The Politics of Punishment:
Why Dictators Join the International Criminal Court[*]

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December 2023

Forthcoming in *International Studies Quarterly*

Abstract

Scholars commonly argue that international law and organizations promote democracy by helping dictators to credibly commit to accountability, individual rights, and transparency. Yet dictators routinely join treaties and international organizations without transitioning to democracy. International law and organizations can generate asymmetric costs on domestic actors because international rules often apply to both governments and non-state actors, yet dictators can limit how these rules are upheld at the domestic and international level. We argue that dictators are most likely to join such treaties and international organizations when they face strong domestic political competition. We illustrate our argument using the International Criminal Court (ICC), which has extensive powers to prosecute individuals for international crimes, including crimes against humanity, genocide, and war crimes. We show that ICC investigations and prosecutions have become a tool for incumbent dictators to target their domestic opponents. We examine the implications of our theory for multiple outcome variables, including the decision to join the ICC, violence, and the survival of dictators in power. Our evidence suggests that dictators are most likely to join the ICC when they face strong political opponents and are subsequently less likely to commit violence and more likely to survive in office.

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1 Introduction

In January 2004, an unlikely alliance was presented to the world in a London press conference. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, announced he was opening a preliminary examination into crimes in Uganda. Standing by his side was Yoweri Museveni, Uganda's dictator and leader of a military that committed international crimes. Surprisingly, Moreno-Ocampo announced that Museveni had formally requested the Court to intervene in Uganda. Casual observers could easily have been puzzled. Was Museveni asking for his own arrest and imprisonment? Was Museveni trying to democratize and promote human rights?

Many scholars argue that international law and organizations can promote democracy because they allow leaders to credibly commit to accountability, individual rights, and transparency (**??**). Yet many dictators join and participate in international law and organizations, coinciding with democratic backsliding (**??**). Some scholars thus conclude that dictators are not meaningfully constrained by international law and organizations (**??**). Why do leaders who commit severe atrocities against their people belong to treaties and international organizations that aim to prohibit and punish such atrocities? Might international law and organizations sometimes constrain governments, while simultaneously eroding democratic pressures and allowing dictators to preserve their hold on power?

We argue that international law and organizations often impose asymmetric costs on dictators. Many international laws and organizations establish rules that apply to both governments and non-state actors. Dictators can limit how these rules are upheld at the domestic and international level. By exerting control over judges, legislators, reporters, and civil society, dictators can limit how and when violations of international rules are documented, publicized, and punished. Dictators can shield themselves from accountability while simultaneously using international law and organizations to punish their opponents. In such circumstances, the act of joining a treaty and participating in an international organization will increase the political power of a dictator relative to his domestic opponents.

We construct a formal model in which a dictator is most likely to join a treaty with asymmetric costs when he faces high political competition. In such circumstances, a dictator will increase his relative political power by increasing asymmetric costs for violence. In contrast, when the dictator faces low political competition, he has little incentive to increase his power further by joining the treaty. This mechanism affects when dictators select into treaties and international organizations, how political actors behave after a dictator has selected into an institution, and the

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likelihood that an incumbent dictator survives in power.

We test our argument using the International Criminal Court (ICC) and mixed methods. First, we illustrate our assumptions using qualitative vignettes of ICC investigations, arrest warrants, and prosecutions. Second, we perform statistical analysis to test the empirical implications of our model. These tests examine three outcome variables: when dictators join the ICC; the impact of ICC membership on total violence within dictatorships; and the survival of incumbent dictators in office. While each of these methods has inherent limits, the combination of qualitative and statistical evidence yields compelling support for our argument.

Our argument has important normative implications. First, even if the ICC is impartial and neutral in its decision-making, asymmetric costs ensure that the observable effect of the ICC's actions can be biased in favor of incumbent dictators. Such bias can undermine a court's public support and reduce the ICC's ability to survive over time (?). Second, the overall effect of international law and organizations may sometimes be the consolidation of power by dictators and democratic backsliding, despite the best intentions and efforts of civil society and international bureaucrats and lawyers. Advocates of international cooperation must carefully consider whether such international cooperation actually benefits domestic societies.

2   Dictators and International Justice

2.1   Dictators and International Law

Many scholars have examined the creation and use of international law and organizations by strategic actors (?). Some prominent scholars argue that international law and organizations impose no significant constraints on dictatorships. These scholars view treaties as meaningless documents that can placate civil society organizations, domestic political opponents, and/or the international community (?). However, most scholars believe that international law and organizations do impose meaningful constraints, even within dictatorships. Broadly speaking, these scholars emphasize three key complementary (and often overlapping) ways that treaties and international organizations influence international politics.

First, treaties and international organizations may serve as commitment devices. International law may allow a government to credibly commit that it will follow a particular rule by imposing costs if the government violates that rule. Law may thus constrain the choices of both incumbent and future governments. For example, ? argue that joining the ICC is a mechanism

for self-binding, leading to reduced violence after ratification. This argument is supported by additional studies about the impact of ICC membership and prosecutions on domestic violence and prosecutions (**???**). However, experts debate whether ICC membership will shorten or prolong the rule of leaders who have already committed crimes, and hence are unwilling to step down from power (**???**).

Second, treaties and international organizations could be tools that governments use to signal information to domestic and international audiences. This information can include a government's willingness to challenge its political opponents (**?**) or its commitment to values like democracy and human rights (**??**). Of course, states may sometimes be insincere in the signals that they send to audiences. Scholars usually argue that insincerity will be most likely if treaties and international organizations impose low costs on states (**?**). For example, some scholars argue that the International Criminal Court imposes low costs on dictators because these leaders can limit ICC investigations, arrests, and prosecutions (**??**).

Third, international law may facilitate enforcement by communities of disinterested actors. Such multilateral enforcement is most challenging in large communities of actors (**?**). By setting clear rules about how states should behave and publicizing when states break these rules, international law can help states to craft multilateral solutions for bilateral disputes (**?**). Enforcement communities can be created by military alliances, trade agreements, and foreign capital flows (**??**). For example, in his detailed study of the ICC, **?** argues that African states self-refer cases to the ICC because arrest warrants will "isolate the [political opposition] and make it an enemy of the international community" (44). Ba argues that this international condemnation of political opponents provides domestic benefits to weak governments.

These theoretical mechanisms are often applied to study international law and organizations and generate social effects at the domestic level, like trade, foreign direct investment, and human rights (**?**). Yet governments can use other kinds of international law and organizations to manage internal political dissent. For example, dictators can use international organizations like Interpol and treaties like judicial cooperation agreements to facilitate the criminal prosecution of their political opponents, even when these trials violate basic human rights standards (**?**). Also, some treaties and organizations that are ostensibly aimed at counterterrorism cooperation are in practice engaged in repression of ethnic minority groups, like the Shanghai Cooperation Organization, in which China and its neighbors coordinate their repressive policies towards their Uighur populations (**?**).

