The UN Goldstone Report and retraction:

An empirical investigation

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Abstract

The Goldstone Report is unique among United Nations reports in having been eventually repudiated by its principal author. The Report criminalized self-defense against state-sponsored or state-perpetrated terror. We use voting on the two UN General Assembly resolutions relating to the Goldstone Report to study whether support for the Goldstone principle of criminalization of self-defense against terror was influenced by countries' political institutions. Our results, using different measures of political institutions, reveal systematic differences in voting by democracies and autocracies: as an example, based on the Chief-in-Executive measure of political institutions, a country with the highest democracy score was some 55 percentage points less likely to vote in favor of the second of the two UN Goldstone resolutions and some 55 percentage points more likely to abstain than a country with the highest autocratic score. The differences between democracies and autocracies in willingness to initiate symmetric warfare are therefore also reflected in differences in sensitivities to loss of life and harm in asymmetric warfare, through broad support by democracies, but not by autocracies, for legitimacy of self-defense against state-supported or state-perpetrated terror.

1. Introduction

Terror, as wanton murder or harm inflicted on a country's population, has usually involved acts by either non-state belligerents or there has been no explicit acknowledgement of state support. Terror can also be overtly state-sponsored or state-perpetrated.[1]

We study whether political institutions influence support for the legitimacy of self-defense against state-supported or state-perpetrated terror. Article 51 of the United Nations Charter recognizes the right of self-defense when a sovereign state is attacked by another sovereign state. The Charter provides, however, no guidance regarding the right of self-defense against state-sponsored or state-perpetrated terror.[2]

There is disagreement among UN member states on the definition of terror (Beard 2001/2002; Maogoto 2003). The disagreement involves whether terror is a permissible means of achieving geopolitical objectives. A culture or belief system may regard terrorists who maim and kill civilians as legitimate

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[1] On terror, see for example, Shughart (2006), Enders and Sandler (2012) and Kis-Katos et al. (2011, 2014). On state-sponsored terrorism, see Byman (2005).

[2] Article 51 of the United Nations Charter also disallows defensive preemptive attacks. See Glennon (2001/2002).

advocates or to-be-praised martyrs for a cause and therefore as meriting the highest of rewards rather than criticism in the United Nations.[3]

Warfare can be symmetric or asymmetric. Terrorism is a form of asymmetric warfare. In recognizing the right of self-defense against a sovereign state but not against state-supported or state-perpetrated terror, the UN Charter therefore allows self-defense in symmetric warfare. The United Nations has more generally not taken a position on asymmetric warfare – until the United Nations Goldstone Report, to which we shall return.

Symmetric warfare is usually modeled as a prisoners' dilemma with adversaries making decisions about whether to invest in weapons and military force (Hartley and Sandler 1995; Hillman 2009, chapter 3). Adversaries are more or less equally balanced in resources in such cases. In the Nash equilibrium, both sides choose to arm themselves. Hence, any warfare that emerges is symmetric. In asymmetric warfare (see Travalio and Altenburg 2003; Kagan et al. 2005; Buffaloe 2006; Hillman 2009, chapter 3), one side is superior by means of conventional arms. The militarily inferior side adopts guerilla warfare tactics or can choose to use terror against the opponent's civilian population. When the militarily inferior side is a state that

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[3] Bernholz (2004) describes the supreme-value system that promises high reward to perpetrators of terror. Suicide terrorism has been studied by Wintrobe (2006), Horowitz (2010), and Filote et al. (2015).

resorts to terror, the consequence is state-supported or state-perpetrated terror.[4]

Symmetric warfare has historically been initiated by autocracies (Weart 1998). States in transition from autocracy to democracy or "weak" democracies have also initiated symmetric warfare. The explanation suggested for warfare initiated by states in transition from autocracy to democracy or "weak" democracies is that elites seeking to control government, or to regain control after the beginnings of a transition to democracy, promote causes that result in war, in the anticipation that war will undermine democracy (Mansfield and Snyder 1995). Stable mature democracies defend themselves when attacked, but in the absence of overt threats and provocation that make clear the need for self-defense, have not been involved in war.

Different explanations have been proposed for the disinclination of democracies to initiate warfare, in particular against one another (known as the 'democratic peace'). Maoz and Russell (1993) suggested "principles of

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[4] Examples of asymmetric warfare are Islamic terror attacks that include Argentina (17 March, 1992 and July 18, 1994), the United States (September 11, 2001), Bali (October 12, 2002), Madrid (March 11, 2004), Baslan (September 1, 2004), London (July 7, 2005), Bombay (March 12, 1993 and November 26, 2008), Tanzania (August 7 1998), Kenya (August 7 1998 and 21 September 2013), France (7-9 January 2015), and the various attacks over time against Israeli civilians. Some of these attacks have been concluded to have involved state-supported or state-perpetrated terror, or state-acquiesced terror. See for example: http://www.theguardian.com/world/2015/jan/14/argentina-cristina-fernandez-de-kirchner-jewish-community-centre-bombing (accessed February 2, 2015).

compromise and cooperation" and also "political mobilization and institutional constraints" as impediments to aggressive warfare by democracies. Lake (1992) proposed that more prevalent rent seeking in autocracies than in democracies underlies different incentives to initiate and conduct war and also explains why democracies tend to win wars. Carleton (1995) and Glaeser (2005) proposed that autocratic rulers contrive foreign threats to gain political support among their populations and go to war to substantiate the existence of the threats. Another explanation (Hillman 2009, chapter 3) is based on the benefits and costs of war: governments of democracies are inhibited from initiating warfare by political competition and accountability to voters who have concerns of public safety and care for the lives of family members and others serving in the armed forces; an autocratic ruler and associated elites personally benefit if war is successful, with the costs of war in the form of loss of life and injury falling on the population at large.

