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UNSC legitimacy as a tool for misdirection

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ABSTRACT

UNSC LEGITIMACY AS A TOOL FOR MISDIRECTION

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In the months leading up to the 2003 invasion of Iraq, the Bush administration made clear to the American people that the United States was prepared to go to war if Iraq failed to comply with Resolution 1441 and disarm. However, during the process of drafting and passing Resolution 1441, the U.S. expended considerable time and energy maintaining to the United Nations Security Council that it would not use the resolution as a pretext to strike Iraq. Moreover, it appears that the Security Council was convinced of the U.S.'s stated intentions when it passed Resolution 1441 unanimously in November 2002, after reassurances from the U.S. that Iraq's failure to comply would not result in the automatic use of force. This thesis argues that the United States misdirected UNSC members as to its intentions in 2002, through strategic use of UNSC legitimacy. In making these claims, I explore how the legitimizing effect of the UNSC enabled the U.S. to use the international organization as a tool for misdirection. To advance this argument, I develop a working theory of misdirection. I argue that the U.S. can and does use the UNSC to pursue its national interests in ways that deviate from rationalist and institutionalist accounts of IO form and function.

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UNSC LEGITIMACY AS A TOOL FOR MISDIRECTION

BY

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INTRODUCTION

“I have asked Congress to authorize the use of America’s military, if it proves necessary, to enforce U.N. Security Council demands. Approving this resolution does not mean that military action is imminent or unavoidable... Congress will also be sending a message to the dictator in Iraq: that his only chance—his only choice is full compliance, and the time remaining for that choice is limited.” – President George W. Bush, October 7, 2002

“This Resolution contains no “hidden triggers” and no “automaticity” with respect to the use of force. If there is a further Iraqi breach, reported to the Council by UNMOVIC, the IAEA, or a member state, the matter will return to the Council for discussions as required in paragraph 12.” – Text of remarks by John Negroponte, November 8, 2002

In March 2003, the United States invaded Iraq, citing the Saddam regime’s noncompliance with Resolution 1441 which called for Iraq to disarm its weapons of mass destruction or face ‘serious consequences’. In the leadup to the war, the U.S. maintained to the international community through speeches made by George W. Bush and the U.S. Ambassador at UNSC meetings that the U.S. did not intend to use Resolution 1441 as pretext to attack Iraq. On November 8, 2002, UNSC member-states unanimously passed Resolution 1441, which called for Iraq’s disarmament with the potential for ‘serious consequences’ otherwise (Scott and Ambler, 2007, p. 76). Although all permanent members of the UNSC did not agree with the

meaning of ‘serious consequences’ (Stromseth, 2003, p. 630), the consensus among UNSC members was that it would not result in immediate use of force.

The U.S. made contradictory statements to the domestic public, as per President Bush’s address in Cincinnati on October 7, 2002, indicating that the administration was already preparing for the use of force to protect the people of America. In the wake of the U.S. invasion, it became clear that U.S. had been preparing for a potential invasion since the 9/11 attack in 2001. The U.S. “used intelligence not to inform decision-making, but to justify a decision already made” (Pillar, 2018, p. 18), and Resolution 1441 contained language ambiguous enough for it to do so. Therefore, there was a discrepancy between the intentions presented by the U.S. domestically to the American people, and internationally to UNSC members.

Why did the U.S. present two different sets of intentions, one to the domestic American public and one to UNSC member-states, with the assumption that the UNSC members would have cause to believe the intentions presented to them instead of the ones to the domestic public? Related, why did UNSC members act on the intentions presented to them instead of the ones to the American public?

Existing literature does not offer a satisfying response to this question. One branch of scholarship argues that UNSC members should have acted on the statements made domestically, due to binding domestic audience costs (Tomz, 2007). A second rationalist group of thinking claims that talk is cheap signaling behavior, and so UNSC members should have acted on the arming or disarming of the U.S. military forces as opposed to material cost-free statements made either domestically or internationally (Farrell, 1987). A third branch of scholarship argues that states follow international rules, and the rules of legitimate organizations of which they are

members (Carnegie and Carson, 2017, p. 2), so states are deterred from two-faced bluffing to maintain legitimacy.

In this case, however, the U.S. made statements at UNSC meetings and negotiations that indicated that while it was willing to go to war, Resolution 1441 would not be acted on as authorization to use force unilaterally. These statements contradicted those made to the domestic American public. UNSC members passed Resolution 1441, and made statements suggesting they believed the U.S. statements that claimed the U.S. would not act against Iraq unilaterally without returning the matter to the UNSC first. Upon the passing of Resolution 1441, the U.S. invaded Iraq without UNSC approval, and in the aftermath it was discovered that the U.S. had intended to go to war with Iraq since at least 2001.

I argue that the U.S. used the legitimacy of the UNSC as a tool to misdirect other states as to its actual intentions, which were to not return to the UNSC before acting against Iraq. The belief in the legitimacy of the UNSC is what caused the other members to believe the statements made by the U.S. to the UNSC rather than the ones made to the American public. As a legitimate IO, the UNSC legitimizes the intentions presented to it, and gives these intentions credibility. This legitimacy-distributing function of the UNSC allowed the U.S. to use it as a tool for misdirection.

In advancing this argument, my interest is not to offer an account for when or why misdirection occurs. Rather, it is to demonstrate that misdirection is a behavior that can occur when a state is willing to circumvent constraints by the UNSC to achieve its self-interest. This thesis explores the occurrence of misdirection, and the legitimacy paradox created by the international community conferring legitimacy upon UNSC processes and agreements. The

greater the belief in the legitimacy of the UNSC, the greater the payout for a state willing to cheat the system to achieve its self-interest. This thesis explores this paradox theoretically and illuminates it empirically, using the U.S.' behavior in 2002 as a qualitative case study.

This thesis is structured over five parts. First, I explore the puzzle. Second, I survey rationalist literature on state intentions. Here I operationalize key terms and focus on rival theories to establish that existing literature does not adequately explain this puzzle. From this discussion, I demonstrate how the inscrutable nature of state intentions provides the environment for misdirection to take place. Third, I define misdirection, evaluate concepts and function of legitimacy to construct a basic theory on misdirection. Fourth, I explain the methodology and case selection. Fifth, I delve into the case study to provide an empirical account of misdirection. Finally, I conclude with remarks about the future of this research program and its limitations.

U.S. INTENTIONS FOR IRAQ

Postwar revelations have made clear that the U.S. was determined from late 2001 to bring about a regime change Iraq, and from the summer of 2002 began the public campaign to generate support for preventative war to achieve this goal (Kaufmann, 2004, p. 6). To this end, President Bush and members of his administration made several speeches domestically, including a September 2002 speech proclaiming that inspectors had discovered Iraq to be only months away from developing a nuclear weapon (Text of President Bush's News Conference, Associated Press, September 7, 2002). In October 2002 President Bush spoke urgently of the importance of action, stating, "Saddam Hussein must disarm himself—or, for the sake of peace, we will lead a coalition to disarm him." Congressional votes in October 2002 gave President Bush the authority to go to war against Iraq (Kaufmann, 2004, p. 6).

Although President Bush cited UNSC agreement that Saddam Hussein was a threat and must disarm, at no point in the speeches made to the American public did he or his officials mention seeking UNSC approval before taking action.

The broadly held belief in the international community was that deterrence was working on the Saddam regime (Pillar, 2018, p. 16). Jervis (2003) discredited claims that a nuclear-armed Iraq would pose a significant threat to the U.S. France had made it clear that it supported Iraqi disarmament through peaceful means and would veto any Security Council resolution

authorizing the use of force against Iraq (Murphy, 2003, p. 421); Germany and Russia also confirmed their opposition to the use of force (Murphy, 2003, p. 421).