The impact of these three mechanisms—credible commitment, signaling, and enforcement communities—is affected by the regime-type of states. A growing body of scholarship has examined how the International Criminal Court can affect domestic public attitudes and political outcomes (**???**). These studies have largely focused on democracies, in which representative governance, alternation in political power by competing groups, and independent judiciaries affect the ICC's activities. Other studies have focused on the ICC's relationship with the US government, which steadfastly refuses to join the ICC despite sometimes cooperating with it (**??**). However, to understand the ICC's impact within dictatorships, we must understand the tools that dictators use to maintain their power.

While scholars debate the central meaning of democracy, they generally agree that democracies are states with well-consolidated institutions that provide representative governance, allow multiple political parties, and protect basic civil and political rights. **?** argues compellingly that the key unifying characteristic of democracies is competitive elections that can result in peaceful transitions of political power. We accordingly use a minimalist conception of a "dictatorship" as a political regime that preserves "power by means other than competitive elections" (**?**, 7). This includes a broad range of institutional arrangements, including monarchies, military rulers, and civilian autocrats.

A fundamental problem faced by dictators is how to maintain their survival in power given the resources available to them (**?**). At the domestic level, dictators often rely on the threat or use of repression and violence to maintain their power (**??**). Such repression often includes violations of basic civil and political rights by government actors, including the military, police, and domestic courts (**?**). Repression also often includes more serious violations of physical autonomy, like killings, sexual violence, and torture (**??**). These tactics often qualify as serious international crimes that can be punished by the ICC.

Dictators can also use their control over information to help them survive in office (**?**). This control is more easily accomplished when a dictator has less political competition, as reflected in control over state media, prohibition of opposition political parties, and weak or non-existent constraints on executive authority. Control over information limits the ability of opponents to solve collective action problems (**?**). It also limits the knowledge of average individuals about the content and quality of government policies (**?**).

A third tool for maintaining domestic power is rents. For example, dictators may be able to buy political support by selectively taxing and redistributing wealth within their states (**??**).

Alternatively, some dictators can survive in power by distributing natural resource wealth to the governing elite (**?**). Many dictators also channel external financial assistance—like foreign aid and development assistance—to reward their political supporters and prolong their survival (**??**).

Additionally, dictators can sometimes create and use domestic institutions to help them survive in office. For example, scholars have examined how dictators build and maintain elite support by sharing power within legislatures (**?**). Dictators can also share power using advisory councils, cabinet positions, controlled elections, and/or multiple political parties (**???**). Finally, economic agencies that disseminate credible economic information can help dictators to maintain elite support (**?**). Such arrangements help members of the elite to solve underlying strategic problems, like asymmetric information, collective action, commitment problems, guardianship dilemmas, and monitoring problems (**??**). These arrangements can also bolster a dictators power by fragmenting any possible political opposition (**?**).

Most scholars have argued that international institutions—including treaties and international organizations—harm the survival of dictators. For example, human rights treaties may fuel democratization in mixed regimes that are neither fully autocratic or democratic by either empowering domestic civil society or "locking-in" basic rights for individuals, like physical autonomy and freedoms of expression and association (**??**). Similarly, many empirical scholars have identified a robust relationship between democratic governance and participation in regional and international organizations (e.g. **??**).

Yet a small body of research—to which we contribute—shows that sometimes dictators can strategically use international law and organizations to help maintain their power. For example, **?** carefully details how dictators can manipulate nongovernmental organizations into designing democracy assistance programs that hinder democratization. Similarly, multiple papers have examined when dictators join the UN Convention Against Torture (CAT). Both **?** and **?** argue that more political competition will result in more pressure on dictators to join the CAT in exchange for maintaining their political power. In contrast, **?** argue that a government's underlying willingness to use force drives decisions about whether to join the CAT: signing signals to political opponents that the government is so strong that it can easily afford to make violence more costly, thereby deterring political competition. However, one aspect of the CAT prevents these theories from being easily extended to other areas of international law. Namely, the CAT definition of torture only applies to acts "of a public official or other person acting in an official capacity."[1] The CAT

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[1] Article 1(1).

cannot be used to punish non-state actors, such as armed opposition groups (**?**, 282-286). To fully understand how dictators can use international law and organization to prolong their survival, we must therefore consider the impact of international rules that constrain both a dictator and his opponents.

2.2 Dictators and the International Criminal Court

The two central assumptions of our theory are that the International Criminal Court: (1) constrains both a dictator and his opponents; and (2) creates asymmetric costs in dictatorships. We must therefore justify these assumptions in detail.

When a state joins the ICC, it accepts the authority—or jurisdiction—of the Court to investigate and prosecute serious international crimes that are committed either on its territory or by its nationals. Most states join the ICC by ratifying the Rome Statute, which is the international treaty that defines the ICC's powers and procedures. States can also accept the ICC's authority to investigate and prosecute by filing a special declaration in which they accept the ICC's jurisdiction even if they have not formally ratified the treaty.[2] We describe both actions as decisions to join the ICC.[3]

The Rome Statute also defines the serious international crimes that can be prosecuted by the Court, which are crimes against humanity, genocide, and war crimes.[4] These crimes usually cannot occur without violence, such as killing, rape, torture, and "causing great suffering, or serious injury to body or health."[5] Such acts become serious international crimes when they occur in specific contexts. Such acts become crimes against humanity "when committed as part of a widespread or systematic attack directed against any civilian population."[6] Similarly, such acts become war crimes "when committed as part of a plan or policy or as part of a large-scale commission of such crimes."[7] Higher levels of political violence are therefore more likely to yield crimes that the ICC can prosecute.

The Rome Statute allows the Court to investigate and prosecute all individuals. Unlike the CAT, the ICC does not require that a crime be committed by state officials. The ICC can target rebel commanders, opposition politicians, and other individuals who are not part of a sitting

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[2]Article 12(3).

[3]In our empirical analysis, we run tests for both joining the ICC and ratifying the Rome Statute.

[4]It can also prosecute aggression committed after July 2018. This has never occurred.

[5]Articles 6–8.

[6]Article 7.

[7]Article 8.

government. The ICC can also prosecute government officials, including political and military leaders, because the Rome Statute prohibits immunity from prosecution.

The ICC process begins when the Prosecutor learns about an alleged crime. She can learn about a crime through press reports, communications with individuals and NGOs, or formal referrals by the UN Security Council or member states. The Prosecutor and her staff then conduct a preliminary examination, in which they assess whether the ICC is likely to have jurisdiction over alleged crime. If a situation is referred by the UN Security Council or a member state, the Prosecutor can proceed directly to a formal investigation. However, if the Prosecutor learns about alleged crimes through other means, she must seek approval from ICC judges before opening a formal investigation. If an investigation yields sufficient evidence, the Prosecutor can then request that ICC judges issue an arrest warrant or summons to appear for an individual to face trial. Once a wanted individual appears before the Court, prosecution begins.

This basic process gives dictators multiple opportunities to influence investigations and prosecutions. First, a dictator has the power to self-refer cases to the Court, which his opponents cannot do. These self-referrals set the agenda for what the Court investigates, and often contain geographic, temporal, or subject-matter limits. Such self-referrals become formal investigations without any judicial review. In contrast, non-state actors, like rebel groups and NGOs, can send written complaints to the ICC Prosecutor, but the Prosecutor cannot open an official investigation without securing approval from ICC judges. Paradoxically, this process requires that the Prosecutor submit evidence of a crime before the Prosecutor can actually investigate.

