

Supplementary Appendix to:

Reserving Rights: Explaining Human Rights Treaty Reservations

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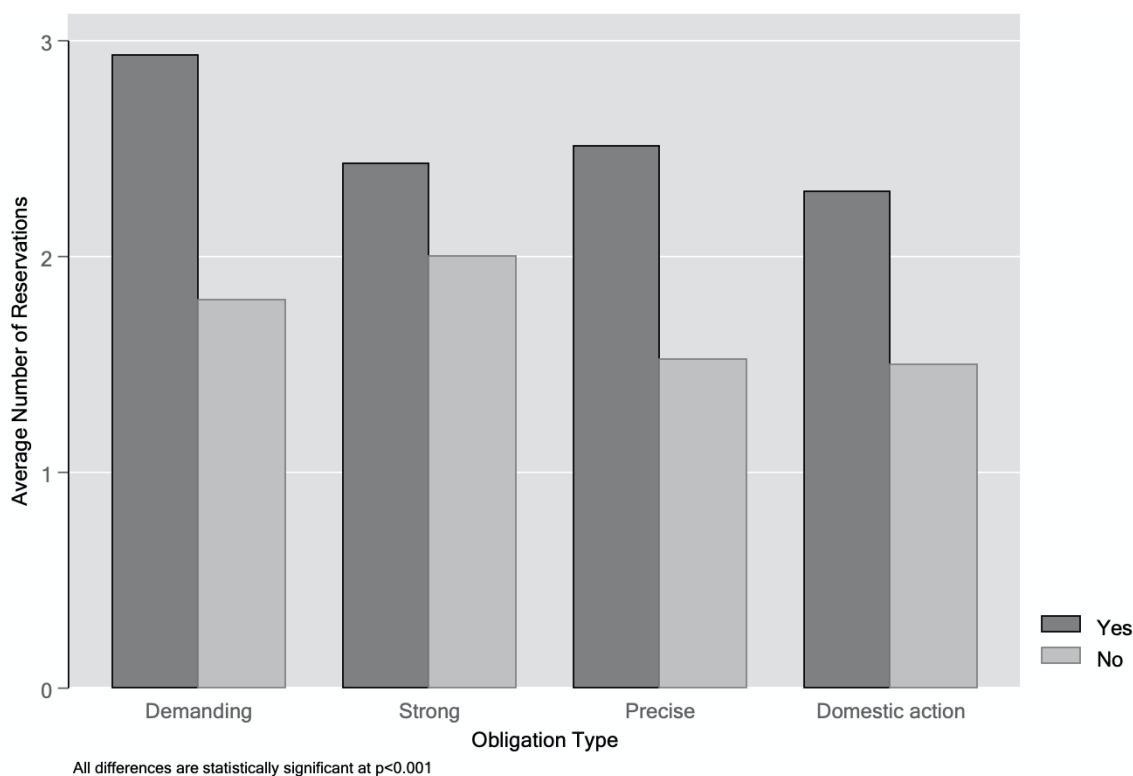
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Appendix A: Robustness Checks

A1 Individual Components of Demanding Provisions

In the main body of the text, we consider provisions as “demanding” if they are simultaneously strong, precise, and stipulate domestic action. In this supplementary appendix, we consider these separately. Our central argument is that states are more likely to enter reservations on demanding treaty obligations. We can also examine whether reservations are more likely when each of the components of demandingness is present individually. Figure A1 shows the average number of reservations for obligations of various types, for all ten treaties combined. The first set of bars depicts average reservations for demanding versus non-demanding obligations. The average number is substantially higher for demanding obligations and a t-test of the difference is highly significant. A similar finding holds for each of the components of demandingness. Strong obligations have more reservations on average than weak obligations, as do precise obligations compared to imprecise obligations, and obligations that require domestic action as compared to those that do not require domestic action. T-tests of these differences are all highly significant.

Figure A1: Average Reservations by Obligation Type



Next, we present the results of a disaggregated analysis of reservations against obligations that are either strong, precise, or stipulate domestic action, instead of all three at once. For ease of comparison, Model A1 (see Table A1, below) presents the results of Model 3 in the main analysis (see Table 2). Models A2 to A4 keep the same controls as Model A1 but respectively present provisions

that are strong, precise, or stipulate domestic action. Model A5 includes all three. We find that precise provisions and provisions that stipulate domestic action are positive and statistically significant predictors ($p < 0.01$) of reservations in both disaggregated and combined models. In contrast, while the relationship between strong provisions and reservations is positive, it is not statistically significant at a conventional error level. Control variables maintain their size, direction, and statistical significance, if any.

