**The African Review, Vol. 45, No. 2, December 2018: 26-44**

# A Game Theoretic Model of Exit, Voice and Loyalty in Africa's troubled relationship with the International Criminal Court

**Raphael Z. Mwatela**
Ph.D Candidate, Central China Normal University
Email: mwatelaraph@yahoo.com

&

**Halimu S. Shauri**
Associate Professor, Pwani University
Email: hshauri@yahoo.com

**Abstract**
*Africa consists of the single largest group of member states to the International Criminal Court (ICC). This membership was stronger during the negotiations leading up to the adoption of the Rome Statute in 1998 that paved the way to the creation of this court. Lately, this support has waned and now the African bloc led by the African Union has become amongst the fiercest critics of the ICC. This has seen Burundi becoming the first country to officially pull out of the Statute. The key question is therefore why such a region which highly supported the creation of the court has developed a love-hate relationship with it? This paper employs the ideas by Albert O. Hirschman (1970) to develop a Game Theory model in understanding and explaining the Exit and Voice games of the African block, and come up with costs and payouts for these actions. The authors use qualitative data analysis of existing texts to develop logical propositions. It is noted that exiting the ICC for Africa is a costly option for both the ICC and Africa with minimal payout. The optimum act is for Africa to remain within the ICC and employ voice to push for reforms.*

**Keywords:** International Criminal Court, Game Theory, Exit, Voice and Loyalty

## Introduction

The International Criminal Court (ICC) came into being in July 2002. By March 2018, membership comprised of 123 state parties. In 27 October 2017, Burundi became the first member state to withdraw from the ICC (*The Guardian,* 28.10.2017). This came in the backdrop of sustained attacks

and criticisms from state parties, especially those from Africa. More countries are threatening to follow the Burundi way, with South Africa move stopped by the courts, while Kenyan parliament approved a motion to withdraw from the ICC. This paper employs the core ideas proposed by Albert O. Hirschman in his acclaimed 1970 essay, on why customers of a firm or members of a particular group may choose to voice or exit the firm/group as a response to their declining fortunes. Using analysis of secondary data, this paper seeks to answer three key research questions: why is the African bloc, which overwhelmingly supported the formation of the ICC has become its fiercest critic? Fight or flight- should Africa press for reforms within the framework of the ICC or should it exit? What option does the ICC possess amid this onslaught? Using the classic game theory of costs and pay-off, the paper develops a model of exit and voice to explain the status and predict the future behaviour of both the ICC and Africa with regards to the relationship. This paper is organized into five main sections. The first section covers the introduction which is followed by a look at Hirschman's Voice, Exit and loyalty as a concept. The third section looks at the ICC in Africa and the genesis of the problem at hand. Section four delves into the Voice, Exit and Loyalty games, with the authors incorporating game theory to assess the costs and pay-offs associated with choices available to Africa with regards to her relationship with the ICC, before ending by exploring the key research questions.

**Exit, Voice and Loyalty**

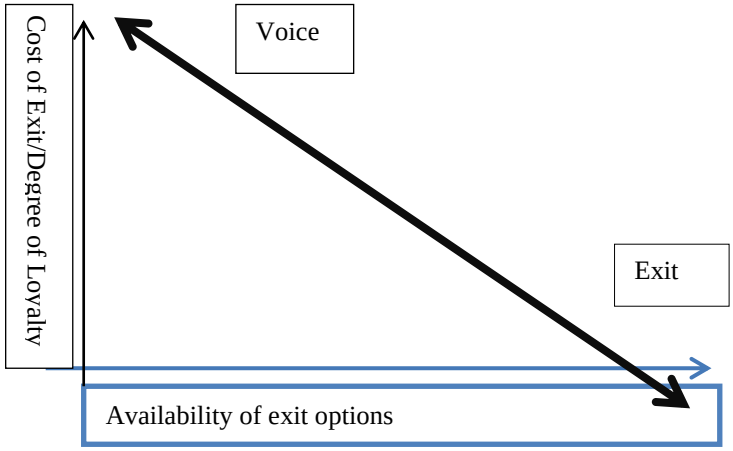
Hirschman posits in his essay that exit and voice are two types of responses to unsatisfactory situations in a person's firm, organization or country. When fortunes dwindle, a person may choose to exit – leave without trying to fix things, or voice – speak up and try to remedy the situation. Loyalty to the firm or organization, is the intervening variable, it will determine the choice to exit or to voice (Hirschman, 1970). He goes on to further argue that in exit, the firm's customer stops buying a product or using a certain service and instead moves to a competing product following reduction in quality. Exit and voice seek to answer the question: when is it wise for members to fight for reform within the organization and from without, and when to exit?

