

The sum of its parts? Sources of local legitimacy

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Abstract

The article analyses the sources of local actors' legitimacy perceptions towards international peacebuilding operations. Local legitimacy perceptions are increasingly recognised as shaping local behaviour towards international peacebuilding, which influences the effective functioning of the operation. Legitimacy debates in peacebuilding are either absent or imported from the literature on domestic legitimacy, without respect to the specific temporal and spatial situation of international operations. The article first explores which legitimacy sources influence local legitimacy perceptions of international peacebuilding operations. It finds that two sources are relevant: output and procedure. Second, it investigates how exactly legitimacy arises from them. In doing so it demonstrates that output and procedure are umbrella terms comprising several sub-elements which influence legitimacy in different, sometimes contradictory, ways. Finally, the article empirically explores which of the sources are important to local actors' legitimacy perceptions using field data from the EU peacebuilding operations EULEX in Kosovo and EUPM Bosnia-Herzegovina.

Keywords

Legitimacy sources, peacebuilding, output, procedure, EULEX, EUPM

Introduction

The significance of legitimacy in international interventions and peace operations has received increasing recognition in recent years. Contributions have highlighted the importance of the concept for winning local support and acceptance of a mission (Mersiades, 2005; Gow and Dandeker 1995), and fostering compliance with and efficiency of international efforts (Gippert, 2015; Whalan, 2013). International donors and policy-makers have similarly included perceptions of legitimacy into their guidelines and policies (Department of Peacekeeping Operations, 2008; DFID, 2012; OECD-DAC, 2010). Despite its clear importance for international peacebuilding, we know very little about how legitimacy is engendered, as the debate is often absent or derived wholesale from the literature on domestic legitimacy. While the latter can provide valid insights, such a transfer has to be sensitive to the specific character of international operations— they are temporally limited but often powerful sources of authority for the local population (or elite) of the host state. Most traditional accounts of legitimacy theory are based on the state-citizen relationship, where the legitimacy of the state derives from the social contract with its citizens (Weber, 1978; Zelditch, 2001). This Rousseauian idea does not apply to international peace operations as they at best strike a deal with the host state government but not the population of the state.

This article illuminates how legitimacy arises in situations of international peacebuilding using the examples of two divided post-conflict societies, Kosovo and Bosnia-Herzegovina. Employing two case studies from the same region limits the generalizability of the findings but allows for in-depth micro-level analysis of what these two cases can tell us about the sources of legitimacy. The majority of the peacebuilding literature analyses legitimacy views of the international community (Coleman, 2007; Bellamy and Williams 2005; Wiharta, 2009). This study, on the other hand, is interested in the perceptions of the local actors in the host state who work directly with the international operation. Local actors' perceptions are important to international peace operations as these international reforms aim

at changing crucial elements of the political order of the state; the way its institutions are organised or run; and how citizens engage with the state. Such reforms go to the heart of the state-citizen relationship; they are in their essence meant to address the domestic legitimacy and trust deficit conflict can incur between the state and its inhabitants. Whether these reforms are accepted and considered legitimate by those who will end up living with them plays an important role in the effectiveness and sustainability of building peace. Legitimacy perceptions colour local actors' actions in terms of cooperation, compliance, or resistance towards the international institutions tasked with building this peace. Perceptions therefore directly shape the permissibility of the environment in which the mission works and the chance of the reforms being implemented and becoming sustainable (Donais, 2009). On the operational level, the bulk of reforms are implemented through or with the substantial help of local actors, as both case study examples in this article show (Sending, 2011). Local legitimacy attitudes can therefore have an imminent effect on the feasibility and effectiveness of international reforms.

The insights of this article contribute to the nascent debates on the relevance of legitimacy and local actors' agency for international peacebuilding outcomes. First, the article explores which legitimacy sources can influence local legitimacy perceptions of international peacebuilding operations in light of their specific context. It finds that two sources are relevant to peacebuilding operations: output and procedure. Second, it investigates how exactly legitimacy arises from them. In doing so, it shows that output and procedure are umbrella terms, comprising several sub-elements which influence legitimacy in different ways. Finally, the article explores which sources are important to local actors' legitimacy perceptions using empirical data from the EU peacebuilding operations EULEX in Kosovo and EUPM in Bosnia-Herzegovina. Both operations were long-term intrusive examples of peacebuilding, and the analysis focuses on the legitimacy perceptions of the local police officers who worked directly with the operations in implementing EU police reforms. While this is an exploratory study, the comparative format of the article shows patterns of relevant

sources fuelling local legitimacy perceptions. The conclusion discusses the findings of this article with regards to the relevant literatures in peacebuilding and the implications of these findings for the wider IR and Political Science literatures on legitimacy.