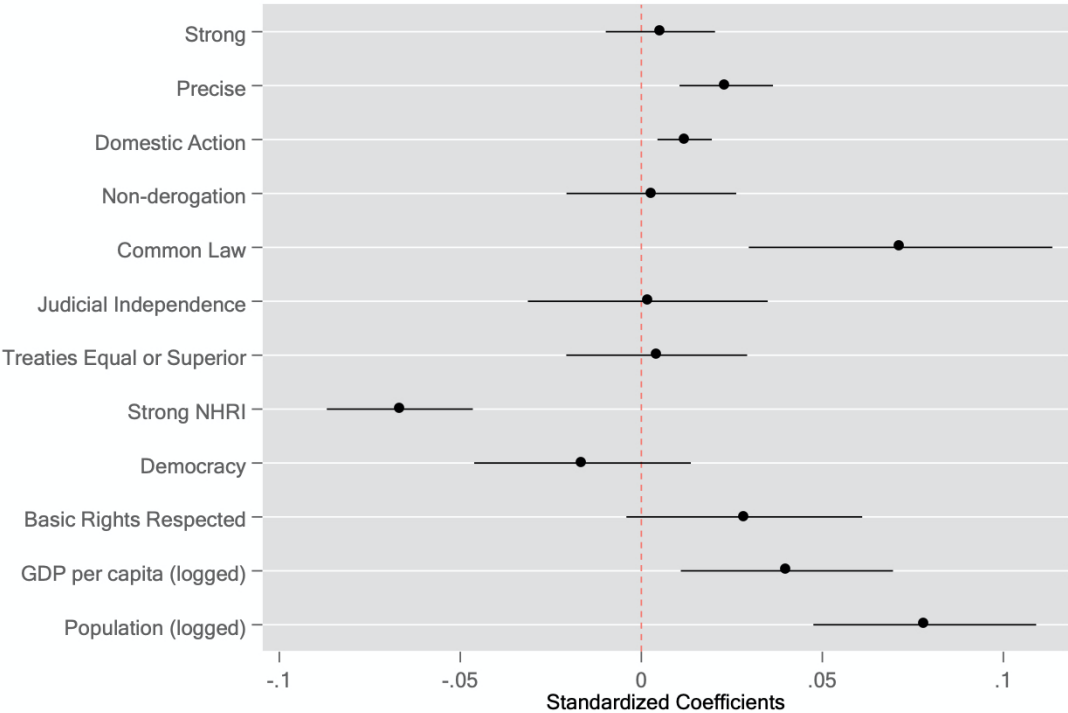
Table A1: Treaty Reservations at the Provision Level, using Individual Components of Demanding Provisions

	<i>Reservation</i>				
	(A1)	(A2)	(A3)	(A4)	(A5)
<i>Provision Characteristics</i>					
Demanding	0.53** (0.15)				
Strong		0.13 (0.15)			0.07 (0.15)
Precise			0.57** (0.19)		0.55** (0.19)
Domestic Action				0.54** (0.20)	0.53** (0.21)
Non-derogation	-0.07 (0.48)	0.08 (0.49)	0.05 (0.48)	0.12 (0.48)	0.01 (0.48)
<i>Legal Institutional Controls</i>					
Common Law	1.38** (0.35)	1.37** (0.35)	1.37** (0.34)	1.37** (0.35)	1.37** (0.34)
Judicial Independence	0.03 (0.13)	0.03 (0.13)	0.03 (0.13)	0.03 (0.13)	0.03 (0.13)
Treaties Equal or Superior	-0.16 (0.30)	-0.14 (0.30)	-0.14 (0.30)	-0.13 (0.30)	-0.14 (0.30)
Strong NHRI	-0.14** (0.03)	-0.14** (0.03)	-0.14** (0.03)	-0.14** (0.03)	-0.14** (0.03)
<i>Political Institutional Controls</i>					
Democracy	-0.03 (0.02)	-0.03 (0.02)	-0.03 (0.02)	-0.03 (0.02)	-0.03 (0.02)
Basic Rights Respected	0.14 (0.13)	0.14 (0.14)	0.13 (0.13)	0.14 (0.14)	0.13 (0.14)
<i>Economic and Demographic Controls</i>					
GDP per capita (logged)	0.25** (0.10)	0.25** (0.10)	0.25** (0.09)	0.25** (0.09)	0.25** (0.09)
Population (logged)	0.37** (0.08)	0.37** (0.08)	0.37** (0.08)	0.38** (0.08)	0.37** (0.08)
Constant	-12.49** (1.17)	-12.39** (1.16)	-12.77** (1.17)	-12.88** (1.15)	-13.28** (1.16)
Observations	48640	48640	48640	48640	48640

Standard errors in parentheses. All models report clustered standard errors by country-treaty.
+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$

Figure A2, below, summarizes the results of the fully-specified model, Model A5, re-estimated with standardized variables for ease of comparison.

