Is the UNSC an obstacle to a geopolitical EU? Principled pragmatism and the legitimacy of CSDP deployments

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Theme[1]

The legitimation of military Common Security and Defence Policy (CSDP) deployments will be an important aspect of the EU's endeavour to evolve into a principled geopolitical power.

Summary

In an increasingly unstable and conflictive global environment, the EU's pursuit of greater geopolitical relevance will inevitably require the use of armed force, including military Common Security and Defence Policy (CSDP) deployments. CSDP operations have traditionally been launched only with authorisation from the UN Security Council, to ensure their legitimacy and reaffirm the Union's attachment to international law and multilateralism. This policy brief argues that the dependence on UNSC approval may prove incompatible with the quest for greater European strategic autonomy, as it effectively grants non-EU states veto power over EU military deployments at a time of intensifying geopolitical competition. To overcome this obstacle, the Union could develop an alternative/complementary basis of legitimacy for its CSDP deployments. A number of different options, as well as their respective implications, are outlined here. The issue of legitimation beyond the UNSC, moreover, has broader significance for the EU as a global actor, as it relates to major strategic questions, such as the practical meaning of 'principled pragmatism' and the Union's approach to reconciling its deep-seated preference for multilateralism with its new-found ambition for geopolitical sovereignty.

Analysis

Introduction

In the last few years, the EU has been engaged in a pursuit of greater geopolitical relevance. The clearest formal expression of this ambition has been the 2016 EU Global Strategy, which calls for enhanced strategic autonomy and emphasises the Union's role as a security and defence actor that can protect its citizens in an increasingly dangerous

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[1] The views expressed are those of the author and do not reflect the official policy or position of the EUISS or the EU.

and competitive global environment. More recently, the Union's High Representative for Foreign and Security Policy has argued that if the EU wants to be geopolitically relevant then it must learn to 'speak the language of power'. The use of force can be viewed as the ultimate expression of that language. It demonstrates in the clearest way an actor's determination to defend its values and interests by imposing its will on and resisting such imposition from others. As such, the nature of the Common Security and Defence Policy (CSDP) fundamentally reflects the EU's geopolitical actorness (or lack thereof).

Since the launch of the CSDP in 1999, European leaders have increasingly recognised the value of the military instrument as part of the EU's foreign policy toolkit. The Global Strategy and the November 2016 Council Conclusions on security and defence reaffirmed the importance of hard power as an integral part of the Union's foreign, security and defence policy and identified as a strategic priority the enhancement of its capacity to respond to external crises. The EU's gradual maturation as a security actor is reflected in the evolving focus of CSDP deployments. Early operations mostly had 'traditional' peace-keeping aims (eg, preventing humanitarian disasters and supporting the implementation of peace agreements). More recent ones, although not always as robust, have been increasingly driven also by geostrategic considerations, such as protecting European trade routes (EUNAVFOR Atalanta) or addressing security threats emanating from the southern neighbourhood (EUNAVFOR Med Sophia/Irini).

As recent developments in its southern neighbourhood demonstrate, Europe's deteriorating security environment will continue generating pressures on the Union to flex its collective military muscles in defence of its values and interests. While the internal political, operational and capability-related challenges of doing so have received much attention, the international political aspects have mostly been glossed over. Seen from this perspective, and given the EU's self-identity as a defender of the rules-based global order, the proposition of a militarily assertive Europe raises a number of questions: how compatible is a geopolitical approach with the Union's traditionally 'normative' and UN-centred attitude towards the use of military force?; what are the implications of the growing tensions between the veto-wielding, permanent members of the UN Security Council for the prospects of authorisation of future CSDP deployments?; and should those prospects prove to be dim, what possible options does the EU have to ensure the continued legitimacy of its military operations abroad?

This policy brief seeks to answer these questions with a view to contributing to the discussion of the EU's evolving approach to hard power and, more broadly, to the operationalisation of its 'principled pragmatism'-driven outlook on global affairs. To this end, the brief is structured in three parts. The first part looks at the EU's evolving approach towards employing armed force, particularly as regards the question of legitimacy, and the role of the UN therein. Part two examines the ongoing dynamics around the use of veto in the UN Security Council and the potential implications for the authorisation of future EU CSDP deployments. Finally, part three discusses potential sources of legitimacy for the EU's military deployments beyond the UN Security Council.

