

Public Reactions to International Legal Institutions: The ICC in a Developing Democracy

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Abstract

We consider how attitudes form around the possible intervention of an international legal body. We argue that citizens are less likely to support specific, local investigations and that this decreased support is moderated by a citizen's "proximity" to the investigation. That is, both perpetrators and victims of alleged crimes can be hesitant about external legal interventions

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for different reasons. We use a survey experiment about the ICC in Kyrgyzstan that randomly assigned respondents to a control group, asked about foreign investigations, and a treatment group, asked about an investigation into local violence from 2010. Treatment significantly lowered otherwise relatively high approval for investigations. This effect was strongest in regions most proximate to the violence, especially among co-ethnics of victims of violence. Awareness of the court did not moderate reactions, while support for the government magnified negative reactions. Our findings help explain why support for international law can vary widely across subnational constituencies.

In November of 2010, public opinion surveys indicated that nearly 80% of Kenyans were happy with investigations by the International Criminal Court (ICC) into the 2007 election violence. In early 2011, the ICC charged several prominent politicians with crimes against humanity for their alleged roles in the violence. Despite strong support for the ICC a few months earlier, the Kenyan public responded to the indictments with a mixture of support and strident opposition to the ICC. Approval of the ICC plummeted, especially in the home regions of the indicted politicians. Two of those indicted formed a political alliance and eventually won the next national election, largely on an anti-ICC platform.¹ They have since used the power of their offices to thwart the ICC process.

The Kenyan experience is not unique. Attitudes toward the ICC in other member countries have soured as well. In 2016 and again in 2017, the African Union (AU) endorsed African withdrawal from the ICC, despite the fact many AU countries once eagerly ratified the Rome Statute.² The rise of anti-ICC sentiment has, arguably, helped stymie the arrest of the indicted President of Sudan, Omar al-Bashir. Perhaps noting these trends and understanding the power of public backlash against international interventions, the President of the Philippines, Rodrigo Duterte, recently threatened his country's withdrawal from the ICC. And the ICC is, of course, not alone, in suffering occasional public opposition, as multilateral legal institutions like the WTO, ECJ, or ad hoc UN war crimes tribunals and more have received their fair share of pushback from domestic political actors.

Support for international legal institutions can, clearly, vary widely within countries as well as over time within them. Understanding this variation is important because negative reactions across subnational constituencies complicates the mandate of international institutions and courts. Often it can be difficult to predict which elements of a population will ultimately support or oppose international legal interventions. Yet, a court's prospects for success depend on how citizens react.

¹Chaudoin (2016); Mueller (2014).

²“African leaders plan mass withdrawal from international criminal court.” The Guardian (UK) 1-31-2017.

As Gibson et al. state, “not even the most powerful courts in the world have the power of the ‘purse’ or ‘sword,’” which makes them dependent on support from their constituents to induce compliance with their actions and rulings (1998: 343). The development of judicial power at both the domestic and international levels requires some acceptance of courts’ authority and legitimacy.³ This is certainly the case for the ICC, which relies explicitly on state cooperation and consent. Governments, controlling police and armed forces, are, in turn, constrained or enabled by popular attitudes. As the ICC has learned, public opposition to the court can undermine or buttress its efforts.

We ask: which members of the public are most likely to demur in the face of potential investigations? We argue that public support for legal institutions will generally be a function of often reasonable expectations about how courts’ activities will affect the daily lives of citizens. We argue, first, citizens will generally exhibit higher support for abstract, foreign international legal interventions than interventions into their own countries. Whether due to resistance to intrusions into the sovereignty of one’s own country, concerns about possible bias from supranational courts, or a general reluctance to revisit past violence, support for international law in general will tend to be higher than for applications to one’s own country. After all, interventions “abroad” rarely harbor any threat to individuals at home and, if anything, their presence and possible implications may deter foreign actors from engaging in behavior that violates international norms or individual human rights.

Second, we argue that there are systematic factors that condition the intensity of reactions to international legal institutions in a respondent’s own country. In particular, we argue that international institutions can trigger contestation among groups with competing interests. This contestation can have tangible, negative consequences, which are most pronounced for citizens in closest proximity to a proposed intervention. In particular, citizens in closest proximity to an investigation may be those most reluctant to endorse it. Not only is this expectation driven by the interests of

³Staton and Moore (2011).

perpetrators, who naturally resist prosecution, but also, in many settings, by victims of violence who fear upsetting a fragile peace. While the “justice vs. peace” debate is well known in scholarship on transitional justice,⁴ ours is among the first empirical studies addressing these dynamics in the context of the ICC, using a survey experiment on salient violence in a non-Western country.

We also heed the call of Staton and Moore (2011) and link our research to extant theories of support for domestic courts, assessing whether awareness of the court and approval of the government affect citizens’ reactions. First, awareness of courts is thought to increase support for a court’s actions by increasing citizens’ perceptions of the legitimacy of court processes. This theoretical argument has been applied to national courts,⁵ and it is possible that greater awareness of international courts also increases public support for those bodies. Second, given that investigations often target government officials, government approval may decrease support for legal interventions. Work on national courts has found that an individual’s real or perceived ideological congruence with the court affects their perceptions of the court.⁶ The same is possible for international courts, as citizens weigh their support for the government or for indicted persons against their expectations that the court will serve their interests.

To assess these arguments, we analyze results from a survey experiment conducted in Kyrgyzstan during the fall of 2015.⁷ Kyrgyzstan is emblematic of a country where ICC advocates would hope it could be effective: a less-developed democracy with a history of civil violence. For instance, Simmons and Danner (2010) argue that the deterrent and accountability effects of international courts have the biggest marginal effect in countries with weaker institutions and some history of intrastate violence. Kyrgyzstan experienced violence in 2010, between ethnic Uzbeks and Kyrgyz residents, resulting in hundreds of deaths and widespread displacement. It is also, as we detail below, only partially free according to standard institutional ratings, despite having reg-

⁴Eg Sriram et al. (2012).

⁵Gibson, Caldeira and Baird (1998)

⁶Bartels and Johnston (2013); Malhotra and Jessee (2014).

⁷The analysis plan was pre-registered with Evidence in Governance and Politics (EGAP), ID#(anonymous).

ular elections. Kyrgyzstan is also relatively *tabula rasa* with respect to experience with the ICC. It signed (but not ratified) the Rome Statute, and the ICC has not yet been active in the country. This allows our survey to elicit reactions that more closely resemble what we'd expect of citizens who are newly introduced to an investigation, as opposed to citizens in countries where investigations are already major news and opinions have crystallized. Our survey also departs from much existing work by surveying a non-Western population about highly salient instances of violence, as opposed to surveys about lower salience, hypothetical human rights issues in countries like the United States.

Our survey sampled 1,000 respondents proportionally to the population in each of Kyrgyzstan's sub-national regions. We randomly assigned respondents to either a prompt about an ICC investigation into a non-specific foreign country or a prompt about a possible ICC investigation into events that occurred in the Southern regions of Kyrgyzstan in 2010. These events involved ethnic violence, centered in the cities of Osh and Jalal-Abad, pitting Kyrgyz and minority Uzbeks against one another. NGOs and human rights groups allege that the Kyrgyz government was complicit in, and may have even aided, the targeting of ethnic Uzbeks. These events were widely reported at the time and remain salient in Kyrgyzstan today. The outcome variable of our survey measure respondents' perceptions of investigations. This allows us to compare support for a specific intervention to support for the application of international law in the abstract.

As noted above, the treatment - specification of an investigation into Kyrgyzstan - is meant to elicit reactions similar to those when one first hears about a proposed international legal intervention. The period preceding the announcement of ICC investigations is often characterized by a precarious, post-violence status quo. Although there may be rumors of potential investigations, the ICC has incentives to keep news of these to a minimum, lest they tip their hand or decide against investigating. When the ICC announces an investigation, there may be an initial period, wherein citizens form opinions based on the specific application of international law to the circumstance in question. By using our survey instrument to compare support for abstract versus tangible investi-

gations, we want to mimic this event, with the estimated treatment effects providing guidance as to which populations might have less favorable initial views of investigations.

