

**Primordialism, Humanitarianism, or a Quest for Justice: Citizens' Support for  
International Tribunals after Civil Wars**

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## **Abstract**

What factors have encouraged support for the international adjudication of war crimes? Has knowledge of the international legal sanctions surrounding war crimes influenced people's attitudes on the treatment of wrongdoers? This paper discusses these issues through the statistical analysis of data from the People on War project (hereafter called the PoW project) that the International Committee of the Red Cross (the ICRC) conducted in twelve conflict zones at the 50<sup>th</sup> anniversary of the Conventions' signature in 1999. This paper discusses the citizens' knowledge of the Geneva Conventions has the most consistent influenced upon their support for international tribunals of war criminals across twelve conflict zones through the statistical analysis of the Heckman probit or sequential probit models.

## **Introduction**

It is an urgent task for the international community to restore order and justice in war-torn societies. This can be accomplished through war tribunals, universal legal norms whose function exceeds simply arbitrating retribution. In Bosnia, Cambodia, and Rwanda, both international legal experts and leaders of Non-Governmental Organizations' (NGOs) demanded that war criminals who had committed atrocities and murders during civil wars be tried fairly. In fact, the adjudication of war crimes through the principles of international law has become irreversible since the beginning of the 20<sup>th</sup> century.<sup>1</sup> Yet, what remains unclear is the extent to which the citizens and soldiers in war-torn societies have sought to punish wrongdoers.<sup>2</sup> Considering that the ultimate purpose of international war tribunals is the reconciliation of war-torn communities, those citizens' support for this mechanism of justice is a crucial issue in post-conflict societies.

What factors have encouraged support for the international adjudication of war crimes? Has knowledge of the international legal sanctions surrounding war crimes influenced people's attitudes on the treatment of wrongdoers? This paper discusses these issues through the statistical analysis of data from the People on War project (hereafter called the PoW project) that the International Committee of the Red Cross (the ICRC) conducted in twelve conflict zones at the 50<sup>th</sup> anniversary of the Conventions' signature in 1999<sup>3</sup>. The PoW project has collected the voices of approximately 12,860 citizens and soldiers, who relate their war experiences and the humanitarian conditions in the countries plagued by the most disastrous civil wars in the 20<sup>th</sup> century. These include Afghanistan, Bosnia-Herzegovina, Cambodia, Columbia, El Salvador, Georgia, Israel, Lebanon, Nigeria, the Philippines, Somalia, and South

Africa. According to the ICRC's report, "[w]hile this was hardly an environment conducive to conventional social science research, the need for people's voices to be heard pushed this project into the most difficult reaches of the earth."<sup>4</sup>

The fact that citizens' knowledge of the Geneva Convention has shaped their attitudes on international tribunals is relevant in several reasons. First, a vicious cycle of mistrust, violence, and revenge created a violent political culture, and aggressive behavior toward others in war-torn societies.<sup>5</sup> Consequently, few citizens believe in the existence of rules or laws that are so fundamental to a society and its social order that, if a person breaks them, even during a war, he should be punished.

On the other hand, the Geneva Convention is one of the most fundamental documents codifying humanitarian norms since the advent of the modern nation-states. Since most sovereign states have signed the Convention, it is one of the best-known international treaties in the world.<sup>6</sup> Unlike domestic laws, however, an international treaty can not be enforced by states. A glance at the history of civil wars since the inauguration of the Geneva Convention in 1949 demonstrates that these laws are the most frequently violated international agreements. Consequently, if citizens' knowledge of the Geneva Convention in the conflict zones has at all influenced their legal attitudes on international tribunals, this paper traces the association between knowledge and attitudes, a link deemed unlikely according to the existing literature.<sup>7</sup>

"War crimes" are defined as violations of international humanitarian laws, including treaties and norms, governing the conduct of states, individuals, and other entities during armed conflicts, and prohibit certain forms of physical and psychological harm against non-combatants or those individuals who lose their capacity to fight.<sup>8</sup> The citizens' attitudes toward international tribunals will be analyzed in two parts.

First, the paper discusses whether citizens believe in the existence of rules or laws important enough to require punishment if they are breached, and why they hold these views. Second, if they believe that such laws exist, then their views of who should control the punishment will be assessed. The next section elaborates our hypotheses, and discusses data, methodology, and findings.

## **1. War crimes and International Humanitarian Law (IHL)**

**History of IHL:** As the technological advances of modern warfare reached the height of their destructive power on the battlefields, the nature of war underwent dramatic transformation. The international mechanisms for limiting warfare have evolved. The concept of war crimes has developed in tandem with the humanitarian laws which claim that natural law should limit and regulate war.<sup>9</sup>

The Hague Convention Regarding the Law and Customs of War on Land of 1907 incorporates the Martens Clause, which refers to crimes against humanity.<sup>10</sup> At the end of the 19<sup>th</sup> century, humanitarian movements began to emerge, even in civil societies. Swiss citizen Henri Dunant inspired the further codification of international humanitarian laws, and the ICRC was established in 1875. Since then, it has played a crucial role in helping the sick and wounded as well as in various other humanitarian activities in armed conflicts.<sup>11</sup> Four Geneva Conventions of 1949 have codified the already-existent written or customary laws. They include the amelioration of the condition of the wounded and sick in armed conflicts on the battlefield (1<sup>st</sup> Convention), the amelioration of the condition of the wounded, sick, and shipwrecked members in armed conflict at sea (2<sup>nd</sup> Convention), the treatment of prisoners of war (3<sup>rd</sup> Convention), and the protection of civilians in times of war (4<sup>th</sup> Convention).<sup>12</sup>

Reflected in the experiences of World War II, the Geneva Conventions of 1949 have

addressed mostly inter-state war. An exception includes Common Article 3, which prohibits derogation, even in the non-international armed conflict. According to this article, “in the case of armed conflict not of an international character occurring in the territory” of one of the contracting parties, “persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause,” should be treated humanely. Moreover, it prohibits “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture,” “taking of hostages,” “outrages upon personal dignity, in particular humiliating and degrading treatment,” and “the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.”<sup>13</sup>

Unsurprisingly, Common Article 3 turns out to be insufficient to deter inhumane treatment in armed conflict. After the signature of the Geneva Convention, the world has witnessed many “non-international armed conflicts” and “wars of national liberation.” As a result, in 1977, two protocols, in addition to the four Geneva Conventions of 1949 were adopted after the intensive debates in the Geneva Diplomatic Conference.<sup>14</sup> The first additional Protocol calls for the protection of victims in “armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination” (Articles 1, 4).<sup>15</sup> The second additional Protocol provides a more detailed description of the protection of the victims of non-international armed conflicts. These Additional Protocols have significantly improved the protection of victims of non-conventional armed conflicts.

There are several aspects of the history of the Geneva Convention worth mention. The first and foremost is their universalist claim that not only state parties but also citizens should observe the rules. Virtually all the sovereign states have become signatories of the four Geneva Conventions, while 169 countries have adopted the First Additional Protocol, and 165 ones have adopted the Second Additional Protocol.<sup>16</sup> Only sovereign states can become contracting parties of the above mentioned conventions and protocols. Yet, they often refer to “parties to armed conflicts,” and suggest that not only state officials but also citizens along with other entities are obliged to observe the provisions.

Furthermore, international humanitarian rules apply not only to international conflicts but also to internal ones, especially after the 1970s. The two Additional Protocols are simple codifications of laws, rules, and customs which states or armed forces already observe. Not all sovereign countries have ratified the two Additional Protocols as of April 2010. This group includes the United States. Nevertheless, most non-state parties have, in fact, respected the rules described in the first Additional Protocol.<sup>17</sup> For instance, during the Vietnam War, the US observed a set of rules similar to that of the first Additional Protocol. The captured North Vietnamese soldiers were granted prisoner-of-war status, according to the Third Geneva Convention. Members of the communist guerrilla units of South Vietnam were treated like prisoners of war, provided that they were caught while engaged in military operations and, at the same time, were carrying their arms openly.<sup>18</sup> In fact, the application of humanitarian laws to international conflicts as well as wars of self-determination or internal conflicts has become customary law.

**War Crimes and IHL:** Besides the development of international humanitarian

law, a major effort to punish those who had violated them during wars through universal standards and mechanisms has begun to take place. According to one author, the enforcement of laws during war through the church dates to the Middle Ages, as do the roots of contemporary notions of the just war doctrine which grew gradually.<sup>19</sup> In the 19<sup>th</sup> century, Gustave Moynier, one of the founding members of the ICRC, proposed the creations of an international criminal court.<sup>20</sup>

The efforts towards establishing international tribunals garnered support after World War I. The inter-governmental commission established the Commission on the Responsibilities of the Authors of War and on Enforcement of Penalties. Besides German responsibility for the war, the commission attempted to charge Turkish officials for “crimes against laws to humanity,” according to Hague Conventions Regarding the Law and Customs of War on Land of 1907. Its report on 29 March 1919 referred to various violations of humanitarian laws or rules of war. The commission recommended establishing an international court by the victorious powers to charge offenses that fell into these categories. Moreover, Article 227 in the Peace Treaty of Versailles provided for the creation of an ad hoc international criminal tribunal to prosecute Kaiser Wilhelm II for initiation of war. However, having reflected the strategic interests of, as well as the disagreements among, the victorious powers, only twelve military officers were prosecuted before the Supreme Court in Germany. In addition, the penal provision in the Peace Treaty of Sevres provided for international adjudication of crimes committed by the Ottoman Empire against the Armenians. Yet, the Peace Treaty of Lausanne, which was replaced by the former treaty, gave Turkish officials immunity for war crimes.<sup>21</sup>

In contrast, after World War II, war crimes and crimes against humanity were

prosecuted at Nuremberg and Tokyo. Afterwards, under the Cold War context, despite the fact that the UN adopted several international treaties on human and minority rights, as well as the codification of the Geneva Conventions and their Additional Protocols, virtually no progress was made for the establishment of the permanent war tribunals. In 1951, the special committee of the UN General Assembly established to discuss and draft a convention for international criminal court. However, apparently the plan was politically too premature.<sup>2 2</sup> In the meantime, while the world witnessed a huge number of atrocities and massive deportations caused by wars of independence, virtually no progress was undertaken on the developments of war tribunals under the Cold War context.

The end of the Cold War and the subsequent rise of ethnic conflicts became the turning point for the development of new mechanisms. The UN's Security Council established International Criminal Tribunal for Former Yugoslavia (ICTY) in 1993, and International Criminal Tribunal for Rwanda (ICTR) in 1994, respectively.<sup>2 3</sup> Yet, the problem of establishing ad hoc tribunals was apparent, as the international community instituted them in Bosnia and Rwanda, but not for Iraq, East Timor, Somalia, or Sudan. These discretionary standards for the establishment of tribunals reflected the considerations of strategic interests of major powers of the UN.<sup>2 4</sup> As the international community gradually recognized the necessity of a permanent tribunal, the UN prompted efforts by creating the International Criminal Court (ICC). These efforts culminated in the adoption of the Rome Statute for a Permanent International Criminal Court in 1998. The ICC began functioning in 2002, after more than 60 countries had ratified the Rome Statute.<sup>2 5</sup>

The current state of the international community on war tribunals is

summarized as follows. First, state leaders and legal experts have concluded that laws and rules of limiting both international and non-international conflicts should exist. Furthermore, when they are violated, the wrongdoers should be punished by a universal standard. As in the case of the US during the Vietnam War, even those countries that had not ratified the Additional Protocols of the Geneva Conventions attempted to observe the customary humanitarian rules on the treatment of prisoners of war. Second, the international community has gradually recognized the necessity of international adjudication through a permanent court. Although the strategic interests of each country's agreement have varied, the results are the increasing visibility of war tribunals in the world media and thus, the citizens' consciousness.

