO as sites of authority are not new. The interventions of the Organization of American States (OAS) in the Dominican Republic in 1965 and of the Warsaw Pact in Hungary in 1956 both show that the United States and the Soviet Union could use regional organizations perceived authority in the absence of UNSC mandate.

intervene in a member state "in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity"[211], predating the global initiative of responsibility to protect[212]. In 2003, the Protocol to the Constitutive Act broadened the scope of the article to include interventions to address serious threats "to legitimate order to restore peace and stability to the Member State"[213]. The article, as the whole Constitutive Act for that matter, makes no reference to the authorization of the United Nation to intervention or to a security policy implemented in accordance to the Charter. In addition to intervention, the AU can also adopt sanctions such as denial of transport or communication against a deviating state under Article 23(2). As Paul D. Williams notes, Article 4(h) has strong political and legal implications. Above all, the interpretation that the AU could authorize the use of military force for humanitarian purposes without the host government consent and without prior authorization of the UNSC stands in contradiction of Article 53 of the UN Charter.[214] Article 4(h) "changed the tenor of debates about conflict management"[215] in Africa.

But not all regional projects are created equal in their normative relation to the UNSC. By contrast, the Treaty on the Functioning of the European Union is much less 'independent' when laying down the principles of the CFSP under the primacy and prominence of the UN system. It makes a clear reference to peacekeeping, conflict prevention and "streaking international security in accordance with the principles of the UN Charter", and stresses the "primary

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[211] Organization of African Unity, "Constitutive Act of the African Union", Lomé, 2000.
[212] Tardy, Thierry, *Gestion de Crise, Mantien et Consolidation de la Paix: acteurs, activités, défis*, 156.
[213] African union, "Protocol on the Amendments to the Constitutive Act of the African Union", Addis Ababa, 2003.
[214] Williams, Paul D., *War & Conflict in Africa*, 156.
[215] Ibid.

responsibility of the Security Council and of its member for the maintenance of international peace and security".[216]

So far Article 4(h) of the AU has never been invoked against the wishes of a recognized government, not because it lacks a reference to the UNSC authorization, but because it proved to be "politically toxic"[217] given the strict interpretation of sovereignty that is commonly accepted by African states. In addition, the article's impacts were somehow softened in 2005 when, amongst mixed messages[218], it was agreed that the AU would "seek UN Security Council authorization of its enforcement actions"[219]. And it has effectively done so not only for enforcement actions but also to security policies in general. Nevertheless it is the *possibility* of enforcement without UN backup, on the one hand, and the authority that the AU claims to have independently from the UNSC, on the other, that potentially challenge the system. It highlights amongst other issues the disappointment of regional actors towards the deficits of the international institutions that oftentimes refuse to address issues that are seen to require urgent action or that are perceived as outsiders and intruders.

But regionalism does more than undermining "UN's moral authority as custodian of universal principles".[220] It can also complement or influence the 'global level'. Regional institutions such as the EU or the AU, as IR constructivists argue,

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[216] "Consolidated version of the Treaty on the Functioning of the European Union", Lisbon, 2007.
[217] Williams, Paul D., *War & Conflict in Africa*, 156.
[218] Williams, Paul D., "The African Union: Prospects for Regional Peacekeeping after Burundi & Sudan", *Review of African Political Economy,* 33 (2006), 352-57: 356.
[219] African Union, "Roadmap for the Operatiolization of the African Standby Force", EXP/AU-RECs/ASF/4(I), Addis-Ababa, 2005. para. 10.
[220] Kirchner, Emil J. and James Sperling, *EU Security Governance* (Manchester: Manchester University Press, 2007), 12.

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> [...] are repositories and factories of norms. The notion of European, Asian or African style of crisis management is of increasing significance in a more multipolar world in which concepts of security and society are contested.[221]

One example of such regional influence as a 'norm entrepreneur' is the idea of responsibility to protect. A non-neglectable part of it seems to be inspired by the African experience since the early 1990s and its regional transition from 'non-interference' to 'non-indifference' in front of violence, genocide and the like.

Nevertheless, even if effectively filling the normative gap left by globalism, regionalism doesn't necessarily challenge the normative structure of peace and security or the UNSC primacy and prominence. Alternatively, one can make the argument that by stepping into the system, RSOs actually complement the efforts of the UN and its member states and enhances the security governance as a whole, including its legitimacy as it would, for example, give voice to states that rarely appear at the global level. It is precisely this distinction that, from a global order point of view, can be assessed in the discourse of RSOs. Do RSOs see themselves as filling this gap created by the relative failure of both global and national levels? Ultimately, are RSOs actually challenging the current system and proposing an alternative to it or are they fitting into the existence normative structure?

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[221] Fawcett, Louise, "Regional Institutions," 365.

## 2) An empirical dimension

As the previous section has shown, regional projects might – intentionally or not – challenge and influence the current normative structure that ultimately refers to prominence and primacy of the UNSC and globalism. But can we go a step further and argue that regional organizations might constitute poles on their own right in the international system?

*When security regionalism meets global order*

In fact, due to the variety of regionalisms and regional projects around the world, sometimes even in the same geographical space, it only makes sense to discuss regionalisms in plural when in relation to their impact on global order. While regionalism is certainly not the only factor in the changing nature of global order, it cannot be ignored in "any meaningful discussion of the future of world politics"[222]. Regionalism has both internal implications to the region itself and external implications to global order.

> An institution that exercises legitimated power is in a position of authority. In international relations, this means that a legitimated international organization possesses sovereign authority. Sovereignty, understood as the 'right to exercise final authority', is distributed among various types of actors in the international system[223]

Hence a RSO comes to be – if and when legitimated – one of various entities in the international system among which sovereignty is 'distributed' according to various issues. They can become poles not only of power, but also

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[222] Acharya, Amitav, *The End of American World Order* (Cambridge: Polity, 2014), 6.
[223] Hurd, Ian, "After Anarchy: Legitimacy & Power in the United Nations Security Council", 3.

of authority. Regional organizations, as Philip Schimitter [224] argues, might constitute "transnational regional *polities*" (TRP). The argument is not that regional institutions would evolve in a similar fashion to national states and it is in fact likely that they never acquire the distinctive features of a state – most of their authoritative claims actually derive from their intergovernmental policies and the state's rights. However, neither are they understood exclusively as reflections of states' power and purposes. Rather, regional institutions would come to constitute relatively autonomous sites of authority and a type of stable and significant political actor in their own right.

Some regional institutions in relation to *some* issues already have authoritative claims in a similar fashion to global institutions, and to be sure this is not a novelty. For regional organizations acting as security providers, however, this authoritative step is more ambitious because it touches the centre of the sovereign prerogative over violence and use of force. As seen, a RSO's toolkit may include conflict prevention, confidence building and disarmament measures, political mediation, humanitarian assistance, cooperation for security sector reform, statebuilding, among others. Regionalism might also lead to a type norm convergence in regard to certain security issues. Regions such as South America, for example, agree to collectively and at least rhetorically 'close the door' to foreign interventions and condemn them when they happen. A number of regional organizations can also support or implement peace operations, going as far as military interventions in one of its member-states or even beyond their regions as the case of the EU.

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[224] Schimitter, Philippe C., "Foreword," xii-xiii.

This last aspect, the peace operations of regional organizations, is arguably the most sensitive policy. Independently of the state's consent, the fact is that military crisis management and peace operations constitute a direct involvement of an external entity into a local security environment and, therefore, an intervention. But even highly institutionalized organizations such as the EU still base their security policies on consensual decision-making and have to draw on the assets of member-states or third parties to perform their security missions, which considerably reduces their capacity. At the same time, regional organizations are certainly larger than the sum of their member states at least as far their bureaucracies, practices and discourses are concerned and they can act with relative autonomy despite limited capacity.

In parallel to the rise of regional institutions, one can also point to a general trend of regionalization of security in the international system once the overwhelming features of the Cold War's bipolarity are part of the past. The underlining assumption is that security threats – at least in the way they are constructed – "travel faster shorter distances"[225] and therefore processes of (de)securitization are more often regional than global. Issues such weapons smuggling, transborder violence, and refugees fleeing violence are regional by default. Neighbouring states are, more often than not, affected by or part of an 'internal' conflict. Hence violence outbreaks might get global attention, but they are still regional in their immediate consequences.

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[225] Buzan, Barry and Ole Wæver, *Regions and Powers: The Structure of International Security*, 12.

At the same time, proximity and geopolitics remain of essence. It is said that in a multiplex[226] or decentred[227] world few countries are able to project power and force much beyond their region without the backup of regional partners and institutions.[228] From a state-centric perspective, even powerful states should be anchored in their regions. As Louise Fawcett says:

> [S]ecurity is undergoing a process of regionalization, producing changes in the old multilateral system. Strong states will find increasingly useful roles for regional institutions; and weak states will be pulled into their orbits.[229]

Both this regionalization of security and the growing authoritative claims and roles played by regional organizations lead prominent authors to point to a global order marked by "regional worlds"[230] and "regiopolarity"[231], a "regionalized international order"[232] or a context of "multiregionalism"[233]. All these concepts vary in the details, but they all point to a growing importance of regionalism for the distribution of power and authority in the world stage, which is also a question of international security. However, the processes here highlighted are trends at the very best and, above all, they constitute but predictions based on certain indicators. What matters to this research is to understand that there is a background of regionalization and, once more, how the regional organizations see themselves in relation to this trend. Ultimately, as

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[226] Acharya, Amitav, *The End of American World Order*, 7-9.
[227] Buzan, Barry, "A World Order Without Superpowers: Decentered Globalism", *International Relations,* 25 (2011), 1-23.
[228] Acharya, Amitav, *The End of American World Order*, 86.
[229] Fawcett, Louise, "Regional Institutions," 372.
[230] Acharya, Amitav, *The End of American World Order*.
[231] Acharya, Amitav, "Regional Worlds in a Post-Hegemonic Era", 6-7.
[232] Buzan, Barry, *The United States and the Great Powers: World Politics in the Twenty-First Century*, 143.
[233] Hettne, Björn, "Interregionalism and World Order: The Diverging EU and US Models," 107.

chapter 3 and 4 will show, it is the legitimation of these efforts that might have an impact on how global order perpetuates or changes.

*Regionalization of security and crisis management?*

As mentioned above the UNSC can authorize – therefore delegate authority – to other bodies in the pursuit of peace and security. This is the logic behind the UNSC's practice of subcontracting. Be it by lack of commitment or lack of capacity to (re)act to crises, the UN has multiple times resorted to individual states, coalitions of the willing, formal alliances and of course regional organizations to perform operations of peacekeeping or peace enforcement that would a priori fall into its reach. It is the UN's lack of capacity in relation to its task of addressing threats and breaches of peace and security that, in part, leads the organization to 'outsource' the responses.

The number of peace operations by RSOs, for example, has risen considerably following the end of the Cold War.[234] Between 1989 and 2005, Paul Diehl and Young-Im Cho[235] count more than 30 missions initiated by a variety of regional organizations in Africa, Asia, and Europe. This number contrasts with only eight missions from 1945 to 1988. However, one cannot say that this process of regionalization *replaces* operations led by the United Nations because the UN has also implemented more than 40 operations from 1989 until 2005 while only 16 in the previous decades. The increase in the number of missions is therefore both global and regional. The same trend is observed in mediation

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[234] Bellamy, Alex J. and Paul D. Williams, "Who's Keeping the Peace?: Regionalization and Contemporary Peace Operations", 157.

[235] Diehl, Paul F. and Young-Im Cho, "Passing the Buck in Conflict Management: The Role of Regional Organizations in the Post-Cold War Era", *Brown Journalof World Affairs,* 12, no. 2 (2006), 191-202: 195.

where the number of both UN and RSO initiatives, as well as joint mediation efforts, rises considerably in the Post-Cold War period.[236]

Regional organizations certainly present comparative advantages when it comes to conflict prevention and resolution,[237] but they are far from being unflawed. Like the UN, they lack standing armed forces of their own and have to rely on member states for assets and for most part of the budget for military operations. Like the UN, they are also constantly plagued by lack of consensus and lack of commitment of key member states. Furthermore, their reduced membership and natural proximity to the crises might lead to biased assessment as well as jeopardize the RSO's perceived neutrality and impartiality, especially if it is said to be instrumentalized by regional powers. Local rivalries and interests also play a role in blocking the decision-making process o institutions, and the same is true for high incidence of interstate threats.[238] In comparison to the UN – and perhaps with exception of the EU and NATO – RSOs rely on smaller bureaucracies and have less expertise in conducting peace operations.[239]

Regionalization of security, in general, and peace operations, in particular, is also an uneven phenomenon in time and space. This means that the level of institutionalization, authority claims, and capacity of RSOs to implement security missions, impose sanctions, or act in conflict prevention and mediation varies considerably across different regions. Some regions, such as South Asia, completely lack a regional organization with such tools while others are in the

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[236] Ibid.: 193.
[237] Chapter 5 details the often-cited advantages of RSOs in terms of results while analysing RSOs' own arguments.
[238] Kirchner, Emil J. and James Sperling, *EU Security Governance*, 4.
[239] Bellamy, Alex J. and Paul D. Williams, *Understanding Peacekeeping*, 312.

vanguard. Two of the most institutionalized cases are the European Union and the African Union, whose discourses are analysed in the following chapters. In addition, more peace operations are conducted in Africa and by African organizations than in any other continent.[240]

And then there is the issue of geographical scope. As of now, only the EU and NATO are capable of projecting force beyond their continents and implementing 'out-of-area' security missions, and they have done so in multiple occasions. This is important because RSOs acting in their regions and intervening in a member state accordingly to their constitutive treaties enjoy different normative standings in comparison to regional organizations acting outside the territory of their members. Some scholars would go as far as to argue that RSOs enforcing treaty provisions in their member states do not require prior UNSC authorization, even when it involves enforcement actions.[241] When acting out of their membership area, RSOs such as NATO and the EU cannot count on this interpretation.

If legally the UN "delegates its Chapter VII authority to others"[242], in practice the authorization might come after the fact, during the responses, or not at all. Interventions such as the ones in Somalia or Libya in 2011 testify that the UN is not always in control nor is kept actively informed by organizations taking over the responsibility for peace and security maintenance. Once more, the

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[240] Ibid.: 309.
[241] Paliwal, Suyash, "The Primacy of Regional Organizations in International Peacekeeping: The African Example", *Virginia Journal of International Law Association,* 51, no. 185-230 (2010), 193-4.
[242] Weiss, Thomas G. et al., *The United Nations and Changing World Politics*, 38.

conclusion is that the UN might present an important function of legitimation, but it is certainly not the only source of legitimacy for peace operations and security policies broadly. Oftentimes, it is the approval of a regional organization that offers the strongest argument for a mission's legitimacy, even if fragile in the absence of an UN mandate. At the same time, regional organizations are not without issues of their own and it would be unwise to see them as the sole solution for the problems of security governance.

At least when regionalization of actions such as peacekeeping and mediation is concerned, it goes along with the increase in the number of UN initiatives. As seen above, the UN Charter actually gives the primacy of *peaceful* solutions to regional organizations under a principle of subsidiarity. Regional organizations involvement in security affairs is, therefore, neither illegal nor a completely new process that necessarily replaces UN's activities in the long run. It is the UN's primacy over peacekeeping, the use of force, and within security governance in general that might erode following a more assertive role of RSOs. Ultimately, it is the legitimation process of their practices of intervention and of their policies of crisis management – which in occasions take place without UNSC prior authorization or without the UNSC been kept actively informed – that potentially redefine the place of regional organizations within the current framework.[243]

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[243] Paliwal, Suyash, "The Primacy of Regional Organizations in International Peacekeeping: The African Example".

## 3) Darfur: a regional-global interplay in security governance

The violent context in the Sudanese region of Darfur and in its adjacent areas of eastern Chad and northeast Central African Republic (CAR) provides an empirical example for at least five points previously mentioned above in this chapter. Firstly, the case illustrates the 'bottom-up' regionalization of (in)security where the porous national-state borders of Sudan are largely ignored by local actors and do not hold in front of humanitarian crisis and escalation of violence – internal conflicts are 'regionalized'. Secondly, the case reveals a more 'institutional', or top-down, regionalization of security in which regional organizations such as the African Union have an authoritative claim as well as a role to play when addressing the security issues. Thirdly, there is a global-regional interplay, in both normative and empirical realms, between the United Nations and regional bodies, mainly the EU and the AU, as in the case of the AU-UN hybrid mission UNAMID or the transfer of responsibilities over a mission from the EU to the UN (EUFOR to MINURCAT). Fourthly, there is an interaction among regional organization as in the case of EU-AU relations and mainly the EU's support mission to AU's AMIS. Finally, EU's mission in Chad and CAR as well as its support mission in Sudan is an example of a regional organization acting beyond the territory of its member-states and beyond its region or 'neighbourhood'.

For these reasons, the crisis in Darfur, Chad and CAR starting in 2003, and more specifically the security policies and operations implemented as response to this security issue provide a useful case study for this research on the legitimation of regionalism. Thus, the final part of this chapter highlights the

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main features of this 'triangle of instability' as well as the global-regional reactions as both an illustration for the previous session and an introduction to our case studies.

*Darfur in the 20<sup>th</sup> century*

Darfur[244] is located in one of the remotest areas in Africa, being far away from oceans and major urban centres alike. It is also vast – with almost 500,000 square kilometres, its area is similar to that of Spain – and sparsely populated with around 6 million people according to numbers of 2004. The vast majority of Darfur's population is Sunni Muslim and, although the division is certainly blurry, it can be divided into farmers who are self-identified as African and self-identified Arab pastoral tribes usually defined as nomads.

Historically, Darfur lay between the French and British imperial ambitions in Africa in the late 19<sup>th</sup> century. When British troops defeated the pre-colonial Fur Sultanate in 1916, the region was incorporated into what is the current territory of Sudan. Initially, Darfur became part of the Anglo-Egyptian Condominium and, after 1956, of the independent state of Sudan centred in capital Khartoum and the Nile River to the east. Colonial and independent rulers alike have neglected the region. Choosing to govern "on the cheap"[245], they established little administrative structures and social services in Darfur. Yet, this

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[244] Darfur counts five of the seventeen states, or wilayat, in Sudan. The three original administrative divisions are North Darfur, South Darfur, and West Darfur with capitals in the three largest towns of Fasher, Nyala, and Geneina respectively. In 2011, East Darfur with capital in Da'ein and Central Darfur with capital in Zalingei were unilaterally created by Khartoum. As result of the Darfur Peace Agreements of 2006 and 2011, the Darfuri states are under the Darfur Regional Authority (DRA).

[245] Waal, Alex De, "Counter-Insurgency on the Cheap", *Review of African Political Economy,* 31 (2004), 716-25: 718-9.

external ruling did disturb the historical social-economic arrangements between farmers and nomadic tribes by granting the native administration – the paramount chiefs – the right to allocate land to its residents. Thus, territorial divisions as those seen on maps are but a matter of convention with the delimitation has been largely imposed by external actors.

**Figure 2. Political Map of Darfur, Sudan, in 2011**



The climate in the region stretches from hot desert in the north to semi-arid in the south with little or no rain. A semi-arid plain makes most of Darfur, the exception being the Jebel Marra, a volcanic mountain range with fertile lands, which is located roughly in the centre of Darfur. Despite the external encouragement for land allocation by the native administration, it was not until drought and famine hit the region in 1984-85 that land distribution became an

issue fostering rivalry between local groups. As Alex de Waal summarizes, "the pastoral groups were pitted against the farmers in what had become a bitter struggle for diminishing resources."[246] Climate change and the process of desertification only aggravate the struggle.[247]

Darfur borders Libya in the North, other Sudanese regions to the east, South Sudan (as part of Sudan until 2011) to the South, Central African Republic (CAR) to the southwest and finally Chad to the west. Darfur's seasonal rivers run westwards, towards Lake Chad. In reality, the whole region is physically turned west and its links to Khartoum and the Nile Basin in the east are more historical than geographical[248]. This regional dimension is also part of the 'recipe' for the series of rebellions. By sharing borders with Chad and Libya, Darfur felt the impact of Colonel Gaddafi's policies of pan-Arabism by which Tripoli aimed at consolidating a zone of influence in Chad. During the late 1980s, Chadian factions supported by Libya would profit from the porous borders and seek safe haven in Darfur in the context of the Chadian Civil War.[249] Gaddafi also armed and trained Arabs from Western Darfur to fight in Chad as part of his Islamic Legion. When the Libyan incursions eventually failed, the weapons remained along with a "virulent Arab supremacism"[250].

In this regard, the cross-border relations between Chad and Sudan are also crucial for the regional dimension of the Darfur rebellion. Khartoum and

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[246] Ibid.: 719.
[247] Williams, Paul D., *War & Conflict in Africa*, 88-91.
[248] Mamdani, Mahmood, *Saviors and Survivors: Darfur, Politics, and the War on Terror* (Cape Town: HSRC Press, 2009), 8-9.
[249] Marchal, Roland and Victoria Bawtree, "Chad/Darfur: How Two Crises Merge", *Review of African Political Economy,* 33 (2006), 467-82: 469.
[250] Waal, Alex De, "Counter-Insurgency on the Cheap", 720.

N'Djamena would constantly support rebel factions fighting in the neighbour country. In 1989, when Idriss Déby's Patriotic Salvation Movement was growing stronger in Darfur to eventually seize power in Chad, it received help from Sudanese and Libyan governments. This support empowered Arab groups and further marginalized non-Arabs who were losing control of land and resources.[251] Thus, before the regionalization of the Darfur conflict in the 2000s, it was the series of conflicts in Chad that spread beyond national borders in the 1980s. When Omar al-Bashir and Idriss Déby took power in Sudan and Chad respectively in 1989 and 1990, they agreed that each other's countries would not sponsor rebels across borders. The two leaders are still in power, but the truce would hold for little more than a decade until the rebellion in Darfur started in 2003.

The key event prior to the rebellion was the publication of *The Black Book: Imbalance of Power and Wealth in the Sudan* in 2000. Popularly known simply as Black Book, it presented in detail how positions in the national government were filled, who occupied them and to which region the elected and non-elected officials belonged. By doing so, the book highlighted the overwhelming and systematic prevalence of 'river people', the Arab elite originally from the Nile River banks in the North region, in positions of authority since Sudan's independence in 1956. In essence, the Black Book put on paper what most already felt and knew: the general and systematic exclusion of peripheric regions, Darfur included, from the politics of the Government of

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[251] Marchal, Roland and Victoria Bawtree, "Chad/Darfur: How Two Crises Merge", 469.

Sudan (GoS). [252] In itself, the publication was a rebellious act. It also demonstrated that previous policies supposedly aiming at inclusion, such as those sponsored the Prime Minister Hassan al-Turabi and his National Islamic Front (NIF) in the 1990s, were no more than rhetoric.[253] Therefore, and combined with other ingredients, it is the social, religious, and economic marginalization of the region that motivated Darfurians to join arms and rebel.

*A regional crisis in the wake of the 21st century[254]*

The commonly accepted starting point of the current crisis in the Sudanese region of Darfur, the 'Third Darfur Rebellion', is April 2003 when local rebel groups rose against the GoS and orchestrated a surprise attack against the military airport in El Fasher[255]. Two groups have since constituted the backbone of the rebellion with unavoidable fractions within them: the Justice and Equality Movement (JEM), founded in 2001 by Khalil Ibrahim and whose members are among the authors of the Black Book, and the Sudanese Liberation Movement/Army (SLM/A), originally called Darfur Liberation Front created by Abdul Wahid Al Nur in 2002. Members of all three largest self-identified

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[252] For an analysis of the long-term impacts of exclusion in the human development of peripheric regions of Sudan, see Cobham, Alex, "Causes of Conflict in Sudan: Testing The Black Book", *The European Journal of Development Research,* 17, no. 3 (2005), 462-80.

[253] Flint, Julie and Alex De Waal, *Darfur: a new history of a long war* (London: Zed Books, 2009).

[254] For detailed information, facts and figures, on the current and previous developments of the crisis in Darfur, see Small Arms Survey, "Human Security Baseline Assessment (HSBA) for Sudan and South Sudan," http://www.smallarmssurveysudan.org/de/facts-figures/sudan.html.

[255] Marchal, Roland, "Aux marges du monde, en Afrique centrale ...", *Les Etudes du CERI,* (2009), 11. Roland Marchal presents the intricate relations linking regional conflicts, from Darfur to Congo, passing by Chad and the CAR.

African ethnic groups in Darfur – Fur, Masalit, and Zaghawa – joined the rebellion.[256]

The conflict in Darfur has multiple underlying causes and alone they are insufficient explanations.[257] These causes include desertification and reduction of available land at a time of population growth, a growing rivalry between Arab nomads and non-Arab tribes in the region at times encouraged by external players, and the cross-border regional instabilities such as Libyan pan-Arabism and the crisis in Chad as presented above. But arguably the overwhelming factor behind the rebellion is political: how power is shared, or not, in the country. As portrayed in the Black Book, there has been a constant neglect and exclusion of Darfur – of non-Arab Darfuri in particular – from the politics in the GoS. This inevitably led to the concentration of political power under Khartoum's government of president Al-Bashir, the Nile riverines, and the Arab elite. Ultimately, the constant policies of centralization and arabization of Sudan[258] lie at the origins of the crisis.

The Sudanese army could not suppress the rebellion on its own and its capacity was already being tested during the long civil war in the country's south. Instead, the GoS reacted by calling upon, arming and unleashing the Arab militias infamously known as Janjaweed. Many of its cadres had been among the troops trained and armed by Gaddafi back in the 1980s. The Janjaweed raid

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[256] The Zaghawa population spreads on both side of the border with Chad in the north. Chadian ruling class and the president Idriss Déby are among them.

[257] Williams, Paul D., *War & Conflict in Africa*, 9-10.

[258] Collins, Robert O., "Disaster in Darfur," in *A History of Modern Sudan* (Cambridge: Cambridge University Press, 2008), 284; see also: Natsios, Andrew S., *Sudan, South Sudan, and Darfur: what everyone needs to know* (New York: Oxford University Press, 2012), 117-21.

villages across Darfur and spread violence in the countryside[259] following a scorched-earth counterinsurgency campaign in concert with the GoS air force bombings. In consequence, the death toll over the last decade amounts to hundreds of thousands as a result of not only violence but also famine and disease.[260] The violence reached its peak in 2004 and 2005, but continued over the years with no end in sight. In May 2008, the rebels go as far as attacking Omdurman, Sudan's largest city that neighbours the capital by the river banks, far beyond Darfur itself.

The actions of counter-insurgency implemented by the government of Sudan and the Janjaweed militias in Darfur have been called 'slow motion' genocide[261] and ethnic cleansing. Since June 2004 and during the first years, the GoS signed multiple agreements to disarm and demobilise the Janjaweed, but little or no action was taken.[262] Apart from Khartoum's rationale behind the lack of compliance to these agreements, one might even question the GoS' ability to actually control the militia it previously unleashed.

Furthermore, the situation in the borderlands has also deteriorated considerably not only due to the movement of refugees, but also due to cross-border banditry and general mistruth among governments in Khartoum and N'Djamena. The number of displaced persons amounts to millions, including internally displaced persons (IDPs) and refugees who have massively crossed the

[259] Collins, Robert O., "Disaster in Darfur," 289.
[260] For brief overview of different accounts of causalities in Darfur, see Williams, Paul D., *War & Conflict in Africa*, 24-5.
[261] Weiss, Thomas G., *Humanitarian Intervention* (Cambridge: Polity Press, 2012).
[262] Marchal, Roland and Victoria Bawtree, "Chad/Darfur: How Two Crises Merge", 473.

border with Chad and CAR trying to escape the conflict.[263] To be clear, Chad has its own conflictual dynamics, but in certain moments the multiple regional crisis seem to merge in a unique system.[264]

A context of proxy wars emerged from the uneasy bilateral relations.[265] The administrations of al-Bashir and Déby have constantly pointed fingers at each other for supporting rebel groups across the borders.[266] In December 2005, Chad declared 'state of belligerence' against Sudan accusing al-Bashir of plotting to destabilize the country. On the one hand, Khartoum provided financial support and intelligence to Chadian dissidents fighting Déby's rule, mainly to the United Front for Democratic Change. On the other, official and unofficial links between Chad and the Darfuri rebels, mainly JEM, had been established and Déby was accused of playing a double game from the beginning of the rebellion, allowing some rebels to establish rear bases in Chad. In 2006, the Darfurian rebel factions with transnational links signed an alliance in N'Djamena "under the auspices and support of President Déby"[267]. In crucial moments, the hardship of the bilateral relations led to a virtually complete halt of the humanitarian assistance to the local population. In 2010, after Déby's visit to Sudan, both governments signed an agreement for the normalization of the relationship. They reached a compromise to halt mutual support to rebel factions and cooperate on

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[263] Barltrop, Richard, *Darfur and the International Community: the challenges of conflict resolution in Sudan* (London: I.B. Tauris & Co Ltd, 2011), 32.

[264] Marchal, Roland and Victoria Bawtree, "Chad/Darfur: How Two Crises Merge".

[265] Bono, Giovanna, "The EU's Military Operation in Chad and the Central African Republic: An Operation to Save Lives?", *Journal of Intervention and Statebuilding,* 5 (2011), 23-42: 27-9.

[266] Barltrop, Richard, *Darfur and the International Community: the challenges of conflict resolution in Sudan*, 34.

[267] Marchal, Roland and Victoria Bawtree, "Chad/Darfur: How Two Crises Merge", 472.

border patrolling. As much as a commitment to stop sponsoring dissidents, it was a confession on their on-going role as sponsors.[268]

South Sudan's independence in 2011 added another actor to the regional conflictual situation. Rebel movements in Darfur and in South Sudan had long flirted with each other. The relationship was institutionalized in November 2011 with the creation of the Sudan Revolutionary Front (SRF) assembling the rebel movements from Darfur (Fur and Zaghawa SLM/A factions, and JEM) and the Sudanese People's Liberation Movement-North (SPLM-N), which is allegedly sponsored by the government of South Sudan. As a result, the borderlands between Darfur and South Sudan turned to be the site of much more frequent confrontations as of 2011. This picture of 'bottom-up' regionalization also includes Uganda's ties to Darfuri rebels. In recent years, since the normalization of Sudan-Chad relations in 2010 and the regime change in Libya who previously supported the rebels, opposition movements such as JEM turned south and have been allowed military training near the capital Kampala. At the same time, Uganda accuses Al-Bashir's government of supporting the Lord's Resistance Army.

The violence in Darfur and adjacent regions has constantly evolved as to include clashes between non-Arab tribes since 2010. Arab allies of the government grew increasingly unsatisfied over the years as Khartoum could not control them nor honour its financial commitments, and fight broke out between government-sponsored paramilitary as early as 2006. In the mean time,

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[268] See Chad and Sudan, "Accord de Ndjamena pour la normalisation des relations entre le Tchad et le Soudan", N'Djamena, 2010.

opposition groups would split, realign and form new coalitions only to break up once more in front of another peace agreement. The foundation of the SRF led Darfur movements to operate beyond their original zone, mainly in South Kordofan. Despite divergences, however, most rebel movements still seek regime change and the end of the National Congress Party rule in Khartoum.

*Reacting to the crisis: global, regional, and third-countries' responses*

Following April 2003, violence spread unopposed for almost a year until it called the attention of international players who would break the silence.[269] Despite the large death toll, the duration of the conflict, and an alarming consensus about ethnic cleansing and war crimes happening in Darfur[270], the response of the international community has been ambivalent and feeble at best[271]. When conflict erupted in Darfur, a window of opportunity had appeared to resolve the Second Sudanese Civil War in the south of the country, which opposed the Sudanese *People's* Liberation Movement/Army (SPLM/A) led by John Garang to the GoS since 1983. In January 2005, the Comprehensive Peace Agreement would be signed with the sponsoring of the Intergovernmental Authority on Development (IGAD) and the general support of international and regional organizations. The agreement ultimately led to South Sudan's independence in 2011. Nevertheless, the 'success' of the peace process was not taken for granted back in 2003 and the international actors feared that a more

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[269] Marchal, Roland, "Aux marges du monde, en Afrique centrale ...", 11.
[270] Natsios, Andrew S., *Sudan, South Sudan, and Darfur: what everyone needs to know*, 148-55.
[271] Weiss, Thomas G., *Humanitarian Intervention*.

assertive position in relation to Darfur would undermine the process in the south.[272]

Nevertheless, there were reactions to the crisis and the escalation of violence in Darfur. Sudan is member of the United Nations and of multiple and overlapping regional organizations that have a security component such as The League of Arab States, Intergovernmental Authority on Development (IGAD), and the African Union. The reactions originated in multiple fora, from bilateral mediation promoted by countries such as Gaddafi's Libya and the United States, to regional and global arrangements. The international responses included words of condemnation, sponsored agreements, criminal prosecutions, sanction regimes and arms embargoes, and monitoring and peacekeeping missions. All these aspects are described below.

The humanitarian action started only in early 2004 but suffered from lack of commitment and from obstacles imposed by the parties in conflict. Humanitarian aid workers were frequently denied access to areas controlled by the GoS and by the rebel movements. Furthermore, the humanitarian workers, their infrastructure and the refugee camps, both in Chad and in Sudan, were also constantly attacked.

In spring 2004, UN officials and advocacy groups were pointing to a systematic killing of civilians in Darfur.[273] Media coverage of the violence also

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[272] Johnson, Hilde F., *Waging Peace in Sudan* (Brighton: Sussex Academic Press, 2011), 146. Johnson, Norwegian diplomat in charge of the peace process in Sudan, details the cooperative links between rebel groups in Darfur and the SPLM in the South. Furthermore, the author argues that the GoS deliberately delayed the peace process in the South in order to draw attention away from Darfur.

increased in the same period. In September 2004, US Secretary of State Collin Powel declared before the US Senate that the crisis in Darfur amounted to genocide. Six months earlier, the US Congress had already positioned itself declaring that the atrocities committed against non-Arabs in Darfur constituted genocide. Others joined Powell and the US Congress in labelling the events in Darfur as genocide. The European Parliament came close by declaring the situation in Darfur a 'tantamount to genocide'. In January 2005, however, the UN-sponsored International Commission of Inquiry on Darfur (S/RES/1564) reported that policies of the GoS did *not* constitute genocide, but counter-insurgency. [274] The matter remains debatable, and most conclusions and declarations are political rather than technical.[275] But the discussions alone stress the indiscriminate violence in Darfur and bordering regions.

In March 2005, the UN Security Council (S/RES/1593), acting under Chapter VII, referred the Darfur crisis to the International Criminal Court (ICC). Three months later the Chief Prosecutor, Luis Moreno-Ocampo, decides to open investigation. After the legal process of the following years, arrest warrants have been issued against key members of the GoS and the leadership of the Janjaweed

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[273] See for example: Un News Centre, "World's worst humanitarian crisis unfolding in Darfur, Sudan - UN Official",2004. http://www.un.org/apps/news/story.asp?NewsID=10142&Cr=sudan&Cr1=#.VKFcWsA A. 3 July 2014; Human Rights Watch, "Darfur in Flames: Atrocities in Western Sudan",2004.

[274] International Commission of Inquiry on Darfur, "Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General", Geneva, 2005. 4. The Commission did conclude that the GoS and the Janjaweed were responsible for "serious violations of international human rights and humanitarian law amounting to crimes under international law [which] may amount to crimes against humanity" and its report was instrumental for the UNSC to refer the case to the ICC.

[275] See, for example, the debate behind Colin Powell's declaration, available after documents from the period were declassified: Hamilton, Rebecca, "Inside Colin Powell's Decision to Declare Genocide in Darfur," *The Atlantic*, 17 August 2011, http://www.theatlantic.com/international/archive/2011/08/inside-colin-powells-decision-to-declare-genocide-in-darfur/243560/. 14 August 2014.

militia, including president Omar Al-Bashir, to answer for war crimes and crimes against humanity. Leaders of the Darfuri rebel groups were also summoned to court for hearings.[276] Al-Bashir remains the head of the GoS at the time of writing and other indicted people are still at large and holding positions in the government.

Throughout the crisis, international institutions and third-countries sponsored settlements and negotiations, of which three are of notice. In April 2004, the GoS, JEM and SLM/A agreed on the N'Djamena Humanitarian Ceasefire, which was mediated by Chad and the African Union. The composition of the Joint Commission and of the Ceasefire Commission, as decided a month later in Addis-Ababa highlights the main actors involved in the peace process. Interestingly, beyond the parties (GoS and the rebels), also the United States, Chad, the African Union and the European Union would appoint representatives in these commissions. The agreement was short-lived – violence continued, rebel groups split over the validity of the agreement and fought each other – but provided the legal framework to the first AU mission in Sudan (AMIS) charged with the supervision of the ceasefire.

A series of talks in Abuja, Nigeria, led to a peace agreement mediated by United States' diplomats and the African Union that aimed at establishing power and wealth sharing in Sudan and enhancing the presence of Darfuri in national politics. Signed in May 2006 by the GoS and the Zaghawa faction of the SLM/A led by Minni Minawi (SLA-MM), the Abuja Agreement was not, however,

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[276] For detailed information, see: International Criminal Court, "Situation in Darfur, Sudan " http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200205/Pages/situation%20icc-0205.aspx. 7 June 2014.

supported by JEM and the Fur members of the SLM around Abdul Wahid al Nur (SLA-AW). Little time was given for consultations between the representatives and their constituencies, which meant that the agreement was not welcomed by Darfur's population and the displaced people. Violence actually rose after its signature, including intra-opposition clashes.[277] The peace talks – the parties and the mediators – failed by largely ignoring the rising regional dimension of the conflict that at the time had already spread to Chad.[278] During the first years of the Darfur rebellion, the international community seemed to look at it as an isolated intra-state conflict.[279] Thus, UNSC Resolution 1778 of September 2007, which authorized the deployment European forces in Chad and CAR, is among the few to recognize the regional – transnational – nature of the issue and react accordingly.[280]

The years following the debacle of the Abuja Agreement saw Libya leading the mediation in 2007 and 2008. Later, the UN, the AU and Qatar took a central diplomatic role from mid-2008 onwards.[281] Eventually, a second agreement, the Doha Document for Peace in Darfur (DDPD), was finalized in 2011. It serves as the current framework for power sharing and cessation of violence. The document is the culmination of negotiations involving the parties

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[277] International Crisis Group, "Sudan's Spreading Conflict (3): The Limits of Darfur's Peace Process", *Africa Report*, no. 211 (2013), 3.

[278] Marchal, Roland, "The Roots of the Darfur Conflict and the Chadian Civil War", *Public Culture,* 20 (2008), 429-36: 435.

[279] Marchal, Roland, "Aux marges du monde, en Afrique centrale ...", 4; See also: Gibert, Marie, "The European Union in the IGAD-Subregion: Insights from Sudan & Somalia", *Review of African Political Economy,* 33 (2006), 142-50: 145.

[280] Marchal, Roland, "Aux marges du monde, en Afrique centrale ...", 4. Another notable example is the Cannes Declaration on the Regional Dimensions of the Darfur Crisis of February 2007 by the presidents of CAR, Chad, and Sudan following the initiative of French President Jacques Chirac.

[281] International Crisis Group, "Sudan's Spreading Conflict (3): The Limits of Darfur's Peace Process", 1-2.

in the conflict as mediated by the international community such as the UN, the AU, the EU, and others.[282] A limited number of groups adhered to the DDPD along with the GoS. Above all, it was signed in July 2011 by the Liberation and Justice Movement whose creation as an umbrella movement a year before was encouraged by the international mediation to avoid fragmentation of the rebel opposition. At the time of writing, the DDPD is open to non-signatory movements.[283]

Once more, not all rebel factions signed the agreement and the parties did not fulfil most of the engagements. Mainstream components of JEM, SLA-MM, and SLA-AW that are assembled in the Revolutionary Front have constantly refused to join the Doha Document. Generally, the SRF groups claim that the DDPD addresses only the issue of Darfur and lacks a holistic approach to the multiple crises in Sudan, which would be indissociable. On the one hand, various groups continued the fight, including attacks against peacekeepers and humanitarian staff. On the other, the GoS failed to control the paramilitary and insure a more comprehensive participation of Darfurians in national politics as pursued by the opposition.

The gradual introduction of sanctions and embargoes represents another set of responses to the crisis. Already in July 2004, in the first resolution on the situation in Darfur (S/RES/1556), the UNSC demanded the disarmament of the

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[282] The composition of the agreement's Follow-up Committee reveals the main stakeholders and mediators in the peace process, among them regional and international organisations (United Nations, African Union, League of Arab States, European Union, Organization of the Islamic Conference), national-states (Chad, United States, Qatar, Canada, France, Japan, Egypt, China, United Kingdom and Russia), rebel movements, and the GoS.

[283] For these and other agreements on Darfur and Sudan, see United Nations Peacemaker, "Peace Agreements Database Search," http://peacemaker.un.org/document-search. 14 July 2014.

militia, decided for an arms' embargo on non-state actors in Darfur, and expressed intention to consider further sanctions. The next resolution (S/RES/1564) threatened the GoS with sanctions on the country's oil industry if it did not comply with the document, in particular the acceptance of an enhanced AU mission. In March 2005, a Security Council Committee was established (S/RES/1591) to oversee targeting measures such as assets freezes and travel restrictions for individuals and groups involved in the conflict.

The United States and the European Union have also established sanction regimes in relation to the conflict in Sudan aiming notably at individuals' assets and the country's oil industry – its main source of revenue. These regimes added to the already existing restrictions of the 1990s that addressed the North-South Civil War. In paper, the sanctions appeared as hard measures, but in reality they were almost unenforceable. The arms embargo, for example, would still allow Sudan to import weapons, but not send them to Darfur, a detail that proved difficult to monitor.

Above all, international organizations and third countries all relied heavily on the approval by the GoS of any kind of military and humanitarian action. The international community remained reluctant to enforce actions against Khartoum's will, fearing that harsher language and actions could undermine the North-South peace process or even endanger the humanitarian effort.[284] The UNSC Resolution 1706 of August 2006 infamously illustrates this aspect. Under Chapter VII, it extended UNMIS' mandate, which was already

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[284] To this interplay, refer to the memoirs of practitioners such as: Natsios, Andrew S., *Sudan, South Sudan, and Darfur: what everyone needs to know*, 158; Johnson, Hilde F., *Waging Peace in Sudan*.

active in the South, to Darfur 'with all necessary means' to protect the humanitarian effort, to assist the implementation of the Darfur Peace Agreement, and to disarm the parties in conflict. Even if evoking Chapter VII, the UNSC still 'invited' the GoS' consent for this extended deployment, which was ultimately not granted. It was the first ever UN mission authorized, but not deployed.

It is fair to say that humanitarian assistance and diplomacy did save thousands of lives that would have been lost without such efforts[285], but the international community was not able to avoid further violence or ultimately bring peace in a reasonable time. Arguably, the rising idea of responsibility to protect, which had been developed at the dawn of the 21st century and would allow for circumvention of sovereignty in extreme cases of violation of human rights, failed in its first major challenge[286]. In general, the various international mediation efforts appear to be competitive instead of complementary, putting much more weight on relief than on conflict resolution.[287] As a former US practitioner involved in mediation in Darfur stressed: "the real failure was in how long it took for outside help to arrive in Darfur"[288].

In the absence of a *stricto sensu* humanitarian intervention – without the local government's approval – security organizations have deployed a set of missions to address the crisis and avoid further escalation of violence in Darfur,

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[285] Barltrop, Richard, *Darfur and the International Community: the challenges of conflict resolution in Sudan*, 152.

[286] Badescu, C. G. and L. Bergholm, "The Responsibility To Protect and the Conflict in Darfur: The Big Let-Down", *Security Dialogue,* 40 (2009), 287-309; Weiss, Thomas G., *Humanitarian Intervention*.

[287] International Crisis Group, "Sudan's Spreading Conflict (3): The Limits of Darfur's Peace Process", 4; See also: Barltrop, Richard, *Darfur and the International Community: the challenges of conflict resolution in Sudan*, 66-7.

[288] Badescu, C. G. and L. Bergholm, "The Responsibility To Protect and the Conflict in Darfur: The Big Let-Down".

Chad, and CAR. Among the organizations, the African Union, the European Union, NATO, and finally the United Nations are the most notable cases. Table 1 presents the different missions of these three organizations, which are then detailed afterwards.

**Table 1. Missions in Response to the Crisis in Darfur**

| Mission | Organization(s) | Launching | End |
|---|---|---|---|
| **AMIS / AMIS-II** | African Union | 18.06.2004 | 31.12.2007 |
| **Support to AMIS** | European Union | 18.07.2005 | 31.12.2007 |
| **UNAMID** | African Union, United Nations | 01.01.2008 | On-going |
| **EUFOR Tchad/CAR** | European Union | 15.03.2008 | 15.03.2009 |
| **MINURCAT II** | United Nations | 05.03.2009 | 31.12.2010 |

*AU mission in Sudan*

The African Union took a central role in the mediation efforts from the beginning of the international response to the crisis in Darfur. It was closely involved in the talks preceding the two main documents presented above (Abuja and Doha) and others. It engagement in the conflict, however, cannot be taken for granted as it contrasts, for example, with the peace talks addressing the North-South Civil War when another regional organization, this time IGAD, had a greater responsibility.[289]

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[289] Johnson, Hilde F., *Waging Peace in Sudan*.