We find that citizens are significantly less supportive of specific investigations at home compared to abstract, foreign investigations.⁸ This is, perhaps, unsurprising. After all, there are myriad reasons why international intervention into one's own country may be viewed less favorably than abstract interventions abroad. It does, however, underscore the importance of assessing likely local reactions rather than relying on general indicators of a population's support for international law or the ICC, in the abstract.

More notably, our findings show the difference in support for abstract versus local investigations is magnified by proximity to the proposed investigations; respondents in regions affected by the 2010 violence show the strongest negative treatment effect – meaning their aversion to a local investigation relative to abstract, foreign investigations is largest. Importantly, this is not simply explained by an resistance to prosecution among alleged perpetrator groups. Rather, members of the most victimized groups are among those that exhibit the largest, negative treatment effects.

We find, contrary to expectations, that awareness of the ICC does not mute the negative treatment effect. This is important because it suggests that awareness campaigns - which the ICC often uses in concurrence with its investigations - may be insufficient to increase support. Consistent with expectations, we find that government approval is associated with a stronger, negative treatment effect. These findings suggest that some segments of the population – particularly government supporters – may be especially susceptible to anti-ICC efforts. These findings also suggest that government approval rates may be possible leading indicators of future support for a court intervention than questions about support for a court in the abstract.

Our analysis sheds light on who is most likely to react positively and negatively to the prospect

⁸As we detail below, baseline support for ICC investigations in an abstract control condition is relatively high, at 83%. The treatment referring to specific, local investigations lowers approval by roughly 10%. Our claim is not that support for investigations in either condition is low. Rather, we seek to understand factors driving the significant difference in support in the treatment group.

of an international legal intervention, which helps address the broader question of the conditions under which national governments will comply with or oppose the actions of international courts. Theories of international institutions that emphasize opinions, ideas, and preferences of citizens need to account for the intense heterogeneity of public reactions, especially in highly charged contexts, like developing countries with recent histories of violence – countries where international legal institutions like the ICC most frequently operate. Understanding public reactions to international courts, in turn, will help us better understand which sub-populations are most in need of persuasion and convincing, as international institutions seek to further their crucial goals by increasing public support.

International Law, Public Attitudes, and State Cooperation

Public preferences play a central role in theories of international cooperation. Subnational groups influence compliance across many issue areas.⁹ Domestic politics can undermine or encourage compliance with international rules or agreements, depending on public attitudes. Sub-national actors also play an important role in limiting or facilitating the effectiveness of *legal* institutions. For example, Vanberg (2005) argues that citizen support for an autonomous judiciary can facilitate the court's ability to constrain other legal actors, despite the court's lack of direct enforcement powers. Staton and Moore (2011) argue that international and domestic courts both face challenges of enforcement and need to develop authority and legitimacy.

Public attitudes feature prominently in some arguments ICC-specific arguments. Simmons and Danner (2010) argue that the Rome Statute signals to citizens a government's commitment to the rule of law. Jo and Simmons (2016) emphasize the ability of the ICC to enhance "social deterrence" against ICC violations by shaping social expectations.¹⁰ Chaudoin (2016) models how the ICC can provide information about leaders' past actions, which can trigger contestation between domestic

⁹Dai (2007); Simmons (2009).

¹⁰See also Dutton and Alleblas (Forthcoming).

pro- and anti-accountability groups.

Given that citizens play a role in the effectiveness of international legal institutions, what do we know about how preferences about legal institutions are formed? Existing work on public preferences regarding national courts emphasizes the distinction between specific and diffuse support. Diffuse support refers to general feelings about the legitimacy of a court while specific support refers to feelings toward specific rulings.¹¹ However, features of the ICC and other international courts make it difficult to develop reservoirs of diffuse support that can overcome the specifics of a particular investigation. Prior to an ICC investigation, citizens typically have very little experience with the court. They have little precedent or a track record of cases with which to form their beliefs. Diffuse legitimacy may therefore be driven by citizens' perceptions of their national courts.¹² Yet, the ICC operates on a principle of complementarity, meaning it only intervenes where national courts are unwilling or unable to prosecute accused criminals. Therefore, its presence is most likely in places where domestic courts are weak or perceived as less legitimate. Moreover, international courts face unique informational difficulties, whereby it is harder for them to identify likely sources of support or opposition, because these courts must serve very heterogeneous audiences.¹³ This is certainly the case for the ICC. Investigations into civil violence trigger intense, heterogeneous reactions that are not easy to predict.

Despite the importance of citizens in theories about international legal institutions, only a handful of experimental studies assess the impact of international law on public attitudes. Tomz (2008) finds that citizens prefer foreign policies that are consistent with international legal obligations. Chaudoin (2014) demonstrates that consistency with trade agreements is a secondary concern compared to a respondent's underlying policy preferences. Tingley and Tomz (2014) and Chapman (2011) examine how UN Security Council authorization affects public attitudes toward uses of force. Bearce and Cook (2015) find that information from international institutions can affect

¹¹Gibson, Caldeira and Baird (1998).

¹²Voeten (2013).

¹³Lupu (2013).

opinions in economic and security contexts, mostly for motivated and knowledgeable individuals.

A few studies examine attitudes about human rights law, in particular. Chilton (2014) shows a public preference for adherence to treaty commitments governing solitary confinement. Chilton (2015) shows that public preferences toward the laws of war may be driven by reciprocity. Wallace (2013) and Kreps (2014) find evidence that prior legal commitments influence attitudes toward the use of torture and drone strikes, respectively. Lupu and Wallace (2017) find that international law prompts can lower approval for human rights violations in some contexts and raise approval in others. McEntire, Leiby and Krain (2015) find that framing influences attitudes about a campaign against sleep deprivation interrogation techniques. Anjum, Chilton and Usman (2016) sample from a university area in Pakistan, finding that United Nations endorsement increases support for women's rights reforms for respondents who expressed confidence in the UN more generally.

With the exception of Anjum, Chilton and Usman (2016) and Lupu and Wallace (2017), experimental studies employ a U.S. sample and generally ask questions about low salience issues. These studies also typically emphasize hypotheticals, as opposed to actual events. In contrast, our experiment asks questions about an instance of violence that is very salient to the respondents. To our knowledge, ours is the first nationally administered international law and human rights survey experiment conducted in a transitioning democracy, and one with a recent history of civil strife. While the aforementioned studies undoubtedly contribute to our understanding of international institutions, their respondents are not always the citizens for whom international organizations like the ICC were designed.

Support for Abstract vs. Specific Investigations

When international institutions first take actions in a target state, how do citizens react? In other words, when an institution like the ICC initiates an investigation into a country, what affects whether citizens react positively or negatively, and how does this vary across sub-populations?

From the perspective of citizens in a country targeted by an institution, the initial stages of an institution's engagement mark a distinct shift in perceptions of the institution. When an institution acts, it changes from an abstract, distant organization that operates only in foreign countries to an organization doing something specific in the citizen's home country. The ICC ceases to be merely a distant organization in the Hague investigating foreign crimes and becomes an institution conducting a potentially high-stakes investigation into salient instances of internal violence that tangibly affected the citizen's country.

We focus first on the overall reaction: whether citizens' support of an institution's actions are likely to increase or decrease once the institution acts. Our general expectation is that support for specific, local investigations will be lower. There are several reasons to expect a difference between citizens' stated opinions on international law and institutions in general, compared to their willingness to support specific interventions in their country. Classic conceptions of collective action and public goods provision, applied to the international level, suggest that individuals may simultaneously support public goods or normatively desirable concepts, like adherence to a treaty or respect for human rights, but resist paying the costs themselves.¹⁴

Cognitive and social biases may also account for why citizens approve of international institutions in the abstract yet react negatively to specific applications. Citizens may rationalize their preferences for an indicted politician, explaining away the indictment as the result of foreign intrusion or institutional bias. Citizens might feel a natural exceptionalism about their own country that makes them feel targeted or victimized. There are several documented social and behavioral biases that may account for these tendencies. Defensive attribution bias¹⁵ suggests individuals view events more negatively as they become more proximate or likely to affect the individual. Egocentric bias¹⁶ implies that individuals view themselves and their own country as less culpable and more equipped for domestic prosecution of war crimes than is warranted. The "illusion of asymmetric

¹⁴Axelrod and Keohane (1985).

