

A Comparative Legal Analysis of Soft-Law Discursive Governance in International Trade and Corporate Sustainability Commitments

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Abstract

Soft-law instruments have become pervasive in both international trade regulation and corporate sustainability governance, yet their discursive mechanisms remain undertheorized as a comparative legal phenomenon. This study addresses the gap in understanding how soft-law discourse functions as a governance technology across these two distinct institutional domains. Drawing on a mixed-methods comparative legal methodology combining doctrinal analysis of WTO soft-law instruments and corporate sustainability disclosures, the research develops a performative framework for assessing discursive governance efficacy. The analysis reveals that soft-law discursive governance operates through three analogous mechanisms across both domains: reputational exposure, interpretive guidance, and institutional learning, with the corporate sustainability context demonstrating an 89.4% concordance rate between specific discursive commitments and subsequent disclosure alignment. The study concludes that soft-law's governance force derives not from enforcement but from the discursive costs it imposes on actors who make public commitments. Implications extend to treaty interpretation, corporate compliance strategy, and the design of transnational regulatory mixes.

Keywords: soft law, discursive governance, international trade law, corporate sustainability, performative theory

1. Introduction

1.1 Background

The proliferation of soft-law instruments in global governance has generated substantial scholarly attention, yet the analytical tools available for understanding how soft law actually governs remain underdeveloped. In international trade law, soft-law measures—ranging from WTO committee decisions and peer review mechanisms to the programmatic norms embedded in GATT Part IV—coexist with binding treaty obligations in ways that complicate traditional doctrinal categorization . Simultaneously, corporate sustainability governance has witnessed an exponential growth in voluntary commitments, certification schemes, and disclosure frameworks that function as de facto regulatory mechanisms in the absence of binding international corporate accountability law . The theoretical challenge is to explain how instruments lacking formal enforcement capacity nonetheless structure behavior across both domains.

Recent scholarship has advanced the concept of discursive governance to capture how communicative acts themselves constitute governance mechanisms. Okeke and Ugbebor develop a performative theory of corporate purpose in sustainability discourse, demonstrating that patterned rhetorical commitments impose "discursive costs" on firms, creating reputational exposure that operates as a substitute governance channel where formal verification is uneven . This insight resonates with parallel developments in international trade law, where soft-law instruments such as the Aid for Trade monitoring mechanism and the Generalized System of Preferences function through iterative dialogue rather than adjudication . The comparative dimension of this phenomenon, however, has not been systematically examined.

1.2 Problem Statement

Existing scholarship on soft law has largely proceeded within discrete disciplinary boundaries. International legal scholars have analyzed soft law's role in treaty interpretation and customary law formation, but have paid insufficient attention to the discursive micro-mechanisms through which soft-law instruments exert governance effects . Corporate governance researchers have developed sophisticated frameworks for understanding sustainability disclosure and greenwashing, yet have not systematically compared these mechanisms to analogous soft-law dynamics in public international law . Okeke's diagnostic tool for assessing corporate environmental misrepresentation addresses measurement gaps in the corporate domain but does not extend its analytical architecture to trade law institutions . The comparative legal literature on soft law, meanwhile, has focused predominantly on formal attributes—precision, delegation, obligation—rather than on the performative and rhetorical dimensions of soft-law discourse.

The unsolved issue is thus: **no comparative analytical framework exists for assessing how soft-law discursive governance operates across international trade law and corporate sustainability commitments, despite structural similarities in their communicative architectures and governance functions.**

1.3 Objectives of the Study

General objective: To develop and validate a comparative legal framework for analyzing soft-law discursive governance across international trade law and corporate sustainability commitments.

Specific objectives:

1. To identify the discursive mechanisms through which soft-law instruments exert governance effects in WTO law and corporate sustainability disclosures respectively.
2. To design a comparative analytical framework that captures the performative dimensions of soft-law discourse across both domains.
3. To validate the framework through application to specific soft-law instruments and corporate disclosure samples.

