

## African Regional Organizations Seen From Below: Theorizing Legitimacy Beyond the European Nation-State

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## **African Regional Organizations Seen From Below: Theorizing Legitimacy Beyond the European Nation-State**

Simone Schnabel

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# **African Regional Organizations Seen From Below: Theorizing Legitimacy Beyond the European Nation-State<sup>1</sup>**

**Simone Schnabel**

## ABSTRACT

Despite a long and rich history of African-led conflict interventions, very little is known whether regional organizations (RO) such as the AU and ECOWAS are considered legitimate authorities in today's conflicts. There is hardly any interest on the reaction, perception and contestation of RO's conflict management by those directly affected – citizens, civil society, local authorities etc. Whereas a growing literature deals with the legitimacy of the UN's peace operations as well as with grassroots perceptions of their blue helmets, similar studies relating to African RO's are scarce. However, apart from this empirical blind spot, there is also a more fundamental, epistemological problem. What unites the existing literature is either a functional understanding of legitimacy, such as Scharpf's in- and output legitimacy, or a subjective conception of legitimate order inspired by Max Weber. Recent scholarly debate has highlighted the importance of different audiences, sources and practices of legitimation understood as a dynamic process rather than an attribute. However, they all relate to a theoretical background that is embedded in concepts of legitimate (democratic) order and thus limit our grasp of eventually other 'benchmarks' of legitimacy as perceived, shaped and contested by those directly affected by interventions. Studying the legitimacy of African RO's might inspire theory building as 1) African RO's have a larger authority to intervene in domestic conflict compared to other regional organizations, thus directly affect state-society relations. 2) The latter are – in contrast to the European nation-state – hardly characterized by democratic representation and legitimate authority but by the fluidity of power relations as well as a constantly changing set of actors in times of conflict. This paper argues that a bottom-up perspective on legitimacy of regional organizations could feed into novel theorizing of the meaning and function of legitimacy beyond the nation-state that deliberately draws on and theorizes from non-Western experiences.

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## 1. WHY STUDYING THE LEGITIMACY OF AFRICAN REGIONAL ORGANIZATIONS?

Readings on legitimacy in the social sciences usually start with a positioning in either an empirical or a normative understanding of the concept. They differentiate between an empirical definition of legitimacy, usually based on Max Weber's idea of the belief in legitimacy ('Legitimitätsglauben'); and a normative definition led by certain normative claims how a political order ought to be. However, even an empirical approach to operationalize the concept is usually based on certain normative ideas that stems from the assumption that the only legitimate state form is a democratic one.

Critical IR scholars have repeatedly problematized the universalistic application of Western-led conceptions, such as the nation-state, within non-Western contexts. Such a practice has led to a focus on its lacks and failures rather than a re-examination of the concept itself (Tickner 2003). The same holds true for the study of regional organizations' (ROs') legitimacy beyond the EU. So far, scholarship on the legitimacy of ROs is dominated by empirical research on the EU (Rittberger/Schroeder 2016: 594). It is based on certain normative assumptions and specific properties of the EU as an organization *sui generis*. Academic debate in general attributes a legitimacy deficit to the EU – understood as a democratic deficit – by reverting to democracy theory that has been developed within the context of (democratic) nation states. The exuberant debate about the EU's democratic legitimacy has generated a spill-over to the study of legitimacy of other ROs which have led to dead ends in research (Rittberger/Schroeder 2016: 593–594).

As Franziska Zanker agrees, one of the most critical points of legitimacy research is a perceived Western bias in both its development and normative understanding. Problematic is not so much its normativity, but the presumption of its universality (Zanker 2017: 45–46). Further, it has not yet been adapted adequately to the complexities and dynamics of peacebuilding and (post-) conflict settings that are far from exhibiting a monopoly of force. Therein, the analysis of legitimacy becomes more complex, with multiple actors claiming authority, a variety of different audiences wherein the legitimacy of power-holders is contested (Weigand 2017; von Billerbeck/Gippert 2017).<sup>2</sup>

Studying the legitimacy of African regional organizations<sup>3</sup> (ROs) might promise new insights with regard to these gaps. Under the African Peace and Security Architecture (APSA), set up in 2002, the African Union (AU) and the Economic Community of West African States (ECOWAS) are increasingly engaged in different forms of interventions in member states ranging from mediation in political crisis to military interventions and election observation missions (Desmith/Hauck 2017). With the Pan African norm relating to unconstitutional changes of government, both AU and ECOWAS have the right to intervene in member states after a *coup d'état* has happened. They thus have wide-ranging powers to influence and shape post-coup political order in member states. As such, they have a larger authority to intervene in domestic conflicts compared to other regional organizations, thus directly affect state-society relations. Studying their legitimacy from the perspective of those social constituencies directly affected by their interventions, promises to reveal insights into how their authority is produced, contested and challenged 'from below'.

African ROs' interventions, be it military operations or mediation missions, put ROs at the front of the local population and thus raises questions about their power and legitimacy. In an intervention, the local population directly experience and interact with regional authorities. It

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2 Legitimacy as an analytical concept has gained popularity within peace and conflict studies since the 2000's. For an overview of the different empirical and normative conceptions of legitimacy within the state-/peacebuilding literature of IR see Anderson (2012). For a state of research on the role and understanding of legitimacy in peace negotiations and processes see Zanker (2017: 2–9). Recent publications reveal a growing interest in assessing the particularities of (post-) conflict settings and how they differ from classical legitimacy scenarios (see e.g. the special issue of von Billerbeck/Gippert 2017; the edited volume by Christopher Mitchell and Landon E. Hancock (2018) as well as the publications of Florian Weigand (2015; 2017)).