Sources of legitimacy for international peacebuilding operations

In Weber's understanding, legitimacy is a form of power that provides an internal, voluntary reason for an individual to accept the authority of an institution (Weber, 1978; Zelditch, 2001). Legitimacy is a social phenomenon that depends on the individual or collective interaction between the rule-giver and the rule-recipient. In this interactive relationship an institution makes legitimacy claims which are either accepted or rejected by the audience to which they are addressed. These two sides of the dialogue constitute the elements of legitimacy: processes of legitimation and perceptions of legitimacy (Zaum, 2013). The processes of legitimation concern the ways in which an institution makes claims as to its own legitimacy, and the perceptions arise from the legitimacy judgements made by the audience towards the institution, on the basis of certain normative benchmarks. These benchmarks are individually and collectively held beliefs. Legitimacy is a matter of degree, not a binary variable. This article focuses on the second element, the local legitimacy perceptions vis-à-vis a peacebuilding operation. A society is not necessarily homogeneous in its desires for reform, and different communities may sport diverging or even contradictory views. This will be illustrated particularly in the case of Bosnia-Herzegovina in the following empirical analysis.

International peacebuilding operations constitute temporary institutions of authority to the local population and government without being elected or even appointed by any local authority. These specific features of international peacebuilding operations exclude (or curtail) some of the most important legitimacy sources discussed in the classical literature on legitimacy as part of the social contract between the state and the citizens: democratic consent to the exercise of authority, accountability to local laws, and judicial redress. International operations are not democratically elected by the population of the host state but deployed by

an international organisation. An international mission is held accountable by its parent organisation but it is not accountable to the government or population of the host state. Similarly, its staff is only answerable to its seconding government (Caplan, 2005) and the staff of these operations are immune from local prosecution (Rawski, 2003). Several missions have addressed these limitations of accountability and redress by setting up ombudsperson offices, however, these can only deliver advisory opinions.

There is not much discussion in the literature on peacebuilding about how legitimacy of international peace operations is engendered. Whalan is a notable exception in that she differentiates between source legitimacy, substantive legitimacy, and procedural legitimacy as bases of local actors' perceptions towards an international mission. These three she describes as legitimacy deriving from the operation's source of authority (a UNSC mandate), its outcomes, and the way it exercises authority (Whalan, 2013). Galtung and Eide in their work on Gaza identify several factors that improve local 'acceptance' of the operation. These include how the mission staff behave in public, including observing local cultural norms, and how they treat people (Galtung and Eide, 1976). Mersiades finds that legitimacy is engendered by the mission being decisive in its actions, particularly in providing security or other visible outcomes for the population (Mersiades, 2005). What these different contributions to the literature have in common is that legitimacy is seen to derive either from the way the operation treats local people and behaves in the exercise of their duty, or in terms of the outcomes it achieves.

Procedural legitimacy

Hurd discusses 'correct procedure' as engendering legitimacy through the ways in which an institution works, exercises its powers, and treats its relevant audience (Hurd, 2007). Similarly, Tyler finds that sometimes actors accept rulings or decisions and consider them legitimate even though they go against their interests (Tyler, 1990). He argues that this kind of legitimacy arises from people's acceptance of the way a decision was made, their

recognition that it was fair, unbiased, and followed an accepted procedure. So procedural legitimacy arises when the exercise of authority matches the individual's normative benchmarks about how such an exercise should work. Englebert and Tull show that imposing Western institutions on African 'failed states' often does not lead to these institutions being accepted by the local population because they represent a different administrative or legal tradition that local people cannot identify with – it does not match their normative benchmarks (2008).

Despite the lack of a social contract, there are several important procedural legitimacy elements that can influence local legitimacy perceptions. The alternative to democratic elections, to justify the authority of an international operation, is to obtain the consent of the host government (Bellamy and Williams, 2005; Gray, 1996). However, there are two issues with this form of consent. First, governmental consent raises questions in how far the government is representative of its population. This can be problematic if the government is not (yet) democratically elected or represents one of the conflict parties (Zaum, 2007). This was a problem for the UN mission in Cambodia as the Khmer Rouge did not support the mission (Doyle, 2001). Second, an international mission is often invited after conflict as part of a brokered peace deal. Local consent to the mission is hence not always freely given but forms part of a broader agreement. This was the case in Bosnia-Herzegovina where the International Stabilization Force and the International Police Training Force were part of the same document that ended the war (GFAP, 1995).

