

ACCESSION Accession is the method or act by which a state which often has not taken part in the negotiation of, and certainly not yet signed, an international Agreement already negotiated and signed by other states, may subsequently consent to be bound by its terms. Accession usually occurs after the Agreement has entered into force. Accession has the same legal effect as ratification.---- Accession is generally permitted after Entry into Force of most international agreements. The conditions under which Accession may occur, and the procedure involved, however, depend upon the provisions of the Agreement. An Agreement might provide for the Accession of all other states, of a limited and defined number of states, or only certain states (in which case those states have a right to accede to the Agreement). An Agreement may also require an invitation to accede made by a body created under the Agreement.---- In the absence of an Accession provision, Accession can usually only occur when the negotiating states agree to Accession of the state in question.----- Example: The Comprehensive Test Ban Treaty, Article XIII, provides that any state that does not sign the treaty before its Entry into Force may accede to it at any time thereafter. The Agreement also provides, in Article XIV, that the Agreement will enter into force for those states that deposit instruments of ratification or Accession after the Agreement enters into force 30 days after the instrument is deposited.---- Example: The International Coffee Agreement, 2001 (UNTS 37769), provides in Article 46, “1. The Government of any State member of the United Nations or of any of its specialized agencies may accede to this Agreement upon conditions which shall be established by the Council.---- 2. Instruments of Accession shall be deposited with the Secretary-General of the United Nations. The Accession shall take effect upon deposit of the instrument.”

ADJUDICATION The strongest possible method of formal dispute resolution in an international Agreement is Adjudication, in which a court is involved in the process. The court may be created by the Agreement (i.e. internal body) or it may be a pre-existing third Party (e.g. the International Court of Justice). As is the case in Arbitration (another method of dispute resolution), the Agreement will sometimes specify how the judges are to be chosen, as well as specify procedural rules as to how cases will be decided.---- Example: Article 24 of the Treaty for the Prohibition of Nuclear Weapons in Latin America (“Treaty of Tlatelolco”) (UNTS 9068) states that “[u]nless the Parties concerned agree on another mode of peaceful settlement, any question or dispute which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.” In this example, the reference to “another mode of peaceful settlement” will be coded as informal settlement of a dispute, while the reference to the International Court of Justice will be coded as Adjudication by a third Party. So while the Treaty of Tlatelolco does not call for the creation of an internal body dealing with dispute resolution, it does confer the responsibility of settling disputes to a third Party, the ICJ.

AGREEMENT An explicit arrangement formalized in writing and negotiated among international actors that prescribes, proscribes, and/or authorizes behavior. An Agreement may be referred to by a number of different names, including: “treaty,” “convention,” “covenant,” “Agreement,” “memorandum of understanding,” and “exchange of letters.”----- For the purposes of this study, agreements must 1) have at least two state parties, 2) have an original UNTS designation, 3) stipulate at least one goal that is observable in principle and 4) must do more than simply set the details of a future negotiation. Moreover, certain implementing agreements are excluded from this study if they are perfectly anticipated by a prior Agreement and do not go beyond that.

AGREEMENT PROJECT NUMBER The three-plus character identifier for each of the agreements used in this study. The first two characters are letters; the final characters are numbers. “AC” is used to denote agricultural commodity agreements; “DS” is used to denote disarmament agreements; “EN” is used to denote environmental agreements; “FN” is used to denote financial agreements; “HR” is used to denote human rights agreements; “IN” is used to denote investment agreements; “MO” is used to denote monetary agreements and “SE” is used to denote security agreements. A “2-“ after the letters implies that the agreement is from the second sample, post 1986.

AMENDMENT PROVISION A provision in an Agreement that provides for the ability and procedure whereby future changes can be made to the Agreement, including specific requirements that must be satisfied for such changes to be validly proposed (more specifically, put on the agenda) and adopted. An amendment can be the deletion or Revision of provisions that are already part of the Agreement, or it can be the addition of new provisions to the Agreement. Some amendment provisions explicitly state for whom and when the change will be binding. For this study, the term Amendment Provision refers only to the consideration and consequent change of a singular provision or a few provisions at a time, whereas a renegotiation or Revision contemplates the entire Agreement, even though in practice only a few provisions may be changed.--- Example: In the Treaty on the Non-Proliferation of Nuclear Weapons (UNTS 10485), the Amendment Provision binds only those parties that voted in favor of the amendment and no other member states. Example: Article 108 of the Charter of the United Nations provides that “[a]mendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.”

ANNEX/APPENDIX An addendum located at the end of an Agreement that often provides technical and procedural information separate from the more conceptual and goal-related language of the Agreement itself. Usually an annex or appendix is explicitly labeled as such. However, some agreements contain additional documents, such as notes, minutes of meetings, or records of proceedings of the international organization under whose auspices the Agreement was created. For purposes of this study, agreed minutes dated the same day as the Agreement itself will not be coded as annexes/appendices. ----Example: In the 1962 International Coffee Agreement (UNTS 6791), the annexes distinguish the different quotas for the importing and exporting states.--- Example: The Comprehensive Test Ban Treaty (CTBT) has two annexes to the Agreement and two annexes to the Protocol. Annex 1 to the Treaty includes lists of the member states from which the members of the Executive Council shall be chosen. Annex 2 to the Treaty lists the member states of the Conference on Disarmament as of 18 June 1996 which formally participated in the work of the 1996 session of the Conference. These states, per Article XIV, must ratify the Treaty before it can enter into force. Annex 1 to the Protocol consists of lists of locations of the Agreement’s monitoring stations. Annex 2 to the Protocol is a list of parameters to be used in screening events captured by the Agreement’s monitoring devices.--- Example: At the end of the International Convention for the Conservation of Atlantic Tunas (UNTS 9587) is a document of the U.N. Food and Agriculture Organization: The “Final Act” of the Thirteenth Session of the Conference of the Food and Agriculture Organization (acknowledging that the Conference prepared and opened for signature a convention). It is considered an annex.

ARBITRATION Arbitration is a form of international dispute resolution in which a third Party is selected (often with the mutual consent of the disputants) to resolve the dispute. An Arbitration provision will usually specify how an arbitrator is to be chosen, and whether the arbitrator's findings are conclusive (i.e., binding on the parties) or simply recommendations. Arbitration is sometimes delegated to an internal ad hoc arbitral body or a pre-existing body of a third Party (e.g. the International Court of Justice is often asked to appoint an arbitrator). It is important to note that Arbitration is distinct from Adjudication. Adjudication requires a formal court and uses pre-existing law as a justification for decisions. In contrast, Arbitration is less formal, and decisions need not be based on the body of law – i.e., Arbitration decisions can be more arbitrary. Arbitration is a stronger form of dispute resolution than mediation because third-Party actors actually recommend a resolution. Example: In the 1975 Agreement for the Promotion and Protection of Investments between the United Kingdom and Egypt (UNTS 15181), disputes between the two states are sent to an ad hoc arbitral tribunal (that is, a body created specifically to solve the dispute). Each state appoints one member of the body and then those two members choose a citizen of a third State to be the third member of the body. If they cannot agree, then the President of the International Court of Justice makes the necessary appointment. In this example, the ICJ is involved in selecting members of the arbitral body, but it is not considered Adjudication.

ASYMMETRIC, MILDLY If an Agreement confers the same substantive rights and responsibilities to all parties but the procedural rights differ in magnitude, as with weighted voting, the Agreement should be coded as mildly asymmetric. Example: The International Monetary Fund Agreement (UNTS 20), in which the weighted voting reflects the relative financial contributions, is mildly asymmetric; it gives more control to those states with greater wealth. Agreements in which States have the same rights and responsibilities, but where certain States are required to contribute more than others financially, would still be considered symmetric. For example FN 2-5 (UNTS 36248). See also Symmetry and Asymmetric, Profoundly.

ASYMMETRIC, PROFOUNDLY If an Agreement clearly favors one state or set of states in terms of substantive rights, that Agreement should be coded as profoundly asymmetric. Example: The Non-Proliferation Treaty (UNTS 10485) is an example of a profoundly asymmetric Agreement. Under the NPT, nuclear-weapon states retain their ability to possess and develop nuclear weapons but the non-nuclear weapon states cannot receive or manufacture nuclear explosive devices. See also Symmetry and Asymmetric, Mildly.

ASYMMETRY See Symmetry.

AUTHORIZED BEHAVIOR An Authorized behavior is a behavior that is expressly allowed by the Agreement, but is not required by it. The decision to take part in an Authorized behavior is left up to the individual member states if circumstances call for it. In contrast to a Prescribed Behavior, which must be implemented, an Authorized behavior can be implemented if the state so chooses. Authorized behaviors should be distinguished from recommended or suggested behaviors. Authorized behaviors often use the permissive word “may”, while recommended or suggested behaviors use terms such as “encourage” and “urge.”--- For purposes of this study, authorizations (like prescriptions and proscriptions) are limited to the substantive provisions of an Agreement; they do not apply to the procedural elements.--- Example: One of the central provisions of the Convention of Establishment

between France and Mali (UNTS 20762) is an Authorized behavior. Article 2 of the Convention provides that “[t]he nationals of either Contracting Party may enter the territory of the other Party, travel and reside therein in the place of their choice, and leave at any time, under the conditions provided for by the laws and agreements in force.”--- Example: The Treaty on the Non-Proliferation of Nuclear Weapons (UNTS 10485), Article VII, provides, “Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.” Thus members are authorized to enter into future regional agreements.

BILATERAL AGREEMENT A bilateral Agreement is an Agreement between two states. For purposes of this study, agreements between one state and an international organization are not considered bilateral agreements and are excluded from the study.--- Example: The Panama Canal Treaty (UNTS 21088) is an Agreement with only two states parties, the United States of America and Panama.

BODY CREATED BY THE AGREEMENT OR AN INTERNAL BODY The explicit creation of an entity with an identity separate from the Contracting Members. The duties of the body may include such tasks as monitoring, report collection, data distribution, etc. A body may meet under specific conditions or have a specific jurisdiction. Usually, a body is governed by specific decision making rules.--- A body should not be mistaken for the assemblage of members at regular meetings that discusses the progress of the Agreement, including whether to amend or extend it. An internal body created by the Agreement is distinct from a third Party or a domestic body of a member state. A third Party may be a body of another organization and should be coded as a third Party that is delegated tasks or given certain rights by the Agreement. Similarly, the mention of the creation of certain domestic bodies or institutions within member states, such as certain bureaus that are created by each member state to oversee the implementation of provisions of the Agreement within each member state, should be coded as examples of explicit Domestic Legislation, but not as internal bodies.--- Example: An example of a body created by an Agreement is the International Coffee Organization. Article 7 of the 1962 International Coffee Agreement (UNTS 6791) states that “[t]he International Coffee Organization is hereby established to administer the provisions of the Agreement and to supervise its operation.”--- Example of a Non-Body: Article IX of the Antarctic Treaty (UNTS 5778) states that “[r]epresentatives of the Contracting Parties named in the Preamble to the present treaty shall meet in the City of Canberra within two months after the date of Entry into Force . . . and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica...” This is not a body, it is a gathering of members. Whether a gathering of members was coded as an internal or body or not was not as straightforward as it sounds. There were often some judgment calls made, for instance, when the gathering was giving an official name and articles were devoted to the voting rules etc. It is important to remember that we justify any close calls on the pages affiliated with each agreement in the sample for which judgments were made. So if others disagree with our choices, they can easily change them and report doing so.