Democracies and autocracies thus differ in their willingness to initiate symmetric warfare. In an age of terror, do governments of democracies and autocracies differ in their attitudes toward self-defense in asymmetric warfare?[5]

State-sponsored and state-perpetrated terror have emanated from autocracies and not from democracies. Autocracies may therefore have an

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[5] In the colonial era European democracies engaged in asymmetric warfare in attempts to keep their hold on their colonies.

interest in criminalizing self-defense against state-supported and state-perpetrated terror. The ethics of respect for life that underlie the inhibitions of democracies to engage in symmetric warfare can, on the other hand, be expected to apply to self-defense in asymmetric warfare. Governments of democracies can thus be hypothesized to be more attuned to the need for self-defense of their populations against terror, including state-supported and state-perpetrated terror, than autocratic governments. The means for testing this hypothesis is provided by data on voting on two UNGA resolutions relating to the UN Goldstone Report.

As a prelude to presenting empirical results, we provide background to the Goldstone Report in section 2. Section 3 elaborates on the circumstances that gave rise to the Goldstone Report. Section 4 describes voting outcomes in the two UNGA resolutions relating to the Goldstone Report. The Goldstone Report had two dimensions, the determination of a general principle of criminalization of self-defense in asymmetric warfare, but also a specific focus on one country, the state of Israel. Our study therefore requires background on the treatment of Israel in UN voting, which is provided in section 5. We also require an interpretation of motives of countries that chose to abstain, which we provide in section 6. Section 7 specifies the empirical model. Section 8 reports the empirical results. Conclusions are in the final section.

2. The Goldstone Report

The Goldstone Report was initiated in the United Nations Human Rights Council in response to a war between Israel and Hamas-controlled Gaza that began in late December 2008, and continued into early 2009. Before the war, Hamas and other affiliated military forces had fired missiles from Gaza at towns in southern Israel. The missiles were fired indiscriminately at Israeli civilian populations. The defense forces of Israel then entered Hamas-governed Gaza with the objective of ending the missile attacks. The operation was successful in achieving the sought objective (although only temporarily since the Hamas missiles subsequently returned and another war ensued in 2014). In April 2009, the United Nations Human Rights Council appointed a committee chaired by South African Judge Richard Goldstone to report on the Gaza war. The Goldstone Report was presented to the UN Human Rights Council in September 2009.

The Report made serious allegations of misconduct against the state of Israel. Paragraph 42 of the Report accuses Israel of "intentional attacks against the civilian population and civilian objects" in Gaza. Paragraph 46 states that: "the conduct of the Israeli armed forces constitutes grave breaches of the Fourth Geneva Convention in respect of willful killings and willfully causing great suffering to protected persons and, as such, give rise to individual criminal responsibility." Two resolutions supportive of the Goldstone Report

were passed by majority voting in the United Nations General Assembly (UNGA), respectively on November 5, 2009 and December 10, 2009.[6]

Reports and resolutions of the UNGA do not usually evoke wide public comment or receive extensive media coverage. The Goldstone Report was, however, the subject of broad public attention and media commentary.[7] Also, uniquely for a UN report, the conclusions of the Report were retracted by the principal author, Judge Richard Goldstone – in April 2011.[8]

Although the Goldstone Report focused specifically on accusations against the state of Israel, the Report also proposed, through "legal analysis", a general principle of international law that criminalized self-defense against state-supported or perpetrated terror that could be applied to the actions of any country.

3. Hamas and asymmetric warfare

Gaza is not internationally recognized de jure as a state, but Hamas is the de facto government of the de facto state of Gaza. No political competition is

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[6] For the Goldstone Report, see United Nations (2009), available at
http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf
(accessed September 7, 2014).

[7] An Internet search (Google) on "Goldstone Report" (accessed August 27, 2014) returned over 3,770,000 results.

[8] For the Goldstone retraction, see Goldstone (2011):
http://www.washingtonpost.com/opinions/reconsidering-the-goldstone-report-on-israel-and-war-crimes/2011/04/01/AFg111JC_story.html (accessed September 10, 2014).

evident in Gaza, with Hamas controlling government fully. Hamas is listed as a terrorist organization by Australia, Canada, the European Union, Israel, Japan, and the United States.[9] The terrorist status of Hamas has been confirmed in individual-country court rulings: a German federal court, for example, ruled in 2004 that Hamas was involved in terrorist activities.[10] If it were a violation of international law, as the Goldstone Report proposed, for the government of Israel to defend its civilian population against missile attacks originating from a territory controlled by a terrorist organization, the precedent was set for criminalizing self-defense in other instances in which citizens of countries are victims of state-sponsored or state-perpetrated terror.

Hamas, in common with other Islamic states and organizations, adheres to a supreme-value belief system. Supreme-value beliefs are ordered lexicographically, allowing for no compromise or substitution in objectives (Bernholz 2004; Hillman 2007). Supreme values are reflected in the statement in the Hamas Charter (1988) that "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it". The objective of obliteration extends to: "Israel, Judaism and Jews."[11]

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[9] On the full United States list, see for example

http://www.state.gov/j/ct/rls/other/des/123085.htm (accessed August 27, 2014).

[10] In 2010, the 2004 court ruling also was the basis for a German federal court decision banning a Turkish organization with links to Hamas. See:

http://www.expatica.com/de/news/local_news/germany-bans-hamas-linked-donor-group_82832.html (July 12, 2010, accessed August 27, 2014).

[11] For the complete Hamas Charter, see:

The conflict between Israel and Hamas (and other groups in Gaza) is an instance of asymmetric warfare. Societies can face moral dilemmas in asymmetric warfare (Franck et al. 2005). The militarily inferior side can ensure that self-defense by the militarily superior side will harm its own civilians. By using non-combatants as human shields and thereby increasing civilian casualties should the militarily superior side defend itself, the militarily inferior side can claim war crimes by the other side in the form of "disproportionality" in loss of life. The claims of "disproportionality" can be used to seek and obtain sympathy and support from third parties.