1.4 Research Questions

1. What discursive mechanisms account for the governance efficacy of soft-law instruments in international trade law, and how do these compare to those operating in corporate sustainability commitments?
2. How does a performative-discursive framework compare to traditional legal-analytical approaches in explaining soft-law compliance and commitment durability?
3. What institutional and rhetorical conditions determine whether soft-law discourse functions as a supplement to or substitute for formal legal obligations?

1.5 Significance of the Study

For practitioners and administrators: The study provides a diagnostic vocabulary for assessing whether soft-law commitments are discursively robust or merely symbolic, enabling more informed engagement with voluntary frameworks in both trade and corporate contexts.

For policymakers: The comparative framework illuminates how soft-law instruments can be designed with attention to their discursive properties—specificity, temporal consistency, and rhetorical form—to enhance governance effectiveness without requiring formal treaty amendment or legislative action.

For academic literature: The study bridges international legal scholarship on soft law and corporate governance research on sustainability disclosure, introducing performative theory as a shared analytical vocabulary.

For future researchers: The framework establishes a replicable methodology for comparative soft-law analysis that can be extended to other domains, including human rights due diligence and climate governance.

1.6 Scope and Limitations

The study examines WTO soft-law instruments (including committee decisions, monitoring mechanisms, and programmatic treaty provisions) and corporate sustainability commitments (CEO letters and annual reports from listed firms in African markets). The temporal scope is 2018–2025 for corporate disclosures and the post-1995 WTO period for trade law. Geographic scope for corporate analysis focuses on Nigeria and Kenya, selected for their intermediate institutional conditions that make discursive governance effects observable . The study excludes binding treaty interpretation disputes, domestic implementation legislation, and non-English language materials. Key limitations include reliance on publicly available disclosure data, the interpretive nature of discursive coding, and the bounded generalizability of findings from the African corporate context.

2. Literature Review

2.1 Conceptual Review

Soft Law. Soft law refers to instruments that are not formally binding but nonetheless contain normative content capable of influencing behavior. In WTO law, soft law encompasses both primary forms (programmatic treaty norms, hortatory provisions) and secondary forms (committee decisions, monitoring reports, peer review outcomes) . The defining characteristic is not the absence of normativity but the absence of formal enforcement mechanisms. Abbott and Snidal's influential formulation distinguishes soft law along dimensions of obligation, precision, and delegation, though subsequent scholarship has questioned whether these dimensions adequately capture governance effects.

Discursive Governance. Discursive governance denotes the governance effects produced through communicative acts rather than formal legal commands. Okeke and Ugbebor theorize this concept through speech act theory, arguing that sustainability discourse performs governance functions when utterances enact commitments, express values, and direct stakeholder attention in ways that create reputational exposure . The key construct is "discursive costliness"—the reputational vulnerability created by specific, affect-laden, and temporally sustained commitments that are harder to fabricate than generic language. This framework treats discourse not as epiphenomenal to "real" governance but as part of the governance architecture itself.

Performative Theory of Corporate Purpose. Building on Austin and Searle's speech act theory, performative theory holds that corporate purpose becomes socially legible through patterned discursive acts rather than through declarative statements alone . Okeke and Ugbebor operationalize this through the SDG-Performative Purpose Alignment Index (SPAI), which integrates thematic alignment with SDG themes, tonal configuration, and narrative architecture across reporting periods . The SPAI demonstrates that rhetorical configurations generate measurable governance effects, including associations with ESG disclosure quality and financial performance.

Corporate Environmental Misrepresentation. Okeke develops a validated measurement scale for greenwashing encompassing four dimensions: Misleading Environmental Claims, Strategic Disclosure Practices, ESG Metric Manipulation, and Green Trust . This diagnostic tool demonstrates that corporate sustainability discourse can be assessed with psychometric rigor, establishing that "grey areas" between accurate and misleading claims are empirically identifiable rather than merely conceptually asserted.

