The European Union (EU) has actively been incorporating normative values in its trade relations with third countries for the past few decades—attaching “Essential Elements” as human rights clauses in bilateral treaties became an obligation by EU law since the Lisbon Treaty came into force. However, European legal scholars identify that this clause has not been applied or enforced in a coherent manner. In fact, the clauses vary across countries, stringent conditionalities were attached on countries with already established human rights standards, and yet sometimes soft clause on states with low human rights practices. The Essential Elements have also not been activated to withdraw or suspend trade preferences by far, even in times of grave human rights violations. In this study, I attempt to answer the question, “Why is the EU inconsistent in linking human rights to bilateral trade?”. While this question has primarily been explained through few legal interpretations and case studies, this research is a first-time attempt in answering through empirical analysis across the EU’s multiple trading partners. The EU has indeed been criticized for taking weaker measures on larger economic powers and countries that it is more resource-dependent on, such as Russia leveraging gas resources as political weapons on the EU to deflect accusations of human rights violations. Positing that the EU will easily compromise human rights elements when economic stakes are high, this study measures how the scope, strength, and enforcement of human rights clauses in trade is associated with extra-EU export and import, especially energy imports given the EU’s high energy dependence. This study finds that in terms of the treaty itself, the scope and strength of linkage was weaker when the EU imported and exported more from its trading partners, which was also not associated with the actual human rights practices of that country. However, in terms of enforcement, the EU showed a general reluctance to the enforcement of human rights clauses, regardless of economic interests.

<Table 2> Description of Independent Variables

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Export Share** | **Import Share** | **Import Share**  **(Energy)** | **Freedom score**  **(2-14)** | **Agreement**  **Type**  **(1,2,3)** | **Post-Lisbon**  **=1** | **ECHR**  **=1** | **GSP**  **=1** |
| **Mean(SD)/**  **Observations** | 0.43  (1.15) | 0.45  (1.29) | 0.63  (3.13) | 6.86  (3.53) | 2.10  (0.38) | 61 | 16 | 28 |

1. **Analysis and Discussion**

<Table 3> Regression Results for Strength and Scope

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| DV | **Linkage**  **Score** | | | **Scope** | | | **Strength** | | |
| **Intercept** | -0.25  (0.64) | -0.56  (0.64) | -0.86  (0.70) | -1.1\*\*  (0.36) | -1.21\*\*  (0.36) | -1.45\*\*\* | 0.77\*  (0.38) | 0.58  (0.39) | 0.51  (0.43) |
| **Export**  **Share** | -0.38\*\*\*  (0.10) |  |  | -0.13\*  (0.06) |  |  | -0.24\*\*\*  (0.06) |  |  |
| **Import**  **Share** |  | -0.32\*\*\*  (0.09) |  |  | -0.12\*  (0.05) |  |  | -0.20\*\*\*  (0.06) |  |
| **Energy**  **Import** |  |  | -0.10\*  (0.04) |  |  | -0.06\*\*  (0.02) |  |  | -0.04  (0.02) |
| **Freedom**  **Score** | 0.05  (0.03) | 0.06  (0.03) | 0.07  (0.03) | 0.01  (0.02) | 0.01  (0.02) | 0.02  (0.01) | 0.04  (0.02) | 0.04\*  (0.02) | 0.04\*  (0.02) |
| **Post-Lisbon** | 0.51\*\*  (0.23) | 0.54\*  (0.22) | 0.52\*  (0.23) | 0.10  (0.13) | 0.11  (0.13) | 0.10  (0.13) | 0.36\*\*  (0.13) | 0.38\*\*  (0.14) | 0.36\*  (0.15) |
| **Economic**  **Integration** | 1.62\*\*\*  (0.30) | 1.73\*\*\*  (0.30) | 1.83\*\*\*  (0.33) | 1.20\*\*\*  (0.17) | 1.24\*\*\*  (0.17) | 1.34\*\*\*  (0.18) | 0.48\*\*  (0.18) | 0.55\*\*  (0.19) | 0.55\*  (0.21) |
| **GSP Beneficiary** | -0.57\*  (0.26) | -0.57\*  (0.26) | -0.52\*  (0.36) | -0.25  (0.17) | -0.25  (0.15) | -0.25  (0.15) | -0.40\*  (0.16) | -0.39\*  (0.16) | -0.36\*  (0.17) |
| **ECHR**  **Signatory** | 0.95\*\*  (0.35) | 0.83\*  (0.36) | 0.80\*  (0.03) | 0.84\*\*\*  (0.20) | 0.80\*\*\*  (0.21) | 0.86\*\*\*  (0.19) | 0.10  (0.21) | 0.03  (0.22) | -0.06  (0.22) |
| Observations | 103 | 102 | 103 | 103 | 102 | 103 | 103 | 102 | 103 |
| R Squared  (Adjusted R) | 0.35  (0.31) | 0.35  (0.32) | 0.31  (0.27) | 0.41  (0.37) | 0.40  (0.37) | 0.42  (0.39) | 0.30  (0.25) | 0.29  (0.25) | 0.21  (0.16) |