To supervise the N'Djamena ceasefire, the AU launched the African Union Mission in Sudan (AMIS), which became operational in June 2004. A monitoring mission, AMIS was supported by a few hundred soldiers from Rwanda and Nigeria charged with protecting the monitors (MilOb Protection Force). Very soon it became clear that AMIS was actually monitoring the lack of a ceasefire. Thus, the mission quickly evolved into a more robust military component in October 2004 as the United Nations urged its enhancement (S/RES/1564) and the AU Assembly determined that AMIS would also be responsible for the protection of civilians within its reach.[290]

This multidimensional, armed peace operation was then called AMIS II and evolved to include monitors, a protection force, police officers as well as civilian and humanitarian assets. Under this revised mandate, AMIS would be in charge, among other roles, of protecting civilians, assisting in the process of confidence building, and securing the delivery of humanitarian assistance. In September 2006, AMIS[291] amounted to almost 5 thousands troops, 1,4 thousand civilian police officers, and around 800 military observers and staff officers for a total of 7,2 thousands personnel.[292] The deployment of such force, modest for the size of Darfur and for the scale of the conflict, was made possible with the logistical help of NATO and EU member-states. Moreover, the UN and the EU, with its African Peace Facility funds, provided much of the necessary funding. In

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[290] For a timeline of AMIS, refer to: Tardy, Thierry, *Gestion de Crise, Mantien et Consolidation de la Paix: acteurs, activités, défis*, 158-9.

[291] Three dates stand out in the AU's mission timeline. Its first component charged above all with monitoring the ceasefire began in June 2004. AMIS II, which came to include protection of civilians, dates back to October 2004. Finally, a further enhancement, AMIS II-E, dates to July 2005. For simplicity, and expect when distinction is necessary, only the acronym AMIS will be used to all three mission stages.

[292] Williams, Paul D., "The African Union: Prospects for Regional Peacekeeping after Burundi & Sudan", 354.

sum, the large majority of states and international organizations supported AMIS, including the UNSC, the UN Secretary-General, the EU, and the Arab League. Most of the criticism came from nongovernmental organizations[293] and most of it actually referred to the perceived lack of action from the international community.

Along with the mission in Burundi (AMIB), AMIS was an important test to the organization, which had taken over from the Organisation of the African Unity (OAU) back in 2002, this time with more ambitious goals. At the time, both AMIS and AMIB were perceived as signs of a new sustainable trend in which the regional organizations would be in charge of responding to such crises.[294] The UN not only supported AMIS, but also implicitly charged the regional organization with the main responsibility in addressing the issue in Sudan. By accepting to deploy a nearly hopeless force in a difficult crisis situation[295], AU revealed its commitment to this regional trend. However, facing the scarcity of means and funding, the AU decided to accept planning and expertise from outside, which included the United States, the United Nations, and the European Union, from early 2005. AMIS came to an end in December 2007 when its responsibilities were transferred to the new hybrid AU-UN mission.

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[293] Williams, Paul D., "Military responses to mass killing: The African union mission in Sudan", *International Peacekeeping,* 13 (2006), 168-83: 178.

[294] Williams, Paul D., "The African Union: Prospects for Regional Peacekeeping after Burundi & Sudan", 353.

[295] Williams, Paul D., "Military responses to mass killing: The African union mission in Sudan".

Since May 2004 the Security Council had endorsed the multiple efforts by the African Union. Along with other UN bodies such as the General Assembly and the defunct Commission on Human Rights, it was also hiding its own inaction behind this endorsement.[296] Hence, as Paul Williams put it, the UNSC "decided that respecting Sudanese sovereignty was more important than conducting a military response capable of protecting the civilian population."[297] Nonetheless, the UNSC did introduce sanctions and referred the case to the ICC. The sanction regimes were, however, undermined by Sudan's major trading partners, above all China,[298] and the accused remain at large – their impact was much more symbolic than practical.

Given AMIS' struggles with unpredictable and insufficient funding and with logistical challenges, UN's original intention was for the organization to take over the mission already in January 2007. A previous resolution had already authorized such move in 2006 (S/RES/1706) and the new roles determined by the DPA signed in May were clearly beyond the capacity of the African Union. At first, AU member-states were inclined towards an African-only mission as a showcase of the Union's new role in the region, but its limited capacity eventually led to the acceptance that the burden should be shared.[299] It was only in January 2008, however, that African Union/United Nations Hybrid Operation

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[296] Weschler, Joanna, "UN Response to the Darfur Crisis," in *The Gap Between Narrative and Practices. Darfur: Responses from the Arab World* (Brussels: FRIDE, 2010), 6-7.

[297] Williams, Paul D., "Military responses to mass killing: The African union mission in Sudan", 168.

[298] Weiss, Thomas G. et al., *The United Nations and Changing World Politics*, 28.

[299] Williams, Paul D., "The African Union: Prospects for Regional Peacekeeping after Burundi & Sudan", 354.

in Darfur (UNAMID) officially took over from AMIS (S/RES/1769) and only after a reluctant approval from the GoS that followed multiple refusals.[300]

UNAMID was the first hybrid mission to be implemented by the United Nations with a regional organization. Symbolically, it was the coronation of the ideas of global-regional partnership, which were being constructed in the previous years. According to the resolution, UNAMID should have "a predominantly African character and the troops should, as much as possible, be sourced from African countries"[301]. This African character was indeed one of the conditions for the consent of the GoS.[302] Effectively, the overwhelming majority of peacekeepers come from African countries.

The operation would be responsible for protecting humanitarian workers, protect civilians, monitor the arms embargo, and support early and effective implementation of the 2006 Abuja Agreement by, above all, preventing disruption by armed attacks. The resolution authorized a force of around 20 thousands military personnel and almost 6,5 thousands-strong civilian component, mainly police unities. Previous documents (S/RES/1679) had foreseen a much larger force, but that proved impossible to assemble due to lack of commitment of member states and rejection by the GoS. By then, however, it was the largest active UN mission and in time it also became the deadliest for peacekeepers and the third in UN's history. UNAMID is an on-going mission

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[300] See, for example, Al-Bashir declaration of June 2006: "Sudan, which was the first country south of the Sahara to gain independence, cannot now be the first country to be recolonized." Agence France-Presse, "Sudan: Leader Won't Allow U.N. Force in Darfur," *The New York Times*, June 2001 2006, http://www.nytimes.com/2006/06/21/world/africa/21briefs-001.html. 14 August 2014.
[301] United Nations Security Council, "Resolution 1769", S/RES/1769, New York, 2007.
[302] Kingah, Stephen and Luk Van Langenhove, "Determinants of Regional Organisation's Global Role in Peace and Security", 216.

and the current authorization dates back to August 2014 when it was renewed for ten months.

UNAMID now faces harsher than normal criticism mainly because of its inability to react in front of violence against both civilians and aid workers as well as attacks on their assets by the various sides in the conflict. Moreover, the mission has not adequately monitored and reported on the situation on the ground that links the GoS to the violent attacks against civilians and peacekeepers [303] to the point when the ICC asked for an independent investigation.[304] Accordingly to a *Foreign Policy* article based on leaked mission documents, the rebels and the GoS "have effectively neutered the UN[-AU] peacekeeping mission, undermining its capacity to fulfil its primary duty to protect […] civilians."[305] On the one hand, lack of military hardware and proper UN-AU coordination and, on the other, a problematic relationship with the host government hampered the mission's overall capacity. By the end of the period analysed in this research (2003-2012), the crises in Darfur was far from over and violence, including aerial bombing, was actually intensifying.

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[303] The Economist, "Mission in trouble," *The Economist*, 6 December 2014, http://www.economist.com/news/middle-east-and-africa/21635613-leaks-and-whistle-blowing-expose-un-mission-darfur-mission-trouble. 22 December 2014; Lynch, Colum, "U.N. Whistleblower Decries 'Cover-Up of a Cover-Up' Over Darfur Debacle," *Foreign Policy*, 28 October 2014, http://foreignpolicy.com/2014/10/29/u-n-whistleblower-decries-cover-up-of-a-cover-up-over-darfur-debacle/. 22 December 2014.

[304] Lynch, Colum, "ICC to UN: Investigate Your Alleged Coverups in Darfur," *Foreign Policy*, 17 June 2014, http://foreignpolicy.com/2014/06/17/exclusive-icc-to-un-investigate-your-alleged-coverups-in-darfur/. 22 December 2014.

[305] Lynch, Colum, "Blood Oath: Inside the United Nations Darfur Debacle," *Foreign Policy*, 7 April 2014, http://foreignpolicy.com/2014/04/07/they-just-stood-watching-2/. 11 June 2014. The documents were provided by the mission former spokesperson Aicha Elbasri who resigned and heavily criticizes the operation.

*EU missions*

At the beginning, and following the reluctance of France and UK to intervene in the isolated region of Darfur, EU's initial involvement in the conflict was largely rhetorical, with condemnations by the Union's High Representative, by member countries and by the EU Parliament, which passed a motion calling the situation in Darfur a 'tantamount to genocide'. In 2004, the EU facilitated the talks that led to N'Djamena Ceasefire, sent monitors to Darfur along with the AU, and assisted the financing of AMIS with the funds of the African Peace Facility.

It was not until May 2005 that the EU institutionalized its links with the African Union's AMIS II with a support mission that would last until July 2007 when both the AMIS mission and the EU's assistance would be replaced by UNAMID. It is important to note that this mission was initiated after the AU requested both the EU and NATO for technical support. While the Alliance was above all responsible for airlifting AMIS peacekeepers and civilian police, the EU focused on military planning and technical assistance as well as training of police units. Eventually, it was up to member states to choose whether to act within the framework of NATO or the EU.[306]

In sum, EU's involvement in the Sudanese region of Darfur included financial, technical, humanitarian and diplomatic support, most of it under the framework of the CSDP support mission to AMIS. But while the EU mission was by no means a peacekeeping operation, it did highlight two trends of EU's

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[306] For the (uneasy) division of labour between the European Union and NATO in supporting AMIS, see: Segell, Glen, "The First NATO Mission to Africa: Darfur", *South African Journal of Military Studies,* 36, no. 2  (2008).

foreign policy towards Africa dating back to the Cotonou Agreement. First, the gradual introduction of political and security conditionalities along with more traditional development and aid policies. Second, the willingness to insure 'African ownership' to crisis management in the continent. Broadly speaking, the support to AMIS was the result of both EU's willingness to address crises in Africa and its lack of will and/or capacity to actually send troops.[307]

At the same time, Chad and in CAR have witnessed a more robust military involvement from the European Union. In the areas bordering Darfur, the EU launched in January 2008 the operation EUFOR Tchad/CAR, which would last for over 14 months until March 2009. In this military operation, the EU claimed to respond to Darfur "as part of its regional approach to the crisis". As a matter of fact, the mission aimed at contributing to the protection of refugees fleeing from neighbour Sudan, the protection of humanitarian workers, and the delivery of humanitarian aid. At its highest point, 3200 armed troops were deployed, with France, Poland, and Ireland as main contributors.

As it is often the case with EU mission in Africa, EUFOR Tchad/CAR was established after initiative of the French government,[308] also interested in preserving Déby's rule in Chad.[309] The same armed groups who were said to be threatening refugees were also rebelling against the central government, above all the United Front for Democratic Change who had declared war on foreign

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[307] Monaco, Annalisa and Catriona Gourlay, "Supporting the African Union in Darfur: a test for the EU-NATO partnership", *European Security Review,* 25 (2005), 3-5.

[308] Glock, Cynthia, "Déploiment de l'EUFOR au Tchad : un espoir pour le Darfour et ses réfugiés ?", *Humanitaire,* 19 (2008).

[309] Marchal, Roland, "Aux marges du monde, en Afrique centrale ...".

troops even before EUFOR deployment.[310] Paris original intention was also to provide a 'rear force' to UNAMID with a force of around 10 thousand troops, but this didn't materialize.[311] The risk was the EUFOR mission being perceived as an extension of the traditional, sometimes secret, military arrangements between France and Chad (e.g. Opération Épervier)[312]. EUFOR, the critics would say, not only derives from French geostrategic interest, but actually contributed to the escalation of violence in Darfur by prompting further resistance by local groups.[313]

*United Nations Mission in Chad*

Finally, the regional-global interplay in security provision was once more present in the conflictual context of Darfur when the UN took over the European mission in Chad and CAR by launching the United Nations Mission in Central African Republic and Chad (MINURCAT in French). Already before this transition, the UN had established in 2007 a "multidimensional presence" in Chad and CAR, which included civilian and police components (S/RES/1778). It was the military component that was added following the transfer of authority from EUFOR (S/RES/1861) and from this moment the mission is often called MINURCAT II. Thus, for more than a year, the UN civilian and police

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[310] Hancock, Stephanie, "Chad rebels declare war on French and foreign forces," *Reuters* 2007, http://uk.reuters.com/article/2007/11/30/uk-chad-rebels-idUKL308226520071130.  14 August 2014.

[311] Bono, Giovanna, "The EU's Military Operation in Chad and the Central African Republic: An Operation to Save Lives?".

[312] Ibid.: 29.

[313] Ibid.: 30.

component and the EUFOR military mission had to coordinate their efforts in a global-regional interplay.[314]

The transition happened in March 2009 and the mission lasted until December 2010 when the Chad government declared it was able to protect the displaced population and asked MINURCAT to leave the country (S/RES/1923). This passing over from EUFOR to MINURCAT was not simply a change of badges for troops already on the ground as only around 2 thousand soldiers, mainly French, remained engaged under UN mission. Most of the refugees by the time the mission left Chad, had not returned to Darfur as expected and with the resurge of the conflict in 2012, their number actually increased. MINURCAT is often portrayed as apolitical since its mandate included almost exclusively the protection of civilians[315], a 'neutrality' that is difficult to maintain in such circumstances.

MINURCAT and EUFOR were seen as complementary to UNAMID, which was being launched at the same period. Throughout 2008, the international responses in the region required the coordination – not always easy – between the military component of EUFOR, the police and civilian component of MINURCAT, and the hybrid mission UNAMID. Thus, there was at least an implicit link between all these responses, which clearly highlighted an 'axis' of

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[314] Glock, Cynthia, "Déploiment de l'EUFOR au Tchad : un espoir pour le Darfour et ses réfugiés ?".

[315] United Nations Security Council, "Report of the Secretary-General on the United Nations: Mission in the Central African Republic and Chad", S/210/611, New York, 2010.

crisis management of EU-UN-AU underpinning the regional security governance.[316]

Arguably, most of these missions, operations, and policies of crisis management came too late and contributed too little to improve the situation on the ground and to avoid the escalation of conflict, especially in the initial years of the crisis when violence peaked, from 2003 to 2005. Despite this criticism, and perhaps also because of it, the organizations responding to the conflict are engaged in legitimating their policies in the field and justifying their presence in the regional security governance.

**Conclusion**

Security regionalism usually appears as a mid-level alternative in both normative and empirical terms. For the former, regionalism offers a bridge in the ethical divide between universalism and statism: "it is still a statist project, but avoids conflict and, instead, leads to a global social, economic and ethical trend"[317]. To be clear, regionalism is not globalism and it does not solve the problems of global justice. Rather, it has the potential to reconcile the divide *in practice*, especially the cosmopolitan/communitarian divide vis-à-vis intervention, peace operations, and the governance of security. In empirical terms, regionalism offers an alternative to, on the one hand, the lack of capacity and consensus in global institutions in charge of maintenance of peace and

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[316] Paul Williams concludes that the EU-UN-AU nexus in place in this region is the trend for the whole continent. See: Williams, Paul D., *War & Conflict in Africa*, 203.

[317] Maffettone, Sebastiano, "Normative Approaches to Global Justice," in *Globalisation, Multilateralism, Europe: Towards a Better Global Governance*, ed. M. Telò (Farnham: Ashgate, 2013), 134.

security[318] and, on the other, the fact that today's conflicts and security issues tend to spread beyond national border, overlap, and require deeper solutions that are beyond most states' reach. Security institutions appear "as vehicles for coping with a security predicament, for alleviating state weakness in a competitive international environment" [319] but also, as shown above, the weaknesses of global institutions.

In a context of crisis such as in Darfur, when the international community appears as hyperactive as much as powerless[320], multiple responses are *prima facie* acceptable and different actors might play a role to address the insecurities. The same logic applies to regional organizations such as the European Union and the African Union that also build responses of their own in frequent interaction with national-states and with the United Nations.

To be clear, the missions presented above are by no means peace enforcement operations and they have always enjoyed the consent – reluctant or not – of the hosting sovereign state. As a matter of fact, the EU and the AU have never deployed enforcement operations. UNAMID, AMIS, EUFOR, and others are nonetheless *security* missions because they keep elements such as urgency, threat to a valued object, special allocation of resources, and the possibility of use of force even if only in self-defence. As such, they constitute interventions in the basic assumption of the word: an outsider's involvement aiming at altering an existing situation and 'stabilize the conflict' or 'bring peace'.

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[318] Stadtmuller, Elzbieta, "Regional Dimensions of Security," in *Global Politics of Regionalism: Theory and Practice*, ed. M. Farrell, B. Hettne, and L. Van Lagenhoven (London: Pluto Press, 2005), 109.
[319] Fawcett, Louise, "Regional Institutions," 371.
[320] Marchal, Roland, "Aux marges du monde, en Afrique centrale ...", 3.

Hence, this chapter contextualized the thesis' main puzzle, which is to understand how regional security organizations emerge, through discourse and practice, as 'mid-level' security actors and security providers between states and global institutions, to intervene in crises such as the one in Darfur and its vicinity. In other words, how they construct their Self, maintain their standing as international security institutions, and legitimate their policies and actions. To use rhetoric vocabulary: how RSOs build their *ethos* as security actors within regional governance. Hence, the next two chapters build a conceptual and methodological framework that allows for the study of legitimacy claims of regional organizations and more generally the legitimation process of security regionalism, proposing the AU and the EU policies in Darfur as case studies.

# LEGITIMATION OF SECURITY

# REGIONALISM: A FRAMEWORK

# LEGITIMACY AND INTERNATIONAL STUDIES

*The principle is the same whether we are dealing with those who want the is to be recognized as the ought or with those who are setting out to convert their ought into newly established is. Politics is not merely a struggle for power but also a contest over legitimacy, a competition in which the conferment or denial, the confirmation or revocation, of legitimacy is an important stake.[321]*

What makes institutions and their decisions legitimate? What are the founding principles of their legitimacy[322]? Is it democracy, general will, consent, efficiency, respect of moral values, or the general belief that the institution is indeed legitimate? When someone points to the lack of legitimacy of global governance, for example, are they questioning the democratic representation of different actors within the decision-making processes, the transparency and accountability of the international organizations, their capacity to deliver results and solve global problems, or if people actually believe in global governance as potentially inherently legitimate? More specifically, what (de)legitimates a military or humanitarian intervention, or policies or crisis management? Is it the countries or leaders involved, the consensus or approval by international organizations, the (dis)respect of international law, the intervention's nature and (in)efficiency in dealing with portrayed threat to international peace and human

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[321] Claude Jr., Inis L., "Collective Legitimization as a Political Function of the United Nations", 368.

[322] Lagroye, Jacques, "La légitimation," 397.

rights, or all of the above? Finally, is the international realm a site where we can actually *apply* the very concept of legitimacy to governance, organizations, and their policies?

In this chapter, it is argued that **(a)** questions about legitimacy are as relevant at global and regional levels as they are at the national level of politics as it is made clear by the large body of literature dedicated to the topic across multiple epistemic traditions, and **(b)** *legitimation* should be the object of study instead of *legitimacy*. Every political institution, every system of domination, attempts to legitimate itself[323], including international organizations, which attempt to legitimate their existence and their policies. To clarify these two claims, this chapter presents a revision of the literature on legitimacy and legitimation, especially focusing on the IR literature, and develops a conceptual framework for self-legitimation based mainly on the IR constructivist literature.

## 1) Legitimacy in the literature

The topics of political legitimacy inspired many scholars in disciplines such as Political Philosophy, Sociology, Economics and Management, Law, and Political Science. Authors such as Max Weber, Seymour Lipset, Niklas Luhmann, Rodney Barker, and Mark Suchman produced classic and frequently referenced contributions on this issue.[324] What characterizes these works, beyond

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[323]Weber, Max, *Economy and Society: An outline of an Interpretative Sociology*, 213 and 954; See also:Barker, Rodney, *Legitimating Identities: the self-presentations of rulers and subjects*; Lagroye, Jacques, "La légitimation."

[324] Weber, Max, *Economy and Society: An outline of an Interpretative Sociology*; Weber, Max, "Politics as Vocation," in *From Max Weber: Essays in Sociology*, ed. H.H. Gerth and C.W. Mills (New York: Oxford University Press, 1946); Lipset, Seymour M., "Social Conflict, Legitimacy, and Democracy," in *Political Man: The Social Bases of Politics* (Gerden City: Doubleday & Company, 1960); Luhmann, Niklas, *Légitimation par la*

the facts that they share a common 'exemplar' (common sources and common questions)[325], is the contested character of the concept.[326] Across disciplines, there is a similar and general understanding that legitimacy is "a virtue of political institutions"[327]. However, even within disciplines, there are different ideas about what it means to say that an organization, a policy or a system of rule is legitimate. This first section explores the two most common approaches to these questions in social sciences as well as their appropriation by IR theories.

Traditionally, questions about legitimacy have been framed within two distinct approaches. Firstly, a *normative approach*, more closely linked to political philosophy, sets parameters for the immanent acceptability of political power, of its decisions and acts, and of the existence of institutions themselves. It refers to some "benchmark of acceptability or justification of political power or authority and – possibly – obligation"[328]. According to its normative understanding, legitimacy is a 'quality' that is inherent to political institutions that meet the criteria. These claims are obviously normative because the criteria are established according to normative preferences and affiliations, and are followed by an assessment of political regimes being analysed by the scholar. Nevertheless, normative assessments of legitimacy are not limited to academics:

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*procédure* (Laval: Les Presses de l'Université de Laval, 2001); Barker, Rodney, *Legitimating Identities: the self-presentations of rulers and subjects*; Suchman, Mark C., "Managing Legitimacy: Strategic and Institutional Approaches", *The Academy of Management Review,* 20 (1995), 571-610.

[325] These questions usually ask 'who has the right to rule?', 'who should we obey?', 'what is the best political regime?', or 'should we accept this rule?'. Answers could be: 'a legitimate power', 'a legitimate government', 'a legitimate regime', 'if and when the policy is legitimate'.

[326] Gallie, W. B., "Essentially Contested Concepts"; See also Waldron, Jeremy, "Is the rule of law an essentially contested concept (in Florida)?", *Law and Philosophy,* 21 (2002), 137-64. for an up-to-date account of contestedness of a concept

[327] Peter, Fabienne, "Political Legitimacy," 1.

[328] Ibid.: 3.

they are exactly what social actors constantly do when pining their statement on shared normative assumptions about the rightfulness of institutions and their policies. [329] Finally, a legitimacy crisis according to a normative approach originates from the gap between the social reality of domination of policies and within institutions, on the one side, and the benchmarks previously established that should frame the relationship of rulers and ruled-overs, on the other side.

A second way of framing the question of legitimacy is the *sociological approach*. Accounts of such kind, known also as empirical or descriptive approaches to legitimacy, usually trace their origins back to Max Weber's scholarship. Accordingly, those following Weber assume that what makes a political system legitimate is the belief or the faith its members have in its legitimacy. Thus, a sociological approach is about the *belief* that an institution has the right to rule whereas a normative approach relates to the *right to rule* itself.[330] In a sociological approach, a system of rule is considered binding by the fact that people belief on its oughtness. Furthermore, in Weberian terms, legitimacy is a variable capable of explaining a regime's stability beyond self-interest or fear[331]. A legitimacy crisis, in this sense, refers to the fact that a given community does not see an institution as having the right to rule.

Both approaches have shortcomings and could be complementary in many ways.[332] On the one hand, a sociological approach, by focusing on beliefs,

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[329] See chapter 4.
[330] Buchanan, Allen and Robert O. Keohane, "The Legitimacy of Global Governance Institutions", 596.
[331] Weber, Max, *Economy and Society: An outline of an Interpretative Sociology*.
[332] Attempts to merge elements of both approaches include: Habermas, Jürgen, "Remarks on legitimation through human rights", *Philosophy and Social Criticism,* 24 (1998), 157-

tends to neglect people's second order beliefs, which are normative: the belief of what is necessary for an institution to be legitimate. This changes over time and it is certainly necessary to access the norms underpinning these beliefs. In addition, the sociological approach tends offers a static picture of the beliefs by interpreting opinion polls and people's behaviour and discourse. [333] These elements are treated as mere indicators instead of being part of a social process and contributing to the legitimation of rulers and actions. On the other hand, a normative approach lacks historical and contextual analysis because of their focus on general and universal conditions or criteria. It is, therefore, of little help to understand historical processes of justification and legitimation.

Legitimacy as a concept and as a question of inquiry was seldom present in IR scholarship in its early days. The first developments in the discipline were marked by works of authors such as Martin Wight, Henry Kissinger, and Inis Claude. [334] All three scholars anchored legitimacy in a communitarian, statecentric, argument related to acceptance among peers for membership in a group of SNS and for international stability in a society of states.[335] Nowadays, it is possible to build on a much larger scholarship that appropriates the concept of legitimacy to various goals and within various theoretical affiliations. Below, I

71; Habermas, Jürgen, *Legitimation Crisis* (Cambridge: Polity Press, 1971); Beetham, David, *The Legitimation of Power*.

[333] For a critique of the static elements of sociological legitimacy, see Gaus, Daniel, "Dynamics of Legitimation: Why the Study of Political Legitimacy Needs More Realism", *RECON Online Working Paper,* (2011).

[334] Wight, Martin, "International Legitimacy"; Claude Jr., Inis L., "Collective Legitimization as a Political Function of the United Nations"; Kissinger, Henry A., "A World Restored: Castlereagh, Metternich, and the Problem of Peace, 1812-22", (1957); See also Slater, Jerome, "The Limits of Legitimization in International Organizations: The Organization of American States and the Dominican Crisis", *International Organization,* 23 (1969), 48-72.

[335] For the early uses of legitimacy in International Relations, see Mulligan, S. P., "The Uses of Legitimacy in International Relations", *Millennium - Journal of International Studies,* 34 (2006), 349-75: 362-7.

present a review of the main theoretical traditions in IR with regard to the use, or neglect of the concept of legitimacy, and how they might be useful to this research.[336]

*Realism*

Realists rarely evoke legitimacy. Because anarchy, according to realists, is an undeniable feature of international politics, authoritative relationships are inexistent and so is legitimacy. Kenneth Waltz, for instance, when developing his structural Theory of International Politics, abstracted every aspect of states, including their legitimacy, with the exception of their capabilities.[337] Hence, the realist scholarship traditionally argues for a clear distinction between national and international politics in which the legitimate use of force is restricted to the realm of national politics and this legitimacy aspect is exactly the main difference between national and international[338]. The latter is the realm where 'might is right', meaning that legitimacy intimately linked to force.

Even when realists use term at the international level, as in the work of Henry Kissinger, it only means an agreement, among the most powerful states, about the methods of foreign policy and what is permissible:

> It implies the acceptance of the framework of the
> international order by all major powers, at least to the extent

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[336] There is undoubtedly a high level of variation *within* the theoretical approaches to legitimacy presented below. Moreover, there is clear overlap of authors and theoretical underpinnings that would fit in multiple theories. However, the main goal of the following review is to assess the general lines of each approach, pointing out to classic works and scholars, in order to evaluate the usefulness of each theory to question relating to legitimacy (and legitimation) of international institutions and their policies of use of force.

[337] Waltz, Kenneth N., *Theory of International Politics* (Reading, Massachusetts: Addison-Wesley Publishing Company, 1979), 99. "

[338] Ibid.: 103-4.

that no state is so dissatisfied that, […] A legitimate order does not make conflicts impossible, but it limits their scope. [339]

Thus, when not completely ignoring legitimacy, realist scholars limit the uses of the concept to the great game that is played by major powers. Furthermore, aspects regarding the rightfulness of international institutions are largely overlooked, especially because one of the theory's main elements is to deny these institutions any relevance in a world dominated by states. [340] International organizations are, the arguments goes, mere reflections of states' will. In sum, realism has only minor contributions to offer in view of this research's goals.

*Liberalism and new interventionism*

In general, neoliberal theory of International Relations shares with realism the same materialist and anarchical view of international politics, paying larger attention to aspects such as state's economic interests in rational choice theory.[341] Legitimacy, as other ideational aspects, comes hardly into play when liberal theories seek to explain, for example, how interstate cooperation is possible under anarchy.[342]

At the same time, there is a focus on the rightfulness of ruling within states based on liberal principles that appeal, mainly, to democratic legitimacy.

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[339] Kissinger, Henry A., "A World Restored: Castlereagh, Metternich, and the Problem of Peace, 1812-22", 1.

[340] See, for example, Mearsheimer, John J., "The False Promise of International Institutions", *International Security,* 19 (1996), 5-49.

[341] Examples of rational choice and non-ideational approaches in the liberal IR tradition include the work of Andrew Moravcsik ["Taking Preferences Seriously : A Liberal Theory of International Politics", *International Organization,* 51 (1997), 513-53.] and the early scholarship of Robert Keohane.

[342] Axelrod, Robert and Robert O. Keohane, "Achieving Cooperation under Anarchy: Strategies and Institutions", *World Politics,* 38 (1985), 226-54.

Francis Fukuyama, for example, famously sustained that liberal democracy is, following the end of the Cold War, the only possible argument capable of morally justifying power.[343] Translated to the international realm, this internal legitimacy of moral individuals is essential to liberal theories of democratic peace, as states would tend to replicate abroad the politics of within.[344] This aspect also exemplifies a popular trend of liberalism in IR, which is the return to the source of liberal though of political theory. Another appropriation of Liberalism in IR, very closely related to legitimacy, is the late scholarship of Robert Keohane along with political philosopher Allen Buchanan. Both authors have based their work on principles of liberal traditions such as the autonomy of the individual and proposed criteria for legitimacy of global institutions. In this sense, their work falls clearly within the normative tradition of legitimacy and present stronger claims of liberal universalism.[345] Keohane and Ruth Grant, for instance, argue that "[f]or international organizations to whom authority is formally delegated, legitimacy depends on some combination of conformity to shared norms and to established law."[346]

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[343] Fukuyama, Francis, *The End of History and the Last Man* (London: Hamish Hamilton, 1992).

[344] A reference to the moral aspects of liberal peace is Doyle, Michael W., "Ways of war and peace: Realism, liberalism, and socialism", (1997); Doyle, Michael W., "Kant, liberal legacies, and foreign affairs: Part 1", *Philosophy and Public Affairs,* 12 (1983), 205-34; Doyle, Michael W., "Kant, liberal legacies, and foreign affairs: Part 2", *Philosophy and Public Affairs,* 12 (1983), 323-53; For a non-ideational perspective, see: Lake, David A., "Powerful Pacifists: Democratic States and War", *American Political Science Review,* 86 (1992), 24-37.

[345] A list of such work includes: Buchanan, Allen and Robert O. Keohane, "Precommitment Regimes for Intervention: Supplementing the Security Council", *Ethics and International Affairs,* 25 (2011), 41-63; Buchanan, Allen and Robert O. Keohane, "The Legitimacy of Global Governance Institutions"; Buchanan, Allen and Robert O. Keohane, "The Preventive Use of Force: A Cosmopolitan Institutional Proposal", *Ethics and International Affairs,* 18 (2004), 1-22; Keohane, Robert O., "Global governance and legitimacy", *Review of International Political Economy,* 18 (2011), 99-109.

[346] Grant, Ruth W. and Robert O. Keohane, "Accountability and Abuses of Power in World Politics", *American Political,* 99 (2005), 29-43: 35.

Finally, with regards to the use of force, IR liberalism also relies on political and moral philosophies [347] for the development of liberal interventionism. [348] According to this view, governments should imperatively protect individual rights. It is argued that states lacking internal legitimacy – those that do not abide to liberal democratic principles and violate human rights – are in constant conflict with their populations and are subject to justifiable foreign intervention. Moreover, in this situation, an intervention would not only be legitimate, but also a duty of liberal states.[349] Lastly, legitimacy of military interventions, following a liberal perspective, is usually tied up to rules of democratic procedure instead of consequentialist evaluations of the output of these policies.

Due to the liberal political tradition in which it is inspired, liberal claims tend to be universal in scope and treat legitimacy as a virtue that is exclusive to polities and policies meeting liberal criteria. Liberal theory of IR remains highly normative when considering legitimacy of actors, institutions, and policies of crisis management and foreign interventions. Hence, most of the debate of liberal tradition that concerns legitimacy actually escapes positivist, 'non-utopian, non-

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[347] Classical references of Liberalism in IR are notably Immanuel Kant (*Perpetual Peace*) and more recently John Rawls (*The Law of Peoples*). These works are also present in Normative Theory of International Relations, Liberal Constructivism, and International Law.

[348] For an analysis of liberal argument for the use of force, see: Freedman, Lawrence, "The age of liberal wars", *Review of International Studies,* 31 (2006), 93-107.

[349] For proponents of liberal interventionism see: Feinstein, Lee and Anne-Marie Slaughter, "A Duty to Prevent", *Foreign Affairs,* 83 (2004), 136-50; Held, David, *Democracy and the Global Order: from the modern state to cosmopolitan governance* (Stanford: Stanford University Press, 1995). For critiques, see: Chandler, David, *Empire in Denial: THe Politics of State-building* (London: Pluto Press, 2006); ibid.; Chandler, David, "Resilience and human security: The post-interventionist paradigm", *Security Dialogue,* 43 (2012), 213-29; Chandler, David, "The responsibility to protect? Imposing the 'Liberal Peace'", *International Peacekeeping,* 11 (2004), 59-81; Mac Ginty, R., "Indigenous Peace-Making Versus the Liberal Peace", *Cooperation and Conflict,* 43 (2008), 139-63; Reus-Smit, Christian, "Liberal hierarchy and the licence to use force", *Review of International Studies,* 31 (2006), 71.

ideational' approaches that neoliberals might advocate and becomes part of a larger normative discussion within International Ethics and Normative Theory of International Relations.

*International Ethics: cosmopolitans and communitarians*

The last three to four decades witnessed the publication of many works concerning justice and morality in international politics in general, but also relating to questions of legitimacy of international organizations and of humanitarian interventions particular.[350] This debate falls within an inescapable philosophical division. On one side, cosmopolitans share a view of justice centred on the primacy of human beings; a primacy that can be extended globally to mankind as a whole, bypassing borders. On the other side, communitarians see conceptions of good, justice and right as strongly attached to the communities. For them, at best, there is only a minimalist consensus on ethical issues among different groups.[351] The reflections of this divide into the research of normative underpinnings of security regionalism are remarkable because both normative

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[350] Examples of early publications include: Walzer, Michael, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4 ed.(New York: Basic Books, 1977); Walzer, Michael, "The Moral Standing of States : A Response to Four Critics", *Philosophy & Public Affairs,* 9 (1980), 209-29; Vincent, R. J., *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986); Brown, Chris, *International Relations Theory: New Normative Approaches* (Hemel Hempstead: Harvester Wheatsheaf, 1992); Nardin, Terry, *Law, Morality, and the Relations of States* (Princeton: Princeton University Press, 1983); Frost, Mervyn, *Towards a Normative Theory of International Relations* (Cambridge: Cambridge University Press, 1986); Frost, Mervyn, *Ethics in International Relations: A Constitutive Theory* (Cambridge: Cambridge University Press, 1996).

[351] It is important to note that both cosmopolitan and communitarian claims are what may be called foundationalist – they seek their foundation on human beings or communities – drawing strong assumptions from weak foundations. However, the third way of anti-foundationalism, the pragmatic approach, lacks the instruments to deal with the ethics of use of force. Since once life is taken it cannot be given back, and since there are no assurances that violence will secure a solution, "the absoluteness assumed within a decision to use violence cannot be arrived from a normative structure of pragmatic critique." Cochran, Molly, *Normative Theory of International Relations: A Pragmatic Approach* (Cambridge: Cambridge University Press, 1999), 252-3.

views are frequently raised, as arguments, in academic and political debates. A 'communitarian', for instance, would remind us of the necessity to look for sources of legitimacy in the values and norms of the communities where interventions take place. A 'cosmopolitan' argument would defend more general applications of human rights and responsibility to protect.

Cosmopolitans, on the one hand, tend to consider individual rights to be the sole source of legitimacy, both nationally and internationally, in a moral community of humankind. In this sense, it would be possible to imagine institutions other than states to be globally legitimate if they were to base their legitimacy on individual rights. Thus, a common critique towards international organizations, made by the cosmopolitan tradition, concerns the distance between individuals and multilateral bodies. The distance, it is said, is generally too large and is aggravated by lack of transparency and accountability of the organizations vis-à-vis the people. If IOs do not open-up and get closer to individuals – who would constitute sole source of legitimacy according to cosmopolitans – they eventually fail in their quest for legitimacy.[352] Simply put, cosmopolitanism postulates that "universal moral constraints apply to institutional designs", such as IOs, and see these agents "as responsible for realizing cosmopolitan principles"[353].

Communitarians, on the other hand, reject a (thick) universal morality and look instead for communities as foundations of their philosophical reasoning.

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[352] Held, David, "The Changing Structure of International Law," in *Global Transformation Reader: An Introduction to Globalization Debate* (Cambridge: Polity Press, 2000); See also: Archibugi, Daniele and David Held, "Cosmopolitan Democracy: Paths and Agents", *Ethics and International Affairs,* 35 (2011), 433-61.
[353] Shapcott, Richard, *International Ethics: A Critical Introduction* (Cambridge: Polity Press, 2010), 18.

The priority is given to the community because individual have been largely socialized in their ethical values. For this reason, communitarians argue that states have a moral standing [354] of their own as the most, and in some interpretations the only, prevalent communities in the global arena. Their legitimacy, of the government and its national policies, is defined between the rulers and ruled-over within national borders. [355] The legitimacy of IOs is underpinned not only by the values of a global civil society, but also and more importantly by the values of the society of sovereign states. [356] This move would demand a common set of values and ethical commitments among the participants, both states and people. Finally, a global overarching authority such as a world state would be unjust, and also illegitimate, due to the variety of ways of life and conceptions of the good that are impossible to accommodate. But despite focusing on states as the most relevant community of values, communitarians tend to acknowledge the existence of authoritative practices beyond national borders. Thus, international and regional organizations are not mere instruments to achieve a goal, but also themselves subject to legitimacy. [357]

Because communities and states have such a moral standing, enjoying norms of sovereignty and non-intervention, communitarians would only agree on intervention to preserve the most important human rights, when the crucial bond

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[354] Walzer, Michael, "The Moral Standing of States : A Response to Four Critics".

[355] As Mervyn Frost defines, "social institutions consist of a set of peoples who interact with one another in terms of a set of commonly recognized social rules in order to realize certain values that are of importance to them". He goes on to says that "[t]he Legitimacy question arises with regard to the whole structure of authority within an institution" legitimacy as a relation between government and governed." Frost, Mervyn, "Legitimacy and International Organizations: The Changing Ethical Context," 28-9.

[356] Ibid.: 35-40. The key values for both the global civil society and the society of sovereign states are freedom and diversity. According to Frost, many international organizations (e.g. UN, AU, EU, OAS, ASEAN, etc.) aim at protecting the sovereignty of states.

[357] Ibid.: 31-2. A clear review of cosmopolitanism and communitarianism (anti-cosmopolitanism) is provided by Richard Shapcott, *International Ethics: A Critical Introduction*.

between rulers their population is broken. Their criteria are so strict that interventions are made morally unjustifiable in most cases. Furthermore, communitarians see most duties and obligations limited to nationals and countrymen.[358] Opposed to communitarians, cosmopolitans[359] present a much more permissive interpretation of humanitarian intervention:

> […] because all people experience these types of harm [genocide, starvation], it follows that there is a common interest, which is provisionally universal or universalizable, in protecting oneself and one's community from harm. It also follows that this is a reasonable thing to reciprocate.[360]

Positive obligations, requiring actions such as military interventions that aim at ending suffering, and violations of human right, are based on the assumption that all mankind is part of the same moral community with strong common beliefs and values, and that persons "are the ultimate unit of concern for *everyone*."[361] Both cosmopolitanism and communitarianism, as shown in chapter 4, underpin *arguments* of legitimation.

*English School*

English School is famous for trying to find a middle ground between Realism and Liberalism. While taking distance from the latter, the English

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[358] Frost, Mervyn, *Towards a Normative Theory of International Relations*; Nardin, Terry, *Law, Morality, and the Relations of States*; Walzer, Michael, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*.

[359] Linklater, Andrew, *The Problem of Harm in World Politics: Theoretical Investigations* (Cambridge: Cambridge University Press, 2011); Shapcott, Richard, *Justice, Community and Dialogue in International Relations* (Cambridge: Cambridge University Press, 2001); Brown, Chris, *International Relations Theory: New Normative Approaches*; Beitz, Charles R., "The Moral Standing of States Revisited", *Ethics & International Affairs,* 23 (2009), 325-47.

[360] Shapcott, Richard, *International Ethics: A Critical Introduction*, 48. See also Shapcott, Richard, *Justice, Community and Dialogue in International Relations*.

[361] Pogge, Thomas W., "Cosmopolitanism and Sovereignty," in *Political Restructuring in Europe: Ethical Perspectives*, ed. C. Brown (London: Routledge, 1994), 85. (emphasis in the original)

School takes seriously the implications of a world composed by states. Contrarily to the former, the English School consider society to exist beyond the borders of the state. Despite being anarchical, this international society makes room for inquiries about legitimacy in a way that realism cannot do. That being said, in the early stages of English School, legitimacy meant almost exclusively, as Martin Wight would put it, the acceptance of a member in the family of nations.[362] Moreover, the legitimacy of states in the international arena, John Vincent argues, is impossible to detach from the legitimacy of ruling inside.[363] Recently, however, studies of International Society have been taken beyond this initial statecentric view and have expanded debates on legitimacy.[364]

For this research, what stands out of the English School is the debate over the rightfulness of humanitarian interventions. As in International Ethics, the clash is between order and non-intervention, on the one side, and protection of human rights, on the other. In the school's jargon, this divide is translated in differences between solidarists [365], who favour collective security and cosmopolitan rights of individuals, and pluralists[366], who value sovereignty of

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[362] Mulligan, S. P., "The Uses of Legitimacy in International Relations", 362; See also: Wight, Martin, "International Legitimacy".

[363] Vincent, R. J., *Human Rights and International Relations*. See also Welsh, Jennifer M., "A normative case for pluralism: reassessing Vincent's views on humanitarian intervention", *International Affairs,* 87 (2011), 1193-204.

[364] See, for example: Hurrell, Andrew, "Legitimacy and the use of force: can the circle be squared?"; Clark, Ian, *International Legitimacy and World Society* (Oxford: Oxford University Press, 2007); Clark, Ian, *Legitimacy in International Society* (Oxford: Oxford University Press, 2005).

[365] Bull, Hedley, *The Anarchical Society*; Wheeler, Nicholas J., "Saving Strangers: Humanitarian intervention in International Society", (2000); Linklater, Andrew, *The Problem of Harm in World Politics: Theoretical Investigations*. For an English School take on how on how national interest are prevailing over human rights, especially since September 2001, see Dunne, Tim, "'The Rules of the Game are Changing': Fundamental Human Rights in Crisis After 9/11", *International Politics,* 44 (2007), 269-86.

[366] Jackson, Robert H., *The Global Convenant: Human Conduct in a World of States* (Oxford: Oxford University Press, 2000); Nardin, Terry, "The Moral Basis of Humanitarian

states and their cooperation and to whom intervention should be an exception applied in cases of "substantive and systematic violations of human rights":

> If the legitimacy and sovereignty of states 'derives ultimately from the rights of individuals'[367], and if there is no precise way of determining a threshold beyond which legitimacy is lost, then it ought to follow that to the degree that a state violates human rights, it loses both its legitimacy and its sovereign rights, including the right to be protected by the principle of nonintervention: the grosser the violation, the weaker the claim to such protection.[368]

These conceptions of legitimacy of states and of intervention – cosmopolitan and communitarian as well as solidarist and pluralist – are normative and static, offering little tools to grasp changes in the normative structure behind such institutions and actions. Of course, these approaches conceive a variation in the level of legitimacy institutions and policies might enjoy, but this variation is always related to the proximity to the criteria that are offered by different traditions. The 'sources' of legitimacy, in other words, are given by philosophical and normative postulates. Hence, actors and policies are legitimate or illegitimate, or something in between, always according to fixed criteria.[369]

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Intervention", *Ethics & International Affairs,* 16 (2002), 57-70; Slater, Jerome and Terry Nardin, "Nonintervention and Human Rights", *The Journal of Politics,* 48 (1986), 86.

[367] Walzer, Michael, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 53.

[368] Slater, Jerome and Terry Nardin, "Nonintervention and Human Rights", 92.

