

# Complementarity and Public Views on Overlapping International and Domestic Courts\*

Kelebogile Zvobgo  
William & Mary  
kzvobgo@wm.edu

Stephen Chaudoin  
Harvard University  
chaudoin@fas.harvard.edu

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## Abstract

Can international organizations (IOs) boost support for their authority? We consider the effectiveness of appeals to the principle of *complementarity*, which holds that IOs only act when domestic institutions fail. Supporters of IOs like the International Criminal Court (ICC) frequently use complementarity as an argument to rally support for international action and spur domestic action. We evaluate the effectiveness of complementarity arguments using the largest survey experiment on the ICC to date, with more than 10,000 participants in five countries whose cooperation could be pivotal for the Court: Georgia, Israel, the Philippines, South Africa, and the United States. We find only modest evidence that complementarity arguments improve public support for either ICC investigations or domestic investigations – effects which vary across countries. This suggests that a major argument thought to legitimate IOs may not

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persuade global publics. Instead, an IO's negative judgment of domestic actions may be perceived as paternalistic or, in Global South contexts, neocolonial.

Short title: Complementarity and Public Views on Courts

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# 1 Introduction

When international organizations (IOs) like the International Criminal Court (ICC) scrutinize politicians for possible violations of international law, they are rarely welcomed with open arms. In 2010, when ICC judges granted Chief Prosecutor Luis Moreno Ocampo's request to investigate post-election violence in Kenya, two of the suspects formed a political alliance and won the next presidential election. A core plank of their platform was opposing the ICC, which they accused of being biased against Africans. In 2020, after ICC judges approved Chief Prosecutor Fatou Bensouda's request to investigate suspected abuses by U.S. forces in Afghanistan, Secretary of State Mike Pompeo blasted the Court, calling it "an unaccountable political institution masquerading as a legal body."<sup>1</sup> The Trump administration would later publicly place Bensouda, one of her deputies, and their families on a sanctions list usually reserved for terrorists and drug traffickers.

Later, in 2021, ICC judges authorized an investigation into alleged crimes against humanity in the Philippines' "war on drugs." President Rodrigo Duterte, a source of anti-ICC vitriol since its preliminary examination began in 2018, announced the Philippines would withdraw from the Rome Statute, the Court's governing treaty. He called ICC actions "hypocritical" and "bullshit,"<sup>2</sup> accusing the institution of "being utilised as a political tool against the Philippines."<sup>3</sup> Using only slightly less colorful language, Israel's prime minister, Benjamin Netanyahu, has also inveighed against the ICC, saying it is antisemitic for investigating suspected Israeli abuses in Palestine.

The ICC is a microcosm of IOs that are under stress and strain due to leaders using their bully pulpit to poison public opinion against international institutions. This public bluster is corrosive to the rules-based international order and international cooperation more broadly. Yet many national leaders criticize IOs, accusing them of overreach and trampling on national sovereignty, to appeal

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<sup>1</sup> Pompeo slams International Criminal Court decision to authorize Afghanistan war crimes investigation, edition. [cnn.com/2020/03/05/politics/icc-afghanistan-pompeo/index.html](https://www.cnn.com/2020/03/05/politics/icc-afghanistan-pompeo/index.html). Accessed 30 May 2023.

<sup>2</sup> Philippines' Duterte calls Western threats of ICC indictment hypocritical, [reuters.com/article/us-philippines-duterte/philippines-duterte-calls-western-threats-of-icc-indictment-hypocritical-idUSKBN13N19P](https://www.reuters.com/article/us-philippines-duterte/philippines-duterte-calls-western-threats-of-icc-indictment-hypocritical-idUSKBN13N19P). Accessed 30 May 2023.

<sup>3</sup> Rodrigo Duterte to pull Philippines out of international criminal court, [theguardian.com/world/2018/mar/14/rodrigo-duterte-to-pull-philippines-out-of-international-criminal-court-icc](https://www.theguardian.com/world/2018/mar/14/rodrigo-duterte-to-pull-philippines-out-of-international-criminal-court-icc). Accessed 30 May 2023.

to voters suspicious of global governance (Bearce and Scott, 2019; Copelovitch and Pevehouse, 2019). Leaders know public opinion about IO actions can matter for their own electoral and legal prospects, and for IOs' effectiveness. Often these clash.<sup>4</sup> How can IOs maintain public support where they still have it and win it back where they have lost it?

We examine the effectiveness of an important strategy, where supporters of the rules-based international order emphasize formal, institutional constraints on IOs. For international courts, jurisdictional constraints are especially important. In the case of the ICC, advocates emphasize the principle of complementarity to assuage and persuade audiences leery of Court actions. A hallmark design feature of the ICC, complementarity is the legal principle that limits an IO's jurisdiction to situations where domestic actors fail to take action for themselves.

For some international courts, complementarity limits their jurisdiction to situations where governments have proved unwilling or unable to conduct their own investigation, or where plaintiffs have exhausted domestic remedies. These international courts thus *complement* domestic courts; they work alongside them, but a step behind. Many other IOs – including human rights courts, like the European Court of Human Rights (ECtHR) and the Inter-American Court of Human Rights (IACtHR), and the universal periodic review process at the United Nations (UN) – have similar, but different, design features. Complementarity is not only a legal principle. It is increasingly also used as a rhetorical strategy. This paper focuses on and investigates this aspect of complementarity, in particular its effectiveness. Generally, when we say, “complementarity,” we are talking about its use in rhetoric and political argumentation.

Amid contestation, pro-IO actors rhetorically emphasize complementarity, to buttress public support for the IO's objectives in two ways. First, deference to domestic actors and institutions is intended to make IO authority more palatable. With regard to the ICC, complementarity is hoped to enhance the Court's legitimacy, because states retain a lever of control over the international body. Such a procedurally-fair and more democratic process hopefully makes the ICC and its work

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<sup>4</sup> In Kenya, for instance, see Ba (2020) on the ICC and Clark, Dolan and Zeitz (2023) in another issue area.

appear more legitimate (Bechtel and Scheve, 2013; Binder and Heupel, 2015; Tallberg and Zürn, 2019). Complementarity acts as a “resilience technique” for a Court facing increasing resistance and accusations of bias (Caserta and Cebulak, 2021).

Second, pro-IO actors hope complementarity can induce action by national authorities. Many citizens and politicians prefer that their national institutions handle their affairs, so the threat of an international institution taking over should spur support for greater efforts by national bodies as a way to forestall intervention (Bates, 2023). If the IO cannot achieve its objectives directly, then it hopes to at least generate support for domestic actions. Luban (2013: 505) calls this “the most important achievement in [international criminal justice].”

We start this article by demonstrating that complementarity is an important rhetorical device for the ICC. Using originally-coded data of all official statements and press releases from the Office of the Prosecutor (OTP), we show that complementarity is a frequently-used selling point for the Court. The OTP regularly foregrounds complementarity, accentuating how the prosecutor only acts when domestic actors prove unwilling or unable to act. Complementarity is, in turn, deployed by human rights non-governmental organizations (HROs) and other elites to justify Court actions. This rhetoric then “travels down the pipeline” and is translated to the general public via the media.

We then assess whether emphasizing complementarity is effective for bolstering support for the Court, using five large survey experiments from countries representing different regions of the world: Georgia, Israel, the Philippines, South Africa, and the United States. These are ideal laboratories for our project because they are democracies, where public opinion is more influential for government policy and action than it is in non-democracies (Tomz, Weeks and Yarhi-Milo, 2020; Chu and Recchia, 2022). The countries also represent five settings that will constitute major markers for the overall success or failure of the ICC in its third decade.

Contrary to expectation, we find that only in some limited contexts do complementarity arguments increase support for ICC investigations. Only in Israel do we see complementarity strongly increasing support for ICC investigations. In South Africa and the United States, by contrast, we find that complementarity *decreases* support for the ICC. In Georgia and the Philippines, comple-

mentarity has very small positive effects. We also do not find consistent evidence that complementarity arguments increase support for domestic investigations. Only in Israel and South Africa do we find this effect. In the other countries, complementarity has very small and sometimes negative effects on support for domestic investigations.

The limited positive results offer some encouragement. Israel had the lowest baseline level of ICC support among our five countries, so it is heartening that complementarity raised support for the Court, and domestic investigations, in this especially hard case. South Africa has long accused the ICC of bias, so it is possible that one side-effect of this attitude is a desire to see African countries pursue more domestic accountability. Still, the overall results suggest that complementarity generally does not increase support for ICC or domestic investigations.

We believe our mixed and predominantly null results are very informative. In designing the experimental protocol, we took great care to produce treatment vignettes that mirror statements from the Court and its supporters. We also use additional components of our surveys to rule out potential explanations for null results due to ceiling effects or respondents failing to understand the concept of complementarity. In the spirit of the Metaketa initiative, we argue that null results in this case are not null findings, especially when reporting a wide array of specifications from similarly-designed interventions in multiple countries, as we have done (Dunning et al., 2019). Like Dellmuth et al. (2022b: 297), this design approach helps us avoid “context-bound and oversimplified conclusions.” Our null results also have meaningful implications for how elites frame international courts in discourse moving forward.

Our paper makes theoretical, empirical, and practical contributions to the fields of international law and international organization. First, we draw an explicit link between two separate but inter-related questions in the literature on international courts and the ICC, specifically: (1) what role do formal institutional constraints like complementarity play in how courts do their work, and (2) how, if at all, does public opinion matter for international courts? These are ever-important questions, as international courts reach wider audiences, and for the ICC especially, as it asserts jurisdiction over a wider set of countries, including nonmembers like the United States, Russia, and Israel. More-

over, how publics and elites perceive these institutions bears implications for our understanding of contemporary global politics, including the so-called “decline of the liberal international order.”

More broadly, we contribute to the international and comparative study of institutional design and of IO perceptions. Much scholarship focuses on monadic features of international institutions, for example treaty provisions that prohibit a specific practice or oblige a government to a particular action (Zvobgo et al., 2020; Mulesky et al., 2024). We focus attention on an institutional feature that is *dyadic* – governing the relationship *between* institutions. We build on research recognizing the interaction of domestic and international law at the design and ratification phase or after an IO issues rulings that may or may not defer to national courts (Mitchell and Powell, 2011; Madsen et al., 2022). Since regime complexity means that decisions made in one forum affect decisions in overlapping regimes (Alter and Raustiala, 2018: 301), understanding the consequences of the rules governing their overlap is crucial.

Our second contribution is empirical: we show how a prominent political-rhetorical strategy does not consistently increase support for an IO’s objectives. Public support is critical for many IOs because it “[generates] the much needed ‘compliance pull’ that improves the possibility that international law and international norms will change state behavior” (Chilton and Linos, 2021: 249). IOs struggle because many publics are no longer strong “compliance partners,” or a bottom-up force that encourages compliance with international law (Alter, 2014; Dellmuth et al., 2022*a,b*).

In many contexts, an IO argument that implies that domestic efforts were not “good enough” will fail to persuade the public, especially in post-colonial states like the Philippines and South Africa – the very states where IOs frequently operate. The fact that the IO retains the ultimate judgement likely means that complementarity is not viewed as more procedurally fair or legitimate. Instead, the IO’s negative judgment of domestic actions may be perceived as paternalistic or, in Global South contexts, neocolonial. The effects of complementarity as a means to bolster public support appear limited to countries like Israel, where one part of the political spectrum can appeal to a more broadly-held belief in domestic judicial institutions.

The scope of our research is also noteworthy. We fielded the largest survey experiment to date

on global public opinion on the ICC, one of the most prominent international courts, with more than 10,000 people surveyed in five diverse countries and world regions. Much survey experimental work in International Relations focuses on the United States and select Western European countries, so our research broadens the geography of inquiry (Chilton and Linos, 2021). This is especially important for human rights institutions which most frequently operate outside these regions. Our surveys also provide important data for International Relations scholars and legal scholars and practitioners: a baseline on public opinion in countries whose cooperation (or non-cooperation) may prove pivotal for the ICC and other international institutions in the 21st century.

Third and finally, we make a contribution to practice of international law and organization, answering the question of whether international institutions prompt compliance through domestic actions. Complementarity expects the threat of ICC involvement to increase public support for domestic investigations and prosecutions. Our results show that this mechanism is not always decisive among the general public. The specter of ICC involvement failed to increase support for domestic actions in three out of the five countries we studied. If the ICC is indeed having knock-on effects, they do not appear to be from increased public support for domestic investigations.

## 2 Complementarity in Principle and Politics

### *Complementarity as a Legal Principle*

Complementarity is a legal principle that establishes which institution, usually domestic or international, has primacy and under what conditions. In the case of international justice, complementarity circumscribes the international court's ability to open or continue investigations. It is a negative check on what the institution can do. The shorthand for complementarity at the ICC is this: the Court only has jurisdiction if domestic authorities are "unwilling or unable" to conduct genuine investigations and prosecutions themselves. Complementarity is the reason why Court officials, lawyers, activists, HROs, and journalists refer to the ICC as a "court of last resort."

While we focus on the ICC, many IOs have jurisdictional restrictions akin to complementarity,



though their exact terms vary. For example, the European and Inter-American regional human rights courts practice complementarity as courts of last resort. Madsen et al. (2022) refer to this as “subsidiarity,” a key feature of the ECtHR and IACtHR, wherein the international court should defer to domestic courts absent a strong reason to override them. For a case to be admissible, petitioners must have exhausted all domestic remedies. Prominent ad hoc tribunals like the International Criminal Tribunal for the Former Yugoslavia and the Special Court for Sierra Leone had similar rules; the tribunal could only take a case from a domestic body if it failed to diligently prosecute a referred case (Stahn and El Zeidy, 2011). With the ICC, however, domestic venues need not be exhausted. Case admissibility is determined by governments’ demonstrated unwillingness or inability to conduct their own proceedings.

### *Complementarity as a Political Argument and Rhetorical Strategy*

Before considering its potential effects, let us first establish the prevalence of complementarity as rhetorical argument meant to increase support for the Court. Many IO actions face resistance. For an international institution focused on criminal accountability, investigations often require acquiescence, if not active cooperation, from individuals, group members, or co-ethnics of the people in power in a country. In some situations, an incumbent regime may want to foist its political opponents on the IO (Johns and Parente, 2023), but in many settings, the IO faces an inherently uphill battle, because it needs to persuade some portion of the population to support actions they might initially and instinctively oppose. As (Meernik, 2019: 137-38) writes, “support for [an IO] must be won among publics who must be convinced to support one ideal – international law – over another – state sovereignty and security.”

Complementarity plays a significant role in many of the ICC’s most explicitly public-facing documents. For example, the ICC website contains a guide, “Tell Others About the Court - Understanding the International Criminal Court,” that explains and emphasizes complementarity... *on page one*. This explanation appears immediately after a discussion of the Court’s founding (in the

first paragraph) but before the Court’s mission (in the third paragraph)!<sup>5</sup> Complementarity also appears on the first page of the “ICC at a Glance” guide and is explained in the video “The ICC in 3 minutes.”<sup>6</sup> The OTP and the chief prosecutors, themselves, also strongly emphasize complementarity in interactions with their target audiences.

To systematically describe the prevalence of complementarity in the prosecutors’ communications, we collected every official OTP document from the “News and Statements” section of the ICC’s website – a total of 540 documents, from 2005 to mid-2022.<sup>7</sup> These are not esoteric legal documents. They are public-facing documents the OTP uses to communicate with the broader public and national and international actors. A common type of document in the corpus is a statement by the chief prosecutor describing visits to a particular country. These are explicitly intended to communicate with and persuade local audiences. For example, following visits to Colombia and Venezuela, the current chief prosecutor, Karim Khan said:

I am convinced that further engagement and cooperation with States Parties will enhance the functioning of the Rome Statute regime, in line with the principle of complementarity.<sup>8</sup>

After a careful reading, we hand-coded each document for mentions of complementarity. Figure 1 shows the proportion of OTP documents mentioning complementarity over time. The number above each dot indicates the number of documents for that year, since the quantity of OTP documents has increased over time. In general, across chief prosecutors, complementarity has been frequently emphasized, in over half of their public-facing releases. From 2018 to 2022, 65 percent of OTP documents mentioned complementarity.

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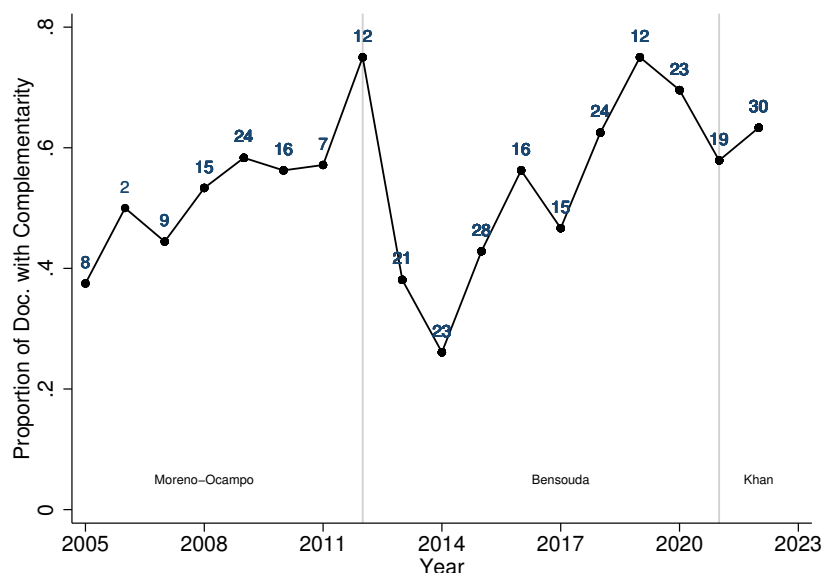
<sup>5</sup> [icc-cpi.int/sites/default/files/UICCEng.pdf](https://www.icc-cpi.int/sites/default/files/UICCEng.pdf). Accessed 7 June 2023.

<sup>6</sup> [icc-cpi.int/tell-others](https://www.icc-cpi.int/tell-others). Accessed 7 June 2023.

<sup>7</sup> [icc-cpi.int/about/otp/otp-news](https://www.icc-cpi.int/about/otp/otp-news). Accessed 12 December 2022. We collected documents labeled “Press Release” or “Statement.” We excluded documents where the OTP could not mention complementarity, for example news about a specific defendant, events, and job opportunities.

<sup>8</sup> ICC Press Release 25 October 2021, “The Prosecutor of the International Criminal Court, Mr Karim A. A. Khan QC, commences official visits to Colombia and Venezuela.”

Figure 1: Complementarity in OTP Statements and Press Releases, 2005–2022



Prosecutors are not publicists, and they must often include legal principles as a matter of course. Still, they can choose which aspects of legal procedure to emphasize, as they describe their work to others. And they frequently emphasize complementarity, even when other jurisdictional constraints also apply (e.g., the gravity of a situation, temporal or spatial limits, etc.).

### *Complementarity as a Limit on Jurisdiction*

These public-facing statements emphasize two facets of complementarity: (1) as a negative check on the Court’s jurisdiction and (2) as a direct motivation for national actions. Existing research on how institutional design features affect public perceptions of IOs suggests that IO advocates are theoretically correct that emphasizing complementarity as a jurisdictional check will bolster an IO’s popular legitimacy (Bechtel and Scheve, 2013; Binder and Heupel, 2015).<sup>9</sup> Positive perceptions of a legal institution’s design and procedures have long been thought to underpin their legitimacy (Tyler, 1994). Complementarity taps into several design dimensions that have been

<sup>9</sup> In contrast, Chaudoin (2014) and Madsen et al. (2022) emphasize public preferences over outcomes.

shown to increase IO legitimacy: fair and democratic procedures and limited authority.

Using the typology from Dellmuth, Scholte and Tallberg (2019), fairness refers to impartiality or a lack of perceived bias on the part of the IO. Democratic procedures are those that ensure that “affected publics have due voice in and control over governance arrangements” (Dellmuth, Scholte and Tallberg, 2019: 633). Complementarity should help make an IO’s actions appear more fair and democratic by giving national institutions pride of place. A nation’s elected leaders and the citizens’ chosen domestic institutions have *de facto* and *de jure* control over the IO’s authority. Since the IO’s jurisdiction is circumscribed to only those situations where domestic institutions prove unwilling or unable to act, then the ball at least starts in the domestic institution’s court.

It could appear unfair or undemocratic if an international institution swooped in and assumed power over something that an otherwise competent and willing national institution controlled. The IO, in that case, would be viewed as unfairly taking agency away from the very people and institutions it was designed to support. And the un-elected IO officials would be taking control away from elected officials or the institutions they maintain, where citizens ostensibly have their due voice and control. For the ICC, if national authorities have the ultimate decision over whether to pursue an investigation, and therefore over whether the ICC can claim jurisdiction, then it should be harder to charge the Court with trampling on national sovereignty.

ICC advocates have rhetorically deployed complementarity in exactly this way. Tracing its historical origins from Nuremberg to the Rome Statute, (Clarke, 2012: 39) describes complementarity as “an attempt to pacify concerns that the Court could exercise unchecked dominance.” This helped attract membership from countries fearing an overly-activist Court. In his very first address to the Assembly of States Parties in 2003, Louis Moreno Ocampo, the ICC’s first chief prosecutor, highlighted complementarity as a form of respect for sovereignty:

Time and effort... made it possible to create an International Criminal Court out of the principle of complementarity, which represents the will of creating a global institution that is, at the same time, respectful of the member states’ sovereignty.<sup>10</sup>

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<sup>10</sup> ICC Press Release, Election of the Prosecutor, Statement by Mr. Moreno Ocampo, 2 May 2003.

All three chief prosecutors frequently reiterated how complementarity meant that investigations were only proceeding because national authorities failed to take adequate actions. For example, in justifying the investigation in Georgia, Fatou Bensouda similarly said:

You may wonder why the ICC investigation in the 2008 events commences only now [2016]. Under its laws, the ICC cannot proceed if the national authorities are already undertaking (or have undertaken) genuine domestic proceedings themselves. The timing of the investigation by the ICC has thus largely been determined by the pace, and eventually, lack of, national proceedings.<sup>11</sup>

Complementarity is the front-line defense against accusations that the ICC is biased – one of the most frequent criticisms target governments have leveled against the Court (Dancy et al., 2020; Krcmaric, 2022). At a public forum called “Lessons From Africa,” Bensouda invoked complementarity to rebut accusations of bias against Africa:

The total number of individuals subject to proceedings before this Court is 23. All of them Africans, that is true. ... You are still asking why? Because the Rome Statute says that the Court shall only step in when the domestic authorities do not pursue accountability themselves. And in all the cases we selected, there were no such proceedings.<sup>12</sup>

Limited IO authority also enhances legitimacy by making audiences less demanding with respect to procedural or performance standards (Zürn, 2018; Dellmuth, Scholte and Tallberg, 2019). Legitimacy deficits can arise when an IO has been granted greater legal competence in particular areas but has not accompanied that expansion with a deeper well of perceived procedural or performance legitimacy (Tallberg and Zürn, 2019). Complementarity lets domestic institutions act as a firebreak against IO authority, which should tilt audience views in the institution’s favor.<sup>13</sup>

These theoretical arguments ground our first hypothesis. Knowing that ICC actions only arose when national institutions were unwilling or unable to conduct the same investigations should make citizens more supportive of the ICC. The above-referenced research suggests that complementarity

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<sup>11</sup> Statement 18 February 2016 “Statement by the Prosecutor of the International Criminal Court, Mrs Fatou Bensouda regarding recent ICC-visit to Georgia.”