The choice a customer makes between voicing and exiting is determined by an array of factors. Hirschman puts this on the level of loyalty that members have to an organization. More loyal members will likely voice

their concerns in the hope of instituting change than less loyal members who will likely exit. Another factor is the effectiveness of voice - how likely is it for the organization to bow down to complaints. Members are likely to choose exit over voice in the event that they perceive chances of success in getting remedy to be low. Secondly, even though voice may be effective, members may choose to exit where the costs associated with voice far outweigh the gains to be reaped from voice. This also goes for both choices, in choosing either voice or exit, a member is directly influenced by the costs associated with both. Exit is costly as the joint pay-off to both individual members and leaders is high where exit is avoided (Gehlbach, 2006). On the other hand, voice as an option is likely to be employed where the exit options are limited. It is therefore usual to see more of voice in professional groupings such as the Law Society of Kenya (LSK) than Kenya Residents Association (KRA). This is due to the prohibitive costs associated with exiting the Law society where a member might lose their practicing license, while the loss of benefits for the residents' association are minimal. Ease of exit constrains use of voice; exit drives out voice (Stalvant, 1976; Hirschman, 1970).

While Hirschman credits the choice of exit or voice to loyalty members have to an organization, Clark et al (2012) disagree. They argue that, loyalty rather than being a factor, it is an option in itself (Clark, Golder, and Golder, 2012). To them, exiting implies that a member has accepted negative change in circumstances and adjusted personal behaviour in line with this change. Voice implies not accepting the negative change and therefore fighting back, while choosing loyalty implies accepting negative change but without adjusting pre-existing behaviour. They further propose that governments or organizations are likely to respond to members concerns when they depend on these members for existence. Threat of exit therefore forces them to respond positively. Where exit from an organization is highly costly or not probable, members have little choice but to use voice, or loyalty (Barakso and Schaffner, 2008). Exit can also mean exit from and exit into another organization (Stalvant, 1976).

**Figure 1: Interplay of Exit, Voice and Loyalty**




***Source:*** Hirschman (1970)

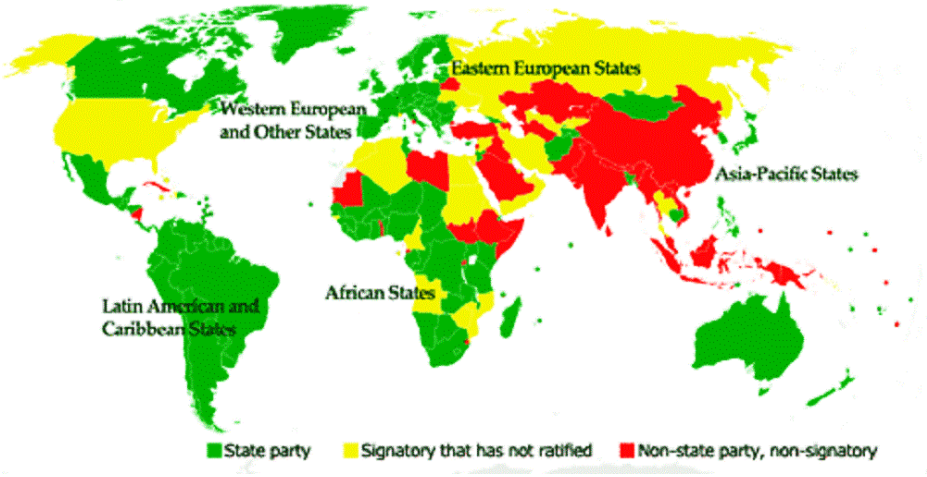
Effectiveness of exit and voice is determined by the influence and power that a member has over an organization. Where a member is more powerful, they will most likely succeed in using voice than when they are less powerful. Hirschman (1970) posits "for voice to work effectively, individuals must possess reserves of political influence which they can bring to play." Influence can only be wielded where an individual possesses power. And as Nye wrote in 2008, power is the ability of one party to influence another to act in a manner that the former would otherwise have not acted in ordinarily (Nye, 2008); it goes to show the complex relationship that the voice and exit options are directly intertwined with power of individual players. It should also be noted that threats of exit can be used as voice. They may not necessarily be an end in themselves, but used as voice. This was especially the case with Britain in the formative stages of the European Union (then called the European Commission) (Lodge, 1975). However, where the threat of exit is credible, effectiveness of voice increases. This means, if the leadership of an organization deems it possible and easy for members to exit, they will be more likely to address the concerns of these disgruntled members than where they think members more or less have no option. The threat of exit is therefore not an end in itself, but can be used as an expression of voice. Availability of competing options can increase the credibility of exit threat. When exit is more costly to the leadership of an organization, effectiveness of voice is increased.

## Africa and the ICC

### *The African Factor in Formative Stage of the ICC*

In the lead up to the Rome conference in 1998, African countries played an active role in the negotiations (Gergana, 2007). The African bloc took a keen interest in the statute to create an international court, which translated into detailed and extensive contributions. This keen participation and interest in creation of the court perhaps stemmed from the various atrocities that occurred in the continent and the need to bring culprits to book, which could not happen under national laws due to infant judicial systems, lack of political goodwill and even one can argue underfunded judiciary in many African states. The Rwanda genocide and how the world watched served to motivate states to take on the idea of a universal court to try crimes of that calibre. Gergana (2007) gives various reasons for this support including lack of resources to effectively prosecute cases of this magnitude; judicial concerns - where African leaders may be afraid to prosecute politically sensitive cases, while local judges may fear prosecuting powerful political actors in the country; and lastly, failure to end impunity through other avenues as tried in Uganda, DRC and Rwanda before they referred the cases to the ICC. By creating a universal court, African governments hoped they could solve all these problems. To highlight the zeal with which the court was welcomed by Africa, Senegal became the first country to ratify the Rome statute, while collectively the region constitutes the largest percentage of membership with 33 member states.[1]