Figure A2: Predicted Effect of Variables on the Likelihood of Reservation, with 95 percent CIs (Individual Components of Demanding Provisions)



A2 Index of Demanding Provisions

In this next analysis, we evaluate the robustness of our dichotomous measure of demanding provisions by using an index; that is, an indicator that captures the sum—rather than the joint occurrence—of the binary indicators of strength, precision, and domestic action. Differences across modeling specifications are to be expected. However, the differences we observe are very minor and do not reduce our confidence in the overall findings of the article. In terms of statistical significance and the direction of the coefficients, we do not observe any noteworthy differences between the results of the main (see Table 2) and supplementary analyses (see Table A2).

Table A2: Treaty Reservations at the Provision Level, using an Index of Demanding Provisions

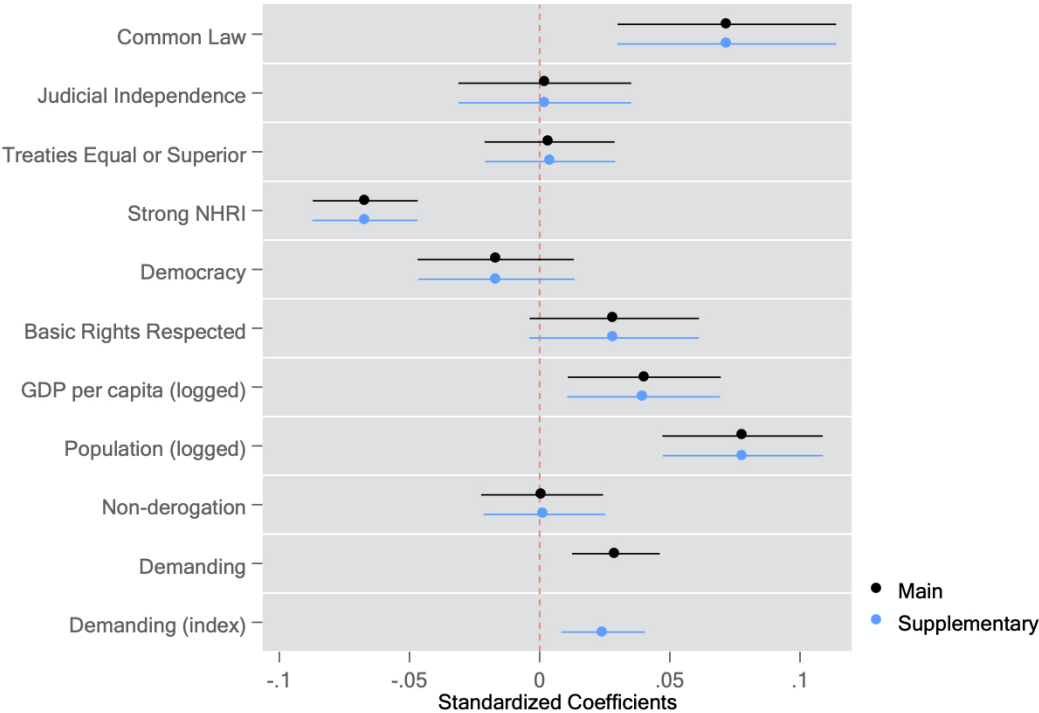
	<i>Reservation</i>			
	(A1)	(A2)	(A3)	(A4)
<i>Provision Characteristics</i>				
Demanding (index)	0.34** (0.09)	0.32** (0.11)	0.30** (0.11)	0.23* (0.10)
Non-derogation	-0.14 (0.39)	-0.21 (0.46)	-0.04 (0.48)	-0.53 (0.49)
<i>Domestic Legal Institutions</i>				
Common Law		1.54** (0.35)	1.38** (0.35)	1.15** (0.39)
Judicial Independence		0.10 (0.11)	0.03 (0.13)	0.02 (0.14)
Treaties Equal or Superior		-0.14 (0.30)	-0.15 (0.30)	-0.18 (0.31)
Strong NHRI		-0.12** (0.03)	-0.14** (0.03)	-0.12** (0.03)
<i>Political Institutional Controls</i>				
Democracy		0.00 (0.02)	-0.03 (0.02)	-0.03 (0.02)
Basic Rights Respected		0.04 (0.14)	0.14 (0.13)	0.15 (0.13)
<i>Economic and Demographic Controls</i>				
GDP per capita (logged)			0.25** (0.10)	0.30** (0.09)
Population (logged)			0.37** (0.08)	0.39** (0.08)
Constant	-5.18** (0.23)	-5.11** (0.31)	-12.94** (1.18)	-13.46** (1.33)
Treaty Dummies	No	No	No	Yes
Observations	73121	52859	48640	48640

Standard errors in parentheses. All models report clustered standard errors by country-treaty.

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$

Due to the different scales, the coefficient estimates for the index are somewhat smaller than those for the dichotomous indicator. This small difference is displayed in Figure A3, below.