In the case of the Hamas government in Gaza, the basis for claims of disproportionality was set in place by the Hamas military and others firing missiles from amidst their own civilian population centers and from schools, mosques, and hospitals. The civilian population was therefore used as human shields. Hamas missiles also were stored in such vulnerable targets where casualties likely were to be large and newsworthy.[12]

The use of human shields challenges basic ethical precepts of western civilization, which call for avoiding as far as possible civilian casualties in a conflict. The Goldstone Report (paragraph 494) claimed that Hamas did not

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http://avalon.law.yale.edu/20th_century/hamas.asp (accessed August 28, 2014). On Hamas and radical Islam as a security threat, see the studies in Frisch and Inbar (2008).

[12] See for example Meir Amit Intelligence and Terrorism Information Center (2009). http://www.terrorism-info.org.il/en/article/18324 (February 3, 2009, accessed February 15, 2015) and http://www.terrorism-info.org.il/en/articleprint.aspx?id=18321 (February 6, 2009, accessed 15 February 2015).

use its population as human shields. The Report rather claimed that it was Israel that used civilians in Gaza as human shields (paragraph 55).

Supportive third parties are, of course, complicit in the loss of life that underlies claims of disproportionality. If it were not possible to evoke support from third parties by pointing to high civilian casualty rates, Hamas would have had no incentive to use human shields to magnify the body count of women, children and other members of the Gazan population.[13]

The asymmetry in warfare was compounded by the attitude to own-casualties. A casualty among the Palestinian population of Gaza was a gain for Hamas. A casualty on the Israeli side was a loss. Samson (2012) has proposed that the accusations against Israel in the Goldstone Report were themselves a consequence of the successful strategy by Hamas of seeking disproportionality through own-casualties. [14]

4. Voting on the Goldstone-related resolutions

Table 1 shows outcomes of voting on resolutions relating to the Goldstone Report that took place in the UNGA on November 5 and December 10, 2009. The first Goldstone resolution was supported by 114 governments. Support

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[13] For a general analysis of the role of third parties in conflict, see, for example, Siqueira (2003) and Amegashie and Kutsoati (2007).

[14] Use by Hamas of its civilian population as human shields and the seeking of sympathy through disproportionality in casualties were repeated in July-August 2014 in a replay of the previous conflict. At the time of our study, no UN resolutions regarding the second Gaza war had been voted upon.

fell to 92 countries in the second resolution (the total number of governments voting was 175 and the total number of countries eligible to vote was 192). Abstentions increased from 44 to 74 between the first and second resolutions. Votes against the Goldstone Report declined from 18 to 9. All countries voting against the Goldstone Report in both resolutions were democracies. The appendix shows voting by individual countries on the resolutions and uses a dichotomous measure (to be introduced in section 7) to indicate democracies. Governments that changed their votes between the two resolutions switched from support or opposition to abstention. No government that voted against the first resolution or abstained switched to supporting the second Goldstone resolution.[15]

5. UNGA voting and Israel

Criticism of Israel has been a preoccupation of the United Nations. Between 1990 and 2013, and so encompassing the 2009 Goldstone resolutions, by conservative criteria, 65% of all UNGA resolutions criticizing any country criticized Israel, with no other country being criticized in more than 10% of resolutions (Becker et al. 2015). Comparative quantitative criteria that match the behavior of governments with events confirm discrimination against

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[15] The Goldstone Report originated in the 47 member United Nations Human Rights Council. We consider voting in the UNGA, which includes all UN member countries. For a study of voting in the Human Rights Council, see Hug and Lukács (2014).

Israel in the United Nations. Becker et al. (2015) propose a behavioral decoy-voting explanation for the discrimination. "Decoy voting" is the consequence of the incentives of autocratic governments to engage in logrolling not to vote to criticize each other's human-rights violations. Attention is rather deflected to a decoy. There are benefits of supermajorities in accusatory resolutions against the decoy. With the autocratic coalition automatically voting against the decoy, the benefits of supermajorities are obtained by choosing the decoy to maximize accusatory votes from outside the autocratic bloc. Traditional prejudice (see, for example, Wistrich 2010) can therefore also play a role in decoy voting.

Approximately 80% of the resolutions criticizing Israel between 1990 and 2013 passed with large supermajorities. In those resolutions, Israel was supported usually only by the same few countries that voted against the second Goldstone resolution (including Australia, Canada and the United States). In the remaining 20% of resolutions, which include the two Goldstone resolutions, at least 40 countries either voted to defend Israel or abstained.

In the United Nations as well as more generally, Israel is often subject to special treatment. A particular special rule for Israel concerns the right of self-defense (Hillman 2013). The special rule was reflected in the Goldstone Report, which, characteristically for resolutions and reports of the United Nations (Becker et al. 2015), regarded self-defense by Israel as aggression and a violation of civil rights.

Bias in media reporting is well documented (see, for example, Iyengar and Hahn 2009). The bias attracts readers and viewers who benefit expressively from choosing media sources that are consistent with and reinforce personal beliefs and identity (Hillman 2010). Media sources in turn profit by choosing a bias that caters to priors or beliefs of a targeted audience (Mullainathan and Shleifer 2005).

The media can thus substantiate people's chosen beliefs when people take positions based on emotion (Westen 2008) and disregard or not seek factual information. That is, people may be 'rationally ignorant', having chosen to believe what they want to believe (Caplan 2008).

Divergent views are therefore found in the media. The divergence in views can be particularly pronounced regarding acts of self-defense by Israel.