Despite this, after almost eight weeks of negotiation, the UNSC passed Resolution 1441, containing provisions for “serious consequences” if Iraq failed to disarm. Statements made by UNSC members including France, Russia, and Syria indicated that they had been convinced by the U.S. that the ambiguous language of “serious consequences” did not mean that the resolution could be used as an automatic provision for the use of force (UN Press Release, 2002).

In the case of Iraq’s WMD acquisition and development, acting with UNSC authorization was deemed necessary by nearly all U.S. allies (Jervis, 2003). However, the ambiguous language provided a legal basis for military action against Iraq without a new UN resolution. Through portrayal of its position as justified by international law, the U.S. gave UNSC members the appearance of maintaining respect for the UNSC process “despite the fact that the U.S. was prepared to use force against Iraq without clear Council authority” (Scott and Ambler, 2007, p. 77).

The U.S. gave every indication that it was going to engage in war regardless of UNSC approval, through speeches made by President Bush to the American people and negotiating ambiguous language in Resolution 1441 that created a partial legal basis for military action against Iraq. It was only through speeches and meetings at the UNSC that the U.S. maintained that the matter would return to the UNSC before a military invasion.

To reiterate the theoretical question of this thesis: why did the U.S. present two different sets of intentions, one to the domestic American public and one to UNSC member-states, with

the assumption that the UNSC members would have cause to believe the intentions presented to them instead of the ones to the domestic public?

I argue that the U.S. used the legitimacy of the UNSC to make its presented intentions appear legitimate, and thereby impacted the behavior of other member-states wherein they were convinced by these presented intentions enough to act on them. I identify a function for the UNSC that suggests that it distributes legitimacy to intentions, which allows it to be used as a tool for self-serving purposes.

OPERATIONALIZATION AND EXISTING LITERATURE

This thesis builds on a large body of rationalist literature (Martin, 1999, Padgett, 1980, Axelrod and Keohane, 1985, Bennett and Stam, 2000), in which states are motivated by their goals. They act within specific, given constraints and on the basis of information they have about the conditions under which they are acting (Bennett and Stam, 2000, p. 127). Rationalist international relations theories hold that states will behave in ways that can be judged objectively to be optimally adapted to the situation (Keohane, 1989, p. 380). Rationality is always contextual, and so there is considerable variation in outcomes with the assumption of rationality (Keohane, 1989, p. 380).

This thesis uses the assumption of states as rational actors because the rationalist theory has been useful in a number of ways to explain institutionalist behavior. The rationalist presumption of international organizations is that states use them to further their own goals, and design them accordingly; however, IOs are more than empty vessels and states spend significant amounts of time and effort constructing IOs specifically because they affect outcomes (Koremenos et al, 2001, p. 762). IO arrangements are best understood through the 'rational design' among multiple participants, where states use diplomacy, conferences, and other IO processes to further their individual and collective goals (Koremenos et al, 2001, p. 766).

Drawing from the assumption of rationality, this thesis utilizes Rosato's (2014) definition of intentions as "the actions a state plans to undertake under certain circumstances" (Rosato,

2014, p. 52). This indicates three features of intentions: first, that there is a difference between taking an action and planning that an action will be taken, and that one action does not mitigate the plan of taking a different action (Rosato, 2014, p. 52). Second, that intentions are state-level attributes wherein decision-makers may have their individual opinions, but reach collective agreements on a singular state intention. States are unitary actors. Even if individual state officials make different speeches, they do not individually decide a state's intentions, goals, or strategies. Individual state officials act on collectively agreed-upon intentions, goals, and strategies. In the case of foreign policy, these are ultimately decided by the leader of the state. For the U.S. specifically, the basis for U.S. participation in the UN is contained in the Participation Act of 1945, which states that "representatives of the United States shall at all times act in accordance with the instructions of the President, transmitted by the Secretary of State or otherwise, and they shall act and vote in accordance with these instructions" (Hyde, 1956, p. 22). Therefore, although responsibility in all areas of foreign policy rests on the President advised principally by the Secretary of State (Hyde, 1956, p. 24), all statements and negotiations carried out by representatives of the U.S. to the UN and UNSC are collectively agreed-upon. Tacit bargains, verbal agreements, and written documents can all be considered intentions of the state (Rosato, 2014, p. 53).

Third, state intentions are subject to change if conditions and circumstances change within and outside the state (Rosato, 2014, p. 53). There can be a difference between a state's presented intentions and its actual intentions. It is intuitive that a state acting in a certain way does not mean that it will not plan on acting in a different way, or a state planning to act in a certain way does not mean that it will not act in a different way. So an action which indicates a

plan to act in a certain way can be used to mask an actual intention. Additionally, a discrepancy between presented intentions and actual intentions can be observed by looking at differences in speeches made regarding the same circumstances under the same conditions to different audiences, where an audience is the domestic public or the UNSC members.

Existing literature offers a number of reasons why the intentions a state presents through statements or speeches are not necessarily its actual intentions. Although the inscrutable nature of state intentions is a key foundation of realist literature, existing literature on institutions, legitimization, and information-accessibility through IOs have one thing in common: the assumption that states are honest about their intentions and that they relay correct information to IOs. There are strategic, reputational, and IO-specific reasons for this. Sartori (2002) claims that irresolute states (states that will not follow through on their promises) are deterred from bluffing due to fear of developing a reputation in the international community for bluffing, which in the long run would hinder its goals. Sartori also demonstrates that states do bluff regardless, successfully or otherwise. This means that a concern for reputation alone would not prevent resolute states from bluffing if it determines that the cost to reputation outweighs the gains from bluffing. This cost-benefit analysis regarding bluffing is affected by the audience of diplomacy, and states are likely to be willing to concede less important issues and have more important issues decided in their favor by bluffing (Sartori, 2002, p. 122).

The strategic reasons for choosing not to lie include the shadow of the future (Sartori, 2002, p. 122), where leaders are more likely to concede in less important matters to gain advantage in more important matters, and they wish to maintain their reputation and utilize diplomacy in the future. This creates the notion of rationalist strategic trust, wherein trust

emerges due to actors have information that leads them to believe that specific others have a self-interest in reciprocating cooperation than violating their trust. Therefore, international institutions can “restructure the situation to reduce uncertainty, create strategic trust, and make cooperation pay” (Rathbun, 2011, p. 244). Additionally, social psychologists have demonstrated the importance of “generalized trust” (Rathbun, 2011, p. 244), which creates expectations of reciprocity and alleviates fears of opportunism, thereby creating a moral obligation to follow through on binding agreements. Legitimacy is a property of organizations that allows them to take advantage of both these kinds of trusts to facilitate multilateralism, by creating a greater social and strategic payout to following through on commitments. However, if circumstances indicate that following through on a commitment will not favor a state’s goals, then states have an incentive to care differently about the shadow of the future and reciprocity.

Given this, we can conclude that states cannot be trusted to be honest about their intentions if there is an incentive to lie. As incentive to lie is subjective to the state, states are likely to have this incentive in most situations. Mearsheimer (2011) also suggests that while it is rare for leaders to lie to other leaders, states can have up to seven reasons for deception. Among these, there are five kinds of lies whose purpose is strategic, told in the national interest, and four which are relevant to this thesis, because they either directly misdirect other states, or indicate the state’s actual intentions. Interstate lying occurs when a state is attempting to gain advantage over another state, or to prevent another state from gaining an advantage over it. Fearmongering occurs when a leader lies domestically in order to make a threat appear larger than it is. Strategic cover-ups are lies told both domestically and internationally in order to hide failed or controversial policies and intentions, in order to protect the state. Liberal lies cover up the

behavior of the state if it contradicts liberal norms or international law. For the case study used in this thesis, the US utilizes strategic cover-ups, interstate lying, fearmongering, and liberal lies.