BODY, DETERMINING REPRESENTATION IN A Determining how member states are represented in a body, including the number of representatives a member is supposed to appoint to the body. Usually, representation in a body is fixed, with each member state required to appoint the same number of representatives to the body as other member states; this is what we code unless

representation is explicitly determined in a different manner. However, when representation to a body is determined by a certain criteria, such as member states' population size, financial contribution, or nuclear status, representation among different member states will vary.--- Example: The Comprehensive Test Ban Treaty (CTBT) determines the representation in one of the Agreement's bodies by means of geographic dispersion. Article II (28) states: "Taking into account the need for equitable geographical distribution the Executive Council shall comprise: a. Ten States Parties from Africa; b. Seven States Parties from Eastern Europe; c. Nine States Parties from Latin America and the Caribbean; d. Seven States Parties from the Middle East and South Asia; e. Ten States Parties from North America and Western Europe; and f. Eight States Parties from South-East Asia, the Pacific, and the Far East."

BODY, POTENTIAL CREATION OF Some agreements allow for the creation of a body in the future. These bodies are usually authorized, as opposed to prescribed, as in they "may" be created.--- Importantly, there are many examples of arbitral bodies where the specific members, not the idea of the body, are chosen at the time of a dispute. For the purposes of this study, these are considered internal bodies created by the Agreement and not potential bodies. Example: Article II (51) of the Comprehensive Test Ban Treaty (CTBT) provides for the potential creation of a new body: "The Director-General may, as appropriate, after consultation with the Executive Council, establish temporary working groups of scientific experts to provide recommendations on specific issues."

BUDGET A Budget, for the purposes of this study, is broadly defined as any direct or indirect reference or description of expenses that member states must bear for the purposes of carrying out the substantive obligations of the Agreement. These expenses include costs that a member state must bear alone and will not necessarily recover; thus, an Agreement calling for one member state to provide loans to another, or for a member state to return the loan, with interest, should not be coded as a Budget provision. Moreover, provisions that say each member-state will pay its own transportation costs to attend conferences or meetings do not constitute Budget provisions, because the costs do not go toward carrying out the substantive obligations of the Agreement or fulfilling its substantive goals.---- Example: Article 6 of the African Migratory Locust Convention (UNTS 10476) contains a Budget provision: "Each of the Participating Authorities shall contribute in money, supplies, or services to the initial expenses of establishing and equipping the Services, other than the cost of buildings, and to the current expenses of the Council, Secretariat, research, and Services, within the following total proportions for each Signatory Government: Belgium 20%, France 40%, the United Kingdom 40%."--- Example: The Comprehensive Test Ban Treaty (CTBT), Article II, 10 provides, "Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular Budget." It should be noted that the threshold for what constitutes a budget provision is quite low. Users of this data should carefully look at the agreements and note any changes they make. While the threshold is low, provisions outlining how the costs associated with arbitration are to be shared by the disputing Parties are not be included as budget provisions.

BUREAUCRAT (SEE ALSO EXPERT; POLITICAL REPRESENTATIVE) Someone who has jurisdiction, given by their own government, over areas related to an Agreement. A bureaucrat is not appointed by an elected official but rather is a long-standing government employee. For example, an environmental Agreement may call for a body to be staffed with representatives from member states but not specifically call for experts. Someone from the Greek Ministry of the Environment who serves

in an Agreement body is a bureaucrat, not an expert.--- Bureaucrats are also distinct from political representatives, who usually don't stay in their post when their political Party loses control of the government, e.g., Colin Powell, in his role as secretary of state. In contrast, bureaucrats are appointed to manage or administer the day-to-day functioning of departments within the government, generally in a civic career position. Bureaucrats often serve in the same department under different political parties. Government ministers (e.g., a finance minister) are generally considered political representatives, because although they run a bureaucratic agency, they are political appointees and will leave their post when their Party loses control of the government.--- Example: In the Agricultural Commodities Agreement Between the United States and Israel (UNTS 4365), signed in November 1957, the fact that all the major provisions of the Agreement are carried out by the Export-Import Bank of Washington and the Export-Import of Israel, suggests that bureaucrats, and not political representatives, are responsible for carrying out all the major provisions of the Agreement. Many agreements are not explicit about who body members really are. In those cases, the PI talked to experts to get a sense of what the most accurate coding should be.

COMPLAINT A means by which a Party that believes a signatory is not complying with the Agreement can express its grievances formally to some entity (like an internal body or a third body) or to another member state.---- Example: Article VI of the Biological Weapons Convention (UNTS 14860) states that: “[a]ny State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.” Simply having a dispute resolution provision calling for the establishment of an arbitral body in the event of a dispute has not been interpreted as giving Contracting Parties the right to file complaints. Moreover, some agreements also give individuals as independent agents the right to file complaints. That is captured in the coding.

COMPLEXITY/SIMPLICITY The coding allows for three degrees of complexity: relatively simple, average, and relatively complex. Several factors are taken into account when determining the complexity of an agreement, each of these factors discussed in turn.

A first factor is the number of actors involved. From a mere transaction cost argument, the more states are involved in an agreement the more difficult it will be to reach consensus on its terms. But the number of actors involved comes into play also on another dimension: Not only are there the participating states, but also the actors within each participating state that need to be taken into account. Specifically, agreements characterized by “two-level problems,” in which a government lacks complete control over domestic actors such as firms or NGOs, will be coded as more complex than agreements without such two-level dynamics. Two-level problems are particularly acute in some of the environmental and human rights agreements.

A second factor to look at is the number and nature of the underlying cooperation problems. Encouraging positive externalities, for instance, is often relatively simple through the use of financial incentives. Agreements characterized by enforcement problems, distribution problems, or uncertainty about preferences, on the other hand, are coded as more complex. Human rights agreements, for instance, are characterized by distribution problems (due to conflict about which human rights standard to choose), and uncertainty about the other signatories' true intentions adds to the complexity of these agreements.

Third, the sensitivity of the agreement is considered. Disarmament agreements, for instance, pertain to vital interests of states, and maintaining cooperation while another party to the agreement defects is

particularly costly. Disarmament agreements are, moreover, often characterized by multiple cooperation problems and involve several actors, and therefore generally score high on the complexity variable. Trade and financial agreements, by contrast, are much less risky than disarmament agreements, typically involve only two cooperation problems, and as a consequence in general receive a lower coding for complexity.

COMPLIANCE MONITORING Compliance Monitoring describes a system whereby other members or an internal or external body can distinguish whether or not a member is acting in accordance with the provisions of the Agreement. The system typically comprises collection of data or submission of reports and may include on-site investigations. The purpose of the system is to establish clearly whether or not a member is complying.--- See also Police Patrol and Fire Alarm.

COMPLIANCE PROVISION A Compliance Provision calls for adherence to substantive or first-order provisions of an Agreement. It can be as simple as stating that member states will do what the Agreement requires. An Agreement might not have an explicit Compliance Provision but can still have all the other compliance elements like monitoring, reporting, etc. In that case, the Agreement would be coded as not having a Compliance Provision, but the other questions regarding compliance would be answered. Conversely, an Agreement might have a Compliance Provision but lack any express provisions for enforcement or monitoring.--- Example: Article 36 of the 1962 International Coffee Agreement (UNTS 6791) (“Compliance with export quotas”) states that “[e]xporting members subject to quotas shall adopt the measures required to ensure full compliance with all provisions of the Agreement relating to quotas.”-- Example: The Antarctic Treaty (UNTS 5778), Article X: “Each of the Contracting Parties undertakes to exert appropriate efforts . . . to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present treaty.--- Example: The International Convention for the Conservation of Atlantic Tunas (UNTS 9587), Article IX, states: “The Contracting Parties agree to take all action necessary to ensure the enforcement of this Convention.”--- See also Domestic Implementation.

CONGRESSIONAL-EXECUTIVE AGREEMENT (CEA) Under U.S. law, a Congressional-Executive Agreement (CEA) is an international Agreement of the United States that has been approved by a simple Majority of both houses of Congress. (A treaty, in contrast, must be ratified by a two-thirds vote of only one branch of Congress—the Senate.) It is an ordinary federal law (a joint resolution) which requires simple Majority votes by both the House and Senate followed by approval by the President. Like treaties, CEAs supersede inconsistent state laws, as well as inconsistent provisions in earlier treaties, in other international agreements or in acts of Congress. Example: CEAs were used to implement the North American Free Trade Agreement (NAFTA) and to accomplish United States Accession to the World Trade Organization (WTO). Obviously, this coding is only relevant for agreements for which the U.S. is a member.

CONSENSUS Consensus is the making of decisions via negotiations or discussions, such that the end result is a general agreement of parties involved with no dissent. An Agreement may require Consensus to make decisions or to allow revisions, or it may call for Consensus if possible. (See also Majority and Supermajority) Example: Comprehensive Test Ban Treaty, Article II, 22 provides: “Decisions on matters of substance shall be taken as far as possible by Consensus. If Consensus is not attainable when an issue comes up for decision, the President of the Conference shall defer any vote

for 24 hours and during this period of deferment shall make every effort to facilitate achievement of Consensus, and shall report to the Conference before the end of this period. If Consensus is not possible at the end of 24 hours, the Conference shall take a decision by a two-thirds Majority of members present and voting unless specified otherwise in this Treaty.”

CONTINGENT PROVISION A Contingent Provision is one that does not become operative until certain criteria or circumstances are met, and its enforceability, applicability, or operation is dependent upon satisfaction of those conditions. For the purposes of this study, contingent provisions refer primarily to substantive provisions and do not include provisions that can be more explicitly defined (e.g. review provisions, escape/Withdrawal Clauses, etc.). Example: An example of a Contingent Provision that is not an escape or a withdrawal clause is found in the Comprehensive Test Ban Treaty (CTBT), Article IV (26): “In cases of significant or irretrievable breakdown of a monitoring facility specified in the Tables of Annex 1 to the Protocol, or in order to cover other temporary reductions of monitoring coverage, the Director-General shall, in consultation and Agreement with those States directly affected, and with the approval of the Executive Council, initiate temporary arrangements of no more than one year's duration, renewable if necessary by Agreement of the Executive Council and of the States directly affected for another year.”

CREATED UNDER THE AUSPICES An Agreement is “Created Under the Auspices” of another international Agreement or an organization when it has been created specifically as a result of another existing Agreement or has been created directly through the efforts of an existing international organization. A reference to the prior Agreement or the organization should be found in the title, the Preamble, or in the first articles of the Agreement. Example: In 1949, at its general conference, the International Labor Organization (ILO) promulgated certain proposals related to workers’ rights to organize and bargain collectively. The ILO’s proposals took the form of the Convention Concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (UNTS 1341). The Convention was thus Created Under the Auspices of the ILO.

CUSTOMARY INTERNATIONAL LAW Customary International Law is the body of international rules established through the customary practice of states, but that is not necessarily codified in a treaty or written as black letter law. Before a practice amounts to a rule of customary international law, states must engage in uniform and consistent practice, and must accept the practice as law. A state need not, however, specifically accept a rule of Customary International Law to be bound by it. To avoid being bound by a rule of customary international law, a state must persistently and expressly object to the practice that supports the existence of the rule. Example: The 1900 Supreme Court case *The Paquete Habana*, considered the legality of U.S. actions in capturing two Spanish fishing boats off the coast of Cuba. The Court stated that “where there is no treaty, and no controlling or legislative act or judicial decision, resort must be had to the customs and usages of civilized nations.” The Court reviewed historical custom and practice in determining that “coast fishing vessels, . . . unarmed and honestly pursuing their peaceful calling of catching and bringing in fresh fish, are exempt from capture as prize of war.” The owners of the fishing boats were awarded the proceeds from the sale of their vessels, plus damages and costs.

