

Delegation Success and Policy Failure: Collective Delegation and the Search for Iraqi WMD

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1. Introduction

In late 2002 and early 2003 the US government was preparing for war and was working desperately to convince the other members of the UN Security Council (UNSC) to authorize the use of force against Iraq. According to the US government, Iraq had repeatedly failed to comply with multiple UNSC resolutions, especially its commitments to eliminate a WMD program that included biological, chemical, and nuclear weapons. In September 2002 President George W. Bush addressed the UN General Assembly and argued that US patience was wearing thin and the stakes for the institution were high. “The purposes of the United States should not be doubted. The Security Council resolutions will be enforced. The just demands of peace and security will be met -- or action will be unavoidable, and a regime that has lost its legitimacy will also lose its power.” Bush continued by asking “Will the United Nations serve the purpose of its founding, or will it be irrelevant?”¹ While Bush was clearly signaling his willingness to employ unilateral military force, he had both international and domestic political reasons to seek a UN mandate.

Practically-speaking this meant that Bush needed a new UN Security Council resolution explicitly authorizing the use of force against Iraq. To realize this goal the U.S. would have to persuade the other four permanent members of the Security Council plus at least four of the ten rotating members to vote for a resolution authorizing the use of force.² In pursuit of this goal the U.S. government tried repeatedly to shape the behavior and the language of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). These two international bodies had been granted authority by the UNSC to monitor Iraqi compliance with UN resolutions,³ to conduct inspections within Iraq, to report their findings back to the UNSC, and to provide opinions on whether or not Iraq continued to possess prohibited weapons.⁴ The U.S. government knew that in order to get reluctant members

¹ GW Bush as cited in, “Bush: U.S. will move on Iraq if U.N. won’t,” *CNN*, September 13, 2002.

² The formal rules for passing resolutions at the UN Security Council specify that a resolution must receive at least 9 or the 15 votes and that no permanent (veto wielding) member votes against the resolution. See *UN Charter*, Article 23 and 27.

³ Hence, this is a case of “international delegation” under the Bradley and Kelley (BK) typology discussed as “collective re-delegation” in figure 1, p. 5, where UNMOVIC is an “other international body.” For a similar illustration with proper nouns that correspond to the case of UN weapon inspectors see Figure 2 below.

⁴ UN S/RES/1284, 1999. In terms of the BK typology of delegation the UNSC had delegated the authority to monitor, do research, and give advice. While BK suggest that “monitoring and enforcement” go together

to vote in favor of the use of force, it would need UNMOVIC and/or the IAEA to report that Iraq was in material breach of previous resolutions and that Iraq's WMD program posed a direct threat to international peace and security. Despite its great power (and its great efforts) the U.S. government could do very little to shape the inspector's behavior or the official reports of these international bodies.

These facts lead some analysts to conclude that UNMOVIC and the IAEA were "bad agents," either because they were incompetent, biased, or corrupt.⁵ As a consequence, the U.S. government paid significant "sovereignty costs" by delegating authority to agents that could not be controlled or directed ex-post. Such conclusions stem from a misspecification of agency models and/or a misunderstanding of the source of the authority that was delegated to weapons inspectors. A clear understanding of common agency, and the principal agent models associated with it, help us to understand more about this case and should help us to avoid similar modeling errors in analogous cases where groups of states pursue their interests through an international delegation of authority.

This case provides important lessons for scholars interested in analyzing the legal and political issues raised by international delegation. First, the legal mandates and the formal decision rules of international institutions are often quite efficacious and they have substantively important and predictable consequences for international outcomes. Therefore, we should invest our time in studying these decision rules and international legal mandates. Second, scholars should ensure that their theoretical models match the empirical domains they seek to explain. Conceiving of international delegation as a grant of authority by a single state to some international body is quite often mis-leading, since most international delegation originates from group decisions within existing institutions. Third, as the Bradley and Kelley (BK) typology suggests, different states can pay very different sovereignty costs as a result of delegation to the same international body. Fourth, when new typologies and analytic categories meet actual cases, it permits some initial judgments about the utility of the typology for empirical analysis. In this case I find the typology quite helpful in re-describing the case and encouraging analysis of under-explored elements of the case.

Perhaps more importantly than these four lessons, the case suggests that delegation to international bodies can shape the *political costs* of foreign policy choices of powerful states. Once authority has been delegated, even if the authority is limited to monitoring compliance and providing information, these prior decisions can have profound effects on political outcomes. Finally, both for domestic and international political reasons, there is good reason to think that democratic states (even powerful ones) will be increasingly reluctant to use military force without the imprimatur of the UN Security Council.

as one of the eight forms of delegation they identify, in this case the IAEA, UNMOVIC and (previously) UNSCOM only had the authority to monitor. Enforcement of the disarmament resolution (687) was left to the member states.

⁵ Cite the Blix critics and the other usual suspects from the pre-war debate in 02 and 03 from Peterson/Tierney TRIP dataset.

2. Reasons to Privilege Formal Rules and Strategies for Research

If we want to explain (or judge) the choices of states, the behavior of IOs, or outcomes within and around international institutions, then a focus on the formal decision rules within IOs and official mandates issued by member states is a reasonable strategy. Such a strategy offers several advantages to scholars interested in questions of international delegation. First, it will help us to develop deductively sound and falsifiable hypotheses concerning the causes and consequences of international delegation. Since informal rules and norms are more difficult to identify ex-ante, analysts will disagree on what the rules purportedly guiding behavior actually were in any given case. Under these conditions, “testing” hypotheses degenerates into spin control, cherry picked cases, and literary criticism.

Second, a focus on formal rules enables legal scholars to make judgments – both about the efficacy of international legal commitments and about the legality of specific acts undertaken by governments, IOs, and other international actors. This does not mean that official policy directives, formal rules/procedures, and formal measures of voting power within IOs can account for *all* the empirical patterns that interest us. However, there are clear benefits to studying formal institutions within a principal-agent framework and there are some under-appreciated costs when we attempt to incorporate soft law, informal rules, and norms into our positive explanations or into our legal interpretations.

Expanding beyond legal and formal rules to incorporate social norms or non-authoritative power relationships is incompatible with the meaning of delegation and, thus, the conceptual limits of principal-agent theory. IOs (or other agents of national governments) may indeed behave in certain ways because they are responsive to global norms and they may also be responsive to third parties rather than (or in addition to) their principals who have delegated authority to them. Hence, these other factors may be important in explaining outcomes in IR; but incorporating them within PA models leads to flawed theory and concept stretching, at least. Worse, these amendments to PA models will lead analysts to claim that their “PA model” explains more than it really does. In order to specify the utility and limits of PA models for understanding IO behavior and change, we must deduce specific observable implications from PA models and then test them empirically. A focus on legal and formal rules at each stage of any delegation chain will enable such efforts and will provide us with a baseline against which to assess various claims about the accountability of agents and the legality of particular actions.

How should we study the influence of formal rules and decision-making procedures within IOs? One approach assumes that once states have agreed to pool their sovereignty within some international body (the “Collective Re-Delegation stage in BK Figure 1) that the formal rules governing collective decisions are actually efficacious.⁶ This is identical

⁶ While legal scholars have a long tradition of taking treaty language and rules seriously, such a practice is the exception among IR scholars, where rules are either irrelevant (Mearsheimer 1993) or reflect underlying interests (Downs et al 1996). Even regime theory, which is supposed to explain the origin and the impact of international institutions, was developed in response to the formalism of organization studies

to the assumption that many scholars of American and Comparative Politics make when they study the behavior of legislators within committees or voters at the ballot box. The predictive accuracy of these institutional models will be shaped both by the validity of the models themselves (are they internally logical) and by the efficacy of the formal decision rules within the institutions under study. I have briefly addressed the first issue in this paper and have done so at greater length elsewhere.⁷

Of course, the most air-tight theoretical deductions will be useless in explaining IO behavior, measuring sovereignty costs, or making legal judgments relevant to the real world if our assumptions about formal rules are overly optimistic. This approach rests on the *efficacy* of formal institutions and is thus identical to the problem faced by neo-institutionalist scholars who study domestic politics. If stuffing the ballot box is a common occurrence, then the predictions of comparativists like Lijphart (1999), Cox (1997), or Shugart and Carey (1992) will suffer. If politicians listen to campaign donors or narrow special interests in blatant disregard for the preferences of voters in their districts, then the predictions of Americanists like Lupia and McCubbins (1998) will be inaccurate. Similarly, if the management and staff of an IO (or any other international agent) are primarily responsive to bribes, narrowly focused NGOs, or large commercial banks, then PA models that assume formal rules of representation are effective at holding IOs accountable to legally authorized coalitions of member states will make inaccurate predictions about IO behavior.⁸

The previously cited institutionalist literature from the domestic realm has grown rapidly and shaped our thinking about politics precisely because these PA models have been able to account for a wide range of outcomes and behavior. As positive empirical findings pile up, our confidence in the utility of these models has grown. We have not yet seen a parallel effort involving large numbers of scholars over an extended period of time that applies PA models to the study of international politics. So, one strategy is to take formal rules more seriously than scholars have in the past, deduce observable implications from PA models, and then test these implications empirically.⁹

in the 1960s and 70s. The concept of “regime” was preferred to organization in part because the approach could accommodate the informal rules and norms that seemed to account for much of the behavior that scholars observed but could not explain as a result of organizational voting power and formal decision rules. According to Middlemas (1995), a focus on codified treaties and formal rules within IOs actually obscures more than it reveals and “make it difficult for these theories to offer accurate explanations.” The growth of formal IOs (Pevehouse et al 2005) and the concomitant increase in the legalization of world politics (Goldstein et al 2000) provides incentives for us to revisit the impact of formal rules on international outcomes and state behavior. Recent empirical work in this tradition suggests that formal rules may do a reasonable job accounting for patterns of outcomes in and around IOs. See especially Pollack 2002; Nielson and Tierney 2003, 2005; Strand 2003a, 2003b, 2006; Lyne et al 2006; Congleton 2006.

⁷ Tierney 2003; Lyne and Tierney 2004; Lyne, Nielson and Tierney 2006.

