The Price of Justice: International Criminal Accountability and Civil Conflict*

Daniel Krcmaric†

Abstract: I argue that the justice cascade, the rapid trend toward holding leaders accountable for human rights violations, inadvertently exacerbates conflict. By undermining the possibility of a safe exile for culpable leaders, international justice incentivizes such leaders to cling to power and gamble for resurrection when they would otherwise flee abroad. As evidence, I examine the arrest of former Chilean leader Augusto Pinochet in the United Kingdom in 1998—the first time a leader was arrested in a foreign state for international crimes—as a plausibly exogenous shock to other leaders' beliefs about the likelihood of post-tenure international punishment. I show that before 1998 leader culpability does not affect patterns of exile or civil conflict duration. After 1998, however, I find that (1) culpable leaders are less likely to go into exile and (2) civil conflicts last longer when culpable leaders are in power.

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†Duke University, Ph.D. Candidate, Department of Political Science, daniel.krcmaric@duke.edu.

1 Introduction

In 1979, Ugandan dissidents and their Tanzanian allies marched on Kampala with the goal of ousting Ugandan leader Idi Amin. Despite claiming to be the indispensable "Big Daddy" of Uganda, the brutal Amin opted not to make a last stand against his adversaries. Instead, he quickly fled into exile and eventually settled in Saudi Arabia, where he lived out his days in comfort. In 2011, as Libyan rebels marched on Tripoli, Libyan leader Muammar Gaddafi faced a similar predicament. Instead of fleeing into exile, however, Gaddafi fought to the death even though multiple states offered him sanctuary in exchange for giving up power. What explains the divergent behavior of these leaders?

Some commentators have speculated that Gaddafi fought to the bitter end—thereby prolonging Libya's civil war—instead of fleeing abroad because the threat of international justice precluded a safe exile. For example, Philippe Sands suggested in *The Guardian* that the International Criminal Court's arrest warrant for Gaddafi "made an early departure from Libya less likely" and instead gave him a reason "to dig in his heels."[1] Similarly, the *Washington Post*'s Jackson Diehl noted that "Libyans are stuck in a civil war in large part because of Gaddafi's international prosecution" and even mused that "exile with impunity has its benefits."[2] Of course, the Gaddafi case is merely one example, but it begs the question: does the pursuit of international justice undermine conflict resolution?

In this paper, I argue that the justice cascade—the rapid trend toward holding leaders accountable for gross human rights violations—inadvertently produces perverse effects.[3] I employ a simple rational actor framework that focuses on how the possibility of post-tenure international punishment affects the decision calculus of leaders during conflict. The key

[1] Philippe Sands, "The ICC Arrest Warrant Will Make Colonel Gaddafi Dig in His Heels," *The Guardian*, 4 May 2011.

[2] Jackson Diehl, "After the Dictators Fall," *Washington Post*, 5 June 2011.

[3] The phrase "justice cascade" is typically associated with the work of Kathryn Sikkink (e.g., Sikkink 2011).

insight is that exile is an attractive exit option for embattled leaders—regardless of their culpability—when impunity is the status quo. When accountability is the norm, however, exile becomes a less viable post-tenure fate for culpable leaders. As the appeal of the exile option falls, culpable leaders have greater incentives to cling to power and gamble for resurrection during conflicts even when the prospects for victory are slim.

To test my argument, I use an innovative empirical strategy. I examine the arrest of former Chilean leader Augusto Pinochet in the United Kingdom in 1998—the first time a leader was arrested in a foreign state for international crimes—as a plausibly exogenous shock to other leaders' beliefs about the likelihood of post-tenure international punishment. Before Pinochet, leaders lived in an "impunity era" where the expected probability of international punishment for atrocities was virtually zero. Starting in 1998, the world shifted toward an "accountability era" in which a slew of culpable leaders have been arrested and transferred to international courts, causing other leaders to update their beliefs on the likelihood of facing international justice.

My results provide compelling support for the theory. I show that the decision of leaders to flee into exile is conditional on their expectations of post-tenure international punishment. Whereas culpable leaders are no more or less likely to flee abroad than nonculpable leaders before 1998, culpable leaders are about seven times less likely to go into exile than nonculpable leaders after 1998. Rather than flee abroad, culpable leaders now have incentives to fight until the bitter end. Indeed, while there is no evidence of a relationship between leader culpability and conflict duration before 1998, I demonstrate that civil conflicts last significantly longer when culpable leaders are in power during the post-1998 period.

These findings stand in stark contrast to the generally positive view of international accountability that exists both inside and outside the academy. For instance, research suggests there may be a variety of reasons—ranging from deterring human rights violations (Kim and Sikkink 2010; Sikkink 2011; Simmons 2009) to strengthening the rule of law (Orentlicher

2008) to improving societal relations in post-conflict settings (Akhavan 2001)—to favor international criminal accountability. This paper does not contest these beneficial aspects of justice, but it does show that international accountability comes with a steep price. By increasing the likelihood of post-tenure punishment for culpable leaders, the pursuit of international justice makes some conflicts harder to resolve.

The paper proceeds as follows. I first review the existing literature on how international criminal accountability affects political violence. I next introduce my theoretical framework and derive testable hypotheses. I then present a variety of statistical tests showing that my argument helps explain patterns of exile and conflict duration. Lastly, I conclude by offering some theoretical implications and policy suggestions.

2 Background and Related Literature

International criminal law (ICL) is "a body of international rules to proscribe certain categories of conduct...and to make those persons who engage in such conduct criminally liable" (Cassese 2008, 2). ICL is closely linked to international humanitarian law (IHL), the set of laws governing the conduct of armed conflict, because a central concern of both is protecting the lives of civilians. Thus, the proscribed categories of conduct in ICL—typically called international crimes—include war crimes, crimes against humanity, and genocide.[4]

Much of ICL rests on two principles. The first is individual criminal accountability. Instead of holding states accountable via traditional tools of statecraft such as reparations, individual accountability asserts that the specific persons guilty of ordering and carrying out international crimes—including heads of state and other top officials—bear criminal responsibility. The second principle is universal (or at least extraterritorial) jurisdiction. This

[4]War crimes refer to serious violations of IHL that occur in the context of an armed conflict. Crimes against humanity and genocide are defined in the Nuremberg Charter and the Genocide Convention, respectively. They can occur inside or outside the context of an armed conflict. See Cassese (2008).

principle holds that some crimes are so heinous that the perpetrator should be punished even if his national courts do not or cannot prosecute the crime. Unlike conventional international law, which requires consent through treaties, universal jurisdiction allows states and international courts to claim jurisdiction over certain international crimes regardless of where the alleged crime took place or the accused's nationality.[5]

These key legal principles were codified shortly after the horrors of World War II, particularly with the Nuremberg and Tokyo Trials. The international legal regime was developed further in a series of treaties, most notably the Genocide Convention and the Geneva Conventions, which give signatories a right—if not a duty (Orentlicher 1991)—to prosecute individuals guilty of specified international crimes. Most recently, there has been a trend toward building international criminal tribunals. To address mass atrocities, the United Nations (UN) created ad hoc international tribunals for the former Yugoslavia and Rwanda and quasi-international tribunals in Sierra Leone, East Timor, Cambodia, and Senegal. The tribunal-building process culminated with the International Criminal Court (ICC), the first permanent international court with broad jurisdiction over mass atrocities.[6]

Though the scholarly work on the effects of ICL is extensive, much of it is a debate on whether international justice deters human rights violations. On the one hand, optimists hold that ICL deters atrocities. The underlying logic draws from rationalist theories of domestic criminal punishment (e.g., Becker 1968), which assert that crime decreases as the likelihood

[5]Both foreign and international courts can exercise universal jurisdiction, but there are some differences between these courts. Custom dictates that international courts can indict former and sitting heads of state, while foreign courts can indict former heads of state only (see the *Yerodia* case at the International Court of Justice). However, as I explain latter, this difference matters little in practical terms because of the challenges associated with enforcing indictments against sitting heads of state.

