Legitimacy: An Evolving Concept

Heinz Gärtner, Cengiz Günay, Vedran Dzihic, Jan Pospisil

Abstract:

This project analyzes the structural environment and the evolving context in which legitimacy exists. The project uses the criteria for the definition of legitimacy based on existing literature and adapts them according to the empirical cases of the project: Egypt, South-Sudan, and Bosnia. Through a comparative qualitative method, the project proves its hypothesis that all of the selected criteria are necessary for the establishment of institutional legitimacy, but that their importance depends on the context. The recommendations and findings of the project provide a basis for decision-makers on whether international support or intervention is necessary to create stability.

Zusammenfassung:

Das vorgelegte Project analysiert die Strukturzusammenhänge und den sich verändernden Kontext in denen Legitimität existiert. Das Projekt verwendet auf der existierenden Literatur basierende Kriterien für die Definition von Legitimität und adaptiert diese anhand der empirischen Fallbeispiele Ägypten, Bosnien und Süd-Sudan. Die Hypothese, dass die gewählten Kriterien für die Etablierung von institutioneller Legitimität notwendig sind, aber ihre Bedeutung vom Kontext abhängt, wird durch eine vergleichende qualitative Methode bewiesen. Die Empfehlungen und Ergebnisse des Projektes sollen eine Basis für Entscheidungsträger werden, um zu entscheiden ob internationale Unterstützung oder Intervention notwendig ist um Stabilität herzustellen.

Authors

Univ.-Prof. Dr. Heinz Gärtner is academic director of the oiip and senior scientist at the department of political science at the University of Vienna. He held a Fulbright Fellowship as well as the Visiting Austrian Chair at the "Freeman Spogli Institute for International Studies" at Stanford University where he had further visiting fellowships. He was also visiting professor at the King's College, London; Johns Hopkins Institute for East-West Security Studies, New York; University of Erlangen, Germany; St. Hugh's College, Oxford; University of British Columbia; World Policy Institute, New York; University of New Haven. He lectures often at other American, European, and Asian universities and research institutes. His research areas are among others European, international security, arms control, and International Relations Theory. Heinz Gärtner received the Bruno Kreisky (legendary former Austrian Chancellor) Award for most outstanding Political Books.

Dr. Cengiz Günay is a senior researcher at the Austrian Institute for International Affairs –oiip- and lecturer at the University of Vienna. His fields of research are Islamism, state reforms, democratization processes, and foreign policy. His regional focus lies on Turkey, the Arab Middle East and Euro-Mediterranean relations. Cengiz Günay has published a wide range of articles, analyses and policy papers on these questions. He also consults state agencies and comments on Turkey and the ME in national and international media. Cengiz Günay is the author of *Die Geschichte der Türkei. Von den Anfängen der Moderne bis heute* published 2012. Together with Jan Pospisil he is the co-editor of the series *Viennese Contributions to International Affairs. ADD-ON – Yearbook of the oiip.*

Dr. Vedran Dzihic is a senior researcher at the oiip and lecturer at the University of Vienna. He is also a non-resident Senior Fellow at the Center for Transatlantic Relations, School of Advanced International Studies, John Hopkins University, Washington D.C. His field of research are related to democracy and transition processes, European integration, civil society and protest movements, foreign policy, conflict research, and nationalism. His regional focus lies on Eastern and Southeastern Europe and the USA. He has published numerous books, articles and analyses on these questions and is regulary contributing to national and international media.

Dr. Jan Pospisil is senior researcher at the oiip – Austrian Institute for International Affairs and Lecturer at the Institute for Political Science at the University of Vienna. His research interests are international security- and development policy, resilience, state legitimacy, state fragility and statebuilding, peace processes and theories of International Relations. Jan Pospisil works also as a

policy consultant (e.g. for the Federal Chancellery, the Austrian Ministry of Defence and the Austrian Development Agency). He has conducted various field trips (particularly to Sudan, South Sudan, Uganda, Colombia, Sri Lanka and the Philippines). He is co-editor of the series „*add-on: Viennese Contributions to International Affairs*" and author of "*Die Entwicklung von Sicherheit [The Development of Security]*", published by transcript.

Introduction

Legitimacy is a complex phenomenon, difficult to define and hard to operationalise. It always involves both state and non-state actors, power and morale. It is also contingent on a specific environment. The smaller the geographic area to which it applies is, the more coherent it becomes (Kissinger, 2014, 9). Several criteria are necessary to assess the coherence of legitimacy within a certain structure. They have to include governance, nation, ethnicity, religion and participation of the population.

One can distinguish between two major perspectives on legitimacy; a normative and an empirical one. A normative understanding of legitimacy holds the view that there exists an objective notion of what is right, just and legitimate, while an empirical understanding entails the idea that what humans consider as right justifiable or legitimate differs across time, space and context (see Schlumberger 2010: 235). The latter view builds on Max Weber's notion of legitimacy as an empirical concept. Weber highlights the centrality of the belief of the ruled in the legitimacy of the hegemonic political order (Merkel, Gerschewski, Schmotz et al. 2012: 9). The distinction between normative and empirical views comes close to what Weatherford (1991) and others define as macro and micro perspectives on legitimacy. Weatherford holds that "proponents of a macro viewpoint note that evaluating a political system's claim to legitimacy depends on the presence of constitutional guarantees of access and equality", criteria that can be easily observed and judged by outside observers (1991: 251). By referring to allegedly universally valid schemes, indexes and criteria - that are based on Western /European experiences and discourses- normative or macro perspectives are of little help for empirical social science as they do not consider contextual, local and temporary aspects and factors.

By suggesting to understand "legitimacy as a reciprocal category within the relationship between rulers and ruled" authors such as Schlumberger (2010: 236) highlight the procedural character of legitimacy and point to the need to bridge normative and empirical perspectives on legitimacy. Sound studies on political legitimacy need to combine the different perspectives more constructively (Weatherford 1991: 252). Weatherford (ibid) proposes in this context the inclusion of two theoretical constructs that are closely related to legitimacy and which according to him complement the micro and macro perspectives. One is political alienation, the other representation. As the obverse of civic membership, political alienation calls attention to "what is missing when citizens withdraw their

loyalty from the government or the political community" (Weatherford 1991: 253). However, different from popularity "[legitimacy] is a collective judgement that the exercise of power, through a policy or action, is valid even if it is unpopular" (Frank in Sedgwick 2010: 254). The distinction becomes even more apparent and important when dealing with non-democratic political systems. But what makes a non-democratic system with limited representation legitimate? How is the structure of the reciprocal relationship between the rulers and the ruled defined? Who are the addressees of legitimisation processes? On which legitimacy sources do rulers build and how do they apply them?

The project

This project analyses the institution of legitimacy of state and non-state actors on a theoretical and empirical level. It looks at the relationship between structure, agent and processes. This means that the legitimacy of actors depends on a certain structural environment and that it changes within an evolving context, which we call processes. Certain criteria for the definition of legitimacy have been developed. They are based on the existing literature (e. g. among many others Dobbins et al., 2008) and on the state of the art. The project adapted them based on the empirical cases of the project, however. The criteria include the mode of governing, political participation, national unity, ethno-politics and religion, delivery and quality of goods, as well as international legitimacy provided by international institutions. Only those criteria have been selected that can be applied to both state and non-state actors. Therefore, the criteria that are used only to assess state-legitimacy, such as sovereignty, the legitimate monopoly of the use of force and rule of law, have been dropped (for state-centered criteria see e. g. Malek, 2006). States, for example, play an important role as an agent who provides public goods (Hanson, 2014), but so do non-state actors. The criterion control of territory and borders is challenged by non-state actors, but it is not a necessary condition for the legitimacy of non-state actors; therefore it is not included. Other criteria (see e. g. Hampson/Malone, 2002) like human resources, societal networks, infrastructure and environmental quality, administrative functionality or corruption are subcategories that are covered by the main categories, but the project does not compare them systematically. The cases which the project looks at are the shifting legitimacy platforms in Egypt, the legitimacy game in South-Sudan, and the shifting forms of legitimacy in Bosnia.

Hypothesis

The main hypothesis of the project is that for the institutional legitimacy of the agents to be established, all of the selected criteria are necessary, but that their relative importance is dependent on the regional structure and the shifting context. For example, surprisingly, in South-Sudan the delivery and quality of goods provides the most important legitimacy for the ruling elites, but it can also include corruption. In Egypt and Bosnia the mode of governing plays a more important role. It turned out that international legitimacy is of relatively minor importance for the regional actors.

Method

The project uses a comparative qualitative method. The project relies on the assessment of policy-relevant cases rather than trying to use "all" cases, which the method of statistical studies would require. The selection of the criteria draws upon existing quantitative studies, however. The comparison is structured according to the criteria and focused on the selected cases (for the method "structured, focused comparison" see Drozdova/Gaubatz, 2013). The comparison is based on the theoretically identified criteria and their variation is analyzed across the policy-relevant cases. For each case the criteria are ranked in the framework of the regional and structural context. A comparative method includes the components of time, space and context. This project compares three different regions (spaces) over a certain defined period (time) in a changing context for each case (process).

Expected findings

The findings might provide a basis for decision-makers on whether international support or intervention is necessary to create stability. A high degree of legitimacy of the actors might make international intervention unnecessary or ineffective. It would be unnecessary because a high degree of legitimacy creates a stable situation, it might be ineffective because it implies a strong loyalty of the local population; it would be very difficult for external actors to win its hearts and minds. A low degree is likely to create instability and an international intervention might be necessary but also costly, as it would take place in an instable environment and it would most likely take a long time to create stability.

The decision about international involvement also has to take into account whether the regional environment is structurally friendly or hostile. Most important of all is the question of whether external interference can influence or even change the process towards a better outcome, meaning whether an external agent can turn a hostile into a friendly environment.

Egypt: Shifting legitimacy platforms

Cengiz Günay

This contribution deals with the empirical realities on the example of a non-democratic political system as Egypt. Since the military coup of the free officers from which Gamal Abdel Nasser emerged as the country's unrivalled charismatic leader until the military coup that removed Egypt's first civilian president, Mohammed Mursi, the country has undergone serious structural changes. These changes had also implications on the structure of the relationship between the rulers and the ruled as well as on the sources and modes of political legitimacy and its addressees. Not only had the ideological basis of the regime, but also the modes of economic distribution, the regime's constituency and the international environment changed radically.

The study aims at combining micro and macro levels by referring to factors such as the mode of governing, the form of political participation and the existence of democratic institutions, the question of national unity , the role ethno-politics or / and religion play, quality of goods delivered by the state, and the international legitimacy of the regime. The focus of this analysis does not lie on the motivations that lead individual choices, preferences and loyalties, but rather on the changing sources and modes of legitimacy and its addressees across time.   By applying a procedural perspective the study distinguishes between the political, economic and international structure and the agents of political legitimacy performing against this background.

The changing modes of governing

Gamal Abdel Nasser (presidency 1954 – 1970) created the structural and legal foundations of the authoritarian Egyptian state. The republican system he built, puts the president and his office at the centre of a highly bureaucratized and centralized polity. Despite its authoritarian character, the Egyptian regime has been always eager to act within a constitutional and legal framework. Legality or constitutional legitimacy were guaranteed through the control of the system. Nasser vested the

office of the presidency with tremendous constitutional powers. In the political system the presidency is positioned much above the cabinet, the parliament, the army or the courts. These institutions are considered as columns of the political regime, but not as independent governance bodies. This structure has blurred the lines between state, administration and politics. Sedgwick (2010: 254) holds "in an authoritarian state, the system by which an administration comes to power and/or remains in power includes repression". The monopolization of power at the very end of a hierarchic political system entailed not only the dilution of the authority of other state institutions, but also the crackdown on any social and political forces that could not be co-opted and integrated into the system.