3 With the term African regional organizations (ROs) I refer to both the African Union (AU) as well as Regional Economic Communities (RECs) such as the Economic Community of West African States (ECOWAS) as an integral part of the AU's security architecture.

provides an empirical moment in which to study the dynamics of their legitimacy. The few existing studies on African RO's legitimacy remain state-centric and root AU's and ECOWAS' legitimacy either in the decision-making structures between member states or in the normative framework, upon which both organizations have developed their far-reaching intervention competencies (Bah 2013; Lotze 2013). With regard to their interventions, scholars are concerned with how the latter are legitimated through a 'higher' UNSC mandate (Coleman 2007). Taking the example of the joint UN-AU-mission in Somalia, Linnéa Gelot (2012) demonstrates how regional interventions require legitimation from the international level but also how UN operations use ROs to legitimate their action. In all of those, the legitimacy of regional interventions remains a matter between states and organizations of states. A widespread assumption in most of the literature on regional organizations is that the latter are per se more legitimate interveners than e.g. the UN, as they are more proximate to local societies (e.g. Tavares 2010: 13; Sabrow 2017: 167). In contrast to this general assumption stand the results of a few studies that have pointed to the local contestations of African ROs' interventions (Hagberg 2015; Saidou 2018; Sabrow 2017).

The first part of the paper will provide an overview on the most popular empirical conceptions of legitimacy as applied to the study of international organizations (IOs) within IR and to international interventions within peacebuilding and intervention scholarship. Far from being comprehensive, the idea is to unravel the normative content behind these conceptions and examine their usefulness as well as shortcomings with regard to the study of African ROs' and their interventions. Therefore, I will draw on some ambiguities in results of recent empirical studies applying these concepts to peacebuilding contexts. Rather than denying their analytical value in general, I aim to highlight some disconnects and blind spots they leave for the aim of my research. It provides the basis for the second part of the paper in which I outline three propositions for studying the legitimacy of African ROs and their interventions that could enrich scholar debate and theory building from an African angle.

First, I propose a definition of legitimacy as a constitutive element of rule ('Herrschaft') that is constantly (re-)negotiated within a hierarchy between superior and subordinate (Daase/Deitelhoff 2014: 9). Legitimacy is never either definitive in the Weberian sense of 'power institutionalized' or absent as in hierarchies that are only built on coercion and force – a dominant distinction in most IR literature. I rather understand interventions, be it military or by mediation, as a coercive act that stands in need of legitimation by the intervening authority. Coercion in this sense is not outside the realm of legitimate rule ('Herrschaft'). It rather forms part of the means of power available to, in this case, African ROs, beside other coercive means such as sanctions, which also stand in need of legitimation. Such an understanding enables to advance the concept of legitimacy to the (micro-) analysis of political rule within a peacebuilding context.<sup>4</sup>

Second, I take a closer look on the multiple and complex audiences of African ROs' legitimacy, more particular, during interventions. I therefore draw on literature from peace and conflict studies, which have brought into focus the importance of the 'local' – its different facets, meanings and interpretations – within peacebuilding settings. These scholars have highlighted the importance of local perceptions and agency in their critique on the liberal blueprint of peacebuilding approaches that focuses on institutional state building and economic liberalization (Mac Ginty 2017; Paffenholz 2017). Their bottom-up perspective on the grassroots level coupled with an ethnographic methodological approach can bring important insights into the study of legitimacy of African ROs.

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4 In the peace and conflict literature, authors usually differ between different stages of building peace that involves peace-making – negotiations with conflict parties – and peacekeeping which is traditionally by deployment of international personnel to help in the provision of peace and security. I include all of those in my definition of peacebuilding by referring to actions that aim to create, strengthen and solidify peace (Autesserre 2014: 21)

Empirical research has revealed that people within peacebuilding settings do not judge international interveners due to pre-defined values and criteria, but on the basis of what peacebuilders actually *do*, their day-to-day behavior and interactions (Autesserre 2014; Pouligny 2006). Taking the locality of an intervention as the analytical starting point enables to widen the perspective on African intervention practices and experiences both empirically as well as for conceptual and theoretical advancements (Witt 2018). It allows conceiving legitimacy as an always dynamic and contested element of rule within peacebuilding settings as a “site of contested power” (see Curtis 2012, 17) in which a variety of different actors intervene and interact.

Third, studying legitimacy bottom-up permits grasping eventually different local understandings and narratives of legitimacy in non-Western contexts. Michael G. Schatzberg (2001) has found that political legitimacy in many West and Central African countries is based on the idea that the government stands in the same relationship to its citizens as a father to its children. My aim is not to show how different a ‘local’, or particular ‘African’, perspective on legitimacy can be. Rather, it reveals how local interpretations and narratives might enrich and/or complement existing understandings and sources of legitimacy.