Figure A3: Predicted Effect of Variables on the Likelihood of Reservation, with 95 percent CIs (Dichotomous Measure vs. Index of Demanding Provisions)



A3 Considering Other Countries' Reservation Behavior

While our theory is premised on a utilitarian logic—a country enters reservations based on its own anticipated compliance costs and policy adjustment costs—we explore the possibility that a country's reservation behavior may be influenced by other countries' reservations—in other words, diffusion. Here, a given obligation could be considered undesirable but for reasons that do not necessarily relate to expected costs of compliance and policy adjustment. We add to our main specification the variable, *Prior reservations*, which represents the number of countries that reserved on that treaty through the previous year. We find a positive and statistically significant relationship ($p < 0.01$) between other countries' previous reservations against a given treaty. However, our key explanatory variable, *Demanding* remains positive and statistically significant ($p < 0.01$) and the size of the coefficients actually increases. We detect no other noteworthy changes.

Table A3: Treaty Reservations at the Provision Level
(with controls for Other Countries' Prior Reservations)

	<i>Reservation</i>			
	(A1)	(A2)	(A3)	(A4)
<i>Provision Characteristics</i>				
Demanding	0.74** (0.12)	0.72** (0.14)	0.70** (0.15)	0.63** (0.12)
Non-derogation	-0.29 (0.38)	-0.31 (0.45)	-0.25 (0.46)	-0.53 (0.50)
Prior Reservations by Other Countries	0.04** (0.00)	0.05** (0.01)	0.05** (0.01)	0.05** (0.01)
<i>Domestic Legal Institutions</i>				
Common Law		1.44** (0.33)	1.24** (0.35)	1.14** (0.38)
Judicial Independence		0.14 (0.10)	0.09 (0.13)	0.07 (0.13)
Treaties Equal or Superior		-0.09 (0.29)	-0.12 (0.32)	-0.14 (0.33)
Strong NHRI		-0.09** (0.03)	-0.09** (0.02)	-0.08** (0.03)
<i>Political Institutional Controls</i>				
Democracy		0.02 (0.02)	-0.01 (0.02)	-0.01 (0.02)
Basic Rights Respected		-0.03 (0.13)	0.11 (0.14)	0.12 (0.14)
<i>Economic and Demographic Controls</i>				
GDP per capita (logged)			0.19* (0.09)	0.23** (0.09)
Population (logged)			0.43** (0.07)	0.43** (0.08)
Constant	-5.72** (0.17)	-5.86** (0.28)	-14.47** (1.25)	-14.65** (1.33)
Treaty Dummies	No	No	No	Yes
Observations	73121	52859	48640	48640

Standard errors in parentheses. All models report clustered standard errors by country-treaty.

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$

A4 Crosstabs

As previously mentioned, our dataset codes strength, precision, and domestic action for 872 obligations across the 10 core human rights treaties (Mulesky, Sandholtz, and Zvobgo 2020). Table A4 shows that approximately 40 percent (or two in five obligations) are simultaneously strong, precise, and require domestic action.

Table A4: Demanding Provisions

Demanding	Freq.	Perc.
No	519	59.52
Yes	353	40.48
	872	100.00

Tables A5 to A7 display the paired relationships. As seen in Table A5, nearly all obligations (91.3%) stipulate domestic action, while a slight majority (52.8%) are strong. Only 3.7% are weak and do not require domestic action. Meanwhile, 47.7% of obligations are strong and require domestic action.

Table A5: Strength and Domestic Action

	No Domestic Action	Domestic Action	Total
Weak	32 (3.7%)	380 (43.6%)	412 (47.2%)
Strong	44 (5.0%)	416 (47.7%)	460 (52.8%)
Total	76 (8.7%)	796 (91.3%)	872

Table A6 shows that most obligations (76.5%) are precise. 70.3% of all obligations are precise and require domestic action. Only 2.5% of obligations are imprecise and do not require domestic action.

Table A6: Precision and Domestic Action

	No Domestic Action	Domestic Action	Total
Imprecise	22 (2.5%)	183 (21.0%)	205 (23.5%)
Precise	54 (6.2%)	613 (70.3%)	667 (76.5%)
Total	76 (8.7%)	796 (91.3%)	872

As seen in Table A7, 14.7% of all obligations are weak and imprecise. Meanwhile, 43.9% of obligations are strong and precise.

Table A7: Strength and Precision

	Imprecise	Precise	Total
Weak	128 (14.7%)	284 (32.6%)	412 (47.2%)
Strong	77 (8.8%)	383 (43.9%)	460 (52.8%)
Total	205 (23.5%)	796 (76.5%)	872

A5 Addressing Non-Independence of Observations

In our main logit regressions, we cluster standard errors by country-treaty, as we assume independence across country-treaties but allow for correlation within country-treaties. In the regressions presented in Tables A8, A9, and A10, we cluster standard errors first by treaty, second by country, and third by country, treaty, country-treaty, and provision. Differences across modeling specifications are to be expected. However, the differences we observe are minor and do not reduce our confidence in the overall findings of the article.