⁸ A few positive results will tell us little because of problems of observational equivalence, but if large numbers of studies are done within a given research tradition, then such accumulation of positive findings provide greater confidence in the utility of the approach. On accumulation of knowledge see King, Keohane, and Verba 1994.

⁹ This research strategy is distinct from the predominant approach to framing research in IR, which has been to set up a “three-cornered fight” in which theory X and theory Y occupy two corners and the evidence occupies the third corner. The two theories make contested conjectures about the same evidence,

In the case of the Iraqi WMD inspection regime I focus on the formal mandates found in UNSC resolutions that create new international bodies (UNSCOM and UNMOVIC)¹⁰ or identify existing international bodies (IAEA) as the agents of the UNSC. These agents were delegated authority to monitor implementation of various UN resolutions and agreements made between the UNSC and the Iraqi government. The original design of these delegation contracts and the selection of particular agents can be explained by the distribution of preferences and voting power within the Security Council at time T1. Efforts to direct the agent after authority has been delegated is a function of the preferences, voting power, and decision rules of the various members of the collective principal (UNSC) to which the agent (UNSCOM/UNMOVIC) is formally accountable.

3. Conceptual Clarifications and Behavioral Expectations

The key definitions offered in the introductory chapter by Bradley and Kelley (BK) are narrowly drawn and largely consistent with definitions used by a growing number of political scientists studying international delegation.¹¹ As important, BK's definition highlights formal delegations of authority from states to international bodies (IBs), from states to other states, from states to private actors, and from IBs to either states, private actors, or other IBs. For these reasons the BK definition will enable research findings to accumulate and should also enhance communication between political scientists and legal scholars working on these issues. There are only a few conceptual differences between the BK approach to international delegation and those adopted by the growing principal-agent literature in political science. Most differences that do exist are mainly rhetorical or only reveal themselves during model specification or empirical application.

Counter-Proliferation... of Conceptual Terms

New ideas often require new language to describe those ideas and to distinguish them from existing ones. However, renaming existing concepts that can accommodate new ideas actually inhibits knowledge accumulation and interdisciplinary research. Scholars of international delegation in economics, political science, and law are now becoming familiar with the language and concepts of principal agent theory, so jettisoning the

which is used to judge between them. (Elman 2004). This is not the strategy that institutionalists have pursued in American Politics, Comparative Politics, or Economics. To paraphrase the editor of a prominent IR journal who was advocating a normal science approach, "Stop worrying about the alternative theory so much. Its' champions will claim that you have mis-characterized their model no matter how careful you are. Concentrate on making your own argument and then testing it. If lots of people do that for the next ten years, then we will have some sense of whether you are onto something."

¹⁰ UNSCOM was the United Nations Special Commission that was tasked by the Security Council to monitor Iraq's compliance with various UNSC resolutions ending the 1990-91 Gulf War. UNMOVIC is the United Nations Monitoring, Verification and Inspection Commission that was established in 1999 to replace UNSCOM. For clear description and history see Murphy 2002 *AJIL*. The International Atomic Energy Agency (IAEA) pre-existed the conflict in Iraq, but due to its existing technical expertise was tasked by the Security Council in 1991 and again in 1999 to monitor Iraqi compliance in the area of nuclear programs.

¹¹ Koremenos et al 2001; Pollack 2003; Nielson and Tierney 2003; Hawkins et al 2006; Thompson 2006; Lipson 2006.

language without challenging the basic paradigm offers little payoff. Bradley and Kelley offer a very clear and possibly the most comprehensive discussion of the concept of international delegation that is currently in print. With minor amendments, almost all of this discussion can be re-framed in the language of agency theory without losing any analytic rigor or reducing the number of research questions that emerge from their discussion. If this claim is true, then one should question the wisdom of inventing new words for old ideas.

In addition to easing communication between different scholarly communities, clarifying concepts surrounding international delegation allows scholars to more accurately identify the empirical referents of “principal” and “agent” in the real world we are studying.¹² I illustrate this point by offering a general definition of delegation, discussing different types of delegation relationships, and distinguish between single, collective, and multiple principals. This distinction bears directly upon my subsequent analysis of UNSCOM and UNMOVIC behavior from 1991 to 2003.

By Definition

Delegation occurs when an actor X (or actors XYZ) who is authorized to make a decision or take some action conditionally designates some other actor (or actors) to make that decision or take that action. Notice that this definition implies some pre-existing set of laws or rules that establish property rights. That is, authority implies hierarchy.¹³ Typically, in the economics context these are rights of ownership.¹⁴ In the context of domestic politics we commonly find a constitutional rule or a statute authorizing specific actors to make particular types of decisions.¹⁵ For example, legislators are granted the authority to make laws while courts are granted the authority to adjudicate disputes. In international politics and international law the institution of sovereignty implies that

¹² In order to develop a general approach to international delegation our definitions must be broader than “a grant of authority by a state to an international body...” There are two reasons for this and both are revealed in the cogent discussion by BK. First, because of the possibility of re-delegation (BK, p. 5), any given delegation contract may not involve a state, but come from some international body that is itself acting on the basis of delegated authority. Second, and more importantly, most delegations of authority to international bodies or even to other states (see BK on “internal delegation,” p. 6-7) do not arise from individual decisions by states, but through collective decisions by groups of states that are authorized to delegate, re-delegate, or change an existing delegation contract. In the case study that follows we see that no individual state had the authority to create UNSCOM or to direct it. Of course, one could avoid any discussion of principals and agents while still developing a general framework and use new terms such as “delegator,” “delegators,” “entity” or “delegatee,” but, as I argue below, delegation of authority implies “principals” and “agents.” Hence, I will use these conventional terms.

¹³ The clearest discussion in the IR literature is still Waltz 1979. However, the theoretical intuition is developed in Williamson (1975) and the formal proofs can be found in Tirole and Fudenberg (1988) or any modern textbook of micro/new institutional economics.

¹⁴ You can delegate authority to a plumber to fix your pipes because you own the pipes and thus have the ultimate right to do with them as you please. A plumber who works on your pipes without your approval is called a Good Samaritan...or a vandal. A plumber who works on your pipes after you have authorized him to do so is called an *agent*.

¹⁵ In this view the U.S. Constitution is a delegation contract that identifies the ultimate principals, “We the people...” and their various agents – Congress, President, Courts, etc...

states are the ultimate locus of decision-making authority, and hence the actors that can choose to delegate various types of authority internationally.¹⁶

However, while such grants can vary in terms of the tasks a designated agent is authorized to perform and even how easy such delegations are to revoke, they must be revocable in principle. That is, grants of authority must be *conditional*, or else we are no longer describing a delegation of authority, but an abdication of authority.¹⁷ As suggested above in footnote #7, this is the basic distinction that Coase and Williamson were making in their seminal work distinguishing between markets and firms. A market exchange takes place between two vertically equivalent actors. Integration of production within firms to overcome market failure necessarily implies a hierarchy, and thus a delegation of authority from a principal (owner) to an agent (employee). As soon as the owner forfeits all her property rights to an employee, then we no longer have a hierarchy and we are no longer in Williamson's world of delegation under hierarchy, but in Adam Smith's world of free exchange in a market.¹⁸ As legal scholar Dan Sarooshi explains, "The first definitional element of a delegation is that the State has the competence under the instrument of conferral to revoke the conferral of powers at its own discretion."¹⁹

When one actor delegates authority to another actor, the former is acting as a *principal* and the latter becomes her *agent*. More generally then, principals are the actors within a hierarchical relationship in whom authority ultimately rests.²⁰ Agents are the actors who are hired (and potentially fired) by principals. Agents are conditionally designated to

¹⁶ As BK point out such authority can be, and often is, re-delegated to other bodies. In fact, the case study below illustrates this point: through the UN Charter, member states of the UN delegate authority to the Security Council to resolve issues of peace and security and then the Security Council re-delegates *parts* of that authority to UNSCOM, IAEA, and UNMOVIC.

¹⁷ I do not suggest that abdications of authority are impossible empirically (for example, the shift from Articles of Confederation to the Constitution in 1789), or that we should not explain them; but abdication is qualitatively distinct from delegation and should not be confused with it, especially when such conflation can lead to flawed tests of our hypotheses. The distinction also has political weight since politicians and activists often make claims that IOs are increasingly "unaccountable." For discussions see Grant and Keohane 2005; Moravcsik 2004. Legal scholars should care about these definitional issues for similar reasons as Sarooshi explains, "Failure to distinguish between different types of conferrals of powers confuses analysis of the differing legal consequences of these conferrals and obfuscates the domestic policy debates that surround their conferral." Sarooshi 2005, p. 1.

¹⁸ All the major works in political science that attempt to explain the causes or consequences of delegating authority employ a similar logic borrowed from Williamson and they all use the well established terms of "principal" and "agent" to describe the strategic actors in a delegation relationship. As Hawkins et al explain, principals and agents are constituted by the act of delegation. For examples, see Kiewiet and McCubbins 1991; Moe 1984; Huber and Shipan 2002, Epstein and O'Halloran 1999, and Pollack 2002, who, on this point suggests we should be "learning from the Americanists, again." The take home message from Pollack is that we should not re-invent the wheel in studies of delegation within the context of the European Union.

¹⁹ Sarooshi 2005, p. 55. See especially chapters 3-5 where Sarooshi develops a typology of conferrals of sovereign power to IOs. Like BK he includes the *legal* possibility of "full transfers" of sovereign authority, but he argues that these are distinct from "delegations" of authority, which are conditional by definition. Further, even in the case of "full transfers" he opines, "In practice, however, it would seem that conferrals of powers are always revocable so long as the State has retained its independent legal personality and not merged its powers and personality into a larger political unit." Sarooshi 2005, pp 29-30.

²⁰ This definition is similar to Bergman and Strom 2000; Kiewiet and McCubbins 1991.

perform tasks in the principal's name and have the requisite authority to do so. By definition then, principals and agents exist in a hierarchical relationship that is defined by a delegation contract. As Moe explains, "The logic of the principal-agent model, therefore, immediately leads us to the theoretical issues at the heart of the contractual paradigm: issues of hierarchical control in the context of information asymmetry and conflict of interest."²¹

We do not gain conceptual clarity by calling agents "entities," "bodies," "trustees" or any other broader or narrower term. If they have been conditionally granted authority by some other actor, then they are agents by definition. If they do exactly what the principal wants them to do with their delegated authority, they are still an agent. If they do nothing that the principal wants them to do with their delegated authority, they are still an agent. This type of variation in agent behavior should be explained rather than used as an opportunity to proliferate new names for existing concepts.