[6]The Rome Statute establishing the ICC entered into force on 1 July 2002. The Court is responsible for prosecuting war crimes, crimes against humanity, and genocide. The Court can exercise its independent jurisdiction under two conditions: if the accused is a national of a signatory party or if the alleged crime took place in the territory of a signatory party. Additionally, the ICC can prosecute individuals outside the Court's standard jurisdiction if the UN Security Council refers a case to the Court, giving it universal jurisdiction in such circumstances. At the time of writing, there are 122 state parties to the ICC and another 31 states that signed but did not ratify the Rome Statute.

and/or severity of punishment increases.[7] Hence, many scholars argue that international law raises the cost of committing war crimes, which deters violations from occurring in the first place (Akhavan 2001, 2009; Kim and Sikkink 2010; Sikkink 2011; Simmons 2009). On the other hand, several skeptics find that international law typically fails to deter atrocities (e.g., Hafner-Burton and Tsutsui 2005; Hathaway 2002; Ku and Nzelibe 2006). The logic underpinning this view is that the international legal regime lacks enforcement mechanisms, such as an international police force, to punish war criminals (Goldsmith 2003).

Thus, the debate generally assumes that ICL produces positive effects or, at worst, no effects. As small group of pessimists, however, explore an unintended and negative consequence of international justice. If leaders are vulnerable to international criminal prosecution, they may decide to keep fighting when they otherwise would give up power. Originally developed to describe "spoilers" in civil war peace processes (e.g., Snyder and Vinjamuri 2003), this line of reasoning has been applied to how international tribunals shape the incentives of leaders in places such as Darfur and the former Yugoslavia (e.g., Goldsmith and Krasner 2003; Vinjamuri 2010). Hence, international justice may create perverse incentives for leaders to prolong conflicts and ultimately increase civilian victimization.

While this nascent literature on the unintended consequences of international justice yields useful insights, some critique it for offering more of a speculative conjecture than a systematic theory.[8] One critic, Gilligan (2006), develops a formal model of how the ICC influences civil conflict. In his model, the ICC allows states to refrain from offering asylum to an oppressive leader when they know the leader would willingly surrender to the ICC.[9] Gilligan explicitly rejects the idea that the international criminal regime will create perverse

[7]For a slightly different take on the optimistic perspective, see Simmons and Danner (2010). For a constructivist viewpoint, see Risse-Kappen, Ropp, and Sikkink (1999).

[8]For instance, when discussing the ICC, Gilligan (2006, 936) argues that "neither the Court's proponents nor its detractors have been particularly rigorous in how they have made their arguments."

[9]Though this scenario is plausible, it is worth noting that no head of state has ever voluntarily surrendered to the ICC or any other international criminal tribunal.

incentives for brutal leaders, arguing that "the reign of atrocity-committing dictators will not be prolonged" (937). Instead, his game theoretic analysis suggests an optimistic conclusion: even without enforcement mechanisms, the ICC should deter some atrocities at the margin.[10]

On the empirical side, there have been few attempts to determine whether international justice exacerbates conflict. As Sikkink and Walling (2007, 429) put it, "there are many claims about the negative effects of trials but relatively little solid evidence to support them." Existing work is largely case based. A common strategy is to examine one or a couple of the investigations international tribunals have opened and then try to determine whether the tribunal was effective or counterproductive in ending the conflict (e.g., Akhavan 2009; Ku and Nzelibe 2006). However, this is an indeterminate research design because it selects only cases where international courts are involved. One exception is Kim and Sikkink (2010), who attempt to test the pessimistic argument quantitatively and conclude that the justice cascade does not produce perverse effects. Yet, their sample of cases only includes countries transitioning to peace or democracy, so the results should be interpreted cautiously.[11] More generally, the empirical work in this area remains quite limited. As far as I know, this paper is the first to examine how international justice influences patterns of exile.

Lastly, it is worth noting that the argument presented here relates to work on war and punishment in international relations.[12] Indeed, the phrase "gambling for resurrection" is

[10]Since Gilligan's model shares some similarities with my theory, it is worth examining why we reach different conclusions. Two factors stand out. First, Gilligan is interested in the effects of the ICC per se, whereas I am interested in the larger trend toward holding leaders accountable. Second—and closely related to the first point—Gilligan's result hinges on the assumption that it is costless for third party states to shelter culpable leaders that flee into exile. Since the ICC has no independent enforcement powers, this is a reasonable assumption if the ICC is viewed in complete isolation. However, if other states exert pressure on the third party states protecting culpable leaders, the assumption becomes untenable. As I show later, states—especially powerful Western democracies—can generate costs for the third parties that shelter culpable leaders. These costs on host states reduce the credibility of the exile option for culpable leaders and in turn generate incentives for them to cling to power.

[11]Their statistical tests show that transitional countries pursuing human rights prosecutions are less repressive than transitional countries not pursuing prosecutions.

[12]There is also some overlap with the democratization literature. Folch and Wright (Forthcoming), for example, find that an increase in the number of transitional human rights prosecutions in neighboring countries decreases the likelihood that autocratic regimes democratize. A working paper from Nalepa and

borrowed from studies of leader-centric decision-making in international relations, where a large body of literature examines how the anticipated domestic punishment for leaders affects international conflict (e.g., Chiozza and Goemans 2011; Croco 2011; Debs and Goemans 2010; Downs and Rocke 1994; Goemans 2000; Weeks 2012). This paper advances the literature by examining the opposite dynamic—how do expectations of international punishment for leaders influence domestic conflict?

3 Theoretical Framework

3.1 The Enforcement Gap

The entire international criminal legal edifice—including treaties such as the Genocide Convention, international criminal tribunals like the ICC, and national courts attempting to exercise universal jurisdiction—faces a common challenge.[13] The legal regime lacks independent enforcement mechanisms. Though international tribunals and foreign courts can issue indictments, they cannot call upon an international police force to bring culpable leaders to justice. Instead, enforcement depends on the willingness and ability of states to apprehend and transfer indicted individuals. Without assistance from states, the legal regime is incapable of punishing gross human rights violators.

Therefore, to the extent that international justice influences the behavior of leaders, it depends on leaders' beliefs about whether the international community will fill the enforcement gap.[14] In what follows, I employ a simple rational actor framework that examines how

Powell (n.d.) reaches a similar conclusion, although their independent variable of interest is ratification of the Rome Statute.

[13]The international legal edifice is complex and overlaps at many levels. In the words of Sikkink (2011, 97) it is a "decentralized, interactive system of global accountability." For this reason, it makes sense to study the effects of trends in the enforcement of broad legal norms (e.g., prohibitions on mass violence against civilians) rather than the effects of one specific legal institution (e.g., the ICC).

[14]By "international community," I simply mean the states that have the ability to enforce ICL. In practice, this is often powerful Western democracies.

expectations of punishment affect the decision calculus of leaders. I consider two stylized scenarios. In the first, the impunity era, leaders believe other states will not expend political resources on punishing human rights violators. This scenario approximates the status quo until very recently, when priorities such as geopolitical strategy and respect for national sovereignty consistently trumped concerns about international justice. In the second, the accountability era, leaders expect that other states will attempt to enforce international legal prohibitions against atrocities. This scenario corresponds with the recent "justice cascade," the "dramatic new trend in world politics toward holding individual state officials, including heads of state, criminally accountable for human rights violations" (Sikkink 2011, 5).[15]

3.2 Leader Incentives in an Era of Impunity

Since Downs (1957), scholars have adopted the assumption that leaders choose policies to maximize the probability of staying in office. Despite the usefulness of this simplifying assumption, recent work in international relations has fruitfully extended Downs' framework to include the consequences of losing office (e.g, Chiozza and Goemans 2011; Debs and Goemans 2010; Goemans 2000). If we add the uncontroversial assumption that leaders prefer a cushy post-tenure fate over punishments like death or imprisonment, leaders might not always pursue strategies that maximize their tenure in office. Instead, leaders' behavior may reflect a desire to avoid post-tenure punishment. A focus on the consequences of losing power helps explain the effects of international justice. When leaders expect that ICL will not be enforced, they have no reason to anticipate post-tenure punishment at the international level. Consequently, going into exile is an attractive exit option for embattled leaders—regardless of their culpability—when impunity is the status quo.