Clustered Standard Errors: By Country

First, when we assume independence across countries but allow for correlation within countries, we do not detect any noteworthy differences from the main regression results reported in Table 2 in the main text. See Table A8, below.

Table A8: Treaty Reservations at the Provision Level (SE clustered by country)

	<i>Reservation</i>			
	(A1)	(A2)	(A3)	(A4)
<i>Provision Characteristics</i>				
Demanding	0.56** (0.10)	0.56** (0.14)	0.53** (0.14)	0.43** (0.11)
Non-derogation	-0.17 (0.37)	-0.25 (0.44)	-0.07 (0.46)	-0.52 (0.49)
<i>Legal Institutional Controls</i>				
Common Law		1.55** (0.43)	1.38** (0.32)	1.15** (0.36)
Judicial Independence		0.10 (0.12)	0.03 (0.15)	0.02 (0.16)
Treaties Equal or Superior		-0.15 (0.37)	-0.16 (0.29)	-0.19 (0.29)
Strong NHRI		-0.12** (0.03)	-0.14** (0.02)	-0.12** (0.03)
<i>Political Institutional Controls</i>				
Democracy		0.00 (0.02)	-0.03 (0.03)	-0.03 (0.03)
Basic Rights Respected		0.04 (0.16)	0.14 (0.15)	0.15 (0.15)
<i>Economic and Demographic Controls</i>				
GDP per capita (logged)			0.25* (0.11)	0.30** (0.10)
Population (logged)			0.37** (0.09)	0.39** (0.09)
Constant	-4.66** (0.13)	-4.64** (0.21)	-12.49** (1.29)	-13.12** (1.35)
Treaty Dummies	No	No	No	Yes
Observations	73121	52859	48640	48640

Standard errors in parentheses. All models report clustered standard errors by country.

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$

Clustered Standard Errors: By Treaty

Next, when we assume independence across treaties but allow for correlations within treaties, we observe three main differences from the main regression results reported in Table 2 in the main text. As seen in Table A8, demanding provisions are less robust, positive predictors of reservations, dropping from the 0.01 error level to the 0.05 error level in Model A2 and to the 0.10 error level in Models A1, A3, and A4. In addition, provisions that are subject to a non-derogation clause are now statistically significant, negative predictors of reservations ($p < 0.01$) in the fully specified model, Model A4. Finally, states with common law legal systems are less robust, positive predictors of reservations, dropping from the 0.01 error level to the 0.05 error level in Model A3 and to the 0.10 error level in Model A4.

Table A9: Treaty Reservations at the Provision Level (SE clustered by treaty)

	<i>Reservation</i>			
	(A1)	(A2)	(A3)	(A4)
<i>Provision Characteristics</i>				
Demanding	0.56+ (0.30)	0.56* (0.27)	0.53+ (0.31)	0.43+ (0.26)
Non-derogation	-0.17 (0.28)	-0.25 (0.19)	-0.07 (0.21)	-0.52** (0.04)
<i>Legal Institutional Controls</i>				
Common Law		1.55** (0.50)	1.38* (0.59)	1.15+ (0.64)
Judicial Independence		0.10 (0.09)	0.03 (0.11)	0.02 (0.11)
Treaties equal or superior		-0.15 (0.22)	-0.16 (0.22)	-0.19 (0.23)
Strong NHRI		-0.12** (0.02)	-0.14** (0.02)	-0.12** (0.03)
<i>Political Institutional Controls</i>				
Democracy		0.00 (0.03)	-0.03 (0.04)	-0.03 (0.03)
Basic Rights Respected		0.04 (0.09)	0.14 (0.11)	0.15 (0.10)
<i>Economic and Demographic Controls</i>				
GDP per capita (logged)			0.25* (0.11)	0.30** (0.09)
Population (logged)			0.37** (0.05)	0.39** (0.05)
Constant	-4.66** (0.33)	-4.64** (0.30)	-12.49** (1.19)	-13.12** (1.40)
Treaty Dummies	No	No	No	Yes
Observations	73121	52859	48640	48640

Standard errors in parentheses. All models report clustered standard errors by treaty.

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$

Multiway Clustering: By Country, Treaty, Country-Treaty, and Provision

Finally, when we cluster at different levels, using the recently released STATA package, *vce*way, we again observe very minor differences. As seen in Table A9, demanding provisions are less robust, positive predictors of reservations, dropping from the 0.01 error level to the 0.05 error level in Model A2 and to the 0.10 error level in Models A1, A3, and A4. In addition, provisions that are subject to a non-derogation clause are now statistically significant, negative predictors of reservations, albeit only at the 0.10 error level in the fully specified model, Model A4. Finally, states with common law legal systems are also less robust, positive predictors of reservations, dropping from the 0.01 error level to the 0.05 error level in Model A3 and to the 0.10 error level in Model A4.

