

Perceived to Slack: Secondary Securitization and Multilateral Treaty Ratification in Israel

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ABSTRACT

Much of existing literature assumes states join or reject multilateral treaties, and by extension any organization that they may establish, on a cost/benefit basis. However, many countries demonstrate an inconsistent pattern of ratification. We argue that secondary securitization (speech acts that introduce security discourse into the policy-making process, even in non-security issue areas, by actors who are not security experts) hinders treaty ratification, all else being equal. The reason is that when security is at stake, the costs of slack by the treaty's agent IO are deemed higher, risk-aversion increases, and asymmetry among the member states' policy perceptions is greater. We focus on the case of Israel because it is exemplary of this ambiguity and because we have access to relevant archival data. We support our argument with logit regressions on a cross-section dataset of 246 multilateral treaties open for ratification by Israel during 1948-88. We demonstrate that secondary securitization had a significant effect on ratification, although in a relatively small number of cases. We compliment this analysis with discourse and content analysis of official discussions of ratification of three human right treaties (ICCPR, ICESCR and CEDAW).

Keywords: Securitization, Principal-Agent, Multilateralism, Israel

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Introduction

While an immense literature explains the costs and benefits of multilateral treaties and the organizations that they establish, few studies if any attempt to check whether the choices that states make in ratifying such treaties are consistent with a particular rationale.¹ The general presumption seems to be that by revealed preference if a state joins a treaty it must know how the treaty can serve it. However, it is not clear that the ratification record of many states is consistent, which may imply that it is not entirely rational. States like Denmark, France, the Netherlands and Britain joined over 75 percent of multilateral treaties open to them over the 1948-2015 period, while China, Russia (including USSR) and South Korea joined less than 30 percent. Spain, Greece and the United States ratified roughly 50 percent of relevant treaties in the same period, demonstrating “ambivalent and selective” policy (Patrick and Forman, 2002), including during the Obama administration (Skidmore, 2012).

Israel is another puzzling case, having ratified about 54 percent (183 of 339) multilateral treaties open to it throughout the period of 1948-2015. Israel's ratification pattern seems inconsistent; it has been averse to ratifying not only hardcore security treaties as one might presume, but also treaties on the environment, human rights, and marine and aviation treaties. In contrast, Israel ratified multilateral treaties on trade and investments, conventional disarmament, telecommunication, nuclear materials, intellectual property rights, education, science and culture.

¹ The emphasis on ratifying treaties rather than merely signing them is practical. Only ratified treaties become binding, and signed treaties may not be ratified quickly, or at all.

Israel sometimes rejected treaties on very similar issues to those that it previously ratified. For example, for 12 years Israel refused to join the 1979 Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), in spite of having already ratified the 1953 Convention on the Political Rights of Women. Israel refrained from ratifying the 1972 Convention for the Protection of the World Cultural and Natural Heritage, the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. However, Israel did ratify respectively the 1956 Statutes of the International Centre for the Study of the Preservation and Restoration of Cultural Property, the 1973 International Convention for the Prevention of Pollution from Ships (MARPOL), and the 1976 Convention for the Protection of the Mediterranean Sea against Pollution.

This paper proposes an explanation for at least part of this seemingly inconsistent pattern in ratifying multilateral treaties. The next section develops the theoretical argument of the paper based on Principal-Agent (PA) and Securitization theories. We maintain that infiltration of security ideas into discussions on non-security issues discourages decision-makers from ratifying multilateral treaties. The main argument is that states refrain from ratifying a treaty that is facilitated by an agent International Organization (IO) when they perceive a great potential for agent slack. States are likelier to perceive agent IOs to slack (shirk their duties or pursue their own agenda) when they interpret IO action as incompatible with their national interest. Perceptions about slack against the national interest are in turn enhanced by secondary securitization – speech acts that introduce security discourse into the policy-making process, even in non-security issue areas, by

actors who are not security experts. Thus, the willingness to assume multilateral commitments fluctuates not only with the record of IO's actions, but also with the evolution of security ideas among policy makers.

Empirically, the focus on Israel is driven by the authors' access to official state records related to ratification decisions between the years 1948-1988 (in lieu of a 25-year limitation period), as well as availability of interviewees among relevant decision-makers. The third section reviews the archival material, and describes the coding of discussions and ratification-related correspondence that demonstrate security rhetoric. Secondary securitization is identified by qualitative means of discourse analysis, interviews and content analysis. In addition, data are compiled in order to control for a variety of competing explanations for treaty ratification, including temporal, economic, social attraction and political participation factors. This dataset is then used to support our argument with logit regressions estimating the likelihood of Israeli ratification of multilateral treaties when acts of secondary securitization are identified in ratification discussions.

Next, the paper focuses on Israel's ratification discussions regarding three human rights treaties – the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and CEDAW. Israeli deliberations on these treaties were lengthy, stretching over more than 25 years, from their signing in 1966 (ICCPR and ICESCR) and 1979 (CEDAW) to ratification (as a single event) in 1991. The fourth section analyzes the scope of these three treaties, the mandates of their agent IOs, the Mechanisms of Control (MoCs) imposed on them, and their potential for agent slack.

The fifth section supports our argument by using the archival material and interviews to analyze particular episodes in Israeli ratification discussions of these treaties. We demonstrate acts of secondary securitization and their role in shaping Israeli perceptions of IOs' slack, in spite of the low slack potential identified in the fourth section. The sixth section provides conclusions.

We innovate theoretically by combining PA and Securitization theories, and by distinguishing between the two types of the more general concept of securitization: Primary securitization and secondary securitization. To our knowledge, our study is also the first statistical estimation of the relative effect of competing explanations for multilateral treaty ratification. Finally, this is the first comprehensive application of Securitization theory to the study of Israeli policy making (Lupovici, 2014). We find that secondary securitization played a very important role in a relatively small number of cases.

Securitization and agent slack

Multilateral treaties, legally binding instruments that incorporate three states or more (Keohane, 1990) and often establish IOs facilitating the treaty, or delegate such authority to existing IOs (Archer 2014, 1; Blum 2008, 327), have become prevalent in the aftermath of World War II as policy tools for resolving international disputes, providing public goods and advancing new ideas and reforms (Fang, 2010; Mansfield and Pevehouse, 2006; Moravcsik, 2000). Multilateral treaties can create autonomous central institutions and promote a de-politicized environment, conditions that are conducive for collective international problem-solving (Milner, 2006; Thompson, 2006). Constructivists view

multilateral treaties as facilitating the development of international social norms, conventions, beliefs and understandings, and nudging states to conform to these norms (Barnett and Finnemore, 2004; Béland and Cox, 2010; Lieberman, 2002; Schmidt, 2008).

Sometimes, multilateral treaties serve domestic political purposes, underpinning domestic policy reform (Alcañiz, 2012; Goodliffe and Hawkins, 2006), enhancing the credibility of policy commitments (Mansfield and Milner, 1999) or locking-in existing policies (making reversals expensive) (Allee and Huth, 2006; Guzman, 2005; Vreeland, 2003). Multilateral treaties can curb the power of special interest groups (Keohane *et al.*, 2009). Small states benefit from multilateral treaties, because they are more exposed to global conditions than large states, and because bilateral treaties are more expensive to negotiate and more likely to reflect the interests of large states. Large states may also join multilateral treaties as a legitimizing tool and in order to demonstrate strategic restraint. Even cheap talk, i.e. ratification without sincere implementation intentions or feasibility, may be a useful short-term means to promote a state's global image (Grobe, 2010; Krommendijk, 2015).