Coefficients (standard error), \*p<0.05, \*\*p<0.001, \*\*\*p<0.0001

<Table 4> Regression Results for Enforcement

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **OLS**  **Enforcement** | | | **OLOGIT**  **Enforcement** | | |  |  |
| **Intercept** | 1.50\*\*\*  (0.29) | 1.48\*\*\*  (0.30) | 1.58\*\*\*  (0.32) |  |  |  |
| **Export**  **Share** | -0.06  (0.04) |  |  | 0.66  (0.26) |  |  |
| **Import**  **Share** |  | -0.03  (0.04) |  |  | 0.68  (0.26) |  |
| **Energy**  **Import** |  |  | 0.007  (0.01) |  |  | 1.005  (0.15) |
| **Freedom**  **Score** | -0.06\*\*\*  (0.02) | -0.06\*\*\*  (0.02) | -0.06  (0.02) | 0.72\*\*\*  (0.95) | 0.72\*\*\*  (0.10) | 0.74\*\*\*  (1.06) |
| **Agreement**  **Type** | -0.25  (0.15) | -0.24  (0.16) | -0.30  (0.17) | 0.13  (1.08) | 0.14  (1.07) | 0.15  (1.06) |
| **GSP**  **Beneficiary** | 0.29  (0.16) | 0.30  (0.16) | 0.32\*  (0.16) | 6.95  (1.07) | 6.71  (1.06) | 6.40  (1.02) |
| **ECHR**  **Signatory** | -0.08  (0.14) | -0.14  (0.15) | -0.18  (0.14) | -0.60  (0.70) | 0.47  (0.73) | 0.41  (0.69) |
| **Cut Point 1**  **(0|1)** |  |  |  | -6.75\*\*  (2.31) | -6.59\*\*  (2.27) | -6.05\*\*  (2.18) |
| **Cut Point 2**  **(1|2)** |  |  |  | -1.06  (2.18) | -0.98  (2.19) | -0.60  (2.17) |
| Observations | 77 | 76 | 77 | 77 | 76 | 77 |
| R Squared  (Adjusted R) | 0.28  (0.23) | 0.27  (0.22) | 0.26  (0.21) |  |  |  |

Coefficients (standard error), \*p<0.05, \*\*p<0.001, \*\*\*p<0.0001

As the purpose of this study is to examine the general association between economic interests and how closely or weakly the human rights and trade are linked, and its direction, I use the OLS regression model. My main dependent variable is the total “linkage score” which the added value of the strength and scope, both of which are also regressed on independently. The regression outcomes show the change in the linkage scores as export and import levels increase.

Table 3 summarizes the OLS results for three regression models on three different dependent variables, which are linkage score (strength+scope), strength, and scope, applying the 0.05 significance level. What is most noticeable in the table is that for the main dependent variable (total linkage score), export shares, import shares, and energy import shares all had statistically significant negative associations. This was consistent even when divided into the strength and scope factor, where the two variables’ Cronbach Alpha is 0.67. In fact, the higher the import and export shares, the linkage was weaker, supporting both of my hypotheses. What is also notable is that export shares have higher coefficients across models than other variables of interest, where a unit increase in export shares resulted in a 0.38 lower total linkage score. This indicates that the EU is more willing to make concessions to attaching human rights clauses when it was exporting more to the partner country. The coefficients and p-values for the freedom scores showed statistically insignificant results, support the inconsistency argument, where the country’s actual human rights practices had little to do with the stringency and scope of the human rights clauses.

Other factors such as economic integration (agreement type) show that linkage scores are higher towards countries that the EU has a weaker economic integration with. Also, the linkage was looser with GSP+, GSP beneficiary countries, mostly in terms of strength, which may be explained by the fact that human rights enforcement and obligations are more important in these schemes themselves than in bilateral trade agreements. In fact, in GSP and GSP+s, human rights obligations are much more detailed and stringent in terms of enforcement, where there were even withdrawal cases in times of severe human rights violations. However, among the ECHR signatories, which are mostly European states, the scope was higher. This would be explained by the fact that trade agreements with most European countries include European human rights norms by default, along with international human rights norms. Finally, it is predictable, yet notable that the countries that the EU signed an agreement with after the Lisbon treaty came into effect in 2009 were more likely to have a higher linkage score, especially in terms of strength. This trend is likely to continue in the EU's future trade agreements.