Nasser was able to implement this system mainly based on two legitimacy sources: charismatic leadership and ideology.

The Suez Crisis (1956) and Nasser's diplomatic victory over the former colonial powers France and Britain bestowed upon him the aura of a national hero that emanated much beyond the borders of Egypt. His legitimacy as leader built on a mixture of Arab nationalism and Egyptian patriotism. In return his nimbus of a national savior turned the office of presidency into the most popularly accepted and hence legitimate element of the political system (Hinnebusch 1990: 195). Ideology played a minor role in regard to the organizational structure of the political system. Yet, Nasser's state-led development policies referred to modernization theory, they promised increased levels of equality, an ideological message that was particularly appealing to the economically disadvantaged broad masses.

Although, as a political conception Nasserism ended with the leader's death, the authoritarian system he had established survived. He left well after his death, an enduring twin legacy of legitimacy and coercion (Hinnebusch 1990). His two successors Sadat and Mubarak lacked Nasser's popularity, but they could build on the legal legitimacy of the authoritarian system. Sadat was an outsider and did not have any power base neither within the political system, nor within society. But as Nasser's legal successor, once officially confirmed in the office of presidency, he was in control of the instruments commanding the polity. The Egyptian army and the strategically important presidential guard declared their loyalty to the new president. The authoritarian power system proved to function also after Sadat's assassination. There was no struggle over succession. Mubarak as former vice-president overtook the post. His legal authority was not questioned. Mubarak could neither build upon the legitimacy of the July Revolution, the May Revolution or the October War, nor

did the bourgeoisie owe him anything for the liberties opened by Sadat. However, once in office, holding the institutional keys to the whole state structure he has been able to manage to keep up the power balance without any other legitimacy than that coming from the authority of the office. Since Nasser's death, the addressees of legitimacy processes had dramatically changed so had the modes and sources. Parallel to the shifts in the regime's constituency - from the broad masses to key strategic groups- also the modes of legitimacy changed from populist development policies to increased patronage and clientelism. The legitimization of Mubarak's rule built on other political, social and economic bargains. Mubarak's rule survived as long as he was able to balance out different elites (including the powerful Egyptian army) and as long as they believed that they are best served through acquiescence to the framework of the "Mubarak system" of distribution.

The political agreement of the "Mubarak system" broke up when Mubarak tried to install hereditary rule by bringing his son Gamal into position for his succession. Mubarak's ambition did not take into consideration the tacit rule that since Nasser, Egyptian presidents had all been former army men. Gamal Mubarak's potential move up into presidency threatened the political and economic power balances of the "Mubarak system".[1]

From this perspective, together with economic and social turmoil, Mubarak became a liability for the political settlement that had guaranteed the survival of his authoritarian presidency for almost 30 years. Ironically, now, his removal guaranteed the survival of the system he represented.

The mass protests against Mubarak did not topple the regime, but they induced an orderly transfer of power. Mubarak resigned and handed the powers of the presidency over to the Supreme Council of the Armed Forces (SCAF) under the leadership of Field Marshall Tantawi.

The SCAF, as the highest legal authority, dissolved all political institutions and laid out a political road map. At no time, the authoritarian character of the system was subject to negotiation.

President Mursi, the country's first democratically elected President, a member of the Muslim Brotherhood, tried to rebalance. Neglecting the role of the key strategic groups, he tried to establish a new relationship with society. However, Mursi overestimated the legitimization by democratic vote, he disregarded the fact that legitimacy "is never fully conquered nor completely and forever achieved" (Ferrarotti in Schlumberger 2010: 236). Mursi failed to reach out to strategic key groups and trusted too much in his mandate and the support of his constituency.

---

[1] Gamal tried to legitimize his political ambitions – he was elected secretary general of the ruling party- not through the fact that he was the president's son, but through the construction of his image of a neoliberal reformer built on his earlier career as an investment banker in London.

Political participation and democratic institutions

In Nasser's Egypt political participation was directed to controlled channels such as the single party, the trade unions or syndicates (Hinnebusch 1990; Harders 2008). Any institutions or groups which could have challenged his claim for power monopoly were either absorbed or destroyed. Parallel to limited economic liberalization, Sadat enabled limited political pluralism. This meant that the former single party was divided into three parties that should represent the left, the centre and the right. Sadat also allowed the return of Islamist groups such as the Muslim Brotherhood to the social and societal arena. In contrast to his two predecessors President Mubarak hoped to control a growing Islamist movement through the controlled inclusion of moderate mainstream Islamist opposition into the political system. Members of the Muslim Brotherhood were allowed to run as independent candidates in the parliamentary elections and in the elections to the professional syndicates. Elections were held regularly, but manipulations, fraud, gerrymandering and the obstruction and detention of oppositional candidates guaranteed the desired results.

Limited political liberalization should be assessed against the structural shifts on the international platform. After all, together with increased global market integration legitimacy has also gained an international dimension. I will however further explore on international legitimacy a bit later.
The removal of Hosni Mubarak opened the political arena to all those groups that had been barred from political participation. Among the many political parties and platforms that emerged after February 2011 were many Islamist ones. Islamists came in all shades to the political arena. While most of the young revolutionaries who had brought about the fall of Mubarak demanded thorough political reforms and a new constitution, most of the Islamist parties demanded immediate elections.

Muhammad Mursi, Egypt's first elected civilian President failed to maintain the political settlement that was created through the democratic elections. Mursi not only failed to deliver many of the promises he had made to his electorate, he also failed to establish a new settlement with the political and economic elites. The power elites of the old order took over. Mursi and the Muslim Brotherhood, which had first functioned as allies in order to isolate those forces who demanded thorough political reforms and a new constitution, now proved to be a threat for the continuity of the political order.

The successful protests against Hosni Mubarak have created a new culture of protestation. Protests were discovered by different social and political groups as a means to put pressure on the authorities. This was particularly the case during the transitional period controlled by the SCAF. Different political groups used protests for pressure on the SCAF for inclusion into the military-led political transition process. However, the right to demonstrate has been restricted since Abdel Fattah al-Sisi's coup in June 2013. Ever since, Egypt has experienced the return auf authoritarian practices. This does not only entail the fight against the Muslim Brotherhood which has been declared a terrorist organization, but also the control of media.

National Unity

In contrast to many other Arab states that emerged after the breakup of the Ottoman Empire in consequence of French and British imperialism in the region, Egypt has existed as a distinct cultural, territorial and political unit for several thousand years. The emergence of the modern Egyptian state is attributed to Muhammad Ali Pasha. Muhammad Ali was part of the Ottoman forces sent into Egypt after the withdrawal of the Napoleonic forces. He could use the rivalries among different societal groups for his own benefit and was soon appointed governor. His goal was to found his own dynasty and to promote Egypt's independence from the Ottoman Empire. Muhammad Ali began to implement comprehensive institutional, administrative and economic reforms on a Western development model (Ayubi 2001: 103).

His educational reforms introduced Western sciences. The new schools produced educated elites whose members desired to emulate at least the external trappings of European civilization. He set up a framework of modern government and the transaction of business in organized fashion (Vatikiotis 1991: 52). The idea of Egyptian-ness was promoted through the institutions of the modern Egyptian state.

In terms of ethnicity Egypt is considered to be a rather homogeneous society. The country however counts a rather large number of Christian Cops. Data on the number of Egyptian Copts varies between 4.3 and 10 million. Egypt's Shia community has a long tradition. However, Shias have been increasingly discriminated against by conservative Muslims. More than ethnic divisions it is religious tensions between radical Salafist elements on one hand and Copts and Shias on the other hand that are endangering the unity and stability of the country. Besides regional disparities between urban

areas such as Cairo and Alexandria and the Delta region on one hand and provincial areas in central and Upper Egypt on the other hand and social inequality between the masses and a small elite, it is the cultural gap between these elites and the masses that might threaten the country's unity.

Traditionally the Egyptian bourgeoisie has been cosmopolitan. Their lifestyle, culture, the areas they live and work and the educational institutions they attend have been segregated from those of the broad Egyptian masses. In short, the territorial expansion and the ethnic and confessional composition of the state have been hardly challenged, nor has the concept of an Egyptian nation been questioned.

Ethno-Politics / Religion

However, the concept of Egyptian-ness has been in conflict and has at the same time overlapped with the idea of Arab nationalism and the ideal of a transnational Muslim *umma* (the community of Muslims). Arabism gained ground in reaction to the Palestinian issue. As the call for Arab unity entailed a strong anti-colonialist and anti-imperialist, but also anti-dynastic element, it was mainly promoted by progressive, social-revolutionary movements.

Although, they praised Arabism as an alternative to Socialism and Capitalism, the development and industrialisation policies deployed were influenced by modernisation theory and were guided by a Western normative framework. This was also one of the major obstacles for an effective and lasting unification under Arab nationalism. The boundaries and structures of the relatively new Arab states, the local and regional differences, resentments and animosities among them proved stronger than a pan-Arab ideal. [2]

Michael Barnett holds that on the one hand Arab nationalism assisted and on the other hand it complicated the Arab states' search for legitimacy. "As long as citizens in Arab states adhered to an Arab identity and did not identify with the goals of the state, Arab leaders were unable to use state-centric principles to justify their actions; therefore, these same leaders were likely to turn to an Arab political identity that was most salient to its population and to justify their policies as being in the

---

[2] Under Nasser's leadership Syria and Egypt merged in 1958 under the name of the United Arab Republic, however the new state was dissolved only three years later. As Nasser was determined to expand his political conceptions to Syria, Syria was not treated as an equal partner, but rather as an Egyptian province.

interest of the Arab nation (Barnett 1993: 284). Hence one can conclude that references to Arab nationalism aimed at legitimising the policies of Arab leaders domestically and regionally, but at the same time they delegitimized the sovereignty of the respective state.

Barnett (1993: 274) highlights that this entails multiple roles that are potentially conflicting, but it also allows flexibility. "Some roles, such as that of a sovereign state, are formal and constraining while that of being Arab, remains rather informal and allows relative flexibility".

Overlapping identities such as the feeling of being part of a larger in this case transnational Arab and/or Muslim community and being at the same time part of a smaller, local Arab culture is not distinct to this region. However, as Fred Halliday (2009: 15) highlights more than in any other region of the world, in the Middle East it is the norm to intervene in each other's affairs. Halliday ascribes this not to any cultural particularity of the region or as many scholars would do to the "artificiality" of states and of borders but to the "low salience of sovereignty". This, he holds, "is a function of the disputed character of the political and social regimes within each state and the uses made of this, and the dangers believed to be posed to them, by neighbouring states" (Halliday 2009: 16-17).