¹⁵Shaver (1970).

¹⁶Greenberg (1983).

insight”¹⁷ may lead individuals to conclude that their understanding of violent events is better and more informed than that of outsiders. For these reasons, there is likely to be a disconnect between citizens’ approval of actions by an international organization in the abstract, compared to a specific initiative affecting their country. These reasons need not be thought of as mutually exclusive, and are often mutually reinforcing.

Hypothesis 1 (Specific Vs. Abstract Support). *Citizens are less likely to approve of specific investigations into their own country than the abstract concept of an investigation into another country.*

Variation in Reactions Within Countries

Reactions to an institution are also likely to be heterogeneous across different segments of the population. What characteristics of citizens or subpopulations might moderate - meaning, magnify or mute - their negative reactions towards investigations? We focus on three characteristics: an individual’s proximity to the institution’s action, awareness or knowledge of the court, and approval of the government.

Proximity

Recent theories about international institutions have emphasized their effects on contestation.¹⁸ Contestation refers to the competing efforts of groups with heterogeneous preferences to gain or retain control over the ability to make policy or hold office. Effort can be political, as in a campaign contribution. But in the context of human rights and individuals opposing their government, effort can also take the form of protests, dissent or violence, while effort for the government can include

¹⁷Pronin et al. (2001).

¹⁸Conrad and Ritter (2013); Chaudoin (2016); Hollyer, Rosendorff et al. (2011).

repression and other forms of coercive violence. In these theoretical models, actions by bodies like the ICC can affect levels of contestation by changing groups' value to holding office, e.g. by making a dissenting group more strongly support human rights or justice. International bodies can also change groups' marginal costs of effort by making repression more expensive for the government or by emboldening previously latent groups to contest the status quo.

Often, actors on both sides increase their contestation efforts. A large body of theoretical work argues that international institutions can mobilize pro-compliance actors.¹⁹ In addition, domestic actors who oppose compliance, like political elites or representative politicians from the accused groups, can attempt to counteract the efforts of international institutions with their own public campaigns or with coercion. Accused politicians can rally public support to their side by accusing an institution of bias and malpractice. Initial supporters of an institution can turn into opponents in response to these countermobilization efforts. In Kenya, for example, political elites with agendas opposed to the ICC's efforts stoked opposition to the investigations. This raised fears, particularly among those in the regions that experienced previous violence, of renewed clashes.²⁰

We expect that citizens anticipate the risk of renewed or intensified contestation when they consider the desirability of an institutional action. "Effort" may be an abstract concept in a theoretical model, but for a citizen living in an area that might experience renewed contestation between opposing groups, it is a force that directly affects them and their livelihood. These types of efforts to counteract an institution's agenda can heighten insecurity. These effects also tend to be most pronounced for citizens living in close proximity to the investigation. By "proximity," we mean the degree to which the individual's personal livelihood is close to the institution's actions and the crimes involved. Often, especially with civil violence, this entails literal, geographic proximity. Crimes investigated by bodies like the ICC are often geographically concentrated, since the populations committing violence against one another tend to do so over contested homelands,

¹⁹ Simmons (2009).

²⁰ See also Prorok (2017) who argues that ICC cases can prolong civil conflicts.

distributive disagreements, or those with which they share familiar and long-standing emotional enmity.²¹

Living among or near the populations involved in civil violence, means that institutional actions, and any reactions they trigger, have a more direct effect on one's life. Many of the most tangible effects can be negative, especially in the short run. Citizens in countries affected by international institutional actions understand these possibilities. Even if these fears are empirically unfounded, they can still temper citizens' attitudes about a possible court action. We, therefore, expect that negative reactions to specific investigations will be heightened for those in closer proximity to investigations.

Hypothesis 2 (Proximity). *The decrease in support for specific investigations will be stronger for individuals in closer proximity to the proposed investigation.*

Note that this hypothesis applies to *both* victims or perpetrators of violence. For perpetrators in closer proximity to an investigation, their hesitancy is straightforward. They may fear any material or intangible, social consequences from efforts to hold them or their in-group members accountable for violence. Yet, victims, too, might fear an investigation. Investigations can increase tensions and uncertainty among the relevant populations. Day to day life in the context of recent war crimes and other abuses is plagued by considerable insecurity. These situations involve at least one vulnerable population, and uncertainty arises when the relevant populations do not know what an international legal intervention will entail, its likely outcome, or how other populations will react. This creates fear that an intervention may upset whatever fragile peace and normalcy exist in the aftermath of violence. Peace after civil strife is often fragile, and the fear that post-conflict justice will raise old

²¹See Toft (2005); Kaufman (2001); Cederman, Gleditsch and Buhaug (2013). "Proximate" may also have different meanings across contexts. Proximity could refer to social proximity. For an example, U.S. citizens may support the ICC generally, but react negatively to possible investigations into U.S. servicemen and women. This negative effect is likely stronger for citizens with family and friends in the military. Their close social ties to those most likely to be affected may magnify their negative reactions. As explained in later sections specific to Kyrgyzstan, proximity in the context studied here is appropriately thought of as geographic proximity.

animosities and disturb a delicate post-conflict equilibrium is common.²²

This is especially important since the wheels of international justice turn slowly. It can be years before investigations, arrests, or trials, and, in the interim, the expectation of a trial may incite retribution or additional crimes. The time between crime and trial has been 8-12 years among ICC situations that are either in the sentencing or closed phases of their trials. These numbers understate the length of time between violence and legal outcomes because they do not include the accused who have never been apprehended, like President Bashir of Sudan.²³

This fear of contestation has been noted in considering indigenous post-violence efforts, as well. For example, if the perpetrators and victims have reached a settlement with some sort of compensation, the victims may fear that international institutional actions might jeopardize those gains.²⁴ In post-war Burundi, Samii (2013) found that insecurity made citizens less supporting of indigenous transitional justice efforts, for fear of the insecurity that can come with justice efforts and of the possible loss of post-conflict political gains.

Awareness of the court

We also seek to heed the call of Staton and Moore (2011) to link theoretical arguments about domestic courts to international legal bodies. We therefore focus on two theoretical arguments that are emphasized in the literature on domestic courts: awareness of the court and shortcuts citizen can use to shape their perceptions of the desirability of an investigation.

The first of these, knowledge and awareness, are often depicted as positively correlated with support for the court. Citizens who are knowledgeable about courts are more likely to believe that the court acts impartially, basing decisions on a politically neutral interpretation of law.²⁵ For

²²Scharf (1999); Goldsmith and Krasner (2003).

²³E.g. The Garda case pertained to the Sudanese genocide of 2002 and charges were dropped in 2010. The cases pertaining to the Central African Republic, resolved in 2014 and 2015, related to violence from July of 2002. The Kenyan cases resolved in early 2016 pertained to violence from 2007.

²⁴Sriram et al. (2012).

²⁵Gibson, Caldeira and Baird (1998); Benesh (2006); Hoekstra (2003); Grimmelikhuijsen and Klijn (2015).

bodies like the ICC, this is particularly important since cries of political bias are the “go-to” move for leaders seeking to discredit an investigation. The most stringent criticism of the ICC that has gained significant traction in many countries charges that the Court is biased against African countries and fails to level scrutiny at Western countries or great powers. The Gambian Minister of Information labelled the ICC the “Infamous Caucasian Court,” despite the current Chief Prosecutor for the Court being a Gambian woman.²⁶ Uhuru Kenyatta labelled the ICC case investigating him as a ploy of the United States, despite the US not having ratified the treaty.