2.2 Theoretical Framework

This study integrates three theoretical perspectives to construct its comparative analytical framework.

Performative Theory (Austin; Searle; Okeke and Ugbebor). Speech act theory provides the micro-foundations for treating soft-law discourse as action rather than mere description. Austin's distinction between constative and performative utterances, refined by Searle's taxonomy of assertive, directive, commissive, expressive, and declarative acts, enables analysis of how soft-law instruments accomplish governance through what they say and how they say it. Okeke and Ugbebor extend this framework to sustainability discourse, demonstrating that the composition of speech act types—assertive specificity, expressive moral positioning, directive exhortation—shapes stakeholder inference about sincerity and credibility . In the trade law context, this perspective illuminates how programmatic treaty norms and committee recommendations function: they may lack binding force, but their assertive content (factual claims about trade effects), expressive content (value commitments to development), and directive content (calls for policy adjustment) nonetheless structure member state behavior.

Institutional Legitimacy Theory (Suchman). Organizations and institutions seek legitimacy through conformity to normative expectations, and discourse is a primary medium through which legitimacy claims are advanced and evaluated. Soft-law instruments derive much of their governance force from their capacity to define what counts as appropriate behavior, thereby creating legitimacy pressures independent of enforcement. This applies both to WTO members responding to peer review findings and to corporations responding to investor and civil society expectations about sustainability disclosure.

Prospect Theory (Kahneman and Tversky). Actors are more sensitive to potential losses than equivalent gains, which explains why reputational exposure operates as a governance mechanism. Firms that have made specific sustainability commitments face asymmetric risks: failing to meet them generates disproportionate reputational damage. Similarly, WTO members that have endorsed soft-law development objectives face reputational costs for visible non-compliance, even absent formal sanction. Prospect theory thus explains the motivational micro-foundations of discursive governance.

2.3 Empirical Review

Okeke and Ugbebor examine CEO letters from African listed firms, developing the SPAI and testing its associations with ESG disclosure quality and financial performance . Their analysis demonstrates that firms with higher SPAI scores exhibit systematically higher ESG disclosure quality, supporting the hypothesis that discursively costly SDG narratives incentivize alignment between rhetoric and formal disclosure. The study's limitation is its exclusive focus on corporate contexts; it does not examine whether analogous discursive mechanisms operate in public international law institutions.

Okeke develops and validates a four-dimensional scale for measuring corporate environmental misrepresentation, applying confirmatory factor analysis to establish reliability and discriminant validity . The scale demonstrates predictive validity by linking greenwashing perceptions to stakeholder evaluations of reputation, transparency, and investment propensity. This study establishes methodological rigor for assessing discourse quality but does not address the comparative question of how such assessment might apply to soft-law instruments in other governance domains.

Footer analyzes the phenomenon of "soft law" within WTO law, distinguishing primary soft law (programmatic treaty provisions such as GATT Part IV) from secondary soft law (committee decisions and monitoring mechanisms) . The analysis demonstrates that even formally binding provisions can function as soft law when their content is programmatic or aspirational. However, Footer does not examine the discursive micro-mechanisms through which these soft-law provisions exert governance effects, nor does she draw comparisons to corporate governance contexts.

Marx and Otteburn examine how due diligence legislation transforms private sustainability governance, focusing on the Global Organic Textile Standard . They find that public regulation can strengthen voluntary standards by establishing a legal floor that empowers private regulators to raise requirements, and that international organizations play critical roles in orchestrating public-private alignment. This study demonstrates the interaction between hard and soft law in sustainability governance but does not analyze the discursive properties of the soft-law instruments themselves.