As important, an agent can be an IO, an NGO, another state, a group of states, or any of the other things that the BK typology suggests.²² The fact that previous scholars have used PA models to describe delegations of authority to IO secretariats,²³ NGOs,²⁴ international courts,²⁵ sub-groups of states,²⁶ an individual state,²⁷ emanations of existing IOs,²⁸ and even individual bureaucrats,²⁹ suggests that the PA approach is not analytically limited to the lower left hand cell of BK Table.³⁰ While individual research projects using PA theory may focus on just one of these entities, there is no conceptual reason to associate PA theory with the study of "third party" agents. After all, the seminal work on "internal delegation" is located squarely in the PA tradition³¹ and novel applications of internal delegation within the international relations literature also employ PA logic and language.³²

²¹ Moe 1984, 757.

²² While this approach is consistent with Hawkins et al 2006 (see p. 11, fn#5), BK provide a much more comprehensive typology and discussion of the various forms of international delegation -- and thus the range of actual strategies that are available to states. See BK Figure 1.

²³ Congleton 2006; Milner 2006; Copelovitch 2006.

²⁴ Cooley and Ron 2002; Martens 2004; Radelet 2006.

²⁵ Garrett 1995; Garrett and Tsebelis 1996; Pollack 2003; Hawkins and Jacoby 2006.

²⁶ Thompson 2006a; Thompson 2006c; Lyne et al 2006.

²⁷ Lyne and Tierney (2003) offer the example of the Concert of Europe where a group of states (great powers in 19th century Europe) collectively grant authority to one of their members (France) to put down a rebellion in Naples. Political scientists are not alone in recognizing that a single state can be construed as an agent of another state under international law. As former President of the IJC, Eduardo Jimenez de Arechaga, explains, "The 1923 Treaty between Switzerland and Liechtenstein...seemed to constitute a case of agency, in which one State entrusted another with the power to represent it not only for the purpose of concluding certain treaties, but also for the purpose of claiming rights under those treaties." As cited in Sarooshi p 33, to illustrate the point that "principal" and "agent" have a specific meaning in international law. That meaning is consistent with the conventional use of these terms in political science and economics.

²⁸ Lipson 2006;

²⁹ Johns 2006.

³⁰ See Bradley and Kelley 2007, Table 1, p. 8.

³¹ Gilligan and Krehbiel 1989; Krehbiel 1991; Kiewiet and McCubbins 1991.

³² Thompson 2006a, 2006c.

Perhaps the perceived need to change the names of agents to something else stems from the fact that some applications of PA theory are closely associated with *empirical claims* by PA proponents that principals tend to get what they want and agents either respond to principal instructions, or else they get fired. Hence, “agent” has become associated with “good agent that does bidding of principal” even though there is nothing in the conceptual apparatus of PA theory that leads one to this conclusion. In fact, PA theory offers plenty of reasons why we ought to see significant variation in agent behavior and this variation will result in varying levels of “sovereignty costs,” which is one dependent variable of interest to the authors in this volume.

Bradley and Kelley are right to emphasize that there is no delegation if there is no “entity” to which authority has been granted. BK also emphasize the under-studied legal and political dynamics of cases they call “collective re-delegation” where groups of states pool their sovereignty and then subsequently empower their representatives (or a subgroup of state representatives) to delegate authority to some entity.³³ They are right to do so, since such delegations of authority may be the most common in international relations³⁴ and they are almost certainly the most consequential. In fact, no individual state is typically a principal in its own right with authority to direct, hire, or fire any IO agent.³⁵ Instead, states are typically members of a collective principal.

Common Agency: Collective Principal or Multiple Principals

A delegation relationship can have one or more principals, and a principal can either be an individual or a corporate entity containing more than one individual. Following Kiewiet and McCubbins,³⁶ when a single agent has more than one contract with organizationally distinct principals I label this a delegation relationship with *multiple principals*. The American Congress and President are both the principals of any given agent within the U.S. bureaucracy. Yet, neither the Congress nor the President requires the consent of the other branch to monitor, reward, or sanction that agent.³⁷ The European Commission is responsible to both the Council of Ministers and the European Parliament.³⁸ Hence, either of these principals can re-contract with the agent independent of the actions of the other principal. While the Council certainly possesses tools of control that the parliament does not, the recent use of parliamentary authority to censure

³³ Often this intermediary takes the form of an executive board that contains representatives from some or all of the member states. For a graphic illustration of such a delegation within the Asian Development Bank see Lyne et al 2006, Figure 1.

³⁴ Koremenos data may speak to this?

³⁵ Once a state is a member of a collective body, council, or board, it can certainly quit, and thus remove itself from the membership of a collective principal, but it cannot act individually to fire or provide authoritative instructions (re-delegation) to the ultimate agent.

³⁶ Kiewiet and McCubbins 1991.

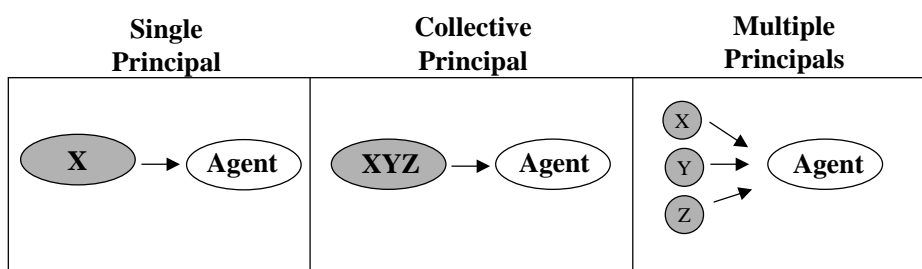
³⁷ See Calvert (1989); Hammond and Knott (1996); Epstein and O’Halloran (1999). While the control of bureaucratic agents may be enhanced by inter-branch cooperation, it is simply not the case that agent control requires cooperation between the President and the Congress. Both of these principals have their own contract with the bureaucratic agent and both have the authority to unilaterally alter that contract.

³⁸ Pollack 2003.

and force the resignation of the commissioners en masse demonstrates that this authority is real.

The agency literature has largely overlooked another type of complex principal in which an agent has a single contract with a principal, but the principal happens to be composed of more than one actor.³⁹ Following Kiewiet and McCubbins (1991), I call this a *collective principal*. The most familiar delegation relationships in politics and government involve a collective principal. Voters delegate to politicians, legislators delegate to party leaders, and nation states delegate to international organizations. In all these situations a group of actors comes to a decision among themselves and then the group negotiates a contract with an agent. In none of these situations can any individual member of the collective principal re-contract with the agent directly.⁴⁰ If the group cannot come to a decision a priori then they cannot change the status quo. This goes for initial hiring decisions, for proposals to renegotiate the agent's employment contract, or for giving the agent novel authoritative instructions. In all these scenarios *there is a single contract between the agent and his collective principal*. The single principal and both types of complex principals are depicted in Figure 1 below.⁴¹

Figure 1: Types of Agency Relationships



Ironically, although collective principals are much more common in politics, political scientists have focused much greater attention on the question of multiple principals. In the field of American politics there is a vigorous debate about the independent influence of Congress and the President on bureaucratic behavior. This debate has spawned considerable general theoretical work on the problems of agent control that are faced by multiple principals (Hammond and Knott 1996). Despite this growing knowledge of the

³⁹ See BK discussion of delegation to a “collective body/sub-group” as illustrated by the second link in Figure 1 of their chapter in this volume.

⁴⁰ David Lake (2006) offers a telling example when he explains, “As a liberal democrat in a heavily republican Congressional district, I am typically very unhappy with the way my representative votes on legislation, but it would be inappropriate to say that he is shirking his responsibility when he follows the wishes of the majority of my neighbors.” Similarly, and obviously, David cannot independently vote his representative out of office.

⁴¹ Note that most of the literature refers to the first type of principal as a “single principal.” To avoid confusion I use the same terminology. However, a more accurate description would be “single-unitary principal.” Strictly speaking a “collective principal” is a single principal composed of more than one individual – its corporate nature is the distinguishing feature.

multiple principal cases, political scientists have often incorrectly characterized individual members of a collective principal as multiple principals in their own right.⁴²

Many scholars implicitly assume either a single or multiple principal where each state can unilaterally re-contract in situations that require a collective decision. This leads to a confusing set of questions that are frequently posed in critiques of PA models. As Chong and Weller (2005) ask, “Is this IO, as an agent, accountable to one, two, or the majority of states or to those with the most political or economic power? Or is it supposed to be accountable to those most affected by its actions?” One clear answer to these questions is to identify principals and agents in terms of the actual legal authority that is delegated. If we take seriously the formal rules that are written into the employment contract to guide our operationalization of PA models, we can offer clear answers to these questions about the identity of the principal and the lines of accountability.

For example, if NATO’s North Atlantic Council (NAC) has delegated some authority to a military commander in Kosovo, then it will require unanimity among the members of the NAC to re-contract; hence, that agent is formally accountable to the NAC as a whole and no individual state can alter the delegation contract unilaterally.⁴³ If the World Bank Executive Board is doing the delegating, then it will require a majority of shares, which could mean as few as eight of the 181 states represented on the Board. If we were analyzing the Legislative Assembly of the WHO we would identify any majority of member states based on the one state one vote rule. The possibilities are numerous and varied, but, unlike Chong and Weller, we should not despair since the principle by which one answers the questions posed above is crystal clear – it depends on formal lines of authority. Whether we can explain anything using this approach is an empirical question, but it will certainly allow us to deduce falsifiable hypotheses and to answer positive and normative questions about accountability at the international level.