Awareness is particularly important for some international courts, since they are generally less active in terms of caseload. 11 situations have reached the investigation stage of the ICC process, with cases against particular individuals opened in 8 of those situations. Their judges and jurisprudence are often foreign, literally and figuratively, to the citizens in the country under investigation, which could make citizens more skeptical of actions by the court. Charges in particular cases tend to come in clusters, with the Court infrequently returning to charge additional individuals or re-open old cases. This contrasts with bodies like the US Supreme Court or the European Court of Justice which adjudicated approximately 75 and 1,600 cases per year, respectively.

If information and awareness have the same positive effects on attitudes towards international courts as towards domestic courts, this suggests that awareness of the court’s activities may make citizens less prone to negative reactions because they are more informed about the broader mission, structure, and approach of the ICC, all of which emphasize neutrality and the rule of law. In other words, if citizens know a lot about the ICC, they may view it as more fair.

On the other hand, there is good reason to think that awareness might not always correlate with more positive reactions to the ICC. The context of international investigations into domestic affairs is qualitatively very different than the typical context of U.S. Supreme Court or European Court of Justice cases, in that this intervention directly raises very sensitive questions of sovereignty and outside interference. Moreover, as the Kenyan experience and larger backlash against the court in

²⁶Cropley, Ed. Rueters World News “ICC’s toughest trial: Africa vs. ‘Infamous Caucasian Court’” Oct. 28, 2016

Sub-Saharan Africa demonstrate, familiarity may breed contempt. In those cases, knowledge of the geographical distribution of ICC cases, as well as some details of those cases, seemed to be the basis for much of the anti-ICC sentiment. Therefore, our analysis of how awareness may moderate reactions to a specific investigation is primarily exploratory and meant as a point of comparison with some previous literature connecting awareness to support. However, we do think there is value in assessing the degree to which arguments about awareness from the context of domestic courts explain reactions to international courts. The arguments from research on domestic courts would imply that negative reactions to the ICC should be blunted for those who are more aware of the Court.

As an empirical matter, awareness of the ICC varies greatly. In the United States, approximately 32% of people indicate that they have some knowledge of the ICC, which is slightly higher than the percentage in our Kyrgyz sample, 24%.²⁷ Citizens tend to have low awareness of international courts before the court takes any actions, with awareness increasing after any actions. Ratification of the Rome Statute of the ICC has not tended to be a highly controversial, or even particularly publicized, political decision for many member states. But once investigations begin, the court takes on a much higher, more politicized profile. In Europe, for example, Voeten (2013) finds that citizens seek information about international courts at rates comparable to other political institutions. In Kenya and other ICC situations, once the investigations were underway, awareness of the ICC was very high.²⁸

Hypothesis 3 (Awareness). *The decrease in support for specific investigations will be weaker for individuals who are more aware of the court.*

²⁷American Bar Association ICC Project Polling.

²⁸Ipsos Synovate SPEC Barometer Survey Report, Nov. 20, 2012.

Government Approval

Existing literature on courts emphasizes the importance of preferences and perceived ideology in shaping citizens' reactions to court actions. If a citizen believes that the court shares her preferences or ideology, she will react more favorably to a specific decision.²⁹ A citizen's subjective perception of the congruence between the court's ideology and preferences, relative to her own, can act as a shortcut that allows her to form a reaction to the court.³⁰ She can say, for example, "I prefer conservative policies, and I think the court prefers liberal policies, therefore I do not support the court." This can occur even if an individual lacks intimate familiarity with the facts or legal issues of a particular case. Clark and Kastellec (2015) shows how partisan source cues can affect citizen support for court-curbing policies or the degree to which the respondent thinks the court should be influenced by outside political pressures.

To apply these types of theories to international courts, we have to specify what information citizens might use to "triangulate" the perceived alignment between the court's preferences and their own. The matters before international courts are less coherently organized by political ideology. International legal rulings do not generally map clearly onto liberal or conservative ideologies. This makes it harder for a citizen to calibrate her reaction based on the alignment between her and the court's ideology.

However, respondents *can* potentially assess whether the court's action is congruent with their preferences by considering the *target* of a court's investigation and her beliefs about the target. The actions of international courts, especially the ICC, often target actors that are associated with particular political groups or politicians. Some of the ICC's most prominent cases targeted defendants who are current or former members of the ruling party or a head of state themselves, eg Omar al-Bashir of Sudan, Uhuru Kenyatta, and Muammar Gaddafi.

This means that a citizen can use her preferences regarding the target of the investigation to help

²⁹Malhotra and Jessee (2014); Clark and Kastellec (2015).

³⁰Bartels and Johnston (2013).

form her beliefs about the desirability of the court’s action. She can say “I support this politician, and the court is targeting them, therefore, I oppose the court’s actions.” This allows citizens to triangulate their reaction to a court case based on whether they support the current government. If a citizen thinks that a court’s action will target the government, and she supports that government, she is more likely to react negatively to an investigation in her country.³¹ Bush and Jamal (2015) conducted a survey experiment in Jordan, where foreign and domestic sources endorsed reforms to include women in politics. They found that both endorsements decreased support for the reforms among citizens who opposed the regimes, because those citizens thought the reforms would only strengthen the government. We expect to find similar patterns here, with citizens who support the government having stronger negative reactions to a possible investigation.

Hypothesis 4 (Government Approval). *The decrease in support for specific investigations will be more pronounced (stronger) for individuals who approve of their government.*

Research Design

To assess these hypotheses, we fielded a survey experiment in the Republic of Kyrgyzstan during the fall of 2015. Kyrgyzstan is an excellent place to field this type of experiment for several reasons. First, Kyrgyzstan signed the Rome Statute in 1998 but has not ratified or been the subject of any ICC actions. This amount of contact is “just right” because respondents are not likely to have highly defined opinions about the ICC. If we conducted this survey experiment in a country under investigation, opinions would be dominated by respondents’ views of the highly-visible, recent ICC actions. Kyrgyzstan has had some experience with external inquiries into the 2010 violence. The Kyrgyz Inquiry Commission (KIC) investigated the violence at the behest of the government,

³¹Note that Voeten (2013) did not find a correlation between respondents’ positive opinion of the ICC and their trust in their own government.

but its report did not lead to any investigations of government officials. The report's conclusions were deemed "too harsh ... and too truthful," leading the Kyrgyz parliament to reject the report and ban its author from the country.³² The KIC's brief impact means that there is not a prominent body of post-conflict justice that drives citizens' perceptions of investigations.

Kyrgyzstan is also the type of country for whom ICC commitments are thought to be most important. The country experienced internal violence in the recent past, and its institutions are relatively nascent as it gained independence only amidst the collapse of the Soviet Union. In the spring of 2010, a revolution aimed at democratization and ending corruption overthrew the previous government. While it is not a fully matured democracy, it is also not a complete autocracy.³³ In October of 2015, the country held relatively competitive and peaceful national elections, in contrast to its more autocratic neighbors. NGOs and advocacy groups operate relatively more freely in Kyrgyzstan. According to some existing theories, these are the types of countries where we should expect the greatest effects of ICC ratification – fledgling or partially transitioned democracies with recent violence.³⁴

In summer of 2010, at a time of heightened uncertainty following the revolution, lower-level disputes between ethnic Kyrgyz and Uzbeks in southern Kyrgyzstan escalated to widespread violence.³⁵ The KIC estimated that 470 people died as direct result of the violence, with another 1,900 wounded. Approximately 111,000 people were displaced into Uzbekistan, with another 300,000 internally displaced.³⁶ NGO estimates of the death toll and displacement are much higher. While both Kyrgyz and Uzbeks engaged in violence, the Uzbeks suffered disproportionately, both in terms of loss of life and destroyed property. The independent inquiry also concluded that some

³²Fiedler (2016).

³³Freedom House scores Kyrgyzstan at 5.5 on its 7 point scale (7 is not free) in 2010, citing concentration of power, restrictions on religious and press freedoms. It scores a 5 in 2017, remaining in the "partly free" category.

³⁴Simmons and Danner (2010).

³⁵Collins (2011).

