

# Legitimacy and Force in International Security

*A Regionalist Approach on Multilateralism and the Role of Legitimacy in the Modern World*

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## **Abstract**

This thesis will address the issue of legitimacy within international security, with a focus on the use of force by states. Using military force against other actors in the international system will initiate a debate on its perceived legitimacy by several different audiences. This investigation uses the Regional Security Complex Theory of Buzan and Wæver and the assumptions of Idealism to instigate the analytical framework on legitimacy. This thesis will analyse the role and importance of legitimacy and its potential influence it, as a concept, can have on the political agenda of states and organisations. It will also identify the multitude of factors which affect the perception of legitimacy. Moreover, it will analyse how multilateralism can address the different audiences' demand for legitimacy as a doctrine in the modern world. The investigation will also show how the shortcomings of the international system limit the successful regulation of state actions in regards to the use of force.

## Dedications

Å skrive en slik oppgave er ingen liten utfordring og jeg ville nok ikke ha klart det uten hjelpen fra alle som har støttet meg.

Jeg vil gjerne takke min veileder, Anders Kjølberg, for den hjelpen jeg har fått og for sine mange kommentarer og forslag. En takk er også rettet til Stian Kjeksrud for innspill og gode literatur henvisninger.

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Ketil Vike Arnesen

Oslo, 5. November 2008

## Introduction

Force and power have always been intricately connected to the question of legitimacy. Both pragmatically and philosophically have the use of force been analysed by individuals and groups towards 'the right' to use force. Michael Walzer writes in the introduction to "Just and Unjust Wars" that "For as long as men and women have talked about war, they have talked about it in terms of right and wrong"<sup>1</sup>. I hold this statement to be true because no other human activity is as scrutinised as the use of force against other individuals, groups or states.

Unfortunately, human history is the history of conflict and power struggles. Though this assumption is strictly generalising and specific, one must acknowledge the influence of wars and conflict on the development of human society and the distribution of power in contemporary politics and international relations. It is important to note at this early stage that the rules and norms of the international community plays an enormous part in influencing and determining state behaviour to a much larger extent than before. Historically, the external influences on a state, nation or empire was limited to the perceived threat or potential benefit of relations. In the modern age, state sovereignty is eroded to incorporate state obligations and limitations. For example, the use of war to promote state interest is deemed unacceptable by the global community and can cause severe consequences for a state breaking these norms. This is the framework for this thesis.

Legitimacy has become an important part of the modern analysis of international relations, increasingly after the end of the Cold War.

At the end of the Cold War, the world witnessed the start of an enormous shift in ideas, ideology and system structures. The nature of international relations in the period between 1945 and 1991 was identified by superpower rivalry and this created the umbrella system for everything in international politics. After the end of this period, there was a distinct need to identify the characteristics of the new system. Scholars and policymakers needed to navigate the waters of international affairs

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<sup>1</sup> Walzer, Michael (2000), *Just and Unjust Wars*, New York, Perseus Books, pg 1

within a new framework. Numerous ideas and theories have been introduced since then to account for this paradigm shift.

I will take the initial stance of the regional security complexes of Buzan and Wæver<sup>2</sup> to analyse the issue of legitimacy. I consider this theory to be accurate in describing the current status of international relations and will give me the framework for conducting my analysis. By introducing the concept of regional security structures, I will attempt to identify the behaviour of states in relation to force. In addition I will add the assumptions of Idealism and Just War Theory which focus upon the moral and ethical aspects of the use of force. The debate of idealism in politics and force is central to this investigation because it takes on the argument that morality is present in modern state decision-making.

### **Hypothesis**

I hope to show the reader the different factors which affect perceived legitimacy and how states and organisations interact with different actors on this issue. I argue, quite extensively, that legitimacy has become a part of the new global security structure, due to the abovementioned change in the global security structure, but also because of increased information available to the public and participation of civil society in political affairs. I also hope to show the shortcomings of international law in providing sufficient basis for legitimacy of force. Furthermore, I argue that the perception of legitimacy when using force is dependent upon a moral justification which is founded in the cultural ethics of the relevant regions and nations.

The findings of the abovementioned analysis will be used to assess the legitimating impact of multilateralism in the modern world. I hope to illustrate that legitimacy has become an integral part of using force and that a multilateral approach, through regional integration and global acceptance, is the best alternative at present.

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<sup>2</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

## **Structure of the Thesis**

I have decided to shape this thesis to make it as analytical as possible. As stated above, it is my objective to investigate the interaction between legitimacy and force within the framework of the international security arena. I will then have to investigate the different concepts on their own, as well as their common properties.

Chapter one offers the descriptive elements necessary to introduce the different concepts used in the further investigation. It will analyze the nature of legitimacy from a philosophical and sociological perspective as well as attempt to investigate the nature of force both historically and its contemporary uses. This is necessary for the overall structure of the thesis because any analysis in international relations will include concepts which are intricately complex and will have differing definitions to different disciplines. I will need to present my understanding of the issues before I can analyze their significance to modern security policy.

Section two will start the theoretical analysis of the system in which the thesis will be written. As stated above, I have decided to use the principles of the Regional Security Complex Theory of Buzan and Wæver to create the framework in which I will apply my arguments on legitimacy and the use of force. I believe this theory offers an accurate description of the current global structure of security and is a therefore suitable arena to conduct my investigation in. The general assumption is that “the post-Cold War security order will exhibit substantially higher levels of regional security autonomy than was the case during the Cold War”.<sup>3</sup> This will affect the security awareness of states and encourage the strengthening of regional security ties in order to ensure the protection of sovereign integrity and security.

Because the issue of legitimacy is closely linked to morality and ethics by nature, I will also add elements of Idealism and Just War Theory to the investigation, because they

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<sup>3</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press, pg 76



will supplement the RSCT principles with a debate on whether the decision to use force by states today is influenced by morality or national interests.

Chapter three will be the presentation of arguments and findings. This will be the main section of the thesis as I will use the background and theory presented in the two previous sections and apply them to the concepts of force and legitimacy. I will sub-divide this section into four main categories. First, I will present my arguments for the increased significance of legitimacy when analyzing force in the modern era. Second, I will present the different audiences to which legitimacy force must be legitimized and the consequences of illegitimacy. Next I will analyse what factors of international security and force affect the perception of legitimacy. The fourth section will try to use the factors and audiences identified previously to analyse the potential legitimacy of multilateralism. The last part of my analysis will be a debate on the role of legitimacy in the future and necessary steps towards ensuring its further significance.

### **Limitations**

Naturally the field of international relations is too large to analyse in this thesis, even though it might seem necessary when assessing the twin concepts of legitimacy and force. In order to keep the thesis relevant to the task at hand, I will have to limit the scope of the analysis to some extent. For example, one must take some assumptions for granted with little criticism and apply them to the arguments and conclusions of the thesis. For example, I take the basic assumptions of the RSCT<sup>4</sup> to represent the basic structure of international security without initiating a debate on this issue. I will outline these assumptions when proposing the theory of Buzan and Wæver below. Furthermore, I will only give significant attention to states and institutions as actors in this analysis. Agreeably, a wider debate on force, which includes para-military

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<sup>4</sup> Regional Security Complex Theory – in - Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

groups and other non-governmental actors, is necessary for the wider analysis of legitimacy. However, I will assess these actors as indirect actors, because this thesis is primarily concerned with the behaviour and decisions of states. The theory of Regional Security Complexes offer a framework for incorporating non-state actors, however I will limit my attention to the inter-governmental organisations which are relevant to a modern security analysis.

### **Methodological Discourse**

Equally important to the structure and validity of an analytical thesis and the theory used, is the method the writer opts to use to write the investigation. This thesis will be conducted within a qualitative framework, with most of its sources being based on written accounts as well as opinions acquired through speeches and interviews. This is the natural development of the methodological approach because this thesis is concerned with analysis of a concept which cannot be numerically or quantitatively recorded to a sufficient extent. Nothing is more important to a sound piece of academic writing than structure and method. This is due to the need to present what is written to an external reader and the presentation of the work is vital for the impression and overall quality of the thesis.

### **Defining Method**

Method is the heart and soul of any work; it is the presentation and the order of its content. This thesis will use a mainly qualitative and interpretational approach. I have decided to use written accounts, i.e. books and documents as well as statements and opinions of others to support or even counter-argue my own points. It is important that the thesis appears as objective as possible, one might even say as legitimate in its claims as possible, to keep to the spirit of my field of study. At heart, methodology is the source of acquiring knowledge through a set of scientific mechanisms which are transparent and orderly. International relations and politics is hard to research in terms of numbers and statistics, although some parts of this field is studied by

opinion polls and analyzing probability factors, it will never be the dominant research method to acquire new knowledge or challenge pre-existing dogmas.

### **Use of Method in this Thesis**

I will attempt to use the opinions and statements of others as objectively as possible, and as I argued above, this is as close to true non-subjectivity as can be expected of a thesis written within international relations on a qualitative basis. The thesis itself is divided into three sections; this is to have a more concise structure which will support the development of my arguments.

It is vital for a thesis of such depth to have a thorough analysis of the underlying ideas and assumptions which give rise to the essay question. I had to ask myself what the key issues surrounding legitimate use of force were. I believe I have identified the main areas of attention below, which includes issues of an historical, political and philosophical nature.

It will be in this section that most obvious scrutiny from readers will come forward, because it is in the descriptive part of the thesis that I present my underlying assumptions and reveal what issues and areas of focus I assign the greatest importance. For example, I have given a historical account of the role of force in international relations. The sources I use to illustrate my points in this section will be subjective by nature, as the author writes his work from his viewpoint. Historical accounts will always be through the eyes of the historian. Nevertheless, it is important to add this section to this thesis as it will give my work an element of historical grounding, at the same time I must attempt to maximize the objectivity of this section so as to legitimize the claims I make.

When the conclusion is presented and the hypothesis is debated, the method and presentation will have played an important part in the delivery of the thesis itself. The method determines the structure of any academic work and by incorporating a strong methodology the overall impression is improved and the arguments of the author are brought forward as effectively as possible. I believe that the structure of

this thesis is clear and effective which will serve its purpose well. The hypothesis that is stated in the introduction and first section will be supported by the following sections by analysing the in-depth issues as well as determining their real world impact. The following chapters will examine the background issues and define the concepts that this analysis works with.

## **Legitimacy**

One might argue that complete legitimacy is the 'holy grail' of modern security policy. Most would agree, however, that it is almost impossible to achieve full legitimacy.<sup>5</sup> I will also take a closer look at legitimacy as a political tool and how it affects the collective conscience. The term legitimacy is synonymous with lawfulness, legality and rightfulness<sup>6</sup> and can be defined as "lawfulness by virtue of being authorized or in accordance with law"<sup>7</sup>. This definition shows how intricately the issue of legitimacy is related to political processes and anchoring in legality. In essence a state's decisions and policies must be a reflection of the public opinion, culture and self interest. Moreover, it must have a basis of approval by the institutions and people that give the state its power. A modern democracy in a multi-party system is dependent on approval to remain in power, therefore its quest for legitimacy, which is the reflection of approval, must be strenuous and never-ending. On the other hand, military action and conflict politics is specially affected by the legitimacy debate. Broken down, legitimacy is merely a perception of right and wrong and public perception of doing the correct thing. This leads to the debate on whether true legitimacy or the illusion of legitimacy is the real objective in modern international politics. One must acknowledge at an early stage that regardless of how legitimate a specific event appears, there will always be a party or an actor which will view it as illegitimate.<sup>8</sup> War is invariably accompanied by debate, if not controversy, over the legitimacy to

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<sup>5</sup> Finnemore Martha, *Changing Multilateral Rules* – in - Armstrong, Farrell & Maiguashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 203

<sup>6</sup> Oxford Online Dictionary – Can be found online at: URL: <http://dictionary.reference.com/browse/legitimacy>

<sup>7</sup> Oxford Online Dictionary – Can be found online at: URL: <http://dictionary.reference.com/browse/legitimacy>

<sup>8</sup> Finnemore Martha, *Changing Multilateral Rules* – in - Armstrong, Farrell & Maiguashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 202

use force<sup>9</sup>, therefore legitimacy in itself must be defined and analysed. I argue that the legitimacy debate has always been present in international relations, but it is in the contemporary world that its importance has made it a pivotal issue.

Legitimacy as a concept in politics is a fluid phenomenon. Political decisions must be legally and morally grounded in pre-existing laws and the constitution, as well as the general approval of the public and its cultural and ethical norms.<sup>10</sup> When broken down, legitimacy is merely a concept of explaining what the public and other critics will accept based on principles of justice and accountability. Basically this means that an event or action, whether in military affairs, politics or in the public sphere, will be viewed as legitimate when it has either been 'given permission' by an authority and/or is grounded in social and/or cultural norms and standards. One can then argue further that cultural and social norms and standards become the authority which grants permission and legitimacy and therefore limits the argument to a figure or concept of perceived authority. Legitimacy is intricately connected to political accountability and as I will argue further in this thesis, political influence is at stake when a state decides to use force. It should be every government's desire to maximize the perceived legitimacy of its policies. Every political decision, including health care, tax and education undergoes some level of scrutiny among the public and other domestic actors, it is the perceived legitimacy of all the government's decisions that constitutes its popular support. In security issues and foreign affairs, the amount of actors that scrutinize a state's actions will increase from the domestic scene and legitimacy is therefore harder to achieve. This is at least a general rule I will try to follow in this thesis. I find this interesting because in international relations, there is a direct correlation between the increase in actors who judge state legitimacy and the levels of political accountability and potential consequences of perceived illegitimacy. This is in comparison to the national domestic scene of course. David

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<sup>9</sup> Armstrong, Farrell & Maiguashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 3

<sup>10</sup> Wolff, Jonathan (1996), *An Introduction to Political Philosophy*, Oxford, Oxford University Press, pg 68

Armstrong argues that “if the meanings of legitimacy, and its relation to law and force, are complex and controversial questions in domestic societies, they are far more so in the international context.”<sup>11</sup> Furthermore, one can argue that this phenomenon can be explained by the lack of clear authority and guidelines for achieving legitimacy in the international stage.

I will come back to the issues of legitimacy in different levels of politics and society further on in this thesis.

### **Historical and philosophical background**

The world has witnessed a countless number of different regimes and political systems through the ages, from the tribal organisations of the ancient past to the highly complex and inter-related systems of the modern world. However, they have all been influenced by a power hierarchy of decision making and therefore, directly or indirectly, affected by the need to legitimize one’s actions as leader or government. The main principle that guides this trend is that all political decisions that affect other people must be viewed as just and acceptable, dependant, of course, on the nature of the given regime. People have always needed to find logic in the decisions of their leaders. In ancient Egypt the Pharaohs ruled by principle of divine selection and supernatural powers.<sup>12</sup> This proved to be an immensely powerful method of ‘crowd control’, as it was a principle that was easy to accept and in accordance with the cultural and religious norms of the time. This aspect of legitimacy is far removed from how legitimacy is achieved today, save a few examples of politicized religion, most notably in the Middle East.

One can also look at the realist principles for an explanation of legitimacy in international relations. A central tenet of traditional realism is that survival is the

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<sup>11</sup> Armstrong, Farrell & Maignashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 5

<sup>12</sup> Kaplan, Leslie (2004), *Politics and Government in Ancient Egypt*, London, Powerkids Press, pg 23

main objective of any state.<sup>13</sup> To ensure survival a state must seek power in the international system; an example of a 'survival of the fittest' system. The use of force against other states is then at the centre of the international system and it is characterised by anarchy. Historically, this is a relevant scenario and power is then legitimized by a need to survive. Thucydides writes in 'the Peloponnesian War' that "Right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must."<sup>14</sup> Use of force as a method of gaining advantage and power is then legitimized by the necessities of the system. It is easy to convince an uninformed public of the potential danger of a 'kill or be killed' system of state relations.

In the modern world, and especially in Europe and North America, the age of mass communication and free flow of information, makes it harder to convince a population of the dangers from other states unless that danger is real. Therefore, the realist assumptions of the anarchy in the international system and how it necessitates the use of force, is inapplicable to many states today. When the public is involved and informed in the forming of policies and their consequences, a different and more complex method for achieving legitimacy is needed. I will return to this debate on the role of the people and civil society later in the thesis.

### **Legitimacy VS Legality**

One of the main challenges when assessing legitimate use of force is to analyse the necessity for legality in a claim to legitimacy. I will further analyze this problem when I present my arguments, however it is necessary to highlight the issue as a significant part of the concept of legitimacy. As stated above, legitimacy can be seen as an extension of being given permission by an authority, whether this authority is abstract or concrete. In the modern world, the legal system in a state regulates what is considered an illegal act and what is allowed within a specific framework. The

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<sup>13</sup> Baylis, John (2001), *The Globalisation of World Politics*, Oxford, Oxford University Press, pg 91

<sup>14</sup> Thucydides, *The Peloponnesian War, the Melian Dialogue* –in - Reichberg, Syse, Begby, (2006), *The Ethics of War*, Oxford, Blackwell Publishings, pg 3

international system of state interaction needs a strong actor, universally acknowledged, to fill this role. One can argue that such an actor is present in the United Nations, however few people would argue that it is very effective in regulating legal and illegal activities.<sup>15</sup> The main challenge to such an actor is the issue of authority and punitive capabilities. There are few effective means of punishment for illegal activities among states, mainly because there is no set framework of laws which concretely guide states in their actions. The International Court of Justice and the International Criminal Court are two hopeful initiatives for such a system, however history have only proven their inefficiency and incapability to effectively ruel in inter-state disputes.<sup>16</sup>

The United Nations Charter is one document which attempts to set commonly accepted rules on the use of force. According to the United Nations Charter's Article 51 permits the "right of the individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."<sup>17</sup> However, without a legal system capable of independent punishment, the international system will always remain partly anarchic. This debate will be integral to the issue of legitimacy in the modern world and I will return to it when analyzing the future of legitimacy in international politics.