There was support for Israel in the western media against the accusations of the Goldstone Report. The UK newspaper *Guardian*, which is acknowledged generally to take a pro-Palestinian, anti-Israel position, published the observation: "It was to be expected that the usual suspects…would be eager to condemn Israel for war crimes in defending itself".[16] Other commentaries pointed out that, contrary to the accusations in the Goldstone Report, it was not Palestinians in Gaza but civilians in Israel

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[16] Harold Evans (2009), "A moral atrocity" (October 20, 2009). http://www.theguardian.com/commentisfree/2009/oct/20/israel-goldstone-palestine-gaza-un (accessed August 27, 2014).

who had been targeted intentionally.[17] The Goldstone Report was described as making "a mockery of impartiality with its judgment of facts".[18]

These comments related to the accusations against Israel. There was also criticism of the general Goldstone principle of criminalization of self-defense against state-sponsored and state-perpetrated terror. For example, it was observed that the Goldstone Report "in effect declared the entire antiterrorism campaign to be a war crime".[19] The Report was described as "undermining faith in international law".[20] Subsequent studies criticized the Goldstone Report for proposing an interpretation of international law that criminalized self-defense against state-sponsored and state-perpetrated terror.[21]

Some 18 months after the vote on the second Goldstone-related resolution, the Goldstone Report was retracted by Report's principal author. In his retraction, Judge Goldstone (Goldstone 2011) stated:

> *"Israel, like any other sovereign nation, has the right and obligation to defend itself and its citizens against attacks from abroad and within."*

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[17] See, for example, Jeffrey White (2010).

[18] Washington Post (November 15, 2009), http://www.washingtonpost.com/wp-dyn/content/article/2009/11/14/AR2009111402279_pf.html (accessed August 27, 2014).

[19] John Bolton, The Wall Street Journal (October 19, 2009), http://online.wsj.com/articles/SB10001424052748704500604574480932924540724 (accessed September 18, 2014).

[20] Ed Morgan, The Toronto Star (October 22, 2009), http://www.thestar.com/comment/article/713921) (accessed September 12, 2014).

[21] See, for example, Blank (2011), Berkowitz (2012) and Samson (2012).

The phrase *like any other sovereign nation* affirmed that *all* countries have the right of self-defense. The retraction thus did not make the distinction between the right of self-defense of Israel and a general principle of the right of self-defense against terror.[22]

6. Abstentions

To study voting on the Goldstone resolutions, we need to disentangle the treatment of Israel in the United Nations from a position on the Goldstone principle of criminalization of self-defense in asymmetric warfare. In our baseline model, abstentions are a specific option in addition to voting in favor of or against a resolution.[23] A government that voted in favor of the Goldstone resolutions jointly (1) voted to criticize Israel for human-rights violations and, at the same time, (2) supported the general Goldstone principle of criminalization of self-defense in asymmetric warfare. By voting against the Goldstone resolutions, a country conversely jointly (1) defended Israel against the Goldstone accusations and at the same time (2) objected to the Goldstone principle of denial of the right of self-defense against terror. Abstention could imply indifference. Abstention can, however, be interpreted as separating opposition to the Goldstone principle of criminalization of self-

[22] For defenses of the Goldstone Report, see Sterio (2011) and Schabas (2011).

[23] For a discussion of treatment of abstentions in voting in the UNGA, see Boockmann and Dreher (2011).

defense against state-perpetrated terror from willingness to defend Israel, against which the criticisms in the Goldstone Report were specifically directed.

By abstaining, governments could thus signal that they opposed criminalization of self-defense against terror but were not supporting Israel's right of self-defense.[24] The increase in the number of abstentions from the first to the second Goldstone resolution indicates reconsideration by some governments of support for the general Goldstone principle of criminalization of self-defense against terror. Abstentions also are consistent with evidence of intimidation in the United Nations to ensure that countries vote to criticize Israel (Becker et al. 2015).

Various resolutions of the UNGA that criticize Israel are repeated every year. The Goldstone resolutions have not been revisited. Table 2 shows voting on an annually recurring resolution that criticizes Israel on human-rights grounds. The voting record in Table 2 typifies the 80% of resolutions in which only the United States, Australia, Canada, and some Pacific Island states voted with Israel. The maximal support for Israel over the years in Table 2 is 9 countries (including Israel itself). The number of abstentions is small compared to the Goldstone abstentions: in 2009, the year of the Goldstone resolutions, only five countries abstained from voting in Table 2. In

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[24] See also Glazer (2008) on voting to anger or to please others.

Table 1, the numbers of abstentions on the Goldstone resolutions were, in contrast, 44 and 78.

The last column in Table 2 shows countries as not voting because their representatives were absent from the Assembly at the time votes were taken. The number of countries absent usually exceeds the number of countries that abstained. The distinction between abstention and absence confirms an interpretation of abstention as a concerted decision not to support self-defense by Israel but to express dissatisfaction with the general Goldstone principle of criminalization of self-defense against state-supported or state-perpetrated terror.

7. The empirical model

To evaluate the role of political institutions in United Nations voting on the resolutions related to the Goldstone Report, we define the variable "*Vote*" with three possible outcomes, 0 for a country voting in favor of the resolution, 1 for a country that abstained, and 2 for a country voting against the resolution. The variable "*Vote*" has an ordered structure and we therefore employ the ordered probit model as an estimator.

We account for political institutions using three alternative measures, the revised combined POLITY IV index, the Chief Executive component of the

POLITY IV index[25] and the Democracy and Dictatorship (DD) measure of José Cheibub, Jennifer Gandhi and James Vreeland (2010). The POLITY IV variable has 21 levels, ranging from most autocratic to most democratic institutions (scale -10 to 10). The POLITY IV sub-index has seven levels, from most autocratic to most democratic institutions (scale 1 to 7). The DD measure is dichotomous and distinguishes regimes according to whether executive and legislative offices are filled by contested elections, and takes on the value one for democracies and zero otherwise.