For example, the Central African Republic (CAR) is a dictatorship that has experienced ongoing violence and atrocities since the ICC's creation in 2002. CAR has experienced three major waves of violence since 2002. The CAR government twice asked the ICC to formally investigate its political opponents (in 2004 and 2012). However, the referrals excluded atrocities committed by CAR government forces in 2005–2008, when the CAR's battled two rebellions in the northern territories.[8]

Second, successful investigations require that investigators identify and locate witnesses. Since alleged crimes are usually investigated by local police and/or military forces, the government has specialized information that is not easily available to the ICC, such as who witnessed a crime. Government registries and social service offices can help the ICC to locate these witnesses. In dictatorships, governments can easily withhold such information if they wish to constrain an ICC

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[8]See Human Rights Watch (2007) "State of Anarchy Rebellion and Abuses against Civilians" Sept. 14. Available at: https://www.hrw.org/report/2007/09/14/state-anarchy/rebellion-and-abuses-against-civilians.

investigation. Once witnesses are found, the ICC must then interview and prepare witnesses for trial, either directly or through intermediaries. This process requires the free movement of ICC staff and/or intermediaries and access to translators who understand local languages. Many witnesses then require security before and during a trial. The ICC lacks law enforcement officers and cannot grant asylum to witnesses. The ICC therefore depends on governments to protect witnesses. Dictators can hinder these tasks by denying travel permits, restricting access to transportation and translators, refusing to provide security to witnesses, or even coaching individuals on false testimony. In contrast, political opponents do not have access to the state security apparatus.

For example, the Democratic Republic of the Congo (DRC) asked the ICC in 2004 to investigate and prosecute crimes in the eastern Congo. Because of instability and violence in the region, ICC staff could not easily travel within the eastern Congo or communicate with witnesses and victims. Instead, the ICC relied on intermediaries, who agreed to locate and interview witnesses on behalf of the ICC. This arrangement created problems during the trial of Thomas Lubanga, a rebel commander. ICC judges ruled that at least three of the seven intermediaries used by the ICC generated unreliable evidence against Lubanga.[9] Multiple alleged victims admitted during the trial that they had lied and been coached on their testimony by an intermediary in exchange for bribes. The Court would not publicly identify the intermediaries, but it revealed that at least one of them worked for the Congolese intelligence service. This same intermediary also worked on investigations against other defendants, including Germain Katanga and Mathieu Ngudjolo Chui (?, 39). This revelation shows the potential for dictators to manipulate ICC investigations and prosecutions.

Third, the ICC sometimes uses digital and documentary evidence to establish that high-ranking individuals, like military commanders, are responsible for acts committed by subordinates. Dictators can often provide such evidence to the ICC when crimes are committed by rebel groups. However, dictators can also shield themselves from prosecution by withholding and/or destroying such evidence about their own activities. Rebel groups often do not have access to this kind of information, so they cannot create the same kind of costs for the government as the government creates for them.

This pattern is apparent in the trial of Dominic Ongwen, a mid-level commander in the Lord's Resistance Army (LRA), a rebel group in Uganda. In Ongwen's trial, the ICC Prosecutor relied extensively on recordings and logbooks of LRA radio communications. These communications

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[9] *Lubanga*, Trial Judgment, 14 March 2012, pp. 90–230.

were intercepted, screened, recorded, and translated by the Ugandan military, intelligence agency, and local police forces.[10] The Ugandan government then provided edited recordings and selected logbook entries to ICC investigators, who used these materials as evidence against Ongwen. In contrast, the LRA lacked capacity to collect evidence about the activities and communications of the Ugandan military.

Fourth, the ICC relies on its member-states to enforce arrest warrants. Even if the ICC prosecutor has sufficient evidence to prosecute an individual, a trial cannot occur *in absentia*. The ICC must have the actual suspect in custody. Many wanted individuals have voluntarily appeared at the Court, either because they believe that they can prove their innocence or because they prefer an ICC trial to the prospect of punishment at home. Yet incumbent governments can also choose to enforce warrants for their political opponents while shielding themselves and their allies from arrest (**?**).

For example, Germain Katanga was a rebel fighter accused of committing atrocities during an attack on a village in the eastern Congo in 2003. As part of the power sharing agreement that ended the Great African War, Katanga—who fought against the Congolese government—agreed to be incorporated into the national army in late 2004. This demobilization process gave the government information about Katanga's location. Four months later, the Congolese government arrested Katanga and turned him over to the ICC for trial.[11]

One final possibility is that a dictator may be able to render a case inadmissible by launching a complementary domestic investigation and prosecution of a wanted individual. We are ambivalent about whether this is an effective way for dictators to shield themselves from ICC punishment. On the one hand, the principle of complementarity ensures that a case is inadmissible before the ICC if it "is being investigated or prosecuted by a State which has jurisdiction over it."[12] This design attribute is intended to enhance public support for international justice (**?**). In theory, this principle may allow dictators to create the false appearance of justice by creating domestic justice mechanisms that shield regime supporters. For example, many states respond to mass atrocities by creating weak institutions that "look something like accountability mechanisms but lack the ability to truly pursue justice for mass atrocities" (**?**, 75). On the other hand, the Rome Statute attempts to prevent such actions by allowing the ICC Prosecutor to take action if "the State is unwilling or unable *genuinely* to carry out the investigation or prosecution."[13]

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[10] *Ongwen*, Trial Judgment, 4 February 2021, section IV.3.
[11] *Katanga*, Trial Judgment, 7 March 2014, para. 6.
[12] Article 17(1)(a).
[13] *Ibid.* Emphasis added.

We cannot identify any example in which a dictator shielded a supporter from ICC prosecution by launching complementary domestic proceedings. Qualitative research on Uganda and Sudan compellingly shows that ICC actions did not cause dictators in those states to shield their supporters from justice using domestic investigations and prosecutions (?). Indeed, the only ICC case to date involving complementarity was one in which an accused individual requested prosecution by the ICC, rather than by a domestic court in Libya.[14] Nonetheless, complementarity may be a useful tactic that future dictators can deploy to protect themselves and their supporters.

We note, of course, that democracies can also make self-referrals, hinder investigations, withhold digital and documentary evidence, refuse to enforce arrest warrants, and launch complementary domestic proceedings. For example, US President Trump tried to hinder the ICC's investigation into Afghanistan by ordering sanctions on ICC staffers.[15] Certainly, more powerful states will be better able to protect themselves and their allies than less powerful states, all else equal.

However, democratic institutions—including mass enfranchisement, opposition parties, competitive elections, independent courts, transparency laws, and freedoms of speech and the press—make these ineffective tools for manipulating ICC investigations and prosecutions. For example, the decision by the ICC Appeals Chamber to allow an investigation of US war crimes in Afghanistan was based almost entirely on documentary evidence disseminated in 2014 by the US Senate Select Committee on Intelligence.[16] These documents were published worldwide in newspapers and available on US government websites. Simply put, the US Senate provided the ICC with evidence to conduct an investigation of US activities in Afghanistan. Similarly, Trump's executive order imposing sanctions was publicly disseminated under US law. It was then reported and condemned by diverse political actors in domestic and international news media. The American Civil Liberties Union quickly challenged the executive order in US courts.[17] The subsequent Biden administration rescinded the order.[18] This suggests that democracies are fundamentally different from dictator-

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[14] *Al-Senussi*, Decisions, 11 October 2013 and 24 July 2014.