DECLARATION A Declaration is a notification by which a member of the Agreement clarifies its understanding or interpretation of, or the scope it gives to, a provision of an Agreement or the entire

Agreement, or by which a member explains its reasons for becoming a Party to the Agreement. The text of declarations usually appears in full immediately after the list of participants in an Agreement or after the text of the Agreement. Unlike reservations, declarations clarify a member's position and do not purport to exclude or modify the legal effect of an Agreement. Usually, declarations are made at the time of the deposit of the corresponding instrument or at the time of signature. By implication, therefore, in order for a member to rely upon a Declaration or Reservation in a dispute, it must be registered with the United Nations and published. Example: Czechoslovakia entered a Declaration to the International Covenant on Civil and Political Rights (UNTS 14668) stating that "The Czechoslovak Socialist Republic declares that the provisions of Article 48, Paragraph 1 . . . are in contradiction with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest." The coding includes up to ten declarations; if there are more, this is noted in the anything else relevant section after the declaration coding so users of the data can proceed to add to the coding. Also, the only declarations covered are those that are listed with the original UNTS-published agreement. Unfortunately, this is not necessarily a comprehensive current list.

DELEGATION The act of empowering another to act on one's behalf. An international Agreement often entrusts responsibilities to a third Party. Examples of third parties include existing international organizations (external Delegation) or bodies created by the Agreement (internal Delegation). Example: In the Comprehensive Nuclear Test Ban Treaty (CTBT), administrative matters are delegated to a body created by the Agreement, namely, the Technical Secretariat. The delegated administrative tasks listed in Article II(45) include: a. Preparing and submitting to the Executive Council the draft programme and Budget of the Organization; b. Preparing and submitting to the Executive Council the draft report of the Organization on the implementation of the Treaty and such other reports as the Conference or the Executive Council may request; c. Providing administrative and technical support to the Conference, the Executive Council and other subsidiary organs; d. Addressing and receiving communications on behalf of the Organization relating to the implementation of this Treaty; and e. Carrying out the administrative responsibilities related to any agreements between the Organization and other international organizations. Example: The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (UNTS 10485) effectively delegates Compliance Monitoring to the International Atomic Energy Agency. Article 3, paragraph 1 of the NPT states that "[e]ach non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an Agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices." This is an example of external Delegation. It is important to note that we do NOT include depository functions in delegated tasks, as this is not substantively interesting. All agreements have them.

DELEGATED TASKS

Figurehead

Holding a ceremonial or symbolic role, title, or office, with no real substantive or decision-making role, authority, or duty.

Administrative duties/secretarial

The responsibility for providing technical and clerical services, generally in a supporting role for other bodies or actors.

Example: The African Migratory Locust Convention (UNTS 10476) creates a Secretariat responsible for “technical and clerical” matters (Article 5).

Financial administration

The responsibility of taking care of financial aspects of the treaty, including setting up and dividing the budget, collection of dues or fees, projection of future costs, etc.

Example: The International Sugar Agreement of 1973 (UNTS 12951) creates several bodies, including the International Sugar Council. The agreement delegates a number of tasks to the Council, including financial administration. Article 22 describes the financial administration task: “During the second half of each financial year, the Council shall approve the administrative budget of the Organization for the following financial year and shall assess the contribution of each Member to that budget.” (Article 22)

Collection of information/gathering reports

The responsibility of gathering information including scientific data, either from member-states or from other sources. The data gathered may be used to verify compliance, but the task involves actively gathering information, so it goes beyond merely receiving compliance-related reports.

Example: In the African Migratory Locust Convention (UNTS 10476) a body is created to collect scientific information on the locust; the body is tasked with “permanent supervision of the African migratory locust in order to observe and to record variations in the density and phase characters of locust populations, breeding periods, migrations of solitary locusts, and formation and migrations of incipient bands or swarms” (Article 3).

Collation of information

The task of bringing together different (often scientific) reports or sources of information to make a centralized database or compendium of information. This aggregation generally facilitates the analysis of information.

Example: In the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts (UNTS 16710), a body is created “to keep under review the living resources and the fisheries in the Convention area by collecting, aggregating, analyzing, and disseminating statistical data, for example concerning catch, fishing effort and other information” (Article 9). Here, aggregating means collation of information.

Analysis of information

The task of analyzing statistical information, or processing, interpreting and/or comparing data, reports or other information, often with the goal of ensuring members' compliance with agreement regulations. Analysis of information, however, may go beyond the threshold of merely investigating a compliance-related complaint or fire alarm. The goal of information analysis can also be to generate new information based on scientific findings or to come to conclusions based on aggregated data.

Example: In Article 4(14)(d) of the Comprehensive Test Ban Treaty, the Executive Council delegates the task of information analysis to the Technical Secretariat by stipulating that the Technical Secretariat shall “[r]outinely process, analyze and report on International Monitoring System data according to agreed procedures so as to permit the effective international verification of this Treaty and to contribute to the early resolution of compliance concerns.”

Example: Article 4 of the International Convention for the Conservation of Atlantic Tunas (UNTS 9587) tasks an agreement body (the “Commission”) with information analysis as part of its work in studying the populations of tuna and tuna-like fishes. Article 4(2)(a) states that the task includes “collecting and analyzing statistical information relating to the current conditions and trends of the tuna fishery resources of the Convention area.”

Dissemination of information

The task of distributing information to specified parties, often to publicize members' compliance with agreement regulations and obligations, but often simply to bring about an exchange of information among members and perhaps non-members. Dissemination of information does not include tasks having to do with depositary responsibilities.

Example: In the Comprehensive Test Ban Treaty, the Executive Council delegates the task of information dissemination to the Technical Secretariat, which shall, according to Article 4(14)(e), “[m]ake available all data, both raw and processed, and any reporting products, to all States Parties, each State Party taking responsibility for all use of International Monitoring System data in accordance with Article II, paragraph 7, and with paragraphs 8 and 13 of this Article.”

Adopting rules and/or recommendations in addition to those stipulated in the agreement

The task of making additional rules or laws that are not specifically covered or stipulated in the agreement but are in line with the general goals of the agreement, without formally modifying (amending) the agreement. Though similar to amending an agreement, adopting rules do not require that a body has a role in modifying the agreement.

Example: Under the provisions of the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts (UNTS 16710), the Commission may review its scientific findings and “make recommendations to the Contracting States” regarding its findings on fish stocks and fishing (article 10).

Example: In an agreement on avoiding double taxation between Czechoslovakia and Norway (UNTS

18930), the members of the new body “may also consult together for the elimination of double taxation in cases not provided for in the Convention” and so make new rules in addition to those explicitly stipulated in the agreement (Article 25).

Having a role in amending the agreement

An international agreement may stipulate that a body, often established by the agreement, has a particular role in the event of a formal modification (amendment) of the agreement.

Example: The CTBT, Article 7, provides a detailed procedure for amendment of the agreement whereby an amendment may be proposed by any State party but is then subject to the following process: The amendment proposal is first communicated to the Director-General of the CTBT Organization, who distributes it to the other parties and the depositary, and seeks the views of the other members on whether an amendment conference should be convened to consider the proposal.

Having a role in the agreement’s implementation

Having a role in the execution of an agreement’s provisions or carrying out its substantive goals.

Example: The Convention on the prohibition of military or any other hostile use of environmental modification techniques (UNTS 17119) states that “the State Parties to this Convention undertake to consult one another and to cooperate in solving any problems which may arise in relation to the objectives of, or *in the application of the provisions of*, the Convention. Consultation and cooperation pursuant to this article may also be undertaken through appropriate international procedures [which include] a Consultative Committee of Experts” (Article 5). This Committee thus has a role in implementing the agreement, as it helps solve problems related to the application of the provisions of the agreement.

Vetoing rules or decisions made by another body

The ability to nullify or reject decisions or rules made by another internal body.

Example: Article 251 of the Treaty establishing the European Community describes the co-decision procedure which allows both the Council of Europe and the European Parliament to reject a proposal by the European Commission.

Presiding over or setting the agenda for some other body’s meetings

A body established by the agreement may have the task of presiding over or setting the agenda for the meetings of another body created by the agreement.

Example: Article 14 of the Constitution of the International Labour Organization stipulates that the agenda for all meetings of the International Labour Conference will be settled by the Governing Body.

Deciding which new members may accede to the agreement

This refers to the task of accepting or rejecting the accession of new members to the agreement.

Example: Article 6b of the European Agreement on the restriction of the use of certain detergents in washing and cleaning products (UNTS 11210) states that “the Committee of Ministers of the Council of Europe may invite any State not a Member of the Council to accede to this Agreement provided that the resolution containing such invitation receives the unanimous agreement by member States of the Council of Europe which take part in the field of public health referred to in Resolution 59(23) mentioned in the Preamble to this Agreement.” This provision may be seen as an example in which a body determines which new members may accede to the agreement. If a State which is not a Member of the Council wishes to accede to the Agreement the Committee of Ministers may issue an “invitation” to do so. If there is not unanimous support from the Member States of the Council of Europe which take part in Resolution 59(23) and which are also represented in the Committee of Ministers of the Council of Europe such an invitation would not be issued.

Granting exceptions under an escape clause

The task of determining which members can use an escape clause (which thus temporarily exempts them from one or more of the agreement’s obligations), and whether or not the escaping member will have certain agreement benefits (like voting rights) suspended during its escape.

Example: Article 85 of the Cartagena Agreement states that any “Member Country undergoing temporary supply shortages may report the problem to the General Secretariat, which shall verify the situation within a period commensurate with the urgency of the case. Once the General Secretariat verifies the existence of the problem in question and so informs the country adversely affected, the latter may take steps, such as to temporarily reduce or suspend the External Tariff duties within the necessary limits to correct the disturbance.” Thus, in this example, one member may need to “escape” by reducing or suspending tariffs because of supply shortages experienced by another member.

Having a role in monitoring compliance

Being involved in the system that is designed to distinguish whether or not a member is acting in accordance with the provisions of the agreement. Compliance monitoring may be performed by a member state, a body created by the agreement, or by a third party and usually includes tasks such as collecting/receiving reports, on site investigations, analyzing and submitting reports.

Example: In the agreement that bans hostile uses of environmental modification techniques (UNTS 17119), the United Nations is involved in monitoring compliance: “any State Party to this Convention which has reason to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations” (Article 5). The Council investigates and informs members of the results of the investigation. This does not necessarily count as “collection of information” unless the Security Council is on the ground actually collecting information.

Exercising soft procedures to encourage compliance, like reviewing meetings

Soft procedures to encourage compliance with an agreement include the task of reviewing the meetings of other bodies.

Example: Articles 14 and 15 of the Constitution of the International Labour Organization may be seen as providing the Governing Body with soft procedures to encourage compliance. Article 2 states that the Constitution provides for the establishment of a General Conference, and an International Labour Office which is controlled by the Governing Body. Article 8 states that the International Labour Office shall be headed by a Director General. Article 14 states that the Governing Body shall set the agenda for all meetings of the General Conference and article 15 states that the Director General (of the International Labour Office) shall act as the Secretary General of the General Conference. Since the Director General serves as the Secretary General of the Conference this implies that the Governing Body will have the ability to review the meetings of the Conference, and thus exercise a soft procedure to encourage compliance.