Differential Delegation

Not all members of an international organization have delegated the same amount of authority to that organization. BK offer the interesting example of the ICJ, but such differential delegation is also present in IOs whose management and staff have real authority to spend the resources of member states. For example, because of the 85% rule on the IMF and the World Bank executive boards, the U.S. is the only member of the collective principal that can unilaterally veto an amendment to the articles of agreement. Every other member requires at least one other partner in a coalition to do so. So, while the U.S. has delegated authority to the World Bank on the issue of aid allocation, it has not delegated authority to the Bank or even pooled its sovereignty on the issue of fundamental rules governing the organization. The second example offered by BK is also

⁴² Fearon (1999) and Lohmann (1998) both characterize voters as multiple principals of elected officials. For a recent example focusing on IOs see the modeling assumptions in Johns 2006.

⁴³ On the Consensus Rule in NATO see Leo 2003. For complications in the context of the intervention in Kosovo see Auerswald et al 2006, where some authority was retained by one member of the NAC, the U.S., who could continue to give authoritative instructions to the NATO military commander because that agent was wearing “two hats.”

illustrative. If a state maintains a veto over the authoritative decisions of a collective body of which it is a member, then that state has delegated less authority to the collective body than states which lack a veto.⁴⁴ As BK explain, such states are less likely to pay sovereignty costs associated with such delegations. The obvious example is the UN Security Council, where the five permanent members can veto any resolution and thus prevent any (legal) change from the status quo on issues that come before the UNSC. However, while this makes any initial delegation of authority comparatively difficult, it also insulates agents that have been delegated authority by the Security Council at time T1, since any new instructions from the Council to its agent is subject to veto by any one of the P5. Once authority has been granted to an agent of the SC, no individual member of the Council will be able to easily control that agent ex-post.⁴⁵

4. Delegating Authority to Weapons Inspectors in Iraq

Creating and Hiring Agents: Formal Rules, Marching Orders, IO Autonomy

At the end of the 1990/91 Persian Gulf War the United States and Iraq faced a bargaining problem. Neither country wanted to continue fighting, but a temporary cease-fire threatened to break down over the issue of Iraqi weapons of mass destruction (WMD). Iraq agreed in principle to eliminate its WMD capability in return for a cessation of hostilities and a commitment from coalition forces that they would not penetrate further into Iraqi territory. However, the U.S. insisted on verifying the destruction of all WMD in Iraq and inspection of facilities used to create them. Iraq refused to agree to U.S. troops on its soil, claiming that such inspections would violate their sovereignty and provide an opportunity for espionage. But the U.S. would not agree to a permanent cease-fire without some assurance that Iraq had actually complied with its commitments. Ultimately, Iraq and the U.S. military commanders, who were negotiating terms, agreed that UN weapons inspectors would verify Iraqi compliance. Thus, the delegation of authority to an international body helped to prevent a resumption of hostilities that neither side wanted.⁴⁶ However, this welfare improving deal assumed that there was an international body available to perform the specific tasks required – an assumption that was only partially justified.

The core elements of the inspection regime were spelled out and codified in UNSC Resolution 687 on April 3, 1991.⁴⁷ Acting under Chapter VII of the UN Charter,⁴⁸ the Security Council ordered Iraq to document and then eliminate its entire stockpile of

⁴⁴ As Moravcsik (1998) puts it, “Sovereignty is delegated when supranational actors are permitted to take certain autonomous decisions, without an intervening interstate vote or unilateral veto.”

⁴⁵ Alter (2006) and Cortell and Peterson (2006) make similar points about the political effects of international decision rules in other empirical contexts.

⁴⁶ Schwarzkopf 1993; Powell 1996.

⁴⁷ S/RES/687 (1991), 3 April. The regime was modified in August of 1991 by Resolution 707, which gave inspectors the authority to fly unfettered throughout Iraqi airspace and required Iraq to provide assistance in this regard.

⁴⁸ Chapter VII made the resolution binding on all UN member states and implied that military force could be used to enforce the resolution if Iraq did not comply. *Charter of the United Nations*, Ch 7, Article 42.

chemical, biological, and nuclear weapons and their associated production and research programs, and all missiles with a range of 150 km or more. The UNSC tasked the International Atomic Energy Agency (IAEA) to verify the destruction of Iraq's nuclear weapons program and it created a new organization – the United Nations Special Commission (UNSCOM) to conduct inspections and verify compliance with the other three elements of the WMD program.⁴⁹ Resolution 687 stated that “Iraq shall unconditionally accept the destruction, removal, or rendering harmless...” of all named categories of weapons and their related research and production facilities.⁵⁰

As important, the UNSC granted the IAEA and UNSCOM the authority to determine “any additional locations” within Iraq that should be subject to onsite inspections.⁵¹ Hence, these IOs had the authority (and used it) to identify sites in Iraq that were not named by the Iraqi government, by the Security Council, or any member state of the Council. This meant that the inspectors were given substantial autonomy by their principal in terms of where to look and how to conduct inspections. Further, UNSCOM was given the authority to request intelligence information from member states and since these resolutions were passed under Article VII, all UN member states were legally obligated to provide such assistance.⁵²

In order to utilize this intelligence information effectively UNSCOM created an Information Assessment Unit that was an independent intelligence analysis shop. This unit was created over the objections of the U.S. representative on the Security Council, but in the absence of support from other Council members, there was little the U.S. could do to stop it. A few years later, in 1995, UNSCOM unilaterally interpreted its own mandate once again, this time in the face of opposition by Russia, to create a Concealment Unit designed to discover prohibited activities.⁵³ Again, since the members of the collective principal could not come to an agreement, they could not alter the decision of their agent. In sum, at the outset of the inspection regime the Security Council was unified about what to do and thus delegated to its agents substantial authority to monitor Iraqi compliance.⁵⁴ As individual members or even larger sub-groups diverged in their preferences, they were unable to re-direct these agents despite their repeated efforts. New orders required unanimity among the P5, and after 1995 unanimity was in short supply.

Of course, it was not UNSCOM's principal that ultimately objected to the manner and location of inspections in the early-mid 1990s, but Iraq's government, which was occasionally successful in persuading individual members of the UNSC to pressure

⁴⁹ While the IAEA was a large standing organization with its own employees and budget, UNSCOM was created anew for the purpose of monitoring Iraqi compliance. The total number of staff working for UNSCOM at any given time was between 100 and 120.

⁵⁰ S/RES/687 (1991), 3 April.

⁵¹ S/RES/687 (1991), 3 April, see especially paragraphs 8, 9, 10, 12, and 13.

⁵² Usually, this meant intelligence and analysis from the U.S. or the U.K., but UNSCOM also asked for and received raw intelligence information from the U.S., U.K., and other UN members including France, Kuwait, Saudi Arabia, and Israel.

⁵³ Ritter 1999; Malone 2006, see especially chapter 6.

⁵⁴ Pearson 1999; Thompson 2006b.

inspectors into showing more deference to Iraqi sovereignty. For example, in 1998 both Russia and France questioned UNSCOM's Executive Chairman, Richard Butler, and Scott Ritter, the head of UNSCOM's Concealment Unit. Russia and France claimed that inspectors were being "overly-aggressive" in their tactics and unnecessarily trampling Iraqi sovereignty.⁵⁵ In every instance, UNSCOM refused to moderate its behavior until it received an authoritative instruction from the Security Council as a whole.⁵⁶ Such orders could come in the form of new resolutions or in the form of official statements from the Council. These were few and far between since the P-5 members of the Council disagreed on the conjoined issues of whether the inspections regime should be softened and whether economic sanctions should be lifted. This deadlock on the Council allowed Richard Butler and Scott Ritter to appear defiant from the perspective of the French and Russian representatives on the Council. In fact, these agents were actively and effectively⁵⁷ pursuing the mandate that they had been given in back in 1991.

In 1991, the Security Council explicitly linked the suspension of sanctions to the formal certification that Iraq had fully complied with all the provisions of resolution 687. The resolution explicitly identified UNSCOM and the IAEA as the agents that could certify Iraqi compliance, but the UNSC retained the right to lift or alter the sanctions regime that had been in place since September of 1990. Therefore, individual members of the Security Council could still block any changes to the sanctions regime, but no individual member could certify Iraqi compliance after April of 1991.

Mapping Delegation Contracts and Their Consequences

The formal delegation contracts in this regime were varied and complex (see Figure 2 below). The Security Council maintained direct control and oversight over UNSCOM during its eight year existence.⁵⁸ The Executive Chairman of UNSCOM and all the staff were appointed directly by the Security Council and were not subject to the standard civil service rules in place for most UN employees.⁵⁹ This meant that the staff did not have to reflect geographic balance of the member states, the hires were not subject to ratification or oversight by the UN General Assembly, the staff did not report to the UN Secretary General, the staff did not have to sign the standard UN personnel documents forbidding

⁵⁵ Ritter 1999; Thompson 2006b.

⁵⁶ Pearson 1999; Ritter 1999; Krasno and Sutterlin 2003;

⁵⁷ We now know that the inspection regime was extremely effective since the U.S. military has subsequently occupied the entire country of Iraq and the Director of Central Intelligence has tasked the Iraq Survey Group (ISG) to conduct a detailed investigation into Iraqi WMD programs. While the ISG spent more money in one year than UNSCOM, UNMOVIC and IAEA had spent in 12 years, employed thousands of personnel compared to hundreds of IO inspectors, and enjoyed unfettered access to all sites within Iraq; it found no evidence that Iraq had any WMD at the time of the U.S. invasion. Hence, it is reasonable to conclude that the UN weapons inspectors were highly effective at their job. Iraq had been completely disarmed of WMD by the spring of 2003 and probably much earlier. See Duelfer *Report* 2004.

⁵⁸ These lines of authority were strengthened and clarified in Resolution 715 in October of 1991 when UNSCOM is named as a "subsidiary organ of the Security Council." S/RES/715 (1991), 11 October.