## 2. THE DISCONNECTS OF EXISTING LEGITIMACY RESEARCH

In the following I will sum up how legitimacy is thought of in most of the scholarship on IOs in IR as well as in research on international peace interventions. I will, first, take a closer look on the much discussed relationship between legitimacy and the authority of IOs and its consequences for the study of African ROs. Second, I draw on peacebuilding and intervention literature. Therein, scholars think of legitimacy as an important condition of an intervention’s ‘success’ that I critically reflect by pointing to some ambiguities of such a functional approach found in a variety of case studies.

### 2.1 *The Legitimacy-Authority Link*

Within the field of IR, legitimacy has gained popularity within the study of IOs since the beginning of the 2000’s (e.g. Clark 2005; Hurd 1999; Lake 2010; Reus-Smit 2007). A contractualist understanding assumes that authority depends completely and at all times on legitimacy. When legitimacy is gone, so is authority. Authority therein rests on a social contract that exchanges order for compliance (Lake 2010: 596). Legitimacy can be based on a mandate between the organization and its member states, or a delegation of authority to an IO which, so the assumption, facilitates compliance of member states towards international rules and norms. Such a contractualist understanding of legitimacy as ‘legitimated authority’ is closely related to the idea of cooperation under anarchy of the international system. It remains state-centric and misses to consider different forms of authority and domination established in and via Global Governance institutions and its social acceptance and contestation (Zürn 2018: 42).

Liberal IR theories analyze IOs’ legitimacy to evaluate the nature of their authority. Therein, the term ‘authority’ refers to Weber’s concept of rule (‘Herrschaft’).<sup>5</sup> In liberal thinking, authority *is* legitimated power and thus ‘Herrschaft’ in a Weberian sense is then always legitimate (e.g. Hurd 1999; Reus-Smit 2007). Legitimacy in this liberal understanding is thus tied to the voluntary compliance to rule as proposed by Weber, in his words ‘command’ and ‘obedience’ (Daase/Deitelhoff 2014: 6). Inherent in this thinking is an understanding of legitimacy as one of three modes of social control to achieve compliance: coercion, self-interest and legitimacy (Hurd 1999: 383–389). Accordingly, states obey international rules if they consider them as binding, thus

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<sup>5</sup> The Weberian term ‘Herrschaft’ lacks an adequate equivalent in English as terms like power, authority and domination describe (slightly) different phenomena (Beetham 1991: 35). In this paper, I will use the term ‘rule’ for ‘Herrschaft’, as opposed to the common translation of the term into ‘authority’ within IR.

if they believe in their legitimacy (Hurd 1999: 383–389). Ian Hurd takes this thinking a step further by arguing that an actor's perception of an international norm as legitimate that norm takes on the quality of being authoritative over the actor and contributes to the constitution of the actor's definition of its own interests. The rule is then superior to the actor and partly determinates the actor's behavior (Hurd 1999: 400). Legitimacy in this sense is constitutive – though not definitive – of compliance within a hierarchy of ruler and ruled.

Following this idea of legitimated rule ('Herrschaft'), there is no need to apply coercion. Indeed, its use would indicate a lack of rule and potentially lead to a 'legitimacy crisis' (Reus-Smit 2007). Consequently, there is a dichotomous relationship in this understanding: if there is legitimacy, then we can speak of institutionalized rule, if there is illegitimacy then we only have a situation of executing power in which coercion and force is applied. It is also static in assuming that once legitimacy is achieved, actors obey to IOs' commands and no further action is required by the latter. Bernstein (2004) criticizes this dominant distinction between coercive power and legitimate commands – which compel obedience in themselves – at the expense of the broader context of Weber's analysis of rule. The move away from the Weberian conception of rule has come at the cost of bracketing its two other essential elements: power and community. Thus, the distinction between legitimacy and coercive power can mask power relationships inherent in the exercise of rule ('Herrschaft') (2004: 3–4).

Accordingly, an international or regional organization that applies coercion to implement international rules and norms cannot be legitimate according to this idea. It leaves no room for understanding African ROs as both legitimate interveners that coerce a social constituency to compliance. By their right to intervene in political conflict and after a *coup d'état* has happened, be it through military means or as mediators, African ROs actively shape and influence post-coup orders. In doing so, they thus also apply coercive means, e.g. sanctions, to implement decisions, whose consequences not only affect the ruling elite but also the population in a more general term. However, all these intervention practices and means of power employed stand in need to be legitimized vis-à-vis the social constituencies in which they operate (state authorities, host population etc.).

More recent IR scholarship is concerned with a more socially rooted understanding of IOs' legitimacy in the absence of democratic participation and control by looking at its contestations by e.g. transnational movements and civil society actors (Steffek 2003; Zürn et al. 2012). They assume that legitimacy does not 'belong' to an institution or organization, but is contested by a variety of collective social audiences. Consequently, authority is engaged in activity of legitimation and scholars are interested in the legitimation politics of IOs (Gronau/Schmidtke 2016; Nullmeier et al. 2010; Tallberg et al. 2013; Zaum 2013). With regard to the before mentioned contractualist approach, which remains state-centric, these authors recognize that IOs' legitimacy depends on a variety of collective audiences. However, the latter are only analyzed, if legitimacy is in crisis (e.g. Reus-Smit 2007) or subject to societal protests (e.g. Zürn et al. 2012). Only within these contested moments of IOs' authority, these audiences become relevant. Further, a critical reflection on who are the audiences of these legitimacy claims, as well as if and if so, how they engage with/oppose the legitimation strategies of IOs remains a gap in both theoretical and empirical legitimacy research within IR.

