Norm Enforcement, Dependence Structures and the International Criminal Court

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Jay Goodliffe
Brigham Young University
goodliffe@byu.edu

Darren G. Hawkins
Brigham Young University
dhawkins@byu.edu

Christine Horne
Washington State University
chorne@mail.wsu.edu

Daniel L. Nielson
Brigham Young University
daniel_nielson@byu.edu

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Abstract

Why do countries commit to the International Criminal Court when the associated benefits are neither tangible nor immediate and the costs are potentially large? We advance a rationalist model that looks beyond the standard attention to the direct costs and benefits associated with committing to an international sanctioning institution, to the incentives created by network structures. In this logic, states commit to enforcement because their network partners approve of enforcement and because those partners have a wide variety of military, diplomatic and economic tools they can use to reward or punish others for committing or failing to commit to norm enforcement institutions. Using a discrete-level duration model augmented with multiple imputation, we test our hypothesis against competing explanations. We find that trade dependence and level of democracy strongly affect whether a state signs and ratifies the ICC.

Introduction

International norms discourage genocide, war crimes, and crimes against humanity. Historically, enforcement of these norms has been spotty at best. The recently established International Criminal Court (ICC) represents a substantial commitment of many nations to enforcement of these international human rights norms. The court may be the world's most remarkable international human rights institution. It has the authority to try individuals suspected of genocide, war crimes, and crimes against humanity committed in a wide range of states from the time the court was established into the indefinite future. It can determine whether a case is admissible by deciding whether another state has been unwilling or unable to carry out an investigation or prosecution. Its appellate court decisions are final and cannot be overturned by states. The court has an independent prosecutor with wide authority to bring charges against suspects. To be sure, the court has important limitations on its power and authority. Yet in comparison to other international institutions of all stripes (not just those in human rights), the court has substantial authority and autonomy.

The ICC thus represents a real puzzle: How can we account for widespread support for a powerful international sanctioning institution when the associated benefits are neither tangible nor immediate and the costs are potentially large? We advance a rationalist model that looks beyond the standard attention to the direct costs and benefits associated with committing to an international sanctioning institution, to the incentives created by network structures.

We argue that states enforce international norms and make commitments to the enforcement of those norms not because of the immediate benefits and costs of doing so (the neoliberal explanation), but because states anticipate the reactions of other states on which they are dependent (Horne 2001a). States commit to enforcement because their network partners

approve of enforcement and because those partners have a wide variety of military, diplomatic and economic tools they can use to reward or punish others for committing or failing to commit to norm enforcement institutions. Commitment to norm enforcement, in other words, itself becomes subject to the sanctions of others. In our logic, states do not have to actually have to use their resources to sanction others' enforcement behavior. Rather, if states care about the security, diplomatic and economic goods their network partners provide, they will anticipate the likely reactions of their partners and behave in ways they expect their partners will approve (Centola, Willer, and Macy 2005; Posner 2000). This reasoning implies that the more dependent a state is on others who have signed and ratified the ICC, the more likely it is to sign and ratify sooner.

We test this explanation against what is currently the dominant explanation of norm enforcement across the social sciences: that actors consider the direct benefits of sanctioning deviance and the costs associated with doing so. In the context of commitment to international institutions, benefits refer to domestic lock-in benefits of ratification. Lock-in logic suggests that states will sign and ratify when they need to obtain benefits—to ensure the stability of domestic democratic institutions against potential authoritarian reversals. Attention to costs suggests that states are less likely to ratify when the policy change costs, unintended consequences costs, or flexibility costs are high.

We thus seek to explain both which states have signed and ratified the ICC and how quickly they did so, employing a duration model to estimate the likelihood and speed of accession. The ICC stands out not only for its authority and autonomy but also for how quickly it came into existence once states adopted the treaty in July 1998. The statute set a very high bar for the court to begin operating, requiring 60 ratifications. Most observers predicted that it would take several years to achieve that large number. Yet the 60th state ratified in April 2001

and the court became a reality on July 1, 2001. Of course, state acceptance of the ICC is far from universal, as most strongly evidenced by the ongoing, high-profile opposition of the United States. To date, 99 countries have ratified the statute. What explains the differences among states?

The paper proceeds as follows. We first provide a brief review of the ICC as a norm enforcement institution. We then detail the theoretical logic of the dominant approach to explaining norm enforcement and our alternative dependence approach. We describe our measurement and analysis techniques and finally present the findings and discuss the implications.

Norm Enforcement and the ICC

Norms are rules that are socially enforced through the positive or negative sanctions of others (Bendor and Swistak 2001; Coleman 1990; Horne 2001b). This definition of norms has much in common with conventional international relations definitions. However, our definition also contrasts with Krasner's norms as "standards of behavior defined in terms of rights and obligations" (1983, 2) and Katzenstein's norms as "collective expectations for the proper behavior of actors with a given identity" (Katzenstein 1996, 5). For us, international norms indeed include "standards" or rules about how states should act, but they are norms because states enforce those rules. That is, sanctioning is an essential component of norms.

In the international arena, norm enforcement is largely decentralized, dependent on the actions of individual states. But norms can also be enforced by delegating authority to a third party to take action against norm violators (Hawkins 2004). Despite the large number of international institutions and norms, however, delegation of sanctioning authority to an institution is relatively rare. The ICC is a notable exception. By creating the ICC, states

delegated authority to a centralized institution to carry out enforcement against norm violators. States individually delegate that authority when they ratify the ICC statute.

The statute sets up a new court that has jurisdiction over a wide, though obviously limited, range of crimes. Those crimes, genocide, crimes against humanity, and war crimes, are defined in fairly broad terms. To take one example of importance in current events, torture is one type of crime against humanity and is defined in part as the "intentional infliction of severe pain or suffering, whether physical or mental" (Article 7(e)). States have fleshed out these rather sparse definitions in subsequent documents, but the court—as with any court—retains wide interpretive authority over the meaning of these words and phrases.

The ICC has authority over these crimes into the indefinite future (Article 11), a feature that differs substantially from the war crimes tribunals set up for Yugoslavia and Rwanda, whose jurisdiction has been limited in time and who are expected to wrap up business within a few years. States can withdraw from the ICC statute, but only with prior notice of one year, and individuals are still responsible to the court for crimes committed during the time a state was a member (Article 127). The court has jurisdiction over crimes committed on the territory of member states or by individuals who are citizens of member states (Article 12). This provision has led to some of the most vociferous objections from the United States and others, who argue that this gives the court jurisdiction over the citizens of states who have not ratified the statute. This situation would occur when citizens of nonmember states allegedly commit crimes on the territory of member states.