With the failure of state-led modernization policies and the defeats of pan-Arab interventions (the 1948 and the 1967 wars against Israel were both, coordinated Arab actions) religion, religious references and symbols emerged as important sources of legitimacy. The "Islamic wave" that has seized most of the Middle East from the 1970s on has been however a new form of religiosity. Many Muslims in the region discovered Islam at a later point in their lives. As Asef Bayat (2007) holds the new Islamic consciousness has been different from simply being born as Muslim and following rather "unconsciously" the Muslim rules and traditions. The new Islamic consciousness entailed the perception of Islam as a way of living, in that sense as a life style. This also reflected into the regime's way to seek legitimacy. An amendment to the constitution in 1971 declared the *shari'a* to be the source of law. In 1980, this passage in the constitution was again amended, declaring the *shari'a* to be the primary source of law. Sadat also implemented religion as a compulsory subject in schools and universities. On TV, the number of religious emissions or those with religious contents increased. The regime used the co-opted institutions of Islam, such as the venerable al-Azhar, to propagate its own moderate understanding of Islam. The very same al-Azhar also proved the conformity of laws with the *shari'a*. However, since the al-Azhar has been subjugated to the state authorities, its venerable sheikhs defended an Islam which was in line with the regime's policies (Günay 2008). Religious

15

references have become accepted legitimization devices of the political rhetoric, applied not only by Islamist politicians, but also by seculars from different ideological backgrounds. They are deployed in different domestic and international contexts and they often serve to link to broadly shared narratives.

In light of growing conservatism within society, the Egyptian regime sought religious legitimacy sources. The regime's growing repression in the cause of public religion and morality. This included police raids against gay groups, censorship of books and films deemed to insult people's religious feelings and the persecution of individuals on religious grounds.

The narrative of the al-Sisi regime has stemmed the new government as a guarantor of stability and security against the danger of political chaos and economic crisis. President Al-Sisi has drawn on familiar legitimacy sources. The regime applies a combination of religious and ideological sources. Al-Sisi presents himself as a pious Muslim who represents real Islam while the Muslim Brotherhood has been portrayed as a non-patriotic transnational organization with a sectarian character that pursued ideological goals that were not compatible with Egypt's national interests. "The dilemma between the former president and the people originated from the ideology that the Muslim Brotherhood adopted for building a country, which is based on restoring the Islamic religious empire" (Lally Wymouth, Interview with Sissi, Washington Post, August 5, 2013)

Delivery / Quality of Goods

The Nasserist regime's modernisation and industrialisation policies were state centric. His policies included huge investment in the public sector; the development of the education and health services, as well as a minimum level of social services. Nasserist welfare programs spread public education among the middle and lower classes and opened them new doors to the state bureaucracy which was formerly exclusive to the members of the educated elites. State led industrialisation and modernization policies led to a fast expansion of the Egyptian bureaucracy. This did not only help strengthen state power but it also provided jobs for the formerly marginalised middle-class.

Gilley and others have identified welfare gains as a variable that strongly impacts legitimacy (Schlumberger 2010: 238). The Nasserist system included an authoritarian bargain that built on a tacit social contract with the middle-and lower classes; Social welfare and social advancement in

return for authoritarianism. After his death, the structure of the authoritarian system Nasser had established remained intact, but the essence of the authoritarian bargain between the regime and society changed. Sadat revised the social contract. Instead of the support of the masses he built on the support of the old and new elites. Parallel to the shift in economic politics and a realignment on the international stage – Egypt moved from a leading block-free country to a major pillar of the Pax Americana in the region – not only the domestic and international addressees of political legitimacy shifted, but also the modes changed.

This was particularly palpable regarding the modes of delivery of goods. While the Nasserist state provided social services through formal institutions, these channels became increasingly undermined, replaced by or merged with informal channels based on kinship, neighbourhood, origin or religious affiliations (Harders 2008). What could be observed was an increasing "informalization" of state-society relations. Patron-client relations have permeated all sectors of society. They have not only played a growing role in politics and have regulated political participation, but they have also become decisive in regulating everyday life at the local and neighbourhood level.

The state's almost total withdrawal from welfare and social policies led to the rise of un-institutionalized and hybrid social activities, particularly among the disenfranchised. Silent encroachments such as the land-take over, illegal constructions or street vendors selling their products illegally in the streets have challenged the authority of the state (Bayat 1997). Tarifa highlights that "the decisive factor draining away the legitimacy of the Socialist system and inevitably leading to its collapse was the inefficiency of Sovietism as an economic order and its repeated failures to fulfil people's increasing expectations and even their basic economic demands"(cited in Sedgwick 2010: 254). Similarly, the Egyptian regime has lost the ability to respond to people's expectations, but different from Communist regimes that were based on rigid ideology, the Egyptian regime has displayed great flexibility. Religious, kinship and patronage networks have been important actors of the re-traditionalisation of inter social and societal relations as well as of economic relations between the "rulers" and the "ruled".

Religious networks have not only entered in competition with state-institutions, but in many newly urbanized areas they have even replaced them. In poor newly urbanized and neglected neighbourhoods the mosque, run by certain Islamic groups, has often replaced the non-existent

state. It has been an informal local centre of authority, surveying and exercising public order and justice, and providing education and health services.

International legitimacy (EU /US /UNO)

Across time, the international legitimacy of the Egyptian regime changed radically. Whereas in the context of the Cold War, Nasser had built Egypt's international legitimacy on his anti-colonial fight, the country's role as a leader within the Arab world and a leader of the block free powers, the focus radically shifted under Anwar as-Sadat. Sadat's decision to make peace with Israel isolated Egypt within the Arab world and induced a radical shift towards the US. Egypt became one of Washington's closest allies in the region. Egypt and the Egyptian army as one of the major beneficiaries of this new alliance- the army is the financial beneficiary of approximately 1.5 US aid per year - became one of the pillars of the Pax Americana.

In light of the authoritarian character of the Egyptian regime Mubarak needed to balance out different power groups, but being in control of the media and by applying gerrymandering and by manipulating the elections, he had less to worry about public opinion in regard to foreign policy issues than democratically elected governments. However, as the regime's survival has been also strongly connected with its international position, the regime became increasingly worried about its international image. This induced a greater sensitivity to international public opinion, before which it tried to appear moderate and liberal (Günay 2008, 310). This was for instance reflected in the regime's policies towards international civil society organizations and their operations in Egypt. In most of the cases the regime refused licences on security grounds, but they were allowed to be formed and function with a high public profile.

The Mursi government did not introduce major shifts in Egypt's foreign policy orientation, but it tried to diversify Egypt's foreign policy options by opening new initiatives towards Iran, Saudi Arabia, Sudan and Turkey. By pursuing a regional strategy that focused on Muslim countries, Mursi tried to rebalance the country's international legitimacy as a leading Muslim / Arab state.

The incumbent Al-Sisi regime enjoys legitimacy domestically – this is guaranteed by the monopolization of the political discourse through media control and the therewith connected framing effects - but it lacks legitimacy on the international platform. Whereas some regional powers such as Saudi Arabia or the Gulf states –except Qatar- have strongly supported Mursi's

removal out of their own regime interests, Western powers such as the US and the EU have reduced their contacts with the new regime due to the fact that it was enabled by a military intervention.

The fact that the democratically elected President was deposed and imprisoned, his party dissolved and the organization of the Muslim Brotherhood persecuted caused a legitimacy crisis that is difficult to overcome.

Tracing shifting forms of legitimacy in Bosnia and Herzegovina

Vedran Dzihic

Even after 19 years of post-conflict development and democratic transition following the Dayton Peace Agreement in 1995, Bosnia and Herzegovina still falls in the category of countries shaken by the political crisis or even in the category of so-called fragile states. Several authors and scholars argue that Bosnia and Herzegovina in the years since 2006 has been facing a serious crisis of stateness and democratic legitimacy, with the basic foundations of the state permanently questioned and challenged from major political forces in the country. Bosnia and Herzegovina is frequently described as 'a country of conflicts and contradictions'.) (Gallup Balkan Monitor2000) At the same time, even major indices (Nations in Transit) that measure the level of democratic stability and quality in so-called 'transitional states' indicate that democracy development in Bosnia has slowed down and is actually stagnating. (Nations in Transit 2013, 2014) Undemocratic practices have grown in parallel with the stagnation of democratic development, creating a new protracted relationship between democratic and non-democratic legitimacy in the country. The democratic legitimacy can be defined as the complex and multi-layered phenomenon with following dimensions of political legitimacy relevant for the stability and effectiveness of democratic regimes: a) support for the political community, b) support for basic principles of rule, norms and procedures, c) assessment of the overall performance of the regime (output), d) support for institutions by the citizens, e) trust in regime and institutions by the citizens. (Dalton 2004) A particular regime with low scores in these five dimensions might be characterized as non-democratic or even authoritarian.

According to research done by Wolfgang Merkel and his research group at the WZB the authoritarian regimes rely on three pillars of stability. (Gerschweski et al 2012) The pillars are defined as legitimacy, co-optation and repression. Legitimacy in this framework is understood as either specific (output-oriented) or diffuse (addressing values and attitudes – political ideology, nationalism, religion, common history or even charisma of a leader) support for the regime. Co-optation, which can be formal or informal, is defined as the process of binding important actors and groups from outside the original regime core to the regime so that they do not employ their resources against it. Those strategically important actors consist mainly of economic elites, the security apparatus and the military. The co-optation is realized by corruption, clientalism and the formation patrimonial networks undermining the democratic legitimacy while creating another form of legitimacy for particular groups instead. And finally, repression is the use of power that is targeting physical

integrity and individual freedoms. While such a form of hard legitimacy is commonly not used in the Bosnian case, we can detect numerous examples and fields where soft repression is exercised in form of restriction of political rights or pressure on the population through various channels (like legal repression, rule by the law, etc.).

Departing from this theoretical considerations the starting point to analyse the democratic and non-democratic forms of legitimacy in Bosnia is the thesis that the notion of democracy and democratic legitimacy in Bosnia has been damaged dramatically during the 19 years after the war, thus leading to a situation where non-democratic or hybrid or even authoritarian forms of legitimacy have emerged. The major factors that have contributed to the crisis of democratic rule and legitimacy in Bosnia and a deep mistrust between citizens and their political representatives are a) structural problems of the constitution agreed to at Dayton and the resulting dysfunctional government (see the chapter on the modes of government, b) a permanent political crisis based on the instrumentalization of ethno-nationalism paired with c) prolonged socio-economic problems and limited delivery of goods (see the part of the paper focusing on delivery of goods).

The combination of all these factors results in a hybrid form of governance, where citizens remain excluded and unable to formulate and pursue their interests. This hybrid state of governance in Bosnia can be best described as electoral democracy with limited acceptance from the constituency, where the political elites have been able to create instruments of power based on managing and using fears and ethno-national sentiments (soft-repression) paired with co-optation in economic terms. Such a system, labeled as electoral *ethno-cracy*, has a specific kind of its own logic and functionality; it is able to satisfy certain needs of constituencies while neglecting others, thus creating a permanent crisis in the country and leaving it in a limbo.

In the following chapters the concept of democratic and non-democratic legitimacy will be empirically examined by looking at various important dimensions of legitimacy.

Modes of Government

The "Daytonism" as one of central modes of governing and a form of the process legitimacy based on common practice of the Bosnian political elites since 1995 represents a major source of legitimacy in Post-War-Bosnia. The "Daytonism" can be defined as followed:

The constitutional provisions of the Dayton Agreement based on the ethnic power-sharing principle made the country highly dysfunctional. Institutions are either blocked in their work by the use of ethnically motivated veto rights or were inefficient due to the pervasive influence of political parties pursuing their own political agendas instead of striving to realize the interest of their constituencies. When the Dayton Agreement inscribed the ethno-nationalist conflict into the institutional raison d'être of the country, it was obvious from the beginning of the implementation of the accord that political elites would use ethno-nationalistic rhetoric and arguments as the dominant instrument of power. This is confirmed by the kind of rhetoric widely used within the Bosnian political space since 2006 until now (December 2014), where politics been reduced to a zero-sum game. Using fear as a "political principle" became a dominant tool in the hands of political elites for maximizing their power and thus legitimize their rule.