⁵⁹ Lipson 2006. The original Executive Chairman of UNSCOM was Rolf Ekeus, a Swede who served from 1991-1996. Ekeus was followed by Richard Butler, an Australian diplomat who served from 1997 until UNSCOM ceased its operations in January 1999.

staff members from representing the interests of their home countries, and UNSCOM was not subject to oversight by the Budget Committee of the General Assembly.⁶⁰

After years of Iraqi obstructions and significant success on the part of IO inspectors in verifying the destruction of declared weapon systems and even finding many hidden ones, the politics within the collective principal changed and there was increasing pressure to relax the sanctions against Iraq. Three issues converged that would alter the inspections regime. First, France and China had strong commercial incentives to see the sanctions brought to a conclusion. Similarly, Russia knew that it could not collect on billions in sovereign debt that Iraq owed while the sanctions were in place. So, all three of these governments were increasingly interested in declaring the inspections regime a success and ending the sanctions.⁶¹ Second, for eight years the Iraqis had been complaining that the U.S. government was using the UNSCOM inspections to conceal an espionage program against Iraq. In 1998 and 1999 credible evidence emerged that Iraq was correct, the U.S. had been sending intelligence officers to Iraq with UNSCOM inspectors where they planted listening devices that transmitted information back to Langley, Virginia.⁶² Third, in the face of continued Iraqi non-cooperation with inspectors on the ground, Butler issued a stinging report to the Security Council. The U.S. and U.K. pursued a new resolution sanctioning the use of force, but none of the other permanent members were inclined to go along. On December 16, 1998 all UN inspectors left Iraq and shortly thereafter the U.S. and U.K. launched operation Desert Fox, a bombing campaign which punished Iraq for non-compliance, but did little to damage Iraq's purported WMD facilities. In the aftermath Iraq refused to permit inspectors back into the country and the Clinton Administration was nowhere near a decision to force implementation by military force.

By January 1999 the U.S. and U.K. had no chance of getting either Iraqi cooperation under the old regime or cooperation from the other members of the Security Council to enforce prior resolutions.⁶³ UNSCOM was effectively dissolved in January 1999 when

⁶⁰ See Cortell and Peterson 2006 for a discussion of how staffing rules within IOs effects the independence of different IO agents. As Krasno and Sutterlin (2003) explain, "UNSCOM was structured in such a way as to preclude any possibility of General Assembly involvement, even in its financing." This contract was designed to ensure that UNSCOM staff would be insulated from any demands other than those issued by an authorized majority coalition on the UNSC (all 5 permanent members plus at least 4 elected members). For a similar argument about how principals at time T1 design contracts to insulate their agents from political meddling by others at time T2 see Nielson and Tierney 2003 and Lewis 2004.

⁶¹ As one UN official explained in November 1998, "You can never have 100 percent proof of disarmament...so at some point technical exercise gives way to political judgment...At some point it becomes impossible to prove the negative." *Washington Post*, Nov. 22, 1998, A01.

⁶² For examples see Saikal 1999 and Ritter 1999. See also an official rebuke in a letter from Kofi Anan to the President of the Security Council in UN S/1998/1172. Ironically, this example of one member of the UNSC using clandestine means to infiltrate a UN body and perform intelligence operations not authorized by the UNSC reveals the limit of any approach that focuses exclusively on formal lines of authority. Of course, once this activity was revealed, the collective principal fired the agent and created an entirely new one (UNMOVIC) with checks and balances designed to prevent this type of agency slack.

⁶³ The U.S. government had now confirmed in official policy what Iraq had been claiming for years – that no amount of compliance would convince Washington to vote to life the sanctions. In late 1998 Secretary of State Madeline Albright suggested that sanctions might continue indefinitely. Later that year the U.S.

Butler announced that UNSCOM had flown its last U2 mission, and the following year saw the inspections regime drift with little new multilateral activity. In this context the U.S. and U.K. essentially agreed to trade a loosening of the sanctions regime in return for a renewed commitment by Iraq to allow weapons inspectors back in the country. This agreement produced UNSC Resolution 1284 in December 1999, which officially disbanded UNSCOM and created a new emanation, UNMOVIC (United Nations Monitoring, Verification and Inspection Commission).⁶⁴

However, Iraq insisted that any renewed cooperation would require protection of its sovereignty. These protections came in the form of staffing changes within the organization doing the inspecting. First, the delegation contract became more complex and included a role for the Secretary General, General Assembly oversight committees, and the standard set of UN civil service guidelines that ensure “neutrality.” Second, inspection teams were now required to have diplomats, in addition to technical specialists, as members of their teams. Third, UNMOVIC would be overseen by a College of Commissioners made up of 20 representatives of UN member states. These individuals would be appointed by the Secretary General in consultation with the Security Council. Fourth, the post of “Deputy Executive Chairman” that was always filled by an American was abolished. Fifth, UNMOVIC was now headed by an Executive Chairman who was nominated by the Secretary General of the UN and subsequently approved by the Security Council. Importantly, the new Chairman would report “through the Secretary General, to the Council, following consultation with the Commissioners, every three months on the work of UNMOVIC.”⁶⁵ The first Executive Chairman of UNMOVIC was the former Director of the IAEA, Hans Blix. Like his predecessors, Blix knew that his marching orders came from the Security Council rather than any of its individual members and in practice was even more conscious of this than his predecessors. David Malone concludes his assessment of Blix’s tenure thusly, “In the crucible of fierce international pressure and media attention from November 2002 to March 2003 he proved committed to his mandate, independent in his views (over time infuriating several camps within the international community)...”⁶⁶

The key differences (and similarities) between UNSCOM and UNMOVIC are illustrated in **Figure 2** displayed below. Figure 2 is very similar to BK Figure 1 (p. 32), except that this figure has proper nouns inserted in place of the general concepts represented by BK. Lines with arrows represent delegations of authority. Consistent with BK conceptions of international delegation at stage 1, all individual states who have signed and ratified the UN Charter have conferred on the Security Council the “primary responsibility for the

Congress passed a resolution calling for regime change in Iraq. Any incentive for cooperation from Sadaam Hussein was now gone, and UNSCOM inspectors knew it.

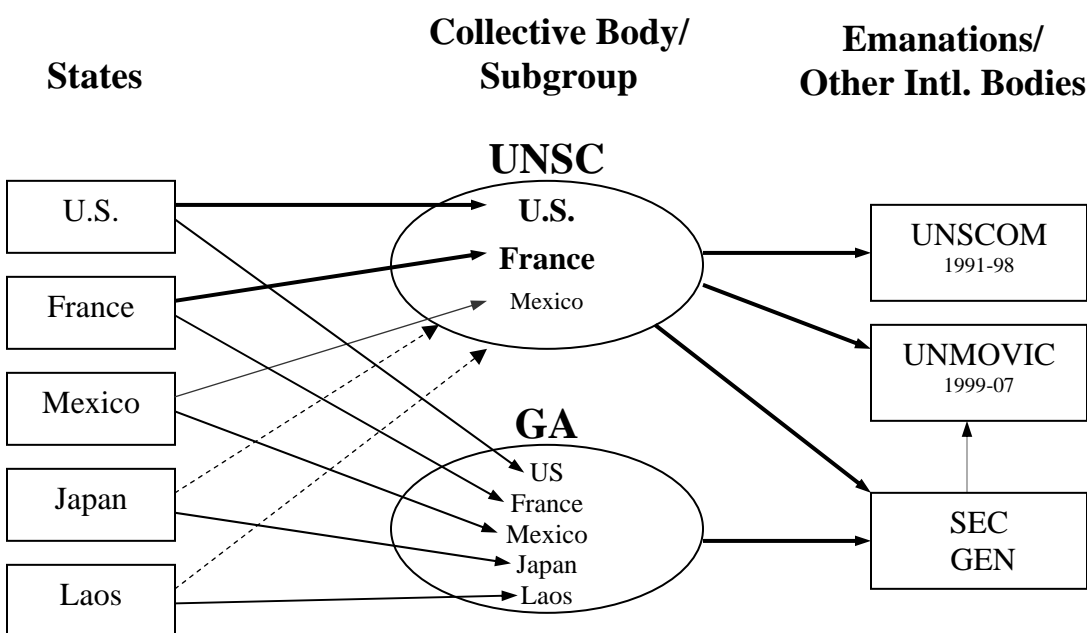
⁶⁴ S/RES/1284 (1999), 4 December 1999.

⁶⁵ S/RES/1284 (1999, OP 12), 4 December 1999.

⁶⁶ Malone 2006, 167.

maintenance of peace and security.” They also agree that in doing so the UNSC “acts on their behalf.” Hence, all the members of the UN (permanent, elected, and non-members of the Council) have individually delegated authority to the UN Security Council. Permanent members appear within the Council in bold font, rotating members in smaller fonts, and non-members are not represented within the Council by a representative from their government. Since all members of the UN have equal representation in the General Assembly, all displayed members have identical solid lines.

Figure 2:
Individual State and Collective Re-delegation at the UN circa 2002



The case of weapons inspections in Iraq focuses our attention on the second link in the delegation chain – what BK refer to as the “collective re-delegation” stage. Note that in the case of UNSCOM the Security Council is the sole principal of its agent. In the UNMOVIC era the Security Council was also the most important principal since that body had the authority to create the organization, eliminate it, approve leadership nominees, and issue authoritative instructions to the agent. However, in the case of UNMOVIC, the General Assembly delegates some authority through its agent (the Secretary General) and through its existing budgetary oversight mechanisms and previously passed personnel rules that apply to all UN employees, including those working within UNMOVIC. More importantly, the Secretary General has some direct control over UNMOVIC through appointment rules, reporting procedures, and other rules that restrict UNMOVIC staff from reporting information to member states outside of authorized channels. Naturally, the Secretary General is also responsible to the Security Council both through the specific resolution authorizing the SG role in UNMOVIC

inspections, which could be re-written assuming unanimity among the P5, but also because the Secretary General is approved by the UNSC and can only be re-appointed with a positive vote of the Council.⁶⁷ While the IAEA is not pictured here, its relationship to the UN and its member states looks much more like UNMOVIC than UNSCOM.⁶⁸

Type of Delegated Authority

The actual authority delegated to UNSCOM, UNMOVIC, and the IAEA was limited in scope to include monitoring and reporting on Iraqi compliance with Security Council resolutions. The inspectors were granted the “authority to determine and declare whether a state is in compliance,”⁶⁹ and this became very important politically in 2002 and 2003; however, none of the inspecting agents had the authority to “enforce” any resolutions. The BK typology combines “monitoring and enforcement” into a single analytic category, and while these activities may go together in some cases, they do not seem to go together in this case.⁷⁰

The authority to enforce the resolutions was retained by member states. Some states, such as the US and UK interpreted Resolution 687 as granting them authority to enforce the resolution if Iraq failed to comply. Other states, such as France and Russia, argued that enforcement authority was retained by the Security Council and thus required an additional resolution by that body to authorize any use of force in 2003. All of the P-5 states agreed that UNMOVIC and IAEA were the agents with the authority to determine and declare that Iraq had fully complied with resolution 687, and while both agents declared that substantial stockpiles of WMD had been destroyed and that they had not discovered additional banned weapons during their inspections in 2002 and 2003, neither would assert a conclusions that Iraq had “fully complied” with resolution 687 or subsequent resolutions.⁷¹

BK’s discussion of “Agenda Setting” authority makes clear that none of the IO agents authorized by the Security Council were granted such authority. They certainly did have what BK call “informal agenda-setting power,” since the information that they chose to report (and allegedly withhold) had a major influence on “the substantive agenda of an international body.” This was also clearly “the consequence of other forms of delegation.” The only reason the world waited with great anticipation and trepidation for the official reports of Blix and El Baradei followed from the fact that they had been granted authority to monitor and to give advice to the UNSC. The substance of their claims shaped the voting behavior of states on the Security Council and it shaped the

⁶⁷ As always, 9 of 15 with the caveat of unanimity among the P5.