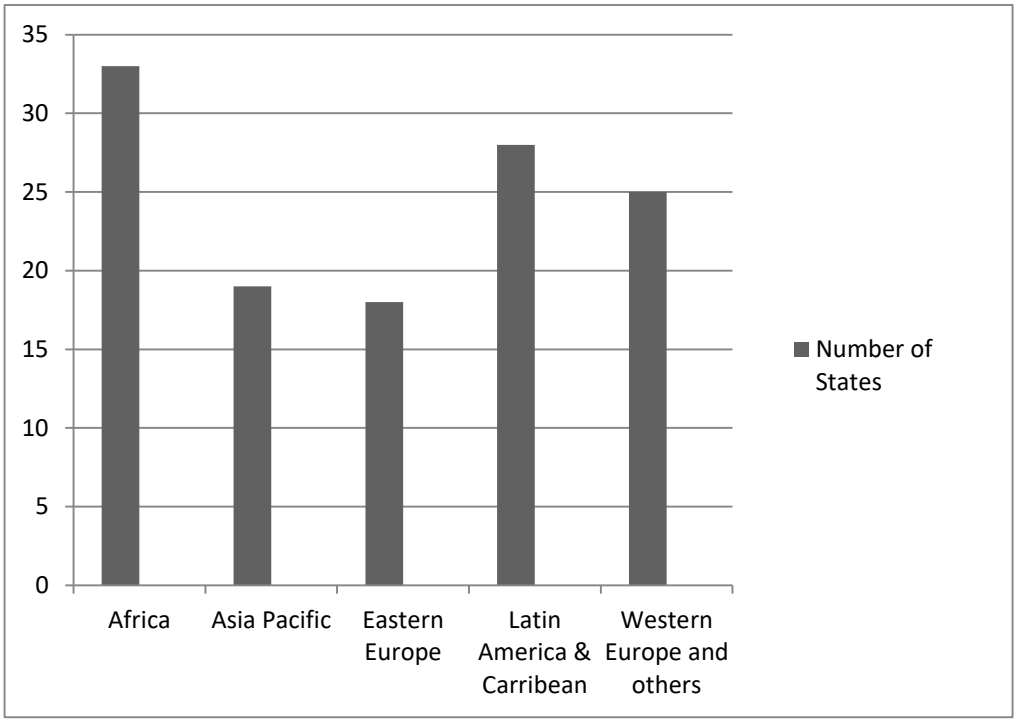
**Figure 2: Geographical Distribution of ICC Members**




***Source:*** asp.icc-cpi.int (accessed 4.5.2018)

This membership per region is closely followed by Latin America (28) and Western Europe (25). With 33 out of 123 state parties, the African block was key to ICC in its formation and continues to be so.

**Graph 1: ICC Members**




***Source:*** Authors

**Tracing the Genesis of Love-Hate Relationship**

African love for the ICC is apparent, with only two cases having not been self-referral. Uganda, DRC, CAR all self-referred. This shows the apparent need that Africa has for the ICC. However, the hate is also there. A variety of reasons can explain the genesis of the ICC's 'African problem'. This section will highlight the role of case distribution and referral mechanism, the diplomatic immunity for sitting heads of state, definition for crime of aggression, and Article 98 of the Rome statute with regards to obligations of non-party states in causing this friction.

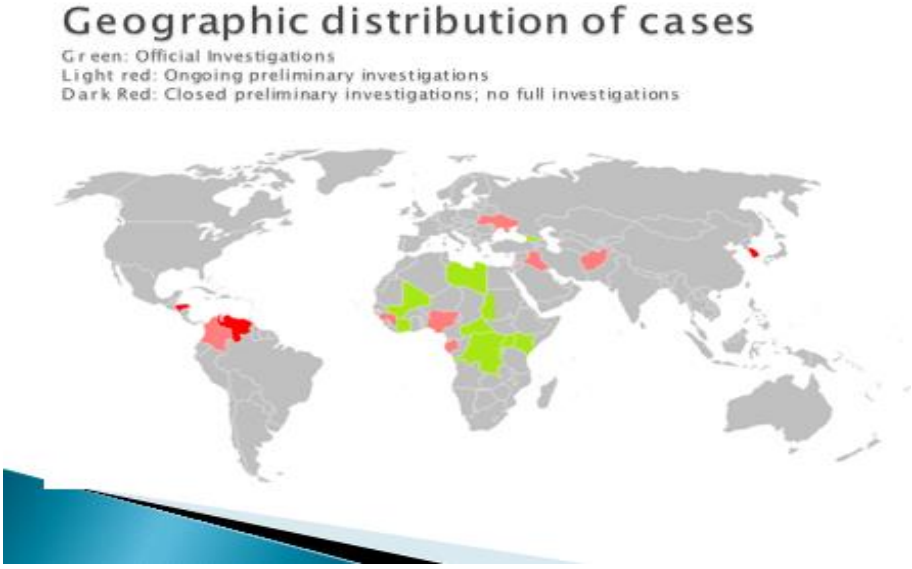
***Geographical Case Distribution and Referral Mechanism***

