

## **Democracies Are Better**

### **How Domestic Accountability Forces Compliance with International Law**

Ryan Nyce

Department of Political Science Honors Program

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### **Abstract**

In the wake of World War II and the Holocaust, the U.S. founded a liberal international order with the United Nations at its heart; in stark contrast, the twenty-first century saw the U.S. execute a war of aggression, forsake its global leadership, and allegedly torture suspects. This hypocrisy raises a question critical to the liberal international order's credibility: do democracies observe international law more than authoritarian regimes? Using Wayne Sandholtz's normative model and Tom Ginsburg's structural model of supranational governance, I determine that world leaders employ cost-benefit analyses of international law. Elections hold leaders accountable to their international obligations, making democracies more likely to obey; on the other hand, authoritarian regimes violate international law unless it would lead other states to topple the regime in self-defense.

## Introduction

In *How Nations Behave*, Louis Henkin famously wrote that “almost all nations observe almost all principles of international law and almost all of their obligations almost all the time (1968, 179). Forged in the aftermath of World War II and the collapse of the League of Nations, the UN strove to end war, defend human rights, and uphold the rule of international law (“United Nations Charter” 1945). In its opening clause, the UN Charter proudly evokes the U.S. Constitution’s preamble in enumerating power not to kings, tsars, or führers, but to “we the peoples.” In 1943, as the war laid waste to nations around the globe, President Franklin Roosevelt revealed in a fireside chat that Americans’ true motivation in joining the war effort was to “permit no vestige of fascism to remain” (Roosevelt 1943). Although he pragmatically aligned with the Soviet Union’s brutal Stalinist dictatorship, Roosevelt’s antipathy toward authoritarianism, wars of aggression, and human rights abuses evidently informed the UN’s framers. Democracies built the UN.

Consequently, when democracies disrespect basic international humanitarian law, they betray a uniquely incendiary hypocrisy. In September 2002, George W. Bush’s Administration released “The National Security Strategy,” ostensibly orienting American military might toward fighting terrorism and building democracies worldwide (2002, 1). Clothed in liberal language, the Bush Doctrine gilded the pursuit of American interests and hegemony in the unipolar world with a veneer of democratic peace theory. The result was anything but “perpetual peace.” Dubbing Saddam Hussein’s Iraq an “outlaw regime” that could eradicate the U.S. with “weapons of mass murder,” Bush preemptively invaded Iraq in 2003 (Bush 2003). While lawyers debate the legality of preemptive war, the fact that the administration knowingly lied about the pretext led international consensus to label the Iraq War a war of aggression (“ICJ Deplores Moves”

2003). Earlier, Bush launched the War on Terror in response to the September 11, 2001 Al-Qaeda attacks in the U.S. Though the international community deemed this an act of self-defense, the War on Terror and the invasion of Afghanistan encompassed egregious human rights abuses (“Resolution 1386” 2001). In particular, critics allege that Bush, Vice President Dick Cheney, Secretary of Defense Donald Rumsfeld, and CIA director George Tenet approved “disappearing” suspected terrorists, torturing them, and transferring them to CIA “black sites” at Abu Ghraib and Guantánamo Bay (Brody 2011). On account of the Rome Statute’s exclusive jurisdiction over signatory states’ citizens, the International Criminal Court (ICC) has no authority to prosecute American crimes in Iraq and Cuba, insulating American officials from accountability. Even at a time when much of the world sympathized with the U.S., news of American aggression and criminality startlingly contracted the nation’s approval rating (*Gallup* 2024).

From Bush’s clandestine torture, to Barack Obama’s unprecedented deployment of non-battlefield dronestrikes, to Donald Trump’s closed-door musings about leaving NATO, recent decades have diminished American credibility internationally (Zenko 2017; Barnes and Cooper 2019). Amid these circumstances, President Joe Biden staked his legacy on restoring American credibility, arguing in his final days that he had succeeded (Madhani, Long, and Lee 2025). Just as Cold War presidents had done, Biden presented an ideological battle at the crux of international relations. Unlike the twentieth century struggle between capitalism and communism, Biden presented a twenty-first century struggle between democracy and autocracy, frequently referencing Vladimir Putin and Xi Jinping. But, Biden’s war was equally foreign and domestic; from a “fake electors” scheme to a violent insurrection at the Capitol, Trump rattled democracy’s foundations when he challenged Biden’s victory. Biden’s messaging about restoring “the soul of the nation” designated a somewhat revisionist yearning for an era when the U.S., a

committed democracy, led the liberal international order against existential threats like fascism and communism.

Regardless, the Biden years were anything but peaceful. In October 2021, the U.S. uncovered the “mother lode”: CIA intelligence from assets and hacks in the Russian government. While American allies were initially loath to believe it, Russia confirmed the U.S.’s worst fears on February 24, 2022, when it launched a full-scale invasion of Ukraine (Sanger 2024, 5, 9). Russia’s invasion has been brutal. Murdering tens of thousands of civilians, shelling crucial energy infrastructure, and raping detained men and women, Russia’s atrocities are obscene; correspondingly, the ICC indicted Putin for illegally deporting Ukrainian children to Russia. Aimed at exterminating the Ukrainian nation, Russia erased Ukrainian culture from curricula in the occupied territories while committing potential environmental terrorism at the Zaporizhzhia Nuclear Power Plant (Hassan 2024; “Ukraine: Briefing” 2024). In the face of Russian crimes against humanity, most of the world has loudly condemned the invasion. Less than one month after it began, the vast majority of countries voted for a UN General Assembly (UNGA) Resolution demanding immediate withdrawal of Russian troops, with nearly all Americans across the political spectrum opposing Russia (“General Assembly Overwhelmingly Adopts” 2022; Poushter et al. 2023). While Putin remains free from ICC custody at the Hague, the world has decidedly shunned him.

Twenty months later and 1,700 miles away, another international crisis arose. On October 7, 2023, Hamas – the de facto government in the Gaza Strip – attacked Southern Israel, killing 1,195 Israelis and taking 251 hostage. Intent on killing as many as possible, Hamas militants deliberately killed and raped civilians, used Palestinians as human shields, and dehumanized Jewish Israelis with genocidal rhetoric (“October 7 Crimes” 2024). As such, on November 21,

2024, the ICC indicted the Hamas al-Qassam Brigades' high commander, Mohammed Deif, for war crimes and crimes against humanity in Israel and the Palestinian territories; controversially, the ICC simultaneously indicted Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant ("Deif" 2024; "Netanyahu" 2024; "Gallant" 2024). Global attention on the Middle East crisis has fixated less on the events of October 7 and more on the ensuing Israel-Hamas War. On October 9, Gallant announced that "no electricity, no food, no water, [and] no fuel" would enter the Gaza Strip during the war, an act which lasted beyond an International Court of Justice (ICJ) injunction demanding their reinstatement. Combined with tens of thousands of civilian casualties, many argue that Israel's actions constitute war crimes, crimes against humanity, collective punishment, and even genocide ("Israel's Crime" 2024). Nonetheless, Israel insists that when it drops leaflets instructing Palestinian civilians to evacuate to safe areas, it fulfills its obligations under international humanitarian law; additionally, Israel and NATO blame Hamas for civilian casualties, citing the fact that they habitually use civilians as human shields to frame Israel for murder, prompting media outrage and ICC action ("Hamas Human Shields" 2021). In the end, the chaotic nature of urban warfare means that the international community may not know the truth of the scope and guilt in the Gaza Strip for some time.

To be sure, the Russo-Ukrainian War and Israel-Hamas War both conform to democratic peace theory's expectations. In 2022, the Economist Intelligence Unit ranked Ukraine as a hybrid regime and Russia as a consolidated authoritarian regime which had experienced as much democratic backsliding since 2006 as Afghanistan ("Economist Intelligence Unit" 2024). In Eastern Europe, Biden's ideological standoff between democracy and autocracy is alive and well. Meanwhile, the same is true in the Middle East, where Israel – a flawed democracy – confronts

Islamist terrorist groups in Hamas, Palestinian Islamic Jihad, and Hezbollah (“Economist Intelligence Unit” 2024). The Economist Intelligence Unit does not evaluate non-state actors, but ideological, theological, and military connections with Iran – a consolidated authoritarian regime which struck Israel in 2024 – betray authoritarian alignment. As democratic peace theory instructs, it is altogether unsurprising when democracies enter wars with autocrats or theocrats. What is surprising is that, despite being more democratic, the criminal allegations levied at Israel far outweigh those levied at Ukraine. Some may attribute this to the nature of urban warfare, to “lawfare,” or even to heightened scrutiny of the world’s only Jewish state. Regardless, this fact inspires a question critical to the liberal international order’s credibility: do democratic regimes comply with international law more than authoritarian regimes?