**Citizens and International War Tribunals:** The above discussions have exclusively reviewed the discourse of state elites and legal experts. As no existing work surveys the attitudes of ordinary citizens and soldiers about the international tribunals for the post-Cold War conflicts, the analysis of their attitudes constitutes a major goal of this paper. Before beginning this discussion, several issues need to be raised.

**Table 1 Years of Ratifications of the Rome Statute by the Surveyed Countries of the PoW Project**

Countries	Signature	Accession or Ratification
Afghanistan	Unknown	A: February 10, 2003
Bosnia-Herzegovina	July 17, 2000	R: April 11, 2002
Cambodia	October 23, 2000	R: April 11, 2002
Columbia	December 10, 1998	R: August 5, 2002
El Salvador	No signature	No ratification
Georgia	July 18, 1998	R: September 5, 2003
Israel	No signature	No ratification
Lebanon	No signature	No ratification

Nigeria	June 1, 2000	R: September 27, 2001
Philippines	No signature	No ratification
Somalia	No signature	No ratification
South Africa	July 17, 1998	R: November 7, 2000

( A means accession, and R ratification )

First, the leaders of superpowers or conflict parties are often quite unenthusiastic about an international tribunal. Table 1 shows the years of signatures and ratifications of the Rome Statute by the countries surveyed in the PoW project. In fact, in 1999 when the survey was conducted, only three out of twelve surveyed countries signed the Rome Statute, and none of them completed ratification.

Nevertheless, the fact that state leaders of these countries remained reluctant to an international tribunal does not directly mean that the citizens of these countries were also against or ignorant to it. While possibly influenced by elites' discourse, citizens are not rubber-stamps of state leaders.<sup>2 6</sup> One difference of the post cold war era from the 19<sup>th</sup> century includes the active roles of media or NGOs, which played a significant role in raising issues in the Preparatory Committee of the Rome Statute.<sup>2 7</sup> In 1999, not only in the international conferences, but also in the media, it was widely reported that either the ICTY or the ICTR convicted life sentences against the prominent leaders of the conflicting parties.<sup>2 8</sup> An example of these cases includes Jean Kambanda, former Prime Minister of Rwanda, who was arrested in Nairobi in 1997 and convicted and sentenced to life in prison, due to genocide and the crimes against humanity. The other case was Jean Paul Akayesu, former mayor of Taba city, who was arrested in Zimbabwe in 1995 and also convicted to a life sentence in 1998.<sup>2 9</sup> The impeachments of these prominent leaders were possible because of the media attention.

Second, even if citizens heard of ad hoc international tribunals in Bosnia and

Rwanda, they might remain skeptical or indifferent to them. Reportedly, citizens did not pay much attention to the ICTR in Rwanda. However, this is partly due to the fact that the court was located in Arush, the capital of Tanzania, in order to protect the physical security of witnesses, or because the media hardly reported about the tribunals outside Kigali.<sup>30</sup> In contrast, the ICTY raised intensive controversies, because Serbs regarded it as a Muslim tool for propaganda against Serbs. In turn, after consultation with NGOs, the ICTY initiated “outreach” campaigns with the financial support of western powers.<sup>31</sup> These facts suggest that citizens’ interests and supports for international tribunals largely depend upon their political context. As such, if the political circumstances were taken into consideration, the citizens’ attitudes of each case should be examined.

Finally, it is also worth mentioning that although the prospect of establishing a permanent international tribunal remained unclear in 1999, no other institution except for the ICC was supposed to function as a war tribunal. Both the ICTY and the ICTR are temporary institutions, while the International Court of Justice does not have the responsibility of adjudicating war crimes. Moreover, the Rome Statute was already signed in 1999. Thus, it is completely legitimate that the PoW project has raised the ICC in the survey questionnaires.

## **2. Theoretical Considerations**

The primary purpose of this paper is to analyze what factors have shaped the legal attitudes of citizens and soldiers about international war tribunals in twelve war-torn societies. The most important independent variable includes the knowledge of the Geneva Conventions. The present dependent variables need to be analyzed in two steps. If they do not agree upon the existence of the rules of war, the issue of

jurisdiction of war tribunals does not need to be analyzed. Thus, the paper first discusses what factors have motivated citizens' belief in the existence of rules or laws that are so important that, if broken during war, the person who had breached them should be punished. Even if they believe in the existence of rules, not all citizens prefer international adjudication to domestic one. Next, if they believe in the existence of such laws or rules, the paper discusses what factors facilitate citizens' support for international jurisdiction. The existing literature which discusses the formation of public attitudes or political culture on violence, war, and peace are summarized to raise primordial properties, moral feelings, and knowledge as the relevant variables.

**The First Stage:** The traditional reviews of the mass studies emphasize the effects of primordial variables upon mass attitudes. Primordialism suggests that the inborn traits or the properties acquired at the early stage of developments have shaped and determined the persons' attitudes or behaviors in their later stage. It concludes that ethnicity, religious beliefs, level of education, and/or national historical experiences are the most influential variables in forming the attitudes of political and legal issues.<sup>3 2</sup>

The roles of these primordial variables seem to be further emphasized in war-torn societies. The literature suggests that the experiences of slaughter, abduction, and/or plundering have changed citizens' values and behaviors, citizens who had once lived peacefully with their neighbors.<sup>3 3</sup> If one closely follows these arguments, it is apparent that being combatants or taking sides has caused the respondents to be exposed to or socialized into violent political cultures. Thus, they have tended not to believe in the existence of rules or laws that are so important that, if broken during war, the person who breaches them should be punished.<sup>3 4</sup>

Furthermore, they might even engage in atrocities or other forms of violent actions themselves. For them, admitting the existence of rules of war means an increase in the probability of being punished due to their past wrong behaviors.

In contrast, those who experience more disasters during war, including the murder of their family members, forced migrations, or being raped, wish to reestablish order and justice, and thus believe in the existence of rules or laws that are so important that, if broken during war, the person who breached them should be punished.

Hypothesis 1: More educated respondents will tend to believe in the existence of rules or laws that are so important that, if broken during war, the person who breached them should be punished.

Hypothesis 2: Those who had been combatants or participated during war will tend to believe in the existence of rules or laws that are so important that, if broken during war, the person who breached them should be punished.

Hypothesis 3: Those who experience more disasters during war will tend to believe in the existence of rules or laws that are so important that, if broken during war, the person who breached them should be punished.

In past studies of mass politics, including those which focus on issues of war and peace, moral feelings are generally regarded as influential factors. For instance, Peter Lieberman says that in sociological psychology, feelings of retribution and sympathy have more influence than instrumental concerns, such as public safety, in shaping the mass attitude.<sup>3 5</sup> The most important attitudes of citizens include not only retribution but also humanitarian feelings, because the latter enhances revulsion against human sacrifice during war, and justifies the military intervention. According

to Liberman, this reliance on moral feelings as justification for military interventions is typically more wide-spread among layman than among political elites.<sup>3 6</sup>

Hypothesis 4: Those who had more humanitarian feelings tend to believe in the existence of rules or laws that are so important that, if broken during war, the person who breached them should be punished.

A number of studies suggest that the knowledge of international treaties, customary law, or normative values influence elite attitudes on political issue.<sup>3 7</sup> In this paper, knowledge is defined as broader inter-subjective understandings on a particular issue rather than that of detailed or precise legal issues.<sup>3 8</sup> While moral feelings are only temporary and fairly volatile measures of the political issues, knowledge has offered a more consistent framework of the legitimate discourse and the expected behaviors.<sup>3 9</sup>

In contrast to elites' political attitudes, only few studies refer to the influence of knowledge upon mass attitudes, perhaps because of the reflections of volatile and irrational nature of the mass politics.<sup>4 0</sup> However, there is no legitimate reason for the exclusion of knowledge as the groundwork for a nation's political stance on the issues of war and peace.

Furthermore, not only legal institutionalizations of war tribunals in the post World War II but also increased attentions and internationalization of human rights issues have certainly influenced and changed the citizens' attitudes on the duties of states, citizens, and other entities.<sup>4 1</sup> By the 1990's, the norms against genocide, torture, and state violence, were wide-spread across Latin America, Asia, Africa, and the former Communist countries through the media reports and the NGOs' activities.<sup>4 2</sup> Thus, knowledge of humanitarian rules seems to have become more influential in these

newly-emerged political contexts where human rights garnered legitimacy as an international issue. This was especially prominent because the ICC and the national Red Cross societies had engaged in intensive outreach campaigns.<sup>4 3</sup>

Hypothesis 5: Those who know about and understand the Geneva Conventions tend to believe in the existence of rules or laws that, if broken during war, require punishment.<sup>4 4</sup>

**The Second Stage:** Even if citizens agree upon the existence of rules or laws of war, this does not mean they support international adjudication. In fact, a number of countries prefer the establishment of domestic tribunals after the termination of conflicts, even if they had ratified the Rome Statute. South Africa, for instance, decided to investigate the crimes committed during the political turmoil through the establishment of the Truth Commission. Thus, this paper further examines the factors that lead to the support for international tribunals.

Any theoretical literature on the supra-national ideas or institutions among state elites suggests the influences of shared knowledge and ideas about increasing the citizens' support for them. In his classic work, Ernst B. Haas says that political integration happened when the participants' interests and their perceptions of values had fallen into a certain patterns.<sup>4 5</sup> In the same manner, the studies of socialization of the European Commission's members of the European Union (the EU) have re-emphasized the significance of the supra-national ideas that had been formed through shared perceptions.<sup>4 6</sup> Also, following the traditions of neo-functionalism, Peter M. Hass and his associates define "epistemic community" as the networks of experts of who share and advocate for expertise knowledge that creates new issues, such as environmental or disarmament issues. These works thus demonstrate the

significance and the influence of knowledge in raising new international issues.<sup>47</sup>

Although the classic works on the roles of knowledge or epistemic communities have never discussed the potential impacts upon the citizens' attitudes in forming and transforming the supra-national issues, their effects have not been negligible. For instance, the expert community on human rights issues in Latin America has raised these issues, attracting the media attentions and succeeding in penetrating into the perceptions of civil societies.<sup>48</sup>

In contrast, many authors suggest that knowledge has influenced not only elites but also citizens' attitudes on international tribunals. According to Kenneth Abott, the liberal literature suggests that the epistemic community, including legal experts and NGO workers, played a significant role in drafting the Rome Statute. According to his summary, liberals also argue that "lawyers operate as a transnational, knowledge-based "epistemic community," framing problems and solutions in legal terms for actions by political institutions<sup>49</sup>. Moreover, constructivists further suggest that "international legal institutions can be "teachers of norms," shaping how governments and citizens perceive particular conduct. Actions like Rwanda Tribunal's genocide conviction feed back into society to reshape how individuals view government, the duties of states and citizens, and even the meaning of statehood and citizenship"<sup>50</sup>.

In sum, the above arguments suggest that knowledge of the legal experts' community has the potential to penetrate into civil society and citizens' perceptions as well as political elites. Legal grounds for these international tribunals include international humanitarian laws, such as the Geneva Conventions, which in turn further the legitimacy of international tribunals among the citizens' minds.<sup>51</sup> Thus, knowledge of international law has contributed to support for international war

tribunals along with increased attention to human rights issues among citizens across the world.