[15] US Executive Order 13928, 11 June 2020. Available at: `https://www.federalregister.gov/documents/2020/06/15/2020-12953/blocking-property-of-certain-persons-associated-with-the-international-criminal-court`. Last accessed: 22 June 2022.

[16] ICC, "Judgment on the appeal against the decision on the authorisation of an investigation into the situation in the Islamic Republic of Afghanistan," 5 March 2020.

[17] See ACLU, "ACLU Clients Challenge Trump's Sanction Order Against International Criminal Court." Press release, 15 January 2021. Available at: `https://www.aclu.org/press-releases/aclu-clients-challenge-trumps-sanctions-order-against-international-criminal-court`. Last accessed: 22 June 2022.

[18] US State Department, "Ending Sanctions and Visa Restrictions against Personnel of the International Criminal Court," Press statement, 2 April 2021. Available at: `https://www.state.gov/ending-sanctions-and-visa-restrictions-against-personnel-of-the-international-criminal-court/`.

Table 1: Who was Targeted by the ICC (2002–2021)?

| State | Regime-Type* | Referral-Mode | Affiliation During Crime | |
			Pro-Government	Anti-Government
Ivory Coast	Democracy	Prosecutor	3	0
Kenya	Democracy	Prosecutor	3	3
Libya	Dictatorship	UNSC	5	0
Sudan	Dictatorship	UNSC	4	2
CAR (I)	Dictatorship	Self-Referral	1†	0
CAR (II)	Dictatorship	Self-Referral	0	3
DRC	Dictatorship	Self-Referral	0	6
Mali	Dictatorship	Self-Referral	0	2
Uganda	Dictatorship	Self-Referral	0	5
		Total	16	21

Data from ICC public records.
* Regime-type when preliminary examination began.
† Alleged crimes committed during final months of incumbent government. The next government asked for investigation of the prior government's activities.

ships when it comes to manipulating ICC investigations and prosecutions.

In sum, dictators can use their political power to shield themselves from the ICC while simultaneously making their political opponents vulnerable. This difference is reflected in the kinds of individuals who are targeted by the ICC for trial. As shown in Table **??**, through 2021, the ICC has issued 37 warrants or summons to appear before the Court for alleged international crimes.[19] About 43% of these individuals were government officials or supporters at the time that the alleged crime took place. Many of these individuals were targeted in investigations that began as referrals by the UN Security Council or the Prosecutor. These investigations focused on both democracies and dictatorships. Among the self-referred investigations—all of which involve dictatorships—only 1 of the 17 individuals who were targeted by the Court was a government supporter when the alleged crimes were committed. Notably, the targeted individual, Jean-Pierre Bemba Gombo, became quite popular and posed a unique political threat to Joseph Kabila, the dictator who was struggling to keep his hold on power. All the remaining targeted individuals committed their alleged crimes while challenging the government.

We are not the first scholars to note that the ICC imposes asymmetric costs within dictatorships. Many scholars have examined the details of specific ICC investigations. These scholars

Last accessed: 22 June 2022.

[19]This count excludes administration of justice cases, which involve matters like witness tampering, rather than core international crimes.

often note that economic, legal, and political constraints affect both arrest warrants and prosecutions (e.g. **??**). Similarly, many scholars have noted that dictators can shield themselves and punish their enemies by limiting ICC access to evidence and witnesses (e.g. **??**). We build on these insights by examining the consequences of these asymmetric costs for: whether leaders select into the ICC; the impact of the ICC on total violence; and the impact of the ICC on leader survival.

3 Theory

We now present a simple formal model of how asymmetric costs for treaty violations affect selection, violence, and survival for dictators. All proofs for the baseline model appear in the appendix.

3.1 Assumptions

We begin by assuming that the dictator (D) is a unitary actor whose goal is to survive in power. All dictators have potential political opponents. These potential political opponents include members of the governing elite, such as military commanders who currently support the dictator but could defect to become the next leader. They also include individuals who are not part of the governing elite, like repressed groups within the state. These potential political opponents may already belong to armed opposition groups or they may have the potential to join such groups if they believe that violence can yield leadership change. We focus here on the interactions between the dictator and a single political opponent (P). We assume that both the dictator and his political opponent seek power over the state, which yields a common payoff of $W > 0$. We additionally assume that both the dictator and his political opponent have complete information about their strategic environment.

Strategic interactions begin when the dictator decides whether to join the ICC. We assume that the only impact of this publicly-observed decision is to raise the expected cost of violence to both players. This occurs because both players know that it will be possible in the future for the ICC to investigate and prosecute serious international crimes that result from the violence. We do not model ICC investigations and prosecutions because we believe that the ICC does its best to prosecute crimes fairly and objectively given the constraints it faces. Our substantive interest is how ICC membership affects domestic politics within dictatorships.

After the dictator makes his decision about whether to join the ICC, each player simultaneously chooses how much effort to invest in violence, $e_i \geq 0$. These effort levels have two major

effects. First, they determine the likelihood that each player gains power over the state. For simplicity, we assume that the probability that the dictator survives in power is:

$$\pi = \frac{e_D}{e_D + e_P}$$

The probability that the political opponent gains power over the state is therefore: $1 - \pi$.

Second, effort in violence has the potential to generate outcomes—like killings, torture, and "serious injury"—that may later be characterized by a ICC prosecutor as a serious international crime. We need not assume that the dictator and the political opponent knowingly choose to commit crimes against humanity, genocide, and/or war crimes when they invest in effort. Rather, we have in mind the more common phenomenon in which heightened political contestation leads to more dramatic repression and resistance, both of which increase the risk that each side will lose control and restraint over individual fighters. When little effort is invested in political contestation by either side, the risk of a serious international crime is low. However, as effort escalates, the likelihood of a serious international crime grows.

We assume that violence always generates *domestic costs*, which must be paid regardless of whether the dictator joins the ICC. We assume that the relative magnitude of domestic costs of violence is affected by political competition. Namely, if the dictator is strong and faces weak political competition, he can use violence at little domestic cost so the corresponding domestic unit cost of violence for the dictator, $c > 0$, is very small. In contrast, if the dictator is weak and faces strong political competition, then the domestic unit cost of violence, $c > 0$, for the dictator is very large. For example, the presence of multiple political parties should allow opponents to more easily publicize and shame a dictator for atrocities. Similarly, a free press, opposition political parties, active civil society, and/or independent bureaucracies increase transparency about a dictator's policies and make it harder for a dictator to hide his actions from view. Finally, semi-independent political institutions—like legislatures and domestic courts—can have limited powers to sanction a dictator for violence. We expect that all of these elements of political competition make it more costly for a dictator to use violence. To reduce the number of parameters in our model, we normalize the political opponent's domestic unit cost of violence to 1.[20] Expected payoffs if the dictator has not joined the ICC are shown in the middle column of Table **??**.