<sup>12</sup> Statement 15 February 2012 “Introductory remarks.”

<sup>13</sup> To be sure, the IO assesses whether domestic institutions are unwilling or unable to investigate. The state may disagree with this assessment. We will return to this idea.

should have this direct effect on citizen perceptions. Verhaegen, Scholte and Tallberg (2021) argue that perceptions of fairness also shape confidence in IOs among elites and policymakers, whose views further shape public opinion about IOs (Dellmuth et al., 2022b).

**Hypothesis 1.** *Exposure to complementarity arguments increases public support for ICC investigations.*

### *Complementarity as a Spur for National Action*

Complementarity also, theoretically, affects support for domestic court actions. The specter of an IO action could induce national action. Complementarity, in addition to being a constraint on the international institution, is also an implied threat against the domestic institution. It stipulates, “If institution A does not act, then institution B will.”<sup>14</sup> Most national-level or elite actors want to retain control over policy and judicial proceedings. The possibility that an IO will choose an outcome less favorable to the state or its citizens means that ceding authority to an IO involves substantial “sovereignty costs” (Abbott and Snidal, 2000). In the case of a criminal investigation, these costs can be high. State and IO preferences can diverge because of the state’s desire to shield particular nationals from scrutiny or from a genuine disagreement on principles or application of law. States fear losing control over charging decisions, choices of defendants, and sentencing.<sup>15</sup> They may also want to avoid any blows to their international reputation when an IO is seen as stepping in to correct their shortcomings (Burke-White, 2008). The role of IOs in incentivizing states to “act first and get it right” is part of why Slaughter and Burke-White (2006: 341) argue that “the future of international law is domestic.”

In situations of domestic resistance to the Court, the broader public likely shares elites’ aversion to “foreign” investigations. In related work on the UN, Ghassim, Koenig-Archibugi and

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<sup>14</sup> This is the “classical” definition of “positive complementarity,” as opposed to the more “gentle” conception, which refers to the ICC’s managerial or facilitative role for domestic prosecutions (Stahn, 2008). We also focus on complementarity related to national actions that overlap with ICC scrutiny as opposed to “unintended” complementary investigations or trials into similar abuses (Dancy and Montal, 2017).

<sup>15</sup> In some cases, states *want* to cede control (Johns and Parente, 2023), but this likely does not apply in our cases.

Cabrera (2022) find that mass publics generally prefer institutional rules that give their own country a greater say. The average citizen also differs from many elites in terms of socioeconomic status and education, which can make them even more averse to international interference (Dellmuth et al., 2022a,b). To paraphrase Madsen et al. (2022: 422), the implied “behavioral theory is that [opposition to an IO] results from the unwillingness of people... to accept the sovereignty costs of international courts overruling competent national courts.” This aversion to international actors makes national action more attractive. Just as an elite may support national control, citizens who are hesitant about international actions that infringe upon their country’s sovereignty should support national actions as a way to retain national control, via complementarity.

**Hypothesis 2.** *Exposure to complementarity arguments increases public support for domestic investigations.*

The ICC heavily emphasizes the “catalytic effect” of complementarity (Nouwen, 2013).<sup>16</sup> The OTP frequently invokes the specter of complementarity to imply that national bodies should investigate or the ICC will. This too is intentional and deliberate. It has been part of a conscious effort for the Court. Luis Moreno Ocampo envisioned this when he famously remarked that the measure of the ICC’s success would be the *absence* of trials at the ICC; trials would be conducted by domestic courts. In an early visit to Colombia, he stated, “With the International Criminal Court, there is a new law under which impunity is no longer an option. Either the national courts must do it or we will.”<sup>17</sup> Fatou Bensouda tended to be slightly more political, though the message was equally clear. For example, regarding possible violations in Burundi, she said:

The primary responsibility to investigate and prosecute perpetrators of mass crimes falls, in the first instance, on the national authorities. That failing, however, no one should doubt my resolve to investigate and prosecute.<sup>18</sup>

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<sup>16</sup> Jo and Simmons (2016) argue that complementarity has been a strong enough inducement for states to pass their own national statutes dealing with international crimes.

<sup>17</sup> Press Release 21 August 2008, “ICC Prosecutor visits Colombia.”

<sup>18</sup> Statement 8 May 2015 “Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, regarding the recent pre-election violence in Burundi.”

Bensouda made similar statements about many other situations. Karim Khan frequently echoes her language, though he tends to emphasize the “carrot” aspect of complementarity – as cooperation between the Court and nation – rather than the implied “stick” of an ICC investigation. For example, Khan has affirmed, “The clear foundation of the Rome Statute is built on complementarity, that justice is best done at home. ... But the corollary of that is also the case that if a ... country is not willing or is not able, I can’t be derelict in my non-derogable obligations.”<sup>19</sup>

### *From Rhetoric to the Public*

The rhetorical use of complementarity is not limited to the OTP. When asked what advice he had for the Court, the former ICC president, Judge Chile Eboe-Osuji responded that officials should “remember, and remind states, that the jurisdiction of the Court is complementary, and the ICC only engages where justice is slow or unavailable.”<sup>20</sup> Other stakeholders use this rhetoric as part of their “pitch” for the Court. For instance, the Coalition for the ICC – a collection of HROs and other civil society organizations that supports the Court – says the following in almost all of its mentions of the Court, as part of its key background information about the institution:<sup>21</sup>

Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators...<sup>22</sup>

A longer rhetorical pipeline carries these arguments to the public (Nouwen, 2013). Local and international media cover contestation over the ICC, as elites and NGOs support or oppose the Court (Sheppard and von Stein, 2022; Chaudoin, 2023). During public appearances and interviews, representatives from the ICC’s Country Offices – organs separate from the OTP – have highlighted

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<sup>19</sup> Statement 29 April 2022, “ICC Prosecutor, Karim A.A. Khan QC, outlines renewed approach to investigations in the Situation in Libya to the United Nations Security Council”.

<sup>20</sup> Interview with Shehzad Charania, 2021. [ejiltalk.org/interview-the-former-president-of-the-icc-judge-chile-ebae-osuji-by-shehzad-charania/](https://ejiltalk.org/interview-the-former-president-of-the-icc-judge-chile-ebae-osuji-by-shehzad-charania/). Accessed 8 June 2023.

<sup>21</sup> Local NGOs, like Article 42 in Georgia and Karapatan in the Philippines, often do the same.

<sup>22</sup> For an example, see Coalition for the ICC (2015). [coalitionfortheicc.org/news/20151014/icc-considers-georgia-investigation-key-facts-reaction](https://coalitionfortheicc.org/news/20151014/icc-considers-georgia-investigation-key-facts-reaction). Accessed 11 November 2023.



how national courts have initial jurisdiction, with ICC involvement only occurring when “the country does not want or fails to investigate.”<sup>23</sup> Communication from elites – politicians, NGOs, IO representatives, etc. – over procedural aspects of IOs like complementarity can then affect mass perceptions of their legitimacy (Dellmuth and Tallberg, 2021, 2023). The ultimate degree of public support for an IO like the ICC – potentially affected by arguments invoking complementarity – can help or harm its prospects for cooperation and compliance among member states.<sup>24</sup>

### 3 Brief Country Case Background

Here, we briefly describe the backgrounds of the countries in which we conducted our surveys and the events we asked about. The ICC operates globally, in a wide array of institutional, political, and cultural settings. It was, therefore, important for us to cast a wide net to assess the effects of complementarity on public opinion. The Court’s prospects in each country will be helped or hindered by prevailing public sentiment (Chaudoin, 2016).

The ICC situation in Georgia, the first to examine interstate conflict, concerned the 2008 war with the breakaway region of South Ossetia and the Russian Federation. The investigation (since concluded) considered crimes against humanity, like the forced transfer of Georgians out of contested lands, and war crimes, like alleged civilian targeting by Russia, separatists, and the Georgian military. We asked Georgians about the ICC investigation into the conflict.

The United States was under ICC scrutiny for alleged war crimes and crimes against humanity in Afghanistan beginning in 2003. While the United States is not an ICC member, the Court has jurisdiction because Afghanistan is a member. This was the first ICC situation concerning *inter- and intra-state* conflict, with probes into anti- and pro-government forces, including the Taliban, the Afghan National Security Forces, U.S. armed forces, and the U.S. Central Intelligence Agency.

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<sup>23</sup> As an example, see First Channel (2018) [1tv.ge/en/news/kaupo-kand-hague-court-no-mandate-investigate-started-war/](https://1tv.ge/en/news/kaupo-kand-hague-court-no-mandate-investigate-started-war/) or *Georgia Today* (2018) [gtarchive.georgiatoday.ge/news/9128/Int%27I-Criminal-Court-Opens-Field-Office-in-Georgia,-Led-by-Head-of-Office-Dr-Kaupo-Kand](https://gtarchive.georgiatoday.ge/news/9128/Int%27I-Criminal-Court-Opens-Field-Office-in-Georgia,-Led-by-Head-of-Office-Dr-Kaupo-Kand).

<sup>24</sup> Appendix A elaborates on our decision to focus on public reactions.

We asked Americans about investigations into accusations against Americans.<sup>25</sup>

Israel is under investigation for suspected atrocities in Palestine since 2014. Israel is not an ICC member, but Palestine is. We asked Israelis about an investigation into forced transfers in the West Bank. At the time of our survey, Israel had a stronger legal claim based on complementarity as it pertained to military actions in Gaza – a situation that had been meaningfully investigated domestically – but Israel had a murkier claim with respect to settlements and forced transfers.<sup>26</sup>

The situation in the Philippines concerns alleged extrajudicial killings in the government’s “war on drugs.” The Philippines was a member state when the ICC began the examination but has since withdrawn from the Rome Statue. President Duterte has frequently injected direct criticism of the ICC into the public sphere (Chaudoin, 2023). One aspect of his rhetorical strategy against the Court focuses on the ICC’s alleged bias, a charge that complementarity is designed to counter.

Our fifth research site, South Africa, is not under ICC investigation or even preliminary examination. This makes the country – and our experimental treatment – substantially different from the others. We tell South Africans about *other* countries failing to meet their complementarity burden and we ask them to, essentially, pass judgement on their neighbors. As we will show later, there are very high baseline levels of support among South Africans for the ICC’s work in other African countries – a result that might suggest that the ICC is not a salient issue for them. We cannot rule out this possibility. But we would submit that the ICC has been a salient issue in the country for years. For example, when the former Sudanese president, Omar Al-Bashir, a fugitive of the Court, visited South Africa for a 2015 African Union leaders meeting, the government declined to arrest and transfer him to the ICC. Ahead of an August 2023 BRICS states summit in South Africa, President Cyril Ramaphosa and Vladimir Putin agreed the Russian leader, also a Court fugitive, would not attend, relieving South Africa of pressure to arrest and transfer Putin to the ICC. Thus it is clear that South Africa holds significant political power, regionally and internationally, and its

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<sup>25</sup> After our survey, the ICC “deprioritized” the U.S. part of the investigation, though the Court did not close it.

<sup>26</sup> It is too soon, at the time of this writing, to speculate about the application of complementarity to potential investigations for military actions in Gaza in late 2023.

government and people are called on to pass contentious judgements on others.

## 4 Research Design

We recruited nationally-representative pools of respondents to participate in surveys where they read information about the ICC. Table 1 shows the sample sizes and dates. We randomly assigned respondents to treatment conditions that did and did not include information about complementarity. The survey designs and recruitment varied slightly across countries, but the overall approach was very similar.<sup>27</sup> For each country, we expect individuals treated with complementarity will be more likely to support ICC actions (Hypothesis 1) and domestic court actions (Hypothesis 2).

Table 1: Sample Information

<b>Country</b>	<b>N</b>	<b>Dates</b>	<b>Subject</b>
GEO	1,001	Aug. 2019	2008 war with Russia
USA	3,150	Mar. 2021	Afghanistan torture
PHL	2,033	May 2021	War on drugs
ZAF	2,019	Jun. 2021	ICC in other countries
ISR	2,041	Aug. 2021	West Bank settlements

### *Treatment Vignettes*

Treatment consisted of exposure to information about complementarity which explained the concept and what it means for the ICC's actions. We took great care to ensure that the wording of the treatment mimicked the information a citizen might receive from Court advocates or elites when discussing an ICC action. The text below shows the control and treatment conditions used in the Philippines survey, as an example. The control text gives a brief reminder about the ICC and its investigation. The treatment condition includes the control text and then adds information about

<sup>27</sup> Appendix B details the survey recruitment and design.

complementarity, reflecting its rhetorical use by IO proponents. The first part of the treatment uses the familiar “unwilling or unable” language. The second part of the treatment explains how national investigations affect the Court’s jurisdiction.

#### Control Condition

The ICC has opened a preliminary examination into accusations about the war on drugs in the Philippines. The ICC is investigating whether the government of the Philippines has supported extrajudicial killings, which is a crime under international law.

#### Treatment Condition

[Control condition language]

However, the rules of the ICC limit its jurisdiction. The ICC can only investigate allegations if national authorities are unwilling or unable to investigate for themselves.

The ICC only opened an investigation because the government of the Philippines has not made serious efforts to investigate allegations about extrajudicial killings in the war on drugs. If the government of the Philippines investigates these allegations, then the ICC will not have jurisdiction.

We modeled our treatment after the most important real-world situations, where the Court says that domestic efforts have not been adequate. In this sense, the treatment contains both the fact that ICC jurisdiction is limited and that the ICC has decided to no longer defer to domestic authorities. The effect of the latter aspect of treatment could blunt the effect of the former for many respondents – a possibility to which we will return.

### *Main Outcome Measures*

Immediately after treatment, we measured agreement with a statement supporting an ICC investigation into the acts mentioned in the vignette. We label this outcome measure *ICC inv.* To use the Philippines survey as an example, the first statement read: “I support the ICC investigation into the war on drugs.” We then asked about agreement with a statement supporting a domestic investigation into those same acts, labeled *Domestic inv.* In the Philippines, this statement read: “The government of the Philippines should conduct its own investigation into allegations of extrajudicial

killings.” Responses ranged from “strongly agree” to “strongly disagree.” The wording for each question was altered slightly so that each version made sense in that particular country.<sup>28</sup>

We made sure that the main outcome measures emphasized possible investigation into nationals of the country we surveyed or policies supported by the government (save for South Africa). We did this to ensure our focus was on the hardest part of the ICC’s job – convincing the public that investigations into their country or their co-nationals are just. For example, it is easy to persuade a Georgian of the desirability of an investigation into Russians. But the key challenge the Court faces in its hardest cases is getting governments to do something they would not otherwise do.<sup>29</sup>

### *Demographics and Balance*

We collected a variety of demographic data for each respondent. The items varied slightly across countries. In general, this list included items about the respondent’s gender, age, income, education level, race/ethnicity, religion, news consumption, and geographic location.<sup>30</sup> We use the test from Hansen and Bowers (2008) to assess balance across treatment and control groups. We do not find strong differences in respondents’ observable characteristics across conditions.<sup>31</sup>

## 5 Analysis

### *Treatment Effects: Support for ICC Investigation*

Figure 2 shows estimates for the percentage of respondents indicating support for the ICC investigation, broken down by treatment condition and country. We ordered the countries from left to

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<sup>28</sup> Appendix Table A1 presents the outcome questions for each country. In Georgia, respondents could select “Don’t know / Refuse to answer.” In the other countries, respondents could select “Neither agree nor disagree.”

<sup>29</sup> Again, the South African survey was the exception. There, we asked about support for investigations in other African countries and whether those countries should conduct their own investigations.

<sup>30</sup> Appendix C gives exact measures and summary statistics by country, with comparisons to national samples.

<sup>31</sup> See Appendix D. Where there is imbalance, it is limited to a few characteristics. We do not expect it to affect our treatment effect estimates, which change very little when we include and exclude respondent characteristics. The appendix contains sensitivity testing to show that imbalance is highly unlikely to affect our estimates.

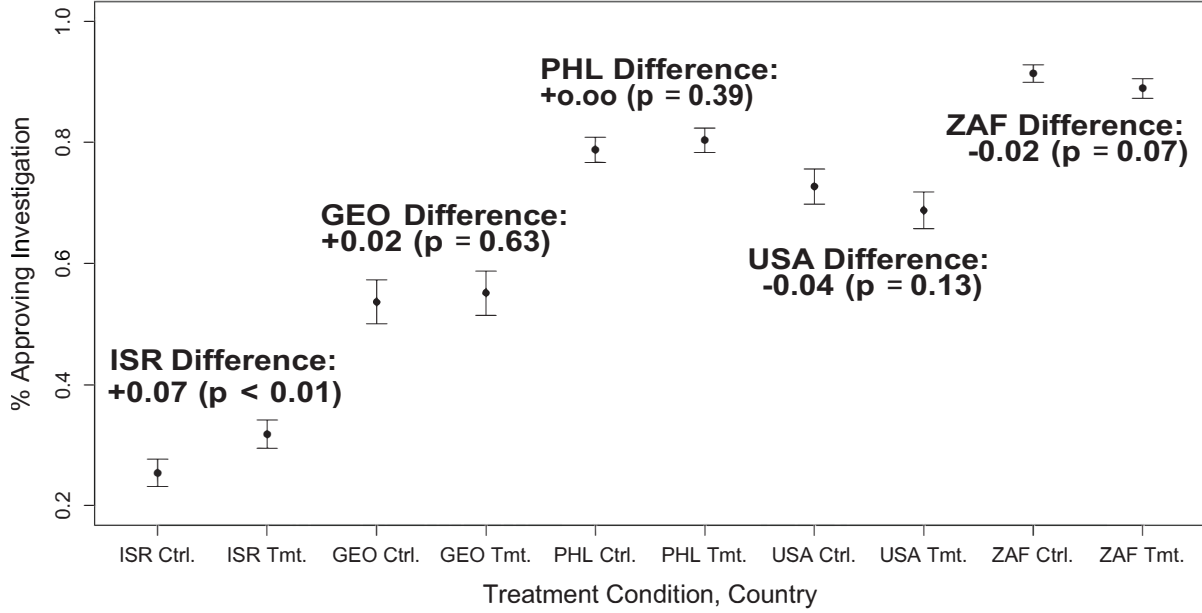
right based on whether the treatment effect was positive (left side) or negative (right side). For each country, we note the difference in support across treatment conditions and the  $p$ -value for a test of whether this difference is equal to zero. The  $p$ -value is from regressing (OLS) the binary indicator of support for the ICC investigation – equalling one for those who chose “somewhat agree” or “strongly agree” – on a binary indicator equalling one for respondents assigned to treatment.

Before turning to treatment effects, note that Figure 2 shows heterogeneity across countries in initial support for the ICC and in the effect of treatment. The initial support levels across countries reflect those seen in similar surveys, with the oft-overlooked strength of support in several countries. A majority of Georgian, Filipino, U.S., and South African respondents support an investigation under both conditions. The highest levels in South Africa are consistent with existing findings that people are more supportive of investigating other countries (Chapman and Chaudoin, 2020). Israelis had the lowest level of support for the ICC under both conditions.

Contrary to expectations, complementarity did not consistently increase support for ICC investigations. Treatment only significantly increased support for the ICC in one of five countries: Israeli approval of ICC proceedings rose from 25 percent in the control group to approximately 32 percent in the treatment group. In Georgia, approximately 54 percent of respondents supported the ICC investigation in the control group, and this increased by only 1.5 percentage points in the treatment group. In the Philippines, 79 percent of respondents in the control group supported the ICC and this, too, increased by only 1.5 percentage points in the treatment group.

In the United States and South Africa, treatment *lowered* support for ICC investigations. In the United States, approximately 73 percent supported an ICC investigation under the control condition. This decreased by roughly 4 percentage points with treatment, though this negative effect is not statistically distinguishable from zero. In South Africa, 91 percent of respondents supported the ICC, but this decreased by approximately 2.5 percentage points under treatment. This result was statistically distinguishable from zero, though only in certain specifications, as shown below. So we interpret this also as a relatively weak negative effect. But neither the United States nor South Africa show evidence of complementarity increasing support for ICC investigations.

Figure 2: Support for ICC Investigation, by treatment/control and country



Points are the estimated percentage of respondents supporting an ICC investigation, by condition and country. Lines are 95% credibility intervals.  $p$ -values are from regressing (OLS) the ICC support variable on the treatment indicator.

### *Further Empirical Specifications*

Since there are many possible model specifications and since we analyze the effect of treatment on two key outcome measures in five different countries, we standardized our analysis and show results for six different models for each country. This allows us to show how results are generally consistent across a wide array of models. For each country-outcome pair, we regressed a binary version of the outcome measure on treatment using OLS and logistic regressions, as above. We also estimated ordered logistic regressions using the full scale of the outcome measure. For each of these (OLS, logit, ordered logit), we estimated versions with and without demographic controls.<sup>32</sup>

Figure 3 shows the results for each specification, for each country, using the ICC investigation outcome measure. Each dot shows the coefficient estimate for that specification for that country. The whiskers show the associated 95 percent confidence intervals. The legend for each country shows the statistical significance of the estimate at traditional levels. We grouped the countries by

<sup>32</sup> Appendix E shows the full regression tables. Results are also robust to alternate outcome measure codings.

whether the estimated treatment effect was positive – meaning complementarity increased support for the ICC investigation; null – meaning coefficient estimates were small, though positive, and close to zero; or negative – meaning complementarity decreased support for an ICC investigation. The results are consistent with those from Figure 2. In all specifications for Israel, treatment has a positive and significant effect. In all specifications for Georgia and the Philippines, treatment has a small, positive but insignificant effect. For the United States, the only difference from Figure 2 is that, in some specifications, the negative treatment effect is statistically distinguishable from zero. For South Africa, the treatment effect is distinguishable from zero in most specifications.