The use of force, legitimacy and the UN

While the EU increasingly recognises the role of military means as an instrument of foreign policy, its relationship with the military instrument has generally been an uneasy one. It was only following the hard lessons learnt from the conflicts in its neighbourhood during the 1990s that the Union shed its 'civilian power' status, recognised the role of military force in creating and maintaining peace, and reluctantly embraced it as an instrument of external policy by launching the CSDP. Even then, however, it remained a measure of last resort, its use justified only in extreme circumstances.

To a considerable extent, this attitude stems from the Union's own collective identity and overarching purpose. Internally, the promotion and maintenance of peace among its members lies at the heart of the European project. Externally, the EU self-identifies as a benign international actor, which eschews unilateral, self-interested and coercive power politics and whose behaviour is rooted in liberal-cosmopolitan norms, including multilateralism, international law and the peaceful resolution of disputes, and aims to create a structurally peaceful international system. The use of force beyond self- or collective defence sits uncomfortably with these principles, therefore it has traditionally been viewed in Brussels as problematic.

The effort to reconcile its normative preferences with the recognition of the necessity of employing hard power has been a key dynamic of the Union's role as an international security actor. Considerations of legitimacy have been crucial in this respect. The EU has consistently attached great importance to ensuring that its use of armed force is and –equally essentially– is perceived to be concordant with its professed values and universal legal principles, rather than a regression to 'traditional' power politics. Consequently, the normative justification for the use of military force has been a core attribute of the CSDP and of the EU's profile as an international actor. The Union's development of its military dimension during the 2000s went hand-in-hand with increased emphasis on its identity as an 'ethical power' that seeks to be a global peace-builder and 'credible force for good',[2] while the post-2016 shift to a more hard-nosed foreign policy has been coupled with the reaffirmation of the EU's commitment to its principles and a peaceful, rules-based global order.

At the heart of the EU's approach to legitimating its use of military force lie the UN and the principles enshrined in its Charter. This is already evident in the Union's founding documents, which contain multiple references to them. For instance, Article 21.2 of the Treaty on European Union (TEU) notes that the EU's international action shall aim to 'preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the UN Charter'. Article 42.1 TEU further notes specifically that CSDP deployments may be undertaken 'for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter'.

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[2] Lisbeth Aggestam (2008), 'Introduction: ethical power Europe?', *International Affairs*, vol. 84, nr 1, p. 1-11.

The Union's high-level strategic documents similarly give UN principles pride of place in legitimising the Union's military action beyond its borders. The 2003 European Security Strategy (ESS) reiterated the EU's commitment to upholding international law, while emphasising that 'the peaceful settlement of disputes [is] not negotiable' and that 'everything the EU has done in the field of security has been linked to UN objectives'. The 2016 European Union Global Strategy (EUGS) follows in these steps. It posits a multilateral, UN-centred and international law-based global order as 'the only guarantee for peace and security', as well as calls for enhancing Europe's capacity to respond to crises through CSDP deployments 'in full compliance with the UN Charter'.

Given the centrality of the UN in the EU's strategic outlook, the nature of the two organisations' relationship, particularly the question of the latter's subordination to the former as regards matters of international security, was a matter of robust debate in the 2000s. The ESS and EUGS and their respective implementation plans are widely thought to have conclusively settled this debate. By avoiding to expressly condition the EU's use of armed force on a UN mandate, the ESS was understood to imply that the necessity of effective military action (in defence of UN principles) can override the formal application of international law (and respective UN procedures), a position reinforced by the EUGS's emphasis on the Union's strategic autonomy. Thus, while recognising the UN's capacity to confer legitimacy on CSDP deployments, the Union would no longer *depend* on it in this regard.

There would be little reason for this paper if the CSDP's operation in practice aligned with the Union's declared strategy and the dependence on the UN had indeed been overcome. However, this has not been the case. In fact, an analysis of military CSDP missions and operations to-date shows that the existence of a UN mandate or request to act is a *de facto* necessary condition for the launch of a deployment.[3] Indeed, every military CSDP deployment since 2003 has been embedded in the legal framework of a UN authorisation, with the partial exception of EUTM RCA, which was undertaken at the host country's invitation before being welcomed by a UN Security Council (UNSC) resolution. Thus, even while experiencing a 'geopolitical moment' in security and defence, the Union arguably finds itself stubbornly attached to this practice to a degree that was supposedly rejected as geopolitically naïve almost two decades ago.