Another contentious provision is the ability of an independent prosecutor to initiate a case (Articles 13, 15). Most international treaties involving dispute resolution allow only states to submit cases against other states, a provision that limits the number of submissions because any

accusing state can itself be accused. Some few international institutions, such as the European Court of Human Rights, allow individuals to bring complaints against judicial bodies. The ICC may be virtually the only case where an independent authority is empowered to bring cases before a binding decision-making body. The prosecutor's power is of course checked in several ways, but his or her enforcement power is still extensive when compared to other institutions.

The court is given complementary jurisdiction (Article 1), meaning that it can try cases only if domestic judicial systems are "unwilling or unable genuinely to carry out the investigation or prosecution" (Article 17(a)). Yet it is the court itself that has the authority to decide whether a domestic investigation or prosecution has been legitimate. As with many other matters, states may appeal initial court rulings, but only to appellate courts within the ICC court system (Article 19). Once an appellate decision is reached, it is final, with no chance of states overturning the decision. This authority is similar to that of a few other international dispute-resolution institutions. The WTO appeals panel, for example, can only be overturned by a consensus of states, a requirement that is little different from a complete state inability to overturn a decision.

The judges and prosecutors are granted very wide autonomy. Judges generally hold office for nine years and cannot be renewed in that office (Article 36). They can only be removed by a two-thirds vote of states parties after the recommendation of two-thirds of their fellow judges (Article 46). Prosecutors serve for nine years, non-renewable, and also nominate deputies who serve for nine years, non-renewable (Article 42). In both cases, a majority of states can appoint and remove prosecutors and their deputies (Article 46).

None of this is to say that the ICC is unstoppable and cannot be checked by states. It is simply to say that, compared with other international institutions, the ICC has a high level of

enforcement authority. Thus when states ratify the ICC, they are committing to a norm enforcement institution. There are, of course, numerous mechanisms to limit the ICC's actions. We discussed some of them above, but two other important mechanisms are worth highlighting. The first is that police and evidence-gathering functions remain with states (Articles 86-102). The ICC is dependent on states to arrest and transport suspects, to facilitate witness testimony, and to gather evidence in all its myriad forms. States are required to cooperate on these matters, but cooperation of course lies in the eye of the beholder and the ICC exercises no authority over crimes like contempt of court. The second is that states must decide and provide the court's budget (Article 112). Without appropriate budgets, all of the court's legal authority is fairly useless.

Why Do States Enforce Norms?

Norm enforcement, either centralized or decentralized, is often costly. As described above, the ICC statute takes a number of actions that states typically view as costly—actions that they have historically been reluctant to take. Why then have states ratified the ICC statute? Why are they committing to this enforcement mechanism?

Sanctioning Benefits and Costs

The norms literature suggests that if the benefits to an actor of enforcing a norm outweigh the costs, then they may enforce the norm (Heckathorn 1988, 1989; see also Marwell and Ames 1979 on contribution to collective goods). Similarly, the literature on international institutions suggests that states create institutions because of the widely distributed functional benefits of those institutions. In an influential article, Abbott and Snidal (2000) have argued that states are

more likely to adopt highly legalized international institutions[1] that often involve enforcement mechanisms when they need to add credibility to their commitments, when they need to reduce transaction costs, when they wish to modify the dominant political strategies available to states, and when they face problems of incomplete contracting. Likewise, Koremenos, Lipson and Snidal (2001) argue that five factors influence the design of international institutions: distribution problems (the extent to which actors value different outcomes; essentially the extent of preference heterogeneity), enforcement problems (the strength of the incentive to cheat), the number of actors involved, and the extent of uncertainty about actor preferences, and the issue context.

Moravcsik's (2000) innovative and influential article proposed that new and unstable democracies create human rights regimes to lock in democratic principles in the face of domestic uncertainty. He argued that the primary proponents of reciprocally binding international human rights institutions are the governments of newly established or unstable democracies. This is because these governments fear the possible return to authoritarian government and are seeking to "lock in" democratic principles. In this logic, established democracies will only offer lukewarm support for binding international human rights treaties because the costs of reduced sovereignty outweigh the benefits of the commitment. In essence, established democracies receive no benefits because human rights are already respected and they do not need to restrain any threatening domestic actors. Additionally, authoritarian governments will not support human rights regimes for the obvious reason that they are the states most likely to violate these norms.

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[1] Legalized international institutions are defined by high levels of obligation, delegation and precision. The ICC easily qualifies as one of the most highly legalized international institutions in the world.

For Moravcsik, new and unstable democracies contain one or more undemocratic opposition groups (such as the military, communists or religious fundamentalists) that threaten the democratic government. His logic adopts the view that politicians delegate political power to other entities, such as domestic courts and administrative agencies, to constrain the behavior of future national governments (Moravcsik 2000, 228). By extension, governments might also delegate constraint functions to international treaties. Human rights treaties are expressions of the self-interest of unstable democratic governments that "lock in" democratic rule through the enforcement of human rights. By placing power in the hands of independent authorities, governments seek to restrain future non-democratic governments or elected governments that may subvert democracy from within.

Moravcsik's article opened up a new way of thinking about state commitments to international norms by applying an important line of theoretical reasoning, the logic of lock-in, to a new empirical domain. The main theoretical difficulty is that lock-in logic only considers the benefits of international treaties without considering their costs. More specifically, Moravcsik (2000, 228) considers the costs but assumes they are either constant or else randomly distributed for all states.

Costs, however, vary substantially from one state to the next in systematic ways.[2] Some states will have to change policies more substantially than other states, and face greater opposition in doing so, when they commit to treaties. Some states open themselves to more risk than other states that treaty commitments will be used in unintended ways. Some states face more security threats or economic problems than others and hence are likely to pay a greater

[2] See Hathaway (2003) for an alternative formulation of costs variables.

price for committing to particular policies that tie their hands. States are likely to calculate not only the benefits of locking in particular policies but also the costs of doing so.