### **Why do states need legitimacy?**

States need legitimacy to defend their actions and policies to a multitude of spectators and critics. All actions and decisions undertaken by the state should have a moral and legal grounding in the state's legal system and commonly accepted values; this will ensure a perception of legitimacy.<sup>18</sup>

The modern age has witnessed an increasing participation of the public in state affairs and politics. This is, of course not universally true, as some states and regions

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<sup>15</sup> Corneliu Bjola, "Legitimizing the Use of Force in International Politics, a Communicative Action Perspective", *European Journal of International Relations* 2005:11 – pg 266

<sup>16</sup> Falk, Robert (2005), "Legality and Legitimacy" in *Review of International Studies* 2005:31 – page 35

<sup>17</sup> United Nations Charter – Can be found at UN Online URL: <http://www.un.org/aboutun/charter/>

<sup>18</sup> Falk, Robert (2005), "Legality and Legitimacy" in *Review of International Studies* 2005:31 – page 35



enjoy more civil freedom than other. Nonetheless, it is important to note the correlation between the public demanding more political accountability and the state attempting more strenuously to legitimate its policies. States will need to legitimize their actions and policies to several audiences, and the consequences of illegitimacy will vary depending on the audience.

Legitimacy is linked with the impression of individuals and groupings to the extent that they accept it as right or just when they are convinced of its “necessity, utility or moral value.”<sup>19</sup> The path to achieving this perception is complex and is dependent upon the relationship between state and population. I argue in this thesis that legitimacy has become a result of perception from different audiences, which in turn invites a wider analysis of international politics. Force itself is legitimized when it is viewed as necessary and within moral and legal boundaries. I want to conduct this analysis with a regionalist approach on multilateralism due to the general impression that collective action has a greater altruistic base than unilateralism. I will return to this assumption further in this thesis.

### **The Use of Force**

Force is one of the main themes in this thesis and should carefully be analysed. It is one of the most complex issues in politics and international relations as it is directly related to the very function of the state and the international community and it challenges a state’s basic survival instinct. It is important to take a closer look at what constitutes force in international relations and define how use of force is relevant to this thesis.

### **Types of force - Diplomatic and Military**

A state holds control over a wide spectrum of tools it can use to influence other

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<sup>19</sup> Armstrong, Farrell & Maignashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 5

actors in the international community. It will utilise these tools, or methods, depending on the severity of the situation, the desired effect and the relationship to the other state or non-state actor.<sup>20</sup> In effect, force is the tool to make other states comply with your will or as Thucydides writes in the Melian dialogue; “the strong do what they can and the weak suffer what they must.”<sup>21</sup> Although this is a simplistic view of inter-state behaviour, it given a good indication on the nature and intention of the use of force in international relations. In sum, use of force will always be to achieve an underlying goal.

When studying the use of force, one is mostly focused on the physical manifestation of military might. Nevertheless, force can be applied in other ways, such as through diplomatic pressure or economic sanctions.<sup>22</sup> It is important to analyse these tools as well as military means as examples of potential force that can be used by a state. In much the same way, however not as susceptible to criticism, alternative ways of force will be subjected to criticisms to its legitimacy. This thesis will mainly look at military activity as examples of force; however it is important to note that diplomatic and military force is often interlinked in the same campaign. The diplomatic attempts before or during a security operation may be the basis for the legitimacy claims, it may imply that military force was the only alternative solution.

If one defines force as the functions of attempting to compel another actor to do as you wish or dissuade an actor to refrain from doing something, then diplomacy must be the most widely used type of force in the modern world. In addition it is a more cost effective method of persuasion.

### **Use of force in History and International Relations**

Historically one can observe that the international structure of relations was more in accordance with Thucydides claim that might equals right.<sup>23</sup> This can be explained by

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<sup>20</sup> Smith, Rupert (2005), *The Utility of Force, The Art of War in the Modern World*, London, Penguin Books,pg 27

<sup>21</sup> Thucydides, *The Peloponnesian War, the Melian Dialogue* –in - Reichberg, Syse, Begby, (2006), *The Ethics of War*, Oxford, Blackwell Publishings, pg 6

<sup>22</sup> Naylor, R.T. (2001), *Economic Warfare: Sanctions, Embargo Busting and Their Human Cost*, Boston, Northeastern University Press, pg 32

the lack of international regulatory bodies and organs to monitor the behavior of states and no specific norms on accepted use of force among states. Through history we have witnessed countless wars and disputes between actors in the international system, all of which has been the result of direct use or threat of use of force against another actor. Modern conflict though, is different to the historical examples. The nature of conflict has changed and so has the rules of the international game. The essence of this thesis supports this claim, because historically, legitimizing the use of force was less imminent and necessary. One can identify a significant shift in the nature of conflict and military affairs in the twentieth century. This can be explained by the events of two world wars, the impact of mass communication and globalism, as well as the Cold War, which introduced the world to super power warfare which is low in intensity and large scale political disputes. The role of force has changed to a more indirect impact through the potential destruction and effect an attack could possibly have. Diplomacy and power politics have taken over as the leading tool in international security.

Security policy is especially subjected to public criticism due to the unpopular dichotomy of high expenditure and potential casualties. Committing national defense resources to a conflict, whether through multilateral engagement and obligations or not, is always going to affect public opinion and political opposition. Security policy comes with a high political risk, mostly due to its volatility in affecting voters and media polls. Further on in this thesis I will take a closer look at the actors in society and the global community which demand legitimate claims to the use of force.

### **Defining the concept of Multilateralism**

At the core of the challenge this thesis faces, lays the issue of how the use of force is conducted today and under what framework it is presented to the world. In traditional international relations theory, which in turn will be discussed further below, one can identify a common denominator in the importance attributed to

power. Power in this sense is defined as; "an actor's ability to exercise influence over other actors within the international system".<sup>24</sup> Naturally the division of power will create one or a few powerful states and several less powerful actors in the system. Given that any state's primary aim is survival and power-maximisation then an anarchical system will be competitive and dangerous for the less powerful actors.<sup>25</sup> It is within this framework that alliances have emerged in international relations, on the basis of rationality and common interest.

The concept of finding allies, working together for a common goal of survival or cooperating to enhance one's position somehow, is far from a modern phenomenon. Agreed, it is more commonplace and accepted to incorporate diplomacy in a country's political strategy in the modern age, in fact it is almost unthinkable not to, however, the same concepts of multilateralism and alliances we apply today, can be identified through history as well. In 'The Peloponnesian Wars', Thucydides explains the politics of ancient Greece and the use of complex power politics, not unlike the kind we see in contemporary international relations.<sup>26</sup>

The basic tenet that generates this logic is the historically prevalent anarchy of the international system. Given that survival is the primary aim of any state, alliances are a logical solution to a smaller state's security dilemma.

According to Robert Keohane, the definition of multilateralism is "the practice of coordinated national policies in groups of three or more states."<sup>27</sup> If one takes this definition and adds the security dimension, which Keohane undoubtedly incorporated, it will offer a good view of what multilateralism means to states in the modern political system. In effect it shows that multilateralism is the umbrella concept for the cooperation of several states to collectively work towards enhancing and securing their interests or those of a larger system or community.

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<sup>24</sup> International Relations Theory Online - URL:

<http://internationalrelationstheory.googlepages.com/power.htm>

<sup>25</sup> Baylis, John (2001), *The Globalisation of World Politics*, Oxford, Oxford University Press, pg 158

<sup>26</sup> Thucydides, *The Peloponnesian War, the Melian Dialogue* –in - Reichberg, Syse, Begby, (2006), *The Ethics of War*, Oxford, Blackwell Publishings, pg 3

<sup>27</sup> Robert O. Keohane, - in – Ruggie J.G., (1993), *Multilateralism Matters, The Theory and Praxis of and Institutional Form*, New York, Columbia University Press, pg 56

Now I will take a closer look at multilateralism in practice today. To do so I will examine three distinct aspects of this concept which I have identified

Firstly, there is the issue of multilateral action vs. unilateral action. This is not dependant on being a military argument, but can be related to any cultural, social or economic aspect of the modern world. It is important to notice at this point, that the increasingly globalised world view inter-connectedness as a positive trait and does not, to any great extent at least, encourage unilateral behaviour. It has become the norm to assume that progress and efficiency is more likely when cooperation with other states is present. This might be more relevant to trade and the economical sphere, but it overlaps into the social and political spheres as well.

In security and military affairs, which this thesis is mostly concerned, multilateral action has become the expected path, especially under the United Nation Charter. This issue links directly back to the main theme of this thesis, that of legitimacy and the desire by states to achieve perceived legitimacy in its action. I would argue therefore that unilateral action, especially of a military nature, is an option or prerogative of the mighty few, rather than a logical discourse of the many. This can be explained by the negative consequences most likely to follow a unilateral military action by the global community, consequences which only strong and leading state might endure and accept.<sup>28</sup> To illustrate one can look to the bitter feud of the United Nations Security Council in 2003 over the use of force against Iraq. The international critique was widespread, but the US government, being the only remaining superpower in the international system, decided that it could withstand the consequences and that the benefits of the use of force was sufficient.<sup>29</sup> This alternative is not available to most states due to the rigidity of the international system and the positions of the greater powers. Therefore multilateral approaches in international relations will be the most viable option to most states because of the rational logic of benefits which will accompany such behaviour. Unilateral behaviour

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<sup>28</sup> Armstrong, Farrell & Maignashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 5

<sup>29</sup> Fukuyama, Francis, (2006), *After the Neocons*, London, Yale University Press, pg 97

can lead to exclusion from the international community on issues of economic and political relevance; moreover it can invoke sanctions and less favourable trade agreements.<sup>30</sup>

Secondly, one can see how multilateralism offers a sense of identity in a larger group or civilisation.

It is important for a small state to maximise security potential and, arguably, the best option is integration into an alliance of some sort. Furthermore, the benefits of adherence to a larger community can be seen in increased or free trade, technology and burden-sharing. Robert Keohane writes that “multilateralism in practice appear to generate among their members, expectations of diffuse reciprocity.”<sup>31</sup> This means that the benefits of membership in a community or institution will not constantly generate benefits, but assistance or reciprocal help can be expected over time. This will generate a notion of long-term benefits and will also produce a sense of inclusion and security.

This can be illustrated by the European Union’s role and the desire of several European countries to join the exclusive organisation. Membership in the EU will include economic cooperation, participation in the large-scale development plans of the union, which benefits the economically less developed countries profoundly. I will hesitate to bring forth Huntington’s civilisation theory and their clashes, but it is clear that a states desire to take part in multilateral communities and activities will show a sense of irredentist character of belonging and adherence; all within the concept of maximising position and situation.<sup>32</sup>

Lastly, as most relevant to this thesis is the issue of security and military operations.

As I argued above, multilateralism has been a part of state interaction through

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<sup>30</sup> John Gerard Ruggie, (1993) *Multilateralism: the Anatomy of an Institutional Form.* – in - Ruggie, J.G. *Multilateralism Matters: the Theory and Praxis of an Institutional Form*, New York, NY: Columbia University Press, pg 34

<sup>31</sup> Robert O. Keohane, - in – Ruggie J.G., (1993), *Multilateralism Matters, The Theory and Praxis of and Institutional Form*, New York, Columbia University Press, pg 11

<sup>32</sup> Ambrosio, Thomas, (2001), *Irredentism: Ethnic Conflict and International Politics*, Westport, Praeger Publishers, pg 22

history, not limiting this phenomenon to states, but also villages, tribes and kings. The whole point of cooperation is to promote common benefits and positions. In the modern age, multilateral interaction and participation has become the norm for the modern state.<sup>33</sup> Few states today dare pursue a unilateral stance, mainly because the cons are too obvious.

We can find several security focused inter-state organisations today, most notably the North Atlantic Treaty Organisation and the United Nations' Security Council. Especially NATO's role is prominently military, with the most significant part of its Treaty being Article 5, which states that an attack or aggression against a member country, is to be regarded as an attack on the organisation itself, and therefore all its members.<sup>34</sup> This will give the member states a sense of adherence to a strong security community as well as guarantee that it will be supported if its territorial integrity is compromised. Another aspect of organisations such as NATO is that it offers a firm alternative to peaceful intervention and peacekeeping. NATO has taken part in several military operations, most notably in Kosovo in 1999 and presently in Afghanistan.<sup>35</sup> Because it is a well established security community it has been given situational mandates by the Security Council to conduct military operations. Because it is a multilateral organisations and therefore based on common objectives and not a unilateral agenda, its perceived legitimacy is quite significant. I will take a closer look at this aspect of multilateralism and the link to legitimacy further on in this essay.

As noted above, multilateralism is a historically significant part of state interaction and can be seen as a part and extension of alliance theory based statecraft. An assumption we can draw from this chapter is that multilateral action, as compared to unilateral behaviour, is more likely to be perceived as legitimate by its audience. I will return to this assumption below. Moreover, it also allows for greater and more

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<sup>33</sup> Gray, Christine (2005), *Peacekeeping and Enforcement Action in Africa, the Role of Europe and the Obligations of Multilateralism* - in - Armstrong, Farrell & Miguashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 207

<sup>34</sup> NATO Treaty Art. 5 can be found at NATO Online URL: <http://www.nato.int/docu/basicxt/treaty.htm>

<sup>35</sup> Summary and details of NATO operations can be found online at URL: <http://www.nato.int/nato-welcome/index.html>

efficient interaction because it encourages closer bonds between states and enables trade and technology sharing. I have tried not to limit multilateralism to the security sphere of politics as the concept itself is quite broad. On this issue John Gerard Ruggie writes; “Multilateral is an adjective that modifies the noun *institution*. Thus, Multilateralism depicts a generic institutional form in international relations.”<sup>36</sup> It is not hard to see that most states prefer to be integrated into some form of multilateral or inter-state community. The relevance to this thesis is that multilateralism will generate a stronger sense of just action as the decision to partake in a specific event or support fellow states, will be removed from a unilateral state system and therefore be less likely to reflect negatively on the participating state.

## **Theory**

The theory I will use will present the framework for my basic assumptions and therefore automatically limit and angle my investigation to some extent. In any investigation into a complex topic, it is important to base the underlying assumptions on preconceived notions. It is a comfort to the writer that there are different schools of thought on an issue, on which he or she can use as a platform to develop and present ideas. This is exceptionally present when analyzing international relations, with some assumptions and theoretical paths dating back to ancient Greeks and, in some instances, even further. One can conduct an investigation of the use of force within any school of thought, indeed most, if not all, theories of international relations will give meticulous attention to force as it is one of the central tenets of power and behavior in world politics. The issue of legitimacy however, is more specific and is treated with more reverence within the liberal schools of thought. In the more traditional theories, such as the realist school and its adhering theories, focus more on the power of states and their right to maximize self profit within an anarchic system. I believe my approach is closer to the liberal structure of theory because I assume as my basic premise that security structures which limit state

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<sup>36</sup> Ruggie, J.G. (1993) *Multilateralism Matters: the Theory and Praxis of an Institutional Form*, New York, Columbia University Press, pg 43



sovereignty are necessary for maximizing legitimacy and that such a concept holds a powerful place in international relations. I will use the theory of Regional Security Complexes as my starting point, the principles of which is presented below, and try to complement it by adding a dimension of legitimacy.

### **A regional view of security!**

I have opted to take on the regional view of security as presented by Barry Buzan and Ole Wæver in their work; 'Regions and Powers' from 2003.<sup>37</sup> Due to the regional aspect of security, it is important to view legitimacy through regional politics and relations. This will be especially important for smaller states and perhaps most visible within the European regional structure. The region is defined as a situation of interactivity where the units are sufficiently linked together so "that their securities cannot be considered separate from each other."<sup>38</sup>

### **Regional Security Complex Theory**

The basic premise is as follows; After the end of the Cold War, the change in security structure and perception has caused a strengthening of regional security ties. Buzan and Wæver writes that "after the ending of the Cold War, both the remaining superpower and the other great powers (China, EU, Japan, Russia) had less incentive, and displayed less will to intervene in security affairs outside their own regions."<sup>39</sup> Therefore the concept of the Regional Security Complexes Theory was established. Regional security structures have been present through much of history, mainly because the surrounding territories of a state poses the most obvious and present dangers to its security, or as Buzan and Wæver argues, threats travels easier over

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<sup>37</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

<sup>38</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press pg 43

<sup>39</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press , pg 3

shorter distances.<sup>40</sup> This theory is an attempt to make a realistic model of the post-cold war security structures of the world, however it does not declare that the regional level is the only relevant level of analysis, nor does it argue that the multitude of different regional complexes are similar in behavior or characteristics. I interpret the regionalist approach to be a flexible theory of international security because it allows for the participation of non-state actors and attempts to explain the rational thinking of states on security issues. The national and global levels of analysis are the most common levels of security analysis, however they are both too narrow in their scope of analysis because security is a relational phenomenon and the immediate surroundings of states are their primary concern<sup>41</sup>. Therefore, the regional level, the appropriate level for analysis in the modern world.