Of course, there are some good reasons why obtaining the UN's blessing for CSDP deployments continues to be important for the EU. As already noted, it carries great normative value vis-à-vis the other members of the international community. Since the UN is seen as the embodiment of universal legal principles and the gatekeeper for legitimate interventions, the authorisation demonstrates that the EU acts in response to a threat to international peace and security and not to further its own particularistic interests. By grounding its use of military force in international law, the Union signals its commitment to act within legal constraints, thus reinforcing its status as a 'normative' actor, which is particularly significant given the absence of other legal review mechanisms of CSDP deployments. This practice also sets an example for other actors,

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[3] T.P. Palm (2017), 'Normative power and military means: the evolving character of the EU's international power', PhD Thesis, Free University of Amsterdam.

bolstering the norm of compliance with international law and supporting the European objective of a rules-based global order.

Figure 1. Military CSDP deployments and their respective legal basis

Deployment	Launch	End	Country/Area	Legal basis
EUFOR Concordia	2003	2003	North Macedonia	UNSC Res 1371 (2001)
EUFOR Artemis	2003	2003	Democratic Republic of the Congo	UNSC Res 1484 (2003)
EUFOR Althea/BiH	2004	–	Bosnia and Herzegovina	UNSC Res 1551 (2004)
EUFOR RD Congo	2006	2006	Democratic Republic of the Congo	UNSC Res 1671 (2006)
EUFOR Tchad/RCA	2008	2009	Chad and Central African Republic	UNSC Res 1778 (2007)
EUNAVFOR Atalanta	2008	–	Horn of Africa/Western Indian Ocean	UNSC Res 1814 (2008), 1816 (2008), 1838 (2008)
EUTM Somalia	2010	–	Somalia	UNSC Res 1872 (2009), 1897 (2009)
(EUFOR Libya)[4]	X	X	(Libya)	UNSC Res 1970 (2011), 1973 (2011)
EUTM Mali	2013	–	Mali	UNSC Res 2071 (2012)
EUFOR RCA	2014	2015	Central African Republic	UNSC Res 2134 (2014)
EUNAVFOR Med Sophia	2015	2020	Mediterranean Sea	UNSC Res 2240 (2015)
EUTM RCA	2016	–	Central African Republic	By invitation (+ UNSC Res 2301 (2016))
EUNAVFOR Med Irini	2020	–	Mediterranean Sea	UNSC Res 1970 (2011), 2292 (2016), 2473 (2019), 2146 (2014), 2509 (2020), 2510 (2020)

Source: European External Action Service.

Moreover, a UN mandate has benefits within the EU too. Member states have diverse strategic cultures and views on the justification of the use of force. This can lead to disagreements as to the appropriateness of military intervention in different crisis situations and hamper collective action, given the requirement of unanimity in CSDP

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[4] EUFOR Libya was never launched, despite the relevant Council Decision (2011/210/CFSP) of 1/IV/2011.

decision-making. As such, UN authorisation is a key parameter in governments' debates with each other and vis-à-vis their national parliaments and publics. A Security Council mandate can be a powerful argument for military intervention, reassuring the more reluctant actors and facilitating the launch of an operation. On the flip-side, the requirement for UN authorisation can also function as an action-retardant, reining in the more activist voices and raising the thresholds for EU military deployment. Finally, a UNSC resolution also allows EU member states to tap into UN resources and mechanisms that would otherwise be unavailable.

The cost of a UN blessing

For all its benefits, however, the EU's de facto reliance on UNSC authorisation for the deployment of CSDP operations undercuts its geopolitical ambitions, as it necessarily comes at the cost of reduced strategic autonomy. In particular, it renders the very existence and parameters of operations contingent on the approval of the non-EU permanent members of the Security Council. Since the values, ideologies and interests of these states' governments can differ to those of the EU, their approval may be withheld and the EU position (represented in the UNSC solely by France) vetoed/outvoted, essentially precluding the Union from using its military instrument. Alternatively, the approval may come with stringent conditions attached, which diminish the deployment's effectiveness either unintentionally or by design.