However, despite these potential gains, multilateral treaties also drew significant criticism. Realists view multilateral treaties as constraining independent state action or disregard their actions as mere manifestation of international power struggles. This view rejects the possibility of international cooperation on mutually beneficial material or normative grounds. In addition, critics have been concerned with the constraints that multilateral treaties place on national democracy, undermining public discussion and accountability (Cramme and Hobolt, 2015). Transaction costs, multilevel governance inefficiencies, and IOs that sometimes advance policies undesirable by their principal member states (Barnett and Finnemore, 2004; Hawkins *et al.*, 2006; Zawahri and Mitchell, 2011), or that serve

only powerful member states, further impair the benefits of multilateral treaties (Majone, 2014).

With regard to Israel, a vast body of literature finds security concerns to be central to and most influential in foreign and domestic policy-making processes (Abulof, 2014; Bar-Tal, 2013; Maoz, 2009; Olesker, 2014; Peri, 2006; Sheffer and Barak 2010; Sofer, 2004). Bar-Tal *et al.* (2009) referred to this phenomenon – particularly to its manifestation in the Israeli public discourse – as “Securitism”.

Israel’s very volatile and dangerous external environment leads decision makers to regard its security dilemma as exceptional. “Diplomacy in uniform” (Freilich, 2006, 658), has granted the Israel Defense Force (IDF) and the broader defense establishment key roles in the shaping of foreign policy – including (but not limited to) the ratification of multilateral treaties. Merom (1999) claims that the sense of clear and imminent danger helps reduce internal social tensions, preserving society's cohesion, but is also a source of delusion. This sense of exceptionalism could lead to the disregard of international constraints.

Sheffer and Barak (2013) assert that Israel’s highly influential security establishment had formed networks, consisting of former veterans and former personnel from official security and intelligence organizations, holding senior positions in the state’s civilian spheres, including politics, economy, society, culture and foreign relations. Members of these informal networks arguably maintain security considerations as their most prominent concern, even in their non-security positions.

To explain at least part of Israel’s seemingly inconsistent record of multilateral treaty ratification, the paper combines Constructivist Securitization theory with the Rationalist PA approach, following similar attempts by Howarth and Sadeh (2011) and Nielson *et al.*

(2006). PA theory is a convenient theoretical point of departure for our purpose, because it offers a highly developed and rich explanation for relations between member states and IOs. PA studies the relationship between principals (such as states) who delegate authority on managing certain tasks to agents (such as IOs). Delegation is a conditional grant of authority, governed by a contract. Principals define and outline the goals that they expect the agents to accomplish on their behalf, and provide the agent with some autonomy (i.e. range for independent action) to that effect.

However, the agents' interests do not always converge with the principals'. IOs may exceed (slip from) or under-perform (shirk) their mandates where states interests are unclear or weak (Barnett and Finnemore, 2004). In other words, IO agents can sometimes abuse their autonomy to slack (Hawkins *et al.*, 2006) rather than to act on their delegated authority. Consequently, the less autonomy an agent has – the less potential for slack (but also the less successful the agent may be in pursuing its mandate).

To cope with this challenge, principals adopt various MoCs to curb and prevent undesirable actions. Hawkins *et al.* (2006) identify five MoCs: (a) Rules and guidelines control the extent of agent discretion, varying from defining clear guidelines for the behavior of the agent to defining objectives only, leaving more room for agent discretion. (b) Monitoring and reporting requirements include either regular or occasional self-reporting that member states submit – 'police patrols', and/or event-based cross-reporting that members submit with regard to each other – 'fire alarms'. (c) Screening involves procedures for appointing the agent and its staff, ensuring that agent's preferences are similar to those of principals. (d) Checks and balances are institutional arrangements that deny the agent exclusivity in pursuing its mandate, such as the establishment of organizations with overlapping

functions, which force the agent to compete for the principals' trust. (e) The principals may apply sanctions or benefits to motivate compliant agent behavior.

The decision to ratify a multilateral treaty is associated with joining the agent IO it may have (whether the treaty established such IO or delegated authority to an existing IO). Thus, an individual state considering ratification must also consider the potential for agent slack. Ineffective MoCs, which allow much agent slack, may discourage membership if slack is a big concern (Lupia and McCubbins, 2000). Applications of the PA approach to the study of international relations include the lending policy of the International Monetary Fund (IMF) (Martin, 2006) and the World Bank (Nielsen and Tierney, 2003), American foreign aid policy (Lyne *et al.*, 2006), negotiations in the WTO (Elsig, 2011), and international financial liberalization (Singer, 2007).

In contrast to the Rationalist PA theory, Constructivist approaches attribute an important role to ideas in shaping political outcomes in international relations (Béland and Cox, 2010; Lieberman 2002; Schmidt, 2008) and international political economy (Abdelal *et al.*, 2010; Abdelal, 2007; Blyth, 2002; 2015; Larsen and Andersen, 2009). In particular, the Copenhagen School has become the leading theoretical doctrine in the discussion of security as a social construct. Researchers identified with this approach maintain that socially constructed securitization occurs when an audience/actor reinterprets a once non-security issue as a security issue (Buzan and Wæver, 2003).

Securitization is a successful speech act through which “an intersubjective understanding is constructed within a political community to treat something as an existential threat to a valued referent object” (Buzan and Wæver, 2003, 491). By merely uttering the word security, the securitizing actor claims a special right to use distinct measures to block it and

performs an action. Securitization acts take "politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics" (Buzan *et al.*, 1998, 23). Securitization results in the spread of security discourse to new issue-areas as a process of social construction, such that any issue, unrelated to security as it may be, can be securitized (Balzacq, 2010).

In order for a securitization act to take place, three elements must exist simultaneously. First, a referent object is rendered, namely the mere object or reality placed under threat (in our context, what the treaty under consideration is threatening). The second element, a securitizing move, is the speech act that a securitizing actor commits, intentionally declaring the threat. Securitizing actors may include officials from the defense establishment, but also political leaders, bureaucrats, lobbyists and various pressure groups (Buzan *et al.*, 1998, 40). Furthermore, securitizing actors usually hold positions of authority, channeling their power and unique knowledge to obtain an advantage in establishing their narrative as dominant (Balzacq, 2010; Stritzel, 2007; Taureck, 2006). In the process of multilateral treaty ratification, the securitizing move may appear in discussions, official letter exchange or advisory opinions pertaining to accession. Lastly, the securitizing move is to be performed only before functional actors, i.e. influential audience that affects decision making, usually high ranking officials that are involved in the decision-making on ratification.

Securitization theory has been applied to issue areas as foreign policy (Smith, 2005), fight against HIV (Elbe, 2006), minority rights (Jutilla, 2006; Roe, 2004), international crime (Emmers, 2003), the war on terror (Buzan, 2006), climate and environmental policy (Floyd, 2010), water resources (Fischhendler, 2015) and issues of immigration and re-settlement

(Huysmans, 2000). While problems in these issue-areas do not necessarily pose existential threats to the parties involved, they have sometimes been perceived to endanger a valued entity, intertwined with national security – which may create an existential threat atmosphere, whether real or imagined.