To see why, consider a standard bargaining model in which a leader and an opposition

[15]Due to space constraints, this paper focuses on the incentives the justice cascade produces for leaders, not the origins of the justice cascade. For accounts of why states began to take human rights and international justice seriously, see, among others, Brysk (2009) and Sikkink (2011).

are engaged in conflict (e.g., Fearon 1995). Bargaining models show that credible commitment problems are often a barrier to conflict termination. A credible commitment problem occurs when a bargain that is mutually acceptable to both actors when it is struck becomes impossible to enforce over time. Negotiated settlements to civil conflicts create a commitment problem regardless of whether they keep the old regime in power or bring a new one to office. Settlements that keep the old regime in power typically require the rebel group to demobilize and disarm its members in return for some policy concession. Yet once the rebel group demobilizes, it no longer possesses the military capabilities to force the state to abide by the terms of the recently struck bargain (Walter 1997). On the other side—and more pertinent to my argument—negotiated settlements that bring the opposition into office create a different commitment problem. Once power is transferred to the former opposition, it has the ability to renege on the agreement it made with the ex-ruler.[16] In this case, the opposition cannot commit to restraint against the leader and his supporters, which limits the ability of the two sides to reach a negotiated transition. For these reasons, conflicts sometimes drag on even after it is clear one side is almost certain to lose.

Exile is a valuable political tool because it can help overcome the credible commitment problem inherent to conflict termination. As the preceding discussion implies, a leader has little incentive to step down when he expects the opposition to settle old scores. A leader will want an "exit guarantee" that protects him from punishment even after he is out of power.[17] Yet, it is hard for the opposition to create a credible exit guarantee for the leader because the opposition can cheat on any promise it gives the leader once he steps down. When a leader can go into exile in a third-party state, however, he no longer needs to fear punishment since he is outside the grasp of the former opposition. In fact, physically leaving the state he once ruled is the best exit guarantee a leader can have against retribution from

[16]The literature on democratic transitions makes a similar point (e.g., Przeworski 1991).
[17]On exit guarantees, see Dix (1982) and Sutter (1995).

his old enemies. Therefore, as the likelihood of their ouster increases, leaders become more likely to view exile abroad as the best option available. Though they give up power, leaders manage to avoid punishment from the opposition and can comfortably live out their years abroad.[18]

In the past, leaders—including many notorious for committing atrocities—often took the exile option when facing a major threat against their regimes. Consider the case of Idi Amin, who was responsible for the deaths of several hundred thousand Ugandans during his eight-year reign. As mentioned earlier, Amin opted not to make a last stand against his adversaries when they marched on Kampala in 1979. Instead, he quickly fled into exile in Libya before eventually settling in Saudi Arabia. Other examples of third-party states sheltering brutal leaders in exchange for giving up power abound. For instance, when Haiti's Jean-Claude Duvalier faced a popular uprising in 1986, he went into exile in France and proceeded to enjoy a luxurious lifestyle on the Riviera. Similarly, as the People Power Revolution gained momentum in the Philippines, Ferdinand Marcos simply called the White House and had an Air Force plane escort him to safety in Hawaii. Thus, when impunity is the norm, exile is an attractive exit option for all leaders when their regimes end.

3.3 Leader Incentives in an Era of Accountability

This section considers the behavior of leaders when they believe the international community will attempt to enforce ICL. I first address the conditions under which states can fill the enforcement gap and then explore how the possibility of international punishment affects the decision calculus of leaders.

Enforcement. Even if states coordinate with international courts on the apprehension of indicted criminals, there are limits to the reach of international justice. In fact, there

[18]In legal scholarship, exile is generally viewed as an unacceptable case of impunity rather than as a useful political solution.

are crucial differences between apprehending current and former heads of state. Enforcing an indictment against a sitting head of state is an extraordinarily difficult task. Though international actors can issue threats, enact sanctions, and publicly shame current leaders for their human rights violations, such efforts are unlikely to succeed because current leaders have the willingness and ability to resist international pressure. A sitting head of state is highly resolved to resist international pressure because his own survival is at risk. Furthermore, current leaders are highly capable since they have their nation's armed forces at their disposal. As a result, even infamous human rights violators can remain safe behind their own borders as long as they remain in power.[19]

As an example, briefly consider the long and ineffective struggle to bring current Sudanese President Omar Bashir to justice. The ICC issued an arrest warrant for Bashir in 2009 for war crimes and crimes against humanity committed in the Darfur region of Sudan beginning in 2003. International actors have tried to put pressure on Bashir. For instance, the United States and its allies enacted economic sanctions, the UN sent a peacekeeping force to Darfur, and NGOs raised awareness with campaigns such as "Save Darfur." Despite these efforts, Bashir remains free since he unsurprisingly has not surrendered himself to The Hague.

By contrast, enforcing an indictment against a former head of state occurs in a fundamentally different strategic environment. When a leader is forced from power and flees into exile, exerting international pressure on the state sheltering the leader can be an effective enforcement mechanism. In this case, international actors only need to exert enough pressure on the third-party state to convince the state that it is better off giving up the leader. Though the former leader's survival is at risk, the stakes are considerably lower for the host

[19] A full-scale military intervention to enforce an indictment is a possible but unlikely scenario for two reasons. First, sitting heads of state control their states' armed forces, making foreign military intervention prohibitively costly. Second, policymakers in powerful Western states often view criminal prosecution as a substitute for military intervention. As Anderson (2009, 334) argues: "[O]ne intention of some people at the beginning of this new period of international law was to use the promise of criminal prosecution as a policy *alternative* to direct intervention."

state. Of course, the host state may have a weak preference for protecting an old ally or a likeminded ideologue, but an ex-leader provides few, if any, benefits to his host. The third-party state will therefore have a low cost tolerance for international pressure. Hence, host states have little reason to continue protecting a former leader if international actors can generate even minimal costs of protection.

To illustrate how international pressure can alter the incentives of a host state, consider the saga of former Liberian President Charles Taylor. During the civil war in Liberia and Sierra Leone—where Taylor's forces committed widespread atrocities—Taylor agreed to give up power in 2003 in return for a supposedly safe exile in Nigeria. Nigerian President Olusegun Obasanjo even explicitly announced that he would not turn Taylor over to an international court. Nigeria, however, soon faced a torrent of pressure from international actors interested in bringing Taylor to justice. Human rights groups raised awareness of Taylor's culpability, and powerful Western states—including some of the same states that helped facilitate Taylor's peace-for-exile deal—demanded that Nigeria hand him over to the UN-sponsored Special Court for Sierra Leone (SCSL). Most notably, President George W. Bush refused to meet with President Obasanjo until Nigeria apprehended and extradited Taylor. Not surprisingly, the Nigerian government eventually decided sheltering Taylor was not worth the cost. They caved to international pressure in 2006 and agreed to extradite Taylor. Following his extradition, the SCSL sentenced Taylor to fifty years in prison, guaranteeing that he will spend the rest of his life behind bars.

Thus, international pressure makes enforcement possible under certain conditions. While international justice poses little threat to leaders as long as they remain in power, international actors can increase the costs host states face for sheltering culpable leaders after their regimes end. The next section explores how these costs for host states affect the incentives leaders encounter while they are still in power.

Leader Incentives. Even though leaders are unlikely to face international justice until

after falling from power, the anticipation of post-tenure international punishment influences their decision calculus while they are still in office. Specifically, the threat of international justice complicates the decision-making calculus of culpable leaders. By increasing the costs third-party states suffer for sheltering culpable leaders, international pressure reduces the credibility of the exile option for such leaders. If a culpable leader thinks a third-party state will not be able to withstand international pressure on his behalf, an offer of protection abroad loses its attractiveness. As the credibility of the exile option falls, leaders have an incentive to cling to power and gamble for resurrection even when the prospects for victory are slim.[20] In this way, international criminal accountability can inadvertently prolong conflicts by undermining the possibility of a safe exile abroad for culpable leaders.

One might argue that international actors can work their way out of the situation described above by pledging not to punish culpable leaders that agree to step down without a fight to the end. This perspective, however, ignores the time inconsistency problem. Even if no indictment is issued during a crisis, international tribunals and foreign courts can attempt to prosecute culpable leaders after they give up power. Similarly, powerful states can exert pressure on the third-parties that might shelter such leaders. Anticipating this, culpable leaders will be reluctant to give up power and to flee abroad even if they do not face an indictment at the time of the conflict. Hence, the inability of international actors to commit to future restraint incentivizes culpable leaders to cling to power.