The case of EUNAVFOR MED Sophia is illustrative of this dynamic. Faced with unprecedented migratory flows from the Mediterranean, on 23 April 2015, the European Council agreed to begin preparations for a military CSDP operation to disrupt illegal migration networks in the Southern Central Mediterranean. At the core of the operation would be a systematic effort to 'identify, capture and destroy vessels' used by traffickers.[5] On 11 May, the High Representative informed the UNSC about the Union's plans and requested its support for the operation. However, a Chapter VII mandate for the use of force in Libya's territorial waters and coastal areas, which would circumvent the difficulties in obtaining Libyan consent, would not be forthcoming, due to opposition from Russia and, secondly, China.[6]

As a result, on 18 May, the Union decided to launch EUNAVFOR MED Sophia in three sequential phases. Phase 1, which entailed just intelligence gathering on the high seas, could start immediately. The following phases, however, which included seizing and destroying vessels and equipment in international (phase 2A) and Libyan coastal waters (phase 2B) and on shore (phase 3), had to be put on hold until a legal mandate had been secured. In the end, after a six-month delay, the UNSC only authorised phase 2A, limiting the operation exclusively to international waters. The operation never transitioned to the next stages, as Russia and China conditioned their consent on the Libyan authorities extending an invitation to the EU, which they knew was unlikely to materialise. The

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[5] European Council (2015), 'Special meeting of the European Council – Statement', *EUCO 18/15*, Brussels, 23/IV/2015.

[6] Thierry Tardy (2015), 'Operation Sophia: tackling the refugee crisis with military means', *EUISS Brief*, nr 30, September, https://www.iss.europa.eu/content/operation-sophia-tackling-refugee-crisis-military-means.

months-long delay and the restrictive mandate of EUNAVFOR Sophia inevitably compromised its effectiveness.[7]

The travails of EUNAVFOR Sophia with respect to its authorisation might be just a foretaste of things to come. The likelihood of persistent dissensus and vetoes in the UNSC only grows as the fissures between its permanent members widen, and this has been the case for some time now. The EU's relations with Moscow are frozen in a state of deep distrust since 2014. Prospects for meaningful improvement are slim, as long as Russia keeps violating the sovereignty and territorial integrity of neighbouring countries or engaging in brazen disinformation and electoral interference campaigns across the continent. EU-China relations, already cool, are deteriorating as well. Beijing's increasingly assertive foreign policy, coercive use of its economic and technological strength, promotion of authoritarianism and mass-scale human rights violations suggest that its 'systemic rival' aspect may soon overshadow its 'negotiating partner' and 'economic competitor' ones.[8] Moreover, the intensifying geopolitical competition between the US and China is likely to amplify all existing tensions and make compromise in the Security Council even harder.

As for the implications of a return to geopolitics for the functioning of the UNSC, the past can serve as a useful indicator. During the Cold War, the Security Council was often paralysed due to the antagonisms between its permanent members. The body was effectively prevented from performing its collective security role, especially in crises where the P5's geopolitical interests were directly involved (eg, Suez, Vietnam and Afghanistan). Inevitably, in an international system dominated by intense geopolitical and ideological competition and balance-of-power logic, this was often the case. As a result, the UNSC could rarely agree on anything beyond non-coercive peace-keeping operations in areas of relative mutual disinterest. In the meantime, the superpowers pursued their geopolitical interests outside the UN framework, often violating the UN Charter's principles while continuing to pay rhetorical tribute to them.

Worryingly, there are signs that the Security Council is already heading back towards paralysis and impotence. Looking at the number of UNSC vetoes cast, a clear trend can be outlined. From the UN's creation until the end of the Cold War, the P5 collectively used their veto-powers in 165 different occasions,[9] for an average of 3.67 vetoed resolutions per year. In the heyday of multilateralism during the 'New World Order' decade (1991-2000), only seven resolutions were vetoed (average 0.7/year). The following 10 years, marked by US unilateralism and subsequent reactions to it, saw these figures double. Finally, the past decade (2011-today), which has been characterised by the steady erosion of the West-led 'liberal international order' and increased assertiveness by other world powers, has witnessed 25 vetoes (an average of 2.5/year)

[7] Mireia Estrada-Cañamares (2016), 'Operation Sophia before and after UN Security Council Resolution No 2240 (2015)', *European Papers*, vol. 1, nr 1, p. 185-91. 2016.

[8] European Commission and HR/VP (2019), 'Joint Communication to the European Parliament, the European Council and the Council on EU-China – A strategic outlook', *JOIN(2019) 5 final*, Brussels, 12/III/2019.

[9] In cases where more than one P5 member vetoed the same resolution, this is counted as a single occurrence.

as of August 2020. These figures are more than treble those of the 1990s, erasing more than half of the cooperation gains of the post-Cold War era.