We maintain that securitizing an issue area raises the potential for perceived agent slack, for any given IO mandate and array of existing MoCs, all else being equal, for three reasons. First, the principal is likely to deem the costs of a given level of slack to be higher when its security is at stake. Second, for any given level of costs, states are likely to be more risk-averse when security is at stake. Third, asymmetry among the member states' policy perceptions is likely to be larger when security is at stake because in security issues states are likelier to perceive gains as relative (one state's gain is another's loss). The larger are the gaps among member states the harder it would in turn be for an agent to satisfy all, and it is likelier that some member states will perceive it as slacking and will not be able to use the MoCs to satisfy their perceptions of the IO mandate.²

While extant literature emphasizes securitization by any actor with position of authority in the policy-making process, security expert or not, we refine the analysis of securitization acts by distinguishing secondary securitization acts from primary securitization acts. The latter are intentionally performed by defense establishment experts, "... decision makers who have had long careers in the defense establishment, and... had internalized its highly

² Note that we are not saying that any and all slack represents a threat to a member state's security, only that policy makers are likelier to perceive slack when the issue area is securitized.

mission-oriented ethos (Freilich, 2006, 654)". In contrast, secondary securitization acts may be unintentional, and the securitizing actor is a civilian without a defense-related career, but with access to the policy-making process (mostly within the state bureaucracy, such as legal advisers and policy analysts). Such actors, speaking on behalf of security, have assimilated the security concerns, and have altered their perceptions in previous primary securitization acts. In other words, assimilation is the result of primary securitization, and the cause of secondary securitization. Acts of secondary securitization expand the security network (Sheffer and Barak, 2013), enhancing the impact of the security establishment on decision-making processes.

The distinction between primary and secondary securitization offers two advantages over the broader concept of securitization. First, being the result of social assimilation of the perceptions of threat, secondary securitization better captures the different preferences and different perceptions of threat in particular communities, which Securitization theory is argued to neglect (McDonald, 2008, 563). Security should be "...contextualized in terms of local political histories;" it is "conceptualized and politically practiced differently in different places and at different times" (Bubandt, 2005, 276, 291). Even if some would consider primary securitization acts to be driven by objective security concerns (because it may be hard to argue that experts imagine a threat, when they are best placed to call it), secondary securitization clearly cannot take place out of societal context.

Second, since acts of secondary securitization may take place even without an intention of achieving a particular policy result, using this concept avoids the need to identify intentions in acts of securitization. "Intentions, despite their central status in discourse analysis, are

notoriously hard to pin down; they remain problematic because it is very difficult to know whether actors must mean what they say (Balzacq, 2010, 25)."

To summarize the discussion above, this paper studies the following hypothesis:

Hypothesis: The probability of a state ratifying a multilateral treaty (the dependent variable) falls with the secondary securitization of its issue area (independent variable), given the potential for slack of its agent IO (mediating variable), all objective costs and benefits being equal.

Multilateral treaty ratification in Israel

This section reviews the dataset of multilateral treaties that were open to Israeli ratification during 1948-88. It then estimates the likelihood that Israel would ratify a multilateral treaty given that a secondary securitization act is identified in ratification discussions, and controlling for a variety of competing explanations for ratification.

In Israel, The Ministry of Foreign Affairs (MFA) is the main link in the chain of decisions regarding accession to multilateral treaties. The Ministry's role in the process includes issuing reports to government ministries and agencies on the forthcoming launch of new treaties, negotiating the terms of Israel's membership and eventually formulating a recommendation on signature/ratification of each treaty. The formal authority to sign and to ratify a treaty lies with the cabinet alone, but in practice cabinet discussions of treaties are very brief, and sometimes the cabinet ratifies treaties without discussion. There is no obligatory oversight of the Knesset (Israel's legislature) on multilateral treaties in Israel (which potentially reduces the relevance of treaties to Israel's domestic politics).

Israel's official State Archives were searched for minutes of cabinet meetings, official exchanges between ministries, policy reports, exchanges of letters among bureaucrats, and official records of inter-departmental deliberations. Additional material (mostly 'non-paper' letter exchange and in-house documented meetings) was obtained directly from the MFA under the Israeli Freedom of Information Act. In addition, the archives of the Knesset were searched for protocols of relevant sessions. This information was topped up by interviews with Israeli security experts, decision makers and participants in official discussions.

According to Mandat International (2014) and the UN Treaty Collection dataset, a total of 246 independent treaties (such that membership in one treaty does not formally oblige or forbid membership in another) were open for Israeli ratification during 1948-1988. Of these, archival documentation of discussions on ratification was available only for 65 multilateral treaties. With regard to the additional 181 multilateral treaties, our understanding is that a small circle of bureaucrats felt confident to recommend ratification or rejection (or simply disregarded some treaties) without formal discussions, or the treaties were briefly mentioned in discussions without taking notes.³ Since under Israeli law, all official documents must be deposited with the State Archives, we believe it is safe to assume that the more meaningful discussions have been documented. Indeed, documents at the Archives proved overwhelmingly more meaningful than those obtained directly from the MFA. Nevertheless, we treat below the possibility of undocumented ratification

³ The archives did contain material regarding 97 of these 181 treaties, but no record of ratification-related discussions or exchanges.

discussions, in order to rule out the possibility that missing documents are associated with a particular decision (i.e. that they are typical of either ratified treaties or non-ratified treaties), conditioning the selection of the data. Evidence of secondary securitization was found only in seven of the 65 treaties with documented discussions.

In order to estimate the likelihood that Israel ratifies a multilateral treaty given that a secondary securitization act is identified in ratification discussions, and thus support our hypothesis, the dependent variable – *RATIFICATION* – is dichotomous (1 = treaties ratified by 1988, 0 = treaties not ratified by then). The main independent variable – *SEC.SECURITIZATION* – is dichotomous too – either a secondary securitization act (fulfilling the criteria defined above) has been identified in the collected material, or not. Unfortunately, coding the mediating variable in our hypothesis (the potential for agent slack based on the formal mandate of the agent IO and the MoCs placed on it) for all 246 treaties exceeds the scope of this study; such an analysis is performed only for three select treaties in the fourth section. We also use the following control variables, the first four of which help distinguish between decision makers' objective ratification considerations and their subjective perceptions.⁴

⁴ Wherever relevant data relates to main year of discussions, which is the year with the greatest amount of documentation on each treaty. Alternatively, if documentation is insufficient for this purpose, we take the year of ratification. For unratified and poorly documented treaties the middle year between *START* (see below) and 1988 (our last data year) is taken.

CORE_SECURITY – dummy for the 25 treaties (of the entire 246) that address fundamental issues of national security, wide aspects of defense and various bans and limitations on the development, production and procurement of weapons. In order to be included in this list the text of a treaty must entail direct responsibilities on the member state’s military/security forces, which must take or avoid actions as the treaty prescribes.

RELATED_SECURITY – dummy for the 63 treaties, including the above 25 as well as 38 additional treaties indirectly linked with issues of national security or that influence national security interests though not defined solely through security. The list includes treaties that entail auxiliary responsibilities on the state's military or security forces, in a manner that does not directly impose specific tasks – but under some circumstances would inevitably lead to action by military/security forces.