We use data on regime characteristics for the average over the 10-year period, 2000-2009, before the UN Goldstone votes.[26] In the baseline model, we use averages and not, for example, contemporaneous political institutions in 2008 or 2009, because the POLITY IV indices are not available for individual countries in particular years such as those two. When reporting robustness

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[25] Democracy and autocracy frequently have been measured using the Freedom House and the POLITY IV indices. Several problems have, however, been noted with these measures (Munck and Verkuilen 2002, Vreeland 2008, and Cheibub et al. 2010). The POLITY IV index is useful because of the components of the dataset (Cheibub et al. 2010, p. 76). The five components of the POLITY index are XCONST (Constraints on chief executive), XRCOMP (Competiveness of executive recruitment), XROPEN (Openness of executive recruitment), PARCOMP (Competiveness of political participation), and PAREG (Regulation of political participation). Cheibub et al. (2010) describe the Chief Executive variable as providing "useful information about whether the chief executive has unlimited authority, whether there is a legislature with slight or moderate ability to check the power of the executive, whether the legislature has substantial ability to check the executive, or whether the executive has parity with or is subordinate to the legislature".

[26] The DD measure is available only until 2008. We thus use the average over the nine-year period, 2000-2008.

tests, we describe the extent to which results change when we use data for the 2005-2009 period or the year 2008.

The baseline ordered probit model has the form:

$$Vote_{ij} = a_{jk} + \beta_{jk} \, Democracy_i + z_{jk} \, Z_i + u_{ijk}, \quad j=1,2, \; k=1,2,3 \tag{1}$$

The index k indicates the three measures of political institutions that we use. $Vote_{ij}$ is the voting behavior of country i on resolution j; $Democracy_{ik}$ is the democracy measure; and Z_i is a vector of controls that may contribute to explaining how countries vote. Real GDP per capita accounts for the possibility that voting is determined by a country's income independently of political institutions and that the level of development is highly correlated with political participation (see, for example, Przeworski 2000). We include the share of Muslims in a country's population.[27] Regional dummy variables allow a test of whether voting is influenced by the voting of neighboring countries (Europe is the reference category). We include an OECD dummy variable. Oil-production and corruption variables are also included for robustness tests. Table 3 shows descriptive statistics for the variables.

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[27] Muslim-majority countries persistently vote to criticize Israel in the United Nations. Muslim-majority countries (not distinguishing between Sunni or Shiite majorities) are also less likely to be democracies (Borooah and Paldam, 2007; Potrafke, 2012, 2013).

8. Results

8.1 Baseline results

Table 4 shows coefficient estimates for the first resolution in Table 1 (original Goldstone resolution). The dependent variable is coded such that positive coefficients on the explanatory variables indicate a vote against the Goldstone Report. When only the democracy variable is entered, the results show that democracies were significantly more likely to vote against the Goldstone Report or to abstain. Columns (1) to (3) in Table 4 show the results without control variables. Columns (4) to (6) include the control variables. The democracy variables have a positive sign and are statistically significant at the 1% level in columns (1) to (3), but lack statistical significance in columns (4) through (6) (marginal effects are shown in Table 5).

The control variables mostly display expected signs. GDP per capita lacks statistical significance, however. The Muslim variable is statistically significant at the 1% level in columns (4) to (6), indicating that Muslim-majority countries were less likely to vote against the Goldstone Report. When the Muslim variable is included, the democracy variables lack statistical significance. The Asia and America variables carry negative signs and are statistically significant at the 5% and 1% level in the same columns, indicating that Asian and American countries were less likely to vote against the Goldstone Report than European countries. The other regional dummy variables lack statistical significance. The OECD dummy variable is

statistically significant at the 10% and 5% levels, indicating that OECD countries were more likely to vote against the Goldstone Report than non-OECD countries.

We repeated the estimation of the voting equation for the second resolution in Table 1. Tables 6 and 7 show the coefficient estimates and the marginal effects, with abstentions as a separate category. The results show that political institutions explain how governments voted on the second resolution. The three measures of democracy are statistically significant at the 1% level in columns (1) to (3). When all control variables are included, the POLITY IV measure remains statistically significant at the 1% level (column 4), the Chief-in-Executive measure is statistically significant at the 5% level (column 5), while the DD measure lacks statistical significance (column 6).

The marginal effects of the POLITY IV and Chief-in-Executive measure are significant at the 1% and 5% level when a government voted in favor of the second Goldstone resolution or abstained (full model). The marginal effects lack statistical significance for voting against the second Goldstone resolution in the full model. Based on the POLITY IV measure, a country with the highest democracy value was some 73 percentage points less likely to vote in favor of the second Goldstone resolution and some 71 percentage points

more likely to abstain than a country with the highest autocratic value.[28] Based on the Chief-in-Executive measure, a country with the largest democracy score was some 55 percentage points less likely to vote in favor of the second Goldstone resolution and some 55 percentage points more likely to abstain than a country with the highest autocratic value.[29]

8.2 Robustness tests

We tested the robustness of the results in several ways. For example, including an oil production value and a corruption variable does not change the inferences regarding the democracy variables.

When we use the control variables for the average over the five-year period 2005-2009, before the Goldstone votes or just for the year 2008, the DD measure is statistically significant at the 10% level in Table 6. The marginal effects of the DD measure in the first two cells of Tables 5 and 7 (full model) are statistically significant at the 10% level. Our baseline model is thus quite conservative in reporting effects of political institutions.

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[28] The results in column (1), fourth cell indicate that, when the POLITY IV variable increases by one point (on a scale from -10 to 10), the probability of voting in favor of the Goldstone Report decreases by about 3.5 percentage points.

[29] The results in column (1), fifth cell indicate that, when the Chief-in-Executive variable increases by one point (on a scale from 1 to 7), the probability of voting in favor of the Goldstone Report decreases by about 7.9 percentage points.

Re-estimation with abstentions interpreted as expressing the same preference as opposing the Goldstone resolutions (common probit) changes the results somewhat. The Chief-in-Executive measure lacks statistical significance in the full model when the second Goldstone vote is the dependent variable. The POLITY IV measure remains statistically significant at the 5% level.