I will examine the international integration model and the domestic institutions model – normative and structural models of supranational governance. Next, I will quantify compliance with customary international law (CIL) and treaties, the two primary sources of international law. Finally, I argue that democratic institutions encourage compliance with CIL and treaties, but authoritarian regimes only comply with international law when not doing so poses a greater cost than benefit. While both models explain democratic behavior, CIL tends to pose a greater obstacle to authoritarian interests than treaties.

## Literature Review

At its core, whether domestic forces influence a state's relationship with international law invokes liberal international relations theory and democratic peace theory. Originating in Immanuel Kant's *Perpetual Peace*, democratic peace requires that states employ republican forms of government, respect international institutions, and comply with human rights norms (1795, 117–43). Following in Kant's footsteps, liberal international relations theorists devised the Kantian Peace Triangle, wherein democracy, international institutions, and economic interdependence deter democracies from warring with each other. In their seminal paper "Normative and Structural Causes of Democratic Peace," Zeev Maoz and Bruce Russett denote how, between 1946 and 1986, the likelihood that any two democracies would go to war was substantially less than any other combination of regime types (1993, 627, 636). Confirming democratic peace theory's veracity, Maoz and Russett investigate a structural model – that democracies are less likely to initiate wars because they must develop popular support – and a normative model – that democracies extrapolate domestic compromise to the international stage (1993, 626, 625). In the end, the authors hold that the normative model more accurately explains their data and democratic peace theory (1993, 636).

That being said, realists oppose a purely liberal interpretation of the international order. Richard Steinberg and Jonathan Zasloff narrate how, during World War I, liberal international relations scholars like President Woodrow Wilson believed that states would accept CIL as a legitimate framework for conflict resolution because they adopted it through custom and consensus (2006, 65–66). In contrast, the UN's distinctly political forum incentivizes states to codify international law vis-à-vis their own interests, facilitating international cooperation exclusively when states' interests align (2006, 74–75). A far cry from the fundamentally Kantian



framework that Wilson proposed in his Fourteen Points, international law has become an instrument of realist foreign policy for stronger states – especially the permanent members of the UN Security Council (UNSC) (Wilson 1917; Kant 1795, 107, 110, 112). Although this seemingly casts foreign policy in realist “game theory” terms – that states act to maximize gain – Daniel Bodansky claims otherwise. Bodansky assumes that climate action is a prisoner’s dilemma, where states benefit from cooperating but fear the risk of falling behind should they unilaterally reduce fossil fuel consumption (2006, 304). In this situation, the Bush Administration is a free rider beneficiary when the EU and California enforce stricter emissions standards than international and U.S. law prescribe (2006, 305). Nonetheless, the administration opposed these policies because it prioritized the fossil fuel industry over climate action, displaying how values can trump maximizing gain.

Democratic peace theory suggests that, more often than not, authoritarian regimes are responsible for war, whether through aggression or provoking democracies to invoke their right to self-defense. However, Steinberg, Zasloff, and Bodansky demonstrate that values affect how people perceive national interests. Therefore, aggregating the people’s values makes democratic policy-making a more complex interaction between norms and regime structure than in an autocracy. For this reason, I will investigate a normative and a structural explanation of international law.

### International Integration Model

The international integration model describes the normative process which leads states to submit to supranational governance. Alec Sweet and Wayne Sandholtz argue that when EU members realize that the cost of unilateralism is higher than that of integration, they cede control to international institutions in three stages: national, intergovernmental, and supranational

governance (1997, 297, 299, 302–3). Through this process, a state develops liberal international values (1997, 305). At the same time, Sandholtz and Mark Gray discern that international integration invites international non-governmental organizations (INGOs) into a society to discourage corruption through activism (2003, 764–66, 786). This mechanism necessitates a democratic society with liberal speech and press laws. However, Michael Jetter, Alejandra Agudelo, and Andrés Hassan find that democracy is *necessary*, but not *sufficient* to deter corruption; in fact, while advanced democracies – those with a per capita GDP at or above \$2,000 USD in 2015 – are least corrupt, authoritarian regimes are less corrupt than democracies that fall below this threshold (2015, 286–87). This occurs because poorer democracies (e.g. Ukraine) are liberal enough to offer greater opportunities for corruption without eliminating its economic necessity (2015, 287). In synthesis, corruption’s pervasiveness in authoritarian regimes makes international integration costly for authoritarian leaders, offering advanced democracies greater chances to develop liberal international norms.

In addition, Seyla Benhabib rebuts opposition to supranational governance by stressing how cosmopolitan norms decry genocide, war crimes, and crimes against humanity. Acknowledging the conservative trope that supranational governance undermines democracy, she cites EU requirements that member states enfranchise immigrants from other member states, preventing natural-born citizens from determining the scope of their democracy (2005, 96, 100). Nonetheless, Benhabib cites the fact that when Israel prosecuted Nazi SS officer Adolf Eichmann under international law in 1961, Hannah Arendt endorsed it in spite of jurisdictional concerns; while legally dubious, the precedent of Eichmann’s conviction upheld human rights, strengthening democratic values (2005, 99). That being said, Claire Mercer finds that international integration can erode democracy in the Global South. By empowering INGOs,

international integration also empowers Islamist and civil service groups in weak states like Sudan and Bangladesh, where INGOs are more able to meet people's needs than the state (2002, 16). As a result, the state's legitimacy and capacity for democracy decline (2002, 10).

Nonetheless, Eric Neumayer demonstrates that INGOs generally improve human rights standards. First, when democracies uphold free speech, INGOs like Amnesty International and Human Rights Watch publicize violations, permitting constituents to hold elected officials accountable (2005, 930–31). Second, INGOs campaign on behalf of human rights treaties, pushing legislatures to debate their ratification in good faith; as such, domestic pressure ensures that states only ratify treaties that they plan to honor, something absent in authoritarian regimes (2005, 950–51). Therefore, the international integration model holds that liberal norms on free speech, democracy, and corruption make states more willing to accept supranational governance and international law.

### Domestic Institutions Model

The domestic institutions model highlights how the different structures of democratic and authoritarian regimes influence ratification and observance of treaties. Tom Ginsburg offers three explanations for why democracies, and not authoritarian regimes, take initiative on international institutions like the ICC, World Trade Organization, and multilateral treaties (2021, 3, 14). First, authoritarians tend to conflate their own survival with the state's security, so they are averse to the consequences of submitting to international law (2021, 39). Second, democracies seek cosmopolitan agreements with mutual benefit, but authoritarians pursue self-interested bilateral agreements, embodied in China's Belt and Road Initiative (2021, 43). Third, democracies are more transparent than authoritarian regimes, giving voters insight into the foreign policy and treaty ratification discussions between elected officials (2021, 44). Furthermore, Ginsburg argues

for “commitment theory.” Because legislatures in democracies must advise on and consent to treaties which the executive negotiated, democratic ratification processes are more credible to the international community than an autocrat’s unilateral ratification (2006, 750). In fact, governments never ratify CIL, making treaties a more credible guarantor of state behavior than CIL – a dichotomy which fundamentally depicts CIL as normative and treaties as structural.