Importantly, the expectation of international accountability does not affect the credibility of the exile option for nonculpable leaders. Leaders who do not commit atrocities still have a reliable exile option if they are overthrown because there will be little, if any, international pressure on the third-party states that might shelter such leaders. Therefore, when account-

[20]International pressure may also make it harder for the opposition to grant amnesties to the former leader if he chooses to remain in the state he once ruled. As the literature on negotiated settlements to civil wars shows, however, the opposition will struggle to commit to restraint even in the absence of international pressure. Therefore, I focus primarily on how the pursuit of international justice undermines the exile option for culpable leaders.

ability is the status quo, leaders' expectations of post-tenure international punishment are conditional on their past behavior.

The divergent responses of Tunisia's Zine El Abidine Ben Ali and Libya's Muammar Gaddafi to challenges against their rule during the Arab Spring provide some tentative evidence consistent with this view. Ben Ali, who refrained from using overwhelming force during the months of street protests in Tunis, presumably knew that pressure to extradite him to an international court would be low. Consequently, he was confident enough to flee into exile when key figures from his regime defected to the opposition. By contrast, a safe exile for Gaddafi was highly unlikely. The ICC issued an arrest warrant for Gaddafi during Libya's conflict, powerful Western states demanded he face justice, and no third party could credibly commit to withstanding a deluge of international pressure on his behalf. Even though multiple states offered Gaddafi sanctuary in exchange for giving up power, he instead preferred to take his chances on the battlefield. As these brief examples suggest, the attractiveness of the exile option—and consequently whether a leader has incentives to fight to the bitter end—is conditional on a leader's culpability when accountability is the norm.

4 Hypotheses

Using the theoretical framework outlined above, this section derives testable hypotheses. Ultimately, the theory's predictions hinge on leaders' expectations that ICL will be enforced. In other words, my hypotheses depend on leaders' beliefs about the likelihood of punishment after fleeing abroad if and when their regimes end. Leaders' beliefs, however, are privately held and thus not directly observable.

My empirical approach assumes that leaders form beliefs on the likelihood of international punishment based on what happens to other leaders. This perspective has roots in social learning theory, which examines the "rational processing of information gained by observing

others" (Bikhchandani, Hirshleifer, and Welch 1998, 153). The assumption that leaders update their beliefs after observing others is intuitively appealing because leaders commonly monitor the fates of their peers. To give just one example, scholars have shown that the fall of rogue leaders without nuclear weapons taught Kim Jong-Il the importance of never giving up his nuclear weapons program (Waltz and Rapp-Hooper 2011).

In line with this thinking, I contend that the arrest of former Chilean leader Augusto Pinochet in the UK in 1998 created a plausibly exogenous shock to other leaders' beliefs about the international community's willingness to enforce ICL.[21] The Pinochet arrest provided a powerful demonstration effect because it marked the first time a former head of state was arrested in a foreign state for international crimes. As such, Pinochet's arrest was a dramatic change to the status quo that altered the expectation of impunity leaders previously enjoyed. The "bombshell" decision to apprehend Pinochet captured the world's attention and became "the moment when the technical lawyers' concern with 'universal jurisdiction' made headlines" (Falk 2004, 97). Whereas leaders previously had good reasons to view international punishment for human rights violations as far-fetched or even impossible, it suddenly seemed a realistic possibility after Pinochet (Roht-Arriaza 2005). As former British Prime Minister Margaret Thatcher put it, "Pandora's box...has been opened" and "all former heads of government are potentially at risk" (Bronner 2014, 37).

The Pinochet arrest therefore was a watershed moment marking a shift from an era of impunity to one of accountability. Indeed, the lessons of the Pinochet arrest have been reinforced over time. Since 1998, several leaders that were once considered untouchable—such as Slobodan Milosevic, Charles Taylor, Khieu Samphan, Laurent Gbagbo, and Hissene

[21]One might argue that the Rome Statute, which created the ICC and was signed in 1998, offers an alternative explanation. This viewpoint, however, is flawed. First of all, the Rome Statute did not enter into force until 2002, meaning that the ICC does not have jurisdiction over crimes committed before then. More importantly, the ICC faces the same challenge as the rest of the international legal edifice: it has no independent enforcement mechanisms. Therefore, it is unclear why the Rome Statute itself would cause leaders to update their beliefs about the likelihood of enforcement.

Habre—have been apprehended and transferred to international criminal tribunals.[22] The implication for other leaders was clear: If these once powerful tyrants could face international justice, everyone was vulnerable. Of course, this does not imply that every perpetrator will now be held accountable, but it does mean that culpable leaders must factor the possibility of facing international justice into their decision-making.

The preceding logic suggests two hypotheses about the perverse effects of international justice:

- ***Hypothesis 1:*** *A leader's decision to flee into exile is conditional on expectations of post-tenure international punishment. Before 1998, there is no relationship between leader culpability and exile. After 1998, culpable leaders are significantly less likely to go into exile than nonculpable leaders.*

- ***Hypothesis 2:*** *A leader's decision to gamble for resurrection during civil conflict is conditional on the availability of a safe exile option. Before 1998, there is no relationship between leader culpability and civil conflict duration. After 1998, civil conflicts with culpable leaders last significantly longer than conflicts with nonculpable leaders.*

5 Patterns of Exile

This section tests the first hypothesis. Namely, is the decision to flee into exile conditional on expectations of post-tenure international punishment? I expect that there is no relationship between leader culpability and exile before 1998. After 1998, however, culpable leaders should be significantly less likely to go into exile than nonculpable leaders.

5.1 Data

The unit of analysis is the leader year. There is an observation for each leader that held power for at least part of one year. This means there can be multiple leader years for a

[22] In 1998, the ICTR convicted Jean Kambanda of Rwanda for his role in the country's genocide. It is unclear whether he should be considered a head of state. Though Kambanda, a businessman, formally held the title of prime minister for a couple of months in 1994, he was the face of the puppet government the military installed to legitimate their rule.

country in a given year (i.e., years with leadership transitions). I identify leaders using the Archigos dataset (Goemans, Gleditsch, and Chiozza 2009), which codes the "effective ruler" of each country.[23] The Archigos data are only available through 2004, so I extended the data on leaders to 2010 using the coding rules set forth in Goemans, Gleditsch, and Chiozza (2009).

The dependent variable is a binary indictor for whether each leader goes into exile in a given year. I use the Archigos coding of each leader's "post-exit" fate to identify cases of exile. Since Archigos' coverage does not extend beyond 2004, I coded the exile variable for the last six years of the data using secondary sources and news reports according to the criteria established in the Archigos codebook.

The independent variable of interest is leader culpability. At the intuitive level, culpability simply captures whether leaders have previously committed atrocities. I measure state-sponsored atrocities using Ulfelder and Valentino's (2008) Mass Killing Dataset.[24] They define mass killing as "any event in which the actions of state agents result in the intentional death of at least 1,000 noncombatants from a discrete group in a period of sustained violence" (Ulfelder and Valentino 2008, 2). Therefore, *Culpable Leader* is a dummy variable that equals 1 starting in the leader year in which the mass killing episode begins and every year thereafter during the leader's tenure. To give an example of how I coded leader culpability, Ahmed Sekou Toure of Guinea ruled from 1958 to 1984 and presided over a campaign of mass killing

[23] Archigos identifies the individual that actually holds political power rather than the formal head of state (though these are often the same). For example, in some countries a monarch is formally the head of state, but political power is delegated to an elected prime minister. In such cases, the prime minister is coded as the effective ruler.

[24] Using the mass killing data to proxy leader culpability is preferable to alternative measures of mass atrocities such as genocide. The Genocide Convention defines genocide as acts committed with the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." This definition creates practical problems. First, political groups are excluded, which means that some of the most brutal and widespread campaigns of civilian victimization do not qualify as genocide. Second, genocide requires the "intent to destroy" a group. Coding genocide therefore necessitates making a sometimes difficult judgment call on the ultimate intentions of the perpetrators. The mass killing data, which uses an objective numerical threshold and reflects legal prohibitions on mass violence against civilians, is best available indicator for leader culpability.

that lasted from 1960 to 1980. He is coded as culpable starting in 1960 and lasting until his tenure ends in 1984.

