

## Supplementary Information Appendix for: *How Activists Perceive the Utility of International Law*

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### Strategy Definitions:

Litigation strategies: initiate or support legal action against violators of treaty law or basic [human rights/environmental tenants]. For example, NGOs might fund lawsuits within key countries with the aim of using the courts to force government or other key actors to change policy.

Leverage strategies: call upon powerful actors to affect a situation where directly affected parties have less influence. For example, NGOs might pressure heads of state or opinion leaders such as celebrities to advocate for reform.

Accountability strategies: pressure powerful actors to comply with their previously stated policies or principles. For example, NGOs might “name and shame” a person, corporation or government responsible for [human rights abuses]/[environmental harms].

Information strategies: generate and share usable information through research and reporting. For example, NGOs might write reports and compile data sets about [human rights abuses]/[environmental degradation] and publicize them through the media and the internet.

Symbolic strategies: call upon salient symbols, actions or stories to frame the issue or persuade publics or governments. For example, NGOs might identify particularly salient [human rights abuses]/[environmental harms] and frame them as symbols of outcomes to be avoided.

Capacity building: help improve the capacity of key actors in the country to implement relevant actions. For example, NGOs might work with local actors to adopt particular policies or initiatives. NGOs might also design and implement technical assistance programs working with local governments and firms.

## **Recruitment**

Subjects from both policy areas (environment and human rights) were recruited primarily by email, attendance at high-level conferences, and in person. Subjects were obtained through a snowball sample method: The initial contacts were members of NGOs community that the authors or research assistants knew personally. Subsequent contacts were NGO members who were referred by the initial set of contacts.

For each policy area, Table 1 shows the number of subjects who were:

1. Invited to participate in the study, these subjects were given a private URL to take the study over the web.
2. Showed up at the study's website, but did not necessarily continue on to participate in the study.
3. Responded to at least 1 of the initial demographic questions, but did not necessarily make it to the main experiment.

4. Completed the first part of main experiment (on the overall effect of binding vs. non-binding law, but not necessarily all).
5. Completed all questions in the main experiment.

Because our experimental treatment is within-subject, attrition does not harm the internal validity of our study. The estimated difference between binding and non-binding agreements within each policy area is a valid measure of the average treatment effect for the sample of subjects who completed the study. However the attrition from initial recruitment to completion of the study further highlights the fact that our sample is a convenience sample of NGO professionals who self selected into participating. As we already note in the main text, this necessarily limits our ability to generalize our findings to the full population of NGO professionals in the domains of environmental and human rights policy. Yet, despite this shortcoming, there are still a number of things that can be learned from our study. First and foremost, we are able to show that in our sample of respondents, NGO professionals think international legal agreements have a substantial effect on their ability to influence policy within an important class of countries. Second, they clearly think that such agreements affect certain strategies more than others, and the consistency across policy domains further suggests that this ranking is not an idiosyncratic feature of one particular sample.

Table 1: Recruitment of Subjects

	<b>Human Rights</b>	<b>Environment</b>	<b>Total</b>
<b>Invited</b>	994	576	1570
<b>Opened Website</b>	232	195	427
<b>Completed <math>\geq 1</math> Demographic Questions</b>	153	125	278
<b>Completed 1<sup>st</sup> Part of Main Experiment</b>	132	111	243
<b>Completed All Parts of Main Experiment</b>	130	109	239

## Perceptions of Binding vs. Non-Binding Laws by Policy Area

Analysis in the main text shows that environmental NGO professionals typically perceive a difference between binding and non-binding agreements, and believe that the removal of the binding agreement would harm environmental NGO's effectiveness significantly more than the removal of the non-binding agreement. Meanwhile, with the exception of litigation, human rights professionals do not perceive a large difference between the binding and non-binding agreement.

