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When Legitimacy meets Violence.
The Limits of EU's Soft Power in the Eastern Partnership

Mihaela-Adriana Pădureanu[1]

Abstract: Looking at the evolution of the Eastern Partnership in the last decade we can identify a number of contradictory messages on the part of both sides involved. On the one hand, the EU has its own stated objectives with this initiative, and on the other hand the member states have their own expectations and goals, that more than once are subject to heterogeneous pressures. While the EU has proposed economic and political measures for the transformation of the EaP member states, these measures have been counterbalanced by military interventions on the territory of three of the EaP member states: Republic of Moldova, Georgia and Ukraine. Another important actor in the region, NATO has different relations with the three mentioned states, but nonetheless can be considered as the other relevant transforming element in the region, together with EU. EU's relation with its Eastern neighbours has been under considerable pressure after 2014. Although the relations continued to deepen this has be mostly on the economic rather than on the political sector. However, some groups still consider EU as a legitimate actor in the region. The problem of legitimacy in the evolution of international organizations has attracted a number of important researchers in the last years and the goal of this article in to contribute to this discussion. Due to the fact that military interventions took place in the three EaP member countries, we consider this to be a relevant feature that must be taken into account when analysing the capacity of the member states to comply with the reforms asked of them.

Keywords: Eastern Partnership; legitimacy; violence; European Union

1. Introduction

In this article we offer a brief discussion on the topic of legitimacy in International relations, EU studies – more precisely in relation to the EU foreign policy and global governance. As international organizations have evolved the problem of legitimacy and who and how decides what actions should be taken in external interactions. As the EU has at its Eastern border a number of countries that have frozen conflicts on their territories, we consider EU's Eastern Partnership (EaP) initiative a relevant example to discuss EU's legitimacy in relation with these member states. We are interested to see if there are any differences between the relations the EU has with the EaP member countries that have territorial conflicts and have problems controlling their territory (Republic of Moldova, Ukraine and Georgia) and those countries that do not have this problem (Azerbaijan, Armenia and Belarus). We are not interested by conflicts that are between two state actors like is the case with Armenia and Azerbaijan. Because we apply the subnational level in this article, we look only at Republic of Moldova, Ukraine and Georgia to see if EU behaves in a way towards them and in a different way

[1] Faculty of Communication and International Relations, Danubius University of Galati, Romania, Address: 3 Galati Blvd., 800654 Galati, Romania, Corresponding author: mihaela-adriana.paduraru@univ-danubius.ro.

towards Azerbaijan, Armenia and Belarus. Although Armenia and Azerbaijan have an ongoing conflict between them, we do not aim to explain EU's behaviour towards them. Our research question is: does the EU behave in a different way towards the Eastern neighbours that have disputed conflicts at the subnational level? And if the answer is yes can we explain that behaviour using the concepts of legitimacy, soft power and violence? More precisely can we speculate that EU behaves in a different way because its approach in external relations is based on a certain understanding of its role as a normative power (Manners, 2002, pp. 235–258) and when it is confronted with the violence of different groups its actions are less effective?

Thus, the main ideas we raise are related to the topics of legitimacy, order, EU's foreign policy and the Eastern Partnership. Due to the fact that EU's foreign policy is based on certain principles like respect for human rights, democracy, the rule of law its action has to be justified from an internal and also from an external point of view.

From a methodological perspective, this paper does not aim to make predictions or to provide a clear path of action for the foreign policies of the member states. However, we do operate with the assumption that member states are having different intentions in their relation with the EU and thus they perceive the role of the Union in different terms.

2. The Concept of Legitimacy in the Literature on EU's External Relations

Legitimacy is one of International Relations' main concepts. Although we will review the legitimacy in EU studies, we consider that a brief discussion on legitimacy in IR is necessary to introduce the concept and understand how its role has been debated. Hurd (1999) submits a very clear definition of legitimacy as: 'refers to the normative belief by an actor that a rule or institution ought to be obeyed' (Hurd, 1999, p. 381). This is the definition that we will also use in this article. For many scholarly approaches questions about legitimacy are linked with the raise of regional or global governance. In the following paragraphs we will discuss and provide brief comments on their limits.