### *Treatment Effects: Support for a Domestic Investigation*

Figure 4 shows the effect of treatment on support for domestic investigations. Overall, the evidence of treatment increasing support is again mixed. In Israel, we again found a positive treatment effect, with 54 percent of respondents supporting domestic investigations into settlements. This increased by over six percentage points when respondents learned about complementarity. Georgia and the United States again showed weak treatment effects. In Georgia, roughly 45 percent of respondents supported a domestic investigation and this decreased slightly, by two percentage points, under treatment. In the United States, support for domestic investigations was relatively high, at 80 percent under the control condition, but this rose by less than one percentage point under treatment.

In the Philippines and South Africa, we see different treatment effects for domestic versus ICC investigations. Complementarity *increased* support for domestic investigations for South Africans, with 65 percent of respondents supporting domestic investigations. This increased by roughly five percentage points with treatment. In the Philippines, complementarity *decreased* support for domestic investigations, where it previously weakly increased support for ICC investigations. Roughly 84 percent of respondents in the control condition supported an investigation, and this decreased by approximately three percentage points under treatment. But this negative result is not significant in all specifications; hence, we characterize this as a weak negative result or null result. For the Philippines, the evidence is disconfirming of a positive treatment effect.



Figure 3: Effect of Treatment on Support for an ICC Investigation

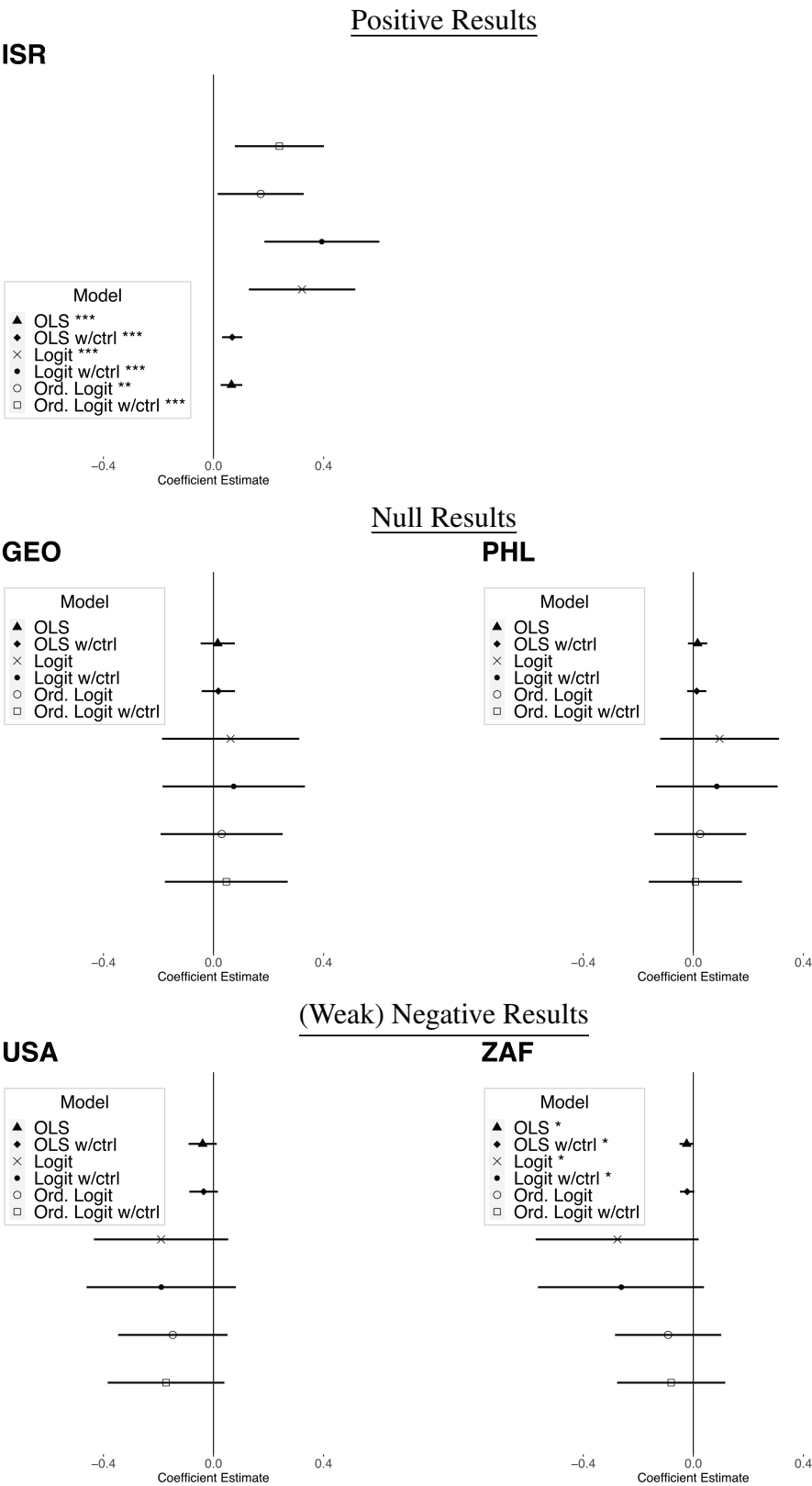
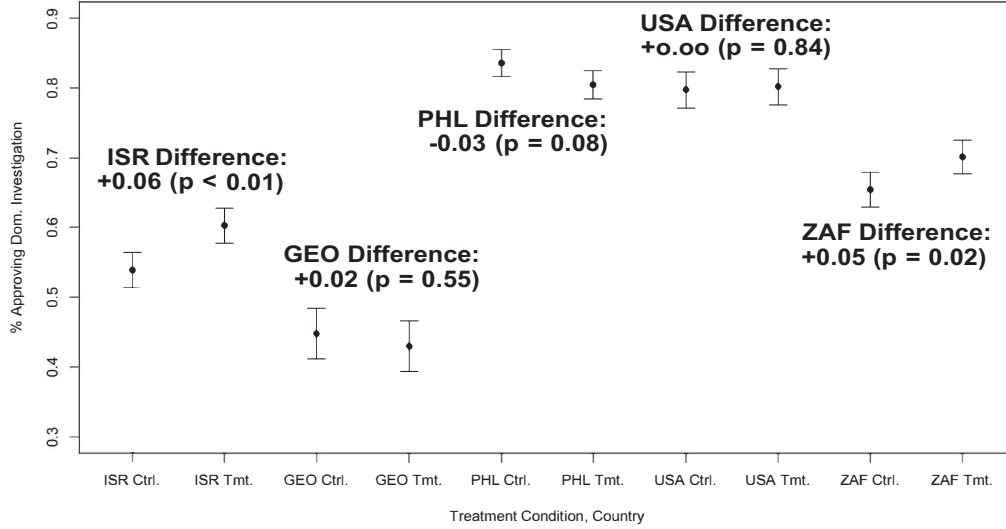


Figure 4: Effect of Treatment on Support for Domestic Investigation



In the appendix, we replicate Figure 3, with support for domestic investigations as the outcome. The Israeli and South African results are positive and significant across all specifications. With one exception, the Georgian and U.S. null results obtain across specifications.<sup>33</sup>

## 6 Why *Doesn't* Complementarity Work?

With only a few exceptions, the above analysis indicates that complementarity is not having its desired effects. The likely reason for this is that complementarity entails a negative judgment of domestic proceedings: the ICC must find that domestic actions were inadequate. A complementarity ruling has come to mean a failure on the part of the state in question to convince the Court of its genuine and meaningful domestic actions. As Gevers and Mushoriwa (2022: 13) note, this pro-

<sup>33</sup> See Appendix E.

cess has “unnerving colonial parallels” for former colonies, like the Philippines, South Africa, and many of the African nations in question. An IO intervention that occurs when that body decides domestic efforts are not “good enough” is not likely to be well received. The foreignness of IOs makes them even easier targets for populist opposition (Voeten, 2021), which can make it easier for local populations to discredit their judgements. This suspicion limits complementarity’s persuasiveness. A Philippine senator, Roland dela Rosa, said this directly in public remarks: “I won’t be under the jurisdiction of foreigners ... Who are they to judge our working judicial system?”<sup>34</sup>

The ICC has previously condemned African nations like South Africa for not arresting ICC fugitives like Omar Al-Bashir. Many leaders have, therefore, described the ICC’s actions and condemnations as neo-colonial and imperial, where Global North actors seek to impose their will on the South. Whether or not this is an accurate representation of the ICC, these arguments have found much domestic purchase, as in Kenya (Ba, 2020; Mueller, 2014; Chaudoin, 2016). South Africans, and others, may have disliked a principle in which a potentially biased IO declares African institutions have failed. This is further evidenced by the fact that the treatment increased South Africans’ approval of other African countries investigating themselves.

In other countries, skepticism about the ICC and the situations under investigation may be firmly crystallized over time, making complementarity appeals less effective. In Georgia, the ICC had been at work since 2008. Georgian opinions were likely already fixed and less affected by treatment. Georgians may also be doubtful of the ICC’s effectiveness, regardless of procedure, given the many years it took for the Court to even get to the indictment phase. In the United States, some Americans exhibit “Afghanistan fatigue.” Our survey was fielded in the first months of the Biden administration. Americans were ready to withdraw from Afghanistan and this attitude may have extended to accountability. Rather than examine the past, as the ICC would require, Americans may have preferred to simply move on, in line with President Obama’s “look forwards, not backwards” sentiments regarding alleged torture in the war on terror. Ideas of U.S. exceptionalism

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<sup>34</sup> ABS CBN 2022. [news.abs-cbn.com/news/07/18/22/bato-wont-cooperate-with-icc-probe-on-drug-war](https://news.abs-cbn.com/news/07/18/22/bato-wont-cooperate-with-icc-probe-on-drug-war). Accessed 8 June 2023.

underlie some Americans' foreign policy views, which could further blunt treatment effects.

Nonetheless, we would note that skepticism of IOs is also very prevalent in Israel, where we found the strongest positive findings of complementarity. Israel has been frequently targeted with human rights shaming, potentially making many Israelis skeptical of IO interventions. However, Israeli authorities have offered a complementarity defense, despite maintaining staunch opposition to the Court. Prominent legal scholars have argued that the Israeli Supreme Court, and its demonstrated willingness to issue hard rulings against settlements, acts as an "Iron Dome" against ICC actions.<sup>35</sup> Complementarity seems strongest in places where at least one part of the political spectrum can appeal directly to the strength of domestic judicial institutions. Like Lupu and Wallace (2019), we suspect national context explains a great deal of this variation.

Some existing work suggests reasons why process arguments like complementarity could play a lesser role in affecting public opinion, compared to the actual outcome of the IO's decision (Chaudoin, 2014; Madsen et al., 2022). It matters most whether the IO's decision matches the respondent's preferences; process is secondary, at best. These explanations are consistent with a null finding, where complementarity does not move opinions. But complementarity had its largest positive effects on support for the Court in Israel, where opposition to investigations was highest.

## 7 Addressing Potential Counterarguments and Limitations

### *Ceiling Effects?*

One alternate explanation for our null results would be that approval for ICC investigations was already quite high so we could not raise it further, especially if it is difficult to marginally increase support among undecided respondents. In general, we did not find that treatment effects were weakest in countries most supportive of the Court. The highest support levels were in South Africa,

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<sup>35</sup> "The repeal of the regulation law is an iron dome against The Hague." (translated) YNET news, 10 June 2020. [ynet.co.il/articles/0,7340,L-5745844,00.html](https://www.ynet.co.il/articles/0,7340,L-5745844,00.html) Accessed 1 April 2022.

where we found a *negative* treatment effect. Support in the Philippines was not vastly different from the United States, yet the treatment effects were weakly positive in one and weakly negative in the other. Support in Georgia was tepid, but there was not a strong positive treatment effect.

We designed the U.S. survey to help us adjudicate on this question using three additional treatments.<sup>36</sup> The first additional treatment emphasized allegations that the ICC is biased against the United States – designed to push respondents’ approval of ICC investigations downwards, away from any approval ceiling. This then allows us to assess whether complementarity can move respondents “up again.” We can also leverage existing work to show that *some treatment* can restore support. Zvobgo (2019) shows treatments with a positive human rights framing can increase support for the ICC, even when paired with competing negative frames. So we include a treatment that combines the negative bias allegation with a positive human rights emphasis.

The results show that ceiling effects do not explain our null results. Even when support for the Court is pushed downwards by accusations of bias, complementarity fails to restore this support. Figure 5 shows estimates of ICC approval across treatment condition.<sup>37</sup> The leftmost line shows the high level of support for an investigation under the control condition ( $\approx 73$  percent). The next line shows the weak, negative effect of the complementarity treatment described earlier. The third line shows the bias treatment lowered approval by almost six percentage points. The fourth line shows adding the complementarity treatment very weakly raises back support for the ICC, up to 66.1 percent. The last line shows the human rights treatment restored support for the ICC to the control condition level, back up to roughly 72.3 percent. The difference in approval rates under control versus under the ‘bias + human rights’ treatment is very small, less than one percent.<sup>38</sup>

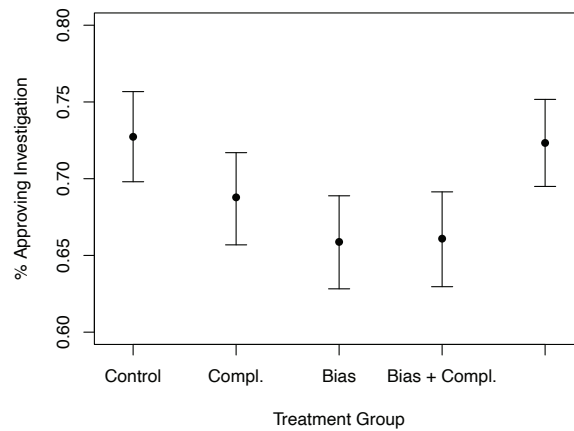
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<sup>36</sup> Appendix B includes the full text of these treatments.

<sup>37</sup> Bayesian confidence bands surround approval percentages, using a Beta-Binomial conjugate approach.

<sup>38</sup> These results are also robust to the full set of model specifications. See Appendix E.

Figure 5: Effect of Additional Treatments on Support for ICC Investigation



### *Is complementarity too complicated?*

Another potential explanation is complementarity's complexity. It is possible respondents simply failed to understand the concept. We would again emphasize that we designed our treatments to use the same language and phrasing as ICC officials and advocates. If our treatments were too complicated for respondents, then the same is likely true of the real-world analogue of our experiment. But a lack of comprehension does not explain our results. In all countries but Georgia, we asked quite difficult comprehension-check questions at the end of the survey. We asked:

The International Criminal Court's jurisdiction is limited in some ways. Which of the following is correct? The ICC cannot investigate crimes in a particular country if...

- That country already has a meaningful investigation into the crimes.
- That country's President opposes the investigation.
- The United Nations has vetoed the investigation.

The International Criminal Court has considered investigating accusations against United Kingdom soldiers in Iraq. The ICC determined that the United Kingdom had already investigated these accusations. The United Kingdom is a member of the ICC. Which statement is correct?

- The ICC can investigate these accusations.
- The ICC cannot investigate these accusations.

Note, these are much harder questions than most manipulation checks. They do not simply ask the respondent to repeat something they read. The second question, especially, requires respondents to apply complementarity to a new situation. Treatment significantly increased the likelihood that respondents chose the correct answers, suggesting that treatment had our desired effect.

We replicated the above analysis of treatment effects excluding respondents assigned to treatment who did not correctly answer the manipulation checks. If a comprehension failure explained our null results, then these respondents would artificially attenuate estimated treatment effects by making the distribution of responses under control and treatment look similar. If this were the case, we would expect to see larger treatment effects when we exclude these respondents. But this is *not* the case; estimates do not change much at all.<sup>39</sup> Even limiting the sample to respondents who took up and understood treatment, we find similar results.

### *Is the ICC too low salience?*

Readers may be skeptical of the ICC's salience for publics in countries of concern to the Court. But the ICC question is deeply political and highly controversial in our research sites. If the ICC did not matter, and public opinion on the ICC did not matter, then it would not be such a contentious and public topic. In Georgia, the Court was a subject of political debate during the 2018 presidential election, less than a year before our survey. In Israel, Netanyahu has accused the ICC of being antisemitic and urged it to investigate "real" atrocity crimes in other countries. In the Philippines, Duterte loudly expressed his opposition to the Court, lamenting that the ICC did not respect complementarity.<sup>40</sup> The Court is high-salience in many contexts, and public opinion plays a large role in the Court's prospects. The United States is somewhat of an outlier since torture allegations have faded in salience. Still, even there, President Trump was able to amplify the Court's salience by sanctioning Court officials less than a year before our survey.

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<sup>39</sup> See Appendix G.

<sup>40</sup> [rappler.com/nation/198141-duterte-philippines-withdraw-international-criminal-court](https://www.rappler.com/nation/198141-duterte-philippines-withdraw-international-criminal-court).

## *Additional Analyses*

The appendix contains additional analyses. We assess whether treatment affected respondents' perceptions of ICC bias, support for ICC membership, and views of the issues under investigation. The results are generally the same.<sup>41</sup> We also analyze how ideology and incumbent party support moderates treatment effects (Guisinger and Saunders, 2017). Incumbent party supporters should be least movable, as complementarity implies that the ICC does not think their leaders have done enough. This was true in Israel: there were weaker treatment effects among Israelis who self-identified with the political right. Yet we found the opposite in the Philippines, where supporters of Duterte's party were most persuaded by the treatment, though the moderation result is not statistically strong. We also examine whether perceptions of domestic judicial institutions moderate treatment.<sup>42</sup> More positive views of domestic courts are generally associated with greater support for the ICC. But they do not magnify or mute treatment effects. We also do not find evidence that a country's level of judicial independence or overall level of ICC support moderates treatment. Last, we assessed whether differences in knowledge about the ICC across countries were associated with different treatment effects. We do not find strong evidence of this.

## 8 Discussion and Future Research

In pitched battles for public opinion, IO supporters deploy varied arguments in their favor. The ICC has embraced the principle of complementarity to hopefully establish legitimacy and persuade recalcitrant publics to support the institution. Our results suggest this message may not be effective, at least not when the Court finds that domestic efforts have been inadequate. While complementarity could increase support among potential new members or states not yet under investigation, it does not appear to have had a large marginal effect in countries under investigation. In Georgia, the Philippines, South Africa, and the United States, informing citizens about complementarity did

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<sup>41</sup> Appendix H.

<sup>42</sup> All moderation results are in Appendix I.



not increase their support for the Court. A positive effect appeared only in our surveys in Israel. In South Africa, complementarity decreased support for the Court. Complementarity also did not increase support for domestic investigations or cooperation with the Court across the board.

In the time since our surveys, public discourse about the ICC and complementarity has only increased in places like the Philippines and Venezuela, often with explicit linkages to accusations that the ICC is neo-colonial.<sup>43</sup> Such examples are consistent with complementarity being unpersuasive in many contexts, for the reasons discussed above. In Israel, the extreme escalation in violence in late 2023 has likely displaced any concerns about the ICC or complementarity.

We believe the import of our results extends beyond the ICC. As previously discussed, other IOs are governed by rules that share similar features with complementarity. Legal principles similar to complementarity constrain the European and Inter-American human rights courts from intervening until plaintiffs have exhausted domestic remedies. In post-violence contexts, complementarity often guides how truth commissions work alongside courts. Likewise, the UN Human Rights Council burden shares with the General Assembly and the treaty bodies, assessing members' compliance with human rights law. If complementarity – as an argument – does not persuade publics to support the ICC, it is possible that it also does not persuade publics to support these other bodies when they intervene. This may be especially true of regional courts, as they can strike down domestic precedent, possibly fomenting backlash among both publics and elites.

Our research indicates several avenues for further inquiry, including the logical next question: what messages and frames *do* work, especially in the face of a variety of state justifications for noncompliance (Morse and Pratt, 2022)? Our research joins a growing body of work on successful (and unsuccessful) frames. Zvobgo (2019) finds U.S. public attitudes on the ICC are shaped in part by whether individuals perceive IOs to be fair and effective. The ICC has a limited, albeit improving, record of success, making effectiveness a tenuous discursive frame, at least for the

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<sup>43</sup> E.g., “Bato: ICC transgresses Rome Statute if it intrudes even PH courts are in action” Inquirer.net, 13 April 2023, [newsinfo.inquirer.net/1756037/fwd-dela-rosa-icc-itself-violates-rome-statute-if-it-intrudes-while-ph-justice-system-is-functional](https://newsinfo.inquirer.net/1756037/fwd-dela-rosa-icc-itself-violates-rome-statute-if-it-intrudes-while-ph-justice-system-is-functional), and “Venezuela Condemns ‘Judicial Colonialism’ of International Criminal Court,” *Venezuelanalysis.com* 28 February 2023, [venezuelanalysis.com/news/15715](https://venezuelanalysis.com/news/15715). Accessed 8 June 2023.

time being. Sheppard and von Stein (2022) and McEntire, Leiby and Krain (2015) also find that different frames for human rights issues can generate condemnation of a policy, but not necessarily spur action. The latter suggests that personal appeals may be most effective. For the ICC, this would imply leaning into narratives about victims and the need for accountability, as opposed to legal rules and principles. But, as our research indicates, local context likely plays a large role in how different frames are received. A natural next step would be to theorize and assess arguments about key local conditions that make different frames more or less effective.

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## Appendix A Public vs. Elite Audiences, Domestic vs. International Discourse

Readers may question if we have surveyed the right audience. It is reasonable to ask: why not survey elites rather than the public? Are elites not the ones the ICC must really persuade? We would note, to start, that existing research suggests that we might find similar treatment effects among elites.<sup>44</sup> We do not have a strong theoretical reason to expect different treatment effects between elite and public samples.

Additionally, elites are not always the target of complementarity arguments, at least not 25 years since the Court was established, and now with more than 120 states parties. Complementarity *was* aimed at elites when Court advocates were trying to increase membership in the Court or when trying to educate elites about the rules of the Rome Statute. Now, elected officials and other domestic elites are already well aware of complementarity and what is required under the Rome Statute, and they have teams of lawyers that can probe legal questions with them. In other words, where the Court faces resistance, elite objections are not to complementarity or due to a lack of knowledge or information. Their objections are more often to international jurisdiction itself. Many governments entered their countries into the ICC regime not seriously thinking they would ever be subject to Court action. Today, complementarity is an argument for publics, to develop and grow domestic compliance partners and compliance constituencies, per Alter (2014).

A related question asks: is complementarity targeted at audiences outside of the country under examination or investigation? In other words, complementarity might not be intended to persuade an Israeli about the legitimacy of an investigation. Rather, it could be intended to persuade a German or a Korean citizen, who then might support their government's efforts to pressure Israel.

We would contend that the primary challenge in many instances is persuading domestic audiences. IOs, the ICC in particular, face an inherently uphill battle in many settings, because they need to persuade some portion of the population to support actions that they might initially and instinctively oppose. Typically, those likely to face an investigation are the individuals, group members, or co-ethnics of the people in power in a country.