For additional covariates, there are no established conventions due to the dearth of literature examining exile as a dependent variable. However, I attempt to control for additional factors that might influence a leader's decision to flee abroad. Since the decision to go into exile is partially a function of the degree to which the opposition threatens the leader, I capture the threat the opposition presents by controlling for conflict intensity. I proxy conflict intensity with battle deaths, a measure of all people killed in direct combat situations. Importantly, one-sided state violence against civilians is excluded from this measure. Battle deaths is a good indicator for conflict intensity because, as Lacina and Gleditsch (2005, 148) point out, "Measuring battle deaths answers the question of how many people were killed in military operations during a war and, therefore, it is the best measure of the scale, scope, and nature of the military engagement that has taken place." Therefore, the variable *Conflict Intensity* takes the value of 2 if there are over 1,000 battle deaths in a given year; 1 if there are between 25 and 999 battle deaths; and 0 otherwise.[25]

An opposition movement can also threaten a leader's hold on power outside the context of civil war. For example, mass protests demanding regime change have been sufficient to drive leaders into exile, such as when the People Power Revolution in the Philippines toppled the Marcos regime. To account for this dynamic, *Revolutionary Activity* is a variable from the Banks Cross-National Time-Series Data (Banks and Wilson 2013) that measures the number of attempts in a year, if any, to change the ruling elite through irregular means.[26]

I also control for international factors that may influence the availability of the exile

[25]The battle deaths data are from the UCDP/PRIO Armed Conflict Dataset. Other datasets attempt to code the exact number of battle deaths (e.g., Lacina and Gleditsch 2005). These datasets, however, have two limitations for my purposes. First, none cover the entire period under study here. Second, there is a substantial amount of missing data for the "best estimate" of battle deaths. Therefore, I use the ordinal variable provided in the UCDP/PRIO dataset, which avoids both problems.

[26]This is variable Domestic7 ("Revolutions") in the Banks data.

option for each leader. Since powerful Western states play a dominant role in enforcing ICL, it is possible that leaders more closely aligned with the West are less likely to face international justice. To account for this possibility, the variable *Western Affinity* controls for each leader's position toward the U.S.-led liberal international order using a dynamic ordinal spatial model of voting patterns in the UN General Assembly (Bailey, Strezhnev, and Voeten 2013). Additionally, because a similar mechanism may occur for the leaders of democratic states, I include a *Democracy* dummy variable from Geddes, Wright, and Frantz (2012).[27]

5.2 Main Results

Using the data described above, I estimate a series of models to evaluate my first hypothesis. Since exile is a binary variable, I use logistic regression with standard errors clustered on the leader because observations with the same leader are not independent. In line with my theoretical expectations, I disaggregate the data into two periods: pre-Pinochet (1960-1997) and post-Pinochet (1998-2010).[28] If my argument is correct, *Culpable Leader* should be statistically insignificant in the pre-Pinochet period but statistically significant and negative in the post-Pinochet period.

The results are reported in Table 1. Model 1 probes the relationship between leader culpability and exile in the pre-Pinochet period. I find that the estimated parameter for *Culpable Leader* is well outside any reasonable threshold of statistical significance (p-value of .78). Thus, the effect of leader culpability on exile is statistically indistinguishable from zero in the 1960-1997 sample. Model 2 examines the effect of leader culpability on exile in the

[27]Summary statistics are available in the Supplemental Appendix.

[28]Estimating a single model for the entire 1960-2010 period that interacts leader culpability with a dummy variable for the post-1998 period yields similar results (see Supplemental Appendix). I prefer the period sub-samples over the interaction model for two reasons. First, unlike the interaction model, using the period sub-samples does not force the other covariates to be equal across the time periods. Second, the period sub-samples obviate the difficult task of interpreting interaction terms in nonlinear models (Ai and Norton 2003).

post-Pinochet period. As predicted, *Culpable Leader* is statistically significant and negative. This result indicates that we can reject the null hypothesis that leader culpability has no effect on a leader's decision to flee into exile during the 1998-2010 period. Put differently, after 1998, culpable leaders are significantly less likely to flee into exile than nonculpable leaders.

Table 1: Logit Models of Exile

	1960-1997	**1998-2010**
	(1)	(2)
Culpable Leader	-0.074	-2.100**
	(0.269)	(0.851)
Conflict Intensity	0.377*	-0.216
	(0.211)	(0.640)
Revolutionary Activity	0.824**	1.868**
	(0.267)	(0.408)
Western Affinity	0.172	-0.481*
	(0.112)	(0.258)
Democracy	-0.649**	0.305
	(0.325)	(0.562)
Constant	-4.377**	-5.383**
	(0.186)	(0.423)
N	5257	2224
AIC	858.95	213.10
BIC	898.35	247.34

Standard errors clustered by leader in parentheses

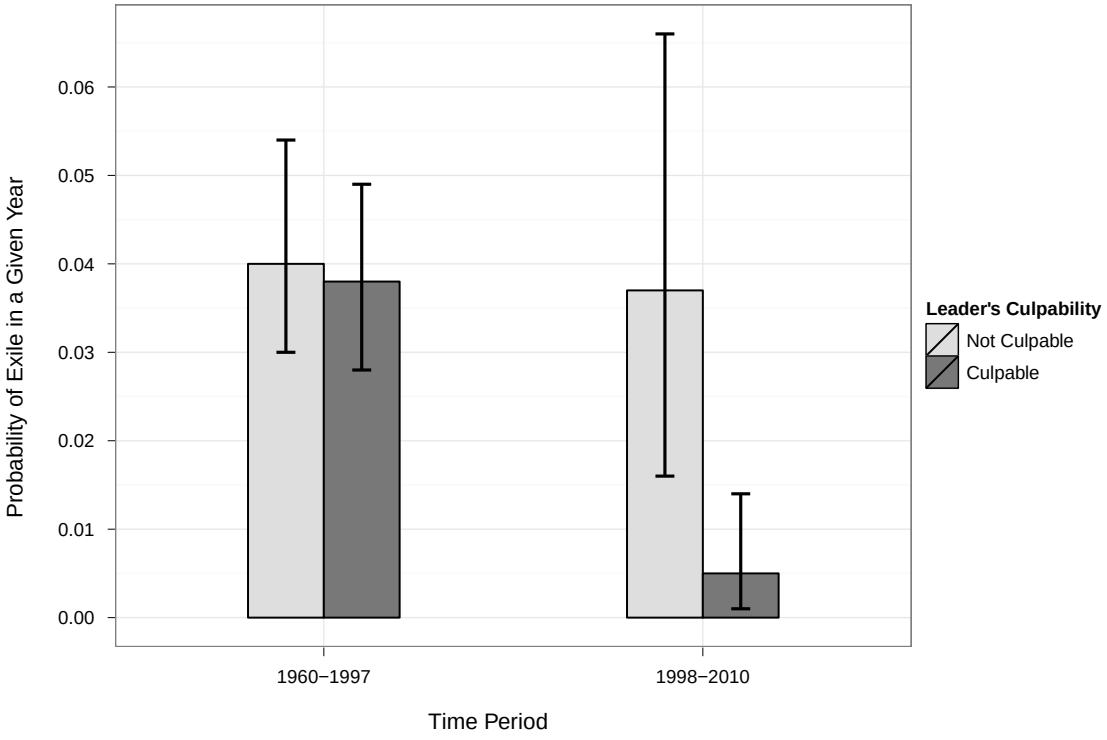
* $p < 0.10$, ** $p < 0.05$ (two-tailed)

In substantive terms, the results are compelling. I use the estimates obtained in Model 1 to generate the predicted probability of culpable and nonculpable leaders fleeing into exile in a given year during the impunity era. I do the same for the accountability era using estimates from Model 2. The results are shown in Figure 1.[29] Before 1998, culpable and nonculpable leaders go into exile at virtually identical rates. After 1998, however, is there a substantively large difference between culpable and nonculpable leaders, with culpable leaders being over

[29] All simulations are conducted using Clarify (King, Tomz, and Wittenberg 2000). The simulations hold *Conflict Intensity* at 1, *Revolutionary Activity* at 1, and the rest of the covariates at their median values.

seven times less likely to go into exile.