When legitimacy is reviewed in the context of the expansion of global governance, a discussion about its relevance and about how its presence/or lack of it affects the dynamic development of this process is even more necessary. In a well-known article, Clark (2003) debates the implications of political legitimacy for the global order. He is interested in the topic of resistance and its interactions with the global governance. The author does make room for the topic of legitimacy and violence when he raises the issue of 'new wars' and how they have become interlinked with governance and resistance (Clark, 2003, p. 79). He also aims to develop a model that can be used to understand legitimacy in the global order and so he applies two lenses to this image: the first one is global authority (about what kind of rules are obeyed) and the second is global order (raising the questions of who is part of the global community and who can decide the rules) (Clark, 2003, pp. 90-94). Clark's article had been written after 9/11 therefore was concerned with the role of the state under the pressures of globalization, global governance and terrorism. So, following the topic of global governance we can become more specific and look at the European continent and the development of European governance as we have already seen that the subject of legitimacy and order are relevant topics in the field. But to be able to discuss the legitimacy of EU's actions we need to look at its interactions with others, in this case the external others[1].

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[1] I will also discuss the internal and external dimensions of EU's foreign policy.

How the European project has constructed its legitimacy and its interactions with others, with those outside of its direct influence and we mean by that the non-member states has been analysed by a number of scholars since the 70s when the European Political Cooperation was created. C. Hill is the one who, at the beginning of the '90s introduced the phrase capability-expectation gap to describe what are the expectations of other actors towards the European Community (EC, by that time) and the possible functions of the Community in the world (Hill, 1993, p. 306). Admitting that functions is a rather difficult concept to define, Hill does however identify four important roles of the EC. The first role is political: offering the means to pacify (read democratize) Western Europe; the second is economic: influencing the global economy; the third role is political and economic: the main actor interacting with the developing world and the last role is diplomatic: as the other, or the alternative voice on the global stage in world problems (Hill, 1993, pp. 310-311). However, Hill considers that the development of a common defence policy will be necessary in order to advance the EC's foreign goals. Three decades later, this insight still provides a clear pattern that can be used to understand EU's actions in relation with other partners.

Discussing the same topic of EU's foreign policy, R. Bengtsson unfolded the concept of interface as a tool which enables an analysis of the relation between the EU and the neighbouring states (Bengtsson, 2008, p. 599). Following the constructivist features that can be identified in the 'regional security complex theory' proposed by Buzan and Wæver (Bengtsson, 2008, p. 599), Bengtsson describes the interface as a concept that allows actors involved in an interaction to use their 'self-identity and the image of the other to contribute the interface' (Bengtsson, 2008, p. 602). We mentioned this concept because, as Bengtsson stresses in his analyse that mutual recognition is the fundamental part of interface, and this element can be useful in explaining the interaction of EU with its Eastern neighbours from the perspective of this article. Applying its analytical framework, Bengtsson finds three so-called EU's self-images that only strengthen Hill's typology one decade and a half later (Bengtsson's article is written in 2008). These three self-perceived images are: that the EU is an actor which aims to ensure peace in Europe; second is that EU acts based on norms and third that the EU has a global dimension in its policies (Bengtsson, 2008, pp. 605-606). However, EU also has three images of the neighbouring countries, which are categorized by Bengtsson as: first a certain co-dependency, second the need for these neighbours to implement a political and economic model which will allow them to get closer to the EU; and third, the question of membership (Bengtsson, 2008, pp. 607-608). His perspective stresses more than other scholars the agency of the partners – in the case of this analysis, the Eastern Partnership countries. Thus, they are considered as having more autonomy and the capacity to influence the response and the relation with EU, we can even say that the neighbours are empowered here. In a simpler way, we can say that the interference is the description of a chain of action and reaction with EU taking action and receiving feedback from its neighbours. But the author employs only the examples that can be used to build his arguments and his assumptions (like the topic of migration) and which will allow the neighbours (more precisely the elites in the neighbouring countries) to have access to benefits. Using this pattern, I think we can apply this approach to the migration problem in EU and to the 2016 so-called refugee deal between Turkey and EU[1].

