The Treaty Database
A Monitor of U.S. Participation in Global Affairs

A report from the Global Cooperation Project

Institute for Agriculture and Trade Policy
Executive summary

Seventeen days after 11 September 2001, the United Nations Security Council passed Resolution 1373 creating a new international legal obligation to cooperate in preventing terrorism. In announcing this support for U.S. President Bush’s campaign against terrorism, the UN Secretary-General pointed out that the U.S. had not yet joined two UN treaties designed to curb terrorism by blocking underground financial flows and implementing a global system of pursuit and prosecution.1 That same day, the Secretary-General also put the UN’s human rights treaty bodies on alert to look for possible abuses in the course of combating terrorism.

A year later, as President Bush and the U.S. Congress debated whether or not to ignore the United Nations Security Council and unilaterally invade Iraq, many legal scholars noted that a “pre-emptive” strike would violate the United Nations Charter—an opinion recently reiterated by the Secretary-General.

Very few media reports covered these details of international law and most Americans were unfamiliar with the multilateral treaties that addressed the United States’ crisis. With the release of photos depicting prisoner abuse in Iraq, however, the nation began to discuss the Geneva Conventions and the Convention Against Torture. The violation of these treaties was almost universally condemned.

Despite the fact that the United States was one of the driving forces behind establishing the United Nations in 1945 and initiated many of the multilateral treaties that have encouraged cooperation on our planet, there has been a steady decline in the U.S. government’s support of the UN and the agreements it helped establish.

President George W. Bush has been particularly reluctant to participate in the multilateral treaty system. Although the Senate ratified ten treaties during his Administration, four of these were signed years earlier by President Clinton (including the two anti-terrorism treaties that were not ratified as of the 11 September 2001) and five address issues of interest to major industries2 rather than social development. More importantly, the U.S. has reversed its support for at least five major treaties since 2000. These are: the Kyoto Protocol on Climate Change, the Anti-Ballistic Missile Treaty, the Biological and Toxin Weapons Convention, the Non-Proliferation of Nuclear Weapons Treaty and the International Criminal Court.3

In contrast, other UN members have committed themselves to 929 new treaty actions since 2000 during the Secretary-General’s annual ratification drives.4 From 21 to 24 September of this year alone, the rest of the world undertook at least 101 treaty actions—each pledging a nation’s compliance with one of the treaties in the “UN Treaty Collection” database. Among them:

▶ Liberia’s new government announced 18 treaty actions, including ratification of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

▶ Burundi and Guyana, together with Liberia, added three new ratifications to the 94 already supporting the International Criminal Court;

▶ Libya decided to join four treaties concerning the Rights of the Child, the Smuggling of Migrants and the Montreal Protocol to protect the Ozone Layer; and

▶ Cambodia signed the Optional Protocol on Civil and Political Rights, the Convention on the Protection of Migrant Workers and two treaties dealing with Traffic in Persons and the Exploitation of Prostitution of Others.

The U.S. did not take any treaty actions during the 2004 ratification drive. Altogether, the U.S. has ratified just 157 of the 549 treaties reviewed for this report5—about 29 percent, or fewer than one out of three.

The chief reason for the lack of U.S. participation in the multilateral treaty system, according to many analysts, is that our nation is fundamentally reluctant to surrender its sovereignty to any other authority. However, a closer scruti-
ny of the record suggests a different story. For example, the White House has been more than willing to surrender its sovereignty to international trade agreements, aggressively negotiating commercial deals that require significant changes in not only our national laws but also many state and local laws throughout the nation.6 Plainly, our government is quite selective about when it will and when it won’t subordinate U.S. sovereignty to another authority.

Consider the following.7 Over the years, the United States has ratified:

- 14 of the International Labour Organisation’s 162 active treaties and only two of the eight “core conventions” protecting the fundamental rights of working people;
- just three of eleven major environmental treaties;
- the first Geneva Convention governing wartime behavior to protect human rights, but not its two related protocols;
- five of the 12 human rights treaties featured by the Office of the High Commissioner for Human Rights;
- about half of 23 treaties establishing private rights over intellectual property and related technologies;
- six of 10 treaties under the Food and Agriculture Organization that manage fisheries, timber, pesticides, rice and genetic resources;
- all 13 of the treaties addressing international terrorism.

This data suggests that the U.S. government may be more interested in treaties that extend its control over the world’s resources and less interested in those that promote the rights of people and protect the planet. Such a conclusion is further supported by a number of the intriguing details8 we discovered about the treaties we studied more closely—information gleaned from official sources or the non-governmental organizations that monitor these treaties day-to-day.

- Only two countries have not ratified the Convention on the Rights of the Child: the United States and Somalia (which currently has no sitting government.)
- After decades of negotiations, the White House now supports ratification of the Law of the Sea Convention with an understanding that parties to this treaty have the exclusive right to define which of their own activities at sea qualify as “military activities,” thereby evading the Convention’s goal of limiting militaristic control of the open oceans.
- Similarly, the U.S. evades provisions of the Basel Protocol on Hazardous Wastes by defining the export of most toxic materials as “recycling.”
- Because the U.S. has not ratified the Convention on the Rights of Migrant Workers, Mexico and the other parties cannot fulfill their obligation under this treaty to protect the millions of foreign nationals working in sub-standard conditions for U.S. employers.
- The U.S. has not ratified CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women, despite the fact that 15 U.S. states and numerous cities and counties have passed local resolutions in support.9
- Of the nuclear-capable states, the U.S. has not ratified the Comprehensive Nuclear Test Ban Treaty—nor have China, India, Iran, Israel, North Korea and Pakistan.
- These and other facts highlighted in this report demonstrate that the U.S. government—under both Democratic and Republican leadership—is inclined to participate in those multilateral agreements that expand its global access to resources and markets, while neglecting or, worse yet, undermining those that support social development around the world.

This trend predates the presidency of George W. Bush, but the current administration has accelerated and amplified the United States' unilateralist approach to global affairs and a disregard for other nations and peoples including those that suffer from hunger, disease and the other scourges of humanity.
About this report

Consider this report to be a photo album filled with snapshots of the highlights of the multilateral treaty system. You will not find an entire list of the 549 treaties reviewed for this report, nor will you find much detailed analysis. Rather, we have selected 42 prominent treaties that have been in the public’s eye and that we believe to have significant influence worldwide. For each of these treaties, we searched for those precious tidbits of information that would reveal the political drama behind its dry legal text.

We have tried to be as objective as possible, but it was not always possible to find objective information. For one thing, the U.S. government can be fairly circumspect about its reasons for rejecting an agreement reached by most of the rest of the world. Generally, our political leaders are reluctant to share power on the global stage and their lawyers remind them frequently of multilateralism’s threat to sovereignty. For every treaty, there are powerful lobbyists who will argue that its implementation will harm a particular sector of the economy—while “we, the people” point out the benefits that will result for our society as a whole.

First, we introduce the United Nations: how it was formed and the wide range of its activities. We emphasize the UN’s current priority, a non-binding agreement on the part of the entire General Assembly to cut global poverty in half by the year 2015 according to eight “Millennium Development Goals” and the Bush Administration’s response of setting up a “Millennium Challenge Account.”

The second section begins with an explanation of the global process of treaty-making and the procedure inside the United States government to approve a treaty. After a statistical summary of U.S. participation in the multilateral treaty system as a whole, the bulk of the report provides brief overviews of 42 prominent treaties, one per page, grouped by the categories: Law of Treaties, Labor, Human Rights, Environment and Sustainable Development, and Peace and Security. If the U.S. has ratified a treaty, we mention to what extent it is being implemented. If it has not been ratified, we offer a brief explanation based upon official statements.

A glossary at the end defines some of the specialized terms used in the process of negotiating treaties.

In final acknowledgements, we thank the dozens of experts who helped to make sure we did not sacrifice accuracy in our effort to summarize and interpret this complex material.