While democracies most often write international law, Ginsburg warns against authoritarian involvement in and distortion of international law. He explains how, following coup d’etats throughout Africa, NATO led a cosmopolitan response encompassing civilian leadership, military dictators, Russia, and even the Wagner Group (2022, 11, 21, 23, 25). At the same time, the Organization of American States and the EU increasingly reflect their member states’ democratic values, prompting them to condemn illiberal members like Nicaragua, Poland, and Hungary (2022, 17, 20). Consequently, pariah states espouse dualism – a legal philosophy denying domestic courts the right to invoke international law – instead of monism, where courts treat domestic and international law as a single body of law (2022, 20). Additionally, the Eurasian Economic Union, Gulf Cooperation Council, and Association of Southeast Asian Nations exemplify how authoritarians mimic the structures of liberal organizations like the EU with bilateral goals (2020, 47, 49, 50). In an egregious perversion of international law, many authoritarian regimes claim that Westphalian Sovereignty protects their authority to violate human rights and criminalizes humanitarian intervention as wars of aggression (2020, 44). As authoritarianism has subverted the liberal international order for its own legitimacy and interests, it has spread across the world, threatening democratic peace and making wars and war crimes “contagious” (Dothan 2022, 84, 89).

Even so, Bruce Mesquita, George Downs, Alastair Smith, and Feryal Cherif find reason to doubt structural explanations for human rights compliance. They argue that, while competition, free elections, and a strong multiparty system correlate with honoring international law, the sum of these parts, arising from liberal norms, best predicts human rights performance (2005, 440, 456). Despite being a normative explanation, this sheds light on the flawed American nation-building projects in Iraq and Afghanistan. Tony Evans outlines how the U.S. prioritized economic liberalization over political liberalization as it composed new democracies, leading foreign corporations to exploit natural resources and delegitimize the nascent state; as a result, Americans' failure to secure democratic institutions prevented Iraqis and Afghans from developing liberal norms, producing abhorrent human rights records (2001, 633, 640). Moreover, Charles Smith and Heather Smith explain how defense contractors spread manufacturing over nearly every congressional district to guarantee budget increases in the U.S. Congress (2006, 14). As a result, senators declined to ratify the Rome Statute for fear that military-affiliated constituents would deny them reelection – a rare occurrence which typically follows a controversial act (2006, 15–16). This suggests that the U.S. Congress's structure discouraged the nation from ratifying the Rome Statute, not the Bush Administration's condemnation of the “universal jurisdiction” which, due to complementarity and jurisdictional provisions, would never apply to the U.S. (2006, 2, 4, 21). Consequently, the domestic institutions model not only indicates that democracies should obey international law more than authoritarian regimes, it plausibly explains when this paradigm could falter.

## **Methods**

To answer whether democracies comply with international law more than authoritarian regimes, I assigned “democracy” as the independent variable and “compliance” as the dependent variable. Then, to evaluate both models, I took CIL as a proxy for the international integration model and treaties as proxies for the domestic institutions model. I stratified “compliance” into six separate dependent variables typifying different areas of international law; due to immense variation in the severity and nature of each crime, I did not aggregate into a single “compliance” variable. Next, I will outline how I quantified democracy and compliance with treaties and CIL.

### Alliances

As the literature indicates, many criticize the UN for bestowing disproportionate power over international proceedings to the permanent UNSC members. In 2024, the U.S. vetoed a UNSC resolution imposing a ceasefire between Hamas and Israel in the Gaza Strip (“U.S. Vetoes Gaza” 2024). Similarly, Russia vetoed a UNSC resolution extending the life of a commission designed to sanction North Korea (“World News in Brief” 2024). While North Korea’s crimes far outweigh most allegations against Israel, such vetoes display how UNSC members can elevate national interests above international commitments or uphold authoritarian rule against international scrutiny (Steinberg and Zasloff 2006, 74–75; Ginsburg 2020, 44). On account of alliances’ potential as a confounding factor, I limited my study to permanent UNSC members and their allies.

Because western alliances predominantly comprise formal partnerships, I defined American, British, and French allies as NATO members and Major Non-NATO Allies (MNNAs). In addition, I included Mexico, Guatemala, and Ukraine. First, Mexico consistently ranks as the top U.S. trading partner, with trade between the two amounting to \$807 billion USD in 2023

(“U.S. Relations With Mexico” 2025). Second, on top of supporting Ukraine and recognizing Taiwan, Guatemala’s top trading partner is the U.S., with \$14.5 billion USD in trade in 2023 (“U.S. Relations With Guatemala” 2025). Third, the U.S. has sent \$65.9 billion USD in weapons shipments to Ukraine since Russia’s 2022 invasion, facilitating a close security and intelligence alliance (“U.S. Security Cooperation with Ukraine” 2025).

Though Russia and China have not formalized their alliances like NATO has, UNGA votes condemning Russia’s 2014 annexation of Crimea and 2022 invasion of Ukraine indicate that Belarus, North Korea, Eritrea, Syria, and Zimbabwe support the axis (“General Assembly” 2022; “General Assembly Adopts Resolution” 2014). Similarly, governing juntas in Burkina Faso, Mali, and Niger have backed Russia’s Wagner Group against Ukrainian offenses while Russia strengthens security alliances with Cuba, Nicaragua, Venezuela, and the Central African Republic (Christensen et al. 2024; “Russia’s Strategy” 2024; Princewill and Chernova 2025). Finally, Russia’s alliance with Iran and, in turn, Iran’s alliance with the Taliban, justify Afghanistan’s inclusion as Russian allies (Plummer 2025; Zelin 2023).

### Democracy

Having narrowed my scope, I defined democracy with respect to the quality of a regime’s procedure and content. Leonardo Morlino argues that “good” democracies incorporate three dimensions; procedure refers to consistency and fairness of institutions, content refers to the values and norms which a constitution espouses, and results assess the state’s overall efficacy (2007, 11). Correspondingly, in *Politics: Who Gets What, When, How*, Harold Laswell contends that impartial, egalitarian, changeable institutions convey democratic procedure while a liberal constitution, balance of power, and citizenry which embraces “democratic character” deliver democratic content (Laswell 1936, 234–35; Mesquita et al. 2005, 440). Because the Economist

Intelligence Unit quantifies democracy through government functions (procedure), political participation and culture (content), and civil liberties (results), its democracy index conforms with Morlino and Laswell’s definitions (“Democracy Index 2023” 2024). Moreover, just as CIL and treaties are essentially normative and structural, so are content and procedure. For that reason, the Economist Intelligence Unit’s data encompass both models’ proposals for state behavior, enabling me to extract normative and structural explanations from this study’s results.

### Customary International Law

As the codification of well-established norms, CIL describes broad categories of law such as maritime law, sovereignty, *jus cogens*, *jus ad bellum*, and *jus in bello*. These categories govern a substantial portion of state behavior, with violations gravely endangering basic state functions and human dignity. As such, states frequently request that the ICC, ICJ, Permanent Court of Arbitration (PCA), and International Tribunal for the Law of the Sea (ITLOS) hear CIL-based cases.

I selected the UN Convention on the Law of the Sea (UNCLOS) as a proxy for maritime CIL. In spite of the fact that UNCLOS is a treaty ratified through the same processes outlined in the domestic institutions model, UNCLOS primarily codifies CIL, thus further entrenching it in international norms than most treaties. For example, while the U.S. has not ratified UNCLOS on the basis that “subjugating” itself to the UN could inhibit economic development, it recognizes UNCLOS as a fact of CIL (Whitaker et al. 2024). Therefore, this includes laws governing disputes over military and economic navigation, marine resource extraction, and state seizure of neutral craft. The variable “raw\_data\_unclos” shows the sum of all cases in which the ICJ, PCA, or ITLOS ruled against a state on matters pursuant to UNCLOS in any year. I assigned a score on a 10-point scale using the formula [ $compliance\_unclos = (10 - \frac{10 \cdot raw\_data\_unclos}{MAX(raw\_data\_unclos)})$ ] to



each state for each year, where 10 represents maximum compliance with UNCLOS. I labeled this variable “compliance\_unclos.”

Next, I assigned the V-Dem Institute’s human rights index as a proxy for areas of *jus cogens* and *jus in bello* which pertain to human rights. Codified in various treaties from the Geneva Conventions to the Universal Declaration of Human Rights, human rights directly pertain to the ICC’s jurisdiction over genocide, war crimes, crimes against humanity, and wars of aggression. I adjusted the V-Dem Institute’s index, which they score on a 1-point scale, to a 10-point scale to match the other variables. In one unique case, the V-Dem Institute offers separate data for Israel, the Gaza Strip, and the West Bank. Due to Israel’s municipal and security control over the Palestinian territories, sources like the Publications Office of the EU often aggregate Israel and the Palestinian territories (Crippa et al. 2024). As such, formula [

$$"compliance_{hr}(Israel)" = 10 \cdot ((\frac{10}{15} \cdot "raw\_data(Israel)") + (\frac{3}{15} \cdot "raw\_data(West Bank)") + (\frac{2}{15} \cdot "raw\_data(Gaza Strip)"))]$$

determines Israel’s human rights score weighted by population (“Israel, West Bank and” 2022). The Economist Intelligence Unit and the V-Dem Institute offer discrete data for nearly every year from 2006 through 2022, so variable “compliance\_hr” where  $[n = 1064]$  is particularly robust against experimental error.

