Chapter 53: Legitimacy

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Introduction

This chapter examines the importance of legitimacy for international organizations,[1] and their efforts to legitimate themselves vis-à-vis different audiences. Legitimacy, which for decades barely featured in the scholarly analysis of international organizations, has since the late 1990s been an increasingly important lens through which the processes, practices, and structures of international organizations have been examined. The growing emphasis on the legitimacy of international organizations has not been limited to scholars, but extends to political commentators, politicians, and representatives of international organizations. Legitimacy has become a common currency in contemporary discourses about international organizations.

Tis emphasis on legitimacy raises several important questions for the study of international organizations. Why has the legitimacy of international organizations become the focus of such attention? Why, and how, is legitimacy supposed to matter for them? And if it matters, how do international organizations go about building or defending their legitimacy? This chapter aims to address some of these questions, with particular focus on the last of these: how do international organizations go about legitimating themselves vis-à-vis different audiences, and for what purpose? It makes three main arguments. First, it argues that in most international organizations the most important actors engaging in legitimation efforts are not the supranational bureaucracies, but member states. This has important implications for our understanding of the purposes of seeking legitimacy, and for the possible practices. Second, legitimacy and legitimation serve a range of purposes for these states, beyond achieving greater compliance with their decisions, which has been one of the key functional logics

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[1] For reasons of brevity and simplicity, the chapter refers only to international organizations to describe both international and regional organizations.

highlighted for legitimacy in the literature.[2] Instead, legitimacy is frequently sought to exclude outsiders from the functional or territorial domains affected by an international organization's authority, or to maintain external material and political support for existing arrangements. Third, one of the most prominent legitimation efforts, institutional reforms, often prioritizes form over function, with international organizations engaging in what the development economist Matt Andrews has called "isomorphic mimicry", where reforms are not aimed at changing the underlying political structures and dynamics, but at signalling to important and powerful audiences to encourage their continued material and political support.[3]

To advance these arguments, the chapter is divided into four sections. It will start with developing the concept of legitimacy and its application to international organizations, and then ask why their legitimacy has become such an important intellectual and political concern in recent years. The second part will look in more detail at the legitimation practices of international organizations, focusing on who engages in these practices, who the key audiences are, and how legitimation claims are advanced. The third section will look in more detail at one of the most common forms of legitimation – institutional reform – through the lens of two such reforms in international organizations: efforts towards greater interoperability in NATO, and the establishment of the African Peace and Security Architecture in the African Union (AU). The chapter will conclude with some reflections of the contribution that a legitimacy perspective has made to our understanding of the practices of international organizations.

Legitimacy and International Organizations

An institution is legitimate if its power is justified in terms of moral and other socially embedded beliefs, and if those subject to its rule recognize that it should be obeyed.[4] Legitimacy is therefore an inherently intersubjective and social concept. Thus, legitimacy is rooted in the collective beliefs of a particular community, which gives these beliefs a certain degree of stability, but also means that legitimacy can only be assessed with respect to this

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[2] Henry Walker and Morris Zelditch, "The Legitimacy of Regimes", *Advances in Group Processes*, Vol.20 (2003), 217–249; Morris Zelditch, "Theories of Legitimacy", in John Jost and Brenda Major (eds.), *The Psychology of Legitimacy*, (Cambridge: Cambridge University Press, 2001), 33-53.

[3] Matt Andrews, *The Limits of Institutional Reform in Development: Changing Rules for Realistic Solutions* (Cambridge: Cambridge University Press, 2013).

[4] David Beetham, *The Legitimation of Power* (Basingstoke: Palgrave Macmillan, 2001), 15-35.

particular group: legitimacy judgements are not universal.[5] Substantive understandings of what constitutes legitimacy are sustained and changed through the actions of those in an authority relationship: legitimacy needs to be recognized by those subject to rule and needs to be claimed and justified by those exercising authority.

Such an understanding of legitimacy highlights that it is problematic to neatly distinguish between what Robert Keohane and Allen Buchanan call the normative dimension of legitimacy (the right to rule) and the sociological dimension of legitimacy (a widely held belief in the right to rule).[6] An institution's sociological legitimacy, ascribed as the result of the congruence of the institution's objectives and practices with the beliefs, values, and expectations that provide a justification for its power, is judged on the basis of certain normative suppositions. Normative legitimacy, on the other hand, is usually ascribed to an institution if its structure, processes, and actions fulfil particular normative criteria, such as being based on some expression of consent, institutional integrity, or the promotion of justice. These criteria, however, are not universal and change over time: they arise as a consequence of social processes of argumentation, persuasion, and socialization, and are subject to social change. Both the normative and sociological dimensions of legitimacy are therefore inextricably interlinked.

An arguably more useful way to unpack the concept of legitimacy is therefore to examine what kinds of underlying beliefs contribute to an institution's legitimacy. The legitimacy literature has identified three types of belief in particular that give rise to different forms of legitimacy. The first are what Fritz Scharpf has called "output legitimacy": shared beliefs about normatively desirable outcomes, and the ability of institutions to achieve them.[7] In the case of international organizations, these could be welfare gains from co-operation and the establishment of common standards, the promotion of human rights, or restrictions on the use of force, or on the production and use of certain kinds of weapons, to name just a few. Failing to achieve these outcomes or changes in the underlying beliefs as to what outcomes are normatively desirable can lead to challenges to an organization's legitimacy.