Three main kinds of costs that are likely to influence a state's commitment decision: policy change, unintended consequences, and limited flexibility. When states commit to new international treaties, they often have to change domestic policies, practices, laws and even institutions in order to credibly comply with those commitments. As Downs, Rocke, and Barsoom (1996) argue, most governments prefer to retain complete sovereignty and so only commit to international agreements when they have already adopted the relevant policies. As a result, the higher the congruence between a state's policy and the international treaty, the lower its policy costs in committing to the treaty and the more likely it is to commit sooner. Hathaway (2002, 2003) and Vreeland (2003) find evidence to support this argument, reporting that more democratic states are more likely to commit to the international convention against torture, but democratic states with poor torture records are less likely to participate in the treaty. Goodliffe and Hawkins (2006) find that countries with high citizen empowerment are more likely to sign and ratify the convention against torture.

Dependence

The costs and benefits of enforcement are, however, only one source of motivation for sanctioning. Sociological research on norm enforcement suggests that relations between actors are key. Network relations both affect norm enforcement and modify the effects of sanctioning costs and benefits on enforcement (Horne 2005). This research suggests that nations considering whether to commit to an enforcement institution will be affected not only by the direct costs and benefits of doing so, but also by their network relations.

A characteristic of network relations that is particularly important for understanding norm enforcement is dependence. Dependence refers to the value that people place on goods and the number of alternative sources of the good they have available (Emerson 1962; 1972; Molm 1990). Actor A is dependent on B if it values what B has and if it has few alternative sources of the good. The more A values the good and the fewer sources it has for the good, the greater the level of dependence. It follows directly that the more dependent A is on B, the more power (defined as influence) B has over A. A values what B has and has few alternative sources, hence, B can influence A's behavior. Dependence structures have been shown to have important effects on individuals' behavior (Molm and Cook 1995).

Why does dependence matter for norm enforcement? Research suggests that dependence is important because actors care about maintaining relations with those on whom they are dependent, and prefer positive rather than negative responses from them. The more dependent the individual is on those others, the more concerned she will be with potential reactions. If an individual is not dependent on others, then she does not care whether they react positively or negatively and does not have to worry about maintaining a relationship. If she is dependent on others, she wants them to react positively and she wants to maintain the relationship. Dependence, then, increases the extent to which actors engage in behavior that is pleasing to their exchange partners (Horne 2001a; Horne and Cutlip 2002; see Horne 2004 for related discussion of metanorms).

Our use of the concept of dependence structures will be unfamiliar to many political scientists since we import the term from sociology. It certainly has something in common with the concept of "interdependence" in international relations, but it also has some important differences that offer useful analytical advantages. Keohane and Nye (1977, 8) proposed an

expansive view of the concept of interdependence as a state of being "significantly affected by external forces." In their view, interdependence was made up of two components: sensitivity, or the extent to which events elsewhere affect others, and vulnerability, or the costs of disrupting a relationship. In his critique of this definition, however, Baldwin (1980) noted that these terms refer to concepts that are commonly distinguished from each other in both everyday usage as well as in scholarly literature, that they do not necessarily covary, and that they thus should not be conjoined under the umbrella of interdependence.

One key problem is that sensitivity is nearly the equivalent of influence or responsiveness. Many actors are sensitive to the actions of others even when they do not engage in exchange relationships with them. If my neighbor acquires a dog that barks all night and interrupts my sleep, I am sensitive to that action, but I am not necessarily dependent on my neighbor. Dependence is better expressed by Keohane and Nye's notion of vulnerability, or the costs of disrupting relationships. If I exchange nothing of value with my neighbor, I can call the police and have the dog impounded and the owner cited without suffering any retribution; it costs me little to disrupt the relationship with my neighbor. If my neighbor employs me, however, and it would be costly to find a new job, I am more dependent on that neighbor and less likely to call the police for fear of retribution. Baldwin's (1980, 484) preferred definition of interdependence as "international relationships that would be costly to break" is quite similar to our definition. We focus on, as Baldwin (1980, 476) puts it, "need fulfillment that would be costly to forgo." We wish to make explicit, however, that the need fulfillment is based on exchange rather than some kind of unintentional spillover.

Unfortunately, Baldwin's insights have been partially lost over the years as scholars have lumped a variety of issues under the general heading of interdependence. In a review of the

interdependence literature, for example, McMillan (1997, 34) states that Baldwin's and Keohane and Nye's definitions are essentially the same—despite the fact that the point of Baldwin's article was to critique Keohane and Nye's approach. Likewise, Mansfield and Pollins (2001, 835) do not define interdependence but relate it to "open international markets and heightened economic exchange." Yet economic openness and economic exchange are not the same thing. The first influences the second, but a wide variety of factors obviously influence economic exchange. Economic openness seems to correspond to the idea of sensitivity; that is, how likely it is that events elsewhere will have some impact on a given country. Their discussion also limits interdependence to economic exchange. However, beyond trade, money and finance, states exchange many things of value in diplomatic and security areas as well.

This conceptual confusion shows up in a variety of ways. In a recent study, Brooks (2005, 277-78) equates interdependence with revolutions in information technology that permit countries to assess the policies and practices of peer countries. In our view, information technology may make countries more *sensitive* to events elsewhere because they know more about those events. Policymakers might observe how a particular policy fares elsewhere, for example, and use that knowledge in designing their own policy. Yet interdependence does not exist unless different countries actually exchange something of value for the information that they receive and it would be costly to break that exchange relationship. Hence, Brooks is discussing the increasing sensitivity in the world due to the increasing availability of information. Learning from others thanks to increasingly available information is distinct from being dependent on others in an exchange relationship that involves valuable information.

This conceptual confusion is compounded by the fact that scholars have largely focused on the effects of interdependence on conflict, leaving the impact of interdependence on other

forms of state behavior relatively undeveloped. As Keohane and Nye, Baldwin and others have recognized, dependence is likely to matter across a range of issues. We are particularly interested in state enforcement of international norms. Yet there is a fairly puzzling disconnect between the literature on interdependence and the literature on international institutions and norms. Scholars have neglected (inter)dependence as a possible explanation for international institutions.

The potential of states to sanction and reward is of course far from a novel causal mechanism in international relations, but most of the literature has failed to specify which actors are likely to be influenced by it. Scholars have long pointed out that states can gain the cooperation of others through punishments and rewards in iterative games and through linkage strategies (Oye 1986, Art 1996). Martin (1992), for example, argued that multilateral sanctions are themselves the result of a state utilizing rewards and punishments to induce others to apply those sanctions. More recently, Simmons (2000) has argued that states commit to and comply with norms when others reward them for compliance and punish them for noncompliance. States compete with each other for scarce investment dollars and need to demonstrate to others their credibility as an investment partner. Where few states in a given region have committed to a given norm, there is no need for them to compete with each other because they are essentially in solidarity. As states in a given region begin to commit, however, others will feel pressured to commit in order to demonstrate their credibility to outside investors. Simmons finds evidence that the aggregate norm commitment within a geographic region is indeed a good predictor of future commitment of individual states.[3]

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[3] See von Stein (2005) and Simmons and Hopkins (2005) for a debate over whether Article VIII of the IMF constrains or screens countries that sign.