The regression results in table 4 show how only the coefficients for the freedom scores are statistically significant at a 0.05 level, yet they remained very small. Compared to how the agreement was signed, this outcome indicates that enforcement had little to do with economic interests or whether the country was a GSP beneficiary or an ECHR signatory. It is also important to note that the freedom scores have a negative association with the dependent variable, whereas coefficients in the previous models above were positive. This outcome, however, is difficult to interpret as there were less than 10 cases where the human rights clauses were actually activated against the identified violators, yet EP resolutions were issued on 36 countries between 2009 to 2018. This means that most of the least-free states that the EP issued a resolution on were coded as 0 and few as 2. Considering the small number of outcome categories and the skewed distribution, I also applied the OLOGIT on the enforcement variable as an alternative method of analysis. In table 4, while the coefficients for independent variables signify consistent outcomes with the OLS models, the cutoff points show how the 1 and 2 are hardly differentiated to measure the actual activation of human rights clauses. These results likely show that in terms of enforcement, in most cases the EU chose not to take action even when human rights violations were identified, and this behavior was not associated with economic interests. The regression outcome depicts the EU’s general reluctance in enforcing human rights clauses in bilateral trade agreements, even when grave human rights violations were detected. A seemingly counter-intuitive outcome of enforcement calls for further case studies, and analysis on whether clauses would be activated less on the worst human rights violators because of an expected ineffectiveness and even worse undermining of human rights situations, as some studies have already shown (Peksen, 2019).

2. Dependent Variables: Scope, Strength, and Enforcement

Drawing from Koo and Kim (2018)’s trade and issue linkage literature, there is merit to measuring human rights-trade linkages in terms of strength and scope, the dependent variable. In their analysis of the East Asian countries’ environment and trade linkage that brings in Haas’(1980) issue linkage framework, they investigate whether environmental provisions in Free Trade Agreements are tactical or more substantial in nature. They use “strength” and “scope” as indexes to determine these issue linkage mechanisms. Haas’ linkage mechanism can be broken down into three components, tactical, substantial and fragmented—Koo and Kim view that as scope and strength of the linkage increases, tactical linkages become more substantial. In their research, tactical linkages, lower in strength and scope, do not include provisions that refer to enforcement mechanisms directly and are less detailed in manner. The strength level is coded from 1 to 3—3 explicitly includes dispute settlement mechanisms where 1 does not, and 2 only tacitly does so. For the scope of linkage, the levels are broken down from 0 to 3, where provisions are more generic in 0 and more specific as they approach 3. This model can also be useful and applicable to understanding the EU’s human rights and trade linkage mechanism.

Bringing this framework into the analysis, the strength can be coded in terms of whether provisions include essential elements and the non-execution clause. I adopt Prickartz and Staudinger(2019) and the Council of the European Union’s classification of human rights provisions, and have coded the strength variable in four levels on a scale from 0 to 3: 0) Clause with no human rights element, 1) Clause that only contains essential elements, 2) Clause that

contains both essential elements and a “Bulgarian” non-execution clause, and finally, 3) Clause that contains both essential elements and a “Baltic” non-execution clause. The Bulgarian clause, compared to the Baltic clause refers to a dispute settlement mechanism and a consultation process before being able to take appropriate measures. For the scope of linkage, I adopt the EPRS(2019) ‘s classification of human rights clause in trade by its substantive content, also on a scale from 0 to 3: 0) Clause that does not contain any human rights elements 1) Clause with no reference to international norms but includes generic human rights elements 2) Clause with reference to either international norms or European norms 3) Clause with reference to both international and normative European norms. My main dependent variable adds up the scope and strength scores to observe how closely human rights and trade are linked together.

Lastly, the level of visible enforcement of the linkages will be examined. No studies have yet touched upon the EU’s enforcement behavior, mostly due to the very little cases of the EU overtly taking action in times of a violation, and no existing case of withdrawal or suspension. For this analysis, I exclude the pending agreements and those without essential elements, since an agreement and a human rights clause have to be in place in order for it to be activated. Giving each country a default value of 1, whenever an actual activation of human rights clause took place between 2009 to 2018, the country is coded as 2. While my initial coding included a scale up to 3, which was the EU taking necessary measures, 2 remains the highest level since there was no such case. I then observed all of the EP resolutions on human rights issues between the year 2009 to 2018 and coded the countries as 0 when a resolution on the human rights violations of the country was issued, yet the EU chose not to activate the human rights clauses. This means that countries that had neither human rights-related EP resolutions nor activation of HR clauses were given a score of 1, in which I viewed non-identification of human rights violation and non-activation of

the clause as a level in between action and inaction. Compared to the other dependent variables, the regression model for enforcement has fewer observations and drops the signed year variable(control) which is unrelated to enforcement itself.