A second set of beliefs relates to what has been called process legitimacy: the ways in which power is exercised, the processes by which rulers are selected and by which decisions are

[5] Steven Bernstein, "Legitimacy in intergovernmental and non-state governance", *Review of International Political Economy*, Vol.18/1 (2011), 17-51.
[6] Allen Buchanan and Robert Keohane 'The Legitimacy of Global Governance Institutions', *Ethics andInternational Affairs*, Vol.20/4 (2006), 405-37.
[7] Fritz Scharpf, *Governing Europe: Democratic and Effective?* (Oxford: Oxford University Press, 1999).

made, and the processes that ensure that power is exercised in a procedurally fair manner.[8] With regard to international organizations, such beliefs about legitimizing processes can entail the equal application of rules to all member states, transparency in decision-making and opportunity for participation, or processes ensuring adequate representation, e.g., on a regional basis.

The final set of legitimating beliefs are beliefs about the identity and particular qualities of an institution, contributing to what Mark Sutchman has called "structural legitimacy".[9] In Sutchman's words, "[t]he structurally legitimate organization becomes a repository of public confidence because it is 'the right organization for the job.'"[10] An international organization's structural legitimacy might arise from shared beliefs about its epistemic capacities, its perceived ability to muster particular resources and expertise, or from certain qualities of its membership, such as the involvement of regional powers, or the democratic character of member states.

Why does legitimacy matter for international organizations?

Legitimacy is widely seen as a motivation for compliance: because it instils a notion of obligation rooted in the perception that a legitimate institution's demands are normatively appropriate, actors comply even in the absence of coercion or material rewards. As a source of compliance, legitimacy is very attractive: as it does not rely on constant monitoring or on material rewards, its costs are generally thought to be lower than those of coercion or incentives. In addition, it is argued to be more durable, as it is not vulnerable to shocks limiting the availability of coercion or incentives.[11]

Legitimacy, of course, is only one possible source of compliance. The most prominent international actors, states, have a range of options to induce compliance of either their citizens or of other states with their requests: in addition to the normative pull of legitimacy, most states have the resources to either coerce or incentivize compliance, especially of their citizens. However, as Inis Claude observed, most states combine the use of coercion or incentives with appeals to legitimacy: "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,

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[8] Thomas M. Franck, *Fairness in International Law and Institutions,* (Oxford: Clarendon Press, 1995); Tom R. Tyler, 'A Psychological Perspective on the Legitimacy of Institutions and Authorities', in John T. Jost and Brenda Major (eds.) *The Psychology of Legitimacy: Emerging Perspectives on Ideology, Justice, and Intergroup Relations* (Cambridge: Cambridge University Press, 2001), 416-36.

[9] Mark Sutchman, 'Managing Legitimacy: Strategic and Institutional Approaches', *Academy of Management Review*, Vol.20/3 (1995), 571-610.

[10] Ibid., 582.

[11] Walker and Zelditch, "The Legitimacy of Regimes"; Zelditch, "Theories of Legitimacy".

but they do not like to be so, and think of themselves so, or to be so regarded".[12] Most international organizations, however, do not have the privilege of being able use naked power, as they lack the coercive capacities and economic resources of states. Hence, they are likely to rely strongly on legitimacy to achieve compliance with their rules and decisions.[13]

Given the focus on compliance, the primary legitimacy relationship with regard to international organizations that is highlighted in the literature is the one between organizations and their members, after all they tend to be the ones most directly affected by the authority of international organizations. However, as will be examined in more detail below, many international organizations also need to seek support and recognition from either powerful non-member states or from other international organizations in the sense that they do not interfere into an organization's functional and territorial domains, or seek active material support from them for their activities. When examining the purposes of seeking legitimacy and engaging in legitimation, it is therefore important to consider a wider range of audiences rather than just member states and their compliance.

Legitimacy questions also matter because tend to be asked at times of crisis, when institutional arrangements are questioned either by those participating in them (e.g., members of international organizations) or by those outside it.[14] Such crises can have multiple reasons – they can be the consequence of sudden shocks that completely change the environment within which particular international organizations work (such as the end of the Cold War, or the global financial crisis), or they can be the consequence of gradual changes in international society. Such gradual changes can affect both the material environment within which organizations operate (e.g., the emergence of new great powers, and its implications for the balance of power) and the normative environment (e.g., a greater prominence of human rights). As Veijo Heiskanen suggests in his introduction to one of the first major explorations of the legitimacy of international organizations:

> Over the past fifty years, fundamental changes have taken place in the operating environment of these international organizations… As a result of these changes, many international organizations… have been struggling to

[12] Inis Claude, "Collective Legitimization as a Political Function of the United Nations', International Organization, Vol.20/3 (1966), 386.
[13] Franck, *The Power of Legitimacy Among Nations*.
[14] Mervyn Frost, "Legitimacy and International Organizations: The Changing Ethical Context", in Dominik Zaum (ed.), *Legitimating International Organizations* (Oxford: Oxford University Press, 2013), 26.

maintain or re-establish the role that they once were perceived, or expected to have in international relations.[15]

Legitimacy questions therefore provide us with an insight into the kinds of challenges that international organizations face from a range of sources, and into the relations between international organizations and both their members and the wider world. While the specific challenges to and crises of legitimacy that international organizations face or have faced differ, they broadly fall into four categories.[16]

The first are challenges to decision-making structures and practices, which are central to the procedural legitimacy of organizations. Such challenges can take a range of forms. They might focus on a lack of transparency – a challenge often raised against the World Bank and the International Monetary Fund, for example.[17] They might highlight the role of particular powerful member states, and ascribe particular policy choices to their apparent hegemonic position, or focus on a lack of representativeness of decision-making organs, as in the UN Security Council and its five permanent members. Such challenges, while predominantly internal, mostly come from member states who feel excluded, or from their publics who identify the decision-making structures as elitist and non-democratic – a legitimacy challenge that has arguably been largely limited to the EU, with its unique reach into the domestic affairs of its member states. However, it can also come from actors outside an organization – such as the challenges by the US and European states to ASEAN's legitimacy on the basis of its consensual decision-making and the opportunities for obstruction this was perceived to offer.[18]