### Security Complexes

The main component of this theory is that the world of security relations has become increasingly regionalized since the end of the Cold War and the end of the bipolarization of security. These regions have been coined Regional Security Complexes (RSCs) by Buzan and Wæver.<sup>42</sup> There are different types of security complexes, depending on the power balance, security cooperation level and the presence of powers. The main variants are the standard and the centered RSCs. The standard RSC is determined by the polarity of regional powers. They are dominated by a military-political security agenda and the agenda is set by the regional powers within it.<sup>43</sup> Southern Africa is a good example as it illustrates the role of South Africa in the region as the dominant security actor. The centered RSCs are determined by uni-polarity, i.e. a dominant actor. There are subcategories of centered RSCs depending on what type of actor is causing the uni-polarity. This can be caused

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<sup>40</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

<sup>41</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press, pg 43

<sup>42</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

<sup>43</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press, pg 55

by a superpower, great power, regional power or an institutional power. The European example, which I focus on in this thesis is the latter.<sup>44</sup> The EU/NATO institutional structures are the actors that dominate the security strategy of western-Europe. Europe also contain several state powers, historically as well as in modern times. States such as Germany, being one of the world economic powers through its industry and production, and France and the United Kingdom hold permanent seats on the UN Security Council. Nonetheless, the region is integrated into larger institutional actors that cause its polarity.

### **regional vs global**

I do not assume that the global aspects of security has been replaced by the regional approach. In fact, I would say the regional complexes of security have become a new level of actor on the global scene. The superpower(s) of the system, whether a unitary actor or several, will be the only actor who focuses its security concerns on the global level.<sup>45</sup> If one looks at the system today, and the American attention to security issues outside its region, this will be in accordance with the assumption above. The regional aspect of international security is merely the relevant level of analysis today and it offers a unique opportunity to assess the security thinking of modern state. A state will adjust its security agenda according to the region it belongs to. For example, a state which is under a protectorate of a powerful ally or a member of a collective security organization will have a different view on its own need for direct security than a state which is largely independent and not incorporated into a larger security complex.

### **Superpowers, Great Powers and Regional Powers**

The bipolarity of the Cold War affected all aspects of political action for five decades.

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<sup>44</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press , pg 43

<sup>45</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press , pg 43

The war of ideologies and demonizing of the other side had become an entrenched notion in International Relations; however the last decade of the twentieth century witnessed the start of a new era and way of thinking about international politics and security. Buzan and Wæver argue that the Cold War structure of IR was a 2+3 system of super powers and great powers.<sup>46</sup> This means that there were two dominating superpowers which dominated the agenda of politics and security, while three great powers were major players in the system and influenced their security region. The super powers were obviously the USSR and the USA, while the Great Powers of the time were China, Germany and Japan.<sup>47</sup>

Today, the world is a 1+4 system with the USA acting as the only Superpower by definition. The pertaining Great Powers today are argued to be “Britain/France/Germany-EU, Japan, China and Russia.”<sup>48</sup> Therefore one can see that the actors are the same, however the end of the Cold War shifted the roles of the different actors to create a new hierarchy.

Most important to this thesis however, is the concept of regional powers within the system. The regional power will be the strongest actor within a regional security complex. There can be more than one regional power, which is illustrated by the European example of a security complex. The interesting feature of regional powers is that they act as the polarity of their region and sets the security agenda within their complex. Buzan and Wæver again argues that threats travel easier and faster over shorter distances and, on the basis of this assumption, a state’s security concerns are focused on the immediate vicinity of its own territory.<sup>49</sup>

I would argue that a state’s security concern has become the collective concern, therefore organizations with a primary focus on collective security has taken on a more important role in modern international relations. The theory adopted in this

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<sup>46</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press , pg 37

<sup>47</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press , pg 37

<sup>48</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press , pg 23

<sup>49</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

thesis is chosen to keep an open approach to non-state actors in security question, in fact the authors of 'Regions and Powers' argues that the theory of a regional approach on security is open to the role played by non-state actors and even allow them to be dominant in the regional structure.<sup>50</sup> This can be seen by the role of NATO in Europe and North America.

### Force and multilateralism

The use of force within the regional security structure is dependent upon the perception of threats and the level of collective security cooperation. It is important to note that every regional security complex has a distinct way of viewing security and what their appropriate responses to this issue should be. Some regions might be considered to be dominated by a regional power, North America, the Caucasus and southern Africa can be viewed in this light.<sup>51</sup> Nonetheless, force and violence is an inherent part of the international relations structure.

The use of force today is primarily conducted by security organizations such as NATO or the African Union and some unilateral action by the other Great Powers. However, when force is decided to be used, it is most often implemented through multilateralism as seen in Kosovo in March 1999.<sup>52</sup>

Collective action will positively affect the perceived legitimacy of any use of force because it downplays the criticism of directly pursuing national interests at the cost of another state or group. Multilateralism is considered to be the logical use of force in the modern world because it coordinates the security needs of several states, often through a unifying organization, and portrays an impression of cohesiveness and burden-sharing. I believe that the regional approach to security explains the use of multilateralism because it heightens the individual state's incorporation into a larger community with an agreeable set of security objectives and cultural principles.

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<sup>50</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

<sup>51</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press , pg 38

<sup>52</sup> NATO official website: URL: <http://www.nato.int/kosovo/all-frce.htm>

The fringe benefits are also significant, making incorporation into a regional security structure beneficial on several levels.

The European example.

No regional security complex is more complicated than the European example. This can be explained by the role of the region through history as the technologically and economically more developed part of the world, i.e. it had the head start needed to be militarily dominant. Today the world is a 1+4 system<sup>53</sup> and two of the existing great powers are in Europe. If one adds the NATO dimension and the security guarantees of the United States then it is easy to see why Europe holds a central place in global and regional security studies.

After the Cold War, the security situation in Europe changed as a result of the 'triumphalism' of the liberal democracies and their peaceful coexistence.<sup>54</sup> The ideological basis for the Cold War had retreated and a new order was setting in security politics. The regional structure had to change as well, which is perhaps most apparent in the institutional changes of NATO in the 1990 to address its new challenges. According to Buzan and Wæver, the European structure of security is divided into two security complexes, one which is EU centric and involves the western NATO states and the second structure is the Eastern European security structure with strong Russian influence. Notably, the Balkan states have a different security agenda from the other NATO states and therefore is connected to the eastern security complex. Europe therefore has two centered Regional Security Complexes,<sup>55</sup> however their geographical closeness makes it hard to distinguish the boundaries.

The European example allows this thesis to illustrate the advantage of a regional approach to security. A security complex which has a high attention to legitimacy and

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<sup>53</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press, pg 343

<sup>54</sup> Christian Reus-Smit, The liberal License to Use Force, in Armstrong, Farrell & Maignashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 75

<sup>55</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press, pg 343

is active in using force in current conflict provides the empirical evidence needed to support the relevant arguments. I will return to the European security example and take a closer look at the Norwegian role in the next chapter.

### Legitimacy

The aim of this investigation is to provide an aspect of legitimacy to the theory of regional security complexes. Legitimacy has developed into a moral benchmark for the use of force and must be given ample attention when analyzing modern uses of force, an aspect I feel is unfulfilled in the regional security complex theory.

I am not arguing that the theory itself is insufficient, obviously legitimacy was not the intended analysis of the authors, however I believe a component which describes legitimacy will complement the theory and be viewed as a natural extension of its principles.

The theory itself provides an ample framework for defining and applying the basic assumptions of this thesis regarding legitimacy. I will present my arguments in the next chapter.

### IDEALISM

I have chosen to add the dimension of idealism to my theories and assumptions, because it is hard to separate the issue of legitimacy from its moral and ethical components. I do not argue that force needs to be based on altruism<sup>56</sup> to be legitimate, but it helps to have some connection to culturally approved notions of morality and norms.

Idealism is a sub-section of the liberal school of thought and it differs greatly from that of the traditional schools of thought on the use of force. The origin of idealism can be found in political philosophy and the works of earlier philosophers such as Immanuel Kant all the way up to modern political figures such as Gandhi and Nehru.<sup>57</sup>

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<sup>56</sup> Definition: Deeds done on unselfish grounds for the welfare of others – in –Evans & Newnham (1998), Penguin Dictionary of International Relations, London, Penguin Books LTD pg 8

<sup>57</sup> Crawford, Robert (2000), *From Idealism to Realism in IR theory*, London, Routledge, pg 45

Idealism argues that moral principles can be found and should be present in international politics and especially within international security issues. The classic description of Idealism is “the pursuit and visualization of political plans and goals that does not directly relate to the current realities of the world, but to ‘ideals’”.<sup>58</sup> This is a good definition and it shows the ethical component of the theory. This leads to the debate on whether the use of force can be illegal according to international law and still legitimate. There is no clear presence of moral principles behind the laws which attempt to regulate the use of force. For example, there is much controversy and disagreement on humanitarian interventions. It has become a gray-zone of international relations, placed between the moral imperative to aid those in need and the principle of absolute sovereignty. The advocates of Right to Protect (R2P)<sup>59</sup> and modern humanitarianism argue that the prevention of genocide and other humanitarian disasters are more important than the upholding of the Westphalian principle of state territory. There is no denying that the moral aspect of force appeals to the public of a given state more than other actors, especially if the state implements the moral principles which are dominant in the country and region it operates in. Much of the legitimacy debate is concerned with the perception of ‘doing good’ or ‘right’ when it comes to the decision to use a state’s military forces. An important part of the idealism debate is the concept of Just War as presented by Michael Walzer.<sup>60</sup> I have chosen to add this part to the theory which makes the framework for the thesis, because Just War theory in its scope, deals with the premise of my arguments, but within the view of idealism. Therefore it makes it practical to use as a starting point for introducing the concepts of legitimacy to the regional view of security, which will take place below. Waltzer argues in his work that “a legitimate government is one that can fight its own internal wars”<sup>61</sup>. However, when a state is not able to and the consequences are humanitarian disasters, such

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<sup>58</sup> Crawford, Robert (2000), *From Idealism to Realism in IR theory*, London, Routledge, pg 67

<sup>59</sup> Rice & Loomis, *The Evolution of Humanitarian Intervention and the Responsibility to Protect* – in - Daalder H. Ivo, (2007), *Beyond Preemption, Force and Legitimacy in a Changing World*, Washington D.C., Brookings Institution, pg 59

<sup>60</sup> Walzer, Michael (2000), *Just and Unjust Wars*, New York, Perseus Books, pg 76

<sup>61</sup> Walzer, Michael (2000), *Just and Unjust Wars*, New York, Perseus Books, pg 101



as genocide, then idealism calls for the intervention from other states or organizations. Waltzer however argues that “states don’t send their soldiers into other states, it seems, only in order to save lives.”<sup>62</sup> This highlights the unique problem of arguing for legitimacy of force based on idealist claims, because a state rarely (or never) decides to use force for mere humanitarian reasons.

Idealism calls for, and argues for the possibility of, security policy based on ethical and moral principles, Charles Guthrie puts this as having “sufficient and proportionate cause.”<sup>63</sup> Idealism argues that using force because it is the right thing to do is enough to warrant legitimacy. I will take a closer look at these claims when assessing what factors affect the perception of legitimacy below.

In summary; the international security scene has witnessed a regionalization of its structure due to the security logic of states on the post-Cold War era. The security tradition of each region affects how it views the use of force and the need for legitimacy towards its application. I hope to show how legitimacy can be achieved in the regionalist structure and that legitimacy is a function of more than mere idealism. Idealism plays a large part in the legitimacy efforts of states due to the need for an impression of ‘oughtness’ and ‘rightfulness’ in the different audiences and actors that affect state behavior.<sup>64</sup> However, there are several other factors that affect the perception of legitimacy.

I will now attempt to explain the rise and role of legitimacy within the theoretical context that was laid out above.

## **The Issue**

Above I have presented the theoretical framework for the structure of international security and the root of legitimacy. The Regional Security Complex Theory shows that

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<sup>62</sup> Walzer, Michael (2000), *Just and Unjust Wars*, New York, Perseus Books, pg 101

<sup>63</sup> Guthrie, Charles & Quinlan, Michael, (2007), *Just War, The Just War Tradition, Ethics in Modern Warfare*, London, Bloomsbury Publishing, pg 20,

<sup>64</sup> Finnemore Martha, *Changing Multilateral Rules* – in - Armstrong Armstrong, Farrell & Maignashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 186

security has become increasingly regionalized since the end of the Cold War<sup>65</sup> and Idealism argues that legitimacy is acquired through using force altruistically and with humanitarian intent. Therefore I see it as my task to challenge these assumptions in the next section and pursue the hypothesis stated in the introductory section. I hope to be able to show below that the Regional security Complex theory can be used a good framework to promote legitimacy as a function of international security. Moreover, I aim to illustrate that legitimacy is derived from a more complex background than mere altruism as the theories of Idealism argues. My method of approach will be to analyze what factors affect legitimacy today and investigate the potential consequences of illegitimacy towards different audiences. In addition, I will argue that multilateralism is the best option for states to pursue legitimacy when using force and how this coincides with the regionalization of security.

My analysis is presented below.

### **The rise and importance of legitimacy!**

Every decision to use force comes with a multitude of discussions and opinions regarding the decision making process and its method for implementation.<sup>66</sup> This stems from the assumption that the authority that orders the use of force is doing so on behalf of the wider interest of the population from which it draws its authority. The population of any state will have some influence on the political decision making process because a government is accountable for its actions to the public, i.e. the voters. I do recognize however, that this assumption is contingent on the level of public freedom and how liberal and transparent the political leadership is. Nevertheless, politics is inherently connected to the 'demos'<sup>67</sup> of any state, i.e. the people, from which power is based.

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<sup>65</sup> Buzan and Wæver, *regions and Powers*

<sup>66</sup> Armstrong, Farrell & Maignashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 1

<sup>67</sup> Definition: The common people; the populace – in –Evans & Newnham (1998), *Penguin Dictionary of International Relations*, London, Penguin Books LTD pg 28

I have argued extensively in the previous sections that legitimacy is increasingly important in the modern world. I will try to account for this increase in importance below. I do not argue that legitimacy is a purely modern phenomenon; in fact I have argued above that legitimacy has been a part of politics and the use of force throughout human history. It is important to stress however that legitimacy as a doctrine and concept enjoys its most significant role in contemporary security policy. The influence of legitimacy and its application to the use of force is unprecedented in history and should therefore warrant a closer analysis.

My analysis will entail some arguments that will demand examples from current security affairs. I will use the European security complex as an example to illustrate my arguments as well as taking a closer look at the Norwegian model of security for the state specific aspects of legitimizing force.

The analysis of legitimacy and its increase will begin with identifying the factors which has enabled its strong position in the world of security. I argue that legitimacy has become more important in the world because of three separate factors; the role of civil society, the dogmatic change after the Cold War and the search for global ideals and norms as pursued by the United Nations and pertaining organizations. An analysis of each factor is presented below.

#### The role of Civil Society

The most prolific critic of state policy, especially in the European security complex, is the people and the structures of society which voices the opinion of the public. I believe that the key to understanding legitimacy in the modern sense lies in the analysis of the actors that demand it and the potential ramifications they can cause. Civil society is perhaps the most influential actor in determining political legitimacy in the modern world and an analysis is necessary to understand its contribution to the role of legitimacy today.

According to the London School of Economics Centre for Civil Society, its definition is “Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market”<sup>68</sup> In short, civil society holds the elements of society which are independent from the state and express the opinions of its people. Examples of such structures can be seen in interest groups, non-profit organisations, activist groupings and the free press. I do not argue that all such actors are totally state-independent, however in essence they act to ensure the interest and rights of the public. A strong civil society acts as the forum for debate on state policies and public will. The development of civic structures is a prerequisite for stable liberal democracies<sup>69</sup> as it encourages the people to participate in the political and public spheres.

The demand for legitimate policies by its people remains one of the most influential and vital aspects of instilling legitimacy as the prerequisite for using force. Thomas Jefferson wrote; “When the people fear their government, there is tyranny; when the government fears the people, there is liberty.”<sup>70</sup> I hold this quote to be accurate of my arguments for the role of civil society.

Basically the discussion boils down to the degree of accountability. If one increases the amount of public participation in politics and civil society, one should expect to see a rise in the desire to legitimate state policies, especially the use of force. The political element of many civil society organizations facilitates better awareness and a more informed citizenry, who make better voting choices, participate in politics, and hold government more accountable as a result.<sup>71</sup>

The use of force is an especially volatile issue to the civil society. Issues relating to military action will always be under more scrutiny by actors in society than most

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<sup>68</sup> Centre for Civil Society, London School of Economics , “*What is civil society?*”. (2004-03-01).

<sup>69</sup> Baylis, John (2001), *The Globalisation of World Politics*, Oxford, Oxford University Press, pg 360

<sup>70</sup> Bernstein, Richard (2005), *Thomas Jefferson*, New York, OUP Press, pg 75

<sup>71</sup> Almond, G., & Verba, S. (1989) *The Civic Culture: Political Attitudes And Democracy In Five Nations*; New York, Sage publications, pg 54

other issues. I attribute this phenomenon to the heightened scepticism among the globalising civil societies towards hidden agendas for state reasoning and the potential consequences to civilian populations in the conflict area as argued by General Rupert Smith.<sup>72</sup>

In the European example, this can be shown to be accurate. According to Transparency International<sup>73</sup> Europe has a low level of state corruption and a high degree of public participation in the political sphere.<sup>74</sup> This supports my argument of the role of civil society and the demand for political accountability. With a healthy political system and high level of public transparency and participation, the demand for accountability and ultimately legitimate use of force is heightened and intensified.

The last point I will make regarding civil society is that the access to information which is independent from the state is vital for the functioning of civil society and public participation. The last two decades have seen an explosion in information technology which has directly affected the way people are connected and have access to information and forums to discuss issues. The internet is especially important as it gives the population an infinite access to information and opportunities. Another important aspect is the notion of free press and liberal rights of expression. As Almond and Verba argued above, civil society facilitates better awareness of the public<sup>75</sup> and being able to debate and access information is important for the effective function of civil society, and ultimately the demanded accountability in politic and legitimate use of force.