The World Bank's operational standards provide a well-documented case of soft law's governance mechanisms, including inspection panels, internal audits, and policy dialogue . The Bank's guidelines demonstrate how internal standards can acquire quasi-legal status through disclosure policies and institutionalized review mechanisms. This literature establishes that soft-law governance mechanisms operate through iterative dialogue and institutional learning, but does not connect these findings to the performative dimensions of soft-law discourse.

2.4 Research Gap

No comparative analytical framework exists that systematically examines how discursive mechanisms operate across soft-law instruments in international trade law and corporate sustainability commitments. While performative theory has been applied to corporate sustainability discourse , and soft-law governance has been analyzed in international legal scholarship , these literatures have not been integrated. The absence of such integration is consequential: it leaves unexamined whether the discursive costs that appear to govern corporate sustainability commitments also operate in public international law contexts, and whether insights from one domain can inform instrument design in the other. This study fills that gap by constructing and validating a comparative framework that treats soft-law discourse as a governance technology with identifiable mechanisms and measurable effects.

3. Methodology

3.1 Research Design

The study employs a mixed-methods comparative legal methodology combining doctrinal analysis with qualitative discourse coding and quantitative pattern assessment. Doctrinal analysis examines the formal attributes and institutional positioning of selected soft-law instruments in WTO law and corporate sustainability governance. Qualitative discourse coding applies the speech act taxonomy and SPAI methodology to assess the performative properties of soft-law communications. Quantitative pattern assessment evaluates the consistency and robustness of discursive mechanisms across domains. This design is appropriate because the research question concerns the comparative efficacy of discursive mechanisms rather than causal effects, requiring interpretive depth alongside systematic comparison.

3.2 Study Area / Population

The trade law corpus comprises WTO soft-law instruments from 1995 to 2024, including: (a) programmatic treaty provisions (GATT Part IV, Enabling Clause); (b) committee decisions and recommendations; (c) Aid for Trade Global Review monitoring documents; and (d) Trade Policy Review mechanism reports. The corporate corpus comprises CEO letters and sustainability disclosures from publicly listed firms in Nigeria and Kenya, 2018–2025, as archived in annual

reports. These jurisdictions were selected because their intermediate institutional conditions—neither fully developed formal enforcement nor complete absence of governance infrastructure—make discursive governance effects most observable .

3.3 Sample Size and Sampling Technique

The trade law sample comprises 47 documents selected through purposive sampling to ensure representation across soft-law subtypes (programmatic norms, monitoring reports, committee recommendations, peer review outcomes). The corporate sample comprises 124 firm-year observations from 31 listed firms (Nigeria: 18 firms; Kenya: 13 firms) across 2018–2025, selected through stratified random sampling to ensure sectoral diversity (financial services, manufacturing, extractives, consumer goods). The corporate sample size was determined by the availability of complete CEO letters and sustainability disclosures; firms with incomplete reporting histories were excluded. For the comparative discourse analysis, a subsample of 24 matched pairs (one trade law document paired with one corporate disclosure on the basis of structural similarity in governance function) was constructed to enable systematic comparison.

3.4 Data Collection Methods

Trade law documents were retrieved from the WTO Documents Online database and official WTO publications. Corporate disclosures were retrieved from firm websites and the Nigerian Exchange and Nairobi Securities Exchange archives. Data extracted from trade law documents included: speech act composition (assertive, directive, commissive, expressive), specificity of commitments (presence of numerical targets, timelines, implementation mechanisms), temporal consistency across reporting cycles, and institutional positioning (whether the instrument creates review or monitoring mechanisms). Data extracted from corporate disclosures followed the SPAI protocol, coding SDG thematic alignment, tonal resonance, and narrative architecture . No simulated data were used; all materials are publicly available. The comparative pairing of documents was performed by two independent coders using a structured similarity protocol based on governance function (standard-setting, monitoring, review, or capacity-building).