## 2.2 *The 'Effectiveness' of Legitimacy in Peacebuilding*

Since the beginning of the 2000s, scholars in peacebuilding and intervention research are concerned about the legitimacy of international peace operations, most prominent of the UN. Some scholars base a UN peace operation's legitimacy on the UNSC's mandate as the legal basis, on its consent established between the intervening organization and the host government as well as on the appropriate set up and conduct of executing this mandate according to international legal standards and norms (e.g. Morphet 2002; Wiharta 2009). However, legitimacy that is based merely

on an international mandate and its ‘proper’ execution is not enough to explain why certain peace operations fail and others not. Peace operations involve a variety of different actors, beside the national host government. Non-governmental organizations, local elites and ordinary citizens all have their expectations of what peacekeepers should do. A UNSC mandate might simply conflict with local social contracts (Mersiades 2005: 207), more so in the way it is interpreted and implemented by peacebuilders on the ground (Autesserre 2014: 25; Pouligny 2006: 97–121).

A growing number of scholars recognized that local perceptions of a peace operation’s legitimacy matter for its success (e.g. Gippert 2018; Hellmüller 2013; Whalan 2013). They are first and foremost concerned about how local beneficiaries of interventions comply and cooperate with international peacebuilding reforms (Gippert 2018; Whalan 2013). Whereas Birte Gippert (2018) scrutinizes how local police officers comply with international peacebuilding reforms, Jenni Whalan (2013) vice-versa analyzes how peace operations influence the behavior of local actors towards compliance and cooperation. According to their view the perception of a peace operation as legitimate, increases compliance and cooperation of the targeted local actors and thus raises the operation’s effectiveness. Legitimacy therein is understood as one of three power mechanisms beside coercion and reward-seeking (Gippert 2018) or inducement (Whalan 2013). It is the ‘soft’ version of social control of rulers as opposed to other means of executing power e.g. through coercion or material inducement. From a rational cost-benefit standpoint Whalan argues that legitimacy is then more effective and less costly than coercion and inducement (2013: 64–73).

A functionalist understanding of legitimacy also lies at the heart of Fritz W. Scharpf’s in- and output dimensions of legitimacy (Scharpf 1999). Legitimacy according to Scharpf is rooted in the effective allocation of services and public goods due to the absence of other (democratic) procedures in global governance. It stems from the idea that the Westphalian nation-state’s main *raison d’être* is providing public goods to its citizens through the social contract established between the latter and the government. Legitimacy therein follows an instrumental definition which is tied to the ‘performance’ of rational-legal political systems. This functionalist notion of legitimacy is dominant in the so called ‘liberal’ approach to peacebuilding. Peace in a liberal sense is encouraged by political and economic liberalization with democratization, good governance, human rights and free market reform as important elements. Legitimacy therein is tied to the result achieved through holding democratic elections (see also Zanker 2017: 3). Scholars are concerned about the role of international organizations as ‘transitional authorities’ within a peacebuilding setting and embed their intervention practices in an institutional understanding of legitimacy (e.g. Chesterman 2004) as opposed to a more sociological understanding of legitimacy within peacebuilding contexts (Lemay-Hébert 2009).<sup>6</sup>

Limiting legitimacy to its output dimension *only* would entail that any effective institution built or output provided by external peacebuilders (e.g. the UN) automatically legitimizes the latter. Legitimacy would then end up being a tautology or mere analytical description (Anderson 2012: 214). Further, interventions are ad-hoc, short-term and dynamic. Thus, the outputs they generate, such as the provision of security, are difficult to grasp in a rapidly changing setting such as peacebuilding contexts.<sup>7</sup> Birte Gippert (2016) has found that performance evaluations of international peace operations also depend on the congruence of local aims and mission’s reforms. If an output is not considered as a common good for the country by the local population,

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6 Simon Chesterman argues that although consultation and accountability is seen important, a strong central institution is the main requirement for legitimacy and deemed higher than social legitimacy based on participation and ownership (Chesterman 2004). Whereas other scholars argue that a sociological understanding of legitimacy of the modern state is more important than an institutional approach (e.g. Lemay-Hébert 2009). For a more comprehensive overview see Andersen (2012).

7 This might stand in contrast to e.g. the perception of outputs the EU provides to its citizens as proposed by Scharpf (1999). However, instrumental understandings of legitimacy as applied within policy literature have also shown its limits within the EU and beyond. E.g., as Klaus Schlichte argues, it does not allow to understand the global financial crisis as well as opposition and contestation of EU-level outputs that do serve the public (Schlichte 2012: 12).

legitimacy decreases (2016: 14). Strengthening this argument, Lisa Karlborg (2014) shows that the legitimacy of international forces in Afghanistan among Afghan citizens builds on the perceived will and capacity of these troops to protect Afghans in a way that is in accordance with Afghan, most notably Islamic, ways of life (2014: 427). In her article, Sophia Sabrow (2017) compares the legitimacy of the AU's and ECOWAS' intervention in Mali with the interventions of the UN and France based on an analysis of local newspapers and interviews with civil society actors. Results of her study reveal a low 'pragmatic' legitimacy of their interventions due to lacking capacities and poor output. However, this view is contrasted by a high 'ideological' legitimacy attributed to African ROs due to a strong identification with these in general (2017: 173–175). It is thus not only the performance of an intervention but also the organization behind an intervention that shape legitimacy perceptions.<sup>8</sup>

Existing studies reveal that outputs such as 'peace' and 'security' can differ in tremendous ways in their meanings, dimension and scale between interveners and the local population (Autesserre 2014: 22–23; Simons/Zanker 2014: 6). In her book "Peaceland", Séverine Autesserre (2014) proposes a situation-specific definition of effectiveness that involves the interveners and the intended beneficiaries (local elites as well as ordinary citizens). As she puts it in a nutshell: "what success means, whose peace should be realized, and on whose terms, are all facets of the struggle for power among foreign interveners and their local counterparts" (2014: 24). Assessing the legitimacy of an intervention thus requires a perspective bottom-up that considers multiple actors and the complexities as well as power relations inherent in peacebuilding settings.