## **End of Bipolarity**

The second factor to cause the increased importance of legitimacy in the modern

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<sup>72</sup> Smith, Rupert (2005), *The Utility of Force, The Art of War in the Modern World*, London, Penguin Books

<sup>73</sup> Transparency International URL: [http://www.transparency.org/policy\\_research/surveys\\_indices/gcb/2007](http://www.transparency.org/policy_research/surveys_indices/gcb/2007)

<sup>74</sup> See Appendix 1

<sup>75</sup> Almond, G., & Verba, S. (1989) *The Civic Culture: Political Attitudes And Democracy In Five Nations*; New York, Sage publications, pg 235

world is the end of the Cold War and the paradigm shift in policy thinking it brought with it. I have mentioned the significance of the Cold War and its abrupt end in 1991 extensively in this thesis, however it is not without cause. The following years witnessed the world trying to identify the new set of rules and norms following the end of an era, especially in international security. The Cold War dominated the scene for almost five decades and the role of the institutions and actors would have to change its functions and intentions in the new setting. The emergence of the 1+4 system, with the USA being the only superpower, set the stage for a shift in global politics, at least a shift towards the ideology of the surviving superpower.<sup>76</sup> With the downfall of the Soviet Union, the western principles and the ideology of liberalism and market economy was preached more fervently. This phenomenon affected the states in the former Soviet sphere of influence. The doctrine of the post Cold War era encouraged humanitarian principles in politics and when using force. Legitimacy became a larger issue on the security agenda of states and institutions as a consequence. The NATO mission to Kosovo in 1999 was an example of this. During the Cold War, the security logic of states was dominated by fear and suspicion. At its end, the optimism that followed inspired new ideals to focus security thinking on. The veil of fear was lifted from the security field. Therefore, I argue, on the background of the abovementioned assumptions, that the Cold War ending was itself a great contributor to the rise of legitimacy and its importance in international security. To illustrate one must only look to the shift in policies of states and organizations. For example, the transformation of NATO was needed to respond to the new security need of its members.<sup>77</sup> According to NATO's mission statement ; "major internal reforms were needed to adapt military structures and capabilities to equip them for new tasks, such as crisis management, peacekeeping and peacesupport operations."<sup>78</sup> In short one might argue that the role of NATO and

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<sup>76</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

<sup>77</sup> Buzan, Barry, Wæver, Ole & de Wilde, Jaap (1998); *Security, A New Framework for Analysis*, London, Lynne Rienner Publishings, pg 65

<sup>78</sup> NATO On-line Library. URL: [http://www.nato.int/docu/21-cent/html\\_en/21st04.html](http://www.nato.int/docu/21-cent/html_en/21st04.html)

state's security logic, especially in Europe, had shifted to ensuring peaceful development and security cooperation. Most states cut their defence spending significantly, some even by 25% due to the decreased level of perceived threat to their security.<sup>79</sup>

This is a monumental shift in security strategy. It is not difficult to see the link between a decrease in perceived threats and the rise of alternative security strategies. By this I argue that the disappearance of a direct threat to the security of a state can lead to the emergence of a new security logic based on norms, ethics and morality.

### **Globalisation of ideals**

The third aspect of modern security that have promoted legitimacy is the overarching institutional structures that are meant to regulate state interaction. The promotion of legitimacy is prevalent in the structures that are meant to regulate state behavior. By installing the Geneva and Hague Conventions<sup>80</sup> and the United Nations Charter, the institutions of state cooperation have announced that a universal set of rules for the use of force is necessary for international peace and stability. Unfortunately this ideal has not been implemented effectively as the history of violence in the twentieth century will bear witness to. Nevertheless, a set of accepted behavioral norms are in place today. Among this set of rules is the scope to which legitimacy can be achieved and argued. Ian Clark argues "legitimacy can be conceived as a political space, but not an unbounded or normatively autonomous one."<sup>81</sup> The political space he refers to is the cross-section between appropriate international forums and the genuine desire to legitimate one's policies.

In addition to the missions of the international community to maximize the premise for legitimacy, one acknowledge that the homogenization of political values takes place within regional security complexes over time and that will contribute to the

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<sup>79</sup> NATO On-line Library. URL: [http://www.nato.int/docu/21-cent/html\\_en/21st04.html](http://www.nato.int/docu/21-cent/html_en/21st04.html)

<sup>80</sup> Hague Conventions were established in 1899 and 1907, while the Geneva Conventions were created in 1949.

<sup>81</sup> Clark, Ian, (2005), *Legitimacy in International Society*, Oxford, Oxford University Press, pg 29

universalisation of ideals and regulations on the use of force.

This trend is historically traceable. The intention of the Concert of Europe and the League of Nations can be seen as earlier attempts to manifest an international order on the basis of common values and principles.<sup>82</sup>

To summarize, legitimacy has become increasingly important to the security policies of the twenty-first century. Moreover, it has become a central concern for states security logic as well as organizations committed to collective security. The rise of legitimacy as an influential factor can be seen in light of the three factors mentioned above; the strengthening of civil society and public participation in politics, a change in security thinking following the end of the Cold War and the historically relevant implementation of ideals and norms in international relations as advocated by the United Nations. I will return this discussion further below as I will attempt to analyse the future relevance of legitimacy on the use of force.

The next section will focus on identifying the audiences of legitimacy claims. To understand the role of legitimacy one must analyse the role of audiences that influence a state or organisation to pursue a legitimate course of action.

### **The consequences of illegitimacy**

In this section I will try to analyse the consequences of lacking legitimacy when using force. As discussed previously, legitimacy comes from the perception of correct decision by appropriate authority. In modern democracies, this relates to the accountability of the government to ensure the general interest of the people and the global community. Therefore a lack of legitimacy should cause some consequences or negative effects on the government or acting party.

I have identified the main actors to which a state justifies its policies and use of force;

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<sup>82</sup> Hobsbawm, Eric, (1996), *The Age of Extremes. A History of the World 1914-1991*, New York, Vintage Books, pg 34



the people it represents, the domestic and international press, regional partners, organizations to which the state hold obligations or interests and the region in which the use of force is implemented. The following section will try to account for the attempts of states to legitimize its security policies towards these audiences and analyse the potential consequences of perceived illegitimacy. I will argue that the demand for legitimacy varies between the audiences, insofar as the reasoning for legitimacy is based on different sources of argumentation. It is also important to note that the audiences and their influence will differ from state to state

In short, trying to achieve legitimacy is founded on “providing persuasive reasons as to why a course of action, a rule, or a political order is right and appropriate.”<sup>83</sup> To elaborate, Martin Shapiro notes that legitimacy is dependent upon ‘giving reasons’ to the correct audiences.<sup>84</sup> In essence, this is exactly what I am trying to bring forward with this section.

### **The people**

The population of a state is perhaps the most influential factor in determining the level of perceived legitimacy of state actions. In theory, all actions of states should be rooted in the approval of its people.<sup>85</sup> The population is the source of power for a government which makes it also the most prolific critic of its actions. The level of impact that the people can extend to its political authority is, naturally, dependent on the level of civic freedom and participation in public affairs. In a state where the rights and opinions of the people are suppressed, the expected level of criticism towards legitimacy is going to be much lower than in a state with extensive public freedom of expression and political participation.<sup>86</sup> This argument boils down to the access of the people to voice their opinions towards the political authority; the civil

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<sup>83</sup> Hurrell, Andrew (2005) *Legitimacy and the Use of Force – Can the Circle be Squared?* – in - Armstrong, Farrell & Miguashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 24

<sup>84</sup> Shapiro, Shapiro, (2002), ‘*The Giving Reasons Requirement*’, in Shapiro and Stone Sweet, *On Law, Politics and Judicialization*, Oxford, Oxford University Press, pg 228-257

<sup>85</sup> Daalder H. Ivo, (2007), *Beyond Preemption, Force and Legitimacy in a Changing World*, Washington D.C., Brookings Institution, pg 12

<sup>86</sup> Centre for Civil Society, London School of Economics , “*What is civil society?*”. (2004-03-01).

society plays a large role in determining this impact.

Lack of public support can be detrimental to popular opinion of the public towards a regime or governments. The use of national defense units to use force will always come under specific scrutiny from the public. One must make a distinction between the initial perception of legitimacy and the development of this impression as the force is actually used. In the initial phase of a conflict, the people's perception of legitimacy is focused on the right to use force, i.e. the accordance with national and global laws and norms. However, over time, the factors that affect the perception of legitimacy are influenced far more by the actual implementation of force and the affect it has on the domestic scene. For example, the cost of the use of force is often an argument against a governments security policy.<sup>87</sup> It is not hard to argue that participating in security operations or even pursuing unilateral action comes with a great cost o the state. In contemporary America, this is especially relevant.<sup>88</sup>

'The body-bag effect' is also important to the public perception of legitimacy. If the national forces sustain loss of lives as a result of the use of force, the impact on domestic society can be detrimental.

The underlying argument with this element of the legitimacy debate is that the public perception of legitimacy is important for a state because it affects the popular support of the government. If the public support decreases it will have a direct affect on the actions of the political opposition and other critics of the government. This is relevant to all types of government because the obedience and support of the civil society is important for political stability and opinion. The government's ability to effectively pass bills and create a majority consensus can also be affected by the public's impression of legitimacy. This goes to show how powerful an effective and participating civil society and general population can be in the modern world.

The last aspect is the people's perception of threat and imminent danger. The

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<sup>87</sup> Chomsky, Noam (2007), *Failed States. The Abuse of Power and the Assault on Democracy*, London, Penguin Books, pg 234

<sup>88</sup> Chomsky, Noam (2007), *Failed States. The Abuse of Power and the Assault on Democracy*, London, Penguin Books, pg 228

existence of a states security forces is to ensure the survival of the country and the protection of the population. The people is far more likely to perceive the use of force by the state as legitimate if there is a real sense of fear among the people. If the state has a distinct enemy to confront, then the demonizing of this enemy can affect how willing the people is to use force and view it as legitimate.<sup>89</sup> For example “the American threat perception was extremely high after September 11<sup>th</sup>, but this deep sense of peril was not shared by much of the international community.”<sup>90</sup> This goes explain the massive popular support for using force immediately after 9/11 in the American opinion. There was a unifying sense danger and a massive perception of a foreign threat. This went a long way to legitimize the 2001 invasion of Afghanistan among the American public. Nevertheless, the same levels of support was not found internationally.

### **The Media:**

No element of modern society is as important in affecting the public opinion than the domestic and global media. The ability to set the agenda of issues is unique and should therefore be given some attention in this analysis. As argued above, the support of the public is important for a multitude of reasons. The media, through the printed press, the internet and radio, among others, play an important role in determining the opinion of the public. Initially it gives the public access to information about state activities and is therefore vital for the population to shape an opinion. Secondly, and perhaps most important, it is able to set the agenda for public debate. The concept of hearts and minds is well covered in modern conflict. Winning the hearts and minds of the people is vital for support in the conflict area but also on the domestic scene.<sup>91</sup> The media is a main determinant for hearts and minds. The consequences of negative media coverage can be wide spread. Within the European security complex, the role of the media is profound due to the principle of free press

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<sup>89</sup> Smith, Rupert (2005), *The Utility of Force, The Art of War in the Modern World*, London, Penguin Books,pg 22

<sup>90</sup> Kramer, Anne, *What the World Thinks – in - Daalder H. Ivo, (2007), Beyond Preemption, Force and Legitimacy in a Changing World*, Washington D.C., Brookings Institution, pg 100

<sup>91</sup> Global Issues – URL: <http://www.globalissues.org/article/157/war-propaganda-and-the-media>

and opinion inherent in most European states. Through the effective use of media and press, the population and civil society are informed of the actions of its government and is able to hold it accountable for its shortcomings. I do not argue that the press only works as a watchdog for criticizing government. In fact, the domestic and international media can be used, and is used actively, by the state or organizations to gain favorable opinion from the public or other actors. Nevertheless, a free press can cause a dramatic impact on the political credibility of a regime or government.

Traditionally the media's role in determining legitimacy has been in regards to propaganda. The modern age however is characterized by access to mass information which changes the role the media play significantly. One should not undermine the potential impact the media has on creating an atmosphere of perceived legitimacy in the public.<sup>92</sup>

The Civil war in Somalia which witnessed a US-led United Nations intervention in December 1992 can illustrate the impact of the global media. This was coined the CNN-effect and signaled the first major conflict with live television coverage.<sup>93</sup> The pictures of starving children prompted the intervention as President Bush was campaigning for re-election and popular opinion was vital.<sup>94</sup> This initially illustrated the impact of the cable-television and media impact on American opinion. However, the withdrawal of US troops in 94 was also party media influenced. The events of October 3<sup>rd</sup> 1993 would play a significant role on the US opinion. The pictures of killed US troops being dragged through the streets of Mogadishu was broadcast over the world.<sup>95</sup>

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<sup>92</sup> Anne Kramer, *What the World Thinks*, in Daalder H. Ivo, (2007), *Beyond Preemption, Force and Legitimacy in a Changing World*, Washington D.C., Brookings Institution, pg 117

<sup>93</sup> Rice & Loomis, *The Evolution of Humanitarian Intervention and the Responsibility to Protect* – in - Daalder H. Ivo, (2007), *Beyond Preemption, Force and Legitimacy in a Changing World*, Washington D.C., Brookings Institution, pg67

<sup>94</sup> Rice & Loomis, *The Evolution of Humanitarian Intervention and the Responsibility to Protect* – in - Daalder H. Ivo, (2007), *Beyond Preemption, Force and Legitimacy in a Changing World*, Washington D.C., Brookings Institution, pg67

<sup>95</sup> The United States Army history report on Somalia 1992-1994  
URL: <http://www.history.army.mil/brochures/Somalia/Somalia.htm>

In short, the media can play a massive role in shaping and changing the public support of a government and its policies, thereby undermining the state's attempt to legitimize its decision to use force.

### **The Regional Partners:**

While the perception of the people and the role of the media is focused on the ethics and morality of using force in order to perceive it as legitimate, the role of a state's regional partners or neighbors will turn its attention to the greater impact and consequences.

I have decided to separate the regional neighbors of a state from the larger international community as an audience because the security relations of states will be much closer and intricate on the regional level. Linking back to the regional security complex theory, a state's main concern will be with its immediate surroundings.<sup>96</sup> The security complex of a state will have a security tradition which is based on its RSC type and the dynamic of state relations. The presence of a great power or a regional power will greatly affect the type of security tradition that influences the security logic of its pertaining states. By security tradition I refer to the accepted norm for state behavior. This norm is most often determined by the security need of the region and discourages unilateral use of force in general terms. Buzan and Wæver writes that RSC's are socially constructed based on interlocking security needs.<sup>97</sup> Regional neighbors are therefore an audience which demands legitimacy for using force.

Security complexes and states differ from the people or media on the grounds to which they demands legitimacy. Assuming that states are rational actors, it is logical that a state's regional neighbors will assess the legitimacy of force on principles of international legality and the adherence to regional rules and norms. If a state's security logic is in adherence with its regional partners, legitimacy is often self-

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<sup>96</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

<sup>97</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

attainable because of common needs and integration of security efforts.

Nevertheless, it is important to note that it is important to legitimize ones security efforts to the neighbors whose security concerns are most focused on their own immediate vicinity.

The consequences of lacking regional support can damage a state's position within the regional security complex. Furthermore it can decrease the regional security co-operation and destabilize the security of the region.

### **International Community:**

I argued in the first section that an legal mandate will be the most effective legitimizing factor for using force in the modern world. The logic of this assumption is that the consensus of the international community will positively affect all the audiences' perception of legitimacy. Moreover, it will authorize force based on the values of the community at large. The United Nations Security Council is, in effect, the only international organ capable of issuing a mandate which is generally accepted. This happened on several occasions in the twentieth century, perhaps most notably in Korea in 1950 and Bosnia in 1995.<sup>98</sup> Mandates are effective in legitimizing force because it adds the most proficient legalist aspect of international law. Kofi Annan argues that a UN mandate is important to the decision process behind using force, when writing; "Most of us would prefer, I think, - especially now that the Cold War is over – to see such decisions taken collectively, by an international institutions whose authority is generally respected. And surely the only institution competent to assume that role is the Security Council of the United Nations."<sup>99</sup>

The international community expects legitimacy based on the laws and rules which are generally agreed upon, such as limiting the use of force to self defense as stipulated in the UN Charter.<sup>100</sup>

Unfortunately the legal provisions of the international community are not sufficient

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<sup>98</sup> United Nations Online Library URL: <http://www.un.org/Depts/dpko/missions/unmibh/mandate.html>

<sup>99</sup> Kofi Annan, (2006) *Towards a New definition of Authority*, in Reichberg, Syse, Begby, *The Ethics of War*, Blackwell Publishings, 2006, pg 691

<sup>100</sup> United Nations Charter, Article 51 – Can be found Online at URL: <http://www.un.org/aboutun/charter/>

in creating an abiding atmosphere for states and so-called gray zones of interpretation emerge.<sup>101</sup> I will return to this argument below.

Sanctions, international critique and the possibility of armed response from the international community are among the possible consequences of non-compliance with the rules and regulations on the use of force. It has become commonly accepted that the provisions for legitimately using force against Iraq in 2003 has been refuted due to the lack of announced Weapons of Mass Destruction (WMD) in Iraq or subsequent weapons programs.<sup>102</sup> The governments of the United Kingdom and the United States suffered a crisis of credibility from the political environment as well as from the public, as a response. Reaching international legitimacy on the basis of a preventative or preemptive force is extremely difficult, due to the “questionable efficacy of a preemptive strike.”<sup>103</sup> The end result was sinking popular support and demonstrations against the misleading reasoning for using force against Iraq.