Figure 1: Predicted Probability of Exile by Leader Culpability and Time Period



An alternative way to view Figure 1 is to compare how the predicted probability of exile for culpable and nonculpable leaders varies across the two time periods. For culpable leaders, the probability of exile falls considerably after 1998. In fact, culpable leaders after 1998 are almost eight times less likely to flee into exile than they were previously. By contrast, the probability of nonculpable leaders going into exile remains nearly unchanged. Importantly, this suggests that the decline of exile for culpable leaders is attributable to the increased expectation of post-tenure international punishment rather than a general decline in exile for all leaders over time.

Overall, the results—both the regression estimates and the substantive effects—offer convincing support for the first hypothesis. Before the Pinochet arrest, embattled leaders went into exile regardless of whether they had previously committed atrocities. After the

Pinochet arrest, however, leaders' decisions to flee into exile are conditional on their past behavior.

5.3 Robustness

In addition to the results reported above, I subject my findings to several robustness checks (see Supplemental Appendix). First, since leaders go into exile infrequently, I guard against rare events bias by reestimating the models in Table 1 with rare events logistic regression (Tomz, King, and Zeng 2003). My results are consistent.

Second, I address whether the end of the Cold War is a confounding factor. The pre-Pinochet era mostly consists of leader years during the Cold War, whereas the post-Pinochet era exclusively contains leader years after the Cold War. Thus, it is possible that unobservable factors associated with the end of the Cold War—and not the threat of international justice—drives patterns of exile over time. To ensure that changes linked to the end of the Cold War do not distort my findings, I limit my pre-Pinochet sample to the post-Cold War period. In effect, this tests whether there is a statistically significant relationship between leader culpability and exile in the 1989-1997 period. I find that *Culpable Leader* remains statistically insignificant, reaffirming that there is no relationship between leader culpability and exile in the pre-Pinochet period.

Third, I consider a potential source of endogeneity bias. If leaders commit atrocities with expectations of the exile option in mind, it is plausible that the leaders who still decide to initiate campaigns of mass killing in the post-Pinochet era are substantively different (e.g., they might be particularly risk acceptant). To address this possibility, I estimate a bivariate probit model. The bivariate probit simultaneously estimates a selection equation (whether leaders engage in mass killing) and an outcome equation (whether leaders go into exile) while controlling for the correlation in errors between the two equations. This approach captures the unobservable factors that may influence both mass killing and exile.

The bivariate probit robustness check covers 1998-2010 because this is the only period in which an endogenous relationship might threaten my inferences. In the selection equation, I include four variables the existing literature frequently links to mass killing: ethnic polarization, conflict intensity, trade openness, and democracy.[30] In the outcome equation, I include the covariates from Model 2 of Table 1. Notably, this follows Maddala's (1983, 122) advice that the selection equation should include some covariates that are not in the outcome equation in order to reduce model dependency. I find that the correlation in errors is not statistically significant, meaning that endogeneity bias is unlikely. Moreover, *Culpable Leader* remains significant and negative in the bivariate probit model.

5.4 Change Point Analysis

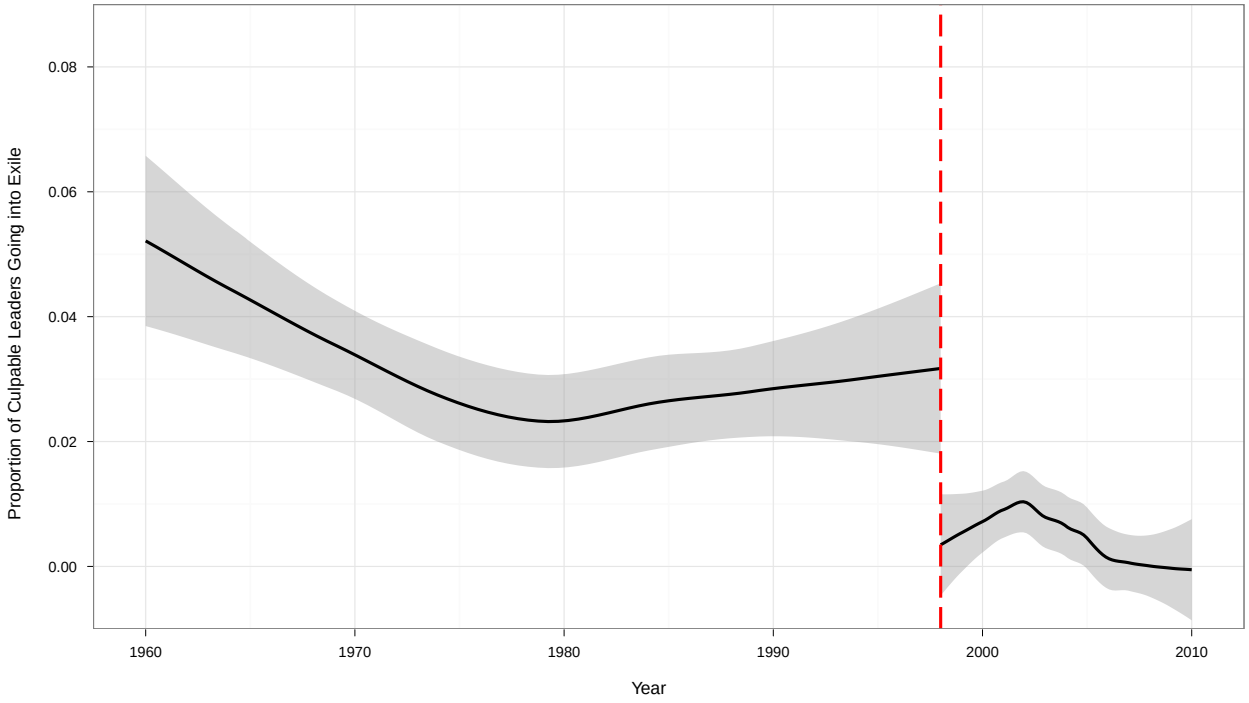
When, exactly, did culpable leaders stop going into exile? Though the previous results offer clear support for my argument, they are point estimates across relatively large time periods. My theory also makes a stronger prediction about the change in the likelihood of exile over time. If the Pinochet arrest caused culpable leaders to start anticipating post-tenure international punishment, we should see a noticeable break in the rate of exile for culpable leaders around that time.[31] To check, I conduct a change point analysis. This test makes no assumption about when the change "should" occur and instead allows for endogenous estimation of the break date. Of course, there may be some noise in the data, but I expect the change point analysis to identify the break in either 1997 (the last year of the impunity era) or 1998 (the first year of the accountability era).

To conduct this test, I use the method derived by Zivot and Andrews (1992) and imple-

[30]The ethnic polarization data is from Montalvo and Reynal-Querol (2005), the conflict intensity data is from the UCCP/PRIO Armed Conflict Dataset, the democracy dummy variable is from Geddes, Wright, and Frantz (2012), and the trade openness data is from the World Bank. See Supplemental Appendix for more detail.

[31]Since both my theoretical expectations and the previous results show that the likelihood of exile for nonculpable leaders remains relatively constant over time, the change point analysis focuses on culpable leaders only.

Figure 2: Rate of Exile for Culpable Leaders by Year



mented by Baum (2005). Like other structural break tests, the Zivot and Andrews method is applied to a single panel of times series data. Therefore, I collapse my data into a panel measuring the proportion of culpable leaders worldwide going into exile for every year from 1960 to 2010. Consistent with my argument, the change point analysis detects that the single most significant break in the rate of exile for culpable leaders occurs at 1997, the last year of the impunity era.[32] To visualize how the rate of exile for culpable leaders changes, I use a loess function—which employs a locally weighted nearest neighbor smoothing method—to fit a line on either side of the break.[33] The black line represents the estimate, and the shaded area captures the 95 percent confidence interval (see Figure 2).

[32]The t-statistic for a structural break at 1997 is -6.49, which is statistically significant at the .01 level. This result reaffirms my decision to split the sample into 1960-1997 and 1998-2010 periods.