We made an effort to have written simply, so average Americans can feel knowledgeable enough to discuss global problems and their favorite treaties with neighbors over coffee and to call their congressional representatives about the issues at stake.

The Treaty Database online

No one knows exactly how many treaties exist. Even though the Chief of the United Nations Treaty Section confirms 506 treaties deposited with the Secretary-General in the UN’s central database, he acknowledges that several of the United Nations’ Specialized Agencies have separate databases recording their own sets of treaties and agreements. There are also numerous treaties deposited with other international organizations outside the United Nations. For example, the Geneva Conventions are deposited with the International Committee of the Red Cross while the Anti-Ballistic Missiles Treaty, a bilateral agreement between the U.S. and Russia, is deposited with the United States government.

Unfortunately, the UN Treaty Collection central database cannot be sorted by country. We had to scroll through the documentation for each treaty, to see if it was relevant to the United States and whether the U.S. was listed as a party or not. We then repeated this process with each of the Specialized Agencies and other bodies in the UN system to find their respective sets of treaty documents and the status of U.S. ratification for each. There was no comprehensive list.

We at the Institute for Agriculture and Trade Policy take pride, therefore, in having sifted through innumerable websites and other documentation to produce a concise and coherent resource. This report brings all this data together with volumes of interesting detail and expert analysis provided by colleagues from both the governmental and non-governmental sectors. Synthesized in a few short but succinct paragraphs, each treaty overview tells an important story about the expansive influence of power and how the United States chooses to use it.
I. Executive summary

With this report we have laid the groundwork for The Treaty Database online, accessed through iatp.org.

We are issuing this first report from The Treaty Database in an adjustable binder so out-of-date pages can be replaced with new printouts off the Internet as history evolves. When significant changes in the provisions of a particular treaty are made at a conference of the parties or a new ratification triggers entry into force, The Treaty Database Online will be updated. In addition, we aim to expand this resource continually as IATP staff, interns and committed colleagues help us build upon this tool, ensuring accurate and intriguing information.

We look forward to joining forces with the UN’s Office of Legal Affairs, interested members of Congress and their aids of the U.S. Senate and House and treaty advocacy groups based in the capital and across the country.

Our intention is to build a committed network in the United States that will steer our nation towards a more positive approach to global engagement based on multilateralism, rule of law and democratic global governance.

Thank you for taking the time to learn about the United States’ participation in the world and contributing to a framework that holds us all together.

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iatp.org/global/project_globalcoop.cfm

1 On 26 June 2002, the U.S. ratified the final two of twelve anti-terrorism treaties.

2 Three treaties deal with the private protection of intellectual property and two create new markets for chemicals that are less damaging to the ozone layer.

3 Although signed by President Clinton in 1998, President Bush effectively ended U.S. involvement in the Kyoto Protocol in 2001. The U.S.’s formal withdrawal from the Anti-Ballistic Missile Treaty in 2002 was the first time a major power has withdrawn from a nuclear treaty after it had become legally binding. The U.S. is currently a party to the Non-Proliferation of Nuclear Weapons Treaty and the Biological and Toxin Weapons Convention. However, President Bush declared that the U.S. would use nuclear weapons in preemptive strikes, a clear violation of the NPT, and his negotiating team blocked completion of a draft Protocol to the BWC, halting all further negotiations for the indefinite future. Even though the U.S. assisted in establishing the International Criminal Court, President Bush formally nullified the U.S. signature to the court in 2002.

4 Since the Millennium Summit of 2000, UN Secretary-General Kofi Annan has issued an annual invitation to all UN members encouraging their ratification of more treaties.

5 In preparing this report, we reviewed a total of 549 treaties including all those deposited with the UN Secretary-General, the International Labor Organization, the Food and Agriculture Organization and the World Intellectual Property Organization; the Geneva Conventions deposited with the International Committee of the Red Cross; and those addressing disarmament and terrorism deposited with various UN agencies, regional organizations or national governments.


7 A thorough explanation of the choices we made in selecting, categorizing and analyzing the specific treaties referenced in this report can be found in the “Research Methodology” segment at the end of Section IV.

8 These and other intriguing details can be found in the “Interesting information” field for each of the 42 treaty overviews in Section IV.

9 http://www.wildforhumanrights.org/cedaw_around_us.html

10 The Program for International Policy Attitude (PIPA) has a variety of polling results showing that more than 70 percent of Americans have a positive view of the United Nations; they want the U.S. to be an active UN member and to cooperate with other countries by working through the UN. See http://www.americans-world.org/digest/global_issues/un/un1.cfm

11 It is not typical for a country to ratify a treaty pertaining to another region of the world. For example, there are currently 149 treaties pertaining to road traffic inside Europe. We chose not to include these treaties in this report since they are not likely to interest the United States. See the Research Methodology for further detail.

12 In particular, we are looking for potential partners who are now monitoring a specific treaty and would consider cooperating with IATP to develop and maintain the web page for that treaty. If you feel inspired to collaborate with us, please contact Patricia Jurewicz, at pjurewicz@iatp.org or call (612) 870-3414.
A short history

Created in the wake of World War II, the United Nations was intended to foster international dialogue and cooperation, promote respect for human rights and freedoms and ensure peace and security between states. The United States was a driving force behind this movement, along with the United Kingdom, China, the Soviet Union and France—countries heavily involved in the war. The founders sought to create a strong institution with a binding international mandate and procedures—characteristics that its ineffective predecessor, the League of Nations, had lacked.

From 25 April to 26 June 1945, representatives of 50 nations met in San Francisco to discuss proposals prepared over the course of several years by citizens of the United States through a process of national consultation with the support of the Department of State. These negotiations resulted in the UN Charter, which was later ratified by a majority of the delegations. On 24 October 1945, the United Nations officially came into existence.

The UN Charter called for the creation of six principal bodies: the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and a Secretariat.

The most powerful body of these is the Security Council made up of 15 members. Ten are selected by the General Assembly on a rotating basis while five are the so-called “permanent” members—the U.S., UK, France, Russia and China—with veto power over any resolution under consideration. For the rest of the world, this feature of the UN’s governance structure is considered obsolete and a barrier to global cooperation. Of the many proposals that have been offered as yet to reform the multilateral system, an enlarged Security Council is invariably the highest priority followed by proposals to amend its purpose to become an Economic and Social Security Council.

In addition, there is an array of other agencies, programs and departments that report to one or another of the six principal bodies of the UN. These include five regional commissions, a number of programs and funds, several research and training institutes, more than a dozen “specialized agencies” and numerous other entities that together constitute the United Nations system. (See chart, page viii.)

Over the years, the UN has helped resolve more than 170 regional conflicts and supervised elections in at least 45 countries. The UN Development Program is the largest multilateral funder in the world, financing more than 5,000 projects to alleviate poverty. The World Health Organization has virtually eradicated smallpox and polio while UNICEF provides $800 million for immunizations and other basic health care for the poor in developing countries.

The International Labor Organization, governed by a tripartite board representing the interests of business, trade unions and nation states, has passed more than 180 treaties setting forth the rights and responsibilities of each. Dozens of environmental treaties, a series of human rights treaties, treaties to control various weapons of mass destruction and innumerable other agreements to manage everything from civil aviation, postal services and the size of screws to money laundering, government corruption and counter-terrorism (even before 11 September 2001)—all these are the legacy of the UN.

Today, some 50,000 staff manage the basic operations of the UN with a core budget of about $1.45 billion per year—up from $1.25 billion in 2000. Funding is provided by the member states, according to Article 17 of the Charter. Each member’s financial contribution is based upon a formula taking into account the country’s gross national product, per capita income and other economic factors. Membership dues do not cover the costs of peacekeeping and humanitarian aid, however, which are funded on an emergency basis as needed. About a dozen “specialized agencies” and numerous institutes, commissions and other programs are also budgeted in the billions of dollars and financed independently.