The second is the challenge of the non-compliance of member states with an organization's decisions or rules. When Nigeria and other member states of the Economic Community of West African States (ECOWAS) called on the UN Security Council to authorize military action in Cote d'Ivoire in 2011, and to intervene more forcefully in the post-election stand-off and protect civilians, they acted in direct contravention of the African Union's decision to call for a political dialogue, as the military intervention targeted only one of the conflict

[15] Veijo Heiskanen, "Introduction", in Jean-Marc Coicaud and Veijo Heiskanen (eds.), *The Legitimacy of International Organizations* (Tokyo: UN University Press, 2001), 1-2.

[16] See Dominik Zaum, "Conclusion", in Dominik Zaum (ed.), *Legitimating International Organizations* (Oxford: Oxford University Press, 2013), 221-3.

[17] Ngaire Woods and Amrita Narlika, "Governance and the Limits of Accountability: The WTO, the IMF, and the World Bank", *International Social Science Journal*, Vol.53/170 (2001), 569-83.

[18] Alice Ba, "The Association of South-East Asian Nations: Between Internal and External Legitimacy", in Dominik Zaum (ed.), *Legitimating International Organizations* (Oxford: Oxford University Press, 2013), 147-51.

parties – the forces of President Laurent Gbagbo. Similarly, the uses of force by the North Atlantic Treaty Organization (NATO) and the US and its allies in Kosovo (1999) and Iraq (2003) respectively are examples of non-compliance with an organization's rules, as both challenged the restrictions in the UN Charter on the use of force without Security Council authorization. While international organizations also call on non-members (both states and non-state actors) to act in certain ways, and might be ignored, non-compliance by member states, especially powerful member states with a strong voice in the organization, obviously poses a much greater challenge to an organization's legitimacy.

Member states who want to limit the existing authority and autonomy of international organizations pose a third challenge to their legitimacy. These challenges question the existing authority relationships between international organizations and their members. An example of such a challenge is the efforts of recent British governments (and in particular conservative members of Parliament) to limit the authority of the EU and repatriate powers back to member states, in the process explicitly questioning the legitimacy of the EU's exercise of certain powers.[19] Efforts to restrict the UN's involvement in the domestic affairs of states by members like Russia or China is another example. These challenges can arise for different reasons. An international organization might have pushed claims to authority to encroach upon the domestic jurisdiction of member states beyond the existing normative consensus and suffered from "normative overstretch" (as has been argued with respect to the UN Security Council's broadened conception of threats to international peace and security).[20] Alternatively, changes in the balance of power might make some states both perceive the restrictions on their sovereignty that arise from an international organization's authority as to restrictive and irksome, and might enable them to challenge them more effectively. Russian efforts to reduce the autonomy of Organization for Security and Cooperation in Europe (OSCE) institutions such as the Office for Democratic Institutions and Human Rights (ODIHR) over the last decade, and its electoral observer missions who have been critical of practices by Russia and its allies, are cases in point: the critical Russian position arguably reflects both the consolidation of an increasingly authoritarian regime and the re-emergence of Russia as an international power, and with it the greater desire and capacity to roll back

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[19] See for example "The EU Veto: The Tory MP's Letter to David Cameron", *Daily Telegraph*, 11 January 2014.

[20] George Andreopoulos, "The challenges and perils of normative overstretch", in Bruce Cronin and Ian Hurd, *The UN Security Council and the Politics of International Authority* (Abingdon: Routledge, 2008), 105-28.

some of the liberal norms and institutions advanced by the OSCE in the wake of the end of the Cold War.[21]

The final set of legitimacy challenges arises when the institutions and practices of international organizations conflict with, or no longer reflect, international norms. As discussed above, such norms are the benchmark against which the judgements about the legitimacy claims of international organizations are made. The association of the UN Conference for Trade and Development (UNCTAD) with a "new international economic order" that emphasized greater state control over the allocation of resources, a greater voice of developing countries in international economic institutions, and a more favorable transfer of financial resources to developing countries. Such a focus might have strengthened its legitimacy in the 1960s and 1970s,[22] but with changes in economic ideology in the 1980s such ideas – and the organization associated with them – became increasingly marginal, and in 2003 its headquarters in Geneva were described by one commentator as "a temple of a failed faith".[23] Also, regional norms that legitimate an organization might conflict with wider international norms and challenge the legitimacy of a regional organization in the light of external audiences, even if such regional normative frameworks are central to the organization's legitimacy in the eyes of its member states. An example of this is the Shanghai Cooperation Organization (SCO), whose legitimacy amongst some external (especially Western) audiences is compromised by its challenge to liberal norms, While at the same time this challenge and the political and normative alternatives it opens up make it attractive and more legitimate to states who feel their interests threatened or marginalized by international organizations dominated by liberal Western states.

These challenges to the legitimacy of international organizations highlight two important aspects of legitimacy. The first one is the inherently contested character of legitimacy: different audiences will have different legitimacy perceptions, and some will challenge the legitimacy claims of international organizations. Without unpacking these processes of contestation and the relationships they involve, it is difficult to make meaningful judgements about the degree of legitimacy of a particular organization.