Wars of aggression make up the third and final CIL variable. Despite the fact that the Rome Statute provides the ICC with the authority to indict actors for wars of aggression, it has not yet done so. Using the guidelines established by the UNGA, I employed a broad definition of “self-defense,” minimizing the number of illegal wars of aggression. For example, while many – especially those on the political left – would consider American deployment to Afghanistan a war of aggression, the UNGA considered it a reasonable act of self-defense following the

September 11, 2001 attacks (“Resolution 1386” 2001). With such a broad definition of self-defense, I considered only seven wars to be wars of aggression: the Iraq War, the War in Somalia, the Djiboutian-Eritrean Border Conflict, the Russo-Georgian War, Operation Linda Nchi, the Crimean Crisis, and the Russo-Ukrainian War (“ICJ Deplores Moves” 2003; “Resolution 1725” 2006; “Addressing Security Council” 2008; “Resolution 1808” 2008; Bekele 2011; “General Assembly Adopts Resolution” 2014; “General Assembly Overwhelmingly Adopts” 2022). Like with UNCLOS, I scored each state using the formula [

$$"compliance\_woa" = (10 - \frac{10 \cdot "raw\_data\_woa"}{MAX(raw\_data\_woa)})]$$

where variable “raw\_data\_woa” represents the sum of all states’ wars of aggression in any given year. Where a state led a war of aggression, [“raw\_data\_woa”(year) = 1], but where a state militarily supported another aggressor, [“raw\_data\_woa”(year) = .5]

### Treaties

Treaties cover a wide range of areas of international law, many of which are unrelated to CIL. In order to differentiate the areas chosen, I selected three treaties covering the environment, organized crime, and international adjudication, none of which are firmly established in CIL.

First, I selected the Paris Agreement to represent environmental law. Adopted by the UN Climate Change Conference in 2015, the Paris Agreement entered into force in 2016 to decrease greenhouse gas (GHG) emissions by 43% by 2030, limiting global warming to less than 2°C (“The Paris Agreement” 2024). Offering states a one year grace period to inaugurate climate policies, I assumed that compliance would constitute a linear decrease in global GHG emissions from 2016 to 2022, beginning my measure in 2017. As a result, I use the formula [

$$"ghg\_decrease\_expected"(year) = .43 \cdot \frac{(year)-2016}{2030-2016} \cdot "total\_ghg"(year)]$$

to measure the total global decrease in GHG emissions if every state complied with the Paris Agreement.

However, because GHG emissions vary wildly between countries, it would be unfair to expect each state to contribute equally to the 43% decrease. As such, I use the formula [

$$"ghg\_decrease\_comply"(year) = "ghg\_decrease\_expected"(year) \cdot \frac{"ghg"(2016)}{"total\_ghg"(2016)},$$

where “ghg\_decrease\_comply”(year) represents the individual state’s decrease in GHG emissions if it complies. Ranking compliance with the variable “compliance\_paris” on a 10-point scale, [*compliance\_paris* = 0] when GHG emissions increase, [*compliance\_paris* = 10] when states meet their commitments under the Paris Agreement, and when they fall short, I use formula [*compliance\_paris*(year)] =  $10 \cdot \frac{"ghg\_decrease"(year)}{"ghg\_decrease\_expected"(year)}$ . Because they opted out, I excluded GHG data for the U.S. from 2017 to 2020 and Iran for all years.

Next, I used the Global Initiative Against Transnational Organized Crime’s index for organized crime as a proxy for the Palermo Agreement. The Global Organized Crime Index ranks each state based on the prevalence of transnational human trafficking, racketeering, illegal weapons sales, environmental crime, drug trading, and cyber crime on a 10-point scale (Underwood et al. 2023). In order to make 10 equate to maximum compliance for the variable “raw\_data\_palermo,” I quantify the variable “compliance\_palermo” using the formula [*compliance\_palermo* = 10 – *raw\_data\_palermo*]. Because the Global Organized Crime Index and Economist Intelligence Unit’s data only overlap for 2021, “compliance\_palermo” only represents 2021. These data exclude Türkiye.

Finally, I quantified each state’s support for the international arbitration regime based on their membership in the Rome Statute. For dependent variable “compliance\_rome,” where states both signed and ratified the Rome Statute, [*compliance\_rome* = 10]. In instances where states signed the Rome Statute but failed to ratify, [*compliance\_rome* = 5]. Also, for countries that never signed the Rome Statute, [*compliance\_rome* = 0]. Having gone into

effect in 2002, I measured each state's relationship with the Rome Statute for every year from 2006 to 2022. While precedent exists for international criminal tribunals such as the Nuremberg Trials and the International Criminal Tribunal for the Former Yugoslavia, the ICC's status as a permanent international tribunal was revolutionary, justifying its place as a product of a treaty and a departure from CIL.

## Results

The following data suggest that democracies do observe international law more than authoritarian regimes. Applying a linear regression model to each of the six observed areas of international law, the data support a more robust correlation between democracy and treaties than between democracy and CIL.

### Customary International Law

As a rule, regime type has little bearing on whether a state will observe CIL. But, as Figure 1 illustrates, the more democratic a state is, the more likely it is to comply with international human rights norms. Between these six areas of international law, the relationship between human rights and democracy is the most robust, as where  $[r = .883]$  and  $[n = 1064]$ , the p-value is nearly 0.



Figure 1. Data sourced from Economist Intelligence Unit ("Economist Intelligence Unit

(2006-2023) – Processed by Our World in Data” 2024) and the V-Dem Institute (Coppedge et al. 2024).

On the other hand, democracies are no more likely to comply with UNCLOS or norms on wars of aggression than are authoritarian regimes. For UNCLOS, [ $r = .016$ ], indicating little correlation between democracy and compliance. Surprisingly, for wars of aggression, correlation is [ $r = -.058$ ], indicating that, since 2006, democracies have actually performed worse; that being said, low correlation and high p-value – [ $p = .604$ ] and [ $p = .059$ ] – mean that these results are insignificant. In actuality, it is exceedingly rare for states to blatantly violate UNCLOS or to initiate wars of aggression. Where each data point represents each included state every year from 2006 to 2022, [ $n = 1065$ ] for UNCLOS and wars of aggression, with 97.2% of entries demonstrating no violations of UNCLOS and 97.5% of entries demonstrating no wars of aggression.