Our argument complements these approaches by identifying the particular states which are susceptible to rewards and sanctions due to their structural position of dependence. Specifically, states that are dependent on others which are committing to a norm enforcement institution are more likely to commit to enforcement as well. This answer differs from Simmons, who assumes that states are dependent on private investors and so examine the practices of other states in their geographical region for clues on how to behave in order to look good to investors. It also differs from constructivist scholars who argue that states are likely to comply with a norm when that norm resonates with preexisting understandings either internationally or domestically.

Partially as a result of this confusion over concepts and causal logics, two significant operationalization problems exist in the literature. First, many studies operationalize interdependence only in a dyadic fashion. In other words, they measure the extent to which a given pair of states interacts with each other compared to the total interactions of those states. de Vries (1990), for example, measures the trade between A and B as a percent of all trade conducted by A and B. By focusing on dyadic interdependence, scholars miss the fact that most (if not all) states are dependent on a network or group of states rather than on a single state. Nonaggregated dyadic measures are thus likely to underestimate the extent and nature of a country's overall dependence. Scholars are of course aware of this fact and appropriately use dyadic interdependence to estimate dyadic conficts. But where the state behavior that constitutes the dependent variable is not dyadic in nature, scholars need broader measures of dependence.

Second, some scholars correct this emphasis on dyadic interdependence by measuring dependence more globally, but these studies frequently fail to measure the structure of that dependence. States are not just dependent to varying degrees; they are dependent on a particular network of other states. Domke (1988) measured the dependence of each state by examining

exports as a proportion of GNP, the change in exports as a proportion of GNP, and exports as a proportion of GNP corrected by economic size. In effect this looks at actor's dependence on an entire group (the global community), ignoring variation in network structure. Two countries could have the same level of exports/GNP, but if one country exports only to one other nation, and the other exports to many, we would not expect them to behave the same way. Mansfield (1994) examined the systemic level of dependence in the international system as a whole by examining the overall openness of world trade and the ratio of global exports to total global production. These types of measures are structural, but they fail to examine the question: On whom is a state dependent? We argue that states are not just dependent; they are dependent on particular other states, who have particular interests and preferences that matter.

What does an emphasis on dependence structures suggest about state behavior relative to the ICC? Signing and ratifying the ICC can be seen as a commitment to a norm enforcement institution. The ICC provides a means through which sanctioning can occur. By signing and ratifying the ICC, governments are engaging in a costly behavior that signals to others that certain kinds of human rights violations will be prosecuted. Why do they do this? Such commitment behavior is costly and the benefits can be small and uncertain.

The answer suggested by a dependence approach lies in the relations between countries. To the extent that a country is dependent on other countries, it will want to look good to those countries. It will want positive reactions to its behavior and it will want to maintain relations. So, it will try to anticipate how others might view its behavior. If everyone says human rights matter, but nobody does anything about it, that suggests that actors are not truly concerned about enforcement, and there is little pressure to commit to an enforcement mechanism. But if countries not only say human rights matter, but they also commit to international norm

enforcement (i.e., by signing or ratifying the ICC), then this behavior suggests that at least those countries think that it is important for states to commit to the punishment of human rights violators. If a country is completely independent (it does not need anything from anybody), then it can freely ignore the opinions of others. If it is dependent on countries that have not committed to the ICC and seem unlikely to care about norm enforcement, it also does not need to make a commitment to enforcement. But, if it is dependent on countries that are likely to react positively to those who also commit to punishment of human rights violators, then it will be more likely to commit to the ICC.

Thus, for any particular country, the larger the proportion of its ties to countries that have committed to the ICC, the stronger the pressure of committing to enforcement (via the ICC). The larger the proportion, the greater the positive feedback a country is likely to get if it commits, and the greater the risk of negative feedback (pressure) if a country does not commit. Patterns of dependence relations, then, affect the likelihood of states committing to the ICC.

Measurement Issues

In order to test our hypotheses we develop measures of dependence, benefits of commitment to the ICC, and costs of commitment to the ICC.

Measuring Dependence

Dependence is a structural factor that is difficult to observe directly. In the laboratory, one can manipulate dependence. In natural settings, we have to measure it by examining interactions—this approach makes sense because interactions vary with dependence structures. States that are dependent on one another are likely to interact more extensively. Hence, we can read dependence off of interactions. Interaction is obviously not a perfect measure of

dependence, but it is better than alternatives such as asking state elites what they value and on whom they depend, or by reading statements from states about what relations they value—such self-reported data has well-known weaknesses.

The question then becomes what kinds of interactions to measure. In sociological experiments, dependence is typically operationalized using money; interactions involve monetary exchange. This does not mean that dependence is always about material resources; scholars use money because it is likely that everyone values it—money is fungible and therefore can be exchanged for other desirable (including idiosyncratic) goods (Hechter 1994; Molm 1997). In international relations, states might be dependent on another country for a natural resource (oil), for people (soldiers to help fight a war), political support (to help pressure other nations, provide cover at home), etc. Basically, whatever a nation values or needs can be a source of dependence.

We attempt to capture different dimensions of what states value by examining diplomatic relations, security alliances, and trade relations. We measure diplomatic dependence by examining whether or not states send embassies to each other. If State A has placed an embassy in State B and/or State B has placed an embassy in State A, we call this a diplomatic bond. We then calculate the number of countries with which each state has diplomatic bonds and then calculate the proportion of those countries that have signed or ratified the ICC statute for a given year. The proportions give us a sense of the degree of dependence all countries have on others that have signed or ratified the ICC statute.

We measure security dependence by examining formal alliances. Where State A is in an alliance to come to the defensive aid of State B, we call this a security bond where State B depends on State A. We then calculate the number of countries with which each state has

security bonds and then calculate the proportion of those countries that have signed or ratified the ICC statute for a given year.