⁶⁸ For a detailed comparison, and a compelling argument about the role of organizational culture within different IOs, see Lipson 2006.

⁶⁹ Brown 2007.

⁷⁰ In their Figure 2 (p 20), BK have five ordinally ranked categories displayed along a single dimension suggesting that some types of delegation are associated with higher sovereignty costs than others. Of the nine distinct types of delegation the inspectors appear to have been granted two types “monitoring” and “research and advice.”

⁷¹ Blix 2004.

willingness of other governments and individuals around the world to support or oppose the subsequent U.S. led war against Iraq.⁷²

Sovereignty Costs

BK suggest a number of interesting hypotheses on the varying level of sovereignty costs that will be paid by states as a result of international delegations. One of the central claims is that different states will pay different sovereignty costs as the result of the same international delegations. The case of Iraqi weapons inspections certainly illustrates this point.

BK define sovereignty costs as “a surrender of state autonomy” (p. 20) or a “reduction in state autonomy.” (21) This begs the question, what is autonomy and how would we know it if we saw it? In some passages the term seems to imply that any constraint on a state’s freedom of action implies a sovereignty cost. Such a definition threatens to rob sovereignty of its commonly understood definition among legal scholars and political scientists. The United States was clearly constrained during the Cold War when the Soviet Union promised to nuke all American cities if the U.S. chose to attack the Soviet Union. The costs of taking a particular action in 1980 were much higher for the U.S. than they were for taking an identical action in 1948. But we don’t usually think of this as a “sovereignty cost.” The U.S. was just as sovereign in 1980 as in 1948 because it continued to have all the characteristics of what Falk or Krasner would call a sovereign state – a territorially defined unit where all authority for internal policies and external relations is the sole responsibility of that state’s government.⁷³ This definition holds independent of the costs associated with taking some action.

Instead, when they discuss actual examples of sovereignty costs BK seem to mean something more specific and something that is more closely related to conventional definitions of sovereignty that recur in the political science and legal literature. If by sovereignty costs BK really mean, “interference with domestic authority structures” (p. 20), or situations in which international bodies interfere in “relations between the state and its citizens,” (p. 19) then the point is certainly illustrated in the case of UNSCOM, IAEA, and UNMOVIC. These organizations did not interfere at all in the domestic authority structures of any members of the UNSC,⁷⁴ but they repeatedly did so in Iraq by traveling to sites within Iraq against the expressed wishes of the Iraqi government, by revealing information that the Iraqi government sought to keep secret, by interviewing Iraqi citizens inside Iraq against the explicit instructions of Iraqi authorities, and, in the case of UNSCOM acting outside its legal mandate to engage in espionage against the

⁷² See Pew data, Euro-Barometer data, and the data reported in the conclusion of this paper.

⁷³ Similarly, Ruggie 1987 suggests, “The sovereign state makes no claim to rule outside its borders and recognizes no authority above it within them.”

⁷⁴ Of course, the choices and actions of the inspectors did shape the political choices of politicians, parties, and voters in these states, but this is not an infringement of sovereignty or autonomy in any conventional sense of the terms. It is very important and suggests that this is precisely why we should care about delegation to such international bodies. Whether there are any implications for sovereignty, we should care a great deal about delegation of authority that can influence domestic or international political outcomes.

state of Iraq. Vice President of the U.S. Richard Cheney was certainly correct to characterize this inspection regime as “the most intrusive system of arms control in history.”⁷⁵

Conclusions

Alex Thompson sums up the relationship between weapons inspectors and their principals. “In these difficult circumstances, UNSCOM sought the truth about Iraq’s weapons even more diligently than could have been hoped for; it was a faithful agent.”⁷⁶ Thompson’s conclusions about UNSCOM can be readily generalized to the other inspection agencies that worked for the Security Council in Iraq. While interested parties can identify behavior on the part of the inspectors that ran counter to their interests, with few exceptions, and no significant exceptions, these IO agents pursued their mandates and implemented official marching orders with exceptional energy and competence. This is a clear case of delegation success and policy failure. All the major goals established by the Security Council in 1991 had been achieved by 2002. Despite these facts, the outcome was an inter-state war in Iraq that has produced thousands of deaths, wracked up billions in debt, produced an ongoing civil war, and led to growing doubts about the efficacy of multilateral solutions within the issue area of international security.

BK argue that “soft delegation” can be quite powerful when “the actions of these bodies circumscribe policy autonomy by creating international or domestic pressures on governments.” (28) Whether delegation to UNSCOM and UNMOVIC constitutes a case of hard or soft delegation, it certainly demonstrates how such IOs can affect “international and domestic pressures on governments.” This actually captures much of the story of Iraqi weapons inspectors and there is some evidence to suggest the UNSC as a stamp of approval (or disapproval in the absence of a resolution supporting a coercing state), will be increasingly important politically to more and more citizens in democratic societies. Hence, the decisions of this body will shape the behavior of political leaders who want to maintain the political support of their people.

While there was little apparent impact on the behavior of the U.S. government or the opinions of U.S. citizens resulting from the refusal of the Security Council to authorize the use of military force in early 2003, the U.S. public is now much less inclined to support analogous types of military interventions that lack UN authorization.

Set up the survey data with discussion of political costs, rather than sovereignty costs...

In October of 2006 my colleagues and I designed a survey that was carried out by a polling company called Polimetrix.⁷⁷ In the survey we asked U.S. registered voters to answer 21 questions about contemporary foreign policy issues. Four of the questions were designed to test hypotheses about the domestic political relevance of delegation to the UN Security Council to approve or disapprove the use of military force to inhibit

⁷⁵ Cheney 2002.

⁷⁶ Thompson 2006b.

⁷⁷ Maliniak et al, 2006.

WMD proliferation. We asked this question for two reasons. First, a number of political scientists have recently theorized about the “legitimation effect” of UN approval for a particular use of military force.⁷⁸ Second, in the run-up to the 2003 war in Iraq a number of surveys showed that the public was more likely to support the use of military force against Iraq if the UN Security Council approved the use of military force. Polls in the U.S. showed a gap in support of between 9% and 14% depending on the individual poll. Gaps in European countries were even larger, sometimes as large as 20% or more. We speculated that since the Iraq War has been more costly than people expected and that no WMD were discovered in Iraq ex-post, that Americans might be more affected by a UN resolution now than they were in 2003. Therefore, we asked each respondent to answer a pair of questions about North Korea and a pair about Iran. We provided no information to the respondents other than the questions. In each pair of questions we asked about whether they would support military action by the U.S. and/or whether they would support military action by the international community after a UNSC resolution. We were not prepared for the massive gaps reported in our findings below. Clearly these data require more sustained analysis than I provide here, but the fact that support for military force jumps 29% for an attack on Iran and 32% for an attack on North Korea after a UN Security Council resolution is stunning. The effect on opposition to the use of force is even more remarkable, especially considering the fact that the U.S. is currently involved in a very unpopular and costly war. If the UN Security Council approves it, only 16% of Americans say they would oppose the use of force against Iran. Only 13% report that they would oppose the use of such force against North Korea.

Exact Question Wording

Q: If Iran continues to produce material that can be used to develop nuclear weapons, would you support or oppose the U.S. taking military action against Iran?

- Support
- Oppose
- Unsure

Q: If Iran continues to produce material that can be used to develop nuclear weapons and the UN Security Council votes to use military force against Iran, would you support or oppose the international community taking military action against Iran?

- Support
- Oppose
- Unsure

⁷⁸ Voeten 2005; Hurd 2005; Thompson 2006a, 2006c;

Frequency Table

Support US military action against North Korea

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Support	383	37.7	37.8	37.8
	Oppose	354	34.9	34.9	72.7
	Unsure	277	27.2	27.3	100.0
	Total	1014	99.8	100.0	
Missing	Skipped	2	.2		
Total		1016	100.0		

Support intl military action against North Korea

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Support	714	70.3	70.5	70.5
	Oppose	136	13.4	13.4	83.9
	Unsure	163	16.0	16.1	100.0
	Total	1013	99.7	100.0	
Missing	Skipped	3	.3		
Total		1016	100.0		