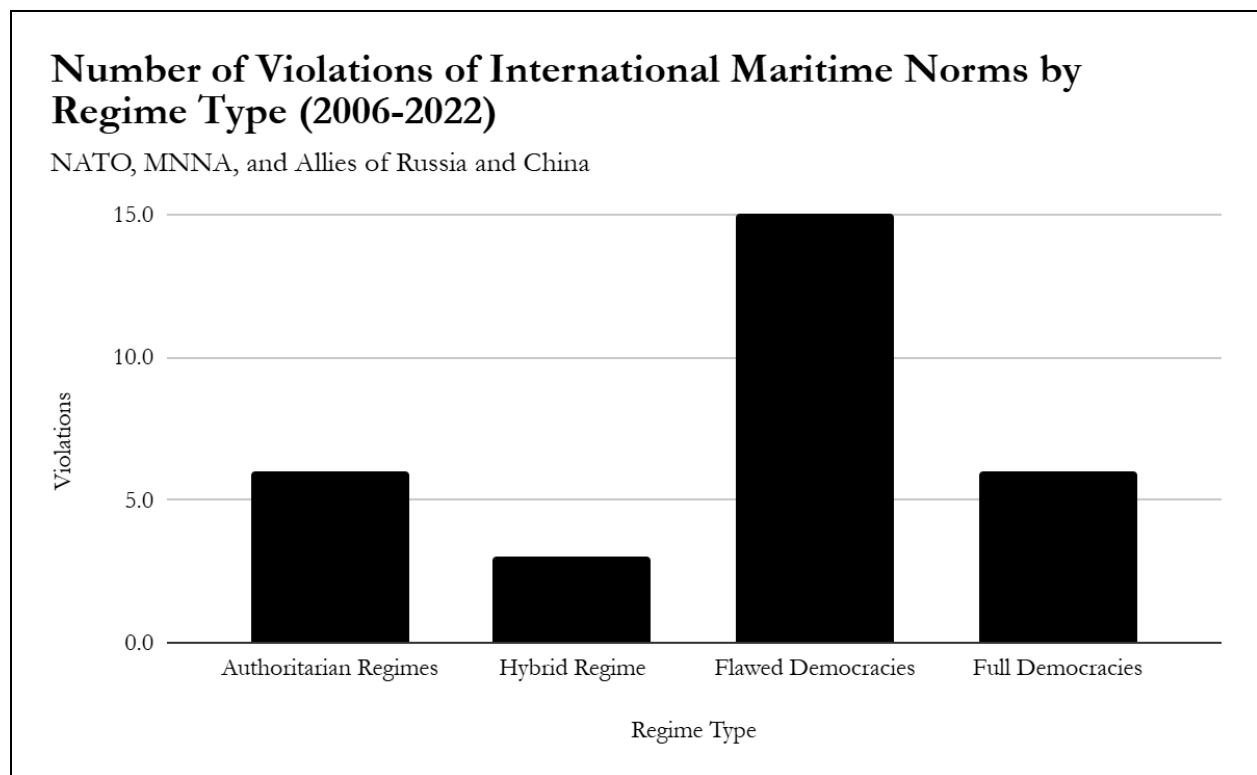


Figure 2. Data sourced from Economist Intelligence Unit (“Economist Intelligence Unit (2006-2023) – Processed by Our World in Data” 2024), International Court of Justice (Costa Rica v. Nicaragua 2009; Nicaragua v. Colombia 2022), Permanent Court of Arbitration (Mauritius v. United Kingdom 2010; Philippines v. China 2016; Netherlands v. Russia 2017), and International Tribunal for the Law of the Sea (Japan v. Russia 2007; Ukraine v. Russia 2019; Panama v. Italy 2019; Luxembourg v. Mexico 2024).

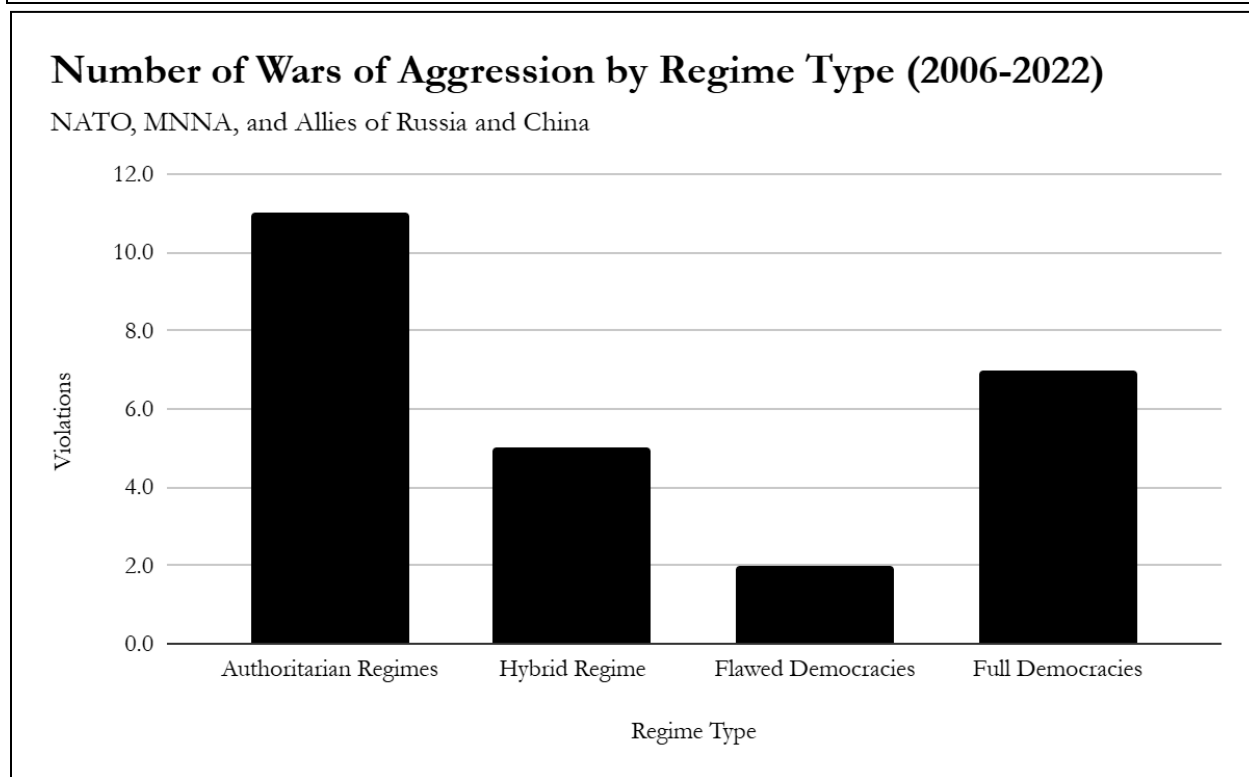


Figure 3. Data sourced from Economist Intelligence Unit (“Economist Intelligence Unit (2006-2023) – Processed by Our World in Data” 2024), International Commission of Jurists (“ICJ Deplores Moves” 2003), United Nations (“Addressing Security Council” 2008; “General Assembly Adopts Resolution” 2014; “General Assembly Overwhelmingly Adopts” 2022), Human Rights Watch (Bekele 2011), and United Nations Security Council (“Resolution 1725” 2006; “Resolution 1808” 2008).

Because failures to comply with UNCLOS and norms on wars of aggression are outliers, it is worth examining those states which actually did violate these areas of CIL. Figures 2 and 3 the perpetrators according to the Economist Intelligence Unit’s four regime types: authoritarian regimes, hybrid regimes, flawed democracies, and full democracies. Perhaps surprisingly, even those countries which fail to comply with UNCLOS and norms on wars of aggression illuminate

no correlation with democracy. This illustrates that the normative international integration model actually does explain a substantial amount of state behavior, but not as it pertains to regime type.

### Treaties

Compared with CIL, democracies fulfill their obligations under treaties far more than authoritarians do. The Paris Agreement, found in Figure 4, carries the lowest correlation statistic, where  $[r = .330]$  and  $[p = 5.40 \cdot 10^{-12}]$ . While a significant result, aggregating data from 2017 to 2022 obscures these results' importance. Because crafting environmental legislation takes time, states have not reduced GHG emissions at a linear rate; this artificially deflates scores during the Paris Agreement's early years, reducing the correlation statistic. Year to year,  $[r(2017) = .184]$ ,  $[r(2018) = .126]$ ,  $[r(2019) = .336]$ ,  $[r(2020) = .542]$ ,  $[r(2021) = .418]$ , and  $[r(2022) = .471]$ . Even without 2020 – the year of COVID-19 – democracies have increasingly met the Paris Agreement's goals more than authoritarian regimes have.