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This project is a part of my personal work in progress. The main topic of my article examines whether

the strength, scope, and enforcement of human rights clauses in EU’s bilateral trade agreements change as

economic interests towards the EU’s trading partners differ. My hypothesis is that 1. The strength, scope,

and enforcement of human rights clauses will weaken when the EU is more export dependent on the partner

country, and 2. The strength, scope, and enforcement will decrease when the EU is more dependent on the

partner country’s resources, which is import dependence. The unit and scope of analysis is EU’s trading

partners(individual countries) that the EU has finished a bilateral trade agreement with. The dependent

variables are coded based on theories, strength, scope, and enforcement–coded from 0 to 3. For the treaty

linkage, the added value of strength and scope is used. My control variables are Generalized System of

Preferences(GSP) beneficiary status, ECHR signatory, agreement types as categorical variables, and human

rights scores(Farris). My independent variables are average import and export shares between 2009 to 2019,

along with energy import shares to account for energy dependence.

This study’s main contribution is in its first-time attempt to empirically test the “inconsistency” in the EU’s human rights-trade nexus that European legal scholars have identified, and in that it seeks to explain the reason behind this behavior. The inclusion and observation of “enforcement” as a dependent variable is also a novel approach in understanding issue linkage mechanisms. While many factors such as institutional politics and member state interests may drive trade negotiations, it is evident that economic trade interests are influential factors in bilateral trade agreements. Statistical models show that in terms of the trade agreements themselves, the clauses were inconsistent, in that the EU’s application of human rights clauses were unrelated to actual human rights practices of the country, but was willing to make concessions when it was exporting or importing more from the country. This was also true for energy imports, supporting my resource-dependence hypotheses and previous literature. These outcomes suggest that these “essential elements” may not be as “essential” to trade agreements as the EU claims. However, when it comes to the enforcement of human rights clauses, economic interests did not play a role, but the OLOGIT outcome shows how hesitant the EU is in the actual activation of essential elements in trade to begin with.

The study, however, provides an explanation for only a segment of EU behavior and views the organization as a unitary actor. In reality, multiple actors are involved in the EU’s policymaking process. In future research, the interests of member states, Members of the European Parliament, the political dynamics of European institutions—especially the European Parliament and the Commission—will be taken into account. Another alternative explanation would be that the EU could be more assertive towards states that are more dependent on EU trade. As with the sanction theories, the linkage may be weaker for countries that are less dependent on EU trade and have the

capacity to divert trade routes. However, regression outcomes using trade dependence—the EU imports divided by national GDP of the individual partners—as an independent variable showed no significant relationship with the linkage scores (see Appendix). Furthermore, substantive components and details of human rights provisions may not be adequately captured in this regression model. The EU could impose a longer list of human rights conditionality, and ones that are so controversial as to undermine domestic policy and affairs. The death penalty, for example, is not illegal under customary international law and domestic public opinions tend to be greatly divided on this matter, but the EU continues to urge its trading partners to abolish it (Jung & Koo, 2018). Therefore, in-depth qualitative studies may provide further information that fills in the gaps of this research.

Finally, including the EU’s major trading partners such as the US and China may greatly support or weaken this study, as FTA negotiations with these economic powers are still ongoing and hence omitted in the study. Yet, this may be an indicator of how future EU trade agreement negotiations will play out with th

Logit

**> pol<-polr(enf~import\_share+echr+gsp+agreement\_type+freedom,data=enforce\_new, Hess=T, method=c("logistic"))**

**> summary(pol)**

**> ctable <- coef(summary(pol))**

**> ctable**

Value Std. Error t value

import\_share -0.3898815 0.25895005 -1.5056242

echr -0.7472212 0.73099482 -1.0221976

gsp 1.9039268 1.06166761 1.7933360

agreement\_type -1.9812851 1.07070096 -1.8504560

freedom -0.3346784 0.09572358 -3.4963004

0|1 -6.5863206 2.27375477 -2.8966715

1|2 -0.9765598 2.18662920 -0.4466051

> p <- pnorm(abs(ctable[, "t value"]), lower.tail = FALSE) \* 2

> ctable <- cbind(ctable, "p value" = p)

> ctable

exp(coef(pol))