Figure 2. Vetoed UNSC Resolutions by year and moving five-year average, 1946-2020
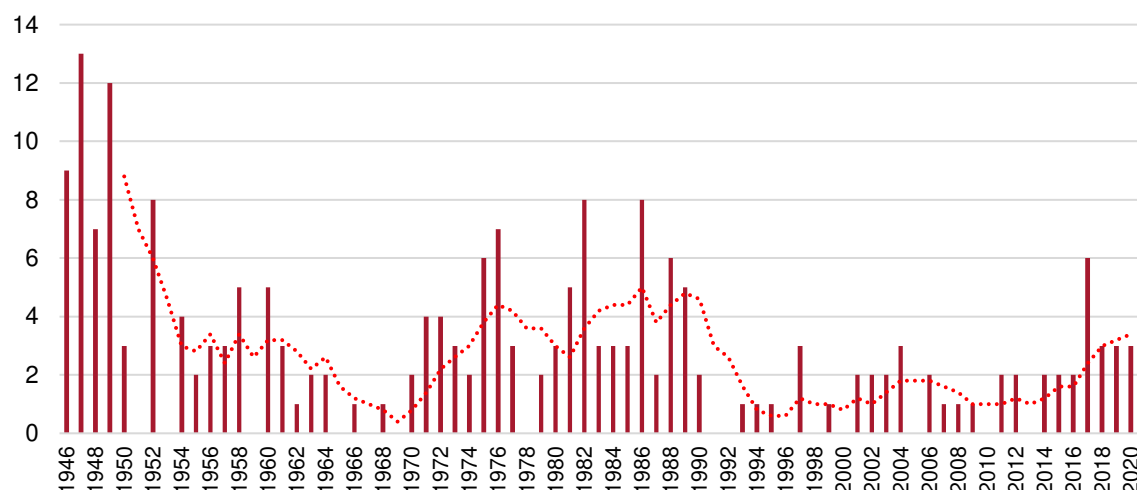
Source: the author on UN data.

The break-down of vetoes by country is also noteworthy. While the US use of the veto peaked during the country's 'unilateralist era' in the 2000s, its use by Russia and China has followed a sharp, sustained upward trajectory, especially since 2011. The Chinese figures, in particular, are striking, despite being lower in absolute terms than the Russian ones. In the last decade, Beijing has used its veto more than twice as much as during its previous 40 years of UN membership combined. These numbers indicate a clear departure from China's long-standing policy of abstention on resolutions it opposes and a shift to a much more forceful and self-assured approach. European powers, on their part, have not exercised their veto rights at all since 1989.

Figure 3. Vetoes by each UNSC P5 member by decade, 1991-2020
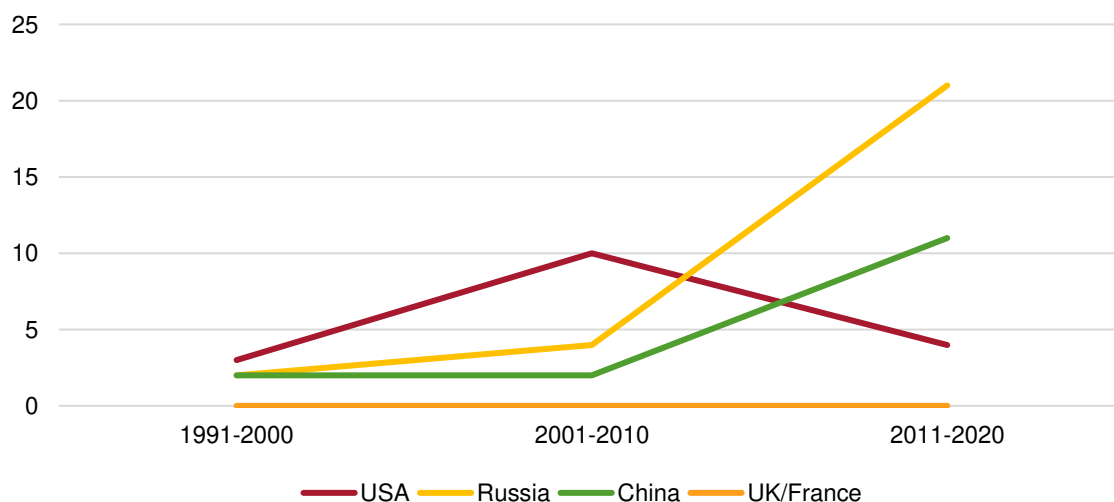
Source: the author on UN data.