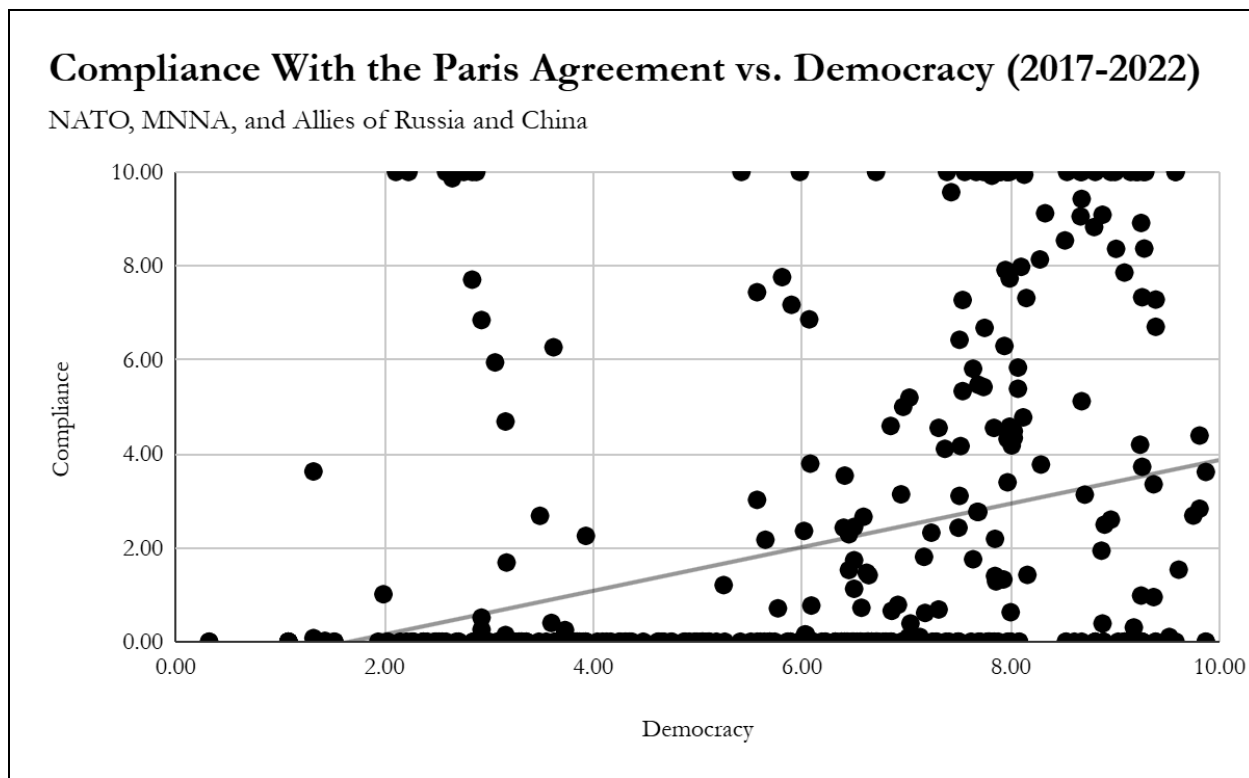




Figure 4. Data sourced from Economist Intelligence Unit (“Economist Intelligence Unit (2006-2023) – Processed by Our World in Data” 2024) and Publications Office of the European Union (Crippa et al. 2024).

Next, democracies conform to the Palermo Agreement at a higher rate than authoritarian regimes do. Figure 5 highlights a mild correlation between stopping transnational crime and democracy, where  $[r = .528]$ , but the fact that  $[p = 2.67 \cdot 10^{-6}]$  suggests that this is, again, a highly significant result. While it would be unsound to extrapolate these data to other years, it is worth noting that this p-value is lower than previous p-values because  $[n = 70]$ , a far lower data count than the other areas of international law which cover multiple years.

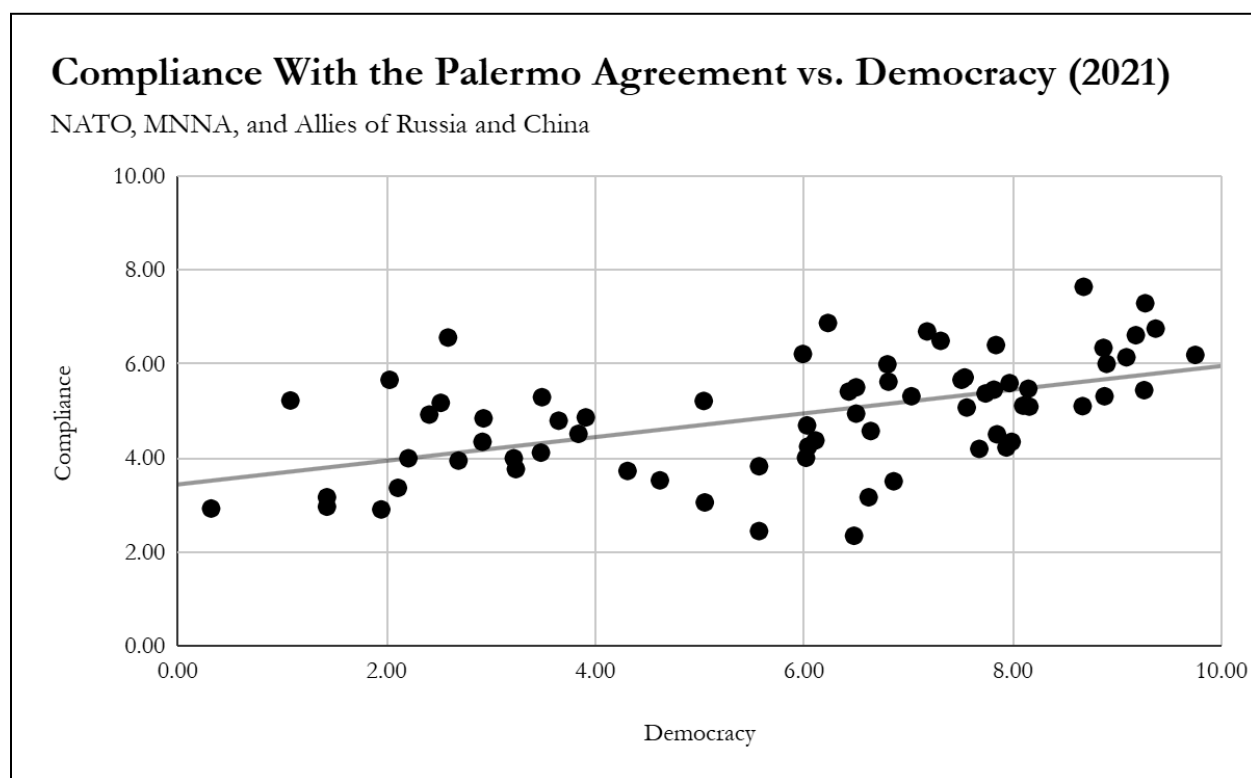


Figure 5. Data sourced from Economist Intelligence Unit (“Economist Intelligence Unit (2006-2023) – Processed by Our World in Data” 2024) and Global Initiative Against Transnational Organized Crime (Underwood et al. 2023).

Finally, membership in the Rome Statute represents a different understanding of what it means to observe international law; rather than observing prior commitments, it measures

whether a state commits to the international system at all. Of each treaty, membership in the Rome Statute actually correlates the most with democracy, as [ $r = .535$ ]; in fact, this is also the most significant correlation for a treaty, as this p-value is nearly 0.