The Dayton Peace Agreement and all its contradictions contributed to the emergence of the phenomenon that I describe as "Daytonism". Daytonism as a dynamic category describes a logic and political practice for creating legitimacy within the framework of Post-War-Bosnia, where Bosnian (ethno-national) political parties and constitutive people constantly and voluntarily (mis)use and instrumentalize provisions of Dayton for their own political purposes. Dayton is understood as a fluid and changeable category, which enables political ethnic elites to distance themselves from Dayton while in another moment claiming that their politics are based solely on Dayton and its provisions. (Dzihic 2012) Generally, we can argue here that the immanent political crisis in Bosnia and Herzegovina since 2006 has its roots in the structural and institutional preconditions created in Dayton and in the phenomenon of Daytonism. The legitimacy of the Dayton political order is thus closely related to (explicitly or implicitly) formulated and agreed rules of procedure, which are strongly based on ethnic arguments and political reasoning.

Political participation and lack of trust in politics and institutions

The formal ways of political representation (elections) in the course of 19 years since the end of the war have produced a huge amount of frustrations within the population and an overwhelming percentage of the citizens with no or very little trust in political representatives. Lacking other forms of direct democracy citizens of Bosnia have recently (2013 and 2014) increasingly started to express their political opinions on the streets.

Generally spoken participation is one of the core element of modern democracies. Understood in more broad sense, participation can be defined as an activity that reaches beyond the mere voting act and includes other kinds of engagement in political processes of decision-making and deliberation. From the degree and kind of participation one can draw conclusion as to the democratic legitimacy of the regime. If participation is limited, reduced or senseless (from the point of view of the engaged citizens), then the democratic legitimacy of the system is likely to falter. This is precisely the case in Bosnia. Bosnian citizens generally don't have trust in political institutions and elected leaders. They feel deeply disappointed about the output of the system (output legitimacy) and do not see any possibility to influence the political elites through elections or any other forms of participation (input-legitimacy). Against the background of the crisis both the input- and output-legitimacy in Bosnia the social protests of the year 2014 can be seen as a legitimate and genuinely democratic outcry of the citizenry ready to start changing the regime that does not deliver at all.

The major and massive outburst of social protests in Bosnia started in February 2014. Against the background of poor performance of political elites, the constant decline in terms of living standards as well as limited possibilities for participation many citizens of Bosnia reacted by relaying on new ways of expressing their interests and voicing their frustrations about the state of democracy. Protests formulated a fundamental critique on the status quo and thus challenged the legitimacy of the current regime.

Looking at the reactions at the protests by the Bosnian political elites, they stand clearly for a response directed towards reducing and – in a long-term – eliminating any influence by the citizens that cannot be controlled by the regime. This was done by simple strategy of "sitting out" the protests, by applying state force and judicial apparatus to punish any kind of public behavior directed towards the elites, and by instrumentalising the protests for narrow political purposes.

National Unity / Ethnopolitics

By implying ethnopolitics as a political ideology of particularism in the context of an ethnic power-sharing system of Dayton the Bosnian political elites have been able to retain power and continuously represent themselves as the only source of legitimacy in Post-War-Bosnia.

Ethnopolitics, at its core, seeks to meet the particular interests of political and economic elites defined along ethnic lines and to protect ethno-national 'reserved domains'. In the context of this kind of politics, a preference for collective representation strips the category of citizens of any legitimacy and leads to a situation in which constitutional and institutional discrimination pervades virtually all public life. Such a deeply internalised form of discrimination creates a fertile ground for a deepening of differences, maintaining negative tensions and therefore utilising 'ethnicity' for political purposes. Here the ethnopolitics emerges as the ultimate source of legitimacy in Bosnia.

The current political elite in Bosnia has long focused exclusively on its own ethno-national interests and policies that slowly but surely move away from any kind of compromise. Three aspects of local ethnic politics contradict each other a priori and, by continuously developing their own policies, simply feed upon these differences. 'Ethnic negativism' as a result of ethnic politics is one of the crisis generators in Bosnia. 'Ethnocracy' or 'ethnopolitics' finally refer to a system where political elites use fear as a 'political principle' to maximize their power. As the Democratisation Policy Council argues, 'the Dayton constitution makes leveraging fear politically profitable and politicians unaccountable. Bosnian politicians pursue their self-aggrandising, maximalist goals at the expense of the general welfare. Thanks to the absence of credible options, most citizens feel unrepresented in government' (Bassuener 2009).

Dayton-designed mechanisms like the entity veto right frequently used in the post- Dayton period became useful tools in the hands of political elites—mostly of those in Republika Srpska —to control the political process and pursue their own ethno-national and particular interests. The main democratic institution, the state parliament, thus became a major arena for polarization and antagonistic politics. For any transitional country to move forward and to apply EU conditionality efficiently (international source of legitimacy), parliament must pass a large number of laws and administrative acts. Since Dayton, the entity veto has stopped over 180 legal acts and proposals. The RS has used the entity veto to block almost 90% of these laws. Due to this blockage, the High Representative has used the Bonn Powers quite frequently to impose legislation, which brings a new source of legitimacy into the game.

Apart from the frequent usage of entity veto in the state-level Parliamentary Assembly the entity parliaments of the RS and the Federation of BiH have themselves become battlegrounds for political competition along ethno-national lines. Political leaders in both entities continuously refer to the

'political will' of 'their' people represented by the majority in the entity parliaments in order to block critical reforms. The continued elite-controlled 'ethnocracy' (Gromes 2009) has had negative repercussions on the effectiveness of EU conditionality being the major source of international legitimacy in Bosnia. Although all major parties in Bosnia —at least rhetorically—share the final goal of integration and accession to the EU, EU-led reforms and conditions have increased the antagonism within the country. On the one hand, national leaders give a commitment to EU accession and its conditions (for example, police reform), yet use the negotiations to block the work and efficiency of state institutions and polarize the public along well established ethno-nationalist lines. As a result Bosnia is lagging behind all other countries in the region in terms of European integration, which once again leaves enough space for established ways and techniques for producing legitimacy based on war-related arrangements and political practices.

Delivery / Quality of Goods

In terms of ability of the state to deliver goods to the broader population Bosnia stands as a country with rather bleak state capacity in this regard. As the question of delivering goods is fundamentally a question related to the field of economic and social policies of the state, the deteriorating economic situation in the country in the last few years can partly be seen as a result of dysfunctional state and thus dysfunctional economic and social sector. Here is just a short overview of the economic and social situation in the country.

The political downward spiral since 2006 coincided in Bosnia with the global economic crisis, which hit the Western Balkans and particularly Bosnia and Herzegovina hard, challenging the already very small economic progress achieved in the years before. The economic consequences of the international financial crisis first seemed less threatening due to the absence of any hedge fund involvement by predominantly foreign banks in the Western Balkans, but suddenly the economic crisis arrived in the region with its full range of negative effects. The prolonged political crisis together with the deteriorating economic and social situation resulted in rising unemployment and poverty rates, which posed new challenges to democracy in Bosnia. The years after the global economic crisis have had a devastating impact on Bosnian economic production. The GDP shrank since 2009. Parallel with the negative prospects for the GDP growth runs a decrease in foreign direct investments accompanied by growing trade deficit. Industrial production and provided commercial credits have also been in constant decline, while the unemployment numbers have increased to

more than 27%. In addition to alarming unemployment rates, the estimates show that nearly 50 percent of the population lives at or near the poverty line. This particularly affects the young generation, women and members of minorities. The poverty levels are the highest in Southeastern Europe; 538,000 citizens of Bosnia and Herzegovina (14 percent) live below the absolute poverty line. (Hajrić 2012: 121-129). In the next years to come, this number could even grow.

Despite the alarming social and economic situation, the Bosnian government so far has been largely passive and reactive. No serious and adequate plans were developed to soften the effects of the financial crisis. Differences between the political parties of the three constitutive peoples limited the much-needed decisions in the economic and social sphere. On a more structural level, and connected to the country's political setup and strong influence of political and economic (ethno-national) elites on the development of the country, some of the economic problems must be seen in the context of dysfunctional institutional setup and ethno-political effects. As an effect of the war and post-war economies, the ruling parties on each side of the ethnic divide successfully merged economic and political control as a means of generating necessary resources to continue to fight for the rights of "their" constituent people. There are several examples of merging economic and political power in the hands of nationalist-controlled networks. Bosnia's nationalist elites have resisted giving up their economic prerogatives. This resistance has been particularly visible with privatization, where the process has been deeply compromised by the actions of domestic political and economic ethno-nationalist actors – resulting in a kind of wild-west type privatization. This ethno-privatization strengthened the rule of ethnocracy.

In a situation where the regime cannot produce any meaningful output in economic and social terms the question of very legitimacy of such a regime comes to the forefront. In such a situation the regime is either pushed to seek legitimacy through other channels (e.g. ethno-politics) or to by social peace by borrowing money from international institutions and markets, which guarantees a minimum level of delivery.

Generally, in Bosnia and Herzegovina the regime and circumstances of the 1990s were defined by state capture and neopatrimonial structures that, along with neoliberal policies, contributed to very bleak social and economic situation with severe inequalities and low redistributional capacity of the state. The already disastrous economic and social situation after the war was aggravated through what we might call the second 'dilemma of persistence': the continuation of clientelistic structures

created by the 'political privatization' of the 1990s. In other words, formal democratic as well as market-oriented standards were foiled by 'illegitimate power centres', which were created during the war and in political privatization. These clientelistic structures continue to influence and challenge both the market economy and the democracy. This legacy together with bleak economic prospects resulting from the global economic crisis continues to undermine democratic legitimacy. Finally, we can conclude that the bleak economic situation in the last few years has also contributed to the rise of ethno-nationalist rhetoric, used much more intensively in order to gain popular support and legitimacy relying almost solely on ethno-politics and politics of fear, mutual accusations and ever-rising tensions.

International legitimacy (EU /US /UNO)

As the EU in the last decade has taken over the main role in Bosnia from other international actors and states like the USA the crucial question in the Bosnian case is whether the EU within the process of enlargement is able to contribute to its own legitimacy as main international actor and to the potential increase of general legitimacy of Bosnian democracy.

As Bosnia is lagging behind all other countries in the region in terms of EU integration processes it can be argued that EU conditionality has limited potential to strengthen democratic legitimacy within the country.