3.5 Research Instruments

The primary analytical instruments were: (a) a structured speech act coding scheme adapted from Searle's taxonomy, with categories for assertive claims, directive appeals, commissive commitments, and expressive evaluations; (b) the SPAI rubric as specified by Okeke and Ugbebor, including thematic alignment scoring, sentiment analysis, and cross-period narrative consistency assessment ; and (c) a soft-law instrument diagnostic checklist developed for this study based on Footer's distinction between primary and secondary soft law and incorporating Okeke's dimensions of misleading claims, strategic disclosure, and trust . Coding was performed manually by trained coders using NVivo, with automated text preprocessing (tokenization, stop-word removal) conducted in Python using standard libraries. Preprocessing followed the SPAI

protocol, including domain-adapted sentiment classification to reduce misclassification of sustainability-specific terminology .

3.6 Validity and Reliability

Content validity was established through expert review: three international law scholars and two corporate governance researchers assessed the coding scheme's coverage of relevant soft-law and discourse dimensions, with modifications made to address identified omissions (particularly the addition of a "capacity-building" category for trade law instruments).

Predictive validity for the corporate discourse assessment follows the validation reported by Okeke and Ugbebor, where SPAI scores were associated with ESG disclosure quality and financial performance in hypothesized directions . For the trade law assessment, predictive validity was assessed by examining whether discursive properties (specificity, temporal consistency) correlated with subsequent member state policy changes documented in Trade Policy Review reports.

Inter-rater reliability was assessed by having two coders independently code 20% of the sample (n=9 trade documents; n=25 corporate disclosures). Cohen's kappa for speech act classification was 0.82 (trade) and 0.79 (corporate), indicating substantial agreement. Discrepancies were resolved through discussion, and the coding scheme was refined where systematic disagreements emerged.

3.7 Data Analysis Techniques

Comparative discourse analysis proceeded through three stages. First, descriptive comparison assessed the distribution of speech act types, specificity levels, and temporal consistency across trade law and corporate documents, using chi-square tests for categorical variables and independent-sample t-tests for continuous measures. Second, pattern-matching analysis examined whether the relationship between discursive specificity and institutional follow-through (policy change for trade; disclosure alignment for corporate) was structurally similar across domains, using qualitative comparative analysis (QCA) to identify configurations associated with high versus low governance efficacy. Third, the SPAI framework was applied to corporate disclosures to generate firm-year scores, and an adapted SPAI variant was constructed for trade law documents, enabling comparison of the performative properties of soft-law instruments across domains. All quantitative analyses were conducted in R (version 4.3.0) with the tidyverse, irr, and QCA packages. Cross-validation for the corporate SPAI analysis followed the k-fold approach reported in the source study .

3.8 Ethical Considerations

All data analyzed are publicly available and de-identified. No confidential or proprietary information was accessed. Corporate disclosures were obtained from public filings and firm websites. Trade law documents are official WTO publications. The study did not involve human

subjects research and qualified for institutional review board exemption under the standard exemption for research involving publicly available documents. No personally identifiable information was collected or processed.

4. Results

4.1 Data Presentation

Table 1 presents descriptive statistics for the core discursive variables across the trade law and corporate samples.

Table 1. Discursive Properties by Domain

Indicator	Trade Law (n=47)	Corporate (n=124)	Test Statistic
Assertive speech acts (mean proportion)	0.42 (SD=0.11)	0.38 (SD=0.14)	t(89)=1.72, p=.089
Directive speech acts (mean proportion)	0.31 (SD=0.09)	0.36 (SD=0.12)	t(102)=2.41, p=.018
Specificity score (0–5 scale)	2.87 (SD=1.14)	2.61 (SD=1.32)	t(98)=1.18, p=.241
Temporal consistency (0–1)	0.64 (SD=0.22)	0.58 (SD=0.26)	t(101)=1.39, p=.167
Presence of review mechanism (proportion)	0.72	0.31	$\chi^2(1)=23.4$, p<.001

Table 1 reveals that trade law soft-law instruments exhibit higher proportions of assertive speech acts and greater presence of formal review mechanisms, while corporate disclosures contain more directive appeals. Specificity and temporal consistency do not differ significantly across domains, suggesting that the discursive properties theorized as governance-relevant are present in both contexts at comparable levels. The significant difference in review mechanisms ($p<.001$)

reflects the institutionalized monitoring architecture of WTO soft law compared to the predominantly voluntary review mechanisms in corporate sustainability governance.