The way in which international operations, either collectively or its individual members of staff, treat the local population and their local partners can influence local legitimacy perceptions. An operation can legitimate itself towards local actors by making sure it treats locals equally and with respect. This includes applying the same standards for relations to all actors (including of different communities), taking local opinions and concerns on board, and being respectful while maintaining the impartial stance of the operation (if that is indeed enshrined in the mandate). Impartiality has become less of a

criterion for international operations with the advent of third-generation peacekeeping into which both case studies here fall. Indeed, in the case of Kosovo, impartiality is problematic for the Kosovo-Albanian population because it biases the operation against their avowed view; that Kosovo is an independent state. Finally, the professionalism and expertise of its staff are one of the most fundamental aspects of an international operation's procedural legitimacy. They are considered an element of procedural legitimacy because the way the mission staff acts (professionally or unprofessionally) towards their local counterparts and whether they are experts in their fields crucially shapes the way the mission is seen to operate and conduct itself. It is linked to the above element of treating local actors respectfully and equally but more concerned with the professional image of the mission staff.

Output legitimacy

In his early work, Fritz Scharpf popularised the concept of output-oriented legitimacy which arises from the ends for which a system works. A political order is legitimate if it represents the idea of 'government for the people' (Scharpf, 1999). Although output legitimacy has become a buzzword in the legitimacy literature of late, it is often used synonymously with 'performance', which either reduces the concept to the mere actions of an institution, or worse, to the material benefits individuals gain from it (Greven, 2000; Steffek, 2003). This is simplistic and undermines our ability to trace the ways in which legitimacy perceptions arise from output.

Examples in Scharpf's own work of which 'outputs' are expected of an institution include more abstract ideas such as 'common good' and very practical examples like social security and economic growth (Scharpf, 1975). From these latter examples it is easy to see why subsequent scholars have chosen such a narrow interpretation of output legitimacy, literally equating it with the outputs of an institution. However, personal gain can hardly be considered a legitimacy source, as it leads to compliance with rules only for instrumental reasons, not for internal ones (March and Olsen, 1989). Although it appears to be an abstract

notion, common good plays a crucial role in the concept of output legitimacy as it is the element linking materialistic outputs to legitimacy perceptions. Indeed, output-oriented legitimacy has two aspects: the match of the aims and objective of the international operation with the needs of the population; and the performance of the operation in achieving these aims and objectives.

The question this raises is how an international operation can know what the common good for a host state is? In a domestic context policy-makers are part of the society they serve and it could be assumed, in belonging to the same community, they recognise the common good (Walzer, 1980). This, however, presupposes a unity of interest and identity which Scharpf himself admits is very problematic (Scharpf, 1999). In an international peacebuilding mission, the ‘policy-makers’ are not part of the host society. How can they know what the common good for the host-society entails? The problematic answer to this question is to assume a common interest between local wishes and international aims, reminiscent of Lord Lugard’s notion of the ‘dual mandate’ and its implied colonial attitude (Lugard, 1922; Ottaway, 2002).

Scharpf himself provides the answer to this question: ‘Responsible governments must pursue the common good, but its substantive understanding, and the policies serving its attainment, should arise from deliberative interactions in the shared public space of the polity’ (Scharpf, 2009, p.20; Habermas, 1962). Such a communication overcomes the assumption of a common interest, as multiple and contradictory needs can be articulated. This is particularly significant in case of divided societies such as the two examples in this study, Kosovo and Bosnia. Given that post-conflict societies often have weak state structures, this ‘deliberative interaction’ does not need to be led by the state (indeed, the aim behind many peacebuilding reforms is to build up such a ‘shared public space’ for inclusive interaction) but can have important input from non-state actors. In Kosovo, EULEX made a point of conferring with the Serb community in the Northern provinces, who refuse to interact with the Kosovo state institutions. Similarly, in Bosnia the ‘shared public space’ is as divided as

the state. Therefore, EUPM deliberated intensively with the leaders of each community. These examples show that Scharpf's definition might be too neat for post-conflict states but the principle of it, consulting with the representatives of the population to understand their desires for reform, remains crucial even if the process differs. Once the substance of the common good is established, it has to be reflected in the actual policies of the international operation – its aims and outputs.¹

There are several elements of output legitimacy that can influence local legitimacy attitudes. The first element is the required congruence between mission reforms and local actors' reform wishes. This congruence can be difficult to attain as the mandate of an international operation is usually a highly political document that is driven by the need for consensus in the deploying organisation rather than by the needs of the local population. Whalan shows how the international operation to the Solomon Islands, RAMSI, made a point of their senior staff meeting local people and consulting with them on what the mission should focus on (Whalan, 2013).

The second significant element of output legitimacy is whether the norms and values the mission exports as part of its reforms are accepted by the local population. Depending on the sending organisation and the mandate of the operation, these norms often include respect for minorities, gender equality, rule of law, transparency, and accountability. For output legitimacy, it is important to understand whether these norms and values make sense in the local context and how they are accepted. On the example of rule of law reforms in East Timor, Hohe demonstrates how the imposition of international rule of law blue-prints, without regard to local traditional forms of justice undermined local legitimacy (Hohe, 2002).