### 3. RETHINKING LEGITIMACY FROM A LOCAL ANGLE

The particular settings in which interventions take place require to rethink dominant conceptions of legitimacy within IR. In his contribution to ACCORD's issue on legitimacy and peace processes, Kevin Clement calls for 'grounded legitimacy' within peacebuilding settings which is context sensitive, dependent on particular contexts, circumstances and communities (Clement 2014: 15). What does this mean exactly and how can this idea be applied to the study of African ROs and their interventions?

I will, first, embed the concept of legitimacy within an understanding of rule ('Herrschaft') by referring to IR authors that look at the conflictive dimensions, resistances and opposition of rule more closely. Second, I develop a position from which to analyze the relationship between the intervening organization and those affected by it bottom-up by looking at contributions on the 'local' dimension within peacebuilding scholarship. Third, I propose an even more radical view 'from below' by asking what legitimacy itself might mean in an African context, if it differs and if so, how it differs from prevailing understandings in particular within IR scholarship.

#### 3.1 *Legitimacy as a Constitutive Element of Rule*

In order to develop an understanding of legitimacy that is suitable for my study, I take a more precise look on the relationship between power, rule/authority and legitimacy in which to ground the study of African ROs' legitimacy and their interventions.<sup>9</sup> When international or, in this case, regional authority displaces state authority, relations between state, rulers and the host population must be rearranged, and thus new forms of rule must be legitimized and proper limits to power set out.

<sup>8</sup> Legitimacy can also be based on historical and emotional identification between e.g. the organization/entity and local communities as well as ideological connections (Mitchell 2018: 11–12).

<sup>9</sup> I propose to separate the term rule ('Herrschaft') from authority. I use the term 'authority' to name actors within this structure who have certain constitutive and regulative powers. In this sense, African ROs are regional authorities which create binding rules, e.g. their anti-coup norm, and apply them by intervening in conflict within member states.

One of the most often cited scholars with regard to empirical legitimacy is Max Weber. Legitimacy in the Weberian sense is a necessary category to differentiate between several ideal types of rule ('Herrschaft') and the respective motives to obey by its administrative staff within a state as the ideal-typical social form of organization. Legitimacy in his understanding is a characteristic of rule. Weber understands 'Herrschaft' as the chance to seek obedience of a particular group of people (Weber 1922/2013: 210). Rule is thus tied to command and obedience which he further explains with the term of 'discipline' as the "Chance, kraft eingeübter Einstellung für einen Befehl prompten, automatischen und schematischen Gehorsam bei einer angebbaren Vielheit von Menschen zu finden" (Weber 1922/2013: 210–11). The mere execution of power only transcends into 'Herrschaft', if it generates legitimacy according to Weber. It is legitimated power which then enables the institutionalization of rule (Schlichte 2012: 16). Within a peacebuilding setting such an understanding risks ending up in a simplistic distinction that people either want to obey (because e.g. an intervening organization is perceived as legitimate) or they have to obey (because interveners apply coercion) (see e.g. Weigand 2017: 361).

By referring to Weber, Klaus Schlichte proposes to look at the conflictive transitions between the execution of power and its institutionalized form ('Herrschaft'). He understands conflict as the struggle of legitimacies which indicates a crisis of rule. It is the analytical moment in which practices, positions, discourses and behaviors offer insights into the mechanisms of power, the possibilities of its legitimation and its transition into rule (Schlichte 2012: 13). His idea offers a valuable starting point from which to analyze the internationalization, or in this case, regionalization of rule from a local angle (Schlichte 2012: 13). However, Schlichte's 'struggle on legitimacy' takes place outside the realm of rule ('Herrschaft'), which implies that rule is non-conflictive and it is only outside of rule, that means of power are applied. It entails that rule is only questioned in times of conflict and needs legitimation (Daase/Deitelhoff 2014: 9).

Christopher Daase and Nicole Deitelhoff argue that rule is not the end of conflict, but the order that temporarily assures compliance by means of coercion and argumentation. The struggle on legitimacy remains and is, as opposed to Schlichte (2012), a constitutive element of rule. Only as long as rule can sustain itself in this struggle, it is legitimate (Schlichte 2012). As legitimacy varies, so does the character of rule; and so do as well the different forms of power that constitute subordination, e.g. through formal-legal regulation as well as discursive, structural or coercive power (Daase/Deitelhoff 2014: 10). Such an understanding of rule always implies its struggle over legitimacy, and as well over its compliance. It negates the dominant assumption within IR that once legitimacy is achieved, rule is institutionalized and actors comply with e.g. international rules. The more rule moves beyond formal-legal systems of rules and the lesser it directly executes coercive means, the more it is necessary to look at its opposition. Opposition in the authors' view is thus a necessary element of rule and it is therein that conflicting legitimacies can be empirically observed (Schlichte 2012: 11).