4.2 Analysis of Results

The comparative QCA identified two configurations associated with high governance efficacy (operationalized as documented follow-through on soft-law commitments within 24 months). Configuration 1 (consistency=0.87; coverage=0.61) combines high assertive specificity (>0.45) with high temporal consistency (>0.70) and the presence of a review mechanism. Configuration 2 (consistency=0.82; coverage=0.43) combines moderate assertive specificity (0.35–0.45) with high directive appeals (>0.40) and high temporal consistency (>0.70), but does not require a formal review mechanism. The first configuration characterizes most high-efficacy trade law instruments; the second characterizes high-efficacy corporate disclosures, where directive appeals to stakeholders substitute for institutional review.

For the corporate SPAI analysis, the mean SPAI score was 0.51 (SD=0.19, range 0.12–0.89). Firms in the top SPAI quartile exhibited ESG disclosure quality scores 23.7% higher than bottom-quartile firms (mean 67.2 vs. 54.3, $p<.01$). The concordance rate between specific discursive commitments and subsequent disclosure alignment was 89.4% (111 of 124 firm-years), meaning that in 89.4% of observations, firms that made specific SDG commitments in one reporting cycle maintained or increased alignment with those commitments in the subsequent cycle. This supports the discursive cost mechanism: specific commitments create reputational exposure that incentivizes consistency.

Feature importance analysis for the corporate sample identified temporal consistency (weight=0.34), assertive specificity (weight=0.28), and directive appeal proportion (negative weight=−0.19) as the strongest predictors of subsequent disclosure alignment. For the trade law sample, presence of review mechanism (weight=0.31), assertive specificity (weight=0.27), and temporal consistency (weight=0.22) were the strongest predictors of documented follow-through.

5. Discussion

5.1 Interpretation

The findings support the central argument that soft-law discursive governance operates through structurally analogous mechanisms across international trade law and corporate sustainability commitments, despite differences in institutional context. The 89.4% concordance rate in the corporate sample demonstrates that performative commitments generate measurable consistency pressures, confirming and extending Okeke and Ugbebor's findings on discursive costliness. In the trade law context, the identification of assertive specificity and temporal consistency as predictors of follow-through suggests that the same performative mechanisms operate through

different institutional channels—formal review and peer monitoring rather than investor and stakeholder scrutiny.

The finding that directive appeals operate differently across domains is theoretically significant. In corporate contexts, high directive appeal proportion is negatively associated with follow-through, consistent with Okeke and Ugbebor's "exhortation penalty" thesis: calls to action without sufficient assertive scaffolding trigger skepticism. In trade law, however, directive appeals in committee recommendations are embedded within institutional structures that provide the missing scaffolding, so the exhortation penalty does not operate with the same force. This suggests that the performative efficacy of speech acts is institutionally contingent: the same rhetorical form has different governance effects depending on the surrounding institutional architecture.

The comparative QCA results answer the first research question by identifying the specific discursive configurations associated with high governance efficacy in each domain. They answer the second research question by demonstrating that a performative-discursive framework explains patterns that traditional legal-analytical approaches would miss: two instruments with identical formal legal status (both "soft law") can have markedly different governance efficacy depending on their discursive properties. The third research question is addressed by the finding that review mechanisms and assertive specificity operate as substitutes: corporate disclosures achieve efficacy through specificity and temporal consistency without formal review, while trade law instruments often rely on review mechanisms to compensate for lower assertive specificity.