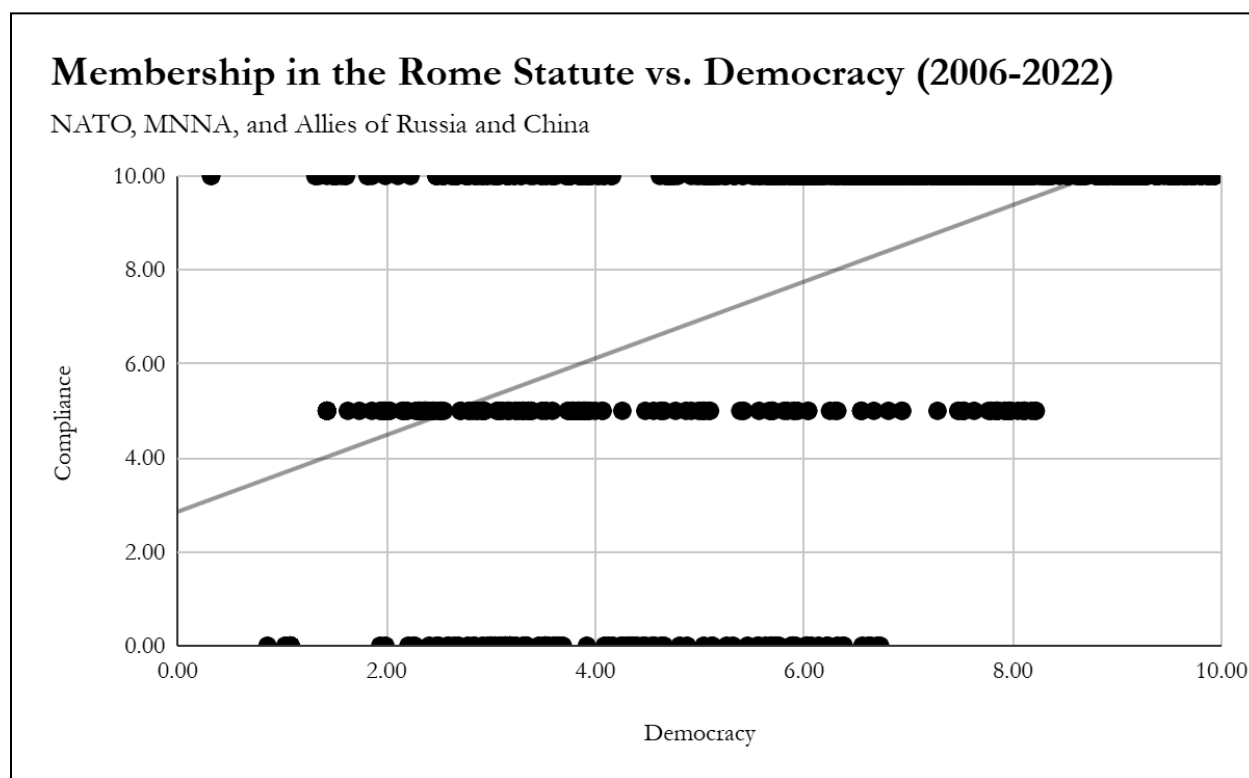


Figure 6. Data sourced from Economist Intelligence Unit (“Economist Intelligence Unit (2006-2023) – Processed by Our World in Data” 2024) and Council on Foreign Relations (Klobucista and Ferragamo 2024).

While it is impossible to aggregate all areas of international law, it is clear from examining the Paris Agreement, Palermo Agreement, and Rome Statute that treaties correlate significantly with democracy. Democracies clearly protect human rights norms better than authoritarians do, but these data fail to offer any conclusion as to whether regime type affects states’ relationships with CIL. Rather, norms explain state behavior across all types of regimes.

## Discussion

While these data elevate the domestic institutions model as a superior explanation for how democratic and authoritarian behavior differ, variations between areas of CIL offer greater insights into state behavior. In particular, these irregularities promote normative and cost-benefit explanations of why leaders – *not* unitary states, as realists argue – violate international law.

### Treaties

Authoritarian regimes fail to live up to their obligations to treaties because they lack effective ratification processes. The Paris Agreement best demonstrates how Tom Ginsburg’s commitment theory and authoritarian international law accurately account for state behavior. With the exceptions of Iran and, during the first Trump Administration, the U.S., every state that I studied signed the Paris Agreement. Rather than signifying unanimous enthusiasm for environmentalism, this fact casts a light on how states take advantage of the legitimacy which international agreements grant them (Ginsburg 2020, 43). Many states never intended to implement the agreement. This conforms with the data, which outline how a substantial number of states – especially authoritarian ones – have environmentally underperformed. Therefore, *signing* the Paris Agreement is a net benefit for any government’s legitimacy.

Despite this, whether *observing* the Paris Agreement offers a net benefit to a government varies with regime type. For example, in 2023, 72% of Americans reported that they cared about climate change and 63% believed that it would increasingly harm other Americans (Tyson and Kennedy 2023). Meanwhile, INGOs like the Environmental Defense Fund, Earthjustice, and Greenpeace engender public support and funding to bolster their environmental agenda. Consequently, most democratic civil societies have strong environmental movements that hold leaders accountable to their pledges to reduce GHG emissions. In a democracy, signing and

observing the Paris Agreement both benefit governments. On the other hand, in authoritarian regimes, limits on free speech make it difficult for INGOs to advocate for environmental policies; also, even if authoritarian societies support reducing GHG emissions, the lack of a functioning electoral system manufactures leaders who are unaccountable to their people. Even among this study's largest polluters in 2016 – China at 26.7%, the U.S. at 12.7%, and Russia at 4.6% of total GHG emissions – only the U.S. decreased GHG emissions at all. This illuminates how, even in the only state to leave the Paris Agreement, democracy forced some change. By 2022, the institutionalization of the environmental movement, climate legislation, and pressure on corporations led citizens in democracies to hold their leaders accountable, producing a statistically significant [ $r = .471$ ] correlation between democracy and the Paris Agreement.

Because treaties must endure the ratification process, it is far more likely for democracies to sign treaties with which they plan to comply. The Palermo Agreement especially exhibits this point. Wayne Sandholtz and Mark Gray offer normative explanations for how international law addresses corruption, while Michael Jetter et. al argue that democracy reduces corruption in advanced economies (2015, 286). Converting the authors' 2015 estimation, an advanced economy in 2021 would be one with a GDP per capita of \$2,288 USD ("CPI Inflation Calculator" 2025), which eliminates only Afghanistan, Burkina Faso, Central African Republic, Eritrea, Mali, Niger, and North Korea – all authoritarian regimes ("Real GDP per Capita" 2021). Even without these states, democracy and transnational crime correlate with [ $r = .517$ ] and [ $p = 1.44 \cdot 10^{-5}$ ], exhibiting high statistical significance. This suggests that corruption and transnational crime correlate, so elected officials vote for or against treaties based on personal interest. This matches Charles Smith and Heather Smith's research on how military spending deterred American senators from even holding a vote on the Rome Statute (2006, 2, 4, 21). Faced

with evaluating whether corruption or compliance provides a greater net benefit, representatives in democracies are more likely to choose the latter; the fact that the Senate never ratified the Rome Statute arises from uniquely American practices on lobbying and congressional districts. However, authoritarianism shields corrupt officials from criticism and legal accountability, allowing officials to ratify the Palermo Agreement without intending to follow it. Therefore, ratification debates and accountability make it more likely that democracies will respect international commitments than authoritarians, who ratify largely to legitimize their rule with “authoritarian international law.”

### Customary International Law

Despite this, CIL offers a stronger explanation of overall state behavior, regardless of regime type. On human rights, the international integration model functions as expected. Democracies outperform authoritarian regimes on human rights, but this is not a function of treaty ratification; the greatest role that ratification plays is that of reaffirming democratic values, not debating treaties’ fine print. Ultimately, these data support Eric Neumayer’s argument that free speech and elections permit INGOs and citizens to hold their governments accountable to human rights norms, regardless of whether they have been codified in a treaty (2005, 930–31). Admittedly, this may introduce a flaw into my research design. Many define democracies as those regimes with liberal norms and scope (Morlino 2007, 11; Lasswell 1936, 234–35; Mesquita et al. 2005, 440). Between this and the Economist Intelligence Unit’s emphasis on civil liberties, a biconditional relationship between human rights and democracy emerges (“Democracy Index 2023” 2024). Even if human rights compliance’s statistical significance owes to holding democracy and poor human rights as mutually exclusive, it remains true that democratic norms

promote human rights norms, guaranteeing that this results from causation, not merely correlation.

Furthermore, because the international integration model fails to account for UNCLOS and wars of aggression, cost-benefit analysis provides a superior explanation. Of the seven wars of aggression in this study, the U.S. led or materially supported two (i.e. Iraq, Somalia), Russia led three (i.e. Georgia, Crimea, Ukraine), and Kenya's Operation Linda Nchi targeted Islamist terrorism in pursuance with the U.S.-led War on Terror (Bekele 2011). Only Eritrea's 2008 incursion into Djibouti lacked superpower backing ("Addressing Security Council" 2008). Usually, the factor which pushes a state to pursue wars of aggression is not regime type – it is power. Under President George W. Bush, the unipolar world shielded American military adventurism from the opposition it would have faced during the Cold War. Likewise, since 2014, President Vladimir Putin has sought to reestablish Russian imperialism in Eastern Europe under the assumption that NATO would not risk Russian nuclear reprisals (Sanger 2024, 246). Indeed, because they are so rare, norms against wars of aggression are robust; nonetheless, realist theory is correct to suggest that nuclear-armed superpowers are more likely to violate such norms.