The risk of UNSC-blockage for the EU is further aggravated by the geographical expansion of non-Western P5 members' respective 'spheres of interest'. Traditionally, military CSDP deployments have taken place in the Union's immediate neighbourhood –the Western Balkans, the Mediterranean and Africa. For most of the past two decades, these were zones of relative lack of interest for Moscow and Beijing, who had few reasons to strongly oppose European deployments there. In recent years, however, both countries' involvement in these regions has grown considerably. Today, China's economic and political influence is felt strongly across Africa,[10] while Russia seeks to regain its influence in the Western Balkans and is militarily present in hotspots from the Mediterranean to Mozambique.[11] As a result, both powers have stronger motivations to limit a European military presence that could undermine their respective commercial, military or political positions. If the recent and persistent Sino-Russian vetoes on humanitarian access in Syria are any indication,[12] UNSC mandates for military CSDP operations will become much harder to obtain wherever even non-vital Russian or Chinese interests are at stake.

What is more, potential paralysis in the UNSC is likely to affect the EU disproportionately, since other world and regional powers appear to be less invested in multilateralism or constrained by the legal norms that the EU faithfully observes. In the past 15 years, Russia and China have repeatedly used military force in violation of UN Charter principles. However, they have done so from behind a threadbare veil of deniability (eg, Russian 'little green men' in Ukraine and Wagner Group mercenaries in Libya, and Chinese 'patriotic fishermen' in the South China Sea) and flimsy claims of acting in self-defence or protecting their citizens abroad (eg, in Georgia and Ukraine), which allow them to bypass the inconvenience of obtaining UNSC authorisation.[13] The West is certainly not blameless here. The US has also occasionally put its freedom of action ahead of international law, sometimes with the support of individual European countries, with the 2003 invasion of Iraq standing out in this respect. And P5 members are not alone in their lax adherence to UN Charter principles. Regional powers in Europe's neighbourhood have also demonstrated their willingness to side-step international law in their pursuit of national interests through military force, including in Syria and Libya.

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[10] Alicia García-Herrero & Jianwei Xu (2019), 'China's investment in Africa: what the data really says, and the implications for Europe', *Bruegel Blog*, 22/VII/2019, https://www.bruegel.org/2019/07/chinas-investment-in-africa-what-the-data-really-says-and-the-implications-for-europe/.

[11] Giovanni Faleg & Stanislav Secrieru (2020), 'Russia's forays into sub-Saharan Africa', *EUISS Brief*, 31/III/2020, https://www.iss.europa.eu/content/russias-forays-sub-saharan-africa; Stanislav Secrieru (2019), 'Russia in the Western Balkans', *EUISS Brief*, 2/VII/2019, https://www.iss.europa.eu/content/russia-western-balkans.

[12] 'Russia, China veto proposal for humanitarian aid to Syria', *Deutsche Welle*, 10/VII/2020, https://p.dw.com/p/3f90a.

[13] Emmanuel Karagiannis (2014), 'The Russian interventions in South Ossetia and Crimea compared: Military Performance, Legitimacy and Goals', *Contemporary Security Policy*, vol. 35, nr 3, p. 400-420. 2014; Andrew Erickson & Conor Kennedy (2015), 'Irregular forces at sea: not "merely fishermen" – Shedding light on China's maritime militia', *Center for International Maritime Security*, 2/XI/2015, http://cimsec.org/new-cimsec-series-on-irregular-forces-at-sea-not-merely-fishermen-shedding-light-on-chinas-maritime-militia/19624.

Legitimacy beyond the UNSC

Ensuring the legitimacy of military CSDP deployments will be a key element of the EU's quest for greater geopolitical relevance in a rules-based global order. However, as the previous section demonstrates, with persistent paralysis in the UNSC growing ever likelier, the Union's de facto dependence on the non-EU P5's consent will prove increasingly problematic for its strategic autonomy. The sovereign pursuit of European geopolitical interests will be frustrated as long as external actors –including strategic rivals– have effective veto power over CSDP deployments, while they themselves act outside the UN framework when expedient. On the other hand, the Union can neither embrace unilateralism nor hypocritically instrumentalise international law and norms, as that would go against its own constitutive principles and ultimately undermine its objectives.

In resolving this tension between Europe's new-found determination to control its own geopolitical fate and its ingrained attachment to international law and multilateralism, the concept of 'principled pragmatism' is key. It is reflected in the notion, most recently expressed by the High Representative, that the Union will act multilaterally whenever possible and autonomously if necessary. [14] However, the concrete implications of asserting the Union's right to unilateral action have not been fully explored. As far as CSDP deployments are concerned, for example, it remains unclear what would serve as a source of legitimacy in the case of non-UN-sanctioned EU action. Given the growing recognition at the EU level of the importance of hard power in global affairs, filling this gap is essential for operationalising 'principled pragmatism' as a guiding principle of EU foreign and security policy.