We assume that the ICC generates additional *international costs* for violence if the dictator

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[20]This normalizing assumption does not affect our results. We make no assumptions about the relationship between c and 1, so the dictator can face higher costs from violence than the political opposition (i.e. $1 < c$), and vice versa (i.e. $0 < c < 1$).

Table 2: Expected Utility from Outcomes in the Theory

Actor	Don't Join	Join
Dictator	$W\pi - ce_D$	$W\pi - (c + \kappa_L)\,e_D$
Political Opponent	$W(1 - \pi) - e_P$	$W(1 - \pi) - (1 + \kappa_H)\,e_P$

joins the ICC. These costs are the asymmetric expected punishments for serious international crimes that can be generated by violence. As stated earlier, we expect that lower effort levels are less likely to generate serious international crimes that are punishable by the ICC, like crimes against humanity, genocide, and war crimes. In contrast, we assume that higher effort levels are more likely to generate violence that can result in criminal charges by the ICC. Because we believe that the dictator can try to limit how the ICC conducts investigations, we assume that the international unit cost for effort for the dictator is κ_L and the international unit cost for the political opponent is κ_H, where $0 < \kappa_L < \kappa_H$. Expected payoffs if the dictator has joined the ICC are shown in the right column of Table ??.

Our model has complete information, so we solve for a subgame perfect Nash equilibrium.

3.2 Equilibrium Behavior and Empirical Implications

We are interested in three outcomes that connect to empirical implications. First, when do dictators join the ICC? A dictator must carefully consider the likely effects of joining the ICC on subsequent choices about violence and the likelihood that he can survive in power. On the one hand, joining the ICC raises the dictator's own cost of violence. This added international cost will have the direct effect of reducing the amount of violence that the dictator will subsequently choose, thereby lowering the likelihood that the dictator will survive in power. On the other hand, joining the ICC also indirectly affects the dictator by raising the cost of violence for his political opponent. This added international cost will lower the amount of violence deployed by his political opponent, thereby increasing the likelihood that the dictator survives in power.

The relative magnitude of these direct and indirect effects will depend on the level of political competition. When political competition is low, the dictator can easily deploy violence at little domestic cost. In the absence of ICC membership, the dictator's strength deters opposition violence, allowing the dictator to have confidence that he will retain his hold on power. Joining the ICC—and raising the international costs of violence for both players—provides little added

benefit to the dictator because his political opponent is already deterred from seriously challenging him. Overall, joining the ICC provides little benefit to a dictator when he faces little political competition.

In contrast, when political competition is high, the dictator finds violence more costly. In the absence of ICC membership, the dictator's weakness encourages opposition violence, reducing the dictator's confidence that he can remain in power. While joining the ICC will further constrain the government, it will also constrain the political opposition even more. This imbalance in expected costs imposed by the ICC hurts the opposition more than it hurts the dictator. Overall, joining the ICC will therefore benefit a dictator when political competition is high. Thus:

Proposition 1. *In equilibrium, dictators with more political competition join the ICC, while dictators with less political competition do not join.*

Second, we want to know how joining the ICC affects overall violence within a dictatorship. Because joining the ICC raises the expected cost of violence for each player, the direct effect of ICC membership is to lower the amount of violence chosen by each player. These direct effects reinforce each other via indirect strategic effects. For example, if the dictator expects that the political opposition will use less violence, then the dictator will also want to use less violence himself to reduce his own costs.[21] Thus:

Proposition 2. *Joining the ICC lowers the total violence in the state.*

Finally, how does joining the ICC affect the likelihood that the dictator survives in power? While ICC membership reduces total violence, the impact of this change on dictator survival is mixed. Sometimes joining the ICC increases the probability that the dictator survives in power, and sometimes it reduces this probability. Perhaps not surprisingly, this effect of ICC membership determines whether a dictator will want to join the ICC. That is, if joining the ICC is expected to reduce the likelihood that the dictator survives in office, then membership provides the dictator with no benefit. In such circumstances, the dictator will not join. The dictator will only join the ICC if membership provides an expected benefit. These incentives ensure that selection into the ICC must correspond (in expectation) to a higher probability that the dictator survives in power. Thus:

Proposition 3. *For dictators that select into the ICC, joining the ICC increases the probability of surviving in office.*

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[21]As an anonymous referee noted, one interpretation of equilibrium behavior for dictators with high political competition is that they are planning to reduce their own violence.

Note that this final implication is a conditional effect. It only holds for situations in which the government chooses to join the ICC. The impact of the ICC on dictator survival is thus driven by selection effects. These selection effects must be carefully considered when we assess the empirical evidence and the normative implications of our theory.

3.3 Alternative Assumptions and Explanations

Do changes to our basic assumptions affect our causal mechanism and observable implications?[22] Skeptics of the ICC might argue that the ICC imposes no costs whatsoever on dictators (i.e. $\kappa_L = 0$). If $\kappa_L = 0$, then our model would suggest that dictators should *always* join the ICC because it can always help, and never harm, them. Our findings about total violence and dictator survival would still hold.

Second, our theoretical argument did not include external pressure to join the ICC. If joining the ICC gives the dictator an external benefit from other states or the international community, then we should expect that dictators with weaker economies or higher reliance on foreign aid will be more likely to join the ICC, all else equal. Incorporating such benefits into our argument would not change the selection and violence propositions above. However, external benefits could invalidate the survival effect because dictators would sometimes be selecting into the ICC for external benefits and not to boost their survival in office. We are careful to control for this possible alternative explanation of ICC membership in our statistical analysis.

Third, we assumed that the ICC generated expected costs that were internalized by players based on their identity (as an incumbent dictator or political opponent) at the beginning of the strategic interaction. That is, we assumed that the cost of violence was "paid" before any possible transfer of power. An alternative way to model this strategic interaction would be to assume that the cost of violence is "paid" after the possible transfer of power. This alternative assumption leads to more complexity. In the Online Appendix, we show that our formal results continue to hold provided that the common payoff from power over the state is sufficiently large.

Fourth, careful readers will note that our argument differs from a more conventional self-binding theory. The assumption that international law binds all actors is necessary for our argument to work. This assumption clearly differentiates our argument from prior research. We therefore believe that our framework is most appropriate for understanding international laws and organizations—like the laws of armed conflict and international criminal law—that constrain all

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[22]See the Online Appendix for all proofs.

actors within a state, not only government officials.

4 Statistical Evidence

To test our argument, we examine the behavior of dictatorships from 1998 to 2018. Our observations begin in 1998, when the Rome Statute opened for signature, as this is the earliest possible year in which a state could join the ICC. The data end in 2018 due to covariate availability. As our argument is about the behavior of dictators, we include only dictatorships in the statistical models. We define a dictatorship as any state with a POLITY2 score of 5 or less.[23] Note that our unit of observation is always a state-year, so the relevant question is whether a state's score met the dictatorship definition in a given year. To ensure our result is robust to the measurement of dictatorship, we present the results using alternative definitions in an Online Appendix.