[369] It is true that communitarians, in general, present legitimacy as resulting from the fit between community and its rulers, allowing for variation according to the community's own tradition and morality. See Walzer, Michael, "The Moral Standing of States : A Response to Four Critics". However, legitimacy is still treated as a quality that might be possessed by institutions – in this case, states. There is variation across different communities, but a closer look should clarify context-specific criteria that are in most case non-contingent.

In international law, the element of legitimacy usually follows two trends. First, an important part of the discipline, mainly positivist scholars, equates legitimacy to legality, using both terms interchangeably. Liberal and Kantian traditions frequently follow this equation. But although conceptions of legality and legitimacy constantly overlap, it would be misleading to reduce one to the other. Secondly, a branch of international law seeks to answer why nations obey rules, especially beyond realist self-interest and rational choice theory. For Thomas Franck,[370] the answer for compliance lies in the legitimacy of rules, at least in the perception there of, because law itself or at least positive law can also be object of inquiries on its legitimacy[371]. In this approach, legitimacy is seen as "the capacity of a rule to pull those to whom it is addressed toward consensual compliance".[372] Franck's book *The Power of Legitimacy* arguably inaugurates the current debate about legitimacy in the international level, at least in the English-speaking world. The author then positions International Law and legitimacy in opposition to realism and theories that consider exclusively rational choice and self-interest.

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[370] Franck, Thomas M., "The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power Disequilibrium"; Franck, Thomas M., "Legitimacy in the International System"; Franck, Thomas M., *The Power of Legitimacy Among Nations* (Oxford: Oxford University Press, 1990).

[371] When it comes to agreeing on the legitimacy of rules and laws, Franck clearly prioritizes perception over facts: "Unfortunately, the facts of state behaviour are less important than the perceptions. It is the perception of habitual noncompliance that determines the toll unlawful behaviour actually takes on law's capacity to maintain social order." Franck, Thomas M., "The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power Disequilibrium", 92.

[372] Ibid.: 93. For an alternative view of legitimacy as justification of authority, see Bodansky, Daniel, "The Legitimacy of International Governance: A Coming Challenge for International Environmental Law?", *The American Journal of International Law,* 93 (1999).

More than pointing at Law as a source of legitimacy, as would be expected, international law also focuses on the legitimacy of rules in the international arena and its consequences for the compliance of, above all, states. The work of Franck and other schoalrs is relevant to counter the claims that state behaviour is the output of nothing but rational choice and interest. Moreover, the discipline also provides interesting insights on the legal aspects of "regionalization of humanitarian rescue"[373] and on the legal aspects surrounding the use of force in international relations.

*EU studies, regionalism and regional integration*

While most of the debate around legitimacy in social sciences was restricted to the national level, the body of literature on EU studies appeared as an exception. The discipline early interest in legitimacy beyond borders is certainly due to the highly visible transfer of authority – from the member-states to the institutions composing the present day European Union – and to the discussions about the so-called legitimacy deficit of European integration. Legitimacy of the European Union, therefore, forms a body of literature on its own[374] that is only recently being expanded, and compared to other organizations in other regions of the world.

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[373] Franck, Thomas M., "The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power Disequilibrium", 100; See also: Hickey, James E., "Challenges to Security Council Monopoly Power Over the Use of Force in Enforcement Actions: The Case of Regional Organizations", *Ius Gentium,* 10 (2004), 1-24.

[374] For a assessment of the of the EU based on normative criteria of democratic legitimacy, see Moravcsik, Andrew, "In Defence of the 'Democratic Deficit': Reassessing Legitimacy in the European Union", *Journal of Common Market Studies,* 40 (2002), 603-24. For an example of use of opinion pools in the descriptive approach, see: Ehin, Piret, "Competing Models of EU Legitimacy: the Test of Popular Expectations", *Journal of Common Market Studies,* 46 (2008), 619-40. For a study of symbolic practices of legitimation, see: Foret, François, *Légitimer l'Europe : Pouvoir et symbolique à l'ère de*

In EU studies[375], Fritz Scharpf's functional approach[376] to legitimacy is probably the most popular scholarship. The author proposes a dichotomy between input and output 'legitimizing functions'. Output refers to "effective governmental steering in the public interest"[377]. Hence, it focuses then on the results of said institutions, their effectiveness in providing goods and services to the population. Input legitimacy is "oriented at collective decision making and realizing the public will"[378]. Simply put, output legitimacy refers to the government *for* the people while input legitimacy refers to government *by* the people.[379] This research shows in chapter 5 that while both elements in Scharpf's dichotomy might serve as arguments in the legitimacy claims of regional organizations, there is a clear imbalance favouring output.

*Broad constructivism*

Arguably the most promising contribution to studies of legitimacy has been made by the broad constructivist scholarship in IR. First of all, constructivism makes room for inquiry on legitimacy by breaking with the

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*la gouvernance*. For analyses of European Commission's discourses and claims of legitimacy, refer to: Biegoń, Dominika, "Specifying the Arena of Possibilities: Post-structuralist Narrative Analysis and the European Commission's Legitimation Strategies"; Tsakatika, Myrto, "Claims to Legitimacy: The European Commission between Continuity and Change", *Journal of Common Market Studies,* 43 (2005), 193-220.

[375] Other important reflections on EU's legitimacy include: Telò, Mario, "Surviving through Legitimacy Crises: What Political Integration for Europe?," in *Regions and Crises: New Challenges for Contemporary Regionalism*, ed. L. Fioramonti (London: Palgrave Macmillan, 2012); Hansen, Lene and Michael C. Williams, "THe Myths of Europe: Legitimacy Community and the 'Crisis' of the EU", *Journal of Common Market Studies,* 37 (1999), 133-49.

[376] Scharpf, Fritz W., "Reflections on Multilevel Legitimacy"; Scharpf, Fritz W., "Problem Solving Effectiveness and Democratic Accountability in the EU".

[377] Tholen, Berry, "RIOs, Legitimacy and Democracy: A Conceptual Clarification," in *Closing or Widening the Gap? Legitimacy and Democracy in Regional Integration Organizations*, ed. A.R. Hoffmann and A.v.d. Vleuten (Aldershot: Ashgate, 2007), 26.

[378] Ibid.: 21.

[379] For a more recent account of the dichotomy and the inclusion of a third element throughput legitimacy, see: Schmidt, Vivien A., "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'".

materialistic view of international politics that is championed by realists and neoliberals. Alexander Wendt, for instance, in his *Social Theory of International Politics,* points to legitimacy as one of the three reasons for state's compliance to systemic norms, the other two being coercion and self-interest, a classic Weberian argument.[380] In the same line, Jens Steffek argues that "given the strong voluntary element in rule creation and rule following in the international system, international domination is even more dependent on legitimacy beliefs on the part of the ruled over than in any other [system]."[381] Hence, for constructivists, the international system is exactly the place where legitimacy should be studied legitimacy because coercion and sanctions are not applicable in every case and, by consequence, cannot explain all cases of states following rules, norms or commitments.[382] Legitimacy, Ian Hurd claims, "is inherent in the constructivist approach"[383]. More importantly, by following constructivism, it is also possible to apply the concept of legitimacy in relation to international organizations and beyond:

> The actions of organizationally developed institutions can be described as legitimate or illegitimate, but so can the norms, rules, and principles that undergird and license these actions. […] This is true of domestic and international institutions.[384]

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[380] Wendt, Alexander, *Social Theory of International Politics*, 61.

[381] Steffek, Jens, "The Legitimation of International Governance: A Discourse Approach", *European Journal of International Relations,* 9 (2003), 249-75: 260.

[382] Hurd, Ian, "Legitimacy and Authority in International Politics", 381. Hurd defines legitimacy as the "normative belief by an actor that a rule or institution ought to be obeyed, [and he is] interested strictly in the subjective feeling by a particular actor or set of actors that some rule is legitimate". Therefore, the author, as constructivists in general, presents a sociological approach to legitimacy.

[383] Hurd, Ian, "After Anarchy: Legitimacy & Power in the United Nations Security Council", 2.

[384] Reus-Smit, Christian, "International Crises of Legitimacy", *International Politics,* 44 (2007), 157-74: 159.

A more critical branch of constructivism gives a step further and breaks with the static view of international politics. It acknowledges and tries to understand the dynamics of the social processes, and the very construction of social environments composed by values, beliefs, and identities. With an eye on change, critical constructivist scholars are interested in the emergence of norms as new standards of legitimacy. [385] When it comes to use of force and intervention, constructivism analyses legitimacy primarily through the lens of a sociological approach. However, it offers more dynamic tools to explore beliefs and the justification process.[386] For Christian Reus-Smit, constructivists should "pay attention to the discursive mechanisms that link intersubjective ideas of legitimate and rightful state action to constitutional fundamental institutions" [387].

Therefore, constructivism's conception of international politics points to the existence of hierarchical relationships of authority above the nation-state, allowing for considerations about legitimacy of such relations of domination. Secondly, it presents general commitments to understanding socialization and change, as well as material and ideational factors. Thirdly, constructivist scholars have recently paid attention to the process of justification of power and institutions, linking values and norms and presenting them as ever-changing standards of legitimacy. Thus, for these reasons, constructivist scholarship is in line with the framework of legitimation proposed in this research as well as notions such as the social 'construction' of regions and of security, threats and

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[385] See, for example, the scholarship of Christian Reus-Smit: ibid.; Reus-Smit, Christian, "The Moral Purpose of the State", (1999); Reus-Smit, Christian, "Liberal hierarchy and the licence to use force". See also: Risse, Thomas, "'Let's Argue!' Communicative Action in World Politics", *International Organization,* 54 (2000), 1-39.

[386] Chapter 4 details this process in relation to crisis management.

[387] Reus-Smit, Christian, "The Moral Purpose of the State", 26.

referent objects. Building on these assumptions, the section below argues to the use of legitimation instead of legitimacy as a tool for grasping the dynamic ideational aspects of security regionalism.

## 2) Legitimacy as resulting from a process of legitimation

It should be clear by now that legitimacy is an essentially contested concept.[388] It is, as a consequence, impossible to reach a common position or a consensual methodology to study this 'virtue'. Rather than offering an additional approach or definition, this research joins many scholars in considering legitimation instead of legitimacy as the research object.[389] Many reasons underpin this choice. First, no institution or policy can be considered inherently legitimate.[390] On the contrary, power relations – and especially new relations such as those of IOs – are constantly subject to process of justification. Second, the study of legitimation offers a much more dynamic understanding of the social process behind consolidation and justification of power. While it is impossible to observe legitimacy in relation to abstract values, it is perfectly feasible to analyse the elements composing the legitimation process (e.g. communication, practices, debates, norms, etc.).

Thirdly, the choice for legitimation allows the research to grasp moral values that permeate both institutions and audiences instead of simply putting

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[388] Hurrelmann, Achim, Steffen Schneider, and Jens Steffek, "Conclusion: Legitimacy - Making Sense of an Essentially Contested Concept," in *Legitimacy in an Age of Global Politics*, ed. A. Hurrelmann, S. Schneider, and J. Steffek (Houndmills: Palgrave, 2007), 229-30.

[389] A complete moratorium on the term legitimacy is unfeasible. The distinction should not be exaggerated because legitimation is, at the end of the day, about ascribing legitimacy, or at least aiming at it. But the use of legitimation avoids any understanding of legitimacy as something the institutions might posses as a 'property'.

[390] Olsson, Christian, ""Legitimate Violence" in the Prose of Counterinsurgency: An Impossible Necessity?".

forward the researcher's own values (normative approach) or a static description of people's support (sociological approach), which is in itself a normative choice that privileges people's beliefs as the sole 'criteria' for legitimacy. A choice for legitimation, it should be noted, tends to grasp insights from both traditional approaches to legitimacy. As David Beetham argues, by adding a more dynamic and mixed approach, "power relationship is not legitimate because people believe in its legitimacy, but because it can be justified in terms of their beliefs"[391]. In this sense, beliefs are still important, but they are also normative beliefs to the extent that they are linked to the audience's values and norms. Finally, legitimation reconciles the double nature of the relationship between legitimacy and power: legitimacy enhances power as a strategic value that can be appropriated, "while power facilitates the adoption of certain notions of legitimacy"[392] because the powerful frames the discourses. In sum, the idea of legitimation solves this apparent incompatibility by pointing to the *same* social process by which rulers in position of power seek to legitimate themselves and use legitimation to enhance their power.

Current phenomena of world politics such as globalization and the growing intrusive and authoritative elements of regional and international organizations' policies represent a new moment of 'openness' to the concept of legitimacy[393], with revisions contesting how to think about it, what are its requirements and the forms of legitimation. In the last decade, the literature on legitimation – or at least a dynamic nature of legitimacy – in the international

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[391] Beetham, David, *The Legitimation of Power*, 11.
[392] Clark, Ian, *International Legitimacy and World Society*, 19.
[393] Hurrelmann, Achim, Steffen Schneider, and Jens Steffek, "Introduction: Legitimacy in an Age of Global Politics."

realm has grown considerably,[394] travelling between different traditions. The following sections draw on this literature to construct a conceptual framework of legitimation. Chapter 4 will then present the methodology.

*The phases of legitimation: the justification*

Political legitimation of ruling is best understood as a double-step process. Firstly, there is the justification of the unequal power relation: a relation of domination that is common to all political institutions (social structures, systems of rule, etc.). As Jean-Marc Coicaud argues, political legitimacy "does not scape the violence inherent in the differentiation of power."[395] In the same line, Jacques Lagroye sustains that a process of legitimation is closely related to violence to the extent that there is a tentative, headed by the rulers, of imposing to the ruled-over an "essentially unequal relation".[396]

This justification of the right to rule is usually associated with legitimacy claims, not always conscious, made by the rulers in a discursive act. As in Max Weber scholarship, systems of domination do not appeal to material or affectual forces alone, but "every such system attempts to establish and cultivate the belief

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[394] Among this literature, four edited volumes deserve mention for their relevance to this research: Hurrelmann, Achim, Steffen Schneider, and Jens Steffek, *Legitimacy in an Age of Global Politics*., probably the most comprehensive theoretical exploration of the concept of legitimacy, the changing of its standards in the international, and the communicative dimension ; Coicaud, Jean-Marc and Hilary Charlesworth, *Fault Lines of International Legitimacy*., with contributions influenced by International Law, has chapters on use of force and interventions; Zaum, Dominik, *Legitimating International Organizations*., A rich set of case studies on the legitimation of international organizations, including the UN, the AU, and the EU; Hoffmann, Andrea Ribeiro and Anna Van Der Vleuten, *Closing or Widening the Gap? Legitimacy and Democracy in Regional Integration Organisations*., to date and to my knowledge, the only volume focusing on regional organizations and legitimacy

[395] Coicaud, Jean-Marc, "Legitimacy, Across Borders and Over Time," in *Fault Lines of International Legitimacy*, ed. H. Charlesworth and J.-M. Coicaud (Cambridge: Cambridge University Press, 2010), 19.

[396] Lagroye, Jacques, "La légitimation," 408.

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in its legitimacy"[397]. Rodney Barker[398] follows the same trend, by analysing the phenomenon of what can be called self-legitimation, serving as more than an instrument of social control:[399]

> "Far from being mere trappings or even mere instruments to deceiving the masses, legitimation appears to provide for rulers goods that are valued in themselves"[400]

Weber also shows that legitimation can be as much a bottom-up as a top-down process. In other words, this means that not only the rulers attempt to legitimate the system and their actions, but also those subject to the domination might engage in discourses and practices that serve this purpose. Examples of the former are of course speeches of political leaders or practices such as national parades. Examples of the latter include participation in elections or political rallies demanding regime change. Furthermore, it is now safe to say that legitimation claims can address, be generated or be considered by actors outside the hierarchical structure, especially in the international realm. A common example is the mutual recognition among states of their existence as sovereign entities.

These legitimacy claims constitute normative assessments. They are the actor's own assessments of the institution's design, principles and values; of the policies objectives, desired and previous outcomes; of the identity and values

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[397] Weber, Max, *Economy and Society: An outline of an Interpretative Sociology*, 213.

[398] The suffix 'self' added to legitimation does not mean that the ruler ascribes legitimacy to itself, in its own right, and outside any social interaction. Legitimation is inherently social, and self-legitimation in this sense would be an oxymoron. See Reus-Smit, Christian, "International Crises of Legitimacy", 159. Rather, self-legitimation means that the ruler *attempts* to legitimate itself by practices and claims, or eventually does it unintentionally.

[399] Symons, Jonathan, "The legitimation of international organisations: examining the identity of the communities that grant legitimacy", *Review of International Studies,* 37 (2011), 2557-83.

[400] Barker, Rodney, *Legitimating Identities: the self-presentations of rulers and subjects*, 17.

that are common to government and governed; and of the social environment in which the power relation takes place. Hence, as Lagroye argues, legitimation is about portraying the violence inherent to the political structure as something "tolerable if not desirable, [conceived] as a social necessity, or as a benefaction"[401]. And that is what legitimacy claims do.

*Arguments of legitimation*

This first step is a *stricto sensu* legitimation. It refers to the linking of the social reality – at least the perception of it – to the values and second order beliefs[402] that are hold by the communities. Furthermore, it should be noted that the establishment of a match is not limited to portraying and adapting what is being legitimated to the values and beliefs of a community. The process is often about *shaping* normative contexts, identities, values, and conception of the good. The argumentation might mean 'this system of rule is legitimate because it is compatible with our values' as much as 'the system upholds the values that we should believe in because this is who we are'.

Thus, legitimation creates a correspondence between the perceived reality of social relations and the normative context and shared moral standards of different communities. The 'borders' of these communities also vary according to the issue: individuals and other organizations might be part of overlapping communities. Hence, legitimation is anchored on a series of arguments that

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[401] Lagroye, Jacques, "La légitimation," 402. (translation mine)
[402] In this reasoning, a second order belief is understood as a deeper belief about what is right and wrong. A primary order belief, which is usually referred by the sociological approach, is the more direct belief on the rightfulness of ruling.

'communicate' with the "system of representations"[403] (norms, world views, and prioritized goals) of a given community. Following Dominik Zaum[404], we can say that this link established by legitimation can follow broadly three trends: **a.** it confirms the desirably or necessity of the status quo, sometimes by ruling out competing claims of authority; **b.** it expands the authoritative relation; or **c.** it can re-focus the legitimacy claim of the power structure in the event of change of normative values.

Chapter 4 develops an account of possible arguments for regional organizations and their security policies. As for now, it is safe to say that these general argument invoked by legitimation discourse might include: a focus on the outcome of policies such as their efficacy in promoting common good, appeals to peace and human rights, references to bureaucratic impartiality and rational-legal justifications, etc. This list is not exhaustive, and the weight of each argument, of course, varies across time and space. This variation is perhaps the most relevant lesson of an analysis of legitimation. Currently, liberal and democratic values are often raised while it is said that human rights might weight more than arguments of state-sovereignty in the international level.

These arguments might also be developed in a dialectical manner in order to show the desirability or the necessity of the unequal power relations. Lagroye offers a historic example of kings that regularly displayed scenes of chaos, destruction and violence, in national parades and public manifestations, in order to demonstrate the necessity of the hierarchy of their government. Thus, it is a

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[403] Lagroye, Jacques, "La légitimation."
[404] Zaum, Dominik, "International Organizations, Legitimacy, and Legitimation," 12.

dichotomy opposing, on one hand, order and security guaranteed by the institutions and the hierarchy in place, and on the other hand the chaos and insecurity without the social structure.[405] A much more recent example of legitimation by an opposition of this kind is the official video published by the European Commission following the award of the Nobel Prize to the EU.[406] As expected, the video's central argument is the role of regional integration in achieving peace on the continent. The dialectical argument is expressed when Robert Schumann is quoted saying that "Europe was not created [before], that is why we had the [Second World] War". This clearly turns the EU into a social necessity in opposition to chaos and war.

*Two phases of legitimation: the response*

The second phase of legitimation is included in a *lato sensu* understanding of the phenomena. It refers not only to the acts that link – or have the potential to link – social reality and shared beliefs by means of justification, but also to the response of the audiences to legitimacy claims. The response, in a successful process of legitimation, is the social 'sanction':

> Legitimacy is a social concept in the deepest sense — it describes a phenomenon that is inherently social. As soon as we say that an actor has a 'right' to act, 'right' to rule, or a 'right' to govern, we are saying more than they have the capacity to do so. Rights are socially ordained, and an actor has a right to act, rule, or govern only if it is *socially sanctioned*. Similarly, when we say that an institution is rightful, and hence legitimate, we are saying that its norms, rules, and principles are socially endorsed. Legitimization is thus a discursive process in which the struggle to reach

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[405] Chapter 6 presents this idea in more details.
[406] European Commission, *Europe, from War to Peace*, (2012), YouTube video, 4 December 2012. https://www.youtube.com/watch?v=wjL0nTyeR4o. 01.03.2013

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> reasonable consensus presupposes the recognition of a fair
> and just authority to implement such rules.[407]

The response to legitimation comes in the forms of active consent by discourse and behaviour, dispute to the claims of legitimacy, further demands from the public, or simply silence. Even if one overlooks the possible issues with the first three 'responses', it is the last one that presents a problem that, to my knowledge, has not been solved: if active consent – free from interests or coercion – ascribes legitimacy in a process of legitimation, at least to a certain degree and only momentarily since legitimation is a quasi-permanent affair, what about silence or absence of response? Does it mean a passive or tacit consent? Does it mean acceptance of the status quo? How can we know if the legitimacy claims even reached the audience if there is no reaction? Finally, whose response matter, should we care about the reaction of communities that are apparently outside the hierarchical structure and not affected to the organization's policies?

There is little consent in the literature providing answer to these questions. Actually, there is not even agreement on what constitutes a successful legitimation process or a 'sufficient' active consent in the first place. The answers remain largely subjective. If an institution endures and survives over time, for instance, this does not mean that the organization benefits from successful processes of legitimation because there are other factors playing a role in its survival. In many cases, especially in the security field, organizations tend to keep a low profile, even vis-à-vis their constituencies, who ignore the existence of the majority of IOs. Certainly, it is possible to look at institutional reforms as reactions to negative responses in the process of legitimation or to

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[407] Reus-Smit, Christian, "International Crises of Legitimacy", 159.

changes in the normative context. However, once more, any conclusion would be problematic because other factors also play a role in institutional changes and reforms.

Legitimation is not complete without the audience's feedback. However, it is important to recognize that the choice for the adequate response – what grants legitimacy – is essentially a normative choice of the researcher and so is the choice for the identity of audiences ascribing it. As for now, we can be sure about legitimation crises, since they tend to be visible 'disputes' over the right to rule of a certain institution or a system of governance. An absence of debate only means that institutions or acts are legitimate if one normatively chooses to conclude s. Otherwise, silence may signify exactly the opposite: that the power relation exists, but is illegitimate due to lack of approval.[408]

Furthermore, the 'compatibility' between systems of representations and political orders is not entirely a product of intentional calculations, but also results from variables that are not controlled by the authority[409]. It might seem obvious, but it is important to say that claims of legitimacy do not always produce the desired effect. On the contrary, claims or strategies of legitimation might have different effects in different communities, even negative responses, and they constantly face rival claims and (de)legitimation. It happens very frequently in the case of international organizations that the discourse does not reach certain audiences, or that certain communities are not even aware of the

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[408] Beetham, for example, chooses to include active consent as a requirement in a successful process of legitimation: "what is important for legitimacy is evidence of consent expressed through actions which are understood as demonstrating consent within the convention of the particular society. [These actions] confer legitimacy, they contribute to make power legitimate" Beetham, David, *The Legitimation of Power*, 12.

[409] Lagroye, Jacques, "La légitimation," 463.

existence of such institutions despite suffering (or enjoying) the impact of their policies. It also happens that different IOs compete for the legitimate authority of implementing a policy or subjecting people to their system of rule.

*Levels of legitimation*

Fundamentally, legitimation refers to the justification of power by idealization (desirable power) or by rationalization (necessary power). Yet, drawing on Jacques Lagroye's work[410], it is possible to distinguish fours different levels of political legitimation. The first one concerns the power relation itself, the necessity and the desirability of a distinction between rulers and subjects, government and governed. The second level is about the legitimation of the existence of a specialized body of domination that exercises the legitimate coercion and is distinct from other forms of domination (e.g. economic, religious, etc.). The third level concerns the procedures of domination: how the power is exerted, how rulers are nominated, and how the political relation is actually established within the society. Finally, the last level relates to the individual or the group that is exerting power in an authoritative relation. Thus, a process of political legitimation, or de-legitimation, may touch upon one or a combination of these four levels. For example, one can contest the leader and the institutional design in place while asserting the necessity of the very same specialized body. The figure below illustrates all the four levels.

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[410] Ibid.: 398-9.

**Figure 3. Levels of Political Legitimation**
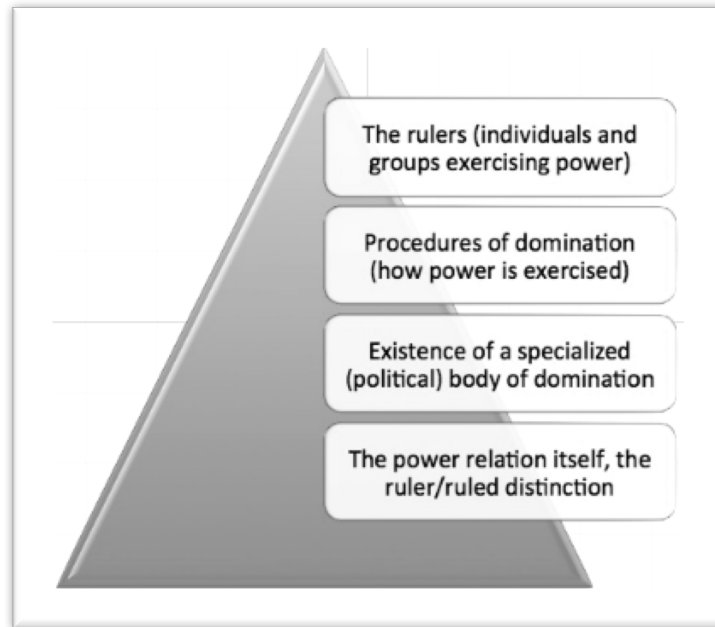


It follows logically that different institutions face legitimation challenges in different combinations of the four levels. A closer look at international politics shows why this division is relevant. In this research, for example, it is claimed that while the legitimation of and in national communities concerns mainly the last two levels – the rulers and the procedures of domination – the legitimation of regional security organizations happens in deeper levels: the justification of the existence of an *additional* specialized body of domination (why should we have an additional institution?) and even the power relation itself (why should we be subject to a power relation outside borders?). In other words, the legitimation of states as specialized bodies of domination is taken for granted. Even during massive protests or revolutions, the existence and the moral standing of the state is seldom put in danger and separatist movements tend to aspire to a state of their own. International and regional organizations in turn still struggle for more solid grounds on which base their claims of authority.

*And so what? What is self-legitimation after all?*

According to what has been proposed in the sub-sections (a) to (d) and to this research's focus on the legitimacy claims that are made by the organizations themselves as detailed in the next chapter, it is now possible to propose a conceptual framework of self-legitimation of general applicability, which includes regional organizations. Thus*, self-legitimation is here understood as an auto-referential discourse, intentional or unintentional, made by one or a set of actors in the position of authority within a system of political domination, that is capable of justifying one or more of the four elements of the unequal power relations by linking its social reality to an audience's system of representation.* The self-legitimation process, as legitimation in general, appeals to multiple arguments by rationalizing or idealizing the power relation. The figure below illustrates this proposal.

**Figure 4. The Process of Legitimation**
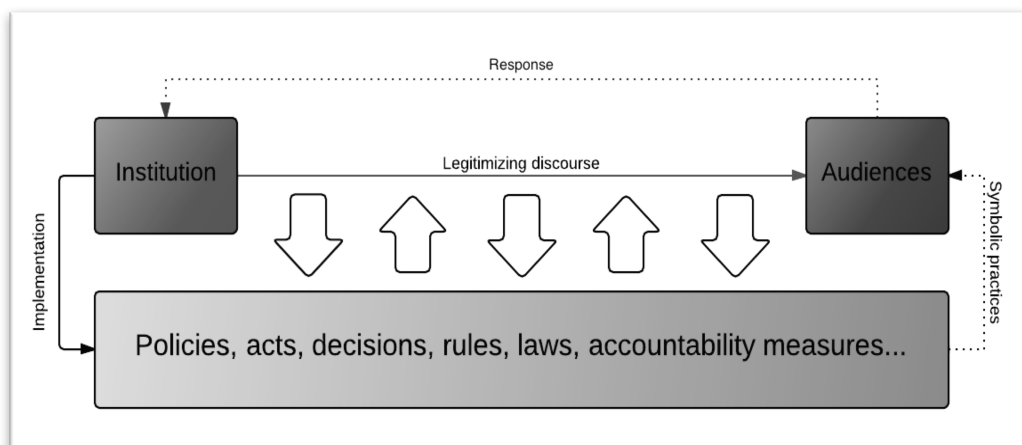


A look at figure 4 summarizes the two phases of legitimation and helps see it as a constant feedback between rules and different communities that serve as audiences, falling both within and outside the hierarchy. What is important to

this research is the fact that the legitimating discourse makes constant reference to institutional acts (policies, decisions, laws, etc.). Hence, one of the assumptions, following Steffek[411], is that discourse helps to 'make sense' of institutional actions and therefore legitimates them, the organization and/or the system of governance. Finally, of the three main elements of the legitimation process shown in figure 4, legitimating discourse, symbolic practices, and the audiences' responses, this research focuses on the first one. More specifically, on the public discourse of legitimation: its arguments and how it articulates and makes sense the institution's actions of the lack thereof.

*And so what? What can we learn from legitimation?*

As it should be clear by now, this research is anchored on a threefold assumption: that "authority requires legitimacy, not mere influence or power,"[412] that power constantly seeks to legitimate itself, and that legitimation and self-legitimation are "part of the activity of ruling, and as such contributes to both constituting and defining it".[413]

> The lovers of naked power are far less typical than those who aspire to clothe themselves in the mantle of legitimate authority; emperors may be nude, but they do not like to be so, to think themselves so, or to be regarded as so.[414]

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[411] Steffek, Jens, "Tales of Function and Form: The Discursive Legitimation of International Technocracy", *Normative Orders Working Paper,* 2 (2011); Steffek, Jens, "The Legitimation of International Governance: A Discourse Approach"; Steffek, Jens, "Discursive legitimation in environmental governance", *Forest Policy and Economics,* 11 (2009), 313-18.

[412] Wendt, Alexander, *Social Theory of International Politics*, 208.

[413] Barker, Rodney, *Legitimating Identities: the self-presentations of rulers and subjects*, 30; See also: Weber, Max, "Politics as Vocation."; Lagroye, Jacques, "La légitimation."

[414] Claude Jr., Inis L., "Collective Legitimization as a Political Function of the United Nations", 368.

The rulers 'clothe themselves in the mantle of legitimate authority' by means of legitimation. But what can we learn from this and why should a research focus on this legitimation process of regional security organizations and their actions of crisis management? First, as Barker argues [415], rulers and authorities spend much of their time and energy legitimating themselves and their peers. Because they are at the centre of political life and of political science research, what authorities and governments constantly do, and spend energy doing, is inherently relevant to the discipline.

The second reason refers to the importance of grasping beliefs and the normative context in international politics. Beliefs about legitimate intervention, Martha Finnemore argues, "*constitute* certain behavioural possibilities and, in that sense, cause them."[416] Policies of crisis management, as in the case of other policies, must be justified in terms of standards shared by a given community. And this activity of moral persuasion helps explain the values that we hold and that constitute the institutions.[417] Hence, it is possible to say that the set of justifications for actions reflect not only the actors' own beliefs, but at least a part of the shared normative context.

> "It is true that justification does not equal motivation, [but] justification is important because it speaks directly to normative context. When states justify their interventions, they

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[415] Barker, Rodney, *Legitimating Identities: the self-presentations of rulers and subjects*. Barker's work focuses on the legitimation of rulers *to* themselves. In other words, the leaders constitute their own audiences of legitimation. Even though this aspect is also important, I choose to look at public legitimation addressing parts other than the leaders themselves.

[416] Finnemore, Martha, *The Purpose of Intervention: changing beliefs about the use of force*, 15. Finnemore clarifies that the causality expressed in the sentenced is not one of the "if X then Y" fashion in the sense that if beliefs exist then intervention must follow, but rather in the sense of making possible and conceivable.

[417] On this aspect, see: Reus-Smit, Christian, "International Crises of Legitimacy"; Reus-Smit, Christian, "The Moral Purpose of the State".

are drawing on and articulating shared values and expectations
held by other decision makers and other publics in other states.
It is literally an attempt to connect one's actions to standards of
justice or, perhaps more generically, to standards of
appropriate and acceptable behaviour."[418]

This research does not claim to offer a full account of the normative context only by looking at discourses of self-legitimation. Nonetheless, such a study might certainly help to grasp at least the normative elements in the eyes of the beholders. It is possible, at least in part, to "piece together what those internationally held standards are and how [and if] they change over time"[419] and this in relation to security regionalism, regional organizations, security governance and crisis management.

**Conclusion**

The multiple universal definitions of legitimacy do not hold in front of different contexts, much less in different times and in regards to the multitude of political institutions impacting or concerning various political communities. What makes institutions, their acts and decisions, and eventually systems of governance legitimate are sets of successful processes of legitimation. The moral underpinnings of these processes – the arguments of legitimation – vary over time, but the process of legitimation is always present. Contrary to legitimacy, the study of legitimation is not an end in itself, but rather a tool to grasp the main moral and normative claims laid down in the assessment of an institution or its

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[418] Finnemore, Martha, "Constructing Norms of Humanitarian Intervention," in *The Culture of National Security: Norms and Identity in World Politics*, ed. P.J. Katzenstein (New York: Columbia University Press, 1996), 159. Finnemore account of interventions is statecentric as she focuses almost exclusively on states' interests on humanitarian intervention and only talks about IOs as necessary to legitimacy of states actions, but only as rational-legal bodies. Nevertheless, there is an important element of actorness of IOs in her account.

[419] Finnemore, Martha, *The Purpose of Intervention: changing beliefs about the use of force*, 15.

acts as well as the normative underpinnings of the international community and its multiple audiences. This chapter also shows that it is possible to build upon the recently developed literature on legitimation in the international level as well on the broad constructivist tradition, to explore the process behind the consolidation of regional security organizations as polities in their own right and the justification of their acts.

Both legitimating arguments and legitimacy judgments reveal important aspects of normative underpinnings of a given society, from local to international. This work focuses on the former – the act of justification – and defines discursive self-legitimation accordingly as *an auto-referential discourse, intentional or unintentional, constructed by one or a set of actors in the position of authority within a system of political domination, that is capable of justifying one or more of the four elements of the unequal power relations by linking its social reality to an audience's system of representation*. By analysing the discourse produced by regional organizations when they justify their responses of crisis management, the main goal is to grasp standards of legitimacy that are commonly held by the participants in the regional security governance. The next chapter focuses on the methodology of how to grasp these elements.

# LEGITIMATION OF REGIONAL SECURITY

# ORGANIZATIONS' POLICIES

> *The fundamental problem of politics is the justification of power. Power represents a problem; it is frightening, and needs to be harnessed and directed. [...] it must be justified by reference to some source outside or beyond itself, and thus be transformed into 'authority'.* [420]

Political legitimacy "is both internal to actors and intersubjective […] it is not readily accessible to outside observer."[421] Therefore, an empirical inquiry on legitimacy has to be done indirectly. The concept of legitimation as presented in chapter 3 allows for this inquiry on the legitimating arguments. It underpins this research's methodology and method. This chapter connects the conceptual and theoretical framework of legitimation with security regionalism by presenting how we can grasp the arguments raised by regional security organizations when they publicly legitimate their security policies.

## 1) Legitimation: a framework for acts and policies of RSOs

As presented in chapter 3, the process of legitimation can be broken down into different components among which the object of legitimation, the legitimating actors, and the audience of legitimation. The process of legitimation of security regionalism and its policies contains particular features worth

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[420] Wight, Martin, *International Theory: The Three Traditions*, 99.
[421] Hurd, Ian, "After Anarchy: Legitimacy & Power in the United Nations Security Council", 8.

mentioning upfront. This first section aims at detailing these different elements in relation to the case studies and what to expect in the empirical analysis that follows in the next four chapters.

*The object of legitimation*

The same way legitimacy and illegitimacy are said to be collectively attributed to both "actions and status"[422], there can be largely two objects for political legitimation if one is to break down the idea of 'system of domination': the organizations themselves as bureaucracies[423] and their actions. A similar understanding, distinguish between the legitimation on the level of the specialized body of domination, on the one hand, and the procedures of domination, on the other[424]. This translates roughly into the legitimation of regional organizations as specialized bodies and of their policies as procedures of domination, both of which constitute the system of domination. In this research, two reasons justify the choice of focusing on actions over status.

Firstly, the current literature on regional and international organizations remains largely focused on the legitimation of 'entities', institutions, rules of the game, or regimes.[425] But this is only part of the process. On the one hand, a

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[422] Brewer, Thomas L., "Collective Legitimization in International Organizations: Concept and Practice", 78.

[423] Finnemore, Martha and Michael Barnett, *Rules for the World, International organizations in global politics.*

[424] Lagroye, Jacques, "La légitimation." See chapter 3.

[425] See for recent examples: Zaum, Dominik, *Legitimating International Organizations*; Hoffmann, Andrea Ribeiro and Anna Van Der Vleuten, *Closing or Widening the Gap? Legitimacy and Democracy in Regional Integration Organisations.* for a collection on the legitimation – albeit with different approaches in relation to this thesis – of a variety of regional organizations; Sternberg, Claudia S., *The Struggle for EU Legitimacy: Public Contestation, 1950–2005*; Foret, François, *Légitimer l'Europe : Pouvoir et symbolique à l'ère de la gouvernance*; Biegoń, Dominika, "Specifying the Arena of Possibilities: Post-structuralist Narrative Analysis and the European Commission's

successful legitimation of actions should, ceteris paribus, enhance or serve as an argument in the legitimation of the organization and the ruling system as a whole. It is possible to argue, for example, that an organization might attempt to legitimate itself exactly by legitimating its actions. On the other, activities perceived as illegitimate risk to cast doubt on the legitimacy of an entity.[426] When it is said that NATO found a *raison d'être* in its intervention in the Balkans, or that the UN faced a crisis because it failed to respond to the genocide in Rwanda, it becomes clear that there is a connection between the legitimation of policies – or of the absence of policies – and the legitimation of organizations. And this interplay depends on the portrayed relevance of the issue in relation to the existence of the institution[427] and the very interaction with other policies. Yet, the legitimation of actions "continues to be neglected"[428]. This focus limits the scholarship to only one aspect of legitimation and ignores the need to legitimate actions. Hence, this research might help to fill this gap.

Secondly, the legitimation of security missions or at least the violence and the crises they are supposed to address are certainly among the most visible elements of security governance. A classic assumption would imply that force and coercion are legitimate when used by a legitimate government within its

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Legitimation Strategies"; Delcourt, Barbara, "Usages du droit international dans le processus de legitimation de la politique exterieure europeenne". for a research on the legitimation of the European Union and the integration project, the European Commission, and the European Security and Foreign Policy respectively.

[426] Coleman, Katharina P., *International Organisations and Peace Enforcement: The Politics of International Legitimacy*, 23-4.

[427] The term institution is here used as a replacement to organization to avoid repetition, but conceptually organizations are one type of institution (see chapter 1) as much as established patterns of activities are also considered institutions in many accounts. See, for example: Keohane, Robert O., "International Institutions: Two Approaches", *International Studies Quarterly,* 32 (1988), 379-96: 383.

[428] Coleman, Katharina P., *International Organisations and Peace Enforcement: The Politics of International Legitimacy*, 21.

territory. But to say that is to ignore, on the one hand, the whole idea of legitimacy as a permanently constructed in a social interaction of legitimation and, on the other, the issue of force used beyond a government's territory or framed by an institution other than the state. Arguments legitimating actions may refer to the perceived legitimacy of the organization behind them, but that is certainly not the full picture. An analysis of the legitimation of security missions is important not only because of its influence in the institution's legitimation but also because these are *security* missions involving special allocation of resources, urgency and, last but not least, possible use of coercion and force. An analysis of legitimation of actions is also in line with the organizations' own vocabulary, contesting and claiming legitimacy for their policies more often than for their status as political institutions.

Thus, while in this thesis the object of *research* is the set of legitimating arguments put forward by RSOs, the objects of *legitimation* are the actions of RSOs that are related to the conflictual context in Darfur, Sudan. A practical consequence of the focus on actions of 'crisis management' is that both the legitimation discourses and the struggle for legitimacy tend to intensify in key moments of time such as the period when a crisis calls international attention by the escalation of violence, the period around the launching of the mission and around its conclusion as well as case-by-case situations such as the high number of casualties, accusations of corruption or even a mission's anniversary. That's why we pay especial attention to the arguments that relate to security missions initiated by regional organizations, as they constitute the most visible responses to the crisis in Darfur.

Security missions are actions (procedures of domination) of regional organizations (bodies of domination). The examples of the international response to the crises in Darfur, Chad, and CAR such as UNAMID, EUFOR, AMIS and MINURCAT can be considered peace operations, at least according to the following definition:

> Peace operations involve the dispatch of expeditionary forces, with or without a United Nations (UN) mandate, to implement an agreement between warring states or factions, which may (or may not) include enforcing that agreement in the face of wilful defiance.[429]

These operations have an element of coercion since the 'force', even if symbolic, is present in various levels of military hardware and personnel and might in this sense be used. But the possibility or the actual use of force do not turn these missions into humanitarian interventions in its strict sense, meaning the punishment actions without the consent of the host state.[430]

The implication is exactly that the consent of the host country can be, and usually is, invoked by the organization as to support its legitimacy claim. The consent serves as an argument of legitimation. While interventions without state consent are certainly more sensitive, especially in relation to issues of sovereignty and occasionally UN's primacy, 'ordinary' missions must also be legitimated. They also cost social and financial resources to the detriment of other policies, mobilize troops and military assets, constitute an intervention from the outside, involve multiple stakeholders, and still include the possibility

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[429] Bellamy, Alex J. and Paul D. Williams, "Who's Keeping the Peace?: Regionalization and Contemporary Peace Operations", 157.

[430] For the debates on the definition of humanitarian intervention, see Welsh, Jennifer, ed. *Humanitarian Intervention and International Relations* (Oxford: Oxford University Press, 2004).

of the use of force in self-defence or to enforce measures according to the agreements between warring parties or between the host state and the interveners.

These operations could fit, however, broader definitions of (humanitarian) intervention such as the deployment "of military force across borders for the purpose of protecting foreign nationals from manmade violence"[431]. But it must be said that for a mission initiated and mandated by regional organizations, the ideas of protecting *foreign nationals* with a deployment of force *across borders* might make little sense. When the AU implements a mission in Darfur, for instance, it acts within the border of its member states and within its own 'borders' as an international organization. Moreover, it does not act to protect foreign nationals, but nationals of its member states. These terms make more sense in the case of the EU intervening in Africa and this is one of the reasons why studying the case of two regional organizations is important.

Given this variety of actions by regional organizations, including the EU's Support Mission to AMIS that could hardly be considered an operation, it is preferable to group them around the term of *security missions.*[432] They are *missions* and not general policies since they constitute tasks assigned to a group sent for a period of time, and they are *security* missions because the task is to address perceived and constructed security issues and because of the already mentioned characters of urgency and prioritization, and especial allocation of

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[431] Finnemore, Martha, *The Purpose of Intervention: changing beliefs about the use of force*, 53.
[432] The terms 'intervention', 'military operation' and 'peace operation' might still be used to avoid repetition.

resources[433]. But it is also important to look at the so-called policies of *crisis management* since the international response to Darfur, as seen in chapter 2, encompasses much more action than security missions of monitoring or protection.

There is a crucial difference between, on the one side, the legitimation of security missions and policies and indirectly that of regional organizations and, on the other side, the traditional attempts by national states to legitimate their supposed monopoly over violence and use of force. In security governance, by its heterarchical nature, one does not speak of legitimation of monopoly of violence and force of the state. On the contrary, the legitimation of regional organizations acting in security governance, even if only their bureaucracies, potentially adds one more 'layer' of a perceived rightful use of force. RSOs do not claim to have such monopoly nor could they. What is being legitimated is the 'place' of their missions and their acts in relation to a crisis as well as their own standing within a heterarchical system of security governance.

Finally, it must be said that the focus on security missions is precisely only a focus because missions are the most visible, and possibly controversial, policies. But the focus does not exclude the other policies and acts by RSOs in relation to the conflicts in Darfur, Chad, and CAR. On the contrary, it is the whole set of responses to this context that is taken into account. In this regard, instead of organizations behind security operations, the AU appears for example as the 'mediator' while the EU acts as the 'financer'. In many instances, it is actually impossible to separate the arguments that relate to specific missions or

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[433] See chapter 1.

to the more general reaction to the crisis and the assessment of the situation. Furthermore, even if methodologically possible, to work exclusively with arguments on missions would be to miss much of the discourse that justifies the *inaction* of these organizations in front of what was expected from them: 'if RSOs cannot act as expected, what else are they doing that justify their status, or their existence as specialized bodies of domination?'