Existing literature also offers several ways states can evaluate each other's intentions. One argument begins from a rationalist foundation (Mearsheimer, 1994, 2001). A realist analysis would suggest that cheap talk, defined as "costless, nonbinding, nonverifiable communication" (Farrell, 1987, p. 34), is a weak way to signal intentions and so should not be trusted. A costly signal, on the other hand, is one that has a direct effect on the sender's payoff (Sartori, 2002, p. 6). The key feature of a cheap-talk game is that the message has no direct effect on either the sender or receiver's payoff structure, and the only way it matters is through its informative content, by providing information that changes the beliefs of the receiver (Gibbons, 1992, p. 212). The cheap talk literature shows that communication through words and other costless signals, consisting of speeches, meetings between leaders, and diplomatic notes, do not meet the requirement for successful costly signaling (Sartori, 2002, p. 6). In this case, speeches made by the Bush administration to the UNSC in meetings or forums, and speeches made by the administration domestically, are all considered costless signaling. If talk is cheap, the UNSC should not have agreed to pass Resolution 1441, which left provisions for the U.S. to invade Iraq without Council approval. If this were the case, the UNSC would not have bought into the relatively weak signaling by the U.S.

On the other hand, Glaser (1994) argues that states with aggressive designs, which are willing to use military force to change the status quo or extend their values, are more likely to deploy forces or build up military advantage. He also argues that states with peaceful designs are more likely to reduce their military capability, and this is a model of costly signaling that

indicates actual intentions. However, even peaceful great powers are unlikely to engage in significant restraint (Rosato, 2014). This is a paradox of tacit bargaining, wherein a state “will rarely be certain enough about an opponent’s response to make a large cooperative gesture, and the opponent will rarely be trusting enough to respond enthusiastically to a small gesture” (Downs and Rocke, 1987, p. 298). As the Saddam regime was apparently unwilling to make a cooperative gesture by disarming, the U.S. was not going to trust it enough to stop preparing for war. Therefore, the UNSC could not evaluate U.S. intentions based on military actions.

An opposing line of rationalist literature focuses on regime type as the explanatory factor. The audience cost literature suggests that for democracies, declaration of intent through what cheap talk literature calls costless signaling is actually costly. Democratic domestic audiences, i.e. the voting population of a state, can punish democratic leaders who announce a certain policy then fail to follow through (Fearon, 1995, p. 577, Schultz, 1998, p. 32). This is because of the key feature of democracies where the voting population controls the leader’s future in office. By this logic, the U.S. making public speeches directed at the American people declaring an intent to go to war is a form of costly signaling, which has a direct effect on the Bush administration’s future. UNSC members should have taken note of the U.S. regime type—democratic—and believed the speeches made to the domestic audience due to the costs associated with backing down after declaring intent.

Institutionalist literature, which views institutions as affecting patterns of costs, suggests that IOs reduce uncertainty and alter the costs of specifying and enforcing contracts, which aids cooperation. IOs can therefore provide information and stabilize expectations (Keohane, 1989, p. 386). This literature suggests that states can discern each other’s intentions based on their

membership in international organizations. As IOs have rules that prescribe or prohibit certain actions, states that form, join, and remain in these IOs are likely to follow the rules of the IOs (Ikenberry, 2001, p. 58). This is another model of costly signaling, which ascribes costs to defecting from the fundamental assumptions under which IO member-states operate (Wallander et al, 1999, p. 26). Because IOs institute costs on members' behavior, and have processes that require members to interact regularly to provide, request, and discuss information about goals and intentions, IOs make state intentions more transparent (Rosato, 2014). Additionally, Thompson (2006) argues that powerful states create IOs to exhibit restraint and reduce fear of domination. Not only do IOs impose costly restraints on states that prevent them from acting however they want, Thompson argues that under certain conditions, IOs can provide information on intention and policy information, and that states have an incentive to rely on this information and take decisions based on it (Thompson, 2006, p. 5). However, IOs cannot force states to abide by their rules, and so they are a poor indication of intentions. While states might have an incentive to rely on information provided by IOs, they are not required to provide accurate information to IOs. The U.S. decided to present inaccurate intentions to the UNSC, circumvent the UNSC, and attack Iraq unilaterally. The UNSC was unable to impose enough costs or transparency to foresee this action or prevent it. So the UNSC could not fully trust the intentions the U.S. presented to it.

Another possible answer draws on literature that highlights the interaction between international organizations and states and stakes a claim to the middle ground between rationalist and constructivist approaches (Hurd, 1999, Finnemore, 2009). This literature recognizes that IOs can at the same time be instruments of powerful states, and also that IOs confer legitimacy on

states (Carson and Thompson, 2014, p. 2). Alongside coercion and state interest, legitimacy is a subjective and relational phenomenon that conveys a reason for a member of an IO to comply out of normative conviction (Hurd, 1999). Not only do IOs require legitimacy to gain support from states, states use the legitimacy of IOs to legitimize their interests (Stephen, 2015, p. 3). Legitimacy is lost if a state is too often interpreted as violating the rules of the game, and engaging in hypocrisy or misdirection (Hurd, 2005, p. 501). Theories of international cooperation have long argued that states follow international rules, and rules of legitimate organizations of which they are members, because noncompliance can prompt naming and shaming, damage reputations, and even lead to sanctions of military action (Carnegie and Carson, 2017, p. 2). Because hypocrisy is dangerous to legitimacy of both the state and institution, states avoid hypocritical behavior (Hurd, 2005, p. 501). If this was the case, it stands to reason that states, particularly hegemons, would be deterred from bluffing behavior. In this account, the U.S. would be deterred from presenting different intentions altogether. However, it is clear that this was not the case.

In summary, states cannot be trusted to be honest about their intentions. The processes states can use to evaluate each other's intentions are not foolproof. Regime type, signaling models, and IO membership cannot prevent a state from lying about its intentions. None of the above means of evaluating intentions could have provided the other members of the UNSC with enough reason to trust either one of the intentions presented by the U.S., and they did not act as a deterrent for the U.S. to be honest about its intentions. This lack of means of discerning actual intentions from presented intentions, and incentives to conceal actual intentions, creates an environment where states can choose to engage in misdirection.

EXPLORING MISDIRECTION

Misdirection occurs when there is a difference between a state's actual and presented intentions. In this case, there is a clear difference between the statement made by U.S. Ambassador Negroponte upon the passing of Resolution 1441, where he claims that the resolution does not contain automaticity for the use of force, and President Bush's address to the American people that strongly indicates that the U.S. is already prepared to go to war. One of these intentions is presented, the other is the U.S.'s actual intentions. The discrepancy between them indicates a case of misdirection. This misdirection is successful because of UNSC legitimacy, which provides credibility to intentions presented to member-states through UNSC resolutions, statements, and negotiations.

Hurd defines legitimacy as "the normative belief by an actor that a rule or institution ought to be obeyed" (Hurd, 1999, p. 381), which is subjective between the actor, institution, and the actor's perception of the institution. A rule becomes legitimate when its content is internalized by an actor and the actor reconfigures its interests according to the rule, and when this happens, compliance becomes habitual. This is in line with Max Weber's concept of legitimacy where 'legitimate' is the same as 'considered to be legitimate'. Legitimacy attached to formal institutions affects the decisions of actors and empowers the symbols of the institution which become political resources that can be appropriated by actors for their own purposes (Hurd, 2008, p. 9). This affects the decision calculus of actors with respect to compliance.

Therefore, it has implications for behavior, as the presence of legitimacy changes the strategic calculations made by actors about how to respond to a rule or institution. Per this definition, legitimacy can be approached as an element in strategies used by leaders.