Hypothesis 6: Those who have heard of the Geneva Conventions have been more likely to support international tribunals, like the ICC, rather than domestic jurisdiction, including national court, religious court, or national military tribunals.

Among the primordial variables of the first stage, the levels of education may reasonably predict whether the respondents prefer international jurisdiction to a domestic one. This is simply because more educated respondents tend to know international tribunals better than less educated ones. Yet, the existing theory does not have a strong or definite assertion as to whether any other primordial variable analyzed in the first stage has led to the same attitudes among the respondents in the second stage.

Nonetheless, the way the international community intervenes in civil wars leaves a certain propensity among the respondents. For instance, NATO intervention in the Bosnian war was widely condemned as being allied with the Moslems or the Croats and thus, against the Serbian forces. As a result, the ICTY was also criticized for unfair punishment and for lacking neutrality,<sup>5 2</sup> although more empirical works conclude that the number of witnesses is more significant for verdicts than it is for the ethnicity of the convicted,<sup>5 3</sup> many citizens or soldiers, especially non-minorities, felt uncomfortable or even biased about the work of the ICTY. Thus, ethnicity turns out to be a relevant primordial variable even in the second stage in that it predicts the preference of international jurisdiction in war-torn societies.

Other than ethnicity, those who believed in reclaiming their interests through humanitarian intervention or international aid, such as returning to their original place

of birth or the recovery of their property, support international tribunals because of the benefits they received. Thus, the respondents' perceptions of the interests in the international community should be taken into consideration.<sup>5 4</sup>

Hypothesis 7: Those who belonged to minority groups that had gained more benefits through the international community tend to prefer international jurisdiction to domestic jurisdiction for war criminals.

Hypothesis 8: Those who sought to benefit from the international community's policies, including humanitarian interventions, tend to support international jurisdiction of war criminals rather than domestic jurisdiction.

### **3. Data, Methodology, and Codification of Variables**

**Data:** The PoW project collects the demographic information of the respondents, including their age, educational background, family members, ethnicity, religion, and places of residence, as well as their war-time experiences and their attitudes on humanitarian issues. The ICRC had commissioned the survey to a private US company, Greenberg Inc., which collaborated with various local sub-contractors and the Red Cross volunteers.<sup>5 5</sup>

Data are collected through multi-stage sampling methods along with the administrative units of the surveyed countries. In the methods of probability sampling, proportion-to-size ratios are adopted in order to ensure accurate representation in the selection of households.<sup>5 6</sup> The entire country is divided into mutually exclusive departments, from which lower administrative units are chosen randomly based upon population distribution. In the same manner, the next stage of sampling is planned, and finally a household is randomly screened. After the sampling points are selected, the interviewers are directed to start at the center of a town and choose every fifth

household. If this household is vacant due to the wartime destruction, the survey staffs will choose the subsequent household. This is a typical area sampling method used even in the surveys in developed countries. This procedure guarantees the proportion-to-size probability sampling despite post-war devastation, provided that reliable population information on which sampling distributions are based is available.<sup>5 7</sup>

A relevant issue of the multi-stage sampling surveys in war-torn societies relates to the grounds on which samples are allocated or distributed into a sub-unit. The PoW file states that the survey staffs used the most recent census or population surveys by the national census bureaus or other international organizations, including the UN or the Organization for Security and Cooperation in Europe (the OSCE). For instance, the surveys in El Salvador, Israel, Nigeria, and the Philippines used the adjusted population estimations based on the most recent census, while in Cambodia, Columbia, Lebanon, and South Africa, data files mention that the sample allocations were undertaken through the most recent census information.<sup>5 8</sup> In Georgia, the census preparation work was undertaken in 1998. The survey staff obtained this information in Georgia proper, while the ICRC received the population information of post-war Abkhazia from the local de facto authority.<sup>5 9</sup>

Among more difficult areas, the Somali file uses the population survey by the UN Development Office for Somalia (UNDOS).<sup>6 0</sup> For the Bosnia-Herzegovina survey, the entire country is divided into the Federation of Bosnia and Herzegovina, and Republika Srpska. For the former area, 500 samples are allocated in both Moslem and Croat areas. The national census of 1991 is used to distribute samples into further sub-units.<sup>6 1</sup> Republika Srpska is divided into two areas, where two prominent

political figures had dominated. Half of the samples are allocated along political divisions, and afterwards further allocations have been done based upon the voters' registration list of the OSCE.<sup>6 2</sup> These methods constitute an ideal way to construct politically-heterogeneous strata.

In Afghanistan, six areas have been chosen from the entire country, after having considered the personal security of staff and the accessibility to the survey areas. The samples were divided into three or four sub-units through the regular methods of proportion-to-size probability sampling.<sup>6 3</sup>

Weight is calculated in order to adjust selection probabilities based upon the key demographic variables of the respondents. They are calculated in the Cambodian and the El Salvadorian surveys based on age, gender, and geographic distribution of the most recent population survey or adjusted ones.<sup>6 4</sup> For the Georgian survey, after initial weight had been given according to the locations of living, it was adjusted based on the number of household family members older than 16 years.<sup>6 5</sup> For the Somali survey, data were weighted according to gender, clan, regions, and educational level.<sup>6 6</sup> As long as the data files demonstrate that the recent census or the population estimates were used to formulate samples, presumably this information is also used to calculate weights.<sup>6 7</sup>

No decennial census, not even developed countries, can capture all the subsequent demographic shifts. The above methods and the population estimates of the PoW project are, however, legitimate and represent the best information available. Moreover, while the Afghan data should be cautiously examined, the PoW project established the representative-ness of the population in each country through probability sampling methods. Many contemporary qualitative or quantitative studies in civil war zones

simply collected data on individuals chosen by researchers, using methods like snowball sampling. Although their testimonies have revealed interesting aspects of civil wars, they are very unlikely to be able to avoid selection biases. Scientific methods of probability sampling dramatically reduce these biases, thus allowing the analysts to hear the voices of the respondents from which those views of the entire population can be inferred.

As variables, denoted weights are easily identified in each case. This study considers the effects of weight upon estimation. Yet, it is quite difficult to deal with the issues of stratification and clustering. Stratification decreases variance, if an appropriate stratification variable is used, while clustering increases them. As they do not affect the point estimations, this study reports the statistical significance at 1 %, 5 %, and 10 % levels.

**Dependent Variables:** This paper has two dependent variables: one on whether the respondents agree upon the existence of rules or laws that require punishment if breached; and the other on who should punish those who had broken laws, if the respondents did believe in the existence of these laws. In the first step, the study codes 1 for “yes” responses, and 0 for “no,” recording “don’t know as (DK).”<sup>6 8</sup>

The question of the second step is asked to only those who had said “yes” for the first stage.<sup>6 9</sup> The question asked in the second stage is: “Who should be responsible for punishment?” In the questionnaire, several answers, such as the ICC, our domestic court, our military, our own government, our political leaders, and the civilian populations are enumerated. The interviewers are asked to read each of them in front of the respondents, and ask them to choose one of them.

The primary interest of this paper is the analysis of the factors that have privileged

international jurisdiction over a domestic one. This paper codes the ICC as 1 and other answers relating to domestic institutions as 0.

**Table 2**                      **Weighted Averages of the Dependent Variables (Binary)**

	1 <sup>st</sup> step	2 <sup>nd</sup> step
Afghanistan	.57 (.017)	.12 (.015)
Bosnia-Herzegovina	.77 (.012)	.48 (.018)
Cambodia	.58 (.019)	.54 (.028)
Columbia	.71 (.012)	.25 (.013)
El Salvador	.60 (.016)	.34 (.023)
Georgia	.68 (.017)	.15 (.017)
Israel	.67 (.019)	.47 (.028)
Lebanon	.51 (.020)	.43 (.026)
Nigeria	.44 (.018)	.52 (.029)
The Philippines	.45 (.012)	.11 (.010)
Somalia	.67 (.020)	.27 (.021)
South Africa	.38 (.017)	.38 (.027)

(Parentheses are standard errors. The question of the 1<sup>st</sup> step is asked to the entire samples, while the 2<sup>nd</sup> one only to those who had said “yes” for the 1<sup>st</sup> question.)

Table 2 shows the weighted averages of the dependent variables. The left column shows the results of the first question which asks, “Are there rules or laws that are so important that, if broken during war, should require punishment?” The results show considerable variation. For instance, those of Bosnia-Herzegovina and Colombia are 0.77 and 0.71, respectively, while that of South Africa is only 0.38. Furthermore, in many cases, the weighted averages are less than 0.60.

The right column, on the other hand, reveals the results of the question that asks, “Who should be responsible for punishment?” As has been noted, this question is asked only to those who answered “yes” to the first question. The weighted averages of Cambodia, Nigeria, and Israel are 0.54, 0.52, and 0.47, respectively, while those of Afghanistan, the Philippines, and Georgia are 0.12, 0.11, and 0.15 for this second

question.

**Methodology:** The dependent variables of this paper are binary. Since the second step only applies to those who said “yes” in the first step, the values of the second question appear for these samples and show as missing values for the others. If these missing values are distributed randomly, two separate probit or logit models for each dependent variable should be estimated. However, if the selection of the second stage is endogenous, then the estimates for the second stage probit are biased. When the models of the first stage have at least one statistically significant independent variable that was not included in the second stage, Heckman probit models produce unbiased asymptotically consistent estimations.<sup>7 0</sup>

More technically, the Heckman probit model with sample selection assumes that there exists an underlying relationship, shown by the below equation,

$$y_j^* = \mathbf{x}_j + u_{1j} \quad (\text{latent equation of the second stage}),$$

such that only the following binary outcome is observed:

$$y_{j,\text{probit}} = (y_j^* > 0) \quad (\text{probit equation of the second stage}).$$

The dependent variable of the above second stage for observation  $j$  is observed only when

$$y_{j,\text{select}} = (\mathbf{z}_j + u_{2j} > 0) \quad (\text{selection equation of the first stage})$$

where

$$u_1 \sim \mathcal{N}(0, 1)$$

$$u_2 \sim \mathcal{N}(0, 1)$$

$$\text{corr}(u_1, u_2) =$$

( $\mathcal{N}$  means the normal distribution, while corr means correlation.).

in the above equation means the correlations of error terms between the

equation of the first stage and the one of the second stage. Here, the statistical tests for the null hypothesis of  $\rho = 0$  are conducted. When the null hypothesis fails, two separate probit models are estimated, as  $\rho = 0$  means no correlation between the error terms of two equations. Yet, if the null hypothesis is rejected, the data selection of the second stage is endogenous. The Heckman probit models produce unbiased, and asymptotically consistent estimators.<sup>7 1</sup>

In sum, the models to be estimated include:

The first stage equation (the selection model)<sup>7 2</sup>

$$\begin{aligned} (\text{existence of laws})_{ij} = & \beta_{ij} + (\text{education})x_{1j} + (\text{take sides})x_{2j} + (\text{combatant})x_{3j} + (\text{women}) \\ & x_{4j} + (\text{humanitarian feelings})x_{5j} + (\text{knowledge of the GC})x_{6j} + (\text{ethnicity})x_{7j} + (\text{war} \\ & \text{disasters})x_{8j} + u_{1j} \end{aligned}$$

The second stage equation (the main model)

$$\begin{aligned} (\text{ICC})_{ij} = & \beta_{ij} + (\text{education})x_{1j} + (\text{humanitarian feelings})x_{2j} + (\text{knowledge})x_{3j} + \\ & (\text{ethnicity})x_{4j} + (\text{interests by the international community})x_{5j} + u_{2j} \end{aligned}$$

The two models' independent variables differ because the existing theories have not included several primordial variables of the first stage in the second one. Thus, some of them are not included in the second stage equation. Moreover, for a Heckman model to produce unbiased and consistent estimators, at least one statistically-significant independent variable must be included in the first stage but not in the second stage. If no such independent variable exists, one of the other independent variables of least significance is deleted from the second stage model in order to satisfy the conditions of the Heckman model. Only the Afghan models need this modification.<sup>7 3</sup>

This paper first estimates the Heckman models, and then tests the null

hypothesis of  $\beta = 0$  for all cases. For the cases in which the null hypothesis is rejected, the estimations of the Heckman probit will be examined. For the ones in which it is not rejected, two regular probit models are estimated.