*Legitimating actors*

The proposed approach to legitimation allows for multiple actors[434] to engage in the struggle for justifying their existence but also that of other organizations and their actions. Different actors participate in the legitimation as well as in the delegitimation of an institution. In theory, even a discourse that is not intended as (de)legitimation might be taken and reproduced as such depending of the public's reaction and acceptance. The idea of a system of governance implies that what is being justified is not only an institution and its acts, but also its place within the system and by consequence the place of others and the very architecture of, in this case, security governance.

It is safe to say that when a RSO attempts to legitimate its place within the current system, it also contributes to set the boundaries of other entities, including its peers. A security mission of the African Union, for example, might be legitimated by arguments coming from its member-states' governments, the local, regional and global media, scholars from within and outside the region,

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[434] The word 'actor' is being used independently from theoretical debates within IR literature that relate the concept to an entity's autonomy and sovereignty as well as the criteria for actorness in the international system. In this chapter, the term actor simply refers to those behind the utterances of legitimation.

various civil society groups, and many others. It might also be indirectly legitimated by the European Union attempting to legitimate one of its security missions anywhere else in the world that helped asserting the place of RSOs as security providers or by a previous UN declaration on the importance of regional organization in crisis management.

This research, however, looks at the legitimation discourse produced by the organizations themselves in an exercise of self-legitimation. To consider *self-legitimation* is to take legitimating actors and objects potentially legitimated as somehow overlapping elements in the process. The self-legitimating discourse is perhaps the only that, in one way or another, is constantly present as every system of domination attempts to justify itself but also does not *act* without justifying it and by doing so, as Gelson Fonseca argues, it "pays its tribute" to the values of certain historical epoch[435]. If, as Weber sustained, legitimation is a two way process, bottom-up and top-down legitimacy claims, we focus on the latter.

The choice for the discourse produced by regional organizations usually raises two questions. The first one refers to how much of the discourse can be considered as being genuinely produced by organizations themselves and not just a reproduction of the member-states' discourses. This question echoes the fact that in the security field the inter-governmental character is even more prevalent. But it misses the point because RSOs are constituted exactly by their bureaucracies *and* the member-states. The discourse is indeed negotiated by member-states and multiple bureaucrats according to institutional practices, and

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[435] Fonseca Jr., Gelson, "Legitimidade Internacional: Uma Aproximação Didática," in *Legitimidade e Outras Questões Internacionais* (São Paulo: Paz e Terra, 1998), 148-9.

it might very well be proposed or modified by a number of key states involved in decision-making. Nevertheless, what eventually comes out as product of this the 'negotiation' *is* the organization's discourse, even if it is little more than a consensus between member-states and, to a certain degree, the bureaucracy.

The second question refers to who 'speaks for' the RSOs that are being taken as self-legitimating actors – the European Union and the African Union. This question refers to the organizational structure of these institutions and the bodies that are responsible for foreign and security policies and therefore participate in justifying the missions. In the case of the EU, both the Council of the EU and the High Representative for Common Foreign and Security Policy are directly associated with the organization's security missions. Thus, the rotating presidency of the Council has an important role to play, at least before the reforms introduced by the Lisbon Treaty. Subordinated bodies such as the EU Military Staff also produce material of their own like the magazine *Impetus*. From 2010 onwards, one might also expect utterances from the European External Action Service (EEAS). Finally, the European Council might also offer glimpses on the general trends in term of foreign and security policies.

For the African Union, there are two main bodies, which are somehow analogue to the EU's Council and High Representative when it comes to foreign policy. First, there is the AU Commission and mainly the person of the Commissioner who periodically issues statements and reports on the missions of the organization. Second, the AU has a Peace and Security Council (PSC), which is composed by 15 members from Africa's five larger regions, and issues additional press releases, reports, presidential statement and the like. In

comparison, the amount of public discourse from the African Union is much smaller than that of the European Union, but since the crisis in Darfur was naturally an 'African problem', the data collection provided a similar number of documents, as detailed later in this present chapter.

*Audiences and targets of legitimation*

Since legitimation is a social process, it is about trying to connect what is being legitimated to a social group, the audience. Audiences of legitimation are those in whose view the objects are being legitimated. For national states, for example, political theory literature traditionally points to citizens as audience at the same time as IR scholarship points to states' peers as the audience within a kind of international society. But the picture is certainly more complex if one considers other entities and policies such as regional organizations and their missions.

An interesting example of an attempt to identify the audiences for legitimacy is offered by Jonathan Symons[436]. His framework reflects a choice for audiences that are *instrumentally* relevant to the institution so that is **a.** ensures the subjects' compliance, **b.** strategically interacts with its peers and other organizations, and **c.** satisfies the subjective needs of the rulers in place that also want to see themselves as legitimate. Yet, one could think of, for example, an audience that is not instrumentally relevant for the institution's survival, but is still affected by its policies or even an audience that is not directly linked to the institution or to its policies but still ponders about its legitimacy. As the previous

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[436] Symons, Jonathan, "The legitimation of international organisations: examining the identity of the communities that grant legitimacy".

chapter has shown, even this choice of audience is normative in the sense of an arbitrary prioritization.

When analyzing self-legitimation, it could be useful to think about audiences in terms of *targets* of the legitimation[437], meaning the social groups that are actively sought by the legitimating actor. Once more, examples of such targets include "not only domestic publics but also foreign publics. Government and segments of publics may also be considered as targets."[438] Attempts to identify targets in relation to crisis management have also been done. Focusing on legitimation for peace enforcement operations launched by a state, Katharina Coleman[439] presents at least fours audiences: the state's domestic public, the public in the host country, the immediate neighbors, and the international community. With a similar focus on military intervention, Christian Olsson identifies at least a double layer of audiences: "the international legitimation vis-à-vis other governments and the local legitimation vis-à-vis the population in the intervened state."[440]

These typologies, presenting different levels of detail, could be also used for any kind of international security policy including security missions by regional organizations. The example of the EU security mission EUFOR in Chad and CAR, illustrates how many audiences could be actually targeted if we

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[437] There is a difference between 'target' and 'audience' in the sense that the former is the audience that is *intentionally* sought by the legitimating actor while the latter can be the target but is also any public who 'listen' to the legitimating discourse.

[438] Brewer, Thomas L., "Collective Legitimization in International Organizations: Concept and Practice", 78.

[439] Coleman, Katharina P., *International Organisations and Peace Enforcement: The Politics of International Legitimacy*, 24-6.

[440] Olsson, Christian, "Conquérir « les cœurs et les esprits » ? Usages et enjeux de légitimation locale de la force dans les missions de pacification extérieures (Bosnie, Kosovo, Afghanistan, Irak; 1996 -2006)" (Institut d'Etudes politiques de Paris, 2009), 83.

assume that legitimation was, at least in part, intentional: the European citizens; the EU member-states, their governments? The UN and other international or regional organizations? The population in Chad and CAR, the Sudanese refugees in their territory, and the African Union and its member-states? And what of countries such as China and the United States, which are also active in the region? We can go as far as saying that European officials would legitimate their action to themselves, so they see themselves as legitimate, which is another reading of the *self* in the self-legitimation.[441] The list could go on and the possibilities are virtually endless. A strict interpretation of 'target', however, would be at odds with the definition of legitimation as being intentional or unintentional.

Drawing on a concept of the English School and on her empirical work, Coleman eventually suggests the international society of states is the main audience for peace operations.[442] This conclusion raises a question specific to regionalism: if an intervener *state* is likely to perceive the society of *states* as its main audience, would RSOs also perceive their peers as their audiences in addition to states? Ultimately, of course, this distinction is hardly visible since RSOs are both bureaucracies *and* member states. Perhaps these bureaucracies are first and foremost interested in the small community of states that is their own, and this could be motivated by one of these member states that takes the lead within the bureaucracy and pushes for a particular mission. However, this legitimation is arguably more private than public in the sense that it happens

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[441] Barker, Rodney, *Legitimating Identities: the self-presentations of rulers and subjects.*
[442] Coleman, Katharina P., *International Organisations and Peace Enforcement: The Politics of International Legitimacy*, 20.

behind the doors of closed meeting at the Peace and Security Council and at the Political and Security Committee.

Targeted audiences are actually hardly distinguishable at the RSOs' public discourses. To point to specific targets would be no more than an educated guess, if ever there was a specific target these organizations are aiming at since legitimation might be, as defined in chapter 3, unintentional. On the contrary, discourses seem to be targeting a broad community most of the time. Thus, the idea of *public legitimation,* with discourses in the public domain rather than private[443], seems to be the way around this question. In the terms of discursive institutionalism, we focus not on the "coordinative discourse" among policy actors, but rather on a top-down "communicative discourse" between political elites and the public "in which ideas developed in the coordinative sphere are conveyed by political entrepreneurs and 'ideational leaders'"[444].

Although the actual audience that 'listens' to the legitimation discourse varies in case-by-case, it is arguably the international community – a vague term that includes, among other groups, states and governments, transnational and domestic civil society and international media – which can be considered the potential audience of RSOs. This thesis main goal is not to identify the audience, but to analyze the *content* of the discourses of legitimation. Thus, to take the international community as the audience of the public legitimation means that the discourse is not adapted to specific groups, but rather constructed in ways that

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[443] Sternberg, Claudia S., *The Struggle for EU Legitimacy: Public Contestation, 1950–2005*, 2.
[444] Schmidt, Vivien A., "The problems of identity and legitimacy in the European Union: Is more politics the answer?," 18. See also: Schmidt, Vivien A., "Discursive Institutionalism: The Explanatory Power of Ideas and Discourse", *Annual Review of Political Science,* 11 (2008), 303-26.

*connect* it to a large public. This does not mean that the language is more intelligible or that the discourse actually reaches many different groups that are not interested in security missions by regional organizations. Rather, it means that the arguments within the discourse are vague enough to fit different audiences and might as well point to a general normative context of security governance and peace operations. The arguments are not tailored to reflect only the perceived values of a unique audience. In other words, the analysis of the RSO self-legitimation of security-related actions to the international community 'speaks the normative context' at least as far as this context is perceived by the RSOs themselves.

## 2) Legitimation and self-legitimation of security policies

Chapter 3 situates this research in the broad literature of IR constructivism for the simple reason, among others, that this scholarship allows for the study of non-material factors and dynamic social processes. The study of legitimacy, even if done indirectly, demands the assumption that 'things' like norms, ideas, and discourses are relevant in international politics. But to locate the research inside IR constructivist tradition only informs the *research object,* which is above all ideational instead of material. It does not however necessarily imply a *methodology* for the study of legitimation[445] nor does it informs the epistemological stance, which could range from neo-positivist proposal of casual mechanisms to post-structuralist unveiling of power relations, for example. This

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[445] For IR constructivism as a choice for the research object and what to look at – the popular phrase 'norms and ideas matter' – rather than a methodological choice, see: Jackson, Patrick T., *The Conduct of Inquiry in International Relations* (Abingdon: Routledge, 2011), 201-7.

section fills this final gap by adhering to a methodology to the study of legitimation.

First of all, one must note that the framework of self-legitimation here proposed is essentially an ideal-type, meaning that it is a set of oversimplifications of complex worldly situations. As such, it prioritizes certain elements in detriment of others:

> An ideal type is formed by the one-sided accentuation of one or more points of view and by the synthesis of a great many diffuse, discrete, more or less present and occasionally absent concrete individual phenomena which are arranged according to those one-sidedly emphasized viewpoints into a unified analytical construct. In its conceptual purity, this mental construct cannot be found empirically anywhere lo reality. It is a utopia.[446]

It is not a contemplation of *the* independent reality as series of casual mechanisms that can be falsified, but rather the proposition or the construction of *a* reality based on social facts and experiences. Hence, the purpose is to contribute to knowledge by increasing the comprehension of security regionalism from an intersubjective standpoint and it should be assessed according to its usefulness to do so and to generate insights into concrete cases.[447]

*On discourse, rhetoric, and narrative of legitimation*

Legitimation establishes a link between the perceived objective 'reality' and the values held by social groups in a process that boils down to justification, a process of 'giving reasons'. As such, by examining these justifications, "we can

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[446] Weber, Max, "'Objectivity' in Social Science and Social Policy," in *The Methodology of the Social Sciences* (Glencoe: The Free Press, 1949), 90.

[447] On ideal-types as oversimplifications of complex situations, which have the "purpose of increasing comprehension", see: Jackson, Patrick T., *The Conduct of Inquiry in International Relations*, 112-5; 42-52.

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begin to piece together what those internationally held standards [the normative context] are and how they may change over time"[448]. Arguments invoke and relate to norms, understood in accordance to IR constructivist tradition as shared expectations of behaviour in a community of actors.[449] At least three 'concepts' might link the institutional reality and the community' values, but that we call it rhetoric[450], discourse[451], or narrative[452] it is of marginal importance for the purposes of this research. Legitimation arguments most certainly travel through discourses because discourses constitute "ensembles of ideas […] through which meaning is given to social as well as physical phenomena"[453], in this case the phenomenon of security policies of RSOs. But because the focus is on verbal rather than on non-verbal practices, one can also claim that the focus is on rhetoric "that includes all speech acts — whether they are oral or written"[454].

> The acquisition and maintenance of rule ultimately hinge as much on legitimacy as on physical coercion, and such legitimacy can be established *only* through rhetorical action.[455]

Finally, as long as rhetoric and discourse 'tell a story' they also constitute narratives, which "must entail characters and a plot that evolves over time"[456]. Discourse, narrative, and rhetoric are best seen as 'vehicles' that propagate the content and meanings of legitimation arguments. By *saying,* in addition to *doing*

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[448] Finnemore, Martha, "Constructing Norms of Humanitarian Intervention," 159.
[449] Coleman, Katharina P., *International Organisations and Peace Enforcement: The Politics of International Legitimacy*, 27.
[450] Krebs, R. R. and Patrick T. Jackson, "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric", *European Journal of International Relations,* 13 (2007), 35-66.
[451] Steffek, Jens, "Discursive legitimation in environmental governance".
[452] Biegoń, Dominika, "Specifying the Arena of Possibilities: Post-structuralist Narrative Analysis and the European Commission's Legitimation Strategies".
[453] Sternberg, Claudia S., *The Struggle for EU Legitimacy: Public Contestation, 1950–2005*, 2.
[454] Krebs, R. R. and Patrick T. Jackson, "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric", 36.
[455] Ibid.: 38. Emphasis mine.
[456] Biegoń, Dominika, "Specifying the Arena of Possibilities: Post-structuralist Narrative Analysis and the European Commission's Legitimation Strategies", 198.

something, organizations such as the EU and the AU might turn the acceptable ruling into the accepted ruling.[457]

While some authors would focus exclusively on discourses constituting "deliberate attempts of legitimating"[458] polities or policies, others acknowledge that "strategies of legitimation are not always conceived as such"[459] by the parties involved, especially in the case of meaningful practices – including violence itself – that end up being perceived as a justification. On the one hand, not all discourse of legitimation was intended as such by a given institution. On the other, it is hard to conceive that institutional tools such as press releases, magazines, official publications, and speeches are primarily intended as anything other than justifying actions, even if they are understood by the actors as something like 'explaining the policy's rationale and goals', 'pointing to the positive outcome of a mission', 'reassuring the operation's legality', 'highlighting the consensus and the democratic procedures behind the decision-making process', or simply 'reporting on my job to my bureaucratic superior'.

In sum, the intention of producing a legitimating discourse is but secondary to what social actors actually say. What underpins this reasoning is a quasi-postulate that what is said in the framework of legitimation inevitably sheds light at least part on the normative context and the beliefs about what constitute appropriate behaviour and legitimate ruling. Hence, discourse and the

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[457] Schmidt, Vivien A., "The problems of identity and legitimacy in the European Union: Is more politics the answer?," 28.

[458] Biegoń, Dominika, "Specifying the Arena of Possibilities: Post-structuralist Narrative Analysis and the European Commission's Legitimation Strategies", 184.

[459] Olsson, Christian, "Conquérir « les cœurs et les esprits » ? Usages et enjeux de légitimation locale de la force dans les missions de pacification extérieures (Bosnie, Kosovo, Afghanistan, Irak; 1996 -2006)," 43. Translation mine.

arguments within it are always structured in and by the normative context independently of the intention or the calculation of actors. As an ideal-type, we prioritize the social process and the arguments. Instead of trying to find actor's 'true motives' behind their actions, their 'true intentions' behind their speeches, or their 'actual' actions on the ground, we look at what they are saying, in what context, and – to a certain extent – to what audiences.[460]

These arguments within the framework of self-legitimation can be categorized into groups as to facilitate the understanding but also because they might appeal to different values or point to different periods as one overshadows the other. Max Weber has in multiple texts[461] proposed three fundamental claims for the legitimacy of the *Herrschaft*, namely tradition, charisma or legal-rational. The latter would be a benchmark of modernity and the rise of national-state. Jacques Lagroye offers two contrasting ways of legitimating the "unequal relation of domination", namely via arguments of idealization (the unequal relation, the leader and the system in place are *good*) or via arguments of rationalization (the relation, the leadership and the system in place are *necessary*) as already mentioned in previous chapters. In a similar fashion to Lagroye, but within his own framework called "discursive legitimation"[462], Jens Steffek also divides arguments into both idealization and rationalization and argues that the latter would prevail in modern times. By taking stock of the categories proposed by Weber, Lagroye, and Steffek and by adding elements of contemporary

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[460] Krebs, R. R. and Patrick T. Jackson, "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric", 42.

[461] For an overview and critique, see: Beetham, David, "Max Weber and the Legitimacy of the Modern State", *Analyse & Kritik,* 13 (1991), 34-45.

[462] Steffek, Jens, "The Legitimation of International Governance: A Discourse Approach"; Steffek, Jens, "Discursive legitimation in environmental governance".

literature on the legitimacy of regionalism the next sub-section anticipates patterns and larger groups of legitimation arguments adapted to security regionalism and its missions in particular that are here called 'images' of security regionalism, which are created and maintained by regional organizations.

*Arguments and patterns of legitimation*

For the study of political legitimacy of polities and policies, two methodologies are usually considered.[463] Firstly, in the normative approach, the methodology consists in establishing criteria that are underpinned by philosophical and ethical foundations. These criteria for the rightfulness of an institution, policy, or system of governance are then *compared* to the institutions and the policies to which they apply. In various degrees, polities and policies are judged legitimate if they comply with the pre-established criteria. Secondly, in the sociological approach, methodological options constitute different ways to measure people's belief on the legitimacy of one or a set of institutions. To operationalize this approach, the research has roughly three options: opinion-polls directed to various set of populations that are deemed relevant, analysis of discourses in order to grasp people's beliefs towards an institution or policy, and finally the observation of a group's actions that might determine their acceptance or refusal vis-à-vis political institutions, their leader and actions. Legitimacy in this sociological sense, even more than in the normative approach, is not a dichotomous variable that exists or does not. Instead, it is a matter of degree and

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[463] For a critique of both descriptive and normative methods, see: Gaus, Daniel, "Dynamics of Legitimation: Why the Study of Political Legitimacy Needs More Realism".

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varies in a continuum according to the faith people put on the system where 'total' and 'zero' faith are only extremes.

However, the choice for the conceptual and theoretical framework of legitimation demands a different set of methods. Thus, a methodology for legitimation has to look at dynamics within the process of legitimation. Particularly, this research focuses on grasping the arguments put forward by regional organizations to justify their security policies and ultimately their own existence as security actors. These arguments are useful to the extent that they might reveal the normative underpinnings of such institutions and point to a broader normative context that evolves in the face of security regionalization. Therefore, the methodological choice consists into the analysis of public narratives of regional organizations vis-à-vis their security missions and policies of crisis management – the selected case studies of the crisis in Darfur, Chad, and CAR – over a period of almost nine years.

These patterns of arguments are anticipated below both deductively by the reading of secondary literature on security regionalism and peace operations as well the broader literature on legitimation, and inductively by a sample coding. The paragraphs below briefly present these different patterns of arguments, assembled into four groups, for the legitimation of actions of regional security organizations that are henceforth called 'images of security regionalism'.

The first pattern, **beneficial regionalism**, presents a consequentialist image by grouping arguments that highlight the positive outcome of policies to a given community. This image is loosely inspired by Fritz Scharpf's scholarship

and the debate within EU studies[464]; a distinction between output and input that follows roughly the divide between government *for* the people and government *by* and *of* the people. But the transposition of this dichotomy to outside the state and outside EU supranational "policies without politics"[465] necessitates two additional reformulations. Firstly, the term government has to be replaced by broader terms such as decentralized governance or the act of ruling itself. Secondly, ruling for and by the people in peace operations begs the question of which people: the one in the territory or countries where the mission takes place or the citizens in the member-states of regional organizations?

But there is also another caveat. While Scharpf himself refers to output-oriented and input-oriented claims as "legitimating arguments"[466], his input-output distinction is often portrayed as two different benchmarks according to which legitimacy should be assessed. Such is the case, for instance, in the debate about EU legitimacy when social actors argue that the EU 'lacks input legitimacy' or 'focused excessively on output legitimacy'. Contrarily to many uses of these concepts, and following our conceptual framework, output and input claims are seen as patterns of *legitimation* rather than as inherent sources of *legitimacy*. This means that rulers appeal to arguments such as positive outcome or democratic decision-making that justify their policies and not that one should assess the institutions according to these points.

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[464] Scharpf, Fritz W., *Governance in Europe: Effective and Democratic* (Oxford: Oxford University Press, 1999); See also: Schmidt, Vivien A., "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'"; Tholen, Berry, "RIOs, Legitimacy and Democracy: A Conceptual Clarification."

[465] Schmidt, Vivien A., "The problems of identity and legitimacy in the European Union: Is more politics the answer?."

[466] Scharpf, Fritz W., "Problem Solving Effectiveness and Democratic Accountability in the EU".

The same caveat applies to the other three 'images of regionalism' as they also indicate patterns of arguments rather than criteria for legitimate ruling. The second group, that is here called **necessary regionalism** refers to the specificities of security policies and the (re)affirmation of the right to use force, sometimes in detriment of other's rights to use it in a pattern of (de)legitimation. This image connects to the well-established concept of securitization[467] as it is also about portraying a situation as urgent and dramatic, although not necessarily an existential threat. Simply put, while successful securitization establishes that 'something has to be done' to address the threat and presents it as a security issue, legitimation refers to the follow-up question of what has to be done, when, how and, perhaps more important, by whom. To look at legitimation of the use of force of policies of regional organizations is relevant precisely because it connects to the monopoly of violence and sovereignty that rulers within states might claim.

The third image is the **inevitable regionalism** and as in the first group on democratic legitimacy it also refers to an apparent dichotomy, this time between two classic Weberian[468] ideal-types of domination: the traditional and the rational-legal. The argument of tradition, on the one hand, appeals to the idea of a long-established political order that justifies the existence of current policies: the "authority of the eternal yesterday"[469]. The argument of rationality and

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[467] Buzan, Barry, Ole Wæver, and Jap De Wilde, *Security: A New Framework of Analysis* (Boulder: Lynne Rienner, 1998); Balzacq, Thierry, "The Three Faces of Securitization: Political Agency, Audience and Context", *European Journal of International Relations,* 11 (2005), 171-201; Williams, Michael C., "Words, Images, Enemies: Securitization and International Politics", *International Studies Quarterly,* 47 (2003), 511-31.

[468] Weber, Max, "Politics as Vocation."; Weber, Max, *Economy and Society: An outline of an Interpretative Sociology.*

[469] Weber, Max, "Politics as Vocation."

legality, on the other hand, refers to the impersonal, legal, and bureaucratic character of ruling. In most cases, the process boils down to a 'legitimation by law', in which law would be objective and impersonal in opposition to the subjective and arbitrary relations of power.[470] Both traditional and rational-legal arguments might establish that the policy is 'normal' or 'inevitable' because 'it has always been like this'[471] or because RSOs are simply bureaucracies[472] that didn't have (or don't have) a saying and are 'following orders' of, for example, member-states, which means that 'the political' lies elsewhere.

The final image is the **multilateral regionalism**, which refers to the legitimation arguments arising from the horizontal relationship among organizations within regional and global – heterarchical – systems of governance. The key argument lies in the identification of a reflexive pattern of legitimation: by recognizing other organizations' rights to rule, to exist, and to use force the RSO also legitimates itself and its endeavours because of the multilateral and collective nature of their policies. The most obvious example is the reference to the partnerships between different organizations – in this case the triangular relation between the EU, the AU, and the UN – and ad-hoc cooperation during the missions. If this trend is confirmed, it is possible to point to a process of mutual-recognition between RSOs, which would be analogue, although obviously not identical, to the mutual-recognition of nation-states in their narratives of sovereignty and monopoly of the use of force.

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[470] Delcourt, Barbara, "Usages du droit international dans le processus de legitimation de la politique exterieure europeenne", 775.

[471] In this case, a type of 'genesis amnesia' as in Olsson, Christian, ""Legitimate Violence" in the Prose of Counterinsurgency: An Impossible Necessity?", 159-60.

[472] Finnemore, Martha and Michael Barnett, *Rules for the World, International organizations in global politics*.

It is important to highlight that there can be an overlap between different sets of arguments. Most of the justifications of security and force such as promotion of human rights or maintenance of peace would, for example, fall into arguments of effective ruling. Nevertheless, in the case of regional security governance and policies of regional organizations, it seems relevant to distinguish between them and present four broad images instead of a simple output-input divide precisely to understand the specificities of arguments related to security, to the bureaucratic nature of international organizations, and to the 'horizontal' – non-hierarchical – interplay between international and regional organizations.

Finally, all four images are also evoked as to justify the inaction or, more importantly, the lack of sufficient responses by regional organizations when they are expected to act in front of crisis or are perceived as having a responsibility to do so. While most of the literature focuses on the discourses over high profile actions such as humanitarian interventions without host state approval, it is the lack of action that might actually require much more effort on the part of institutions whose existence is not taken for granted. This is particularly important in the case of Darfur when think tanks, media, civil society, and the international community broadly speaking were expecting and oftentimes demanding a stronger response to the stop the killings and the violence in Sudan. When confronted with this gap between actions and expectations, regional organizations have to give reasons to the lack of response and emphasise whatever they are actually doing even if these actions are not enough to solve the crisis of even stop the violence. In sum, they need to answer the question of 'why should we have yet another organization – another relationship of domination

that costs time, money, and effort and regulates our lives – if it does not offer the responses to the most salient issues such as human rights violations?' Arguments of inaction, as much as those of action, are crucial to regional organizations and they can be grouped into the four images all the same.

## 3) Researching legitimation

This section presents the sources that will be analysed and how they were collected as well as the method used to analyse the content of these documents and their relation to the broader literature. The empirical work *per se* follows in the next chapters.

The material analysed in the process of self-legitimation consists of public documents produced by the organizations (EU, AU, and occasionally and for contrast the UN) as well as records of public speeches delivered by high ranked officials who are in most cases speaking on behalf of their organizations. In some cases, national officials that are directly linked to the policy planning and implementation, even if acting exclusively in their national capacity, are also considered. This last aspect is important since most of the security policies of these organizations are decided via inter-governmentalism where nation-states and their representatives play an important role and arguably also contribute to the organization's narrative.

Official documents and speeches have been collected to produce the most extensive possible data set in relation to the case studies. Since the goal of the content analysis is to look at *public* legitimation, only documents accessible in the media, official publications, and trough the Internet (official websites and

media websites) were considered. Thus, no archival research was considered necessary. In some cases, especially regarding the African Union Mission in Sudan (AMIS), the mission websites had been removed from the official domain, most probably due to the end of the mission. In such cases, the relevant documents could be retrieved via the website <https://archive.org/web/> and its 'Wayback Machine', which stores the data that were available on the website from different moments back in time. Thus, the latest available version of each webpage has been considered for the research purpose of retrieving official documents as well as visual material that were public at the time of the policy implementation and in its aftermath.

The research is limited to the period of around nine years, stretching from the resurgence and intensification of conflict and violence in the Sudanese region of Darfur in February 2003 to the signature of the Doha Document for Peace in July 2011 (01.02.2003 to 31.07.2011). In this period, three missions and one support mission have been initiated and coordinated by the African Union or by the European Union in Darfur and the adjacent areas of East Chad and Northeast Central African Republic (CAR).[473] In sum, this phase of data collection relates the collection of documents produced by the EU and the AU during the nine-years period and in relation to the missions and their policies of crisis management. In total, more than 500 documents, with sizes varying from one to several dozens of pages, have been classified and coded.

A second method of collection refers to the research of public discourse, which was produced by these organizations' officials and bureaucracies and then

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[473] For more detail on the mandates and execution of missions, see chapter 2.

reproduced by the media. To this end, the research used the media database Factiva <global.factiva.com>. For the data analysis to be feasible, the collection was limited in relation to time period and sources. Firstly, I considered press articles ranging three months before and after the launching of the missions as well as three months after periods of intense debate and media attention, which usually follow peaks of violence in the region. In sum, the date collection focused on key events.

**Table 2. Key Events in Darfur and the International Response**

| Key Events | Research Range | |
| --- | --- | --- |
| | Start date | End date |
| **International attention on violence in Darfur** | 01.02.2003 | |
| **Launching of AMIS** | 18.03.2004 | 18.09.2004 |
| **Launching of the EU's Support to AMIS** | 18.04.2005 | 18.10.2005 |
| **End of EU's Support to AMIS** | 01.10.2007 | 01.02.2008 |
| **End of AMIS (Transition to UNAMID)** | 01.10.2007 | 01.02.2008 |
| **Launching of EUFOR Tchad/CAR** | 15.01.2008 | 15.05.2008 |
| **End of EUFOR Chad (Transition to MINURCAT)** | 15.01.2009 | 15.05.2009 |

Secondly, the search tool of Factiva makes possible to limit the research to a number of press agencies, including both European and African. The keywords used in the search tool include the mission names (AMIS, UNAMID, EUFOR TCHAD/CAR), the countries' names in English and in French (Chad, Central African Republic or CAR, Sudan) as well as Darfur. The main goal of the collection of press articles is to look for literal quotations by officials and

politicians regarding the missions and the general responses to the crisis that might not be included in the documents produced by the regional organizations.

The qualitative analysis of the data follows three steps as proposed by Pat Bazeley[474] : describe, compare, and relate. First, the analysis *describes* the categories and major themes that appear in the texts that have been gathered. The objective is to identify, in the texts and occasionally in images, the *arguments of (de)legitimation* – the passages that justify directly or indirectly the organizations' roles and existence, the security missions, and the security governance as a whole. Special focus will be given, following Lagroye's definition, to passages that explicitly or implicitly present the organizations and their security missions and policies as a necessity and a benefaction. Furthermore, it should be noted once more that the justification and the appraisal of missions might serve as a legitimation argument of the organizations themselves, not only of their policies.

Before to the description of arguments and themes, the passages in text are coded in the computer software Nvivo in its latest version. With the software, nodes were created according to categories of legitimation arguments. Then, nodes were grouped according to larger patterns of legitimation – or 'themes' in standard content analysis vocabulary. It was based on these larger patterns of legitimation that it has been possible to identify the four large 'images of regionalism' described above. These images have been anticipated by the literature, both theoretical and conceptual, and by the formulation of the

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[474] Bazeley, Pat, "Analysing Qualitative Data: More Than 'Identifying Themes'", *The Malaysian Journal of Qualitative Research,* 2, no. 2 (2009), 6-22.

hypothesis both deductively from previous empirical case studies and inductively from a research sample. They correspond to this thesis' four main empirical chapters that follow: **a.** arguments of legitimation based input and output democratic legitimacy; **b.** arguments based tradition and bureaucratic de-politicization; **c.** peace and urgency as argument for violence and a dramatization of issue and context; **d.** and finally the horizontal relationship among organizations in the process of legitimation.

The text within the box below exemplifies the process of coding that follows in the empirical chapters. It consists of a message by EU High Representative for Foreign Policy, Javier Solana, at the moment when the EU's support action in Darfur came to its end in 2007. This message was published by the official website of the European Union[475] and reproduced fully or in parts by the media.

First of all, such writing is an example of *a posteriori* legitimation, meaning that the document was produced after the policy has come to its end. It is safe to say that the ending of a policy marks a period of strong (de)legitimation efforts within a given system of governance. The differences between legitimation happening *a priori* and *a posteriori* are highlighted in the empirical chapters. For now, one can say that while the former is underpinned by expectations (sometimes based on previous and similar policies), the latter refers in retrospective to the output, efficiency and contribution of the mission already accomplished – or at least one version of these such results.

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[475] Council of the European Union, "Javier Solana, EU High Representative for the CFSP, welcomes the successful completion of the EU supporting action to AMIS in Darfur", S374/07, Brussels, 2007.

**Table 3. Example of Document Analysis for Legitimation**

> *I thank and congratulate all the personnel, civilian and military, who over two and a half years have taken part in the EU action in support of AMIS. The action will now complete its mandate on 31 December 2007 in the context of the handover from AMIS to UNAMID.*
>
> *In a difficult context, AMIS has contributed significantly to the protection of the civilian population and to efforts aimed at improving the security and humanitarian situation in Darfur.*
>
> *An innovative effort, the EU supporting action has provided AMIS with key military and civilian assistance, financial and logistic support, as well as support for its civilian policing capacity. It has done so at the request of the African Union and in full respect of its ownership. I am grateful to the African Union and its personnel for the cooperation at all levels.*
>
> *The EU supporting action to AMIS was a concrete example of the ever closer relations that are developing between the EU and the AU and that were highlighted by the recent EU-Africa summit in Lisbon. EU and African leaders noted then that the African peace and security architecture is taking shape under the AU's leadership and that the EU has been a key partner for African countries and organisations to help create conditions for lasting peace and stability. After having supported AMIS, the EU will continue to remain engaged and help UNAMID in its efforts to solve the crisis in Darfur.*

Solana's speech is useful as an example because it counts at least four patterns of legitimation. Firstly, the wave underline marks a constant trend in such sources analysed of what is here called *dramatization* of the context or issue being described. The reality on the ground is constantly portrayed as dramatic (e.g. humanitarian crises, massacre, violent context, etc.), leaving behind an element of urgency and necessity to protect the population and restore order and peace. Arguably, this pattern is more salient before the policy is implemented. Logically, the policy in place is legitimated because it is portrayed as necessary.

A second pattern of legitimation is marked by a <u>double underline</u>. It refers to the use of the positive output, which is in this case a retrospective account of the policy's contribution, as argument of legitimation. The words 'contributed significantly' mark the positive evaluation of the policy outcome. The EU action in Darfur has been successful, the argument goes, by providing the AMIS mission with the necessary financial and logistical support along with assistance and support to various actions. Thus, as far as the legitimation formula is concerned, EU's policy is legitimated because it had efficient results according to accepted standards or, in other words, was a 'benefaction'.

A third element of legitimation is highlighted by a <u>dotted underline</u>. It refers to the legitimacy of the policy that is based on criteria such as 'ownership' or 'request' and indicates the participation and approval by the people or by the organizations representing it. This kind of argumentation points to the fact that relevant actors (e.g. population, representatives, regional organizations, etc.) have an 'input' in the processes of ruling and decision-making of the policies affecting them. In many cases, it also refers to the legality of such actions since organizations are usually bound to act only in case of approval by competent actors.

Finally, the last passage, marked by a <u>thick underline</u>, exemplifies a recurrent habit of such international institutions: the reference to other organizations' policies, and to the mutual recognition of their values. In this case, words such as 'cooperation', 'key partner', and 'ever closer relations' highlight a process of mutual legitimation between the African Union and the European Union. The last paragraph contains references to the United Nations mission

UNAMID, which took the main responsibilities in Darfur. Words such as 'engaged' and 'help' also highlight the relationship between organizations.

By this stage, it should be noted that there is the possibility of distinct arguments overlapping in a same extract of a text. The final sentence, for instance, is both an engagement of multilateral legitimation trough partnership as well as a claim of efficacy in 'solving' the crises in the future. There is no *a priori* reason for excluding any of the different arguments that are present in this kind of sentence. Therefore, a same passage might be relevant in different analysis or chapters and might as well illustrate different images.

Following the description, possible differences and similarities are *compared* **a.** across time within the nine years period, **b.** across the organizations involved in the security governance of the crisis in Darfur and Chad, and **c.** across different policies promoted by the same organizations in the case of both the EU's support mission to Darfur and the military engagement in Chad and CAR. In case these comparisons provide useful insights, they are detailed within the relevant chapter. Even if the research is not a comparative study *per se* (i.e. a comparison from which falsifiable propositions are generated), the comparison might highlight divergent – perhaps contradictory – arguments of legitimation that are used to (re)calibrate the ideal-typical model for the legitimation of RSOs and their policies. The purpose of the comparison, or an 'individuating comparison', is to specify particular and concrete configurations.[476] Hence the importance of studying the legitimation of two different organizations – one from within the region and another from outside the region – in the same context.

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[476] Bazeley, Pat, "Analysing Qualitative Data: More Than 'Identifying Themes'", 10-1.

Finally, the research shall *relate* the findings of both the description of arguments and the comparison with the existing literature on the topic. On the one hand, there is a relevant empirical literature on the missions themselves, on the relations between regional and global organizations, on the relation between Africa and Europe, and on humanitarian interventions broadly. On the other hand, there is a normative literature concerned with principles of legitimacy and with different normative underpinnings for security policies, regional integration and international institutions, and intervention. It is in this phase that the research insights are generated from the analysis of the evidence already collected and its contrast with existing interpretations.[477]

**Conclusion**

Taken together, chapter 3 and 4 work towards de-essentializing the concepts of legitimacy and legitimation and proposing how one can indirectly conduct research of legitimation for the purposes presented in the first two chapters, which are to understand how regional security organizations and security regionalism fit within security governance and between two more 'traditional' levels of security provision, the national and the global. By de-essentializing the concept, we allow social actors to essentialize it in their intersubjective relations.[478]

In an exercise of constructing an ideal-type for studying legitimation, we propose five main questions, four of which are answered in the table below, which narrow down the research. First of all, we chose to look at policies of

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[477] Jackson, Patrick T., *The Conduct of Inquiry in International Relations*, 152-5.
[478] Pouliot, Vincent, "The Essence of Constructivism".

crisis management by regional organizations in the context of the conflict in Darfur, Chad, and CAR from 2003 to 2011. By doing so, we focus on the legitimation of policies instead of the direct legitimation of the polity, the organization or the process of integration. Secondly, we look at the legitimation discourse of the regional organizations themselves in an exercise of *self-legitimation* towards the international community broadly speaking. Finally, the object of research is the public discourse of RSOs – the documents they produced during the period – that might serve as justification for their acts.

**Table 4. The Elements of the Legitimation Process in this Research**

| Legitimation process as analysed in this research | |
|---|---|
| **Object of legitimation** | Security missions of RSOs in Darfur, Chad and CAR (2003-2011) and other policies of 'crisis management'. Indirectly: RSOs themselves and their position within security governance |
| **Legitimating actors** | Regional Security Organizations (the bureaucracies of the EU and the AU) |
| **Legitimating audience** | International Community |
| **Research Object** | Public discourses of RSOs on their security missions and the broad response to the crisis in Darfur. |
| **Arguments of Legitimation** | **Four images:** Beneficial Regionalism Necessary Regionalism Inevitable Regionalism Multilateral Regionalism |

However, the most important question is the identification and analysis of the arguments of legitimation contained in the verbal utterances of regional organizations in relation to their policies. Hence, fours larger patterns of

legitimation have been identified following the literatures on legitimacy, legitimation, security, and regionalism. In this regard, the images of beneficial, necessary, inevitable, and multilateral regionalism correspond to the empirical chapters that follow and that will present the narratives of RSOs in contrast to the existing literature on legitimacy, legitimation, and regional organizations and their security policies of crisis management.

# THE IMAGES OF SECURITY REGIONALISM

# THE BENEFICIAL REGIONALISM

When regional security organizations (RSOs) claim that they support, contribute, or help to solve a problem or manage a crisis – in sum, when they claim to do something 'good' – they engage in legitimation of their actions and of their existence via an image of beneficial regionalism. This is in essence a consequentialist claim that stresses the positive outcomes of actions for a given community, an action that maximizes good[479] and is 'problem-solving'. In the literature of EU's democratic legitimacy[480], this type of argument relates to the idea of output legitimacy – the effectiveness of policies *for* the people – in contrast with input legitimacy – the government *by* the people by means of their participation in politics.

This chapter gives a closer look at these arguments of democratic legitimacy that serve to legitimate security regionalism in the case studies: the policies adopted by the EU and the AU in relation to the crisis in Darfur as well as their very existences and positions within security governance. In this regard, the initial finding is that the anticipated image of democratic regionalism is at

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[479] On consequentialist ethics, refer to: Rawls, John, *A Theory of Justice* (Cambridge: Harvad University Press, 1971), 24.

[480] See, for instance: Scharpf, Fritz W., *Governance in Europe: Effective and Democratic*; Schmidt, Vivien A., "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'"; Sternberg, Claudia S., "Political legitimacy between democracy and effectiveness: trade-offs, interdependencies, and discursive constructions by the EU institutions", *European Political Science Review,* First View Article (2015), 1-24.

best incomplete when it concerns security policies. While RSOs do not reject what could be considered input-related arguments such as people's political participation, they tend to focus much more on their contributions and problem-solving policies for the people and for the 'peace and stability' in the region. Thus, this prevalence of output-related arguments is the key to the image of beneficial regionalism, which in turn leads to two additional observations.

First, even if the focus is indeed on the positive outcome of regional organizations' policies, this does not necessarily mean that they claim to do things more efficiently than other institutions, national states, and the United Nations. The 'comparative advantage' of regionalism is rarely, if at all, claimed by regional organizations when they attempt at justifying their actions. They rather place their actions – which are claimed to be effective and problem-solving – in complementarity to other institutions within security governance.

Second, the image of beneficial regionalism indicates that more important than the positive outcome that might justify the action itself are the actions that are showcased to justify the existence of the RSO in the first place, or at least the security dimension of regional organizations such as the EU's Common Foreign and Security Policy and the AU's Peace and Security Architecture. In front of perceived inaction, when it is generally expected that regional organizations will act in response to a crisis, these organizations struggle to remain relevant, and their discourse highlights what they do and how they remain engaged and committed to support and to contribute to solving the problem.

This chapter's first section looks at the input-output arguments and the possible comparative advantages of RSOs that could be evoked. Section two

shows that not only *policies* need to be legitimated, but also that actions themselves might serve as arguments in the legitimation of the *organizations*. Finally, the last two sections look at the specificities of the AU and EU arguments within the image of beneficial regionalism.

## 1) Output and input arguments: a consequentialist image

Most of the literature on democratic legitimacy is inspired by the output-input dichotomy proposed by Fritz Scharpf[481], who in turn based its conceptual tool on system theory. Input legitimating arguments, on the one hand, are those referring to 'government by the people', or the ideas of participation of individuals and groups, the manifestation of the preferences of the governed and the Rousseauian general will of the people in elections, referendums, citizen initiatives and other forms of political engagement[482]. Output legitimating arguments, on the other hand, are usually translated into 'government for the people' or, in other words, the notion that "government should govern in a way that is profitable for the collective wellbeing of the people"[483]. Hence, output refers to effective problem-solving ruling in terms of what is in the interest of the people.

The empirical analysis suggests that output-related legitimacy claims are much more frequent than input-related claims in the case studies of both the

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[481] Scharpf, Fritz W., *Governance in Europe: Effective and Democratic*; See also: Marks, Gary et al., eds., *Governance in the European Union* (London: Sage, 1996).

[482] Scharpf, Fritz W., "Problem Solving Effectiveness and Democratic Accountability in the EU", 2-3.

[483] Benz, Arthur and Yannis Papadopoulos, eds., *Governance and Democracy: Comparing National, European and International Experiences* (London: Routledge, 2006), 5; Schmidt, Vivien A., "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'", 10-14.

European Union and the African Union. Therefore, the preliminary question here refers to the scope of these arguments. Scharpf presents these two sets of arguments as constituting "the core notions of democratic legitimacy"[484]. Nevertheless, as much as both patterns are certainly present in the legitimating discourse of (Western) liberal democracies, to restrict them to such polities would be to overlook a deeper philosophical divide of human activity between consequentialist and deontological ethics. Output-related arguments, or consequentialist arguments for that matter, are common to all political institutions as legitimation is about portraying something as good and necessary[485], therefore problem-solving. By consequence, when we discuss arguments of legitimation and not about standards in a normative approach legitimacy[486], there is no reason to limit the output-input dichotomy to liberal democracies or to the European governance. In this regard, this research's case studies sustain this widening of the concept.

In the discourse of both regional organizations, legitimating arguments relating to the output of the RSOs' policies are usually *general* claims of 'contribution' or 'improvement' of the situation that the policy or the mission was intended to address. Such is the case of the AU's claims regarding its mission in Darfur, first during its implementation in 2005 and then right after the transition towards UNAMID in 2009:

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[484] Scharpf, Fritz W., "Problem Solving Effectiveness and Democratic Accountability in the EU".
[485] Lagroye, Jacques, "La légitimation."
[486] See chapter 3.