CORE_MINORITIES – dummy for the 19 treaties that Mandat International categorizes under the domains Minority Rights and Women’s Rights (a similar clear-cut classification of treaties by Mandat International is unavailable for security-related issue areas). States may perceive the granting of rights to large minorities, especially those with a territorial identity, as a threat to their security. In this case, Israel’s policy in the Occupied Territories and its treatment of Arab population inside the pre-1967 border (the Green Line) is relevant.

RELATED_MINORITIES – dummy for the 61 treaties, including the above 19, as well as 42 additional treaties indirectly linked with minority rights or that influence the life of minorities though not defined solely through aspects of sectional groups. These are treaties that Mandat International categorizes under the domains Rights of the Child, Economic, Social and Cultural Rights, and Protection of Specific Groups.

START is the year a treaty became active and legally binding on the ratifying states; it controls for possible temporal trends in Israeli ratification.⁵ *UN* – dummy for 137 treaties that belong to the UN system, to control for Israeli perceptions of UN hostility.⁶ *US* – dummy for 76 treaties to which the US is a member state. Possibly, Israel's foreign policy is linked with US interests.⁷

MOST_ENEMIES – dummy for 40 treaties that count among their member states half or more of the countries on Israel's official list of enemy states. *NUMBER_ENEMIES* – number of enemy member states (between 0 and 6, averaging nearly 1). *SHARE_ENEMIES* – share of enemy states in treaty membership. Israel may have been reluctant to ratify a treaty with many enemies participating.

NUMBER_MEMBERS – number of ratifying member states (between 1 and 111, averaging roughly 26). Israel may have been discouraged to ratify a treaty with too few member states, as treaties enjoy economies of scale. *lnAVGGDP* – log of average PPP GDP among member states.⁸ *IL_AVGGDP* – ratio of Israel's PPP GDP to average PPP GDP among member states. Israel may have preferred joining a club of mainly small countries, where

⁵ *START* returns a value of 1947 for all treaties that entered into force before Israel's establishment in 1948.

⁶ Based on *UN Treaty Collection* (<https://treaties.un.org>).

⁷ Based on Mandat International, and the US State Department official *Treaties in Force* list, available at: (<http://www.state.gov/s/l/treaty/tif/index.htm>).

⁸ Based on *Penn World Table*, V.8 (Feenstra *et al.*, 2013, available at: www.ggdc.net/pwt). Expenditure-side real GDP taken at chained PPPs (in mil. 2005 US\$).

(being a small state) it would not be bullied. *lnAVGIncome* – log of average PPP GDP per capita among member states. *IL_AVGIncome* – ratio of Israel's PPP GDP per capita to average GDP per capita among member states. Possibly, Israel tended to join rich clubs in order to attract investments and maintain its technological advantage.

RULE_LAW – average value of index of rule of law among member states (0 = weak rule of law, 100 = strong rule of law).⁹ *IL_RULE_LAW* – ratio of Israel's *RULE_LAW* index to average index value among member states. Israel may have been attracted to join countries that are likely to abide by the terms of the treaty. *GINI* – average Gini coefficient of income inequality among member states. *IL_GINI* – ratio of Israel's Gini coefficient to average Gini coefficient among member states. Perhaps Israel tended to join multilateral treaties with more egalitarian member states, given its emphasis during the data period on social equality and public welfare (Solt, 2013).

SIMILAR_VOTE_UN – Index of similarity of voting records (Affinity of Nations) in the UN's General Assembly (UNGA) between Israel and the other member states (Strezhnev and Voeten, 2013). The calculation is based on voting records during the five years prior to and during the main year of discussions, and averages the dyadic index values between Israel and each member state. The expectation is that Israel should have joined treaties that included member states with similar policy preferences.

⁹ World Bank's *Worldwide Governance Indicators (WGI)*.

Table 1: logit regressions for likelihood of documentation

	(1)	(2)
<i>RATIFICATION</i>	0.13 (0.52)	0.23 (0.52)
<i>RELATED SECURITY</i>	0.73 * (0.39)	
<i>RELATED MINORITIES</i>	-0.11 (0.45)	
<i>CORE SECURITY</i>		1.15 ** (0.54)
<i>CORE MINORITIES</i>		1.97 *** (0.74)
<i>START</i>	0.08 *** (0.03)	0.08 *** (0.03)
<i>UN</i>	-0.13 (0.37)	-0.35 (0.38)
<i>US</i>	0.84 * (0.47)	1.01 ** (0.47)
<i>MOST ENEMIES</i>	-0.86 (0.61)	-0.58 (0.63)
<i>NUMBER ENEMIES</i>	0.13 (0.20)	0.08 (0.22)
<i>SHARE ENEMIES</i>	1.71 (2.11)	2.03 (2.19)
<i>NUMBER MEMBERS</i>	0.01 (0.01)	0.01 (0.01)
<i>lnAVGGDP</i>	-0.99 ** (0.44)	-0.83 * (0.45)
<i>IL AVGGDP</i>	-1.64 (1.44)	-1.41 (1.43)
<i>lnAVGIncome</i>	-0.64 (0.90)	-0.65 (0.90)
<i>IL AVGIncome</i>	-0.74 (0.59)	-0.67 (0.59)
<i>RULE LAW</i>	0.00 (0.05)	-0.00 (0.05)
<i>IL_RULE_LAW</i>	-0.25 (2.18)	-0.81 (2.16)
<i>GINI</i>	-0.13 (0.08)	-0.11 (0.08)
<i>IL GINI</i>	-6.99 ** (3.03)	-6.90 ** (3.07)
<i>SIMILAR_VOTE</i>	2.56 (1.97)	2.40 (1.98)
Constant	-133 ** (53)	-133 ** (53)
LR Chi2 test	62.47 ***	70.93 ***
Observations	246	246
Pseudo R ²	0.22	0.25

Note: Results from logit regressions, standard errors in parentheses. * $.05 < p \leq .10$; ** $.01 < p \leq .05$; *** $p \leq .01$. The dependent variable is a dummy for the 65 treaties for which documentation of ratification discussions was obtained.

We begin our statistical analysis with a test for the possibility that missing documentation may bias our data selection. The following two variations of a logistic regression were run on a cross-section of the 246 treaties. The dependent variable is a dummy for the 65 treaties for which documentation of ratification discussions was obtained.

The results in Table 1 reveal that the likelihood of documentation of discussions is unrelated to the decision to ratify a treaty. Perhaps unsurprisingly, lack of documents is especially unlikely in discussions over treaties dealing with core defense and security or minority rights (see positive and statistically significant coefficients of *CORE_SECURITY* and *CORE_MINORITIES*), in recent discussions (*START*), and/or when the US is signatory to the treaty.