However, a more critical examination of the EU's trade policies towards the neighbours is given by Bailey and Bossuyt. They use the three concepts of: market expansion, Othering and de-politicisation to argue that the EU has been established as a neoliberal project. According to the authors, the three

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[1] EU-Turkey statement, 18 March 2016, Press release https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/ (05.05.2020).

tools which are used here are able to legitimise this neoliberal project, therefore the EU cannot have 'a counter-hegemonic role' in trade as it sometimes claims (Bailey & Bossuyt, 2013, p. 562). For each of these three theoretical dimensions the authors propose various theoretical formats to ground them. They first apply a Marxist logic to explain EU's need for an ever-expanding market; post-colonial studies to explain the mechanism used to legitimise the predominant values that expand together with the market and the radical democratic theory to emphasis the lack of politics or what is known as a technocratic approach (Bailey & Bossuyt, 2013, pp. 563-565). Although we do agree that this pattern of analyses does explain the behaviour of EU in relation to some third countries and brings new possible research questions, we think that the concept of legitimacy has not been sufficiently explained by the authors. For example, we do not know who the main actors are in this process and how exactly do they influence the policy decisions – what are the institutions involved and the process or processes by which the they get the results. We might even consider an imaginary axe on which Bengtsson represents one end and Bailey and Bossuyt the other end. Their explanation is not very clear because the two components of the legitimization process are stressing either the role of the underdogs or the role of the powerful actor.

The way in which EU's normative power has been perceived by its neighbours is discussed in Bengtsson and Elgstrom (2012). They use role theory and have as case studies the countries in the African, Caribbean, and Pacific regions and Eastern Europe (Russia included) with the goal to explain the role of EU as an international actor (Bengtsson & Elgstrom, 2012, pp. 93–108). This is somehow similar to the interface concept discussed above. They offer a laconic analyse of the normative power of the EU and its resonance to the soft power as discussed by Nye (Bengtsson & Elgstrom, 2012, p. 95). They propose the term 'ideational legitimacy' to describe EU's normative traits as well as its potential for leadership (Bengtsson & Elgstrom, 2012, p. 97). Because they also present research on the Eastern Partnership, we will look closer at their analyze of EU's role in the region, as it is relevant for the topic of this article. Bengtsson and Elgstrom consider that EU sees itself as a 'normatively superior, potent leader' and the elements identified in EU's actions that allow them to say these are mainly based on Hill's already mentioned features of EU's actions (Bengtsson & Elgstrom, 2012, p. 98). What they found out is that, with the exception of Belarus, the remaining five members of the EaP share EU's self-image as a normative actor (especially Ukraine and Georgia) (Bengtsson & Elgstrom, 2012, p. 101). Seeing their very interesting findings from the perspective of this article, we can say that the countries that share EU's normative self-image are also more willing to emulate it. Georgia, Moldova and Ukraine have all signed Association Agreements with the EU.

With a more specific emphasis on the topic of EU, Stoddard (2015) discusses the tensions that can arise in EU's foreign policy due to its need to fulfil both the requirements for 'internal legitimacy and external effectiveness' (Stoddard, 2015, p. 2). Internal legitimacy is necessary for non-state actors that activate in EU, while the states at the border of the EU must also consider it an actor that reflects their interests so that its foreign policy is considered 'effective' (Stoddard, 2015, p. 2). But Stoddard only looks at the interest groups inside the EU and not at how they are reflected in the neighbouring countries. Describing EU's foreign policy, he identifies two important dimensions: the first one is EU's lack of coercion in its approach and the second is the search for a certain stability which is also interlinked to a pattern of order based on legitimate claims (Stoddard, 2015, pp. 7-8).