**Independent Variables of the First Stage:** The most significant independent variable of this paper is the knowledge of the Geneva Conventions. The question asks the respondents whether they had heard of the Geneva Conventions. This variable is coded 1 for “yes” responses and 0 for “no” responses.

Binary primordial variables, including combatant status, ethnicity, or wartime partisanship, are coded 1 for “yes” responses, and 0 for “no” responses. Several individual ethnic groups are recoded as binary ones. Only in the Georgian survey, Abkhaz and Russians are combined to reduce 0 cells. These two groups also took similar political lines to fight the Georgian army during the war. When the variables denoting minority regions do not highly correlate with ethnicity variables, the former is included in the models along with the latter, because the violence targeted at the particular regions might create a peculiar propensity for political action. These regions include, for instance, the northern region of Afghanistan, Mindanao in the Philippines, Southwest (former Biafra) in Nigeria, and Kwa Zulu Natal in South Africa.<sup>7 4</sup> Furthermore, the PoW project asks the respondents 12-13 items about disasters experienced during war, including forced migrations, the murder of family members, torture, or sexual abuse. This paper collects the numbers of “yes” responses of these questions, thus creating the variables denoting the number of disasters experienced during war.<sup>7 5</sup> The variables of educational levels are continuous.

The PoW project includes several variables that target humanitarian feelings. These questions include, “Do you agree with torturing prisoners?” “Do you agree with

depriving civilians of food, water, and medicines?” and “Do combatants deserve to die?” The first two questions appear on split-questionnaires in which half of the samples are asked about the impartial prisoners or citizens, while the other half are asked about the partisan prisoners or citizens. Only the third question is asked to the entire samples of respondents, with the exception of a few cases. As a result, this paper uses the responses of the third question as an indicator of moral feelings in order to keep the samples intact. The responses indicating that combatants do not deserve to die are coded as 1, while those who deserve to die appear as 0.

**The Second Stage Independent Variables:** The variables included in both the first and second steps, such as ethnicity, knowledge, and moral feelings are coded in the same manner. In the second stage, the respondents’ perceptions of benefits obtained through the international community are included. The Bosnian questionnaire asked whether the United Nations Protection Forces (UNPROFOR) improved or worsened the respondent’s personal life. In Cambodia, Georgia, Lebanon, and Somalia, respondents were asked how the humanitarian interventions of the United Nations Transitional Authority in Cambodia (UNTAC), the United Nations Mission in Georgia (UNOMIG), the United Nations Interim Forces in Lebanon (UNIFIL) or the United Nations Operation in Somalia (UNOSOM) had affected the respondents’ personal lives.<sup>7 6</sup> The responses are coded as 1 (=worse), 2 (=no difference), and 3 (=better). The reference category is 1. The responses of these questions are analyzed as indicators of the respondents’ perceptions of benefits provided by the international community.

Since no humanitarian intervention has taken place in other countries, this paper uses the question of who played the biggest role in ending mistreatment as a proxy variable for understanding their perceptions of the benefits they received from

the international community. This question is asked of the entire sample and enumerates the military, the UN, the ICRC, the government, and religious leaders among others as answer choices. This study recodes the responses recording the international community, as embodied in institutions such as the UN and the ICRC, as 1. Domestic institutions, such as the government, the military, and the religious organizations appear as 0.<sup>77</sup>

**Table 3**

**Weighted Averages of the Independent Variables**

	Afghan	Bosnia	Cambodia	Columbia	El Salvador	Georgia	Israel	Lebanon	Nigeria	Philippines	Somalia	S. Africa
Knowledge of GC	0.28 (.016)	0.82 (.012)	0.95 (.009)	0.33 (.012)	0.35 (.035)	0.41 (.019)	0.44 (.021)	0.63 (.021)	0.81 (.015)	0.12 (.007)	0.80 (.020)	0.59 (.021)
Moral feelings	0.86 (.012)	0.91 (.008)	0.96 (.008)	0.89 (.008)	0.08 (.009)	0.86 (.013)	0.54 (.021)	0.86 (.015)	0.84 (.013)	0.92 (.007)	0.81 (.019)	0.85 (.014)
UNPROFOR		-2.25 (.032)	2.87 (.019)	-----	-----	2.38 (.012)	-----	2.33 (.044)	-----	-----	2.45 (.040)	-----
IO ends disasters	0.84 (.014)	-----	-----	0.57 (.013)	0.61 (.016)	-----	0.43 (.021)	-----	0.59 (.018)	0.32 (.011)	-----	0.41 (.020)
# of war disasters	5.45 (.094)	2.92 (.079)	4.25 (.084)	0.62 (.038)	2.00 (.069)	2.02 (.083)	2.28 (.100)	3.30 (.101)	3.13 (.128)	0.61 (.035)	5.00 (.133)	0.96 (.059)
Education	5.68 (.182)	8.21 (.117)	5.86 (.103)	8.45 (.117)	8.56 (.178)	11.71 (.124)	11.72 (.214)	10.04 (.253)	9.62 (.165)	8.77 (.115)	4.18 (.144)	7.59 (.183)
Combatant	0.24 (.013)	0.29 (.013)	0.15 (.013)	0.07 (.006)	0.08 (.009)	0.10 (.011)	0.54 (.020)	0.16 (.015)	0.10 (.011)	0.03 (.004)	0.25 (.017)	0.05 (.006)
Woman	0.52 (.017)	0.50 (.015)	0.45 (.018)	0.49 (.013)	0.48 (.016)	0.47 (.018)	0.50 (.020)	0.48 (.020)	0.49 (.018)	0.50 (.012)	0.55 (.021)	0.48 (.018)
Taking sides	0.39 (.016)	0.85 (.012)	0.22 (.016)	-----	0.14 (.011)	0.74 (.016)	0.73 (.019)	0.40 (.019)	0.63 (.020)	0.08 (.006)	0.56 (.021)	0.37 (.018)
Ethnicity/ regions	0.20 (.013)	0.31 (.013)	0.09 (.010)	0.87 (.009)	0.35 (.015)	0.25 (.015)	0.48 (.020)	0.50 (.020)	0.39 (.018)	0.23 (.009)	0.17 (.016)	0.14 (.008)
	(North)	(Serbs)	(Sino-Khmer)	(Christian)	(San Salvador)	(Abkhaz-Rus)	(OT/AT)	(Christian)	(Ibo)	(Mindanao)	(Somaliland)	(White)
		0.44 (.015)				0.52 (.018)		0.36 (.020)	0.11 (.011)		0.46 (.021)	0.75 (.012)
		(Bosniaak)				(Georgian)		(Moslem)	(Hausa)		(Kismayor)	(Black)

(Parentheses are standard errors. Only educational levels and the number of experienced war disasters are continuous, while others binary except for the variable of the UNPROFOR that scales 1-3. The Cambodian, the Georgian, the Lebanese, and the Somali questions substitute for the perceived roles of the UNTAC, the UNOMIG, the UNIFIL, and the UNOSOM, respectively. OT/AT in Israel means the occupied territories. Abkhaz-Rus means Abkhaz and Russian. Although other regional variables are included in the Lebanese models, the descriptive statistics are omitted, because they are proportional to population distribution.)

Table 3 shows the weighted averages of the independent variables. The most relevant one is the knowledge of the Geneva Conventions. While the weighted averages of Bosnia (0.82), Cambodia (0.95), and Somalia (0.80) are very high, those of Afghanistan (0.12) and the Philippines (0.12) are very low. The Geneva Conventions are well known in Afghanistan, a traditional Islamic society, while few respondents knew of them in Somalia. Also, the weighted averages of Georgia (0.44) and Israel (0.44) are low, despite the fact that the educational levels of those countries are relatively high. These facts suggest that the average knowledge of the Geneva Conventions has been partially influenced by the extent to which the international community intervened into the conflicts, and not by educational levels or culture. It should be noted that these varying levels of knowledge of the Geneva Conventions across the world suggest that there is not predetermined reason for the coefficients of knowledge to be statistically significant in all prior cases.

The weighted averages of moral responses toward the question about whether combatants deserve to die, was very high in every case. An exception is Israel whose weighted average is 0.54. The perceived evaluations of the UNPROFOR in Bosnia amount to 2.25, while those of the UNTAC in Cambodia are 2.87. One explanation for this pattern is that a fair number of the respondents in Bosnia-Herzegovina included Serbs, who were critical of the UNPROFOR's role. In Cambodia, where the UNTAC played a significant role in hammering out the collaboration among three major political factions before 1999, the survey shows high evaluations among the respondents toward the UNTAC.

For the question of who played the biggest role in ending mistreatment, the weighted averages of Afghanistan (0.84) and El Salvador (0.61) are high, while that of

the Philippines (0.32) is low. This is due to the fact that many Afghan respondents praise the international humanitarian organizations, while many Filipinos have chosen the military as the organization with the biggest role in ending mistreatment. Finally, the weighted averages of the experienced war disasters of Afghanistan (5.25) and Cambodia (5.00) turned out to be higher than those of Cambodia (4.25), where massacres are often expressed as “the killing fields.” In contrast, those of Colombia (0.62) and the Philippines (0.61) are quite low. These differences suggest that the entire territory of the former countries turned into battlefields, while battles remained low intensity war or were confined to small local areas.