We next turn to testing our hypothesis. Table 2 details results of logit regressions with *RATIFICATION* as a dependent variable. Regressions (3) and (4) show that the likelihood of ratification falls with *SEC.SECURITIZATION*. Crucially, this is true regardless of the issue-area classification of the treaties. In other words, these results support the hypothesis that secondary security-related argumentation hinders ratification regardless of whether the treaty is security-related or not. Likewise, the likelihood of ratification is not affected whatsoever by the number of enemy member states,¹⁰ nor by UN affiliation of the treaty, in spite of recurrent complaints by Israeli officials that the UN is biased against Israel (see

¹⁰ Under different combinations of two or only one out of the three enemy variables, coefficients of these variables either remained insignificant or turned out positive – i.e. Israel actually tended to join treaties with more of its enemies – the opposite of what objective security concerns would suggest.

fifth section). The strong US-Israeli strategic partnership is also not reflected in Israel's choice of treaties, perhaps because it only began to emerge in the early 70's. In contrast, the likelihood of Israeli ratification rises as expected when the member states are more egalitarian, and when Israel is more egalitarian compared to them. An unexpected result is that Israel seems to have joined treaties with member states that vote differently than Israel in the UNGA. Perhaps Israel considered these treaties provided a favorable diplomatic environment to engage such states. There was also an Israeli tendency to shun large-membership treaties.

Regressions (5) and (6) drop *SEC.SECURITIZATION*, with no meaningful change in the estimated coefficients, but a drop in the Pseudo R². This serves as further evidence that secondary securitization acts are unrelated to any objective factor relevant to treaty ratification, but form a distinctive explanation to Israel's policy. Statistically, ratification of multilateral treaties had more to do with secondary securitization than with the objective security or strategic concerns that are represented in these regressions.

Table 2: logit regressions for likelihood of ratification

	(3)	(4)	(5)	(6)
<i>RELATED_SECURITY</i>	-0.33 (0.48)		-0.50 (0.47)	
<i>RELATED_MINORITIES</i>	0.03 (0.63)		-0.14 (0.63)	
<i>CORE_SECURITY</i>		-0.51 (0.68)		-0.86 (0.68)
<i>CORE_MINORITIES</i>		-0.91 (1.27)		-1.22 (1.15)
<i>SEC.SECURITIZATION</i>	-4.26 ** (1.86)	-4.06 ** (1.97)		
<i>START</i>	-0.01 (0.03)	-0.01 (0.03)	-0.02 (0.03)	-0.02 (0.03)
<i>UN</i>	-0.07 (0.43)	-0.06 (0.42)	-0.01 (0.42)	-0.02 (0.41)
<i>US</i>	0.76 (0.61)	0.73 (0.60)	0.90 (0.58)	0.79 (0.59)
<i>MOST_ENEMIES</i>	0.29 (0.89)	0.38 (0.88)	0.89 (0.79)	0.88 (0.80)
<i>NUMBER_ENEMIES</i>	0.53 (0.32)	0.52 (0.33)	0.27 (0.27)	0.30 (0.30)
<i>SHARE_ENEMIES</i>	-3.11 (3.24)	-3.21 (3.43)	-2.61 (3.00)	-2.84 (3.32)
<i>NUMBER_MEMBERS</i>	-0.04 *** (0.01)	-0.04 ** (0.01)	-0.04 *** (0.01)	-0.04 ** (0.01)
<i>lnAVGGDP</i>	0.02 (0.80)	0.02 (0.80)	0.08 (0.66)	0.10 (0.70)
<i>IL_AVGGDP</i>	-0.51 (2.07)	-0.44 (2.08)	-0.16 (1.49)	-0.09 (1.70)
<i>lnAVGIncome</i>	-1.28 (2.01)	-1.12 (1.99)	-0.63 (1.75)	-0.56 (1.76)
<i>IL_AVGIncome</i>	-1.19 (0.97)	-1.15 (0.98)	-0.83 (0.84)	-0.87 (0.87)
<i>RULE_LAW</i>	-0.06 (0.06)	-0.06 (0.06)	-0.07 (0.06)	-0.07 (0.06)
<i>IL_RULE_LAW</i>	-4.23 (2.60)	-4.04 (2.57)	-4.17 (2.43)	-4.05 (2.44)
<i>GINI</i>	-0.29 ** (0.15)	-0.30 ** (0.15)	-0.31 ** (0.14)	-0.31 ** (0.14)
<i>IL_GINI</i>	-15.91 *** (5.36)	-16.08 *** (5.29)	-16.22 *** (4.94)	-16.30 *** (4.97)
<i>SIMILAR_VOTE</i>	-6.37 ** (2.59)	-6.46 ** (2.59)	-6.10 ** (2.50)	-6.12 ** (2.51)
Constant	75.71 (54.47)	80.03 (55.11)	81.46 (52.58)	85.93 (53.13)
LR Chi2 test	170.61 ***	171.19 ***	164.73 ***	166.32 ***
Observations	246	246	246	246
Pseudo R ²	0.51	0.51	0.49	0.49

See note to Table 1. Dependent variable is dummy for the 141 ratified treaties.

Agent slack in ICCPR, ICESCR and CEDAW

This section analyzes the potential for agent autonomy and thus the slack potential (the intervening variable in our hypothesis) that the MoCs leave, in three human rights treaties – ICCPR, ICESCR and CEDAW – as determined by the text of the treaties. The results of this comparison are summarized in Table 5, which uses a three-star ordinal slack potential scale. These treaties are selected for such analysis because discussions on their ratification involved documented acts of secondary securitization in a non-core security issue. Thus, these cases demonstrate in the next section how non-core security issues become securitized and how decision-makers' perceptions of the IO's slack potential shift in response. We begin by describing the scope of these three treaties, to show that at least in their text they do not impose meaningful restrictions on member states' security concerns. We then review their mandates and the MoCs placed on them.

Scope

The ICCPR acknowledges the universal right of self-determination of political status and economic, social and cultural development. Member states must grant non-discriminatory equal treatment to their nationals. Individuals whose rights were violated may seek remedy by “a competent judicial, administrative or legislative authority” (article 3b). However, the ICCPR imposes only indirect responsibilities, if any, on the member states' security forces. Furthermore, it recognizes national security concerns as legitimate grounds for restrictions on the liberty of movement, due process, free press, and assembly and demonstration. In time of public emergency states may suspend many of their obligations under the treaty. Importantly, the ICCPR imposes no restrictions on how member states define their national security and times of emergency.

The ICESCR deals with social and cultural freedoms such as housing, access to medicine, social security standards etc. It enshrines the right to self-determination, freedom of political status, pursuing economic, social and cultural goals and the right for minimal existence. It prohibits discrimination and establishes the right to work and to minimal terms of employment, join trade unions, maintain a balance between cultural life and work, and enjoy high standards of health services, adequate standards of living, free primary education and rich cultural life.

CEDAW calls upon member states to abolish discrimination against women. Member states commit to accelerate *de facto* equality between men and women, suppress trafficking in women, and integrate women fully into the job market and the political theatre. With regard to national security, the CEDAW's preamble states the general necessity to promote disarmament, in particular nuclear disarmament, under strict and effective international control. It also mentions self-determination and freedom from foreign military occupation as means to promote social progress and development.

Mandates

All three treaties establish or use existing agent IOs as monitoring bodies without any authority to coerce their member states into any action (other than reporting). While expertise in monitoring human rights violations can be acquired through experience, discussing such violations does not depend on specialized knowledge. All this greatly reduces the potential for slack by the three agent IOs. However, these agents differ in the degree of independent action afforded to them, in the type of access that they have to other authorities that may have potential coercive power, and in the way that they take decisions.