³⁶Report of the Independent International Commission of Inquiry into the Events of Southern Kyrgyzstan in June 2010. May 3, 2011. http://www.cmi.fi/images/stories/activities/blacksea/kic/kic_report_english_final.pdf. Accessed 12-27-2015.

of the events likely constituted crimes against humanity under international law. A Human Rights Watch report argued that the Kyrgyz national security apparatus was at least tacitly involved in the violence, in part due to their selective disarmament of Uzbek — but not Kyrgyz — groups, as well as widespread extralegal arrest and abuse of Uzbeks.³⁷

The maps in Figure 1 and Figure 2 divide Kyrgyzstan into nine administrative regions. Large populations of Uzbeks are concentrated in specific regions.³⁸ The 2010 violence largely occurred in three locations with significant Uzbek populations: Osh, Osh Oblast, and Jalal-Abad.³⁹ Osh Oblast refers to the rural area around Osh, as some accounts of the 2010 violence involve citizens coming to Osh from the rural surrounding areas of the Oblast to take part.⁴⁰ Of those three locales, Osh experienced the most violence, with UN satellite data indicating that approximately 75% of destroyed buildings were located in Osh.⁴¹

Survey Instrument

We sampled 1,000 respondents aged 18 and older and the surveys were administered face to face in either Kyrgyz or Russian language, per the respondent's choice. The number of surveys conducted in a particular location was proportional to population along two strata: the region of the country and the urban/rural population. For example, approximately 17% of the population lives in the rural part of the Osh region, so 177 interviews were conducted in that geographical unit. For sampling within a particular unit, the survey firm divided the geographical units into rayons, selected a point in each primary sampling unit, and selected every third household after walking from that point. Within households, enumerators used a Kish grid to select respondents.

³⁷“Where is the Justice? Interethnic Violence in Southern Kyrgyzstan and its Aftermath.” Human Rights Watch Report. August 2010. <https://www.hrw.org/report/2010/08/16/where-justice/interethnic-violence-southern-kyrgyzstan-and-its-aftermath>. Accessed 12-27-2015.

³⁸Uzbek geography data from Bond and Koch (2010).

³⁹Though it has concentrated Uzbek populations, Batken did not experience significant violence in 2010.

⁴⁰“Where is the Justice? Interethnic Violence in Southern Kyrgyzstan and its Aftermath.” Human Rights Watch Report. August 2010. <https://www.hrw.org/report/2010/08/16/where-justice/interethnic-violence-southern-kyrgyzstan-and-its-aftermath>. Accessed 12-27-2015.

⁴¹“Damage Analysis Summary.” UNOSAT Report. July 2010.

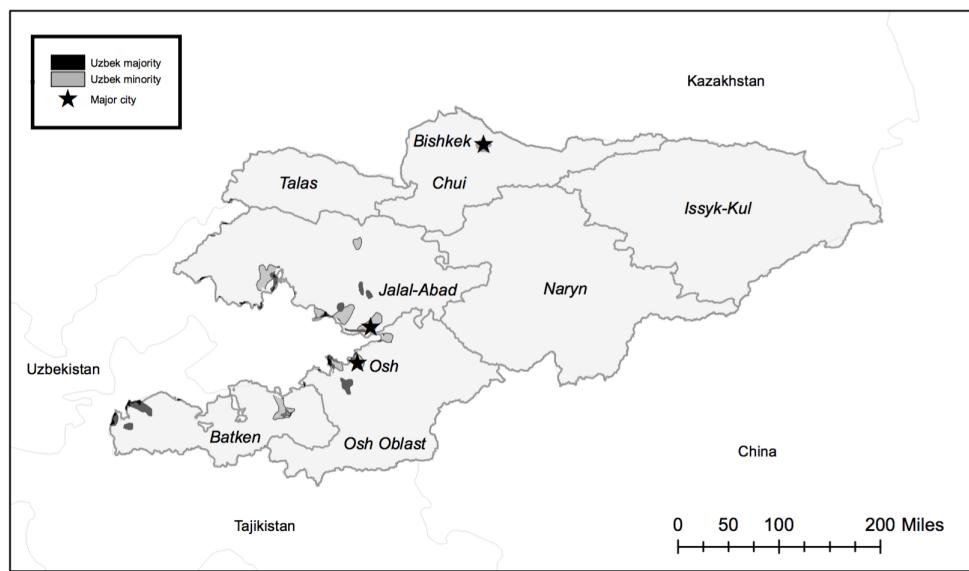


Figure 1: Ethnic Uzbek Citizens in Kyrgyzstan

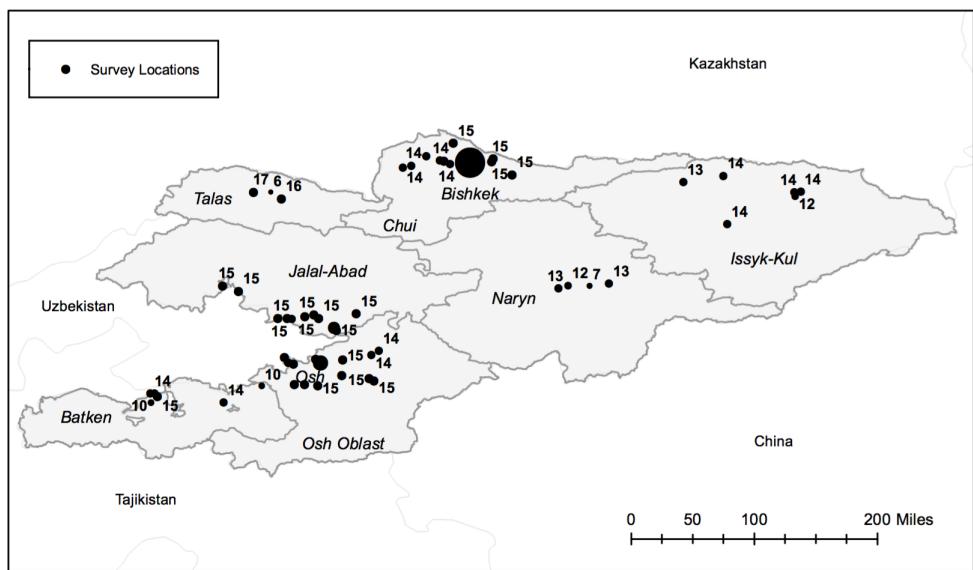


Figure 2: Survey Locations

For the instrument itself, respondents were read a brief introduction to the issue of the International Criminal Court:

As you may or may not know, Kyrgyzstan has taken steps to join an international organization called the International Criminal Court. The International Criminal Court is located in The Hague, in the Netherlands, but addresses issues in many countries. The court tries to investigate and prosecute individuals who are accused of serious crimes like genocide, crimes against humanity or crimes committed during wartime.

Respondents were then asked “Have you heard of the International Criminal Court?” and they could choose between “Yes” and “No.” Approximately 25% of respondents chose “Yes.” Respondents were then randomly assigned to either the treatment or control condition. The *control* group was given a prompt about a generic, non-specific, hypothetical ICC investigation. They were told “Some people have suggested that the International Criminal Court should investigate the violence that occurred in other countries.”

The *treatment* group was given a prompt about a hypothetical ICC investigation in Kyrgyzstan, regarding violence in 2010. They were told “Some people have suggested that the International Criminal Court should investigate the violence that occurred in the Southern part of Kyrgyzstan in 2010.”

The structure of the treatment and control conditions was designed to mimic the “treatment” that citizens receive when the ICC opens an investigation in their country. The treatment effect, a comparison of approval for investigations under the treatment and control conditions, gives an idea of whether and how much groups of citizens are likely to react negatively to an ICC action in their country. Before an investigation, the ICC is a distant actor, working on foreign issues. However, when the court opens an investigation in a particular country, it becomes much more specific and real, scrutinizing events from particular times and places. The treatment effect gives us a way to assess how citizens might react to that event if it were to happen. The overall direction

of the treatment effect - whether approval increases or decreases when assigned to the treatment condition - allows us to assess Hypothesis 1. Then, we can compare the magnitude of the treatment effect across different subpopulations to assess Hypotheses 2-4, which describe which groups are likely to have larger or smaller reactions.