With that in mind, then, what could be an alternative legitimating basis of CSDP deployments to UN authorisation? There is no single answer to that question. Legitimacy can be broadly conceptualised along internal- and external-oriented dimensions in three different ways, each opening up different possibilities in this respect. [15] The first conceptualisation, termed 'substantive legitimacy', focuses on adherence to a particular set of values and norms, emphasising the *why/what for* of a military intervention. In this context, the use of military force by the EU can be legitimated as a means to defend and promote European values, such as human rights, democracy and the rule of law. While grounding the legitimating properties of these values in their universality is appealing, that argument essentially depends on other actors' normative agreement with the EU, at a time when liberal-democratic norms are in retreat globally. A more self-assured approach would be to rely instead on inward legitimation: that is to say, deploying military forces to protect these values is legitimate not because they are necessarily accepted all over the world, but because they reflect European social preferences.

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[14] Josep Borrell (2020), 'In a world of disorder, Europe needs partners', *EU HR/VP Blog*, 10/VII/2020, https://eeas.europa.eu/headquarters/headquarters-homepage/82725/world-disorder-europe-needs-partners_en.

[15] Vivien Schmidt (2013), 'Democracy and legitimacy in the European Union revisited: input, output and "throughput"', *Political Studies*, nr 61, p. 2-22. 2013; Fritz Scharpf (1999), *Governing in Europe: Effective and Democratic?*, Oxford University Press, Oxford.

The second conceptualisation, 'procedural legitimacy', is concerned with satisfying specific procedural requirements, such as with regard to stakeholder involvement or the translation of decision-making inputs to outputs –that is, the *who* and *how* of making a decision to use armed force. A possibility here would be to rely on outward 'deliberative legitimacy'. In this paradigm, a decision to use force is justified if arrived at consensually through a process of reasoned argumentation, in which all stakeholders engage on equal terms and in good faith.[16] In practice, of course, such ideal conditions rarely obtain. Key global multilateral frameworks include influential members, such as China or Russia, that are utterly disinterested in exchanging power-politics for genuine deliberation. The Union could potentially seek legitimacy through reasoned consensus in more exclusive and deliberation-friendly forums, such as a potential 'club of democracies'. The current tensions in the transatlantic and EU-UK relationships, however, serve as a reminder that reasoned agreement is not always attainable and the power and autonomy to protect one's interests remain crucial, even among friends.

Rather than futilely seeking other powers' consent in an increasingly competitive international environment, the EU could look inwards and legitimise CSDP deployments by grounding its use of armed force in internal political-legal processes and democratic control. Given the requirement for unanimity in CSDP and the liberal democratic character of the Union and its members (notwithstanding recent setbacks), this would be an inherently deliberative process, albeit involving only European actors. In practice, this approach could mean subjecting CSDP deployments to greater scrutiny by European public opinion, in whose name and for whose benefit they are undertaken, and ultimately to authorisation by the national parliaments of participating member states. Moreover, as European security and defence policy governance is gradually becoming more supranational, a strong case can be made for an enhanced role of the European Parliament in this respect too.[17]

The third conceptualisation, 'output legitimacy' is derived from the capacity to solve problems and achieve certain outcomes –the *how effective* of employing military force. Along this dimension, the legitimacy of CSDP deployments would be determined ex post facto, based on their performance. Several criteria could be used here.[18] Internal criteria would assess deployments on their own terms, for instance on the extent to which they achieve their mandated political-strategic objectives. Such assessments are not always without difficulty, however, given that operations may have vague or unambitious goals or, conversely, be under-resourced relative to their mission and operating environment. Other internal criteria concern the implementation of deployments in terms of timeliness, efficiency and cost-effectiveness. On the other hand, external criteria would assess

[16] Corneliu Bjola (2005), 'Legitimating the use of force in international politics: a communicative action perspective', *European Journal of International Relations*, vol. 11, nr 2, p. 266-303.

[17] Raluca Csernatoni & Tania Lațici, 'Empowering the European Parliament: toward more accountability on security and defense', *Carnegie Europe*, 20/VII/2020, https://carnegieeurope.eu/2020/07/20/empowering-european-parliament-toward-more-accountability-on-security-and-defense-pub-82309.

[18] Annemarie Peen Rodt (2017), 'Effectiveness in operational conflict prevention: how should we measure it in EU missions and operations?', in Elisa Norvanto & Hanne Dumur-Laanila (Eds.), *Seminar Publication on Contemporary Peace Operations – From Theory to Practice*, Finnish Defence Forces International Centre, Helsinki, p. 97-106, https://www.doria.fi/handle/10024/143913.