Even still, these two things – persuasion of domestic and foreign audiences – are not mutually exclusive. Complementarity arguments can be directed at multiple audiences. Additionally, our South African survey brings direct evidence to this type of question, because it looks at whether South African citizens are persuaded by complementarity to support investigations in other African countries. This is a question worth investigating further. Certainly, foreign actors' support for ICC proceedings in other countries may be cheap talk. It is easy to wag one's finger at others. Perhaps scholars interested in pursuing the lines of inquiry we open could study the effects of complementarity arguments in one country, vis-à-vis an ally, for instance one under scrutiny for abuses similar to those of which one's own country has been accused. In the United States, one could investigate support for an investigation of British military personnel in Iraq (for a limited set of crimes unless Iraq retroactively accepted ICC jurisdiction as a member or non-member).

Related potential criticisms concern our treatment vignettes. Some readers may worry that complementarity could be expressed differently or more simply. We made this research design

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<sup>44</sup> Kertzer (2020).

choice out of concern for external validity. If we had made *our* complementarity argument rather than the ICC’s complementarity argument, we would have exposed ourselves to what we believe is a more severe and potentially damaging criticism – that we were not reflecting politics in the real world and that our findings could not travel beyond the strict confines of a survey environment.

Readers may also wonder why we did not craft vignettes that reflect how domestic actors talk about complementarity, rather than international actors. In general, our vignettes do reflect how many domestic actors talk about the ICC, since domestic actors often use the “unwilling or unable” shorthand. Additionally, we are concerned primarily with how the ICC, among a range of IOs, communicates – in its own words and in its own defense. We recall for the reader the primary motivation behind this research: understanding whether and to what extent IOs can resuscitate their image amid growing anti-internationalism. Now, could complementarity arguments purveyed by domestic actors be more effective than those articulated by international actors? Perhaps. And this is a question that future research should endeavor to answer.

## A.1 Complementarity discussions since the survey dates

It would be difficult to systematically capture the prevalence and contours of complementarity discussions in the media. The main paper gave several examples, focusing on surveying the ways that complementarity has been deployed to defend the Court. Here, we give examples of how elites have discussed, and the media has covered, complementarity in recent years.

**Philippines:** In 2022 and 2023, media dialogue in the Philippines has closely matched our speculation for why complementarity may not be consistently persuasive. The Philippines challenged the Court’s jurisdiction based on complementarity, claiming that they were conducting sufficient national investigations. In July, the Court ruled against the Philippines. The government directly criticized the Court for failing to respect their sovereignty and for ruling that domestic efforts were inadequate. For example, one PhilStar<sup>45</sup> article said:

At a press conference, Assistant Solicitor General Myrna Agno-Canuto, who heads the OSG’s war on drugs task force, said that by rejecting the government’s appeal, the ICC’s Appeals Chamber “in effect refused to recognize the Philippine government’s primary and sovereign right to investigate serious crimes.”

“(This is) in derogation of the complementarity principle so fundamental to the working of the international criminal justice system of which the ICC forms part,” Agno-Canuto added.

Complementarity (albeit not in that legal term) has been a core of now-President Marcos Jr.’s public argumentation about the ICC. For example, in interviews after he was elected, he said:

Marcos reiterated his stance not to rejoin the ICC, saying the Philippines should investigate the alleged crimes on its own. ... “The ICC is, very simply, supposed to take

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<sup>45</sup> “ICC’s probe on Philippines drug war to proceed.” Janvic Mateo and Pia Lee-Brago. The Philippine Star July 19, 2023. [philstar.com/headlines/2023/07/19/2282112/iccs-probe-philippines-drug-war-proceed](https://philstar.com/headlines/2023/07/19/2282112/iccs-probe-philippines-drug-war-proceed).



actions when a country no longer has a functioning judiciary, no longer has some of the organs of the state, the police. And that condition does not exist in the Philippines so I do not see what role the ICC is going to play here in the Philippines.”<sup>46</sup>

**Israel:** Complementarity also remained a large part of the discussion in Israel in similar ways to those we discussed in the paper. Debates over judicial reforms continued to include the argument that stripping the High Court of its independence would leave Israel more exposed to ICC actions. The Hamas terrorist attacks in October 2023 and Israeli bombings in Gaza have thrown everything into a state of flux, and the ICC Chief Prosecutor has said little so far. For examples from earlier in 2023:

“There’s a concept in the International Criminal Court called complementarity. And that means that the International Criminal Court doesn’t have jurisdiction over individuals if their countries have legal systems that can satisfactorily pursue justice,” said Dershowitz. “Right now, the International Criminal Court has no jurisdiction over Israel because the Israeli [High Court] does a wonderful job in protecting the rights of individuals and of alleged victims of war crimes. They put soldiers and settlers on trial, and that legal Iron Dome [the Israeli High Court] would be considerably weakened by these judicial reforms, which would make it easier for Israel’s enemies to claim that the International Criminal Court should have jurisdiction over individual Israelis.”<sup>47</sup>

This debate continued in other outlets and reappeared later in the summer of 2023:

- “Prof. Kontorovich: Dershowitz wrong about Supreme Court’s protection of Israel,” Israel National News. January 8, 2023. [israelnationalnews.com/news/365590](https://israelnationalnews.com/news/365590).
- “Judicial reform raises risk of war crime charges - ex-IDF int’l law chief.” Jerusalem Post. Yonah Jeremy Bob August 2, 2023. [jpost.com/israel-news/defense-news/article-753452](https://jpost.com/israel-news/defense-news/article-753452).
- Michael Starr. “Reasonableness bill will not endanger IDF soldiers at ICC – Kohelet.” Jerusalem Post. July 19, 2023. [jpost.com/israel-news/article-751670](https://jpost.com/israel-news/article-751670).

**United States:** There have not been developments about cases concerning U.S. nationals, but complementarity *has* reappeared in dialogue over whether the United States should join the Court. The Russian invasion of Ukraine triggered calls for U.S. support for the Court, with some elite voice in the media calling for the United States to ratify the Rome Statute. In many of these appeals, complementarity was used as we described it in the paper, as a preemptory defense against fears of an activist Court. For example:

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<sup>46</sup> “Marcos rejects Duterte-style drug war but shields him from ICC probe.” Luis Liwanag and Jeoffrey Maitem. Benar News. September 14, 2022. [benarnews.org/english/news/philippine/marcos-rejects-duterte-style-drug-war-09142022121735.html](https://benarnews.org/english/news/philippine/marcos-rejects-duterte-style-drug-war-09142022121735.html).

<sup>47</sup> Michael Starr. “Dershowitz: High Court an ‘Iron Dome’ that protects IDF soldiers from ICC”. January 11, 2023. Jerusalem Post. [jpost.com/israel-news/article-728277](https://jpost.com/israel-news/article-728277).

The greatest concern about cooperating with the ICC is that doing so would expose U.S. service members and leaders to politically motivated prosecution by foreign bureaucrats. But the court operates on the principle of complementarity, meaning that the ICC will not exercise jurisdiction when a state exercises its own prerogatives to investigate and prosecute potential war crimes. The ICC steps in only when a state fails to use its own national criminal justice apparatus to handle war crimes, as is currently the case in Russia. In the United States, however, the robust military justice systems ensure that crimes are investigated and prosecuted as a matter of maintaining order and discipline within the armed forces, making ICC jurisdiction against U.S. military personnel unlikely, so long as the United States continues to police its own behavior.<sup>48</sup>

While we lose leverage by staying out, we lose nothing by going in. After the Ukraine invasion, our claim that the ICC has no jurisdiction over the U.S. will be even more illusory: If it is to be brushed aside in the case of Russia, the logic that the U.S. is similarly exempt will no longer be tenable. It is also true that there is a big distinction: In effect, American service members and American citizens, if not the looser category of “U.S. persons,” would not be subject to prosecution in the ICC if the U.S. legal system can render justice on its own. This is the principle of “complementarity,” a key part of the original Rome Statute of the International Criminal Court, the founding treaty adopted now by 123 member states and which went into effect in 2002. It is the ICC that is supposed to be “complementary,” used only in case no nation or applicable nonstate is willing to exercise jurisdiction.<sup>49</sup>

It’s also important to remember that the ICC is a court of last resort. It doesn’t have jurisdiction over crimes unless the country in question – like Russia – is unable or unwilling to prosecute the perpetrators domestically. Because we aren’t members of the ICC, we can’t engage directly in the efforts to prosecute criminals. Imagine how much we could accomplish if we helped legitimize the ICC.<sup>50</sup>

**South Africa and Georgia:** The ICC was in the headlines in both countries, but discussions generally did not cover complementarity. In South Africa, the Court was in the news because the ICC issued arrest warrants for President Putin, who was scheduled to visit as part of the BRICS summit. This put South Africa in the awkward position of being obliged to arrest him. This generated a lot of media coverage related to the ICC, though complementarity did not play a role.

The ICC announced arrest warrants for South Ossetian and Russian officials in June of 2022. This generated some media coverage although, again, it did not focus on complementarity. We are unable to read primary source Russian materials, but we doubt that there is much of a pro-ICC

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<sup>48</sup> “It’s Time for the United States to Join the ICC.” Yevgeny Vindman, April 11, 2023. Foreign Policy. [foreignpolicy.com/2023/04/11/russia-putin-ukraine-war-icc-united-states-crimes-arrest-warrant/](https://foreignpolicy.com/2023/04/11/russia-putin-ukraine-war-icc-united-states-crimes-arrest-warrant/).

<sup>49</sup> Thomas Geoghegan, “There’s No Good Reason for the United States to Stay out of the International Criminal Court,” May 9, 2022. The New Republic. [newrepublic.com/article/166300/international-criminal-court-ukraine-russia](https://newrepublic.com/article/166300/international-criminal-court-ukraine-russia).

<sup>50</sup> Ilhan Omar, “For Putin to face justice, we must join the International Criminal Court,” April 13, 2022, Washington Post, [washingtonpost.com/opinions/2022/04/13/icc-war-crimes-putin-russia-us-should-join/](https://www.washingtonpost.com/opinions/2022/04/13/icc-war-crimes-putin-russia-us-should-join/).

voice in Russian media to speak of, which is where complementarity arguments related to those arrest warrants might have been found.

## Appendix B Survey Recruitment and Design

### B.1 Recruitment for Each Country

In Georgia, we surveyed a nationally-representative sample of approximately 1,000 adults in 2019, from mid-August to early September. Surveys were administered face to face in Georgian by enumerators from CRRC, the firm that runs the flagship annual household survey, Caucasus Barometer.<sup>51</sup> In the United States, we surveyed a nationally-representative sample of approximately 3,000 adults. The survey was administered online in English in late March 2021, with respondents recruited via Lucid and surveyed on Qualtrics. In both the Philippines<sup>52</sup> and South Africa, we recruited nationally representative samples of approximately 2,000 adult respondents, with surveys fielded online by TGM Research in late May and early June of 2021. In the Philippines, respondents could take the survey in English or Tagalog. In South Africa, respondents could select English, isiZulu, or Afrikaans. Our Israel survey was fielded in August 2021, again to approximately 2,000 adults, using an online, nationally-representative panel from TGM Research. Respondents could take the survey in Hebrew, Arabic, Russian, or English. In total, we surveyed more than 10,000 people.

### B.2 Treatment Wordings for Each Country

As discussed in the main text, treatment consists of exposure to information about complementarity, describing the concept and explaining how the ICC investigation arose in Georgia, Afghanistan (for the United States), Palestine (for Israel), the Philippines, or various African nations (for South Africa). The wording of the treatment mimics the information that a citizen might receive from a Court representative. The treatment vignettes for each of our five surveys are provided below.

#### Georgia

##### Control Condition

The International Criminal Court (ICC) has opened investigations into alleged war crimes and crimes against humanity during the August 2008 armed conflict in Georgia. The ICC investigation includes Georgians, Russians, and Ossetians.

##### Treatment Condition

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<sup>51</sup> Our items were part of an omnibus larger survey; our questions took approximately 5 minutes.

<sup>52</sup> Our surveys were in the field from May 25, 2021 to June 15, 2021. Some surveys were conducted after the announcement of an investigation on June 14, but not enough for meaningful comparisons of responses before and after the announcement.

[Control condition language]

The treaty that created the ICC requires that the Prosecutor only open an investigation if national authorities are unwilling or unable to investigate. In this case, the Prosecutor opened an investigation after national authorities in Georgia failed to undertake genuine proceedings. National authorities in Georgia began investigations in 2008. However, in 2015, these investigations were suspended indefinitely.

Both conditions explicitly include the possibility of an ICC investigation targeting Georgians. We included this because support for investigations into Russians or Ossetians would likely be very strong. But the key challenge for the ICC, in terms of public opinion, lies in getting citizens to support something that they might not otherwise like.

The set-up of the subsequent four surveys is slightly different. For the United States, Israel, the Philippines, and South Africa, the survey included the following preamble to ensure a shared knowledge baseline among respondents.

As you may or may not know, The International Criminal Court (ICC) is the first permanent, treaty-based, international criminal court. The ICC is located in The Hague, in the Netherlands. The ICC was established in 1998 to investigate and prosecute individuals who are accused of serious crimes like crimes against humanity, crimes committed during wartime, and genocide.

After reading this preamble, respondents were randomly assigned to a treatment or control condition. The items below give the specific phrasing used in each country.

## **United States**

### **Control Condition**

The ICC has opened an investigation into Afghanistan. One part of the investigation concerns accusations that the United States armed forces and the Central Intelligence Agency (CIA) have committed war crimes and crimes against humanity in Afghanistan since 2003.

### **Treatment Condition 1: Complementarity**

[Control condition language]

However, the rules of the ICC limit its jurisdiction. The ICC can only investigate allegations if national authorities are unwilling or unable to investigate these allegations for themselves.

The ICC only opened an investigation because the U.S. government has not made serious efforts to investigate allegations about war crimes. If the U.S. government investigates these allegations, then the ICC will not have jurisdiction.

#### Treatment Condition 2: Bias

[Control condition language]

The U.S. military and the CIA have long been engaged in different places around the world. Some people argue that the ICC is biased against the United States.

#### Treatment Condition 3: Bias + Complementarity

[Control condition language]

[Bias condition language]

[Complementarity condition language]

#### Treatment Condition 4: Bias + Human Rights

[Control condition language]

[Bias condition language]

However, investigating allegations of war crimes is necessary for upholding human rights, in the United States and around the world. U.S. officials began reviewing allegations in 2009, but there have been no national investigations or prosecutions against those who appear most responsible.

Since the U.S. government has not made serious efforts to investigate allegations about war crimes, the ICC is the last remaining option for accountability.

### **Israel**

#### Control Condition

The ICC has opened a preliminary investigation into the situation in Palestine. One part of the investigation concerns settlements in the West Bank. The Court is investigating whether the government of Israel violated international law by transferring citizens into the West Bank.

#### Treatment Condition

[Control condition language]

However, the rules of the ICC limit its jurisdiction. The ICC can only investigate allegations if national authorities are unwilling or unable to investigate for themselves.

The ICC only opened an investigation because the Israeli government has not made serious efforts to investigate allegations about illegal settlements. If the government of Israel investigates these allegations, then the ICC will not have jurisdiction.

## **Philippines**

### **Control Condition**

The ICC has opened a preliminary examination into accusations about the war on drugs in the Philippines. The ICC is investigating whether the government of the Philippines has supported extrajudicial killings, which is a crime under international law.

### **Treatment Condition**

[Control condition language]

However, the rules of the ICC limit its jurisdiction. The ICC can only investigate allegations if national authorities are unwilling or unable to investigate for themselves.

The ICC only opened an investigation because the government of the Philippines has not made serious efforts to investigate allegations about extrajudicial killings in the war on drugs. If the government of the Philippines investigates these allegations, then the ICC will not have jurisdiction.

## **South Africa**

### **Control Condition**

The ICC has opened investigations into accusations of serious crimes in many African countries. These include Burundi, Côte d'Ivoire, Central African Republic, Democratic Republic of the Congo, Guinea, Kenya, Libya, Mali, Sudan, and Uganda.

### **Treatment Condition**

[Control condition language]

However, the rules of the ICC limit its jurisdiction. The ICC can only investigate allegations if national authorities are unwilling or unable to investigate for themselves.

The ICC has only opened investigations into these African nations because the respective governments have not made serious efforts to investigate them. If these governments investigate the allegations, then the ICC will not have jurisdiction.

## Outcome Measures for Each Country

Table A1 provides the wording of the main two outcome variables. For each country, the first column shows the wording of the question asking about support for the ICC investigation. The second column shows the wording for the question about support for domestic investigations.

Table A1: Wording of Main Outcome Variable Measures by Country

Country	ICC Inv.	Domestic Inv.
GEO	I support the ICC investigations, including into Georgians.	It would be better for the Georgian government to undertake a genuine investigation into all sides of the conflict – including Georgians.
USA	I support the ICC investigation into alleged crimes by U.S. personnel.	The U.S. government should conduct its own investigations into alleged crimes committed by U.S. personnel in Afghanistan.
ISR	I support the ICC investigation into Israeli settlements in the West Bank.	The government of Israel should conduct its own investigations into West Bank settlements.
PHL	I support the ICC investigation into the war on drugs.	The government of the Philippines should conduct its own investigation into allegations of extrajudicial killings.
ZAF	I support the ICC investigations into alleged crimes committed in African countries.	The governments of African nations should conduct their own investigations into alleged crimes.

## Appendix C Control Variables, Summary Statistics

Since we have five countries, we choose a similar set of control variables to use in analyses. The exact controls can differ across countries (e.g., region or party identification variables are not identical in the U.S. and South African studies), but the core set of concepts they measure are similar across countries. When we refer to regressions with controls, we are referring to this set.

For each country, we coded indicator variables for whether the respondent indicated that they were female and had any post-secondary education.<sup>53</sup> We also included the respondent's age. We asked the respondents their income and then used that to create three indicator variables for whether the respondent's income was in the lower quartile of the distribution, in the 26th to 75th percentile, or above the 75th percentile. In Georgia, we used an item that assessed the household's economic situation by asking whether the respondent had enough money for food and expensive durables. We constructed a six point scale based on the responses.<sup>54</sup> We also asked how many hours per

<sup>53</sup> The U.S. survey coding was slightly different. This indicator is for whether the respondent had a BA degree or higher.

<sup>54</sup> The full list of potential responses was: Money is not enough for food; Money is enough for food, but not for clothes; Money is enough for food/clothes, not for expensive ones; Money is enough for food/clothes, not for expensive durables; Afford buying some expensive durables, but not too expensive; We can afford buying very expensive things.

week the respondent spent consuming news.<sup>55</sup> For each country, we calculated the median number of hours for the sample and constructed an indicator for whether the respondent spent that amount or higher consuming news in a given week.

We included indicator variables for certain regions in each country, where appropriate. For the United States, these were indicators for respondents in the Midwest, South, West, and Northeast. For South Africa, we coded an indicator for respondents living in Gauteng province. For Georgia, we included indicators for whether the respondent lived in the capital and another for whether they lived in an urban location. For the Philippines, we constructed an indicator for respondents living in Metro Manila.

We also included indicators for some ethnic or racial identity variables in each country, again where appropriate. We used existing surveys, e.g., different regional barometers, to help guide the wording of these items. For the United States, we include an indicator variable for white respondents. In South Africa, we asked “What is your ethnic community, cultural group or tribe?” and coded indicators for those that responded English, Zulu, or Xhosa. These were the largest groups in our sample.<sup>56</sup> In the Philippines, we asked “Would you consider yourself: [list]” and constructed indicator variables for respondents who chose Cebuano or Tagalog.<sup>57</sup> In Israel, we asked respondents to answer the following: “I am... Jewish – born in Israel; Jewish – born outside of Israel; Muslim; Christian; or Druze.” We constructed an indicator for respondents who chose one of the two options that began with Jewish. We used a similar approach to items concerning religion. In South Africa, we coded an indicator variable for Christian respondents.<sup>58</sup> In the Philippines, we coded an indicator for Catholic respondents.<sup>59</sup>

Finally, we included variables that captured the respondent’s self-reported political party preference or placement on the ideological spectrum. In the United States, we used a six point scale that asked whether the respondent leaned somewhat or very strongly towards one party. The variable is coded so that higher numbers represent more Republican leaning respondents. In South Africa, we asked “Which party comes closest to your political beliefs? [list],” and coded an indicator for ANC and Democratic Alliance supporters.<sup>60</sup> In the Philippines, we asked the same question and coded an indicator for supporters of PDP-Laban.<sup>61</sup> In Israel, we asked “It is common to talk about politics in terms of the left and the right. Where would you place yourself on this scale?” This item used a seven point scale, with higher numbers indicating respondents that were more to the right. We did not have a party identification or ideology item in the Georgia survey.

We omit the full tables with summary statistics for each country. Of note, for each country,

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<sup>55</sup> “In a typical week, how many hours do you spend reading news on the internet or getting news from TV, the radio, or a newspaper? (Please enter a number)”

<sup>56</sup> Full list: English, Venda, Afrikaans/Afrikaner/Boer, Zulu, Ndebele, White/European, Xhosa, Coloured, Pedi/North Sotho, Sotho/South Sotho, Tswana, Shangaan, Swazi, Indian, Other (please enter).

<sup>57</sup> Full list: Bicolano, Maguindanao, Ifugao, Maranao, Igorot, Spanish, Ilocano, Tagalog, Ilonggo, Tausug, Cebuano, Yakan, Chinese, Japanese, Other.

<sup>58</sup> The item was: “What is your religion at present, if any? Christian, Muslim, Hindu, Traditional religion, Judaism, I don’t have a religion, Other (please enter).”

<sup>59</sup> The item was: “What is your religion at present, if any? Catholic, Protestant, Muslim, I don’t have a religion, Other (please enter).”

<sup>60</sup> Full list: African National Congress, Democratic Alliance, Economic Freedom Fighters, Other (please enter).

<sup>61</sup> Full list: PDP-Laban, Nacionalista, NPC, NUP, Liberal, Lakas, Other (please enter).



we compared the summary statistics with an existing nationally-representative survey to demonstrate that there are not large differences. The reference surveys were: for Georgia, the Caucasus Barometer; for Israel, the March 2021 Israel National Elections Survey; for the Philippines, the 2018 Q4 Ulat Ng Bayan survey from Puls Asia; for the USA, the 2020 ANES survey; for South Africa, the 2016/2018 wave of Afrobarometer surveys.