The survey instrument and emphasis on the treatment effect, as opposed to nominal levels of approval under each condition, is also meant to deal with issues of desirability bias and misrepresentation that occur in surveys regarding sensitive issues like human rights. For instance, in a study of female genital mutilation and early marriage, Cloward (2014) finds that many respondents expressed opposition to these practices, despite engaging in them. Psychological and material incentives inclined respondents toward deceptive self-representations of their beliefs and actions. The same could be true of surveys regarding international law and the ICC. If we had only asked citizens whether they support the application of international law to their country, their responses might not have been representative of their likely reactions if this occurred in the real world. Assessing the gap between support for abstract versus specific investigations provides a measure of whether citizens are likely to respond negatively and which groups have more or less pronounced reactions.

To ensure that respondents had a common understanding of this prompt, we extensively pre-screened the survey instrument. We conducted in-depth pilot surveys with citizens in the capital, Bishkek. After each survey item, we asked open-ended questions to see how the respondent interpreted the prompt. For example, after the treatment item, we asked “What events did this make you think of?” All of the respondents recalled and thought of the events surrounding the 2010 violence. They all chose events from the location and time period referred to in the survey. This is unsurprising, since these events were widely covered and nationally important.

Outcome variable

After random assignment to treatment or control, respondents were asked:

Do you think that these investigations would be a good or bad thing?

Very good	Somewhat good	Neither a good nor bad thing	Somewhat bad	Very bad
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We code a binary and categorical version of the responses. For the binary version of the outcome variable, approval of an investigation (*Inv. App.*), we coded a respondent as approving of the investigation if she chose “Very good” or “Somewhat good” when asked whether the investigation was a good or bad thing. The categorical version of this variable is an ordinal, 4 point scale, ranging from 1 (very bad) to 4 (very good). Some responses were coded as “Difficult to answer/refused to answer” (*DK/RTA*) by the survey enumerators. This was not a choice that was read aloud to the survey respondents, but the survey enumerators were given this as an option for coding responses. For the main analyses, we exclude these respondents, because it is possible that they indicate a lack of opinion or a hesitancy to express disapproval. Our contextual knowledge and the knowledge of the survey firm do not cause us to suspect that non-response indicates a fear of responding. Nevertheless, we looked for ancillary evidence that would disconfirm this intuition. Fortunately, we did not find any significant effects of treatment on the likelihood of a respondent choosing to not respond. There was some heterogeneity across regions in non-response rates, but this was not strongly correlated with our regions of primary interest. The appendix also shows how the results are similar when we include these responses.

Sample Statistics and Randomization

Table 1 provides summary information. The first column shows the summary statistics for the full sample. Columns 2 and 3 split the sample between the three regions that experienced violence, Osh, Osh Oblast, and Jalal-Abad, and the remaining six regions. The remaining columns show individual regions.

We used the test from Hansen and Bowers (2008) to assess balance in treatment assignment by region. The overall χ^2 statistic for balance on treatment assignment across regions was insignifi-

	Full mean	Osh/Ob./Jal. mean	Non-Osh mean	Osh city mean	Osh oblast mean	Jalal-Abad mean
Treatment	0.50	0.50	0.50	0.50	0.50	0.50
Inv. App.	0.63	0.63	0.62	0.68	0.70	0.53
Inv. App. Num.	2.98	3.03	2.92	2.76	2.97	2.92
DK/RTA	0.19	0.22	0.16	0.00	0.06	0.32
Heard of ICC	0.24	0.29	0.17	0.42	0.17	0.10
Government Approval	2.63	2.59	2.68	2.48	2.77	2.65
Uzbek	0.12	0.05	0.20	0.18	0.23	0.18
Under 50	0.66	0.66	0.64	0.84	0.65	0.59
Male	0.40	0.40	0.40	0.32	0.40	0.44
Post Sec. Ed.	0.37	0.42	0.30	0.76	0.22	0.26
Employed	0.26	0.28	0.25	0.40	0.28	0.17
Above Av. Inc.	0.78	0.73	0.84	0.94	0.85	0.79
<i>N</i>	1,000	579	421	50	192	179
	Bishkek mean	Chui mean	Issyk-Kul mean	Naryn mean	Talas mean	Batken mean
Treatment	0.50	0.50	0.51	0.49	0.51	0.51
Inv. App.	0.59	0.70	0.63	0.69	0.26	0.74
Inv. App. Num.	2.98	3.05	2.71	3.25	2.79	3.37
DK/RTA	0.25	0.13	0.14	0.20	0.64	0.19
Heard of ICC	0.29	0.27	0.41	0.29	0.21	0.27
Government Approval	2.48	2.63	2.69	2.53	2.13	2.93
Uzbek	0.03	0.04	0.06	0.00	0.00	0.18
Under 50	0.72	0.70	0.58	0.62	0.62	0.61
Male	0.37	0.29	0.52	0.62	0.46	0.40
Post Sec. Ed.	0.54	0.39	0.54	0.31	0.31	0.21
Employed	0.33	0.21	0.35	0.18	0.49	0.17
Above Av. Inc.	0.68	0.75	0.72	0.91	0.72	0.75
<i>N</i>	177	160	81	45	39	77

Summary statistics of respondent characteristics, for the full sample, Osh/non-Osh sub-samples, and regional sub-samples. The numbers are the mean of that variable for that sub-sample.

Table 1: Summary Statistics

cant, indicating balance. We also assessed balance across various respondent characteristics. We included indicator variables for whether the respondent chose to have the survey conducted in Kyrgyz or Russian, whether the respondent was under 50 years of age (*Under 50*), male (*Male*), had any post-secondary education (*Post. Sec. Educ.*), was employed (*Employed*), and had an above average income (*Above Av. Inc.*). The overall χ^2 statistic was significant; however, the differences do not appear to be substantively meaningful. The only covariate for which there was an individually significant result was gender, with males being slightly more likely to be assigned to treatment than control.

Results

The overall treatment effects were negative, meaningful, and statistically significant, consistent with Hypothesis 1. Figure 3 shows a Bayesian estimate of the treatment effect on the binary *Inv. App.* variable.⁴² Approval for the investigations is approximately 83% under the control group. Treatment lowers approval for the investigation by approximately 10%, to 73%. The significance is apparent using the Bayesian approach and the frequentist approach. The test statistic for a comparison of mean approval ratings is -3.50 ($p < 0.01$).⁴³ These large effects occur despite the fact that the treatment is not particularly “strong;” it does not make any value statements, judgments, or predictions about the desirability of an investigation. The treatment effect is similar substantively to those found in other survey experiments in international relations eg Tomz (2007).

The presence of high overall approval of investigations, under both conditions is also interesting. These are relatively high rates of approval although the 10% drop in the treatment condition is substantial. While the nominal levels of approval are higher than we would have expected, we do

⁴²Let θ_t be the non-informative Beta Jeffrey’s prior distribution of respondents who approve of the investigation under treatment regime $t \in \{\text{Control}, \text{Treatment}\}$. Let n_t and a_t represent the number who received and approved under treatment t . The figures show the mean and 95 percent credibility intervals for 5,000 draws from the conjugate posterior, $\theta_t \sim \beta(a_t + 0.5, n_t - a_t + 0.5)$, distribution.

⁴³These results, as well as a set of regressions replicating all the Bayesian results using various specifications, control and outcome variables, and region fixed effects are in the appendix.

not think that this necessarily indicates that the ICC would be warmly welcomed if an investigation occurred. The overall level of support is possibly inflated since the survey, even the treatment condition, asks about a hypothetical occurrence, and respondents may place less weight on the downsides of hypothetical, future actions or scenarios. The 73% approval rate in the treatment condition is comparable to the approval rates of the ICC investigation in Kenya *before* the ICC took concrete actions, rates which then decreased substantially.