For trade dependence, we look not only at trade partners but the dollar value of those partnerships. For each state, we calculate the percent of total trade (imports and exports) that occurs with states who have signed or ratified the ICC.

For all of the dependence measures, we do not expect that a state will be able to react instantaneously to the actions of its network partners. Thus, we will lag the dependence measures, experimenting with different length lags. We expect that the lag for ratification will be longer than the lag for signing, as ratification usually involves more domestic steps.

Measuring Benefits: Lock-In

We measure the benefits of commitment to the ICC by looking at three factors, each of which captures a different dimension of Moravcsik's argument—new democracies, unstable democracies, and political volatility (Simmons 2002). The Polity dataset is the most widely used and most comprehensive measure of a country's level of democracy. We identify a country as a new democracy when it first achieves a score of 7 or above on the Polity2 scale, which ranges from −10 to +10.[4] It remains a new democracy until it either drops below 7 on the scale or else stays at 7 or above for at least 10 years. Although Moravcsik (2000, 231-33) suggests that states remain new democracies for 30 years after their initial transition, we adopt a standard that emphasizes the quality of democracy within a country and so utilize a shorter time period. This

[4] The "Polity2" score is more appropriate than "Polity" for time series analysis because it imputes values for states experiencing severe polity change and would otherwise be coded as missing. The score of 7 distinguishes a full democracy from a (usually unstable) partial democracy.

emphasis on quality is consistent with the literature on democratic consolidation, defined as the point at which democracy becomes "the only game in town" (Linz and Stepan 1996, 5). The best measures of consolidation are based on behavioral patterns (Schedler 2001), a dimension that is captured by the polity data. High levels of democracy (7 and above) suggest that no other actors are seriously challenging the existing institutions and 10 years is long enough to give them a chance to try.

Moravscik's argument is not only about new democracies but also unstable democracies. Democracies can be unstable, even if they fall into the "full democracy" (7-10) range on the Polity2 scale, when powerful domestic actors prefer more authoritarian rule and these threats are not picked up by coding methods that examine existing behavior. Hence, we identify unstable democracies in dichotomous fashion as those states who have achieved a positive Polity2 score since 1975 (coinciding with the beginning of the "third wave" of democracy) but who also experienced at least a three-point drop in their score at any point since achieving it. Such drops measure the existence of real threats to democracy that have created instability in the country and could do so again. Consistent with Moravcsik's logic, we expect unstable democracies to have particularly strong interests in international commitment when they become democratic; hence, we interact this measure with the Polity2 score. The more democratic unstable states become, the more likely they should be to lock in human rights norms.

Finally, it is possible that democracies are unstable not because they have previously achieved democracy and regressed, but rather because politics in that country are particularly volatile and government shifts a frequent occurrence. To pick up this factor, we utilize a measure of political stability as the standard deviation of a country's Polity2 score from 1975-2003. As with democratic instability, we do not expect volatility itself to predict commitment; rather, it

should matter when interacted with Polity2 scores, so that volatile countries who become more democratic are the most likely to commit to human rights treaties.

Measuring Costs

We expect that countries with high levels of democracy, high levels of citizen empowerment, low levels of human rights abuse, high values on the rule of law, and leftist executives are more likely to commit sooner. We measure level of democracy with the Polity2 score. Empowerment and human rights abuse is measured by the empowerment index and physical integrity protection scale, respectively, compiled by Cingrinelli and Richards. As we are worried about simultaneity in the empowerment and physical integrity scales with signing and ratification, we lag those measures. Rule of law data is provided by the Governance Matters dataset. Leftist executive data is provided by the Database of Political Institutions.

Unintended consequences can create additional costs for states. States can calculate rough probabilities that a new treaty or any new commitment will be used against them in unintended and unwanted ways. Different kinds of institutions create different risks for states. In particular, common law judicial systems open up more possibilities for activist judges to apply international treaties in unintended ways. In common law systems, judges can create law through rulings and can more easily draw on legal sources beyond a statutory code written by the legislature. Hence, we expect states with common law legal systems to be more reluctant committers. Some legal scholars also distinguish between socialist legal systems (left over from Communist rule) and civil law legal systems, and so we include a dummy for socialist legal systems. Internationally, powerful states have resources that can be used against weak states and that can be used to escape punishment should others attempt to inflict it. Hence, for powerful states, the likelihood of unintended consequences is lower than for weak states. We measure this with the natural

logarithm of real GDP and the Composite Index of National Capabilities, from the Correlates of War project.

Another type of cost is the cost of foreclosing policy options in the face of uncertainty and threat. States may find human rights abuses helpful. Substantial evidence exists to suggest that states abuse human rights when it helps them achieve goals like power and wealth (Poe, Tate, and Keith 1999; Davenport 2000). States are most likely to benefit from human rights abuse when they face significant security threats. In such situations, they do not want to tie their hands so that they cannot use torture or other kinds of abuses to defeat their enemies. We measure two different kinds of imminent threats, interstate disputes, using the militarized interstate dispute data, and internal unrest and civil war, using state failure data and political stability data. In addition, states may be less likely to expose themselves when they have forces abroad, so we include that as a measure. Finally, because poverty is often associated with internal violence and war, we also examine (the natural logarithm of) real GDP per capita as a measure of latent threat.

Other Variables

Following Simmons (2000), we include a variable for regional norms. For each state, we calculate the percent of states within a particular geographical region which have signed or ratified the ICC (always leaving out the commitment level of the state whose commitment we wish to explain).[5]

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[5] We also attempted to include a variable for global norms, where we calculated the percent of states in the world which had signed or ratified the ICC. This variable was always in the wrong direction and significant, probably because of its high collinearity with the duration dependence variables.

As a final category, we include the predominant religion of the country as a control variable, including a dummy variable for Catholic, Protestant, and Muslim countries.

Methodology

We are interested in which countries commit to the ICC, as well as their level of commitment (signing or ratifying). We use a duration model to see which of the above factors affect different states' commitments. A duration model not only takes into account which counties sign or ratify (which a logit or probit model could do), it examines why different countries commit more quickly than others. Furthermore, it takes into account the fact that countries almost never un-sign or de-ratify the treaty. Finally, the duration model takes into account the fact that some countries have not yet signed or ratified, but can in the future.[6]

We examine the decision to sign and ratify separately. The opportunity to sign the ICC starts after it is adopted in July 1998 (in the language of duration analysis, this is when the time "at risk" begins). For countries that came into existence after 1998 (e.g. East Timor), their opportunity to sign starts when they begin to exist. It is possible for a country to ratify the treaty without signing it through accession; thus, we do not treat the ratification decision as contingent on the signing decision. In fact, after Dec. 31, 2000, states could no longer sign the ICC as an independent action, and their only choice was to accede.