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[21] Ingo Peters, "Legitimacy and International Organizations: The Case of the OSCE", in Dominik Zaum (ed.), *Legitimating International Organizations* (Oxford: Oxford University Press, 2013), 196-220.

[22] See GA. Res. 3201 (S-VI), Declaration on the Establishment of a New International Economic Order, 1 May 1974.

[23] Adam Roberts, cited in John Toye, "Order and Justice in the International Trade System", in Rosemary Foot, John Lewis Gaddis, and Andrew Hurrell (eds.), *Order and Justice in International Relations* (Oxford: Oxford University Press, 2003), 114.

The second aspect is the complex relationship between legitimacy and power. Legitimacy is seen as a source of power (and compliance); as an attribute of power, transforming "naked power" into authority;[24] and as a constraint on power, imposing self-restraint on powerful actors.[25] As the examples above highlight, power is also central to efforts to both maintain international organizations' legitimacy and to challenge it. As David Beetham suggests:

> the important point to stress about the maintenance and reproduction of legitimacy – the maintenance of rules, the reproduction of beliefs, the continued expression of consent – is that these do not take place independently of the structures of power that they legitimate.[26]

Powerful states can deploy superior resources to influence the beliefs that legitimate both institutions and power relationships. While they cannot control these beliefs and the practices by which they are communicated, they have a dominant voice in the discourses that shape the norms against which legitimacy judgements are made.[27]

Legitimation

Legitimacy is not only an attribute of international organizations, but also a social practice: it needs to be claimed by those exercising authority and recognized in particular by those subject to it. Much of the legitimacy literature has focused on the latter: on the ways in which those subject to an organization's authority recognize and validate its legitimacy claims. Domestically, the focus on democratic legitimation to validate the claims of office holders is a key example of this; while in international society, the emphasis on state consent for the generation of international legal obligations is one of the most prominent practices of recognizing the legitimacy of an organization.[28] In international organizations, consent is

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[24] Allen Buchahnan, 'Political Legitimacy and Democracy', *Ethics*, Vol.122 (2002), 689-719; Ian Hurd, 'Theories and tests of international authority', in Bruce Cronin and Ian Hurd (eds.) *The UN Security Council and the Politics of International Authority* (Abingdon: Routledge, 2008), 24-6

[25] G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars* (Princeton: Princeton University Press, 2001); Nico Krisch, 'The Security Council and the Great Powers'. In Vaughan Lowe et.al. (eds.), *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945* (Oxford: Oxford University Press, 2008), 133-53.

[26] Beetham, *Legitimation of Power,* 104.

[27] See for example Jane Boulden, 'Double Standards, Distance, and Disengagement: Collective Legitimization in the Post-Cold War Security Council', *Security Dialogue*, Vol.37/3 (2006), 409-23; Andrew Hurrell, 'Power, Institutions, and the Production of Inequality', in Michael Barnett and Raymond Duval (eds.) *Power in Global Governance* (Cambridge: Cambridge University Press, 2005), 33-58*;* Ngaire Woods, 'The United States and the International Financial Institutions: Power and Influence within the World Bank and the IMF' in Rosemary Foot, Neil MacFarlane, and Michael Mastanduno (eds.) *US Hegemony and International Organizations* (Oxford: Oxford University Press, 2003), 92-114.

[28] Terry Nardin, 'Legal Positivism as a Theory of International Society', in David Maple and Terry Nardin (eds.), *International Society: Diverse Ethical Perspectives (*Princeton, NJ: Princeton University Press, 1998), 17-35; Bruno Simma, 'From Bilateralism to Community Interest in International Law: Bilateralism and

primarily expressed through membership, and the acceptance of its rules and regulations that come with it. However, it can also be expressed through a range of day-to-day practices that confirm an organization's legitimacy, ranging from rhetorical affirmation of an organization's legitimacy claims (e.g., by emphasizing the importance of the WTO framework for global trade talks) to calls for decisions by an organization to authorize or endorse a particular course of action (e.g., the refusal of some European states to deploy their armed forces in peace operations without a UN Security Council mandate).

Member states, however, are not the only community at which legitimacy claims are directed, and whose recognition and validation is sought. Recognition by outsiders who are not directly affected by a legitimacy claim, or who might be able to make rival claims, is also important. In international society, the most prominent example of this form of legitimation is the practice of state recognition, where the recognition by other states constitutes a political community as a member of the society of states with the concomitant rights and responsibilities, and legitimates its participation in the practices of international society. With regards to international organizations, such legitimation can be practiced by a least three kinds of actors: by other international organizations recognizing and affirming the activities of a particular organization; by non-member of an organization, especially great and regional powers that are politically, economically, or strategically important for many member states of an organization; and by prominent NGOs that can galvanize international public opinion.

To be recognized, however, legitimacy needs to be claimed vis-à-vis these different audiences by international organizations and their members. Rodney Barker has called this process self-legitimation: "an action or series of actions – speech, writing, ritual, display – whereby people justify to themselves or others the actions they are taking and the identities they are expressing or claiming."[29] Thus, the ways in which international organizations make legitimacy claims and try to justify them can vary widely, reflecting differences in their mandates, the degree of institutionalization, and the character of their membership, and can range from mere rhetorical affirmation of a claim to investing into substantial organizational reforms to respond to international normative change, or challenges from member states, for example.

Community Interest Confronted', *Recueil des Cours*, 250 (1994), 229–55; Dominik Zaum, 'The Authority of International Administrations in International Society', *Review of International Studies*, Vol.32/3 (2006), 458-61.