The EU's external relations and how legitimacy interferes with this topic have continued to be relevant and important in the field of EU studies. In 2018, the journal Global Affairs dedicated a Special Issue to the topic of EU legitimacy. In this number of the Journal, Kolja and Ben (2018) present a model of EU legitimacy following two dimensions: external and internal legitimacy and other three concepts:

input, throughput and output (Raube & Tonra, 2018, p. 242). To these three concepts, they apply the external and internal lenses and we get six different types of legitimacy which can be used to analyse different actions and to each of them we can apply two different criteria: the legitimatory condition and the legitimatory practice in order to guide the EU's foreign relations in times of what the author call 'crisis and anxiety' (Raube & Tonra, 2018, p. 247). Their approach is built on different foreign policy models of analysis – visible in the use of the term input and output but should also present some empirical facts.

In the same Journal, Sjursen (2018) argues that intergovernmentalism is no longer relevant for EU's foreign policy and that we can find some factors that influence EU's foreign and security policy legitimacy at the EU level. The author stresses that a paradox is visible if we accept this idea: as the external legitimacy is enhanced, the internal legitimacy is constrained (Sjursen, 2018, p. 2). There are two sources for EU's legitimacy: the principles that are found in the Treaties and consensus as a method of decision and both of them are in a process of mutual reinforcement (Sjursen, 2018, pp. 6-7). Although the article does present a fresh perspective on EU's legitimacy, is written from the perspective of EU's need for legitimacy in order to increase the democratic participation in the Union.

3. Can EU Respond to the Pressures Found in its Eastern Neighbourhood?

Narrowing the analysis of our topic and moving from legitimacy in EU's external relations we would like to look at how is discussed the subject of legitimacy in different conflict zones that do interact with the EU. This subject has been debated in the recent years by a number of scholars such as: Weigand (2015) and Dekanozishvili (2020). Weigand proposes five dimensions that can be used to understand what he calls the „construction of legitimacy in conflict-torn regions" (Weigand, 2015, pp. 4-5). Following Weber, he argues that force and legitimacy are the two dimensions of statehood discussed by scholars, with legitimacy sometimes being overshadowed by the importance of force in various definitions (Weigand, 2015, p. 7). However, he does not provide any empirical research to support this claim, although he does recommend more diverse inputs on the idea of political order.

Although they do not discuss violence in an explicit way, Lecocq & Keukeleire (2018) broaden the conversation on external and internal legitimacy by proposing the usage of polity as a tool that goes under the state level and can be applied to different authorities that function at non-state levels (Lecocq & Keukeleire, 2018, pp. 1-2). This helps understand the interaction with territories that do not fall under the classic Weberian definitions of the state. For example, where central authority is contested by armed groups that aim for different sources of legitimacy or act according to them. When interacting with these types of entities, EU has to be more flexible or to look for different lexicon structures so to say – terms and rules that can be understood and accepted in different spaces. The authors consider the following types of authority structures: 'state, ethnicity, religion, warlordism' that can be found outside of EU (Lecocq & Keukeleire, 2018, p. 8).

Since its launch, the Eastern Partnership has been considered by Russia as an attempt by the West to influence and interfere with what it considers to be a space on which it has the right to intervene (Lambert, 2018). This understanding of the EaP has accelerated as the economic tools negotiated by the EU and different member states have deepened and have brought the European model the tool with which the domestic changes were measured. Dekanozishvili stresses that we lack studies that focus on the perception of ENP in the member states and aims to fill that gap discussing the views from Georgia and Ukraine on the matter, However, it's not clear how she conceptualizes the concept of perception(s) (Dekanozishvili, 2020, p. 5). She explores this conflicting view of EU in the Eastern part

of the neighbourhood and states that there is a considerable gap between what the EU suggests and what the EU does. Dekanozishvili points to the lack of coherence in EU's neighbourhood policy and also proposes two policy options for the EU. One is improving EU's actions or lowering the neighbourhood expectations (Dekanozishvili, 2020, p. 12). However, she fails to argue why the EU should 'avoid association fatigue' in the Eastern part of the continent while the perspective of membership has not been discussed officially for the neighbouring states.

However there seems to be a significant gap between the ways in which different actors understand the role of the EaP in their own countries. On the one hand there is the civil society organisations which use the interaction with EU institutions in order to facilitate the modernization and the democratic changes in their countries and on the other hand important economic groups that gain from the current economic and political models that function in these countries.