We incorporate time-varying covariates to allow changes in the country to affect its likelihood of commitment over time. We use the month as our unit of time, as we have data available at this level of aggregation, and it allows us to more finely disentangle the network variables.

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[6] For an excellent introduction to duration models in political science, see Box-Steffensmeier and Jones (2004).

In duration models, an important concept is the hazard rate, which gives the probability of commitment given that a commitment has not yet been made. We use the discrete-time[7] equivalent of the Cox proportional hazard model, which places no constraints on whether the hazard rate goes up or down (or both) over time. One way to do this is to include an indicator variable for each month since the duration began. An alternative method that we use is to include cubic smoothing splines as recommended by Beck, Katz, and Tucker (1998),[8] which capture the hazard shape with fewer variables.[9]

A well-known problem in this type of analysis is the lack of data for some states or years for some variables. Rather than simply dropping those cases, we use multiple imputation to fill in the missing data, as recommended by King et al. (2001).[10] In addition, we do not include microstates or small states (population less than 500,000) in this analysis, though it is qualitatively similar if we do.

Findings

In Tables 1 and 2, we assess the hypotheses discussed above through the discrete-time duration model.[11] Table 1 displays the duration results for countries' signing the ICC statute;

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[7] We use the complementary log-log function, which directly corresponds to a duration model.

[8] We used Tucker's (1999) program to generate the cubic splines.

[9] The results that follow are qualitatively similar when using temporal dummy variables to control for duration dependence.

[10] We used the Amelia program to generate the multiple imputations (Honaker et al. 2001). We used Scheve's (2003) MI program to analyze the multiple data sets, modified to handle the complementary log-log function.

[11] We use robust standard errors, clustered by country. The results are qualitatively similar for other assumptions on standard errors.

Table 2 displays the results for ratifying. A positive coefficient indicates that as that independent variable increases the country is more likely to commit in general, and also more likely to commit earlier. Any statement that a country is more likely to commit is also a statement that the country will commit earlier (and vice versa).[12]

Concerning the dependence variables, as mentioned earlier, we were not sure how long to lag the network variables, i.e. how long it would take for states to react to network partners' commitments. We examined lags from 1 to 12 months. We chose the results that had the strongest effects: 3 months for signing and 6 months for ratifying. However, the results are qualitatively similar if we add or subtract a couple of months to the lag.[13] As expected, the ratifying lag was longer than the signing lag. In both signing and ratifying, only trade dependence is statistically significant; it is also substantively strong, particularly in ratifying. Although diplomatic and security dependence appear not to matter, trade dependence does. Thus, the more trading partners that sign (or ratify) the ICC statute, the more likely the country is to sign (or ratify), and sign (or ratify) earlier.

Considering the lock-in logic, there is some support for the hypothesis that unstable democracies are more likely to sign (though they are not more likely to ratify). However, the interactive variable (Regime Volatility × Polity2 Score), which is the best test of the hypothesis,

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[12] For both commitments, the duration dependence variables—months-at-risk and the cubic splines—are jointly statistically significant. We tested joint significance of duration dependence variables (and the model as a whole) by (programming and) using a test statistic proposed by Rubin (1987, 99-102).

[13] We worry about reverse causation, so we do not consider the results when there is no lag. Indeed, the results are markedly different between no lag and a one-month lag, indicating that the no-lag results are not robust, and probably subject to simultaneity.

is in the wrong direction (and close to statistical significance for ratifying). Thus, the evidence for lock-in logic is not strong.

Among the policy change cost variables, the strongest effect is found in the Polity2 score. Democracies are more likely to sign, and particularly ratify, than are autocracies. The substantive effect of the Polity variable (which ranges from −10 to +10) is on the same order of magnitude as for trade dependence (which ranges from 0 to 1). None of the other policy change cost variables are significant. This is particularly surprising for the empowerment rights and physical integrity rights indices. Whereas Goodliffe and Hawkins (2006) found that states that treated their citizens well were more likely to sign the Convention Against Torture, it does not appear they are more likely to sign the ICC.

The other two categories of cost variables, unintended consequences and flexibility, show no effect on the probability of committing to the ICC. There are a couple of variables that approach statistical significance: States with a common law legal system are somewhat less likely to sign, as expected, but it has no effect on ratification. And politically stable countries are somewhat less likely to sign (and perhaps ratify), which was not expected.

An interesting non-result is that regional norms have no effect on signing or ratifying. This is interesting because previous scholars had found that it had an effect in committing to CAT (Goodliffe and Hawkins 2006) and to eliminating restrictions on IMF accounts (Simmons 2000). However, none of those studies controlled for trade (or diplomatic or security) dependence. Our interpretation is that regional norms essentially proxied for trade dependence, as the two variables are correlated. What appeared to be regional norms was actually trade dependence. Subsequent anlaysis (not shown) demonstrates that if the dependence variables are

excluded from the analysis, regional norms are substantively and statistically significant. Once trade dependence is included in the analysis, the importance of regional norms disappears.

Among the religious variables, Catholic countries are apparently more likely to sign and ratify, though this effect is weaker than the trade dependence and level of democracy variables. We have no ready explanation for this result. Finally, the duration dependence variables are statistically significant, indicating the need to control for the changing hazard rate.

In all, the results are encouraging for our contention that dependence structures should condition international behavior. Of course, much work needs to be done to deepen the analysis and strengthen our confidence in the robustness of the results. There are potentially other measures of dependence that remain to be evaluated. These results, however, seem to point us in a promising direction: governments may indeed take cues from their trade partners when supporting international enforcement institutions.

Conclusion

In signing and ratifying the ICC, states are committing to the enforcement of international human rights norms. Such action is costly enough that states have traditionally avoided it. Indeed, in 1996, just two years before states adopted the ICC, most NGO advocates openly projected that it would not occur within 100 years. Yet states adopted the ICC statute in 1998 and 60 states ratified that statute by 2002, when the Court went into effect. What explains the quick turnaround?

We find strong evidence that trade dependence structures explain which states signed and ratified the ICC and how quickly. In particular, the more strongly states are tied to others who signed and ratified, the more likely they were to do the same. One interpretation of is that this roughly supports the neoliberal conention that economic considerations drive state behavior.