Having a role in overseeing complaint(s) and punishment(s) for non-compliance

Participating in the administration of complaints on non-compliance filed by member states, and the implementation of the punishments that the agreement stipulates.

Example: If consultations to resolve a trade dispute under the auspices of the World Trade Organization (WTO) fail, a panel is established. Unless unanimously rejected, the Dispute Resolution Body of the WTO adopts the decision of the panel and approves trade sanctions against the member in breach if required.

Example: Article 21 of the Treaty of Tlatelolco (UNTS 9068) states that if the General Conference believes that a Member State is violating the terms of the agreement and that such violation might endanger peace and security, the General Conference “shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary General of the United Nations, and to the Council of the Organization of American States. The General Conference shall likewise report to the International Atomic Agency for such purposes as are relevant in accordance with its Statute.” Article 21 thus implies that while it is the IAEA that is responsible for performing special inspections (article 16) the UNSC and the UNGA together with the Council of the OAS have a role in overseeing the complaints made.

Having a role in dispute resolution

Being involved in the process of resolving disputes and conflicts between members or between individuals and members. The body or third party may be the forum for dispute resolution, may be involved in picking judges or arbitrators, may provide advice, or may be otherwise involved in dispute resolution.

Example: In an investment agreement between Egypt and the United Kingdom (UNTS 15181), the President of the International Court of Justice is asked to appoint the third member of an arbitral tribunal if the other two members cannot agree (Article 9). Thus the ICJ has a role in dispute resolution.

Assigning new property rights

Being involved in the task of assigning new property rights. Property rights are rules that specify who can do what, who reaps the benefits from productive activity, and who bears the costs of disruptive activity. When an agreement is modified or expanded to govern potentially productive or disruptive activities, property rights must be assigned. If a body is allocated the responsibility of answering such questions, it is assigning new property rights. Property rights can also be assigned to govern the use of a public good or a commons, such as the airspace or oceanic fisheries.

Example: Part XI of the United Nations Convention on the Law of the Sea (UNTS 31363) establishes the International Sea-Bed Authority to administer seabed resources.

Redistributing property rights

Being involved in the process of redistributing property rights. Property rights are rules that specify who can do what, who reaps the benefits from productive activity, and who bears the costs of disruptive activity. Sometimes changes in the domain that an agreement governs cause dissatisfaction among the participants on existing property rights. In this case, property rights can be redistributed. A body that is allocated the responsibility of answering such questions is redistributing property rights.

Example: Article 5 of the International Convention for the Regulation of Whaling (UNTS 2124) states that The International Whaling Commission established by the parties “may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources.”

Example: The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (UNTS 14691) allows the OAU to redistribute refugees if a particular member is finding it difficult to continue to grant asylum (Article 2).

Addressing new, non-redistributive issues

Being involved in the task of addressing new, non-redistributive issues. Many agreements are means to promote the common interests of participants. It is often the case that new issues, in which states share a common interest, appear in the domain of an international agreement. If the participants agree on the required changes, the issue is non-redistributive. A body that is responsible for solving such problems is addressing new, non-redistributive issues.

Example: The World Anti-Doping Agency, as mandated by the World Anti-Doping Code, prepares and publishes a list of prohibited substances in sports.

Rights of residual control

Having the authority to manage issues that are not explicitly mentioned in the agreement. Rights of residual control refer to the authority to manage issues that are not explicitly incorporated in an international agreement. Typically, international law interprets an agreement according to the plain meaning of its text, and the right to control decision-making on issues not included in the authority of

an agreement is reserved to the state-parties as sovereigns. Rights not expressly granted to a body under an agreement are therefore reserved to the individual states and sometimes the people. Often, rights are granted to manage administrative issues.

Example: Article 2001 of the North American Free Trade Agreement states that a Free Trade Commission is established. Paragraph 2(e) states that the Commission shall “consider any other matter that may affect the operation of [the] Agreement.”

DISPUTE RESOLUTION PROVISION A Dispute Resolution Provision provides for processes and standards with which to resolve potential disputes and conflicts between members or between individuals and members. The essential questions answered by a Dispute Resolution Provision are, “How, where, and by whom will disputes be resolved?” Dispute resolution clauses often state the forum in which the dispute resolution process will be conducted, what procedures will be used (Arbitration, , etc.), and sometimes what law will apply to the dispute. Processes may include informal methods, mediation, Arbitration, or Adjudication before a judicial body. Dispute resolution can be delegated to an outside organization (like the International Court of Justice) or it may be delegated to a body created by the Agreement (like many arbitral bodies in investment agreements). In agreements which tend to regulate behavior within, rather than among states (such as multilateral human rights conventions), provisions that allow individuals to take grievances before a competent national body are also considered dispute resolution for purposes of this study. Methods of dispute resolution can include informal dispute resolution, mediation, Arbitration and Adjudication. An Agreement sometimes allows disputing parties to choose which method to use. Frequently, an Agreement will call for informal dispute resolution first, then will call for more-formal methods if the dispute is left unresolved. Dispute resolution provisions can also give a timeline, for anything from choosing members of a dispute resolution body to fully resolving the dispute. Example: Chapter XIII of the International Coffee Agreement, 2001 (UNTS 37769), outlines procedures for resolving disputes among members, including the expectation that members will first negotiate with each other to resolve disputes. If the dispute cannot be resolved by negotiation, it is referred to the Council. If a Majority of the Council members (or at least 1/3 of the eligible votes) agrees, the dispute will be submitted to an advisory panel made up of persons with specific qualifications, for an opinion about the matter, which the Council will consider in rendering a decision. Example: The Antarctic Treaty (UNTS 5778), Article XI, paragraph 1, encourages parties to pursue a number of dispute resolution mechanisms to resolve disputes peacefully. All disputants must decide whether the case can reach the dispute resolution process: “If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, Arbitration, judicial settlement or other peaceful means of their own choice.” Example: The Comprehensive Test Ban Treaty (CTBT) provides a number of different dispute resolution mechanisms. Article VI, paragraph 2, provides that in the case of a dispute, “the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means . . . including recourse to appropriate organs of this Treaty and . . . referral to the International Court of Justice in conformity with the Statute of the Court.” Article VI, paragraph 3 provides, “The Executive Council may contribute to the settlement of a dispute that may arise concerning the application or interpretation of this Treaty by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to seek a settlement through a process of their own choice, bringing the matter to the attention of the Conference and recommending a time-limit for any agreed procedure.” Article VI, paragraph 4 provides, “The Conference shall consider questions related to disputes raised by States Parties or

brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article II, paragraph 26 (j).” Finally, Article VI, paragraph 5 provides, “The Conference and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization.” See additional protocol on internal versus external delegation on the website, which gives great detail into coding arbitration provisions for Bilateral Investment Treaties.

DISPUTE RESOLUTION, INFORMAL SETTLEMENT Informal dispute resolution can take the form of diplomacy, friendly negotiations, or other informal methods that usually do not involve any third Party actors or a strict procedural structure. Agreements sometimes suggest that an informal method of dispute resolution be attempted first; other methods are then outlined should the informal method fail. Example: In the Convention of Establishment between France and Mali (UNTS 20762) Article 15, diplomacy is required as an informal method of dispute resolution: “Any dispute arising from the interpretation or application of this Convention shall be settled through the diplomatic channel.” Example: Article 24 of the Treaty for the Prohibition of Nuclear Weapons in Latin America (“Treaty of Tlatelolco”) (UNTS 9068) states that “[u]nless the Parties concerned agree on another mode of peaceful settlement, any question or dispute which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.” In this example, the reference to “another mode of peaceful settlement” would be coded as informal settlement, while the reference to the International Court of Justice would be coded as Adjudication.

DISPUTE RESOLUTION, REJECTING THE PROPOSED SETTLEMENT Not accepting the proposed resolution of a dispute, whether arrived at via informal methods, Arbitration findings, or an Adjudication verdict. Some agreements allow for the rejection of proposed settlements that are unacceptable, while others prohibit it. This differs from appeal, because appeal constitutes a “rejection” of an actual decision, while this is a rejection of a proposed decision or settlement.

DISSEMINATION OF INFORMATION A task undertaken by an Agreement body or a third Party in which data or other information is distributed to all or certain relevant parties (or even parties that are not members of the Agreement). Often put in to ensure members’ compliance with Agreement regulations and obligations or just to inform or bring about an exchange of information among members or non-member. Dissemination of Information does not include tasks having to do with depositary responsibilities. Example: In the Comprehensive Test Ban Treaty, the Executive Council delegates the task of information dissemination to the Technical Secretariat, which shall, according to Article IV, paragraph 14e, “[m]ake available all data, both raw and processed, and any reporting products, to all States Parties, each State Party taking responsibility for all use of International Monitoring System data in accordance with Article II, paragraph 7, and with paragraphs 8 and 13 of this Article.”

DOMESTIC LEGISLATION This refers to some indication in the Agreement that new domestic bureaus, laws, or procedures will be created for the purpose of implementing the Agreement domestically. An Agreement may be “not at all explicit,” “somewhat explicit,” or “explicit” as to Domestic Legislation. Not at all explicit: An Agreement in which there is no mention of domestic

bureaus or laws created to carry out the Agreement. Somewhat explicit: An Agreement in which there is mention of domestic bureaus or laws created to implement the Agreement, but which lacks specific details such as deadlines, timelines, and mandates for the creation of Domestic Legislation, enforcement mechanisms, and bodies. Explicit: An Agreement in which there are more specific guidelines for Domestic Legislation, including specific details such as deadlines, timelines, and mandates for the creation of Domestic Legislation, enforcement mechanisms, or bodies. Example: An example of explicit Domestic Legislation is in the Agreement for Sales of Agricultural Commodities between the U.S. and Paraguay (UNTS 11046). In exchange for favorable agricultural financing from the U.S., Paraguay agrees to implement “self-help” provisions to improve its agriculture sector. Part II, Item V lists seven specific things Paraguay must do to implement “self-help” measures, including agricultural, educational and Budget reforms. Several of the items are given specific deadlines. Example: The Convention Concerning the Application of the Principles of the Right to Organise and to Bargain Collectively contains a somewhat explicit Domestic Legislation provision. Article 3 states: “Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding articles.” Example: An example of a not at all explicit Domestic Legislation provision is Article III, paragraph 1 of the Comprehensive Test Ban Treaty: “Each State Party shall, in accordance with its constitutional processes, take any necessary measures to implement its obligations under this Treaty.”

DURATION PROVISION A provision specifying how long the Agreement will "remain in force" -- that is, how long it will last. Some last for a finite period, Example: "This Agreement shall remain in force for a period of ten years from the date of definitive Entry into Force," while others are indefinite. Example: "This Convention shall remain in force until denounced by one of the Contracting States." Example: "This Convention shall be of unlimited duration." Some finite agreements have extension provisions that allow the Agreement to be renewed, either for another finite period or indefinitely. Other finite agreements specify that there will be renegotiation after the Agreement ends. Some finite agreements call for both: Example: According to Article 71 of the 1962 International Coffee Agreement (UNTS 6791), "Parties...either decide to renegotiate the Agreement, or to extend it for such period as the Council shall determine."