Rational-constructivist literature argues that IOs can confer legitimacy on intentions and information presented to them, and so IOs can be a source of legitimacy-distribution (Carson and Thompson, 2014, p. 2). Alongside coercion and state interest, legitimacy is a major mechanism that underpins IOs (Stephen, 2015, p. 3). Not only do IOs require legitimacy to gain support from states, states use the legitimacy of IOs to legitimize their interests (Stephen, 2015, p. 3).

Finnemore argues that the act of legitimizing power requires the acceptance of power of others over the state, as legitimization lies in the hands of others (Finnemore, 2009, p. 60). Powerful states can create IOs and tailor them to suit their own preferences, but constructing institutions and institutionalizing legitimacy requires creating credible laws, rules, and institutions. When states believe that a rule or institution is legitimate, they are likely to act in compliance of it (Hurd, 1999). These legitimate rules can constrain states, as legitimacy is lost if states violate the rules of the game too often, but also allow them to use their powers in ways other than only militarily. Thompson (2006) determines that a state can gain international support due to the legitimacy provided to it by IO approval. Stephen utilizes Hurd's (2005) theory on the strategic use of norms to advance that states frame their demands in terms of legitimacy and converge on vocabularies of legitimacy (Stephen, 2015, p. 2). States can take rhetorical action consisting of "legitimacy claims as statements that are strategically driven, but which present themselves as sincere and deliberative" (Stephen, 2015, p. 3). These claims can be

effective if states follow the legitimate rules and institutions of an IO, thereby presenting the claims as legitimate to other states (Stephen, 2015, p. 3).

The UNSC provides an excellent context in which to observe states acting in compliance with or in defiance of legitimate rules. Hurd argues that the UNSC is potentially the most powerful IO in the world, which makes it a crucial test case for the operation of legitimacy in the international system; its combination of “extensive powers and political limitations means that its effectiveness depends on its legitimation” (Hurd, 2008, p. 9). The UNSC is composed of 15 member-states, 5 of them permanent and specified by name in the Charter. The UNSC Charter grants the Council the ability to determine the existence of a threat to international peace and security, and requires supporting action from member-states when a threat is found. The UNSC has the ability to mobilize massive coercive resources in a way that is unique among IOs, and all its member-states have consented to its coercive measures in a highly public manner upon agreeing to membership. This capacity to persuade is almost entirely a function of states’ belief about the UNSC’s legitimacy.

If the UNSC acts in a way deemed inappropriate by member-states, it is far more likely to be charged with illegitimacy than illegality (Weston, 1991, Alvarez, 1991), indicating that being seen as illegitimate has a cost. Russett and Sutterlin (1991) argue that repeated actions that are deemed illegitimate will damage the effectiveness of the UNSC, and so imply that there is some form of effectiveness of the UNSC that states make use of. This indicates that loss of legitimacy is a concern to the UNSC because the presence of legitimacy affords it a degree of power that makes actions easier.

Additionally, in early debates on the founding of the UN, great powers legitimized the inequalities of the UNSC by granting informal assurances about their intentions and commitments to democratic procedures in the UNSC, which increased the cost for going back on these promises. Hurd argues that the San Francisco conference in 1945 that established the UNSC Charter demonstrates that the UNSC was designed by powerful states to increase the legitimacy of the institution, and that from the onset legitimacy was identified as an important element in the usefulness of the UNSC. Similarly, the conference determined that the process of deliberation and informal assurances is valued by states and is considered legitimate even if it does not affect the substantive outcome of a case. The San Francisco conference legitimized informal assurances, negotiations, and statements of commitment in the UNSC. Hurd (2008) demonstrated empirically how Libya in the early 1990s was able to strategically call these commitments into question and use UNSC processes to undermine the preferred policies of the UK and U.S.

If legitimacy is a source of power for states, then the great powers who are members of the UNSC have an interest in maintaining the legitimacy of this organization. The UNSC is therefore an excellent location to observe the legitimacy granted to verbal reassurances. Because UNSC members benefit from UNSC legitimacy, member-states grant informal assurances about intentions for the veto vote, and commitments to democratic procedures in the UNSC (Hurd, 2008). This results in statements made to the UNSC credible and legitimate, as the member-states agree that verbal negotiations and commitments are binding and legitimate.

Due to this, the legitimacy of the UNSC creates a paradox. If states believe in the legitimacy of the UNSC, there is a payout of cheating the system. As states attach costs to cheap

talk, cheap talk becomes costly signaling in legitimate institutions. This creates incentives for states to believe intentions presented to the UNSC, thereby creating an incentive to misdirect and reap the payout. Additionally, states that are unable to secure their desired outcome on a particular negotiating issue may push for ambiguous language in resolutions so as to reduce the impact of their loss if they implement their own interpretation of the obligations. This has been evident in past UNSC resolutions (Byers, 2004, p. 166). When more or less equally balanced sets of negotiators end up at a stalemate, the adoption of an ambiguous text allows all sides to claim victory (Byers, 2004, p. 167). This makes intentions even more unclear, as it is difficult to judge if states are pushing for ambiguous language in order to reduce the impact of their loss if they act on their individual interpretation, or if they only want to allow all sides to claim victory in the negotiation process. This further creates an environment for misdirection.

From this argument we can surmise that legitimacy is a function of the UNSC that all member-states wish to maintain. Misdirection, which relies on UNSC legitimacy for success, should result in loss of legitimacy. Given this, it can be argued that misdirection would only occur rarely, so as not to result in permanent loss of legitimacy, or at critical junctures when a state is dealing with high uncertainty or security risks, when the cost of losing UNSC legitimacy through misdirection is less than the cost of not misdirecting.

In the case of the U.S. in 2002, the U.S. presented intentions to the UNSC and relied on the UNSC acting on the presented intentions and passing Resolution 1441 with ambiguous language that the U.S. could then use to justify an invasion.

Therefore, I surmise that powerful states can use the legitimacy of the UNSC for their own purposes, and that claims advanced through the UNSC gain legitimacy. Following UNSC

rules and processes can provide states with legitimacy, thereby providing legitimacy to state intentions.

METHOD AND DATA

Because legitimacy cannot be directly observed, empirical research on legitimacy relies on proxy indicators. “Increasingly, scholars have turned to the analysis of public communications and statements as a methodology for the empirical study of legitimacy and the process of legitimization” (Stephen, 2015, p. 769). If states feel the need to provide a justification for their behavior which is part of what confers legitimacy upon forums such as the UNSC, this need for justification “will leave an extensive trail of communication among actors we can study” (Finnemore and Sikkink, 1998, p. 892).

The observable data for this case therefore includes press conferences, press releases, official statements and speeches, and interviews by the UN, UNSC, and state leaders and their administration staff. It also includes communication transcripts between state leaders/administration such as email records, available unofficial communication records, publicly available details of negotiations between state ambassadors at UNSC meetings, records of votes on resolutions, the given reasons for voting, and previous patterns of voting behavior on UNSC resolutions.

Also, because legitimacy cannot be directly observed due to the internalization process, Hurd offers two empirical tests to determine if legitimation has taken place. First, states should work towards their goals within the context of taking existing institutions of IOs and their rules for granted, and attempting to work within the confines of these rules. Second, states can attempt

to manipulate other states by using resources derived from legitimate IOs, such as using the deliberation process to gain legitimacy, and drafting and aiming to pass resolutions with ambiguous text.

To unearth misdirection in practice I use U.S. behavior in 2002 and the UNSC as a crucial case study, where a crucial case is most or least likely to be consistent with observable implications for a testable theory (Gerring, 2004, p. 350). The research objective is to observe a case of successful misdirection, where the U.S. presents two different intentions to two different audiences, one to the domestic audience and one to UNSC members, and is successful in misdirecting IO members into acting on the intentions presented to them.