Apparently, diplomatic and security partners are not as important, at least in whether states commit to the ICC.

This paper attempts to make three theoretical contributions to the literature. First, we centralize the importance of enforcement to the discussion of international institutions. International relations scholars have not discussed norm enforcement to the same extent as norm creation and norm compliance. Some would go so far as to say that the international arena is distinguished from domestic politics by the absence of enforcement. While there is no data on the extent of international enforcement, we think it may be more common than some think. We define enforcement broadly to include a variety of rewards and punishments that states use to alter the behavior of others. Centralized, institutionalized enforcement as with the ICC is perhaps a relatively new development in international affairs. Such enforcement efforts need to be explained.

Second, we hope to provide a rational, state-level causal mechanism for why states commit to the enforcement of international norms. We believe norms matter and influence state behavior and we believe states are rational. We also believe that these two positions talk past each other too much in the literature. We want to say that norms matter *because* states are rational. States care what others think about them. States do not sign and ratify the ICC because doing so directly benefits them, but rather because they are dependent on other states and they care about their relationships with those states.

Third, we introduce a new way to think about interdependence. Many scholars have conceptualized interdependence as sensitivity to events or actions in other states, a definition that we believe is too broad. Instead, we adopt from sociology the concept of dependence structures, defined as the value that actors place on goods held by another and the extent of alternative

sources for that good. Dependence is thus narrower than sensitivity and focused on direct links between actors that would be costly to break. Further, we conceptualize dependence as existing within a network rather than dyadically.

The usual final paragraph: More research is needed.

Data Appendix

Signature: Year that a state signed or acceded to the ICC. *Source*: International Criminal Court, http://www.icc-cpi.int/asp/statesparties.html, accessed 26 August 2005. Monthly data.

Ratification/Accession: Year that a state ratified or acceded to the ICC. *Source*: International Criminal Court, http://www.icc-cpi.int/asp/statesparties.html, accessed 26 August 2005. Monthly data.

Military Dependence: Proportion of military partners who have signed or ratified the ICC. A military partner exists for state A if A has a defense treaty with state B. *Source*: Leeds et al. 2002, updated to 2004. Converted to monthly data.

Diplomatic Dependence: Proportion of diplomatic partners who have signed or ratified the ICC. A diplomatic partner exists for state A if A places an embassy in state B *or* if B places an embassy in A (or both). *Source:* Diplomatic partnership coded from Europa World Year Book, 1998-2003, "Diplomatic Representation." Annual data.

Trade Dependence: Weighted proportion of trade partners who have signed or ratified the ICC. A trade partner exists for state A if A imports from or exports to state B. The partner is weighted by the sum of imports from and exports to state B divided by the total imports and exports of state A. If imports to State A from State B were reported missing then we used the reported exports from State B to State A multiplied by 1.1 (the standard CIF/FOB adjustment), if such data were available, and similarly for exports (divided by 1.1).[14] *Source***:** International Monetary Fund, Direction of Trade Statistics, July 2005. Monthly data.[15]

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[14] With any remaining missing data, we alternatively set it to 0, set exports to equal imports (if one were available), or dropped the dyad. There were no qualitative differences in the results.

New Democracy: Dichotomous variable coded 1 for the years in which the Polity2 score rises to 7 or above (after being below 7) in 1975 or later until the score either drops below 7 or remains at 7 or above for more than 10 years. *Source*: Marshall and Jaggers 2004, modified by Gleditsch 2003.

Unstable Democracy: Whether (1) or not (0) each democratic state (any state with a positive Polity2 score) experienced a 3-point drop in Polity2 score, 1975-2003. A gradual drop over several years and a sudden drop in one year are both included. *Source*: Marshall and Jaggers 2004, modified by Gleditsch 2003.

Regime Volatility: The standard deviation of the Polity2 scores for each country from 1975-2003. *Source*: Marshall and Jaggers 2004, modified by Gleditsch 2003.

Polity2 Score: Polity2 score, ranging from −10 to +10, where +10 is the most democratic. *Source*: Marshall and Jaggers 2004, modified by Gleditsch 2003.

Empowerment Rights Index: The extent to which states respect empowerment rights (free association, movement, speech, political participation, and religion), on a 0-10 scale, with 10 as the most respectful. *Source:* Cingranelli and Richards 2005.

Physical Integrity Rights Index: The extent to which states respect physical integrity rights (disappearance, killings, political prisoners, torture), on a 0-8 scale, with 8 as the least abusive. *Source:* Cingranelli and Richards 2005.

Rule of Law: Index of several indicators of the extent to which domestic actors have confidence in and abide by the rules of society. A measure taken from the World Bank's Governance Matters IV database. The estimates are normally distributed with a mean of zero and a standard deviation of one, reported only for even years. *Source:* Kaufmann, Kraay and Mastruzzi 2005.

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[15] The results are qualitatively similar when we use annual trade measures.

Left Party Executive: Whether (1) or not (0) the party of the chief executive is "left." Note: 0 includes "center," "right," and cases that are not applicable. *Source*: Beck et al. 2001, updated to 2004.

Common Law Legal System: Legal system in which judges can create law through rulings and are not confined to statutory law. *Source*: LaPorta et al. 1999.

Socialist Legal System: Legal system of communist and post-communist states. *Source:* LaPorta et al. 1999.

***ln*(GDP):** natural logarithm of real GDP in constant 1996 dollars. *Sources*: Gleditsch 2004 (years 1998-2000); World Bank 2005 (years 2001-2004).

Composite Index of National Capabilities: Index that averages six capability components (total population, urban population, iron and steel production, energy consumption, military personnel, and military expenditure) as a share of the international system. *Source*: Singer 1987, updated to 2001.

Military Disputes: Hostility level score for each country, Militarized Interstate Dispute Dataset. Hostility levels coded as follows: 0=No militarized dispute, 1=No militarized action but participant in a dispute, 2=Threat to use force, 3=Display of force, 4=Use of force, 5=War. *Source*: Ghosn, Palmer, and Bremer 2004.

State Failure Index: This measure incorporates four data sets within the "state failure" project: ethnic war, revolutionary war, adverse regime change, and genocide/politicide. For the first three data sets, we took the average magnitude measure (range 1-4) and for the fourth we took the death magnitude measure (range 1-5), with all scores above 4 converted to 4. We then took the maximum score for each state and year. This provides a measure of the extent of the domestic security threat facing states. *Source:* Goldstone et al. 2000.