While three countries have signed Association Agreements (Ukraine, Georgia and Moldova). EU and Armenia have signed in 2017 the EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA) and a new institutional framework has been started as the Partnership Council between EU and Armenia[1]. Regarding Belarus there are negotiations for a EU-Belarus Partnership Priorities, the Visa Facilitation and Readmission Agreements will probably enter into force in this summer (2020)[2]. Only Azerbaijan has the same document from the 1999 that regulates its interactions with the EU: The EU-Azerbaijan Partnership and Cooperation Agreement[3]. New documents have been approved in 2020: 'The Eastern Partnership beyond 2020: Reinforcing Resilience – an Eastern Partnership that delivers for all' which identifies five policies priorities: creates, protects, greens, connects, empowers[4]. The second one is Eastern Partnership policy beyond 2020: Council approves conclusions[5]. This document underlines the importance of the next summit (the last one took place in 2017), for the future of EaP. The Summit can be seen as the highest tool of interaction between policymakers in the member states and EU. The last document has mentioned the importance of solidarity and cooperation also during the health outbreaks with COVID 19 as an example. We have mentioned these latest developments because we think that they add to the importance of EU's self-image as discussed in the paragraphs above – a factor of stability and norms provider for its neighbours.

4. Conclusions

We have seen that the concept of legitimacy is discussed in relation to the International Relations traditions, EU studies, global governance and, more recently in order to respond to non-state actors. However, with a few exceptions (Weigand and Stoddard) the topic of violence and armed contestation of the central authorities and its relations with legitimacy is very sparsely analysed. We wanted to see what type of behaviour can be identified between on the one hand EU and EaP member states that have conflicts on their territories and on the other hand between EU and EaP member states that do not

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[1] EU-Armenia relations – factsheet, https://eeas.europa.eu/sites/eeas/files/eap_summit_factsheet_armenia_en-updated.pdf (20.05.2020).

[2] Facts and figures about EU-Belarus relations, https://trello-attachments.s3.amazonaws.com/5e675fd8f2a9ac096eb204e5/5e67b18a5a7f1259b9e0bb38/6e8491de9fcda6ace85d3d9c069f9eb1/EAP_SUMMIT_FACTSHEET_Belarus_EN.pdf (20.05.2020).

[3] EU-Azerbaijan relations – factsheet, https://eeas.europa.eu/sites/eeas/files/eap_summit_factsheet_azerbaijan_en.pdf (20.05.2020).

[4] The Eastern Partnership beyond 2020: Reinforcing Resilience – an Eastern Partnership that delivers for all https://www.euneighbours.eu/sites/default/files/publications/2020-03/EaP%20joint%20communication_factsheet4_EN_0.pdf (20.05.2020).

[5] Eastern Partnership policy beyond 2020: Council approves conclusions, https://www.consilium.europa.eu/media/43905/st07510-re01-en20.pdf (20.05.2020).

have conflicts on their territories. Our hypothesis is that EU will behave in a less coherent or efficient way when legitimacy is contested in a violent way on the territories of different Eastern neighbours because it operates in its foreign relations using the concepts of normative power and legitimacy, excluding violence. Therefore, when it meets violent actions its response is less efficient (the case of Ukraine after 2013 is relevant for this situation).

There are differences in the approaches towards states with conflicts (Republic of Moldova, Georgia and Ukraine – the ones that are closer to EU's normative goals) and those that are more stable (Belarus, Armenia and Azerbaijan). As the three countries get closer to the EU standards, the internal contestation of some groups is likely to grow probably because the topic of legitimacy is not addressed. However, there are still calls to deepen the relation with the EU, especially on the part of civil society. The problem is that the Union is rather ill-equipped to respond to areas that are outside of the Weberian understanding of state, the so-called frozen conflicts being a good example in this sense. That is why we can talk about the limits of EU's soft power in relations to the frozen conflicts in Eastern Europe.

A closer examination of the interaction between legitimacy and different neighbours can help clarify the methods which will increase the stability and efficiency of the different goals of the Eastern policies such as democratization, respect for human rights and the rule of law.

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