The political conditionality of the EU in Bosnia had from the beginning on to respond to issues of challenged statehood and the dysfunctionality of state structures, reforms which had not been subject to EU conditionality in earlier Enlargement rounds. Although the state structure in itself has not been considered an obstacle to the EU membership of Bosnia, it has been recognised that the limited functionality of Bosnia's central government is an obstacle to further progress in the EU accession. In other words, due to its confined authority, the central government institutions and respective agencies are hindered by weaknesses of the Dayton institutional structures to implement the criteria defined by Brussels. The Dayton state structure divides the Bosnian state as well as decision making along the lines of two entities which are defined on ethnic grounds. EU conditionality in Bosnia is therefore not only concerned with monitoring and judging upon the reform process in a country, but a step prior to this, engaged in pushing institutional change which would create preconditions for necessary reforms along the lines of the *acquis*. Consequently, EU

conditionality is involved in issues of state building and building up 'Bosnian stateness'. The question of stateness as a prerequisite for further progress in the democratisation process in the Bosnian case 'simply overshadows everything else'. (Vucetic 2014, 127)

Having this structural limitations to the EU conditionality application in Bosnia in mind it is obvious that the conditionality provides only limited incentives for national elites to comply with the conditions set by the EU. In the context of state building, such as in Bosnia, the effectiveness of EU conditionality is simply weakened by the increasing domestic political costs of compliance. The costs of compliance with EU conditionality are too high for national leaders in BiH since political competition in the country relies on ethno-national representation, and since the commitment of the EU to further enlargement has been diluted since the mid- 2000s. Due to ambiguous sentiments among citizens—both positive attitudes towards EU membership, yet, increasing alienation towards the EU, and increasing distances between ethnic identities—political leaders additionally benefit more by blocking reforms with ethno-nationalist arguments then they gain by complying with the conditions set by the EU. In addition, supranational institutions such as the EU are not seen as an alternative to the existing problems in national governance.

As a result, EU conditionality runs the risk of losing its grip on elite commitment to reform and, more seriously, losing the support of citizens, which once again is endangering the legitimacy of the EU as well as the whole Bosnian political system.

The recent elections campaigns for the general elections in October 2014 demonstrated the loss of attractiveness of the EU. The main political parties haven't focused their elections campaigns on the necessary progress towards the membership in the EU but have rather been trying to enhance their legitimacy in the eyes of voters by other messages such as those with ethnopolitical content or the politics of blaming the others for the situation in the country while at the same time promising the act completely differently once in power.

An important aspect of the process of enhancing the democratic legitimacy through the effective EU-conditionality is related to general attractiveness of the EU. Here we could argue that the ability of the EU to be efficient and effective in the context of protracted state building and democratization process in Bosnia has been substantially undermined by the fact that the prospect of the Western Balkans entering the EU became uncertain after the fifth enlargement round. Subsequent to the

2004 accession of the Central and East European countries (and the accession of Romania and Bulgaria in 2007), the failure of the 2005 constitutional reform as well as rising Euro-scepticism across the EU, an enlargement fatigue has characterised the EU enlargement policy and has dimmed the prospects of EU membership for the Western Balkan countries. This lack of a clear commitment by the EU towards the Western Balkans did little to encourage European reforms in the applicant countries. Although the 2003 EU–Western Balkan summit in Thessaloniki reinforced the prospect for membership of all countries in the region, questions about the EU's absorption capacity consciously challenged EU commitment towards the region. Without full acceptance of the proposed EU constitution, the EU was relatively unprepared for a growth of complexity in the course of the fifth and sixth enlargement. Only with the Lisbon Treaty in 2009 the EU's institutional set-up was reformed to response to the factual growth of the EU. In addition, after 2004, public support for further enlargement had fallen in almost all countries of the EU and there has been a proportional increase in opposition to the idea of further enlargement. The negative experiences from the last enlargement rounds and the ongoing search for internal EU reform together with the economic crisis and challenges in the neighborhood policy put in doubt any future accessions in the years to come. This is confirmed by latest statements oft he new president oft he Commission Juncker as well as by the statements of Johannes Hahn (new Commissioner for Neighborhood and Enlargement) telling the countries that the future reforms within the EU will determine the pace of the EU Enlargement and not the other way around.

The process of EU-integration has lost momentum in Bosnia, and—more importantly—the EU with its formal and elite-oriented approach in combination with the dysfunctional state structure in Bosnia, as well as the missing consensus among the national leaders on changing it, does little to provide change and results to the people on the ground. As a result, people have started to lose trust that EU integration will have positive effects on their daily lives, and this sentiment increases as a result of the political deadlock in the last years. This leads to increasing disenchantment with politics and to a wider 'democracy fatigue' and raises a very fundamental question of responsiveness of political elites to citizen expectations, which can be seen as a crucial criterion for a system's democratic legitimacy. Therefore, we might argue that the politics of EU conditionality can only bring changes in a target state when key players want the reward of admission or when all political parties do not consider the EU demands threatening their vital interests. As this is not (yet) the case in Bosnia any substantial contribution to the increase of legitimacy through the input of the EU remains rather unsecure.

The Legitimacy Game of the South Sudanese Ruling Elite

Jan Pospisil

In the South Sudanese case, it is particularly necessary to define upon which actor's legitimacy these criteria should be applied. Since there is no viable state structure to speak of in South Sudan, there are at least four groups of actors that need to be taken into account: (1) the currently ruling elite (thus, a state elite, gathered in the SPLM/A mainstream faction), (2) the armed opposition (a very lose setting, consisting of national politicians that have formed the "SPLM in opposition", or local strongmen militias, which are collaborating with them on a case-by-case basis, like, for example, the Nuer White Army, present since the 1990s), (3) traditional leaders, chiefs and paramount chiefs at payam level, sometimes interlinked with local government institutions, sometimes totally independent from any state structure, and (4) international actors, states, multilateral organisations, and very influential NGOs – perhaps more influential than in most other parts of the world.

These actors are all closely interrelated in a complex – and currently broken – political settlement, in a way that no formal institutional setting seems viable for formalising or legalising this settlement. This political settlement configures the structural level of comparison. Furthermore, they all utilise different types and sources for legitimising their particular status, not only depending on their abilities, constituencies and goods at hand, but also on the counterparts they have to deal with. Hence, the concept of the game might be most suited to characterise the ongoing modes of legitimacy by the different actors. These legitimacy games represent the third level of comparison, the process level.

Still, the following sections, it is necessary to limit the discussion to one of the mentioned actors – this will be the ruling state elite, as it is represented by the mainstream section of the former guerrilla organisation (and now state party) SPLM/A (Sudan People's Liberation Movement / Army). The SPLM/A has lead the civil war against the Sudanese Armed Forces since the 1980s, and consequently played the role of a counterpart to the Sudanese state in the so called "Comprehensive Peace Agreement" (CPA) in 2005. The CPA finally led to the independence of South Sudan on July 9th, 2011. It must not be forgotten, however, that this independence was not the unanimous goal of the organisation, as, for example, the historical leader John Garang – who died in a helicopter crash in 2005 – favoured the so called "New Sudan Vision" focusing on a change in the whole of the pre-2011

Sudan. This ambiguity regarding the main aim of the organisation was the source of various splits and factionalising, a challenge the SPLM/A has to face since its beginning.

Mode of governing / leadership

The core problem in the intra-South Sudanese conflicts of the past three decades has been a process issue, related to the question of governance and the transformation of the former liberation movement and now ruling party SPLM/A from a military to a political organisation. Three levels need to be distinguished: (1) the particular role the SPLM/A plays as the unitary party – the agent level; (2) the issue of governance within the party – the process level; and (3) the organization of the South Sudanese political system – the structure level.

The question of intra-party democracy has significantly contributed to the intra-party rift between the then-big men John Garang and Riek Machar already in 1991. Again in December 2013, the dispute as to whether the party presidency should be determined by a simple show of hands or by a secret ballot process, gave rise to serious disputes (ICG 2014: 3-5). Unsurprisingly, the party leadership around Salva Kiir opted for an open electoral process, while the intra-party opposition described this as leverage for maintaining the status quo.

This dispute that at first might seem not overly relevant shows its vital importance when it is put in the national context: the election of the chairman of the SPLM in fact correlates with the election of the South Sudanese president. Without doubt, in the current political setting the South Sudanese president will be the representative of the SPLM –the party itself in turn will rely on its leader as a candidate, or this leader will decide upon another candidate. Therefore, the issue of internal party governance in a context in which the SPLM is not only a player in the political arena, but rather represents the political arena entirely, is a truly national one. The SPLM/A thus is not just a party among others, but the framework in which all relevant political competition takes place.

The attractiveness of the party is traditionally also strong on the level of political identity formation. In the 1990s, the intra-party struggles were carried out under the party heading also on the side of the armed opposition (called SPLM/A-Nasir, SPLM/A-United). Even the current armed opposition has named itself "SPLM/A in opposition". The only politically organized opposition party of relevance is currently the SPLM-Democratic Change (SPLM-DC), led by Lam Akol, also proving it's committed to the ideological legacy of the unity party by its self-labelling.

The chairman of the SPLM/A has an all-decisive role regarding the politics of the party and within the party. The current party chairman and South Sudanese president, Salva Kiir, for example, decided on the strategy of gaining independence, after the SPLM/A for years favoured a one-state solution under the chairmanship of John Garang. Regarding the politics within the party, Kiir is said to be a master in utilising informal networks and kinship structures in a permanent balancing of all relevant factions. This so called "big tent approach" (cf. LeRiche/Arnold 2012: 145-154) can be regarded as a prototype of an informal "political settlement" (for the concept of "political settlements", cf. Di John/Putzel 2009).

The all important role of the party chairman has to be seen in the wider context of the modes of rule in colonial and post-colonial Sudan. The British colonial power formalised the diverse chieftaincy systems present in the region along a formalised setting of "indirect rule" (Rolandsen 2005: 72-73). This move complemented the rather symbolic power of the chiefs – which came along with a wide variety of concrete governance responsibilities, different from tribe to tribe – with formal governance responsibilities. This system, perceived by the colonial masters as being "traditional" (but should be understood rather as a particular "invention of tradition", cf. Ranger 1983), lacked any democratic accountability; however, it resulted in particular modes of resource sharing and distribution that even strengthened the importance of kinship relations and the role of "big men".

The importance of figures like John Garang, Salva Kiir, or oppositional party figures like Lam Akol or Riek Machar is to be seen as a result of this historical development. The same governance modes apply for the armed opposition outside the SPLM/A, by the way: since the death of George Athor, the political opposition movement in the Jonglei region lost any significance, to name one example, since the death of Athor immediately led to the political end of his South Sudan Democratic Movement (SSDM). Another such figure in Jonglei is David Yau Yau, although he is currently cooperating with government troops he remains a classic strongmen beyond party control.

Agents, structures and processes thus culminate in the figures of certain strongmen, who then in turn try to utilize their personal reputation, but also the whole system for creating legitimacy locally, nationally, but also internationally.

Political participation and democratic institutions

Although South Sudan is a formal democracy, it never had general elections while an independent country. The last elections in the country were sub-national elections in the then-Sudan in 2010 during the final year of the CPA interim period. Before that, Southern Sudan was part of the Sudanese electoral system, with four elections in the 1950s/60s, four more electoral processes under the self-government period from 1972-1983, and national elections again in 1986 and 1995. Most of these election processes, however, were seriously hampered by ongoing civil war, fraud and other pressures; it is fair to assume that all these elections were neither free nor fair in the sense of electoral standards in OECD countries.

The results of the 2010 elections, held from April 11th to April 15th, are very much influenced by the upcoming independence. Nevertheless, the absolute dominance of the SPLM demonstrates the popular power the party is able to unfold. In the presidential elections, the SPLM-candidate Salva Kiir got 93% of the votes (2.6 million votes in total), while his sole rival, Lam Akol, representing the at this time only serious opposition party, the SPLM – Democratic Change, got just 7% (200.000 votes in total). The same dominance can be observed in the parliamentary elections: the SPLM attained 160 of the 170 seats (despite getting just 75% of the votes, cf. ICG 2011: 27), 7 seats went to independent candidates without party affiliations, the SPLM-DC got two seats, and the ruling party of the Sudan, the National Congress, got just one seat.

