

The Design of Trade Agreements (DESTA)

Non-trade Issues Codebook

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Preamble

[NTI_preamble] Does the preamble refer to any non-trade issues?

0	no
1	yes
9	no preamble

Explanations:

- Specific details on non-trade issue areas covered in the preamble (including by-reference to multilateral agreements) are listed in a separate comments column. References to the *Bonn Conference* are not coded and not listed under comments. References to the *UN Charter* are not coded but are listed under comments.

[NTI_preamble_corruption] Does the preamble refer to corruption?

0	no
1	yes
9	no preamble

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[**NTI_preamble_labour**] Does the preamble refer to labour standards?

0	no
1	yes
9	no preamble

[**NTI_preamble_env**] Does the preamble refer to environmental protection?

0	no
1	yes
9	no preamble

[**NTI_preamble_HR**] Does the preamble refer to human rights?

0	no
1	yes
9	no preamble

[**NTI_preamble_demo**] Does the preamble refer to democracy?

0	no
1	yes
9	no preamble

[**NTI_preamble_sec**] Does the preamble refer to security?

0	no
1	yes
9	no preamble

Explanations:

- References to ‘economic integration as an important dimension of stability’, and to ‘efforts to strengthen political stability in the region through regional co-operation’ are coded under security.

[**NTI_preamble_socdev**] Does the preamble refer to social development?

0	no
1	yes
9	no preamble

Explanations:

- References to socio-economic reforms, improving living standards, and promoting employment are coded under social development.

[**NTI_preamble_other**] Does the preamble refer to other non-trade issues?

0	no
1	yes
9	no preamble

Explanations:

- Issue areas other than those mentioned above are coded under others; including references to economic development/assistance and the process of regional integration (common in EC agreements). References to ‘the contribution of economic (not political) integration’ are not coded.

Main Treaty Text

Corruption

[**NTI_corruption**] Does the agreement refer to corruption?

0	no
1	yes

Explanations:

- Most references to corruption are found in protocols on mutual assistance in custom matters.
- References to corruption often use the following phrasing: prevention of illegal activities; fighting against laundering and the proceeds arising from criminal activities; measures against operations in breach/contravention of customs legislation; combatting fraud and illicit trade; preventing deceptive practices; fighting corruption.
- Imprecise phrases such as ‘The Parties shall develop customs cooperation to ensure that the provisions on trade are observed’ have not been coded.
- Specific details on the issue area are listed under comments.

[**NTI_corruption_refMT**] Is there a corruption-related reference to multilateral treaties?

0	no reference
1	reference

Explanations: Details are listed under comments.

Labour standards

[**NTI_labour**] Does the agreement refer to labour standards?

0	no
1	yes

Explanations:

- References to labour standards often use the following phrasing: promotion of higher labour standards; enforcement of labour law; consistency of domestic law with the internationally recognized labour rights; fair treatment of workers; social security rights dealing with: sickness, invalidity, old-age, industrial accident, unemployment.
- Specific details on the issue area are listed under comments.

[**NTI_labour_refILO**] Is there a labour-related reference to ILO conventions?

0	no reference
1	reference

Explanations: Details are listed under comments.

Environmental protection

[**NTI_env**] Does the agreement refer to environmental protection?

0	no
1	yes

Explanations:

- References to environmental protection often use the following phrasing: protection and preservation of the environment; enforcement of environmental law; sustainable development; renewable energies and energy efficiency and saving; water/waste management; measures against desertification; environment and nuclear safety; references to emission pollutants, toxic substances; general exceptions to GATT Art. XX and XXI.
- Imprecise phrases such as ‘protection of human health, animals and plants’ are not coded.
- Specific details on the issue area are listed under comments.
 - Long listings of environmental provisions are summarized under comments with ‘enumeration of environmental measures’.
 - General exceptions to GATT Art. XX and XXI are often complemented by environmental provisions: e.g. ‘This Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on the grounds of the protection of environment’. These are noted under comments as exceptions.

[**NTI_env_refMT**] Is there a reference to international environmental agreements?

0	no reference
1	reference

Explanations: Details are listed under comments.

Human rights

[**NTI_HR**] Does the agreement refer to human rights?

0	no
1	yes

Explanations:

- References to human rights often use the following phrasing: respect of human rights and fundamental freedoms, minority rights; promotion of the equality of women.
- Specific details on the issue area are listed under comments.