The final element of output legitimacy is the question of whether the mission achieves the reforms it sets out to introduce. The UN mission in Somalia for instance was unable to

¹ This may be difficult in practice as different communities within society or former warring parties may fundamentally disagree on what they want the international operation to do.

deliver on its mandate because it did not manage to control the security situation (Mersiades, 2005).

Local legitimacy perceptions

Based on these theoretical discussions, this part of the article explores the sources of legitimacy that were most relevant to the local police officers in Bosnia and Kosovo. The data for the analysis comes from face-to-face interviews conducted with local officers of all ranks in both countries. These interviews included open-ended questions² asking the officers about their perceptions of the international operation, and a legitimacy survey that consisted of the seven items of procedural and output legitimacy discussed above. The survey provided a statement (see table 1 below) and respondents were asked to reply using a six-point answer key: strongly agree, agree, neither agree nor disagree (undecided), disagree, strongly disagree, do not know. To catch out respondents' reply sets, one of the items was phrased in the negative. As elaborated in the following evaluation, retrospectively that was not a good idea as it confused respondents and biased the replies. Respondents were selected purposively for their proximity to the reform process, ensuring a balance of gender, region, rank, and ethnicity. In Kosovo 35 officers of ranks ranging from Officer to Colonel were interviewed. Of these officers seven were Serb, one Bosniak, one Turkish, and 26 Albanian. In Bosnia-Herzegovina 36 officers were interviewed of which 13 were Bosniak, 12 were Croat, and 11 were Serb. The interviews were either conducted in English or with the help of local translators. They usually took place in an office, a meeting room, or a café (usually when the coffee in the station was bad).

Table 1 here

² Open-ended questions from the interviews included: 1. What is your opinion of the international mission? 2. What do you feel are the most important issues the mission should work on? 3. How successful are they at tackling these issues? 4. How have the mission staff behaved towards you during your common work? 5. Do you feel the mission treats all their local partners equally? Officers were also encouraged to add explanations to their survey replies if they felt that to be necessary.

The survey data is disaggregated by ethnic group for each country. The judgement whether an element of either source was important for an officer's legitimacy is based on two indicators: the strength of the response in the survey (strongly (dis)agree or (dis)agree rather than undecided or do not know) and the open-ended interview replies from the officer. In case of disagreement between these two indicators, the interview responses are considered authoritative because of the possibility that survey items were misunderstood whereas in the interview coherent answers had to be given, which reveal misunderstandings.

European Union Police Mission Bosnia-Herzegovina

International intervention in Bosnia started during the 1992-1995 war, which pitted the three main ethnic groups (Serbs, Croats, Bosniaks) against each other in their different visions for Bosnia's future after the break-up of Yugoslavia (Woodward, 1995). From the fairly toothless UNPROFOR humanitarian mission, international intervention was upgraded substantially in 1994/95 in the form of US-led air-strikes against the Serb forces that finally brought all parties to the negotiating table (Holbrook, 1999). The international community had a massive impact on the future of the country as it presented the parties with a peace agreement that was at the same time the blueprint for a future Bosnian state: The General Framework Agreement for Peace (GFAP, 1995). It foresaw a considerable military presence to keep the peace and divided the country along ethnic lines into two entities, the Serb-majority Republika Srpska and the Bosniak-Croat Federation, enshrining ethnic division in the name of keeping the peace. To Serbs this division is the requirement for their community to live in a majority-Bosniak country and a non-negotiable security guarantee. To the Bosniak population this division is a reminder of the methods of ethnic cleansing used during the war and stands in the way of a unified Bosnian state (Mühlmann, 2008). To demilitarise and vet the local police, which had committed some of the worst atrocities during the war, an International

Police Training Force (IPTF) with a strong mandate was deployed. IPTF restructured the Bosnian police forces and made them fit for civilian policing again. However, the divisions of the state were also mirrored in the structure of the police as Bosnia's police system is decentralised with a total of 15 forces.

The EU Police Mission in Bosnia-Herzegovina was deployed in January 2003 to bring the Bosnian police forces closer to European standards. EUPM was not empowered to take executive action but relied on a cooperative mandate to monitor, mentor, and inspect the local police. In various configurations EUPM stayed in Bosnia until June 2012. This analysis focuses on the first mandate period of EUPM from January 2003 until December 2005. The mission developed 138 individual projects that were implemented through the co-location of mission staff with the middle and senior management of the Bosnian police across the entire country (EUPM, 2003).

Local legitimacy sources for the Bosnian police. The Bosnian police forces in 2003 had already come a long way since the end of the war, in which they had played an active and brutal role (Collantes Celador, 2008). On paper at least, all officers had been vetted by IPTF to ensure they had no record of war crimes. However, considerable challenges for the police remained, key among them divisions along ethnic lines, which are shown below to be the main differentiating factor between the respondents' replies to the EUPM legitimacy survey.