## Appendix D Balance Tests

This section shows the results from assessing balance in observables across treatment groups for each country. In general, the list of observables included matches those described in the preceding section: the respondent's gender, age, income, education level, race/ethnicity, religion, news consumption, and geographic location. We use the test from Hansen and Bowers (2008) to assess overall balance across treatment and control groups. For each country, we report the overall test statistic for imbalance and also plot the standardized differences between control and treatment groups (for countries with insignificant overall test statistics, we omit the balance plot for space). The color of the dots indicates the significance of tests of differences for that particular respondent characteristic. Where imbalance appears stronger, we conduct sensitivity testing to show how its impact is very likely to be minimal.

### Georgia

The overall  $\chi^2$  statistic for testing the null hypothesis of balance in observables across treatment and control groups is 2.57, with a corresponding  $p$ -value of 0.861. This means we cannot reject the null that the treatment and control groups are balanced, i.e. we do not find evidence of imbalance.

### Israel

We also do not detect imbalance in the Israel sample. The overall  $\chi^2$  statistic for testing the null hypothesis of balance in observables groups is 10.20, with a corresponding  $p$ -value of 0.25.

### Philippines

Observable characteristics from the Philippines sample are also balanced across control and treatment groups. The overall  $\chi^2$  statistic for testing the null hypothesis of balance in observables groups is 10.30, with a corresponding  $p$ -value of 0.51.

### United States

Since the U.S. survey has three different treatment groups, we compare them one by one to the control group to assess balance. For each treatment group, the overall  $\chi^2$  statistics and associated  $p$ -values are: complementarity, 14.2 ( $p = 0.17$ ); bias, 9.04 ( $p = 0.53$ ); bias plus complementarity, 21.1 ( $p = 0.02$ ); and bias plus human rights, 9.38 ( $p = 0.50$ ). These results are generally consistent with the argument of balance across treatment groups. The main place where we see any imbalance is that the control group had fewer respondents who consumed 6+ hours of news per week. Only 44 percent of control group respondents fell into that category, compared to 53 percent in the 'bias

+ complementarity’ group. Among the other control variables the Midwest was slightly over-represented in the ‘bias + complementarity’ group and the West was slightly underrepresented in the complementarity treatment group.

It is very unlikely that these imbalances strongly influenced our estimates of the treatment effects. First, estimated treatment effects change very little when we control for the observable characteristics of respondents, both those with and without imbalance across treatment and control. Controlling for the observables that are imbalanced and still finding an almost identical treatment effect reassures us that *these* imbalances are not causing us to arrive at incorrect inferences about the treatment effect.

However, we might also wonder “if there is imbalance on these observables, could there also be imbalance on some *unobservable*, or unmeasured, respondent characteristic that would explain our estimated treatment effects?” Sensitivity testing is designed to answer this question. Sensitivity testing asks “how problematic would an unobservable need to be to alter estimated treatment effects in a meaningful way?” For an application to International Relations research, see Chaudoin et al (2018). Unobservables are more worrying as they become more correlated with treatment assignment and the outcome. Here, we show contour plots for one method of quantifying that correlation, based on partial  $R^2$  statistics, from Cinelli et al. (2020).

Figure A1 shows contours for different estimated treatment effects. The horizontal and vertical axes show hypothetical partial  $R^2$  values, for the relationship between the unobserved confounder and treatment / the outcome. The “unadjusted” treatment effect corresponds to the results from a regression of the outcome on treatment and control variables. Recall, that the estimated treatment effect for that regression for the USA was -0.038. Each contour line shows an estimated treatment effect that would result if we included a previously omitted variable with a particular pair of partial  $R^2$  values. The red dashed line corresponds to a treatment effect of zero – if an unobservable existed that fell along this contour line, we could get our estimated treatment effect by omitting such an unobservable, even if the true treatment effect were zero.

The worst imbalance in our sample corresponded to the variable measuring news consumption. This variable had the strongest partial  $R^2$  correlation with treatment and was almost the strongest observable in terms of the outcome measure. It is therefore a conservative benchmark.

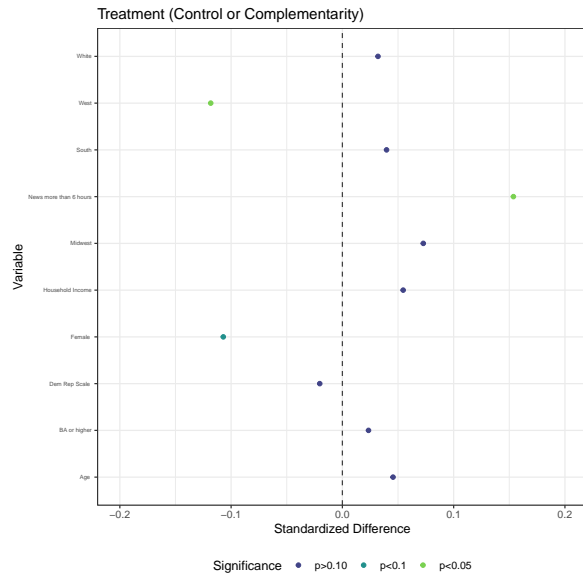
To conclude that our estimated treatment effect was driven by imbalance in an unobservable, it would require an unobservable with far greater imbalance across treatment and control and far greater explanatory power with respect to the outcome, compared to the news consumption variable (or any others). This is very, very unlikely. We therefore conclude that it is very unlikely that imbalance on some unobservable quantity explains our estimated treatment effect.

## South Africa

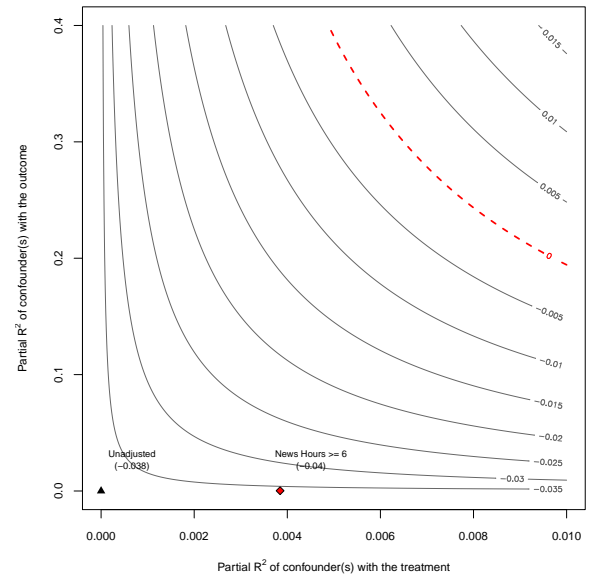
There are some imbalances in the South African sample. The overall  $\chi^2$  statistic for testing the null hypothesis of balance in observables across groups is 21.20, with a corresponding  $p$ -value of 0.07. The main differences are that the control group is slightly more educated (4 percent more respondents with post secondary education), slightly richer (3 percent more respondents whose income is above the 75th percentile), with Xhosa speakers slightly underrepresented (by 2 percent), and with ANC supporters slightly over-represented (by 5 percent), compared to the treatment group. Together, these differences yield the higher test statistic for imbalance.

It is unlikely that the slight imbalances influenced our estimates of the treatment effects. We

Figure A1: Balance and Sensitivity Analysis: USA

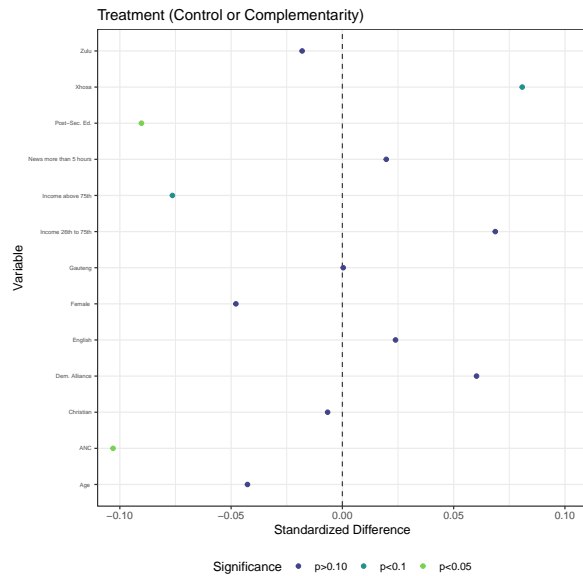


Balance

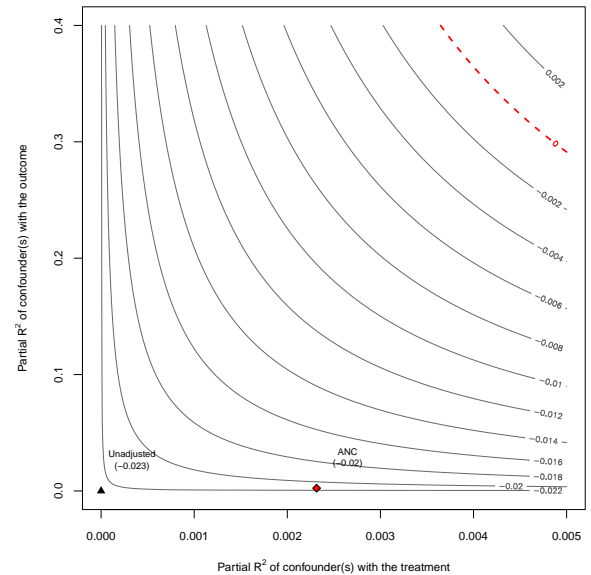


Sensitivity Analysis

Figure A2: Balance and Sensitivity Analysis: ZAF



Balance



Sensitivity Analysis

used the same approach described in the section on balance in the South African sample. Again, including observables does not significantly alter estimated treatment effects. Similarly, contour plots based on sensitivity testing also suggest that it is very unlikely that imbalance in some respondent characteristic drives our estimated treatment effects, as in Figure A2.

## Appendix E Full Regression Results

### Support for ICC Investigation

Here, we report the full regression results that correspond to the estimates shown graphically in Figure 3. We order the results in Table A2 in the same way as the figure: Israel, Georgia, Philippines, United States, and South Africa. For space, we omit the coefficient estimates for the control variables.

For the USA results, we show the regression specification with all treatments to preserve space. Results for the complementarity treatment do not change when including, versus excluding, those other treatments. The patterns are clear and consistent. The bias treatment succeeds in lowering approval of an ICC investigation, and this effect is statistically significant. Adding the complementarity treatment still produces a significant negative effect, suggesting that the negative effect of the bias component of the treatment overwhelms any positive effect from the complementarity component. However, adding a human rights treatment to the bias treatment yields an effect on approval – relative to the control condition – that is very close to zero and statistically insignificant.

### Support for Domestic Investigation

Here, we report the full regression results for the effect of treatment on support for a domestic investigation. Figure A3 replicates the same set of specifications used in the main paper to analyze the ICC investigation outcome variable (Figure 3). We group the countries here by the effect of complementarity on support for a domestic investigation: positive results (ISR, ZAF), largely null results (GEO and USA), and negative results (PHL). The full tables with estimates are in Table A3 - Table A7.

The results are in line with those presented in the main paper (Figure 4). Results are generally consistent across specifications. We characterized the Philippines results as somewhat weak negative results, because the negative treatment effect is not distinguishable from zero in all specifications. Even though it is not significantly negative, the results certainly do not suggest a positive effect of complementarity on support for a domestic investigation.

Table A2: Effect of Treatment on Support for ICC Investigation

	<i>OLS</i>	<i>OLS</i>	<i>logistic</i>	<i>logistic</i>	<i>ordered logistic</i>	<i>ordered logistic</i>
	(1)	(2)	(3)	(4)	(5)	(6)
Israel						
Treatment	0.065*** (0.020)	0.068*** (0.019)	0.322*** (0.099)	0.393*** (0.107)	0.172** (0.080)	0.239*** (0.082)
Constant	0.253*** (0.014)	0.919*** (0.047)	-1.084*** (0.072)	2.254*** (0.262)		
Observations	2,041	2,041	2,041	2,041	2,041	2,041
Georgia						
Treatment	0.015 (0.032)	0.017 (0.031)	0.062 (0.127)	0.073 (0.132)	0.030 (0.113)	0.047 (0.114)
Constant	0.536*** (0.022)	0.372*** (0.071)	0.146 (0.089)	-0.536* (0.305)		
Observations	998	991	998	991	998	991
Philippines						
Treatment	0.015 (0.018)	0.012 (0.018)	0.095 (0.110)	0.085 (0.113)	0.025 (0.085)	0.007 (0.086)
Constant	0.788*** (0.013)	0.899*** (0.039)	1.313*** (0.077)	2.116*** (0.255)		
Observations	2,033	2,033	2,033	2,033	2,033	2,033
United States						
Treatment	-0.039 (0.026)	-0.036 (0.026)	-0.190 (0.124)	-0.189 (0.138)	-0.148 (0.101)	-0.172 (0.108)
Bias Treatment	-0.069*** (0.026)	-0.082*** (0.027)	-0.324*** (0.123)	-0.414*** (0.137)	-0.273*** (0.100)	-0.354*** (0.108)
Bias + Compl. Treatment	-0.066** (0.026)	-0.077*** (0.026)	-0.312** (0.123)	-0.395*** (0.136)	-0.286*** (0.101)	-0.386*** (0.108)
Bias + Hum. Rights Treatment	-0.004 (0.026)	-0.003 (0.027)	-0.020 (0.126)	-0.010 (0.141)	-0.001 (0.101)	-0.013 (0.109)
Constant	0.727*** (0.018)	0.898*** (0.039)	0.982*** (0.089)	1.888*** (0.207)		
Observations	3,150	2,803	3,150	2,803	3,158	2,806
South Africa						
Treatment	-0.024* (0.013)	-0.023* (0.013)	-0.276* (0.151)	-0.262* (0.154)	-0.092 (0.098)	-0.081 (0.100)
Constant	0.914*** (0.009)	0.850*** (0.029)	2.367*** (0.111)	1.709*** (0.331)		
Observations	2,019	2,019	2,019	2,019	2,019	2,019

## Appendix 16

Controls?	N	Y	N	Y	N	Y
Note:	*p<0.1; **p<0.05; ***p<0.01					

Figure A3: Effect of Treatment on Support for Domestic Investigation

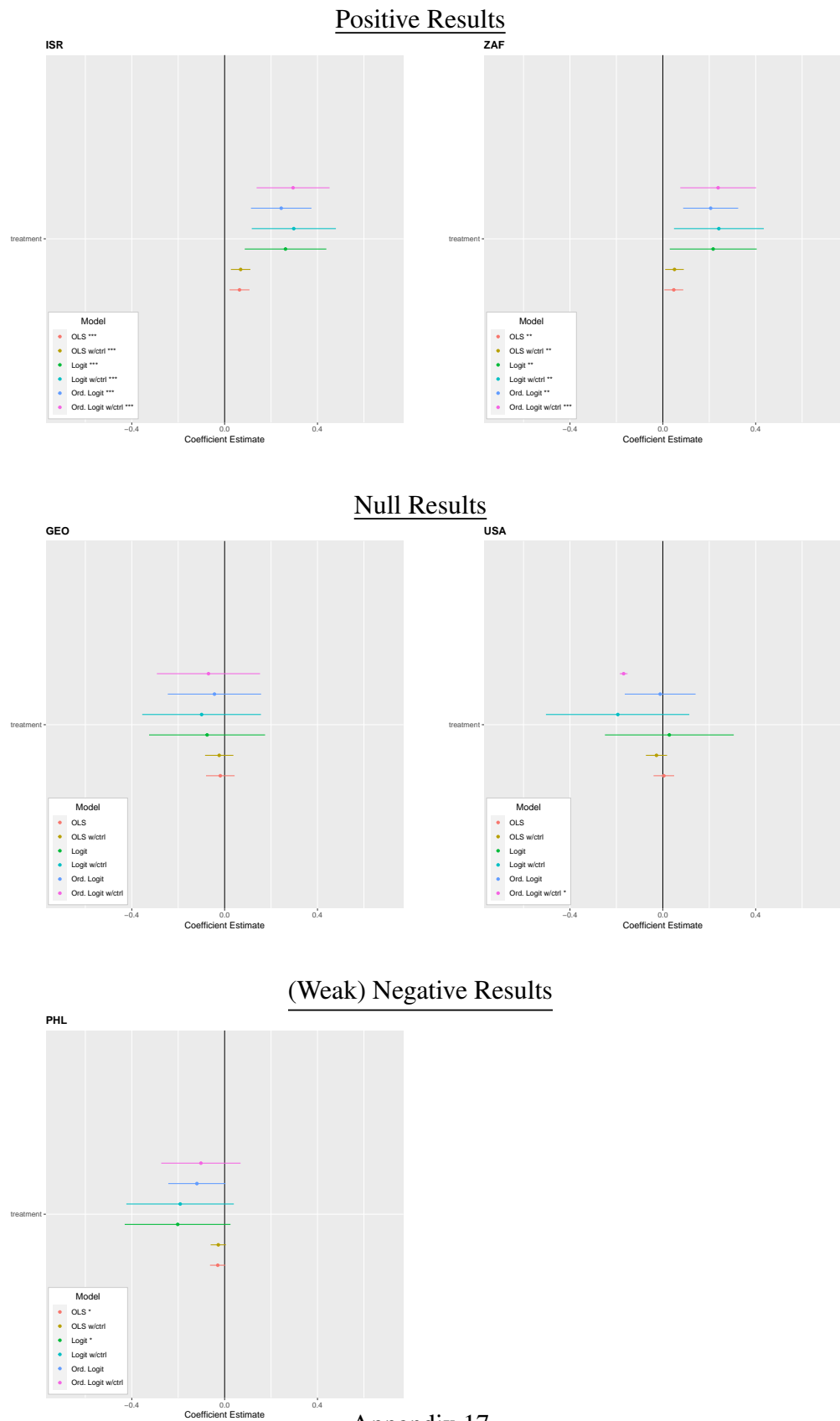


Table A3: Effect of Treatment on Support for Domestic Investigation (ISR)

	<i>OLS</i>	<i>OLS</i>	<i>logistic</i>	<i>logistic</i>	<i>ordered logistic</i>	<i>ordered logistic</i>
	(1)	(2)	(3)	(4)	(5)	(6)
Treatment	0.064*** (0.022)	0.069*** (0.021)	0.262*** (0.090)	0.298*** (0.092)	0.244*** (0.079)	0.295*** (0.080)
Female		0.075*** (0.022)		0.323*** (0.094)		0.260*** (0.082)
Age		-0.001 (0.001)		-0.004 (0.004)		-0.004 (0.003)
Post-Sec. Educ.		-0.033 (0.023)		-0.144 (0.098)		-0.150* (0.085)
Inc. 26 <sup>th</sup> -75 <sup>th</sup> Pct.		0.005 (0.026)		0.020 (0.111)		0.046 (0.096)
Inc. Above 75 <sup>th</sup> Pct.		-0.013 (0.032)		-0.062 (0.139)		0.023 (0.120)
Left/Right		-0.061*** (0.007)		-0.266*** (0.030)		-0.287*** (0.026)
Jewish		-0.038 (0.036)		-0.181 (0.163)		-0.320** (0.138)
News Hours (>4/wk)		0.011 (0.022)		0.046 (0.095)		-0.091 (0.082)
Constant	0.539*** (0.016)	0.858*** (0.053)	0.156** (0.063)	1.572*** (0.240)		
Controls?	N	Y	N	Y	N	Y
Observations	2,041	2,041	2,041	2,041	2,041	2,041
R <sup>2</sup>	0.004	0.056				
Log Likelihood			-1,389.612	-1,334.958		

Note:

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

Table A4: Effect of Treatment on Support for Domestic Investigation (ZAF)

	<i>OLS</i>	<i>OLS</i>	<i>logistic</i>	<i>logistic</i>	<i>ordered logistic</i>	<i>ordered logistic</i>
	(1)	(2)	(3)	(4)	(5)	(6)
Treatment	0.047** (0.021)	0.050** (0.020)	0.217** (0.095)	0.241** (0.099)	0.206** (0.082)	0.238*** (0.083)
Female		-0.031 (0.020)		-0.147 (0.099)		-0.162* (0.083)
Age		-0.004*** (0.001)		-0.019*** (0.004)		-0.018*** (0.003)
Post-Sec. Educ.		-0.001 (0.021)		-0.006 (0.102)		-0.009 (0.087)
Inc. 26 <sup>th</sup> -75 <sup>th</sup> Pct.		-0.043* (0.025)		-0.218* (0.124)		-0.286*** (0.105)
Inc. Above 75 <sup>th</sup> Pct.		-0.008 (0.031)		-0.052 (0.150)		-0.204 (0.125)
English		0.042 (0.027)		0.200 (0.126)		0.114 (0.107)
Zulu		0.068** (0.029)		0.352** (0.152)		0.212* (0.122)
Xhosa		0.011 (0.036)		0.041 (0.174)		-0.053 (0.146)
Christian		0.037 (0.025)		0.178 (0.117)		0.148 (0.100)
Party – ANC		0.070*** (0.025)		0.364*** (0.127)		0.381*** (0.105)
Party – Dem. Alliance		-0.049* (0.028)		-0.205 (0.129)		-0.173 (0.111)
News Hours (>5/wk)		-0.035* (0.021)		-0.170* (0.100)		-0.170** (0.085)
Gauteng		0.046** (0.022)		0.228** (0.108)		0.124 (0.090)
Constant	0.654*** (0.015)	0.791*** (0.045)	0.638*** (0.066)	1.285*** (0.217)		
Controls?	N	Y	N	Y	N	Y
Observations	2,019	2,019	2,019	2,019	2,019	2,019
R <sup>2</sup>	0.003	0.054				
Log Likelihood			-1,266.746	-1,213.536		

Note:

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01



Table A5: Effect of Treatment on Support for Domestic Investigation (GEO)

	<i>OLS</i>	<i>OLS</i>	<i>logistic</i>	<i>logistic</i>	<i>ordered logistic</i>	<i>ordered logistic</i>
	(1)	(2)	(3)	(4)	(5)	(6)
Treatment	-0.019 (0.031)	-0.023 (0.031)	-0.075 (0.127)	-0.099 (0.130)	-0.044 (0.112)	-0.070 (0.113)
Female		0.052 (0.033)		0.219 (0.138)		0.383*** (0.121)
Age		0.0004 (0.001)		0.002 (0.004)		0.002 (0.003)
Post-Sec. Educ.		0.104*** (0.036)		0.427*** (0.148)		0.290** (0.134)
Enough Money Scale		0.040*** (0.013)		0.168*** (0.054)		0.173*** (0.047)
Capital		0.047 (0.039)		0.195 (0.164)		-0.110 (0.145)
Urban		0.048 (0.040)		0.203 (0.168)		-0.001 (0.146)
Constant	0.448*** (0.022)	0.231*** (0.072)	-0.210** (0.089)	-1.118*** (0.306)		
Controls?	N	Y	N	Y	N	Y
Observations	1,001	994	1,001	994	1,001	994
R <sup>2</sup>	0.0004	0.036				
Log Likelihood			-686.089	-663.646		