The idealism of the United Nations indicate that it desires a world of security where the only legitimizing factor is the well functioning system of its organisation, however, this remains a hope for the future as the structure of the United Nations and its Security Council are hindered by a limiting set of rules and regulations to which it can distinctly organize the use of force today.

nevertheless, it remains an important actor in a states methods of legitimizing its use of force. The perception of the people can also be greatly influenced by the support of the United Nations provisions for using force.

### **Affected Region:**

The last audience I will analyze in this thesis is the affected region to where the force is being implemented. In this definition I will include regional actors and states as well

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<sup>101</sup> Corneliu Bjola, Legitimizing the Use of Force in International Politics, in *European Journal of International Relations*, 2005: 11: page 266

<sup>102</sup> Chomsky, Noam (2007), *Failed States. The Abuse of Power and the Assault on Democracy*, London, Penguin Books, pg 25

<sup>103</sup> Anne Kramer, *What the World Thinks*, in Ivo Daalder, (2007) *Beyond Preemption, Force and Legitimacy in a Changing World*, Brookings Institution Press, Washington D.C., page 113

as the local population and civil society. Winning hearts and minds is a part of the new order of international security.

Traditional inter-state open warfare no longer exist.<sup>104</sup> Therefore one must identify a new framework for analyzing conflict and the use of force. One characteristic of the new trend is that the civilian population is an active part of the conflict and the enemy is rarely the regular armed forces of the state. Rupert Smith calls this the ‘War Amongst the People’<sup>105</sup> and one must also actively seek legitimacy from the regional and domestic actors in the affected territory. The wars in Afghanistan and Iraq (2001 and 2003 respectively) have proven this by their attention to winning the hearts and minds of the local population as well as harnessing local support in the region.

Though a supremely difficult task, persuading the local population of a targeted territory of the legitimacy of force and presence can contribute to a quicker ending of the conflict and improving co-operation in a potential post-conflict development era.

According to a 2007 report by the British Government, the strengthening of civic capacities and leadership of the local population will improve the relationship to foreign troops and personnel and limit recruitment to violent extremism.<sup>106</sup>

It is also important to target regional actors in the affected area. States and organizations will demand a claim to legitimacy when force is implemented in their region. Maintaining an operational relationship with these actors can make the campaign easier as well as having allies in the post conflict development phase.

The consequences of failed perception of legitimacy in the affected region can manifest itself in several ways. Firstly, consequences can be, as mentioned above, increased recruitment to the enemy forces or difficult conditions for post conflict development. Secondly, it can cause difficulty in maintaining regional ties to neighboring states, which can affect political or economic development or logistical

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<sup>104</sup> See Smith, Rupert (2005), *The Utility of Force, The Art of War in the Modern World*, London, Penguin Books– or – Kaldor, Mary, (1999), *New and Old Wars. Organised Violence in a Global Era*, Cambridge, Polity Press

<sup>105</sup> Smith, Rupert (2005), *The Utility of Force, The Art of War in the Modern World*, London, Penguin Books,pg 267

<sup>106</sup> Preventing Violent Extremism – Winning Hearts and Minds, Report on Gaining local support for armed action in Iraq. Department for Communities and Local Government, April 2007, available online at URL: <http://www.communities.gov.uk/documents/communities/pdf/320752.pdf>



problems as seen by Turkey's reluctance to let coalition forces travel through their territory during the 2003 invasion of Iraq.<sup>107</sup>

The global community and the regional states affected are more in search of a legal legitimacy based on respecting global rules and norms as well as long term development issues, while the media and the public opinion will demand legitimacy based on morality, ethics and human rights violations.

I will not entirely limit each audience to the type of legitimacy they demand, because each state or regional will seek legitimacy on the basis of cultural norms and international rules. It could seem the ultimate legitimacy would be a symbiosis of pursuing national interest in accordance with international law and regulation, but conducted with the moral and ethical justification which limits critics of opportunism or realist agendas.

### **Factors of Legitimacy**

I will now focus my attention to the analysis of the issues and factors that affect legitimacy. When defining legitimacy above, I argued that it is a fluid concept dependent upon individual interpretation and group perception. The impression of legitimacy is affected by several factors, the more significant of which will be analysed in this section. It is important to note at the very onset of this analysis that this is no roadmap or checklist to achieving legitimacy, because different groups and culture have different views on what constitutes legitimate use of force. I will merely point out what are the main issues that influence when force is used today and how they affect people's perception of its legitimacy.

The need for legitimacy comes from the dichotomy of the changing nature of force and conflict and the increased participation of civil society in political and security

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<sup>107</sup> VanderLippe, John. "Why Did Turkey Say No to War?", International Studies Association Publication, 2004:3:17

agendas. It would seem that the issues of force and legitimacy have been irreversibly affected by a globalising age of information and interconnectedness. Therefore it is important to look at how states are affected by this change. War no longer exists at least in the traditional sense which we are accustomed to.<sup>108</sup> There has been a massive paradigm shift in the last half of the twentieth century until today. Armed conflict rarely happens between two states over clear objectives of territory, power or grievances. Instead the world is faced with a new type of conflict. One which Mary Kaldor coined 'New Wars'<sup>109</sup> and Rupert Smith named 'War Amongst the People.'<sup>110</sup> Within this paradigm shift, a new set of expectations to state behaviour has emerged. Accountability and multilateralism has become the new norms and therefore we must analyse the new trends in statecraft. Depending on the circumstances, different factors will play different roles in determining the perception of legitimacy. For example, the lack of a UN Security Council mandate has undermined the claim by the US government that the 2003 invasion of Iraq was justified. Moreover, breaches of the Geneva Conventions as well as the high civilian death tolls, has made this specific conflict unpopular among the global civil population.

I will now present the analysis of the factors that affect legitimacy, they are categorised according to the timeline of action which follows modern use of force.

### **International Law and State Obligations**

International law is an important aspect of legitimacy in the modern world. Basically it is the examination of the limitations to state activity and use of force. I argue that this is the part of international relations where legitimacy is most volatile because a legal mandate gives the greatest premise for perceived legitimacy. It is vital to distinguish legitimacy and legality. Even though they are closely inter-linked in the modern age, a legal action is not necessarily legitimate.

An ideal world would see order and security based on firm international law, a set of

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<sup>108</sup> Smith, Rupert (2005), *The Utility of Force, The Art of War in the Modern World*, London, Penguin Books, pg 1

<sup>109</sup> Kaldor, Mary, (1999), *New and Old Wars. Organised Violence in a Global Era*, Cambridge, Polity Press, pg 12

<sup>110</sup> Sir Smith, Rupert (2005), *The Utility of Force, The Art of War in the Modern World*, London, Penguin Books, pg 267

rules and regulations which are mutually agreeable. The United Nations strive for this scenario, however the realist principles of statehood and national interest is still present, making it hard to create a universally acknowledged set of laws to govern the use of force and state interaction.

When an act of force is considered legal, it implies that it is permitted by law. International law can be defined as “the body of rules that nations generally recognize as binding in their conduct toward one another.”<sup>111</sup> However, law requires authority to implement and enforce such regulations. I believe this is the greatest challenge to the legalist argument for legitimacy today.

I would argue further that international law, if implemented correctly, would be the greatest factor in determining legitimate use of force.

Today we witness a multitude of organisations and treaties which try to regulate international behaviour through ‘law’. The most important contributions to creating such a set of laws, is the United Nations Charter, which proposes a set of rules and norms which will ensure peace and security for all nations. Use of force can only be used in self-defence and never as an act of aggression or self-interest.<sup>112</sup> Alongside the Charter itself, the United Nations has the International Court of Justice (ICJ) which can, in theory, deal with any dispute proposed by a member state.

It is not only the United Nations that has contributed to the establishment of international law. Most states in the world are also signatories to several treaties and conventions which are set to influence the behaviour and relations between states. Most relevant to this thesis are the conventions and agreements that affect security issues and state conduct in conflict. The Geneva Conventions of 1949 are still among the most influential agreements on conduct in conflict on humanitarian grounds. Along with The Hague Conventions of 1899 and 1907, the Geneva Conventions and Protocol offer the international community the best set of rules for the use of force and the conduct in conflict. It is vital for states wishing to legitimise its use of force

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<sup>111</sup> Dictionary.com URL: <http://dictionary.reference.com/browse/international%20law>

<sup>112</sup> Article 51 of the UN Charter – Can be Found Online at: URL: <http://www.un.org/aboutun/charter/>

towards different audiences that its conduct and agenda are in agreements with the important legislature. Most states are signatories and have ratified the major agreements on the use of force.

In short, the use of force in the modern age is regulated by a large number of agreements and conventions which define proper conduct and acceptable reasons for the use of force. When a state decided to use force, whether unilaterally or multilaterally, it is subjected to the scrutiny of international law and its agreements. All the conventions, agreements and treaties, as well as the UN Charter, make up the concept of international law.

Next I will analyse how compliance with this concept affects the perception of legitimacy.

I argued above that the use of force will always be perceived as more legitimate if it does not break the agreements of international law. Defining what constitutes international law is not an easy task; however I have chosen to generalize the multitude of conventions and charters that exist in international relations and within inter-governmental organizations into the umbrella of international law.

The public and the media in any given state will be sensitive to this question, depending on the level of freedom in the press and civil participation in political of course. In general, however, I will argue that non-compliance with agreements that either the state is a signatory to or is almost universally accepted, will negatively affect the perception of the use of force as legitimate. We must keep in mind that legitimacy is a fluid concept and means different things in different societies, but in general a state is vulnerable to the public's criticism towards agendas in its foreign policy, especially when the use of military force is concerned.

One can confidently make the argument that aggression and expansionist doctrines will fall outside the realm of legitimacy, at least to the majority of actors involved in assessing such a claim. The global community and the civil societies around the world are connected and informed to such a degree that legitimacy has gone from being

desirable in the past to necessary and vital at present.

When a security operation or military campaign is rooted in international legal principles, which most states acknowledge, it stands a greater chance of gaining popular support.

When force is used outside the approval of the Security Council and not on a basis of self-defense, it can have adverse effects on the legitimacy of not just the security operation, but on the government itself. Moreover it can negatively affect the impression and reputation of the state internationally, which can be illustrated by the US approval ratings for its foreign policies among the global opinion. However, lets analyse the domestic impact first. Governments, prime ministers and presidents have been ousted from office by its parliaments or people over wrong and illegitimate decisions to use force. An unpopular war can have detrimental effects on the credibility of a government or leader. For example the approval ratings of President George W Bush has gone from its peak in September 2001, after the terrorist attacks, of approximately 90 percent popular support, to its lowest to date in August 2008 of approximately 28 percent.<sup>113</sup> It is not hard to see the correlation between approval ratings of the public and the participation and initiation of a highly unpopular war. The lack of a Security Council mandate and no clear anchoring in other conventions has made the 2001 and 2003 military campaigns in Afghanistan and Iraq respectively, highly unpopular with detrimental affects to the accountability and legitimacy of the Bush administration.

It seems the infrastructure of the international community has the organs of international law installed, which would indicate that non-legal use of force would be easy to determine and regulate. Below I will analyse how efficient this system really is.

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<sup>113</sup> URL: <http://www.hist.umn.edu/~ruggles/Approval.htm>  
Collection and graphical presentation of Ratings by the University of Minnesota - Department of History  
See Appendix 2 for Graph

## The Efficiency

International Law has the potential to be the ultimate deciding factor in determining whether or not any use of force is legitimate or not. If the system of laws and regulations were better established and more rigidly enforced then states would be dissuaded from using force. This links in with the risk assessment issues I introduced in section one. A state must analyse the potential negative effects of any decision to use force could have in reverse impacts. If the state views the probability of retaliation or punishment as a highly likely, then the expected utility and gain of the use of force would have to be accordingly higher to make the decision to use force worth it.

In this analysis of risk assessment and potential gain lays the main issue with international law in this debate. The rules and limitations are present, the organizations and conventions have been written and signed, however no strict authority is present to regulate or punish those who violate the rule of international law. Granted there is the International Court of Justice, the World Court and the Hague Tribunals, but they have proven inefficient in dealing with the use of force. The 2008 Russian invasion of Georgia violated several statutes in international law; however the world community is left paralysed in enforcing any punishment to either side in the conflict. Until the system of international laws and enforcement is overhauled, one cannot trust legality to be the only indication of legitimacy concerning the use of force. This can also be seen in Noam Chomsky's book 'Failed States', in which he argues that certain conflicts and use of force can be "Illegal but legitimate."<sup>114</sup>

The presupposed idea of international law is that all manifestations of force upon another actor are illegal. The concept of legitimate use of force can only be used when it is meant for peaceful purposes. The paradox of violence to end violence illustrates how complex this issue is. I argue that the prospects of international law

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<sup>114</sup> Chomsky, Noam (2007), *Failed States. The Abuse of Power and the Assault on Democracy*, London, Penguin Books, pg 79.

are an ideal to fight for; however it is ineffective at best. It relies on states to follow a moral path instead of promoting self interest through force. If the international community through the United Nations was able to implement a functioning legal system based on universal peace and security with the necessary authority to punish violators, then a legalist view of world order would be justified.

On a philosophical level which is historically relevant, the Machiavellian issue of authority argues for a strong leader to legitimize the issue of right and wrong in power and use of force. He argues, like Thomas Hobbes, that without central authority a state of anarchy prevails. By looking at the shortcomings of the United Nations on this issue, one can see that an almost Hobbesian 'state of nature' in which national interest is the alternative to a legal system with central authority. I do not argue that this is the state of the world today, but the shift towards a morally guided global community in which there are rules and norms to state behavior which is generally acknowledged has not been completed. The world still holds on to the traditional Westphalian nation-state system. An erosion of state sovereignty and a commitment to an organizational system which ensures legality is necessary before we can call international law as the main determinant of legitimacy.

### **Jus ad Bellum**

Jus as Bellum is a Latin phrase meaning 'right to war' or "right of going to war"<sup>115</sup>. It has come to represent a strain of conflict study that focuses on identifying the conditions necessary for a state to wage lawful war or military action. The opinions on what these conditions should be and how they would apply to states differ and the variations of writers in history has been vast, however, the main assumption is that war cannot be started on grounds of mere state gain. An expression of Jus ad Bellum can be found in the UN charter, which states that a country can only participate in war in self-defence or on a peace-promoting mission condoned by the

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<sup>115</sup> Nicholson, Michael, (2002), *International Relations - A concise Introduction*, New York, Palgrave Macmillan, pg 216

international community and the Security Council. This shows the most prominent example of Jus ad Bellum in the contemporary world. It acts as a framework for international rules that governs the advocated norms of the international community. It is worth noting that the principles of Jus ad Bellum is not a constant set of rules, but rather a concept in which interpretation and change can occur.

One can identify attempts to address the issue of legitimate warfare at many instances in history. St. Augustine, a bishop of the fourth and fifth century<sup>116</sup> wrote about the attainment of salvation for mankind. He saw war as something detached from this objective and sought to identify conditions for legitimate use of force by states in order to promote peace. According to Reichberg, Syse and Begby, “Augustine was the prism through which earlier just war ideas are refracted and transmitted to the Middle-Ages and modern times.”<sup>117</sup> Hence one can see the significance of Augustine’s work and influence. His most important contribution to the Jus ad Bellum debate comes with his presentation of a set of criteria for legitimate use of war. St Augustine stresses the importance of ‘right authority’, which he links with divine instalment. With legitimate authority comes the right to use force however only under the right circumstances. These circumstances must be ‘Just Cause’, i.e. in response to an attack or injury<sup>118</sup> and not for state gain or the will to dominate, and ‘Right Intention’ which would entail following strict codes of conduct in war and not turn to brutal savagery, but rather ensuring to correct a wrong. As I will illustrate further on in this essay, the principles of Jus ad Bellum do not differ greatly in modern just war theory from that proposed in the early fifth century.

The introduction to historical accounts of Jus ad Bellum theory was added to this essay to portray a line of development and influence on modern accounts of the same issues. An influential writer on these issues today is Michael Walzer and his

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<sup>116</sup> Reichberg, Syse, Begby, (2006), *The Ethics of War*, Oxford, Blackwell Publishings, pg 70

<sup>117</sup> Reichberg, Syse, Begby, (2006), *The Ethics of War*, Oxford, Blackwell Publishings, pg 70

<sup>118</sup> Augustine, *Just War in the Service of Peace* – in - Reichberg, Syse, Begby, (2006), *The Ethics of War*, Oxford, Blackwell Publishings, pg 84



work, 'Just and Unjust Wars'<sup>119</sup> Walzer argues that ethics can be found and successfully used in war and the origins of war as a preventative measure. The origin behind Walzer's initiative lies in the identifying of the horrors of war or as he writes "war is hell".<sup>120</sup> Walzer here brings up the issue of morality in politics, which he argues does not relate to the realities of power politics and warfare. He does however write further in his work 'Jus and Unjust Wars' that established ethics and morality in war is the key to limiting war among states. To illustrate this he writes; "The restraint of war is the beginning of peace."<sup>121</sup>

The debate of Jus ad Bellum or just war was introduced to civil society, i.e. the public and voting masses, effectively by the debate of whether war to protect or help those in need is a just war. One of the most interesting and controversial debates pertaining to the Jus ad Bellum is the issue of humanitarian Intervention. Warfare based on humanitarian principles has received backing by liberal and just war scholars and enjoys the general acceptance of civil society based on ethical issues. In such respects humanitarian intervention represents the most relevant use of Jus ad Bellum principles to justify warfare in modern politics.