With regard to independent action, while the mandate of the Human Rights Committee (HRC – the ICCPR’s agent IO) focuses on analysis and evaluation of member-submitted reports, it may under some circumstances (prior declaration of competence) wage inquiries of alleged violations. The mandate of the CEDAW Committee is even more passive, restricting it to report-examination and assessment. In contrast, more than merely reviewing the members’ reports, the UN Economic and Social Council (ECOSOC – the ICESCR’s agent IO) was granted the authority to initiate investigations into matters related to the treaty’s areas of interest, and form special sub-commissions for an in-depth assessment of issues it deems important.

As for access to potentially coercive authorities, for states concerned with slack, an important issue is the ability or the obligation of the IO to report to the UN's Security Council (UNSC). The UNSC in turn may potentially decide on sanctions to enforce its decisions, and thus has a major impact on security. Any access that the agent may have to other authorities increases its effectiveness, but might potentially also be abused against the interest of the principals; the more authorities it can access the greater the potential problem. However, the HRC and the CEDAW Committee have access to only a single decision-maker within a distinct IO – the UN's Secretary General (UNSG) and the UNGA respectively (although the UNSG may decide to forward their reports to the UNSC). This limits their potential to slack. In contrast, ECOSOC is allowed to maintain contacts with all UN organs, which means it can report directly to the UNSC. However, as with the HRC and the CEDAW Committee, ECOSOC has no access to IOs outside the UN system.

As for decision-making mechanisms, the ICCPR and ICESCR defined a system of simple majority voting in all forums and resolutions of the HRC and ECOSOC (respectively). The

CEDAW treaty did not address this issue, but under the CEDAW Committee's self-adopted rules of procedure, decisions are also taken by simple majority (after attempts to reach consensus have been exhausted). Simple majority is most likely to reduce any gap between agent action and principals' interests compared with special majorities or unanimity, which allow a few member states to dictate inaction to the rest of the membership. Table 3 summarizes this discussion. Its bottom line is reported into Table 5.

Table 3: Comparison of IO mandates - HRC, ECOSOC and CEDAW Committee

	HRC (ICCPR)	ECOSOC (ICESCR)	CEDAW Committee
IO tasks and powers:	Monitoring, reporting and conducting agreed upon inquiries *	Monitoring, reporting and self-initiated investigations **	Strictly monitoring and reporting *
Access to senior decision-makers:	Direct contact with the UNSG *	Direct contact with all UN bodies **	Direct contact with the UNGA *
IO Decision-making procedures:	Simple majority prescribed by treaty *	Simple majority prescribed by treaty *	Simple majority prescribed by its own rules **
Overall slack potential due to mandates:^	Low slack potential *	Intermediate slack potential **	Low slack potential *

Notes: * low slack potential; ** intermediate slack potential; *** large slack potential; ^ based on the mode among the three categories, or the median rating if all three ratings are as frequent.

Mechanisms of Control (MoCs)

We now turn to reviewing the MoCs on the agent IO in each treaty, starting with the room they have for discretion. Since discretion has a few dimensions, Table 4 summarizes this discussion and its bottom line is reported into Table 5. All three agent IOs have significant room for discretion over their procedures – the treaties allow them to adopt their own rules

of procedure. However, the treaties do determine some procedures (such as a set frequency for meetings, elections and certain fixed methods for conducting discussions), so discretion is not full. The chairperson's powers may vary from minimal ceremonial powers, e.g. control only over the order or speakers in discussions (as is the case for ECOSOC) to larger control over the IOs' conduct and outcomes. The CEDAW Committee grants its chairperson full discretion over wording of reports, but clarifies that they must remain under the authority of the committee. The IOs' agenda-setting powers range from a minimal discretion to propose items for the agenda (as in the case of the HRC), to authority to determine the final agenda, i.e. to add or remove items at will (in the case of ECOSOC and CEDAW Committee). However, in none of the treaties examined here are the agent IOs the sole dictators of their own agenda (so none receives the three-star ranking in Table 4).

Table 4: Comparison of IO room for discretion - HRC, ECOSOC and CEDAW Committee

	HRC (ICCPR)	ECOSOC (ICESCR)	CEDAW Committee
Agent procedure management:	Significant but not full discretion over own procedures **	Significant but not full discretion over own procedures **	Significant but not full discretion over own procedures **
Chairperson Powers:	Significant but not full powers **	Limited powers *	Significant but not full powers **
Agenda-setting powers:	Weak control over own agenda *	Significant but not full control over final agenda **	Significant but not full control over final agenda **
Overall slack potential due to discretion: [^]	Intermediate slack potential **	Intermediate slack potential **	Intermediate slack potential **

See notes to table 3.

With regard to monitoring and reporting, ICCPR requires annual reports from member states, and allows ‘fire alarm’ cross-reporting. In contrast, ICESCR only determines that members shall report on measures taken under the treaty without setting the frequency of reporting; it allows no cross-reporting and thus features the weakest reporting requirement of all three treaties. CEDAW mandates a relatively low reporting frequency (once every four years) and no ‘fire alarms’ mechanisms, but the Committee may request earlier submission of reports.

In terms of checks and balances on the agent IOs, all three are not the only multilateral bodies monitoring relevant human-rights/women’s rights related issues on the global arena. While not sanctioned in the treaties, this effective competition from other IOs in all three cases lowers the potential for security-related slack. All three agent IOs have strong screening procedures for their members. In the cases of the HRC and CEDAW Committee, elections by confidential ballot ensures the competitiveness of the appointment process. In ECOSOC, states are competing for seats, and the winners appoint their representatives at their sole discretion. Since there is no way for members to screen each other's representatives in ECOSOC, this represents a slightly greater slack potential.

Sanctions against slacking members of the agent IO – HRC and CEDAW allow replacement of members only by a unanimous decision of all of the other members, and only if the sanctioned member ceased to carry out his/her functions (HRC), or upon a joint decision of the agent IO and the UNSG (CEDAW Committee). In ECOSOC, states may replace elected members at their sole discretion at any time, but states cannot be ejected from their seats in mid-term.

Table 5: Mandates and Mechanisms of Control on Agent IOs

	ICCPR (HRC)	ICESCR (ECOSOC)	CEDAW (CEDAW committee)
Agent Mandate:	Passive mandate, with little access to other authorities and a simple majority requirement *	More active mandate, with more access to other authorities but a simple majority requirement **	Passive mandate, with little access to other authorities and a simple majority requirement *
Room for Discretion:	Significant but not full discretion over own procedures, significant but not full chairperson powers, weak control over own agenda **	Significant but not full discretion over own procedures, limited chairperson powers, significant but not full control over own agenda **	Significant but not full discretion over own procedures, significant but not full chairperson powers, significant but not full control over own agenda **
Monitoring and Reporting:	Annual reporting requirement ('Police Patrols') as well as cross-reporting ('Fire Alarms') *	Reporting at undetermined frequency and no cross reporting. ***	Low-frequency reporting, coupled with "surprise" reporting, and no cross-reporting**
Checks and Balances:	Sole IO under the treaty; parallel IOs in place **	Sole IO under the treaty; parallel IOs in place **	Sole IO under the treaty; parallel IOs in place **
Screening:	Detailed protocol for competitive member selection *	Members nominate representatives, no credentials determined **	Detailed protocol for competitive member selection *
Sanctions:	Effectively no sanctions on slacking members ***	Member states may replace their slacking officers at will **	Effectively no sanctions on slacking members ***
Overall degree of autonomy and slack potential: [^]	Low level of agent autonomy and slack potential *	Intermediate agent autonomy and slack potential **	Intermediate level of agent autonomy and slack potential **

See notes to table 3.