Through the complementarity principle as stipulated in Article 20 of the Rome statute, the ICC is a court of last resort.[2] It comes in where

the national courts are unable or unwilling to effectively dispense justice to victims of heinous crimes. Even so, it can get involved through three avenues set out in the statute. A member state can refer a domestic matter to the ICC for investigation and prosecution, the United Nations Security Council (UNSC) in performing its role in maintaining world peace can also refer a matter to the ICC, and lastly, the ICC prosecutor can initiate investigation *propriomotu* (on his/her own will) in a matter within a state as provided for in Article 15 of the statute (Gergana, 2007). All these avenues have been employed to refer cases to the court.

As in April 1, 2018, all cases (save for 1) under active investigation by the ICC are from Africa (International Criminal Court, n.d.). Du Plessi et al (2013) argue that this might be supported statistically by virtue of more atrocities being committed within Africa. Others argue that, while this might be true, handling of cases from Africa and perceived lack of interest in Syria and elsewhere shows double standards by the ICC (Dugard, 2013).

**Figure 3: Geographic distribution of the ICC cases**




***Source:*** The ICC www.icc-cpi.int (accessed 29.5.2018)

Cases investigated are in Uganda, Democratic Republic of Congo (DRC), Central African Republic, Darfur (South Sudan), Kenya, Libya, Cote D'Ivoire, Mali, Burundi and Georgia. Libya and Sudan are not party to the Rome

statute, while Burundi has since left membership. Uganda, Mali and DRC cases I and II were self-referral, Sudan and Libya through UNSC resolutions, while Kenya, Cote D'Iviore and Burundi were through ICC prosecutor *propriomotu.* Looking at the referral of the African situations on face value shows more were by the member states themselves than being targeted. However, it has been observed that some 'self-referrals' are far from being voluntary. The prosecutor was accused of pushing for Uganda to refer the case to ICC (Nakandha, Ateenyi, and Kot, 2012). It should be noted that during the pre-trial chamber hearings, the governments of Uganda and DRC sided with the prosecutor in arguing incapability of national courts to dispense justice, coercion or not.

While the self-referrals are with less controversy, the role of UNSC and prosecutor have been heavily cited as a source for disgruntle in Africa. Former Africa Union (AU) Chairperson Jean Ping was quoted as saying 'we (Africa) are not against justice, what we are against is Ocampo's (former prosecutor) justice' (Plessis, Maluwa, and O'Reilly, 2013). Indeed the office has immense powers considering even self-referrals have to get support from the office. The occupier can choose which self- referral to pursue further and which to disregard. The power of UNSC has been cited as the sole reason why some situations get the attention of the course while other do not. Power politics and self-interests are attributed to the Libyan case going to the ICC while Syria, Gaza and Iraq have failed despite gross violations (Mukundi, 2012; Nakandha, Ateenyi, and Kot, 2012; Dugard, 2013). Russia vetoed the Syrian resolution, while the United States (US) has prevented the Gaza issue from being referred to the ICC.

***Diplomatic Immunity and Principle of Universal Jurisdiction***

The indictment of Sudan President Omar Al Bashir at the ICC and subsequent issue of arrest warrant for him opened uncharted territory for both the ICC and Africa, and a new battle front in two ways. First, the principle of diplomatic immunity for sitting heads of state, and secondly the cooperation from non-state parties. Bashir is a sitting president, and Sudan is not a state party to the ICC. In international customary law, sitting heads of state and senior government officials have diplomatic immunity from arrests abroad (Plessis, Maluwa, and O'Reilly, 2013). The arrest warrant therefore went on the face of this, especially seen in light of weak countries who derive a sense of equality with big powers from these provisions.

Secondly, was the legal conundrum; that arose; Article 27 of the statute allows for heads of state to be tried while Article 98 says,

> The court may not proceed with a request for surrender or assistance which would require the requested state to act inconsistently with its obligations under international law with respect to the State or diplomatic immunity of a person or property of a third state, unless the court can first obtain consent from the third state

Sudan, not being a party to the Rome Statute, was under no obligation to the court and its proceedings. Member states were also shielded by the aforementioned article from surrendering Bashir without 'consent from the third party' being Sudan, or as it will be 'inconsistent with its obligation under international law' after the AU made a resolution asking its member states not to honour the arrest warrant. This explains why Bashir was able to travel to Malawi in 2011 to attend an AU meeting with Malawi choosing to cite this article in defence of its position siding with the AU (Plessis, Maluwa, and O'Reilly, 2013). The AU in requesting her member states not to co-operate cited the abuse of the principle of universal jurisdiction by the ICC and Western countries on how Africa was being treated. The principle of universal jurisdiction as developed by Princeton University and contained in the preamble of the Rome statute is classically defined as 'a legal principle allowing or requiring a state to bring criminal proceedings in respect of certain crimes irrespective of the location of the crimes or the nationality of the perpetrator or victim (Randall, 1988). Sometimes referred to as*autdedere, autjudicare principle,* it has been used by states to arrest former heads of state for crimes against humanity, such as Augusto Pinochet of Chile in the United Kingdom, and Hissene Habre of Chad in Senegal (Phillipe, 2006).