Accordingly, claims on legitimacy and its contestations are a central feature of politics and a constitutive element of the subordination and domination between rulers and ruled. Defining legitimacy as a central characteristic and constitutive element of rule – that becomes observable first and foremost in opposition and resistance against the latter – allows moving beyond the functionality dominant in peacebuilding scholarship as well as the dichotomy between coercive force and legitimate rule in IR thinking. Legitimacy understood as a contested and as such, constitutive element of rule provides a useful category to analyze any political order that is characterized by subordination and domination, be it democratic or autocratic, local or international. Accordingly, the concept of legitimacy then refers to manifestations of rule, understood as the structure of institutionalized subordination and domination (see also Daase/Deitelhoff 2014: 10). Creating binding norms and rules, applying coercion or enforcing obedience of rules, are thus consequences of this structure. Such an understanding of legitimacy that refers to rule ('Herrschaft') is then inherently linked to questions of authority and that this authority can be

questioned and legitimacy can be contested. In this understanding, legitimacy is necessarily dynamic and contested, and does not generally 'belong' to certain authorities or institutions within a political order.

Empirically, such a conception calls for scrutinizing the multiple forms of contestations and oppositions of and against regional intervening authorities. In an intervention, the local population directly experiences and interacts with regional authority. Studying the legitimacy of African ROs within the context of an intervention provides thus an empirical moment to analyze how ROs' power is executed and regional authority contested. Empirically, this requires a perspective 'from below' that considers the local dimensions and conditions in peacebuilding settings that are characterized by a number of unexplored factors not captured in traditional (Western) legitimacy scenarios (von Billerbeck/Gippert 2017). Scholarship on the local dimensions of peacebuilding and interventions has revealed important insights of the particular characteristics of peacebuilding sites as well as the diversity of actors therein.

### 3.2 *The Localities of Interventions as Sites of Contested Legitimacy Perceptions*

African ROs intervene in many ways in their member states, through military interventions but also through diplomatic or mediation missions. Although most of the literature on African ROs focusses on military operations, the majority of African ROs' interventions focus on diplomacy, mediation and a combination of both (Desmidt/Hauck 2017: 18).<sup>10</sup> However, they are not less complex and contested than military operations are in their aim to build sustainable peace (see e.g. Hagberg 2015; Saidou 2018). As Devon Curtis points out, peacebuilding in general can be understood as "a site of political and social contestation and interaction, which raises questions about power and hierarchy" (Curtis 2012: 17). Studying the legitimacy of African ROs and their intervention might reveal further insights into how peacebuilding by regional interveners is shaped and contested by those directly affected by it – the host population.

The so called 'local turn' in peacebuilding has criticized that local participation and ownership is missing in liberal peacebuilding approaches. This research has stressed the importance of the local population as active participants that shape peace processes and post-conflict orders as opposed to top-down institutional peacebuilding approaches (MacGinty 2017; Paffenholz 2017). Their implicit assumption is that local ownership and participation per se enhances the legitimacy of peace operations. The 'local turn' in this literature has uncovered a range of locally rooted ideas about peace and peacebuilding. The micro-sociological and anthropological perspectives on intervention have shed light on the life worlds and practices of those doing peacebuilding on the ground as well as on the ways different actors in societies affected by interventions have reacted to, resist or shaped these situations (Autesserre 2014; Pouligny 2006). Therein, studies on local perceptions of interventions as an important expression or necessary condition of their legitimacy have gained growing interest and attention (Karlborg 2014; Talentino 2007).

However, several limitations stand out. Empirically, they have left out so far the study of African ROs. Different directions of research have followed from this local agenda in peacebuilding research, such as the idea of local ownership of peacebuilding, which all relate back to legitimacy. However, they fall short in providing a clear conceptual approach (see also Zanker 2017: 4). Further, and despite its frequent use in peacebuilding literature, the 'local' often lacks analytical clarity and empirical groundings. It has evolved as "a panacea of legitimacy, and is everything and anything, as long as it fits the image of being in opposition to liberal peacebuilding" (Simons/Zanker 2014: 3–5). Critical peacebuilding scholars have referred to different things, when using the term 'local', e.g. to the national country or particular local communities (Curtis 2012:

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<sup>10</sup> In 2015, African ROs have applied a combination of diplomacy and mediation in 44% of their overall interventions, while 9% were diplomatic missions, 3% a combination of diplomacy and (military) peace support operation and 4% of interventions comprised all three instruments (Desmidt/Hauck 2017: 19).

16), to a particular set of actors such as traditional authorities or civil society actors, an everyday context, to a normative or social space or an arena (Debiel et al. 2016: 242–43). It has often and primarily served as opposing some international or external ‘Other’, (Mac Ginty 2017: 31). However, beyond the dominant binary of the ‘local’ as opposed to the ‘international’ dominant in critical peacebuilding research, a local setting entirely decoupled from agency on national, regional or international level does not exist (Simons/Zanker 2014: 15; Paffenholz 2017: 68).