Concluding the above discussion, ECOSOC and the CEDAW Committee were granted intermediate levels of agent autonomy, which lead to intermediate slack potential. Within this general assessment, more slack potential is found in monitoring and reporting for

ECOSOC, and in (little) sanctioning powers of members over the CEDAW Committee. In contrast, the latter IO has particularly low slack potential with regard to its mandate and in its members screening procedures. The overall degree of agent autonomy and slack potential for the HRC is even lower, with the exception of its inability to sanction members.

Secondary securitization in Israeli treaty ratification process

This section uses discourse analysis and interviews to demonstrate how secondary securitization took place in select episodes of the ratification process with regard to ICCPR, ICESCR and CEDAW.¹¹ Specifically, we analyze two secondary securitization episodes relating to ICCPR and ICESCR, two more episodes relating to CEDAW, and episodes reflecting perceptions of agent slack.

The ICCPR and the ICESCR did not challenge Israel's self-proclaimed values, and in this sense should not have been difficult to ratify. Israel's declaration of independence cites human rights and fundamental freedoms as part of its main tenets. Other Israeli laws, such as the 1965 Prohibition of Defamation Law, specifically attend to certain aspects of human rights. Women's rights were enshrined in the 1951 Act on the Equal Rights of Women, the 1954 Women's Labor Law, and the 1959 Employment Service Act. Yet, Israel's ratification of the ICCPR, ICESCR and CEDAW was far from obvious.

The issue of joining the ICCPR and ICESCR first appeared in official documents on 19 August 1964, in a letter by the Legal Adviser of the MFA, Mr. A. Livne, addressed to the

¹¹ The documents are all in Hebrew. The translation provided below is ours.

Minister of Justice, Mr. Dov Yosef. Referring to Article 1 of both the ICCPR and ICESCR (the right for self-determination), Livne opined that accession might result in a scenario extremely undesired by Israel – political claims potentially raised by Arab member states:

“This rule, which is the basis for the establishment of Israel, may serve as grounds for claims by Arab States against it (Israel)”.

As mentioned in the previous section, Article 4 of the ICCPR states that “in time of public emergency... the states parties to the present covenant may take measures derogating from their obligations”. However, Livne found those circumstances unsatisfying for Israel:

“It is not enough for us... in our situation to apply those derogations only in emergencies...”

Livne explained that Israel’s situation requires special derogations:

“Every State should be able to halt, in emergencies, international transportation and supply... and Israel, specifically, if the state of emergency worsens, might halt exchange of population or land, family reunions, payments etc”.

Livne – a legal advisor – adopted a security-professional persona, making observations and recommendations that transcend the legal world and would usually require expert analysis, specifically referring to what Israel’s security needs in extreme emergencies would typically include. Moreover, Livne expressed concern over Article 21 (the right for peaceful assembly), claiming that implementation of this instruction may challenge Israel’s national security interests:

“The Israeli authorities may need to limit or revoke that right for certain goals or in circumstances, i.e. in situations pertaining to national security”

In Liven’s letter, the referent object was Israel’s national security and specifically its ability for self-defense in times of emergency. The securitizing move was Liven’s argument that Israeli ratification of ICCPR and ICESCR imposes a challenge to its national security, mentioning security-related rhetoric four times in his letter: “national security”; “emergencies” (three times). The audience, Minister of Justice Dov Yosef, was a very powerful actor in Israel’s decision-making.

More than a decade later, Mrs. Hava Hareli, head of the MFA’s Department of International Economic Organizations, addressed a letter to Mr. Moshe Alon, Head of the MFA’s Department of International and Economic Cooperation, dated 4 August 1975 – explaining that despite the concern over security, and even when Israel’s very existence is at stake, she still believed that ratification of ICCPR and ICESCR was important:

“The Arab tactics is to include hostile formulations in virtually every multilateral instrument. The Result [of not ratifying ICCPR and ICESCR] may be the isolation of Israel, and to my opinion, despite being in a war for our mere existence, we can’t afford to ignore those issues”.

Later on in the same letter, she even tied Israel’s ratification of the treaty with possible implications concerning issues such as aggressiveness and occupation:

“Since we are not part of any UN voting bloc... we are free to formulate independent opinions, even when controversial issues such as aggressiveness, occupation and colonialism are on the agenda”

Mrs. Hareli exhibited an assimilation of security concerns in her line of reasoning, even though her original intention may have been to support ratification – she in fact deepened the perception of potential risk to national security in ratifying the treaty. The referent object Mrs. Hareli spoke of was the Israel’s national security, in light of her perception of the Arab hostility towards it. The securitizing move, whether intentional or not, was her description of the danger that ratification poses for Israel, using the following security-related rhetoric: “war for mere existence”, “aggressiveness” and “occupation”. The audience on the receiving end was Mr. Alon.

As for CEDAW, in December 1981, after Israel has signed it in 1980, Dr. H. Goldwasser, head of Israel’s Ministry of Justice (MoJ) Legal Chamber, wrote a letter to several officials within the MFA and the Prime Minister’s Office (PMO) regarding Israel’s ratification of the treaty. His comments related to Paragraph 10 in the treaty’s preamble, linking women’s rights with freedom from aggression and foreign occupation, expressing his concern that ratification may interfere with the army’s freedom of action within the West Bank, controlled by Israel since 1967:

“Pursuant to our meetings... we must take note of the expression Foreign Occupation... as it appears in Article 10. This may hold ramifications on the IDF and the situation in the territories held by the IDF”

Dr. Goldwasser, a legal adviser, made a security-related argument to strengthen his legal-professional opinion on the issue of ratification. Moreover, several other officials shared the understanding of the supposed military implications of CEDAW ratification, since Dr. Goldwasser opened his letter with the statement:

“I hereby summarize the comments brought up over the course of our meetings”

Eight legal advisers from the MFA, the PMO and the MoJ took part in those meetings, i.e. the audience component in Dr. Goldwasser’s secondary securitizing act. The referent object Dr. Goldwasser spoke of was Israel’s military freedom of operation, especially its control of the West Bank. The secondary securitizing act was the link created between ratification and military operations: “the treaty may hold ramification on the IDF”. The potential concern expressed by Dr. Goldwasser was an over-preoccupation of the CEDAW Committee with Israel’s military control of the West Bank.

In a different letter, Tova Ron, a member of the Israel’s delegation to the UN, explained to the MFA’s Department of International Institutions (28 February, no year specified) that the clause pertaining to the protection of women in security-endangering situations was an “obvious attack on Israel and its policies”:

“Even though the article relates to a variety of issues, such as apartheid and colonialism, it is clear that it is directed towards us. It was obvious that this phrasing invites attacks on Israel, and we’ve prepared for that...”