Violations of UNCLOS are similarly rare, but arise from different circumstances. When China illegally constructs artificial islands in the South China Sea and Russia illegally seizes Japanese, Dutch, and Ukrainian vessels – naval and civilian – it is reasonable to label this typical superpower behavior (Philippines v. China 2016; Japan v. Russia 2007; Netherlands v. Russia 2017; Ukraine v. Russia 2019). In spite of this, many violations of UNCLOS originate in intractable conflicts over maritime borders and the mundane (Costa Rica v. Nicaragua 2009; Nicaragua v. Colombia 2022; Luxembourg v. Mexico 2024). Therefore, when states violate UNCLOS, their actions vary from simple misunderstandings to hegemonic growth, making it

impossible to generalize motivations. Nonetheless, these data again prove how robust norms are against violating CIL.

Given this, what accounts for democracies' equal performance on UNCLOS and wars of aggression but superior performance for human rights? Since the 1993 Black Hawk Down Incident, the UN and NATO have hesitated to carry out humanitarian interventions, condemning 800,000 to genocide in Rwanda and allowing authoritarians around the world to oppress their people with impunity (Power 2001, 8, 26). In Syria, Bashar al-Assad's illegal chemical weapons attacks killed hundreds of his own civilians in 2013 and 2017, not to mention the death toll in the Syrian Civil War (Solvang 2017). Even in spite of American intervention, Assad remained in power until 2024. When authoritarians see their own survival as synonymous with the state, their cost-benefit analysis values their interests over their people's interests (Ginsburg 2021, 39). Nothing stops non-signatories to the Rome Statute – a status more common among authoritarians – from committing atrocities. But, when the threat of retaliation reinforces norms, as is the case with UNCLOS and wars of aggression, authoritarians observe international norms so as not to risk their own power.

#### Credibility of the Liberal International Order

Alliances between democratic and authoritarian regimes present a caveat to the rule that democracies underpin the liberal international order. While even the least democratic NATO members are at least flawed democracies, the U.S. designates eight decidedly authoritarian regimes as MNNAs: Bahrain, Egypt, Jordan, Kenya, Kuwait, Morocco, Pakistan, and Qatar. There can be no doubt that realist concerns during the War on Terror motivated the U.S. to foster these alliances, lending credence to cost-benefit analyses as the final arbiter of whether to violate international law. If the U.S. valued liberal notions like human rights about self-interest, then the

U.S. would not seek allies in authoritarian regimes with poor human rights records. The fact that this is not the case demonstrates the liberal international order's fatal flaw: absent proper enforcement, international law is predicated on idealism.

The rise of authoritarianism presents a grave threat to the liberal international order. Figure 7 illustrates the change in the Economist Intelligence Unit's democracy index for each state between 2006 and 2022. In spite of some democratization in Africa, most states around the world have experienced democratic backsliding. Authoritarians do not simply erode the surface-level sanctity of treaties, the power of norms, and respect for human rights; authoritarians threaten to dismantle the international institutions and intergovernmental organizations which fight to condemn the horrors of World Wars I and II to the past.

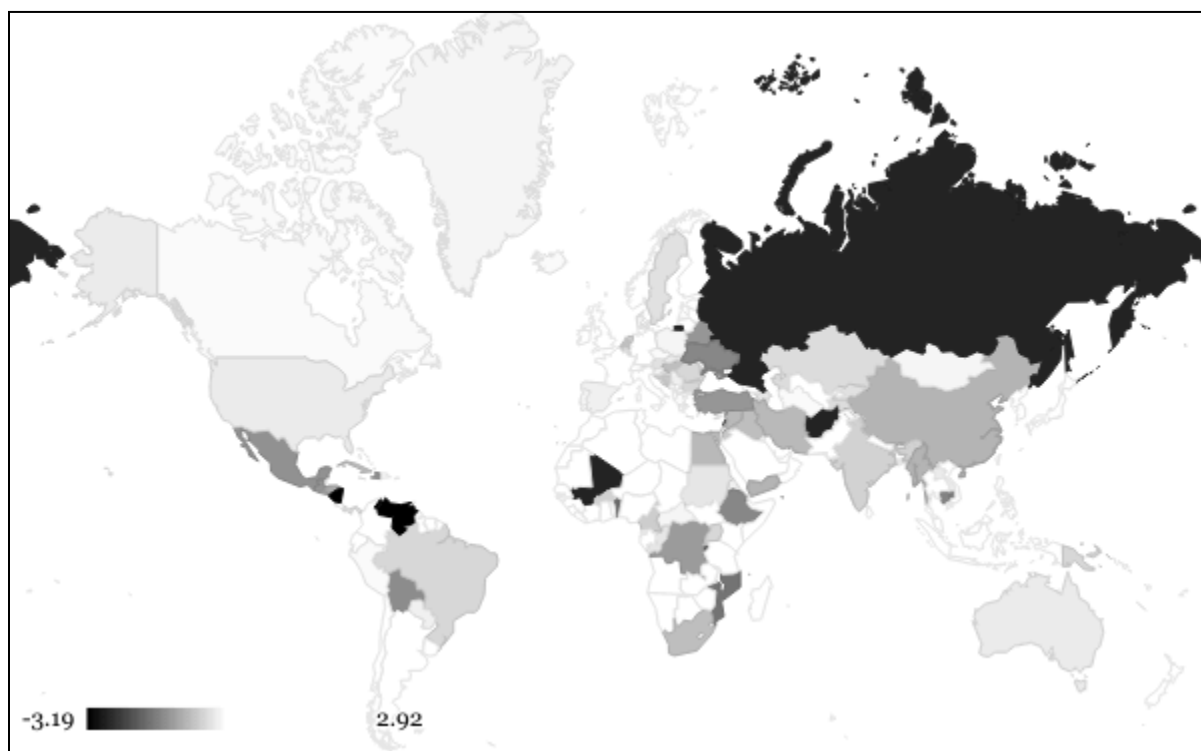


Figure 7. Change in democracy score for each state from 2006 to 2022. Darker countries indicate negative change and greater democratic backsliding. Data sourced from Economist Intelligence Unit ("Economist Intelligence Unit (2006-2023) – Processed by Our World in



Data” 2024).
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Worst of all, as Putin and Xi have consolidated autocracies in Russia and China, even the U.S. has fallen ill with the authoritarian virus. The importance of American democratic backsliding cannot be understated. Following ICC indictments against Netanyahu and Gallant, House Republicans and the newly reelected President Trump have passed resolutions and signed executive orders sanctioning the court (“House Passes” 2025; “Imposing Sanctions” 2025). Although Republicans disowned the Rome Statute in 2002, their approach to indictments against Israeli officials under Trump illuminates a new extreme. They do not merely dispute the charges’ veracity. They entirely dismiss the legitimacy of the ICC’s jurisdiction. At the Munich Security Conference in February 2025, Vice President J.D. Vance downplayed the Russian threat to NATO allies, instead criticizing Europe’s approach to “migration and free speech” (Atkinson 2025). Two weeks later, after Trump and Ukrainian President Volodymyr Zelenskyy’s altercation in the Oval Office, EU foreign policy chief Kaja Kallas warned that “the free world needs a new leader” (Oliver et al. 2025). A far cry from the generation which built the UN, Americans’ turn to authoritarianism and isolationism may sound the death knell for the liberal international order.

Though its fate appears bleak, the liberal international order is not beyond salvation. From the ashes of World War II, the UN arose to prevent such atrocities from recurring – or, in the tragically succinct words of Holocaust survivors: “never again.” Even in the face of adversity, people around the world will continue to fight for democracy, human rights, and environmentalism while decrying transnational crime, war crimes, and wars of aggression. The liberal international order will struggle in the face of growing authoritarianism, but humanitarianism has weathered this fight many times before; the voice of the people is a sound too loud to be ignored, and another spring of democracy is inevitable.

## **Conclusion**

Democracies clearly obey international law more than authoritarian regimes. While most evident with respect to treaties, this correlation holds for customary international law. The notion that world leaders employ a cost-benefit analysis when deciding whether to obey international law decidedly explains these data. While democracies hold leaders accountable to their international commitments through elections and ratification, authoritarians do not face this accountability; as a result, authoritarians violate international law unless it would realistically result in military reprisals, as is the case for non-superpower wars of aggression.

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