[29] Rodney Barker, 'Legitimacy, Legitimation, and the European Union: What Crisis?', in P. Craig and R. Rawlings (eds.), *Law and Administration in Europe: Essays in Honour of Carol Harlow* (Oxford: Oxford University Press, 2003), 163-4.

This understanding of legitimation raises three specific questions with regard to international organizations: First, what is the purpose of their legitimacy claims? Second, who legitimates? And third, who are the key audiences of these legitimation efforts?

The Purpose of Legitimation

International organizations engage in legitimation for three reasons. The first purpose of legitimation is to confirm the desirability of the status quo and to affirm existing authority structures and defend them against rival authority claims. Challenges to the status quo can come from both inside an organization or from actors outside it. Internal challenges often focus on the scope of an organization's authority over its members (such as perennial efforts by recent British governments to repatriate EU powers), or on perceptions of unfairness in the distribution of power (e.g., the privileges of the permanent five members of the UN Security Council) or of decision-making processes (e.g., the decision-making processes in the WTO[30]). Challenges to an international organization's authority can also come from outside actors, in particular from other international organizations or powerful states who question an organization's authority over a particular issue. One example is the challenge to the UN Security Council's charter-based monopoly on the authorization of the use of force other than in self-defense coming from the AU's and ECOWAS's claims about their role in the management of the use of force in their respective regions,[31] or NATO and the US's actual use of force without Council authorization in Kosovo and Iraq.

The second purpose of legitimation efforts is the re-categorization or extension of authority relationships.[32] As Clark argues, legitimation describes the processes by which the distinct normative beliefs of actors are reconciled and applied to a particular case.[33] These processes of negotiating both applicable norms and the role that a particular international organization should play in their promotion or protection both lead to normative change and to changed understandings of the legitimate objectives and practices of international organisations. A good example of this is the rhetorical shift – reinforced by institutional changes – of the AU and ECOWAS from the traditional principle of non-interference towards the principle of

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[30] Robert Howse and Kalypso Nicolaidis, , "Enhancing WTO Legitimacy: Constitutionalization or Global Subsidiarity?", *Governance*, 16 (2003): 73–94.

[31] See for example Walter Lotze, "Building the Legitimacy of the African Union: An Evolving Continent and Evolving Organization", in Dominik Zaum (ed.), *Legitimating International Organizations* (Oxford: Oxford University Press, 2013), 111-31.

[32] Herbert Kelman, '"Reflection on Social and Psychological Processes of Legitimization and Delegitimization", in John Jost and Brenda Major (eds.), The Psychology of Legitimacy (Cambridge: Cambridge University Press, 2001), 54-73.

[33] Ian Clark, *Legitimacy in International Society* (Oxford: Oxford University Press, 2001), 20.

"non-indifference", a highly interventionist norm that has served to justify a range of political and military interventions by both organizations, in particular in response to unconstitutional power grabs.[34] Given the often substantial impact of such changes on the relationship between an organization and its member states, such efforts can be highly contested.

The third purpose of legitimation efforts is to confirm legitimacy claims in the light of social and political change. Such changes can result in legitimacy gaps as the objectives and practices of an international organization no longer match the normative beliefs and expectations of its members: changes in the international balance of power and the composition of international society, for example, have challenged the legitimacy of the UN Security Council, and in particular the privileged hegemony of the permanent five members, chosen in 1945. Similarly, the changing character of conflict in Africa in the post-Cold War era, and the changing expectations of African states (many of which had democratized) towards an African regional organization undermined the legitimacy of the Organization of African Unity (OAU) and its key principle of non-intervention. Importantly, though, any social and political change is likely to affect different states in different ways, depending on their internal characteristics, their economic or military capacity, or their geopolitical position. Thus, rather than simply depriving international organizations of their normative underpinnings, such change opens them up for contestation again as the expectations of member states towards the organization diverge, or because previously existing differences come into the open.

Who claims legitimacy?
International organizations often strive to give the impression that they are single corporate entities, which act "in their own right". In their resolutions and statements, it is often the organization as a collective, not the individual member states, which "criticizes", "endorses", or even "authorizes" particular actions. The perception that they are relatively autonomous, corporate entities pervades much of the literature on the legitimacy of international organizations. It has led to suggestions that the study of bureaucracies offers a useful lens to understand the legitimacy and legitimation practices of international organizations, [35] and a

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[34] See Alhaji Sarjoh Bah, "ECOWAS and the Legitimacy Question: A Normative and Institutional Approach", in Dominik Zaum (ed.), *Legitimating International Organizations* (Oxford: Oxford University Press, 2013), esp. 102-6.

[35] Michael N. Barnett and Martha Finnemore, 'The Politics, Power, and Pathologies of International Organizations', *International Organization*, Vol.53/4 (1999), 699-732; Corneliu Bjola, 'Legitimating the Use of Force in International Politics: A Communicative Action Perspective', *European Journal of International Relations,* Vol.11/2 (2005), 266 – 303; Michael Matheson, *Council Unbound: The Growth of UN Decision Making on Conflict and Post-Conflict Issues after the Cold War* (Washington D.C.: USIP Press, 2006); Jens

range of scholars have argued that like bureaucracies, international organisations embody what Weber has termed rational-legal authority: they have issue-specific authority (rather than the discretionary and plenipotentiary authority of a government), and their decision-making is subject to closely prescribed and codified processes, which are well understood by the relevant audiences.[36] Consequently, the legitimacy of their decisions can be rationally debated on the basis of these decision-making rules.