ENTRY INTO FORCE An Agreement enters into force as provided for in the Agreement. Often, Entry into Force takes place when a sufficient number of states ratify the Agreement or when particular states ratify it. Example: Article 45 of the International Coffee Agreement 2001 (UNTS 37769) provides for its Entry into Force: “This Agreement shall enter into force definitively on 1 October 2001 if by that date Governments representing at least 15 exporting Members holding at least 70 percent of the votes of the exporting Members and at least 10 importing Members holding at least 70 percent of the votes of the importing Members . . . have deposited instruments of ratification, acceptance or approval. Alternatively, it shall enter into force definitively at any time after 1 October 2001 if it is provisionally in force in accordance with the provisions of paragraph (2) of this Article and these percentage requirements are satisfied by the deposit of instruments of ratification, acceptance or approval.” Example: The Comprehensive Test Ban Treaty (CTBT), Article XIV, provides: “1. This Treaty shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this Treaty, but in no case earlier than two years after its opening for signature. 2. If this Treaty has not entered into force three years after the date of the anniversary of its opening for signature, the Depositary shall convene a Conference of the States that have already deposited their instruments of ratification upon the request of a Majority of those States. That Conference shall examine the extent to which the requirement set out in paragraph 1 has been

met and shall consider and decide by Consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early Entry into Force of this Treaty.”

ESCAPE CLAUSE A provision that permits a member to be temporarily exempt from a requirement of an Agreement or to change its obligations (usually in the event of adverse circumstances) or to avoid liability for nonperformance under certain conditions. Escape clauses sometimes provide that voting rights or other rights arising from the Agreement are suspended during a Party’s “escape.” An Escape Clause differs from a withdrawal clause in that the former is temporary and may be employed on a partial, selective basis, while the latter is a comprehensive exit from membership. Example: The 1962 International Coffee Agreement (UNTS 6791): “(1) The Council may, by a two-thirds distributed Majority vote, relieve a Member of an obligation which, on account of exceptional or emergency circumstances, force majeure, constitutional obligations, or international obligations under the United Nations Charter for territories administered under the trusteeship system, either: (a) constitutes a serious hardship; (b) imposes an inequitable burden on such Member; or (c) gives other Members an unfair or unreasonable advantage. Bilateral Investment Agreements often contain escape clauses. Article 5(1) in the Agreement for the promotion and protection of investments (COIL: IN 1, UNTS: 22810) states that “Investments of nationals or companies of either Contracting Party shall not be nationalised, expropriated...in the territory of the other Contracting Party except for a public purpose related to the internal needs of that Party...” Often, this “public purpose” must be verified by a body like a national court.

EXCEPTIONS TO COMPLIANCE Exceptions to Compliance are provisions that exempt a signatory (or group of signatories) from abiding by the rules or particular rules which the treaty specifies. Exceptions to Compliance are different from escape clauses in that escape clauses are temporary and Exceptions to Compliance are permanent. Example: An example of an exception to compliance is found in the First International Coffee Agreement of 1962 (UNTS 6791) in which members whose average annual exports of coffee for the preceding 3-year period were less than 25,000 bags are not obligated to be subject to the quota provisions of the Agreement.

EXECUTIVE AGREEMENT In the United States, an executive Agreement is an international Agreement entered into by the President without any steps directly involving Congress. The President's authority to negotiate and enter into an executive Agreement flows from specific powers delegated to him by earlier acts of Congress. Executive agreements are effective when signed by the president. No Senate or House approval is required. The president does not, however, have unlimited power, although presidents have asserted broad authority to make many international agreements. Executive agreements, like treaties, are law of the United States and are supreme over State law. Also like treaties and other international agreements, executive agreements can be superseded by domestic law, by later international agreements or by later acts of Congress. However, the status of executive agreements in relation to pre-existing acts of Congress has not been authoritatively determined. Example: The Agreement for Sales of Agricultural Commodities between the U.S. and Vietnam (UNTS 12254) is an example of an executive Agreement because it is an Agreement that came into effect with only the President’s signature, or in this case, the signature of the President’s representative, U.S. Ambassador to Vietnam.

EXISTING INFORMAL AGREEMENTS An existing informal Agreement is an Agreement between parties that has not been formalized in an international Agreement, but that has influenced the parties' behavior towards each other.

EXISTING INTERNATIONAL AGREEMENTS Existing International Agreements are those that are already in place at the time of the drafting of the Agreement in question and that are referred to in that Agreement's Preamble or provisions. Example: Article XIII of the Chemical Weapons Convention (UNTS 33757) cites an existing international Agreement when it states: "Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925."

EXPERT (SEE ALSO BUREAUCRAT) An Expert is an individual with a high degree of skill or knowledge in a specific subject as the result of experience or training. As members of Agreement bodies, experts differ from political representatives in that they are often able to act independently of the governments of their states. They also differ from bureaucrats because they are not life-long administrators of a government bureaucracy. Example: The Human Rights Committee established by the International Covenant on Civil and Political Rights (UNTS 14668) is made up of experts. Per Article 28(2), the committee is composed of persons of "recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience." They are not political representatives; Article 28(3) clarifies that the members are to serve "in their personal capacity." Example: The Comprehensive Test Ban Treaty (CTBT), Article II, paragraph 26 (f) provides that "The Conference shall . . . [c]onsider and review scientific and technological developments that could affect the operation of this Treaty. In this context, the Conference may direct the Director-General to establish a Scientific Advisory Board to enable him or her, in the performance of his or her functions, to render specialized advice in areas of science and technology relevant to this Treaty to the Conference, to the Executive Council, or to States Parties. In that case, the Scientific Advisory Board shall be composed of independent experts serving in their individual capacity and appointed, in accordance with terms of reference adopted by the Conference, on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Treaty."

EXTENSION PROVISION An Extension provision is a provision that increases the duration of an Agreement by a specified period, or a provision that permits such an increase in duration by some process less cumbersome than renegotiation. The process for extending a treaty typically does not require the formalities of renegotiation and re-ratification that are potentially cumbersome or politically risky for involved parties. An Extension provision extends the Agreement as is, while a Renegotiation Provision allows for the substance of the Agreement to be altered. Example: The International Coffee Agreement of 1962 (UNTS 6791), Article 71(2), states that "[t]he Council, during the fifth full coffee year after the Agreement enters into force, may, by vote of a Majority of the Members having not less than a distributed two-thirds Majority of the total votes, either decide to renegotiate the Agreement, or to extend it for such period as the Council shall determine."

FIRE ALARM A Compliance Monitoring system in which the monitoring body relies on member-states or third parties to bring the non-compliance of a member to its attention. The

aggrieved member or third Party can complain and seek redress, most often by submitting a complaint to a monitoring body that will take the necessary action in dealing with the non-complying member. Fire alarm monitoring is less centralized, less direct, and less regular than Police Patrol because it relies on the action of member states or third parties such as individuals acting independently to report non-compliance of members rather than on a single entity that regularly patrols member states and determines whether a member state is in compliance or not. Agreements can sometimes include both Fire Alarm and Police Patrol systems. Example: The Comprehensive Test Ban Treaty provides that “[e]ach State Party has the right to request an on-site inspection in accordance with the provisions of this Article and Part II of the Protocol in the territory or in any other place under the jurisdiction or control of any State Party, or in any area beyond the jurisdiction or control of any State.” Paragraph 36 provides: “The requesting State Party shall refrain from unfounded or abusive inspection requests.” Agreements in which individuals and/ or private firms have the right to file complaints with a third party or with a national court for example, will also be coded as having fire-alarm. This right is typically found in bilateral investment treaties and in bilateral taxation agreements.

FLEXIBILITY The presence of provisions in an Agreement that allow the Agreement to accommodate new circumstances. Flexibility provisions can be adaptive in that they allow members to cope with unexpected shocks or special domestic circumstances, but still preserve the existing arrangements. An Escape Clause is an example of adaptive Flexibility. Transformative Flexibility, on the other hand, is more profound. Transformative Flexibility usually involves clauses that allow renegotiation of an Agreement.

FORMAL COMPLAINT A Formal Complaint is the method by which a member of an international Agreement, or an individual who is entitled to rights or benefits from the Agreement, may express grievances. The method for making a Formal Complaint is usually spelled out in an Agreement whereby the complaining Party officially claims, before, for example, the dispute resolution body, some other 3rd Party, or another (3rd) state, that another Party has violated the Agreement. The complaint may lead to the dispute resolution stage. In contrast, an informal complaint takes place when a member of an international Agreement or an individual directly confronts the state who allegedly performed the grievances. Example: Article 6(1) of the Biological Weapons Convention (UNTS 14860) provides that “[a]ny State Party . . . which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations.” Example: An example of an Agreement that allows individuals and NGOs to make formal complaints under certain circumstances is the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (UNTS 2889). Article 25(1) states that “the Commission may receive petitions . . . from any person, non-governmental organization or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in this Convention, provided that the High Contracting Party against which the complaint has been lodged has declared that it recognizes the competence of the Commission to receive such petition.”

IMPLEMENTING AGREEMENT Implementing agreements usually follow from previous, broader, more conceptual agreements. Implementing agreements not only implement the previous agreements, but often extend their duration or broaden or specify their scope. Implementing agreements also include agreements that implement a provision of domestic law of one of the parties. An implementing Agreement will usually note the Agreement from which it stems in the Agreement’s

text. For purposes of this study, agreements whose sole ambition is to implement provisions of other international agreements are excluded from the sample. Only implementing agreements that go beyond what was previously called for or which implement domestic laws are included in the study. Example: In the 1950s, the United States signed a series of bilateral agreements with its allies, including a number of European countries, to implement the Economic Cooperation Act of 1948. These are examples of implementing agreements that implement a provision of domestic law of one of the parties. Example: An example of an Agreement that implements another international Agreement is the 1984 Exchange of Notes between Brazil and the Federal Republic of Germany on the Project “Soil Management and Conservation in East Amazonia” (UNTS 23031). The first paragraph of the exchange of notes states that it is arrived at “pursuant to the Basic Agreement on technical cooperation of 30 November 1963 concluded between our two Governments.” The exchange of notes augments and extends the 1963 Agreement, otherwise it would not be included in the sample.

INDEFINITE If an Agreement does not have a pre-determined point at which it will no longer be in force, it is indefinite. An Agreement can be either explicitly indefinite (when it has a Duration Provision that says the Agreement continues indefinitely), or implicitly indefinite (when the Agreement has no Duration Provision at all). Example: The Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (UNTS 2889) is an example of an implicitly indefinite Agreement because it contains no Duration Provision. Example: The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) (UNTS 9068) is an example of an explicitly indefinite Agreement because the Agreement states that it continues indefinitely. Article 30 says that “[t]his Treaty shall be of a permanent nature and shall remain in force indefinitely.”

INDUCEMENTS TO COMPLIANCE Agreements can sometimes offer Inducements to Compliance, which are attempts to change the payoffs for cooperation and defection. These can take the form of Rewards, Punishments (including Financial sanctions, Non-financial sanctions, the curtailing of Membership rights, or expulsion from the Agreement), and/or Assistance. Inducements can be automatic or may require authorization. Who authorizes the inducement (other members, an internal body, etc) is also captured in the coding. The nature and extent of the inducement to compliance may be determined on a case-by-case basis or determined by an established criterion. Example: The 1962 Coffee Agreement (UNTS 6791) specifies that if a member country violates its obligations, it will have its quotas curtailed and eventually get kicked out (punishment) (International Coffee Agreement, September 28, 1962, 469, art. 36).