As of 30 June 2004, membership dues owed to the UN’s basic budget topped $1.052 billion. In fact, the UN faces a chronic deficit as expenses far exceed the amounts actually paid by member states. While members commonly withhold these dues during diplomatic conflicts, they are usually paid at a later date.

The United States, however, is consistently behind in paying its dues, owing more than $2 billion in 2001. That year, in gratitude for the UN’s support in Afghanistan, the U.S. Congress finally agreed to repay $1.67 billion in accumulated arrears. The balance of $557 million, however, amounts to more than half of the UN’s regular annual budget. As the single largest debtor, the U.S. has severely hindered the UN’s capacity to deal with the many problems that face the world today.
## About the United Nations

### The United Nations system

#### Principal Organs
- Trusteehip Council
- Security Council
- General Assembly
- Economic and Social Council
- International Court of Justice
- Secretariat

#### Subsidiary Bodies
- Military Staff Committee
- Standing Committee and ad hoc bodies
- International Criminal Tribunal for the Former Yugoslavia
- International Criminal Tribunal for Rwanda
- UN Monitoring, Verification and Inspection Commission (Eraq)
- United Nations Compensation Commission
- Peacekeeping Operations and Missions

#### Subsidiary Bodies Main committees
- Other sessionsal committees
- Standing committees and ad hoc bodies
- Other subsidiary organs

#### Functional Commissions
- Commissions on: Human Rights
- Narcotic Drugs
- Crime Prevention and Criminal Justice
- Science and Technology for Development
- Sustainable Development
- Status of Women
- Population and Development Commission for Social Development
- Statistical Commission

#### Regional Commissions
- Economic Commission for Africa (ECA)
- Economic Commission for Europe (ECE)
- Economic Commission for Latin America and the Caribbean (ECLAC)
- Economic and Social Commission for Asia and the Pacific (ESCAP)
- Economic and Social Commission for Western Asia (ESCWA)

#### Other Bodies
- Permanent Forum on Indigenous Issues (PFII)
- United Nations Forum on Forestry
- Sessional and standing committees
- Expert, ad hoc and related bodies

#### Research and Training Institutes
- United Nations Development Programme
- United Nations Industrial Development Organization
- United Nations Children's Fund
- United Nations Educational, Scientific and Cultural Organization
- World Health Organization
- World Trade Organization
- World Intellectual Property Organization
- World Meteorological Organization
- World Trade Organization

#### Specialized Agencies
- International Labour Organization
- Food and Agriculture Organization of the United Nations
- United Nations Educational, Scientific and Cultural Organization
- World Health Organization

#### Departments and Offices
- Office of the Secretary-General
- Office of Internal Oversight Services
- Department of Legal Affairs
- Department of Political Affairs
- Department for Disarmament Affairs
- Department of Peacekeeping Operations
- Office for the Coordination of Humanitarian Affairs
- Department of Economic and Social Affairs
- Department for General Assembly and Conference Management
- Department of Public Information
- Department of Management
- Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States
- Office for the United Nations High Commissioner for Human Rights
- United Nations Office for Project Services
- United Nations University
- United Nations System Staff College
- Joint United Nations Programme on HIV/AIDS
- Preparatory Commission for the Nuclear Test-Ban Treaty Organization
- Organization for the Prohibition of Chemical Weapons
- World Trade Organization

#### Notes
- Solid lines from a Principal Organ indicate a direct reporting relationship; dashes indicate a non-subordinate relationship.
- The UN Drug Control Programme is part of the UN Office on Drugs and Crime.
- UNRWA and UNRIPA report only to the GA.
- The World Trade Organization and World Tourism Organization use the same acronyms.
- IAEA reports to the Security Council and the General Assembly (GA).
- The CTBTO PrepCom and OPCW report to the 6A.
- Specialized agencies are autonomous organizations working with the UN and each other through the coordinating machinery of the ECOSOC at the intergovernmental level, and through the Chief Executives Board for Coordination (CEB) at the inter-secretariat level.

Published by the UN Department of Public Information

DPI/2342—March 2004
The Millennium Development Goals
Unanimously adopted by the United Nations General Assembly in the Millennium Declaration of September 2000, the Millennium Development Goals (MDGs) are intended to invigorate the global effort to promote human development and improve the well being of people throughout the world. Renewing a series of commitments made during the major international conferences of the 1990s, all 191 member states of the UN agreed in 2000 to work together in a comprehensive campaign to reduce the number of people in the world living under the debilitating conditions of poverty by 2015.

The first seven MDGs are concrete objectives by which the international community can focus its efforts and measure the results. For example, to meet the first goal, member states pledged to reduce by half the number of people living on less than a dollar a day and the number of people suffering from hunger. Each of these is accompanied by similarly measurable goals to be attained by the year 2015:

1. Eradicate extreme hunger and poverty
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria, and other diseases
7. Ensure environmental sustainability

The eighth MDG is the mechanism by which the international community would attain the first seven:

Develop a global partnership for development—involving official development assistance from developed states to developing ones, freer access to markets and debt sustainability

So far, the results indicate that advances have been made in some areas but many countries are falling behind schedule. Progress is being monitored according to 48 quantitative indicators based on statistics provided mostly by the member states. To help those countries that lack the proper data mechanisms to monitor progress, an international consortium known as the Partnership in Development of Statistics in the 21st Century (PARIS21) has been working to increase their statistical capacity.

In May 2004, the UN General Assembly raised the profile of these goals, choosing to evaluate their progress towards meeting the MDGs while also debating options for reform of the multilateral system during a High Level Summit in September 2005.

Links:
Millennium Development Goals: developmentgoals.org
PARIS21: paris21.org
The United States’ Millennium Challenge Account

A crucial component of the eighth MDG—the “global partnership for development”—is the financial support known as “official development assistance” (ODA) that is provided by the wealthier countries to help out the developing countries of their choice. Indeed, this assistance comprises more than 80 percent of all the influx of capital available to the world’s fifty poorest countries and constitutes the bulk of the financing foreseen to implement the MDGs.

For decades, the UN has encouraged the more developed states to provide at least 0.7 percent of their gross domestic product (GDP) towards foreign assistance. But only six countries—Norway, Denmark, the Netherlands, Sweden, Finland and Luxembourg—have continually met this challenge. All together, the industrialized states have contributed some $50 billion in ODA in recent years, but this still comprises just half of what is estimated to be necessary to meet the MDGs by the targeted date of 2015.

The United States has consistently neglected to meet the ODA funding standards. In 1990, the U.S. disbursed 0.21 percent of its GDP as aid to developing countries. By 2000, the U.S. contribution of $9.9 billion represented just 0.10 percent of its GDP.

In 2003, after pledging to increase ODA spending at a major UN conference in Monterrey, Mexico on “Financing for Development,” the Bush Administration increased the U.S. contribution to more than $15 billion—but this sum was still just 0.25 percent of GDP. As a percentage of total GDP, this contribution relegated the United States to last among the world’s 22 most industrialized countries in development assistance overseas and well below their average contribution of 0.41 percent of GDP.

At the same UN conference in Monterey, President Bush called for a “new compact in global development” that would link any further increases in ODA to greater responsibilities for recipient countries—primarily political reforms. In 2003, the Bush Administration created the Millennium Challenge Account (MCA), allocating $1 billion of increased ODA funding towards this fund with a commitment of $5 billion by 2006. In order to be eligible for these new funds, recipient countries must meet the United States’ criteria addressing intellectual property rights, corruption controls and “economic freedoms” such as privatization and participation in the global marketplace.