As the unit of analysis is a state-year, states that do not meet the definition of dictatorship in a given year are excluded for that year. They may, however, re-enter the dataset in subsequent years if their POLITY2 score drops below the relevant threshold.[24]

4.1 Political Competition

To assess the first implication of our model, we consider all dictatorships to be "at risk" of ratifying the Rome Statute. Because we are modeling time to joining, we use a discrete-time survival model. Namely, we use a logistic regression with dummy variables for each year, which allows the baseline hazard (i.e. the underlying probability of joining) to vary by year. The event is joining the ICC and the dependent variable is the duration of time until joining, which is measured in years.[25] The model is right-censored in 2018. However, we note that the most recent dictatorships to join the ICC were Tunisia (by Polity score) in 2011 and Ukraine (by V-Dem score) in 2014. The two most recent states to join, El Salvador in 2016 and Kiribati in 2020, did so as democracies, and are thus excluded from our analysis. Thus, our dataset has good coverage of the relevant risk period for dictatorships joining the ICC.

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[23] States with POLITY2 scores of −66 (interregnum) are re-coded as "NA".

[24] Models using alternate treatments of exposure time (i.e., how many years a state was "at risk" of joining the ICC) are available upon request. However, dropping state-year observations coded as democratic is standard practice in duration analyses of these type.

[25] Joining the ICC is generally a one-time event: once a state joins the Court, it must go through difficult processes to leave. Thus, a state exits the risk set once it joins the Court. To date, only two states have formally withdrawn from the ICC: Burundi (2016) and the Philippines (2019). Burundi re-enters the risk set in 2017, to account for the fact that it could rejoin the ICC.

The explanatory variable is POLITICAL COMPETITION. We measure this concept using Polity's "competitiveness of participation" variable, which is "the extent to which alternative preferences for policy and leadership can be pursued in the political arena."[26] This variable ranges from 1 to 5, where 1 indicates that political competition is repressed and 5 indicates open competition. Within dictatorships, the maximum level we observe is 4.[27]

We include several control variables to account for possible alternative explanations. First, states that are poorer or more dependent on foreign aid may be more likely to join the ICC because they are coerced into doing so by richer and more powerful states (?).[28] To control for this alternative argument, we include GDP PER CAPITA, LOGGED and FOREIGN AID from the Worldwide Development Indicators dataset.[29]

Second, states with a stronger domestic rule of law may be more likely to join the ICC (??). This may be because actors are less likely to commit severe international crimes in these states. Additionally, because the ICC observes complementarity and only takes cases in which states are unable to unwilling to prosecute offenders, prosecutions should be less likely in states with stronger rule of law. These two factors imply that the ICC will impose fewer costs on states with strong domestic legal institutions. Our measure of RULE OF LAW comes from the Worldwide Governance Indicators dataset.

Third, because the ICC specifically punishes war crimes, which by definition can only occur during armed conflicts, we include various measures of armed conflict. First, we include VIOLENCE: TOTAL from the Major Episodes of Political Violence and Conflict Regions dataset, which measures all episodes of inter- and intra-state violence. Higher values indicate greater levels of violence. Second, we disaggregate this measure into VIOLENCE: INTRA-STATE and VIOLENCE: INTER-STATE as a robustness check in case the two kinds of violence have differing effects (?).

Finally, because norms might spread across states through a process of diffusion, emulation, and/or learning (??), we include regional control variables.

The results of our analysis appear in Table ??. As expected, the coefficient on POLITICAL COMPETITION is positive and statistically significant. Substantively, Model (1) tells us that a one-unit increase in political competition translates into almost a 2-fold increase in the probability of joining the ICC. For example, Malawi (competitiveness score of 4) is about 1.88 times likelier to

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[26]Political Regime Characteristics and Transitions, 1800-2018. Dataset Users' Manual.

[27]See the Online Appendix for descriptive statistics.

[28]Alternatively, foreign aid might create a security effect for autocrats, allowing them to fend off political rivals (?).

[29]As in ?, we use the inverse hyperbolic sine of FOREIGN AID .

Table 3: Political Competition is Associated with Increased Probability of Joining the ICC

Event: Joining the ICC

	(1)	(2)
Explanatory Variable		
Political competition	0.63**	0.59**
	(0.28)	(0.28)
Control Variables		
GDP per capita, logged	-0.41	-0.48
	(0.31)	(0.32)
Foreign aid	0.04	0.04
	(0.15)	(0.14)
Rule of law	0.71	0.78
	(0.50)	(0.52)
Violence: total	0.04	
	(0.15)	
Violence: intra-state		0.10
		(0.17)
Violence: inter-state		-0.30
		(0.62)
Region controls	Yes	Yes
Events	23	23
States	84	84
Observations (state-year)	933	933

$^{*}p < 0.1,^{**}p < 0.05,^{***}p < 0.01$

join the ICC than Zambia (competitiveness score of 3). The findings suggest that dictatorships with higher levels of political competition are significantly more likely to join the ICC. None of the control variables are statistically significant. Moreover, we do not find any effect for violence, regardless of measure, on the probability of joining.

Robustness checks are available in our Online Appendix. These include models run only on ratifications of the Rome Statute, and alternative definitions of dictatorship, measures of political competition, and definitions of the risk set. Given the robustness of our results to alternative specifications, we have strong support for the first observable implication of our theory.

4.2 Violence

Prior scholars have noted that violence in dictatorships suffers from endogeneity problems: political dissent influences government oppression, and vice versa (**?**). Our theoretical account controls for this endogeneity in government and opposition group behavior by focusing on total violence.

However, our theory does not provide us with an elegant solution to possible selection effects. Namely, variables that influence the decision to select into the ICC may also influence subsequent decisions about violence. In theory, such problems can be solved by "Heckman" selection models. However, the limited number of observations in our sample, and the lack of a compelling exclusion restriction, rule out this technique. As an alternative approach, we restrict our sample to ensure that we are assessing the impact of joining the ICC only on those dictatorships that actually join. States are included if they were a dictatorship *in the year of ratification*, based on Polity score. We believe that this partly controls for time-invariant factors that might cause some states to select into the ICC, while other states do not. However, we recognize that the nature of our data and our research question limit our ability to identify the causal effect of ICC membership on violence. Our results should instead be interpreted as consistent with our hypothesis, but not as probative.

Our main dependent variable is TOTAL VIOLENCE, which combines inter- and intra-state violence. In alternate specifications, we use INTRA-STATE VIOLENCE only. Higher values indicate greater levels of violence. We expect a lower level of violence after the state joins the ICC. Because we are only interested in the behavior of dictatorships that join the ICC, before and after joining, in each model, we restrict the dataset to states that joined as dictatorships. Our dependent variable is ordinal, so we model violence using an ordinal logistic regression in the main models.

Our explanatory variable is a binary measure called POST-JOIN, which is coded as 1 if the state is being observed in the year of joining or later. The variable is coded as 0 if the state has not yet joined. As controls, we include GDP PER CAPITA, LOGGED and FOREIGN AID because levels of development and economic growth might affect violence (**?**). We also include RULE OF LAW as a control variable because strong domestic institutions might limit the government's ability to use violence and POLITY to account for the state's domestic characteristics that might affect its use of violence, particularly for those states that ratify as autocracies but transition to democracy in subsequent years. Finally, we include regional control variables because violence may have spillover effects.