> The [assessment] mission noted a trend towards general *improvement, particularly in the areas where AMIS is deployed.*[487]

> Council commends the personnel and leadership of the Mission for their dedication and *contribution* to the promotion of lasting peace and reconciliation in Darfur.[488]

Both of the above claims of effectiveness exemplify the majority of output-related arguments in the case studies, meaning those that retroactively assess the policies' positive outcome up until a certain point in time. But is also possible to justify a mission according to the prospect of its contribution, meaning the future outcome. In other words, the policy is legitimated because it *will be*, the organization argues, a force for good. When writing to an Irish newspaper, HR/SG Javier Solana reassured the public that the Irish troops, which were being deployed in the framework of the ESDP, had a problem-solving potential via the EU's mission EUFOR:

> It will be the EU's biggest military operation in the world, and will improve security for the people of Chad and Central African Republic. I am delighted that Ireland is making a significant contribution to this UN-mandated operation.[489]

These arguments that anticipate the policy outcome, however, are far less frequent than those that use the assessment of what has already been done; and there are at least two reasons for this. First, the policies here analysed are not controversial. On the contrary, as it is argued in the following section, they are rather 'demanded' by the international community at one point or another and,

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[487] African Union Commission, "Report of the Chairperson of the Commission on Conflict Situations in Africa", EX.CL/191 (VII) Sirte, 2005. para. 43.

[488] Peace and Security Council, "Communique of the 198th Meeting of the Peace and Security Council", PSC/PR/COMM(CX CVIII) Addis Ababa, 2009. para. 4.

[489] Solana, Javier, "Chad mission crucial to union's peace effort in Africa. ," *The Irish Times*, 28 January 2008.

by consequence, require less justification before they take place. The second reason is simply a matter of time and the amount of discourse produced in relation to the mission. Simply put, there is much more discourse produced during and after the policy implementation than before the mission because during much of the time in which the organization talks about its actions, the policies are still happening or have already happened. Hence, they supposedly already present outcomes that can be claimed as positive. While the public discourse on the decision-making leading to the EUFOR Tchad/CAR took only a few months and produced no more than a handful of documents, the actual timespan of the mission was one year – longer if including the deployment – and much of the discourse was even produced after the transition to the MINURCAT:

> Southern Chad counts around 45 000 refugees from CAR. By its action, the force [EUFOR] *should allow humanitarian actors to work* in the sufficient security conditions and to move freely.[490]

> In helping to improve overall security in its operational area, *EUFOR has also facilitated the activities of humanitarian workers.* It has contributed towards protecting the staff of the United Nations and humanitarian organisations, thereby enabling relations of trust to be established with the latter. Moreover, the EUFOR patrols have helped to deter attacks against the civilian population in the operational area.[491]

To say that output-related legitimacy claims prevail over input or participation arguments is a relevant empirical finding. However, it doesn't tell much about the nature of these claims to security regionalism in particular

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[490] Arnould, Claude-France, "La PESD en action, au Tchad et en République centrafricaine.," *ESDP Newsletter* 2007. 12. Translation mine.
[491] Council of the European Union, "Council Conclusions on Operation EUFOR Tchad/CAR", 7770/09 Brussels, 2009. para. 3.

because virtually all regimes claim to act *for* the good of the people. To do things better collectively – for instance, keeping people safe or building roads and bridges – is the consequentialist justification of the state. Effective government, Fritz Scharpf argues in relation to national-states, is about the "capacity for achieving common purposes and dealing with common problems that are beyond the reach of individuals and families acting on their own, through market exchanges, or through uncoerced cooperation in civil society."[492] Hence, a more interesting question in the case of security regionalism would be whether regional organizations claim that they can do better than individuals and families, market exchanges, uncoerced cooperation and also better than national states and the United Nations? Do they actually challenge these other 'levels'[493] in terms of performance by evoking supposed comparative advantages?

The short answer is no. In theory, regional organizations could claim their positive outcomes and refer to their supposedly unique advantages. Rodrigo Tavares[494] as well as Paul Diehl[495] list a few of these assets that are usually debated in the literature. For Diehl, in relation to the organizations of universal membership such as the UN, regional organizations could benefit from greater consensus among members due to their supposed homogeneity of identity, or at least of interests due to the fact that they face common regional problems. RSOs could also benefit from greater support of the disputants, both the local

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[492] Scharpf, Fritz W., "Problem Solving Effectiveness and Democratic Accountability in the EU", 3.
[493] See chapter 2 on the potential challenges imposed by security regionalism on other traditional levels of security governance.
[494] Tavares, Rodrigo, *Regional Security: The Capacity of Regional Organizations*, 12-4.
[495] Diehl, Paul F., "New Roles for Regional Organizations," in *Leashing the Dogs of War: Conflict Management in a Divided World*, ed. C.A. Crocker, F.O. hampson, and P. Aall (Washington: United States Institute of peace Press, 2007), 541-2.

government and the local population, because they are also 'local' in a sense. Finally, regional organizations would be better at solving conflicts instead of only managing them, meaning that they have a bigger interest to permanently address the underlying causes.

To this list, Tavares proposes additional possible unique advantages that relate to how effective RSO's policies might be in relation to other organizations. Hence, RSO would be more effective because they are closer to the conflicts and understand it better: they have prior knowledge about cultural, ethnical, and even languages on which they build their policies. In addition, policies of regional organizations, once more because of their proximity to the conflict, could be less costly because transport and logistics are very expensive and to cover shorter distance would be cheaper – a claim that the AU couldn't possibly make in relation to AMIS exactly because the logistics of transport were provided by extra-regional partners, mainly NATO and the EU.

RSOs claim they are effective and that they do good things. Only they do not link their claimed effective ruling to their regional character. This empirical finding was expected in the case of the European Union acting in Africa, since most of the portrayed advantages refer to the proximity to the crisis and the EU is not a regional organization from the region. Nevertheless, the AU also makes little to no reference to its particular nature as regional organization and how this makes its policies more effective. References to specific comparative advantages are in fact so rare that one of the few claims found in the analysed texts is actually made by the EU – its special representative for Sudan – about the AU's actions in Darfur:

*Nobody could have done this work better.* The African Union was rapid, it deployed a lot of soldiers in a very short time, and the soldiers are working in Darfur under very basic conditions. It is also important that we develop regional peacekeeping capacities – this is unfortunately not the only conflict on the African continent. Already now we can imagine the needs in countries like Somalia or Congo. *The troops of the African Union are in many cases also more welcome by the local population and conflicting parties than troops that might include soldiers from earlier colonial powers.*[496]

RSOs do say that they do good things and this, at the end of the day, is the image of beneficent regionalism. Only they do not say that they do better than individual, families, market, uncoerced cooperation or, more importantly, anything else offered by the state or global institutions like the UN, because there are regional. They simply do not put themselves in such comparative perspective when it comes to uncontroversial policies. Instead of touching upon possible comparative advantages vis-à-vis other 'polities', RSOs place their 'contributions' in complementarity with those of other institutions within the governance of security.

The Council stresses the importance of the international community acting and pronouncing itself in a coordinated and concerted manner. The deployment of EUFOR Tchad/RCA is a major EU contribution, which *together with the* UN mission MINURCAT in Chad and Central African Republic and *in coordination with* the Hybrid AU/UN mission UNAMID in Darfur helps to address the conflict in the region and its effects on the humanitarian situation.[497]

For our part, we undertake that the African Union, *working in tandem* with the United Nations and the wider international community, will provide all

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[496] Haavisto, Pekka, "Questions to Mr Pekka Haavisto, EU Special Representative for Sudan " *ESDP Newsletter* 2005. Emphasis mine.
[497] Council of the European Union, "Council Conclusions on Chad", 6651/08, Brussels, 2008. para. 6. Emphasis mine.

necessary support and guarantees for the full and scrupulous implementation of the Darfur Peace Agreement once it is signed.[498]

Naturally, to say that the organization is doing something when no other entity could or wanted to do – and an action to mitigate or resolve a crisis is expected or could be constructed as necessary – is in itself a statement that repositions the RSO within security governance. As Diehl argues:

> The United Nations and leading states have […] chosen to ignore certain wars or failed states. *This leaves gaps that have been filled by regional organizations*, many of which cannot afford to ignore the conflicts and problems at their doorsteps.[499]

Hence, it is by clamming to fill this gap and effectively solve a problem, that regional organizations could find their place within security governance. To act where and when others could not act might be what justifies the existence of yet another 'system of domination'. By appealing to this reasoning, RSOs could make the claim that they are more effective because of the greater consensus they enjoy and because of the greater interest they and their member-states have in solving the conflict. However, once more they do not link these advantages to the fact that they fill the gap. In the case of the AU's mission AMIS and the EU's mission EUFOR Tchad/CAR, for example, the RSOs did not claim to be filling the gap left by the UN. Instead, they claimed to be 'preparing the terrain' to the UN takeover with MINURCAT in Chad or to the transition to the hybrid mission in Darfur.

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[498] Konaré, Alpha Omar, "Statement by the Chairperson of the African Union Commission on the Inter-Sudanese peace Talks on the Conflict in Darfur", Addis Ababa, 2006.
[499] Diehl, Paul F., "New Roles for Regional Organizations," 539. Emphasis mine.

## 2) Staying relevant

It is important to note that all the actions here analyzed, from the African Union mission in Sudan and its EU support package to the EUFOR in Chad and CAR passing by all the policies that aimed at addressing the crises in the region were not particularly controversial. They were not policies that needed to be justified because of a lack the consent of the host nation or the legal authorization of competent bodies such as the UNSC, or because public opinion was particularly against it or other countries and organizations publicly and extensively voiced opposition to them. Moreover, AMIS and EUFOR Tchad/CAR soldiers would use force only in self-defense and even so very rarely. For Darfur, the N'Djamena humanitarian cease-fire was already in place since 2004 and this meant that, at least in theory, there was 'peace to be kept' and there was no need to enforce it or publicly take sides in the conflict. In this perspective, the case studies were far from being controversial actions such as NATO's intervention in the Balkans or the invasion of Iraq in 2003. Furthermore, the overall casualties among the troops remained low and most of the budgetary costs, at least the decision to allocate them, precede the financial breakdown of 2008 and the Eurozone crisis. In sum, there was no particular contentious issue surrounding the actions of AU and EU.

And if the actions were not controversial, they were rather expected. The violence in Darfur started to grab media attention late 2003 and reached a wider, international, audience beyond Sudan and the region as the numbers of dead and displaced people as well as the images of the attacks on villages reached the news. From early 2004, a great number of international NGOs, think tanks such

as Amnesty International [500], Human Rights Watch [501], International Crisis Group[502], and The Brookings Institution[503] all wrote reports on the matter that evaluated what had been done so far and also made recommendations. Regardless of the differences in these documents, they all insisted on the grave situation in Darfur and called for stronger action by the international community. Meanwhile, the images of the Janjaweed militias on horsebacks raiding villages became gradually known and the influx of refugees into Chad attracted wider media coverage. In April 2004, the advocacy group Save Darfur was created and strongly called on national governments, the United Nations and regional organizations to act against the violence in Darfur. As time went by, humanitarian and aid workers complained about the difficulties and insecurities to perform their tasks and quickly the word genocide reached the vocabulary of different governmental and non-governmental institutions.

A constant fear at the beginning of the violence surge in Darfur, from 2004 to 2005, was that it would evolve to 'another Rwanda', meaning yet another case of genocide marked and made possible by the inaction of the international community. Rwanda, for instance, had been perceived not only a failure of the UN but also a negative spot in the history of AU's predecessor, the Organization of the African Union. Another moment of inaction would for long mark the existence of the new organization founded around the principle of non-

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[500] Amnesty International, "Darfur: What hope for the future? Civilians in urgent need of protection", London, 2005. https://www.amnesty.org/en/documents/AFR54/164/2004/en/. 15 December 2013.

[501] Human Rights Watch, "Darfur in Flames: Atrocities in Western Sudan."; Human Rights Watch, "Imperatives for Immediate Change: The African Union Mission in Sudan",2006.

[502] International Crisis Group, "Darfur Deadline: A New International Action Plan", in *ICG Africa Report* Nairobi/Brussels, 2004.

[503] O'neill, William G. and Violette Cassis, "Protecting Two Million Internally Displaced: The Successes and Shortcomings of the African Union in Darfur", Washington/Bern, 2005.

indifference towards violence and human rights violations. It was a consensus at the time that AU's involvement in Sudan constituted a critical test to the organization, something the AU itself and even the EU would recognize:

> […] the success of the current mission of the African Union in Sudan will determine the future of the population in Darfur, but also the future capacity of the African Union to prevent and manage other crisis in Africa.[504]

> Clearly, the situation in Darfour is the litmus test of the capacity of the African Union to act effectively to address the conflicts that are tearing the Continent apart, and to implement its own principles.[505]

But the beginning of the violence in Darfur marked not only the early days of the AU, but also the initial years of the European Security and Defense Policy initiated in 1999 that resonated EU's ambition of being a global player. While the response to Darfur was not as a critical test to the EU as it was to AU's perceived legitimacy, it was nonetheless important to its goals as a global security provider, which were very salient at the time. Finally, the normative context of the first years of the 21$^{st}$ century was marked by the rise of the 'responsibility to protect' – first and foremost a responsibility of the national governments towards their populations[506] but also of the international community in front of human rights violations. Despite different interpretations and various positions relating to the concept of R2P[507], it certainly raised the expectations

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[504] Solana, Javier, "Intervention de Javier Solana, Secrétaire Général du Conseil de l'Union européenne, Haut Représentant pour la Politique extérieure et de Sécurité commune ", Addis Ababa, 2005. Translation mine.

[505] African Union Commission, "Report of the Chairperson of the Commission on Conflict Situations in Africa", EX.CL/106 (V) Addis Ababa, 2004. para. 4.

[506] According to the *Report of the High-Level Mission on the situation of human rights in Darfur* of 2005, also known as the Williams Report, the GoS is said to have 'manifestly failed' this task during the crisis.

[507] For a contemporary discussion on responsibility to protect, refer to: Bellamy, Alex, "The Responsibility to Protect and the problem of military intervention", *International*

during crisis such as the one in Darfur to the point where the international community is said to have failed.[508] Arguably, the costs of inaction – or more importantly the costs of perceived inaction – were significant for both organizations.

Hence, if output-related arguments clearly prevail over input-related arguments, it seems that the effort was not so much about justifying the missions and actions by presenting the benefits of particular – sensitive or controversial – policies, but rather to showcase whatever the RSOs were doing to address the issue, even if very little in comparison to what was expected or to actually make a clear difference in the short run. Arguably, the emphasis on output legitimacy is about staying relevant and 'proving' the added value of the regional organization – showing that it is active in a context where it is somehow expected to intervene.

To be perceived as relevant, both EU and AU make reference to the full spectrum of actions usually available to regional organizations[509], from the politico-diplomatic initiatives such as mediation and the promotion of donor's conferences to the missions themselves, and passing by sanctions regimes, financial support, the endorsement – or the rejection – of the International Criminal Court rulings, among others:

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*Affairs,* 84, no. 4 (2008), 615-39; Chandler, David, "The responsibility to protect? Imposing the 'Liberal Peace'".

[508] On the perceived failure of international organizations and the international community in general, under R2P, to answer the crisis in Darfur, see: Badescu, C. G. and L. Bergholm, "The Responsibility To Protect and the Conflict in Darfur: The Big Let-Down"; De Waal, Alex, "Darfur and the failure of the responsibility to protect"; Williams, P. D., "The Responsibility To Protect and the Crisis in Darfur", *Security Dialogue,* 36 (2005), 27-47.

[509] Diehl, Paul F., "New Roles for Regional Organizations," 537-9.

Since January 2004, the EU and its Member States have been providing *a wide range of support* to the African Union (AU) efforts to help stabilise the situation in Darfur. The support includes financial, personnel and political support to the Abuja talks process and the Ceasefire Commission, and planning, technical, financial and equipment support to AMIS I and AMIS II.[510]

While the EU would constantly remind us of the 'wide range' policies implemented in and around Darfur, the AU would also struggle to demonstrate is relevance in different areas, such the role of AMIS:

*AMIS plays a key role* in supporting humanitarian access and activities, contributing to the creation of a safe environment for the return of refugees and IDPs and assisting in the protection of the civilian population.[511]

Beneficial regionalism is the regionalism that *does something good,* but it is also the regionalism *does something* in the first place, whatever it is, and remains relevant so that it can justify its existence. Some policies raise multiple issues that must be in themselves legitimated because they are controversial and they are not taken for granted. Other policies, and such appears to be the case of the EU's and AU's actions in relation to Darfur, are not so much as contestable in themselves but rather serve to legitimate the existence of the organizations behind them. Most of the time, more than the arguments that justify the policy, it is the policies – doing something and then saying it – that justify the polity's existence. The next two sections add more details to the output-related arguments of both organizations, how they claim to remain relevant as security providers, and the questions that these arguments might raise.

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[510] Council of the European Union, "Factsheet, Darfur - Consolidated EU package in support of AMIS 2", 00 (initial), Brussels, 2005.

[511] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Darfur (The Sudan)", PSC/PR/2(XLV), Addis Ababa, 2006. 20.

## 3) The EU's permanent support and commitment

By analysing the EU's discourse on its (in)actions in Darfur, Chad, and CAR, one has the impression that the organization is constantly struggling to show that it is a relevant piece in the regional security governance responding to the crisis. As a matter of fact, and given both the high expectations of the international community and the climate of enthusiasm of the initial years of ESDP captained by Javier Solana, it was even considered that the EU could engage in Darfur with a major military operation, including early discussions on size and mandate, but this ambition ended up being downsized to the support action to AMIS 2[512].

The key to the EU's discourse on its response to Darfur and adjacent crisis is it 'support role' with which the organization manages the possible perceived gap between high expectations and little action. It obviously doesn't claim to be leading the international response – such role is left to the AU and later to both the AU and the UN joint actions – but its relevance comes from its active engagement in supporting the other initiatives. Such is obviously the case of the *support* action to AMIS, which constitutes until today a singular case of EU foreign policy, but also includes 'financial support', 'political support', 'meditation support', and in some cases a simple endorsement to other organizations' actions and a promise to remain 'actively engaged'. Hence, phrases like the European Union "stands ready to contribute to and facilitate this

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[512] Gya, Giji, "The EU's Role in the Darfur Crisis from 2003 until Today", *The Gap Between Narrative and Practices. Darfur: Responses from the Arab World,* (2010), 12.

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process"[513] or it "stands ready to step up its support to this end"[514] appear in the vast majority of documents analyzed that assess the EU's own actions, and this is the trend since the early days in 2004:

> The Council commends the African Union for assuming a leading role in this monitoring mission, and *pledges its continued support* to it, in political terms but also in the form of human resources, as well as technical, logistic and financial assistance, including from the Africa Peace Facility[515]

This struggle to 'be relevant' and, more importantly, be to perceived as a relevant security actor actively engaged in the context is acknowledged by the EU itself when it focuses on the need to ensure visibility to its actions. One of the tasks of the Union's Special Representative for Sudan, as established by the Council and the SG/HR, was exactly to ensure the "maximum effectiveness *and* visibility' of Union's contribution to the AU mission in the Darfur region"[516], in other words, to showcase the organization's actions. Making the actions visible – to say – is considered as crucial as making sure they are effective – to do. The same concern for visibility was made clear in the express demand to the EU personnel deployed in Darfur to wear identification:

> In order to ensure visibility of the EU supporting action, the members of the EU Police Team shall bear EU identification markings. […] In order to ensure

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[513] Council of the European Union, "Javier Solana, EU High Representative for the CFSP, welcomes the AU-UN announcement of the time and venue for peace negotiations on Darfur.", S244/07, Brussels, 2007.

[514] Council of the European Union, "Javier Solana, EU High Representative for the CFSP, welcomes the Security Council resolution on the Hybrid Force in Darfur and urges all representatives invited to the Arusha meeting to participate constructively", S228/07, Brussels, 2007.

[515] Council of the European Union, "Council Conclusions on Sudan/Darfur", 10572/04, Brussels, 2004. 2. Emphasis mine.

[516] Council of the European Union, "Council Join Action renewing and revising the mandate of the Special Representative of the European Union for Sudan", 10483/06 Brussels, 2006. Article 2.

> visibility of the EU supporting action, the military personnel shall bear EU identification markings.[517]

The struggle to remain relevant and to justify the institution's existence as a security actor is even more challenging when the organization is doing little to nothing in relation to the crisis. Such is the case of the EU when it was considerably reducing its engagement in the crisis management of Darfur, first with the end of the support action to AMIS at the beginning of UNAMID in 2008, and later at the end of EUFOR Tchad/CAR and the transfer of its tasks to the UN in 2009. By this period, as it is the case even nowadays, it could not be reasonably claimed that the conflict was resolved: the Darfur Peace Agreement of 2006 had largely failed due to the lack of inclusiveness; rebel groups kept fragmenting and would hardly join the negotiation table of what organizations choose to call 're-energized process'; the conflict had spilled-over in the region and tensions between governments in Sudan and Chad were high; internally displaced people and refugees were not coming back to their homes and a sense of insecurity persisted as well as the obstacles to humanitarian aid. In sum, the EU could not claim to be disengaging from Darfur because the crisis was over.

In order to manage the inconvenience of the continuity of violence, an inconclusive peace process, and the persistence of internally displaced people in Sudan as well as refugees in Chad and CAR, on the one side, and the end of its missions, on the other, the EU had three discursive tools making reference to outputs. First, it repeatedly reaffirms that it 'remains committed', although not as engaged as before, to support the initiatives aiming at solving the crisis in Darfur

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[517] Council of the European Union, "Council Joint Action on the European union civilian-military supporting action to the African Union mission in the Darfur region of Sudan ", 10919/05, Brussels, 2005. Articles 7, 9.

such as the hybrid AU/UN mission UNAMID and the round of negotiations in

Qatar as well as MINURCAT in Chad:

> The EU is *strongly committed* - through Union
> instruments and bilateral cooperation by Member States
> – to support the Government of South Sudan in
> addressing these issues. The EU also *remains committed*
> to intensive political dialogue with the Government of
> Sudan in Khartoum on issues of mutual concern. [518]

The focus of the discourse is then on the organization's continued

commitment, by political and diplomatic support and, above all, by highlighting

the financial contribution from its different institutions, mainly the European

Commission and the funds from African Peace Facility, as well as by its

member-states. Hence, the continuous financial contribution is showcased

throughout the whole period:

> The EU has committed a total of over EUR 300
> million from the African Peace Facility in support of
> AMIS since June 2004. This has provided the funds
> necessary to pay personnel costs including salaries,
> allowances, insurance, travel, rations and medical
> costs. [519]

A second discursive tool to manage this gradual disengagement in front

of an unresolved crisis was to 'include it' in a larger context in which the

organization was more active. In this case, if the EU was reducing its

involvement in Darfur, it claims that it was nonetheless active in other scenarios

where its policies would contribute to manage the Darfur crisis because they

would all be 'interdependent' after all. Hence, by the time the support action to

AMIS ends and the EUFOR Tchad/CAR mission is deploying, the EU argues for

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[518] Council of the European Union, "Council Conclusions on Sudan", 12632/10, Brussels, 2010. para. 6.
[519] Council of the European Union, "Javier Solana, EU High Representative for the CFSP, welcomes the successful completion of the EU supporting action to AMIS in Darfur."

a 'comprehensive approach' to the region, meaning that if it was not active in Darfur, it was at least contributing to the regional ramification whose solution is critical to the original crisis:

> In conducting this operation [EUFOR] the EU is stepping up its longstanding action in support of efforts to tackle the crisis in Darfur and to address its regional ramifications, notably in Eastern Chad and North-eastern Central African Republic. In this context, EUFOR Tchad/RCA will ensure a high degree of coordination with UNAMID.[520]

Once both actions, AMIS and EUFOR, complete their mandate by 2009 and it is the referendum for the independence of the South Sudan in 2010 that grabs the attention, the EU turned to a 'comprehensive approach' to Sudan as a whole, highlighting more often then before the importance of addressing all issues in the country. In other words, if the organization is not sufficiently involved in the so far insolvable crisis in Darfur, it is, however, also committed to other areas of Sudan, which is taken as a whole, and actions in other parts would also count.

Finally, a third tool to alleviate the perceived inaction of the organization vis-à-vis the crisis in Darfur is to amalgamate the contributions and the actions under the institutional framework of the EU with the bilateral actions of its member-states. Hence, the discourse would frequently emphasize not only the contribution of the missions and the financial support of the EU but also the bilateral engagements of countries such as the United Kingdom in the mediation in Darfur and France in Chad. An additional forth tool to alleviate the burden of

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[520] Council of the European Union, "Council Conclusions on Sudan/Char-CAR", 5922/08, Brussels, 2008. para. 9.

perceived inaction, this time through amalgamation with actions of other actors in security governance, is discussed in chapter 8 with the image of multilateral regionalism.

## 4) The AU's self-criticism and hard work

While the EU struggles to showcase the output of its policies as a 'support role' and how 'actively committed' it is to help solving the crisis in Darfur despite the gradual disengagement in later years, the AU also needs to confront issues of its own relating to how beneficial its actions were and have been so far. As a matter of fact, after years of actions and policies – multiple rounds of talks, the centre of mediation switching from Abuja to Tripoli and then to Qatar, a permanent re-launch of the peace process, the signature of at least a handful of documents between warring parties, and the transition from AMIS to UNAMID – the situation in Darfur remained, as it was in the beginning, a 'concern'. From the early days of its engagement when the organization aimed at a "a stable, peaceful and united Sudan"[521] up until the end of the analysis in 2011 or even up until now, the conflict remained unresolved and at best it is successfully 'managed' in certain periods before violence resurges. Moreover, the number of displaced people remains high.

Given the persistence of the situation on the ground, a claim of success – or a claim of decisive positive output of the AU's policies – of the missions and of permanent solution to the crisis would be unreasonable. Hence, the AU's discourse is not only about showcasing its contribution in general or its position

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[521] Peace and Security Council, "Briefing Note on the Renewal of the Mandate of the AU Mission in the Sudan (AMIS)", PSC/PR/2(XLII), Addis Ababa, 2005. para 11.

as the leader of the mediation effort in particular, but equally important was to explain the relative failure of the policies in so far as they didn't ensure long-term stability and peace for Darfur in the long run after almost a decade of involvement. By consequence, the organization uses three tools to manage this 'contradiction': self-criticism followed by explanations of the lack of efficacy, the insistence on the hard work behind the policies, and in the later years a focus on the 'domestication of the peace process' in order to shift the burden to the national government.

The first tool is a moderate self-criticism followed by an explanation on the reasons why the policy has not been effective as expected. Contrarily to the EU, the AU Commission produced reports that include a fair amount of critics in relation to its actions in Darfur, acknowledging above all the limitations of its policies, which were in turn linked to the limitations of the organization. These reports are similar to those produced by the Secretary-General of the UN and are equally public; at least they were available at the time of the missions. It was, for instance, by acknowledging the limits of the first version of AMIS, which was put in place right after the N'Djamena Humanitarian Ceasefire of 2004, that the AU legitimated the increase in size and in mandate that followed and transformed it into AMIS 2 later in 2004:

> It is generally agreed that the initial AMIS deployment has been useful, *but that the Mission's effectiveness has been constrained* by its small size as well as logistic challenges. The military observers currently deployed, no matter how efficient and dedicated, cannot hope to provide meaningful

monitoring coverage to an area that is roughly the size of France.[522]

AU's self-criticism throughout the period – in the Commissioner reports and other documents – points out to a constrained effectiveness of its policies, from a slow deployment of troops to the inefficiency in performing the tasks assigned by the documents such as the Ceasefire of 2004 or the Darfur Peace Agreement of 2006, passing by the inability to actually prevent violence. In occasions, the honesty of the reports is truly surprising, such as when the AU makes comments about its mediation team in 2006, concluding that the "efforts exerted so far, including proximity talks and negotiations in small groups, *did not yield any positive development.*"[523]

While self-criticism might justify an outside help, it can still work against an image of beneficial regionalism that portrays the regional organization as effective in dealing with the security issues. Hence, the AU is quick to explaining the reasons for its inefficiency and most of the criticism is accompanied by a justification that usually takes the blame of its own inefficacy away from organization. A common explanation is the lack of engagement and cooperation from other parties in the peace process such as the rebel groups, which would not be the organization's fault. More than constantly pleading for their engagement, and shaming their acts of violence, the AU also points to the fact that the groups and the GoS did not fulfil their commitment as a reason to the failure of the peace process:

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[522] Peace and Security Council, "Working Document on the Enhacement of the African Mission in the Sudan", PSC/MSC/2(I), Addis Ababa, 2004. para 1. Emphasis mine.
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> The Mission pointed out that the effectiveness of AMIS is directly related to the level of cooperation it receives from the parties to the conflict. Thus far, that cooperation has been extremely inconsistent.[524]

In a harsh discourse motivated by intense media coverage and critique on the actions of the AU in 2005, AU Commission Special Representative, Baba Kingibe, is clear on where he assigns the blame:

> […] the mechanism in place could have worked if the parties to the conflict in Darfur were acting in good faith and if they were genuinely committed to their undertakings in the various agreements they have signed.[525]

Another explanation, which the AU links to the relative failure of peace talks and its multiple rounds, is the constant fragmentation of the rebel groups. While being composed of only two groups at the beginning of the conflict in 2003 (i.e. JEM and SLM/A), the opposition gradually fragmented to the point where it was very difficult to have all parties joining the same negotiation table and rivalries accentuated. Even though efforts were made to ensure "unity, cohesion and representation of the Movements"[526] into umbrella organizations, it was exactly the signature of the different agreements that would motivate internal divisions among those in favour and those against the documents and in occasions lead to in fight.

> […] the increasing *factionalization* of the rebel movements and the continuing tribal tensions and

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[524] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Darfur (The Sudan)," 26.

[525] Kingibe, Baba Gana, "Press statement by Ambassador Baba Gana Kingibe, Special Representative of the Chairperson of the African Union Commission on the Deteriorating Situation in Darfur", Karthoum, 2005. http://www.sudantribune.com/article_impr.php3?id_article=11871. 13 April 2014.

[526] African Union Commission, "Report on the Preparation for the Seventh Round of the Inter-Sudanese Peace Talks on the Conflict in Darfur", PSC/PR/2 (XLIII), Addis Ababa, 2005. para. 19.

conflicts, which have contributed to the perpetuation of the prevailing situation of violence and insecurity, have further compounded the problems confronting the Mission on the ground.

The third set of explanations refers to the acknowledgement of AU's own limits as a young organization. In this trend, the discourse highlights two shortcomings that usually appear together: the "financial and logistical constrains"[527], especially in the case of the mission in Darfur. While exposing the lack of capacity and the lack of funds might pave the way to outside help and/or intervention – it contributes to the justification of the hybrid AU/UN mission – or at the same time jeopardize the organization's stand in the conflict management, it might also contribute to mitigate the expectations and highlight that the organization is inexperienced and should actually be enhanced, not dismantled. The lack of capacity and funds, combined with goodwill and a dose of positive output, might actually justify the strengthening of the RSO if its goals are seen as legitimate.

A second tool of the organization is to highlight the 'hard work' of its personnel, in the field and in the headquarters as well as of the special representatives, in executing the tasks assigned to them. These efforts are portrayed as having a value of their own. Despite the fact that much of the hard work might be compromised by the lack of effectiveness, it can be interpreted that the former compensates the latter to a certain extent. As a matter of fact, references to the hard work of the organization are among the most frequent in the coding process of the case studies, from the Commission that has "worked

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[527] African Union Assembly, "Declaration on the Activities of the Peace and Security Council of the African Union and the State of Peace and Security in Africa", Assembly/AU/Decl.3(VI), Addis Ababa, 2006. para. 4.

tirelessly"[528] to the soldiers of AMIS and their "constant enormous efforts, […] their professionalism and the commitment […] in the struggle for a lasting peace in Sudan."[529]

Finally, by the end of the period here analysed and in the face of years of conflict and violence, the African Union turns to the 'domestication of the peace process', meaning that the Sudan and its government would take a larger role in resolving its own crisis and the outsiders would be no more than 'enablers'. Since the beginning it was said that the GoS had a responsibility in protecting the civilians, an argument very much in line with the predominant notion of R2P, and the responsibility to ensure a safe environment. However, after years of repeated failure in bringing the rebels and the GoS to the table to a permanent agreement and in tackling the roots of the conflict with an inclusive process, came to light the idea of 'domestication of the peace process'. The peace process is then portrayed as happening "in Darfur, for Darfurians, by Darfurians."[530] The role of international actors is limited to making the process possible."

> So, what is the solution? To sit down as Sudanese, as Darfurians and negotiate. We, of the United Nations, of the African Union, of the international community, can only facilitate. But the ultimate responsibility of peace in Darfur lies with the people of Darfur.[531]

In this regard, much of the burden of 'being effective' or 'being relevant' is shifted to the GoS itself, its leaders, and the people in Darfur, reducing the

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[528] Amis Headquarters, "Canada Hands Over APC Keys to AMIS", Khartoum, 2005.
[529] Amis Headquarters, "The Chairperson of the Commission of the African Union made a 3 days work visit in Darfur from 20 -23 June 2006.", El Fasher, 2006.
[530] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Sudan", PSC/PR/2(CCLXXXVI), Addis Ababa, 2011. para. 22.
[531] Salim, Salim Ahmed, "Statement by the AU Special Envoy, Salim Ahmed Salim, Upon Arrival at Sirte Airport", Sirte, 2007.

expectations on the AU actions – from leader to enabler. Other means of shifting or sharing the burden, this time within the larger regional governance, are discussed in chapter 8.

**Conclusion**

The first image of regionalism, which is grasped by the analysis of the discursive legitimation of the European Union and the African Union, is the image of beneficial regionalism. Accordingly, RSOs focus on the positive output of their policies and how they solve or will solve the problems *for* the people. In doing so, however, regional organizations rarely if ever resort to claims of 'comparative advantages', frequently detailed in the literature of regionalism, in relation to other (non-regional) organizations and states. The analysis of the legitimation discourse of both organizations actually shows that those claims of good output are seen in complementarity to the output of other organizations, and not as better and more effective policies.

Given, that the missions and policies implemented by the AU and the EU in the context of the crisis in Darfur were largely uncontroversial (i.e. authorized by the host government and the competent bodies) and that a response of the international community was expected, the main challenge was not to legitimate the policies in particular, but to legitimate the existence of the organizations – at least their security dimensions – *through* the policies. As relative newcomers, regional organizations' legitimation takes place in deeper levels according Lagroye's scale[532], meaning that it goes beyond how ruling is exerted (the

[532] Lagroye, Jacques, "La légitimation," 463.

policies and missions) and includes to the value of existence of a new institution (the regional security organization) or a new system of domination altogether. It is then by doing something and portraying themselves as relevant actors that the organizations legitimate their own existence.

# Chapter 6

## THE NECESSARY REGIONALISM

> *The threatening death appears immediately as disorder and chaos. Thus, the central theme of the rationalization of power can be reduced to two simple statements: power avoids death, it ensures order and life, by repressing the disorder; in renewing the gift, it ensures prosperity.*[533]

Legitimation, writes Jacques Lagroye, is process in which meaningful practices represent the existence of the unequal power relation inherent to political institutions as a social necessity and a benefaction[534]. The image of necessary regionalism touches upon the former aspect, meaning that it portrays the policies of regional organizations as well as their existences as necessary in the face of a social context marked 'chaos, violence, and death'. Hence, the image constructs its main argument as an opposition: the chaos and disorder in absence of power relations and rulers versus the order and prosperity in the presence of power and a ruling system based in inequality between rulers and ruled.

Lagroye called 'rationalization of power' this process of justification of unequal power relations because they are necessary. Chapter 5 touches upon the beneficent regionalism, meaning the positive output of a policy and its problem-

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[533] Ibid.: 410. Translation mine.
[534] Ibid.: 402.

solving capacity. But for a policy to be perceived as a solution to a problem[535], there has to be a problem in the first place because logically there is no need to fix what is not broken. In the case of security regionalism and regional security organizations, the 'problem' is a security issue or a threat and the solution would be, at least in part, the actions of the same RSOs. Hence, there can be threats to regional and international order, to peace and stability, to the well-being of individuals and their lives, all of which could eventually legitimate political institutions because they are seen as necessary.

We now know from critical security studies and the literature of securitization – at least such is one of the theoretical assumptions underpinning this research on legitimation[536] – that threats are socially constructed and that security is not immutable, but performative. Hence, by legitimating their actions and policies, RSOs participate in the process of determining what constitutes and what does not constitute a threat and to whom, why does it matter, and how can it be solved.

This chapter is divided into three sections. The first one looks at the 'dramatization' in the discourse of RSOs, meaning the trend by which regional organizations depict a given situation as dramatic, violent, and deadly. The second section examines what is that is being threatened according to the RSOs' discourses, from regional order and stability to the lives and human rights of individuals in Darfur and adjacent areas. Finally, the third section looks at how

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[535] On legitimacy dimensions of effective solutions to shared problems, see: Hurrell, Andrew, "Legitimacy and the use of force: can the circle be squared?", 22-3.
[536] See chapter 1.

the argument of necessity is constructed through an opposition of chaos, violence and instability on the one hand, and peace, order and stability on the other.

## 1) Talking security: dramatization

In the so-called field of security, only certain groups and institutions "authorize themselves and […] are authorized to state what security *is*"[537]. Discourse is shaped and controlled by a number of social procedures of exclusion, which define what shall be said, who is in the position to do so and how it should be done.[538] The same understanding applies to the definition of what constitutes a threat, for not everybody can do so and the characterization as such is seen as "part of a political and material struggle, rather than as corresponding to an immanent quality of the situation"[539]. Therefore, it is understood that for every security issue, there is a struggle among different actors for the right to speak about it and to deal with it. Regional organizations like the European Union or the African Union are part of this struggle when they assess a situation in their region or abroad, point out to what they consider to be threats, or simply 'express concern' regarding a conflict and an episode of violence. Even if RSOs do not have the formal authority to determine what constitutes a threat to peace and security as the UNSC has according to the UN Charter, they nonetheless 'speak security'.

What is probably the most frequent occurrence in the discourse of the European Union and the African Union in relation to Darfur since 2003 is the

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[537] C.A.S.E. Collective, "Critical Approaches to Security in Europe: A Networked Manifesto", *Security Dialogue,* 37 (2006), 443-87: 457. Emphasis in the original.

[538] See, for instance : Foucault, Michel, *L'ordre du discours* (Paris: Gallimard, 1971).

[539] Hansen, Lene, "A Case for Seduction? Evaluating the Poststructuralist Conceptualization of Security", *Cooperation and Conflict,* 32 (1997), 369-97: 383.

'dramatization' of the situation. In this pattern, RSOs express their own assessment of the conflict as dramatic by any given reason: attacks on civilians, aerial bombings, disruption of humanitarian assistance, attacks on mission personnel, and the like. Just as national states and United Nations, the AU and the EU 'express concern', 'condemn' or 'call the attention' to certain issues and by doing so they engage in defining what constitutes a threat or a security problem. RSOs emphasise certain events over others and highlight a number of aspects according to their point of view. Consequently, they tell their own story of the events and present their own judgments, which are different from the multiple possible versions of the same event – from rebels groups to the governments:

> The Council remains deeply concerned about the appalling security situation in Darfur which continues to threaten the civilian population and obstructs efforts of humanitarian organisations to provide much needed assistance. Despite a decline in direct military confrontations, there has been no improvement with regard to the overall level of violence and lawlessness. The Council is particularly concerned by the recent series of unprovoked attacks against AMIS, in which nine peacekeepers were killed in the last four weeks alone […].[540]

> The chairman CFC notes with regret the unfolding skirmish in Haskanita area of the Darfur Region over the past 24hours. Government of Sudan armed forces and non-signatory rebel factions have engaged in hostilities leading to loss of lives and properties.[541]

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[540] Council of the European Union, "Council Conclusions on Sudan", 8790/07 Brussels, 2007. para. 1.
[541] Ceasefire Commission, "Chairman CFC Statement on the Haskanita Incident", El Fasher, 2007.

When the African Union notes that that the "humanitarian situation in Darfur is extremely grave"[542] or that the situation in El Fasher "continues to be extremely tense"[543], it does not dispose of a universal and objective point of reference for measuring how tense and grave the situation really is. When the European Union expresses concern over "the appalling security, humanitarian and human rights situation in Darfur" or when it stresses that the fight in the region is "causing grave human suffering"[544], it does not base its claims on an objective spectrum of human suffering or human rights violations. These statements are the organizations' own assessments and judgments that are not attached to any possible immanent quality of the situation. The very fact that they talk about it in the first place and, consciously or not, 'choose' to mention certain events is already an assessment of what is a security issue and which are the threats.

What is considered 'extremely grave' in the discourse of one organization might be completely absent from the discourse of another. The conflict in Darfur started already in February 2003, but it was only many months later that the African Union and the European Union 'took notice' of the events and assessed their gravity as a threat to local, national or regional security. For the UN, Darfur was still only a side note of a much larger concern that was the North-South Civil War when the AU, humanitarian workers, and NGOs were already expressing their 'deep concern' and trying to call the world's attention early in 2004. Likewise, in the later years, the security situation in Darfur appeared as much

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[542] African Union Commission, "Report of the Chairperson of the Commission on Conflict Situations in Africa," para. 65.

[543] African Union Commission, "Armed Arab militias invaded the cattle market in the city of El Fasher", Addis Ababa, 2006.

[544] Council of the European Union, "Council Conclusions on Sudan/Darfur," para. 2.

more of a concern for the AU than it was for the EU. The very fact that organizations assess the same situation differently also attests to the fact that RSOs participate in the struggle of defining what security is in a given context.

Furthermore, what is left unsaid is at least as important as what is said in an organization's assessment of the situation. Deliberately or not, any given discourse always leaves behind parts of the story. But the unsaid is hard to conceive from an outsiders' position if one sticks to the discourse of only one actor. Hence, the importance of comparing how the EU and the AU refer to the same situation. For instance, although the discourse on Darfur seems to align for most of the core issues (e.g. the violence in Darfur was not considered a genocide by neither of the two organizations), there has been a difference regarding how heavily the organizations would point fingers to the (in)actions of Government of Sudan as a security issue. The EU, especially in 2004 and 2005, expressly accused the GoS of being an impediment to the peace process and of not respecting its commitments:

> The Council […] expresses its dissatisfaction that the Government of Sudan has not implemented the other most urgent obligations manifested in the Joint Communiqué of 3 July [2004]. There is no indication that the Government of Sudan has taken real and provable steps to disarm and neutralise the armed militia, including the Janjaweed. […] Despite all contrary announcements of the Government of Sudan, there are continuing reports about massive human rights violations by the armed militia including the Janjaweed, including systematic rape of women.[545]

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[545] Council of the European Union, "Council Conclusions on Darfur", 11709/1/04 Brussels, 2004. para. 2.

By consequence, the EU not only imposed sanctions, but also threatened to expand the sanctions regime if the GoS was not to abide to its own declarations and obligations such as disarming the militia and facilitating the humanitarian work. The AU, on its side, rarely if ever directly and publicly expressed dissatisfaction in relation to the GoS or threatened Khartoum with hard measures such as sanctions or, even less, intervention without its prior authorization. The GoS was depicted more often as a part of the solution rather than a part the problem. Perhaps because of this attitude, the AU was often the only the actor negotiating with Sudan when the GoS would shut the door to the international community at large.

The main point here is that these are two different stories, which are told about the same dramatic situation and the role of an actor, the GoS, in this situation. In the EU's storyline, the GoS is one of the protagonists and is closer to be portrayed as part of threat or at least as an obstacle to peace. In the AU's storyline, the GoS is hardly mentioned in negative terms and is often amalgamated as one of the many parties in conflict when the AU condemns the acts of violence. Recently, following the resignation of UNAMID spokesperson, the AU along with the UN were accused of hiding crucial information about the authorship of attacks in Darfur and of 'under-reporting' human rights violations. Even when it was clear that the perpetrators of violence, which included attacks against humanitarian workers and the mission' bases and personnel, were linked to the GoS, the UNAMID reports would not confirm its culpability[546]. Hence, because they feared reprisal from the GoS or because of any other given reason,

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[546] Lynch, Colum, "Blood Oath: Inside the United Nations Darfur Debacle."; Lynch, Colum, "U.N. Whistleblower Decries 'Cover-Up of a Cover-Up' Over Darfur Debacle."

the AU selected the facts it would report and told the story accordingly, leaving some parts untold.