Political Stability: Index measuring the lack of "likelihood of violent threats to, or changes in, government, including terrorism." A measure taken from the World Bank's Governance Matters IV database. The estimates are normally distributed with a mean of zero and a standard deviation of one, reported only for even years. *Source:* Kaufmann, Kraay and Mastruzzi 2005.

Forces Abroad: The number of troops stationed outside of a country. *Source*: *The Military Balance*, various years.

***ln*(GDP per capita):** natural logarithm of real GDP per capita in constant 1996 dollars. *Sources*: Gleditsch 2004 (years 1998-2000); World Bank 2005 (years 2001-2004).

Regional Norms: Proportion of states in the region who have signed or ratified the ICC. The regions are Latin America and Caribbean; sub-Saharan Africa; East Europe and Central Asia; Middle East and North Africa; South Asia; East Asia and Pacific; and rest of Europe, including United States and Canada, as defined by the World Bank.

Religion: Catholic, Protestant, Muslim, or other (baseline category). *Source*: LaPorta et al. 1999.

Methods Appendix

We used the *Amelia* program to create multiple-imputation datasets for missing data. Because of high collinearity among some variables in the dataset, we used a ridge prior (set to 3 in the program). We created 10 datasets, with separates sets of data imputed for signing and ratification. We used 50 draws per imputation.

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Table 1: Signing the International Criminal Court Statute

Independent Variables	Coefficient	Robust s.e.	*p*-value
Dependence Variables			
Diplomatic Dependence (3-month lag)	−0.322	(1.597)	0.840
Security Dependence (3-month lag)	−0.347	(0.762)	0.650
Trade Dependence (3-month lag)	1.344	(0.719)	0.062
Lock-in Variables			
New Democracy	0.189	(0.351)	0.539
Unstable Democracy × Polity2 Score	−0.042	(0.034)	0.215
Regime Volatility × Polity2 Score	−0.012	(0.008)	0.121
Unstable Democracy	0.559	(0.275)	0.042
Regime Volatility	0.083	(0.067)	0.211
Cost: Policy Change Variables			
Polity2 Score	0.066	(0.034)	0.052
Empowerment Rights Index (12-month lag)	0.055	(0.060)	0.913
Physical Integrity Rights Index (12-month lag)	0.130	(0.084)	0.122
Rule of Law	0.426	(0.282)	0.132
Left Party Executive	0.182	(0.193)	0.347
Cost: Unintended Consequences Variables			
Common Law Legal System	−0.202	(0.233)	0.132
Socialist Legal System	−0.098	(0.274)	0.720
ln(GDP)	0.028	(0.098)	0.773
Composite Index of National Capabilities	−19.906	(14.851)	0.180
Costs: Flexibility Variables			
Military Disputes	0.005	(0.058)	0.931
State Failure Index	−0.117	(0.153)	0.446
Political Stability	−0.460	(0.280)	0.103
Forces Abroad (10,000)	0.067	(0.090)	0.456
ln(GDP/capita)	0.014	(0.166)	0.933
Other Variables			
Regional Norms (3-month lag)	0.386	(0.895)	0.667
Catholic	0.429	(0.244)	0.078
Protestant	0.120	(0.314)	0.703
Muslim	0.074	(0.340)	0.828
Duration Dependence[a]	–[a]		0.003
constant	−4.789	(2.163)	0.027
Number of Observations	4509		
Number of Failures (Signatures)	123		
Number of Countries	159		
Log-likelihood (χ^2) $p > \chi^2$	−473.2	(155.0)	0.000

Notes: Dependent variable is signing the International Criminal Court statute. Coefficients are complementary log-log regression estimates with robust standard errors clustered by country in parentheses; *p*-values are for two tails.

[a] Duration Dependence represents the months-at-risk variable and three cubic spline variables; the *p*-value is for a joint significance test.

Table 2: Ratifying/Acceding to the International Criminal Court Statute

Independent Variables	Coefficient	Robust s.e.	*p*-value
Dependence Variables			
Diplomatic Dependence (6-month lag)	−1.703	(2.204)	0.441
Security Dependence (6-month lag)	0.386	(1.122)	0.731
Trade Dependence (6-month lag)	2.512	(0.825)	0.002
Lock-in Variables			
New Democracy	0.237	(0.424)	0.576
Unstable Democracy × Polity2 Score	−0.008	(0.074)	0.913
Regime Volatility × Polity2 Score	−0.026	(0.013)	0.060
Unstable Democracy	0.450	(0.562)	0.424
Regime Volatility	0.178	(0.130)	0.173
Cost: Policy Change Variables			
Polity2 Score	0.196	(0.069)	0.005
Empowerment Rights Index (12-month lag)	−0.024	(0.091)	0.796
Physical Integrity Rights Index (12-month lag)	0.113	(0.104)	0.276
Rule of Law	0.460	(0.357)	0.200
Left Party Executive	−0.132	(0.288)	0.648
Cost: Unintended Consequences Variables			
Common Law Legal System	0.031	(0.315)	0.921
Socialist Legal System	−0.598	(0.485)	0.218
ln(GDP)	−0.037	(0.132)	0.783
Composite Index of National Capabilities	−7.251	(20.639)	0.726
Costs: Flexibility Variables			
Military Disputes	−0.156	(0.117)	0.190
State Failure Index	−0.203	(0.368)	0.584
Political Stability	−0.428	(0.349)	0.224
Forces Abroad (10,000)	−0.087	(0.132)	0.510
ln(GDP/capita)	0.007	(0.224)	0.976
Other Variables			
Regional Norms (6-month lag)	0.888	(1.212)	0.464
Catholic	0.624	(0.321)	0.052
Protestant	0.347	(0.415)	0.403
Muslim	−0.029	(0.528)	0.957
Duration Dependence[a]	–[a]		0.002
constant	−8.233	(3.118)	0.008
Number of Observations	9359		
Number of Failures (Ratifications)	82		
Number of Countries	159		
Log-likelihood (χ^2) $p > \chi^2$	−390.7	(180.2)	0.000

Notes: Dependent variable is ratifying/acceding to the International Criminal Court statute. Coefficients are complementary log-log regression estimates with robust standard errors clustered by country in parentheses; *p*-values are for two tails.

[a] Duration Dependence represents the months-at-risk variable and three cubic spline variables; the *p*-value is for a joint significance test.