Here, we further examine whether the difference in differences (between binding and non-binding law, across each policy area) is statistically significant, and whether this difference is still significant after we control for a number of demographic characteristics. Columns 1 and 2 of Table 2 show the average value of  $\Delta = b - n$ , where  $b$  is the perceived effect of removing the binding agreement and  $n$  is the perceived effect of removing the nonbinding agreement. Negative numbers mean that subjects, on average, thought removing the binding agreement would be more harmful than removing the non-binding agreement. For human rights professionals, there is only a significant difference in the area of litigation. Meanwhile, for environmental professionals, there is a significant difference on their organization's overall effectiveness, as well as the effectiveness of litigation, accountability, leverage, and symbolic strategies (capacity is also significant, but only at the  $p < 0.1$  level).

Column 3 shows the difference between Column 1 and Column 2. There is a significant difference in how environmental professionals see the overall effectiveness of binding vs. non-binding law (labeled *Main*). Environmental professionals are also more likely to believe that binding agreements do more to effect strategies of accountability and symbolic (the difference

for leverage is also significant, but only at the  $p < 0.1$  level). A similar difference exists for information and capacity strategies, but this is not statistically significant at conventional levels.

Table 2: Perceived Effect of Removing Binding Law Minus Perceived Effect of Removing Non-Binding Law

Mechanism	(1) Human Rights $\Delta$	(2) Environment $\Delta$	(3) Difference in $\Delta$ 's	N
<b>Main</b>	-3.01	-8.62***	5.61**	243
<b>Litigation</b>	-9.86***	-5.70**	-4.16	239
<b>Accountability</b>	-1.40	-7.11***	5.71**	239
<b>Leverage</b>	0.17	-4.37**	4.54*	239
<b>Symbolic</b>	1.04	-3.99**	5.03**	239
<b>Information</b>	1.36	-2.07	3.43	239
<b>Capacity</b>	-0.37	-3.48*	3.11	239

\*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$  according to a 2 tailed t-test (paired for columns 1 and 2)

Table 3 shows a series of OLS regressions where the dependent variable is the perceived effect of removing a binding agreement minus the perceived effect of removing a non-binding agreement ( $\Delta = b - n$ , where  $b$  is the perceived effect of removing the binding agreement and  $n$  is the perceived effect of removing the non-binding agreement). Similar to Table 2 above, negative coefficients mean that a 1 unit increase in the regressor is associated with subjects perceiving a more negative effect from removing the binding agreement (than from removing the non-binding agreement). Each regression controls for 3 organization level variables: whether the subject came from an environmental NGO (with human rights as the excluded category), whether the NGO had an annual operating budget of greater than 100 million dollars,<sup>1</sup> whether the subject's NGO

<sup>1</sup> We coded NGO budgets in this fashion because the relationship between NGO budget and perceptions of the law were extremely non-linear. The original variable was an ordered variable with different budget categories. However only the category of NGOs with a budget of more than \$100 million showed a significant correlation with our dependent variable.

was international (with its main headquarters located outside of the USA). Each regression also controls for 4 individual level variables: whether the subject had a law degree, whether the subject had a background in economics, subject's left right ideology (where higher values mean that subjects are more conservative), and whether the subject was female. We did not include a variable for the subject's income or their years of experience, as both variables are likely to be determined after the subject pursues a career at a particular type of NGO, and therefore could introduce significant post-treatment bias (Imai, King, and Stuart 2008; King and Zeng 2006).<sup>2</sup>

After including these controls, a subject's policy area is significantly associated with their view of binding vs. non-binding law on the question of overall effectiveness (Column 1 in Table 3) and on the question of symbolic strategies (Column 5 in Table 3), but it is no longer significantly associated with leverage and accountability mechanisms. However, the coefficient on *Environmental NGO* in each column is very similar to the difference in differences reported in Column 3 of Table 2 above. This indicates that the loss of significance on leverage and accountability mechanisms may simply be due to the fact that adding more regressors increases the standard errors. A larger sample would be necessary in order to assess this possibility.

Table 3 also indicates that NGO's operating budget, location, and subjects' ideology are significantly associated with whether subjects think that legal form moderates the impact of legal agreements on NGO effectiveness. Higher levels on most of these variables cause subjects to think that the removal of binding agreements has a larger negative impact on NGO effectiveness.