As of July 2004, seventy countries were named candidates for MCA funding in 2005. However, that same month the U.S. House of Representatives reduced President Bush’s funding request for the MCA from $2.5 billion to $1.25 billion. To date, not one penny has been spent from the United States’ Millennium Challenge Account towards meeting the Millennium Development Goals

Links:
Millennium Challenge Corporation: mca.gov
The conclusion of multilateral treaties is a long, arduous process that involves the dedicated participation of many sovereign states. Today, non-government organizations (NGOs) also play a key role in treaty negotiation. These multilateral agreements aim to unite countries in a common cause, founded on the concepts and ideals reflected in a single treaty text. Unlike the detailed procedures of domestic lawmaking, the negotiation of multilateral treaties does not follow a set pattern. The process is largely an ad hoc effort responsive to the concerns of all participating national governments and thus can take on many different forms, often taking years or even decades to complete.

The Vienna Convention on the Law of Treaties, negotiated in 1969 under the auspices of the United Nations, provides the framework of rules for treaties. It reflects customary international law to a substantial extent—essentially codifying the way in which treaty-making has been practiced customarily over time.

Often, treaties begin with a swelling of public opinion and/or political pressure in one or more countries. This pressure may originate from newly released information about an issue, or an event or series of events that demands international involvement. For example, the scientific discovery of the ozone hole in 1985 led to the Vienna Convention for the Protection of the Ozone Layer and subsequently to the Montreal Protocol. Similarly, the public's increasing awareness of the threat posed by the dissemination of nuclear technology during the Cold War led to the Nuclear Non-Proliferation Treaty. When global attention around an issue becomes strong enough, it often leads to the convening of an international conference to discuss the situation and agree on a course of action—which may lead to the creation of a treaty.

Treaty conferences are generally initiated when one or more governments offer to host the meeting on behalf of the international community or under the auspices of an international organization such as the United Nations. Invitations are extended to other governments, usually accompanied by a “statement of purpose” or an initial draft text serving as a basis for negotiations. Participating countries send a team of negotiators, referred to as delegations, to take part in the conference and represent their respective governments and interests. These delegations negotiate the purpose and aims of the treaty and eventually the exact text.

Negotiations can take months, years and even decades to conclude, depending on the nature of the treaty and evolving political will. More controversial issues may result in a deadlock, effectively halting further negotiations until a later date. The stalled negotiations on a Comprehensive Convention on International Terrorism illustrate this. If negotiations are successful, the conference moves to a “Final Act” that serves to summarize the details of the conference and announce the adoption of the finalized text. The finishing details of the treaty are worked out, including the arrangement of country names and signatures, the languages the text will be adopted in and the format of the text itself. The international conference may conclude with the signing of the treaty by willing governments in a symbolic display of cooperation. Alternatively, the signing of an agreement may take place in an agreed location on a later date. Signatures do not typically create legally binding obligations but indicate a government’s intention to take further action to assume such commitments.

After the international conference has produced a treaty text and a state has affixed its signature, the treaty goes through a domestic approval process per country so that it can be formally ratified. Ratification signifies the undertaking of a binding legal commitment by a state. Each government has its own process by which a treaty is approved; some require at least a favorable vote by the legislative branch of government. Most countries identify acceptance of the binding obligations under a treaty with ratification, but others label this function “acceptance” or “succession.” If a state which has not taken part in the negotiations or signed the treaty consents to be bound by its terms, it is referred to as “accession.”

After a treaty’s domestic approval, the country deposits the instrument of ratification, acceptance, accession or succession with the depositary institution, thus obligating the state to comply with the articles of the treaty. This instrument of ratification must include the signature of the head of state or government or the foreign Minister and a statement committing the state to faithfully undertake the obligations under the treaty. It may include the seal of the sig-
natory and any supplemental measures proposed during the domestic ratification process to clarify the meaning or define the scope of the treaty as it will be applied in that country. This can be done through an “amendment,” “reservation,” “understanding,” “interpretation,” “declaration” or “proviso.”

Amendments are formal changes to the provisions of a treaty. Most multilateral treaties have text stipulating how amendments may or may not be offered; however, in the rare case of a treaty that lacks such provisions, the adoption of an amendment proposed at the time of national ratification will require the consent of all the parties. Reservations modify a country’s obligations to certain provisions in a treaty on a unilateral basis and may require the consent of the other parties as well. Understandings and interpretations are statements expressing a state’s view of certain provisions but do not modify the actual treaty obligations. Declarations convey a government’s position on the issues raised by the treaty without suggesting an alternative interpretation or modification. A proviso is a condition attached to a treaty regarding domestic implementation.

In general, all of these supplemental measures may be called “declarations.” After being transmitted to the depositary along with a government’s instruments of ratification, the depositary will bring them to the attention of the other parties.

A treaty’s entry into force is the moment in which it becomes binding international law, which occurs when a predetermined number of countries have ratified it. This number is stipulated in the text of the treaty itself, usually in a separate article. In some cases, the treaty will recognize differential responsibilities among countries and require a certain level of effectiveness as the trigger for its entry into force. The Kyoto Protocol, for example, requires ratification by at least 55 countries and among them, enough developed countries to account for at least 55 percent of the total carbon monoxide emitted in 1990 to enter into force.

Once a treaty has entered into force, those countries that deposited instruments of ratification become parties to the treaty and are legally bound to fulfill its obligations. While these obligations vary widely depending on the purpose and objectives of each treaty, they may require parties to submit periodic reports that serve to update the international community and treaty secretariats on the status of its implementation in each country. For example, the Convention on the Rights of the Child requires national reports upon ratification and every five years thereafter. The International Covenant on Civil and Political Rights only requires a report upon request of the treaty committee. In many cases, the treaty establishes a secretariat or professional staff to manage the treaty process including the collection of these reports and the compilation of a summary report on global compliance and related issues.

Links:
UN Treaty Collection: http://untreaty.un.org
Council of Europe: http://www.coe.int/DefaultEN.asp
U.S. Department of State: http://www.state.gov/s/l
U.S. Department of State procedures for multilateral agreements and treaties: http://foia.state.gov/masterdocs/11fam/11m0740.pdf
The process of U.S. ratification of multilateral treaties

As prescribed in the Constitution, the president of the United States “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur” (Article 2, Section 2.) In practice, however, the vast majority of agreements between the U.S. and foreign governments are not considered “treaties” but “executive agreements”—some sanctioned by both the Senate and the House of Representatives and some that are finalized by the President alone, exercising his authority as Commander in Chief.14

In the process of negotiating a typical treaty, the President first selects a delegation to attend the international treaty conference and represent official U.S. positions and interests. Depending on the scope and importance of the treaty, the delegation may include representatives of numerous federal agencies with varying ranks—everything from Foreign Service officers to cabinet-level officials such as the Secretary of State. Regardless of the composition of the delegation, it is the responsibility of the Secretary of State to ensure all international treaties to which the U.S. becomes a party are fully compatible with U.S. foreign policy objectives.

Upon the conclusion of negotiations, a treaty may be signed by the President or any official granted the powers of the Executive Branch, usually the Secretary of State or a deputy. After a treaty is signed, it becomes the responsibility of the Executive Branch to seek the approval of the Senate.15

Generally, the Senate Foreign Relations Committee will manage the process of ratification. The treaty remains on the Committee’s calendar until an action is taken, crossing over Congressional sessions if necessary. The Committee chair, in conference with the leading minority member on the committee, decides when public hearings will be held on a particular treaty. To allow ample time for public comment, most treaties are reviewed within one year of receipt by the Committee. However, they may remain on the calendar for years depending on scheduling, the force of opposition or other political influences. After review, the Committee has two courses of action. It may remand the treaty to the Executive Branch—effectively ending the process—or recommend it for consideration by the full Senate.

The full Senate may also engage in a lengthy process of review and debate for each treaty. Depending upon political dynamics and the issues at stake, other Senate committees may call for further research and additional public hearings. Based upon this input, the Senate may introduce supplemental measures to modify or clarify the text including amendments, reservations, understandings, declarations or provisos. The treaties and any proposed supplemental measures that survive these debates are then put to vote by the full Senate.