[33]To estimate these functions and their confidence intervals, I used the ggplot2 package in R (Wickham 2009), employing a first degree polynomial and the default span. To the left of the dashed red line is data for 1960-1997; to the right is data for 1998-2010.

6 Consequences for Conflict Duration

The previous section demonstrated that a focus on international justice helps explain patterns of exile. This section tests another observable implication of the theory that follows from those results. If culpable leaders in the post-Pinochet period are reluctant to go into exile because they anticipate post-tenure international punishment, they should also be more willing to gamble for resurrection during civil conflicts. Specifically, I expect that leader culpability has no effect on conflict duration before 1998. After 1998, however, conflicts with culpable leaders should last significantly longer than conflicts with nonculpable leaders.

6.1 Data

The data for this test has an event history structure. The dependent variable is civil conflict duration (measured in days). Each subject is a conflict dyad, meaning that the unit of analysis is a specific government-rebel group dyad, not the country. This approach follows recent advances in modeling conflict duration and usefully differentiates between several contemporaneous conflicts in the same country. The data are from the Non-State Actor dataset (Cunningham, Gleditsch, and Salehyan 2009), which supplements the standard UCDP/PRIO conflict data with information on the characteristics of all rebel groups involved in intrastate conflicts. I use time-varying covariates to account for the fact that the values of some independent variables change over the course of the same conflict.

As before, I disaggregate the data into pre-Pinochet and post-Pinochet periods. For the pre-Pinochet period, I use data on conflicts that begin anytime between the start 1960 and the end of 1997. The dyads enter the data on the day the conflict starts and exit when the conflict ends (the dyad "fails"). Some dyads never experience failure during the observation period and are right censored at the end of 1997. For the post-Pinochet period, I use data on conflicts that begin anytime between the start of 1998 and the end of 2010. Dyads enter

the data in the same manner just described and are right censored at the end of 2010 if the conflict is still ongoing at that time.[34]

The independent variable of interest is *Culpable Leader*, a dummy variable that equals 1 for conflict dyads with a culpable leader. Leader culpability is defined in the same manner as in the previous section. Note that the leader culpability variable can change over the course of a conflict dyad depending on the specific leader in power.

I also control for several factors that are thought to influence civil conflict duration. One set of explanations for war duration focuses on a rebel group's capacity to resist the state. Almost by definition, a rebel group must possess the capability to resist the state's coercive forces for a conflict to continue. I proxy *Rebel Strength* with the Non-State Actor dataset's measure of the military strength of the rebels relative to the government. Additionally, rebel groups can continue fighting when they would otherwise face defeat if they receive war materiel and cross-border sanctuary from foreign states (Salehyan 2009). Therefore, I include *External Support*, a dummy variable from the Non-State Actor dataset indicating whether each rebel group receives support from the government of a foreign state.

Another set of explanations for conflict duration involves the state's capacity to target rebel groups. The classic indicator for state capacity in cross-national research is GDP per capita, which is thought to reflect a state's military, financial, and bureaucratic competencies (Fearon and Laitin 2003; Fearon 2004).[35] As a result, *Development* measures each country's GDP per capita (in thousands of dollars) using data from Gleditsch (2002). Rough terrain, by contrast, is expected to increase conflict duration because it limits the reach of the state and offers insurgents geography that is conducive to asymmetrical warfare. Consequently, I include *Mountains*, a variable that measures the percentage of each country's territory that

[34]I exclude conflicts that are largely extraterritorial and thus outside the scope of my theory (e.g., the USA-al Qaeda dyad).

[35]Interpreting the meaning of GDP per capita in conflict studies is controversial. Note that others believe it captures the opportunity costs of engaging in rebellion (Collier and Hoeffler 2004).

is mountainous (Fearon and Laitin 2003).

Lastly, the bargaining environment during a conflict might influence war duration. Cunningham (2006), for example, shows that civil wars tend to last longer when there are multiple veto players that can block the implementation of a peace agreement. To control for this dynamic, *Multiparty War* is a dummy variable indicating whether each conflict dyad is part of a multiparty civil war involving more than one rebel group.[36]

6.2 Main Results

I estimate Cox proportional hazards models to evaluate my predictions on conflict duration. I account for the possibility of dependence among conflict dyads that are part of the same civil war by clustering standard errors on the war identification code. I report coefficient estimates rather than hazard ratios. A negative coefficient means that increases in the independent variable decrease the likelihood of failure (i.e., increase conflict duration). Conversely, a positive coefficient means that increases in the independent variable increase the likelihood of failure (i.e., decrease conflict duration). If my argument is correct, *Culpable Leader* should be insignificant in the pre-Pinochet period but statistically significant and negative in the post-Pinochet period.

The results are reported in Table 2. Model 1 assesses the relationship between leader culpability and conflict duration in the impunity era. I find that *Culpable Leader* is statistically insignificant even at the 90 percent level. In other words, the impact of leader culpability on conflict duration is statistically indistinguishable from zero during this time period. Model 2 examines whether leader culpability influences conflict duration in the accountability era. As predicted, *Culpable Leader* is negative and statistically significant. We can therefore reject the null hypothesis that leader culpability has no effect on conflict duration during this period. Instead, the results show that civil conflicts last significantly longer when culpable

[36]Summary statistics are available in the Supplemental Appendix.

leaders are in power.

Table 2: Event History Models of Civil Conflict Duration

	1960-1997	**1998-2010**
	(1)	(2)
Culpable Leader	-0.231	-0.654**
	(0.173)	(0.264)
Rebel Strength	0.347**	0.096
	(0.093)	(0.209)
External Support	-0.549**	0.019
	(0.145)	(0.236)
Multiparty War	-0.029	-0.207
	(0.168)	(0.280)
Mountains	-0.002	-0.003
	(0.003)	(0.006)
Development	0.015	-0.068**
	(0.022)	(0.021)
N	1451	268
Subjects	268	94
Log lik.	-1009.416	-269.123

Standard errors clustered by war code in parentheses
* $p < 0.10$, ** $p < 0.05$ (two-tailed)

Taken together, the models presented in Table 2 lend support to the second hypothesis. Before 1998, leader culpability does not influence conflict duration because exile was an attractive exit strategy for all leaders. After 1998, by contrast, culpable leaders have constrained exit options, which incentivize them to gamble for resurrection and ultimately increase conflict duration.

6.3 Robustness

I also perform additional robustness checks (see Supplemental Appendix). First, I investigate whether my results might simply pick a post-Cold War effect. Kalyvas and Balcells (2010) show that the end of the Cold War fundamentally altered the "technology of rebellion" used in civil wars, and subsequent research finds that the technology of rebellion influences the

duration of civil wars (Balcells and Kalyvas 2012). To parse out the effect of the end of the Cold War from the justice cascade, I limit my pre-Pinochet sample to the 1989-1997 period.[37] I once again find that *Culpable Leader* is statistically insignificant, confirming that there is no relationship between leader culpability and conflict duration in the impunity era.

Second, I ensure that my results are not sensitive to the choice of event history model. In the result reported above, I used the Cox model because it makes no assumption about the shape of the baseline hazard rate. However, the Weibull model, which assumes the hazard rate is monotonic, is sometimes used in studies of civil war duration. Therefore, I reestimate the models in Table 2 using a Weibull model. My results are consistent: leader culpability has no effect on conflict duration before 1998, but conflicts with culpable leaders last significantly longer after 1998.

7 Conclusions

This paper argued that the justice cascade—the recent trend toward holding leaders accountable for human rights violations—inadvertently produces perverse effects by threatening the post-tenure fates of leaders. Though international criminal accountability poses little threat to leaders while they are in power, international actors can manipulate the costs third-party states face for sheltering culpable leaders that flee into exile when their regimes end. Raising the costs of protection on potential host states reduces the credibility of the exile option for culpable leaders. As the viability of the exile option falls, leaders have greater incentives to cling to power and gamble for resurrection during conflicts even when the prospects for victory are slim.