Proximity Moderation

In the context of the 2010 violence, proximity is most easily thought of in geographic terms. The violence was concentrated in the Southern regions, specifically Osh, Osh Oblast, and Jalal-Abad. For ease, we refer to these three as the "Osh" (Osh, Osh Oblast, and Jalal-Abad) vs. "Non-Osh" regions.

Consistent with Hypothesis 2, the treatment effect is approximately twice as strong in the Osh regions. Figure 4 shows the treatment effects for each sub-sample, constructed in the same way as Figure 3. In the non-Osh regions, treatment lowers approval of the investigation by approximately 8%, from 84% to 76%. In the Osh regions, treatment lowers approval by approximately 16%, from 82% to 66%. Interestingly, both regions display similar nominal levels of approval of the ICC in the abstract, yet approval for a specific investigation drops much more in the Osh regions. Had we simply asked respondents their opinion of the ICC in general, we would have omitted this meaningful, regional heterogeneity.

For a more detailed assessment of region-specific effects, we estimated a multi-level model in which we included region-specific intercepts and treatment effects. Individual respondents are indexed by i and they reside in 9 regions indexed by j . X_i refers to a set of control variables that include the respondent's age, gender, education level, employment status and income. The model is shown in Equation 1.

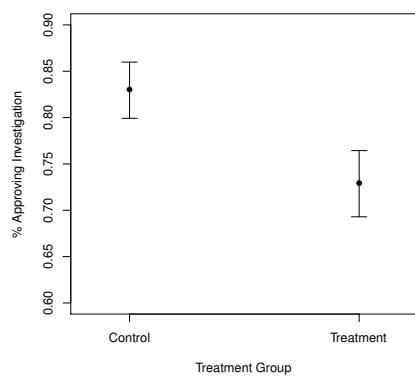


Figure 3: Treatment Effects: Investigation Outcome

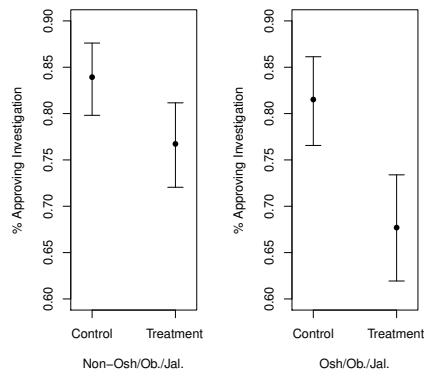


Figure 4: Treatment Effects: Investigation Outcome, by Regions

$$\begin{aligned}
y_i &= \beta_0 + \beta_i Treatment_i + X_i \Gamma + \epsilon_i \\
\beta_0 &= u_{1j} \\
\beta_i &= u_{2j}
\end{aligned} \tag{1}$$

Figure 5 orders the regions according to the magnitude of their treatment effects.⁴⁴ Consistent with our expectations, Osh and Osh Oblast have the two largest, negative treatment effects and neither estimate overlaps with zero. The treatment effect for Jalal-Abad is negative, and ranks 6th out of 9 in terms of magnitude. While we would have expected the treatment effect in Jalal-Abad to be stronger than other regions, as mentioned above, the majority of violence occurred in Osh, so the strongly negative treatment effects for Osh and Osh Oblast provide the most direct support for our proximity arguments.

Consistent with Hypothesis 2 that investigations can raise fears of uncertainty and insecurity for both perpetrators and victims of violence, these effects were also not simply a case of perpetrators expressing disapproval of investigations. Outside observers attribute a majority of the violence and destruction of property to Kyrgyz attacks on Uzbek neighborhoods.⁴⁵ The results are striking in that the treatment effects are *stronger* for Uzbek respondents. Figure 6 and Figure 7 show estimates of treatment effects for Uzbek and Non-Uzbek respondents, both in the full sample and in the Osh regions. As above, all four estimates of the treatment effect show negative and meaningful effects. However, the difference between the estimated treatment effects by ethnicity is even more pronounced in the Osh regions. Treatment for Uzbek respondents in the Osh regions lower approval by approximately 23%, which is twice as large as the treatment effect found for

⁴⁴The bands show the estimated coefficient plus/minus two times the standard error of that estimate.

⁴⁵“Where is the Justice?” Human Rights Watch Report. August 2010.

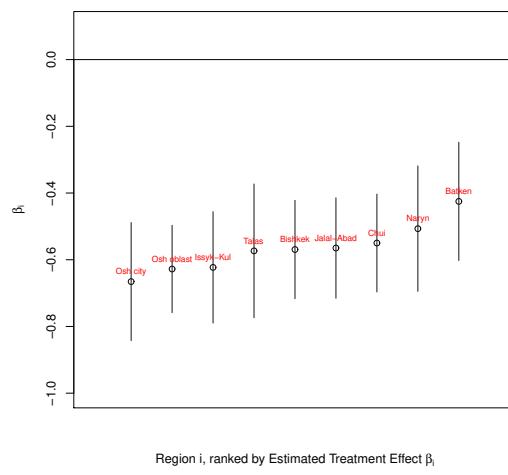


Figure 5: Treatment Effects: Investigation Outcome, Multi-Level Model

non-Uzbek respondents in the same regions and 50% bigger than the treatment effect found for Uzbek respondents in all regions.⁴⁶

Our survey enumerators even made note of these patterns, suggesting support for the theoretical mechanisms generating the proximity hypothesis. In their post-survey technical report, the enumerators noted:

Respondents from Osh city and Osh oblast perceived the [investigation question] in the [forms with the treatment] extremely negatively. These respondents said that this question had to be raised in 2010, and now there is no necessity to raise this question up, since it was difficult to improve the situation but the stability has been finally restored.

While our survey cannot directly adjudicate between each possible mechanism for the treatment effect, these patterns and their interpretation by our enumerators are consistent with the explanation of the negative treatment effect as the fear, especially among victimized populations, that external investigations may upset a fragile, post-violence peace.

Awareness Moderation

To assess whether awareness of the ICC moderated the treatment effects, we used a binary variable that equals one if the respondent had heard of the ICC, *Heard of ICC*. This measure is positively correlated with individual characteristics like education that strengthen its validity. Here, we used a logit regression of the outcome variable on treatment and controls and an interaction between the treatment variable and the variable for whether the respondent said she had heard of the ICC.⁴⁷ In different specifications, we also included region fixed effects. We present the results in this way to show that the null result is similar across a variety of specifications.

⁴⁶Credibility intervals are wider because there are fewer Uzbeks in the sample.

⁴⁷Results are similar using the Bayesian approach above. See appendix.

Treatment Effects, Uzbek/Non-Uzbek Respondents

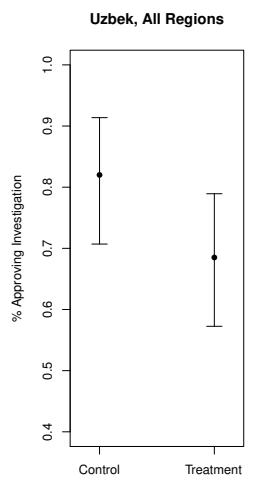


Figure 6: All Regions

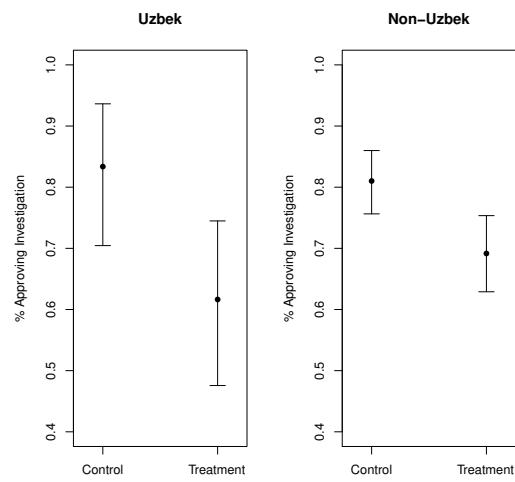
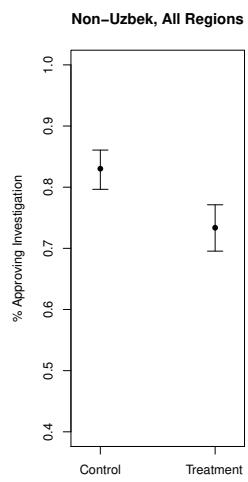


Figure 7: Osh/Osh Oblast/Jalal-Abad

The results, in Table 2 are not consistent with Hypothesis 3. For respondents who had heard of the ICC, treatment lowered approval for an investigation by approximately 8%. For those who had not heard of the ICC, treatment lowered approval by 12%. While the treatment effect is smaller for those who had heard of the ICC, the difference is not statistically significant. Looking at the interaction term, the negative treatment effect was only marginally smaller for respondents indicating awareness of the court. If results had been consistent with Hypothesis 3, we would have expected a larger, positive coefficient on the interaction term. Looking at the constituent term, respondents who indicated awareness of the court were more favorable to a foreign investigation, though this effect was not always significant.