#### 4. Results of Estimations

**Table 4 Results of Estimations (Knowledge of the Geneva Conventions)**

	Afghanistan	Bosnia-Herzegovina	Cambodia	Columbia	El Salvador	Georgia	Israel
Models	Heckman probit	two separate probit	two separate probit	two separate probit	two separate probit	wo separate probit	two separate probit
<b>ICC (the Second Stage)</b>							
intercept	-2.29 (.33)***	-.87 (.38)**	.08 (.75)	-.138 (.22)***	-1.12 (.28)***	-1.20 (.48)**	-.33 (.41)
knowledge	.30 (.15)**	.43 (.18)*	.66 (.23)***	.59 (.10)***	.34 (.14)**	.05 (.16)	-.17 (.28)
moral	.66 (.29)**	-.01 (.28)	.71 (.48)	.01 (.14)	.28 (.25)	-.34 (.22)	.06 (.24)
education	.03 (.01)***	.03 (.02)*	.03 (.03)	.04 (.01)***	.01 (.01)	.06 (.02)**	-.01 (.02)
UNPROF	-.20 (.20)	-.06 (.22)(2)	-1.41 (.66)**(2)	.10 (.09)	.21 (.14)	-.19 (.31)(2)	.19 (.16)
		.20 (.23) (3)	-.99 (.54)* (3)			-.07 (.31)(3)	
Ethnicity	-----	-.25 (.18)b	-.46 (.30)d*	.03 (.14)e	.03 (.15)f	-.24 (.23)g	1.29 (.24)i***
		.42 (.18)**c				.01 (.21)h	
<b>Selection Equation (the First Stage)</b>							
intercept	-.28 (.24)	-.04 (.27)	-.68 (.41)	.40 (.18)**	.67 (.18)***	.51 (.31)*	-.22 (.32)
knowledge	.87 (.13)***	.79 (.13)***	.68 (.14)***	.34 (.09)***	.38 (.11)***	.51 (.12)***	.46 (.15)***
moral	-.01 (.17)	.29 (.17)*	.09 (.35)	-.04 (.12)	-.16 (.16)	-.03 (.20)	.26 (.20)
women	-.02 (.12)	-.01 (.12)	-.08 (.13)	-.24 (.08)***	-.57 (.10)***	-.34 (.12)***	.04 (.12)
education	.02 (.01)*	-.02 (.01)	.03 (.02)	.01 (.01)	.01 (.01)	.004 (.02)	-.003 (.02)
combatant	.23 (.14)	.12 (.12)	.26 (.18)	.26 (.17)	.08 (.19)	.10 (.27)	.10(.13)
take sides	.01 (.14)	-.27 (.18)	.41 (.15)***	-----	-.03 (.15)	-.11 (.13)	.21 (.14)
# disasters	-.01 (.01)	.11 (.02)***	.11 (.03)***	-.04 (.03)	.02 (.02)	.08 (.03)***	.07 (.03)
ethnicity	.46 (.13)a***	-.03 (.11)b	.61 (.21)d***	.24 (.11)e	-.32 (.10)f***	.28 (.19)g	-.28 (.23)i



combatant	.13 (.18)	.16 (.20)	.11 (.19)	.38 (.20)*	-.15 (.20)
take sides	.02 (.13)	.10 (.13)	.17 (.13)	-.15 (.19)	.11 (.14)
# disasters	.05 (.03)*	.05 (.02)**	.09 (.02)***	.01 (.03)	.14 (.04)***
ethnicity	-.10 (.19)j	-.11 (.17)p	-.09 (.08)s	.66 (.22)l***	-.78 (.13)v***
	-.12 (.20)k	-.31 (.21)q		1.25 (.02)u***	-.05 (.16)w
	-.65 (.19)l***	.13 (.19)r			-.23 (.12)x**
	-.55 (.19)m				
	.35 (.19)n*				
	-.01 (.24)o				
	-----	-----	-----	.68 (.27)*	-----

( \* means the statistical significance at 10 %, \*\* at 5 %, and \*\*\* at 1 % levels. UNPROFOR means the respondents' evaluations of the humanitarian interventions in Cambodia, Bosnia-Herzegovina, Lebanon, and Somalia, while in other countries it denotes their evaluations who played the biggest role in ending mistreatments. In this rows, (2) means "no difference" [of my personal life], while (3) means "better." After the Heckman probit models had been estimated, and the null hypothesis are failed to reject, two separate equations have been estimated, and their results are reported. means the results of the results of the null hypothesis =0. Their coefficients are only reported, only when the Heckman models are needed. These are within the tolerable ranges [-1, 1]. A means North region, b Serbs, c Bosniaak, d Sino-Khmer, e Catholic, f San Salvador, g Abkhaz-Russian, h Georgian, i occupied territories, j Catholic, k Moslem, l Beirut, m Mountain Lebanon, n North, o South, p Ibo, q Housa, r southwest (former Biagra), s Mindanao, t Somaliland, u territories of the transitional government, v blacks, w whites, and x Kwa Zulu Natal. )

The primary purpose of this paper is to examine the effects of the knowledge of the Geneva Conventions upon the respondents' attitudes on international adjudication of war criminals. In the first step, the paper analyzes the factors which have influenced the respondents' attitudes on the rules of war. In the second step, it addresses the issue of what factors influenced their preferences for international adjudication, if they believed in the existence of rules of war. Table 4 demonstrates the results of the estimations. The independence of the two equations shows that Heckman probit models are needed only for the Afghan and Somali cases. For other cases, the two separate probit models are estimated.

**The Results of the First Stage Estimations:** The results demonstrate that knowledge has most consistently influenced the respondents' attitudes on whether they believe in the existence of rules or laws of war that, if breached, should require punishment. The other conditions remained at their means. All the coefficients of the knowledge variables of the Geneva Conventions were significant at 1 % levels, and the directions of all the coefficients are positive. This suggests that those who had heard of the Geneva Convention clearly tend to believe in the existence of important rules or laws of war whose violations require punishment. These findings are relevant, because they are the results, after having controlled for the educational levels and the number of experienced war disasters. Despite the fact that citizens and soldiers saw violence and inhumane actions during war, those who had heard of the Geneva Conventions agreed on the existence of rules of war whose violations are worth being punished across the twelve conflict zones. The Geneva Conventions have regulated wartime conduct, but have not defined various procedures for the impeachment of war criminals. These are two very different phenomena. Nonetheless, it is noticeable that

their knowledge convinced many respondents that these laws and rules of war were strong enough to punish wrongdoers, if broken.

The experience of war disasters has also tended to help respondents recognize the existence of important rules or laws of war that lay the basis for punishment. The coefficients of these variables are significant at 1 % level in Bosnia-Herzegovina, Cambodia, Georgia, the Philippines, Somalia, and South Africa, at 5 % in Nigeria, and at 10 % in Lebanon. All of these directions turned out to be positive. These results suggest that the more the respondents experienced war disasters, the more they tended to agree upon the existence of rules of war, all other conditions being the same. The war disasters led them to recognize the existence of laws of war that do not support personal revenge. In other words, they wish to acknowledge the limitations of war or the punishment of wrongdoers through legal frameworks because of the atrocities they had experienced.

The coefficients of variables dealing with morality are significant at 5 % in Lebanon, Nigeria, and South Africa. Although it is not surprising that the respondents with stronger moral feelings tended to agree upon the existence of rules of war, the coefficients of some cases are negative, while those of others show no statistical significance. In other words, the emotional propensities, such as moral feelings, are not appropriate for predicting the respondents' attitudes on laws or rules of war. Also, only very few coefficients of variables about combatant status and partiality were significant in the analysis of the first stage.

The variable of ethnic minorities or regions did not have consistent effects upon the respondents' attitudes regarding the existence of rule of law. For instance, the coefficient of the variable on the north region in Afghanistan is significant at 1 % level,

and the direction of this variable is positive. In the same manner, that of the Bosniak variable in Bosnia-Herzegovina is significant at 1 % level, while that of the Serb case is insignificant. The same is true for the Sino-Khmer in Cambodia. In Somalia, the coefficients of both Somaliland and the transitional government show statistical significance at 1 % level, and their directions are positive. These facts suggest that some respondents of certain minorities or native regions agreed upon the existence of important rules or laws of war under a certain political context, holding other conditions constant.

In contrast, the coefficients of the variables denoting ethnicity or regions are insignificant in Georgia, Israel, Nigeria, and the Philippines. In Lebanon, the variable associated with Beirut, where the most ferocious battles were fought during the war, is significant, but its direction is negative. In other words, in Beirut, the ferocious battles created a political culture among the residents in which the rules of war are not a major part. The same is true in South Africa, where the coefficients of the variables denoting blacks and Kwa Zulu Natal are significant at 1 % and 5 % levels, respectively. However, the directions of both coefficients are negative. This means that the fierce struggles of minorities for citizens' rights in South Africa left their leaders with mistrust over the existent of rules of war. These varying results suggest that the effects of these variables are inconsistent and spontaneous, compared with those of the knowledge of the Geneva Conventions.

**The Results of the Second Stage Estimations:** In the second stage, the question is asked only to those who had said "yes" to the first stage question on the rule of law. The primary interest here includes in the analysis of the factors that motivated the respondents' support for international jurisdiction of war criminals, rather than a

domestic one. The results also demonstrate that the knowledge of the Geneva Conventions has a consistent effect upon the attitudes of support for the ICC's jurisdiction. The coefficients of the variables denoting the knowledge of the Geneva Conventions are significant at 1 % level in Cambodia, Columbia, the Philippines, Somalia, and South Africa, and all the directions are positive. That is, those who had heard of the Geneva Conventions tend to support international adjudication rather than the domestic institutions in dealing with war criminals, all other conditions being the same. Those who knew of the Geneva Conventions recognized that the international community protected and implemented their principles. Thus, they seem to come to the conclusion that the ICC is an appropriate or a trustable instrument for the realization of the Conventions' ideals and for the conduction fair trials. If the variables, such as educational levels, were omitted, the effects of knowledge would be overstated, as more educated respondents are more likely to have more knowledge of the Geneva Conventions. Yet, the models here included the variables that seem to relate to the levels of the respondents' knowledge.

Also, the coefficients of moral feelings are significant at 5 % level only in Afghanistan and South Africa, while they turned out to be insignificant in other countries. Again, as the emotions or the moral feelings do not seem to have significant relations to the consideration of legal issues, their natures seem to differ substantially.

The models in the second stage also include variables about the respondents' perceptions of benefits received from the international community. Many coefficients of these variables do not show any statistical significance. For instance, those of Bosnia-Herzegovina, Georgia, and Somalia turned out to be insignificant. This is perhaps because the citizens' evaluations on the humanitarian interventions have

varied there.<sup>78</sup> In Bosnia-Herzegovina, both Serbs and Croats criticized the inconsistency of the international community's policies.<sup>79</sup> In Georgia, the role of the UNOMIC was regarded as biased against Abkhazia or Russians, due to the reference to the Georgian territorial integrity in every UN document. Consequently, the respondents of the Georgian survey, especially Abkhaz or Russians, seemed to respond negatively to the roles of UNOMIG. In Somalia, the mission of the UNOSOM turned into a disaster, as it was targeted by local factions. Having considered these results, it is not surprising that these humanitarian interventions did not produce clear and consistent attitudes regarding the roles of the international community among the respondents.

In contrast, those of Cambodia and Lebanon are statistically significant at 5 % level, but their directions are negative. The reference category of this variable is associated with a decline in the personal lives of the respondents due to the humanitarian interventions (=1). In other words, those who identified "no difference" or "improvements" of their personal lives through humanitarian interventions of the UN tended to prefer the domestic jurisdiction to that of the ICC, in contrast to those who had thought of worsening their personal lives. This is not because those who felt improvements in their personal lives did not trust in international adjudication. Rather, they thought that the domestic institutions could achieve the fair trials, given the reconstruction and the recovery of the domestic legal institutions in Cambodia and Lebanon.