Finally, security discourses function as a double-edged sword: while they might be part of the legitimation process of the power relations in place, they also establish a particular set of responsibilities to actors in dealing with the problem.[547] This responsibility, on the one hand, is not always welcomed because it certainly raises expectations, which can be hard to meet as shown in chapter 5, or because the actor is unable or unwilling to act in response to the crisis due to the high costs or any other given reason. The US government's hesitation in defining the events in Rwanda in 1994 as genocide exemplifies this aspect. If an action is seen as necessary and the duties fall on the shoulders of an organization that is incapable of dealing with the task, then such discourse might end up de-legitimating the organization because it 'does not do what it is supposed to do'. On the other hand, being perceived as having the duty to act indicates that the organization is seen as having a legitimate standing in the system, which in turn ascribes it this responsibility. While processes other than the organizations' own discourse might 'ascribe' these obligations, the case studies show that the regional organizations, especially the AU, were particularly interested in reaffirming or accepting their duties:

> The need to effectively address the current conflict and the resulting humanitarian and human rights crisis cannot be overemphasized. *The AU is therefore, duty bound to play a leading role in resolving this crisis.* Of particular importance in this regard is the need to ensure the protection of the civilian population and avert

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[547] Hansen, Lene, *Security as Practice: Discourse Analysis and the Bosnian War*, 35.

any further deterioration of the humanitarian situation.[548]

We also believe that it is Africa's crisis and, as such, *Africa has a duty* to help the people of Sudan to achieve a lasting solution.[549]

The EU's discourse presents much less references to the organization's duties and obligations arising from the dramatic situation in Darfur, and yet this links appear in some passages, notably at the beginning in 2004 and 2005. Not surprisingly, when the EU disengaged from the crisis in Darfur, its actions became less of an 'obligation' as they were in 2005 according to the words of Javier Solana coming back from a trip to Sudan:

I brought back with me three conclusions: the stability of Sudan has not yet been achieved; Sudan's stability is fundamental to the entire African continent; and the international community, *notably Europe, has a duty to act and to achieve results in Sudan*.[550]

When organizations such as the EU or the AU tell us that they have the duty to act in response to a given situation such as Darfur, they are assigning this 'burden' to their organization only because they *are* acting or planning to do so. At the very least this responsibility that the organization might be unable to fulfil might justify an enhancement of mandate or the strengthening of the organization. Simply put, if they are seen as responsible to manage a crisis, they are logically seen as having the right to do so – have the responsibility because they are entitled to it as an organization occupying a legitimate position in security governance.

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[548] African Union Commission, "Report of the Chairperson of the Commission on Conflict Situations in Africa," para. 60.

[549] African Union High-Level Panel on Darfur (AUPD), "Report of the AUPD", PSC/AHG/2(CCVII) Abuja, 2009.

[550] Solana, Javier, "The Stability of Sudan is fundamental to the whole African Continent," *Asharq Al-Awsat*, 24 October 2005, http://tinyurl.com/qdwyo5c. 12 December 2013.

This trend of dramatization of the conflict in Darfur is not to be neglected as a mere written translation of what is 'really happening' on the ground. It is the organization's assessment of the situation and a defining part of the legitimation of the actions and of the existence of regional security organizations. There cannot be a solution without a problem. Defining this problem and its limits, which for security organizations means a threat or a security issue and how big it is, is the first step of the 'rationalization of power'. The section below looks at who or what, according to the discourse of RSOs, is being threaded with the crisis in Darfur.

## 2) Whose security?

This pattern of legitimation and 'rationalization of power' by portraying a policy as necessary given a dramatic and urgent security situation overlaps considerably with the well-established concept of securitization[551]. Similarly to legitimation, securitization is a discursive and intersubjective process. Also similarly to legitimation via rationalization of power, securitization is about constructing – within a political community - a threat to a "valued referent object".[552] Hence, both ideas converge at the understanding that there are no objectives or immanent threats and that they do not pre-exist independently from an intersubjective social process.

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[551] For the early texts on securitization, refer to: Wæver, Ole, "Securitization and Desecuritization," in *On Security*, ed. R. Lipschutz (New York: Comlubia University Press, 1995); Buzan, Barry, Ole Wæver, and Jap De Wilde, *Security: A New Framework of Analysis*. For additions and interpretations, see: Peoples, Columba and Nick Vaughan-Williams, *Critical Security Studies: An introduction* (Abingdon: Routledge, 2010); Balzacq, Thierry, "The Three Faces of Securitization: Political Agency, Audience and Context"; Mcdonald, Matt, "Securitisation and the Construction of Security", *European Journal of International Relations,* 14 (2008), 563-87.

[552] Buzan, Barry and Ole Wæver, *Regions and Powers: The Structure of International Security*, 491.

But these two concepts do not completely coincide in every aspect. While both processes refer to portraying a given situation as a threat to one or multiple valued objects, securitization calls for urgent measures to address urgent needs; measures that go beyond normal politics and have been called 'exceptional'. The enactment of these exceptional and urgent measures is actually seen as the indicator that securitization – or the securitizing move – is successful. Because the securitizing actor is in fact claiming its right – or the other's right – to special measures in order to address what it says is existential threat, it can be said that it is legitimating the exceptional measures.

However, as defined in chapter 3, legitimation is more encompassing than justifying only special and urgent measures. Not every policy or action that is seen as a necessity is also exceptional. The AU mediation in Darfur or the EU's assistance mission to AMIS can be portrayed as necessary given the violence, hence a threat, but they are not at all exceptional as would be, for example, a military intervention without prior authorization of the Government of Sudan.

Other distinctions between securitization and legitimation are more nuanced. Firstly, the process of legitimation is broader in terms of the arguments that can be evoked, going beyond the idea that actions are justified because they deal with urgent threats. This thesis alone presents patterns of arguments such as multilateralism and legality in other chapters, which add to the argument of necessity. Secondly, while securitization focuses on the construction of threats and how they come to justify *actions,* legitimation concerns above all the unequal power relation between rulers and ruled. In the case studies, this means

that legitimation is not concerned only with the policies of regional organizations, but also with their position within a larger system of governance and, as seen in chapter 5, how policies themselves actually legitimate such position. Finally, while a successful process of securitization establishes that 'something has to be done', and this is an exceptional measure, the legitimation also refers to 'what is to be done', 'by whom', 'when', and 'how'.

Fonseca illustrates this last point when commenting on the changes in the normative context after the Cold War in regards to non-indifference and the action of the Security Council:

> If we look at the actions of the Security Council in cases of conflict after 1989, we will see that the debate on the legitimacy of the mechanisms of the UN Charter is not questioned any longer in the sense that the 'international community' *can* act in response to situations like those in Somalia, Rwanda, Angola, and Bosnia. The problem shifts to *how* to act and which is the most efficient way to respond to the conflict.[553]

Even if there is a need to establish the situations like Somalia, Ruanda, Angola or, in this case, Darfur as problematic and requiring action, the follow up question refers to what kind of (re)action would be legitimate. As a matter of fact, the European Union and the African Union frequently highlighted the need and the preference for a 'political solution' to answer the 'security problem' in Darfur, which in their discourse means a diplomatic, negotiated and non-violent process:

> The Council recalls that peace in Sudan will never be complete without a lasting settlement of the

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[553] Fonseca Jr., Gelson, "Legitimidade Internacional: Uma Aproximação Didática," 161. Translation mine. Author's emphases.

situation in Darfur. Therefore, it remains committed to finding a *political solution* to the problems in Darfur.[554]

Second, the DPP [Darfur Peace Process] is a political process. The armed conflict in Darfur is rooted in a political conflict, which *needs a political solution.* Darfurians have political views and are divided accordingly. Only a political process can foster a political consensus that will deligitimise armed conflict.[555]

Thus, a 'how to' answer that is far from any exceptional measure one could foreseen. Even if there is indeed a security and dramatic situation in Sudan, it is the 'political process' of negotiation, mediation, and compromise that is depicted as the solution to the security problem. From this perspective, and because it lacks exceptional measures "going beyond rules that would otherwise bind"[556], the legitimation of RSOs in Darfur does not equate to securitization. However, by borrowing the concept of 'referent object' from securitization theory, which is the socially valued object that being threatened and 'has to survive', it is possible to grasp who or what is in danger from the point of view of regional organizations. In other words, it is possible to analyse whose security matters and, by consequence, whose security might legitimate the policies of regional organizations.

The most common occurrences of 'dramatization' in the discourse of RSOs relate directly or indirectly to the insecurity of the population in Darfur, meaning that people as individuals and as a collective are being threatened by the violence in the region. The situation is said to cause deep concern because the

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[554] Council of the European Union, "Council Conclusions on Sudan (3048th Foreign Affairs Council meeting)", no number, Brussels, 2010. para. 6. Emphasis mine.

[555] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Sudan," para. 22. Emphasis mine.

[556] Buzan, Barry, Ole Wæver, and Jap De Wilde, *Security: A New Framework of Analysis*, 5.

lives of individuals – or their way of life and their way of making a living – is threatened. Hence, their lives are in danger because of the disruption of the humanitarian assistance, attacks against aid workers, and the like:

> As in the past, insecurity continues to affect the delivery of humanitarian assistance. The recurrence of violence in some areas by armed militia and armed bandits, especially the Janjaweed militia, has forced local communities to flee.[557]

> The Council remains deeply concerned about the humanitarian and security situation on the ground, including the harassment and kidnapping of humanitarian aid workers and peace keepers.[558]

Other passages in their discourse highlight the permanent insecurity afflicting refugees and internally displaced people in their camps in Chad, CAR, and Darfur. The number of displaced people itself it presented as dramatic:

> The urgency of the situation hardly needs to be overemphasized. As stressed by the Joint Special Representative, while the situation on the ground has changed from the period of intense hostilities in 2003-04, the war in Darfur continues, civilians are exposed to an unacceptable risk of violence, millions of people continue to live in IDP camps or as refugees in neighboring Chad.[559]

> The Council expressed its concern about the security conditions in the Darfur refugee camps located in Chad.[560]

Moreover, the situation is often depicted as a 'humanitarian crisis' and human rights violations are then highlighted:

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[557] African Union Commission, "Report of the Chairperson of the Commission on the Situation in the Darfur Region of Sudan", PSC/PR/2(XXVIII) Addis Ababa, 2005. 68.

[558] Council of the European Union, "Council Conclusions on Sudan (3058th Foreign Affairs Council meeting)", no number, Brussels, 2010. para. 10.

[559] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Darfur", PSC/PR/2(CXCVIII), Addis Ababa, 2009. para. 40.

[560] Council of the European Union, "Council Conclusions on Sudan/Darfur", 11783/06, Brussels, 2006. para. 7.

The European Council continues to be deeply concerned at the serious infringements of human rights and of international humanitarian law committed against the civil population in Darfur, and at the hindrance of the efforts of humanitarian organisations [...].[561]

As the hostilities between the parties have intensified, civilians have borne the burnt of the fallout. Grave human rights violations have been committed during the recent fighting, including abductions, torture, displacement, rape and destruction of food stocks. The attacks on civilian villages have led to the displacement of thousands of villagers, many of whom continue to be subjected to human rights abuses inside the very camps in which they have taken refuge.[562]

It is important to quote all the above passages because they are examples of the 'stories' that RSOs tell and contribute to the depiction of a dramatic situation and of an overall context of insecurity threatening the population in Darfur. Moreover, they also shed light on yet another point mentioned in chapter 5: the ruling *for* whom, or whose security matter? In the case of the EU's policies in Darfur, CAR, and Chad, the analysis helps us to acknowledge that the argument of 'government for the people' is not limited to solving issues directly infringing the electorate or the citizens of the organizations' member-states. It might as well be used in reference to the threats against communities outside the traditional ruling hierarchy even when those communities do not constitute audiences capable of directly influencing the decision-making.

In very few occasions, if ever, were the actions of the EU in Darfur and Chad justified in terms of direct benefits to the European population, even less as being necessary responses to threats against the EU member states and their populations. Not even the classic arguments of interdependence and potential

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[561] European Council, "Presidency Conclusions", Brussels, 2005. para. 72.
[562] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Darfur (The Sudan)," para. 52.

instability spreading across continents were used. In the EU's discourse, people facing violence are entitled to outside help – including help from outside their region – even when they do not fall within the traditional government-citizens hierarchy of nation states. Such is the case, for instance, of the people in the territory where a EU mission takes place, like the people of Chad and CAR. Certainly the government – or in this case the governance – can also be said to contribute to their wellbeing as well:

> In a very demanding terrain, they effectively *contributed to a safer environment for civilians, in particular refugees and displaced people*. They also enabled the UN, international humanitarian organisations and NGOs to carry out their work safely. The presence of EUFOR Tchad/RCA has made a positive difference to the security environment.[563]

Hence, 'doing good' and addressing security problems of 'others' can also justify the regionalist policies if a given audience sees the referent object as entitled to help. But the conflict in Darfur was said to be a major concern "[n]ot only because of its gravity for the population, but also for reasons of national and regional stability."[564] This means that the lives of people in the region were not the only valued referent object being threatened, but that stability and regional order were seen as somehow valuable. Sudan itself 'had to exist' in the discourse of both AU and EU as "stable, peaceful and united"[565] for the former and as

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[563] Council of the European Union, "Javier Solana, EU High Representative for the CFSP, congratulates Lieutenant General Patrick Nash , Operation Commander of EUFOR TCHAD/RCA on the successful completion of the mission", S/076/09, Brussels, 2009. Emphasis mine.

[564] Council of the European Union, "Summary of the initial Statement made by Javier Solana at the press conference with teh Foreign Minister of Sudan Mr Ismail", S0287/04, Khartoum, 2004.

[565] Peace and Security Council, "Briefing Note on the Renewal of the Mandate of the AU Mission in the Sudan (AMIS)," para. 11.

"peaceful, democratic and prosperous"[566] for the latter. Furthermore, this concern over regional stability was clear in the discourse when the organizations portrayed the situation in Chad and, for the European Union, the deployment of the EUFOR mission:

> The destabilising effects of the Darfur conflict in the wider region, in particular in Chad and in the Central African Republic, are of great concern to the European Council. It reiterates that any further tension poses a serious threat to peace and the stability of the entire region.[567]

> Finally, the tension between the Sudan and Chad, exacerbated by the desertion of Chadian soldiers who retreated towards the border between the two countries and the attack, on 18 December 2005, on the town of Adré, threaten to destabilize the entire region, especially as the general situation is particularly fragile. This situation is all the more disturbing as the Adré incident was followed by accusations and counter accusations between Chad and Sudan.[568]

Hence, the logic in the discourses would go as follows: the situation in Darfur concerns the national stability of Sudan, which in turn impacts the stability of neighbouring countries and risks putting their bilateral relations in danger to, finally, lead to the regional instability becoming an issue of "vital interest to the African continent."[569]

Finally, a relevant question would be whether RSOs construct threats having themselves as referent objects. This is a valid hypothesis because

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[566] Council of the European Union, "Council Conclusions on Sudan", 7648/06, Brussels, 2006. para. 1.

[567] European Council, "Presidency Conclusions - Declaration on African Issues", Brussels, 2006. 30.

[568] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Darfur (The Sudan)," 31.

[569] Peace and Security Council, "Report of the Chairperson of the Commission on the Activities of the African union High-Legel Implementation Panel on Sudan", PSC/PR/2(CCXXXV), Addis Ababa, 2010. para. 47.

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securitization theory argues that states have for long securitized issues in relation their national security and justified exceptional policies accordingly. [570] Traditional security studies have been statecentric not only because they insist in neglecting other referent objects, but also because securitization *by* states of threats *to* states is empirically very common – states are usually a socially valued object and state officials are by default in a position of authority and enjoy other "felicity conditions"[571]. The European regional project, argues Ole Wæver, was underpinned by the successful securitization of the European past marked war and power politics against the current and future Europe of peace, therefore, constituting a threat not only to the EU and regional stability, but also to the national states.

As a matter of fact, both organizations often come out in defence of the missions' personnel deployed in the region and are quick to report and condemn the violent attacks against them:

> As we settle down to consider the security situation in Darfur and cases of Ceasefire violations, I must reiterate that AMIS is deeply concerned and disturbed about the increasing assaults and attacks on our personnel and properties. Our military officer, who was abducted on 10 December 2007 along with his vehicle, is still missing with no clue whatsoever as to who committed this abominable act.[572]

> "I strongly condemn the attack on the AMIS peacekeeping forces in Haskanita in Darfur […] The

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[570] Buzan, Barry, Ole Wæver, and Jap De Wilde, *Security: A New Framework of Analysis*, 15-9.
[571] Peoples, Columba and Nick Vaughan-Williams, *Critical Security Studies: An introduction*, 76.
[572] Mukaruliza, Monique, "Opening remarks by Ms Monique Mukaruliza, Ag SRCC/HoM and Chairperson of the 5th Session of the Joint Commission in El Fasher", El Fasher, 2007.

attack is unjustifiable and constitutes a grave violation
of the ceasefire agreement.[573]

Yet, as far as the case study of the crisis in Darfur is concerned, the act of reporting on the attacks against the mission's personnel is far from portraying a danger to the organization itself, even less an existential threat to the EU and AU membership. By analysing how these reports of attacks against UNAMID, AMIS, EUFOR, or humanitarian workers appear in the discourse, one can actually conclude that they serve more to stress the general insecurity of the region and therefore to the population since 'even humanitarian worker are attacked!' In addition, they also seem to go towards de-legitimating the perpetrators of violence who are acting against 'those who are there to help' and against humanitarian law that protects aid workers. Hence, these attacks could not be reasonably depicted as endangering the existence of the organization.

In sum, RSOs take on themselves to determine what constitutes a threat to the people of Darfur, and to national and regional order. They 'talk security' not only concerning the peace and stability in their own region, but also other's beyond their membership. The dramatic situation is said to be tragic for the people in the region; and it is also tragic for the maintenance of regional order and by extension, the peace and stability of the continent.

## 3) Talking security: the necessary (in)action

By depicting a situation as dramatic, RSOs participate in the performative construction of security and threats to various referent objects whose existence is

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[573] Council of the European Union, "Javier Solana, EU High Representative for CFSP, strongly condemns the attack perpetrated yesterday on the African Union Mission in Sudan in Haskanita in Darfur", S268/07, Brussels, 2007.

in turn valued. Hence, the situation in Darfur is said to be violent and chaotic, although not a genocide, endangering lives of the local population and the national and regional stability, although not the organizations per se. However, the process of rationalization is also about presenting power as "the condition of the triumph"[574] over these threats and violent chaos, at least partially and, as shown in chapter 8, in cooperation with other organizations. Legitimation by the image of necessary regionalism translates into oppositions such as chaos and order, or violence and stability, and conflict and peace. The key to this opposition lies into presenting the power in place and its action as the necessary condition that brings peace, order, and stability.

When explaining what he calls legitimation by rationalization, Lagroye[575] illustrates this notion by evoking examples from kingdoms and political orders around the globe and mostly in the past. In all of them, there is a differentiation between a specialized coercive power and the rest – an unequal power relation of rulers and ruled. This inequality is then 'rationalized' by rituals and practices taking place in key moments such as transitions, the inaugurations of kings, the ascension of tribal leaders, and the New Year or harvest celebrations. In the kingdom of Agni, present day Ivory Coast, for instance, the death of the king and the beginning of the interregnum period were marked by a series of 'make-believe' practices in which the hierarchical status quo is altered to favour those traditionally in the bottom of the power relation. What follows is a made-up scenario of death, pillage, and crime, which is accompanied by the mocking of kings and other rulers. It is only the inauguration of the new king and the end of

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[574] Lagroye, Jacques, "La légitimation," 411.
[575] Ibid.: 410-4.

the interregnum period that bring stability and order back to this made-up world. The king is the condition of stability; the ritual of 'coronation' expels from the kingdom all those who symbolically wronged the ruler during the mocking parades. Thus, the ruler is portrayed as what separates life and prosperity from death and violence.

In the case of regional security governance, it is the existence and mainly the policies of regional security organizations that are presented as crucial to end violence or at least 'manage it'. Of course, RSOs do not parade their troops – more accurately, the member states' troops – or personnel in a symbolic showcase between a chaotic interregnum and an orderly and peaceful policy of crisis management. Being bureaucracies, they present their actions as necessary through public discourse[576], meaning that above all they *tell us* how necessary their actions are. The logic of opposition between life and death, however, remains the same.

A crucial and direct example of this logic of opposition in which the regional organization is presented as the solution to the security problems relates to the decision by the African Union to extend the mandate of the AMIS late in 2006. At the time, the Darfur Peace Agreement, which had been signed in Abuja in May, was already showing significant signs of weakness and the GoS had not only rejected the UN Resolution calling for peacekeeping in Darfur, but also called for the withdrawal of African troops by the end of September. Facing this context of uncertainty, the AU proposed, in the Commission's Report of mid-

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[576] For discursive legitimation, see: Steffek, Jens, "The Legitimation of International Governance: A Discourse Approach"; For RSOs as examples of global bureucracy, see: Finnemore, Martha and Michael Barnett, *Rules for the World, International organizations in global politics*, 157-76.

September, two opposing alternatives: the extension of the mission's mandate for additional three months along with its enhancement and the tentative of convincing the GoS of accepting the transition *or* the end of AMIS. It is important to quote the full passage, even if long, because this is probably the most pertinent and clear example of legitimation by necessity. Hence, the AU Commission argues that the PSC had two options, first:

> [It] could consider that all avenues have been explored to secure the consent of the Government to the proposed transition and that there is no hope of obtaining it. In this respect, Council, in line with its decision of 27 June 2006, may decide to terminate the mandate of AMIS by 30 September 2006, especially in view of the lack of capacity and financial resources and logistics. However, it is important to underline the implications of such a decision for the security and humanitarian situation on the ground. *Indeed, the vacuum that would be created by the withdrawal of AMIS would result in an escalation of the conflict*, given the current levels of military build-up and mobilization of forces by all sides to the conflict. This would, inevitably, result in more suffering for an already traumatized population and an increased displacement of people. The ramifications of such a humanitarian tragedy would not only be felt in Darfur, but will also impact on neighbouring countries such as Chad and the Central African Republic. The resources that would be needed to address such a crisis would undoubtedly be much more than it would have taken to strengthen and maintain AMIS. Worse still, the implementation of the DPA would be totally jeopardized.[577]

The consequences of a possible termination of the mandate, as depicted by the AU, could not be more clear and tragic. The *vacuum that would be created with the withdrawal of AMIS* mirrors the interregnum periods as presented above in Lagroye's examples, except that the AU does not engage in

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[577] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Darfur", PSC/MIN/2(LXIII), New York, 2006. para. 96. Emphasis mine.

symbolic practices of 'make-believe'. Instead, it showcases chaos via a hypothetical future in its discourse. Thus, without the organization's mission deployed in Darfur, chaos would unfold with the escalation of conflict, more suffering to the population, more displacement, regional instability in neighbouring countries, the complete failure of the peace process. Even the foreseen costs of reengaging in the future would be higher. Put simply, the situation in Darfur without AMIS would equal chaos and death.

The other option, which in the end is very similar to what was eventually decided in New York together with the UN and international partners, would be to extend the AMIS further in time, enhance it so it could better fulfil its mandate, and prepare the terrain for a transition to the UN – at the time, the idea of a hybrid mission was not yet being publicly discussed. If the first option was the vacuum, the second option was the continuity of the RSO's mission and the renewal of the efforts aiming at convincing the GoS to allow a transition:

> Council may come to the conclusion that the efforts made by the AU and the international community to convince the Government of the need for a UN deployment in Darfur have, so far, been insufficient, and that such efforts must continue and be intensified, through, in particular, the engagement of the United Nations, to provide all the required explanations and clarifications, to allay the fears and suspicions of Government. In order to achieve this objective, Council may wish to extend the mandate of AMIS for a three months period up to 31 December 2006, with the hope and understanding that the consultations between the Government and the UN would conclude soon and positively. *Under the circumstances, this option may prove to be the most workable, in spite of the difficulties that would be encountered [...] One of the positive aspects of this option could be the enhancement of AMIS to enable it play an increased role in stabilizing the situation on the ground and, thus, facilitate the rapid implementation of the DPA.* This option would be

largely dependent on the issues of funding and sustainability of AMIS being addressed upfront and in a clear and consistent manner, so that the future of AMIS operation does not depend on issues that are peripheral to peace in Darfur.[578]

Hence, the continuation the AU mission and its enhancement would mean the stability to the future transition of the UN and to the implementation of the Peace Agreement. This argument of necessity even justifies the appeal for more predictable funding vis-à-vis the international community. If the presence of AMIS is not said to lead to peace and prosperity, at least it can ensure stability as opposed to chaos of its hypothetical depart. In these two passages, the AU is not only offering alternatives, given that the likelihood of a total AMIS withdrawal at the time was very low at best. The AU is above all presenting its actions, the AMIS mission in particular, as the necessary condition to avoid the descent into disorder and death – even if the situation would remain unstable and require a future transition.

This legitimation argument of necessity is present, although not as clearly as in the example above, throughout the discourses of the AU and the EU. Both RSOs picture their actions, and in occasions their existence and position within security governance, as a necessary solution – at least temporary or partial – to the security issue in Darfur and its region. In some cases, it is not only the action of the organization alone, but also the response of the international community at large that is necessary. Such as in the example below where the EU contrasts the risk of 'large-scale death' with the need to humanitarian assistance.

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[578] Ibid.: para. 97. Emphasis mine.

The humanitarian crisis in the Darfur region is extremely serious. *Unless immediate action is taken, this crisis will lead to large-scale death for the vulnerable population of Darfur.* It is, therefore, incumbent on the Sudanese authorities to extend full cooperation to the international community, in particular the UN Humanitarian agencies and the NGOs, to facilitate the provision of the much-needed assistance to the civilian population.

In addition, legitimation by rationalization might build upon punctual moments. The example below comes from yet another report by the AU Commission of the events taking place in December 2006 in Darfur, which in turn relied on reports received from the AMIS on the ground. Hence, AMIS' intervention is said to prevent further escalation of violence:

The Chairperson of the African Union Commission has received with great concern reports from AMIS Force Headquarters in El Fasher that on 4 December 2006, armed Arab militias invaded the cattle market in the city of El Fasher where they opened fire and harassed people in the market. Five SLA (M) soldiers in the area, who were not armed, decided to intervene leading to extensive firing from the Arab militia. *The quick intervention of AMIS Forces succeeded in preventing further escalation of the fighting.* […] The situation continues to be extremely tense.[579]

The AMIS' intervention prevented escalation, and yet the 'situation continues to be extremely tense'. Arguably, the apparent contradiction of necessary power is that it is not one that comes to permanently solve the security issue. Rather, it is what constantly keeps 'death and chaos' from coming back. It is necessary in a context where the situation of insecurity is the situation *by default,* only altered by the institutions' redeeming features as long as the

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[579] African Union Commission, "Armed Arab militias invaded the cattle market in the city of El Fasher." Emphasis mine.

organization is present. Things might get better, and this is the argument of contribution behind the beneficial regionalism in chapter 5, but the situation remains dramatic as chaos and violence risk to return if not for the presence of the RSO and its actions. If it were to solve the problem completely, then it would not be necessary anymore. Very often, regionalism appears as necessary in order to 'manage' the crisis, not to solve it.

Finally, this discourse of 'necessity to do something' in the face of a dramatic situation if often accompanied by a sense of urgency. In this regard, the response to Darfur was said to be urgent in 2006 when Javier Solana stated that "[t]he long-suffering people of Darfur need help - not next week, or next month, but today"[580] and "[t]he current situation requires immediate action."[581] It continued to be urgent in 2011 when the AU PSC stated "that achieving peace in Darfur is a matter of urgency, recognizing that the people of Darfur have been waiting for peace for too long."[582] And stressed the need

> […] *for speedy progress* in the search for peace, security, justice and reconciliation in Darfur, bearing in mind that civilians in that region continue to be exposed to an unacceptable risk of violence, millions of people continue to live in IDP camps or as refugees in neighboring Chad and the increasing frustration in the IDP camps.[583]

In chapter 1, it is established that security generally refers to urgency and special allocation of resources. This necessity of 'speedy progress', it is argued

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[580] Solana, Javier, "Stabilizing Darfur," *International Herald Tribune*, 19 May 2006.

[581] Council of the European Union, "Summary of Remarks by Javier Solana, Eu High Representative for CFSP at the Darfur Conference", S209/06, Brussels, 2006. 1.

[582] Peace and Security Council, "Communique of the 271st Meeting of the Peace and Security Council", PSC/PR/COMM.(CCLXXI), Addis Ababa, 2011. para. 4.

[583] Peace and Security Council, "Communique of the 198th Meeting of the Peace and Security Council," para. 4.

in the literature, might justify the adoption of exceptional measures. However, the responses to the violence in Darfur, as already mentioned, are not exceptional or particularly controversial – the argument of urgency is not justifying something beyond normal politics. It does not follow a reasoning such as 'because it is urgent we will adopt the emergency measure B instead of normal policy A'. Rather, the sense of urgency seems to be part of the general depiction of the dramatic situation in the region. Hence, the reasoning goes as follow 'it is urgent and dramatic, we will continue to do A, but we need to do it quickly and we need help'.

Nevertheless, the arguments of 'urgency and security' and of 'need for stability and peace' might indeed alter the peace process' 'normal' course and might be evoked to justify certain positions that would otherwise be perceived as unreasonable or even illegitimate. Perhaps the clearest illustration to this point is the divergence between the AU and the EU on the ruling of the International Criminal Court and the issue of arrest warrants against leaders of rebel factions and members of the GoS, including the president Al-Bashir. For the EU, "a lasting peace in Darfur cannot be achieved without justice and reconciliation"[584] and the multiple arrest warrants should be respected in order to bring perpetrators to justice:

> The Council recalls that impunity for the most serious crimes under international law can never be accepted. The Council reiterates its support for the International Criminal Court (ICC) and calls upon the

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[584] Piebalgs, "Speech by Mr Peibalgs, on behalf of the High Representative", Starsbourg, 2011.

GoS to cooperate fully with the ICC in accordance with
its obligations under international law.[585]

Even if Sudan had not granted jurisdiction to the ICC, the Security Council had 'imposed' this jurisdiction by referring the case of Darfur to the Court. For the AU, the Security Council referral to the ICC had been a mistake and it constantly asked the body to come back on its decision, an action that would consequently interrupt the investigation:

> Renewed and concerted efforts should be made for the Security Council to defer the process initiated by the ICC in line with the request made by [Peace and Security] Council. […] it is important to ensure that the ongoing peace efforts are not jeopardized and to avert further suffering for the people of the Sudan and greater destabilization with far-reaching consequences for the country and the region.[586]

Regardless of the reasons that led the AU to reject the ICC ruling, the important aspect is the argument that the RSO brings to justify its position – and also the (in)action of not making the same appeal for the arrest of those called by the Court in The Hague. The normal course of action would be to abide and support the ICC ruling because that would essentially be following international law, which is the core argument of inevitable regionalism and legitimation by law in chapter 7. But necessity changes this course of action: in the AU's discourse, the need of peace and stability 'trumps' justice, at least temporarily, given the urgency of the situation and the risk of jeopardizing the cooperation with the GoS. Hence, while the arguments of urgency and necessity are not used

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[585] Council of the European Union, "Council Conclusions on Sudan," para. 9.
[586] Peace and Security Council, "Report of the Implementation of Communiqué of 142nd Meeting of the Peace and Security Council Held on 21st July 2008 on the Sudan", PSC/MIN/3 (CLI) New York, 2008. para. 28.

to justify exceptional measures, they are nonetheless used to explain positions that could seem unjustified in the eyes of certain audiences.

**Conclusion**

Necessary regionalism is the image that connects the dramatic and chaotic situation with the necessity of power and hierarchy between rulers and ruled. On the one hand it presents a problem, a security problem, which has to be addressed. On the other, it presents the (new) power relation as the solution to such problems. By depicting the security situation in Darfur and surrounding areas as dramatic and violent, and by presenting themselves as necessary to the 'viable solution', the EU and the AU justify their policies as well as their authoritative claims. In the face of insecurity, a hierarchical power relation is said bring security. In the face of violence, domination is said to bring peace and stability – even if through the use of force and 'legitimate coercion'. Power is presented as a *sine qua non* condition of triumph over chaos and, by consequence, a necessity.

Even for the low-intensity missions such as EUFOR and AMIS, RSOs have to connect the necessity of their actions to the dramatic situation. This dramatization, however, does not imply an existential threat to the organizations themselves, nor to their member states far away from Darfur. Rather, RSOs point to threats endangering the lives of the local population, on the one hand, and the regional stability, on the other. These threats, it is argued by the organizations, necessitate urgent and speedy measures. On the one hand, this does not mean that urgency is used to justify exceptional actions beyond normal politics in a type of argument mirroring securitization. On the other hand, the argument of peace and

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stability might justify possibly 'controversial' stands and policies such as, for example, the AU's position against the ICC arrest warrants.

Finally, the depiction of a necessity that is in turn based on a dramatic situation is arguably an unstable image for two reasons. First, the dramatization of the context risks creating, for certain audiences, a responsibility that the organization cannot handle or is unwilling to meet. If the necessity is somehow seen as bigger than what is actually provided by the RSO and its partners, then legitimation easily becomes de-legitimation. Second, there is a picture of quasi-permanent necessity of power. While RSOs contribute with positive policy outcomes and the situation is said to improve – it must somehow improve because that is also the image of beneficial regionalism – in the same discourse it is said that the situation does *not* improve to a point where it is permanently solved: there is a continuous risk of chaos and violence returning or escalating. Thus, there is actually an underlining tension between showing how the policy has contributed to the improving of the situation and how the same or other policies as well as the presence of the organization are still needed because the situation 'remains tense' or there is 'a sense of insecurity'. If power were to forever expel 'death and chaos', it wouldn't be needed anymore. Thus, one can often read passages such as 'the security improves, but the situation remains fragile', meaning that violence might be back if missions are called back and organizations withdrawal or are not given the proper means to face the challenge.

## THE INEVITABLE REGIONALISM

> *Domination in the most general sense is one of the most important elements of social action. Of course, not every form of social action reveals structure of dominancy. But in most of the varieties of social action domination plays a considerable role, even where it is not obvious at first sight.*[587]

Domination is intrinsic to virtually every social action and any system of domination feels compelled to justify this inequality. Yet, oftentimes the legitimation is exactly the attempt to hide this unequal relation behind a veil of de-personalized, rational-legal administration. The image of inevitable regionalism serves as argument of legitimation by portraying the actions and policies of regional organizations as natural, bureaucratic, a-political, or 'just the way things are or have always been'. RSOs attempt to strip away the need to legitimate their policies, in the first place, because they are lawful or because it is in their tradition to implement a certain policy or act in a certain region and take a given position within the system of governance. In this sense, the relationship of domination – which at the end on the day is what is being legitimated – is denied because the 'political' lies elsewhere and the regional bureaucracy is following orders and strictly executing what it is supposed to do. By 'only' following law, decisions of member states, or bureaucratic procedures, RSOs

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[587] Weber, Max, *Economy and Society: An outline of an Interpretative Sociology*, 941.

would not really decide or impose anything. If there is no choice in what they do, then regionalism is inevitable as far as RSOs are concerned.

This chapter draws heavily on Max Weber's work and the three legitimating principles for domination[588] – charismatic, traditional, and legal-bureaucratic – and uses these ideal types to look for particular patterns in the discourse analysis of official documents. While the argument of charisma is absent, the argument of tradition is sometimes linked to the regional identity of the organizations, be it as EU's tradition as 'global actor' or as AU's tradition as the personification of 'brotherhood of Africa'. The fact that said 'traditions' are actually only a few years old doesn't seem to matter. Finally, the most salient of the three legitimating principles is by far "the virtue of legality"[589] in which the regional bureaucracy portrays its actions as neutral, transparent, and above all as legal because it would be just following lawful orders and implementing mandates. This last aspect is also understood trough the idea of legitimation by law. Although positive law has to be itself legitimated[590], it also serves as a legitimating argument both as international law and by the rules and procedures internal to the organizations such as European law.

Finally, to portray certain factors as being beyond the organization's control or reach – hence, inevitable – may also justify perceived inaction in front of high expectations as well the failure or the excessive duration of the policy, which might take a long time to produce the results. As in Darfur, after more

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[588] Ibid.
[589] Weber, Max, "Politics as Vocation," 2.
[590] See, for instance: Franck, Thomas M., "The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power Disequilibrium"; Claude Jr., Inis L., "Collective Legitimization as a Political Function of the United Nations".

than a decade of crisis management and dozens of different initiatives, the 'lasting solution', which was foreseen back in 2003, remains something to be achieved. In order to justify everything else it is *not* doing or has failed to produce, the organization may also evoke arguments of inevitability – factors it does not control such as the hardship of the context or locate the 'political decision' outside the bureaucracy.

## 1) The impersonal and bureaucratic argument

We know from Max Weber's scholarship that the modern state turned to the "depersonalized, public governance based on the rule of law"[591] to replace the ad hoc and personalistic justifications of authority and domination such as the leader's charisma or the royal family's tradition to be in power. This modern domination is exercised by the "servant of the state"[592], someone we usually call a bureaucrat, in the collective of a bureaucracy or an administration. Hence, the legitimacy of the modern state, and more precisely its capacity to successfully claim the monopoly to yield force and extract social resources, derives from the legal-bureaucratic argument. In a sense, it is the object of legitimation, the relationship of domination that is denied in the first place and hidden behind an impersonal 'veil'. But the process of legitimation cannot be reduced to national politics and the state. In chapter 3, we postulate, based on the works of Max Weber himself, Jacques Lagroye, and Rodney Barker among others, that every

[591] Spruyt, Hendrik, "War, Trade, and State Formation," in *Oxford Handbook of Political Science*, ed. R.E. Goodin (Oxford: Oxford University Press, 2009), 569.
[592] Weber, Max, "Politics as Vocation," 2.

system of domination "has the strongest need of self-justification" and that it does so by "appealing to the principles of its legitimation"[593].

To identify these principles of legitimation for regional organizations has actually been this research's main goal. RSOs do not claim the monopoly of legitimate violence, nor could they because this would be far detached from their actual capacity. Yet, they legitimate their positions and their policies by evoking arguments of impersonality. As a matter o fact, the literature on international organizations often refers to them as neutral and a-political, as in the words of John Duffield:

> As relatively *neutral actors*, international organisations may be able to serve as monitors or arbiters in politically charged situations where others may be refused access. Even if they are working on behalf of member states, *their seemingly non-partisan nature will often make their activities more acceptable*.[594]

Indeed, when assessing their missions and policies in Darfur, both the AU and the EU depict these actions as neutral or impartial. For example, when the parties in the conflict, rebel groups and militias, attacked the mission personnel, the AU would stress the neutrality of the troops and of the organization itself:

> It wishes to remind all concerned that AMIS is in Darfur, *as neutral body*, to help put an end to the conflict and the suffering of the people of Darfur. *The AU has no other agenda* in Darfur and will hold the leaders of these Groups personally responsible for any attempt to broaden the scope of the conflict by military

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[593] Weber, Max, *Economy and Society: An outline of an Interpretative Sociology*, 954.
[594] Duffield, John S., "International Security Institutions: Rules, Tools, Schools or Fools?," in *Oxford Handbook of Political Institutions*, ed. R.A.W. Rhodes, S.A. Binder, and B.A. Rockman (Oxford: Oxford University Press, 2006), 645. Emphasis mine.

means, especially through the deliberate targeting of AMIS personnel and its installations.[595]

When commenting on the end of the mission EUFOR Tchad/CAR and the transition to MINURCAT, the EU Special Representative for Sudan, Torben Brylle, highlighted this same neutrality as a legacy:

> And the trust that EUFOR has earned and the neutrality it has demonstrated are also a legacy that, I believe, is conferred onto the follow-on MINURCAT.[596]

Javier Solana was also quick to identify impartiality of the EUFOR as condition for its success based on previous EU experiences:

> The EU troops in Congo in 2003 and 2006 were known for their impartiality and this was an important condition for their success. It will be the same in Chad and Central African Republic in 2008.[597]

This is a common trend for both organizations. In case of the AU, it would manifest in response to attacks against its personnel on the ground and to accusations of being instrumentalized by outsiders. In the case of the EU, it was much more prevalent in the case of the mission in Chad and CAR in 2008. When explaining the functioning of EUFOR, for instance, the EU very often affirmed it would "be conducted in a neutral, impartial and independent manner"[598]. Exactly what was the meaning of impartial, neutral and independent for the organization, however, was not explained. In fact, these three adjectives seem to be used independently from the conceptual differentiations that are made by scholars.

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[595] Amis Headquarters, "AMIS Statement on the Suspension of the DPA Non-Signatories from the Darfur Ceasefire Commission (CFC) and the Joint Commission", ed. AMIS Headquarters Karthoum/El Fasher, 2006. Emphasis mine.

[596] Brylle, Torben, "The positive impact will extend beyond this one year operation," *ESDP Newsletter* 2009.

[597] Solana, Javier, "Chad mission crucial to union's peace effort in Africa. ."

[598] Council of the European Union, "Council Conclusions on Sudan/Char-CAR," para. 10.

They seem to mean no more than a disinterested action of an organization that does not take sides and is simply following its mandate:

> Thus, by protecting refugees, displaced persons and humanitarian staff, *operation EUFOR Tchad/RCA has acted in accordance with its mandate*. EUFOR Tchad/RCA will continue to act in a way that is impartial, neutral and independent.

In this regard, by being neutral and impartial, and by simply implementing the mandates that are trusted to it by the UN or by its member states, the organizations are portrayed as a 'vehicles' – an administration or a bureaucracy – that do not decide, only execute. By saying that they are 'independent', the organizations are not claiming a sort of freedom to decide on their own, but something rather different: the freedom from external and political influences that would disturb the pure implementation of policies, which is the task of their bureaucracies.

In occasions, this bureaucracy needs to be expanded exactly to ensure the effective implementation of the mandates or the mandate has to be changed in order to better implement the agreements. Such was the case at the negotiations about the expansion of first AMIS to fulfil the original mandate of the Humanitarian Ceasefire in 2004 and the enhancement of the mission following the signature of the Darfur Peace Agreement in 2006 and the demands of larger monitoring and security forces:

> In this respect, the expansion of the AU Mission on the ground is of particular importance, if greater

compliance by the Parties with the Humanitarian Ceasefire Agreement is to be achieved.*599*

> […] need to review the current mandate of AMIS and to increase significantly its strength, particularly in light of the additional tasks to be performed by the *Mission as part of the implementation of the provisions of the DPA relating to the Comprehensive Ceasefire and Final Security Arrangements*[600]

In sum, while the ideas of neutrality and de-personalized ruling are legitimating principles that might help in the justification of the modern state and its permanent administration, they are also present in the discourse of regional bureaucracies such as the European Union and the African Union when, for example, they insist on the impartiality of their security missions. Furthermore, these perceived neutral bureaucracies are 'vehicles' for the implementation of rational rules and norms[601]. In other words, it is law that ultimately serves as an argument of legitimation for RSOs in the image of inevitable regionalism.

## 2) Legitimation by law(s)

In their discourses, the legal-bureaucratic argument manifests itself mainly in the insistence on the part of RSOs on the legality of their acts. Legitimation by law is actually so crucial as an argument of political legitimation that legality is often treated as a sufficient condition to legitimacy of acts and decisions.[602] The ruling and the domination would be legitimate, in this case, as

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[599] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Darfur, The Sudan", PSC/PR/2(XVII), Addis Ababa, 2004. para. 71.

[600] Peace and Security Council, "Communiqué of the 51st Meeting of the Peace and Security Council", PSC/MIN/Comm/1(LI), Addis Ababa, 2006. para. 13.

[601] Barnett, Michael and Martha Finnemore, *Rules for the World: International Organizations in Global Politics*.

[602] On the distinction between legitimacy and legality, see: Lagroye, Jacques, "La légitimation," 395-400.

long as they correspond to the agreed upon rules and laws. In the case of modern bureaucracies, the relationship of domination is justified because it is impersonal as the "obedience is thus given to the norms rather than to the person".[603]

Even if positive law has to be itself legitimated, it is also an important legitimizing principle.[604] Legal norms, as early constructivists such as Friedrich Kratochwil already argued, "figure prominently in defining issues and in legitimization and delegitimization attempts." [605] He then goes to say that "although rules are obviously not neutral as to the distribution of benefits, their *impersonal* character distinguishes them from immediate (and more blatant) exercises of power."[606] Hence, law and rules can be both objects and arguments of legitimation depending on the context and, more importantly, there can be a 'political use' of law that is interpreted accordingly.

In a national context, rulers appeal to the positive 'law of the land' and to the various other sources law in its national legal system such as juridical doctrine, jurisprudence, costume, general principles of law, or certain international treaties. But in an international context, the legitimation by law enters a grey zone as the jurisdiction and validity of legal norms is not always clear, and the existence of governance instead of government makes enforcement harder, if at all possible. There is clearly a need to reflect upon the transposition of the idea of legitimation by law from a national to an international level.

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[603] Weber, Max, *Economy and Society: An outline of an Interpretative Sociology*, 954.
[604] Claude Jr., Inis L., "Collective Legitimization as a Political Function of the United Nations", 368.
[605] Kratochwil, Friedrich V., *Rules, Norms, and Decisions* (Cambridge: Cambridge University Press, 1989), 206.
[606] Ibid.: 103.

The Weberian 'rational-legal domination' is certainly bound to its historical context of early 20th century European nations, but as an ideal-type it is possible to apply it in other contexts since it does provide further analytical insights. Legitimation by law would be more effective where political and juridical hierarchy is stronger and where legitimacy and legality would go hand in hand. The further we depart from this hierarchical system, the weaker is the grip of law as an argument.[607] At the levels above the state, international law is arguably more open to criticism in terms of being simply a reflection of power relations (hence, not as 'neutral and impersonal'); being a system that strong states can simply ignore as they please or control it to maximize their interests (e.g. the GoS critique of the uses of the International Criminal Court by the western countries); or being a mechanism that perpetuates inequalities despite nominally defending sovereignty and equality (e.g. the UN and its Security Council).