If the treaty fails to receive the required majority of two-thirds of the Senators present, it is remanded back to the Foreign Relations Committee for further consideration. Upon a successful vote, the treaty is transmitted to the Executive Branch where the instruments of ratification are prepared. These usually include the signature of the President, a statement of approval, the listing of any amendments, reservations, understandings, declarations or provisos and the seal of the United States.

Next, the Executive Branch deposits the instruments of ratification with the proper depositary institution. Under the Constitution, treaties become part of the “Supreme Law of the Land” upon ratification (Article 6, Clause 2) and hold the same legal weight as federal statutes. If compliance with the new treaty will require any changes in U.S. laws, this announcement must be made by the President forthwith. The President may also request any changes that he deems necessary to carry into effect the provisions of the treaty.

When the treaty enters into force, the President may select a delegation to announce the United States’ commitment to the treaty. Some treaties stipulate that they are self-executing, eliminating the option from the national level of debate.
Research methodology

A. Identifying the statistical basis of 549 treaties counted in this report

After scrutinizing some two dozen databases in the UN system of Specialized Agencies and several other multilateral institutions, we determined that a reasonable body of treaties pertinent to the United States was held in seven of them. In each of the seven, then, we counted the pertinent treaties as follows:

- **UN Treaty Collection**
  - There are 571 treaties in the UN Treaty Collection database, but 65 have been dissolved or superseded by a subsequent agreement leaving 506 active treaties.
  - We excluded 174 regional treaties not pertinent to the U.S.
  - We count 332 Treaty Collection pertinent to the U.S.

- **Database of International Labour Standards (for ILO treaties)**
  - There are 185 conventions in the ILO database, but only 162 are active.
  - All 162 conventions pertain to all of the ILO members.
  - We count 162 ILO conventions in this report.

- **The Geneva Conventions deposited with the International Committee of the Red Cross (ICRC)**
  - There are four documents for the Geneva Conventions of 1949, but all four are ratified together and considered as one ratification.
  - Protocols I and II each have a separate ratification.
  - We count three treaties of the Geneva Conventions in this report.
  - [http://www.icrc.org/Web/Eng/siteeng0.nsf/html/genevaconventions](http://www.icrc.org/Web/Eng/siteeng0.nsf/html/genevaconventions)

- **World Intellectual Property Organization (WIPO)**
  - There are 23 treaties in the WIPO database, all pertinent to the U.S.
  - We count 23 WIPO treaties in this report.

- **Food and Agriculture Organization (FAO)**
  - There are 33 treaties in the FAO database.
  - We excluded 23 regional treaties not pertinent to the U.S.
  - We count 10 FAO treaties in this report.
  - [http://www.fao.org/Legal/treaties/treaty-e.htm](http://www.fao.org/Legal/treaties/treaty-e.htm)

- **UN Department for Disarmament Affairs**
  - There are 17 treaties on this site.
  - We excluded four regional treaties not pertinent to the U.S.
  - We excluded three other treaties that are also listed in the UN Treaty Collection, to avoid double-counting.
  - We count 10 disarmament treaties in this report.

- **Conventions Against Terrorism listed with the UN Office on Drugs and Crime**
  - There are 12 terrorism treaties in this database.
  - We excluded four treaties that are also listed in the UN Treaty Collection, to avoid double-counting.
  - We added a regional treaty deposited with the Organization of American States and therefore pertinent to the U.S.
IV. U.S. participation in multilateral treaties

- We count nine terrorism treaties from this database in the report.
- http://untreaty.un.org/English/Terrorism.asp

In this manner, we identified 549 treaties in the multilateral system pertinent to the United States. To date, the U.S. has ratified 157 of these—about 29 percent, or fewer than one out of three.

B. Selecting our initial database of 42 prominent treaties

Based on our familiarity with the multilateral treaty system, we identified several categories of international policy that ought to be represented in The Treaty Database. For each of these, we then consulted among our colleagues to determine which treaties constituted the basic framework of law. As a result, we have included the following in this first report.

- The Vienna Law of Treaties: This treaty sets the stage for international law and treaty formulation.

- Labor Rights: We highlight the eight “core” labor conventions determined by ILO members to be of the highest priority for ratification, regardless of a nation’s economic condition or level of development.

- Human Rights: We first selected the twelve treaties featured on the website of the UN High Commissioner for Human Rights (UNHCHR). We then decided to add the four Geneva Conventions and the related Protocols I and II, as they are considered to be the core of international humanitarian law.

- Environment and Sustainable Development: After much debate regarding the name of this category, we found it relatively easy to select the eleven major treaties included in our report—most of them negotiated since the Earth Summit of 1992. Globalization, developments in technology and the political push for trade liberalization have influenced many of these treaties, creating an odd amalgam of environmental and trade policy.

- Peace and Security: In the era of al Qaeda and the U.S. war on Iraq, a focus on disarmament, weapons of mass destruction, anti-terrorism treaties and the International Criminal Court was inevitable.
United Nations treaties deposited with the Secretary-General, active and applicable to the United States (as of September 23, 2004)

<table>
<thead>
<tr>
<th>Treaty chapter*</th>
<th>% U.S. ratified</th>
<th>Number ratified by U.S.</th>
<th>Total per chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Charter of the UN and Statute of the International Court of Justice</td>
<td>80%</td>
<td>4</td>
<td>5</td>
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<tr>
<td>III. Privileges and Immunities, Diplomatic and Consular Relations, Etc.**</td>
<td>14%</td>
<td>5</td>
<td>35</td>
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<tr>
<td>IV. Human Rights</td>
<td>29%</td>
<td>6</td>
<td>21</td>
</tr>
<tr>
<td>V. Refugees and Stateless Persons</td>
<td>25%</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>VI. Narcotic Drugs and Psychotropic Substances</td>
<td>41%</td>
<td>9</td>
<td>22</td>
</tr>
<tr>
<td>VII. Traffic in Persons</td>
<td>17%</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>VIII. Obscene Publications</td>
<td>50%</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>IX. Health</td>
<td>58%</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>X. International Trade and Development</td>
<td>56%</td>
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<td>16</td>
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<tr>
<td>XI-A. Transport and Communications: Customs Matters</td>
<td>54%</td>
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<td>13</td>
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<tr>
<td>XI-B. Transport and Communications: Road Traffic</td>
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<td>4</td>
<td>7</td>
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<tr>
<td>XI-C. Transport and Communications: Transport by Rail</td>
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<td>0</td>
<td>2</td>
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<tr>
<td>XI-D. Transport and Communications: Water Transport</td>
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<td>0</td>
<td>6</td>
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<tr>
<td>XI-E. Transport and Communications: Multimodal Transport</td>
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<td>0</td>
<td>1</td>
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<tr>
<td>XII. Navigation</td>
<td>56%</td>
<td>9</td>
<td>16</td>
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<tr>
<td>XIII. Economic Statistics</td>
<td>0%</td>
<td>0</td>
<td>4</td>
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<tr>
<td>XIV. Educational and Cultural Matters</td>
<td>44%</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>XV. Declaration of Death of Missing Persons</td>
<td>0%</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>XVI. Status of Women</td>
<td>33%</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>XVII. Freedom of Information</td>
<td>0%</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>XVIII. Penal Matters</td>
<td>41%</td>
<td>7</td>
<td>17</td>
</tr>
<tr>
<td>XIX. Commodities</td>
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<tr>
<td>XX. Maintenance Obligations</td>
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<td>0</td>
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<tr>
<td>XXI. Law of the Sea</td>
<td>50%</td>
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<tr>
<td>XXII. Commercial Arbitration</td>
<td>50%</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>XXIII. Law of Treaties</td>
<td>0%</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>XXIV. Outer Space</td>
<td>50%</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>XXV. Telecommunications</td>
<td>50%</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>XXVI. Disarmament</td>
<td>44%</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>XXVII. Environment</td>
<td>32%</td>
<td>12</td>
<td>38</td>
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<tr>
<td>XXVIII. Fiscal Matters</td>
<td>0%</td>
<td>0</td>
<td>2</td>
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<tr>
<td>XXIX. Miscellaneous</td>
<td>0%</td>
<td>0</td>
<td>1</td>
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<tr>
<td>League of Nations Multilateral Treaties</td>
<td>3%</td>
<td>1</td>
<td>34</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>32%</strong></td>
<td><strong>107</strong></td>
<td><strong>332</strong></td>
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</tbody>
</table>