Note:

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Table A6: Effect of Treatment on Support for Domestic Investigation (USA)

	<i>OLS</i>	<i>OLS</i>	<i>logistic</i>	<i>logistic</i>	<i>ordered logistic</i>	<i>ordered logistic</i>
	(1)	(2)	(3)	(4)	(5)	(6)
Treatment	0.004 (0.022)	−0.025 (0.023)	0.028 (0.141)	−0.171 (0.156)	−0.012 (0.103)	−0.156 (0.110)
Bias Treatment	−0.006 (0.022)	−0.016 (0.023)	−0.039 (0.139)	−0.106 (0.157)	0.082 (0.103)	−0.011 (0.111)
Bias + Compl. Treatment	0.020 (0.022)	0.002 (0.023)	0.127 (0.143)	0.009 (0.158)	0.102 (0.103)	0.011 (0.110)
Bias + Hum. Rights Treatment	0.028 (0.022)	0.010 (0.023)	0.182 (0.145)	0.079 (0.162)	0.109 (0.103)	0.041 (0.111)
Female		0.013 (0.015)		0.086 (0.102)		−0.052 (0.072)
Age		0.002*** (0.0005)		0.016*** (0.003)		0.015*** (0.002)
BA or higher		0.021 (0.016)		0.149 (0.112)		0.075 (0.078)
Household Income		0.004*** (0.001)		0.030*** (0.008)		0.024*** (0.005)
Midwest		0.021 (0.023)		0.151 (0.159)		−0.017 (0.112)
South		0.032 (0.020)		0.229* (0.137)		0.127 (0.096)
West		0.009 (0.022)		0.068 (0.149)		0.110 (0.107)
White		0.020 (0.018)		0.128 (0.117)		0.189** (0.085)
Dem/Rep Scale		−0.004 (0.004)		−0.027 (0.029)		−0.032 (0.020)
News Hours (>6/wk)		0.051*** (0.015)		0.353*** (0.104)		0.442*** (0.073)
Constant	0.798*** (0.016)	0.601*** (0.034)	1.372*** (0.099)	0.100 (0.227)		
Controls?	N	Y	N	Y	N	Y
Observations	3,138	2,803	3,138	2,803	3,140	2,803
R <sup>2</sup>	0.001	0.033				
Log Likelihood			−1,538.219	−1,288.052		

Note:

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

Table A7: Effect of Treatment on Support for Domestic Investigation (PHL)

	<i>OLS</i>	<i>OLS</i>	<i>logistic</i>	<i>logistic</i>	<i>ordered logistic</i>	<i>ordered logistic</i>
	(1)	(2)	(3)	(4)	(5)	(6)
Treatment	−0.030* (0.017)	−0.027 (0.017)	−0.202* (0.116)	−0.191 (0.118)	−0.119 (0.086)	−0.102 (0.087)
Female		0.029* (0.017)		0.200* (0.119)		0.067 (0.088)
Age		0.0004 (0.001)		0.003 (0.005)		0.003 (0.003)
Post-Sec. Educ.		0.053*** (0.020)		0.355*** (0.135)		0.001 (0.104)
Inc. 26 <sup>th</sup> -75 <sup>th</sup> Pct.		−0.039* (0.021)		−0.295* (0.155)		−0.232** (0.112)
Inc. Above 75 <sup>th</sup> Pct.		−0.085*** (0.026)		−0.592*** (0.183)		−0.476*** (0.135)
Cebuano		0.009 (0.024)		0.050 (0.168)		0.063 (0.124)
Tagalog		0.042** (0.020)		0.283** (0.135)		0.202** (0.101)
Catholic		0.014 (0.020)		0.092 (0.135)		0.038 (0.102)
PDP-Laban		0.095*** (0.017)		0.682*** (0.127)		0.410*** (0.090)
News Hours (>4/wk)		−0.003 (0.017)		−0.018 (0.120)		−0.061 (0.089)
Metro Man. NCR		−0.016 (0.022)		−0.114 (0.150)		−0.133 (0.112)
Constant	0.836*** (0.012)	0.740*** (0.037)	1.629*** (0.085)	1.032*** (0.256)		
Controls?	N	Y	N	Y	N	Y
Observations	2,033	2,033	2,033	2,033	2,033	2,033
R <sup>2</sup>	0.001	0.028				
Log Likelihood			−953.877	−926.770		

Note:

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

## Appendix F Results Excluding “Neither Agree/Disagree”

The main manuscript primarily used a binary coding of the outcome variables. We coded respondents as supporting an ICC or domestic investigation (1) if they chose “Strongly agree” or “Somewhat agree.” Respondents who chose “Neither agree nor disagree” were coded as not supporting (0). Here, we replicate the main paper’s analysis of treatment effects, excluding respondents who did not choose one of the agree/disagree answers. We think the main paper’s coding is appropriate, since our outcome of interest is whether the respondent indicates support. But here, we show that our results are robust to excluding respondents who did not choose one of the agree/disagree answers. Below, we re-estimate the same set of regressions, though we exclude the ordered logit regressions, since we are no longer using the ordered 1-5 version of the agree/disagree scale.

### Support for ICC Investigation

Figure A4 replicates Figure 3 in the body of the paper (plus the full set of model specifications), showing treatment effects on support for an ICC investigation. Results are very similar, with slightly larger standard errors around estimates. This is expected, since we are decreasing the sample size.

### Support for a Domestic Investigation

Figure A5 replicates Figure 4 from the main paper, showing treatment effects on support for a domestic investigation. Again, estimated treatment effects are very similar. The one exception is the results from the Philippines. In the main text, we characterized these results as weakly negative since treatments effects were not significant in all specifications. Here, however, the negative treatment effects are consistently significant.

Figure A4: Effect of Treatment on Support for an ICC Investigation, Excluding “Neither Agree/Disagree”

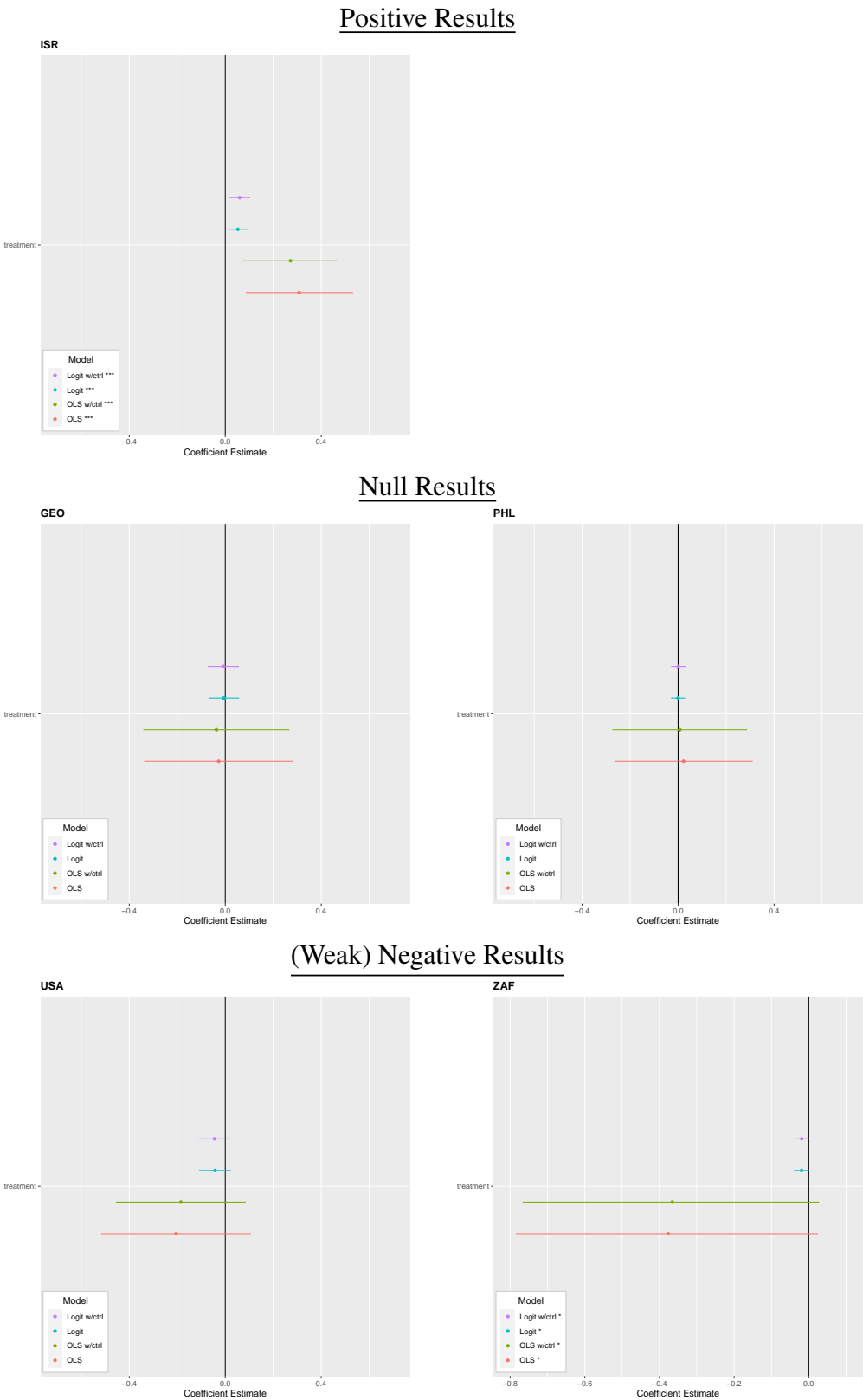
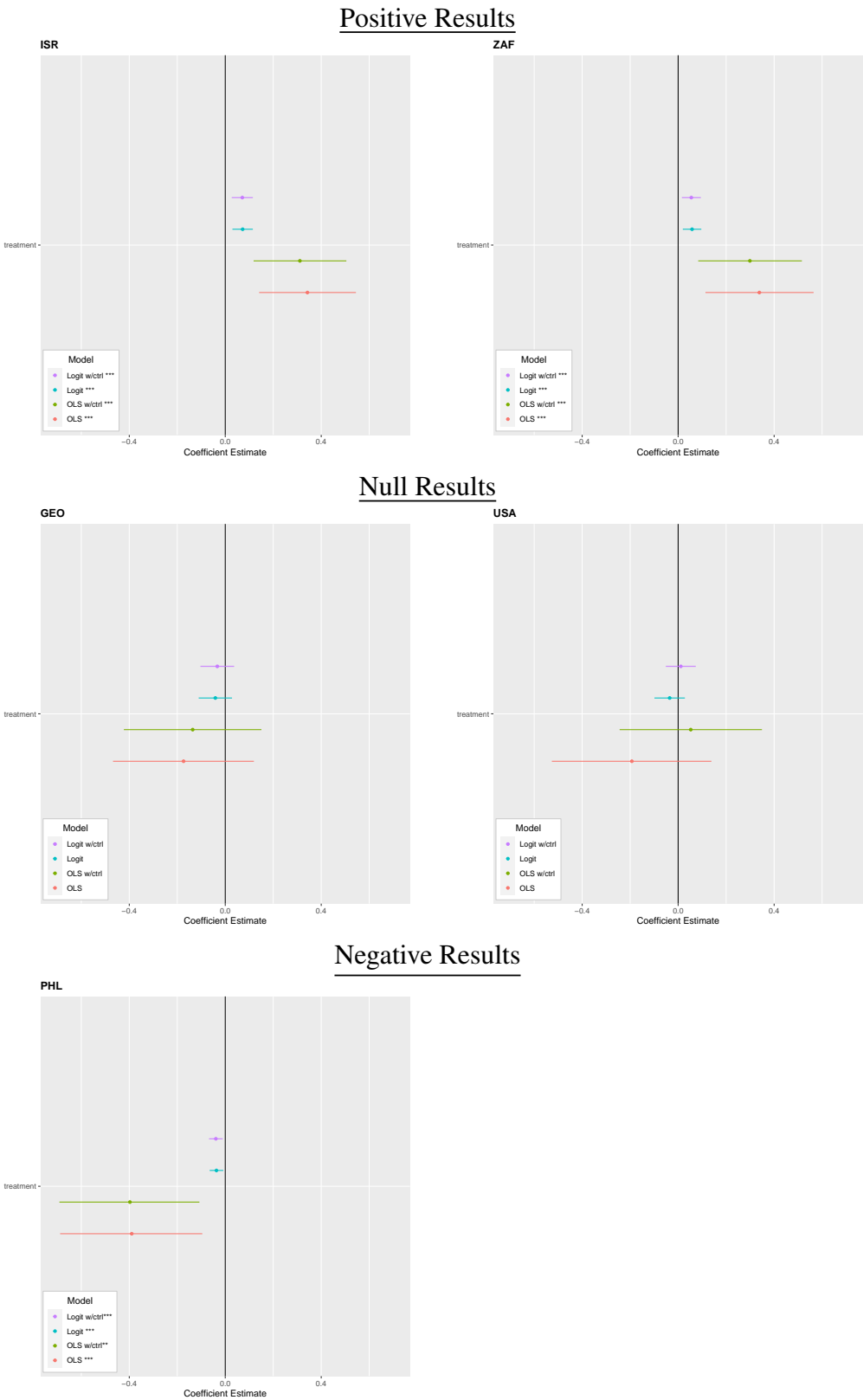


Figure A5: Effect of Treatment on Support for Domestic Investigation, No “Neither Agree/Disagree”



## Appendix G Manipulation Checks

Table A8 shows the results from regressing a binary indicator for whether the respondent answered each question correctly on their treatment status. The intercepts/constants therefore give the percentage of correct responses under the control condition and the treatment coefficient describes the increase in that probability under treatment.

As we would expect, given the difficulty of the questions, the percentage of correct answers under control are low. Respondents, on average, do not know the specifics of ICC rules. They are generally even worse than a random guess, less than 33 percent for Question 1 and less than 50 percent for Question 2.

Treatment has a large positive effect on the probability of a correct response, which gives evidence that respondents read, processed, and understood the information contained in the treatment. Usually, the effect is to more than double the percentage of respondents answering correctly. In the U.S. survey, both of the treatments that included complementarity had significant, positive effects on the probability of a correct answer.

Table A8: Effect of Treatment on Manipulation Checks

	<i>Dependent variable: Passed Manipulation Check</i>							
	Q1 PHL	Q2 PHL	Q1 ZAF	Q2 ZAF	Q1 USA	Q2 USA	Q1 ISR	Q2 ISR
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Compl.	0.281*** (0.021)	0.214*** (0.020)	0.362*** (0.021)	0.245*** (0.021)	0.306*** (0.026)	0.248*** (0.027)	0.355*** (0.021)	0.175*** (0.022)
Bias					-0.006 (0.026)	0.038 (0.027)		
Bias + Compl.					0.326*** (0.026)	0.172*** (0.027)		
Bias + Human Rights					0.027 (0.026)	0.017 (0.027)		
Constant	0.310*** (0.015)	0.183*** (0.014)	0.288*** (0.015)	0.250*** (0.015)	0.318*** (0.018)	0.359*** (0.019)	0.325*** (0.015)	0.472*** (0.015)
Observations	2,033	2,033	2,019	2,019	3,290	3,290	2,041	2,041

Note:

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

### Treatment Effects Dropping “Non-compliers”

Additionally, we can ensure that our regression (non)results are not simply due to respondents who failed to comprehend or take up the treatment. To see this, we categorize respondents as “compliers” and “non-compliers.” Compliers refers to respondents in the treatment groups that included complementarity who then answered the comprehension check questions correctly. We call them compliers because they received treatment and then answered the manipulation check questions in such a way as to suggest that they read and understood the treatment. We also call those in the control group compliers, since they received their treatment by default. Non-compliers, therefore,

are those who were in the complementarity treatment group and still answered the comprehension check questions incorrectly.

The thought exercise we have in mind is as follows: Suppose complementarity *does* have a significant effect on responses, but that effect is being attenuated in our study by respondents assigned to the treatment group who did not read or understand the treatment. If we exclude those respondents, then we should see stronger differences between treatment and control groups, i.e., a larger estimated treatment effect. To use a medical analogy, suppose there is a treatment drug and a placebo. If half of those assigned to the treatment drug nonetheless do not take the drug, then outcomes for the two groups will look artificially similar. We cannot directly measure whether a respondent “took the drug” (read and understood the treatment). But those who did not read and understand the treatment are more likely to answer the manipulation questions incorrectly. So excluding those respondents should decrease the degree to which the control and treatment groups look similar.

For each country, for each of the two main outcomes, we can again regress support for an ICC investigation or domestic investigation on the treatment indicator. And we can compare these estimates when we include and exclude non-compliers. If our estimated treatment effects do not change much, then we have less of a reason to suspect that a lack of comprehension explains our lack of results. If the effect of complementarity improves when we exclude the non-compliers, then this would give evidence that lack of comprehension was a driver of our (non)results.

Figure A6 shows the effect of treatment on support for the ICC investigation for each country. We use the same set of specifications as in the main results section, but we show estimates with and without non-compliers. Each dot that is labeled “Comp1and2” is the analogous estimate from the main results section, only that result is excluding those who did not answer the comprehension checks correctly. Adjacent dots therefore compare the same regression, with and without non-compliers.

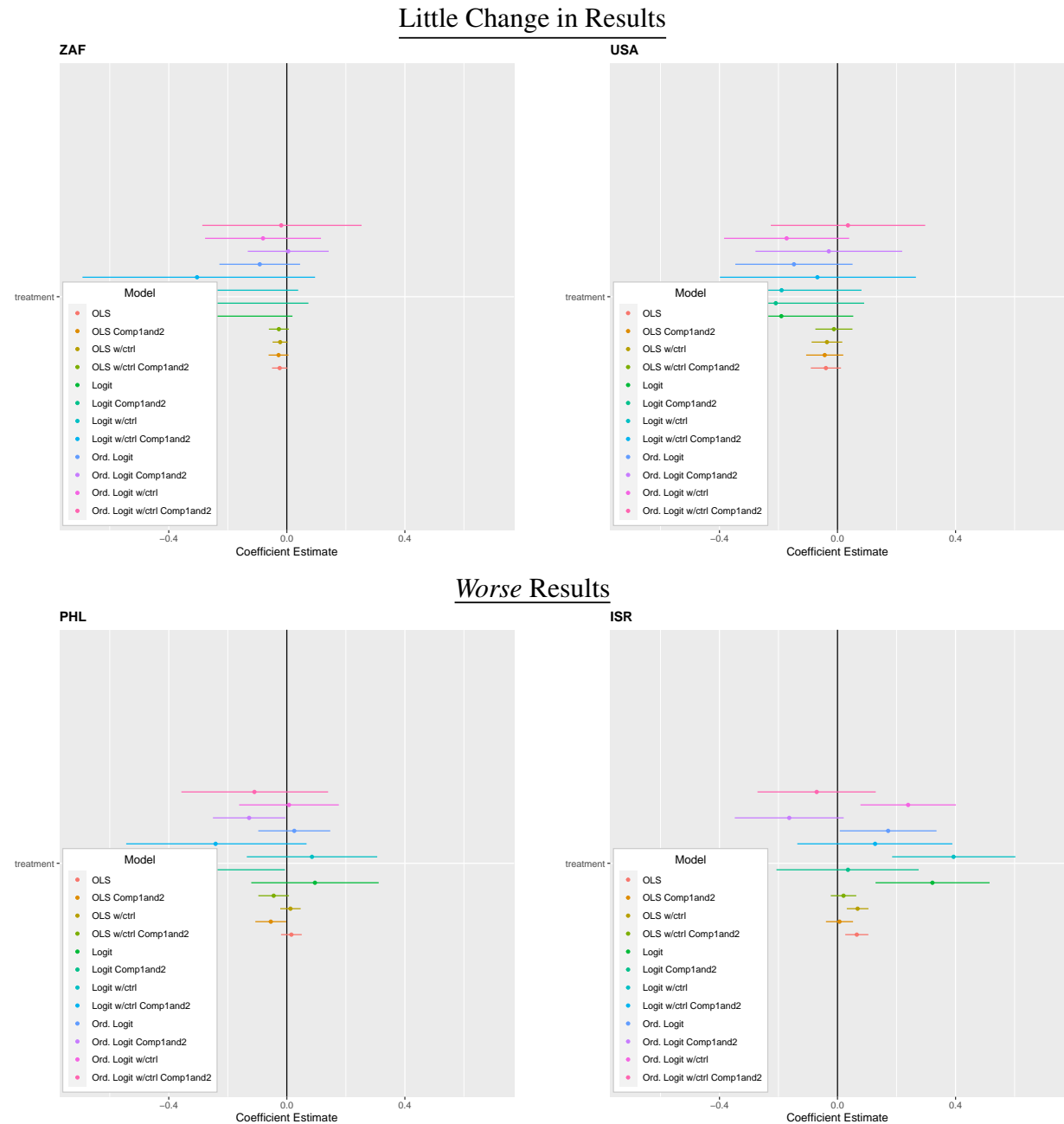
We see two different patterns. For South Africa and the United States, it makes little difference whether we include or exclude those respondents. The coefficient estimates do not change much at all.

For the Philippines and Israel, on the other hand, results for the effect of complementarity actually get slightly *worse* when we exclude non-compliers. Recall that we generally found that complementarity had a positive effect on support for the ICC investigation in our Israel survey. When excluding non-compliers, many of those positive results no longer obtain (bottom right pane). In the Philippines, we generally found null results. When we exclude non-compliers, many of those null results become negative results that are sometimes statistically significant (bottom left pane).

Looking at the overall picture from these four countries, there is no evidence that a lack of comprehension drove our null results. We omit the figure and tables for this same exercise using the other main outcome measure, support for domestic investigations. There is very little change in estimates or interpretation.



Figure A6: Effect of Treatment on Support for ICC Investigation, Excluding “Non-compliers”



## Appendix H Secondary Outcome Measures and Analysis

### Secondary Outcome Measures

For some of the countries, we also asked other outcome measure questions, post treatment. These questions fall under three headers: bias, policy, and membership. Table A9 shows the wording for each of these for the relevant countries.

To meet appendix length limits, we omit regression tables and figures for the effect of treatment on these outcomes. We summarize the results here.

Table A9: Wording of Secondary Outcome Variable Measures by Country

Country	Bias	Policy	Membership/Support
GEO	NA	NA	NA
USA	The ICC is biased against the United States	NA	The United States should become a member of the ICC.
ISR	The ICC is biased against Israel	Israel should not expand settlements.	Israel should become a member of the ICC.
PHL	The ICC is biased against the Philippines	Do you support or not support the campaign against illegal drugs?	I support the government's decision to withdraw from the International Criminal Court.
ZAF	I think international organizations, like the ICC, are biased against African nations.	NA	South Africa should provide logistical support to the ICC, including help with the arrest and transfer of ICC fugitives.