Yet, international law – or simply the fact that actions and the authority respect existing law – *is* often evoked by regional organizations as an argument that justifies their actions regardless of its often-cited flaws. Indeed, legitimation by law of the actions of regional security organizations follows fours main trends. First, the organizations appeal to the commonly accepted hierarchy of international law in regards to the provision of peace security and emphasise the endorsement, usually via resolution, of the UN Security Council. Secondly and thirdly, RSOs evoke the principles of sovereignty – the emphasis on the

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[607] See, for instance: Delcourt, Barbara, "Usages du droit international dans le processus de legitimation de la politique exterieure europeenne", 779-84; Corten, Olivier and Barbara Delcourt, "Droit, légitimation et politique extérieure: précisions théoriques et méthodologiques," in *Droit, légitimation et politique extérieure : l'Europe et la guerre du Kosovo*, ed. O. Corten and B. Delcourt (Brussels: Editions Bruylant, 2000).

consensus of the host nation – and *pacta sunt servanda* – the parties in conflict are held to their commitments. Finally, the organizations might appeal to their 'intra-institutional' law, a trend that is much more salient for the European Union given the development of the EU law.

Of all the references to international law, the endorsements and the authorizations of the United Nations Security Council figure prominently in the discourses of both the AU and the EU. Hence, both organizations portray their actions to be in accordance with what was determined by the UNSC, in itself seen a source of law[608], in its resolutions. In the case of the EU, the organization seeks to legally underpin two particular actions, which could be seen as more assertive than others: the sanctions regimes against the against those obstructing peace in Sudan and its military mission in Chad and CAR:

> […] the EU will continue to monitor the situation in Darfur and will consider to take appropriate measures which could include sanctions, against the Government of Sudan as well as the rebel groups, *in accordance with the UNSC Resolution 1556 and 1564*, if no tangible progress is achieved in this respect.[609]

> Enjoying a strong legitimacy after the unanimous adoption by the UN Security Council of the Resolution 1778 (2007), EUFOR Tchad/RCA will be deployed in east Chad and north-east Central African Republic for one year.[610]

For the AU, it was generally its position as the leader of the mediation process, which would be legitimated by the UNSC resolutions:

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[608] See the first section of chapter 3 and Weiss, Thomas G. et al., *The United Nations and Changing World Politics*.

[609] Council of the European Union, "Council Conclusions on Sudan", 16092/04, Brussels, 2004. para. 4. Emphasis mine.

[610] Arnould, Claude-France, "La PESD en action, au Tchad et en République centrafricaine.," 12. Translation mine.

In its resolution 1564 (2004) adopted on 18 September 2004, the UN Security Council called upon the Government and the rebel groups to work together under the auspices of the AU to reach a political solution. […] The Security Council also underscored and supported the role of the AU in monitoring the implementation of all such agreements reached.[611]

When they stress how their actions correspond to the UNSC resolution, RSOs implicitly refer to a hierarchical system of peace and security that, as shown seen in chapter 2, exists only as an abstract idea. In the case of the EUFOR Tchad/CAR, the EU would even highlight the fact that it was executing the UNSC Resolution 1778 and in that sense 'following orders', as if there was no influence or request from its member states in the decision of the Council. It suffices to think that two out of five permanent members of the UNSC are also members of the EU (i.e. France and United Kingdom) and a 'request' or a resolution that the EU was not willing to accept would not pass by the Council anyway because of this membership overlap.

The UN Resolution 1778 provided for a double international presence in Chad and Central African Republic: that of the UN with MINURCAT, mainly for training Chadian police officers, and that of the EU with EUFOR, which would create security conditions for the action of the United Nations and help to protect the population both in eastern Chad and in the north-eastern part of Central African Republic (CAR).[612]

In parallel, the UN Secretary General is said to have, in his report of August 2007, "[…] proposed the deployment of a multidimensional presence, including a possible EU military component" and that "the President of the UNSC made a statement on behalf of the Security Council, welcoming the UN

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[611] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Darfur, The Sudan," para. 15.

[612] Council of the European Union, "EUFOR TCHAD/RCA : Retour sur une transition réussie," *ESDP Newsletter* 2009. Translation mine.

Secretary General's proposals on a multidimensional presence […] including a possible EU military deployment"[613]. Regardless of it being a political decision in many ways motivated by the EU willingness to intervene in the conflict, the EU is said to simply comply with the decisions of this 'impersonal body'. In this and other cases, legitimation by (international) law turns to be a circular argument since organizations are evoking legal norms and resolutions that come into being *because* the same organizations – or its member states – push them forward and influenced the process.

If the EU were simply implementing a decision like bureaucracies do, it would have no choice and its actions would be 'inevitable'. However, RSOs do more than follow the mandates they are given. As "unique institutional amalgamations of their member states and transnational bureaucracies"[614], they might decide, for instance, on the interpretation and on the application of said mandates. This apparent contradiction between simply following orders, on the one hand, and actively and politically interpreting them, on the other hand, is found not only in the difference between rhetoric and practice, but also within the discourse itself. Hence, in 2006 during the stalemate between Sudan and the international community when the GoS was not willing to approve any further international involvement, the AU Commission would argue for a "consistent, flexible, broad and robust interpretation of the AMIS mandate."[615] At the same

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[613] Council of the European Union, "Council Joint Action on the European Union military operation in the Republic of Chad and in the Central African Republic", 12459/1/07 Brussels, 2007.

[614] Williams, Paul D., "Regional and Global Legitimacy Dynamics: The United Nations and Regional Arrengements," 44.

[615] African Union Commission, "Report of the Chairperson of the Commissionon the Status of the Implementation of the Peace and Security Decision of 10 March 2006 on the Situation in Darfur and the Conclusion of teh Abuja Peace Talks", PSC/MIN/2(LI) Addis Ababa, 2006. para. 27.

time, and given the demands following the signature of the DPA, the EU also "urged the AU to take all necessary steps for a robust interpretation of the AMIS mandate to ensure a more forceful protection of the civilian population."[616] This basically meant that since a new mandate was not foreseen at the time, the RSO would change the way the *same* decision was being applied. In sum, the card of 'necessity', as seen in chapter 6, trumps the 'neutral implementation'.

A second frequent argument refers to the commonly held principle of sovereignty and the consequent need of host nations to authorize the actions taking place in their territories. Thus, the consent of government in Sudan, Chad and Central African Republic is a recurrent justification in the discourse of both RSOs:

> The planning of the operation [EUFOR] is taking place in full coordination with the UN and in consultation with African partners, and its deployment *has been welcomed* by the governments of Chad and the Central African Republic.[617]

> In this respect, [the Peace and Security] Council notes that *the GoS has formally expressed its support* for the enhancement of AMIS and pledged full cooperation in that regard.[618]

To highlight the consent of the host nation is to indirectly acknowledge the principle of sovereignty and equality among nations that is at the core of international law. However, the consent of the host state alone is a weak argument for the legitimation of a mission – especially if the government in the

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[616] Council of the European Union, "Council Conclusions on Sudan," para. 7.
[617] Council of the European Union, "Draft Council Conclusions on Sudan/Chad", 16395/07 Brussels, 2007. para. 9.
[618] Peace and Security Council, "Communiqué of the Seventeenth Meeting of the Peace and Security Council", PSC/PR/Comm.(XVII), Addis Ababa, 2004. para. 2.

host state was put in place by the interveners,[619] which is not the case our case studies, or is exactly the actor that is behind human rights violations and is being perceived as illegitimate itself to give such authorization. Hence, once more, RSOs choose to 'ignore' this political nature of the supposedly neutral authorization.

Another general principle of law evoked by RSOs is that parties are bound to their commitments and agreements should be kept (i.e. *pacta sunt servanda*). Hence, on can see, in parallel to references to UN authorization and consent of the host states, the idea that the parties in the conflict in Darfur are bound to what they signed and that their previous agreements to the presence of the organizations is another argument that justifies RSOs' actions of mediation, peacekeeping, and the like. Indeed, one can note a process of 'positivization' of rights and obligations by which the parties in the conflict are gradually held more responsible for their acts in accordance to the documents they sign. As the conflict goes on, general condemnations of violence and violation of human rights are replaced by condemnations of the fact that specific agreements are being broken: first the Humanitarian Ceasefire, followed by the Declaration of Principles, the Darfur Peace Agreement of 2006 and the Doha Agreement of 2010, and the various other written commitments. At first, only violence was unacceptable, then the violation of agreements could not be tolerated neither:

> AMIS would like to remind the SLA/M that as a signatory to the Darfur Peace Agreement, *the Movement is expected to abide by DPA* ceasefire provisions and to refrain from all acts of provocation, intimidation and

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[619] See, for instance: Olsson, Christian, ""Legitimate Violence" in the Prose of Counterinsurgency: An Impossible Necessity?".

interference with AMIS' peacekeeping mission in Darfur.[620]

This reference to commitment also included the bilateral agreements between Chad and Sudan during the various moments in which their relationship turned violent. By following this logic o 'positivization', if a party in conflict had not signed the newest agreement, it would still be bound to the last declaration, communiqué or agreement it signed. Such was the case, according to the EU, of the nonsignatories groups of the DPA in 2006:

> The Council in particular emphasises the need to involve the non-signatories in the effective monitoring of the cease-fire and the investigation of violations committed. *The nonsignatories should be held fully responsible for the fulfilment of their commitments* set out in the N'djamena Agreement [of 2004].[621]

Hence, actions against these groups (e.g. targeted sanctions) would be justified not only because they perpetrate violent acts, but also because they break more or less formal commitments. And these agreements between the parties in conflict and the RSOs are used to justify the latters' presence and actions of conflict management:

> I should, however, like to stress that at the end of the meeting, the Parties issued a Joint Statement in which they reaffirmed their commitment to seek a peaceful and negotiated solution to the problems in Darfur *under the leadership of the African Union* and in accordance with the letter and spirit of the N'djamena Humanitarian Ceasefire Agreement and the two Abuja Protocols.[622]

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[620] Amis Headquarters, "AMIS Strongly Condemns Acts of Intimidation by Armed Faction in Darfur", Khartoum, 2007. Emphasis mine.

[621] Council of the European Union, "Council Conclusions on Sudan/Darfur," para. 7.

[622] African Union Commission, "Report of the Chairperson of the Commission on the Situation in the Dafur Region of the Sudan", PSC/AHG/4 (XXIII), Addis Ababa, 2005. para. 27.

Finally, the fourth trend refers to the legality of the action(s) based on the internal law of the organizations themselves. In this common practice, RSOs link their acts to the compliance to their own internal rules that are set up by their treaties. It is a recurrent procedure, for instance, to evoke treaty articles that lay down the principles for action as well as the rules for decisionmaking such as consensus or qualified majority. When imposing sanctions to the parties in the conflict in Darfur, for example, the EU turns to its community law:

> The Treaty, in Articles 60 and 301, empowers the Council to take, under certain conditions, measures aimed at the interruption or reduction of payments or movement of capital and of economic relations with regard to third countries.[623]

It is also common practice to refer to previous decisions of the same body. Thus, a mission of the EU is said to be legal not only because it was authorized by the UNSC, but also because it was authorized by the Council of the EU, which in turn refers to the European Council for more general endorsement of its actions. In parallel, the AU Commissioner evokes to the authorization of the Peace and Security Council to act as mediator or to appoint a special representative, and the PSC on its side refers to the endorsement of the AU Assembly:

> The PSC requested me to take all necessary steps to expedite the implementation of the enhancement of AMIS and, in this respect, to explore all possibilities for shortening the timeframe envisaged, including the emergency deployment of personnel, to ensure that the

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[623] Council of the European Union, "Council Regulation imposing certain specific restrictive measures directed against persons impeding the peace process and breaking international lawin the conflict in the Darfur region in Sudan", 10603/05, Brussels, 2005.

requirements for an effective presence on the ground are
met as early as possible.[624]

In sum, RSOs recurrently look at (international) law and its general principles to legitimate their actions. Even if legality is not a synonym of political legitimacy – and such equation holds even less water in international relations – it is still an important argument in the legitimation of regional security organizations. By portraying this intricate and complex set of principles and laws that are usually perceived as being neutral, the regional bureaucracy then appears as an impersonal body, or a 'vehicle' that is simply applying and complying with legal norms.

## 3) Defending the bureaucracy

However, for this formula of legitimation based on legality to work, the bureaucracy has to be regarded as impersonal, and indeed unbiased. It has to not only implement the policies according to the rules of the game but also ensure the *quality* of the policy implementation: a minimum of ethical standards, transparency, accountability, and openness. At least it has to be *seen* as acting accordingly. If the image of the organization is that of a corrupt, incompetent, biased, or oppressive bureaucracy that violates human rights, then it is not anymore an administration that simply applies the law. In sum, bad governance "undermines public perception of legitimacy"[625] regardless of other sources such as legality, necessity, or positive outcome.

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[624] African Union Commission, "Report of the Chairperson of the Commission on the Situation in the Dafur Region of the Sudan," para. 3.
[625] Schmidt, Vivien A., "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'", 3.

Vivien Schmidt introduces this notion of quality of the policy implementation in EU studies as "throughput legitimacy"[626], which refers to inclusiveness and openness as well as transparency and accountability of governance, and lastly its correspondence to ethical standards. Hence, in her discursive institutionalist framework, the construction of legitimacy would go beyond the dichotomy of politics of decision-making (input) and the outcomes of policies (output) and open the 'black box' of what happens *during* the policy-implementation. Robert Keohane and Allen Buchanan, albeit in a normative approach to legitimacy, also argue for institutional integrity and minimum moral acceptability – respect for human rights – as two of the main substantive criteria for the legitimacy of global governance institutions:[627]

> It also appears that an institution should be presumed to be illegitimate if its practices or procedures predictably undermine the pursuit of the very goals in terms of which it justifies its existence.[628]

According to this research's conceptual approach, ideas related to throughput legitimacy or the minimum moral acceptability of policy implementation – as well as all the other supposed principles of legitimacy – constitute arguments of legitimation. However, contrarily to justifications based in positive output, legality, necessity or multilateralism[629], throughput-related arguments are not sufficient on their own. Rather, they facilitate or at least do not hamper the legitimation discourse because the process to achieve other goals abides to minimum ethics standards: it is not corrupt or biased. As Schmidt

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[626] Ibid.

[627] Buchanan, Allen and Robert O. Keohane, "The Legitimacy of Global Governance Institutions", 419-24.

[628] Ibid.: 423.

[629] These four arguments are *grosso modo* the core arguments in each of this research's empirical.

shows, while, on the one hand, good throughput has little effect on the general perception of legitimacy, bad throughput, on the other, might undermine other possible 'sources of legitimacy'.[630]

Hence, RSOs speak out in defence of their bureaucracies and of the quality of the policy implementation. Confronted with the failure of the Abuja Agreement of 2006, for example, the AU stressed the need to increase openness and inclusiveness of the peace process that it was leading by a series of consultations with rebels in all fronts, civil society, and government representatives. Even if the AU portrayed the DPA to be "a fair deal"[631] right after it was signed, not all parties saw it as such and the organization was in occasions perceived as biased because it would have privileged the GoS or alternatively the main rebel factions and their leaders. An all-inclusive consultation was then depicted as the solution as it is clearly stated by the Special Envoy for Darfur, Salim Ahmed Salim:

> The one thing which we don't want is not to consult everybody. One of the – I wouldn't want to call it error – but one of the shortcomings we had in Abuja is that we had people who were outside […] and wanted to join in the negotiations, as a means of protecting the position of their movements. We said no, we will stick to the movements which were there. But there were people […] who wanted to be part of the agreement but at one time literally threatened us even, that "if you don't do that you will have the consequences" and so on. But this time round, honestly, we are going to see to

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[630] Schmidt, Vivien A., "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'", 9.

[631] Konare, Alpha Omar, "Statement by the Chairperson of the AU Commission on the Status of the Darfur Peace Agreement and the Situation in Darfur", Addis Ababa, 2006.

it that *we are going to try and consult, literally, as widely as possible. That is important.*[632]

If the AU were to consult only with the GoS or only with the rebels, it would risk to be perceived as biased towards one side or the other. An all-inclusive consultation appears as a *sine qua non* condition for the people to agree with the AU policies, supposedly increasing the quality of governance that is not *by* the people or *for* the people, but *with* the people as the idea behind throughput legitimacy. That is why 'openness' – to all groups – is also highlighted:

> The movements have an important role to play. The government has an important role to play. But the government and the movements are not the only stakeholders. We have other stakeholders. We are going to have representatives of civil society, representatives of traditional leaders, and representatives of women groups and so on. This is definitely an important development.[633]

In this regard, throughput-related legitimation arguments of RSOs are usually reactive, meaning that they are evoked in response to policy failures, scandals or accusations of bad governance. As a matter of fact, the AU press releases and press conferences were usually motivated by attacks on its personnel or accusations of misbehaviour. For instance, when confronted with media accusations of sexual misconduct of AMIS soldiers in Darfur in 2006, which included rape and child abuse, the AU promptly spoke out in defence of its mission. It then called a press conference and announced the creation of a committee of inquiry to investigate said allegations. This committee was presided by the AU Commission Director for Women Gender and Development

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[632] Salim, Salim Ahmed, "Near verbatim transcript of the Joint Press Conference by UN Secretary-General's Special Envoy for Darfur Jan Eliasson and African Union Special Envoy for Darfur Salim Ahmed Salim", Khartoum, 2007. Emphasis mine.

[633] Salim, Salim Ahmed, "Statement by the AU Special Envoy, Salim Ahmed Salim, Upon Arrival at Sirte Airport."

and included the organizations external to AMIS (e.g. UNIFEM, NGOs, UN), which would ensure its transparency:

> I emphasise my commitment that you work expeditiously and *transparently*, providing a comprehensive investigation into the matter. This is why I included in your membership also those not working with us in the AMIS. That is also why I excluded members of our Forward Headquarters and the Sectors in Darfur from participation as Committee members. Those of you selected have been chosen by virtue of your proven integrity, experience and commitment.[634]

Furthermore, the official discourse pointed to the perpetrators as 'bad apples' among a majority of good soldiers and hardworking personnel and recalled the condemnation of rape. In its discourse from 2006 onwards, there were also more frequent references to gender-based violence as if to address previous critiques:

> It is our duty to ensure, through this investigation that no errant soldier compromises the best efforts of thousands of committed Africans working hard and giving their best to this AMIS operation. Rape is a heinous crime. We will also ensure that such a crime is not used by anyone to pursue other objectives.[635]

But the 'defence' of the regional bureaucracy requires more than the reaction to scandals and corruption. As argued in the other empirical chapters, the organizations are also compelled to justify the perceived lack of action in relation to current and future expectations. So far we have shown examples of legitimation of inaction by the appeal to the hard work, the continuous

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[634] Kingibe, Baba Gana, "An Address by Ambassador Baba Kingibe at the Inauguration of the Committee of Enquiry to Investigate Allegations of Sexual Misconducts Against Members of the AU Forces in Darfur", Khartoum, 2006.
[635] Byanyima, Winnie, "Response to the Statement by the Special Representative of the Chairperson of the AU Commission and Head of AMIS at the Inauguration of the Committee of Enquiry to Investigate Allegations of Sexual Misconduct against Members of the AU Forces in Darfur. ", Karthoum, 2006.

engagement in other areas shown to be related to the original crisis (e.g. Chad and CAR) and the pledge to 'remain committed' through other policies (e.g. financial support). In the image of inevitable regionalism, RSOs evoke what cannot be avoided (e.g. mountains, deserts, distances, roads or, simply put, geography) to justify perceived inaction or policy failure.

Indeed, a frequent 'explanation' refers to the hardship of the context in which the mission or the policies take place. During the first years, for instance, it was common place to compare the size of Darfur to the 'size of France' in order to highlight the difficulties, even impossibility, of monitoring such a vast territory. RSOs constantly refer to logistical and geographical challenges relating to the quality of the roads, the access to water, and the distance to the nearest harbour, among others.

> A region roughly the size of France, but with only two main roads. The landscape almost a desert and inaccessible mountains. That is the geographical set for Darfur, the eastern province of Sudan. […] With the adverse conditions of the desert this is a task [the deployment of AMIS] not easily achieved. When the fuel shortage added to extremely heavy rains at the end of August, the heaviest since 50 years, the deployment of the peace support force was delayed by several weeks.[636]

These geographical challenges are taken as given, they cannot be avoided, and by consequence are portrayed as inevitable. As a matter of fact, a claim to the unusual hardship of the context happened even before the launching of UNAMID in a sort of 'pre-emptive excuse' to the challenges ahead:

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[636] Council of the European Union, "EU assistance to the African Union Mission in Sudan " *ESDP Newsletter* 2005.

> The establishment of a multidimensional operation in the Darfur region of the Sudan will face formidable logistical challenges. Darfur is a remote and arid region, with harsh environmental conditions, poor communications, underdeveloped, poor infrastructure and extremely long land transport and supply lines from Port Sudan. The scarcity of water presents a particularly difficult challenge, which must be addressed at both the political and logistics level, between all parties. [637]

By emphasising how challenging the operation or the policy will be or how hard the context is, the organization tries to set the parameters against which its actions should be assessed and therefore considered effective or ineffective within the limits of what would be possible for them to realize. The organization is then, in the literal meaning of it, irresponsible because the perceived failure has an explanation that is supposedly beyond the organizations' reach.

## 4) Still a place for tradition and identity?

As seen so far, the European Union and the African Union, as regional bureaucracies, make extensive use of the legal-bureaucratic argument of domination, clamming to follow internal law and other applicable norms while portraying themselves as neutral, impersonal and unbiased along with minimal ethical standards. But the use of this type of argument is by no means exclusive to RSOs as most political institutions actually claim that they respect legal norms, even when law was obviously enacted by the ruler, or even the occupier, to perpetuate the status quo and the inequality.

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[637] African Union Commission, "Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operations in Darfur", PSC/PR/2(LXXIX), Addis Ababa, 2007. para. 104.

But Weber also argues that different legitimations might co-exist.[638] It is then logical to look for the other two Weberian justifications of domination in the discourse of regional organizations: the charisma and the tradition. Regarding the former, it is safe to say that personal charisma is not a legitimation trend for RSOs. While the organization might highlight the curriculum and the (previous) performances of some people in their ranks (e.g. the special representatives, chief-mediator, etc.), they arguably do so as to justify the appointments as corresponding to what is expected of a person in a given position. Furthermore, the people whose achievements and biographies are mentioned are in fact part of the bureaucracy and, even if they might add their personal style to the policymaking, they are at the end of the day seen as simply performing their functions.

Regarding the argument of tradition, in Weber word's "that which is customary and has always been,"[639] it is possible to say that it finds its place in the legitimation discourse of regional organizations, but it is much less frequent than the legal-bureaucratic argument. In the case of the European Union, references to EU's tradition in the context of Darfur are almost inexistent. What one might find are passages that highlight the 'historical ties' between Africa and the EU as to underpin the partnership and the EU's role in Darfur and its neighbours. But even then this kind of argument is very rare[640].

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[638] Weber, Max, "Politics as Vocation."
[639] For a detailed argument, see Weber, Max, *Economy and Society: An outline of an Interpretative Sociology*, 954.
[640] A notable exception is Javier Solana's newspaper article on the EUFOR Tchad/RCA published in 2007: Solana, Javier, "Chad mission crucial to union's peace effort in Africa. ."

The African Union, on its side, appeals to tradition and to its regional identity as an African organization in its legitimation discourse. Even if seldom, it is worth mentioning that the AU from time to time evokes its 'African character', the 'African solidarity', or the 'brotherhood' in an attempt to justify its actions and the organization's position in Darfur. This type of argument usually appears in speeches from high-ranked officials and are delivered to local audiences that could relate to them. The paragraphs below, for instance, appear in a speech delivered by the Chairperson of the AU Commission in an attempt to justify the organization's role in the process leading to the Darfur Peace Agreement in 2006:

> In our traditional African society when your neighbour's home is on fire, you do not stand by and watch without doing anything. Neighbours rush out with whatever they can get hold of put out the burning fire because they know that it could be their own homes that are affected next.
>
> […]
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> Our coming to Darfur is also totally consistent with the tradition of fraternity and solidarity with each other. Indeed we peoples are all the same. We are first and foremost, a community of peoples, irrespective of which country we come from.[641]

In the same speech, tradition and identity seem to evoke not only the natural course of action, but also an obligation. In front of violence and crisis afflicting our 'brothers and sisters', inaction was not an option:

> That was why the AU came into Darfur. Your brothers and sisters from other parts of Africa came only

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[641] Konare, Alpha Omar, "Solidarity Message from Aplha Omar Konare, Chairperson of the African Commission", Khartoum, 2007. https://web.archive.org/web/20080709040518/http://amis-sudan.org/dpaeasy.html. 13 June 2014.

to help, because they could not stand idly by and watch
while innocent people suffer so much and die.[642]

Interestingly, both the legal-bureaucratic argument and the argument of
tradition would point to the inevitability of the actions and policies. While the
former establishes that the compliance with the rules and decisions is just the
natural course of action as the organization is the impersonal vehicle that applies
them, the latter shows that the choice of action is just how things have always
been or should be according to one's identity. Hence, tradition would tell us how
things naturally are:

> Our willingness of working together is stronger
> than ever. *Nothing more natural!* We both represent the
> Union of States bound by history and geography. We
> both have the same mandate: reinforce solidarity
> between the European Union and the African Union.[643]

The extracts above, however, exemplifies a trend that is very marginal in
both organizations in comparison to legitimation by law and the emphasis on the
neutral and impersonal character of the regional bureaucracy. Appeals to
tradition and identity might be more frequent in the AU's discourse in relation to
the crises in Darfur exactly because the organization is from the region where the
crisis takes place. But even then, organizations appeal to legitimation by law
much more frequently than to their identities and traditions. Hence, the extract
above also shows that while 'solidarity and partnership' might be justified by
historical ties, they are above all legitimated by the (legal) mandates that both
organizations have.

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[642] Ibid.

[643] Solana, Javier, "Intervention de Javier Solana, Secrétaire Général du Conseil de l'Union
européenne, Haut Représentant pour la Politique extérieure et de Sécurité commune ".
Translation mine. Emphasis mine.

**Conclusion**

The image of inevitable regionalism is above all expressed by the legal-bureaucratic argument: regional organization as an unbiased and neutral body inevitably follows the law as well as the orders – mandates – it receives. But this comes as an expected conclusion, which is confirmed in the empirical analyses, because regional security organizations are, after all, transnational bureaucracies and their political decisionmaking is indeed diminished in front of the states' initiatives – especially in the intergovernmental security sector. This is valid for both the EU and the AU that, despite presenting very different sizes of their bureaucracies, still depend much on the political decisions of their member states. In other words, it is reasonable to say that it is 'only following orders' when it is indeed executing the intergovernmental decisions and the treaties previously signed by states.

However, the legal-bureaucratic argument presupposes, as previously argued, that the organization is perceived as impersonal and unbiased. It needs to speak out in defence of the quality of its governance and administration – the so-called throughput legitimacy. As Schmidt claims, while good throughput makes the organization "disappear from public view, leaving front and centre both national input politics and EU output policy"[644], bad throughput makes it visible by putting it under (negative) flashlights. And by visible we mean an organization that does *more* than simply follow the rules and abide to international and community law. Bad throughput can undermine the legal-

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[644] Schmidt, Vivien A., "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'", 14.

bureaucratic argument and that is why RSOs speak go out in defence of their missions, personnel and administration.

Finally, the image of inevitable regionalism is not without its own internal contradictions, of which two are mentioned above. First, despite the image of impersonal bureaucracies that follow decisions made elsewhere, these rules and mandates are open to the organization's interpretation and their own choices of how to apply them. Hence, the need to broadly 'interpret a mandate'. Second, in security governance, where multiple legal systems co-exist, the very choice of which rules or decisions to follow and implement is already a political choice that is not always acknowledged. To this end, it suffices to look at how differently the EU and the AU viewed and positioned themselves in relations the decisions of the International Criminal Court, itself part of the international legal system, in the previous chapter.

Finally, and in parallel to the legal-bureaucratic argument, there is still place for tradition and identity, which also point to natural – or inevitable – courses of action. These arguments are in large majority restricted to the African Union, which links tradition and identity – the brotherhood of Africa – in its discourse to once more justify its actions in Darfur. Traditions and identities are not neutral or unbiased, yet they might be seen just as inevitable as legality and the implementation of a mandate. This type of argument, however, is marginal in comparison to legitimation by law and the legal-bureaucratic justification.

# THE MULTILATERAL REGIONALISM

> *The growing practice of inter-regionalism makes the classical distinction between regionalism and globalism obsolete. Inter-regionalism therefore points to a direction different from a fragmented order in which globalists feared would be characterised by clash of regional blocs.*[645]

In the image of multilateral regionalism, RSOs voice arguments that potentially justify their policies and their existences by making reference to the collective nature of their actions along with other organizations and to the mutual recognition of their standings as security actors. The endorsement of other organizations and the plurality of actors involved in various phases of the policy implementation, by consequence, would support the legitimacy claims of RSOs, in general, and their position within the regional security governance of a particular crisis.

In essence, the image evokes the inter-organizational relations among various institutions and is underpinned by a norm dictating an intrinsic value in collective as opposed to individual or unilateral policies. While it is understood that institutionalized collective action enhances the output of policies, and it is argued that this is the main driver of inter-organizational relations, the very fact of acting together is portrayed as an intrinsic value related to openness, plurality, and participation.

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[645] Acharya, Amitav, *The End of American World Order*, 89-90.

Hence, the image of multilateral regionalism focuses on the 'participation' of other organizations: the mutual endorsement, the daily cooperation on the ground, the synergy of policies, and the long-term partnership, all might serve as argument. By being partners in specific policies and contexts and by strengthening and institutionalizing their partnerships, RSOs also publicly endorse each other's existences and, to a certain extent, mimic what states have been doing for centuries in their mutual recognition.

Through the image of multilateral regionalism, regional organizations legitimate their positions within security governance. Such is the case of the African Union's quasi-permanent quest for 'leadership' in the international community's initiatives towards the crisis in Darfur. And such the case of quest of the European Union – an outsider to Darfur and to Africa – for 'ownership' via the partnership and endorsement of the African Union. The below sections 2 and 3 expose these cases in particular.

Finally, as with other images, arguments of multilateral regionalism might also justify the gap between what is expected of regional organizations and its actions. By highlighting the plurality of organizations that are present and acting in the same system of governance, RSOs might establish their actions, which would be perceived as insufficient on their own, as being in fact complementary to others that together might reach the expected goals. In this regard, the analysis of these argument points to a 'diffusion of responsibility' within security governance among the different actors involved in crisis management.

**1) The legitimation arguments of inter-organizationalism**

As shown in chapter 2, the context of crisis management in Darfur is marked by the co-existence of different actors in various levels: the national governments in the affected region (Sudan, Chad, CAR...), third countries (United States, China, Norway, Qatar, Libya, France…), the United Nations and its multiple bodies (UNSC, Human Rights Council, Secretary General, UNHRC…), regional organizations from within and outside the region (e.g. EU, AU, Arab League, NATO…) as well as non-governmental organizations. Beyond this heterogeneity, what is important to this research on regionalism is the place occupied by RSOs within this multi-level governance or, more precisely, what they claim to be their standing within the system and in relation to the United Nations.

The same chapter 2 shows that, in a legal point of view, the relationship between the UN and the regional organizations resembles a pyramid: a hierarchical, vertical relationship in which the UNSC – on top – would be constantly kept informed and would oversee the security policies and actions of regional bodies and agencies – on the bottom. As seen in chapter 7, the AU and the EU make constant references to the legality of their acts in Darfur and Chad, which in turn is based above all on the approval by the UNSC. Outside a purely legal framework, however, the practical day-to-day interactions are heterarchical and the UN is not capable of engaging regional organizations in a 'hub and spoke' system. Hence, when regional organizations interact among themselves and build partnerships to different degrees of institutionalization, they might do it at the margins of the framework provided by the UN system. This enhanced

cooperation is often portrayed as an improvement to global governance, as in the work of Kirchner and Sperling:

> Another form of promoting global governance could be through greater interaction among regional organisations, and a concomitant closer cooperation by regional organisations with the UN."[646]

To such interactions between two or more organizations, in this case regional organizations, is given the name of 'inter-organizationalism'. Since the mid-1980s and following the proliferation of regional organizations in the wave of New Regionalism, the number of inter-organizational relations has grown considerably. If the institutional interaction among RSOs happens across regions, this process counts not only as inter-organizationalism but also as trans- or interregionalism [647]. Arguably the most evoked example of inter-organizationalism in the security field, which might be considered a case of interregionalism [648], is the relationship between NATO and the EU. More relevant to this research and to the international response to Darfur, however, is the interaction and possible cooperation between the European Union, in one continent, and the African Union, in another.

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[646] Kirchner, Emil J. and James Sperling, *EU Security Governance*, 14.

[647] Rüland, J., "Inter- and Transregionalism: Remarks on the State of Art of a New Research Agenda", *National Europe Centre Paper,* 35 (2002), 5-6.

[648] On the one hand, interregionalism is the broad, multidimensional, and sustained pattern of interaction between actors in different *regions* that might take the form of, for example, interregional fora such as EU-Latin America and Caribbean Summits or Asia-Europe Meetings. With some stretch of the concept, even former colonial relations could be considered inter-regional. On the other, inter-organizationalism is a more institutionalized relationship between two of more *organizations*. The EU-NATO relationship is a clear manifestation of security-focused inter-organizationalism, serving as the case study for inductive research and theory building. At the same time, EU and NATO member states are located in overlapping but nonetheless different (conception of) regions, Europe for the former and North-Atlantic and beyond for the latter. Hence, it seems logical to use their interaction also as an example of inter-regionalism, although both concepts are not interchangeable. The cooperation between the European Union and the African Union would also fit both definitions.

Little research has been done within security studies literature on the relationships between regional organizations.[649] In an original effort of theory building, Rafael Biermann approaches inter-organizationalism as a networking of organizations that, despite being reluctant to give up part of their autonomy, end up doing so out of necessity. Using rational-choice institutionalism, he argues that in order to network, organizations need to share a similar domain, or issue area, and a minimum of common interests that would enable their decision to cooperate. Hence, Biermann argues, these "networks arise to achieve better policy output through synergy"[650]. In other words, organizations come together because they can be more effective in the pursuit of their interests when pooling their resources.

Yet, while output synergies are certainly an important factor driving inter-organizationalism that encourages organizations to give up part of their autonomy to work together, it is also important to acknowledge a more subjective factor: the idea that cooperation and collective action might serve as an argument in the legitimating discourse of these organizations. Biermann briefly touches upon this subjective aspect of inter-organizationalism when he says that an organization might interact with another of "stronger reputation to improve its own image" and that "positions in an institutional network affect the visibility and reputation and, thus, the attractiveness of an organization."[651] Yet

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[649] For exceptions, see: Koops, J. and J. Varwivk, "The European Union and NATO: 'shrewd interorganizationalism' in the making?," in *The European Union and International Organizations*, ed. J. E. (Abington: Routledge, 2009); Biermann, Rafael, "Towards a theory of inter-organizational networking", *The Review of International Organizations,* 3 (2007), 151-77; Chen, Zhimin, "NATO, APEC and ASEM: triadic interregionalism and global order", *Asia Europe Journal,* 3 (2005), 361-78.
[650] Biermann, Rafael, "Towards a theory of inter-organizational networking", 154-5.
[651] Ibid.: 160.

in the conclusion of his article, inter-organizationalism is once more reduced to a rational-choice calculation aiming at effectiveness:

> Inter-organizational networking is a response to challenges of transnational character that single organizations (and states) cannot master on their own. The goal is better policy output or added value through synergy. Resource pooling and provision are the primary means to create synergy.[652]

The analysis of the legitimating discourse of the EU and AU shows that the organizations seldom connect their cooperation to the fact that they would be more effective working together. In general, their interactions are portrayed as important because 'things should be done together'. In the accounts of both organizations about their policies in response to the crisis in Darfur, their partnership and the multilateral nature of their policymaking appear as arguments capable of justifying their policies, which clearly goes beyond the positive outcome. In the image of multilateral regionalism, inter-organizational cooperation is an argument not only because it produces good results, but also because collective action is seen as having a value in its own, which might be independent from the output it produces. Hence, the necessity of partnership in crisis management and peace operations, as Pugh and Sidhu put it, "is in large part based on the need for legitimacy".[653]

It is perhaps out of this 'need for legitimacy' that both the EU and the AU put much emphasis on how their policies towards the crisis in Darfur are collective, plural, and multilateral. Indeed, very often one sees references to the multiplicity of actors participating in the decision-making or the implementation

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[652] Ibid.: 173.
[653] Pugh, Michael and Waheguru Pal Singh Sidhu, *The United Nations and Regional Security: Europe and Beyond*, 258-9.

of policies. Such was the case when AU Commission Chairperson, Baba Kingibe, detailed the process of monitoring and investigation of the DPA:

> Whenever we receive reports of ceasefire violations, an investigation team comprising representatives of the AU, GoS, JEM, SLA, and the US and EU representing the international community, investigate such reports.[654]

In a similar fashion, the AU also highlighted the collective aspect of the mediation, which aimed at bringing non-signatories on board the DPA:

> Considerable effort continued to be deployed by the AU and the international partners, including in particular the United States, the United Kingdom and the European Union, to bring Abdulwahid and Khalil on board.[655]

In their discourse, RSOs take time to name partners and other organizations acting alongside them. More than a standard practice, these careful mentions also highlight this multilateral dimension of policies and, as such, might legitimate them:

> The Council [of the European Union] agreed to actively promote, in coordination with the UN, AU and US, the resumption of the political process by bringing the parties together for peace negotiations.[656]

> The African Union Chairperson and the United Nations Secretary-General chaired a high-level meeting on the crisis in Darfur this afternoon on 21 September 2007. Representatives from 26 States attended, including Sudan, the permanent members of the Security Council, members of the AU Peace and

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[654] Kingibe, Baba Gana, "Press statement by Ambassador Baba Gana Kingibe, Special Representative of the Chairperson of the African Union Commission on the Deteriorating Situation in Darfur."

[655] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Darfur," para. 5.

[656] Council of the European Union, "Council Conclusions on Darfur/Sudan", 11434/04, Brussels, 2004. para. 4.

Security Council and countries from the region. High-level officials from the European Union and the League of Arab States also attended.[657]

When explaining why it decided to exclude the non-signatories of the DPA from the Ceasefire Commission and the Joint Commission that were monitoring the agreement – a controversial decision at the time – the AU promptly depicts it as a multilateral decision:

> It should also be pointed out that *the decision was not taken unilaterally* by AMIS. It was only announced after consultations had been held with the international Partners involved in the CFC and the JC and the discussion that took place at the last Session of the Joint Commission referred to already.[658]

Hence, policies are often seen as joint efforts, which are in turn based on the partnerships that the organizations sustain with their peers and other actors. Moreover, the rhetoric of the EU and the AU on their cooperation is always positive and their discourses seem to align most of the time. Biermann remarks that inter-organizational relations present both patterns of cooperation and rivalry. If the author is right to say that "rivalry is more widespread than the cooperation rhetoric of organizations makes us believe"[659], then the fact that RSOs only emphasize the cooperation in detriment of the often hidden rivalries is yet another indicator that collective action has a value *per se*.

While the AU tends to emphasize its partnership with the United Nations and to ignore much of the time its partnership with the EU, merging it with the 'general support' of the international community, the EU very often highlights

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[657] African Union Commission and United Nations Secretary-General, "High Level meeting on Darfur: Joint African Union United Nations Press Communiqué", New York, 2007.
[658] Amis Headquarters, "AMIS Statement on the Suspension of the DPA Non-Signatories from the Darfur Ceasefire Commission (CFC) and the Joint Commission."
[659] Biermann, Rafael, "Towards a theory of inter-organizational networking", 155.

the coordination with its African partner. This difference in approach is arguably a reflection of the position both organizations occupy, or aspire, in the security governance. For the EU, as an outsider to the region, the endorsement of a regional representative is crucial while for the AU, which seeks a leadership role, it is the partnership with the global organization that matters the most.

## 2) EU's quest for regional ownership

Even if EU's actions in Darfur and Chad are portrayed as beneficial, even if they are legal and authorized by the host governments, and even if they are indeed depicted as necessary because of the dramatic situation afflicting the local population, the EU still needs to reconcile its actions in Africa with the fact that it is an outsider to the region. In the current normative context marked by both 'anti-imperialism' and the norm according to which regions should take care of their own (security) problems, the EU has to legitimate its position in the *African* regional security governance. Therefore, for the EU, it is the image of multilateral regionalism that potentially fills this gap by evoking the regional ownership and the endorsement provided by the African Union.

The logic of EU's image of multilateral regionalism and its quest for regional ownership presents two, usually overlapping, 'steps'. In a first step, it reinforces AU's position of authority and constructs the organizations as the representative of Africa to the extent that the crisis in Darfur is concerned. It does so with at least three fairly similar patterns. Firstly, the EU acknowledges the positive contribution of the African Union, its efforts and policies, to the crisis management in Darfur. Hence, when commenting on peace talks in Abuja in 2006 that eventually led to the signature of the DPA, the EU "commends the

African Union (AU) and the Sudanese parties negotiating in Abuja for the progress achieved towards a peace agreement to settle the conflict in Darfur."[660] Once the agreement was signed, the Council of the EU "emphasized the vital role of the AU Mission in Sudan (AMIS) for the peace process in Darfur, and for DPA implementation in particular."[661]

Secondly, and related to the first pattern, the EU constantly welcomed, in a first moment, the initiatives of the African Union as in the case of the AU's mediation that lead to the signature of the 2004 Ceasefire and, in a second moment, the joint initiative of the AU along with the United Nations.

> I warmly welcome the signature this afternoon of the agreement on the modalities of the cease-fire in Darfur under the sponsorship of the African Union. I congratulate the African Union and Commissioner Djinnit for this breakthrough.[662]
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> It expresses support for the AU/UN Mediation and welcomes its achievements so far, including efforts for increased participation of Darfurians, especially women, civil society organisations and internally displaced persons and refugees, in the peace process.[663]

Thirdly, the EU highlights the leadership position that the AU enjoys in the crisis management of Darfur, from its mediation efforts to the actual missions on the ground. In this regard, the European Union reaffirms that the "AU constitutes [to be] the central actor in the prevention, management and resolution

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[660] Council of the European Union, "Declaration by the Presidency on behalf of the European Union concerning the Darfur talks", P065/06, Brussels, 2006.
[661] Council of the European Union, "Council Conclusions on Sudan/Darfur," para. 3.
[662] Solana, Javier, "Javier Solana, EU High Representative for the CFSP, welcomes the agreement on Darfur, Sudan", Brussels, 2004.
[663] Council of the European Union, "Council Conclusions on Sudan," para. 9.

of armed conflicts in Africa"[664] and, more specifically, that it leads the efforts in relation to Darfur:

> The Council welcomes the urgently needed deployment of the military elements of the expanded African Union (AU) force in Darfur (AMIS II) and fully supports *the leading role of the African Union*.[665]

In sum, when the EU "urges all parties in the Darfur conflict to cooperate fully with the AU" or when it reaffirms that the mediation is an 'AU-led mediation' and that peace "must be negotiated […] in the framework set out by the African Union"[666], it potentially enhances AU's position within Africa's regional security governance. Ultimately this represents the recognition, by the EU, of the AU's authority, rights, and obligations vis-à-vis the conflict in Darfur.

By enhancing the AU's position, the EU enhances its own because it then cooperates with the organization that it presents as the leader of the international response and, in this sense, the 'representative' of the African continent. Simply put, and if successful, the EU legitimates the AU position in order to legitimate itself. But it needs to somehow link its actions and its participation in the security governance of Darfur to the African Union. Thus, the second 'step' in the EU's image of multilateral regionalism is to highlight the endorsement of the AU to the EU's actions and as well as the inter-organizational partnership in order to ensure support from precisely the organization that has the authority to do so and whose position of authority the EU was helping to construct. It is by associating

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[664] Council of the European Union, "Council Joint Action on the European union civilian-military supporting action to the African Union mission in the Darfur region of Sudan " para. 8.
[665] Council of the European Union, "Council Conclusions on Sudan," para. 3.
[666] Solana, Javier, "The Stability of Sudan is fundamental to the whole African Continent."

itself with the African Union that the EU argues for the regional ownership of its actions:

> Despite the support from the international community, it is the African Union that decides on the mission [AMIS 2]. "*African ownership is the principle of our co-operation*. The African Union is in the driving seat and we assist wherever we can," explains Colonel Reinhard Linz, the liaison officer of the EU to the African Union in Addis Ababa.[667]

Two patterns stand out in the effort to create a link between EU's policies and the AU's regional ownership. On the one hand, the EU emphasises the fact that its actions and its participation in the crisis management of Darfur followed an 'invitation' or were pending the request by the African Union. Hence, since the initial years of the international response, the EU had "taken up the invitation by the African Union to be represented in the Joint Commission"[668] and it would "continue and increase, based on AU requests, its support to the AU mission in Sudan"[669]. As a matter of fact, variants of the phrase 'in response to a request from the AU' can be read in most documents that deal with the support action to AMIS 2.