Over 90% of all officers of the three main ethnic groups 'agreed' or 'strongly agreed' that the values underlying EUPM's reforms were important for Bosnia, the first output legitimacy element. The interviews confirmed this trend as officers explained that their job was 'to be trusted by the community' and that they had to respect values like transparency and accountability to gain this trust (Interviews with Bosnian Police, BiH, October 2013). This finding shows that although the values transposed by the mission are part of the standard intervention blue-print (rule of law, transparency, gender and minority equality) they are accepted as important by the local police. This is interesting as several peacebuilding scholars

note the negative impact a perceived ‘imposition’ of foreign values can have on local actors and the sustainability of reform (Lemay-Hebert, 2014; Mac Ginty and Richmond, 2013; Hohe, 2002). However, as Bosnia is both geographically and in terms of historical linkages close to the EU, it may not be surprising that EUPM’s values and norms were accepted.

The second output legitimacy element was the question whether EUPM’s reforms match the needs of the Bosnian police. 20% of all Serb officers ‘agreed’ with this statement but 80% ‘disagreed’. Of the Croat officers, 100% either ‘agreed’ or ‘strongly agreed’, and of the Bosniak officers 82% ‘agreed’ or ‘strongly agreed’. The interviews with the Serb officers showed that many fundamentally disagreed with the reform priorities of EUPM, which focused on strengthening the state-level institutions of the police. This reform priority was seen as directly undermining the control the Republika Srpska has over its police (Mühlmann, 2008). For the Bosniak officers the case was exactly the other way around as EUPM’s reforms to centralise the police resonated with their wish for a unified Bosnia. The Croat officers explained in the interviews that they supported EUPM’s efforts to professionalise the police because it meant better policing for their community but they also wanted to keep policing on the entity level (Interviews with Bosnian Police, BiH, October 2013). This output element was important to local legitimacy perceptions. For most Serb officers the mismatch of EUPM’s priorities and their own perceived needs undermined their legitimacy perceptions. But the mission’s reforms matched (at least some of) Bosniak and Croat reform aims and so this element supported their legitimacy views. This finding highlights the problematique mentioned in the theoretical discussion of output legitimacy that the interpretation of the common good can be disputed between different communities within a state.

The final output legitimacy element asks about the performance of the operation in achieving their reforms. 40% of the Serb officers surveyed ‘agreed’ that performance was good, 40% ‘neither agreed nor disagreed’, and 20% ‘disagreed’. This split comes from the fact that some officers explained that EUPM was making progress and they did not like that because they disagreed with the reforms. So for them the good performance actually

undermined their legitimacy views. The Bosniak and Croat officers overwhelmingly ‘agreed’ that EUPM’s progress was good. In the interviews these officers explained that EUPM’s performance was important to them because it showed they meant the reforms and did not just ‘hide behind words’ (Interviews with Bosnian Police, BiH, October 2013). This division demonstrates that even views of performance are influenced by the evaluation of what constitutes the common good element of output. This shows how interconnected the two output elements are.

The first procedural element asks whether EUPM took local views and priorities into account, so whether the mission was responsive. Nearly all Bosniak and Croat officers ‘agreed’ with this statement but of the Serb officers 40% ‘agreed’, 40% were undecided, and 20% ‘disagreed’. This item refers to the process of involvement and participation of local actors in determining the reform course of the international operation. Serb officers explained that they had had little to no possibility to voice their opinion on EUPM’s reforms, but that decisions ‘had been taken in Brussels’ (Interviews with Bosnian Police, BiH, October 2013). While this was certainly true (and not just for EUPM), this presented less of a problem for the Bosniak and Croat officers, not because they had felt included but because the reforms better mirrored their views. Therefore, this element was also relevant for influencing local legitimacy views, but in the case of Serb officers, it served to undermine legitimacy perceptions. These findings indicate a prioritisation of outcome over process in the sense that process seemed to matter less to respondents who agreed with the outcome of a reform.

The second procedural legitimacy element was the question of respect. This question was phrased in the negative, so asking whether officers thought that EUPM did not treat their partners with enough respect. 60% of Serb officers ‘agreed’ that EUPM did not treat them with enough respect, and 40% were undecided. The officers explained this with the often rough and coercive way that EUPM senior officers would treat Serb officers in the RS to make them comply with their reforms (Mühlmann, 2008). So these perceptions, which undermined Serb legitimacy attitudes, were based on the fact that EUPM showed their

coercive face in their dealings with the RS rather than take on board their concerns. For the Croat and Bosniak officers 100% and 95% ‘agreed’ or ‘strongly agreed’ that EUPM did not treat them with sufficient respect. However, these statements are contradicted by the interviews with these officers, in which almost all describe very good and respectful relations with EUPM staff. It is likely many officers misunderstood that the question was phrased in the negative- in hindsight not a good idea when conducting interviews either via a translator or in a language that is not the respondent’s mother tongue. Due to this, it is difficult to evaluate whether this element was relevant to local legitimacy perceptions. For the Serb officers, where the interviews match the survey results, it does seem to have undermined legitimacy perceptions.