Finally, the coefficients of several variables relating to ethnicity and regions show significant results. In Bosnia-Herzegovina, the Bosniak variable is significant at a 5 % level, and its direction is positive. This means that the Bosniak prefers

international over domestic jurisdiction, all other conditions the same. As the domestic institutions in Bosnia-Herzegovina, including domestic courts, were not sufficiently reconstructed in 1999, virtually no trust in domestic institutions exists among its citizens. Furthermore, considering the conviction history of Serbian war criminals in the ICTY, it is understandable that more Bosniak prefer the ICC to domestic institutions.<sup>80</sup>

In Israel, the coefficient of the variable denoting the occupied territories is significant at the 1 % level. Not only is its direction positive, but its magnitude turns out to be the largest of all the coefficients. This means that the majority of the occupied territories wish for the ICC's jurisdiction, other conditions the same. Also, virtually no functioning domestic institutions, such as the government, court, or military, existed in Palestine in 1999.<sup>81</sup> Thus, virtually all of the Palestinians preferred the international court for the punishment of war criminals. In Nigeria, even thirty years after the termination of the Biafran war, the coefficients of variables denoting Ibo or the southwest region, including former Biafra, are significant at the 5 % level. Their directions are positive, which means that they prefer the ICC's jurisdiction to the domestic jurisdiction. These facts suggest that the history of the Nigerian civil war, which witnessed more than one million deaths due to famine or forced deportations, still evokes traumatic memories in the mindsets of minority citizens.<sup>82</sup>

In Somalia, the coefficients of variables denoting northern Somaliland and the transitional government's region are significant at the 1 % level, and their directions are positive. The reference categories of these independent variables are other regions. The respondents of these regions prefer international rather than domestic adjudication, all other conditions remaining equal. This fact suggests that the respondents of

southern regions like Kismayo prefer domestic, not international institutions. That is, southern Somalia was a hotbed of the fundamentalist Islamic Court, which had once sought to conquer the capital of Mogadishu to enforce Sharia law over their occupied territory. The international community harshly criticized their regime and the imposition of the Islamic criminal code. Reflecting on this history, the respondents of southern Somalia exhibit attitudes of anti-internationalism, and thus seemed to push challenge the attitudes of internationalism displayed in other regions, even those of former separatist Somaliland.<sup>8 3</sup>

## **5. Further Tests of Robustness**

This paper will now test the robustness of the above estimations by replacing the independent variables or the estimation models. First, since the contents of the Geneva Conventions are quite complicated, it is often argued that only a few specialists can understand their precise meanings. Certainly, these social surveys concern the attitudes or the knowledge of the respondents of general principles of the Conventions, not the precise contents or interpretations of articles.

The PoW project evaluates whether the respondents' knowledge of the Geneva Conventions is accurate. That is, only when the respondents had heard of the Geneva Conventions, were the interviewers directed to inquire about the contents of the Geneva Conventions.<sup>8 4</sup> When the respondents had at least referred to the limitations of war, the interviewers were supposed to code these responses as accurate ones. Because the Geneva Conventions cover a wide scope, including the humanitarian treatments of prisoners of war, not all aspects can be summarized by sole reference to the limitations of war. Consequently, while the interviewers mistakenly interpreted the correct references of the Conventions, such as the humanitarian treatment of prisoners of war,

as the wrong responses, this paper uses the variable of a simple knowledge of the Geneva Conventions as the main independent variable. Yet, since the limitations of war certainly constitute the major aspect of the Geneva Conventions, this paper replaces the variable regarding an accurate reference to the limitation of war with one based on a simple knowledge of the Convention. This study discusses how the results of estimations have differed from those of the original variable.

For this purpose, this paper recodes the responses, referring to the limitations of war as 1 (=accurate), while those of either not referring to them or of not knowing the Geneva Conventions at first hand as 0, thus creating a binary variable.<sup>8 5</sup> After having replaced it with the variable denoting a simple knowledge of the Conventions, the models were estimated with the same independent variables, except for this replaced one.

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**Table 5 Results of Estimation (Knowledge of the Geneva Conventions with Reference to Limitations of War)**

	Afghanistan	Bosnia-Herzegovina	Cambodia	Columbia	El Salvador	Georgia	Israel
Models	Heckman probit	two separate probit	two separate probit	two separate probit	two separate probit	wo separate probit	two separate probit
<b>ICC (the Second Stage)</b>							
intercept	-1.92 (.37)***	-.73 (.35)**	.68 (.77)	-1.23 (.21)***	-1.11(.28)***	-.89 (.53)*	-.32 (.41)
knowledge	-.04 (.17)	.50 (.19)***	.76 (.25)***	.52 (.10)***	.38 (.15)**	-.16 (.17)	.22 (.17)
moral	.73 (.32)**	-.13 (.29)	.50 (.53)	.10 (.10)	.27 (.26)	-.51 (.22)**	-.05 (.25)
education	.04 (.02)***	.03 (.02)	.02 (.03)	.05 (.01)***	.01 (.01)	.05 (.02)**	-.03 (.02)
UNPROF	-.27 (.23)	-.07 (.22)(2)	-1.48 (2)**	.10 (.10)	.23 (.14)*	-.10 (.35)(2)	.18 (.17)
		.21 (.22)	-1.24 (3)**			.10 (.35)(3)	
ethnicity	-.04 (.20)	-.20 (.18)b	-.47 (.31)d*	-.01 (.14)e	.08 (.15)f	-.67 (.25)g ***	1.31 (.25)i***
		.47 (.19)**c				.01 (.21)h	
<b>Selection Equations (the First Stage )</b>							
intercept	-.24 (.21)	.25 (.28)	-.70 (.41)*	.35 (.17)**	.64 (.18)***	.26 (.28)	-.21 (.32)
knowledge	.91 (.12)***	.71 (.11)***	.65 (.18)***	.41 (.10)***	.44 (.14)***	.62 (.16)***	.56 (.13)***
moral	.10 (.15)	.32 (.16)**	.09 (.35)	.02 (.12)	-.13 (.15)	-.06 (.18)	.28 (.21)
women	-.13 (.11)	-.22 (.12)	-.10 (.13)	-.22 (.01)**	-.69 (.10)***	-.28 (.12)**	.16 (.13)
education	.02 (.01)**	-.003 (.01)	.04 (.02)	.01 (.01)	.01 (.01)	.03 (.02)*	-.001 (.02)
combatant	.18 (.13)	-.03 (.12)	.26 (.18)	.38 (.17)**	.07 (.19)	.15 (.27)	.14 (.13)
take sides	.03 (.12)	-.39 (.20)**	.39 (.15)	-----	-.002 (.15)	-.23 (.13)*	.21 (.15)
# disasters	.01 (.02)	.10 (.02)***	.12 (.03)***	.02 (.03)	.02 (.02)	.10 (.03)***	.03 (.03)
ethnicity	.37 (.12)a***	.01 (.12)b	.50 (.21)d**	.22 (.11)e**	-.30 (.10)f***	.17 (.19)g	--.17 (.23)i
		.46 (.14)c***				-.05 (.16)h	

	Lebanon	Nigeria	Philippines	Somalia	South Africa
Models	two separate probit	two separate probit	two separate probit	Heckman probit	two separate probit
<b>ICC (the Second Stage)</b>					
intercept	.60 (.67)	-1.50 (.34)	-1.75 (.27)***	.09 (.25)	-1.82 (.34)***
knowledge	.15 (.24)	.66 (.18)***	.06 (.18)***	.25 (.17)	.66 (.20)***
moral	-.43 (.30)	.31 (.26)	-.11 (.22)	-.05 (.18)	.55 (.24)
education	.02 (.03)	.02 (.02)	.05 (.01)***	.002 (.02)	.08 (.02)***
UNPROF	-.79 (.44)(2)* -.72 (.43)(3)*	.72 (.18)***	.18 (.13)	.06 (.11)	.11 (.16)
ethnicity	.05 (.34)j .32 (.38)k .28 (.41)l .14 (.32)m -.41 (.31)n -.17 (.38)o	.38 (.20)p* .07 (.27)q .41 (.20)r**	-.16 (.16)s	.09 (.24)t -.23 (.19)u	-.18 (.20)v .30 (.21)w .05 (.18)x
<b>Selection Equation (the First Stage)</b>					
intercept	-.83 (.29)	-.90 (.22)***	-.42 (.14)***	-.42 (.27)**	-.36 (.21)*
knowledge	.15 (.13)	.97 (.15)***	.63 (.14)***	.53 (.17)***	.65 (.19)***
moral	.35 (.16)**	.40 (.15)***	-.03 (.11)	-.03 (.17)	-.16 (.20)
women	-.15 (.11)	-.14 (.12)	-.08 (.06)	.02 (.11)	-.27 (.11)
education	.07 (.01)***	.02 (.01)*	.03 (.01)***	.02 (.01)	.04 (.02)***
combatant	.14 (.18)	.25 (.19)	.06 (.19)	.13 (.12)	-.16 (.20)

take sides	-.02 (.13)	.14 (.12)	.18 (.13)	-.07 (.11)	.14 (.13)
# disasters	.05 (.02)**	.06 (.02)**	.09 (.02)***	.01 (.01)	.13 (.03)***
ethnicity	-.11 (.17)j	-.10 (.17)p	-.12 (.08)s	.57 (.20)l***	-.84 (.12)v***
	-.06 (.19)k	-.32 (.20)q *		.99 (.15)u***	-.00 (.15)w
	-.72 (.18)l***	.07 (.18)r			-.27 (.11)x**
	-.38 (.17)m**				
	.38 (.17)n**				
	.20 (.23)o				
	-----	-----	-----	.68 (.27)*	-----

( \* means the statistical significance at 10 %, \*\* at 5 %, and \*\*\* at 1 % levels. UNPROFOR means the respondents' evaluations of the humanitarian interventions in Cambodia, Bosnia-Herzegovina, Lebanon, and Somalia, while in other countries it denotes their evaluations who played the biggest role in ending mistreatments. In this rows, (2) means "no difference" [of my personal life], while (3) means "better." After the Heckman probit models had been estimated, and the null hypothesis are failed to reject, two separate equations have been estimated, and their results are reported. means the results of the results of the null hypothesis =0. Their coefficients are only reported, only when the Heckman models are needed. These are within the tolerable ranges [-1, 1]. A means North region, b Serbs, c Bosniaak, d Sino-Khmer, e Catholic, f San Salvador, g Abkhaz-Russian, h Georgian, i occupied territories, j Catholic, k Moslem, l Beirut, m Mountain Lebanon, n North, o South, p Ibo, q Housa, r southwest (former Biagra), s Mindanao, t Somaliland, u territories of the transitional government, v blacks, w whites, and x Kwa Zulu Natal. )

Table 5 shows the results of estimations after having replaced the variable denoting the knowledge of the Geneva Conventions with reference to the limits of war. The main purpose of the analysis in this essay is to test the robustness of previous findings, especially the effects of the knowledge of the Geneva Conventions. In that vein, the discussions here will focus on how the coefficients of this variable have differed from the previous ones.

In the first stage, the effects of the knowledge kept the statistical significance at the 1 % level in all the cases except for that of Lebanon. Their magnitudes hardly differ from those with the previous codification of the knowledge variable.

In the second stage, the coefficients of the variables relating to knowledge in Afghanistan, Lebanon, and Somalia lost statistical significance.<sup>8 6</sup> Nevertheless, those of Bosnia-Herzegovina and Nigeria have new significance at the 1 % level after replacing the independent variables with the previous ones. Also, those of Cambodia, the Philippines, and South Africa remain significant at the 1 % level, while that of El Salvador at remains significant at the 5 % level. While six out of twelve coefficients remain significant at the 1 % level, and one at the 5 % level, all of their directions remain positive. In sum, it is apparent that the variable of knowledge, although having been replaced with those referring to the limits of war this time, have shown most consistent and clear effects upon the dependent variables of the first and the second stages.

Since the possibility that the interviewers mistakenly assumed the accurate responses as the wrong ones could not be eliminated, even if the interviewees had mentioned the accurate principles of the Geneva Conventions, this paper uses the variable related to knowledge without referring to the limitations of war as a main

independent variable. Yet, the estimation results of Table 5 demonstrate that the former results showed sufficient robustness to claim the truly relevant effects upon the respondents' attitudes toward international adjudication of war criminals.

Also, when two separate probit models, rather than the Heckman probit, are sufficient, logit models have been estimated, because the dependent variables of both stages are binary. The significance and the directions of the coefficients did not differ much from those of the probit models.