* These chapter titles follow the system used by the United Nations Treaty Collection.
** Chapter II. Pacific Settlement of International Disputes is a region-specific treaty and not applicable to the U.S.
### Active treaties deposited with other institutions

<table>
<thead>
<tr>
<th>Treaty Depositary or Category</th>
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<th>Total Ratified by U.S.</th>
<th>Total per Category</th>
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</thead>
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<tr>
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<td>Geneva Conventions (ICRC)</td>
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<td>3</td>
</tr>
<tr>
<td>World Intellectual Property Organization (WIPO)</td>
<td>52%</td>
<td>12</td>
<td>23</td>
</tr>
<tr>
<td>Food and Agriculture Organization (FAO)</td>
<td>60%</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>Disarmament</td>
<td>80%</td>
<td>8</td>
<td>10</td>
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<tr>
<td>Terrorism</td>
<td>100%</td>
<td>9</td>
<td>9</td>
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<tr>
<td><strong>Total number of active, U.S.-applicable treaties with other depositaries</strong></td>
<td></td>
<td></td>
<td><strong>217</strong></td>
</tr>
<tr>
<td><strong>U.S.-ratified treaties</strong></td>
<td>23%</td>
<td>50</td>
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</tbody>
</table>

<p>| <strong>TOTAL NUMBER OF ACTIVE TREATIES</strong>                   |                  |                        | <strong>549</strong>            |
| <strong>U.S.-RATIFIED TREATIES</strong>                            | 29%              | 157                    |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter</th>
<th>Treaty title</th>
<th>Page #</th>
<th>Ratified</th>
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<tr>
<td>Law of Treaties</td>
<td>XXIII-1</td>
<td>Vienna Convention on the Law of Treaties, 1969</td>
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<tr>
<td>Labor</td>
<td>C29</td>
<td>Forced Labor Convention, No. C29</td>
<td>3</td>
<td>No</td>
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<tr>
<td>Labor</td>
<td>C87</td>
<td>Freedom of Association and Protection of the Right to Organize Convention, No. C87</td>
<td>5</td>
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<tr>
<td>Labor</td>
<td>C98</td>
<td>Right to Organize and Collective Bargaining Convention, No. C98</td>
<td>7</td>
<td>No</td>
</tr>
<tr>
<td>Labor</td>
<td>C100</td>
<td>Equal Remuneration Convention, No. C100</td>
<td>9</td>
<td>No</td>
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<tr>
<td>Labor</td>
<td>C105</td>
<td>Abolition of Forced Labor Convention, No. C105</td>
<td>11</td>
<td>Yes</td>
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<td>Labor</td>
<td>C111</td>
<td>Discrimination (Employment and Occupation) Convention, No. C111</td>
<td>13</td>
<td>No</td>
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<td>Labor</td>
<td>C138</td>
<td>Minimum Age for Work Convention, No. C138</td>
<td>15</td>
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<td>Labor</td>
<td>C182</td>
<td>Worst Forms of Child Labour Convention, C182</td>
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<td>Human Rights</td>
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<td>International Convention on the Elimination of All Forms of Racial Discrimination</td>
<td>19</td>
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<td>IV-3</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
<td>21</td>
<td>No</td>
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<td>Human Rights</td>
<td>IV-4</td>
<td>International Covenant on Civil and Political Rights</td>
<td>23</td>
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<tr>
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<td>IV-5</td>
<td>Optional Protocol to the International Covenant on Civil and Political Rights</td>
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<td>Human Rights</td>
<td>IV-8</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
<td>27</td>
<td>No</td>
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<td>Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women</td>
<td>29</td>
<td>No</td>
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<td>Human Rights</td>
<td>IV-9</td>
<td>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</td>
<td>31</td>
<td>Yes</td>
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<tr>
<td>Human Rights</td>
<td>IV-11</td>
<td>Convention on the Rights of the Child</td>
<td>33</td>
<td>No</td>
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<tr>
<td>Human Rights</td>
<td>IV-11b</td>
<td>Optional Protocol to the Convention on the Rights of the Child on the involvment of children in armed conflict</td>
<td>35</td>
<td>Yes</td>
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<td>Human Rights</td>
<td>IV-11c</td>
<td>Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography</td>
<td>37</td>
<td>Yes</td>
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<tr>
<td>Human Rights</td>
<td>IV-12</td>
<td>Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty.</td>
<td>39</td>
<td>No</td>
</tr>
<tr>
<td>Human Rights</td>
<td>IV-13</td>
<td>International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families</td>
<td>41</td>
<td>No</td>
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<tr>
<td>Human Rights</td>
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<td>Geneva Conventions of 1949</td>
<td>43</td>
<td>Yes</td>
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<tr>
<td>Human Rights</td>
<td></td>
<td>Additional Protocols (I &amp; II) to the Geneva Conventions</td>
<td>45</td>
<td>No</td>
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<tr>
<td>Environment and Sustainable Develop</td>
<td></td>
<td>The International Treaty on Plant Genetic Resources for Food and Agriculture</td>
<td>47</td>
<td>No</td>
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<tr>
<td>Environment and Sustainable Develop</td>
<td>XXI-6</td>
<td>UN Convention on the Law of the Sea</td>
<td>49</td>
<td>No</td>
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<td>Environment and Sustainable Develop</td>
<td>XXVII-2a</td>
<td>Montreal Protocol on Substances that Deplete the Ozone Layer</td>
<td>51</td>
<td>Yes</td>
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<td>Environment and Sustainable Develop</td>
<td>XXVII-3</td>
<td>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</td>
<td>53</td>
<td>No</td>
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</tbody>
</table>
IV. U.S. participation in multilateral treaties

<table>
<thead>
<tr>
<th>Section</th>
<th>Chapter*</th>
<th>Treaty Title</th>
<th>Page #</th>
<th>Ratified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment and Sustainable Develop</td>
<td>XXVII-7</td>
<td>UN Framework Convention on Climate Change</td>
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<td>Kyoto Protocol to the UN Framework Convention on Climate Change</td>
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<td>Environment and Sustainable Develop</td>
<td>XXVII-8</td>
<td>Convention on Biological Diversity</td>
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<td>XXVII-8a</td>
<td>Cartagena Protocol on Biosafety</td>
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<td>Environment and Sustainable Develop</td>
<td>XXVII-10</td>
<td>UN Convention to Combat Desertification</td>
<td>63</td>
<td>Yes</td>
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<td>XXVII-14</td>
<td>Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade</td>
<td>65</td>
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<td>Environment and Sustainable Develop</td>
<td>XXVII-15</td>
<td>Stockholm Convention on Persistent Organic Pollutants</td>
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<tr>
<td>Peace and Security</td>
<td>XXVI-3</td>
<td>Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction</td>
<td>69</td>
<td>Yes</td>
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<tr>
<td>Peace and Security</td>
<td>XXVI-4</td>
<td>Comprehensive Nuclear-Test-Ban Treaty (there is no hyphen is the U.S. usage)</td>
<td>71</td>
<td>No</td>
</tr>
<tr>
<td>Peace and Security</td>
<td>XXVI-5</td>
<td>1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction</td>
<td>73</td>
<td>No</td>
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<tr>
<td>Peace and Security</td>
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<td>The Treaty on the Non-Proliferation of Nuclear Weapons</td>
<td>75</td>
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<tr>
<td>Peace and Security</td>
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<td>Treaty on the Limitation of Anti-Ballistic Missile Systems</td>
<td>77</td>
<td>No</td>
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<tr>
<td>Peace and Security</td>
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<td>Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction</td>
<td>79</td>
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<td>Peace and Security</td>
<td>XVIII-10</td>
<td>Rome Statute of the International Criminal Court</td>
<td>81</td>
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<tr>
<td>Peace and Security</td>
<td>XVIII-11</td>
<td>International Convention for the Suppression of the Financing of Terrorism</td>
<td>83</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*These chapter numbers follow the system used by the United Nations Treaty Collection and International Labour Organisation.
**Vienna Convention on the Law of Treaties, 1969**

This Convention reflects customary international law to a substantial extent and provides the framework of rules for treaties. The VCLT1969 has been supplemented by the Vienna Convention on the Law of Treaties between States, and on the Law of Treaties between States and International Organizations or between International Organizations.