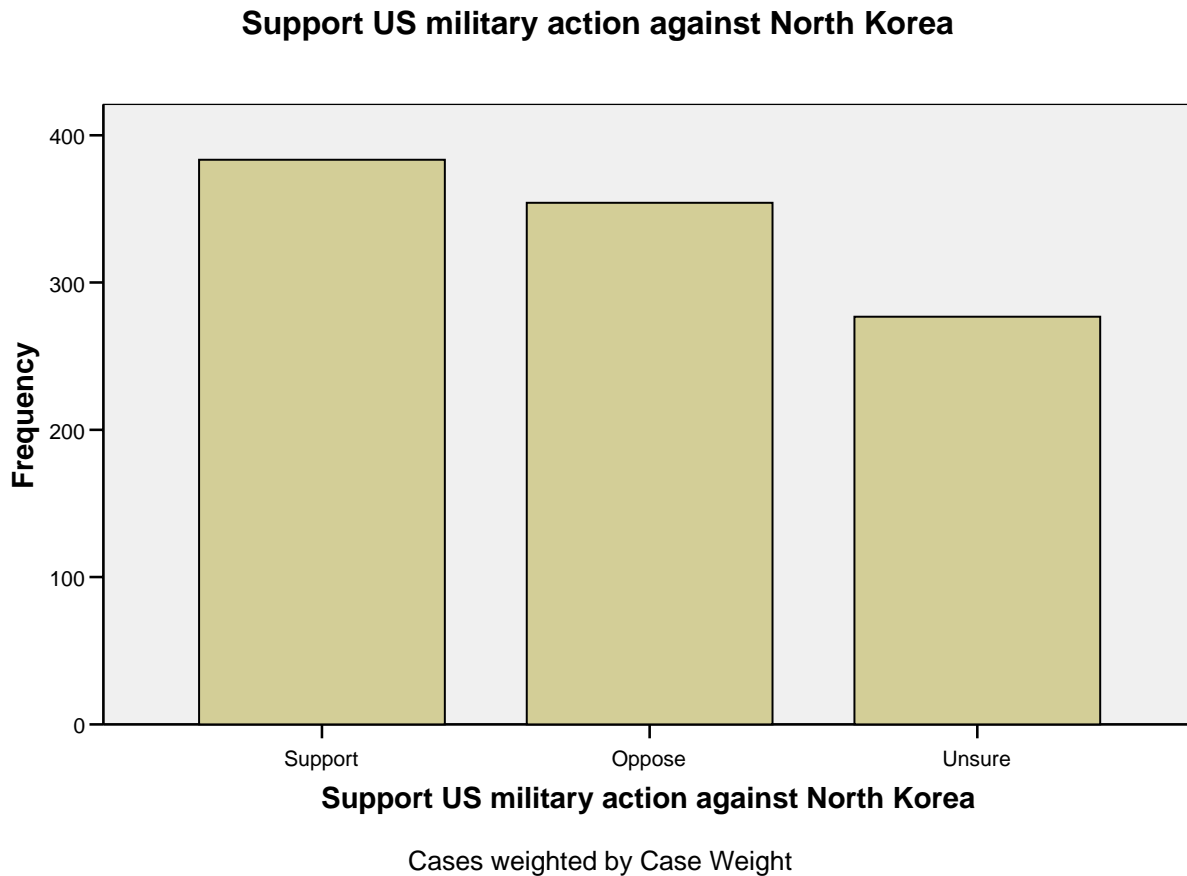
Support US military action against Iran

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Support	403	39.7	39.8	39.8
	Oppose	389	38.3	38.4	78.2
	Unsure	221	21.7	21.8	100.0
	Total	1013	99.7	100.0	
Missing	Skipped	3	.3		
Total		1016	100.0		

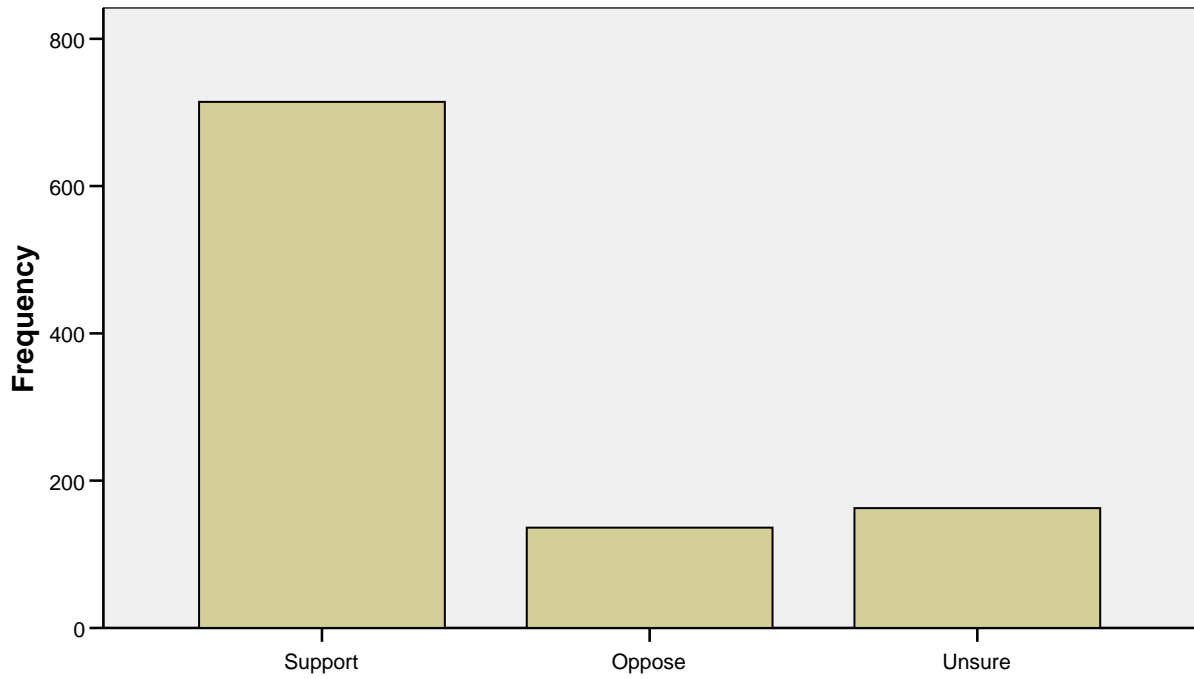
Support intl military action against Iran

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Support	696	68.5	68.7	68.7
	Oppose	161	15.9	15.9	84.6
	Unsure	155	15.3	15.4	100.0
	Total	1013	99.7	100.0	
Missing	Skipped	3	.3		
Total		1016	100.0		

Bar Chart



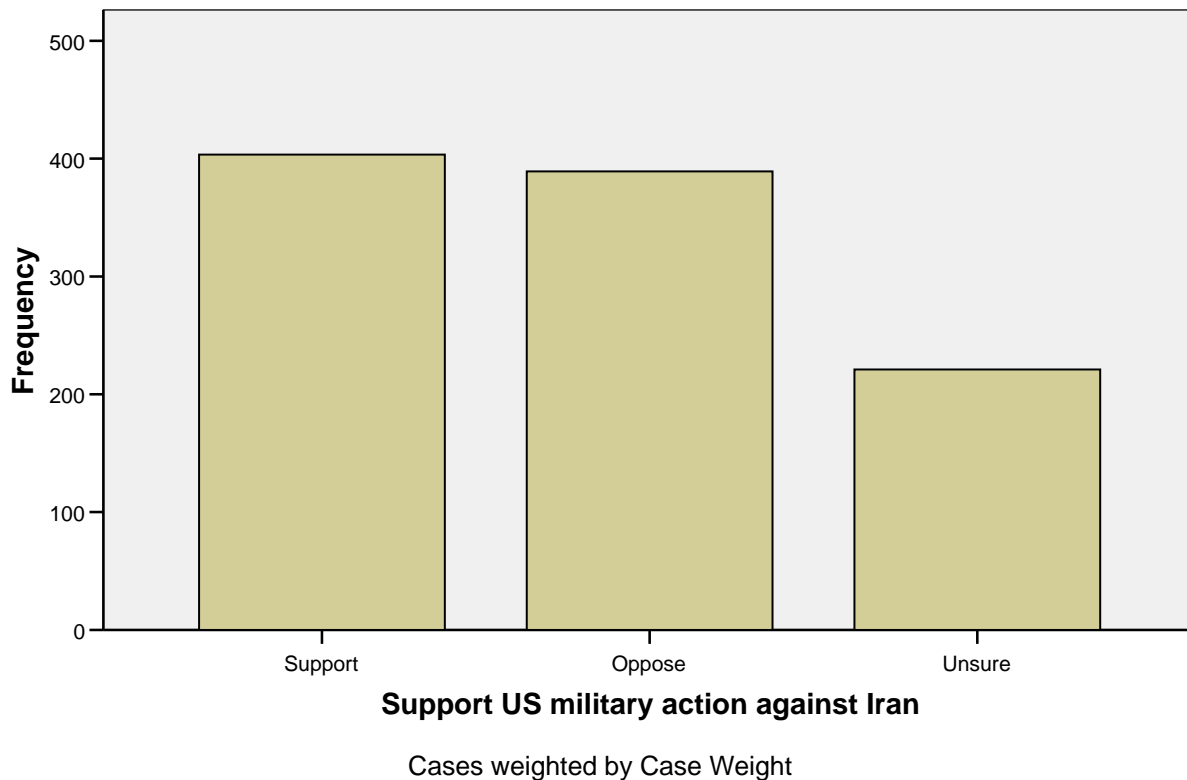
Support intl military action against North Korea



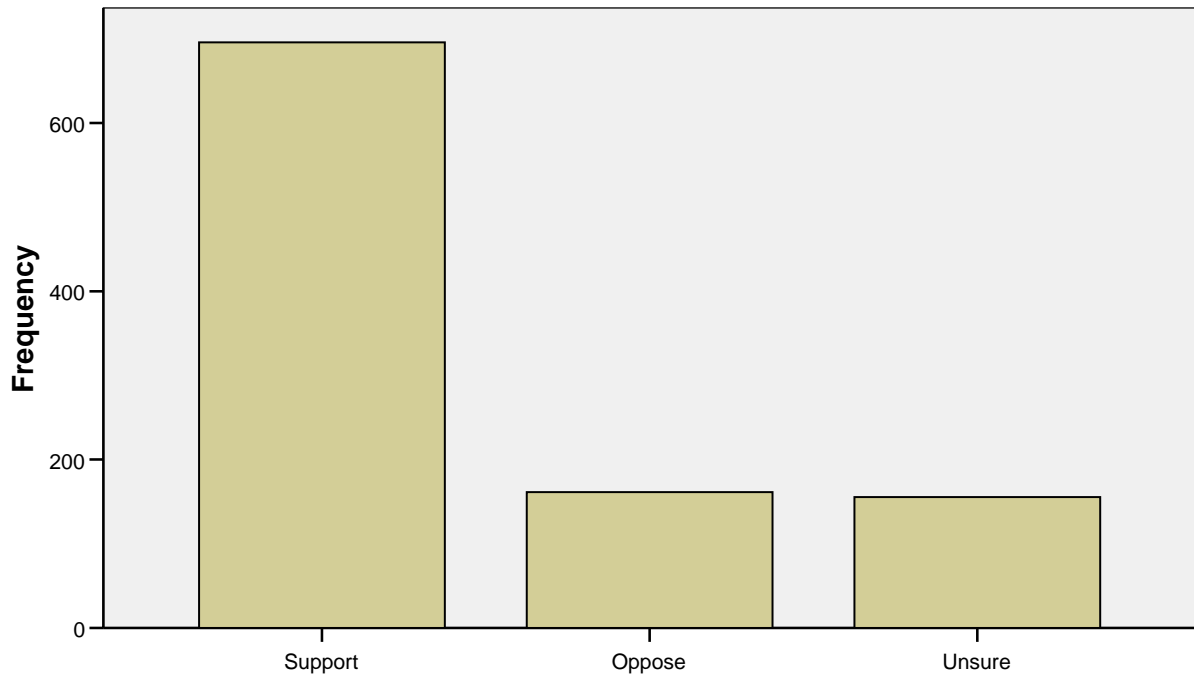
Support intl military action against North Korea