Table A10: Treaty Reservations at the Provision Level (multiway clustering)

	<i>Reservation</i>			
	(A1)	(A2)	(A3)	(A4)
<i>Provision Characteristics</i>				
Demanding	0.56+	0.56*	0.53+	0.43+
	(0.30)	(0.26)	(0.31)	(0.26)
Non-derogation	-0.16	-0.25	-0.07	-0.52+
	(0.26)	(0.17)	(0.21)	(0.30)
<i>Legal Institutional Controls</i>				
Common Law		1.55**	1.38*	1.15+
		(0.56)	(0.57)	(0.63)
Judicial Independence		0.10	0.03	0.02
		(0.11)	(0.14)	(0.14)
Treaties Equal or Superior		-0.15	-0.16	-0.19
		(0.32)	(0.22)	(0.26)
Strong NHRI		-0.12**	-0.14**	-0.12**
		(0.03)	(0.03)	(0.03)
<i>Political Institutional Controls</i>				
Democracy		0.00	-0.03	-0.03
		(0.04)	(0.05)	(0.05)
Basic Rights Respected		0.04	0.14	0.15
		(0.13)	(0.13)	(0.13)
<i>Economic and Demographic Controls</i>				
GDP per capita (logged)			0.25*	0.30**
			(0.12)	(0.10)
Population (logged)			0.37**	0.39**
			(0.07)	(0.06)
Constant	-4.66**	-4.64**	-12.49**	-13.12**
	(0.33)	(0.32)	(1.30)	(1.43)
Treaty Dummies	No	No	No	Yes
Observations	73118	52859	48640	48640

Standard errors in parentheses. All models report clustered standard errors by country, treaty, country-treaty, and provision.

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$

A6 General Comments and Precision

We explore the idea that general comments issued by human rights treaty bodies identify provisions for which states perceive heterogeneous compliance costs. Treaty bodies generally take the form of a committee, like the Human Rights Committee, which oversees and monitors the implementation of the ICCPR. Of the ten treaties in our analysis, all but one (the Genocide Convention) have an associated committee established by the treaties themselves. The treaty bodies issue “general comments” or “general recommendations”—authoritative interpretations of their respective treaties.

The existing literature implies that provisions subject to general comments tend to be *imprecise*; their imprecision is what leads the treaty committee to publish a clarifying interpretation. Under this logic, provisions covered by a general comment tend to be less demanding (because they are less precise), and therefore less likely to attract reservations. As Mechlem argues, “They [general comments] provide detailed content in a comprehensive and coherent way to the rather generally worded provisions of a human rights treaty” (2009, 927). To cite an example, a recent general comment from the Human Rights Committee, General Comment 35, interprets the content of Article 9 of the ICCPR (liberty and security of person). Article 9, paragraph 1 declares:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law (ICCPR Article 9(1)).

Human Rights Committee General Comment 35 (2014) expounds on this provision, adding precision:

“Everyone” includes, among others, girls and boys, soldiers, persons with disabilities, lesbian, gay, bisexual and transgender persons, aliens, refugees and asylum seekers, stateless persons, migrant workers, persons convicted of crime, and persons who have engaged in terrorist activity (ICCPR General Comment 35(3)).

With respect to this provision, General Comment 35 specifies who constitutes “everyone.” Substituting precision for imprecision increased both compliance and adjustment costs for states parties that did not recognize certain populations and that did not consider themselves duty-bound to respect the rights of those groups.

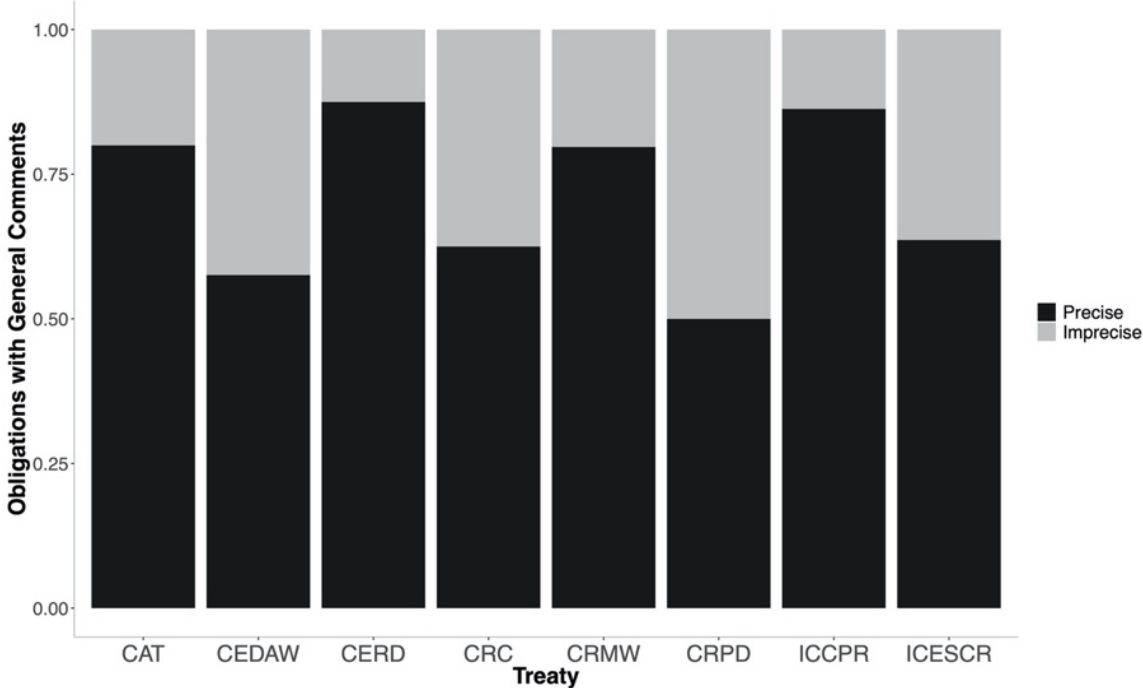
Some degree of imprecision is inevitable, but some treaty imprecision is intentional. Koremenos (2016) argues that rationally-designed agreements may contain provisions that are purposely imprecise, left to a later agreement or to states to interpret for themselves. Imprecision helps state retain their own standard for a given provision, thereby enabling a larger number of states to ratify or accede to the agreement. Under the assumption that general comments tend to be a response to less precise treaty obligations, states should be less likely to reserve against provisions that are later subject to a general comment.