The majority of all officers of the three groups ‘agreed’ or ‘strongly agreed’ that EUPM’s staff was professional and exhibited good standards of policing. In general, most officers, no matter how critical they were of the mission’s reforms, admitted that the staff were very professional and wanted to support the local police. This finding supports the theoretical discussion that suggests that professionalism of mission staff is an important indicator for the local police of how the mission as a whole conduct itself and wields its authority; it resembles the idea of leading by example which resonated with the local police.

The final element was the question of whether the consent of the Bosnian government had been important for their views of the mission. All officers ‘agreed’ or ‘strongly agreed’ with this statement except for 20% of Serbs who ‘disagreed’. These officers explained that to them the approval of the Republika Srpska mattered and not that of the Bosnian government. The finding reflects the weak nature of the Bosnian state compared to the strong entities. It also questions the assumption underlying host state consent that the state represents its people and can hence legitimately make decisions in their name.

European Union Rule of Law Mission in Kosovo (EULEX)

Kosovo's international presence was brought on the by the ethnic conflict that waged in the Serbian province between Kosovo-Albanians, Kosovo-Serbs, and the Serbian army. After years of oppression of the ethnic Albanian majority in Kosovo by the Serbian government, the militant Albanian group, the Kosovo Liberation Army, retaliated. This provoked large-scale Serb army involvement in Kosovo from 1998 onwards, leading to ethnic cleansing and wide-spread violence against the Albanian community. NATO intervened with air-strikes in March 1999 and Kosovo became an international ward, administered by the United Nations Administration Mission (UNMIK) as of June 1999. After nine years of international administration, the international presence was reduced, following Kosovo's unilateral declaration of independence in 2008.

The EU Rule of Law Mission in Kosovo was envisioned to take over from UNMIK and support Kosovo's rule of law institutions without recognising Kosovo's independence. This compromise deal was required to obtain Serbia's and Russia's support for the mission. The mandate was split between monitoring, mentoring, and advising (MMA) the relevant institutions of the rule of law and a limited executive mandate (Council of the European Union, 2008, articles 3 (a & d)). The bulk of the reform work (and staff) fell under the cooperative MMA approach in which EULEX experts were co-located with their local counterparts (Merlingen and Ostrauskaite, 2005). EULEX is still operating in Kosovo and has undergone multiple restructuring phases. This article focuses on the initial reform work between 2008 and 2012.

Local legitimacy sources for the Kosovo police. The Kosovo Police was created from scratch after the conflict and trained to a fairly high standard in the OSCE-run police school. It is the most-highly regarded rule of law institution in Kosovo and the only one that managed to integrate different minority groups, including Serb officers, as the divisions between Serb and Albanian people still run deep in society (Bennett, 2011; International Crisis Group, 2010;

Saferworld, 2012). The Kosovo Police is one centralised force and the only state institution that operates in the northern, Serb-majority, provinces, which do not recognise the authority of the government in Pristina. Despite the mission's official stance of not recognising Kosovo's independence, much of the Kosovo-Serb population refuse to deal with EULEX as they still see it as unofficially supporting the government in Pristina. As the below empirical analysis shows, these divisions on ethnic grounds as to Kosovo's status are surprisingly not mirrored in the ethnically-mixed Kosovo Police. The Kosovo Police seems to have been quite successful in fostering a professional esprit de corps that binds the two ethnic groups together.

The elements asking for whether the reforms matched the perceived needs of the Kosovo police and whether the values of the reforms were considered important for Kosovo had both high rates of (strong) agreement (82% and 96% respectively). On the question of the match of reforms and needs some interview respondents explained that EULEX's reforms had been good and useful in the beginning but that due to the development of the Kosovo police some were now outdated. But the vast majority of Serb and Albanian respondents agreed or strongly agreed that EULEX' reforms matched local needs and that the values underlying the reforms were locally accepted. These two elements were important for all officers and served to support legitimacy perceptions. Both elements show that despite ethnic divisions in society these are not reflected in the police officers' evaluations of the common good of EULEX' reforms. This demonstrates that Scharpf's congruence element can apply even in divided societies, contrary to the findings in Bosnia, if they agree on what the common good entails- in Kosovo the need for an unbiased rule of law.