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<sup>2</sup> Conceivably, ideology could also change after a subject joins an NGO. However, studies of voting behavior typically find that ideology (along with party identification) is formed early in life and, for most, remains fairly stable over an individual's lifetime (Campbell et al. 1960; Johnston 2006).

The one exception is ideology. Higher levels on this variable mean a subject is more conservative, and the positive sign on this coefficient suggests that more conservative subjects are less concerned with the distinction between binding and non-binding law.

Table 3: OLS Regression on Perceived Effect of Removing Binding Law Minus Perceived Effect of Removing Non-Binding Law

VARIABLES	(1) Main	(2) Litigation	(3) Accountability	(4) Leverage	(5) Symbolic	(6) Information	(7) Capacity
<b>Environmental NGO</b>	-6.0** (3.02)	5.2 (3.42)	-4.7 (3.25)	-3.9 (2.77)	-6.0** (2.92)	-3.2 (2.50)	-2.0 (2.65)
<b>Budget &gt; 100m</b>	-11.7** (4.66)	-10.6** (4.32)	-5.0 (4.80)	-6.1 (4.55)	-4.6 (3.63)	-7.2* (3.91)	-5.6 (3.65)
<b>International</b>	-8.0** (3.21)	-1.2 (3.25)	0.4 (3.26)	-2.0 (2.48)	-4.3* (2.60)	-4.7** (2.38)	2.5 (2.58)
<b>Law Degree</b>	-7.8 (6.80)	-1.7 (7.32)	1.8 (7.13)	6.4 (4.36)	3.3 (4.72)	5.2 (7.58)	-1.5 (6.00)
<b>Econ Background</b>	4.4 (3.25)	0.2 (3.88)	-3.4 (3.85)	2.7 (3.37)	2.9 (3.08)	0.2 (2.72)	-2.4 (3.56)
<b>Ideology</b>	1.5* (0.76)	1.9** (0.80)	0.0 (0.87)	0.6 (0.80)	-0.5 (0.66)	0.7 (0.74)	0.3 (0.60)
<b>Female</b>	-1.8 (3.08)	2.0 (3.24)	-2.6 (3.29)	2.5 (2.66)	0.9 (2.70)	-1.6 (2.56)	-2.8 (2.75)
<b>Constant</b>	4.3 (6.08)	-21.7*** (5.80)	4.6 (5.72)	1.7 (5.04)	11.2** (5.17)	5.8 (4.97)	0.6 (4.72)
<b>Observations</b>	219	215	215	215	215	215	215
<b>R-squared</b>	0.088	0.045	0.030	0.036	0.059	0.045	0.034

White's Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

## Wording of Demographic Questions

### NGO Budget

Approximately what is your organization's annual operating budget (in US dollars)?

- Less than \$1,000,000
- \$1-5 million
- \$5-10 million
- \$10-50 million
- \$50-100 million
- More than \$100 million

### International?

In what country is your organization (country section) located?

- United States
- Other \_\_\_\_\_

### Education (Used to code whether subject had a law degree)

What levels of education have you obtained? Please choose all that apply.

- Less than High School
- High School / GED
- Some College
- 2-year College Degree
- 4-year College Degree
- Master's Degree
- Doctoral Degree
- Juris Doctorate
- M.B.A
- Other Professional Degree\_\_\_\_\_

### Background (Used to code whether subject had a background in economics)

Do you have advanced training (Master level or higher) in any of these fields? Please choose all that apply.

- Economics
- Business strategy
- Politics or political strategy
- Environmental studies



**Left Right Ideology (Taken from World Values Survey)**

In political matters, people talk of "the left" and "the right." How would you place your views on this scale, generally speaking?

- Left 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- Right 10

**Female**

Are you male or female?

- Male
- Female

**Years Experience (Reported in main paper, but not used in regressions)**

How many years of experience do you have working in your current field of work?

**Household Income (Reported in main paper, but not used in regressions)**

For this question, please take your best guess even if you do not know the exact answer. Please choose the total income earned by the adults in your household in the previous year. Feel free to skip this question if you are not comfortable answering it.