Cases weighted by Case Weight

Support US military action against Iran



Support intl military action against Iran



Support intl military action against Iran

Cases weighted by Case Weight

Citations

- Alter, Karen J. 2006. "Delegation to International Courts and the Limits of Re-Contracting Political Power," in Hawkins et al, eds., *Delegation and Agency in International Organizations*. Cambridge University Press.
- Auerswald, David, Stephen Saidemen, and Michael J. Tierney. 2006. "Double Hats, Triple the Trouble: Agency Problems in NATO Interventions," Paper delivered at the APSA Conference, September 2006, Philadelphia, PA.
- Blix, Hans. 2004. *Disarming Iraq*. New York: Pantheon Books.
- Brown, Robert L. 2007. *Non-Proliferation through Delegation*, PhD Dissertation, University of California San Diego.
- Cheney, Richard. 2002. "Vice President Honors Veterans of Korean War," *White House Office of the Press Secretary*, August 29.
- Congleton, Roger. 2005. "Agency Problems and the Allocation of International Environmental Grants." Working paper, George Mason University.
- Congleton, Roger. 2006. "International Public Goods and Agency Problems in Treaty Organizations," *Review of International Organizations*, Vol. 1, No. 4: 319-336.
- Cooley, Alexander and James Ron. 2002. "The NGO Scramble: Organizational Insecurity and the Political Economy of Transnational Action," *International Security*. Vol.27, No.1: 5-39
- Copelovitch, Mark. 2006. "Master or Servant: Agency Slack and the Politics of IMF Lending." Paper presented at IPES Meeting, Princeton NJ, November 17-18.
- Cortell, Andrew and Susan Peterson. 2006. "Dutiful Agents, Rogue Actors, or Both? Staffing, Voting Rules, and Slack in the WHO and WTO," in Hawkins et al, eds., *Delegation and Agency in International Organizations*. Cambridge University Press.
- Downs, George, David Rocke, and Peter Barsoom. 1996. "Is the Good News about Compliance Good News for Cooperation?" *International Organization*. Vol. 50, No.
- Duelfer, Charles. 2004. *Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD*. CIA: Washington DC.
- Elman, Colin and Miriam Elman. 2004. "Lessons from Lakatos," in Elman and Elman eds., *Progress in International Relations Theory: Appraising the Field*. MIT Press.

Epstein, David and Sharon O'Halloran. 1999. *Delegating Powers : A Transaction Cost Politics Approach to Policy Making Under Separate Powers*. Cambridge University Press.

Garrett, Geoffrey. 1995. "The Politics of Legal Integration in the European Union," *International Organization*, 49/1: 171-181.

Garrett, Geoffrey, and George Tsebelis. 1996. "Agenda Setting Power, Power Indices, and Decision Making in the European Union," *International Review of Law and Economics*, 16: 345-61.

Goldstein, Judith L., Miles Kahler, Robert Keohane, and Anne-Marie Slaughter. 2001. *Legalization and World Politics*. MIT Press.

Grant, Ruth and Robert Keohane. 2005. "Accountability and Abuses of Power in World Politics," *American Political Science Review*. Vol. 99, No. 1.

Hawkins, Darren, David Lake, Daniel Nielson, and Michael J. Tierney. 2006. "Delegation under Anarchy: States, International Organizations, and Principal Agent Theory," in Hawkins et al eds., *Delegation and Agency in International Organizations*. New York: Cambridge University Press.

Huber, John and Charles Shipan. 2002. *Deliberate Discretion: The Institutional Foundations of Bureaucratic Autonomy*. Cambridge University Press.

Johns, Leslie. 2007. "A Servant of Two Masters: Communication and the Selection of International Bureaucrats," *International Organization*, forthcoming.

Kiewiet, D. Roderick and Mathew D. McCubbins. 1991. *The Logic of Delegation: Congressional Parties and the Appropriations Process*. Chicago: University of Chicago Press

King, Gary, Robert Keohane, and Sidney Verba. 1994. *Designing Social Inquiry*. Princeton University Press.

Lake, David. 2006. "Delegating Divisible Sovereignty: Some Conceptual Issues," Paper for Workshop on Delegating Sovereignty, Duke University, March 3-4.

Leo, Michael. 2003. "NATO Decision-making: Au Revoir to the Consensus Rule?" *Strategic Forum*, No. 202.

Lijphart, Arend. 1999. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. Yale University Press.

Lipson, Michael. 2006. "Between Iraq and a Hard Place: UN Arms Inspections and the Politics of Security Council Resolution 1441." Paper presented at APSA Conference, September 3, Philadelphia, PA.

Lyne, Mona and Michael J. Tierney. 2003. "The Politics of Common Agency: Implications for Agent Control with Complex Principals," Paper presented at American Political Science Association Meeting, August 28-31, Philadelphia, PA.

Lyne, Mona, Daniel Nielson and Michael J. Tierney. 2006. "Who Delegates: Alternative Models of Principals in Development Aid," in Hawkins et al eds., *Delegation and Agency in International Organizations*. New York: Cambridge University Press.

Lyne, Mona, Daniel Nielson, and Michael J. Tierney. 2007. "Collective Principals and Coalitions: Social Lending at the Multilateral Development Banks," Working Paper. College of William and Mary.

Malone, David M. 2006. *The International Struggle over Iraq: Politics in the UN Security Council 1980-2005*. Oxford University Press.

Martens, Bertin. 2002. *The Institutional Economics of Foreign Aid*. Cambridge University Press.

Mearsheimer, John. 1993. "The False Promise of International Institutions." *International Security*, Vol. 19, No. 3, 5-49.

Middlemas, K. 1995: *Orchestrating Europe. The Informal Politics of European Union 1973-1995*. London: Harper Collins.

Moravcsik, Andrew. 1998. *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*. Cornell University Press.

Moravcsik, Andrew. 2004. "Is there a Democratic Deficit in World Politics: A Framework for Analysis." *Government and Opposition*. 39:2.

Murphy, Sean D. 2002. "Efforts to Address Iraqi Compliance with UN Weapons Inspections," *American Journal of International Law*, Vol. 96, No. 4, 956-962.

Nielson, Daniel and Michael J. Tierney. 2003. "Delegation to International Organizations: Agency Theory and World Bank Environmental Reform," *International Organization*.

Nielson, Daniel and Michael J. Tierney. 2005. "Theory, Data, and Hypothesis Testing: World Bank Environmental Reform Redux." *International Organization*.

- Pevehouse, John, Timothy Nordstrom and Kevin Warnke. 2005. "International Governmental Organizations," in Diehl ed. *The Politics of Global Governance*. Lynne Rienner.
- Pollack, Mark. 2002. "Learning from the Americanists (Again): Theory and Method in the Study of Delegation." *West European Politics*. Vol. 25, No. 1, pp. 200-219.
- Pollack, Mark. 2003. *The Engines of European Integration*, Oxford University Press.
- Pollack, Mark. 2006. "Delegation and Discretion in the European Union." In Hawkins et al eds., *Delegation and Agency in International Organizations*. Cambridge University Press.
- Powell, Colin. 1996. *My American Journey*. New York: Ballantine Books.
- Sarooshi, Dan. 2005. *International Organizations and Their Exercise of Sovereign Powers*. Oxford University Press.
- Schwartzkopf, Norman. 1993. *It Doesn't Take a Hero*. New York: Bantam Books.
- Shugart, Matthew and John Carey. 1992. *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*. Cambridge University Press.
- Strand, Jonathan R. 2003a. "Measuring Voting Power in an International Institution: The United States and the Inter-American Development Bank." *Economics of Governance* 4 (1): 19–36.
- Strand, Jonathan R. 2003b. "Power Relations in an Embedded Institution: The European Bank for Reconstruction and Development." *Journal of European Integration* 25 (2): 113–127.
- Thompson, Alex. 2006a. "Screening Power: International Organizations as Informative Agents," in Hawkins et al eds., *Delegation and Agency in International Organizations*. Cambridge University Press.
- Thompson, Alex. 2006b. "Principal Problems: The Rise and Fall of UN Weapons Inspections in Iraq," ISA Meeting, San Diego CA, March 22-25.
- Thompson, Alex. 2006c. "Coercion through IOs: The Security Council and the Logic of Information Transmission." *International Organization* 61(1): 1-34
- Thompson, Alex. 2007. "Understanding IO Legitimation," in Tierney and Weaver eds., *The Politics of International Organizations: Bridging the Rationalist-Constructivist Divide*, Under Review at Cornell University Press.
- United Nations Security Council. 1991. S/RES/687. 3 April 1991.

United Nations Security Council. 1998. S/1998/1172. 15 December 1998.

United Nations Security Council. 1999. S/RES/1284. 17 December 1999.

United Nations Security Council. 2002. S/RES/1447. 4 December 2002.

Williamson, Oliver E. 1975. *Markets and Hierarchies: Analysis and Antitrust Implications*, NY: The Free Press.