The next elections – what would be the first real national elections in South Sudan – initially were envisioned for June 2015, but most likely will be postponed due to the current civil war. It remains in doubt, however, if this postponement is changing the character of the political system in South Sudan: in formal terms, the country is a democracy, but the results of upcoming elections would not differ much from those in 2010. The only chance for opposition figures to gain real political influence remains to join the SPLM majority and – through internal networking, kinship relations and sheer pressure, at times even military pressure – gain seats and influential posts. This already took place in 2010 with those figures that later got sacked from their government positions (like Riek Machar) – despite of the current fighting, it remains possible that they are going to re-join the party to regain national influence, what for the SPLM in turn would secure support from non-majority tribes like the Nuer and the Shilluk.

The necessity to build political power on kinship relations is a cause as well as a result of the very weak local government structures (which is, according to Branch/Mampilly 2005, a key dilemma of SPLM/A civil administration). Until the 1990s, there was just a "rudimentary" local administration in Southern Sudan – the national Sudanese government was not able to implement such structures, the SPLA was not particularly interested due to their focus on armed warfare (cf. Rolandsen 2005: 30). In fact, the SPLA relied on the old structures of "indirect rule", thus taking over the administrative processes of the colonial administration. This changed for the first time with the so-called "Torit Resolutions" in 1991, when a three-level structure of local administration was introduced (consisting of counties, payams and villages). This structure was then linked to a civil democratic process – what is an important milestone up until today. Despite all efforts, these administrative structures remained weak – in that regard, Alex de Waal points to significant hindering effects of international food aid, which took over also the political control in various regions of the country (Rolandsen 2005: 64).

Other factors, as the chief-like tradition of accepting long-term leaders by the majority population (which is not just true for the SPLM, but also for all relevant opposition groupings), are contributing further to this historical weakness. This does not mean necessarily that there is no political participation beyond the presence of these leading figures, but this participation takes place in the informal and very diverse settings of tribe and kinship relations. Another issue in that regard is the serious lack of transport and communication infrastructure, which obstructs all efforts of developing institutionalised and formalised structures: "The result is that distance is still a much more important restriction on administration in Southern Sudan than in most other places" (Rolandsen 2005: 137).

Hence, it is safe to say that on the structure-level there is no institutionalised democratic process in South Sudan, which would bring any sense of long-term legitimacy in the internal political game – the name "democracy" is mainly used as a discourse in gaining political power within the SPLM/A. The sole, but still important exception was the referendum for independence in January 2011, with nearly 99% voting for a separation of the country. This referendum was more or less held under fair conditions and supported by a wide variety of international partners. Most significantly though, the referendum indeed helped to gain important legitimacy for the South Sudanese ruling elite on a process level, not only on a national stage, but particularly vis-à-vis the international environment.

Still, it proved impossible to follow up on this huge success. One of the most serious constraints might be the structural contradiction in the institution-building process between the development of strong and centralised institutions, which at the same time lack effectiveness and accountability: "The current statebuilding approach emphasises the creation of strong institutions; an emphasis on decentralisation addresses Sudan's legacy of marginalisation. At the same time, this approach works counter-productively, as the very same institutions lack accountability particularly at the local level where most violence is caused" (Schomerus/Allen 2010: 6).

National unity

The historical context of the project of a South Sudanese nation is complex. At least three aspects play an important role. (1) Undoubtedly, there is a big identity diversion between the "Arabs" and the "Africans", what has led scholars like Deng (1995: 4-6) to interpret the North-South conflict as a "war of visions" based on this supranational identities. It must not be forgotten though that this distinction was created by the colonial "Southern Policy" in the 1930s, which made explicit that the South had to be developed "along 'African', rather than 'Arab' lines" (Johnson 2011: 11). The plan behind the policy was the unification of Southern Sudan with British East Africa. This plan developed even to a point when the movement of so-called "non-indigenous people" from North to South of Sudan was prohibited by the colonial administration.

In that respect, it is an interesting fact that one of the founding commonalities of the nationalist anti-colonial movement in Sudan in the 1930s and 1940s was the denial of this "Southern Policy" (Al-Rahim 1973: 36-68). And there was a sense of unification indeed, at least until the years of the Nimeiri regime, which granted Southern self-government within the Sudanese statehood. After Nimeiri's fall, however, the policy changed. The new Northern elites, led by the National Islamic Front, developed a strong impetus to create an Islamic state (cf. Johnson 2011: 79-81), with severe consequences for the Southern, non-Islamic provinces. The forging of homogeneity by Khartoum did not reach its goal, but instead led to a strong polarisation (cf. Jok 2007: 278), supporting Southern secessionism and nationalism.

(2) While the "Southern Policy"-heritage supported Southern nationalism, other colonial policies effectively – and sustainably – undermined it. By applying "indirect rule" based on tribal affiliations, the colonial administration created a particularly ethnicised citizenship. The current South Sudanese

state now is facing the challenge of bringing all these created ethnicity-based nationalities into one nation (cf. Zambakari 2012: 528). In doing so, the state would have to accept and recognise the multiple identities and realities that are present. This, however, contradicts the ruling modes of the SPLM/A elite, who very much draws on the historically created kinship and tribe relations.

(3) This structural contradiction is further aggravated by ideological ambiguity. "Despite Marxist tendencies, a lack of clear ideology has always been characteristic of the SPLM" (Schomerus/Allen 2010: 25). The history of the Southern Sudanese armed movements almost ever proves that tactics prevail over ideology and values. Tactical alliances with the Khartoum government, for example, took place quite often, utilised by break-ups like the "Nasir faction" in the 1990s (Rolandsen 2005: 37), but also by the mainstream organisation (as in certain phases of the currently ongoing civil war). Traditionally, the SPLM/A was split along the two poles of (1) John Garang's non-secessionist "New-Sudan-vision" (Rolandsen 2005: 118-122), and (2) the separatists. Still, there is the strong assumption that there was and is little interest and understanding for Garang's vision among SPLA rank and file: "They were men and boys of little sophistication who were determined to defend their homeland from the historic depredations of the Arabs for their land, resources, and slaves, rather than to build a new Sudan in an unholy union with their historic and hated enemies" (Collins 2008: 259-260). This leads back to point (1) mentioned above and the vague identity issue of being "African" versus being "Islamic" or "Arabic".

Still, over the major parts of its organisational history national unity for the SPLM/A was more a process of "scape-goating Khartoum" (Schomerus/Allen 2010: 6) than real sense of unification. Consequently, the national idea soon broke down soon after the achievement of independence. Still, there are many popular hopes connected to the South Sudanese state, but without a viable state-building process, such hopes are not enough to create any sustainable legitimacy, neither for the ruling elite, nor for the state as such.

Ethno-politics / Religion

Ethno-politics are currently coming back to South Sudan on a large scale. Assaults along ethnically defined fault lines are increasingly happening in the civil war. For example, the government forces used systematic violence against the Nuer people in Juba in December 2013. Massacres in the current fighting have been committed based on perceived ethnic affiliations by all sides. Despite such

increasing ethno-political mobilisation and the resulting violence it would be misguided to simply classify the current hostilities as an "ethnic conflict".

Without doubt though, the ethno-political context is of relevance, on actors, structure and process level. This is highlighted also by recent anthropological studies, especially in relation to the traditional tensions between Dinka and Nuer (Beswick 2004: 191-192). The battles that occur repeatedly within the southern Sudanese guerrilla movements have often articulated themselves along ethnic fault lines. The perception of a "Dinka dominance" in the SPLM/A is a traditional source of internal quarrel, and an issue raised constantly by opposition figures like Lam Akol, a Shilluk and Riek Machar, a Nuer (Rolandsen 2005: 35). Ethno-political rivalry was also a major cause at the Torit split in the 1990s: several years of bloody battles between the factions followed subsequently, also externally fuelled by the Sudanese government as well as by other international interferences. In 1991, the fighting culminated in the so-called "Bor Massacre" 2,000 civilians, Bor-Dinka, were killed by the SPLA-Nasir (Johnson 2011: 116-118).

The ethno-political tensions not least can be traced back to regional disparities. Such disparities – although in the international perception concealed by the longstanding North-South conflict – also have existed and still exist within South Sudan for centuries and date back to the pre-colonial period. The oil reserves in the border region between the two Sudanese states along with the respective transfer of resources from the North of South Sudan to the capital Juba in the far South further exacerbated this situation. This has been vastly increasing since the conclusion of the Comprehensive Peace Agreement (Comprehensive Peace Agreement, CPA) and the respective agreement on wealth sharing between North and South Sudan in 2005 (James 2011: 79-83).

However, as stated above, this criterion should not be over-estimated as being primarily decisive in the creation of elite legitimacy: ethno-political issues in most cases are the consequence of contradictions on other levels and just come to the forefront – mainly on the agent level – if other modes of legitimacy fail. Often, they are nothing else than the result of conscious ethno-political mobilization aiming at constructing a tapered discursive bridge that obscures the multiple existing overlapping tensions between, as well as within the predefined "ethnicities".

Delivery / Quality of Goods

While important along all criteria, the distinction between the South Sudanese ruling elite and the South Sudanese state is of utmost importance when discussing the delivery and quality of public goods. Speaking in general and rather blunt terms, there is no delivery of goods in a serious amount anyway. The public infrastructure is very weak even in the capital city, Juba, and in the few other bigger cities, it is non-existent in most parts of the huge country. There are now several thousand kilometres of roads, but just a limited part of these are paved. In any case, even the roads present are just a drop in the ocean taking into account that the size of South Sudan is equal to France, with challenging environments, severe rainy seasons and wide areas of considerably low population density (8.6 million inhabitants in around 640.000 square kilometres). There is no public power network, the only public power station in Juba – a diesel generator-based plant – is working unreliably at least, and all other power depends on private generators.

While this picture looks bleak, money as such is not at all a scarce resource in the country. Oil production still generates significant revenue; the many international actors present (in the private business as well as in the NGO sector) guarantee a continuous inflow of resources as well. Despite the fact that what is generally perceived as corruption is notorious to an extent that makes it ridiculous to even speak of such a phenomenon, this wealth is distributed. The modes of distribution are largely informal though, although it is possible to identify a certain institutionalisation. Corruption as a concept, however, might not apply in the case of South Sudan anyway, since it would presuppose an awareness of the difference between public and private spheres, which is not present along the majority of the relevant actors.

Jobs in governmental agencies, for example, are a good starting point for serious financial participation in public funding, starting from ministers and ranging to the ordinary policemen: appointments made according to qualification is an exception at best (which was already common in the still united Sudan, cf. Natsios 2012: 207). This perception can be underlined by numbers: in the fiscal year 2010, the revenue of the Government of South Sudan (GoSS) came from oil proceeds by 98%. In expenditures, 53% of the spending went to salaries and 29% to operating costs – what leaves just 18% for all other issues (cf. AfDB 2011: 25).