In the case of Africa arguing this principle has been abused by Western countries to target African leaders, they have cited the case of Belgium when in 2000 it issued arrest warrant against the DRC foreign minister, in 2008 Germany arresting chief protocol officer to President Kagame of Rwanda (Plessis, Maluwa, and O'Reilly, 2013). To Africa, it was a systematic assault and abuse. When in 2009 the arrest warrant was issued against al Bashir, it argued that the warrant impeded the peace process in Sudan besides being against the role of diplomatic immunity to a non-member state. It should be noted that, some of these reservations that African

states have on the ICC are echoed by the US. Specifically, the US has not ratified the Rome statute due to a variety of reasons including but not limited to; *proprio motu* (prosecutor's power to initiate proceedings by his own volition), crime of aggression, and democratic legitimacy of the ICC (Schabas, 2004). The US has feared that the ICC would become politicized and witch hunt Americans, and in the words of Sen. Helms during the hearing of the US senate foreign relations committee on 23 July 1998[3],

> The statute purports to give this international court jurisdiction over American citizens even if the United States refuses to sign or ratify the treaty. It empowers this court to sit in judgment of the United States foreign policy. It creates an independent prosecutor accountable to no government or institution for his actions, and it represents a massive dilution of the United Nations Security Council's powers and of United States veto power within that Security Council. In short, this treaty represents a very real threat to our military personnel and to our citizens and certainly to our national interests.

This is what African states express now, though not in entirety. The humiliation and abuse of *autdedere, autjudicare principle* had moved from individual western member states to hijacking of the ICC by these same states to implement their imperial agenda. While by ratifying the Rome statute member states are assumed to have waived this diplomatic immunity by virtue of ratifying the treaty, the same could not be said of non-member states (Plessis, Maluwa, and O'Reilly, 2013). When later Kenya lobbied AU for deferral of her cases at the ICC and AU request was declined, the relationship further soured. Jean Ping, former AU commission chair had this to say about the principal of universal jurisdiction, 'it's a colonial plaything…Africa has been a place to experiment with their ideas' (Bosco, 2013). The complementarity principle, where primary jurisdiction over crimes rests with the states, had been abused according to the AU.

***Non Inclusion of Crime of Aggression***

The ICC was set up to hold accountable individuals who commit horrendous crimes against the people and to have a court immune from political influence (Beitzel and Castle, 2013). However, analyzing the relationship the ICC has with the UNSC one is bound to question the veracity of immunity from political influence. Referral of cases aside, during the negotiation for the statute leading up to Rome 1998, parties had to shelve

discussion on which crimes to be under jurisdiction of the new court. This included the definition of what entailed the crime of aggression. We deduce that, perhaps being at the centre of crimes committed by the big global powers, political influence led to shelving on discussion on this crime. While genocide and general human rights violations occur in Africa and the global south, the crime of aggression is committed by the western global north.

This perhaps explains why the ICC is seen to be targeting Africa; because the crimes it has jurisdiction over are predominantly in Africa. However, the Assembly of State Parties of the ICC in December 2017 ratified amendments that defined the crime of aggression while activating the court's jurisdiction over such. Article 8 inserted after the amendment conference of Kampala Uganda in June 30-July 11, 2010 and subsequently adopted by the Assembly of State Parties (ASP) in December 15, 2017 reads (International Criminal Court, 2017);

> For purpose of this Statute "crime of aggression" planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action, an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.