There are limits, however, on the degree to which international organizations can be attributed agency and the powers and responsibilities which flow from it. While many organizations have an identity greater than the sum of their parts, their decision-making structures and processes are often ad-hoc, opaque, and dominated by a few powerful states, rather than based on the application of well-understood rules.[37] As intergovernmental organizations,[38] one of the central roles of international organizations is to act as a focal point for facilitating the cooperation between states to address collective action problems in a complex, globalized world. International organizations also act as frameworks through which states pursue the legitimation – and de-legitimation – of different conceptions of international order, and the role of respective international organizations within that order. Legitimation is therefore not only pursued collectively by an international organization as a whole, but also by different members individually, through the structures and processes of the organizations, and with reference to their mandates. Understanding their legitimation practices therefore requires not only looking at international organizations as relatively coherent, corporate entities, but also examining the practices of their member states, and unpacking the political dynamics occurring within the organizations. Most international organizations are therefore best understood as having a Janus-faced character, defying easy characterization as either coherent, autonomous supranational bodies or institutional frameworks for intergovernmental cooperation. With regard to the UN, Inis Claude prominently captured this in his notion of the "two United Nations" – the supranational UN of the Secretariat and its specialized

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Steffek, 'The Legitimation of International Governance: A Discourse Approach', *European Journal of International Relations*, Vol.9/2 (2003), 249-75.

[36] Max Weber, *Economy and Society* (New York: Bedminster Press. 1968).

[37] See, for example, Chinmaya Gharekan, *The Horseshoe Table: An Inside View of the UN Security Council* (Delhi: Dorling Kindersley, 2006), 13-44.

[38] A range of important international organizations have strong supranational elements, most notably the European Union, the World Bank, and the International Monetary Fund (IMF). The specific legitimacy challenges this poses are beyond the scope of this chapter.

agencies on the one hand, and the UN of the member states in the Security Council and the General Assembly on the other.[39]

This discussion of who engages in legitimation suggests that most international organizations are best considered as collective enterprises rather than unitary actors. With this in mind, one can distinguish between efforts where the members of international organizations are consciously deliberating and acting collectively (e.g., when they decide on organizational reforms), and those instances in which particular member states are taking the lead in making legitimacy claims. These can also be described as collective or pluralist forms of legitimation respectively. Collective legitimation practices describe the efforts of international organizations and their members as coherent actors to improve the normative properties of an institution to defend or sustain authority claims against both internal and external challenges. Pluralist legitimation efforts, on the other hand, are conducted by individual states and groups of states. These states use the structures and processes of particular international organizations instrumentally to protect or promote their particular vision of international or regional order. As international organizations can offer a permissive environment for norm-based discourses,[40] and act as "repertoires of collective understandings" that structure norm-based debates between states,[41] they are a useful platform for states for such efforts.

Who are the audiences?

The legitimacy claims of international organizations are targeted at a range of different audiences. In an international order characterized by value pluralism and a diverse range of actors (both states and non-state actors), these distinct audiences have different interests, different expectations towards an organization, and different normative reference points against which they judge legitimacy claims. International organizations therefore face the challenge of reconciling these competing demands,[42] and if the expectations towards an organization by different audiences conflict, they limit the political space within which different legitimation practices and objectives can be successfully reconciled. Examples of the tensions between different normative reference points for legitimacy judgements abound: the peace operations literature has increasingly focused on the tensions between international

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[39] Inis L. Claude, 'Peace and Security: Prospective Roles for the Two United Nations', *Global Governance,* Vol. 2 (1996), 289-98.

[40] Martha Finnemore, "Fights about rules: the role of efficacy and power in changing multilateralism", *Review of International Studies*, Vol.31/S1 (2005), 187-206.

[41] Thomas Risse, "Let's Argue! Communicative Action in World Politics", *International Organization*, Vol.54/1 (2000), 11.

[42] Andrew Hurrell, 'Legitimacy and the Use of Force: Can the Circle be Squared?', *Review of International Studies*, Vol.31 (2005), special issue on Force and Legitimacy in World Politics, 15-32.

and local conceptions of legitimacy,[43] while an important part of the debate about EU legitimacy is framed in terms of a "democratic deficit", where the EU and its institutions might be successfully legitimated vis-à-vis European elites, but not in the eyes of the wider population of the EU's member states, as highlighted by the fate of the constitutional convention and treaty.[44]

One can broadly distinguish between three types of audiences of international organizations' legitimacy claims. The first audience is internal – member states and their publics. Given the association of legitimacy with authority, and thus with hierarchy and compliance, the relationship between international organizations and their members has received extensive attention in the literature. With regard to legitimation, it is important to note that member states themselves can often be deeply divided over a range of important issues that affect the scope of an international organization's authority: even if an international organization reflects shared norms and values and advances common interests, states are frequently divided over the degree of authority that an organization should have with regard to its members, how centralized and supranational this authority should be, or what the best ways to promote particular objectives might be. Social change in particular can increase the differences between member states. In the case of the OSCE, for example, fissures between major members states (with Russia and former Commonwealth of Independent States (CIS) members on the one hand, and the US and Western European states on the other) about the kind of regional order that the OSCE should help to uphold, and the degree of autonomy some of its bodies – e.g., electoral observation missions – should have, has deepened as both domestic Russian politics, and Russia's political and economic international presence changed after the turmoil of the first post-Cold War decade.[45] The normative divisions within the membership of international organizations, and the existence of multiple internal audiences for legitimacy claims on behalf of international organizations, highlight the importance of considering international organizations not only as actors legitimating other actors and practices, or as institutions in need of legitimation, but also as frameworks for contesting and legitimating different international orders.