<table>
<thead>
<tr>
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<th>Law of Treaties</th>
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<tbody>
<tr>
<td>Depositary</td>
<td>Secretary-General of the United Nations (chapter XXIII-1)</td>
</tr>
<tr>
<td>Abbreviated name</td>
<td>VCLT1969</td>
</tr>
<tr>
<td>Number of ratifying countries</td>
<td>98 as of 26 July 2004</td>
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</tbody>
</table>

**U.S. status**
Signed, but not ratified

**Date signed (if signed)**
24 April 1970

**Date entered into force**
27 January 1980

**U.S. position (if not ratified)**
The U.S. played a leading role in the formulation of the Vienna Convention in 1969. Although it went through two rounds of hearings in the U.S. Senate, one in 1970 and the other in 1986, it did not achieve the necessary “Advice and Consent”. However, while the U.S. is not a party to the Vienna Convention, it does accept much of it as customary international law and cites it from time to time.

**Interesting information**
Inside the U.S. Government, there are two schools of thought regarding the definition of a treaty and which treaties need two-thirds approval from the Senate to be ratified. The definition of a treaty in the U.S. Constitution is interpreted more narrowly than it is in the VCLT1969. In the VCLT1969, a treaty is defined as any international agreement between States that is intended to be governed by international law. The U.S. Constitution stipulates that a “treaty” requires two-thirds approval by senators present and the president and prohibits states from concluding their own “agreement” or “compact” with any foreign power. In practice, however, the U.S. has finalized far more “international agreements” than treaties. These include “congressional agreements” that require majority approval by the House and Senate and approval by the president; an “executive” or “sole agreements” require approval by only the president.

**Treaty text**
un.org/law/ilc/texts/treatfra.htm

**Ratification status**
http://untreaty.un.org/English/access.asp

**Other Web site(s)**
un.org/law

**Informative Web site(s)**
worldhistory.com/wiki/V/Vienna-Convention-on-the-Law-of-Treaties.htm
asil.org
walter.gehr.net

*Last updated 23 September 2004*
**Forced Labor Convention, No. C29**

Parties to the Convention are required to “suppress the use of forced or compulsory labor in all its forms within the shortest possible period.” It does not mandate an immediate abolition of forced labor, but rather a phasing out process. This Convention was the precursor to the Abolition of Forced Labor Convention, No. C105.

<table>
<thead>
<tr>
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<tr>
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<td>C29</td>
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<td>Number of ratifying countries</td>
<td>163 as of 23 September 2004</td>
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<tr>
<td>Date signed (if signed)</td>
<td>Unknown</td>
</tr>
<tr>
<td>Date entered into force</td>
<td>1 May 1932</td>
</tr>
<tr>
<td>U.S. position (if not ratified)</td>
<td>C29 prohibits for-profit prison labor, which is practiced in the United States.</td>
</tr>
<tr>
<td>Interesting information</td>
<td>C29 was adopted before the United States joined the ILO in 1934.</td>
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<tr>
<td>Informative Web site(s)</td>
<td>religioustolerance.org/sla_world.htm</td>
</tr>
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_Last updated 23 September 2004_
Freedom of Association and Protection of the Right to Organize Convention, No. C87

This Convention declares it is the right of all workers and employers to create and join organizations of their own choosing, without prior authorization. It also guarantees the free functioning of these organizations without interference by outside authorities.

Category: Labor
Depositary: International Labour Organisation
Managing organization: International Labour Organisation
Abbreviated name: C87
Number of ratifying countries: 142 as of 23 September 2004

U.S. status: Not ratified
Date signed (if signed): Unknown
Date entered into force: 4 July 1950
U.S. position (if not ratified): The U.S. government has stated the U.S. Constitution and labor laws, specifically the National Labor Relations Act (NLRA) of 1935, already guarantee workers the right to set up an organization without prior authorization from the government or other authorities. The government refers to U.S. federal legislation, which it believes is compatible with the concepts of the Convention, making ratification unnecessary.

Interesting information: While U.S. labor law does grant these rights to the majority of private sector workers, the law is weakly enforced. Millions of workers including farm workers, household domestic workers, low-level supervisors, independent contractors and others are excluded from legal protection of the right to organize. Current U.S. law forbids federal employees from striking and allows companies to permanently replace economic strikers. All these workers would be entitled to additional U.S. labor law protection if the United States ratifies C87.

Treaty text: ilo.org/ilolex/cgi-lex/convde.pl?C087
Ratification status: ilo.org/ilolex/cgi-lex/ratifce.pl?C087
Other Web site(s): ilo.org/public/english/standards/norm/whatare/fundam/foa.htm
Informative Web site(s): aflcio.org
                        nlrb.gov/nlrb/home/default.asp
                        araw.org
                        hrw.org/reports/2000/usalbor

Last updated 23 September 2004
Right to Organize and Collective Bargaining Convention, No. C98

C98 states that workers shall enjoy adequate protection against acts of anti-union discrimination and workers are afforded the right of collective bargaining. Collective bargaining is the negotiation between employers and assigned representatives of employees, in order to determine the conditions of employment.

Category: Labor
Depositary: International Labour Organisation
Managing organization: International Labour Organisation
Abbreviated name: C98
Number of ratifying countries: 154 as of 23 September 2004

U.S. status: Not ratified
Date signed (if signed): Unknown
Date entered into force: 18 July 1951

U.S. position (if not ratified): The U.S. Constitution and the National Labor Relations Act (NLRA) protect the rights and freedoms of individual employees. Differing in this approach of protecting individuals, the ILO conventions on the right to organize protect the rights and freedoms of the labor organization as a whole. Labor advocates in the U.S. argue that enforcement mechanisms do not exist for non-compliance of these rights. In addition, certain employees (i.e., federal employees), do not have the right to negotiate their salaries.

Interesting information: In 1998, as a member of the ILO, the U.S. government expressed a commitment to uphold basic human values in the workplace through the Declaration on Fundamental Principles and Rights at Work. The Declaration covers four areas: the freedom of association and the right to collective bargaining; the elimination of forced and compulsory labor; the abolition of child labor; and the elimination of discrimination in the workplace. Each year the U.S. submits a report to the ILO reflecting the steps the U.S. is taking to ratify the eight core ILO conventions, which address the principles of the Declaration.

Ratification status: undp.org/hdr2003/indicator/indic_247_1_1.html
Other Web site(s): ilo.org/public/english/standards/norm/whatare/fundam/foa.htm
Informative Web site(s): law.cornell.edu/topics/collective_bargaining.html
                      aflcio.org/
                      ilo.org/dyn/declaris/DECLARATIONWEB.INDEXPAGE?var_language=EN
                      araw.org
                      hrw.org/reports/2000/uslabor

Last updated 23 September 2004
IV. U.S. participation in multilateral treaties: Treaty overviews
Equal Remuneration Convention, No. C100
The Convention calls for the equal remuneration for all male and female workers for work of equal value. Remuneration is a wage, in currency or in any other mode, paid by the employer to a worker for his/her efforts.