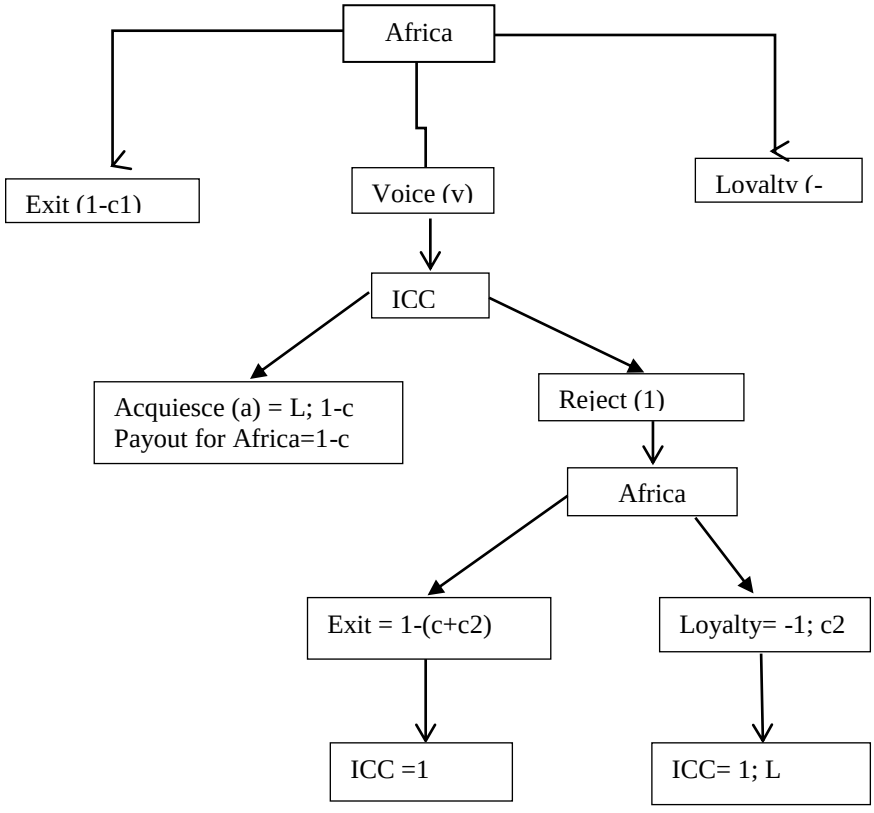
It further goes to define the act of aggression so mentioned as use of the armed forces against territorial integrity of another sovereign state contrary to the United Nations (UN) charter. Any such action without consent of the UNSC is therefore an act of aggression. It was without saying that the Iraq war, would have come under the jurisdiction of the ICC had it occurred after the coming into force of this article. While 25 states had legal provisions domestically prior to coming into force of these amendments, there is no legal authority that requires states to implement these amendments.[4] With these reforms, it remains to be seen whether the geographical skewed nature of case distribution of the ICC in Africa will be affected.

### *The Exit and Voice in a Game of Costs and Pay-Offs*

Incorporating the exit and voice options into a game of costs and pay-off for the players involved gives a clearer understanding of expected moves and strategy for the African bloc and expected costs and pay out from each

scenario. If the strategy for Africa is voice, it will determine action to be taken in each sequence, while exit will have terminal ending to the game. Imagine Africa decides to take action to improve the conditions at the ICC. Remaining silent the situation will be -1 as the ICC is assumed to have gained something from Africa. The bloc can choose voice (v), exit (e) or loyalty (l). If v is chosen, there is a cost © associated with v and a payout (1). If e is picked, there is also a cost (c1) and payout which will be (1-c1). For e and l the game comes to a terminal end. However for v, ICC has choice action in response to the move by the African bloc. ICC can choose to acquiesce (a) or reject Africa's v. If ICC picks a as the response, Africa pay-out comes to the initial 1-c (cost of voice), while ICC cost is -1+L (loyalty of Africa). The game tree below gives an illustration of these actions.

**Figure 4: Game tree costs and**




| | |
|---|---|
| ○ Loyalty (L) is beneficial to ICC<br>○ C1= cost of exit | ○ C = cost of voice<br>○ C2= cost of exit + cost of voice |

***Source:*** Authors

The best case scenario for ICC is where Africa neither voices, nor exits but remains loyal. In this instance, ICC gains maximum payout of 1+L. However, for Africa, the payout for remaining loyal is –L. the worst case scenario for both of them is Voice, then leading to Exit. Africa payout will be 1-c2, while ICC will be -1. For Africa, the best outcome is voice leading to ICC complying whose payout will be 1-C. This would also be an optimum outcome for ICC as its payout will be L; -1. It will gain loyalty of the African bloc. This loyalty however, needs not to be restoration of impunity, which is a core need that necessitated creation of the court. Doing so, would be damaging to the ICC.

In decoding this game further, loyalty pay-out for the ICC would be translated to legitimacy of existence and acceptance of the jurisdiction of the court globally. The cost for exit of the African bloc will be loss in credibility of the court in the international community. While the exit of Burundi alone might not dent so much this credibility and legitimacy, further exits would leave the court at cross roads. Her proceedings would not attract the seriousness they deserve which will ultimately negate gains made in the recent past on universal jurisprudence.