According to international law, as supported by the UN Charter, humanitarian intervention is by its definition an illegal act, unless condoned by the UN Security Council. Restrictionist actors in international law stresses this point<sup>122</sup>, however the public consensus created by sympathy for the offended victims of war opens for a debate in the topic of legitimate intervention on humanitarian grounds.

### Hidden Agenda

It is important for a state or security organisation to have a clear agenda when using force. The public and other actors must believe in the stated objectives for the use of force, preferable for morally justifiable reasons. I have discussed extensively above

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<sup>119</sup> Walzer, Michael (2000), *Just and Unjust Wars*, New York, Perseus Books, pg 56

<sup>120</sup> Walzer, Michael (2000), *Just and Unjust Wars*, New York, Perseus Books, pg 3

<sup>121</sup> Walzer, Michael (2000), *Just and Unjust Wars*, New York, Perseus Books, pg 335

<sup>122</sup> Baylis, John (2001), *The Globalisation of World Politics*, Oxford, Oxford University Press, pg 472

the correct situations which legitimise the use of force. When such a situation occurs, for example an act of aggression from another state and one needs to protect the state's territorial integrity as justified by Article 51 of the UN Charter, it is vital that this mandate is not abused to incorporate other state intentions. Moreover, if the defending state then uses the cover of defence to pursue other agendas, such as revenge or annexation of territory, then this would directly undermine the legitimacy of the initial use of force. This is an important issue to notice, because it sets limitations to the scope of legitimate use of force and calls for clear and transparent intentions.

The world has become, through experience, sceptical to ethical state intentions when involving force and conflict. This does not mean that states cannot use force in a moral and legal way, it implies however that it will be more difficult for states to pursue hidden agendas because the international community, the global media and civil societies are more attentive to the underlying intentions of states.

The 2003 US-led coalition which invaded Iraq has been subjected to much of this scepticism. Concerns have been voiced of the alleged hidden agenda of the US government behind this military campaign. It was claimed that the real intentions of this campaign was to gain some control over the world largest oil reserves and safeguard the western access to fuel and energy for the long-term future.<sup>123</sup> The Iraqi production of crude oil has now surpassed three million barrels per day<sup>124</sup>, and according to official reports of the occupational forces, the US Army Corps of Engineers have invested 1,7 billion dollars in oil production infrastructure in Iraq.<sup>125</sup> I am in no way indicating that these allegations are correct, this is not the intention of this thesis, however it helps to show how easy such speculations can emerge and how it affects how the use force is perceived. Though refuted by the US government it undermined the perception of legitimacy for this particular campaign. Once again it

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<sup>123</sup> Pelletiere, Stephen C., (2004), *Iraq and the International Oil System: Why America Went to War in the Gulf*, Washington, D.C., Maisonneuve Press, pg 23

<sup>124</sup> Official Website of the Multi-National Force – Iraq

URL: [http://www.mnf-iraq.com/index.php?option=com\\_content&task=view&id=13815&Itemid=32](http://www.mnf-iraq.com/index.php?option=com_content&task=view&id=13815&Itemid=32)

<sup>125</sup> Official Website of the Multi-National Force – Iraq

URL: [http://www.mnf-iraq.com/index.php?option=com\\_content&task=view&id=13815&Itemid=32](http://www.mnf-iraq.com/index.php?option=com_content&task=view&id=13815&Itemid=32)

is important to stress that legitimacy is dependent upon perception and opinion and therefore vulnerable to criticism and scepticism of the media and the public, whether domestic or international.

### Right to Participate

Along with the well established fields of Jus ad Bellum and Jus in Bello, I propose that in addition there should be a focus on 'Jus ad Participationem' which is translated to 'Right to Participate'. This is relevant to those states that take part in multilateral security operations under command of a larger organization and view global or regional security and stability as mutually beneficial objective. Therefore by participating in security operations with the intention of ending armed conflict and creating an atmosphere of development and stability, they are contributing to ensuring their own security and prosperity. This should be in the interest and even right of the individual state. I base this proposition on the detrimental effects of conflict and how it affects the regional territories indirectly through political and economic instability. I argue therefore that states who are willing to use multilateralism in accordance with international law and legitimacy, can be viewed to have a right to do so. It would be a more legitimate way of promoting national interest.

War is the most destructive event humans can encounter and the concept of Jus ad Bellum represents the attempts to bring civilised dialogue and rules to this scourge. It is important to stress that the intention of Jus ad Bellum theory aims to prevent war, except under very limiting circumstances, and not to identify ways to justify its uses.

So far this thesis has identified the issues of international law and state obligations as an important obstacle to legitimising use of force. I have also tried to explain the issues of Jus ad Bellum and how the impressions of cause and intention have on the overall perception of legitimacy. The abovementioned themes are all concerned with when it is legitimate to use force. I will now focus my attention to the issues of Jus in

Bello and how it is legitimate to use force.

I believe this is as relevant an issue to the overarching analysis of legitimacy as the aforementioned ones. I have chosen to use this sequence of writing to allow the reader to get an almost chronological examination of the course of a conflict or distinct use of force, from the legalist views to the post conflict development which I will analyse below.

### **JUS IN BELLO**

In the same field as the Jus ad Bellum debate, this topic comes from the Latin phrase Bellum, which means 'war'.<sup>126</sup> In simple terms it refers to the legitimate conduct in war, which incorporates the methods, weapons, tactics and targets used to defeat an enemy. I argue strongly that this issue has great relevance to the issue of legitimacy and the use of force because it affects the opinion of the public and media especially. The modern age has witnessed a greater participation in international affairs by the civil societies and other potential critics of conflict. Force will always be under specific scrutiny because it is designed and implemented to destroy and kill. Therefore the world has seen an increase in conventions and treaties which limit the options of warfare to minimise civilian casualties and damage to important infrastructure. Rupert Smith argues, as stated before, that modern conflict is a war amongst the people<sup>127</sup>, an argument I would agree with to some extent. This is because extensive involvement and targeting of civilians in modern conflicts. This paradigm shift in warfare has prompted the need for an extensive debate on legitimacy.

It is not hard to see that the military industry develops more deadly and efficient weapons constantly, in fact that is their purpose. Eisenhower warned of the military industrial complex in 1961 as he saw the dangers in a powerful industry mass

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<sup>126</sup> Evans & Newnham (1998), *Penguin Dictionary of International Relations*, London, Penguin Books LTD ,pg 36

<sup>127</sup> Smith, Rupert (2005), *The Utility of Force, The Art of War in the Modern World*, London, Penguin Books,pg 267

producing resources and products to implement force.<sup>128</sup> Today this industry is at its historical peak with production of military equipment totalling over 1,2 trillion dollars worldwide.<sup>129</sup> One of Eisenhower's greatest critiques was that "Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed."<sup>130</sup> This is just to illustrate the enormous impact the industry of force has on the world. I would like to point of some issues of modern conflict which are likely to affect legitimacy. The course of conflict and the use of force is likely to be vulnerable to the political decisions of its leaders and the human errors that can occur while applying force. These are the issues I will raise below.

Firstly and perhaps most prominently, the use of weapons are a hot issue to debate. I call this the most prominent issue because it is subjected to much media attention and public criticism. The relevant angle is that modern armies, especially those of the USA and European states possess an extreme technological advantage in military capability. The aim of such developments is to gain a forceful supremacy in order to defeat the enemy as quickly as possible and sustain few casualties. Modern warfare is designed to be exceptionally effective in defeating the opponent or securing the objective. I would argue that this is, in part, to maximise the perceived legitimacy of the force being implemented.

Nevertheless, it is the weapons and tactics used that are most vulnerable to criticism. There is no lack of conventions in place today intended to regulate what weapons that can be used. The aim of these conventions is to restrict the use of weapons cause unnecessary suffering to its victims and have a high risk of affecting the civilian population.

The use of cluster bombs is one of these weapons. Though an immensely effective method of bombing large areas, it does so indiscriminately and there is a chance that

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<sup>128</sup> Speech of Dwight D. Eisenhower 1961, details can be found online at URL: <http://coursesa.matrix.msu.edu/~hst306/documents/indust.html>

<sup>129</sup> Global Issues URL: <http://www.globalissues.org/issue/73/arms-trade-a-major-cause-of-suffering>

<sup>130</sup> Global Issues URL: <http://www.globalissues.org/issue/73/arms-trade-a-major-cause-of-suffering>

the fragmented bombs that separate before impact, do not detonate, leaving exploding devices in the areas. The convention on cluster munitions was initiated by Norway in 2007 and is set to be finalised in Oslo in December 2008, to which 120 nations is already signatories. It reads that its intention is to “Conclude by 2008 a legally binding international instrument that prohibits the use and stockpiling of cluster munitions that cause unacceptable harm to civilians and secure adequate provision of care and rehabilitation to survivors and clearance of contaminated areas.”<sup>131</sup> This is a clear attempt at regulating the methods of warfare and shows how the global community is making the use of force more restricted and limited in scope. This will have a positive effect on legitimacy, when force is used within the stricter rules of engagement.

Another issue, which has been given a lot of attention in recent years, is the deployment of landmines. The problem with landmines is the same as with cluster munitions. They are likely to cause unnecessary suffering to its victims and have a high chance of targeting the civilian population. To illustrate the importance given to restricting the methods of force in the modern world, the International Campaign to Ban Landmines (ICBL) was given the Nobel Peace Prize for their efforts in the field.<sup>132</sup> Nevertheless, new weapons are constantly being developed and it is vital for any state using force that its methods and weapons are able to comply with the stricter rules of conflict.

The use of weapons or tactics which are in direct controversy with the accepted international norms, such as using cluster bombs or land mines, will affect the perception of legitimacy. It has become vital to any use of force, that it is conducted within the right framework. The type of weapons used must also fit this framework.

I have tried, thus far, to show how the use of force in the modern age must follow a

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<sup>131</sup> The Declaration of the Oslo Conference on Cluster Munitions URL: [http://www.regjeringen.no/upload/UD/Vedlegg/Oslo%20Declaration%20\(final\)%2023%20February%202007.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Oslo%20Declaration%20(final)%2023%20February%202007.pdf)

<sup>132</sup> Nobel Peace Prize Official Website URL: [http://nobelpeaceprize.org/eng\\_lau\\_list.html](http://nobelpeaceprize.org/eng_lau_list.html)

different set of criteria in order to be viewed as legitimate. Mainly due to the increased demand for accountability and morality in foreign policy and security issues especially.

The treatment of prisoners and civilians while exercising force is of some importance as well. As discussed above, the Geneva Conventions declare the correct treatment and identifying of Prisoners of War (POWs) and their rights when detained.<sup>133</sup> It is important to the different audiences of legitimacy because force, when applied, must be viewed as more righteous and legitimate than the force used by the enemy. It seems the impression of efficiency is more significant than the impression of brutality. This is because revenge or aiming to do damage is not the right cause or intention in modern conflict.

The US administration has received massive amounts of criticism for its use of Guantanamo Bay Naval Base on Cuba as a detention centre for illegal combatants in Iraq and Afghanistan.<sup>134</sup> The detainees were refused POW status and therefore not eligible for the rights stated in the Geneva Convention. It is not the aim of this essay to assess the legal correctness of such a facility, but it is important to note how the Guantanamo Bay facility has affected the global impression of US legitimacy. This is a good example of how the perception of legitimacy has been affected by the breaking of Jus in Bello principles. The world media and the civil societies demand that the use of force is conducted on a moral high-road.

Therefore, the use of interrogation methods which are prohibited or restricted by the Universal Declaration of Human Rights<sup>135</sup> and the United Nations Convention against Torture<sup>136</sup> will also negatively affect the legitimacy and popular support of any given security operation where force is used. Though many will claim such interrogation is necessary and even legitimate, it has the opposite effect among the general

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<sup>133</sup> The Geneva Conventions can be found online at URL:

<http://www.icrc.org/Web/Eng/siteeng0.nsf/html/genevaconventions>

<sup>134</sup> Chomsky, Noam, (2003), *Hegemony or Survival. America's Quest for Global Dominance*, London, Penguin Books, pg 26-27

<sup>135</sup> Universal Declaration on Human Rights can be found online at URL:

<http://www.un.org/Overview/rights.html>

<sup>136</sup> The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment URL: <http://www2.ohchr.org/english/law/cat.htm>

population. One can therefore draw the conclusion that inhumane treatment of prisoners, whether defined as an illegal combatant or a Prisoner of War, has a negative effect on the perception of legitimacy, if it is known to the population and the media.

The last issue I will discuss within the boundaries of Jus in Bello, is the direct impact on the domestic population. By this I mean how the use of force by a state, whether unilaterally or through cooperation, directly influences the domestic societies. First, there is 'the body bag effect', which occurs when casualties are sustained and brought home. This has a direct impact on the support of the government and their decision to use force. For example, the sustained casualties by the US armed forces are believed to have contributed to the withdrawal of forces from Vietnam in 1975 and also in Somalia in 1994.<sup>137</sup> The link here is seen in the decreased popular support for their involvement in this conflict and thereby negatively affecting the perceived legitimacy and right to use force.

The second factor of domestic life which affects perceived legitimacy is the cost of using force on the national economy. As stated above, this affects the legitimacy of the decision making capability of the government and not technically force itself, however they are intricately linking concepts.

When the cost of participating in security operations has a noticeable impact on the national economy, it will start to affect the national opinion and the support for the government's decision to use force.<sup>138</sup> Moreover, if the security campaign takes longer to complete than planned and publically stated, this will cost more resources and eventually catch the attention of critical voices.

I have tried to argue in this section that the actions of a state, i.e. the weapons used and the tactics implemented, will influence the perception of legitimacy. Historically

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<sup>137</sup> Chomsky, Noam, (2003), *Hegemony or Survival. America's Quest for Global Dominance*, London, Penguin Books, pg 101

<sup>138</sup> Smith, Rupert (2005), *The Utility of Force, The Art of War in the Modern World*, London, Penguin Books,pg 84



this was not as prevalent an issue, because of the traditional view of warfare and authority; all is fair in war. An interesting point to make, one which I argue for extensively, is that a state which has initiated the use of force on a legal and legitimate cause may lose this characteristic over its methods on the battlefield or treatment of prisoners.

## **JUS POST BELLUM**

Jus Post Bellum can be defined as 'justice after war' and functions as the umbrella terminology for the rebuilding and development of the people, infrastructure and territory where force has been applied. I argue that when force has been used, careful analysis of the impacts such actions has had in the given territory and region and it should be determined whether or not assistance to development is needed. I argue this because of the destructive nature of conflict and the characteristics of 'new wars'<sup>139</sup> shows that civil society and the people are targeted and victimized more than their historical counterparts.

If it was not believed that force could be applied for the common good, then force could not be legitimised. Therefore assistance for development after the force is used has become vital to the overall view of the legitimacy of force itself.

Democratisation has been a large part of post conflict development in the modern age. Nevertheless, this situation generates the problem of the democratisation process itself. It has proven difficult to successfully transform former totalitarian or theological regimes into democratic societies. Such a process is characterized as unstable and volatile, especially in the first periods after the transformation.<sup>140</sup>

It is important, however, to hold official elections and establish a new leadership whose task it is to promote stability and security to enable development.

The key issue, in regards to legitimacy, is to portray the illusion of giving the country

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<sup>139</sup> Kaldor, Mary, (1999), *New and Old Wars. Organised Violence in a Global Era*, Cambridge, Polity Press, pg 12

<sup>140</sup> McGrew, Anthony, (2001), *Models of Transnational Democracy* in – Held, David & McGrew Anthony, (2001), *The Global Transformations Reader. An Introduction to the Globalization Debate*, Cambridge, Polity Press, pg 503

back to its people, which would strike back at any criticism for the use of force for imperialistic or strategic reasons.

There is also an extensive legal proponent to the Jus Post Bellum debate, insofar as to hold the opponent responsible for the atrocities they have committed and the reparations due to the surviving people. It is vital for a conflict ridden state or region to have a proper reconciliation and healing process in order to lay the fundament for the future. The organization or state which have conducted the security operations are often viewed as responsible for this process as well as organizing and funding the rebuilding and development of the country itself. I will argue here that this additional cost, even if done in collaboration with the United Nations or other donor states, will present the state or group of states with an enormous task which is consuming in both time and resources. The democratization process includes the development of a stringer civil society and pertaining institutions to encourage greater freedoms for the people. It can impact the global view of the overarching intention and cause for the use of force if this type of support for development is not present.

Along with the democratization process, which is concerned with the political structures and functioning of the state, it is equally significant to the post-conflict development of a state to improve the country's infrastructure. Hospitals, bridges, roads and electricity are all important components of a modern society and important for successful development. The national economy and production capability is the key to sustainable development, therefore extensive investments are often necessary, as well as the implementation of a good education system. In addition, the state must be able to train and use its own security personnel in the army and policing units. The domestic security apparatus will automatically have more national legitimacy than foreign troops. This is a costly part of the development but important for the overall success of the post-conflict timeframe.

In short, it is the perception of the moral high-ground which is vital to the impression of legitimacy today. The use of force for a good purpose is generally supported but it must be done within the framework of the guidelines and rules designed by the international community. What happens after the use of force is completed has become increasingly significant to this debate and the use of force should be within the wider concept of a comprehensive approach.