There is an intervening variable in this case, which is the other states' domestic intentions. Although this thesis does not explore the other states' intentions to a great degree, it would be useful to determine that other states' domestic intentions were not different from the intentions they presented to the UNSC (a reason for which could be to engage in performative diplomacy to maintain plausible deniability if the U.S. decided to go back on its word), to ensure that there is only one case of misdirection in action, only from the U.S.

This is a theory-confirming case most likely to demonstrate discrepancy between a state's actual and presented intentions in a situation where the state had cause to misrepresent its intentions, thereby most likely to demonstrate a case of misdirection. The UNSC was previously identified as a uniquely legitimate IO where states believe in its legitimacy and processes and engage with them to achieve their goals. This is a most likely case due to the U.S.'s status as a great power which would have allowed it to circumvent the UNSC altogether and use force against Iraq with few security repercussions; instead, it drafted Resolution 1441 and engaged in

eight weeks of extensive negotiations and provided reassurances to UNSC members to ensure it passed unanimously. Therefore, this case determines that legitimization has taken place by the U.S. working towards its goals by accounting for existing UNSC institutions and rules, and using UNSC meetings and resources.

Additionally, this thesis has determined that the loss of legitimacy of the UNSC is an outcome states try to avoid, and regular illegitimate behavior would result in the UNSC becoming ineffective. Misdirection only occurs rarely or when the cost of losing legitimacy is outweighed by the gains from misdirection. Following 9/11 through 2002 when Resolution 1441 was passed and until the invasion of Iraq in March 2003, the U.S. was in a period of great uncertainty during which it determined that the loss of legitimacy would be outweighed by the gains from misdirection if Resolution 1441 could provide it with a pretext to strike Iraq. This was a period of high uncertainty and security risk, and arguably the U.S. would not have taken these measures under different circumstances. This is evidenced by the U.S. not striking Iraq prior to 9/11 despite Iraq failing to comply with previous UNSC resolutions. This therefore lines up with the condition for misdirection that requires states to only engage in it rarely and under potentially crisis circumstances.

Using a single case study design has a number of benefits. The purpose of a single case design is simply to determine that a functional relationship exists between the variables under study, which is well-suited for a thesis designed to simply be a plausibility probe. If my chosen most-likely crucial case does not fit the theory, then my theory is greatly undermined and future scholars can discard the possibility of misdirection as an explanation for this behavior. However,

if this case does fit the theory, then it would be easier to pinpoint the progress made and areas to improve upon.

However, there are also a few faults with this research design. Even if the evidence for this case fits closely with the working theory of misdirection, it does not discard other explanations that may not have been explored yet. Additionally, using a single case reduces the generalizability of the theory, and leaves doubt about whether or not the theory is transferable to other states and IOs (Bennett, 2004, p. 22, 39). I limit this disadvantage by only seeking to understand U.S. behavior in this one case as a plausibility probe for this thesis.

I utilize this crucial case study in order to test the plausibility of states engaging in misdirection. This thesis does not attempt to explain why misdirection occurs, or under what circumstances it is successful. Using this crucial case study, I explain simply that misdirection is an observable phenomenon which can successfully affect other states' behavior.

In the following empirical section, I will provide background for the situation and some detail on the provisions in Resolution 1441. Next I will identify observable implications of misdirection and determine the evidence available for each of them, or identify where to look for evidence. Then I will demonstrate that Resolution 1441 had some ambiguity, and show through UNSC member statements that UNSC members were convinced by the U.S. during negotiations.

EMPIRICAL ACCOUNT OF MISDIRECTION

Background and Resolution 1441

Following the September 11 tragedy, Iraq was identified as a prime target for attack from the U.S. and Secretary Colin Powell admitted in the wake of the attacks that he was unaware of any direct link between Iraq and the September 11 attacks. Even if there had been a connection between Iraq and the September 11 attacks, Jervis (2003) discredits the fact that even a nuclear-armed Iraq could have posed a significant enough threat to the U.S. to justify war. Although the reason for the war is a much-debated topic among scholars with a focus on the unipolarity of the U.S. (Jervis, 2003, 2009, Mearsheimer and Walt, 2003, Ikenberry et al, 2009, Mastanduno, 2009, Wohlforth, 2009, Walt, 2009), the one agreed-upon fact is that it was known before the war that Iraq was not a large threat to the U.S. (Pillar, 2018, p. 16). The international community held the broad belief that Iraq was being kept in check (Pillar, 2018, p. 16).

Despite the lack of a credible threat from Iraq, the events of September 11 resulted in U.S. shift to an aggressive policy towards Iraq, advocating preemptive or preventive strikes against hostile states possessing WMDs (McLain, 2003).

On 12 September 2002, then President Bush addressed the UNGA with a speech in which he outlined the U.S. threat to international peace and security. He outlined a series of violations by Iraq of previous resolutions (UN Doc 687, 1331) and declared that Iraq was “sheltering and

supporting terrorist organizations that direct violence against Iran, Israel, and western governments.” He claimed that Iraq was in the process of expanding and improving facilities that were used for the production of biological weapons, and that Iraq admitted to owning nuclear weapons as well. Bush implored members of the UN to take a stand against Iraq and stated that the U.S. was going to take a stand against Iraq in order to protect the American people.

Following this speech, the U.S. engaged in intensive negotiations with UNSC members for a resolution that would address the Iraqi threat. The resolution was drafted jointly by the U.S. and the UK (Byers, 2004). After eight weeks of intense negotiations, the UNSC adopted Resolution 1441 unanimously on November 8, 2002.

Resolution 1441 recalled previous resolutions on Iraq and recognized the threat Iraq’s noncompliance with Council resolutions posed to international peace and security. It decided that Iraq was in ‘material breach’ of its obligations under relevant resolutions, and offered Iraq this final opportunity to comply with its disarmament obligations. It insisted on Iraq’s full cooperation with the UN and International Atomic Energy Agency (IAEA) weapons inspectors. It decided that further failure to comply would be considered another ‘material breach’, and that the UNSC would ‘convene immediately’ if the inspectors determined failure to comply. It decided that continued violations of the resolutions would result in ‘serious consequences’, and that the UNSC would remain seized of the matter (SC Res. 1441).

In the wake of the invasion, it became clear that the U.S. had been preparing for a potential invasion since the September 11 attack (Pillar, 2018, p. 18). The U.S. used intelligence regarding Iraq’s alleged possession of WMDs to justify a decision already made regarding the war (Pillar, 2018, p. 18). However, upon passing of Resolution 1441, the U.S. maintained to the

international community through a statement made by Negroponte at the UNSC that if Iraq was found in ‘material breach’ of the resolution, the matter would return to the UNSC for discussion.

The U.S. did not return the matter to the UNSC for discussion when Iraq was found in ‘material breach’ of Resolution 1441. In March 2003, the U.S. invaded Iraq and claimed that Resolution 1441 justified the invasion (Byers, 2004).

Observable Implications and Evidence

This thesis engages three main alternative explanations. First, the cheap talk hypothesis predicts that verbal assurances and resolutions are cheap signaling behavior and so should not be believed. If this explanation was correct, UNSC members would have refused to pass Resolution 1441, and negotiations would not have continued. The U.S. would have engaged in military movements to convince UNSC members instead.

Second, audience cost literature claims that states would believe promises made to the domestic public due to domestic audience costs. If this explanation was correct, UNSC members would have believed statements made to the American public that indicated that the U.S. was willing to go to war as soon as possible, with no indication that it would wait for UNSC approval.

Third, institutionalist literature claims that states are bound to IO rules. If this explanation was correct, then the U.S. would have presented the correct intentions to the UNSC, and would not have used force against Iraq without UNSC authorization.