The big problem for the wider population is the lack of any "peace dividend" (cf. Schomerus/Allen 2010: 12), caused not only by the current civil war and the persistent armed clashes due to the remnants of the war with the north and violent cattle raiding, but also the sheer inability to invest public money in any way that could make sense. Schomerus/Allen (ibid: 59) demonstrate this along the example of perceived problem solving capacities (see graph below): while at least a third of the respondents in their survey in various regions of the country trust the police in safety production, the main source of solving capacity is seen in the chiefs and elders. Generally speaking, there seems just a very limited reliability in public problem solving.
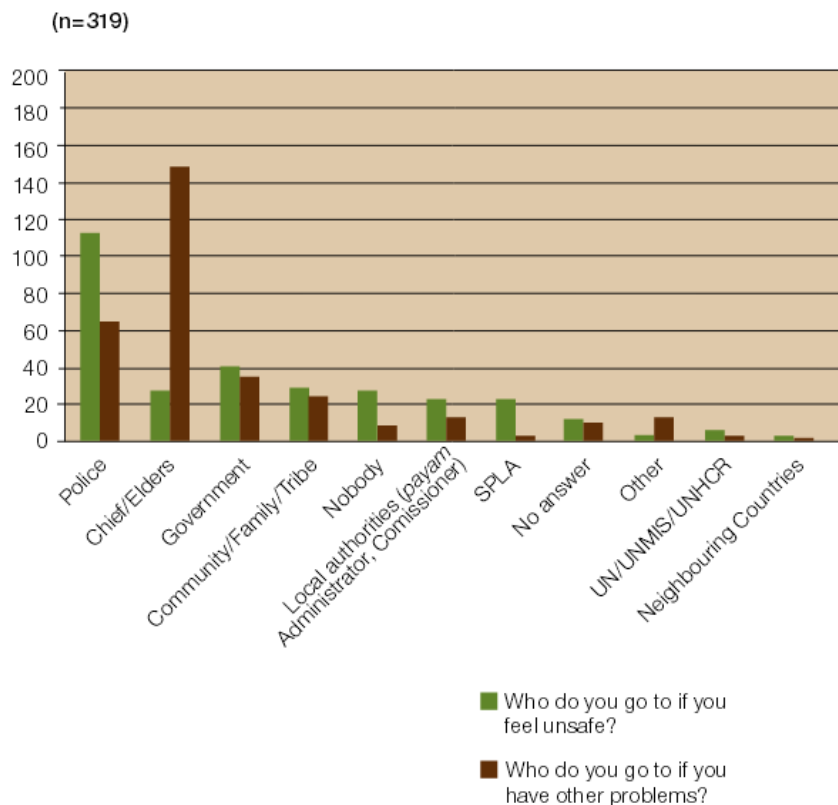
A huge problem on the structure level is the takeover of major parts of goods and service delivery by INGOs and international and multinational humanitarian aid agencies. This trend has started with Operation Lifeline Sudan (OLS) in the early 1990s and has continued interruptedly until today. Compared to other international examples, OLS had a special character from the beginning by primarily following political aims in the first place: "OLS emerged as a humanitarian result of a political process and was not primarily founded to provide humanitarian aid for decades" (Riehl 2001: 7). The political character of this operation even got until a point when OLS held quasi-governmental responsibilities (ibid.): "OLS-Southern Sector was a symbol of Sudan's fractured sovereignty and de facto partition" (Large 2011: 171).

At the level of INGOs, a particular role was played by Norwegian People's Aid (NPA). NPA is active in Southern Sudan since 1986, and has never been reluctant to taking sides in the violent conflict. It developed a close cooperation with the SPLM/A, a cooperation also consisting of political and practical support. At several phases of the civil war against the North, NPA was in fact running various districts in Southern Sudan by themselves: this helped them to gain reputation in the population they were delivering to, but at the same time sustainably undermined any indigenous institution building efforts.

In any case, experts like Alex de Waal (in Riehl 2001: 10) argue that this kind of service delivery not only prolonged the war, but prevented the SPLM/A from accepting the necessity to create sustainable structures by themselves (Stockton, cited in ibid.). In a structural perspective, this means a serious legitimacy problem for SPLM/A, since the organisation is used to substitute their output legitimacy by international actors. Such a strategy, however, works just in the short and medium term, but seriously undermines the output legitimacy in the long term.

International legitimacy (EU /US /UNO)

The relationship of the South Sudanese ruling elite with international actors is on a constant roller-coaster ride. Historically, the SPLM/A was very sceptical about international involvement, in particular regarding foreign NGOs. This attitude changed in the late 1980s with the Operation Lifeline Sudan (OLS), which implicitly – but still effectively – brought on-the-ground support for their political (and also military) goals (Rolandsen 2005: 30). Some NGOs, mainly Norwegian People's Aid, and later on US-based organisations like the "enough project", openly took the side of the SPLM/A. This public support against the Khartoum government led to the current openness regarding international partners, and – on the other hand – to a significant gain in international legitimacy for the SPLM/A. Nevertheless, due to the huge practical problems in the post-independence phase and the subsequent start of the civil war, this international legitimacy went down rapidly. Not only the traditional Western partners of the South Sudanese elite like the US and UK, but also the EU, were deeply disappointed and disillusioned. Also new partners, China in particular, became more and more reluctant to invest – money as well as symbolic capital.

The relationship with the NGOs became more and more complex. Long years of non-development take its toll on civil society optimism, fuelled not only by strategic analyses and estimations, but also by concrete problems like sky-rocking operational costs and daily traffic jams on the bad Juba roads. Furthermore, an incredible increase of rules and regulations is imposed on international actors. Such obvious malfunction damages the credibility of the GoSS – and the international legitimacy in turn – in a devastating way.

Nevertheless, civil society partners are highly important for the legitimacy of the South Sudanese ruling elite. In particular the work of the US-American NGO "enough project" is responsible for that. The Washington, DC-based NGO, funded in 2006 by John Prendergast, a long time anti-Khartoum activist and OLS-warhorse, is very successful in creating public support for the South Sudanese cause, mainly in its politics regarding the Northern neighbour. The activism of George Clooney, meanwhile a good friend not only of Prendergast, but also of South Sudanese president Salva Kiir, is an important factor in that respect. Consequently, enough project founds open ears in various official settings, particularly in US government and Congress. The current infighting, however, delivered a serious blow also to enough project's lobbying approach, since its reputation not the least rests on a discourse of a certain "poorness" and "structural discrimination" of their partner – this discourse is hard to sustain in light of the current events.

Conclusions and Recommendations

Egypt

Egyptian actors have generally lacked democratic legitimacy. The authoritarian system guaranteed comfortable majorities in the parliament. However, despite its authoritarian character the regime was always keen to act within the constitutional and legal framework. This is on one hand owed to the long state tradition and the modernising reforms in the 19th century that aimed at transforming Egypt into a modern European state and on the other hand to the search for legitimacy on the international platform and particularly the search to be acknowledged by the West. Internally, the sources and modes of legitimacy have substantially changed in time. This has entailed a stronger emphasis on religion and religious references and symbols, but also a shift in the relations between state and society. Affects can be particularly observed in the modes of delivery of goods. Egypt experienced a short intermezzo of free democratic representation after the fall of President Mubarak. However, although elected by a majority, President Mursi failed to prolong the legitimacy

gained through democratic elections. He became suspected to act in the interest of others but Egypt. While Morsi was increasingly lacking domestic legitimacy, his successor al-Sisi has been considered as legitimate president by a vast majority of Egyptians, but he has been lacking international legitimacy. In conclusion, despite serious political challenges, Egypt represents a political system with a high degree of legitimacy. The Egyptian case highlights the need for process-oriented perspectives on the concept of legitimacy. A focus on the country's republican contemporary history reveals the adaptability of actors and their ways of legitimizing themselves in face of changing structural environments (domestic and international). The adaptability of the agents can be explained through the diffusion of manifold legitimacy-sources, the application of changing methods and varying addressees, all factors that could be only generated within the framework of an undisputed political and territorial entity.

- The fact that foreign partners have restrained from any kind of involvement points to an environment that is structurally highly hostile to any foreign intervention.
- Let alone military, any political intervention would face serious resistance from all parts and layers of Egyptian society.
- Any attempts of foreign intervention of any kind would instigate feelings of Egyptian patriotism. This is also why the negative reactions from Western partners to the removal of President Mursi and to al-Sisi's coming to power induced the closing of ranks and supported the revival of nationalist anti-imperialist rhetoric and thereby ironically, created a source of legitimacy, manipulated and instrumentalized by the incumbent president.

Bosnia

The stability of any regimes relies on the combination of capacities of the elected representatives and institutions to produce sufficient level of political legitimacy through a meaningfull output on the one hand side and the citizens' acceptance and of the validity of the regime and ist output on the other. The citizens (seen here as one part of the agency) have to develop a sufficient level of trust in political institutions (the structure of the system) and leaders (another part of the agenc) in order to keep the democratic legitimacy high. They also need to have enough space to provide input/feedback to the institutions and leaders, which is the input-side of the legitimacy. The persistent negative perception of the performance of the regime by the citizenry as well as low input of citienzs (due to apathy, disechantment with politics and low trust in institutions and leaders) erode the legitimacy of democratic governance. This is a process evovling over time in a specific

context like the one in Post-War-Bosnia. In such a situation and over the course of time political leaders tend to develop other modes and techniques of government including non-democratic ones tailored made to gain support by the citizens despite the low output and their mistrust. (see the introduction and the text by Merkel et al) In the Bosnian case the above described elements of Daytonism or ethnopolitics are perfect non-democratic tools for creating legitimacy despite poor performance of the regime and dysfunctionality of the state. Together with a limited impact of international actors (third part of agency) and in the case of Bosnia prolonged crisis of the EU enlargement resulting in rather weak external impulses for further democratization the country remains in a limbo of limited democratic legitimacy with extended non-democratic islands. Looking at last 19 years in Bosnian we saw an emergence of a ethnocratic chameleon-like regime in Bosnia able to adjust to new circumstances, which – under the guise of formal democratic procedures – limit individual freedom and reduce liberties. Regimes like in Bosnia able to reconcile competitive elections, multi-party systems, parliaments, constitutions and other elements of rule usually associated with liberal democracies on the one hand side with the functional logic of authoritarianism on the other pose new questions and call for deeper rethinking of concepts of democratic transition and democratic legitimacy.

Coming back to the international actors it can be argued that the lack of legitimacy in Bosnia has partly resulted from the failed or at best protracted and problematic intervention following the Dayton Peace Agreement. The international community in Bosnia has gradually become an integral part of the local political game and thus of the problem. Despite enormous international investements in manpower and ressources in Bosnia the legitimacy game played by local political elites based on Daytonism, ethnopolitcs and clientelistic networks proved to be successful in terms of staying in power and "out-sitting" internationals. The international legitimacy has suffered on the way from Dayton till today, in parallel to the emergence of non-democratic forms of legitimacy in the country. The result is a complet political deadlock preventing the country from any further step towards democratization. Based on such findings in the case of Bosnia important lessons learned for future interventions will be threefold:

a) to focus on legitimacy games and local ressources/techniques for producing legitimacy from the beginning on in order to be able to prevent legitimacy games of local political elites to counter the logic of the very intervention;

b) to engage early on in forging alliances with local populations and progressive political forces on the democratic side of the spectrum in order to create networks resistent to non-democratic legitimacy games;

c) to try to keep broad international consensus about the logic and goals of the intervention, not allowing for gulfs within the coalition of intervening forces, neither in terms of pratical steps nor in terms of "ideology" of the intervention.