While awareness increases respondents' support for the institution in the abstract, this support dissipates for a specific, local investigation at a rate similar to those who are not aware of the court. These results suggest that simply increasing awareness of the court may be insufficient to engender support among populations. Although, it is possible that the substantive content of ICC awareness campaigns persuades citizens.

Government Approval Moderation

To assess whether government approval moderated the treatment effects, we used a pre-treatment question asking whether the respondent was satisfied with the government on a four point scale, ranging from Very Dissatisfied (1) to Very Satisfied (4). We use a binary version, *Gov. App.* that equals one if the respondent indicated that she was Satisfied or Very Satisfied with the government. As with the proximity results, we show figures describing Bayesian estimates of the treatment effects.

The results, in Figure 8, are consistent with Hypothesis 4. Respondents who approved of the government had a much stronger, negative reaction to treatment, compared to respondents who did not approve. Among those who approved of the government, treatment lowers support for an investigation by approximately 14%. Among those who did not approve, treatment lowered support

	Logit (1)	Region FE (2)	w/ controls (3)	Region FE w/ controls (4)
Treatment	-.631 (0.175)***	-.617 (0.202)***	-.601 (0.18)***	-.600 (0.204)***
Heard of ICC	0.267 (0.12)**	0.326 (0.325)	0.271 (0.142)*	0.276 (0.327)
Tmt*Heard of ICC	0.071 (0.305)	0.006 (0.409)	0.089 (0.3)	0.073 (0.409)
Uzbek			-.135 (0.114)	-.122 (0.278)
Under 50			-.017 (0.159)	-.019 (0.189)
Male			-.175 (0.2)	-.177 (0.184)
Post Sec. Educ.			0.079 (0.189)	0.101 (0.202)
Employed			-.106 (0.263)	-.089 (0.209)
Income Ab. Av.			-.186 (0.247)	-.184 (0.222)
Constant	1.525 (0.103)***		1.754 (0.271)***	1.757 (0.28)***
N	806	806	806	806

Table 2: Treatment Effects: Investigation Outcome, Heard of ICC Interactions

by approximately 4%. This is consistent with the idea that voters “triangulate” their approval of an investigation based on their beliefs about its target. If they support the government, they are less likely to support an investigation that might target those politicians.

Interestingly, government approval was positively correlated with approval of investigations in the abstract, under the control condition. It is possible that government approval increases trust in existing institutions, legal or legislative, leading to higher approval of the ICC in the abstract. However, these citizens display consistent, significant negative reactions to the possibility of an investigation into Kyrgyzstan.

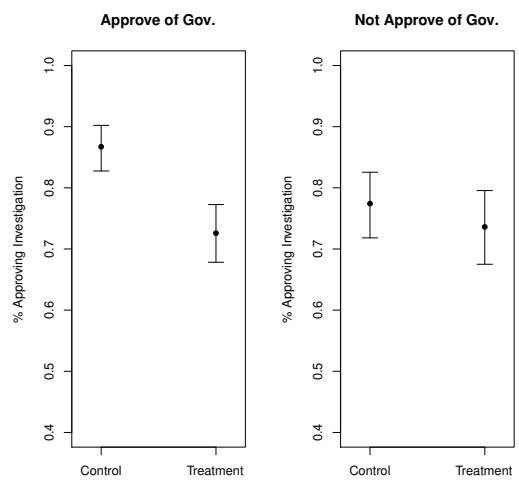


Figure 8: Treatment Effects: Investigation Outcome, by Government Approval

Conclusion

Our nation-wide survey experiment in Kyrgyzstan was designed to identify the contours of public reaction to the announcement of an international court's investigation into a developing democracy with a recent history of salient violence. We found a negative reaction to a specific, local investigation compared to the evocation of an abstract, foreign investigation. This reaction was more intense for citizens living in closer proximity to the violence being investigated, and was most intense among victims of violence, compared to perpetrators. The negative reaction was also stronger for respondents who approved of the current government, and was not ameliorated for respondents who indicated awareness of the ICC.

Our analysis addresses at least two, interrelated scholarly questions. First, because international courts, like domestic courts, rely on and value political legitimacy, we sought to understand how popular attitudes toward international legal interventions are shaped. Discerning who is most likely to support or oppose interventions by institutions like the ICC, in turn, may help inform expectations about which constituencies are most primed for resistance and which may be well-springs of support for post-conflict justice.

These findings also contrast with most micro-level studies on international law and institutions, which generally find a positive effect of institutions on support for compliance with international law. However, these studies tend to emphasize hypothetical, lower salience issues, with surveys most often conducted in the United States. Our findings tell a different story for citizens living in more fragile situations, where investigations into violence are high salience issues and engender intense feelings. Institutions like the ICC will almost always find themselves operating in these highly charged environments. While the more positive influence of international institutions may operate, these may also be counterbalanced, or overwhelmed by, entrenched feelings over underlying conflicts and fears of disrupting fragile peace. This research thus suggests the importance of emphasizing heterogeneity in responses to international institutions, especially reactions following

international legal interventions.

The ICC recognizes the importance of subnational support, and has begun awareness campaigns and public outreach programs before and during their investigations.⁴⁸ Our research suggests the types of sub-populations that are most in need of these efforts, as well as some of the reasons for their likely resistance to the court. Just as McEntire, Leiby and Krain (2015) studied the most persuasive frames for human rights campaigns among U.S. citizens, we need a better understanding of the conditions under which citizens abroad react positively and negatively to institutional actions. Our results suggested that Kyrgyz citizens' resistance to the court was driven, in part, by their fear of upsetting a fragile peace that has settled after violence. Similar fears likely abound in other countries in which ICC investigations will be conducted. Understanding these very legitimate fears might ultimately enhance institutional legitimacy.

A potentially fruitful avenue for future research would assess the particular mechanisms underlying our proximity results. For example, proximity may generate fear of an investigation because of uncertainty about the reactions of local or national political actors, uncertainty about the legal process and timeline, or uncertainty about a resumption of violence. Repercussions could jeopardize post-violence reparations or settlements, or ignite new hostilities. These specific reasons would be better detected with follow up questions or interviews asking respondents to explain the reasoning behind their responses. Each of these possibilities implies a challenge that an international institution would need to overcome in persuading citizens about the desirability of an investigation. Understanding the mechanism at work in a particular context could help the ICC and other activists better tailor their outreach efforts and messaging to address the fears of the citizens they need to persuade.

Second, our analysis speaks to debates about whose interests are served by post-conflict and transitional justice. Such efforts face an inevitable tension between providing accountability and justice and contributing to a stable peace. In some cases, the twin goals may be reinforcing. How-

⁴⁸<https://www.icc-cpi.int/get-involved/Pages/ngos.aspx>.

ever, in other instances, these goals can conflict, as even victims prefer stable peace to upsetting the status quo. This suggests the need for caution and careful analysis of subnational dynamics before an institution like the ICC chooses to launch an investigation. Of course, at some level these debates ultimately come down to normative questions about pragmatism versus the ethics of justice. But our analysis does provide some empirical evidence that the alleged victims of violence may be, if anything, more likely than others to view transitional justice with hesitation.

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