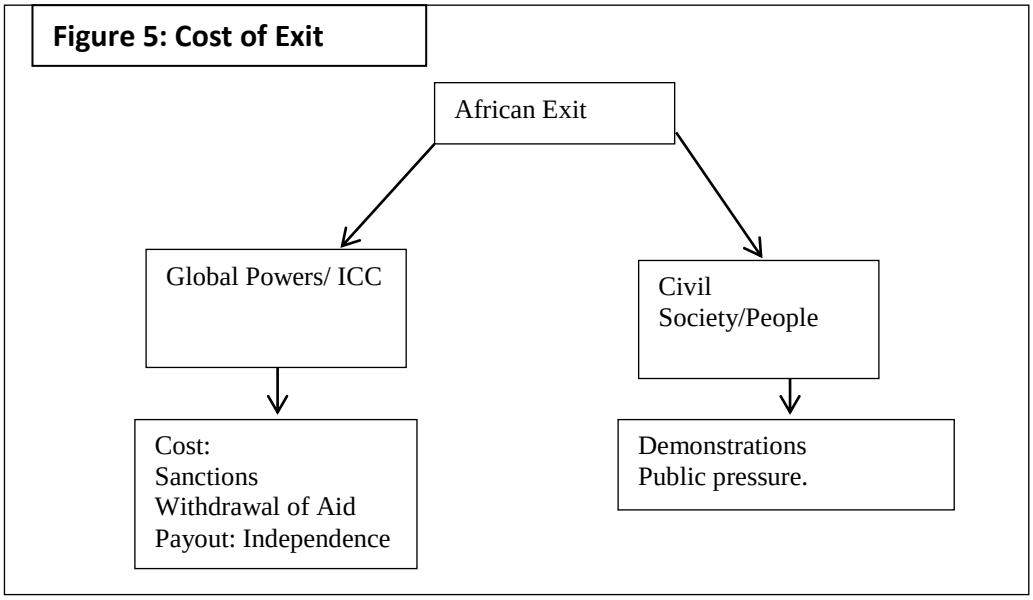
For the African bloc and individual member states, cost of an exit will be alienation from the international community and possible sanctions from the big powers. However, with the rise of Trump and his overt attack in the ICC, it remains to be seen whether an African exit will result into sanctions from the US. In September 2018, White House national security advisor John Bolton indicated the US will sanction the ICC should it prosecute American military personnel for war crimes committed in Afghanistan (Reuters, 2018). With the rise of this attitude, it's safe to say sanctions may come from other western nations minus the US. Justice for victims of grievous crimes against humanity will become a pipe dream. This will be against the fundamental reasons why the African bloc so overwhelmingly supported the formation of the court in the first instance. The legal fraternity will be affected as national courts, which in many African countries are still in their infancy as independent institutions to dispense justice due to lack of resources. While countries have self- referred cases to the ICC due to inability to hear and determine complex cases of the nature of genocide, an exit will further deal a blow to the growth of these national courts and to the pursuit of justice.

The optimum pay-off for Africa of 1-c will translate to reform of the ICC to address the concerns of it being a neo-colonialist institution targeting African leaders. This reform can be seen in adoption of the crime of aggression into the jurisdiction of the court, which will expand the scope hence have diverse cases. It is not the African cases at the ICC which is proving a problem, but the handling of other situations which is the challenge. An African exit from the ICC into an African court as proposed is an option.

***The Exit Option***

While the game tree above has put exit option as a terminal move for Africa, this may not necessarily be the case in real life politics. This is because other players come into the scene, with different power dynamics which may impede the exit, or at least lead to some further moves for both Africa and the ICC. For example, the push for a mass exit of the African block fell through at the AU. Whether the global powers amongst them France which has considerable influence on Francophone Africa should be credited with exerting covert diplomatic pressure for these countries to oppose any mass pull out is unclear.

**Figure 5: Cost of Exit**




***Source:*** Authors

It goes without saying that the weakest underbelly for African countries is their weak economies. It therefore exposes these countries to external pressures and diplomatic coercion. Immediately the non-binding resolution to withdraw was passed, Burundi and South Africa wrote to withdraw from the ICC. In South Africa, the court halted the process while the Gambia rescinded the decision and rejoined (Igunza, 2017). Only Burundi followed through on the exit threat. The case of Gambia reversing her decision after change in government presents an interesting paradox. Is it popular policy to withdraw from the ICC by governments, or is it a leader's own interests at play? What happens when a new government takes over power, for the case of Burundi, will a new government ask to return? These questions point to the long term nature of the exit option, and whether it is a wise sustainable option for African states to consider. While possible payout for an exit include the formation of an African court, operationalizing this may pose a greater challenge due to the obvious budgetary and resource constraints experienced in Africa. The stalling of the criminal proceedings against former Chad President Hissane Habre, whose case was referred to Senegal by the AU goes to highlight the challenges ahead if the idea of an African court is to come to fruition (Plessis, Maluwa, and O'Reilly, 2013). The 19$^{th}$ AU summit kick started this process of exit from (the ICC) and exit into (African court) by resolving to merge the African Court of Justice and the African Court on Human and Peoples' Rights and to give it jurisdiction to try criminal cases and the crime of aggression (Nakandha, Ateenyi, and Kot, 2012).

**Conclusion**

This paper sought to explore why Africa which overwhelmingly supported the idea of a universal court has increasingly become one of the fiercest critics. It has also sought to explain the options available to both Africa and the ICC in this, and lastly explore the cost and pay-off from these actions. (Igunza, 2017). From the analysis, it has become clear that the exit option is highly costly to both Africa and the ICC and hence less desirable. The most desirable option for the ICC is for the African bloc to remain and support the court (loyalty), while the best case scenario for Africa is for the ICC not to be seen to target Africa. This could mean enhancing channels of communication between the court and African states. Constant communication would build mutual trust and get rid of any suspicion that African states may harbour about the court's intentions. These are two opposites hence; the optimum position for both is for Africa to employ

voice rather than exit, and for the ICC to heed this voice and reform. While this is less desirable for both, it leaves both parties with a gain and not high costs of exit. Legitimacy for the ICC, and an array of sanctions, lack of funding and elusive justice for African countries. With voice employed and reform of the ICC, the ICC get loyalty from Africa which translates to legitimacy, while Africa gets to have her concerns addressed from within. Legitimacy is especially core an interest of the ICC especially since lately it has seen criticism even away from Africa with the announcement by Philippines President Rodrigo Duterte that the country will pull out of the ICC (Ellis-Petersen, 2018). This, together with the assault from the Trump administration in the US, makes the African bloc's support for the ICC crucial to prevent the image of the court under siege.