9. Conclusion

Democracies and autocracies differ in their willingness to initiate symmetric warfare. Using data on voting on UNGA resolutions relating to the Goldstone Report, we have investigated whether democracies and autocracies also differ in willingness to support the right of self-defense in asymmetric warfare that involves state-sponsored or state-perpetrated terror. Our empirical results show that, just as democracies and autocracies have exhibited different attitudes toward initiation of symmetric or classical warfare, their attitudes differ with regard to the right of self-defense in asymmetric warfare.[30]

We find that the share of Muslim population in a country is significant in both Goldstone-related resolutions in explaining voting in favor of the

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[30] Our study differs from other studies of voting in the UNGA in that we investigate voting on (two) particular resolutions. Other studies have investigated the general pattern of voting across many more resolutions. See, for example, Voeten (2000; 2014), Dreher, Nunnenkamp, and Thiele (2008), Potrafke (2009), Boockmann and Dreher (2011), Dreher and Sturm (2012), Dreher and Jensen (2013), and Becker et al. (2015).

Goldstone Report. With votes of Muslim countries separately accounted for, political institutions are not significant in explaining voting on the first Goldstone resolution, but are significant in the second resolution. In the first Goldstone resolution, democracies in sufficient numbers voted in favor of the Goldstone Report for political institutions not to be significant in explaining voting; in the second resolution, democracies in sufficient numbers changed their votes from support for the Report to abstention for political institutions to become significant.

The empirical results on voting in the two resolutions are therefore indicative of a change in focus in voting, principally by democracies, to expressing disfavor, through abstention, with the general Goldstone principle of criminalization of self-defense against state-sponsored or state-perpetrated terror. The change is consistent with differences between democracies and autocracies in accountability to citizens and in concern for public safety. The change in voting suggests adherence to a view that democracies themselves and not majority voting in international organizations such as the United Nations should determine a country's permissible self-defense actions. Berkowitz (2012) has, for example, observed with respect to the United Nations and the Goldstone Report: "In our imperfect world, when a liberal democracy is accused of committing a war crime, the judicial system of that liberal democracy is, all things considered and according to the international

laws of war rightly understood, the best forum for vindicating the international laws of war."[31]

Voting in the UNGA is expressive – resolutions are non-binding and visible voting allows governments and countries to expressively display identities and preferences.[32] Actual self-defense against terror is non-expressive or is "instrumental" (or has consequences) because of the human costs of not protecting populations against terror. Autocratic governments that voted in favor of the Goldstone resolutions could have abstained, thereby retaining their expression of unwillingness to allow self-defense by Israel but expressing dissatisfaction with the Goldstone criminalization of self-defense in asymmetric warfare. They however supported the Goldstone principle of criminalization of self-defense against state-supported and state-perpetrated terror.

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[31] Peter Berkowitz (2012) at

http://www.washingtonpost.com/blogs/right-turn/post/peter-berkowitz-on-goldstone-the-flotilla-incident-and-more/2012/04/13/gIQAF2MDFT_blog.html

(13 April, 2012; accessed September 19, 2014). For an introduction to international law relating to armed conflict, see Blank and Noone (2013).

[32] Voting by individuals is described as expressive when individual votes are not decisive and therefore a motivation of additional benefit such as expressive confirmation of identity (Hillman 2010) is required for individuals to vote, given a positive cost of voting. Brennan and Brooks (2013) review the literature on expressive voting. In the case of the UNGA, individual countries are not decisive, but, because the resolutions are non-binding, even the decisiveness of an automatic-majority bloc does not make voting "instrumental". For more on expressive voting in the UNGA, see Becker et al (2015).

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Appendix: Voting by countries in the resolutions in Table 1

Democracies as measured by the DD variable over the period 2000-2008 in bold.

1st resolution

Against (18):
Australia, Canada, Czech Republic, Germany, Hungary, Israel, Italy, Marshall Islands, Micronesia, Nauru, Netherlands, Palau, Panama, Poland, Slovakia, Macedonia, Ukraine, United States

Abstentions (44):
Andorra, **Austria, Belgium, Bulgaria**, Burkina Faso, Burundi, Cameroon, **Colombia, Costa Rica, Croatia, Denmark**, Estonia, Ethiopia, Fiji, **Finland, France**, Georgia, **Greece, Iceland, Japan, Kenya, Latvia**, Liberia, **Liechtenstein, Lithuania, Luxembourg**, Monaco, Montenegro, **New Zealand, Norway, Papua New Guinea, Republic of Korea, Republic of Moldova, Romania**, Russian Federation, Samoa, **San Marino, Spain**, Swaziland, **Sweden**, Tonga, Uganda, **United Kingdom, Uruguay**.

In favor (114):
Afghanistan, **Albania**, Algeria, Angola, **Antigua and Barbuda, Argentina, Armenia**, Azerbaijan, **Bahamas**, Bahrain, Bangladesh, **Barbados**, Belarus, **Belize, Benin, Bolivia**, Bosnia and Herzegovina, Botswana, **Brazil**, Brunei Darussalam, Cambodia, Central African Republic, Chad, **Chile**, China, Comoros, Congo, Cuba, **Cyprus**, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, **Dominica, Dominican Republic**, Ecuador, Egypt, **El Salvador**, Eritrea, Gabon, Gambia, **Ghana, Grenada, Guatemala**, Guinea, Guinea Bissau, Guyana, Haiti, **India, Indonesia**, Iran, Iraq, **Ireland, Jamaica**, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, **Malawi**, Malaysia, Maldives, **Mali, Malta**, Mauritania, **Mauritius, Mexico, Mongolia**, Morocco, Mozambique, Myanmar, Namibia, Nepal, **Nicaragua, Niger, Nigeria**, Oman, Pakistan, **Paraguay**, Peru, **Philippines, Portugal**, Qatar, **Saint Lucia, Saint Vincent and the Grenadines**, Saudi Arabia, **Senegal, Serbia, Sierra Leone**, Singapore, **Slovenia, Solomon Islands**, Somalia, South Africa, **Sri Lanka**, Sudan, **Suriname, Switzerland**, Syria, Tajikistan, Thailand, **Timor-Leste, Trinidad and Tobago**, Tunisia, **Turkey**, United Arab Emirates, United Republic of Tanzania, Uzbekistan, **Venezuela**, Vietnam, Yemen, Zambia, Zimbabwe.