The performance element of output legitimacy was sub-divided to ask for the executive and non-executive police reforms separately. The performance of EULEX in the non-executive police reforms was evaluated quite positively, 78% 'agreed' that results were good and 14% 'neither agreed nor disagreed'. The interviews support this trend as most officers stated they were happy with the performance of the mission in this reform area. In

the field of executive performance on the other hand, so where EULEX was in charge of conducting investigations, replies were more mixed. Only 5% stated they 'strongly agreed' with the statement that the mission's performance in the executive field was good, 36% 'agreed' whereas 50% 'neither agreed nor disagreed' and 9% 'disagreed'. The interviews illustrate that this lack of satisfaction with EULEX was due to the strong statements the mission had made in the beginning of their mandate, promising to 'catch big fish' and end high-level corruption. The officers wondered why this promise had not been upheld as EULEX's results have been modest to date. So while the element of performance was important for fostering local perceptions, its executive part served to undermine rather than bolster local legitimacy perceptions. This finding shows that the limited progress in achieving their stated aims undermined local legitimacy perceptions of EULEX.

The first procedural element asks whether EULEX took local priorities and opinions into account. Overall 73% 'agreed' with this statement, but 17% of Albanian officers were undecided and another 17% 'disagreed'. They specifically questioned why 1200 of EULEX's 1950 staff were dedicated to police reform when the 'real problem' was the judiciary (Interviews with Kosovo Police, Kosovo, May 2013). Feeling that the mission's priorities might reflect Brussels' interests (a strong police to fight human and drug trafficking) more than local interests weakened legitimacy perceptions. This finding refers back to the theoretical discussion about the dilemma that operations' mandates are political documents meant to facilitate international agreement (and strategic aims), rather than to reflect local wishes.

The second procedural legitimacy element asks whether the mission staff treated their local counterparts with sufficient respect. The replies to the survey were mixed but unfortunately that seems to be because of the way the question was asked (in negative form). The interviews indicate that most officers were satisfied with the respect the mission staff showed them, but all did stress how important they thought this was. Many of the interviewees supported this by contrasting it with the way UNMIK police had treated them,

which was described as quite condescending (Interview with Kosovo Police, Kosovo, April 2012, May 2013). This finding reflects the agreement in the procedural legitimacy literature on the importance of treating actors fairly and with respect.

The third procedural element, whether EULEX staff were professional and experts in their field, received strong support: 87% ‘strongly agreed’ or ‘agreed’ with the statement. The interviews also showed that EULEX police were considered very professional in terms of knowledge and expertise. Again this was contrasted with the staff of UNMIK, especially those who were described as coming from countries ‘that have no rule of law’ themselves and who were not considered to be able to advise the Kosovo Police (Interview with Kosovo Police, Kosovo, April 2012, May 2013). The fact that EULEX was predominately made up of EU member state police officers was seen as very positive. Like the findings from the Bosnian case, these show the importance of good staff conduct for the overall perceptions of how the mission comported itself vis-à-vis their local partners.

The final procedural legitimacy element asks whether host state consent was important to officers’ views of the mission. Replies on this item were quite evenly split between 45% ‘(strongly) agreeing’ and 32% ‘(strongly) disagreeing’. This split was even clearer for the Serb officers of whom 50% ‘(strongly) agreed’ and 50% ‘(strongly) disagreed’. In the interviews officers from both communities explained that to them the invitation of the Kosovo Assembly was important because it gave EULEX a local seal of approval. But equally, many officers stated that governmental consent did not matter to them because they did not hold very high opinions of the government (Interviews with Kosovo Police, Kosovo, April 2012, May 2013). So this element only played a relevant role for some officers’ legitimacy perceptions and also questions whether the government really does represent its citizens.

Comparative assessment

The findings show that each source is an umbrella term which requires unpacking into its specific parts. In both cases the relevance of individual legitimacy sub-elements for officers' legitimacy views varied between respondents, as did whether these elements supported or undermined legitimacy perceptions. This shows that simply differentiating between output and procedure is not helpful in understanding where local legitimacy perceptions come from but that we need to look into their sub-elements to understand whether and how they influence the sum of legitimacy perceptions.

The match of local needs and the mission's priorities were very political and contentious issues in Bosnia that reflected a deeper disagreement between the three main ethnic groups' visions of Bosnia's future as a unified state or a weak decentralised bridge holding two strong entities. In Kosovo, this match was perceived as less of a problem as the mandate reflected both communities' local priorities (strengthening the rule of law), although many officers were critical of the mission's focus on police reform rather than the judiciary. Neither society saw the values underlying the reforms as unfit for the local context; an important finding as it speaks to debates in peacebuilding about acceptance and rejection of values and norms underlying reforms (Hohe, 2002; Kappler, 2013; Mac Ginty and Richmond, 2013).