INTERGOVERNMENTAL ORGANIZATION (IGO) A pre-existing international body permanently established and controlled by states and to whom a task is delegated. An international IGO is typically created by a previous international Agreement and its membership comprises sovereign states. IGOs established by international agreements are subjects of international law and are thus able to enter into international agreements with other IGOs or with states. Non-governmental Organizations, on the other hand, are national or international bodies that are comprised of private citizens or groups. When in doubt, one should research the organization to determine whether it is an IGO. See also Non-Governmental Organization (NGO). Example: The International Atomic Energy Agency (IAEA), the World Trade Organization, and the Organization of the Petroleum Exporting Countries (OPEC) are all examples of international IGOs. Example: The International Court of

Justice (ICJ), established in 1945, is the principal judicial organ of the United Nations. The ICJ decides cases submitted by states and gives advisory opinions on legal questions submitted by the U.N. General Assembly, the U.N. Security Council or U.N. specialized agencies. The ICJ sits in The Hague, Netherlands. Example: The International Center for the Settlement of Investment Disputes (ICSID) is an IGO created to relieve the President of the World Bank of mediation obligations in investment disputes between governments and private foreign investors. The Administrative Council of the ICSID, chaired by the President of the World Bank, was created by the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. Both the ICJ and ICSID are referred to in many international agreements.

INTERNATIONAL AGREEMENT An international Agreement is an explicit arrangement between at least two states that prescribes, proscribes, or authorizes behavior that is observable in principle.

ISSUE SCOPE The range of issues addressed in the Agreement. For the purposes of this study, scope is coded with respect to broad issue areas. The four broad issue areas included are security, economics, environment, and human rights. Sub-issue areas are given by the UNTS and include topics including the environment, security, disarmament, human rights, monetary matters, agricultural commodities, investment, and finance.

LENGTH OF THE AGREEMENT The length of the Agreement refers only to those pages that contain the substantive/procedural aspects of the Agreement; hence title pages and signature pages are not included in the total page count. Nor are annexes and appendixes. But any agreed minutes found at the end of an Exchange of Notes are counted. Moreover, when an Agreement is written in more than one language, only the English portion of the Agreement should be counted. See also Annex/Appendix.

MAJORITY A (simple) Majority is any number that is more than half of the total. In voting, it refers to the requirement that more than 50 percent of the eligible votes or members agree to a measure in order for it to take effect. In contrast, a supermajority requires two-thirds of members to agree to a measure for it to take effect.

MEMBERSHIP CATEGORIES A way to make distinctions between the member states which usually differ in their rights and responsibilities. For example, in the case of the 1962 International Coffee Agreement (UNTS 6791), there is a clear distinction between coffee exporters and coffee importers. Different Membership Categories can contribute to the Asymmetry of an Agreement. However, different categories of membership do not by themselves imply that an Agreement is asymmetric. The opposite is also true: even with no distinctions in membership, an Agreement can be asymmetric.

MEMBERSHIP CRITERIA Agreements sometimes specify certain criteria that states must meet to qualify for membership. For example, some agreements are limited to states that belong to a certain geographic area, have membership in another international Agreement--formal or informal, have a

certain polity (democracy, socialist state, free elections, etc), realize and respect human rights, have met particular economic requirements (like a level of GNP or inflation), have specific economic policies (like a balanced-budget policy), have a specific economic system (planned, free market), are a producer or consumer of particular goods/commodities, and/or make certain financial contributions. Example: Membership in the Convention for the Protection of Human Rights and Fundamental Freedoms (UNTS 2889) is limited to the members of the Council of Europe. This would therefore be coded as “membership in other international Agreement, formal or informal.” -- Example: Article 3 of the Protocol Relating to Refugee Seamen (UNTS 13982) states that the Protocol is only open for signature to those states that have signed the 1957 Agreement Relating to Refugee Seamen (UNTS 7384). This would therefore be coded as “membership in other international Agreement, formal or informal,” and more specifically as "realization of human rights." -- Example: The Treaty for the Prohibition of Nuclear Weapons in Latin America (UNTS 9068), per Article 25, allows membership by states that meet one of two criteria: 1) all of the “Latin American Republics,” and 2) “all other sovereign States situated in their entirety south of latitude 35° north in the western hemisphere. . .”

MEMBERSHIP PROVISION A provision that explains the Agreement’s Membership Criteria and the procedures whereby those states and organizations that are not members may join before and after the Agreement enters into force. Some agreements are open to all states whereas others specify Membership Criteria. Example: The CTBT, Article XIII, provides that “[a]ny state which does not sign this Treaty before its Entry into Force may accede to it at any time thereafter.”

MONITORING PROVISION A provision that establishes procedures for the gathering and often confirmation of information about member compliance with the terms of an Agreement. This may include Self-Reporting by the member states to the monitoring body or to other members. It also includes routine or unscheduled inspection of member states by an Agreement body, another member state, or third Party. Often times, monitoring includes the gathering and verification of certain data (such as the size of nuclear arsenals) that indicates whether a member is complying with the Agreement. Example of self reporting: The First International Coffee Agreement, in Article 49, provides that “[e]ach [coffee] producing Member shall periodically submit written reports to the Council on the measures it has taken or is taking to achieve the objectives of Article 48, as well as the concrete results obtained.”

MULTI-ISSUE AGREEMENT A multi-issue Agreement addresses more than one area of policy. Even in an Agreement in which different states are confined to different issues, the Agreement in total is considered multi-issue.

MULTILATERAL AGREEMENT Multilateral agreements are international agreements in which three or more member states participate. Example: The Comprehensive Test Ban Treaty and Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine: Convention on Human Rights and Medicine (UNTS 37266), are both agreements in which more than two members are Party to the Agreement.

NON-GOVERNMENTAL ORGANIZATION (NGO) A non-governmental organization (NGO) is a group of persons engaging in collective, non-commercial activity to pursue some issue or issues of

interest to its members, not on behalf of a government, by lobbying, persuasion, and engaging in direct action, sometimes across national borders. NGOs based in a local community are rarely engaged in global politics. National NGOs, based in a single country, may engage in transnational activities, but usually only the largest and wealthiest ones do so. International NGOs include Amnesty International, Greenpeace, the International Red Cross, and Save the Children. Many other international NGOs are less well known but are of major importance, including economic bodies, such as the International Chamber of Shipping; technical bodies, such as the International Organization for Standardization; or professional bodies, such as the World Medical Association.

NON-SELF-EXECUTING AGREEMENT A non-self-executing Agreement requires parties to enact enabling Domestic Legislation or to create domestic institutions before the Agreement takes effect. A non-self-executing Agreement is not given effect as domestic law in the absence of necessary implementing measures. The Restatement of Foreign Relations Law 3d, section 111, subsection 4 provides: “An international Agreement of the United States is ‘non-self-executing’ (a) if the Agreement manifests an intention that it shall not become effective as domestic law without the enactment of implementing legislation, (b) if the Senate in giving consent to a treaty, or Congress by resolution, requires implementing legislation, or (c) if implementing legislation is constitutionally required.”

NON-STATE ACTOR A Non-state Actor is generally any actor that is not a government of a sovereign state. In international agreements, non-state actors are often delegated tasks dealing with nonsubstantive aspects of carrying out the Agreement. For example, some non-state actors are called on to exchange information with member states, to participate in monitoring compliance, or to be involved in dispute resolution procedures. Example: Non-state actors include NGO’s such as Green Peace and Amnesty International and IGO’s such as the International Court of Justice as well as individuals or companies. In cases where individuals and private firms can act independently from their governments, for example when pulling the fire alarm and filing complaints with a third party, they too will be coded as non-state actors. National courts in States with strong rule of law have also been included as non-state actors when relevant.

ONGOING PROBLEM An Ongoing Problem refers to an issue in which cooperation to solve it must be continuous. Issues such as human rights, environmental regulation, and international economic cooperation pose ongoing problems. In contrast, a singular event refers to a one-time problem that needs to be solved and has usually already happened, for instance, like an environmental or economic disaster.

OPT-OUT CLAUSE An opt-out provision allows members an exemption with respect to a specific provision (or provisions) of the Agreement. In other words, a state can sign onto an Agreement and not commit to a certain aspect of it. Example: The United Kingdom was granted an Opt-Out Clause that allowed it not to take part in the third stage of Economic and Monetary Union (EMU) of the Treaty on European Union (UNTS 30615). The Opt-Out Clause was a necessary condition to the United Kingdom’s approval of the Treaty as a whole. The United Kingdom is not obliged to participate in the EMU without a separate decision by its government and Parliament. Example: When a state joins the International Monetary Fund (IMF), it can elect to avail itself of “transitional arrangements” under Article XIV of the Articles of Agreement of the IMF (UNTS 20) and thereby

opt out of the obligations of Article VIII (the “General Obligations of Members”). States may decide to commit to the Article VIII obligations at any point (or not at all), but, once they do, the decision cannot be revoked.

OPTIONAL PROTOCOL In contrast to a Protocol, an Optional Protocol is a supplementary Agreement, establishing additional rights and/or obligations which member states are not required to sign or adopt. Whether or not member states choose to adopt an Optional Protocol will not affect their obligations under the original Agreement. Example: The Preamble to the Optional Protocol to the International Covenant on Civil and Political Rights (UNTS 14668), signed on December 16, 1966, allows those states that are part of the original International Covenant on Civil and Political Rights the choice to adopt this Protocol as a means to “further achieve the purposes of the International Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and [implement its] provisions...”

OTHER "Other" refers to a cooperation problem that is not a strategic problem in the game-theoretic sense as are the rest of the cooperation problems used in this study. Certain actions that are of a humanitarian nature, such as giving earthquake or hurricane aid, are best captured in Other. Also, the cooperation problem underlying certain human rights agreements is one of creating or spreading norms. Since the establishment of norms is at least partially about preference change, it is not best characterized as a strategic cooperation problem; the category of strategic problems takes preferences as given. Finally, pure coordination problems are also coded as "other." Of course, this definition of "Other*" does not preclude it from being chosen alongside a strategic cooperation problem: Many situations are best characterized as having multiple underlying cooperation problems. An example of a security Agreement for which the underlying cooperation problem is to give assistance and establish good will is the 1981 “Co-operation Agreement on civil defense and security,” between France and Morocco (UNTS 20783); there is no underlying strategic problem here; hence this Agreement is coded as having a cooperation problem of "other" and nothing else. The 1997 multilateral “Convention on human rights and biomedicine,” (UNTS 37266) also is coded as having an underlying cooperation problem characterized by "other," i.e., the establishment of a norm of equitable access to healthcare. (This Agreement is also characterized by the strategic problem of Uncertainty about behavior.)

PARTY A state or organization that has agreed to be bound by an international Agreement.

PAYOFF A state’s resulting gain (or loss), directly or indirectly from participating in an international Agreement, which may or may not be easily quantified, is a Payoff. Example: One Payoff for the United States in joining the Nuclear Nonproliferation Treaty (NPT) (UNTS 10485) was the upholding of its position as a world power. While the NPT increases the security level of all states, the nuclear weapon states receive the Payoff of power retention while the non-nuclear weapon states receive the Payoff of technological transfer which falls under the category of economics.

POLICE PATROL Police Patrol is a Compliance Monitoring system that refers to a type of oversight in which the member states, a body created by the Agreement, or a third Party, examine instances of member-state actions on a regular basis and determine whether they are in compliance

with the Agreement. Often but not always a centralized monitor routinely observes the behavior of the members to ensure they are fulfilling their duties and obligations set forth in the Agreement.