Absent (16):
Bhutan, **Cape Verde**, Côte d'Ivoire, Equatorial Guinea, **Honduras, Kiribati**, Kyrgyzstan, **Madagascar**, Rwanda, **Saint Kitts and Nevis, Sao Tome and Principe**, Seychelles, Togo, Turkmenistan, **Tuvalu, Vanuatu**

2nd resolution

Against (9):
Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Panama, United States

Abstentions (74):
Albania, Andorra, Argentina, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Botswana, **Bulgaria**, Burundi, Cameroon, **Colombia, Costa Rica**, Côte d'Ivoire, **Croatia, Cyprus, Czech Republic, Denmark, El Salvador**, Estonia, Ethiopia, Fiji, **Finland, France**, Georgia, **Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan**, Kazakhstan, **Latvia**, Liberia, **Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Mexico**, Monaco, **Mongolia**, Montenegro, **Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay**, Peru, Philippines, **Poland, Portugal, Republic of Korea, Republic of**

Moldova, **Romania**, Russian Federation, Samoa**, San Marino**, **Serbia**, **Slovakia**, **Slovenia**, **Spain**, **Sweden**, **Switzerland**, Thailand, **Timor-Leste**, Tonga, **Ukraine**, **United Kingdom**, **Uruguay**, **Vanuatu**.

In favor (92):
Afghanistan, Algeria, Angola, **Antigua and Barbuda**, **Armenia**, Azerbaijan, Bahrain, Bangladesh, **Barbados**, Belarus, **Belize**, **Benin**, Bhutan, **Bolivia**, **Brazil**, Brunei Darussalam, **Chile**, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, **Dominica**, **Dominican Republic**, Ecuador, Egypt, Eritrea, Gambia, **Ghana**, **Grenada**, Guinea, Guinea-Bissau, Guyana, **India**, **Indonesia**, Iran, Iraq, **Jamaica**, Jordan, **Kenya**, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, **Malawi**, Malaysia, Maldives, **Mali**, Mauritania, **Mauritius**, Morocco, Mozambique, Myanmar, Namibia, Nepal, **Nicaragua**, **Niger**, **Nigeria**, Oman, Pakistan, Qatar, **Saint Lucia**, **Saint Vincent and the Grenadines**, Saudi Arabia, **Senegal**, **Sierra Leone**, Singapore, **Solomon Islands**, Somalia, South Africa, **Sri Lanka**, Sudan, **Suriname**, Swaziland, Syria, Tajikistan, Togo, **Trinidad and Tobago**, Tunisia, **Turkey**, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uzbekistan, **Venezuela**, Vietnam, Yemen, Zambia, Zimbabwe

Countries absent (17):
Burkina Faso, Cambodia, **Cape Verde**, Central African Republic, Chad, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Haiti, **Kiribati**, **Madagascar**, Rwanda, **Saint Kitts and Nevis**, **Sao Tome and Principe**, Seychelles, **Tuvalu**, Uganda

Table 1: Voting on UN General Assembly resolutions relating to the Goldstone Report

UN resolution number	Against	Abstain	In favor	Not voting	Subject
A/64/10 20091105*	18	44	114	16	Follow-up to the report of the United Nations Fact Finding Mission on the Gaza Conflict
A/RES/64/91 20091210**	9	74	92	17	Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Source: United Nations

* The resolution sets out actions to be taken in consequence of the findings of the Goldstone Report.
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/10
(accessed September 8, 2014).

** The resolution lodges various criticisms against Israel and 'Decides to include in the provisional agenda of its sixty-fifth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" (the Goldstone Report)'.
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/91
(accessed September 8, 2014).

For listings of how individual countries voted on the two resolutions, see the appendix.

Table 2: Repeated votes on a resolution on "Practices by Israel affecting human rights"

Year	UN resolution number	Against	Abstain	In favor	Not voting
1996	A/RES/51/134	2	8	149	33
1997	A/RES/52/67	2	7	151	32
1998	A/RES/53/56	2	4	151	35
1999	A/RES/54/79	2	3	150	37
2000	A/RES/55/133	3	1	150	38
2001	A/RES/56/62	4	2	145	41
2002	A/RES/57/127	6	6	148	32
2003	A/RES/58/99	6	19	150	17
2004	A/RES/59/124	7	22	149	14
2005	A/RES/60/107	7	17	148	20
2006	A/RES/61/119	9	14	157	12
2007	A/RES/62/109	7	11	156	18
2008	A/RES/63/98	8	4	165	15
2009	A/RES/64/94	9	5	162	16
2010	A/RES/65/105	9	2	165	16
2011	A/RES/66/79	9	4	159	21
2012	A/RES/67/121	8	6	164	15

Source: United Nations

Table 3: Descriptive statistics

Variable	Observations	Mean	Std. Dev.	Min	Max	Source
UNGA votes on 1st Goldstone resolution A/64/10 20091105	176	0.45	0.67	0	2	United Nations and own calculations
UNGA vote on 2nd Goldstone resolution A/RES/64/91 20091210	175	0.53	0.60	0	2	United Nations and own calculations
revised combined POLITY IV	162	3.34	6.39	-10	10	Marshall and Jaggers (2006)
POLITY IV – Constraints on Chief Executive	161	4.87	2.02	1	7	Marshall and Jaggers (2006)
Democracy-Dictatorship	191	0.58	0.48	0	1	Cheibub et al. (2010)
GDP per capita (real)	184	11456.95	14035.99	205.20	79266.20	Penn World Tables 7.1 Summers and Heston (1991)
Muslim (share of population)	188	23.83	36.10	0	100	Parker (1997)
Africa	192	0.28	0.45	0	1	Own Calculation
Asia	192	0.24	0.43	0	1	Own Calculation
America	192	0.18	0.39	0	1	Own Calculation
Oceania	192	0.07	0.26	0	1	Own Calculation
Europe	192	0.23	0.42	0	1	Own Calculation
OECD	192	0.16	0.36	0	1	Own Calculation
Oil Production Value	183	657.30	2376.19	0	18755.95	United States Energy Information Administration (2012), own calculation
Control of corruption	179	3.96	2.06	1.40	9.55	Transparency International (2013)