Bias: In theory, complementarity should have a negative effect on perceptions of ICC bias. Again, we find results as expected only in Israel, though we at least find some weak evidence in South Africa and the United States. Roughly 73 percent of Israelis believed the Court was biased against Israel, and complementarity decreased this by 4 percentage points, an effect distinguishable from zero in all but one model. In the United States and South Africa, treatment generally decreased perceptions of bias, but effects were only statistically different from zero in one and two specifications, respectively. In the Philippines, treatment effects on bias perceptions were negative, close to zero, and always insignificant.

Policy: In Israel and the Philippines, there was a distinct, ongoing policy that the government could theoretically change. In Israel, the government could decrease its support for additional settlements and, in the Philippines, the government could slow or halt the war on drugs. In theory, public opinion could affect both governments' decisions and complementarity could decrease support for the underlying policy. We find some effect of complementarity on (decreased) support for policy in Israel, but not in the Philippines. In Israel, complementarity increased agreement with the statement that the government should halt settlements, though this effect was somewhat weak. The effect was marginally significant in three specifications and significant at the 0.01 level in only one specification. In the Philippines, treatment had little effect on support for the war on drugs.

Membership/Support: We also asked about support for joining the Court (Israel and the United

States), re-joining the Court (the Philippines), or supporting the Court as members (South Africa). In Israel and the Philippines, complementarity increased support for Court membership and these results were generally statistically significant. In the United States and South Africa, treatment had very little effect on support for membership or for cooperation with the Court.

## Appendix I Moderation Results

There are several individual-level characteristics and also country-level characteristics that could potentially moderate our treatment effects. Here, we show results for each. In general, we do not find substantial evidence for either type of moderation.

### I.1 Individual Level Moderation: Perceptions of Domestic Institutions

Existing work suggests that support for domestic legal institutions could have a direct correlation with respondents' views of an international institution like the ICC.<sup>62</sup> In each of our surveys, we asked whether the respondent thought her country's legal system was capable of handling cases or investigations, "even when they were politically difficult." This question measures the degree to which the respondent thinks her country could perform a role similar to that of the ICC, since almost all crimes that fall under ICC scrutiny involve politically controversial issues and figures.

Additionally, it is possible that the effect of complementarity on support for an ICC or domestic investigation depends on how the respondent views their domestic legal system, i.e. that views about the domestic legal system moderate the effect of the complementarity treatment. Hypothesizing about the likely direction of this moderation is actually a little bit tricky and requires an ancillary assumption. If we assume that most respondents prefer a domestic investigation over an international one, then we would expect the following: If a respondent thought her legal system was capable of handling politically difficult investigations, then treatment should magnify support for the ICC. The respondent might think that the ICC would assess the situation and determine that her country had met its obligation for a genuine investigation. If we assume that a respondent prefers an international investigation over a domestic one, then we would not expect moderation of the treatment effect. Respondents who both trust and distrust their legal system would prefer ICC scrutiny, regardless of whether it was governed by a complementarity rule.

We coded a binary version of our question about the respondent's views on their country's legal system. The survey item asked: "Do agree or disagree with the following statement? The [Georgian / U.S. / Israeli / Philippines legal system is] / [The legal systems in other African countries are] capable of good investigations, even when they are politically sensitive or difficult." The variable *Leg. Sys. Cap.* equals 1 if the respondent chose "strongly agree" or "agree," and zero otherwise.

Table A10 show the results from an OLS regression of the ICC investigation support variable on treatment, the binary indicator for the legal system variable, and their interactions. We again report results from specifications with and without control variables.

In Georgia, the United States, and Israel, greater faith in the domestic legal system is associated with stronger support for the ICC investigation – the direct effect of beliefs about the domestic

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<sup>62</sup> Voeten (2013), Dellmuth and Tallberg (2020).

legal system. In the Philippines, however, greater faith in the domestic legal system is negatively associated with support for the ICC. This is contrary to expectations.

We do not find evidence that beliefs about domestic legal systems moderate the treatment effect in any of our countries. We cannot reject the null hypothesis that those with positive and negative beliefs about domestic legal systems react similarly to treatment.

Table A10: Effect of Treatment on Support for ICC Investigation (OLS) with Interactions

	<i>Dependent variable:</i>									
	GEO (1)	GEO (2)	PHL (3)	PHL (4)	USA (5)	USA (6)	ZAF (7)	ZAF (8)	ISR (9)	ISR (10)
Treatment	−0.020 (0.037)	−0.012 (0.037)	0.016 (0.028)	0.009 (0.027)	−0.044 (0.039)	−0.069* (0.041)	−0.016 (0.017)	−0.013 (0.017)	0.078** (0.031)	0.077*** (0.029)
Leg. Sys. Cap.	0.251*** (0.046)	0.235*** (0.045)								
Treatment * Leg. Sys. Cap.	0.086 (0.065)	0.072 (0.063)								
Phl. Leg. Sys. Cap. (Bin.)			−0.070*** (0.026)	−0.043* (0.026)						
Treatment * Phl. Leg. Sys. Cap. (Bin.)			−0.007 (0.036)	0.003 (0.036)						
U.S. Leg. Sys. Cap. (Bin.)					0.085** (0.037)	0.066* (0.038)				
Treatment * U.S. Leg. Sys. Cap. (Bin.)					0.007 (0.052)	0.053 (0.053)				
Other Leg. Sys. Cap. (Bin.)							−0.017 (0.019)	−0.005 (0.019)		
Tmt. * Other Leg. Sys. Cap. (Bin.)							−0.021 (0.027)	−0.025 (0.027)		
Isr. Leg. Sys. Cap. (Bin.)									0.047 (0.029)	0.052* (0.027)
Treatment * Isr. Leg. Sys. Cap. (Bin.)									−0.023 (0.040)	−0.017 (0.038)
Constant	0.457*** (0.026)	0.315*** (0.070)	0.831*** (0.020)	0.919*** (0.042)	0.679*** (0.028)	0.921*** (0.060)	0.921*** (0.012)	0.854*** (0.030)	0.226*** (0.022)	0.894*** (0.049)
Controls?	N	Y	N	Y	N	Y	N	Y	N	Y
Observations	998	991	2,033	2,033	1,250	1,120	2,019	2,019	2,041	2,041
R <sup>2</sup>	0.079	0.123	0.008	0.042	0.011	0.100	0.004	0.029	0.007	0.137

Note:

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

## I.2 Individual Level Moderation: Party and Ideology

Does a respondent's political party identification or ideology moderate the effect of treatment? Theoretically, someone who supports the incumbent government may be less responsive to a complementarity treatment, especially if that government is also the one responsible for the conduct under ICC scrutiny. That respondent may have greater trust in the incumbent government and therefore be less supportive of the ICC since the Court has determined that their preferred party's actions have been insufficient. For example, in the Philippines, a Duterte supporter may be less swayed by a Court that says, "We are only here because the Duterte government has not sufficiently investigated crimes related to Duterte's war on drugs." Party identification or political ideology also likely has a direct effect on support for the ICC – more right-leaning respondents should have lower support levels for the ICC.

With the exception of Georgia, our surveys included measures of party identification and/or ideological leanings.

- In the United States, we asked respondents whether they generally thought of themselves as Republican, Democrat, Independent, etc. We also asked them whether they considered themselves strong Democrats/Republicans, and for Independents, we asked whether they thought of themselves as closer to one of the two major parties. This yielded a 6-point scale, with higher numbers indicating more/stronger affiliation with the Republican party.
- In Israel, we asked respondents to place themselves on a 7-point scale, with higher numbers on the right side of the political spectrum. The exact wording was "It is common to talk about politics in terms of the left and the right. Where would you place yourself on this scale?"
- In the Philippines, we asked respondents, "Which party comes closest to your political beliefs?" They could choose from PDP-Laban, Nacionalista, NPC, NUP, Liberal, Lakas, or write in an answer for another party. We created two binary variables related to their choice. The first equals one if the respondent chose PDP-Laban and zero otherwise. The second, which we labeled *Right party* equalled one if they chose one of the parties generally aligned with Duterte with respect to the war on drugs (PDP-Laban, Lakas, NPC, NUP, or Nacionalista).
- In South Africa, we asked respondents, "Which party comes closest to your political beliefs?" They could choose from ANC, DA, EEF, or write in an answer for another party. We constructed one binary variable for whether the respondent chose ANC and another for whether they chose DA.

In Table A11 and Table A12 we estimated the effect of the complementarity treatment on support for ICC investigations, including indicator variables for party identification (USA, PHL, and ZAF) or the ordinal measure of ideology (ISR). In line with the intuition above, we should expect treatment to have the greatest effect for Republicans in the United States (since Democrats controlled the executive branch in 2021), non-PDP-Laban supporters in the Philippines (since Duterte was still in power), and left-leaning respondents in Israel (since a far-right government was in power at the time). The South African case does not fit neatly with this theoretical intuition, since

the survey asked about investigations in other African countries. At the time of our survey, the ANC was in power.

Some of the results are consistent with expectation. In Israel, positive treatment effects were strongest for left-leaning respondents. In South Africa, ANC supporters reacted most negatively to treatment.

However, the other results did not fit with expectations based on incumbency. In the United States, party identification moderated treatment effects to only a very small degree. Republican and Democrat respondents reacted to treatment very similarly. In the Philippines, PDP-Laban supporters reacted more positively to treatment, which is surprising. Complementarity raised support for the ICC most among Duterte supporters, though this moderation effect was statistically insignificant.

Table A11: Effect of Treatment on Support for ICC Investigation (OLS), w/ Party Interactions, ISR and ZAF

	<i>Dependent variable:</i>			
	ISR		ZAF	
	(1)	(2)	(3)	(4)
Treatment	0.170*** (0.057)	0.165*** (0.055)	-0.001 (0.016)	0.002 (0.016)
Left-Right	-0.070*** (0.008)	-0.064*** (0.008)		
Treatment*Left-Right	-0.021* (0.012)	-0.021* (0.011)		
ANC			0.021 (0.019)	0.070*** (0.021)
Treatment*ANC			-0.071** (0.028)	-0.073*** (0.028)
Constant	0.573*** (0.039)	0.872*** (0.053)	0.907*** (0.012)	0.837*** (0.029)
Controls?	N	Y	N	Y
Observations	2,041	2,041	2,019	2,019
R <sup>2</sup>	0.093	0.137	0.005	0.031

*Note:*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Table A12: Effect of Treatment on Support for ICC Investigation (OLS), w/ Party Interactions, PHL and USA

	<i>Dependent variable:</i>			
	PHL		USA	
	(1)	(2)	(3)	(4)
Treatment	0.006 (0.024)	−0.001 (0.023)	−0.052 (0.040)	−0.048 (0.041)
PDP-Laban	−0.115*** (0.025)	−0.112*** (0.026)		
Treatment*PDP-Lab.	0.019 (0.036)	0.032 (0.036)		
Republican (ord.)			−0.064*** (0.010)	−0.063*** (0.010)
Treatment*Rep. (ord.)			0.002 (0.014)	0.005 (0.014)
Constant	0.839*** (0.017)	0.907*** (0.040)	0.875*** (0.029)	0.938*** (0.059)
Controls?	N	Y	N	Y
Observations	2,033	2,033	1,210	1,120
R <sup>2</sup>	0.017	0.040	0.066	0.089

*Note:*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01



## Country Level Moderation: Judicial Independence

In the main text, we considered whether floor and ceiling effects potentially explained differences in treatment effects across countries. Here, we consider whether there is variation across countries in treatment effects driven by variation in that country's level of judicial independence. Potentially, complementarity could mean more or less to respondents depending on their country's level of judicial independence. For countries with weaker judiciaries, complementarity may have less of an effect, since a failure on the part of their country to investigate may not mean as much.

The top and bottom panes of Figure A7 show measures of judicial independence on the horizontal axis and our estimated treatment effects for the ICC investigation outcome measure on the vertical axis. Higher values on the horizontal axis indicate greater judicial independence. The top pane uses the measure from Linzer et al. (2015), which ranges from zero to one. The bottom pane uses World Economic Forum measures, which range from 1 to 7.<sup>63</sup> For each measure, we used the most recent measurement available for a particular country. The measures generally align the countries in a similar way, although the first measure considers the Israeli courts less independent than the second measure, relative to the other countries.

Regardless of which measure we use, we see little evidence that the level of judicial independence in a country moderates treatment effects. There is no clear pattern with countries on one side of the figures or the other tending to have larger or smaller treatment effect estimates.

## Global Ceiling Effects?

We can also look at whether treatment effects varied by a country's *ex ante* support for the ICC. Figure A8 shows a simple plot with approval rates for an ICC investigation under the control condition on the horizontal axis and the estimated treatment effect for that country on the vertical axis.

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<sup>63</sup> See [reports.weforum.org/pdf/gci-2017-2018-scorecard/WEF\\_GCI\\_2017\\_2018\\_Scorecard\\_EOSQ144.pdf](https://reports.weforum.org/pdf/gci-2017-2018-scorecard/WEF_GCI_2017_2018_Scorecard_EOSQ144.pdf). Accessed 03-09-2022.

Figure A7: Estimated Treatment Effect Over Judicial Independence, by country

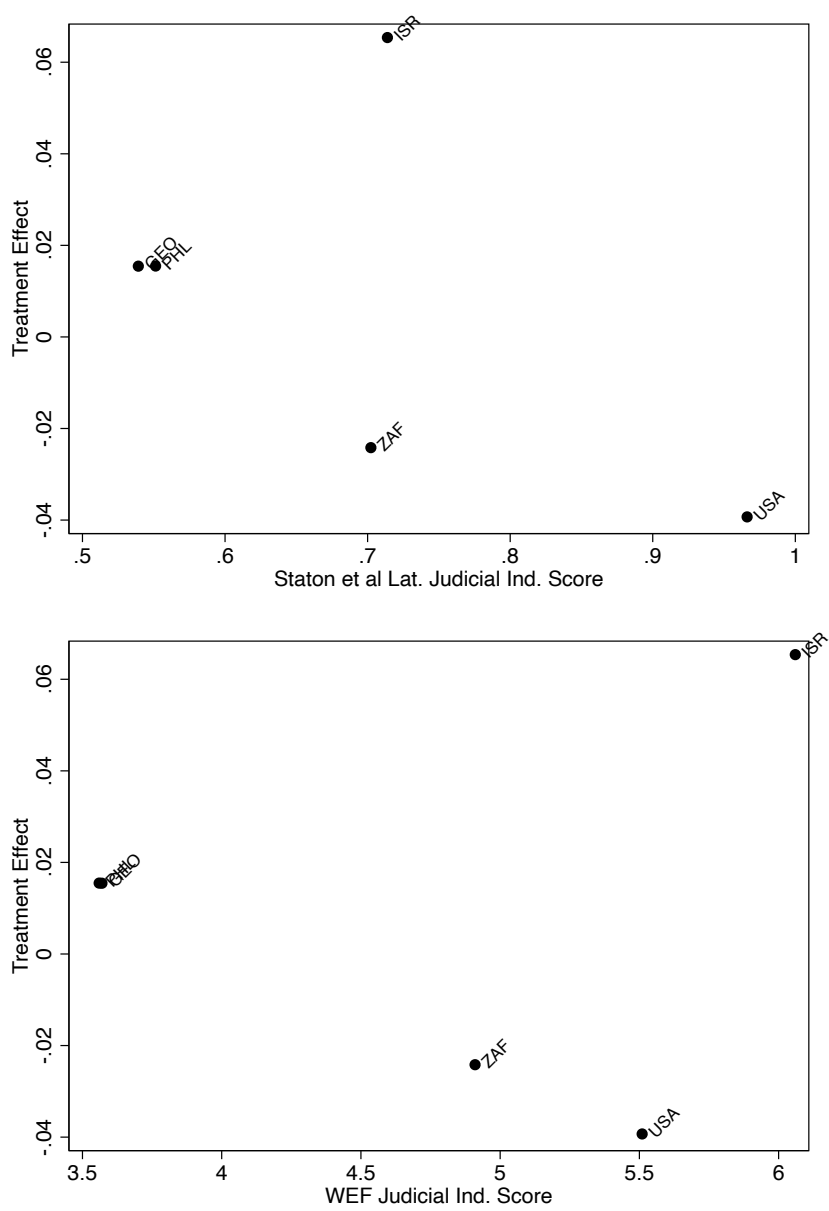
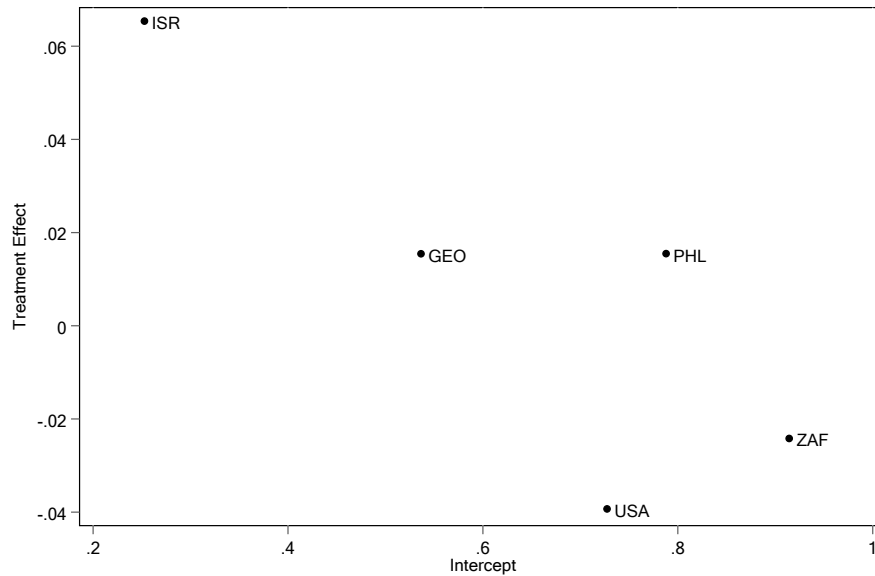


Figure A8: Estimated Treatment Effect Over Control Approval Level, by country



There is a weakly negative relationship, though it is strongly driven by the Israeli results. Overall, we find more positive treatment effects in places with weaker, *ex ante* levels of support for the ICC, as proxied by approval under the control condition.

### I.3 ICC Knowledge

In the ISR, ZAF, and PHL surveys, we asked respondents “Before today, how much did you know about the ICC?” They could choose from “A great deal,” “A lot,” “A moderate amount,” “A little,” or “None at all.” In the USA we also asked this, but responses could be “A lot of information,” “Some information,” “Very little,” or “Nothing.” We did not have knowledge questions in the GEO survey.

Respondents in the Philippines scored the highest on self-reported knowledge of the ICC, with Israeli and South African respondents not too far behind.

Our manipulation check questions also give another measure of knowledge about the ICC - at least among control group respondents, who were not given a treatment containing information about complementarity. For the question “The International Criminal Court’s jurisdiction is limited in some ways. Which of the following is correct?” there was one correct answer and two incorrect answers. Israeli control group respondents scored slightly better on this question (32.5% correct) compared to US respondents (31.8% correct), Philippine respondents (31.0% correct) and South African respondents (28.8%). Though as is evident from the numbers, all countries were fairly close together and none were far off from random guesses.

For the second, even harder manipulation check question, we asked the (semi) hypothetical question about whether the Court could investigate the United Kingdom despite a UK investigation (“The International Criminal Court has considered investigating accusations against United Kingdom soldiers...”). Here, Israeli control group respondents were much more likely to be cor-

Table A13: Reported ICC Knowledge by Country

ISR						
	A great deal	A lot	A mod. amount	A little	None at all	Mean (5 point)
%	0.03	0.09	0.39	0.31	0.17	2.51
N	69	192	801	634	345	
ZAF						
	A great deal	A lot	A mod. amount	A little	None at all	Mean (5 point)
%	0.08	0.12	0.31	0.28	0.20	2.58
N	156	243	633	575	412	
PHL						
	A great deal	A lot	A mod. amount	A little	None at all	Mean (5 point)
%	0.09	0.15	0.46	0.25	0.06	2.95
N	173	303	932	500	125	
USA						
		A lot of info.	Some info.	Very little	Nothing	Mean (4 point)
%		0.04	0.21	0.34	0.41	1.88
N		120	635	1044	1230	

rect (47%), compared to control group respondents from the United States (36%), South Africa (25%), and the Philippines (18%).

#### Treatment Uptake Across Countries

We can also look at whether treatment uptake differed across countries. By this we mean - to what degree did treatment increase the probability that a respondent answered the manipulation check question correctly? Around the time of our survey, the Israeli media sometimes discussed domestic court independence in the context of the ICC and complementarity. It is possible that our treatment effects were stronger in Israel because this “ambient” discussion meant that the treatment more easily helped Israeli respondents understand and process complementarity, leading to a greater increase in support for the ICC.

However, treatment had the greatest effect on the probability of correct answers in South Africa, followed by Israel and the Philippines, with the United States a bit further behind, as shown in Table A14

#### Knowledge and Treatment Effects

We can also look at whether prior knowledge moderated treatment and whether the moderation effect differed across countries. Table A15 shows results from interacting a binary indicator for

Table A14: Effect of Treatment on Manipulation Checks, by county

	Manipulation Check 1	Manipulation Check 2
ISR	0.36	0.18
PHL	0.28	0.21
ZAF	0.36	0.24
USA	0.22	0.19

prior knowledge of the ICC with treatment, across each of the four countries.<sup>64</sup> Prior knowledge generally did not moderate treatment effects. The only exception was in South Africa, where prior knowledge decreased treatment effects. In Israel prior knowledge increased treatment effects, but this interaction was only significant in some specifications.

Table A15: Effect of Treatment on Support for ICC Investigation (OLS), w/ Prior Knowledge Interactions

	<i>Dependent variable:</i>							
	ISR		ZAF		PHL		USA	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Treat	0.023 (0.029)	0.037 (0.027)	0.006 (0.019)	0.006 (0.019)	0.037 (0.032)	0.023 (0.032)	-0.036 (0.030)	-0.030 (0.030)
Know.	-0.012 (0.028)	0.031 (0.027)	0.020 (0.019)	0.022 (0.019)	0.037 (0.027)	0.047* (0.027)	0.006 (0.043)	-0.011 (0.045)
Treat.*Know.	0.081** (0.040)	0.061 (0.037)	-0.059** (0.026)	-0.056** (0.026)	-0.031 (0.039)	-0.017 (0.038)	-0.022 (0.061)	-0.023 (0.060)
Constant	0.259*** (0.020)	0.912*** (0.048)	0.904*** (0.013)	0.836*** (0.030)	0.763*** (0.023)	0.874*** (0.042)	0.725*** (0.021)	0.931*** (0.058)
Controls?	N	Y	N	Y	N	Y	N	Y
Observations	2,041	2,041	2,019	2,019	2,033	2,033	1,208	1,114
R <sup>2</sup>	0.008	0.141	0.004	0.030	0.001	0.041	0.002	0.089

Note:

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

<sup>64</sup> The prior knowledge item was after treatment in the survey, so these results should be taken with a grain of salt, since there is possibly post-treatment bias. We regressed prior knowledge responses on treatment and did not find any large or significant effects.