Example: An example of Police Patrol is the 1962 International Coffee Agreement (UNTS 6791). The importing states police the Agreement by requiring that coffee coming into their states be accompanied by a certificate of origin. This information is then forwarded to the International Coffee Organization.

POLITICAL REPRESENTATIVE Political representatives are delegates or agents who serve a political function in promoting their governments' interest in international affairs. Political representatives are appointed to serve in a leadership role over departments within the government or in international bodies. Sometimes, they are public figures and are politically accountable, such as the U.S. Secretary of State. Bureaucrats, in contrast, are people who are appointed to manage or administer the day-to-day functioning of departments within the government, generally in a civil service career position. They are generally not recognized as public figures as much as political representatives are and are less politically accountable.

POTENTIAL OR FUTURE INTERNATIONAL AGREEMENT Agreements sometimes refer specifically to a future Agreement or more generally to agreements that might arise under certain circumstances, such as when member states have reached a certain goal or successfully completed a task. Example: Article IX of the Biological and Toxin Weapons Convention (1972) (UNTS 14860) states that “[e]ach State Party to this Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early Agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.”

PRE-PAYMENT OF FINES, BARTERING, AND TRADING Pre-Payment of Fines describes a situation in which a member is allowed to perform prohibited actions or avoid performing required actions without sanction by paying fines in advance for anticipated failure to perform as required by the Agreement. Bartering and Trading describe situations in which an Agreement requires members to engage in a maximum or minimum quantity of a certain action, but allows members to trade or barter to acquire additional allowances to avoid violating the provisions of an Agreement. Example: The Kyoto Protocol requires members to limit the amount of carbon emissions created by burning fossil fuels, and establishes “allowances” that specify the amount of emissions permitted by each member. The agreement, however, allows members who anticipate creating more emissions than their allowance to avoid sanctions by “buying” the excess allowances of other members. The Kyoto Protocol also allows a member who creates more than its share of emissions to get credit against the excess for farm-land, trees, and other open space, called “carbon sinks.”

PREAMBLE A Preamble is introductory language in an Agreement preceding the substantive text. (The substantive text usually begins with “Article I.”) While often integral to interpretation of the obligations of the Agreement, a Preamble does not create specific binding obligations. Rather, the Preamble generally describes the spirit and purpose in which the parties entered the Agreement, the basic premises applicable to interpretation of the Agreement, the historical circumstances leading to

the Agreement, reference to other agreements, and other matters of relevance to the execution of the Agreement. The Preamble may state broad, long-term goals and aspirations that the binding articles of the Agreement themselves do not address. (See also Primary tasks called for by an Agreement.) For purpose of this study, every line of an Agreement's Preamble is counted except for the ceremonial language that often introduces and closes a Preamble, such as "The parties to this Agreement . . . have agreed as follows."

PRECISION/VAGUENESS OF AN AGREEMENT'S PRESCRIBED, PROSCRIBED, AND/OR AUTHORIZED BEHAVIORS Precision or vagueness refers to the exactness or ambiguity of an Agreement's prescribed, proscribed, and authorized behaviors. Precision is often reflected in the amount of detail accorded to each behavior as well as in clearly stated "shall/shall not." Ambiguity refers to how much doubt exists about the way in which the behaviors are to be executed. Easily quantifiable behaviors are usually very precise. Those that broaden the range of behavior, like forbidding actions of a military nature, are usually only somewhat precise. Behaviors stated in very general terms, like those in many human rights treaties, are vague. Examples: Very precise: "Exporting Members shall not exceed the annual and quarterly export quotas allocated to them." (International Coffee Agreement of 1962, (UNTS 6791) Article 36 (2)) The quotas are set forth in an appendix. --- Somewhat precise: "There shall be prohibited, inter alia, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons." (Antarctic Treaty, (UNTS 5778) Article I (1)) This article is somewhat precise because it begins to define "military nature" as the establishment of military bases and the testing of weapons; however, these terms do not constitute an exhaustive list. ---- Somewhat vague/ambiguous: "Every individual shall have the right to express his opinions within the law." (African Charter for Human and People's Rights, (UNTS 26363) Article 9(2)) This article is somewhat vague because, although it specifies a specific human right, the right to express opinions, the boundaries of the term "opinion" are themselves quite vague. Very vague/ambiguous: "Every individual shall have the right to civil and political rights." African Charter for Human and People's Rights. These terms are never defined.

PRESCRIBED BEHAVIOR A Prescribed Behavior is one that is required of an Agreement's members. This type of behavior describes the things the members must do to put the cooperative effort into action. Unlike proscriptions, which prohibit a specific action, or authorizations, which allow specific actions, prescriptions order member states to execute particular actions. Prescriptions are usually indicated by the words "shall," "must," and "will." For the purposes of this study, prescriptions are limited to the substantive provisions of an Agreement; they do not apply to the procedural elements. Examples: The overarching Prescribed Behavior of the Convention for the Protection of Human Rights and Fundamental Freedoms (UNTS 2889) is provided in Article 1: "The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention." The Antarctic Treaty contains the following prescription: "Information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy and efficiency of operations." (Antarctic Treaty, UNTS 5778 Article III (1)(a)).

PRIMARY TASKS CALLED FOR BY AN AGREEMENT The primary tasks called for by an Agreement are the substantive goals the parties undertake to achieve by entering into the Agreement, which include the five main, first order goals of the Agreement. While the Preamble to an Agreement may include a statement of purpose, of goals, or of general intent of the parties, the primary tasks are

the binding elements agreed upon by the parties as set forth in the articles. These include the prescription, proscriptions, and authorizations set forth in what is usually the first set of articles of the Agreement. Example: The Preamble to the Comprehensive Test Ban Treaty indicates that the signatories' ultimate goals are "nuclear disarmament," "reductions in arsenals of nuclear weapons," and "prevention of nuclear proliferation." Article 1, however, sets forth the "Basic Obligations" of the signatories, thus delimiting the scope of the Agreement. The Agreement's primary tasks, set forth in Article 1, require signatories to refrain from carrying out nuclear weapons test explosions and to prohibit and prevent nuclear weapon test explosions and other nuclear explosions in the jurisdictions under signatories' control.

PROSCRIBED BEHAVIOR In contrast to prescribed behaviors, proscriptions are behaviors that are expressly forbidden by the Agreement. These are actions that member states must refrain from in order to put the cooperative effort into action. They are usually indicated by mandates that member states "shall not" do something. For purposes of this study, proscriptions (like prescriptions) are limited to the substantive provisions of an Agreement; they do not apply to the procedural elements. Example: One of the central behaviors mandated by the Nuclear Non-Proliferation Treaty (UNTS 10485) is a proscription stated in Article 1: "Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices."

PROTOCOL A Protocol is a supplementary Agreement that adds to the original Agreement, usually by establishing additional rights and/or obligations of its members. Protocols can be optional or non-optional. For the purposes of the Agreement, a Protocol is required (or non-optional), unless otherwise specified as optional. Example: Article 28 of the Treaty of Tlatelolco (UNTS 9068) requires member states to sign Protocols I and II before the treaty can enter into force: "1. Subject to the provision of paragraph 2 of this article, this treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met: (b) Signature and ratification of Additional Protocol I annexed to this Treaty by all extracontinental or continental states having de jure or de facto international responsibility for territories situated in the zone of application of the Treaty; (c) Signature and ratification of the Additional Protocol II annexed to this Treaty by all power possessing nuclear weapons."

PUBLIC RELEASE OF INFORMATION For purposes of this study, information is made public when it is released to any Party outside the membership of the Agreement, including the general public. Example: Article III, section 6 of the International Convention for the Conservation of Atlantic Tunas (UNTS 9587) states "the meetings of the Commission and its subsidiary bodies shall be public unless the Commission otherwise decides."

PUNISHMENT A Punishment is a penalty for non-compliance, most commonly in the form of the suspension of voting rights, monetary fines, or expulsion from the Agreement. Sometime the exact punishment is left unspecified, but delegation to a third party like a court or the UN Security Council might imply a punishment would be forthcoming if the party were found guilty of non-compliance.

Example: Article 50 of the 2001 International Coffee Agreement (UNTS 37769) provides for exclusion from the International Coffee Organization as a Punishment if a member breaches its obligations under the Agreement: “If the Council decides that any Member is in breach of its obligations under this Agreement and decides further that such breach significantly impairs the operation of this Agreement, it may, by a distributed two-thirds Majority vote, exclude such Member from the Organization. The Council shall immediately notify the Secretary-General of the United Nations of any such decision. Ninety days after the date of the Council’s decision, such Member shall cease to be a Member of the Organization and, if such Member is a Contracting Party, a Party to this Agreement.” As another example, Article V of the Comprehensive Test Ban Treaty (“Measure to Redress a Situation and to Ensure Compliance, Including Sanctions”) provides, “1. The Conference, taking into account . . . the recommendations of the Executive Council, shall take the necessary measures, as set forth in paragraphs 2 and 3, to ensure compliance with this Treaty and to redress and remedy any situation which contravenes the provisions of this Treaty. 2. In cases where a State Party has been requested by the Conference or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfill the request within the specified time, the Conference may, inter alia, decide to restrict or suspend the State Party from the exercise of its rights and privileges under this Treaty until the Conference decides otherwise.” Actions that may result in punishments are not limited to the actions of the governments themselves. Agreements that state that individuals will be punished for violating certain provisions will also be coded as having inducements to compliance in the form of punishments. For example article 4(1) in HR 2-2 (UNTS 24841) states that each State Party “shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

QUORUM The number of people who must be present at a meeting before business can be conducted. It usually refers to the number of member states that need to be present before voting takes place. In cases where a Quorum is required, failure to achieve a Quorum will render decisions taken invalid. Many organizations have a Quorum requirement to prevent decisions being taken without a Majority of members present. Example: The Comprehensive Nuclear Test Ban Treaty (CTBT) stipulates that “[a] Majority of the States Parties shall constitute a Quorum.” (Article II (22))

RECIPROCITY The mutual granting of advantages, privileges, or punishments. States acting reciprocally will only cooperate or comply if other states do likewise, or they will act towards other states as those states have acted toward them. In other words, Reciprocity entails acting in similar fashion as one’s partner has just acted. Example: If a Party violates an anti-competitive provision of the General Agreement on Tariffs and Trade (GATT) without consulting the other parties, the other parties may choose not to meet their obligations under the same provision of GATT with respect to the violating Party.

RECOMMENDED/SUGGESTED BEHAVIORS Recommended or suggested behaviors are behaviors that are neither mandated nor forbidden by the Agreement, but that are nevertheless thought to be important for its success and therefore encouraged. They are not to be confused with authorized behaviors, which allow states in particular circumstances to take actions beneficial to them. Recommendations are usually indicated by words such as “should put effort into” and “shall endeavor to.” Example: Antarctic Treaty (UNTS 5778), Article III, paragraph 2, states that “[i]n implementing this Article, every encouragement shall be given to the establishment of cooperative working relations

with those Specialized Agencies of the UN and other international organizations having a scientific or technical interest in Antarctica.” Example: Article 36, paragraph 1 of the 2001 International Coffee Agreement (UNTS 37769) suggests behavior when it says: “Members shall endeavor to prohibit the sale and advertisement of products under the name of coffee if such products contain less than the equivalent of 95 percent green coffee as the basic raw material.” --- Example: Articles 5 and 7 of the 1957 Agreement Relating to Refugee Seamen (UNTS 7384) state that Contracting Parties shall “give sympathetic consideration to” extending the benefits of the Agreement to refugee seamen who do not qualify for those benefits and that Contracting Parties shall “give sympathetic consideration to” a request for temporary admission to its territory by a refugee seaman who holds a travel document for his return to another Contracting Party.