The working theory of misdirection presented in this thesis has several observable implications.

First, states should indicate a predisposition towards legitimizing their behavior through the UNSC, indicating they believe in the legitimacy of the UNSC. The U.S. should attempt to gain legitimacy through the UNSC in the form of tacit or direct authorization for the use of force against Iraq. More importantly, the U.S. should attempt to legitimize its intentions by stating them in UNSC negotiations with other members, UN press releases, and statements.

The U.S. attempted to gain UNSC authorization to use force against Iraq. President Bush addressed the UN General Assembly on September 12, 2002, stating, “My nation will work with the UN Security Council to meet our common challenge... We will work with the UN Security Council for the necessary resolutions.” Bush’s speech also tried to convince the UNSC of the danger Iraq posed to international peace and security by claiming Iraq had weapons of mass destruction and that it was harboring terrorist organizations, and argued that immediate action against Iraq was necessary (Text of President Bush’s Speech, 2002).

Following this, the U.S. drafted Resolution 1441 in conjunction with the UK, and negotiations began with other UNSC members that lasted eight weeks (Byers, 2004). Notably, three permanent UNSC members: Russia, China, and France, all declared prior to entering the negotiations that no existing resolutions authorized using force against Iraq despite any material breaches (McLain, 2003, p. 247). The U.S. engaged in negotiations, devoting time and resources to convincing UNSC members to pass Resolution 1441, which it would later use as pretext to

strike Iraq instead of acting against Iraq unilaterally with no resolution. The U.S. therefore stated that it would work with the UNSC to pass resolutions, and succeeded in gaining a form of tacit authorization for the use of force against Iraq (Text of President Bush's remarks).

Second, states should rarely make conflicting statements to domestic publics and UNSC members. Making conflicting statements with regularity would damage the state's reputation and attempting to misdirect using UNSC legitimacy would damage the legitimacy of the UNSC. If states lose their belief in UNSC legitimacy, then the UNSC would be unable to legitimize intentions, and misdirection would be unsuccessful.

Although the U.S. had engaged in minor diplomatic conflicts with Iraq since the Gulf Wars, prior to 2002 it had not made conflicting statements about intentions to different audiences regarding Iraq. The message prior to 2002 was consistent in claiming Iraq was in breach of UNSC resolutions and that some action should be taken. However, this thesis does not account for other situations and UNSC contexts under which the U.S. could have made conflicting statements. Further research would engage with UNSC resolutions made prior to 1441 and find speeches, statements, press releases, and interviews by serving presidents and their administrative staff to determine if conflicting statements were made domestically and to the UNSC regarding other resolutions, especially resolutions passed at times of potential security crises.

Third, UNSC members should generally believe statements made in UNSC negotiations, speeches, and statements, because of a mutual understanding of the cost of losing UNSC legitimacy. Additionally, states should be willing to believe statements made at the UNSC due to a mutually understood cost of developing a reputation for lying.

Resolution 1441 was not the first time the UNSC adopted a resolution with ambiguous text. Byers (2004) demonstrates that Resolution 242, which was adopted following the 1967 Six Day War, had two different versions of the text, one in French and one in English, and the translation contained intentional ambiguity of language as explained by Guy de Lacharriere, the then French diplomat, as a way to appease all negotiating parties. However, it was done with a mutual understanding of what the ambiguous text meant, which indicates a willingness of UNSC members to believe in the spirit of a resolution and the UNSC processes of negotiation and verbal agreements.

When Resolution 1441 was unanimously passed, the UNSC press release contained multiple states, including the temporary members as well as France and Russia, who publicly affirmed the legitimacy of the UNSC and the importance of maintaining it.

Fourth, there should be a deliberate strategy to misdirect other states to achieve a goal, and this strategy can be traced to the administration of the state. There should be a deliberate intent to misdirect and use the legitimacy of the UNSC.

This would be ideally observable by examining internal communications of a state, including memos and emails between high level administration staff members and the leader of the state. Communications between President Bush, Negroponte, Cheney, Powell, etc. and their staff which explicitly indicate a deliberate attempt to misdirect UNSC members, or a memo sent to the ambassador's staff suggesting that Resolution 1441 was a precursor to striking Iraq, would serve as evidence for this observable implication. However, due to resource constraints, this thesis does not engage these communications. For a wider research project, fieldwork and access to archives could provide the evidence required.

Fifth, states should act with the assumption that statements made at the UNSC will be believed by other states. The success of misdirecting behavior should rely on the legitimacy-distributing function of the UNSC, where there is a mutual understanding among UNSC members that presented intentions in UNSC meetings and negotiations are accurate.

This is another observable implication that could be observed through internal communications between the U.S. president and his administrative staff. However, for this case, communications, statements, and interviews made domestically by other great powers in their respective states, claiming explicitly that statements made at the UNSC are believed by other states, or statements made by the U.S. at the UNSC are to be believed because they were made at the UNSC, would serve as evidence.

Sixth, under conditions when stakes are high and more can be gained from misdirection than lost from losing legitimacy or reputation, states should make conflicting statements to the domestic public and UNSC members. These statements could be available publicly or privately, but they should present different intentions. The existence of these different statements indicates a case of misdirection.

Although the negotiations between UNSC members regarding Resolution 1441 were not made public, following the unanimous vote, the UNSC released a press statement on November 8, 2002 (UN SC/7564) in which Syria publicly stated that it had been reassured by the U.S. that the resolution did not contain any “hidden triggers” for “automaticity”. Therefore, aside from Bush’s speech at the UNGA in September, during the negotiation process the U.S. had presented the intention of returning the matter to the UNSC before using force against Iraq.

Domestically, the intentions presented by the U.S. were very different. The U.S. foreign policy strategy, formulated post-9/11, claimed that great threats could only be defeated by new policies, most notably preventative wars, and “a willingness to act unilaterally when necessary” (Jervis, 2003, p. 365). The architects of post-9/11 U.S. foreign policy advocated establishing U.S. hegemony using the U.S.’s exceptional military strength (Jervis, 2003, p. 376). This is heavily implied by George W. Bush in his speech to graduates of West Point, “America has, and intends to keep, military strengths beyond challenge—thereby making the destabilizing arms races of other eras pointless, and limiting rivalries to trade and other pursuits of peace.” (Bush, 2002)

In order to keep military strengths beyond challenge, the U.S. would not only be required to sustain a high level of military spending and activity, but also ensure that no other state could develop enough offensive capabilities to challenge it. This was an unexpected change from foreign policy that previously put emphasis on the containment of threats (Jervis, 2003, p. 377). Although an October 2002 Special National Intelligence Estimate concluded that Iraq was unlikely to initiate an unprovoked WMD attack against the U.S. (Kaufmann, 2004, p. 11), the U.S. claimed that there was a great risk that Iraq would use its WMDs against the U.S., and that the U.S. would not wait for Iraq to strike first and take that risk. Secretary of State Colin Powell said in a speech, “Should we take the risk that he will not someday use a [WMD]... the United States will not and cannot run that risk for the American people. Leaving Saddam Hussein in possession of weapons of mass destruction for a few months or years is not an option.” (Powell, 2003).

The U.S. made several claims about Iraq to persuade the domestic audience that Iraq was cooperating with terrorists linked to the 9/11 attacks, the most important of which declared that Iraq had continued a productive nuclear weapons program after 1991. The U.S. declared that “only immediate war could prevent Iraq from completing a nuclear bomb” (Kaufmann, 2004, p. 20). Dick Cheney (2002) claimed that they were convinced that Iraq would acquire nuclear weapons soon, and the lack of knowledge about how soon that might happen made Iraq all the more dangerous.