On the other hand, the EU links its policies to the AU by highlighting the partnership between both organizations for peace and security. Said partnership has been institutionalized since the initial years of the African Union and even earlier in the Africa-EU Summit in Cairo in 2000. In 2007, it culminated in the signature of the Africa-EU Strategic Partnership, which included a joint strategy for peace and security – in Africa, of course. While the CSDP missions in Africa

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[667] Council of the European Union, "EU assistance to the African Union Mission in Sudan " 32. Emphasis mine
[668] Council of the European Union, "Council Conclusions on Sudan/Darfur."
[669] Council of the European Union, "Council Conclusions on Darfur," para. 10.

are, in a sense, the most visible policies that are associated to this partnership – and the support mission to AMIS 2 is a crucial example – the key to the AU-EU rapprochement is the African Peace Facility (APF). Created in 2003 as a EU financial instrument following the demand of AU Maputo Summit of the same year, the APF aims at providing 'predictable financial resources' to capacity-building of the African Peace and Security Architecture (APSA) in general and specific AU initiatives of crisis management such as peace operations, mediation efforts, and the Continental Early Warning System. Indeed, much of the financial support to the AU's policies in Darfur came from the funds of the APF. Moreover, full-time representatives have been exchanged between the two parties and there is continuous dialogue between the AU Peace and Security Council and the EU Political and Security Committee.[670]

Hence, in its quest for ownership, the EU very frequently refers to its policies in Darfur as deriving from the evolving inter-organizational partnership with the African Union. This pattern was stronger in the initial years of the crisis management, from 2004 up until the end of 2007, because it concerned in particular how the Support Mission to AMIS 2 or the participation of the EU in the peace process were 'tangible results' of the partnership:

> The EU supporting action to AMIS was a concrete example of the ever closer relations that are developing between the EU and the AU and that were

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[670] Most of the literature on the relationship between he AU and the EU is conceived from the latter's perspective. See, for instance: Vines, Alex, "Rhetoric from Brussels and reality on the ground : the EU and security in Africa", *International Affairs,* 86 (2010), 1091-108.

highlighted by the recent EU-Africa summit in Lisbon.[671]

The co-operation launched with the African Union is an important new development step in the management of conflicts in Africa. The creation of this monitoring mechanism of the Darfur ceasefire is a tangible result of this co-operation.[672]

At least in the discourse, the AU-EU partnership for the response to Darfur appears as a one-way stream, meaning that the EU makes much more references to the AU's leadership and its willingness to contribute to the AU-led process than the AU makes references to their mutual partnership or to the EU's actions. When the EU contributions are mentioned by the African Union, they were most often amalgamated with those of other 'partners' and the general support of the international community.

## 3) AU's quest for leadership

As a natural insider to its region, the AU does not look for regional ownership in other organizations; it can claim it on its own right. Instead, it turns to multilateralism in order to support its claim for the position of leadership in the regional security governance. As with the EU's quest for ownership, the AU's image of multilateralism in the context of Darfur presents two overlapping steps: the affirmation of leadership and authority, on the one hand, and the

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[671] Council of the European Union, "Javier Solana, EU High Representative for the CFSP, welcomes the successful completion of the EU supporting action to AMIS in Darfur."

[672] Solana, Javier, "Javier Solana announces the sending of EU observers to the Darfur region", Brussels, 2004.

depiction that said position is supported by the international community[673], on the other.

Since the early days of the international response, the AU stated that it is "expected to play a lead role"[674] in improving the security in Darfur and fighting impunity and the mediation efforts in Darfur were said to be "AU-led mediation". In a similar fashion, the organization also reaffirmed its authority in various opportunities as when it states that the parties in the conflict agreed to reach a peaceful solution "under the leadership of the African Union"[675] and when it stressed that the same parties – the rebel groups and the government of Sudan – need "to comply with the relevant decisions of the African Union"[676]. Right after the signature of the first Peace Agreement in 2006, the AU Chairperson Special Envoy, Ahmed Salim, confirms "the overall political leadership role of the AU in the DPA implementation process"[677].

From 2006 onwards, the AU often claims to share the 'leadership' of the international response with the United Nations, which is due to the growing participation of the UN in the mediation process (i.e. joint-mediation), the logistical support (light and heavy support packages), and the hybrid mission UNAMID that was being discussed for more than a year before it was finally deployed in January 2008. Hence, references to this joint-leadership such as the

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[673] Lotze, Walter, "Building the Legitimacy of the African Union: An Evolving Continent and Evolving Organization," in *Legitimation of International Organizations*, ed. D. Zaum (Oxford: Oxford University Press, 2013).
[674] African Union Commission, "Report of the Chairperson of the Commission on Conflict Situations in Africa," para. 2.
[675] African Union Commission, "Report of the Chairperson of the Commission on the Situation in the Dafur Region of the Sudan," para. 27.
[676] Peace and Security Council, "Communiqué of the Fourteenth Meeting of the Peace and Security Council", PSC/PR/Comm.(XIV), Addis Ababa, 2004. para. 1.
[677] Salim, Salim Ahmed, "Preliminary Statement by Dr Salim Ahmed Salim, Special Envoy of the AU Chairperson", Khartoum, 2006.

two examples below – the first one on the need of a common framework and the second on the re-launch of the peace process in 2007 – became very common in the AU's discourse.

> […] if everyone is doing the negotiation, then no one is doing the negotiation. There is a need for all negotiations to converge under the AU and UN leadership.[678]

> The negotiations will take place in Libya, under the leadership of the AU and UN Special Envoys in partnership with the countries of the region and with the support of the wider international community.[679]

In sum, in most documents related to Darfur there are mentions of the exclusive or shared leadership of the African Union among its partners in the efforts of the international community. This prominent position is then legitimated by, among other arguments, references to the collective endorsement made by the very same international partners. Therefore, the second step consists in showcasing the support of the international community to the leadership position that the AU claims to have. When commenting on the Abuja round of the peace process in 2005, for example, the AU Commissioner stresses the international community political support, which goes beyond the legal endorsement of the UN as seen in chapter 7:

> I am pleased to report that in all these interactions, *our Partners have consistently expressed their appreciation of the efforts and leadership of the AU* as well as their continued support both for the steps

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[678] Amis Headquarters, "AU Special Envoy Dr Salim Ahmed Salim meets Dr Khalil Ibrahim of JEM in Darfour", El Fasher, 2007.
[679] Konaré, Alpha Omar, "Statement by the Chairperson of the AU Commission on the Convening of the Darfur Peace Negotiations", Addis Ababa, 2007.

taken for the resumption of the Abuja Peace Talks and the operations of AMIS.[680]

The report of the Chairperson of the Commission in the following year retrospectively highlights the collective aspects of AU's actions along with the leading position of the organization. In other words, the practice of partnership also legitimates the AU's leadership:

> It is also worth noting that the AMIS operation in Darfur was ab initio conceived and executed in the spirit of partnership with the international community. While the AU took the lead in addressing the crisis, with its member states contributing troops and civilian police, the partners provided the necessary logistical support and finance and assisted in the planning and training.[681]

Arguably, an image of African leadership of the international response was not only in AU's interest but also crucial to the whole system of governance in place. As it became clear that even an enhanced AMIS 2 was unable to sustain the peace effort in Darfur – mainly due to the unpredictable funds and lack of capacity afflicting the mission – a stronger intervention by the UN was then foreseen. In a first moment, the possibility of a full transition from the AMIS 2 to the United Nations Mission in Sudan, which was already active in the South of Sudan, was on the table. This meant that the AU would withdraw considerably from the conflict in Darfur at a time when its focus was starting to shift towards the crisis in Somalia after the downfall of the United Islamic Courts – a shift that would culminate in the AU Mission in Somalia, AMISOM, in February 2007.

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[680] African Union Commission, "Report of the Chairperson of the Commission on the Situation in the Darfur Region of Sudan," para. 124.

[681] African Union Commission, "Report of the Chairperson of the Commission Pursuant to Paragraph 5 of the PSC Communiqué PSC/PR/COMM (XLV) of 12 January 2006 on the Situation in Darfur", PSC/MIN/2(XLVI), Addis Ababa, 2006. para. 62.

The Government of Sudan notoriously opposed the transition to the UN mission on the grounds of sovereignty and anti-imperialism, affirming that it was a plot to dominate the country's national politics in support of a 'hidden agenda'. Interestingly enough, and regardless of its reasons, the GoS actually voiced the most assertive arguments in favour of regionalism; probably stronger than any RSO did during the crisis management. A transition to the UN, according to the GoS, "would reflect badly on the desire of Africans to resolve their own problems" and that "the continent, having come out of colonialism, should be able to solve its problems by itself"[682]. The GoS even made reference to RSO's comparative advantages of cultural and religious proximity when calling attention to the "sensitivities in Darfur, which, being an Islamic society with grained Islamic values, required that caution be exercised in any attempt to handover the Mission to the UN."[683] Simply put, priority should be given to strengthening AMIS and not to transitioning to UNMIS.

With the Sudanese rejection of UNSC Resolution 1706 of 2006, the UN and the GoS reached a 'compromise' according to which there would be a transition to a hybrid mission. More importantly, the mission would enjoy a strong 'African character' in which the AU's leadership was a central piece, as the Chairperson Report form 2007 reaffirms:

> On peacekeeping, the African Union and the United Nations appealed for support in their efforts to ensure deployment of a force that would be able to effectively fulfill its mandate and which would have an immediate positive impact in Darfur, while reiterating

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[682] Ibid.: para. 20.
[683] Ibid.: para. 21.

their commitment to ensuring the predominantly African character of the joint AU-UN operation.[684]

This compromise meant above all that the soldiers deployed for UNAMID would be chosen primarily from African countries. It also meant that the AU and the UN would jointly appoint the UN-AU Representative for Darfur, who would be heading the hybrid mission, as well as the UNAMID Force Commander. As a matter of fact, African diplomats have so far always occupied both positions of the hybrid mission.

The moment of transition to UNAMID is then particularly important for the regional organization as it risked having its perceived role diminished by the larger participation of the UN. In this sense, the AU goes in defence of its prominent position. When commenting on the UNSC Resolution 1706, for example, the AU Commissioner voiced that "the lead role of the African Union [was] not adequately reflected in the resolution".[685] Furthermore, Africa's role as co-leader with the UN was non-negotiable:

> The meeting we are talking about and at which we will participate, will take place under the leadership of the African Union and the United Nations. *That is a matter of principle! We will not subcontract our leadership and we will not allow our leadership to be subordinated.* All our partners agree on that. It is now a matter of putting our teams into place and maintaining our leadership.[686]

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[684] African Union Commission and United Nations Secretary-General, "High Level meeting on Darfur: Joint African Union United Nations Press Communiqué."

[685] African Union Commission, "Report of the Chairperson of the Commission on the Situation in Darfur (The Sudan)," para. 70.

[686] Konaré, Alpha Omar, "Transcript of statement to the press by the AU Commission Chairperson, Prof Alpha Omar Konare, following his meeting with President Omar Al-Bashir of Sudan", Khartoum, 2007.

The challenge at the time was not only to enhance – and eventually legitimate – the organization's position by insisting on its leadership, but also to maintain AU's prominent role in order to persuade the GoS of said African character and enhance the international response as a whole.

## 4) The governance of actions and inactions

The African and European cases are two examples of the same trend, which is to justify one's actions and position within security governance by appealing to the endorsement of partners and the partnerships between themselves as arguments. While the EU 'borrows' the African ownership via the partnership, the AU solidifies its leadership position with the endorsement of other organizations and governments. Indeed, RSOs turn to the heterarchical and plural nature of security governance for arguments of legitimation. Hence, it is possible to identify two general trends in which governance becomes an argument for, on the one hand, the legitimation of actions and institutions via 'mutual recognition' and, on the other hand, for the legitimation of perceived inaction via 'diffusion of responsibilities'.

In the international system, the mutual recognition of states and governments has largely served to legitimate their existences[687]. Allen Buchanan calls this phenomenon 'recognitional legitimacy'.[688] What does it mean to recognize if not to accept the existence of a state in this current configuration as well as the authority of government in place over its people and territory?

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[687] Zaum, Dominik, "International Organizations, Legitimacy, and Legitimation," 10-2.
[688] Buchanan, Allen, "Recognitional Legitimacy and the State System", *Philosophy & Public Affairs,* 28 (1999), 46-78. For a critique, see: Naticchia, Chris, "Recognition and Legitimacy : A Reply to Buchanan", *Philosophy & Public Affairs,* 28 (1999), 242-57.

Recognition of a state by its peers is crucial during or in the aftermath of, for example, wars of independence. And recognition of a government's authority is a key factor in the legitimation struggle of rebel movements and different parties in a civil war. Recognition is not only juridical, but also political.[689] When recognized, states and their governments become part of the society of states. Arguably, the recognition of a state by a powerful state, or by a government in its own region, or by a traditional 'neutral' state matter more or less depending on the context.

This process of recognition usually happens via solemn and official declarations, but practices such as state visit and public endorsement might carry equal weight. Another form of 'recognition', it might be said, is the accession of states to the membership of international organizations, the UN above all, but also others such as the WTO, and of course regional organizations. The accession of South Sudan to the African Union merely 20 days after its secession from the north in 2011, for example, was seen as a necessary step in its independence process. The participation of states within international organizations, on the one hand, might enhance their legitimacy because they become members of a community. The same participation, on the other hand, might enhance the legitimacy of the organization itself because international organizations might be legitimated "through the consent that states express in joining an institution, and accepting is rules and decisions"[690]. Buchanan calls

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[689] Delcourt, Barbara, "Usages du droit international dans le processus de legitimation de la politique exterieure europeenne".
[690] Zaum, Dominik, "International Organizations, Legitimacy, and Legitimation," 11.

this relationship between organizations and members states a "reciprocal legitimation"[691].

For both 'reciprocal legitimation' and 'recognitional legitimacy', Buchanan adopts a normative approach to legitimacy. This means that if they follow the pre-established criteria, the membership of a state *will* legitimate the organization and the state itself and the recognition *will* legitimate the state or the government being accepted. As presented in chapter 3, this understanding is at odds with our own approach to legitimation as an intersubjective process of justification. Yet, both of Buchanan's insights point to relevant phenomena in security governance and could be seen as *arguments* of legitimation that might – or might not – legitimate the organizations, states and their peers. His work, despite the differences in the approach to legitimacy, is the starting point to the identification of a trend of 'mutual recognition'[692] among peers in the regional security governance of Darfur – and arguably of other systems – that might be seen as arguments of legitimation according to an image of multilateral regionalism.

Hence, in a similar fashion to the recognition of states, regional organizations also mutually recognize their peers by means of voicing their support and their endorsement for their actions and their participation in the security governance, by means of highlighting their partnership, and by means of acknowledging the other's rights and the value in their existence. The security

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[691] Buchanan, Allen, "Reciprocal Legitimation: Reframing the problem of international legitimacy".
[692] On mutual recognition and legitimacy, see also: Frost, Mervyn, *Ethics in International Relations: A Constitutive Theory*; Frost, Mervyn, "Legitimacy and International Organizations: The Changing Ethical Context," 37.

governance responding to the crisis in Darfur in Sudan and its adjacent areas from 2003 onwards has regional features mainly because of the positions occupied by regional organizations such as the European Union and the African Union. Put together along with roles and policies implemented by the United Nations, the national governments of the region, third-countries, and other member of the so-called international community, one clearly sees the heterarchical nature of governance and the multiplicity of sites of authority.

References to value in each other's roles and policies are numerous during the whole period. For instance, when the EU "urges the regional actors to work for the convergence of all mediation initiatives and their integration within the broader AU/UN framework"[693] or "expresses its full support to the efforts of UN Special Envoy Jan Eliasson and AU Special Envoy Salim to revive the political process"[694] it is, in all but name, recognizing the rightfulness of the AU and the UN in responding to the crisis in Darfur. Likewise, when an AU representative expresses "profound gratitude to the AU international partners and their agencies for their commitment to the peace process in Darfur"[695] or, more specifically, "satisfaction at the support which the United Nations, the European Union (EU), the League of Arab States and the bilateral Partners are giving to the AU"[696], it is not only acknowledging their contribution but also their right to participate.

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[693] Council of the European Union, "Council Conclusions on Sudan/Darfur", 12159/07, Brussels, 2007. para. 3.
[694] Council of the European Union, "Council Conclusions on Sudan," para. 2.
[695] Amis Headquarters, "The Office of the Implementation of Abuja Peace Agreement Inaugurated in El Fasher", El Fasher, 2006.
[696] Peace and Security Council, "Communiqué of the Fourteenth Meeting of the Peace and Security Council," para. 5.

What we are here identifying as a trend of mutual recognition is admittedly a common practice in most, if not all, international organizations. Indeed, most of the references are subtle and so is this 'mutual' character, but this pattern is everywhere in the organizations' discourses. Yet, it is an indicator that the image of multilateralism – of collective action and plurality of participants – matters as an argument of legitimation and, therefore, is part of the normative context in which RSOs legitimate themselves. Furthermore, RSOs and other organizations tend to align their discourses in terms of objectives and means to achieve them such as in the very common statements relating to 'political solution', the constant need to 're-energize the peace process' and seek a 'lasting solution' that would 'bring justice', and 'gender-based violence' in later years.

However, 'mutual recognition' is not the only trend of legitimation appealing to multilateralism and its plurality of actors. As seen in previous chapter, the justification of perceived inaction can be as important as the justification of actions. Commenting on the new expectations on the Security Council since late 1980, Robert Keohane argues that "inaction became as culpable as action."[697] And this is certainly true for regional organizations as well – if not for the entire organization, at least to its foreign policy and its security dimension – as long as they have to manage the expectations, on the one side, and the outcome they bring to governance of security, on the other side. By being part of this security governance, RSOs can allude to it in order to 'diffuse the responsibility' that could otherwise fall exclusively on their shoulders.

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[697] Keohane, Robert O., "The Contingent Legitimacy of Multilateralism", *GARNET Working Paper,* 6 (2006), 9.

In chapter 5, it has been shown that RSOs might justify perceived inaction by blaming the parties involved for their lack of cooperation, by referring to actions in other areas that would be 'interdependent' with the main issue, or by domesticating the peace process and moving the burden of action to the national government, in this case the GoS. In chapter 7, we see that RSOs might also put the blame of failure or inaction in factors 'beyond their control' such as the remote geographical location and the logistical challenges and by consequence portray a lack of choice in the first place. An additional way of justifying inaction – or more precisely, of reducing expectations – is to shift responsibility to other organizations in particular or to diffuse the responsibility for action among multiple parties of the system of governance through a sort of 'division of labour'.

Since 2004, for example, the AU would advocate that, in the overarching response to Darfur, the organization was responsible for the political process, the monitoring, and creation of a safe environment while the UN was responsible for ensuring the humanitarian action and the remaining of the international community would have a financial and logistical support role. As the transition to UNAMID became a reality, this division of labour – arguably also a division of responsibilities – was altered and the UN would gradually share the security and political roles along with the humanitarian.

Another example is the shift of responsibility towards the UN. If RSOs do not expressly challenge the UNSC primacy, neither do they reaffirm it in their official discourse on the missions. However, when they do refer to the UN's standing in security governance – meaning that the reference goes beyond the

UN endorsement, authorization or the partnership – RSOs seem to put greater emphasis on the *responsibilities* that come along with said primary role.

> Council recalled that the United Nations Security Council has the primary responsibility for the maintenance of international peace and security. The United Nations, therefore, *is expected to provide* continued and increased support to enhance the capacity of UNAMID and to take the necessary steps to significantly and rapidly improve the resources needed for the smooth transition from AMIS to UNAMID in order to accomplish all identified tasks by the deadline of 31 December 2007.[698]
>
> As already stressed by Council, at its Libreville meeting, the international community, in particular the UN Security Council and its members, *should continue to exert constant pressure on all the Parties so that they abide by their commitments and extend full cooperation to the AU.*

The general idea behind diffusion of responsibility is that the EU and the AU claim to be part of a larger engagement and to be part of *complementary* effort by supporting other actors, regional and global organizations. Inter-organizationalism constitutes a recurrent argument for justifying the EU's actions in Darfur via ownership and partnership with the AU. Accordingly, after EU gradual disengagement from Sudan, it would still be indirectly engaged through its partners and still contributing to find a solution.

**Conclusion**

Multilateralism, here understood as a collective action – actions that enjoy the participation of multiple actors – with a certain degree of

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[698] Peace and Security Council, "Press Statement of the Peace and Security Council (PSC) on the Status of Implementation of the African Union/United Nations Hybrid Operation in Darfur (UNAMID)", Addis Ababa, 2007. Emphasis mine.

institutionalization[699], marks the fourth and final image of regionalism that is presented in the legitimating discourse of the regional organizations in our case studies. Contrarily to early and statecentric definitions, multilateralism is not understood in this research as limited to the collective actions of states, but would include other polities such as regional and global organizations. One the one hand, regional organizations are themselves products of the collective, therefore multilateral, actions of states and they highlight this dimension when referring to the consensus or to the participation of its membership in their actions. On the other hand, and this was the focus of this chapter, RSOs can also base their legitimacy claims on the collective nature of the actions *among* themselves and their peers.

How good the support and the endorsements of other organizations as arguments of legitimation are – what is the capacity of collective legitimization[700] – will depend on the position the organization occupies within the security governance. An endorsement of the UNSC, which formally holds the primacy of maintenance of peace and security, is certainly a strong argument in most cases[701]. Yet, RSOs might also enjoy the support of their peers. For the EU, AU's support was crucial given its 'Africa character', as it is seen in the constant references it makes to AU's approval to its actions. Although not a formal authorization, since the AU doesn't hold the primacy in security issues as the UNSC does, its endorsements and its requests of action would still weight heavy for EU's quest of ownership. But equally crucial was to reinforce and sustain

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[699] Keohane, Robert O., "The Contingent Legitimacy of Multilateralism".
[700] Brewer, Thomas L., "Collective Legitimization in International Organizations: Concept and Practice".
[701] Claude Jr., Inis L., "Collective Legitimization as a Political Function of the United Nations".

AU's position within security governance both as the leader and the representative of Africa via the endorsement of others from inside and outside the region.

The image of multilateral regionalism, in this regard, goes beyond *self-legitimation* and becomes mutual legitimation as the arguments of partnership and collective actions are as good as the position – or the reputation – of the partner(s), which is often also confused with the legitimacy of the whole system of ruling. Hence, in occasions, the whole system of governance seems to be the object of legitimation. The fact that the AU would take the leadership role would ensure ownership not only to the EU's actions, but also to the entire international response:

> The support of the international community to the African union is unequivocal: the African Union has and will continue to have the political responsibility of the operation; and it will continue to have the exclusive role in the deployment and the conduct of the operation AMIS 2. This is the vital issue: the prevention and the resolution of conflicts in Africa are in the hands of Africans themselves.[702]

Multilateral regionalism is the discourse that potentially justifies the action by saying that they are *collective* actions and justifies the position of the RSO via the endorsement and the partnership with other actors. As much as they might seem to be purely protocolary and diplomatic, practices of recognition are in fact also part of the legitimating discourse of RSOs, even if they are not consciously conceived as such by the actors. 'To do things together' seems to be a value in itself such as 'producing good results', 'being legal', or 'solving a

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[702] Solana, Javier, "Intervention de Javier Solana, Secrétaire Général du Conseil de l'Union européenne, Haut Représentant pour la Politique extérieure et de Sécurité commune ". Translation mine.

security issue'. Finally, the image of multilateralism, as with the other images presented in previous chapters, might also justify perceived inaction by diffusing the responsibility into *collective* responsibility.

# GENERAL CONCLUSION

> *Like most fashions, fashions in legitimization change from time to time, and the crucial periods in political history are those transitional years of conflict between old and new concepts of legitimacy, the historical interstices between the initial challenge to the established concept and the general acceptance of its replacement.[703]*

Taken together, the fours images presented in this thesis are the current 'fashion in legitimation' of security regionalism and of the new sites of authority in security governance that are the regional organizations. In the process of legitimation, regional organizations tell us a story, an 'autobiography', about what they do, about their policies, and about their role as security actors. These stories are capable of justifying not only the organization's actions but also their standing between national states and global institutions. But more than that, these stories – the images of security regionalism – allow us to shed light on the normative context, the shared standards about appropriate behaviour and about rightfulness of ruling, in which security regionalism is embedded.

Of all possible narratives, the African Union and the European Union tell us those stories that portray their policies and their existence as beneficial for a given community, as necessary to restore order and peace in the face of violence and chaos, as inevitable given that they 'simply' follow their mandates and are

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[703] Claude Jr., Inis L., "Collective Legitimization as a Political Function of the United Nations", 369.

only implementing decisions as neutral bureaucracies, and as multilateral because they are acting collectively and in partnership with other actors within the same system of governance. By telling specifically these stories, the organizations privilege some narratives over others. They do not tell us, for instance, the stories of how their policies are democratic by virtue of an open and accountable decision-making process, of how they enjoy the support of the scientific and epistemic communities whose findings would endorse their actions, or of how their leaders are charismatic and have a unique capacity to rule. These stories are most certainly fashions of legitimation in other policy areas, for other groups of institutions, and in other epochs. When it comes to security regionalism, however, and based on the case studies this thesis has analysed, it is safe to argue for four images that are representative of the legitimacy claims of regional organizations.

The first image is the one of beneficial regionalism according to which RSOs highlight their contributions and the positive outcome of their actions and policies of crisis management. It is a consequentialist image in the sense that the justification for the actions is underpinned by the idea that these actions produce positive results for a given community. By comparing this narrative to the dichotomy of input and output democratic legitimacy that is referenced mainly in EU studies, it is possible to conclude that the legitimacy claims of RSOs' policies privilege output-related arguments of government, and ruling, for the people as opposed to what would be input-related arguments of participation and government *by* the people. Hence, a possible image of democratic legitimacy is actually incomplete and what is left is the consequentialist argument of output.

By looking at the dynamics within the image of beneficial regionalism it is also possible to conclude that security missions and policies of crisis management can be both objects of legitimation – what is being legitimated – while also serving as arguments for the legitimation for another object, in this case the existence of regional organizations and their security-related institutions and mandates as well as the relative position they occupy within security governance. Within this image, we can identify a pattern of legitimation by which RSOs seem to struggle to stay relevant by highlighting not only that they are doing *something good* but also that they are doing *something* at all.

In particular, the EU and AU missions in Darfur were authorized and endorsed by the UNSC, approved by a decision-making process following the standard procedures as established in the treaties, and enjoyed the consent, albeit reluctant, of the host state of Sudan. In sum, these missions and other policies responding to the crisis in Darfur were not controversial, at least in legal terms. This 'struggle to be and remain relevant' not only reveals that organizations use their policies to legitimate their standings as security actors, but also that the processes of legitimation of policies and of the organizations are indissociable.

The second image, necessary regionalism, refers to the role of the regional organization as a security actor and to its policies a necessity given the security issue on the ground that is, in turn, also constructed at least partially by the same legitimating discourse. This image can be broken down into two steps. The first one refers to the logic of 'dramatization' of an issue. In the case studies, it is the situation in Darfur and adjacent areas that is constantly portrayed as a dramatic, chaotic, and violent. Consequently, it is established that there is a

necessity to do something in response. If there is no security issue or if there is no risk of its reoccurrence, then there is no need of an organization acting as security provider. Hence, RSOs participate in the process of establishing what constitutes a threat and to whom, and how can it be solved. The AU and the EU are security actors not only in the sense they act as security providers, but also because they participate in the construction of security and, therefore, 'speak security'.

The second step of the image of necessary regionalism consists of the depiction of the RSO and of its policies as a *sine qua non* condition for the solution of the crisis – the dramatized issue. On the one hand, there is chaos and violence in the absence the organization and its actions. On the other, stability and peace are granted by the RSO's policies, be it in retrospective according to the organization's narrative or as a scenario in which stability and peace are somehow anticipated following a future action. In sum, the image works by opposition between chaos and order, between death and life, with the organization and its policies as the necessary 'condition of triumph' over violence that ensures peace, at least as part of a larger effort. Power relations are then legitimated by rationalization, by the 'rational' argument that they are necessary to restore and keep order and peace.

But regional organizations are not only security actors, they are also bureaucracies and might also present themselves as somehow 'a-political' and depersonalized bodies that are simply applying the law and following decisions that are taken elsewhere. In essence, this is the main argument behind the image of inevitable regionalism, meaning that the policies implemented by the RSO are

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nothing more than the natural – and inevitable – course of action, which is determined by law and by other political decisions lying outside the bureaucracies that, in turn, are only 'doing their job' as assigned. In sum, thorough this image, the relation of domination that is inherent to every social action is then concealed behind a veil of 'legality and 'impartiality'.

The key concept behind the image of inevitable regionalism is the Weberian legal-bureaucratic principle and, simply put, the idea that regional organizations, as bureaucracies, are only following their mandates and are, therefore, legitimated by the 'virtue of legality'. Thus, the largest pattern of argument within this image is the 'legitimation by law'. Furthermore, for this image to function, it is crucial that, on the one hand, the bureaucracy is indeed perceived as being neutral, transparent, and impersonal and, on the other, that law itself is seen as objective. Therefore, both the European Union and the African Union not only portray their actions and their presence in Darfur as lawful and impartial, but they also come in defence of their bureaucracy in the face of accusations such as corruption, bias, or mismanagement.

The fourth and last image is that of multilateral regionalism. Its central argument refers both to the collective character of the policies implemented by the regional organization and to the mutual endorsements received by various organizations that support its particular positions within security governance. Underpinning this argument is the assumption that 'doing things together' is preferable to 'doing things alone'. Hence, RSOs make constant references to their inter-organizational relations. More than simply enhancing the effectiveness

of policy implementation, the cooperation and partnership between organizations might also serve to justify their policies.

Simply put, the image functions through two-step process. First, the organization constructs and values the standing of other institutions within security governance. Secondly, it highlights the fact that these other organizations support its claims to legitimacy and to the position it occupies. Hence, the AU turns to the EU's support and other's, for example, to legitimate its position as the 'leader' of the crisis management in the continent while the EU turns to the AU's endorsement so that it can ensure a regional footprint and 'ownership' to its intervention in Africa. In this regard, the image of multilateral regionalism allows for the identification of a pattern of mutual recognition that is somehow analogous to the well-established – and more formal – pattern of recognition between sovereign states.

Images of legitimation are certainly and in part bound to what 'happens', the perceived institutional reality. But they are only versions of it – stories that 'translate' what happens according to the normative values that the organization holds and what its personnel thinks that others believe. A discourse of self-legitimation "is the idea that rulers […] have about the underpinnings of legitimacy"[704] and, as such, the images "pay tribute"[705] to the values of their time regarding appropriate behaviour and what justifies unequal power relations. As regional organization become more intrusive, they also impose new relations of domination and might eventually constitute sites of authority. Hence, by studying

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[704] Lagroye, Jacques, "La légitimation," 407. Translation mine.
[705] Fonseca Jr., Gelson, "Legitimidade Internacional: Uma Aproximação Didática."

the legitimacy claims of regional organizations and analysing the images of security regionalism, it is possible to shed light on the normative context in which they evolve.

In order to study legitimacy claims, this thesis has proposed a theoretical and conceptual framework of legitimation, understood as a social process of justification of unequal power relations between rulers and ruled. Every system of domination attempts to legitimate itself[706], and regional organizations are no different. The legitimation process has been divided into several elements: the object of legitimation (what is being legitimated), the legitimating actor (who is legitimating), the audience of legitimation (the communities 'granting' legitimacy) and, finally, the arguments of legitimation that potentially connect the perceived institutional reality to the values and standards of appropriate behaviour of a given community. Moreover, the thesis proposed a methodology, including data collecting, for the analysis of the discourse of self-legitimation of regional organizations regarding their own missions and policies. In particular, it proposed a methodology for grasping the patterns of arguments of legitimation contained within the self-legitimation discourse of the African Union and the European Union – a study of their legitimacy claims.

This conceptual and theoretical framework, which is accompanied by the empirical analysis of the case studies, allowed for the identification of the four images of regionalism as shown above. Moreover, it allows us to answer questions that appear at the intersection between the literatures of security,

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[706] Weber, Max, *Economy and Society: An outline of an Interpretative Sociology*.

legitimacy in international politics, and regionalism. Four questions, for instance, stood out as presented in the first four chapters.

The first one, explored in chapter one, relates to the nature of the organizations as security actors. It is clear from the case studies that both organizations are not only security providers, but that they also 'speak security' – arguing about what constitutes a security issue or a threat and who or what is being threatened. As shown, one of the most prevalent arguments in the discourse of RSOs is the 'dramatization' of the context in which they are acting. Nevertheless, the EU and the AU do not point to the violence and chaos as a threat to their own existences. The referent object in the case studies is above all the people in Darfur and nearby areas as well as the regional order and stability. By speaking security, regional organizations portray their actions as a necessity. But in the same pattern, the argument of security functions as a double-edged sword that extends the perceived responsibility of the actor that is behind the dramatization the context. If the organization cannot cope with this responsibility – which it somehow helped creating by evoking security arguments – then the same image of necessity might turn into de-legitimation.

The second question refers the nature of the EU and the AU as regional organizations and to what extent this regional trait appears as an argument in their legitimacy claims. As presented in chapter 2, would it be possible to say that RSOs see themselves as filling the gap in security provision created by the relative failure of both global and national levels? Ultimately, are RSOs actually challenging the current system and proposing an alternative? The short answer to these questions is no: we see in the image of inevitable regionalism that the

regional identity is only a marginal argument when compared to the legal-bureaucratic and somehow depersonalized arguments in the legitimation by law; we see in the image of beneficial regionalism that RSOs very rarely make references to their supposedly 'comparative advantages' in security provision; and we see in the image of necessary regionalism that, despite presenting themselves and their actions as necessary solutions to the chaotic situation, they are not portrayed as the *only* solution to the chaos and violence. Rather, we can confirm in the image of multilateral regionalism that RSOs self-legitimate their position *in complementarity* to the multiplicity of sites of authority in security governance and, therefore, do not to challenge the core structure of security provision that is, in a sense, already heterarchical.

The third question is about the nature and level of the legitimation of security regionalism. We saw in chapter 3 that legitimation can happen within fours levels: the differentiation between rulers and ruled, the existence of a specialized system of domination, the rules of the game and procedures of domination, and finally the leaders and groups in power. The empirical analysis shows that the legitimation of regional organization happens in deeper levels, meaning that legitimacy claims justify not only the policies of RSOs or their leaders, but also and more importantly their existence as a specialized body of domination.

We also know from chapter 3 that legitimacy claims can confirm the desirability and the rightfulness of the status quo, expand the authoritative relation, or re-focus the argument in the event of a change in the normative context. Perhaps because they are new 'systems of domination', the legitimacy

claims of RSOs tend to expand and consolidate the authoritative relation. As a matter of fact, there are no remarkable and consistent changes of 'fashion' of legitimation in the period analysed. The four images of security regionalism are in fact common over the whole decade. However, in a sense, since regional security organizations are relatively new phenomena there is a 'change' in fashion that goes from non-existent – when RSOs did not exist or did not have such a security role – to what is portrayed as the four images. Hence, the legitimation of security regionalism tends to expand the system of domination by introducing new actors that do not rule out competing claim of authority, but rather act in 'complementarity'. The point in the future in which the 'expansion of the authoritative relation' becomes 'consolidation of the status quo' can only be seen in retrospective.

The fourth and final question refers to the relative importance of 'ordinary' missions and day-to-day policies of crisis managements when compared to the highly controversial policies of humanitarian intervention without authorization of the host nation or the UNSC. While the literature has consistently focused on the cases in the later category, this thesis shows that not only 'ordinary' missions must be legitimated, but that much can be learned from the legitimation process of missions and policies of crisis management and, after all, they make up the majority of policies of both the EU and the AU. Moreover, they also cost social and financial resources to the detriment of other policies, mobilize troops and military hardware, constitute an intervention from the outside, involve multiple stakeholders, and still include the possibility of the use of force in self-defence or to enforce measures according to the agreements between warring parties or between the host state and interveners.

Finally, the empirical chapters also shed light on the possible contradictions within the legitimating discourse of regional security organizations and the 'tools' that might address them. To be clear, these are not contradictions in the sense that what the organization says contradicts what it is actually doing on the ground. Such a study would require a different set of methods; it would be closer to finding out what is 'really happening' and whether organizations are speaking 'the truth' than to an analysis of legitimation. Rather, we have aimed at unveiling the contradictions within the legitimation process itself and between its different elements such as the legitimacy claims and the audience's perceptions.

First and foremost, the biggest contradiction would be for an organization to try and legitimate a position as security actor and as security provider while actually being perceived as providing little or no security at all. Hence, the danger of the perceived inaction – of an organization being perceived as not doing what it is supposed to do – and the importance of the tools that are activated to justify this inaction. As a matter of fact, the justification of action is also a justification of inaction; both are two sides of the same coin. In a spectrum of 'total inaction' and 'total action', whatever the RSO does is located between both extremes. When it legitimates is action, an institution is at the same time legitimating the inevitable gap between what it does and what else could have been done. Hence, it is not so much as to justify and legitimate a given number of highly contentious policies, as it is about highlighting the policies that are actually implemented in order to justify and legitimate the existence of the organization and their *raison d'être*.

A closer look into the images of regionalism reveals the tools to manage the risk of perceived inaction. In the image of beneficial regionalism, RSOs highlight the wide array of policies they are implementing in the region, even if their impact is only marginal, and we can see that they struggle to claim their relevance in the context. When disengaging from the international response, such as at the end of a mission, the organizations claim to 'remain active' trough other policies. When facing criticism about the outcome of their policies, the organizations highlight the hard work and efforts made by their military and bureaucrats. In the image of inevitable regionalism, RSOs justify the perceived lack of action by pointing at factors beyond their control and, by consequence, 'inevitable': the hardship of the context, the geographical isolation of Darfur, the lack of infrastructure, and the lack of compliance and cooperation from the parties in conflict. Finally, in the image of multilateral regionalism, RSOs attempt to 'diffuse the responsibility' that could fall exclusive on their shoulders by placing their policies in the larger context of the international response.

A second possible contradiction is rather an absence that can turn into delegitimation if so perceived by any given audience. Through the analysis of the legitimacy claims and the four images, arguably the most noticeable absence is the pattern referring to democratic participation and decision-making, which would connect the people with the organization. In this regard, it is a combination of patterns in two images – beneficial and inevitable regionalism – that might serve as a tool to address this perceived lack of 'input'-related arguments. Arguably, the combination of positive outcome and throughput

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arguments of quality of policy implementation forms a "cordon sanitaire"[707] that might conceal or compensate the lack of direct participation and democratic decision-making. Hence, this cordon sanitaire legitimates the organization as beneficial and enjoying at least minimum standards of policy implementation – it makes the regional level of power relation 'disappear'.

The third and final issue refers to the possible contradiction between, on the one hand, the pattern of legitimation by law and, one the other, the fact that oftentimes RSOs would argue for their own interpretation of law. In other words, while portraying themselves as de-politicized bureaucratic bodies the organizations might argue for their subjective interpretation of what a mandate means. Hence, a common occurrence in the legitimation discourse is the defence of a 'robust interpretation' of a mandate to fulfil certain goals. The tool to manage this contradiction is to be found in another image, the necessary regionalism, where RSOs appeal to the need of interpreting the mandate because the situation so requires – it is a security issue. In sum, necessity 'trumps' the objective and de-personalized application of law. This 'triumph' of security necessities over law can also be seen in the refusal, from the AU, to abide to the decisions of the ICC that were underpinned by a UNSC resolution. The main justification, in this case, is the necessity to privilege stability and security instead of justice.

The table in the next page simplifies and brings all these elements together according to the images of security regionalism.

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[707] Schmidt, Vivien A., "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'", 8.

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**Table 5. The Images of Legitimation of Security Regionalism**

| Main Argument | Lessons | Literatures | Inaction |
|---|---|---|---|
| **Beneficial Regionalism** | | | |
| The RSO rules in the people's benefit. Its policies and acts have a positive outcome – a consequentialist argument. | Legitimation of policies and 'polities' is indissociable: 'good' policies serve as arguments in the legitimation of the organization. Little mention of 'comparative advantages' | 1. Legitimation by idealization (J. Lagroye)  2. Output legitimacy (F. Scharpf) | The RSO struggles for being perceived as relevant, highlighting the policies and their outcomes, even if they only present marginal contributions. |
| **Necessary Regionalism** | | | |
| The RSO's actions and standing in the region are necessary given the dramatic, unstable, and violent situation on the ground. | Two steps: situation is dramatic (dramatization) and the actions of the RSO restore peace and stability, or at least contribute to a solution. | 1. Security Studies and Securitization  2. Legitimation by rationalization (J. Lagroye) | Double-edged sword: excessive dramatization creates expectations and responsibilities the organization might not fulfil. |
| **Inevitable Regionalism** | | | |
| As a bureaucracy, the RSO is neutral and impersonal. Its actions are the inevitable results of 'following orders' and 'applying the law and mandate'. | The naturalization of events by de-politicization: reference to 'higher authority and law'. Yet, the RSO might still interpret its mandate. | 1. Legal-bureaucratic domination (M. Weber)  2. Legitimation by Law | Factors 'beyond the control' of the RSO such as the hardship of the terrain or the non-compliance of the parties in conflict explain the lack of positive outcome. |
| **Multilateral Regionalism** | | | |
| The RSO acts in partnership with its peers and other actors. Multilateral actions, 'doing things together', are preferable to unilateral actions. | Inter-organizational relations might improve the outcome by pooling strengths, but also reinforce the normative standing of a RSO by 'mutual recognition'. | 1. Inter-organizationalism and inter-regionalism  2. Multilateralism and governance | 'Diffusion of responsibility': shift of the burden of action to other organizations or the government via partnership or 'domestication' of the process. |

This thesis aimed at filling the gap located at the intersection between security studies, legitimation, and regionalism by looking particularly at the *arguments* of legitimation of regional security organizations. But other aspects of the legitimation process might be studied with different tools, methods, and perhaps by integrating different disciplines such as law, psychology, and political philosophy. It would be relevant to look, for instance, at specific audience's *responses* to the legitimacy claims of regional organizations and regional projects, to what extent they are convinced by the arguments and how their own standards of 'right to rule' change over time. Another promising research could analyse the formulation of legitimation *strategies,* looking at how regional organizations conceive their own legitimacy claims and which audiences they are consciously targeting. Finally, the scope of research could be expanded to include other *legitimating actors* beyond the self-legitimation of regional organization by regional organizations.

In their self-legitimation, regional organizations tell a story in which they evoke the normative context and claim that what they *are* and what they *are doing* is 'beneficial', 'lawful and inevitable', 'necessary to save lives and bring peace and stability' and 'has the support of other actors'. Regional organizations such as the European Union and the African Union act as security actors while at the same time constructing and speaking security. They also contribute to the construction of regions and eventually to the impact of regionalism within global order. Finally, while growing intrusive in the lives of many, regional organizations constitute sites of authority. By building on the framework of self-legitimation, we contribute to the understanding of the complex, intersubjective, and open-ended process of security regionalism.

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## Abbreviations

| | |
|---|---|
| AMIB | African Union Mission in Burundi |
| AMIS | African Union Mission in Sudan |
| APSA | African Peace and Security Architecture |
| ASEAN | Association of Southeast Asian Nations |
| AU | African Union |
| CAR | Central African Republic |
| CFSP | Common Foreign and Security Policy (European Union) |
| CSDP | Common Security and Defence Policy (European Union) |
| DDPD | Doha Document for Peace in Darfur |
| DPA | Darfur Peace Agreement (Abuja) |
| ECOWAS | Economic Community of West African States |
| EEAS | European External Action Service |
| EU | European Union |
| EUFOR | European Union Force |
| GoS | Government of Sudan |
| GoSS | Government of South Sudan |
| HR/SG | High Representative and Secretary General (European Union) |
| HR/VP | High Representative and Vice-President (European Union) |
| ICC | International Criminal Court |
| IDP | Internally Displaced Person |
| IGAD | Intergovernmental Authority on Development |
| IO | International Organization |

| | |
|---|---|
| IR | International Relations |
| ISI | International Security Institution |
| ISS | International Security Studies |
| JEM | Justice and Equality Movement |
| MENA | Middle East and North Africa |
| MINURCAT | United Nations Mission in Central African Republic and Chad |
| NATO | North Atlantic Treaty Organization |
| OSCE | Organisation for Security and Co-operation in Europe |
| OAS | Organization of American States |
| OAU | Organization of the African Unity |
| PSC | Peace and Security Council (African Union) |
| RO | Regional Organization |
| RSC | Regional Security Complex |
| RSO | Regional Security Organization |
| R2P | Responsibility to Protect |
| SADC | Southern African Development Community |
| SCO | Shanghai Cooperation Organization |
| SLM/A | Sudanese Liberation Movement/Army (Darfur) |
| SNS | Sovereign National States |
| SPLM/A | Sudanese People's Liberation Movement/Army (South Sudan) |
| SRF | Sudan Revolutionary Front |
| S/RES | United Nations Security Council Resolution |
| TRP | Transnational Regional Polities |

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| UN | United Nations |
| UNAMID | United Nations-African Union Mission in Darfur |
| UNASUR | Union of South-American Nations |
| UNHCR | United Nations High Commissioner for Refugees |
| UNMIS | United Nations Mission in Sudan |
| UNSC | United Nations Security Council |
| WEU | Western European Union |