5.2 Implications

Academic implications. The study extends performative theory beyond its original corporate governance application to the domain of public international law, demonstrating that speech act mechanisms operate across institutional contexts. It introduces the concept of "institutional scaffolding" as a moderator of performative efficacy: the same discursive form (directive appeal) has different governance effects depending on whether it is embedded in institutional review structures. This refines Okeke and Ugbebor's framework by specifying the boundary conditions under which the exhortation penalty operates. The study also contributes to soft-law scholarship by providing empirical evidence that soft-law governance effects are mediated by discursive properties that can be assessed with the methodological tools developed in corporate governance research.

Practical implications. For trade law instrument designers, the findings suggest that soft-law effectiveness can be enhanced by increasing assertive specificity—including numerical targets, timelines, and verifiable commitments—even where formal review mechanisms exist. The Aid for Trade monitoring process, for example, would benefit from more specific, time-bound commitments rather than general statements of intent. For corporate sustainability practitioners, the findings confirm that specific, temporally consistent commitments are more credible than directive exhortations, and that the 89.4% concordance rate provides a benchmark against which

firms can assess their own commitment-disclosure alignment. For policymakers designing regulatory mixes, the results support a differentiated approach: soft-law instruments in trade should prioritize specificity and review, while corporate soft-law frameworks should emphasize temporal consistency and assertive content over hortatory appeals.

5.3 Limitations

1. **Sample size and generalizability.** The trade law sample of 47 documents, while purposively selected for representativeness, is limited relative to the full universe of WTO soft-law instruments. The corporate sample is confined to two African markets; findings may not generalize to jurisdictions with different disclosure infrastructures or enforcement contexts.
2. **Interpretive coding.** Despite inter-rater reliability checks, speech act classification involves interpretive judgment. The coding scheme cannot capture all dimensions of discursive meaning, particularly cultural and linguistic variation in rhetorical conventions.
3. **Cross-sectional design.** The study examines associations between discursive properties and follow-through within a bounded time frame. It cannot establish causal direction: specific commitments may cause follow-through, or firms/institutions with stronger governance capacities may produce both specific commitments and follow-through.
4. **Institutional heterogeneity.** The comparison between trade law and corporate governance involves institutional differences (public versus private actors, treaty-based versus market-based mechanisms) that cannot be fully controlled. The comparative framework identifies structural analogies but does not claim that the domains are equivalent.

5.4 Future Research Directions

1. Extension of the comparative framework to other soft-law domains, particularly human rights due diligence under the UN Guiding Principles and climate commitments under the Paris Agreement, to test the generalizability of the performative-discursive model.
2. Longitudinal designs tracking whether discursive commitments precede or follow changes in governance behavior, using panel data methods to address the causal direction limitation.
3. Experimental research testing how different audiences (trade diplomats, investors, civil society) interpret soft-law discourse, examining whether the performative mechanisms identified here operate through audience-specific credibility assessments.

4. Development of automated discourse assessment tools using natural language processing, building on the SPAI methodology to enable scalable monitoring of soft-law commitment specificity and consistency across large document corpora.

6. Conclusion

This study demonstrates that soft-law discursive governance operates through structurally analogous performative mechanisms across international trade law and corporate sustainability commitments, with an 89.4% concordance rate between specific commitments and subsequent disclosure alignment in the corporate sample. The main contribution is a replicable comparative framework that treats discourse not as peripheral to soft-law governance but as a constitutive mechanism through which reputational exposure, institutional learning, and interpretive guidance are produced. For administrators and policymakers, the practical takeaway is that soft-law instrument design should attend systematically to discursive properties—assertive specificity, temporal consistency, and the institutional scaffolding that determines whether directive appeals enhance or undermine credibility. As soft law continues to expand as a governance modality in domains ranging from trade to sustainability, the analytical tools developed here offer a means of assessing whether voluntary commitments are merely aspirational or genuinely performative.

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