Nonetheless, a contrary logic may be at work. General comments may in fact target provisions that are more precise. More precise provisions create clearer standards for judging state behavior. Clearer standards can make claims of non-compliance more likely: it is easier for actors (other states, NGOs, victims of violations) to identify non-compliant behavior. Such claims trigger disputes, as the accused states seek to defend or justify their conduct to the treaty body. In this logic, general comments are a response not to imprecision but to the larger number of questions and disputes triggered by more precise obligations. Imprecise provisions may generate fewer questions and disputes because a wider range of behaviors can fit under the umbrella of compliance.

Our data allow us to produce evidence relevant to these contrasting logics. Are provisions

subject to general comments imprecise, as the literature has indicated, or do they tend to be precise? Figure A4, below, displays provisions that have been addressed by general comments.¹ The data reveal that provisions subject to general comments are more often precise than imprecise and, therefore, more demanding.

Figure A4: General Comments and Precision



¹ General comments apply to all states parties to a treaty and can each apply to multiple provisions. As discussed, the Genocide Convention does not have a committee overseeing and monitoring implementation. The Committee on Enforced Disappearances had not issued a general comment by the conclusion of our data collection and is thus excluded in the figure.

Appendix B: Whole-Treaty Reservations

The central claim in our theory and analysis is that demanding treaty provisions are more likely to attract reservations. The unit of analysis is thus the treaty provision. As explained and illustrated in the following paragraphs, whereas article-level reservations clearly apply to the paragraphs within a given article, the same cannot be said of reservations that purport to apply to the whole treaty. Briefly put, a full- or whole-treaty reservation tells us nothing about a state's attitude toward a particular provision, whereas an article-level reservation does.

Paragraphs within articles are clearly related to the subject matter of the article. If the article contains an obligation, its paragraphs spell out, specify, or list additional obligations under that heading. It is therefore appropriate to code article-level reservations as covering the paragraphs included within that article. Additionally, in many instances the language at the article level does not express an obligation but rather contains introductory language for obligations that are contained in that article's paragraphs. In such cases, an article-level reservation can only refer to the obligations contained in its paragraphs.

The same is not true of full-treaty reservations. Full-treaty reservations do not purport to modify particular obligations, which are the focus of this study. Full-treaty reservations therefore do not contain information about a country's attitude toward any of the particular obligations contained in the treaty. Instead, full-treaty reservations convey information about a country's internal law, culture, or ideology. Here are some quite typical examples:

"The Government of Brunei Darussalam expresses its reservations regarding those provisions of the said Convention [CEDAW] that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam."

"In the light of the definition given in article 1 of the Convention [CEDAW], the Principality of Liechtenstein reserves the right to apply, with respect to all the obligations of the Convention, article 3 of the Liechtenstein Constitution."

"The entry of the Republic of Iraq as a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights shall in no way signify recognition of Israel nor shall it entail any obligation towards Israel under the said two Covenants."

"The Republic of Poland considers that a child's rights as defined in the Convention [CRC], in particular the rights defined in articles 12 to 16, shall be exercised with respect for parental authority, in accordance with Polish customs and traditions regarding the place of the child within and outside the family;"

"The Government of the Republic of El Salvador signs the present Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, adopted by the United Nations General Assembly on 13 December 2006, to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles."