- \$0-\$24,000
- \$25,000-39,000
- \$40,000-54,000
- \$55,000 - \$69,000
- \$70,000 - \$84,000
- \$85,000 - \$99,000
- \$100,000 - \$149,000
- \$150,000 - \$199,000
- \$200,000 or more
- Don't know

## Subject Comments - Environment

After completing our manipulation check at the end of the study, subjects were given the opportunity to respond to the following question:

“Are there other significant ways that these two international legal agreements differ? If so, please explain.”

These are the comments left by professionals from environmental NGOs:

they're the same in that they require virtually nothing of anyone
Framework convention / - has less wide scope / - is technically much more complex and difficult to understand / - is more operational / - is a way to implement the Rio Declaration
One has an annual meeting involving ministers and senior officials which helps to keep it on the political and policy agenda.
From a practical perspective, the Rio Declaration has been in place far longer and has helped to articulate a focus on environment that has, to some extent, gained currency over time. It reflects a more embedded set of perspectives that resonate at local levels and with local populations on multiple fronts than the framework convention on climate. The framework is driven and informed more by the global science community than by the realities faced by local populations. It is also far narrower in its core focus on climate -- and climate is an abstract concept to most communities who are familiar with weather and don't think in relation to long-term average conditions. The Rio convention also embedded Indira Gandhi's emphasis on poverty and livelihoods as key characteristics. This makes it much more "real" to local populations than the framework convention
Many provisions in the framework convention are a lot more confusing than the Rio Declaration
Depends which countries we are talking about. I have assumed that an emerging democratic country is a non-Annex 1 signatory for the purposes of your survey.
Rio is not legally binding
I find this survey is comparing apples and oranges. One is a legally-binding treaty and the other is a non-legally binding declaration. The declaration is essentially meaningless, although some of the principles have been brought into international law and other environmental treaties.
I consider the Rio Declaration a more bottom-up approach taking into account civil society, whereas the UNFCCC is a top-down approach. There is consideration to civil society but I don't feel that it is effective.
Structure of UNFCCC separated countries into "camps" (Annex 1, non-Annex 1) which Rio did not. The separation has subsequently aggravated/exacerbated the dysfunctional

negotiations -- especially since China still claims non-developed status, as least as far as taking binding targets, which thereby gives the US an excuse for not taking binding targets either.
Major influence resulting from the Convention having a regular conference of Parties, which forces some action -- even if just to save face.
Both are aspirational agreements for a future vision of the world, both have difficult goals to achieve. UNFCCC would say it has a much more narrow focus - just climate - but reducing carbon emissions impacts the entirety of a country's economy and way of life. Rio Declaration embodies all pillars of social, environmental and economic, for all altruistic motivations, not just fighting climate change. Legally-binding nature of UNFCCC is distinguishing difference. Enforcement may be lacking in either case, but clearer pathways for political pressure to act exist under UNFCCC.
The Framework convention just seems to be slightly more legally binding.
One is legally binding and can be enforced and/or acted upon. The other is a document that outlines what countries aspire to but it is not binding and not enforceable.
Rio Declaration encompasses far more issues and is more broad than the Climate Change Convention. It is also less clearly defined in terms of goals and outcomes.
One has legal force and the other does not.
The Rio Declaration does not have the same active convention secretariat as the UNFCCC
The Convention has a legally binding force while the Rio Declaration does not
The Framework Convention has not been ratified by all governments which have signed the Rio Declaration
Without having detailed experience with these two agreements I am hesitant to answer this!
Rio is "soft" law whereas UNFCCC is an adopted convention / /
UNFCCC and international instruments with legal bindingness would normally require ratification process. / It is also very crucial to take into account that with the UNFCCC, there is also a negotiation PROCESS launched, which sustains the momentum of the issue of climate change (despite its ups and downs over the past few years). Whereas, the Rio declaration is much more vague in terms of its process (can be seen as a once in ten year time process).
As I recall, the Rio agreement was an "umbrella" declaration that covered many issues well beyond climate, including biodiversity, water quality and other issues that are handled under separate international agreements distinct from the Framework Convention on Climate Change, which is much more narrowly focused on emissions and issues related to climate change.
The UNFCCC is organic and can modify itself according to salient facts and political exigencies.
Well, the Rio declaration is a general statement that really has not been used by environmental NGOs at all in their campaigning.