The results of the ordinal logistic regressions appear in Table **??**. Across all models for TOTAL VIOLENCE, the coefficient on POST-JOIN is negative and statistically significant. To more

Table 4: Joining the ICC is Associated with Decreased Violence

Dependent Variable: Violence

|	(3) Total	(4) Intra-state
Explanatory Variable		
Post-join	-0.67**	-0.70**
	(0.29)	(0.31)
Control Variables		
GDP per capita, logged	-0.05	-0.05
	(0.19)	(0.19)
Foreign aid	1.25***	1.25***
	(0.15)	(0.15)
Rule of law	-4.46***	-4.58***
	(0.36)	(0.37)
Polity	-0.01	-0.01
	(0.04)	(0.04)
Region controls	Yes	Yes
States	31	31
Observations (state-year)	613	613

$^{*}p < 0.1,^{**}p < 0.05,^{***}p < 0.01$

easily interpret the results, we plotted the predicted probability of a state being at various levels of violence both before and after joining using coefficients from Model (3).[30] The dashed line in Figure ?? indicates the probability of a dictatorship being observed committing each level of violence before joining the ICC.[31] The solid line is the probability that a dictatorship is observed committing that level of violence after joining the ICC. As Figure ?? illustrates, joining the ICC is associated with a lower level of violence in all dictatorships. For example, dictatorships that have joined the ICC have an 83% chance of being at a 0 level of violence (not shown on figure), a 7% chance of being at a 1 and a .67% chance of being at a 5. Dictatorships that have not yet joined the ICC have a 71% chance of being at a 0, an 11% chance of being at level 1, and a 1.3% chance of being at level 5.

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[30] We set Africa=1, as this is the most common region, and hold all other covariates fixed at their mean levels.

[31] The 0 category is excluded, which is why the probabilities do not sum to 1.

Figure 1: Ratification Decreases Predicted Probability of Violence
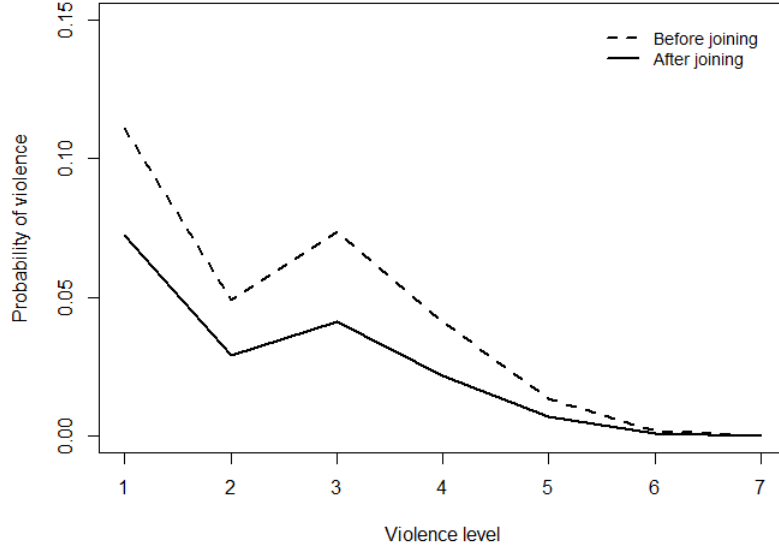
The coefficient on FOREIGN AID is positive and statistically significant. We believe that this relationship may indicate that states with significant armed violence are more likely to require significant external humanitarian aid. Additionally, ample foreign aid may allow governments to shift more of their own resources to military and police activities, although this lies outside the scope of our theory (**?**). However, RULE OF LAW is negative and statistically significant in all models, indicating that states with stronger domestic institutions are less likely to commit violence.

These results depend on beginning our analysis in 1998, the first year in which a state could ratify the Rome Statute. International law experts may know that the treaty did not actually come into force until July 2002. We do not believe that this distinction matters because when leaders were initially deciding whether to join the ICC, they did not know exactly when the ICC would begin its operations but knew it would do so soon because of the strong support for the Court. Additionally numerous anecdotes about dictators show that many leaders did not have a sophisticated understanding of the Court's operational procedures. While subsetting the data to post-2002 observations only yields results with a negative sign, as predicted, they lose statistical significance as most of the pre-ratification observations are now eliminated. We explain this problem further in the Online Appendix. Other robustness checks that are available in our Online Appendix include models run only on ratifications of the Rome Statute, and alternative definitions of dictatorship

and measures of violence.

Another way to test H2 is to use violence against civilians, which proxies for crimes against humanity. Existing datasets are event-based, making them subject to recency bias. Additionally, violence against civilians data do not cover all possible ICC crimes. In the Online Appendix, we use the Armed Conflict Location and Event Data on violence against civilians in Africa. In this dataset, violence against civilians increases universally over time (we assume, at least in part, due to a recency bias in data availability), so we cannot do a strict pre/post ratification test. However, our results show that violence against civilians increased less in African dictatorships that joined the ICC than in those that did not.

4.3 Leader Survival

Finally, we consider whether joining the ICC will be associated with dictators staying in power for longer periods of time. Once again, we are faced with the possible selection effects discussed above and thus restrict our sample to the dictatorships that joined the ICC during the period being observed (1998–2018). Any selection bias would attenuate our results, as our theory predicts that dictators who join the ICC are already in weaker positions than those that do not. Thus, restricting the sample this way actually biases against us finding any significant effect of joining the ICC on a dictator's survival in office.

The unit of analysis is a leader-year. The event is removal from office. The dependent variable is the duration until event occurrence, measured in years. We took our data on leader tenure from the Rulers, Elections, and Irregular Governance Dataset (**?**).

Our explanatory variable is Post-join. Again, as we are modeling time to removal, we use a discrete-time survival model and dummy variables to indicate the leader's tenure in office.[32] The data begin in 1998, as this is the earliest year that a dictator could theoretically have joined the ICC. Leaders who had been in power before 1998 are coded as starting in the year of their tenure in 1998, rather than 0. For example, Museveni is coded as beginning in tenure year 13 in 1998, as he had been in power since 1986.

As control variables, we include GDP per capita, logged as a control variable because poorer states are more likely to suffer coups, which would irregularly remove a leader from office. We also include Foreign aid, as this may affect leaders' ability to remain in power. We next include our various violence measures as control variables because violence may make a coup more

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[32]By including tenure year in the model, we control for the possibility that leaders who have been in office longer are less likely to be removed.

likely. We also include POLITY because states with more democratic characteristics may be more susceptible to leader removal, as they hold elections and regional control variables to capture potential spillover effects.

The results of our models appear in Table **??**. POST-JOIN is negative and statistically significant. Across all models, higher levels of violence indicate a greater probability of losing office, as do higher POLITY scores. Increased foreign aid only seems to decrease the probability of removal (increase probability of survival) in highly autocratic states. In general, these results mostly match our theoretical expectation: leaders of states that are ICC members are less likely to be removed from office, meaning that they are more likely to survive. The substantive interpretation of the coefficient in Model (5) is that dictators who join the ICC are about half as likely to lose office after joining as before joining.