To test my argument, I examined the arrest of former Chilean leader Augusto Pinochet

[37]For this model, I use data on conflicts that begin anytime between the start 1989 and the end of 1997. The dyads enter the data on the day the conflict starts and exit when the conflict ends. Dyads are right censored at the end of 1997 if the conflict is still ongoing. See Supplemental Appendix.

in the United Kingdom in 1998 as a plausibly exogenous shock to other leaders' beliefs about the likelihood of post-tenure international punishment. I showed that the decision of leaders to flee into exile is conditional on their expectations of post-tenure international punishment. Whereas culpable leaders are no more or less likely to flee abroad than nonculpable leaders before 1998, culpable leaders are about seven times less likely to go into exile than nonculpable leaders after 1998. Moreover, undermining the possibility of a safe exile gives culpable leaders an incentive to fight until the bitter end. While there is no evidence of a relationship between leader culpability and conflict duration before 1998, civil conflicts last significantly longer when culpable leaders are in power during the post-1998 period.

Apart from their own import, the findings presented here have additional implications for both scholars and policymakers. For scholars, this paper highlights the value of thinking about the unintentional consequences of policies. All too often, researchers focus exclusively on whether interventions produce their intended objective. But it is important to remember that new policies—especially international ones designed to shape domestic politics—interact with preexisting political circumstances featuring strategic actors that may not respond as advocates hope. Scholars have made advances in this regard, particularly in the study of foreign aid (e.g., Easterly 2006), but more remains to be done.

For policymakers, the findings cast doubt on the common assumption that peace and justice complement one another. Former Secretary of State Madeleine Albright's view is representative: "In the end, it is very difficult to have peace...without justice."[38] My results suggest that the opposite may be true. The pursuit of international justice can undermine the prospects for peace because punishing culpable leaders gives them an incentive to keep fighting. The justice cascade therefore is a far more complex and multifaceted phenomenon than has been realized previously.[39] Looking ahead, policymakers face difficult choices on

[38]Norman Kempster, "Albright Queries Sierra Leone Peace," *Los Angeles Times*, 19 October 1999.

[39]In yet another twist, if my argument that committing atrocities constrains the post-tenure options of leaders is correct, then international justice should also create an ex ante deterrent effect.

whether to prioritize pursuing justice or ending intractable conflicts.

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9 Supplemental Appendix

Table 3: Summary Statistics for Variables in Table 1

Variable	Mean	S.D.	Min.	Max.
Culpable Leader	.21	.41	0	1
Conflict Intensity	.23	.54	0	2
Revolutionary Activity	.23	.56	0	9
Western Affinity	-.02	.93	-2.49	3.01
Democracy	.41	.49	0	1

Table 4: Interaction Alternative for Table 1: Instead of using period sub-samples, I estimate a single model for the entire temporal coverage of the data and include the interaction term Culpable Leader * Post-1998 (and the constituent terms). Post-1998 is a dummy variable that equals 1 for all years beginning with 1998. All other variables are identical to those in Table 1. Model 1 includes all years (1960-2010); Model 2 includes the post-Cold War period only (1989-2010).

	1960-2010	**1989-2010**
	(1)	(2)
Culpable Leader * Post-1998	-1.449*	-2.014**
	(0.778)	(0.866)
Post-1998	-0.087	0.277
	(0.268)	(0.430)
Culpable Leader	-0.100	0.126
	(0.265)	(0.487)
Conflict Intensity	0.297	0.821**
	(0.208)	(0.244)
Revolutionary Activity	0.948**	0.466**
	(0.265)	(0.154)
Western Affinity	0.063	-0.303*
	(0.105)	(0.182)
Democracy	-0.450	-0.391
	(0.277)	(0.414)
Constant	-4.471**	-4.927**
	(0.189)	(0.409)
N	7481	3713
AIC	1077.29	454.73
BIC	1132.65	504.48

Standard errors clustered by leader in parentheses

* $p < 0.10$, ** $p < 0.05$ (two-tailed)

Table 5: Reestimating Models from Table 1 with Rare Events Logistic Regression

	1960-1997	**1998-2010**
	(1)	(2)
Culpable Leader	-0.064	-1.849**
	(0.269)	(0.849)
Conflict Intensity	0.380*	-0.140
	(0.211)	(0.639)
Revolutionary Activity	0.815**	1.833**
	(0.267)	(0.407)
Western Affinity	0.172	-0.441*
	(0.112)	(0.257)
Democracy	-0.634*	0.272
	(0.324)	(0.560)
Constant	-4.351**	-5.244**
	(0.186)	(0.422)
N	5257	2224
AIC	.	.
BIC	.	.

Standard errors clustered by leader in parentheses

* $p < 0.10$, ** $p < 0.05$ (two-tailed)

Table 6: Logit Model of Exile, 1989-1997

	1989-1997
	(1)
Culpable Leader	-0.283
	(0.500)
Conflict Intensity	1.258**
	(0.283)
Revolutionary Activity	0.264**
	(0.115)
Western Affinity	-0.045
	(0.250)
Democracy	-1.236*
	(0.700)
Constant	-4.611**
	(0.398)
N	1489
AIC	223.93
BIC	255.76

Standard errors clustered by leader in parentheses

* $p < 0.10$, ** $p < 0.05$ (two-tailed)

Table 7: Bivariate Probit Model of Exile: This model simultaneously estimates a selection equation (whether leaders engage in mass killing) and an outcome equation (whether leaders go into exile) while controlling for the correlation in errors between the two equations. It covers 1998-2010 because this is the only period in which an endogenous relationship might plausibly threaten my inferences. In the selection equation, I include four variables the existing literature frequently links to mass killing: ethnic polarization, conflict intensity, trade openness, and democracy. The ethnic polarization data is from Montalvo and Reynal-Querol (2005), the conflict intensity data is from the UCCP/PRIO Armed Conflict Dataset, the democracy dummy variable is from Geddes, Wright, and Frantz (2012), and the trade openness data is from the World Bank. The outcome equation is identical to Model 2 of Table 1.

	1998-2010
	(1)
Outcome Equation (Exile)	
Culpable Leader	-0.954**
	(0.366)
Conflict Intensity	0.042
	(0.176)
Revolutionary Activity	0.755**
	(0.150)
Western Affinity	-0.149
	(0.168)
Democracy	0.112
	(0.227)
Constant	-2.580**
	(0.211)
Selection Equation (Mass Killing)	
Conflict Intensity	0.615**
	(0.099)
Democracy	-0.857**
	(0.184)
Trade Openness	-0.001
	(0.001)
Ethnic Polarization	-0.304
	(0.399)
Constant	-1.772**
	(0.250)
Rho	0.081
	(0.237)
N	1649
AIC	500.24
BIC	565.14

Standard errors in parentheses

* $p < 0.10$, ** $p < 0.05$ (two-tailed)

Table 8: Summary Statistics for Variables in Table 2

Variable	Mean	S.D.	Min.	Max.
Culpable Leader	.62	.49	0	1
Rebel Strength	.62	.64	0	3
External Support	.52	.50	0	1
Multiparty War	.76	.43	0	1
Mountains	25.56	23.33	0	82.20
Development	3.59	4.71	.34	43.43

Table 9: Cox Model of Conflict Duration, 1989-1997

	1989-1997
	(1)
Culpable Leader	-0.459
	(0.385)
Rebel Strength	0.431**
	(0.159)
External Support	-0.451
	(0.277)
Multiparty War	-0.056
	(0.332)
Mountains	-0.001
	(0.007)
Development	0.007
	(0.040)
N	286
Subjects	102
Log lik.	-264.126

Standard errors clustered by war code in parentheses
* $p < 0.10$, ** $p < 0.05$ (two-tailed)

Table 10: Reestimating Models from Table 2 with Weibull Event History Model

	1960-1997	**1998-2010**
	(1)	(2)
Culpable Leader	-0.227	-0.762**
	(0.172)	(0.283)
Rebel Strength	0.347**	-0.105
	(0.095)	(0.207)
External Support	-0.560**	0.045
	(0.142)	(0.268)
Multiparty War	0.001	-0.274
	(0.171)	(0.297)
Mountains	-0.002	-0.005
	(0.004)	(0.007)
Development	0.015	-0.087**
	(0.022)	(0.022)
Constant	-5.408**	-5.397**
	(0.405)	(0.667)
N	1451	268
Subjects	268	94
Log lik.	-461.835	-461.835

Standard errors clustered by war code in parentheses

* $p < 0.10$, ** $p < 0.05$ (two-tailed)