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[43] Noah Feldman, *What We Owe Iraq: War and the Ethcis of Nationbuilding* (Princeton: Princeton University Press, 2004); Jeni Whalan, *How Peace Operations Work: Power, Legitimacy, and Effectiveness* (Oxford: Oxford University Press, 2013); Dominik Zaum, *The Sovereignty Paradox: The Norms and Politics of International Statebuilding* (Oxford: Oxford University Press, 2007).
[44] Thomas Risse and Mareike Kleine, 'Assessing the Legitimacy of the EU's Treaty Revision Methods', *Journal of Common Market Studies*, Vol.45/1 (2007), 69–80.
[45] Peters, "The Case of the OSCE".

Legitimacy relationships, however, are not only hierarchical, and many international organizations speak to – and seek recognition from – external audiences of non-member states, especially other international organizations, or great powers. This is particularly pronounced in the case of organizations that do not have a near-universal membership, or organizations whose members are not among the leading economic and military powers: since they are embedded into a wider global order that reflects the values, interests, and expectations of the major powers, they have to negotiate the requirements and expectations of this global order, in addition to those of their membership. Powerful global actors often fulfill important economic and security functions in a region, and might even financially support some of the core activities of international organizations in the developing world: most of the conflict resolution and peacekeeping activities of the African Union (AU), for example, have been financially supported by external actors, in particular the European Union.[46] The AU therefore relies heavily on external support to be able to legitimise itself internally vis-à-vis its members and their publics. Failure to legitimate themselves vis-à-vis powerful external actors can therefore have significant material consequences if these actors withdraw their support or actively challenge an organization.

An international organization might seek external recognition of its legitimacy claims to strengthen its legitimacy amongst its members: external material support can contribute to the capacity of an international organization to deliver on shared objectives of the membership and enhance its output legitimacy; or external recognition of its authority by other organizations of powerful states raises its legitimacy among member states. However, as internal and external values and expectations can also conflict, seeking external recognition of legitimacy claims can also detract from an organization's legitimacy among its membership, and limit the political space available to an organization and its members within which to successfully pursue legitimation efforts.

The third audience of legitimacy claims of international organizations are NGOs and civil society, who do not easily fall into the categories of internal and external audiences discussed above. NGOs can play an important role in the diffusion of norms (and thus the benchmarks against which different audiences assess the legitimacy of international

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[46] Between 2004 and 2012, the EU channelled more than €1.1 billion to the African Union's peace and security operations. European Commission, *African Peace Facility – Annual Report 2012* (Brussels: European Commission, 2012).

organizations and their practices),[47] and in shaping and influencing international organizations' policymaking.[48] However, they are also an important audience for international organizations because through their advocacy and lobbying efforts, their ability to mobilize networks of activists, and their promotion of particular norms, they can legitimize international organizations vis-à-vis governments and their publics. NGOs can thus complement and reinforce the legitimation efforts of international organizations and their members.

With respect to NGOs, the purpose of legitimation is not to achieve compliance with decisions or to engender material or political support. Legitimation towards NGOs and civil society is important as it can help to co-opt them into an international organization's legitimation efforts. Still, some international organizations, especially in the security field and in the developing world, have often been reluctant to actively engage with NGOs and civil society.[49] Other organizations, in contrast, such as the OSCE, have strong links with civil society.[50] A prominent example of the re-affirming and legitimating role of NGOs is the International Coalition for the Responsibility to Protect, which has contributed to anchoring the "responsibility to protect" (R2P) in the language used to discuss humanitarian crises and conflicts,[51] and has legitimated the role of the UN as the guardian of R2P.

Legitimation and Institutional Reform: Isomorphic Mimicry?

One of the most prominent forms of legitimation has been institutional reform: the change of existing organizational structures, or the creation of new ones. While few – if any – organizations have gone as far as the Organization of African Unity (OAU), which re-invented itself as the African Union with a whole new organizational architecture and a much more intrusive mandate, many international organizations have over time reformed or complemented their existing institutions: ASEAN, for example, created a Human Rights Commission, the EU created institutions such as the European Central Bank, the UN created the Peacebuilding Commission, and even the Shanghai Cooperation Organization (SCO),

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[47] Margaret Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998).

[48] Thomas G.Weiss, Tatiana Carayannis, and Richard Jolly, 'The "Third" United Nations', *Global Governance*, 15/1(2009), 123-42.

[49] Margaret Karns and Karen Mingst, *International Organizations: The Politics and Process of Global Governance* (Boulder, Co.: Lynne Rienner, 2010), 244-5. See also the chapters by Ba, Bah, and Prantl in this volume.

[50] These go back to the OSCE's predecessor, the CSCE, and the mutually supportive relationship between the CSCE and civil rights organisations in Eastern Europe. See Daniel Charles Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton: Princeton University Press, 2001).

[51] Bellamy, 'The Responsibility to Protect – Five Years On'.

one of the most weakly institutionalized intergovernmental international organizations, created new structures including the Regional Anti-Terrorism Structure (RATS).

The justifications for such organizational reforms seem to address two legitimacy concerns in particular. On the one hand, they are often attributed to a desire to more effectively promote shared interests and values – that is, to increase the output legitimacy of international organizations. The establishment of the AU's Peace and Security Architecture (APSA), of the Peacebuilding Commission in the UN, or the SCO's RATS are examples of this. Other reforms of organizational structures and rules – such as changes in working methods in the UN for example, or of expanded consultation mechanisms with NGOs and civil society in a wide range of organizations – are aimed at achieving greater representatives and openness in decision-making and contribute to greater procedural legitimacy.