> pol<-polr(enf~import\_enshare+echr+gsp+agreement\_type+freedom,data=enforce\_new, Hess=T, method=c("logistic"))

> summary(pol)

> lm<-lm(strength~import\_share+signed+agreement\_type+freedom+gsp+echr, data=data)

> summary(lm)

Call:

> lm<-lm(strength~import\_enshare+signed+agreement\_type+freedom+gsp+echr, data=data)

> summary(lm)

**mean\_sd**(mtcars2$mpg, denote\_sd = "paren")

## [1] "20.09 (6.03)"

lm<-lm(total2~dependence+farris+agreement\_type+gsp+echr+after\_lisbon,data=data)

> summary(lm)

> lm<-lm(total2~import\_share+farris+agreement\_type+gsp+echr+after\_lisbon,data=data)

> summary(lm)

> lm<-lm(total2~export\_share+farris+agreement\_type+gsp+echr+after\_lisbon,data=data)

> summary(lm)

> lm<-lm(total2~import\_enshare+farris+agreement\_type+gsp+echr+after\_lisbon,data=data)

> summary(lm)

data$fta<-ifelse(data$agreement\_type==2, 1,0)

data$pca<-ifelse(data$agreement\_type==3, 1,0)

data$pca<-ifelse(data$agreement\_type==3, 1,0)

> lm<-lm(total2~export\_share+farris+fta+pca+gsp+echr+after\_lisbon,data=data)

> summary(lm)

> lm<-lm(total2~import\_share+farris+fta+gsp+echr+after\_lisbon,data=data)

> summary(lm)

lm<-lm(total2~import\_share+farris+fta+pca+gsp+echr+after\_lisbon,data=data)

> summary(lm)

lm<-lm(total2~import\_enshare+farris+fta+pca+gsp+echr+after\_lisbon,data=data)

> summary(lm)

lm<-lm(strength~export\_share+farris+fta+pca+gsp+echr+after\_lisbon,data=data)

> summary(lm)

lm<-lm(scope~export\_share+farris+fta+pca+gsp+echr+after\_lisbon,data=data)

> summary(lm)

lm<-lm(scope~import\_share+farris+fta+pca+gsp+echr+after\_lisbon,data=data)

> summary(lm)

> lm<-lm(strength~import\_share+farris+fta+pca+gsp+echr+after\_lisbon,data=data)

> summary(lm)

> lm<-lm(strength~import\_enshare+farris+fta+pca+gsp+echr+after\_lisbon,data=data)

> summary(lm)

> lm<-lm(scope~import\_enshare+farris+fta+pca+gsp+echr+after\_lisbon,data=data)

> summary(lm)

> lm<-lm(enforcement~import\_share+farris+fta+pca+gsp+echr+after\_lisbon,data=data)

> write.csv(data,'data2.csv')

> summary(lm)

enforce\_new<-subset(data, after\_lisbon==1)

> lm<-lm(enforcement~import\_share+farris+fta+pca+gsp+echr+after\_lisbon,data=enforce\_new)

> summary(lm)

> mean(data$farris, na.rm = T)

[1] 0.3920561

> sd(data$farris, na.rm = T)

[1] 1.449642

> summary(data$farris)

Min. 1st Qu. Median Mean 3rd Qu. Max. NA's

-2.7000 -0.4800 0.1800 0.3921 1.1800 4.9200 3

enforce\_new<-subset(data, after\_lisbon==1)

> lm<-lm(enforcement~import\_share+farris+fta+pca+gsp+echr+after\_lisbon,data=enforce\_new)

> summary(lm)

lm<-lm(enforcement~export\_share+farris+fta+pca+gsp+echr+after\_lisbon,data=enforce\_new)

> summary(lm)

lm<-lm(enforcement~import\_enshare+farris+fta+pca+gsp+echr+after\_lisbon,data=enforce\_new)

> summary(lm)

plot\_model(lm)

residual plot

<https://github.com/yejunejung/juneproject>

<https://github.com/mikedecr/PS811-computing>

**library**("here")

**here**()

## [1] "C:/Users/yejun/Documents/PS811"

votes <- **read\_csv**(**here**("skills","CAFE.csv"))

crime <- haven**::read\_dta**(**here**("data", "Prob\_5\_data.dta"))

model <- **lm**(pcrimer **~** povr, data = crime)

**library**(broom)

**glance**(model)

**augment**(model)

**tidy**(model)

residual<-**resid**(model)

**plot**(crime**$**povr, residual)

**abline**(0, 0)

2

library(estimatr)

robust\_model <- lm\_robust(y ~ x1 + x2 + x3, data = heter)

summary(robust\_model)

tidy(robust\_model)