### **A Comprehensive Approach!**

The concept of a comprehensive approach should be the norm for conflict involvement in the modern age. I choose to define it as having a large scope to its attention which involves taking into account all the above mentioned issues to maximize its potential legitimacy. I will argue that by having an overarching structural plan to the use of force, one can achieve a high degree of perceived legitimacy. It is important that the different audiences view the use of force as a component to resolving a security dilemma in order to enable national, regional and even international development across the board. I support this assumption by arguing that only within the context of a publically perceivable goal to do good within correct boundaries, can the use of force be fully legitimized.<sup>141</sup>

Ideally, an approach which involved the use of force should be a horizontally incorporating as possible with a wide range of actors. If states, inter-state organizations and non-governmental organizations (NGO's) collaborate from start to finish, it will have a higher degree of efficiency and legitimacy to rely on. By widening the amount of participating actors, the chance of hidden agendas and objectives are decreased while a more legitimizing transparency is achieved.

The comprehensive approach should involve a reasonable exit strategy which takes the best interest of the state and people into consideration. One cannot conceal the obligations to a comprehensive approach in international crisis management, but

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<sup>141</sup> Anne Kramer, *What the World Thinks*, in Ivo Daalder, (2007) *Beyond Preemption, Force and Legitimacy in a Changing World*, Brookings Institution Press, Washington D.C., page 117

that is the price a state or coalition must pay to maximize its perceived legitimacy.

### **Multilateralism as a legitimizing factor – the Norwegian and NATO Examples**

Legitimacy comes in all shapes and forms and cannot be argued to be a solid concept with fixed variables. Above I have argued that legitimacy is dependent upon the perception of different audiences and can be influenced by a multitude of factors.

The regional aspect of international security allows this investigation to identify a concept which will, if applied correctly, comply with the majority of the factors that affect the perception of legitimacy as well as deserve the recognition of the abovementioned audiences. The concept I am referring to is multilateralism.

Obviously there are restraints to this assumption. Any random grouping of states and actors cannot claim legitimacy purely on the basis of multilateralism. At the core of the term lies the concept of collective action. Initially I defined multilateralism through Keohane's analysis as "the practice of coordinated national policies in groups of three or more states."<sup>142</sup> The multilateral organisation has become a permanent fixture of world politics, simply because it can coordinate the national interests of several actors that are similar or identical in their objectives. Moreover it encourages a model of collective responsibility and burden-sharing which are vital in displaying legitimising features.

It is important at this point to stress the limitations of this analysis to the security domain. Agreeably the field of multilateralism is far more complex and widespread than merely security cooperation, however the scope of this thesis warrants a severe limitation. I will therefore limit my arguments to the sphere of security politics and the use of force, as I aim to show how multilateral engagement can meet the abovementioned criteria for legitimacy in the modern world.

I will not return to a descriptive chapter on multilateralism but rather attempt to

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<sup>142</sup> Robert O. Keohane, - in – Ruggie J.G., (1993), *Multilateralism Matters, The Theory and Praxis of and Institutional Form*, New York, Columbia University Press, pg 7

apply its assumptions and real-world examples to the regionalisation of security theory to assess its ability to acquire legitimacy. The basic notion of multilateralism is that its “fundamental argument for legitimacy is that of diversity of representation and inclusiveness.<sup>143</sup>” Simply by avoiding unilateral action it decreases the global perception of illegitimate state action.

The Regional Security Complex Theory is a good framework for an analysis on multilateralism for three distinct reasons. Firstly, it is open for the polarity of a non-state actor in a centred security complex. Secondly, the adherence to a security complex opens for intricate security coordination. And lastly, it makes a homogenisation of security objectives a collective feature of the RSC. When one takes these three characteristics of the RSCT, it gives a suitable platform to advocate the use of multilateral security operations as a legitimising factor when using force.

Within the European security complex, which this thesis has been mostly concerned, there are two main institutional actors, the EU and NATO. The North Atlantic Treaty Organization has proven that it can implement a Security Council mandate in Kosovo and warrants a closer look as the multilateral example. This investigation will now have two levels of analysis, the multilateral organization and the state that legitimizes its use of force through multilateralism, NATO and Norway, respectively.

### **The Organization of collectivity**

Multilateralism comes in many forms, and is not limited to security and the use of force. There are an abundance of organizations that work through a multilateral scheme, for example, the World Trade Organisation (WTO) is a multilateral organisation because it coordinates the efforts of many actors based on mutual interests. In essence, multilateralism is merely the combined efforts of several actors, however when regarding the use of force, I will limit my scope to the engagement of

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<sup>143</sup> Robert Keohane, (2006), *The Contingent Legitimacy of Multilateralism*, GARNET Working Paper, NO: 09:06, September 2006.

multilateralism through inter-governmental organizations, such as the United Nations. The multilateral organization uses an incorporating political structure to pursue its institutional objectives.<sup>144</sup> Every inter-governmental organization has a set of standards by which it operates and a set of goals it continually works towards.<sup>145</sup> The international organization can be considered legitimate on the basis of its function and historical record. If its function, through its mission statement or charter, can be seen to have a peaceful or constructive purpose then the global perception of legitimacy might increase. The perception of legitimacy will similarly be affected if its historical record has shown that its efforts and actions in implementing force has proven to be in accordance with its mandate or legal boundaries. NATO can be viewed in this light as it has been focused on the collective security of its members since its conception in 1949. The North Atlantic Treaty reads:

“The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area.”<sup>146</sup>

By analysing the stated objectives of the organisation, one can see that its official mission will be in accordance with international norms, so its initial function will seem legitimate. However, one must keep in mind its historical purpose during the Cold War, to act as a defense organisation against Soviet aggression. Therefore its global reputation as a peaceful organisation will be influenced by this role. The modern NATO has changed its structure through rigorous reforms however. To illustrate

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<sup>144</sup> Robert Keohane, The Contingent Legitimacy of Multilateralism, GARNET Working Paper, NO: 09:06, September 2006.

<sup>145</sup> Robert Keohane, The Contingent Legitimacy of Multilateralism, GARNET Working Paper, NO: 09:06, September 2006.

<sup>146</sup> NATO OFFICIAL STATEMENT – Can be found at URL: <http://www.nato.int/docu/basic/txt/treaty.htm>

David Yost argues that the Cold war had allowed NATO to postpone the challenges of how to give practical content to its longstanding vision of a peaceful political order in Europe.<sup>147</sup> NATO will inherently receive criticism for its function and existence from actors who see NATO as a threat, most notably, the Russian Federation in regards to the desired NATO expansion to include Georgian and Ukrainian membership. I will however argue that the function of NATO has been positively received on the global scene due to its close relationship with the United Nations and its mission.

NATO's legitimacy to use force, as an organisation, will also be judged on its historical record. The most important historical implementation of force by a security organization on a UN mandate was the 1999 KFOR<sup>148</sup> mission in Kosovo to ensure the seizure of hostilities by Yugoslav and Serb forces.<sup>149</sup> Aimed at intervening to prevent genocide, its effect is widely regarded as a success, and its continued existence in Kosovo has made the comprehensive approach it has committed itself to, more legitimate in the broader spectrum.

In short, the NATO structure provides a good example at how the institutional model can offer a multilateral alternative to the use of force and integrate national interests in a security complex. I believe that the role of NATO and similar organizations, such as the African Union<sup>150</sup>, provide ample reasoning for an alliance integrated defense structure for states seeking to legitimize its security policy. The above mentioned factors that influence the global perception of legitimacy are best dealt with through a collective responsive with a legal foundation. The role of regional security structures based on multilateral action will become more prevalent in the future. As Anne Kramer argues; "While the UN security Council will remain the preferred authorizer for the near future, regional organizations or other multilateral structures could acquire greater ability to legitimize action, or at least greatly encourage the UN

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<sup>147</sup> Yost, David, (1998), *The New NATO and Collective Security*, in *Survival* 40 (2) 1998 ss. Page 135

<sup>148</sup> Kosovo Force, as mandated by Security Council Resolution 1244

<sup>149</sup> NATO Online – Can be found at: URL: <http://www.nato.int/issues/kfor/index.html>

<sup>150</sup> The African Union is dedicated to promoting peace and security in Africa and has been responsible for peacekeeping missions by UN mandate in Darfur, Sudan and Somalia among others.

to act by being a competitive entity.”<sup>151</sup>

### **The Norwegian example**

Because the debate on legitimate use of force has a large domestic sphere, it is important to take a closer look at an example of state policy. I have chosen to use the Norwegian example to illustrate the role of multilateralism on the perception of legitimacy.

The security policy of Norway since the end of the Second World War has been focused on integrating its defense structure into a larger organization to ensure its protection. This was especially prevalent during the Cold War as the geographical location of Norway in northern Europe made it a strategically exposed part of the NATO community. According to the RSCT of Buzan and Wæver, the security logic of a state is dependent upon its location and position in a regional complex and its relationship to super-, great- and regional powers.<sup>152</sup> The security challenges that face Norway after the Cold War are the future role of Russia in Europe and the global war on terror because it is set as the agenda for NATO and US allies.<sup>153</sup> Integration in the European security complex through NATO and indirect cooperation in EU, in lack of actual membership, is the chosen path for Norway and the perception of its legitimacy follow the logic for multilateralism as the legitimizing factor.

I have assumed in this thesis that the perception of legitimacy comes from a combination of maximizing national interest and security with stressing the correctness and morality of the actual use of force. In the Norwegian example this would mean choosing a security plan most suited to ensuring its security and following this plan according to the expectations of the different audiences.

Today Norwegian security personnel participate in operations in several countries,

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<sup>151</sup> Anne Kramer, “What the World Thinks”, in Ivo Daalder, (2007) *Beyond Preemption, Force and Legitimacy in a Changing World*, Brookings Institution Press, Washington D.C., page 133

<sup>152</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

<sup>153</sup> Anders Kjølberg, FFI rapport – Livet i Hegemonens Skygge – en Småstats Sikkerhetslogikk, 2007/-01626



including Somalia and Kosovo. Its armed forces contingent is found in the ISAF force in Afghanistan where the Norwegian contingent is in charge of the Provincial Reconstruction Team in Maymaneh in north-western Afghanistan.<sup>154</sup> In total, the Norwegian contribution to foreign stability operations are approximately 514 soldiers and officers plus over one hundred Special Forces soldiers in Kabul.<sup>155</sup> According to the Norwegian Minister of Foreign Affairs, Jonas Gahr Støre, the Norwegian participation in NATO operations is a part of ensuring the greater security for the European region as well as promoting peaceful ideals and stability to other regions of the world.<sup>156</sup> In essence, the claim for legitimacy is based on the logic of multilateral engagements and obligations to a larger security structure. Norway chose their allegiance in 1949 when NATO was created, the minister of foreign affairs argues.<sup>157</sup> Today the Atlantic partnership is a central tenet of Norwegian security policy and vital for the state's foreign political orientation, with the USA as the central referencing power.<sup>158</sup>

The legitimacy of the Norwegian use of force comes from its historical tradition of idealism in its foreign policy, which is a part of the population's consciousness.<sup>159</sup> By combining this historical devotion to the humanitarian field of foreign policy with the optimisation of national interest through multilateralism, the Norwegian engagement in stability operations is part self-legitimised. I make this argument on basis of the government's logic of integration into a larger security structure as the best alternative to promote Norwegian security and interest.

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<sup>154</sup> Soldater i Utlandet – Forsvarets Informasjons sider – URL:

<http://www.mil.no/intops/start/article.jhtml?sourceID=260011&source=ftd>

<sup>155</sup> Soldater i Utlandet – Forsvarets Informasjons sider – URL:

<http://www.mil.no/intops/start/article.jhtml?sourceID=260011&source=ftd>

<sup>156</sup> Jonas Gahr Støre – Kronikk i Aftenposten April 10th 2008 – can be found at URL:

[http://www.regjeringen.no/nb/dep/ud/dep/utenriksminister\\_jonas\\_gahr\\_store/taler\\_artikler/2008/nyenato.html?id=507053](http://www.regjeringen.no/nb/dep/ud/dep/utenriksminister_jonas_gahr_store/taler_artikler/2008/nyenato.html?id=507053)

<sup>157</sup> Jonas Gahr Støre – Kronikk i Aftenposten April 10th 2008 – can be found at URL:

[http://www.regjeringen.no/nb/dep/ud/dep/utenriksminister\\_jonas\\_gahr\\_store/taler\\_artikler/2008/nyenato.html?id=507053](http://www.regjeringen.no/nb/dep/ud/dep/utenriksminister_jonas_gahr_store/taler_artikler/2008/nyenato.html?id=507053)

<sup>158</sup> Rolf Tamnes and Knut Einar Eriksen, "Norge og NATO under den Kalde Krigen", in Prebensen and Skarland, (1999), NATO 50 år, *Norsk Sikkerhetspolitikk med NATO Gjennom 50 År*, Norske Atlanterhavskomitee

<sup>159</sup> Rolf Tamnes, (1999), *Oljealder 1965-1995*, Universitetsforlaget, Oslo, Chapter IV

The Norwegian civil society is well established with great individual freedom to participate in public debate and politics. It is ranked top in the global index of the Liberty of the Press<sup>160</sup>, which indicates strong public participation in politics and debate. Moreover, Norway is placed high in the Human Freedom index<sup>161</sup> and enjoys a very low level of corruption<sup>162</sup>. In other words, as a state it has all the conditions to enjoy great political accountability as well as being able to demand legitimacy for the use of force.

The Norwegian government uses force only through multilateral engagement to assist in crisis management, according to its Government policy and argues that its benefits are a security guarantee from NATO and the ability to ensure development and stability in conflicted areas.<sup>163</sup>

In addition to the stated commitment to a comprehensive approach to its crisis management, especially in Afghanistan, the moral contributions to the Norwegian security logic is aimed at generating a wide perception of legitimacy when it opts to use force.

The global and domestic media enjoy full freedom of the press in Norway and its civil society is very active in involving the population in public debate. The regional neighbors of Norway share a similar security logic due to their involvement in a common security complex which is centered around an international organization which holds high regards towards legitimacy in the global community. One can therefore draw the conclusion that the Norwegian example has good expectations of legitimating its use of force .

The Norwegian example has shown that legitimacy through multilateral engagement

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<sup>160</sup> Reporters Without Borders 2008 Press Freedom Index – Can be found online at URL:  
[http://www.rsf.org/article.php3?id\\_article=24025](http://www.rsf.org/article.php3?id_article=24025)

<sup>161</sup> Freedom House Index of Human Freedom 2008 – can be found Online at URL:  
<http://www.freedomhouse.org/template.cfm?page=22&year=2008&country=7462>

<sup>162</sup> Transparency International Report on Corruption – URL:  
[http://www.transparency.org/news\\_room/in\\_focus/2008/cpi2008/cpi\\_2008\\_table](http://www.transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table)

<sup>163</sup> Regjeringen – Rapport om NATO, en garantist for medlemslandene – URL:  
<http://www.regjeringen.no/nb/dep/ud/kampanjer/nato07/omnato/nato.html?id=458944>

is an effective approach towards the five audiences mentioned above. By only using multilateral engagement it ensures a notion of legitimacy based on the rules, laws and norms of the international community. Furthermore, it created an atmosphere of idealism and morality in its decisions. I would argue that none of the five audiences for legitimacy would strenuously disagree with Norway decision to use force through NATO, because it offers the state an opportunity to use a morally and legally justified approach to ensuring its strategic security as well as promoting its wider national interest. Complete consensus of legitimacy does not exist, as I have argued above, due to the individual nature of the fluid concept of legitimacy, however, I believe the Norwegian use of force today is viewed as legitimate by the majority of its population.

The multilateralism shown in the European security complex warrants a high level of legitimacy based on the factors stated above. I do not believe a better alternative to the use of force exist today, as multilateralism through the United Nations or mandated security organizations enjoy the best prospects for perceived legitimacy from the five stated audiences by following the factors that affect legitimacy. The Norwegian example of NATO engagement has shown that regional security organizations are able to provide the necessary qualifications to increase the chances of a consensus of legitimacy. I will however argue that this assumption is dependent upon the adherence to agreement of the global community and maximizing its compliance with international law and norms.

The next section will assess the future of legitimacy and the development of international security.

### **The future of Legitimacy, a lasting impact?**

This thesis has focused on the European Security Complex. A vital characteristic of its threat perception is that none of its states are directly challenged over its territorial

sovereignty. Therefore its security engagement is focused upon promoting peace and stability through security co-operations.<sup>164</sup> The hope for the future must lie with a strengthening of the jus ad bellum principles and international regulation to create a firm framework to which legitimacy can be found or refuted.

The United Nations aim, at its birth, was to “to save succeeding generations from the scourge of war”<sup>165</sup>. However in the first decades of its existence, its role in international security was overshadowed by the superpower rivalry of the Cold War. The end of global bipolarity brought with it a sense of optimism towards global leadership. This optimism, however, gave way to scepticism at the end of the 1990’s.<sup>166</sup> The twenty-first century has witnessed a chain of events following the 9/11 terrorist attacks in America which have effectively undermined the United Nations’ ability to regulated international peace and security. These events culminated in the ongoing invasion of Iraq by US/UK forces.

I will argue, at this point, that the world does not possess as unifying actor that is able to be the sole-legitimising actor in international security. The United Nations is the closest we have to such an actor, with its mission statement clearly announcing its intentions.

It seems the international system is unwilling to take the necessary steps to make the legitimacy process more rigid and effective. I attribute this phenomenon to the hesitation of the remaining superpower and somewhat to the great powers of the security systems. The truly global actors of international system are reluctant to impose more limitations to its use of force, because force is inherently a tool for consolidation of power, position and security. The 2003 invasion of Iraq without a Security Council mandate or support by a US-led coalition, as well as the 2008 demonstration of force by the Russian Federation in the provinces of South-Ossetia and Abkhazia in Georgia, will demonstrate my point on this issue.