As a lawyer, it is significant to me that for the UNFCCC, parties agreed to be legally obligated to the convention's terms. In contrast, the Rio Declaration is a great example of soft law and, along with Agenda 21, is part of the crucible from which the UNFCCC emerged; nonetheless, countries merely agreed to it in a meeting vote, and did not go back to their home countries and do the legal and political work of ratifying it into law. So for me, it is significant that the Rio Declaration forms part of the political and moral backdrop for the legal document that is the UNFCCC.
Strange choice. Why not consider Montreal protocol as well?
One is a declaration (soft law), the other becomes national law after ratified by governments. In essence they are different and have different effects.
One is a framework of intent, the other a binding agreement with clear recipients and clear payers based on the polluter pays principle.
UN-FCCC is less known to wider public
The FCCC is not widely known to the larger public who could weigh in the decision of their respective government; / The Rio Declaration although more widely known is not legally binding and as such lacks the necessary leverage to change polluters behavior
UNFCCC is much better known and more visible than Rio Declaration. UNFCCC has an ongoing implementation process, and Rio Declaration does not.

## Subject Comments – Human Rights

After completing our manipulation check at the end of the study, subjects were given the opportunity to respond to the following question:

“Are there other significant ways that these two international legal agreements differ? If so, please explain.”

These are the comments left by professionals from human rights NGOs:

The whole difference is to be legally binding or not, accountability demands and obligations versus mere moral pressure
The Universal Declaration of Human Rights is non-binding; however, if the treaty has been signed and ratified by a country, it is expected to abide by the terms and conditions set forth therein.
The UDHR is a broader outline of all human rights; the ICCPR addresses and outlines specific rights. The UDHR is, thus, much more holistic and intersectional, recognizing the interdependency of rights.
UDHR covers more issues but is aspirational. ICCPR narrower but states specific obligations a country to adhere to.
International Covenant came out of UDHR, if there was no UDHR most likley there would not have been International covenant. UDHR set the moral ground fro the others.

<p>Governments have ratified the covenant with reservation clauses that differ from nation to nation.</p>
<p>It seems odd to discuss only two components of the tripartite "International Bill of Human Rights" -- which includes the ICESCR as well as the ICCPR and the UDHR. Both the ICESCR and the ICCPR differ from the UDHR in that they have elected treaty bodies to oversee implementation. The treaty bodies (i.e., the Human Rights Committee for the ICCPR and the CESCR for the ICESCR) haven't necessarily done a great job ensuring that the treaties are observed - but they have effectively served as de facto jurists, interpreting and elaborating the treaties' intention. Their Comments are viewed as authoritative interpretations of the Covenants (and there is nothing comparable for the UDHR). In addition, both of the Covenants have an Optional Protocol that allows individual complaints, which can result in quasi-legal opinions from the treaty body.</p>
<p>UDHR is broader, older, more idealistic, and contains rights that still have insufficient legal treaty support. It covers more but is more useful as a statement of ideals than a building block for international legal precedent.</p>
<p>The Human Rights Committee provides a body of jurisprudence and other pronouncements that give clarity to obligations under the International Covenant on Civil and Political Rights.</p>
<p>In trams of country that I cover at [respondent's organization removed for anonymity], Turkey is a singatory to the most of clauses of the international covenant. However, because turkey's domestic legislation is written in a such a way, it needs more name and shame tactic to force the key leadership to fulfill obligations that Turkey signed for. Beyond observing actions on the ground in Turkey, as a human rights advocate, we must face frustration and work around international law depending on situations because there is always a limitation as to how much the international law can overcome the domestic law. There is no immediate international authority that can punish a country for not fulfilling the international obligation even if the country signs. As for Turkey, the European Convention on Human rights works better because the government can be fined and shamed although victims must invest so much of their money and time which creates unfair barden on victimes and not abusers. In addition, the fact that the US (which supposedly respect people's rights and freedom) hs been violating the international covenant does not help NGOs to criticize emerging countries' human rights violations.</p>
<p>I believe the Universal Declaration is more widely accepted and less controversial than the International Covenant, but also more difficult to enforce because of the wide range of issues it covers and the lack of a review mechanism.</p>
<p>Covenant seems to provide greater call for transparency and reporting.</p>
<p>International covenant seems more binding</p>
<p>One is thought more as defining the concepts and the other is the binding agreement to the concepts.</p>
<p>The International Covenant, as a framework, is still open for interpretation, although less then the Universal declaration, since it is more specific. Thus, the country can still interpret the law and apply it with reservations in the domestic law. Their difference would really only make much difference if the country's judiciary were independent , which is not the case for this country.</p>