This claim was later found to be wholly inaccurate. Although Iraq may have been interested in acquiring nuclear weapons, “evidence available both inside and outside the U.S. government through the mid-1990s as well as the first two years of the Bush administration showed beyond reasonable doubt that by 2002 Iraq had not had an active nuclear weapons program for more than a decade” (Kaufmann, 2004, p. 21). Regardless, the U.S. made clear its intentions to use force against Iraq ‘immediately’, or at least as soon as possible. These intentions were made so clear domestically that on October 16, 2002, the U.S. Congress passed a joint resolution authorizing military action against Iraq.

In September 2001, the U.S. declared war on terror, stating that it would “direct every resource at our command... to the disruption and defeat of the global terror network” (Bush, 2001). In 2002, it linked Iraq to the terrorists involved with the 9/11 attacks, and the subsequent war on terror. Next, the U.S. made clear its intentions to go to war as soon as possible, and while the U.S. called for other states to support the war on terror, it did not declare at any point that it would wait for UNSC approval before using force against Iraq.

As Glaser (1994) argued, the U.S., by building up a military advantage and gaining Congressional approval for war, was demonstrating clear signs of aggressive designs. By declaring an intent to go to war, the U.S. puts itself in a position where backing down from its declaration would result in it incurring domestic audience costs, as the U.S. is a democracy and the voting population would punish George W. Bush for failing to follow through with his promises. The U.S. was engaging in multiple forms of costly signaling, through the material preparation for war as well as declaration of intent to the domestic audience. Observing U.S. domestic behavior indicated clearly that the U.S. was going to go to war, it was only a matter of when. Therefore, there was every reason for the other members of the UNSC to believe that the U.S. would not be satisfied with a peaceful solution. It was highly unlikely that the U.S. would wait longer than the thirty days stipulated in Resolution 1441 for Iraq to disarm before using force against Iraq. There was no indication from the U.S.'s domestic behavior that it intended to wait for further UNSC discussions first.

This difference between intentions presented domestically and to UNSC members indicates a case of misdirection.

Seventh, states should be aware that there is a cost of misdirection and to a loss of legitimacy, and they should try to reduce this cost. This should be evident through the use of ambiguity in potentially binding promises. It can be observed through the use of ambiguity in resolutions, where ambiguity allows for different interpretations that can be used to somewhat justify the action being taken.

Resolution 1441 contained provisions for 'serious consequences' if Iraq failed to comply and disarm. However, differences soon emerged on the understanding of the term 'serious

consequences' in the text, and on whether the ambiguity authorized UN member states to use force to uphold its provisions (Byers, 2004, p. 165). In March 2003, when the U.S. and the UK invaded Iraq, they cited Resolution 1441 as authorization to use force. France and Russia, on the other hand, claimed that no such authorization was present. This divide among the permanent members of the UNSC on the understanding of the text of Resolution 1441 was also evident among nonpermanent members of the UNSC, and the 176 UN members not on the UNSC at the time (Byers 2004, 165).

Between November 2002 and March 2003, the U.S. and UK supplied several reasons for military action. The U.S. argued that it already had sufficient authority by virtue of Iraq's 'material breach' of existing UNSC resolutions and an independent right of preemptive self-defense (McLain 2003, 237). The U.S. acknowledged, however, that Resolution 1441 required the UNSC to convene in the event of Iraq's noncompliance, and that the U.S. wanted a new resolution explicitly authorizing the use of force (McLain, 2003, p. 237).

A perusal of Resolution 1441 demonstrates that there were grounds for arguments for and against the existence of UNSC authorization for the use of force. Once the U.S. and UK began the invasion, the attorney general of the UK summarized the following argument in favor of authorization of use of force:

1. In Resolution 678 the Security Council authorized force against Iraq, to eject it from Kuwait and to restore peace and security in the area.
2. In Resolution 687, which set out the ceasefire conditions after Operation Desert Storm, the Security Council imposed continuing obligations on Iraq to eliminate its weapons of mass destruction in order to restore international peace and security in the

area. Resolution 687 was suspended but did not terminate the authority to use force under resolution 678.

3. A material breach of Resolution 687 revives the authority to use force under Resolution 678.

4. In Resolution 1441 the Security Council determined that Iraq has been, and remains, in material breach of Resolution 687 because it has not fully complied with its obligations to disarm under that resolution.

5. The Security Council in Resolution 1441 gave Iraq “a final opportunity to comply with its disarmament obligations” and warned Iraq of the “serious consequences if it did not.

6. The Security Council also decided in Resolution 1441 that, if Iraq failed at any time to comply with and cooperate fully in the implementation of Resolution 1441, that would constitute a further material breach.

7. It is plain that Iraq has failed to comply and therefore Iraq was at the time of Resolution 1441, and continues to be in material breach.

8. Thus, the authority to use force under Resolution 678 has revived and so continues today.

9. Resolution 1441 would in terms have provided that a further decision of the Security Council to sanction force was required if that had been intended. Thus, all that Resolution 1441 requires is reporting and discussion by the Security Council of Iraq’s failures, but not an express further decision to authorize force (Statement by the Attorney General 2003).

Other portions of Resolution 1441 indicate that there is an argument against authorization, however:

1. Resolution 687 (read in conjunction with Resolution 686) terminated the authorization to use force that the Security Council had provided in Resolution 678: any further use of force would thus require a new authorization. This was made particularly clear in the concluding paragraph of Resolution 687, which states that the Council: “Decides to remain seized of the matter and to take such further steps as may be required for the implementation of the resolution and to secure peace and security in the area”.
2. To the degree that Resolution 687 constituted a cease-fire agreement, the agreement was between the Security Council and Iraq (although the cease-fire itself applied to Iraq and the “coalition states”). A “material breach” could not revive the right of the coalition states to use force because they were not party to the agreement.
3. Although Resolution 1441 finds Iraq in material breach (and asserts that a further violation will constitute a further material breach), it at no point specifies any legal consequences of this finding.
4. Resolution 1441 does not contain the signal words “use all necessary means” which have traditionally been considered vital to any Security Council authorization.
5. Following its adoption, representatives of all the members of the Security Council, including the United States and Britain, publicly confirmed that Resolution 1441 provided no “automaticity” for the use of force. (UN Doc. S/PV.4644)

Although each of the 15 Security Council members at the time: China, France, Russia, UK, U.S., Bulgaria, Cameroon, Colombia, Guinea, Ireland, Mauritius, Mexico, Norway, Singapore, and Syria, had their own interpretations of the resolution, they all publicly confirmed that Resolution 1441 did not provide “automaticity” for the use of force, therefore providing a public statement of an agreed-upon interpretation (UN SC/7564). This suggests that the U.S., which ended up circumventing the UNSC to use force against Iraq, misdirected the UNSC as to its intentions by publicly stating that Resolution 1441 did not provide “automaticity” for the use of force, even though later they argued that it did.

Both the above sets of arguments are plausible, and the resolution text provided enough ambiguity that they allowed the U.S. to act in automaticity regardless. The plausibility of these arguments is maintained by ambiguities in the resolution text, which members of the UNSC could not have been unaware of when they voted unanimously in favor of the resolution. The members of the UNSC which were against automatic use of force voted in favor of the resolution regardless, without demanding alterations to the text. It stands to reason then that they were convinced of the second set of arguments against the automatic use of force.

Byers (2004) concludes that the ambiguous language of the resolution, which was drafted by the U.S., was intentional, and as the U.S. drafted the resolution, it stands to reason that it maintained the ambiguities in text to favor its own goals. The U.S. was clearly willing to go to war without direct authorization from the UNSC, but the U.S. did not act entirely unilaterally, without consulting the UNSC at all. Instead, the U.S. put diplomatic effort into and spent eight weeks on not only drafting Resolution 1441, but also negotiating with other UNSC members to pass it. Then the U.S. spent further time and effort into creating arguments justifying its use of

force against Iraq within the context of Resolution 1441. It is clear that regardless of U.S. intention regarding Iraq, gaining some form of authorization from the UNSC was important to the U.S. prior to attacking Iraq.