To visualize this relationship, Figure **??** plots the probability of losing office for the dictators in three different states, beginning four years prior to ratification and ending four years after ratification: Uganda (Museveni), Cambodia (Hun Sen), and Gambia (Jammeh). We use the coefficients from Model (5) to generate these predicted probabilities with all covariate values taking on the relevant values for that state. The probability of losing office decreases in the years following ratification, although in all three cases, it subsequently increases later in the leader's tenure. However, in all three cases the mean probability of losing office decreases after ratification. For example, in Guinea, the mean probability of losing office four years prior to ratification is about 3.8%; it decreases to 2% after ratification.

Our Online Appendix includes models run only on ratifications of the Rome Statute and alternative definitions of dictatorship. We also replicate our results by subsetting our data to observations from 2002 and later. Our results hold across these robustness checks.

In sum, our statistical evidence supports our theoretical argument. Our tests show that political competition is associated with an increased probability of joining the ICC. We also show an association between joining and a decrease in violence, reflecting the increased cost of committing violence for ICC members. Finally, our statistical evidence suggests that joining the ICC is associated with a decreased probability in leader removal from office, indicating that the leader has a greater probability of survival in office after joining the ICC.

Of course, this analysis comes with important caveats. First, given the small number of dictatorships in general and dictatorships that ratify, any statistical test that relies on cross-sectional variation will be limited. Second, given that the earliest possible date for ratification of

Table 5: Joining the ICC is Associated with Increased Leader Survival

Event: Leader Removal

	(5)	(6)
Explanatory Variable		
Post-join	-0.69*	-0.70*
	(0.38)	(0.38)
Control Variables		
GDP per capita, logged	0.05	0.05
	(0.21)	(0.21)
Foreign aid	-0.08	-0.08
	(0.17)	(0.17)
Violence: total	0.27***	
	(0.10)	
Violence: intra-state		0.27**
		(0.10)
Violence: inter-state		2.06
		(1.64)
Polity	0.23***	0.23***
	(0.06)	(0.06)
Region controls	Yes	Yes
Events	68	68
States	31	31
Observations (leader-year)	690	690

$^{*}p < 0.1,^{**}p < 0.05,^{***}p < 0.01$

the Rome Statute was 1998, we are also limited by the amount of time (20 years) over which we can measure and observe government behavior and control variables. Finally, possible selection effects limit our ability to systematically test effects of joining the ICC. These three constraints all hinder valid statistical inferences of causal effects. However, we believe that the breadth and diversity of our qualitative and quantitative evidence provide compelling support for our theoretical arguments about a substantively important topic.

Figure 2: Ratification Decreases Predicted Probability of Losing Office
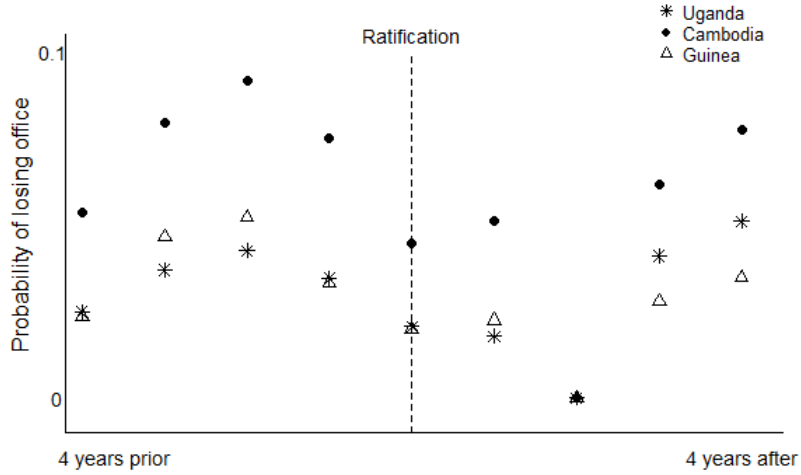
5 Conclusion

When ICC Prosecutor Moreno-Ocampo held his press conference announcing that he was opening a preliminary examination into crimes in Uganda, accompanied by Ugandan President Museveni, some naive observers may have believed that Museveni was signaling his commitment to democratization. However, most seasoned Uganda observers believed that Museveni was using the ICC to crack down on his most troublesome political opponent (**??**). The ICC's own press release was titled "President of Uganda refers situation concerning the Lord's Resistance Army (LRA) to the ICC."[33] Although Moreno-Ocampo subsequently declared that the ICC would investigate crimes committed by all actors in Uganda, arrest warrants only issued for members of the LRA.

We argue that these dynamics are not unique to Uganda. Dictators can often shape ICC investigations and prosecutions, shielding themselves while making their political opponents vulnerable. Dictators can wield their authority to selectively self-refer crimes to the Court, manipulate access to witnesses, selectively provide digital and documentary evidence, enforce arrest warrants, and initiate complementary domestic investigations and prosecutions that affect ICC admissibility. Overall, the ICC creates asymmetric costs within dictatorships. Joining the ICC imposes small

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[33]ICC Press Release, 29 January 2004. Document ICC-20040129-44.

costs on dictators for committing serious international crimes, but larger costs on the political opponents of dictators.

Our formal model identified how asymmetric costs for treaty violations affect three distinct outcome variables: selection into the treaty by dictators; the impact of treaty membership on violence; and the survival of dictators in office. While previous scholars have written extensively on the ICC, these outcome variables have been largely studied in isolation for each other, rather than treated as interdependent outcomes. Our model shows that when a dictator has little political competition, he can use violence at a low domestic cost. In such circumstances, the dictator has little incentive to boost his political power further by increasing the international costs of violence for his political opponent. However, if the dictator faces high political competition, his domestic cost of violence is high. Because such a dictator is in a weak position *vis-à-vis* his political opponents, the dictator will be more likely to bolster his power by joining the ICC. This suggests that political competition will increase the likelihood the dictators join the ICC. Additionally, it suggests that joining the ICC should decrease total violence since it increases the cost of violence for both the dictators and his political opponent. Finally, for those dictations that select into joining the ICC, we should expect to see enhanced survival in power.

These propositions are supported by our statistical analysis of the available data. Of course, data limitations abound, particularly when studying dictatorships. There are a limited number of dictatorships in the world, and the immense public attention given to the creation of the ICC meant that a large number of states joined the ICC quickly when compared to other major international treaties and organizations. We are further limited by common statistical challenges present in observational data, like selection effects. We cannot (and would not) therefore make precise causal claims about the impact of the ICC, because joining is not a randomly assigned "treatment." Nevertheless, we hope that the abundance and diversity of our statistical evidence across multiple outcome variables, all of which are calibrated to conform to the logic of a formal model and are consistent with our hypotheses, are compelling.

Our argument has mixed normative implications for international justice. On the one hand, our argument and evidence bolster the claim that international law and the ICC can reduce violence and severe atrocities. On the other hand, asymmetric costs suggest that the ICC does not have an impartial effect on domestic governance, which may (in the long run) erode public support for the Court. Additionally, our argument and evidence suggest that international law and organizations can have pernicious effects by prolonging the survival of dictators. International cooperation may

therefore have a negative impact on domestic societies. Unfortunately, such a tradeoff is probably inescapable in laws and organizations that are created by men, not angels.

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