Table 4: Regression Results, Ordered Probit, robust standard errors, coefficient estimates

Dependent variable: UNGA votes on 1st Goldstone resolution A/64/10 20091105

Variable	(1)	(2)	(3)	(4)	(5)	(6)
POLITY IV	0.122***			0.032		
	(4.56)			(1.09)		
POLITY IV – Constraints on Chief Executive		0.345***			0.052	
		(5.25)			(0.61)	
Democracy-Dictatorship			1.092***			0.290
			(5.34)			(1.08)
log GDP per capita				0.003	0.008	-0.038
				(0.02)	(0.05)	(-0.26)
Muslim (share)				-0.016***	-0.016***	-0.017***
				(-4.04)	(-4.24)	(-4.64)
Africa				-0.600	-0.644	-0.592
				(-1.29)	(-1.35)	(-1.31)
Asia				-0.975**	-1.020**	-0.953**
				(-2.13)	(-2.19)	(-2.12)
America				-0.900**	-0.885**	-1.052***
				(-2.25)	(-2.20)	(-2.68)
Oceania				0.131	0.092	0.488
				(0.29)	(0.20)	(1.10)
OECD				0.826*	0.871**	0.943**
				(1.95)	(2.09)	(2.26)
Observations	152	151	175	149	148	165
Pseudo R-squared	0.147	0.133	0.089	0.295	0.290	0.300

z-statistics in brackets; * significant at the 10 percent level; ** significant at the 5 percent level; *** significant at the 1 percent level

Table 5: Marginal effects referring to the regression results in table 4, ordered probit

Dependent variable: UNGA votes on 1st Goldstone resolution A/64/10 20091105

		(1)	(2)	(3)
	Variable	Country voted in favor of the resolution	Country abstained	Country voted against the resolution
Only democracy variable included	POLITY IV	-0.041***	0.029***	0.012***
		(-5.27)	(4.12)	(3.81)
	POLITY IV – Constraints on Chief Executive	-0.118***	0.080***	0.038***
		(-5.59)	(4.47)	(3.78)
	Democracy	-0.395***	0.239***	0.156***
		(-5.36)	(4.67)	(3.94)
Full model	POLITY IV	-0.010	0.008	0.002
		(-1.09)	(1.10)	(0.94)
	POLITY IV – Constraints on Chief Executive	-0.017	0.014	0.003
		(-0.61)	(0.62)	(0.58)
	Democracy	-0.091	0.076	0.015
		(-1.08)	(1.10)	(0.91)

z-statistics in brackets; *** significant at the 1 percent level

Table 6: Regression results, ordered Probit, robust standard errors, coefficient estimates

Dependent variable: UNGA vote on 2nd Goldstone resolution A/RES/64/91 20091210

Variable	(1)	(2)	(3)	(4)	(5)	(6)
POLITY IV	0.184***			0.090***		
	(5.40)			(2.85)		
POLITY IV – Constraints on Chief Executive		0.503***			0.204**	
		(6.26)			(2.11)	
Democracy-Dictatorship			1.405***			0.445
			(6.44)			(1.43)
log GDP per capita				0.173	0.166	0.144
				(1.00)	(0.99)	(0.95)
Muslim (share)				-0.014***	-0.015***	-0.017***
				(-3.87)	(-4.06)	(-4.67)
Africa				-0.723	-0.744	-0.922*
				(-1.48)	(-1.53)	(-1.89)
Asia				-0.469	-0.566	-0.794*
				(-1.10)	(-1.30)	(-1.83)
America				-0.491	-0.429	-0.883**
				(-1.24)	(-1.09)	(-2.28)
Oceania				0.438	0.327	0.653
				(0.72)	(0.51)	(1.25)
OECD				0.454	0.541	0.554
				(1.07)	(1.29)	(1.32)
Observations	150	149	174	147	146	164
Pseudo R-squared	0.294	0.268	0.149	0.410	0.391	0.365

z-statistics in brackets; * significant at the 10 percent level; ** significant at the 5 percent level; *** significant at the 1 percent level

Table 7: Marginal effects referring to the regression results in table 6, ordered probit

Dependent variable: UNGA vote on 2nd Goldstone resolution A/RES/64/91 20091210

	Variable	(1) Country voted in favor of the resolution	(2) Country abstained	(3) Country voted against the resolution
Only democracy variable included	POLITY IV	-0.069***	0.066***	0.003*
		(-6.55)	(5.94)	(1.68)
	POLITY IV – Constraints on Chief Executive	-0.194***	0.183***	0.010*
		(-6.73)	(6.02)	(1.82)
	Democracy	-0.557***	0.469***	0.088***
		(-6.47)	(5.55)	(3.02)
Full model	POLITY IV	-0.035***	0.034***	0.0005
		(-2.98)	(2.97)	(0.95)
	POLITY IV – Constraints on Chief Executive	-0.079**	0.078**	0.001
		(-2.15)	(2.15)	(0.92)
	Democracy	-0.174	0.170	0.004
		(-1.44)	(1.44)	(0.84)

z-statistics in brackets; * significant at the 10 percent level; ** significant at the 5 percent level; *** significant at the 1 percent level