**Notes**

1. The International Criminal Court https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx accessed 4.5.2018
2. United Nations General Assembly http://treaties.un.org, accessed 22.2.2018
3. United States Senate https://www.govinfo.gov/content/pkg/CHRG-105shrg50976/pdf/CHRG-105shrg50976.pdf, accessed 7.1.2019
4. The Global Campaign for Ratification and Implementation of The Kampala Amendments on Crime of Aggression, 2018, Kampala

## References

Barakso, M., and Schaffner, B. F. 2008. "Exit, Voice and Interest Group Governance", *American Politics Research, 36*(2): 186-209.

Beitzel, T. and Castle, T. 2013. "Achieving Justice Through the International Criminal Court in Uganda"' *International Criminal Justice Review, 23*(1): 41-55.

Bosco, D. (29.3.2013). Why is the International Criminal Court picking only on Africa? *The Washington Post*.

Clark, W. R., Golder, M., and Golder, S. N. 2012. *An Exit, Voice and Loyalty Model of Politics.* https://projects.iq.harvard.edu/files/pegroup/files/clark_golder.pdf , accessed 13.3.2018

Dugard, J. 2013. "Palestine and the International Criminal Court", *Journal of International Criminal Justice II*, 563-570.

Ellis-Petersen, H. (14.3.2018). *The Guardina*. https://www.theguardian.com/world/

Gehlbach, S. 2006. "A Formal Model of Exit and Voice", *Rationality and Society, 18*(4): 395-418.

Halpern, G. 2007. *Africa and The International Criminal Court.* The American Non Governmental Coalition for The International Criminal Court.

Hirschman, A. O. 1970. *Exit, Voice and Loyalty: A Response to Decline in Firms, Organizations and States.* Cambridge Mass: Havard University Press.

Igunza, E. (1.2.2017). *BBC*. http://www.bbc.com/news/world-africa-38826073

International Criminal Court. 2017. *Assembly of State Parties Activates Court's Jurisdiction over crime of aggression.* https://www.icc-cpi.int/Pages/item.aspx?name=pr1350, accessed 29.3.2018.

Lodge, J. 1975. "Britain and the EEC: Exit, Voice or Loyalty?", *Cooperation and Conflict, X*, 199-216.

Mukundi, G. 2012. *Africa and the ICC.* Open Society.

Nakandha, S. E., Ateenyi, K. A., and Kot, J.-P. 2012. *Africa and The International Criminal Court: Mending Fences.* Avocates Sans Frontieres.

Nye, J. S. 2008. "Public Diplomacy and Soft Power", *The Annals of American Academy of Political and Social Sciences, 616*, 94-109.

Phillipe, X. 2006. "The Principles of Universal Jurisdiction and Complementary: How do the two principles intermesh?", *International Review of The Red Cross, 88*(862): 375-398.

Plessis, M. D., Maluwa, T., and O'Reilly, A. 2013. *Africa and the International Criminal Court.* www.chathamhouse.org, accessed 30.3.2018.

Randall, K. C. 1988. "Universal Jurisdiction under International Law", *Texas Law Review, 66*, 785-788.

Reuters. (10.9.2018). *Trump administration takes aim at International Criminal Court, PLO*. https://www.reuters.com/article/us-usa-trump-icc/trump-administration-takes-aim-at-international-criminal-court-plo-idUSKCN1LQ076, accessed 7.1.2019.

Schabas, W. A. 2004. "United States Hostility to the International Criminal Court: It's all about the Security Council", *European Journal of International Law, 15*(4): 701-720.

Stalvant, C. E. 1976. "Exit vs Voice Option:Six Cases of Swedish Participation in International Organizations", *Cooperation and Conflict, XI*, 41-56.

The Global Campaign for Ratification and Implementation of The Kampala Amendments on Crime of Aggression. 2018. *The Global Campaign for Ratification and Implementation of The Kampala Amendments on Crime of Aggression*. https://crimeofaggression.info/the-role-of-states/why-and-how-to-implement-the-amendments/ accessed 4.4.2018.

United Nations. (29.11.2010). *Ammendments to the Rome Statute.* https://asp.icc-cpi.int/iccdocs/asp_docs/RC2010/amendments/cn.651.2010-eng-coA.pdf, accessed 29.3.2018.

United Nations General Assembly. (n.d.). *Rome Statute of International Criminal Court.* http://treaties.un.org, accessed 21.2.2018.

United States Senate. (23.7.1998). *Is a u.n. international criminal court in the us national interest?* https://www.govinfo.gov/content/pkg/CHRG-105shrg50976/pdf/CHRG-105shrg50976.pdf, accessed 7.1.2019.