Importantly, not all of these institutional changes are targeted at strengthening the internal legitimacy of international organizations by strengthening the relevance of the organization to key members and their concerns. Especially in international organizations in the global South that rely on the support or recognition of external actors and do not count great powers amongst their members, institutional change is often targeted also at external audiences to sustain their recognition and support. These international organizations then pursue particular reforms not to achieve substantive changes in their practices or performance, but in response to outside pressures to conform to externally defined expectations and values – a process described by Paul DiMaggio and Walter Powell as isomorphism.[52] They identify three processes through which isomorphism works – coercive pressures, mimetic processes, and normative pressures – all of which are linked to issues of legitimacy.[53] Coercive isomorphism, which works through external formal and informal pressures for organizational change to conform with wider norms, and mimetic isomorphism, where organizations emulate perceived well-functioning practices or institutions, engage both output and procedural legitimacy questions. Normative isomorphism affects practices through the influence of professional standards, as has been explored in the international relations literature on epistemic communities generating both shared understandings and practices with regard to particular issue areas,[54] and engages with structural legitimacy.

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[52] Paul DiMaggio and Walter Powell, "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields", American Sociological Review, Vol.48/2 (1983), 147-60.
[53] Ibid., 150-4.
[54] See for example Emmanuel Adler and Richard Haas, "Conclusion: Epistemic Communities, World Order, and the Creation of a Reflective Research Program", International Organization, Vol.46/1 (1992), 367-90.

A growing literature in international development that looks at the difficulties of institutional reform has identified isomorphic mimicry -- "the tendency to introduce reforms that enhance an entity's legitimacy and support, even when they do not demonstrably improve performance"[55] -- as one of the key reasons why institutional reforms in many developing countries have had so little traction. While formal changes are important to sustain the continued financial support from donors, governing elites aim to limit substantive changes that threaten their core interests or that might provoke conflicts within the state.[56]   In some international organizations, we might be observing similar processes. They pursue organizational reforms that mimic international norms to generate and sustain external legitimacy, and with it recognition and material support. However, the substantive impact of these changes on the actual practices and performance of these international organizations is limited by the conflicting interests and values of member states. There are a range of examples of such isomorphic practices. ASEAN's establishment of a regional human rights system, for example, has been interpreted as the mimetic adoption of Western institutions to be recognized as advanced countries with internationally legitimate values.[57] Similarly, regional organizations promoting economic integration, such as the South American trade organization MERCOSUR[58], and the Southern African Development Community (SADC) have mimetically adopted practices and structures from arguably the most successful example of such integration, the EU.[59] While some of these organizational changes might affect the performance of international organizations, others are instances of the primacy of form over function: as they are a response to external expectations and not the interests and values of an organization's members, these changes might look like substantive reforms, but in terms of their substantive outcomes do not dramatically change the underlying structures of power an interest within a specific international organization.

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[55] Matt Andrews, Lant Pritchett, and Michael Woolcock, "Escaping Capability Traps through Problem Driven Iterative Adaption (PDIA)", World Development, Vol.51 (2013), 234-5.

[56] E.g. Matt Andrews, *The Limits of Institutional Reform in Development Changing Rules for Realistic Solutions* (Cambridge: Cambridge University Press, 2013). See also Douglass North, John J. Wallis, and Barry Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (Cambridge: Cambridge University Press, 2009).

[57] Hiro Katsumata, "ASEAN and Human Rights: Resisting Western Pressure or Emulating the West?" *The Pacific Review*, Vol.22/5 (2009), 619-37.

[58] Mercado Común Sudamericano.

[59] Tobias Lenz, "Spurred Emulation: The EU and Regional Integration in MERCOSUR and SADC", *West European Politics*, Vol.35/1 (2012), 155-73.

Conclusion

This chapter has aimed to examine the importance of legitimacy for international organizations, and the practices they deploy to generate and sustain legitimacy vis-à-vis different audiences. The discussion has highlighted four points.

First, international organizations seek legitimacy not only for compliance from their members, but also from external actors to generate material support or recognition of their authority. The latter is particularly important for international organizations in the global South, whose membership does not include the leading economic, military, and political powers. As the growth of regional organizations is particularly pronounced in these parts of the world, it is important to recognize this direction of legitimation efforts, and its implications.

Second, most international organizations are not homogenous, unitary actors, and do not necessarily engage in legitimation "as one". Instead, legitimation efforts are mostly advanced by member states, sometimes collectively, and sometimes individually or by small groups. This suggests that these efforts not only seek to strengthen the legitimacy of an organization vis-à-vis different audiences, but also use the platform that an international organization offers to promote a particular vision of international order (including of the respective organization within it).

Third, organizational reforms, which initially appear to most directly respond to internal legitimacy challenges, can often be an attempt at legitimation in response to external pressures. As a result, such efforts are likely to prioritize form over function and engage in "isomorphic mimicry", with organizational changes not fundamentally challenging the underlying political structures and dynamics, but instead performed to signal to important and powerful external audiences that the organizations are deserving of continued material and political support.

Finally, and arguably most important, legitimacy relationships and legitimation practices by international organizations are inextricably linked to the wider social and material international structures of power. These structures shape who legitimation efforts are addressed to; they affect the resources and practices that organizations can deploy towards generating and sustaining legitimacy; and they shape the social order, the normative reference points against which legitimacy judgements are made by different audiences. An international order that is characterized by value pluralism and only a shallow normative consensus, and

where political and economic power (despite some diffusion) remain concentrated in a small number of states, means both that the political space within which international organizations and their members can pursue legitimacy is relatively constrained, and that their legitimacy it less a question of degree but one of perspective and audience.