Legitimacy has always been a part of using force and in all likelihood; it will remain an

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<sup>164</sup> Anders Kjølberg, FFI rapport – Livet i Hegemonens Skygge – en Småstats Sikkerhetslogikk, 2007/-01626, pg 37

<sup>165</sup> United Nations Charter – URL: <http://un.org/aboutun/charter/index.html>

<sup>166</sup> Norsk Utenrikspolitisk Institutt – *UN Reform and Collective Security* – De Carvalho, Nagelhuis – Paper 1, 2004

important aspect of security policy in the future. However, it has not become accepted doctrine to first and foremost abide to the rules and regulations of the international system when using force. In order for this to happen, the United Nations system must reform with the approval of all its member states.

#### UN Reform – accountability, regulation and punishment

At the 2005 World Summit the heads of states and world leaders expressed their desire for a strengthened United Nations in order to meet the challenges of the twenty-first century.<sup>167</sup> Secretary General Kofi Annan called it a “chance to revitalise the United Nations itself, a chance for all mankind.”<sup>168</sup> Comprehensive UN reforms have been planned and desired for a long time. The scepticism that followed the UN’s failure to achieve its potential in the late 1990’s have prompted a wide debate on the future of the organisation. Secretary General Ban Ki-Moon has made the UN reforms a priority. In regards to legitimacy and the use of force, the necessary reforms must come in terms of enhancing the UN role in international security efforts, especially in multilateral operations under a UN flag. Moreover, a reform of the Security Council itself is necessary because of the perpetuating power positions of the permanent members.

In 1995, the Commission on Global Governance<sup>169</sup> released a report on the recommended structural reforms for the United Nations.<sup>170</sup> The aim of the commission report was to suggest a suitable path to increasing the authority of the United Nations. The relevant suggested improvements were ending the veto power privilege to the permanent members of the Security Council, establishing a standing UN army and making the International Criminal Court (ICC) binding to all members and affected parties. In essence, it would make the United Nations the only legitimate regulator of peace and security in the world, with increased authority.

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<sup>167</sup> United Nations Online Services URL: <http://www.un.org/ga/president/62/issues/reform.shtml>

<sup>168</sup> World Summit 2005 official information website URL: <http://www.un.org/summit2005/>

<sup>169</sup> An international organisation, founded in 1992 with full support of then Secretary general Boutros Boutros-Ghali

<sup>170</sup> Norsk Utenrikspolitisk Institutt – *UN Reform and Collective Security* – De Carvalho, Nagelhuis – Paper 1, 2004

Moreover, it would allow the international community, through multilateral co-operation to be the regulator of force.<sup>171</sup>

I believe the recommendations of the commission would be created from an idealistic standpoint, nevertheless, the outcome would be a strengthened international community with the opportunity to effectively regulate the use of force in international security.

The aim of the United Nations reforms is to centralise the decision making apparatus in world affairs. In terms of international security, this would entail a shift in power from the state to the global institution. An erosion of state sovereignty is necessary for this transformation.<sup>172</sup> In the previous section, I argued for the legitimising effect of multilateral use of force. The proposed reforms to the UN structure would have a profound effect on the way the world, through the multitude of its audiences, will view future uses of war. Multilateralism response, through a UN standing force, with the backing of an improved Security Council and international law, would surely maximise its perceived global legitimacy when implementing force.

“Our task now is to strengthen our capacity for preventive diplomacy, and instil a more integrated and effective UN approach in responding to conflict and supporting sustainable peace processes,”<sup>173</sup>

In order for such a comprehensive reform to take place, the awareness of its significance is important. It must be the desire of the world for the UN to realise its potential, otherwise its reform is futile. Therefore a change in the global agenda and

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<sup>171</sup> Global Governance Commission: URL: <http://www.sovereignty.net/p/gov/gganalysis.htm>

<sup>172</sup> Kofi Annan, “Towards a New Definition of Sovereignty”, in Reichberg, Syse, Begby, (2006), *The Ethics of War*, Cambridge, Blackwell Publishing, page 684-685

<sup>173</sup> Ban Ki Moon – Speech to UN Meeting January 4<sup>th</sup>, New York – UN Headquarters – URL: <http://www.un.org/apps/news/story.asp?NewsID=21883&Cr=UN&Cr1=reform>

norms is necessary for this transformation to take place. I argued in the last section that the key to legitimating force in the modern world lies with multilateral engagement, which is only possible through correct mandate, just and proportionate implementation of force and wide international recognition of its purpose and mission. The power politics of the twentieth century, which is still present today, must be limited and integration into a more effective system of global governance must take place. A change to the structure of the Security Council will contribute to this end because it will limit the great powers of the world to use force as a political tool.

One of the most important aspects of the legitimacy debate is the role of the people, both domestically and across borders. I named this the role of civil society above because of the importance of public debate and participation in politics. The Global Governance Commission also called for the establishment of a “parliamentary body of civil society” which would be comprised of representatives for the civic interests and Non-Governmental Organisations.<sup>174</sup> It is the opinion of this thesis that this would increase the role of civil societies and therefore increase the level of demanded legitimacy for the use of force in the world.

Since the end of the Second World War in 1945 has the world witnessed a change in the way we view the use of force. War in the traditional sense, no longer exists, argues Sir Rupert Smith, a statement it is hard to refute.<sup>175</sup> However, conflict will always be on the political agenda, it is arguably part of the human condition.<sup>176</sup> It is therefore important for an inter-connected world to seek ways to effectively judge between legitimate and illegitimate uses of force. A framework for this must emerge from institutional regulations from laws, norms and obligations to which all states are

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<sup>174</sup> Global Governance Commission: URL: <http://www.sovereignty.net/p/gov/gganalysis.htm>

<sup>175</sup> Smith, Rupert (2005), *The Utility of Force, The Art of War in the Modern World*, London, Penguin Books, pg 1,

<sup>176</sup> Henrik Syse, (2008), “Is War a Part of the Human Condition?” - Voegelinian and Platonic Reflections on Violence, Virtue and Wrongdoing, *Paper presented at the annual meeting of the APSA 2008 Annual Meeting, Hynes Convention Center, Boston, Massachusetts, Aug 28, 2008* – available at: URL: [http://www.allacademic.com/meta/p281322\\_index.html](http://www.allacademic.com/meta/p281322_index.html)

accountable. I argue in this thesis that multilateralism through a strengthened international system is the key to maximising legitimacy. However the system of today is unable and unequipped to do this effectively from a central point.

Multilateralism from the regionalist perspective which is able to intervene within its security complex on a UN Security Council mandate is the best option. The NATO missions in Afghanistan and Kosovo are good examples of how this can be an effective solution.

Until the United Nations can deal with any security challenge that might emerge, it must rely on regional security structures to intervene when necessary.

### **Concluding remarks**

“War is Just to whom it is necessary” wrote Niccolò Machiavelli on the issue of power, force and legitimacy.<sup>177</sup> The use of force seems intricately linked with the question of legitimacy. The decision to use force by a state, organisation or non-governmental actor in the modern world comes from a complex process of analysis towards the benefits and consequences such an act would entail. The majority of military force is implemented by states and they represent perhaps the most complex underlying reasoning for opting to use force. Legitimacy is what makes this process so complicated.<sup>178</sup> I believe this comes from the fact that states are subjected to scrutiny from several angles, most notably its people. One must note however that the significance of the legitimacy debate is dependent upon the ability of the different audiences to voice their criticism or approval towards the acting state, which in turn is dependent upon the civic freedoms of the specific state and/or culture.

I have argued in this thesis that legitimacy has become increasingly important to the

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<sup>177</sup> Machiavelli, Niccolò, (1513) *The Prince*, trans. Harvey C. Mansfield, Jr, Chicago, University of Chicago Press – in – Reichberg, Syse, Begby, (2006), *The Ethics of War*, Oxford, Blackwell Publishing, pg 253

<sup>178</sup> Reus-Smith, Christian (2005), *Liberal Hierarchy and the Licence to Use Force* – in - Armstrong, Farrell & Maignushca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 71



policy making of the modern era, most notably after the end of the Cold War. I do not limit this assumption to the use of force, because legitimacy over-arches the concepts of transparency and accountability in politics. Nonetheless, the use of force in the modern world is exceptionally subjected to scrutiny and analysis. The events of 9/11 in America and the military responses which followed in Afghanistan and Iraq have further enhanced the international debate concerning legitimacy and force.<sup>179</sup>

Therefore I believe that questions of legitimacy will be an integral part of international relations in theory and practice in the twenty-first century. I believe my analysis above illustrates this assumption.

The use of force must be understood within a regional context as is the premise of this investigation. As stated above, a regional approach to international security offers the most realistic view of the security thinking of a state and it enables an analysis into the efficiency of legitimacy through multilateral cooperation. Taking this assumption, I would argue that the incorporation into a state's regional security complex can produce a legitimizing security structure which is based on collective action. Moreover, the security logic of a state is primarily focused on its immediate vicinity. Most states do not have the ability or ambition to engage in security affairs outside its region, so it is important to note that maximizing one's security potential within its security complex can be a legitimizing factor in itself.

If one adds the dimension of the international law and mandates, it is not difficult to argue that regional security structures can be used for crisis management to the extent that the global community, through the United Nations, is presently unable to. Paul Kennedy argues that "as the United Nations move into the twenty-first century, not even its most ardent supporters, could claim that its performance in the areas of

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<sup>179</sup> Hurrell, Andrew (2005) *Legitimacy and the Use of Force – Can the Circle be Squared?* – in - Armstrong, Farrell & Maignashca (2005), *Force and Legitimacy in World Politics*, Cambridge, Cambridge University Press, pg 17

peacekeeping and enforcement since 1945 constituted a great success story.”<sup>180</sup>

However, the efforts towards making these efforts a global initiative would make the legitimacy of force easier to detect and support. This coincides with my arguments above that legitimate use of force should come from a mandate in international law and be in adherence with globally accepted norms and expectations. The aim of which is to limit the use of force to a tool of the international community in order to ensure the security of all.

Legitimacy is inherently a fragile concept because it is dependent upon human perception and interpretation. The legitimacy of a specific act to implement force can be manipulated; this is why the role of civil society and the media is important to influence the neutrality of the available information to the people. I argue that legitimacy is a fluid and complex issue and therefore hard to determine, however the degree of legitimacy should be measured in public and institutional perception in the individual states, as well as the global community as a whole. A globalizing world with increasing civil participation in politics will continue to demand accountability for every decision to use force.<sup>181</sup>

The introduction of demanded legitimacy for the use of force indicates a shift towards a moral and pragmatic justification when force is applied.

The world will increasingly witness a global homogenization of norms for the use of force, especially if a strengthening of international law and mandates takes place.

Nonetheless, force can be used without a thorough claim to legitimacy; however the state or group of states must see the potential benefits of illegitimate use of force as to exceed the potential consequences. The stronger a state's power position within

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<sup>180</sup> Kennedy, Paul, (2007), *The Parliament of Man. The United Nations and the Quest for World Government*, London, Penguin Books, pg 110

<sup>181</sup> Kaldor, Mary, (2004), *Global Civil Society. An Answer to War*, London, Polity Press, pg 136

its regional security complex and in the international system, the more likely it is that the state can endure the consequences of unilateral action.<sup>182</sup>

The Norwegian example has shown that multilateralism can be used to legitimise a state's security policy, because it builds on the assumption that integration into a larger security structure is the best option for a small state. The actions of the state within this structure must then be analysed for its legitimacy however, because much of the decision-making process is centralized in the security structure, the small state is subjected to less criticism for its action due to its obligations to its security organization. I would argue that the Norwegian example shows that participation in multilateral operations of force through a regional security organization provides a state with a good claim for legitimacy and a strong justification in terms of actual national interest.

The underlying theory of this thesis presented that the structure of international security today is subjected to the processes of regionalization and that the world can be divided into several Regional Security Complexes.<sup>183</sup> By investigating the contingent legitimacy of multilateralism<sup>184</sup> I believe the role of RSC's become apparent and that legitimacy through multilateralism, as presented within and by security structures, complements the theory of Buzan and Wæver with a dimension of legitimacy towards the use of force. Moreover, the theory of Idealism assumes that legitimacy is found on the basis of morality and ethics. The complexity of legitimacy as concept, however, has shown that it is far too simplistic to state that legitimacy is synonymous with morality claims. The nature of international security assumes national interest and collective threat perception to influence the impression of legitimacy to a large extent. The further study of legitimacy and force

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<sup>182</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

<sup>183</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

<sup>184</sup> Robert Keohane, *The Contingent Legitimacy of Multilateralism*, Garnet Working Paper, NO 09/06, September 2006

must therefore assume that the tenets of idealism will not adequately address the origin and role of legitimacy in the modern world.

The conclusion of the thesis is that legitimacy will play an important role in countries with a strong civil society and political transparency; this trend will also become more prevalent in increasingly more countries with time.<sup>185</sup> It is important for the collective global security that all uses of military force is legitimized, however a strengthening of the principles and regulation from international law and rules is vital for this to become an accepted international doctrine. Therefore, I conclude that legitimacy plays a large role in the European regional security structure and Norway is a prime example of this. Nevertheless, legitimacy is a fluid concept and is wholly structured on the perception of its audiences and can therefore easily be manipulated. I still believe, perhaps too ideally, that legitimacy will continue to grow in importance and in its ability to influence national, as well as organizational, security policy. The regional view on international security offers a good framework for the implementation of legitimacy as an actual influence and regulator of the use of force in the modern world.

It is the concluding assumption of this thesis that legitimacy plays an important role in international and domestic politics; the use of force is perhaps the most controversial element of this debate. Force has historically been the privilege of the few and mighty and often used as a tool to consolidate or increase power positions in the world.<sup>186</sup> The remaining super power and great powers are good examples of this assumption.<sup>187</sup> This notion remains to some extent in the world today and is one of the greatest challenges for the implementation of an effective global system for legitimating force and ensuring international peace and security. I argued above that the reform of the United Nations was a necessary step towards the realization of this

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<sup>185</sup> Centre for Civil Society, London School of Economics , "*What is civil society?*". (2004-03-01).

<sup>186</sup> Thucydides, *The Peloponnesian War, the Melian Dialogue* –in - Reichberg, Syse, Begby, (2006), *The Ethics of War*, Oxford, Blackwell Publishings, pg 3

<sup>187</sup> Buzan, Barry & Wæver, Ole (2003) *Regions and Powers – The Structure of International Security*, Cambridge, Cambridge University Press

ideal, however until then, the regional structures of security complexes may provide the global community with the best alternative for future security mandates away from unilateral action and with a clear focus on crisis management through a comprehensive approach.

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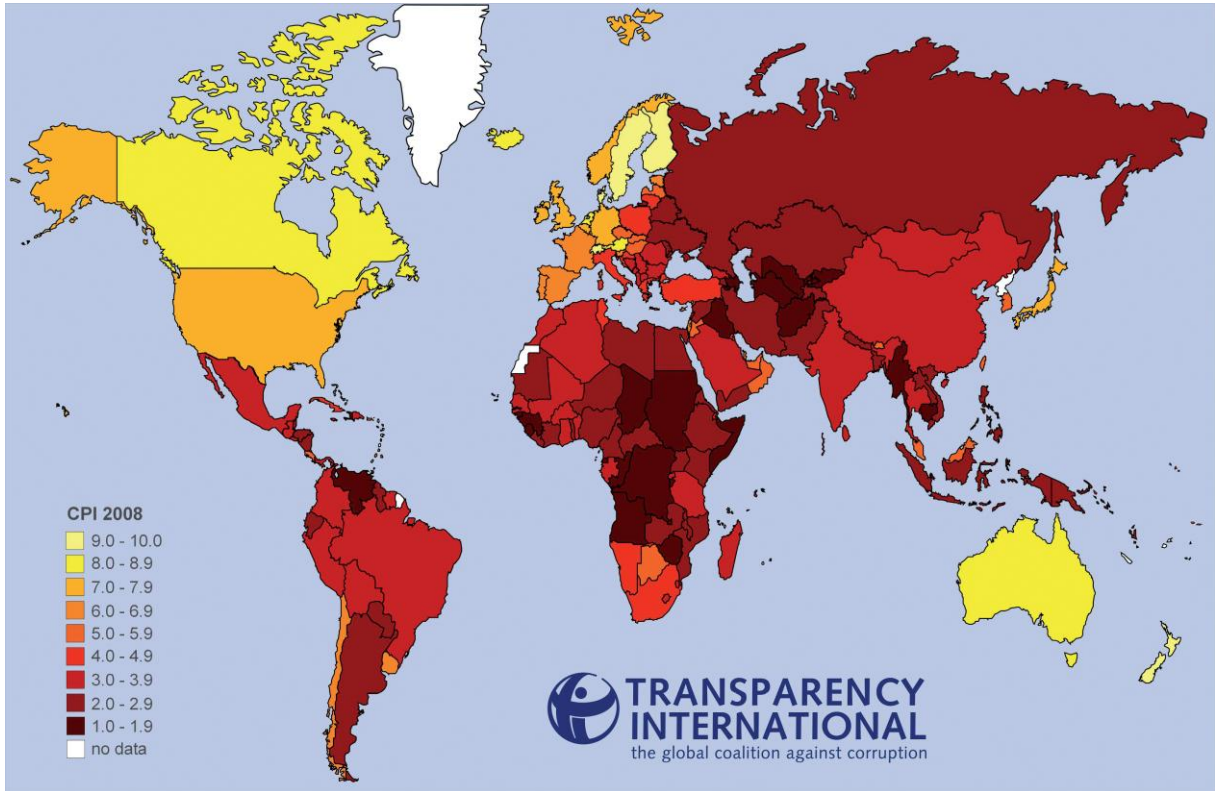
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## APPENDIX I



## APPENDIX II