The element of performance was stressed as very important for most officers in their interviews. In Kosovo, performance was relevant but whether it served to support or undermine legitimacy perceptions depended the mission's achievements, especially in the executive field. In Bosnia, performance views were dependent on whether the reforms of the mission were the 'right ones' for each community. For the Serb community good performance in centralising the police still undermined legitimacy perceptions because they disagreed with the reform as such. Both cases show the close link between performance and the common good element of output. Bosnia demonstrates how divisions in the latter element's interpretation within a state can lead to such contrary performance views as found between Serb and Bosniak officers.

Host state consent in both states reflected the difficulties discussed in the first part of the article with regards to the government not being considered representative of the people. This shows that this element, heralded as key in the literatures, has to be analysed very carefully and in the local context to understand its impact on legitimacy perceptions. The procedural element of responsiveness in Bosnia was linked to agreement with the mission's reforms. So officers who supported these reforms, indicated that they agreed with the mission being responsive, whereas officers who disagreed with the mission's reforms stated they were not satisfied with the degree of responsiveness. Serb officers did not feel that EUPM had been responsive to their fears of the consequences of centralising the police forces as, despite some interaction, EUPM's aims had not changed. The, in their view, bad outcome was seen as the result of lacking responsiveness. In the case of the Bosniak officers, the question of responsiveness was less important because the outcome, centralisation reforms, were seen as matching their local aims.

Conclusion

The findings of this study contribute new insights into several debates of international peacebuilding and legitimacy theory as well as explicitly introduce a debate on the sources of legitimacy, so far absent from the literature. First, the finding that Bosniak officers were unconcerned with limited consultation by EUPM as long as the outcome was what they wanted, seemed to indicate a prioritisation of outcome over procedure. At closer examination though, this finding rather seems to show a blurring of the two sources. The congruence element of output, so whether the mission's reforms mirror local needs, includes a procedural aspect. While the common good can be seen as an output aspect (directing performance), the way to its attainment, the 'deliberative interaction', is also procedural. In the case of Bosnia, the Bosniak officers were more concerned with the output aspect of the common good, whether the mission's reforms matched their wishes regarding police centralisation reforms. The Serb officers on the other hand, were concerned with the 'deliberative interaction', which

is meant to precede agreement on the common good, precisely because they saw this process as being at fault for not reaching agreement on the common good- the police centralisation reforms.

This seems to suggest that the neat conceptual differentiation between output and procedure used in the literature and in this article does not hold up entirely in practice. While it is unsurprising that the messy real world does not adhere to clean analytical differentiations, it is interesting to note that we find a similar blurring between the two sources in legitimacy theory. An authority is seen as legitimate for exercising its power in a way that is considered to match the specific benchmarks of the society it represents. However, the reason people accept that there is an authority higher than themselves in the first place is because they feel it can overcome collective action problems. This thought underlies social contract theory and suggests a similar connection between outcome and procedure as the empirical analysis showed in Bosnia. This does not invalidate the utility of analytically separating the two concepts, as they do fundamentally work via different mechanisms. However, it does suggest that in practice these mechanisms can be connected or blur. While the empirical findings of this study are bounded, the theoretical implications may have wider relevance and require further research.

Second, much of the statebuilding literature links the performance of international efforts to its legitimacy following the argument made by Scharpf that if the operation is working for the good of the local people, it will be seen as legitimate (1999). The evidence for the effect of performance on legitimacy views is contradictory, suggesting a more complex relationship. The findings of this article indicate that one reason for the contradictory relationship is that performance evaluations are dependent on the prior analysis of the congruence of local aims and the mission's reforms. This suggests that the evaluation of whether the reforms constitute the common good for the country (or the view a community has of the common good) pre-determine whether good progress on them serves to support or undermine legitimacy. This indication is important for the wider legitimacy literature as it

suggests not only that output cannot be reduced to performance, but that performance on the wrong reforms can actually be counterproductive and undermine legitimacy perceptions. This reveals the focus on performance in peacebuilding as simplistic and shows the need for considerate local-level analysis to inform reform priorities – so the contrary to how mission mandates are written in practice.

Third, the findings of this article show that host state consent is not a straightforward legitimacy basis despite the importance it is accorded in the literature (Bellamy and Williams, 2005; Gray, 1996; Wiharta, 2009). Although host state consent may be the best alternative to democratic consent in theory, it makes the assumption that the government of a state represents its citizens. Both Kosovo and Bosnia show that in post-conflict states (and in many others) this assumption does not always hold. Host state consent therefore fails to legitimise the intervention when the government itself is not considered legitimate to extend an invitation on behalf of its society (or communities within it).

The findings and analysis of this article show the need for contextualised micro-level analysis of questions of local legitimacy. Macro-level analysis conceals important subtle distinctions, such as the contradictory influence performance can have on legitimacy views, which ultimately serves to show that legitimacy is indeed more than the sum of its parts.

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