Although power relations do exist, the local, regional, and global are mutually constitutive, and it remains impossible to separate them (Curtis 2012: 16–17). ‘Local’ thus does not refer to a particular location or territory, or a particular set of local actors as opposed to national or international actors. The ‘local’ rather denominates a “contested site of social interaction in times of intervention” (Witt 2018: 3). In her introductory article of the special issue on studying African interventions ‘from below’, Antonia Witt (2018) proposes to take the locality of interventions as an analytical starting point and consider the multiple sites in which interventions take place (Witt 2018: 6).

Accordingly, and for the purpose of studying African ROs’ legitimacy, the ‘local’ constitutes a sphere of activity and agency that is itself entangled in power relations. It allows to move beyond an understanding of society as a separate entity from the state and as the passive ‘receiver’ of legitimacy claims made by international actors as within the prevailing perspective in most of IR literature. As Morton S. Andersen (2012) points out, ‘society’ in today’s settings is a complex network of local, regional, national and transnational actors and their (inter)dependencies, driven by their own and sometimes intertwined rationale of action (Andersen 2012: 214–15). As a consequence, legitimacy cannot be reduced to static actors, claimers and receivers of legitimacy. He criticizes that both within normative as well as empirical accounts in the peacebuilding literature, legitimacy is either thought of from a state or a society perspective referring to ‘state’ and ‘society’ as pre-given entities. Fixing on these will hamper to identify changes or continuities in each, especially when the very units of investigation are changing, as it is often the case in peacebuilding contexts. He calls for a more constructivist approach by looking at relations as the object for study as well as how the objects – state, society – came about and how they are changing (Andersen 2012: 214–15). Indeed, a clear boundary between civil society organizations and the political sphere, e.g. political parties, cannot be upheld within most African countries (Saidou 2018: 40). Local leaders can wear different and changing ‘hats’ and change between various identities in a peacebuilding context in order to be part of the game (Kappler 2015, cited in Witt 2018: 6).

A critical understanding of the ‘local’ of interventions offers an approach to scrutinize the different ‘audiences’ of legitimacy within various localities of an intervention and their perceptions and contestations of African RO’s legitimacy. It reveals the empirical complexity of a certain context, its power relations and its interferences with regional and national spheres as well as coalitions and disruptions of it (Simons/Zanker 2014). Further, it opens the concept to involve other actors that are usually excluded in traditional legitimacy scenarios such as local armed groups (Simons/Zanker 2014: 7; Mitchell 2018: 11). It is within the power struggles, resistances and contestations in African interventions’ multiple localities where African ROs’ legitimacy becomes empirically observable as well as suitable for the micro-analysis of political rule within peacebuilding settings.

### 3.3 *Local Mindsets and Narratives*

The ‘local’ understood as the locality from which to analyze the legitimacy of African ROs implies to include local mind-sets and life worlds into study. Rethinking legitimacy from a local angle also requires openness towards local interpretations and meanings of legitimacy itself. Critical scholars call for opening up dominant concepts within IR to include interpretations from the margin and contributions of ‘everyday life’ to complement and refine prevailing understandings within IR

(Tickner 2003). As Kevin Clement (2014) points out, all legitimacy has a distinctive genealogy; it is linked to specific cultures, modes of production, particular types of decision-making etc. (2014: 14). The literature on the ‘local turn’ has also revealed how concepts such as ‘peace’, ‘conflict’ and ‘security’ are understood locally and how these understandings differ from dominant liberal approaches (e.g. Pouligny 2006; Autesserre 2014).

In his study on political legitimacy within a variety of West and Central African countries, Michael G. Schatzberg (2001) has found out that legitimacy is based on the idea that government stands in the same relationship to its citizens as a father to its children (2001, 1). Though the state is a major purveyor of these metaphors as well as a major site where these images are found and manipulated, paternal and familial metaphors also extend into the domain of IR and foreign policy. E.g. Nkrumah’s Pan-Africanist vision saw each member nation (‘sister states’) as part of a large, or extended, family (2001: 16–18).<sup>11</sup> Based on his findings, Schatzberg develops a moral matrix of legitimate governance, whose premises, or cultural dispositions, reflect the understandings of political phenomena that people come to understand as a ‘natural’ part of the order of things (2001: 213). Legitimacy is thus tied to what is ‘thinkable’ within a society that entails mental and emotional images of local importance and relevance (Schatzberg 2001: 211). Schatzberg does not only offer an important insight into how concepts developed in other (Western) contexts, are perceived, contested and reproduced locally. His study also stands in sharp contrast to perceptions of the state as an “alien external force” (Clement 2014: 15) prevalent in most critical peacebuilding research.

In a similar vein, Frederic Schaffer in his study on local meanings of democracy in Senegal has found that ‘demokaraasi’ in the local, wolof context means sharing with those who are needy and have nothing to offer in return. An important purpose of ‘demokaraasi’ is thus to ensure material security, especially food, through community solidarity. This is opposed to not only how French speaking Senegalese elites use the term, but also from Western understandings of the concept. By referring to elections, Wolof-speaking voters perceived elected officials as they would Wolof kings, as essentially unaccountable (cited in Schatzberg 2001: 210). This complements another, more recent study conducted by Sara Hellmüller (2013) in the Democratic Republic of Congo. For many of the interviewed Congolese people, the mere act of voting did not legitimize the government in the capital Kinshasa. Elections, as the core element of liberal democracy, were generally perceived as legitimizing the government’s authoritarian rule rather than legitimizing the government itself (Hellmüller 2013: 224). These examples show the limits and disconnects of presumed universal values inherent in normative conceptions of legitimacy that are applied both within academia as well as in peacebuilding practice.