## **6. Conclusions**

This paper has discussed the factors that influence citizens' attitudes on the adjudication of war criminals through the analysis of data collected by the ICRC across twelve war-torn societies. Data have been collected by multi-stage sampling methods, more specifically proportion-to-size probability sampling. The survey records showed that the staff took every effort to achieve the representative-ness of the population, thus their qualities are the best available for international comparative studies. The most important conclusion of this study is that the knowledge of the Geneva Conventions across the twelve war-torn societies has the most consistent effect on citizens' attitudes toward the international jurisdiction of war criminals. Although some of the other primordial variables turned out to be significant, the directions of their coefficients vary, and the statistical significance is spontaneous. In contrast, knowledge of the Geneva Conventions exerts much more consistent influences upon the citizens' mindsets. The relevance of the findings is summarized below.

First, the study has shown the significant effect of knowledge on citizens' and soldiers' attitudes. Existing studies which emphasize the influence of knowledge refer only to the attitudes or the behavior of policy elites or legal experts. In contrast, this

study has demonstrated its effects upon ordinary citizens and soldiers in war-torn societies.<sup>8 7</sup> Its effects upon citizens, even in the developed countries, remained a relatively ignored area, perhaps reflecting the volatility of mass politics.<sup>8 8</sup> This study, however, has shown that the knowledge of the Geneva Conventions led the citizens and soldiers to recognize the existence of important rules of war, and to prefer international to domestic jurisdiction as the proper set of institutions for punishing war criminals.

Second, this study has also demonstrated the significance of survey research in social science more generally. Most previous studies in civil war zones were based on the intentionally-selected interviewees, or snow-ball sampling.<sup>8 9</sup> Although these qualitative studies produced many interesting conclusions, they were never exempt from the criticism of partiality or non-representative-ness of the population. In contrast, this study has furthered the efforts of the recent social surveys based upon the scientific probability sampling.<sup>9 0</sup>

Third, this study also revealed the relevance of comparative studies in war-torn societies. While few studies of conflict zones were confined to the study of one country, this paper has analyzed data for twelve conflict zones.<sup>9 1</sup> The comparative studies go beyond the capacity of an individual or even a group of scholars in terms of personnel logistics or resources. Yet, this study was conducted by the ICRC team, which many citizens regarded as one of the most renowned and neutral organizations in the world. Thus, they demonstrated their capacity to incite the cooperation of interviewees. This is also a very unlikely feature for the surveys conducted by governmental organizations.

This study has demonstrated the significance and power of knowledge across twelve war-torn societies in which the scope and magnitude of civil war and post-war reconstruction have differed substantially. If the influence of knowledge had been

significant in only one country, the findings here would not be robust enough to claim more general applicability to other situations. Although we do not claim that the findings here can be generalized to the entire population, they could suggest some external validity.

The findings here are mostly encouraging for policy-makers, because they have suggested that the citizens' attitudes are malleable. There are two main schools of thought in comparative politics. One of them claims that political culture can be changed, while the other does not. If only primordial variables had the most consistent effects upon the citizens' attitudes, this would suggest that the citizens' attitudes are unlikely to change. If moral feelings or emotions were most significant, this would imply that the citizens' attitudes are likely to change in a more volatile manner. Yet, this study has shown that the knowledge is more likely to influence their attitudes on issues of war crimes. This suggests that citizens' political culture would change through the acquisition of knowledge. Moreover, their significant effects across twelve conflict zones suggest that these influences are more consistent and stable. Outreach campaigns for the promotion of legal norms or rules of war have not gotten enough attention, because they have often been regarded as unrealistic in the post-conflict setting. However, the results here have demonstrated that they have their own values in helping citizens to the significance of laws and rules even during civil war.

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<sup>1</sup> Jackson Nyamuya Maogoto, *War crimes and Realpolitik: international justice from world war I to the 21<sup>st</sup> century* (Boulder: Lynne Rienner, 2004). David Wippman and Matthew Evangelista, eds., *New wars, new laws? applying the laws of war in 21<sup>st</sup> century conflicts* (New York: Transaction Press, 2005).

<sup>2</sup> The following works on the issues of war crimes in the post-cold war era mostly discusses the attitudes of legal experts and international policy-makers. *Ibid.* Christopher Rudolph, "Constructing an atrocities regime: the politics of war crimes tribunals," *International organization* 55, 3, summer 2001, pp. 655-691.

<sup>3</sup> Data are archived at the Swiss Foundation for Research in Social Sciences (FORS).

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[http://www.unil.ch/fors/page59998\\_en.html](http://www.unil.ch/fors/page59998_en.html). Accessed on October 3, 2009.

<sup>4</sup> Greenberg, Inc., *The People on War report: ICRC worldwide consultation on the rules of war* (Geneva: International Committee of the Red Cross, 1999), p. iii. Reports are obtained from

[http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/greenberg\\_reports?opendocument](http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/greenberg_reports?opendocument).

Accessed on April 17, 2010.

<sup>5</sup> Stephen L. Lubkemann, *Culture in chaos: an anthropology of the social condition in war* (Chicago: Chicago University Press, 2008). Valery Tishkov, *Chechnya: life in a war-torn society* (Berkeley: University of California Press, 2004).

<sup>6</sup> <http://www.icrc.org/ihl>. Accessed on March 15, 2010.

<sup>7</sup> Timothy J. McKeown, "Case studies and the limits of the quantitative worldview," in Henry E. Brady and David Collier, eds., *Rethinking social inquiry: diverse tools, shared standards* (Lanham, Md.: Rowman & Littlefield, 2004).

<sup>8</sup> Maogoto, *op. cit.*, pp.16-20.

<sup>9</sup> *Ibid.*, pp. 4-5.

<sup>10</sup> *Ibid.*, p. 25. Edward Kwakwa, *The international law of armed conflict: personal and material fields of application* (Dordrecht: Martinus Nijhoff, 1995), pp. 9-16.

<sup>11</sup> J. D. Armstrong, "The International Committee of the Red Cross and political prisoners," *International organization* 39, 4, Autumn 1985, pp. 616, 619. Kwakwa, *op. cit.*, pp. 16-17.

<sup>12</sup> For documentation of the Geneva Conventions, see "The Geneva Conventions of 1949." <http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/genevaconventions>. Accessed on March 15, 2010.

<sup>13</sup> <http://www.icrc.org/ihl.nsf/WebART/365-570006>. Accessed on April 18, 2010.

<sup>14</sup> Kwakwa, *op. cit.*, pp. 19-20. Armstrong, *op. cit.*, pp. 627-628.

<sup>15</sup> Contents of Additional Protocol II turn out to be far simpler than those of Additional Protocol I.

<sup>16</sup> <http://www.icrc.org/ihl>. Accessed on March 16, 2010. Among 12 countries surveyed in the PoW project, Israel is not state parties of the Additional Protocol I, while the Philippines does not ratify Additional Protocol I. Yet, all the other countries are contracting parties of the Geneva Conventions and two Additional Protocols.

<sup>17</sup> A. D. Sofaer, "Terrorism and the law," *Foreign Affairs*, summer 1986, pp. 901-922.

<sup>18</sup> H. P. Gasser, "International humanitarian law, the prohibition of terrorist act and the fight against terrorism," in H. Fischer and Avril MacDonald, eds., *Yearbook of international humanitarian law*, volume 4, 2004. (the Hague: T. M. C. Asser Press, 2004), p. 341.

<sup>19</sup> Maogoto, *op. cit.*, pp. 21.

<sup>20</sup> *Ibid.*, p. 21-25.

<sup>21</sup> *Ibid.*, pp. 44-64.

<sup>22</sup> *Ibid.*, pp. 204-205.

<sup>23</sup> *Ibid.*, pp. Chapter 5. Rudolph, *op. cit.*, pp. 658-666. These tribunals were established as enforcement measures by the UN Charter 7.

<sup>24</sup> *Ibid.*, pp. 675-677.

<sup>25</sup> Maogoto, *op. cit.*, pp. 204-205. Benjamin N. Schiff, *Building International Criminal Court* (Cambridge: Cambridge University Press, 2008). The Rome Statute is available from below.

<http://www.icc-cpi.int/Menu/ICC/Legal+Texts+and+Tools/Official+Journal/Rome+Statute.htm>. Accessed on March 13, 2010.

<sup>26</sup> John R. Zeller, *The nature and origins of mass opinion* (Cambridge: Cambridge University Press, 1992).

<sup>27</sup> Mahnoush H. Arsanjani, "The Rome Statute of the International Criminal Court,"

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*American Journal of International Law* 99, 3 (January 1999), p. 23.

<sup>28</sup> Maogoto, *op. cit.*, p. 157.

<sup>29</sup> Kenneth Abott, "International relations theory, international law, and the regime governing atrocities in internal conflicts," in Beth Simmons, ed., *International law*, Vol. VI (Los Angeles: Sage, 2008), p. 229. For the details of these cases, see <http://www.icc-cpi.int/NR/rdonlyres/CFF1FA63-D6A9-4B32-A61A-595382684384/262893/475051.pdf5> .

<http://www.icc-cpi.int/NR/rdonlyres/1284FD72-D545-4CDC-98AF-1522E2C1789A/262865/475019.PDF>. Accessed on April 3, 2010.

<sup>30</sup> Rudolph, *op. cit.*, pp. 667, 670.

<sup>31</sup> Schiff, *op. cit.*, pp. 62-63.

<sup>32</sup> Tom W. Smith, "The polls: gender and attitudes toward violence," *Public opinion quarterly* 48, 3 (Autumn 1984), pp. 384-396. Nicholas L. Danigelis and Stephen J. Cutler, "Cohort trends in attitudes about law and order: who's leading the conservative wave," *Public opinion quarterly* 55, 1 (Spring 1991), pp. 24-49.

<sup>33</sup> Ian Bremmer and Ray Taras. Eds., *New states new politics: Building the post-Soviet nations* (Cambridge: Cambridge University Press, 1992). Anatol Lieven, *Chechnya: tombstone of Russian power* (New Haven: Yale University Press, 1998).

<sup>34</sup> For the notion of socialization, see, David Searing, "Theory of political socialization: institutional support and deradicalization in Britain," *British journal of political science* 16, 3 (summer 1986): 341-376. Liesbet Hooghe, "Several roads leads to international norms, but few via international socialization: a case study of the European Commission," *International organization* 59, 3 (Fall 2005),, p. 861-898.

<sup>35</sup> Peter Liberman, "An eye for an eye: public support for war against evildoers," *International organization* 60, 3 (Summer 2006), p. 688. Gary Jonathan Bass, *Stay the hand of vengeance: the politics of war crimes tribunal* (Princeton: Princeton University Press, 2000), pp. 246-275.

<sup>36</sup> *Ibid.*, pp. 688, 695.

<sup>37</sup> Darren Hawkins, "Protecting democracy in Europe and the Americas," *International organization*, 62, 2 (Summer 2008), pp. 373-403. Ellen L. Lutz and Kathryn Sikkink, "International human rights law and practice in Latin America," *International organization* 54, 3 (summer 2000), pp. 633-659.

<sup>38</sup> Hooghe, *op. cit.*. Pepper D. Culpepper, "The politics of common knowledge: ideas and institutional change in wage bargaining," *International organization* 62, 4 (Winter 2008), pp. 1-33. Lutz and Sikkink, *op. cit.*. Audie Klotz, *Norms in international relations: the struggle against apartheid* (Ithaca: Cornell University Press, 1995). Peter M. Haas, ed., *Knowledge, power, and international policy coordination* (South Carolina: University of South Carolina Press, 1992). Peter A. Hall, ed., *The political power of economic ideas: Keynesianism across nations* (Princeton: Princeton University Press, 1985).