## Appendix J Appendix-Only Citations

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# Pre-Analysis Plan

## Complementarity and Public Views on Overlapping Domestic and International Courts

Registered with Evidence in Governance and Politics (EGAP) on March 2, 2021.

### 1 Introduction

This pre-analysis plan details planned extensions of our research on public views on overlapping domestic and international courts. In the first stage of our research, we developed theory and evaluated hypotheses about the effectiveness of complementarity<sup>1</sup> as a means to (a) increase support for international court actions and (b) increase support for domestic court actions. The general logic is that when people learn that an international court has intervened in a given country and the country in question was afforded due process, they will be more likely to support the international court's actions.

We assessed these predictions with a survey experiment about the International Criminal Court (ICC) in the Republic of Georgia. We did not find that this framing improves support for either ICC or domestic court actions. This first set of results suggests that arguments about procedural fairness like complementarity may not stem the tide of increasingly negative public opinion on international courts and international organizations more generally.

Now, we examine whether the results from Georgia obtain across ICC situations in diverse democracies, namely the United States, Israel, the Philippines, and South Africa.

### 2 Case Selection Rationale

Our study examines support for ICC actions across several situations in democracies spanning five continents. This represents the largest single scholarly effort to understand global public opinion on international courts.

#### Republic of Georgia

As already mentioned, we began our research in Georgia, which is under ICC investigation for atrocity crimes relating to the 2008 war with South Ossetia and Russia. Georgia represented an ideal laboratory for our project because, among countries under ICC investigation during the first stage of our research, it was the most democratic, making public opinion more influential there than in other contexts.<sup>2</sup> Georgia

<sup>1</sup> Complementarity is a legal principle that limits international court actions to those countries where plaintiffs have exhausted domestic remedies or authorities have not conducted genuine investigations.

<sup>2</sup> Aldrich et al. (2006); De Mesquita and Siverson (1995).

was also the first ICC situation concerning interstate conflict. Similar to most conflicts, there exist in Georgia and the broader Eastern European region multiple narratives about exact events and different attributions of responsibility, as well as competing claims over the authority and competency of domestic and international institutions.<sup>3</sup>

## **United States of America**

Our second research site is the United States, which is under ICC investigation for alleged war crimes and crimes against humanity in Afghanistan since 2003. While the United States is not a member of the ICC, it is under ICC jurisdiction in this instance because the suspected abuses occurred on the territory of and in relation to a conflict in a member country, namely Afghanistan. Among countries under ICC investigation, the United States is arguably the most democratic, so public opinion should matter the most there. This is also the first ICC situation concerning inter- and intrastate conflict, with probes into anti- and pro-government forces, including the Taliban, the Afghan National Security Forces, the United States armed forces and Central Intelligence Agency. As with Georgia, there are many competing claims over the authority and competency of domestic and international institutions, including the ICC, with which the United States has had an uneasy relationship for decades. The ICC's chief prosecutor and her deputy are currently under a U.S. sanctions regime because of the investigation.

## **State of Israel**

Our third research site is Israel, which is under ICC preliminary examination for suspected atrocity crimes in the occupied Palestine territories (the Gaza Strip and the West Bank, including East Jerusalem) since 2014. Similar to the United States, Israel is not an ICC member state. However, it is subject to ICC jurisdiction in this case because the alleged abuses occurred on the territory of a member state, namely Palestine. Together with the United States, Israel represents an interesting case to evaluate the extent to which arguments about procedural fairness and due process like complementarity are persuasive to the publics of non-member states.

## **Republic of the Philippines**

Our fourth research site is the Philippines, which is under ICC preliminary examination for alleged extrajudicial killings perpetrated in the government's "war on drugs" since 2016. The Philippines was a member state (like Georgia) when the prosecutor began her preliminary examination but the Philippines is not member (like the United States and Israel) because it has since withdrawn from the Rome Statute, which governs the ICC. Similar to other non-members, the ICC's jurisdiction in the Philippines situation is highly contested. In fact, President Rodrigo Duterte lamented a *lack of respect for complementarity* as one of his reasons for withdrawing the country from the ICC.<sup>4</sup>

## **Republic of South Africa**

Our fifth research site is South Africa. Unlike the other four countries in our study, South Africa is not under ICC investigation or even preliminary examination. However, it is an important country for evaluating the effectiveness of complementarity in shaping support for international and domestic court actions, of note on the African continent. South Africa is perhaps the most democratic among African

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<sup>3</sup> Meernik and King (2014); Shany (2003); Hayner (2000, 2011).

<sup>4</sup> <https://www.rappler.com/nation/198141-duterte-philippines-withdraw-international-criminal-court>.



ICC member states and it has significant political, economic, and diplomatic power in the region and internationally. If South Africa buys in, other African nations (both ICC member states and non-member states) may also buy in. This is important, given accusations, however inaccurate, of the Court's anti-Africa bias and neo-colonial tendencies. Critically, South Africa has a potentially large role to play in the ICC's success, as the Court enters its third decade. This includes but is not limited to assisting the Court in the arrest and transfer of fugitives of the Court like former Sudanese president, Omar al-Bashir, whom the South African government had the opportunity to arrest and transfer to The Hague but declined to do so.

### **3 Hypotheses**

In the four surveys extending our work in Georgia, we consider the influence of complementarity as a discursive frame and rhetorical device across diverse democracies and ICC situations.

For each country, we expect that individuals treated with complementarity will be more likely to support ICC actions (general complementarity, our primary outcome measure) and domestic court actions (positive complementarity, our secondary outcome measure). For the United States, we will also "treat" respondents with a prompt about bias, then see whether complementarity counteracts that prompt. We will also assess whether a comparable prompt about generic human rights concerns has a larger or smaller effect, compared to the complementarity prompt.

We also have a tailored outcome measures for each of the four countries of interest. The first set pertain to whether the country should join the ICC if it has not done so already (USA, ISR) or rejoin the ICC if it has already left (PHL). (South Africa is and remains a member.) In theory, complementarity should make ICC membership more palatable to respondents.

We also plan on assessing whether treatments affect support for the underlying policy in question. For the Philippines, this is the war on drugs. For Israel, this pertains to settlements. For South Africa, this pertains to support for assisting the ICC in its mission.

#### **Potential Moderators**

We recognize that public attitudes toward ICC and domestic court actions may also be shaped by opinion on domestic courts' ability to conduct good investigations, even when they are politically sensitive or difficult. In Georgia, we did not detect a significant relationship when we interacted our primary and secondary outcome measures with a measure of individual views of domestic justice. However, we may detect such a relationship in the four other countries.

#### **Potential Mediators**

The effect of complementarity on attitudes towards the ICC and its investigations may operate through altering perceptions about the fairness or bias of the ICC. Since complementarity is meant to counteract perceptions of bias against the state being investigated, we also hypothesize that information about complementarity will ameliorate those perceptions. We plan on asking fairness questions in the United States survey and potentially including them in the other countries' surveys, as well.

## 4 Research Design

### Survey Recruitment

#### *Georgia*

We sampled 1,019 adult respondents across the Republic of Georgia. Surveys were fielded from August 15 to September 1, 2019. Surveys were administered face to face in Georgian. To obtain a representative sample of the national population, the survey firm used stratification and clustering. The primary sampling unit was the electoral precinct—the geographic units with the most up-to-date population data in Georgia. Within each stratum, precincts were selected using the probability-proportional-to-size principle: larger precincts had a higher probability of being sampled. After selecting precincts (clusters), the secondary sampling unit was the household. To sample households, enumerators began at a randomly selected point in a precinct, usually a building, and followed a random walk protocol. One person from each household was selected using a Kish table. Each interview took approximately thirty minutes.<sup>5</sup>

#### *United States*

We will sample a nationally-representative group of 3,000 adult respondents across the United States. Surveys will be administered online in English. Respondents will be recruited via Lucid and surveyed on Qualtrics.

#### *Israel*

We will sample a nationally-representative group of 1,500 adult respondents across Israel. Surveys will be administered online in Hebrew.

#### *Philippines*

We will sample a nationally-representative group of 1,500 adult respondents across the Philippines. Surveys will be administered online in English or Tagalog, depending on individual respondents' preferences.

#### *South Africa*

We will sample a nationally-representative group of 1,500 adult respondents across South Africa. Surveys will be administered online in English.

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<sup>5</sup> Our items were part of a larger survey; our questions took approximately 5 minutes.

## Treatments

Treatment consists of exposure to information about complementarity, explaining the concept and what it means for how the ICC investigation arose in Georgia, Afghanistan (for the United States), Palestine (for Israel), the Philippines, or various African nations (for South Africa). The wording of the treatment mimics the information that a citizen might receive from an elite or a Court representative in the real world. Thus, we took care to produce statements that reflect the language that the Office of the Prosecutor (OTP) uses when opening a preliminary examination or investigation and, more generally, when discussing the Court's jurisdiction over particular countries and particular crimes.

Any difference in opinion between respondents in the treatment and control conditions is attributable to the way in which the Court's representatives announce and justify its intervention in a given context.

### *Georgia*

#### Control Condition

The International Criminal Court (ICC) has opened investigations into alleged war crimes and crimes against humanity during the August 2008 armed conflict in Georgia. The ICC investigation includes Georgians, Russians, and Ossetians.

#### Treatment Condition

[Control condition language]

The treaty that created the ICC requires that the Prosecutor only open an investigation if national authorities are unwilling or unable to investigate. In this case, the Prosecutor opened an investigation after national authorities in Georgia failed to undertake genuine proceedings. National authorities in Georgia began investigations in 2008. However, in 2015, these investigations were suspended indefinitely.

Both conditions also explicitly include the possibility of an ICC investigation targeting Georgians. We included this because support for investigations into Russians or Ossetians would likely be very strong. But the key challenge for the ICC, in terms of public opinion, lies in getting citizens to support something that they might not otherwise like.

### *Post-Georgia Survey Adjustments*

The set-up of the follow-on surveys is slightly different from the set-up for the Georgia survey. Since the Georgia survey was part of an omnibus, we had to restrict the number of items. This is not the case in the subsequent surveys, where we are the sole investigators. For the United States, Israel, the Philippines, and South Africa, we are able to add the following preamble to ensure a shared knowledge baseline among respondents.

#### Preamble

As you may or may not know, The International Criminal Court (ICC) is the first permanent, treaty-based, international criminal court. The ICC is located in The Hague, in the Netherlands. The ICC was established in 1998 to investigate and prosecute individuals who are accused of serious crimes like crimes against humanity, crimes committed during wartime, and genocide.

The treatments in the follow-on surveys are also slightly different. One point of feedback that we received on the Georgia experiment was that we could make the wording simpler/clearer. We have endeavored to do that here.

### *United States*

#### Control Condition

The ICC has opened an investigation into Afghanistan. One part of the investigation concerns accusations that the United States armed forces and the Central Intelligence Agency (CIA) have committed war crimes and crimes against humanity in Afghanistan since 2003.

#### Treatment Condition

[Control condition language]

However, the rules of the ICC limit its jurisdiction. The ICC can only investigate allegations if national authorities are unwilling or unable to investigate these allegations for themselves.

The ICC only opened an investigation because the U.S. government has not made serious efforts to investigate allegations about war crimes. If the U.S. government investigates these allegations, then the ICC will not have jurisdiction.

To build on prior work on U.S. public opinion on the ICC by Zvobgo (2019), specifically competing frames, as well as research in progress by Zvobgo and Simmons, we added three additional treatment arms. Doing this helps us better delineate in the U.S. context the effect of complementarity in combatting allegations of anti-U.S. bias and to distinguish complementarity from an established, effective positive framing, human rights.

#### Treatment Condition 2: Bias

[Control condition language]

The U.S. military and the CIA have long been engaged in different places around the world. Some people argue that the ICC is biased against the United States.

#### Treatment Condition 3: Bias + Complementarity

[Control condition language]

The U.S. military and the CIA have long been engaged in different places around the world. Some people argue that the ICC is biased against the United States.

However, the rules of the ICC limit its jurisdiction. The ICC can only investigate allegations if national authorities are unwilling or unable to investigate these allegations for themselves.

The ICC only opened an investigation because the U.S. government has not made serious efforts to investigate allegations about war crimes. If the U.S. government investigates these allegations, then the ICC will not have jurisdiction.

#### Treatment Condition 4: Bias + Human Rights

[Control condition language]

The U.S. military and the CIA have long been engaged in different places around the world. Some people argue that the ICC is biased against the United States.

However, investigating allegations of war crimes is necessary for upholding human rights, in the United States and around the world. U.S. officials began reviewing allegations in 2009, but there have been no national investigations or prosecutions against those who appear most responsible.

Since the U.S. government has not made serious efforts to investigate allegations about war crimes, the ICC is the last remaining option for accountability.

#### *Israel*

##### Control Condition

The ICC has opened a preliminary investigation into the situation in Palestine. One part of the investigation concerns settlements in the West Bank. The Court is investigating whether the government of Israel violated international law by transferring citizens into the West Bank.

##### Treatment Condition

[Control condition language]

However, the rules of the ICC limit its jurisdiction. The ICC can only investigate allegations if national authorities are unwilling or unable to investigate for themselves.

The ICC only opened an investigation because the Israeli government has not made serious efforts to investigate allegations about illegal settlements. If the government of Israel investigates these allegations, then the ICC will not have jurisdiction.

#### *Philippines*

##### Control Condition

The ICC has opened a preliminary examination into accusations about the war on drugs in the Philippines. The ICC is investigating whether the government of the Philippines has supported extrajudicial killings, which is a crime under international law.

##### Treatment Condition

[Control condition language]

However, the rules of the ICC limit its jurisdiction. The ICC can only investigate allegations if national authorities are unwilling or unable to investigate for themselves.

The ICC only opened an investigation because the government of the Philippines has not made serious efforts to investigate allegations about extrajudicial killings in the war on drugs. If the government of the Philippines investigates these allegations, then the ICC will not have jurisdiction.

### *South Africa*

#### Control Condition

The ICC has opened investigations into accusations of serious crimes in many African countries. These include Burundi, CÃ'te d'ÃŽIvoire, Central African Republic, Democratic Republic of the Congo, Guinea, Kenya, Libya, Mali, Nigeria, Sudan, and Uganda.

#### Treatment Condition

[Control condition language]

However, the rules of the ICC limit its jurisdiction. The ICC can only investigate allegations if national authorities are unwilling or unable to investigate for themselves.

The ICC has only opened investigations into these African nations because the respective governments have not made serious efforts to investigate them. If these governments investigate the allegations, then the ICC will not have jurisdiction.

## **Outcome Measures**

Immediately after treatment assignment, we ask respondents a question measuring support for an ICC investigation, labelled *ICC inv*. In Georgia, we included the possibility of Georgians facing investigation because that is the harder, and more important test for whether complementarity can induce public support.

### *Georgia*

Do you agree or disagree with the following statement?

I support the ICC investigations, including into Georgians.

The second outcome measures whether respondents thought a Georgian investigation would be better, labelled *Ga. better*. This outcome measure opens the door for a respondent to indicate support for a Georgian investigation. We asked:

Do you agree or disagree with the following statement?

It would be better for the Georgian government to undertake a genuine investigation into all sides of the conflict – including Georgians.

For both questions, respondents could choose “strongly agree,” “somewhat agree,” “somewhat disagree,” or “strongly disagree.” Respondents could also respond that they did not know or they could decline to answer. Respondents who choose “somewhat agree” or “strongly agree” were coded as agreeing with the statement, while all other respondents were coded as not having agreed with the statement.

We will follow the same coding protocol in the U.S., Israel, Philippines, and South Africa surveys.

### *United States*

For the U.S. survey, we will focus on whether respondents support the U.S. part of the ICC investigation in Afghanistan. This is just a more direct version of the Georgia wording. The question is labelled *ICC inv.*

Do you agree or disagree with the following statement?

I support the ICC investigation into alleged crimes by U.S. personnel.

The second outcome measures whether respondents think that a U.S. investigation would be better, labelled *US better.*

Do you agree or disagree with the following statement?

The U.S. government should conduct its own investigations into alleged crimes committed by U.S. personnel in Afghanistan.

### *Israel*

We will ask respondents in Israel about their support of the ICC investigation into settlements in the West Bank. This question is labelled *ICC inv.*

Do you agree or disagree with the following statement?

I support the ICC investigation into Israeli settlements in the West Bank.

The second outcome measures whether respondents think that an Israeli investigation would be better. This question is labelled *Isr. better.*

Do you agree or disagree with the following statement?

The government of Israel should conduct its own investigations into West Bank settlements.

### *Philippines*

We will ask respondents in the Philippines about their support of the ICC investigation into the war on drugs. This question is labelled *ICC inv.*

Do you agree or disagree with the following statement?

I support the ICC investigation into the war on drugs.

The second outcome measures whether respondents think that a Philippine investigation would be better. This question is labelled *Phl. better*.

Do you agree or disagree with the following statement?

The government of the Philippines should conduct its own investigation into allegations of extrajudicial killings.

### *South Africa*

We will ask respondents in South Africa about their support of ICC investigations in African countries. This question is labelled *ICC inv*.

Do you agree or disagree with the following statement?

I support the ICC investigations into alleged crimes committed in African countries.

The second outcome measures whether respondents think that investigations by African governments would be better. This question is labelled *Afr. better*.

Do you agree or disagree with the following statement?

The governments of African nations should conduct their own investigations into alleged crimes.

## **Country-Customized Subsidiary Questions**

For each of the four countries (USA, ZAF, PHL, and ISR) we will then ask:

Please indicate how much you agree with the following statement: the ICC is biased against the [country in question].

For the South African survey, we ask about bias against African nations.

We then ask other country-specific agree/disagree questions.

### *United States*

Since we are also interested in knowing whether and to what degree complementarity frames increase support for court membership among publics of non-ICC members, we additionally ask in the U.S. survey:



Although the United States has not joined the ICC, it could do so. Please indicate how much you agree with the following statement: the United States should become a member of the ICC.

Please indicate how much you agree with the following statement: the ICC is biased against the United States.

### *Israel*

We additionally ask in the Israel survey:

Although Israel has not joined the ICC, it could do so. Please indicate how much you agree with the following statement: Israel should become a member of the ICC.

We also probe opinion for the government program under ICC scrutiny:

Israel should not expand settlements.

We will also ask respondents to rate the performance of Prime Minister Benjamin Netanyahu using questions used in local surveys.

### *Philippines*

We additionally ask in the Philippines survey whether respondents whether they agree or disagree with the following:

I support the government's decision to withdraw from the International Criminal Court.

We also probe opinion on the government program under ICC scrutiny:

Do you support or not support the campaign against illegal drugs?

We will also ask respondents to rate the performance of President Rodrigo Duterte using questions used in local surveys.

### *South Africa*

Since we are also interested in knowing whether and to what degree complementarity frames increase support for cooperation with the court among publics of ICC members, we additionally ask in the South Africa survey whether respondents whether they agree or disagree with the following:

South Africa should provide logistical support to the ICC, including help with the arrest and transfer of ICC fugitives.

I think international organizations, like the ICC, are biased against African nations.

## Legal System Questions

Across all five surveys we ask the following:

The [country demonym] legal system is capable of good investigations, even when they are politically sensitive or difficult.

Responses range between “strongly agree” and “strongly disagree.”

## Analysis

### Balance Tests

Before examining treatment effects, we use the test in Hansen and Bowers (2008) to assess overall covariate balance across treatment and control groups. We want to confirm that respondents in the treatment and control conditions do not diverge significantly on their observable characteristics.

### Assessment of Treatment Effects

For the main two outcomes – support for an ICC investigation and support for a national investigation – we plan on assessing treatment effects using standard comparisons of across treatment groups. Following analysis from the the original paper on data from Georgia, we will focus on binary versions of each outcome variable. Version one will be coded 1 if the respondent strongly agrees or agrees with a statement of support for the ICC/national investigation. Respondents who choose strongly disagree, disagree, neither agree nor disagree or refuse to answer will be coded as 0. Version two will be the same, except it will code neither agree nor disagree and respondents who refused to answer as missing.

To evaluate the hypotheses and statistical significance of treatment effects, we will use logistic regression.<sup>6</sup> Again following the original analysis of the Georgian data, we will regress the binary indicators on a set of binary variables that indicate which treatment condition to which the respondent was assigned. We will estimate these regressions with and without a set of control variables for respondent demographic characteristics. We will generally default to including all measured demographic characteristics. It is possible that we will have different sets of demographics for different countries, so we may also limit analysis to regressions including the subset of demographic questions common to all countries, namely age, gender, educational attainment, world affairs knowledge, and attitudes toward international organizations.

### Assessment of Legal System Moderation

We are also interested in whether the respondent’s view of their country’s legal system moderates treatment effects. We will follow the original paper on Georgia in assessing these moderation effects. We will construct a binary measure of the respondent’s agreement with the statement that their country’s legal system is capable of good investigations, equalling one if the respondent chooses agree or strongly agree.

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<sup>6</sup> We plan on also checking that results are similar using linear regression and the Bayesian analysis found in Chaudoin (2014).

In the paper with the Georgian data, we used the same regressions as in the preceding section, with the addition of a constituent term for the binary legal system indicator as well as its interaction with any treatment indicators.

The USA survey is being conducted first. If we do not find any evidence of moderation based on the legal system question, we may cut it from the ISR, PHL, ZAF surveys.

## **Additional US Questions**

We also ask a series of questions about trust in domestic and international institutions, more broadly. We also ask about the number of hours a respondent spends reading or watching news. These will be potential control variables.

We are also able to ask more extensive manipulation check questions for the U.S. survey. We first ask about the general information the respondent read. They are asked to identify the country of the situation being investigated (Afghanistan) and what international institution we asked about (the ICC). These are multiple choice questions. We then assess whether respondents understood complementarity. We ask a factual question about complementarity, regarding how it limits the ICC's jurisdiction. We then ask a harder, hypothetical question about the ICC investigation into the UK for allegations pertaining to Iraq. Respondents must apply the concept of complementarity to correctly identify it as a reason why the ICC does not have jurisdiction. We hope that the relevant complementarity treatments will increase the proportion of correct answers.

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Dear Prof. Thies,

Thank you very much for this opportunity! We have formatted the manuscript according to JOP guidelines and submitted replication files on Dataverse.

Thank you again,  
The authors