CSDP operations against their broader context. For instance, deployments could be evaluated based on their effect on the crisis situation to which they are meant to respond, the proportionality of the measures undertaken to the challenges at hand, their coherence with broader EU foreign policy goals and their compatibility with EU norms and values.

Finally, there is another, critical source of legitimacy that cuts across the aforementioned dimensions, and that is power itself. Although might certainly does not make right, power can and does create its own legitimacy to an extent. Whether because its very possession can convince others that its holder deserves to wield it, because it can be used to shape preferences and procedures or because it enables the defence of one's values and the effective pursuit of one's interests, power is inextricably bound up in considerations of legitimacy. The EU's legitimacy as a security actor is, therefore, directly linked to its power as a geopolitical actor. This puts a legitimacy premium on two elements: first, on the unity of member states when deciding on CSDP deployments, so that the Union is guided by a common sense of purpose; and secondly, on the continued pursuit of strategic autonomy, so that it has the wherewithal to translate its member states' will into effective, independent action.

Conclusion

The legitimation of military CSDP deployments will be an important aspect of the Union's endeavour to evolve into a principled geopolitical power. However, its 'legitimacy dependence' on the increasingly elusive consent of all non-EU members of the UNSC poses considerable challenges in this respect. In an effort to explore potential remedies, this brief has outlined different conceptualisations of legitimacy, which open up distinct possibilities in terms alternative/complementary sources of legitimation.

In practice, the EU's approach to developing an alternative basis of legitimacy for military CSDP deployments may well combine mutually reinforcing elements of different conceptualisations. What should be the unifying element, though, is an emphasis on inward legitimation. Rather than being dependent on the consent of others, the Union should draw legitimacy from its own values, democratic processes and capacity for being a force for good. Such a legitimation paradigm could be a substantial improvement over the current UNSC-centred paradigm, by involving more domestic stakeholders and raising the moral and political thresholds for military action, while ensuring that employing the EU military instrument is not contingent on other powers' approval.

Such a paradigm shift carries considerable implications. The price of emancipation from complete reliance on other actors' consent would be a greater likelihood that CSDP deployments are occasionally contested, particularly by rivals whose ability to control EU military action through the UNSC would be eroded. In the face of increased resistance, a truly geopolitical EU would have to bolster its capacity to support its legitimacy through power. This sort of self-confident CSDP, however, would demand far more robust military capabilities and planning than what is available to the Union at present, making it all the more important that defence budgets and efforts to strengthen European security and defence cooperation do not atrophy in the post-COVID era.

Finally, the issue of use of force legitimation forms part of a broader endeavour to operationalise the concept of 'principled pragmatism'. In this context, the question of whether the Union should keep itself dependent on UNSC mandates in order to maintain the legitimacy of the UN system, even at the expense of its geopolitical interests, reflects the crucial overarching debate on the appropriate relationship between and relative priority of multilateralism and strategic autonomy as key aims of the EU's foreign and security policy.[19] The stakes of this strategic dilemma grow larger as multilateralism becomes increasingly dysfunctional amidst intensifying great power competition.

Against this background, prioritising a particular mode of diplomacy at the expense of the substantive goal of strategic autonomy would risk leaving the Union frustrated and unable to achieve any of its objectives without depending on others. On the other hand, embracing strategic autonomy as the ordering principle of its foreign and security policy would empower the Union to pursue its geopolitical objectives, including to defend and shape the multilateral system. There is some cause for optimism that the Union may be moving in this direction. European Council President Charles Michel recently argued that strategic autonomy is the main goal of this European generation.[20] This is certainly a welcome notion. It is now essential to put it into practice.

[19] Félix Arteaga & Luis Simón (2020), 'Life beyond multilateralism? COVID-19, European strategic autonomy and Spanish foreign policy', ARI, nr 74/2020, Elcano Royal Institute, 20/V/2020, http://www.realinstitutoelcano.org/wps/portal/rielcano_en/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_in/zonas_in/ari74-2020-arteaga-simon-life-beyond-multilateralism-covid-19-european-strategic-autonomy-and-spanish-foreign-policy.

[20] 'EU aims for strategic economic autonomy after COVID pandemic', *Reuters*, 8/IX/2020, https://www.reuters.com/article/us-eu-economy-autonomy-idUSKBN25Z1GL.