South Sudan

The breakdown of the unstable post-independence peace in South Sudan in December 2013 showed that there are various types and sources of legitimacy present along the six applied criteria that are utilised by the South Sudanese ruling elite. There are important distinctions evolving along these types – in particular in the distinction between input and output legitimacy – and sources, which differ along the various legitimacy types.

South Sudan generally is a context with an incredibly low level of institutionalisation. Traditional institutions long have been destroyed in the course of the decade-long civil war, modern state institutions were hardly accepted when introduced by the central Sudan government, and are far from being even rudimentarily established since independence. Under such conditions, the three levels of analysis, actors, structures, and processes, become blurred. In particular, regarding the current ethno-political mobilisation – which in fact seems to be the last resort of legitimacy for all actors involved – they are hardly separable, but in the last instance culminating on the agent level.

Hence, the problem to be faced when engaging in the current situation is a high degree of polarisation, where in lack of any kind of legitimacy on a structure and process level (the classic input and output legitimacy), ethno-political identification with particular leading figures remains the last resort. Thus, it is necessary to differentiate: there is no significant legitimacy on the structure and process level, hence the collapse of the South Sudanese political settlement at the end of 2013.

There is, however, indeed legitimacy on the agent level, constructed along ethno-political identification. Any international intervention thus faces two problems: the extreme low degree of institutionalisation promises a very challenging and long-lasting intervention under highly complex circumstances; the high polarisation along ethno-political lines on the other hand bears the

significant risk for any international actor to be perceived as partisan, which would further complicate any peacebuilding process. The following policy recommendations can be made:

- Any military intervention with the aim of peace enforcement is due to fail, given the high degree of ethnopolitical fragmentation and the perceived legitimacy of ethno-politics in the current situation;

- Preventive deployment – as currently taken by the Ugandan army – might nevertheless be necessary in the short- to mid-term, even if they are seen as partisan by main elite factions; they might be the only option to prevent further escalation;

- International actors have significantly failed in South Sudanese statebuilding, which is so perceived by the vast majority of the population. Any international involvement thus has to start with working on its own legitimacy, mainly along the output level;

- International legitimacy as such has failed and is no longer a given in the South Sudanese context.

Literature

Abdel-Malek, Anouar (1968): *Egypt: Military Society, The Army Regime, the Left and Social Change under Nasser*. New York: Random House.

African Development Bank (2011): *The Political Economy of South Sudan. A Scoping Analytical Study*, Tunis: AfDB.

Al-Rahim, Muddathir 'Abd, (1973): "Arabism, Africanism, and Self-Identification in the Sudan". In Dunstan M. Wai (Ed.), *The Southern Sudan: The Problem of National Integration*. London: Frank Cass, 29-45.

Ayubi, Nazih H. (1995): *Over-stating the Arab State, Politics and Society in the Middle East*. London: I.B. Tauris.

Barnett, Michael (1993): "Institutions, Roles and Disorder: The Case of the Arab State System". *International Studies Quarterly*, 37 (3), 271-296.

Bassuener, Kurt (2009): *How to pull out of Bosnia-Herzegovina's Dead-End: A Strategy for Success*, Briefing. Democratisation Policy Council: A Global Initiative for Accountability in Democracy Promotion: Berlin.

Bayat, Asef (2007): *Making Islam Democratic. Social Movements and the Post-Islamist Turn*. Stanford: Stanford University Press.

Beswick, Stephanie (2004): *Sudan's Blood Memory: The Legacy of War, Ethnicity, and Slavery in South Sudan*. Rochester, NY: University of Rochester Press.

Branch, Adam and Mampilly, Zachariah C. (2005): "Winning the war, but losing the peace? The dilemma of SPLM/A civil administration and the tasks ahead". *Journal of Modern African Studies*, 43:1, 1-20.

Collins, Robert O. (2008): *A History of Modern Sudan*. Cambridge: Cambridge University Press.

Dalton, Russell J. (2004): *Democratic Challenges, Democratic Choices: The Erosion of Political Support in Advanced Industrial Democracies*. Oxford: Oxford University Press.

Deng, Francis M. (1995): *War of Visions: Conflict of Identities in the Sudan*. Washington, DC: Brookings.

Di John, Jonathan and Puntzel, James (2009): "Political Settlements", Issue Paper GSDRC (Governance and Social Development Resource Centre). Birmingham: Governance and Social Development Resource Centre.

Dobbins, James; Jones, Seth G.; Crane, Keith; Chivvis, Christopher S.; Radin, Andrew; Larrabee, F. Stephen; Bensahel, Nora; Stearns, Brooke K.; Goldsmith, Benjamin W. (2008): *Europe's Role in*

Nation-Building. From the Balkans to the Congo. Santa Monica, Arlington, Pittsburgh: RAND Corporation.

Drozdova,Katya/Gaubatz, Kurt Taylor (2013):   „Reducing Uncertainty: Information Analysis for Comparative Case Studies". In: *International Studies Quarterly,* 58 (3), S. 1-13.

Dzihic, Vedran (2012): „Bosnien und Herzegowina in der Sackgasse? Wechselwirkungen zwischen externen Inputs und internen Reaktionen - Struktur und Dynamik der Krise fünfzehn Jahre nach Dayton". *Südosteuropa*, Heft 1, 50-76.

Freedom House (2012): Nations in Transit 2012

Freedom House (2013): Nations in Transit 2013

Freedom House (2014): Nations in Transit 2014

Gallup Balkan Monitor (2010): Focus on Bosnia and Herzegovina, November 2010.

Gerschewski, Johannes; Merkel, Wolfgang; Schmotz, Alexander; Stefes, Christoph H.; Tanneberg, Dag (2012): "Warum überleben Diktaturen?". *Politische Vierteljahresschrift, Sonderheft 47*, Baden-Baden: Nomos Verlagsgesellschaft, 106-131.

Gromes, Thtorsten (2009): 'The Prospect of European Integration and Conflict Transformation in Bosnia and Herzegovina'. *Journal of European Integration*, 31 (4), 431-447.

Günay, Cengiz (2008): *From Islamists to Muslim Democrats? The Trajectory of Islamism in Egypt and Turkey against the Background of Historical, Political and Economic Developments*. Saarbrücken: VDM Verlag.

Hajrić, Mirza (2012): "A Sustainable Economy is the Best Politics for Bosnia and the Balkans". In Vedran Džihić and Dan Hamilton (Eds.), *Unfinished Businnes: The Western Balkans and the International Community, Center for Trensatlantic Relations.* Washington DC: Center for Transatlantic Relations, SAIS, Brookings Institutions Press, 121–129.

Halliday, Fred (2009): "The Middle East and Conceptions of 'International Society'". In Barry Buzan and Ana Gonzalez-Pelaez (Eds.), *International Society and the Middle East. English School at the Regional Level*. London: Palgrave.

Hampson, Fen Oslaer/Malone, David M. (Eds.) (2002): *From Reaction to Conflict Prevention. Opportunities fort he UN System.* London: Lynne Rienner Publishers Inc.

Hanson, Jonathan K. (2014): „Forging then Taming Leviathan: State Capacity, Constraints on Rulers, and Development". In *International Studies Quarterly*, 58 (2) 380-392.

Harders, Cilja (2002): *Staatsanalyse von Unten: urbane Armut und politische Partizipation in Ägypten. Mikro- und mesopolitische Analysen unterschiedlicher Kaioer Stadtteile*. Hamburg: Deutsches Orientinstitut.

Harders, Cilja (2008): "Autoritarismus von unten: Lokale Politik in Ägypten" *GIGA Fokus* Nummer 12.

Hinnebush, Raymond A. (1990): "The Formation of the Contemporary Egyptian State from Nasser and Sadat to Mubarak". In Ibrahim M. Oweiss (Ed.), *The Political Economy of Contemporary Egypt*. SEITEN?

ICG – International Crisis Group (2011): *Politics and Transition in the New South Sudan*, Africa Report No. 172, Addis Ababa/Juba/Nairobi/Brussels: ICG.

ICG – International Crisis Group (2014): A *Civil War by Any Other Name*, Africa Report No. 217, Addis Ababa/Juba/Nairobi/Brussels: ICG.

James, Laura (2011): "From Slave to Oil". In John Ryle et al. (Eds.), *The Sudan Handbook*. Woodbridge: James Currey, 70-84.

Johnson, Douglas H. (2011): *The Root Causes of Sudan's Civil Wars: Peace or Truce*, Revised Edition. Suffolk: James Currey.

Jok Madut Jok (2007): *Sudan: Race, Religion, and Violence*. Oxford: Oneworld Publishers.

Kissinger, Henry (2014): *World Order*. New York: Penguin Press.

Large, Daniel (2011): "The International Presence in Sudan". In John Ryle et al. (Eds.), *The Sudan Handbook*. Woodbridge: James Currey, 164-176.

LeRiche, Matthew and Arnold, Matthew (2012): *South Sudan: From Revolution to Independence*. London: Hurst&Company.

Malek, Martin (2006): "Restjugoslawien, Moldova, Afghanistan, und die Erklärungsreichweite von 'failed states'-Theorien." In Feichtinger, Walter/Jureković, Predrag (Eds.): *Internationales Konfliktmanagement im Fokus. Kosovo, Moldova und Afghanistan im kritischen Vergleich.* Baden-Baden: Nomos Verlagsgesellschaft, 49-78.

Natsios, Andrew S. (2012): *Sudan, South Sudan, and Darfur: What Everyone Needs to Know*. Oxford: Oxford University Press.

Oliver Schlumberger (2010): "Opening Old Bottles in Search of New Wine: On Nondemocratic Legitimacy in the Middle East". *Middle East Critique*, 19 (3), 233-250.

Ranger, Terence (1983): "The Invention of Tradition in Colonial Africa". In Eric Hobsbawm and Terence Ranger (Eds.), *The Invention of Tradition*. Cambridge: Cambridge University Press.

Riehl, Volker (2001): "Who is ruling in South Sudan? The role of NGOs in rebuilding socio-political order". *Studies on Emergencies and Disaster Relief*, 9. Uppsala: Nordiska Afrikainstitutet..

Rolandsen, Øystein H. (2005): *Guerrilla Government: Political Changes in the Southern Sudan during the 1990s*. Uppsala: Nordiska Afrikainstitutet.

Schomerus, Mareike and Allen, Tim (2010): *Southern Sudan at Odds with Itself: Dynamics of conflict and predicaments of peace*. London: LSE Destin.

Sedgwick, Mark (2010): "Measuring Egyptian Regime Legitimacy", *Middle East Critique* 19 (3), 251-267.

Srdjan, Vucetic (2004): From Southern to Southeastern Europa. Any Lessons for Democratisation Theory? *Southeast European Politics*, 5 (2-3),115-141.

Vatikiotis, P.J. (1992): *The History of Modern Egypt, From Muhammad Ali to Mubarak*. Baltimore: The Johns Hopkins University.

Weatherford, Stephen M (1991): "Mapping the Ties that bind: Legitimacy, Representation, and Alienation" *The Western Political Quarterly,* 44 (2), 251-276.

Wymouth, Lally (2013, August 5): "Interview with Sissi", *Washington Post*.

Zambakari, Christopher (2012) "South Sudan: institutional legacy of colonialism and the making of a new state". *The Journal of North African Studies*, 17 (3), 515-532.