[**NTL_HR_refMT**] Is there a reference to human rights treaties?

0	no reference
1	reference

Explanations: Details are listed under comments.

Democracy

[**NTL_demo**] Does the agreement refer to democracy, governance or political co-operation?

0	no
1	yes

Explanations:

- References often use the following phrasing: mention of democratic principles; developing political dialogue; strengthening: political stability, the multi-party system with free and democratic elections, political liberties, political freedoms; commitment to pluralist democracy based on the rule of law; improvement and independence of the Parties judiciary; respect for international law principles; development of civic society; institution building; political reforms; common foreign policy.
- Specific details on the issue area are listed under comments.

[**NTL_demo_refMT**] Is there a democracy-related reference to multilateral treaties?

0	no reference
1	reference

Explanations:

- Details are listed under comments.
- Treaties that establish new communities/organizations are included.

Security

[NTL_sec] Does the agreement refer to security (military cooperation, anti-terrorism, peace-building, arms-control)?

0	no
1	yes

Explanations:

- References often use the following phrasing: Peace-building: Strengthening the structures of a peaceful and stable Europe/Asia etc., encouragement of peaceful co-existence, political dialogue to contribute to peace, stability, security; Security: Strengthening of national and regional security, providing information relating to security policy; Arms-Control: Countering the threat of illicit use and trafficking of weapons of mass-destruction, nuclear safety such as nuclear emergency preparedness or radiation protection; Anti-Terrorism: Fighting against terrorism, emphasis on the threat of international crime and terrorism.
- Specific details on the issue area are listed in a separate comments column.
- General exceptions to GATT Art. XX are often accompanied by security provisions: e.g. ‘investigations or production connected with needs of defence’. These are noted under comments as exceptions.

[NTL_sec_refMT] Is there a security-related reference to multilateral treaties?

0	no reference
1	reference

Explanations: Details are listed under comments.

Others

[NTL_others] Does the agreement refer to other issues not specified above?

0	no
1	yes

Explanations:

- Specific issues **coded** under ‘others’ are listed in a separate comments column. Categories include:
 - organized crime

- drug smuggling: e.g. countering the supply and illicit traffic of drugs and the reduction of its abuse; measures against smuggling etc.
 - migration issues
 - economic development: economic, technical, financial etc. assistance; economic restructuring and technological modernization including industry, the mining sector, investment, agriculture, energy, transport etc. **Note:** Chapters entitled ‘Economic Cooperation’ (found in most EC agreements) include provisions on economic and social development.
 - common foreign policy
 - financial assistance
 - social development: improvement of living conditions/raising living standards (often Art. 1); promoting the role of women; creating jobs; generating income. **Note:** Chapters entitled ‘Economic Cooperation’ (most EC-agreements) include provisions on economic and social development.
 - education: developing training, mutual recognition diplomas, cooperation between universities.
 - health: improving the social protection system, the health care system.
 - assistance for law approximation
 - other forms of cooperation: scientific, cultural, technical, tourism, statistical, migration, telecommunications, postal services, broadcasting, transport etc. (if under ‘services’ or ‘transport’ chapters, then not commented); references to scientific, technological, audio-visual, social, educational, cultural etc. matters.
 - regional integration: e.g. ‘allowing country x to take part in the process of European etc. integration, helping country x to become a member of the EU etc.’; reference to regional agreements such as ALADI.
 - religious issues: exemptions on religious matters especially in agreements with Islamic state parties.
- Issues **not coded** under ‘others’:
 - agriculture/fisheries
 - public procurement
 - protection of intellectual property
 - technical barriers to trade (TBTs)
 - phytosanitary measures
 - monopolies, anti-dumping, safeguard measures
 - services (only coded if not in the services chapter)

- creation of committees

General remarks

[**NTI_comments_general**] Considerations related to coding, irregularities, and other observations are included under general comments. Frequent occurrences include:

- References at the end of the agreement to annexes and protocols that are not available. These are commented upon.
- Declarations at the end of an agreement that are not coded.
- Further comments on coding:
 - General references to treaties that are unspecified are described with ‘unspecified’ in parentheses.
 - Exceptions that are essentially in line with GATT Art. XX, XI, or XXI are not coded.