REGIONAL AGREEMENT A regional Agreement is an Agreement to which membership is limited to states within a certain geographical region. Example: The Treaty of Tlatelolco (UNTS 9068) is an example of a regional Agreement because it is open for signature only to nations in Latin America. Article 25 of this treaty indicates that “This treaty shall be open indefinitely for signature by: a) All Latin American Republics, and b) All other sovereign states situated in their entirety south of the latitude 35 degrees north in the western hemisphere...” (It should be noted that the protocols are open to all nuclear states as identified in the Nuclear Non-Proliferation Treaty (UNTS 10485).)

RENEGOTIATION PROVISION A Renegotiation Provision establishes procedures for a new negotiation of either certain provisions of an Agreement or the entire Agreement. Often, the provision will specify a time period after which an Agreement may be renegotiated, as well as a procedure for renegotiation (for example, the establishment of a committee or a conference). Renegotiation differs from extension in that renegotiation specifically contemplates changing some or all of the terms of the Agreement. A renegotiation differs from an amendment since for this study the term amendment refers only to a change of singular (or few) provisions at a time. Example: Article 71, paragraph 2 of the International Coffee Agreement of 1962 (UNTS 6791) states that “[t]he Council, during the fifth full coffee year after the Agreement enters into force, may, by vote of a Majority of the Members having not less than a distributed two-thirds Majority of the total votes, either decide to renegotiate the Agreement, or to extend it for such period as the Council shall determine.”

RESERVATION A Reservation is a means by which a state purports to exclude or modify the legal effect of specified provisions of a treaty in their application to that state. It is a unilateral statement made by a state when signing, ratifying, accepting, approving, or acceding to an Agreement. Reservations are a form of Flexibility in that they allow a state to ratify an Agreement and become a Party without compromising its policy on specific provisions to which it prefers not to commit itself. Reservations must not be incompatible with the object and the purpose of the Agreement. An Agreement might prohibit reservations or only allow for certain reservations. For the purposes of this study, reservations will be listed as they are provided by the UNTS along with the Agreement. Reservations are further subdivided into four categories. These are illustrated with examples. The coding includes up to ten reservations; if there are more, this is noted in the anything else relevant section after the reservation/declaration coding so users of the data can proceed to add to the coding. Also, the only reservations covered are those that are listed with the original UNTS-published agreement. Unfortunately, this is not necessarily a comprehensive current list.

RESERVATION THAT DELAYS THE APPLICATION OF THE PROVISION TO THE STATE UNTIL A SPECIFIC DATE Reservation that delays the application of the provision to the state until a specific date: No example at this time.

RESERVATION THAT DELAYS THE APPLICATION OF THE PROVISION TO THE STATE UNTIL CERTAIN CONDITIONS ARE MET Reservation that delays the application of the provision to the state until certain conditions are met: In the Convention on the Prevention and Punishment of the Crime of Genocide (UNTS 1021), the Philippines states that it will not undertake to give effect to Article 7 until the Philippine Congress has enacted necessary legislation defining and punishing the crimes of genocide.

RESERVATION THAT LIMITS THE AMOUNT OF TIME THE PROVISION IS APPLICABLE TO THE STATE Reservation that limits the amount of time the provision is applicable to the state: In the Constitution of the International Refugee Organization and Agreement on Interim Measures to be Taken in Respect of Refugees and Displaced Persons (UNTS 283), France indicated that, since the Organization is temporary, it will only contribute to the Budget for a maximum of three 12-month periods.

RESERVATION WHICH COMPLETELY FREES THE STATE FROM A PROVISION Reservation which completely frees the state from a provision: The United Kingdom made the following Reservation to the International Covenant on Civil and Political Rights (UNTS 14668): "The government of the United Kingdom declare that (a) In relation to Article 14 of the Covenant, they must reserve the right not to apply, or not to apply in full, the guarantee of free legal assistance [...] in so far as the shortage of legal practitioners and other considerations renders the application of this guarantee in British Honduras, Fiji and St. Helena impossible."

RESERVATION, PROHIBITION OF An example of an Agreement that prohibits reservations is the Comprehensive Test Ban Treaty, Article XV, which states: "The Articles of and the Annexes to this Treaty shall not be subject to reservations. The provisions of the Protocol to this Treaty and the Annexes to the Protocol shall not be subject to reservations incompatible with the object and purpose of this Treaty."

REVISION Revision is another word for renegotiation and hence implies that some or all of the Agreement may be changed. Revision therefore differs from amendment since for this study the term amendment refers only to a change of singular (or few) provisions at a time. Also see Renegotiation Provision.

ROLL-CALL VOTING Roll-call Voting occurs when each member state is asked its position one-by-one and its vote is recorded as such and publicly announced. This type of voting differs from voting by a show of hands or by ballot, where only the final result of the vote is recorded.

ROTATING MEMBERSHIP IN A BODY When membership is rotating, the body's membership

changes on a (usually) specified basis. Example: The Comprehensive Test Ban Treaty, Article II, paragraph 29 (c) provides: “The remaining seats allocated to each geographical region shall be filled by States Parties designated from among all the States Parties in that region by rotation or elections.”

SELF-HELP, UNILATERAL A state engages in unilateral self-help when it acts against another state it believes is going to violate the provisions of an Agreement, or it retaliates against a non-complying member using procedures not established by the Agreement. Self-help includes imposing trade barriers or tariffs, or engaging in acts of aggression. Anticipatory self-help occurs before the other state’s violation or non-cooperation occurs.

SELF-REPORTING Self-Reporting consists of each member of an Agreement submitting a report of its Agreement-related activities to what is usually a body that monitors compliance. Example: Article IX of the International Convention for the Conservation of Atlantic Tunas (UNTS 9587) states that “The Contracting Parties agree to furnish, on the request of the Commission, any available statistical, biological and other scientific information the Commission may need for the purpose of this Convention.” Because the member states are providing information related to their compliance, their action is considered Self-Reporting.

SYMMETRY The term Symmetry means a rough equivalence of the scope and magnitude of the rights and responsibilities that flow from an Agreement. An Agreement can assign different rights and responsibilities to parties yet still be symmetric, provided that all parties benefit to a similar extent. If an Agreement confers the same rights and responsibilities to all parties but those rights differ in magnitude, as with weighted voting, the Agreement should be coded as mildly asymmetric. Finally, if an Agreement clearly favors one state or set of states in terms of rights, that Agreement should be coded as profoundly asymmetric. A determination of Symmetry is a judgment call that depends on one's best estimate of whether any state derives the better end of the deal, based on the Agreement's text. For example, North American Free Trade Agreement (NAFTA) or the Maastricht Treaty (UNTS 30615) would be examples of symmetric agreements, even if there are political disputes about who "really" benefits. By contrast, the Sino-British Agreement to transfer sovereignty of Hong Kong is an example of an asymmetric Agreement because the British completely relinquished control of Hong Kong to China and received nothing in return. The Antarctic Treaty (UNTS 5778) is a symmetric Agreement because it confers the same rights and responsibilities to all parties. The Basle Agreement of 1968 between the United Kingdom and Hong Kong confers different responsibilities on parties but should still be coded as symmetric because comparing the two responsibilities is a bit like comparing apples and oranges: the UK agrees to guarantee that part of Hong Kong's sterling reserves which exceeds 10 percent of Hong Kong's total reserves, while Hong Kong agrees to maintain a minimum sterling proportion (MSP). Also see Asymmetric, Mildly and Asymmetric, Profoundly for examples of those categories.

THEMATIC AGREEMENT An Agreement related to a specific problem or goal. Example: The International Coffee Agreements (UNTS 6791 and 37769) are examples of thematic agreements, because their main subject matter is the international trade of coffee. The agreements are not regional because membership is not dependent upon geographic location.

TRANSITION PERIOD A limited period of time in which members of an Agreement need not act in accordance with some or all of the prescription and/or proscription stipulated by the Agreement. Example: The 1962 International Coffee Agreement (UNTS 6791), in Article 44(5), provides that “[t]he provisions of paragraph (1) of this article shall be put into effect not later than three months after the Entry into Force of the Agreement.” Hence there is a three-month Transition Period.

WITHDRAWAL CLAUSES A provision that allows a Party to nullify its membership in the Agreement without violating the Agreement’s institutional framework. In some Agreements, withdrawal is referred to as denunciation. Upon withdrawal, the Agreement is no longer legally binding on the withdrawing Party. Withdrawal Clauses often require the withdrawing Party to provide notice of intent to withdraw from the Agreement to the other parties or to the depositary of the Agreement. A withdrawal clause is permanent and comprehensive, covering all member obligations. The Vienna Convention on the Law of Treaties (UNTS 18232) provides in Article 42, paragraph 2: “The termination of a treaty, its denunciation or the withdrawal of a Party, may take place only as a result of the application of the provisions of the treaty or of the present Convention.” Example: Chapter XIV, Article 49 of the International Coffee Agreement 2001 (UNTS 37769) provides that “[a]ny Contracting Party may withdraw from this Agreement at any time by giving a written notice of withdrawal to the Secretary-General of the United Nations. Withdrawal shall become effective 90 days after the notice is received.” Example: The Treaty for the Prohibition of Nuclear Weapons in Latin America (“Treaty of Tlatelolco”) (UNTS 9068) refers to withdrawal as “denunciation.” Article 30 provides that “this Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the General Secretary of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances . . . which affect its supreme interests or the peace and security of one or more Contracting Parties.”

WITHDRAWAL NOTICE PERIOD

A notice period is the amount of time between the point at which a member gives notice of its withdrawal and the point at which its withdrawal becomes effective.

WITHDRAWAL WAITING PERIOD

A withdrawal waiting period is the designated period of time before a member that wants to withdraw from the agreement is fully freed from its commitments under the agreement. Some agreements specify a certain amount of time that member states must remain bound by the agreement before they are even allowed to give notice to withdraw. Additionally, while members are usually freed from their commitments on withdrawal, some agreements extend a state’s commitments beyond the point of its withdrawal. Bilateral investment agreements, for example, usually extend protections for investments that were made before notice of termination an additional number of years. The withdrawal waiting period can thus include up to three distinct periods: first, any period that does not allow withdrawal; second, the withdrawal notice period; and third, the length of time that states are bound to an agreement’s provisions beyond withdrawal. An agreement may include any or all of these periods. The total amount of time between the entry into force of the agreement and the full release of member obligation is the withdrawal waiting period.

Consider the 1982 Agreement on the Mutual Protection of Investments between Sweden and China. Article 9 states:

- (1) This Agreement shall enter into force immediately upon signature.
- (2) This agreement shall remain in force for a period of fifteen years and shall continue in force

thereafter unless, after the expiry of the initial period of fourteen years, either Contracting State notifies in writing the other Contracting State of its intention to terminate this Agreement. The notice of termination shall become effective one year after it has been received by the other Contracting State.

(3) In respect of investments made prior to the date when the notice of termination of this Agreement becomes effective, the provisions of articles 1 to 8 shall remain in force for a further period of fifteen years from that date.

The agreement, therefore, has a thirty-year withdrawal waiting period: a minimum of fourteen years initial duration plus a one-year withdrawal notice period plus a fifteen-year period of coverage of any investments made before notice of termination was given.