Finally, UNSC members should believe the statements made to the UNSC rather than those made to the domestic audience. They should act on this belief, and make statements saying that they have been convinced by the state presenting conflicting intentions to different audiences, or they should simply act as though they believe the statements made by said state.

None of the other member-states showed any signs that they did not believe the U.S.'s presented intentions to the UNSC. The intentions presented to the UNSC were different from the intentions presented to the domestic audience, which demonstrates a case of misdirection, but the statements made by the U.S. to the UNSC carried weight for the other members of the UNSC. Syria's vote in favor of the resolution is fundamental in displaying the success of U.S. misdirection, because as a neighboring state to Iraq facing growing tensions with the U.S., Syria as a small state would have had a vested interest in protecting Iraq's territorial integrity and autonomy (Tetreault 1991). Using ambiguous text as a pretext to strike Iraq would have set a dangerous precedent for a state like Syria (Zacher, 2001). If Syria was not convinced of the U.S.'s presented intentions of not striking Iraq unless authorized by the UNSC, there would have been no reason for Syria to vote in favor of Resolution 1441.

It is possible that Syria was coerced by the U.S. and the UK to vote in favor of the resolution. Even so, Russia and France were both against the use of force in Iraq (Johns 2007), at least by the U.S. In order to prevent the U.S. from using force against Iraq altogether, they could have vetoed the resolution as it was, or pushed to alter the text of the resolution to state that

“serious consequences” did not mean a unilateral or unauthorized use of force. Resolution 1441 could have had provisions for a second resolution that would be needed to authorize the use of force against Iraq. Despite the options available to them, Russia and France, permanent members of the UNSC with veto power, voted in favor of a resolution containing ambiguous language. This demonstrates that Russia and France were convinced of the U.S.’s presented intentions at the UNSC. Upon passing of Resolution 1441, the U.S. used the very text it claimed to not contain provisions for the automatic use of force to justify striking Iraq, further proving that it had misrepresented its intentions to the UNSC, thereby misdirecting the members of the UNSC.

Finally, other IO member-states should be convinced enough by the presented intentions of the state that they are willing to act on this belief in a tangible way.

The UNSC members voted to pass Resolution 1441 despite the ambiguity in its text, even though several states were unwilling to allow the use of force against Iraq. Although the negotiations between UNSC members regarding Resolution 1441 were not made public, following the unanimous vote, the UNSC released a press statement in which individual UNSC members each publicly affirmed their understanding that the resolution contained “no hidden triggers” or any provisions for “automaticity”.

There is evidence for these eight observable implications of this working theory of misdirection. Most notably, the press release affirmed belief in UNSC legitimacy by member-states, the U.S. presenting different intentions to the American public and to UNSC members, and UNSC members unanimously passing Resolution 1441 with the press release statement by Syria indicating that reassurances by the U.S. and the UNSC negotiation processes had caused it to believe U.S. intentions presented to the UNSC.

CONCLUSION

In this thesis, I have claimed that the U.S. was able to misdirect UNSC members regarding its intentions. The U.S. presented intentions to return to the UNSC for further discussions upon Iraqi noncompliance to the UNSC through meetings, negotiations, and statements. Its actual intentions, which were presented to the domestic audience through speeches and interviews in the U.S., gave no indication that the U.S. would return the matter to the UNSC before using force against Iraq. The legitimacy of the UNSC as an organization, which is upheld by its members, conferred legitimacy upon the intentions presented to it, which resulted in UNSC members acting on the intentions presented to the UNSC, and voting in favor of Resolution 1441. Therefore, I concluded that the legitimacy of the UNSC allowed the U.S. to use it as a means to misdirect other states as to its intentions.

Beyond these conclusions, this thesis extends the existing literature in two ways. First, it indicates a function for the UNSC that deviates from the rationalist account of it being only a tool used by states, and from the constructivist account that indicates the UNSC is its own actor with decision-making power. I demonstrate that the UNSC can only be used by states in this way if other states are convinced of the legitimacy of intentions presented to the UNSC and its resolutions, which means states cannot use the UNSC for misdirection often without the UNSC losing the legitimacy that allows misdirection to be possible in the first place. The conviction of

other states in the legitimacy of the UNSC is what allows it to confer legitimacy to the intentions presented to it.

Second, this thesis opens up avenues to further explore the concept of international audience costs in audience cost literature, wherein declaring intent to an international audience of states through various forms of diplomacy creates costs for backing down. Audience cost literature has largely focused on reputational costs of lying in international relations, and focuses on states acting in awareness of domestic audience costs. I suggest that future research could contemplate the relative importance or weight of domestic versus international audience costs. The conclusions from this thesis indicate that other states might believe that international audience costs are more binding than domestic ones, which can lend credibility to promises made to an international audience.

There are three key limitations to this study. First, due to the negotiations leading up to the passing of the resolution being kept private, we do not have access to the specific statements made during negotiations that convinced members like France, Russia, and Syria, which were against the use of Resolution 1441 as a pretext to strike Iraq, to vote in favor of the resolution. Similarly, although many U.S. intelligence documents have been made public since then that demonstrated U.S. intention to invade Iraq, we do not have access to internal communications between U.S. officials that could provide us with evidence indicating a deliberate strategy to misdirect other states using the UNSC. We are also unable to determine because of this if any of the nonpermanent members of the UNSC were coerced into voting in favor of the resolution. It should be noted, however, that even if nonpermanent members could have been coerced, permanent members like France and Russia had no reason to not use their veto power in the face

of coercion or genuine disagreement. This thesis draws conclusions from statements made after the passing of Resolution 1441, and the stances of UNSC member-states prior to the negotiations. The methodology and evidence would be greatly strengthened with access to the negotiations and internal communication documents themselves.

Second, this thesis does not explore the domestic conditions of states being misdirected. It only considers U.S. domestic intentions, and the U.S. misdirecting other states. It claims that the U.S. was successful in misdirection due to the legitimacy conferred upon the U.S. by participating in the UNSC and presenting intentions to the UNSC members in UNSC meetings, negotiations, and statements. While I conclude that statements made to the UNSC are more legitimate than those made domestically, the thesis does not explore the domestic conditions of other states that could have led them to vote in favor of Resolution 1441, nor does it assess the domestic intentions of other states. Consequently, it is possible that there were domestic pressures that required permanent UNSC members to pass a resolution possibly justifying the use of force, rather than not passing a resolution at all and taking the risk that the U.S. would circumvent the authority of the UNSC and act on its own.

Finally, this thesis focuses on rationalist, unitary accounts of state and IO behavior, which claim that participation in the UNSC creates means for costly signaling, therefore making intentions more transparent and creating binding costs. Although I utilize legitimacy literature to demonstrate why misdirection is successful when used on rare occasions, there is a branch of scholarship that I do not engage with heavily. A non-rationalist account could suggest that engaging in negotiations and processes within the UNSC can change intentions and behavior (Barnett and Finnemore, 1999). Barnett and Finnemore (1999) argue that the rational-legal

authority of IOs gives them power independent of states. However, the valuation of impersonal, generalizable rules of IO bureaucracies can lead to inefficient behavior by IOs and inefficiency in the application of their rules. I suggest that this does not directly discredit the conclusions of this thesis. The normative valuation of IO rules allows the U.S. to misuse them to gain legitimacy for its presented intentions. However, this thesis does not explore the literature widely, and further work is required to create a complete theory of misdirection that can find a middle ground between constructivist, as well as rationalist, accounts of state and IO interaction.

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