Mrs. Esther Efrat Smilag, head of the MFA’s Department of Multilateral Organizations expressed a similar approach. In a letter to Adv. Simha Atia, MFA’s consultant on the status of women (28 May 1984), Efrat Smilag confirmed that the politicization of women’s rights on the multilateral arena (and specifically CEDAW) had a lot to do with Israel’s reluctance to join the treaty, saying:

“Israel has yet to ratify the treaty. The Ministry of Justice is debating this matter, but speaking from experience – every IO such as this one at the UN immediately turns into an anti-Israeli forum, and that is in part why we are not in a hurry to join”.

Knesset discussions offered evidence of policy makers' perception of IO slack. For example, during a floor discussion (10 February 1982), Minister of Justice Moshe Nissim referred to his perception of the HRC's slack:

“The work of the UN's Human Rights Committee is infected with improper political considerations... and its decisions – even in matters of health, employment and education... are political and meant to slander Israel's reputation” (10th Knesset, 27th session, 10 February 1982).

Minister Nissim shared his belief that the HRC is biased against Israel. That view of automatic majority in favor of enemies is a classic representation of perception of agent slack, presented here by a high ranking official. Justice Minister Avraham Sharir expressed the same approach during a Knesset floor discussion on 24 June 1986:

“There are still difficulties in the ratification of those treaties... mainly due to the fact that the UN bodies pertaining to Human Rights act on irrelevant, biased considerations.” (Protocol 2231, 258th session, 24 June 1986)

In an e-mail interview (15 December 2015), Efrat Smilag further noted that:

“It is no secret that the UN is a political framework, even though in matters related to multilateral treaties they make attempts to focus on the issues themselves. Since Israel's stance is not always welcome, we did consider the

measures of control pertaining to a certain treaty [when discussing ratification] and the risks involved in handing reports to IOs that are not necessarily friendly towards Israel”.

In sum, it is evident that from a very early stage in the ratification consultations, the perception among Israeli officials towards the treaties was suspicious, expressing concerns over clauses pertaining to self-determination, prohibition of discrimination, freedom from occupation and aggression (ICCPR, ICESCR) and the protection of women in certain situations (CEDAW). Influenced by the notion that the IOs in question acted against Israel’s security-related interests, Israeli decision-makers were more likely to interpret their actions as agent slack.

However, how likely is it that the mandates and MoCs of the HRC, ECOSOC and CEDAW Committee drove these perceptions? The most frequent concern expressed by Israeli officials and decision-makers was that Israel’s enemies would promote hostile and aggressive measures within the agent IOs. This notion could be objectively sustained if the mandates gave the agent IOs significant tasks and powers (allowing the IO to constantly initiate new measures against Israel) and if the MoCs placed on them were weak and left much room for agent slack, especially with regard to decision-making procedures (allowing the potentially hostile members to easily pass resolutions).

Indeed, all three IOs showed intermediate potential to abuse their room for discretion to slack. This could have raised the suspicion among the securitizing actors that Israel’s enemies could control the IOs’ proceedings. The relatively weak monitoring and reporting MoC in the case of ECOSOC and CEDAW (low/undetermined frequency of reporting and

no cross reporting) could perhaps have also inspired the view that IOs automatically turn into Israel-bashing forums.

However, the analysis of the agent IOs mandates in the previous section shows only low (HRC) and intermediate (ECOSOC and CEDAW Committee) overall slack potential, and do not encompass any authority to coerce their member states into any action. None of the IOs exhibited high slack potential, such that would have enabled full discretion over procedures and agenda, and an extremely powerful chairperson.

Conclusions

Ratifying 54 percent of 339 relevant multilateral treaties in 1948-2015, Israel's ratification pattern seems inconsistent. Israel refused to ratify some treaties but ratified others in almost every issue area, including security, with no apparent regularity. We identify similar ratification patterns in other countries too.

This paper introduces a novel theoretical explanation for at least part of this puzzle, combining Securitization and Principal-Agent theories. We maintain that actors participating in discussions on multilateral treaty ratification shape perceptions of multilateral treaties and their agent IOs as posing a security threat even in non-security issue areas. Securitizing an issue area raises the potential for perceived agent slack for three reasons. First, the principal is likely to deem the costs of a given level of slack to be higher when its security is at stake. Second, for any given level of costs states are likely to be more risk-averse when security is at stake. Third, asymmetry among the member states' policy perceptions is likely to be larger when security is at stake. This is not to suggest that any

and all slack represents a threat to a member state's security, only that policy makers are likelier to perceive slack when the issue are is securitized.

While extant literature emphasizes securitization by any actor with position of authority in the policy-making process, security expert or not, we distinguish secondary securitization, which is performed, intentionally or not, by officials from outside the defense establishment, from primary securitization, which is intentionally performed by defense-establishment actors. Specifically, we hypothesize that the probability of a state ratifying a multilateral treaty (the dependent variable) falls with the secondary securitization of its issue area (independent variable), given the potential for slack of its agent IO (mediating variable), all objective costs and benefits being equal.

The concept of secondary securitization offers two advantages over the conventional concept of securitization. First, being the result of social assimilation of the perceptions of threat, secondary securitization better captures the different preferences and different perceptions of threat in particular communities, which Securitization theory is argued to neglect. Even if some would consider primary securitization acts to be driven by objective security concerns (it may be hard to argue that experts imagine a threat, when they are best placed to call it) secondary securitization clearly cannot take place out of societal context. Second, since acts of secondary securitization may take place even without an intention of achieving a particular policy result, using this concept avoids the need to identify intentions in acts of securitization.

To support our argument, the paper analyzes Israel's policy of ratifying multilateral treaties since its independence, benefiting from the authors' access to Israel's official records and availability of interviewees among relevant decision-makers. We compiled an original

dataset based on documents retrieved from Israel's State Archives, Knesset Archives and further MFA documents, encompassing 246 relevant treaties and their ratification discussions during 1948-1988. We identify secondary securitization acts in the course of ratification discussions of seven treaties. Regression analysis shows that Israel's choices were unaffected by factors such as the issue area (including security), the year in which the treaty became open for ratification, UN affiliation of the treaty, US or enemy membership in the treaty, the GDP or income per capita of the membership and their rule of law standards. However, secondary securitization is shown to significantly reduce the likelihood of joining a multilateral treaty. These findings suggest that while secondary securitization is a small phenomenon in Israeli foreign policy making, it has more power over multilateral treaty ratification decisions than some other, more objective security concerns. Thus, our findings suggest that at least in multilateral treaty ratification, objective security concerns may not be a dominating factor in Israel after all.

Next, the slack potential of the agent organization and acts of securitization are analyzed during discussions on three human rights treaties – ICCPR, ICESCR) and CEDAW. A comparison of the agent IOs that the treaties formed or appointed (scope, mandates, and MoCs), shows that all three agent IOs are monitoring bodies without any authority to coerce their member states into any action, other than reporting – a finding that greatly reduces the potential for slack by the three agent IOs. The paper then examines and analyzes four secondary securitization episodes, and episodes reflecting perceptions of slack. We demonstrate how such perceptions by Israeli decision-makers involved in ratification discussions for the ICCPR, ICESCR and CEDAW shaped policy choices. Non-

security officials expressed concern that Israel's enemies would abuse the treaty and capture its agent IO in order to promote hostile and aggressive measures against Israel.

Our results raise questions about the extent to which objective concerns motivate ratification of multilateral treaties, and the place that cognitive processes have in such decisions. Future studies of archival material in other countries may reveal the scope of this phenomenon.

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