Universal Declaration prescribes Universal principles of which most Governments feel obliged to comply as their it is general, while International Covenant need practical steps briscribed on specific issues that means compliance are measurable
Convenants are less popular and place less compulsion on member countries than the UDHR
there are no 'obligations' under the UDHR, so the Covenant will alway's trump it on state adherence
One is a legally binding treaty (for the members), the other is commonly seen as an expression of international customary law and binding as such for all members of the UN. So quite different. This also makes it difficult to answer the above questions (on this page) meaningfully.
One is legally binding and the other isn't
The UDHR covers ESC rights and CP rights so the full spectrum is explored. Granted it is still surface and not very specific but it allows for more breadth to be explored.
UDHR includes not just civil and political rights, but economic, cultural and social rights as well. The ICCPR is more detailed on the civil and political rights side.
the International convection is more explicit on matters of Civil and political Rights
The ICCPR has a monitoring mechanism on implementation through the Human Rights Committee to which States Parties submit regular reports on compliance with opportunity for NGOs to present alternative reports. This helps in somewhat enforcing compliance by States Parties through concluding observations of the Human Rights Committee which are used as a basis for advocacy at domestic level.
The Covenant almost doubles the number of articles. It is longer and more descriptive
UDHR covers a broader range of rights civil, political, economic, social and cultural rights + mention of social and international order+ respect rule of law and democratic society. it has gained significance with time. / ICCPR : mainly civil and political rights + treaty body mechanism and reporting.
#NAME?
General principles are more predominant in the universal declaration than in the Covenant.
THE INTERNATIONAL CVENANT IS MORESPECIFIC AND PRACTICAL
A Covenant has a legal and obligated dimension stronger to a declaration
The ICCPR is legally binding. The UDHR is not.
Many
International Covenant on Economic, Social and Cultural Rights
There is a UN body to supervise the implementation of the Covenant's obligation - UN Human Rights Committee. No body exists to supervise the implementation of the UDHR
Mechanisms for monitoring ICCPR offer more potential than UDHR.
The ways these agreements are seen depends on the national legal system.... is the UN Declaration accepted as customary international law? Is it enforceable in a national court or is it seen as a non-binding aspirational document? How does the constitution and national laws view international treaties? If equal or above the constitution, then the status of the ICCPR may be more fully enforceable.
All differences between binding and non binding instruments. / The covenant creates

the HRC, this is to say a procedure for its enforcement. /
On the nature and number of rights.
UDHR has symbolic importance but in terms of creating a discourse around binding legal obligations, the ICCPR is a preferable instrument to make reference to when demanding change from governments. However, in terms of public awareness raising and capacity building, references to the UDHR are equally as effective (and perhaps have greater resonance with a non-human rights familiar audience).
The main difference is the UDHR also contains cultural, social and economic rights. Also, the obligations of the ICCPR have been clarified and interpreted by the Human Rights Committee, which is also the presiding and enforcement body. The UDHR does not have a treaty body that can adjudicate compliance.
The international covenants envisage a collective way of rights administration, while the declaration focus mainly on special groups such as indigenous peoples.

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