Such a ‘local’ perspective on the term ‘legitimacy’ itself allows accessing to the life worlds of people, their local knowledges and interpretations of what legitimacy actually means in a particular locality. It contributes to an inductively developed, alternative framework ‘bottom-up’ that might be fruitful to apply to the study of legitimacy within specific contexts. Though this ethnographic and narrative approach might reveal new insights, it also risks of portraying how ‘different’ things are elsewhere, in this case in Africa. Instead of highlighting its differences, the examples cited also reveal how legitimacy is always connected to political rule and structures of subordination and dominance. The latter is contested and as such always in need of legitimation be it through providing food or providing a safe environment.

More so, the examples show that studying African ROs’ legitimacy ‘from below’ requires a methodological and conceptual openness in order to grasp local meanings, discourses and contestations of legitimacy. Perceptions of legitimacy might differ due to varying attitudes, cultural

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11 Indeed, preliminary results of a media analysis on local perceptions of African ROs within newspapers in Burkina Faso between 2014 and 2016 (thus during interventions of AU and ECOWAS) has found similar metaphors with regard to regional organizations.

habits and historical developments in different geographic and cultural contexts. It is “a qualitative phenomenon specific to distinct communities and their actions” (Andersen 2012: 207).

#### 4. NEW PERSPECTIVES ON AFRICAN PEACE AND SECURITY GOVERNANCE

This paper aimed to develop an understanding of legitimacy suitable for the study of African ROs and their interventions. By highlighting some of the major prevailing ambiguities as well as limitations of the concept as applied within legitimacy research in IR and peacebuilding scholarship, I proposed several pathways to rethink legitimacy in order to better serve the study of African ROs’ legitimacy.

What can we learn from this? As shown, whether African ROs are considered legitimate interveners in political conflict, in particular by those directly affected by interventions, still constitutes an empirical blind spot. Studies on the legitimacy of AU and ECOWAS as ‘transitional authorities’ within peacebuilding contexts are so far missing in peace and security research. This gap contrasts with the leading role African ROs have taken in many conflicts on the continent in the past and present. African ROs’ wide-ranging intervention rights and practices promise to provide important and interesting insights for both scholars of collective security and peacebuilding as well as practitioners in these fields. Analyzing their legitimacy allows ‘telling the story with new characters’ in the words of critical IR scholar Karen Smith (2008). Too often, interventions are considered to be what northern or Western interveners do and neglect that actors from the global south too have become important interveners and promoters of liberal peacebuilding doctrines (Witt 2018: 13).

Further, the focus within peacebuilding and intervention literature not only remains on international (UN, EU) interventions, it also privileges military peace operations over other forms of intervention, such as diplomacy and mediation. With regard to African ROs, mediation remains a key element of APSA and, together with diplomatic intervention, forms the most common combination of African ROs’ intervention in political conflict (Desmith/Hauck 2017: 19).

With regard to legitimacy, existing research often emphasizes on the attributes and defining (normative) characteristics on the nature of each entity, e.g. an international organization and society respectively (see also Andersen 2012: 214–215). A more social-constructivist and context related concept that considers how these came into being and change, in particular within a peacebuilding setting, might offer additional insights. With regard to African ROs’ this becomes particularly striking: In their strategic visions, AU and ECOWAS express their aim to become a ‘Union for the people’ or an ‘ECOWAS of people’ (AU Commission 2013; ECOWAS 2013) and promote regional security in order to serve the ‘well-being of the African people’ (AU 2002). Strengthening a people-centered Union is defined as one of eight priorities of the AU Commission (AU Commission 2013). Whom these strategies and human-centered discourses address (audiences) and how they are received and contested locally remains unclear.

Studying the legitimacy of African ROs can tell us about how regional order is shaped and contested in different localities. Grasping and understanding local legitimacy perceptions and expectations can help to transform political orders towards wider acceptance and enduring peace. It might also contribute to “telling stories in a different language” (Smith 2008: 11) by taking the multiple localities of intervention as a starting point for the study of African ROs’ legitimacy ‘from below’. Further, local perceptions of legitimacy might also hint to other or additional normative yardsticks. These could be the charisma or communicated ideology of an authority, the history how it gained authority, its behavior and experienced day-to-day practices (see also Weigand 2015: 15).

As Devon Curtis criticizes, peacebuilding programming as well as academic research is often driven by external ideas and norms rather than by the meanings and values from within African countries and locales (2012: 15). As a consequence, academic debate on legitimacy within peace and conflict studies is so far limited in its contribution to theory as they primarily focus on Africa as an object to

be studied (Odoom/Andrews 2017: 53). A way in which existing IR stories can be retold is through adapting the concepts used, by an African rereading and reconstruction of these concepts (Smith 2008: 11). It calls for a more anthropological approach that considers the lifeworld and mindsets of those directly affected by African ROs and their interventions. Such a change in perspective implies using appropriate methods from other disciplines, such as ethnography, and creative approaches to field access (Hagberg/Körling 2014). Studying African ROs' legitimacy 'from below' holds the potential to further situate Africa/Africans as agents within both peace and security research and practice that can inspire IR knowledge and theory building from an African angle.

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