"The acceptance and the accession to this Covenant [ICCPR] by the Libyan Arab Republic shall in no way signify a recognition of Israel or be conducive to entry by the Libyan Arab Republic into such dealings with Israel as are regulated by the Covenant."

“Pakistan, with a view to achieving progressively the full realization of the rights recognized in the present Covenant [ICESCR], shall use all appropriate means to the maximum of its available resources.”

Full-treaty reservations almost always announce that the state concerned will not be bound by unspecified provisions that “may” be incompatible with fundamental domestic law (most frequently, Islamic law or a national constitution). It is impossible to infer that a full-treaty reservation modifies particular obligations in that treaty. Modification of particular obligations is precisely what must be observed in order to assess the act of reserving against particular provisions. It would therefore be misleading to code full-treaty reservations as modifying every obligation contained in the treaty.

Full-treaty reservations, then, do not modify particular obligations, whereas article-level reservations clearly do. It would therefore be inappropriate, when a country has entered a full-treaty reservation, to code particular obligations contained in that treaty as having been modified by the full-treaty reservation. Full-treaty reservations tell us something about the relationship between domestic law but they tell us nothing about how a state perceives particular treaty obligations. Excluding full-treaty reservations from the data therefore does not bias the analysis because full-treaty reservations do not contain useable information about states’ efforts to modulate particular obligations. On the contrary: including full-treaty reservations (as modifying every obligation contained in the treaty) would distort the analysis because it would be based on unwarranted and unjustifiable presumptions about a non-existent relationship between full-treaty reservations and particular obligations within a given treaty.

Appendix C: Treaty Obligations Data

The coding of human rights treaty obligations was carried out in two stages. In the first stage, the faculty project leader trained a Ph.D. student and a J.D. student using a detailed coding manual. The two students then coded the ten core human rights treaties independently.

The basic unit for coding purposes was the “provision,” defined as the smallest textual unit identified by number or letter in the treaty. The categories used to define treaty provisions were: (1) article, (2) paragraph, (3) sub-paragraph-1, and (4) sub-paragraph-2. Each sub-paragraph-2 was nested within a sub-paragraph-1, which was nested within a paragraph, which was nested within an article, which was nested within a treaty. By assigning a numerical value to each unit at each level, it was possible to create a unique numerical identifier for each treaty provision. For each treaty, the two students and the project leader met to resolve any differences in the coding. After discussion, the project leader determined the final coding for provisions on which the two students disagreed as to the proper coding.

Each treaty provision was coded for 14 variables. The study reported here made use of four of those variables: *article function*, *strong*, *precise*, and *domestic action*. *Article function* identifies the role or purpose of a provision within the treaty, with 10 categories: (1) preamble, (2) general purpose or object, (3) definition of treaty language, (4) treaty mechanics, (5) obligation, (6) limitation, (7) non-derogation, (8) accept jurisdiction of treaty body, (9) functioning of treaty body, (10) other or unclear. Provisions coded as “obligation” are the subject of analysis in this study. Each provision coded as “obligation” was further coded for characteristics of that obligation. The other three variables (*strong*, *precise*, *domestic action*) are binary (0,1), indicating whether (1) or not (0) an obligation is (respectively) strong, precise, and requiring domestic action (legislative, judicial, executive, or administrative). The coding for those characteristics followed the detailed instructions and guidelines presented in the coding manual. From these three variables, the authors constructed for the present analysis a composite variable indicating whether (1) or not (0) an obligation is “demanding”. An obligation is coded as “demanding” if it is strong, precise, and requiring domestic action (that is, if the three component variables all take the value of “1”).

The initial coding performed by the graduate students showed a high level of inter-coder reliability. For the coding of article functions, the two coders agreed in 95.3 percent of cases (1530/1605) as to whether or not a provision embodied an obligation. Cohen’s kappa statistic for inter-coder reliability (as implemented in Stata 16) for “*obligation*” is 0.91 (SE = 0.0249, p = 0.0000), within the “almost perfect” range (0.81 – 1.00; see Landis and Koch 1977, 165). The following table reports intercoder reliability statistics for the obligation characteristics variables. The kappa statistic for *precise* is on the border between “moderate” (0.41 – 0.60) and “substantial” (0.61 – 0.80). The other three variables, including the key *demanding* variable, are all within the “almost perfect” range (0.81 – 1.00).

Variable	Agreement	Expected agreement	Kappa	SE	Z	Prob>Z
<i>Precise</i>	85.39%	63.04%	0.6046	0.0339	17.84	0.0000
<i>Strong</i>	92.06%	50.04%	0.8411	0.0339	24.81	0.0000
<i>Domestic action</i>	97.12%	82.99%	0.8308	0.0338	24.56	0.0000
<i>Demanding</i>	93.66%	65.61%	0.8157	0.0255	31.96	0.0000

Reference: Landis, J. R. and G. G. Koch 1977. “The Measurement of Observer Agreement for Categorical Data.” *Biometrics* 33: 159-74.