<sup>39</sup> James D. Morrow, "The laws of war, common conjecture, and legal systems in international politics," in Beth A. Simmons, ed., *International law*, Vol. V (Los Angeles: Sage, 2008), p. 250.

<sup>40</sup> Liberman refers to the knowledge as an instrumental concern, and hardly emphasizes its role. See, Liberman, *op. cit.*, p. 688. Yet, not all studies on the mass politics de-emphasize the role of knowledge. For instance, "national historical memory on atomic bombs" are equivalent to knowledge here defined as inter-subjective understanding. See, Tanaka, *op. cit.*

<sup>41</sup> Kenneth Abott, "International relations theory, international law, and the regime governing atrocities in internal conflicts," in Simmons, ed., *op. cit.*, Vol. VI (Los Angeles: Sage, 2008), p. 229.

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- <sup>4 2</sup> Caroline Fehl, "Explaining the International Criminal Court: a practical test for rationalist and constructivist approaches," in Simmons, ed., *ibid.*, p. 265.
- <sup>4 3</sup> According to the report of PoW project, approximately 70 % of the Afghan respondents know of the red cross emblem, while only 17 % of the Somali respondents know of it. Yet, 53 % of them know of the red crescent emblem. See, Greenberg Inc., *op. cit.*, p. 55.
- <sup>4 4</sup> As this paper have already reminded, knowledge here does not mean that of detailed article of the treaties.
- <sup>4 5</sup> Ernst B. Haas, *The uniting of Europe: political, social and economical force 1950-1957* (London: Stevens & Sons Limited, 1958), p. 11.
- <sup>4 6</sup> Hooghe, *op. cit.* pp. 862-863.
- <sup>4 7</sup> Peter M. Haas, "Introduction: epistemic communities and international policy coordination," in Haas, ed., *op. cit.*, p.3. Peter M. Haas, "Banning chlorofluorocarbons: epistemic community efforts to protect stratospheric ozone," in *ibid.*, pp. 187-225. Emanuel Adler, "The emergence of cooperation: national epistemic communities and the international evolution of the idea of nuclear arms control," in *ibid.*, pp. 101-146.
- <sup>4 8</sup> Kathryn Sikkink, "The emergence, evolution, and effectiveness of the Latin American human rights network," in Elizabeth Jelin and Eric Hershberg, eds., *Constructing democracy: human rights, citizenship, and society in Latin America* (Boulder: Westview, 1996), pp. 59-84.
- <sup>4 9</sup> Abott, *op. cit.*, p. 229.
- <sup>5 0</sup> Abott, *op. cit.*, p. 229. Bass, *op. cit.*, pp. 33-34
- <sup>5 1</sup> *Ibid.*, pp. 29-30.
- <sup>5 2</sup> Robert Hayden, "Biased "justice": human rights-ism and the International Criminal Tribunal for the Former Yugoslavia," *Cleveland state law review* 47, 3, (Summer 1999), pp. 549-573.
- <sup>5 3</sup> James Meernik, "Victor's justice or the law? Judging and punishing at the International Criminal Tribunal for the Former Yugoslavia," in Simmons ed., *op. cit.*, Vol. VI, pp. 239-361.
- <sup>5 4</sup> Furthermore, the models of this paper also regresses the variables of humanitarian feeling in order to clarify the effects of knowledge in the second step.
- <sup>5 5</sup> The sub-contractors are mostly local private survey companies except for the Somali survey which a Kenyan firm became a sub-contractor.
- <sup>5 6</sup> Carl-Erik Sarndal, Bengt Swensson, Jan Wretman, *Model-assisted survey sampling* (New York Springer-Verlag, 1991), pp. 87-99.
- <sup>5 7</sup> Each case of the PoW project follows this procedure.
- <sup>5 8</sup> The Nigerian survey uses the population estimates of 1997 based on the census of 1991. The Philippines' survey uses the population estimates of 1998 based on the census of 1995. The Cambodian survey uses the general population survey of 1998, the Columbian one the adjusted census (no date is recorded, but it seems the census of 1995), the El Salvadorian one the adjusted population of 1995 based of the census of 1992, the Israeli one the adjusted population estimation of 1999 based on the census of 1995, and the Lebanese one the most recent census (date is unknown), respectively. The South African survey also has the records of population statistics of 1998.
- <sup>5 9</sup> "Technical appendix, quantitative research," no page, the PoW Georgian data file. Hans Anker, "Abkhazia: revised draft sample design (May 11, 1999)," no page, *ibid.*
- <sup>6 0</sup> Date is unknown. "(Draft) Methodology Somalia People on War," p.3, PoW Somalia data file.
- <sup>6 1</sup> "Sampling methodology for Federation of Bosnia and Herzegovina," PoW Bosnia file, no page.
- <sup>6 2</sup> Public Opinion and Marketing Agency Medium-Index, Ltd., "Sampling plan for the

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ICRC project in Republika Srpska, December 1998 (survey realized by “Medium”),” PoW Bosnia file, no page, footnote 1.

<sup>6 3</sup> No record remains on what information those allocations to a sub-unit have been undertaken. “Sampling Afghanistan People on War,” Afg38, 16 June 1999, PoW datafile.

<sup>6 4</sup> Weights are the inverse of the selection probability. Standardized weights are applied for the PoW project. Leslie Kish, *Sampling survey* (New York: Wiley, 1965).

<sup>6 5</sup> “Weighting”, no page, PoW Georgia data file.

<sup>6 6</sup> “(Draft) Methodology Somalia People on War,” p. 3. PoW Somalia data file.

<sup>6 7</sup> For the Afghan survey no record is deposited in data file on what basis samples are distributed.

<sup>6 8</sup> This study codes “DK” as 0, simply because “DK” answers also means the indecisiveness, not an explicit support, for the existence of rules of war. The codification of the first step dependent variable as a binary variable rather than ordinal one allows one to use the Heckman probit models. On the other hand, this paper does not unnecessarily reduce the sample numbers, because it does not code “DK” as missing values.

<sup>6 9</sup> This conforms to a direction of the questionnaire for all cases of the PoW project. However, in several cases the interviewers mistakenly ask the second stage question to those who had said “no” or “DK” for the first step question. The correct answers of these responses should be -3: INAP, that is, inappropriate to ask question. So, I had recoded these mistakes. On the other hand, even when the respondents had said “yes” to the first stage question, the interviewers code -3: INAP for their second stage question in some cases. Correctly, they should definitely ask the second stage question to these respondents. Although these mistakes are often found in the survey research, it is impossible to recode or recover them. So, the author of the paper recodes them as missing values in the second stage question.

<sup>7 0</sup> Stata Corp, *Reference manual A-H*, Stata 10 (Texas: Stata Press, 2007), pp. 553, 571-572. Donald S. Kenkel and Joseph V. Terza, “The effect of physician advice on alcohol consumption: count regression with an endogenous treatment effect,” *Journal of applied econometrics* 16, 3, (Summer 2001), pp. 165-184. William H. Greene, *Econometric analysis*, sixth edition (New Jersey: Prentice Hall, 2008), pp.897-898.

<sup>7 1</sup> The expressions here observe the following. Stata Corp, *op. cit.*, pp. 571-572. To estimate a Heckman probit, the dependent variables of both stages must be binary. I have set the critical points at 10 % level for this test in order to exclude the possibility of endogeneity of the selection. Usually, the statistical test is conducted at 5 % level, but there is no mathematical rationale for 5 % level cut-off point.

<sup>7 2</sup> If no dependent variable for selection models exists, the software automatically assumes that the missing observations are not selected. See, Stata, *op. cit.*, p. 571. Yet, as data have the variable for selection model, this study includes the dependent variable for selection.

<sup>7 3</sup> Only the Afghan models need this modification of the original models. Variable denoting North region is deleted from the second stage equation, because its p value turns out to be only 0.90.

<sup>7 4</sup> In contrast, the variables denoting Srpska Republika and Abkhazia in Georgia show multi-collinearity with the ones of Serbs and Abkhaz and Russians. In the Georgian data, ethnicity of Russians and Abkhaz are combined in order to reduce zero cells, as they had tended to show the similar political tendency during the Abkhaz war.

<sup>7 5</sup> In Israel, 18 questions on war disasters are asked. Yet, the responses of the first 13 questions that had been the same as the other cases are accumulated.

<sup>7 6</sup> These questions also take the split-questionnaire methods. While the first half

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asks the effects of the humanitarian interventions upon the entire country, the latter half asks their effect upon the personal life of the respondents. As the latter question more reflected the narrowly-defined interests, this paper uses it as an indicator of the perceptions of interests given by the international community.

<sup>77</sup> The response saying “nobody did anything” is coded as missing values.

<sup>78</sup> Carol McQueen, *Humanitarian intervention and safety zones: Iraq, Bosnia, and Rwanda* (Basingstoke: Palgrave Macmillan, 2005). Kenneth Rutherford, *Humanitarianism under fire: the US and the UN intervention in Somalia* (Sterling Vt.: Kumarian Press, 2008).

<sup>79</sup> McQueen, *op. cit.*.

<sup>80</sup> Bass, *op. cit.*, chapter 6.

<sup>81</sup> Nathan J Brown, *Palestinian politics after the Oslo Accords: resuming Arab Palestinian* (Berkeley: University of California Press, 2003). Jamil Hilal and Mushtaq Husein Khan, “State formation under the PNA: potential outcomes and their viability,” in Mushtaq Jusein Khan, George Giacaman, and Inge Amundsen, eds., *State formation in Palestine: viability and governance during a social transformation* (London: RoutledgeCurzon, 2004), pp. 64-119. BBC, “Profile: Somalia’s Islamic court,” <http://news.bbc.co.uk/2/hi/5051588.stm>. Accessed on April 11, 2010.

<sup>82</sup> Frederick Forsyth, *The making of an African legend: the Biafran story* (Middlesex, Penguin Books, 1977).

<sup>83</sup> BBC, “Profile: Somalia’s Islamic court,” <http://news.bbc.co.uk/2/hi/5051588.stm>. Accessed on April 11, 2010.

<sup>84</sup> Despite this instruction, the interviewers often mistakenly ask the respondents about the contents of the Geneva Conventions, even when they had told them not to hear of the Conventions. When these mistakes are found, the values are recoded as -3: INAP (inappropriate to ask), as the original instruction assumes.

<sup>85</sup> The values of the original variable are appeared in the responses of those who had told to hear of the Geneva Conventions. The original variable codes the responses that are not referred to the limitation s of war as 2 (=wrong [knowledge of the Conventions]).

<sup>86</sup> The reasons why the coefficients of the Lebanon case have lost the statistical significance in both stages remain unclear. Presumably, in the Lebanese case the interviewers had coded the responses as correct knowledge in a stricter manner than in other cases.

<sup>87</sup> Haas, *op. cit.*. Hooghe, *op. cit.*.

<sup>88</sup> Zeller, *op. cit.*. Liberman, *op. cit.*.

<sup>89</sup> Carolyn Nordstrom and Antonius C.G.M. Robben, *Field work under fire: contemporary studies of violence and survival* (Berkeley: University of California Press, 1995). Elisabeth Jean Wood, “Ethical challenges of field research in conflict zones,” *Qualitative sociology* Vol. 29, no. 3 (Summer 2006), pp. 307-341.

<sup>90</sup> Weinstein and Humphrey, “Handling and manhandling civilians,” *op. cit.*, p. 434.

<sup>91</sup> *Ibid.*.