Category: Labor
Depositary: International Labour Organisation
Managing organization: International Labour Organisation
Abbreviated name: C100
Number of ratifying countries: 161 as of 23 September 2004

U.S. status: Not ratified
Date signed (if signed): Unknown
Date entered into force: 23 May 1953
U.S. position (if not ratified): The Equal Pay Act of 1963 makes it illegal to discriminate “between employees on the basis of sex” by paying workers at a rate less then a member of the opposite sex for equal work.

Interesting information: In 2002, women earned 76 percent of that earned for by men for equal work. The wage gap is expressed as a percentage and is calculated by dividing the median annual earnings for women by median annual earnings for men. Since 1963, when the Equal Pay Act was signed, the closing of the wage gap between men and women has been at a rate of less than half a penny a year.

Treaty text: unhchr.ch/html/menu3/b/d_ilo100.htm
Ratification status: ilo.org/ilolex/english/convdisp1.htm
Other Web site(s): ilo.org
Informative Web site(s): aflcio.org/issuespolitics/women/equalpay
pay-equity.org/index.html

Last updated 23 September 2004
Abolition of Forced Labor Convention, No. C105

Parties to the Convention are required to “suppress and not make use of any form of forced or compulsory labor.” This includes labor used as a form of political coercion or punishment, mobilized for the express purpose of economic development, as a form of discipline, or as a means of discrimination. The Convention calls for the immediate abolition of forced labor, expanding on the ILO’s Forced Labor Convention of 1932.

Category: Labor
Depositary: International Labour Organisation
Managing organization: International Labour Organisation
Abbreviated name: C105
Number of ratifying countries: 161 as of 23 September 2004

U.S. status: Ratified
Date signed (if signed): Unknown
Date ratified (if ratified): 25 September 1991
Date entered into force: 17 January 1959

Degree of U.S. implementation: The 13th Amendment to the U.S. Constitution states that “neither slavery nor involuntary servitude…shall exist within the United States, or anywhere within their jurisdiction.” Yet a September 2004 study co-conducted by UC Berkeley and Free the Slaves suggest there are at least 10,000 people working as forced laborers inside the United States at any given time.

Interesting information: There are an estimated 27 million slaves in the world today. Slavery exists all over the world even though it is illegal everywhere. Most slaves are forced to work in agriculture, mining, and prostitution.

Ratification status: ilo.org/ilolex/english/convdisp1.htm
Other Web site(s): ilo.org/
Informative Web site(s): religioustolerance.org/sla_world.htm
freetheslaves.net/home.php
hrcreakewarni/download/hiddenslaves_report.pdf
laborrights.org

Last updated 23 September 2004
Discrimination (Employment and Occupation) Convention, No. C111

The Convention prohibits the discrimination and exclusion of persons from employment and/or training for any occupation. It also calls for each party state to promote “equality of opportunity and treatment.”

Category: Labor
Depositary: International Labour Organisation
Managing organization: International Labour Organisation
Abbreviated name: C111
Number of ratifying countries: 160 as of 23 September 2004

U.S. status: Not ratified
Date signed (if signed): Unknown
Date entered into force: 15 June 1960
U.S. position (if not ratified): The U.S. has enacted six federal laws which deal specifically with discrimination in the workplace: the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991. Created in 1964, the Equal Employment Opportunity Commission is tasked with the enforcement of all these laws. The Tripartite Advisory Panel on International Labor Standards (TAPILS) first examined C111 in 1997. The TAPILS report concluded that C111 was consistent with U.S. law and practice and recommended U.S. ratification. President Clinton submitted C111 to the Senate for ratification in May 1998. At the request of the Senate, President Bush initiated a second TAPILS report in 2003, which reached the same conclusion as the first but has yet to be finalized and transmitted to the Senate. C111 remains pending before the Senate Foreign Relations Committee and will likely not be scheduled for hearings prior to 2005.

Interesting information: The ratification process for ILO C111 was delayed in large part due to the subsequent submission to the Senate and U.S. ratification of ILO C182 on the Worst Forms of Child Labor in 1999. In some key respects, U.S. law falls short of the ILO standard. For example, C111 prohibits discrimination based on political opinion. In the United States, public employers may not discriminate based on political opinion thanks to the First Amendment, but private employers can legally discriminate against workers for their political beliefs, which is not a factor in U.S. anti-discrimination law.

Treaty text: unhchr.ch/html/menu3/b/d_il1o111.htm
Ratification status: ilo.org/ilolex/english/convdisp1.htm
Other Web site(s): ilo.org
Informative Web site(s): pdhre.org/index.html
workplacefairness.org

Last updated 23 September 2004
IV. U.S. participation in multilateral treaties: Treaty overviews
Minimum Age for Work Convention, No. C138

Each party to this Convention must pursue a national policy designed to ensure the effective abolition of child labor and to progressively raise the minimum age for admission to employment to a level consistent with the fullest physical and mental development of young persons. C138 defines the minimum age for employment to be 15 years of age, with some exceptions given to developing states. If the economy or educational systems of a state are “insufficiently developed,” then the age may be lowered to 14. The age requirement of 15 is meant to serve as a minimum, and states may choose to set limits above it.

Category: Labor
Depositary: International Labour Organisation
Managing organization: International Labour Organisation
Abbreviated name: C138
Number of ratifying countries: 135 as of 2004
U.S. status: Not ratified
Date signed (if signed): Unknown
Date entered into force: 26 June 1973

U.S. position (if not ratified): The U.S. federal law that sets standards for the employment of child workers is the Fair Labor Standards Act (FLSA), established in 1938. The FLSA sets minimum age for work at 16. However, there are plenty of exceptions that allow youth under 16 years of age to work, especially in the areas of agriculture and the retail/food industries. C138 only allows for under 16 work among developing countries, of which the U.S. does not qualify.

Interesting information: Different states in the U.S. have their own minimum age requirements that vary depending on occupation (agriculture has more lenient standards) and time of day. For Illinois’ agricultural industry, during school hours minimum working age is 12, during non-school hours it is ten years old. If a business is covered by both federal and state child labor laws, then the most stringent law applies. A business is not covered under the federal FLSA (including child labor regulations) if it is a business whose gross annual volume of sales is less than $500,000 per year and does not engage in interstate commerce.

Treaty text: ilo.org/ilolex/cgi-lex/convde.pl?C138
Ratification status: ilo.org/ilolex/cgi-lex/ratifce.pl?C138
Informative Web site(s): dol.gov/dol/topic/youthlabor/
dol.gov/esa/programs/whd/state/agriemp2.htm
stopchildlabor.org

Last updated 23 September 2004
Worst Forms of Child Labour Convention, C182

This Convention aims to effectively eliminate the worst forms of child labor around the world, specifically targeting child slavery, child prostitution, child trafficking and all work that is hazardous to the health and safety of children.

Category
Labor

Depositary
International Labour Organisation

Managing organization
International Labour Organisation

Abbreviated name
C182

Number of ratifying countries
150 as of 15 January 2003

U.S. status
Ratified

Date signed (if signed)
Unknown

Date ratified (if ratified)
2 December 1999

Date entered into force
19 November 2000

Degree of U.S. implementation
Upon ratification of C182, a Tripartite Advisory Panel on International Labor Standards (TAPILS) was created to review the situation in the U.S. The report submitted to Congress stated “after a thorough legal review, it has been determined that ratification of Convention 182 would not in any way require a change in current United States law and practice”. However, in some sectors of the U.S. economy, including agriculture and construction, children continue to work in unsafe conditions with detrimental effects on their health and safety. In 2003, the ILO Committee of Experts questioned U.S. Government compliance with C182, given pending federal child labor legislation and hazardous work recommendations made by the National Institute for Occupational Safety and Health.

Interesting information
According to the ILO, 246 million children worldwide are involved in child labor—one in every six children aged five to 17. Estimates are that of this number, 179 million children are engaged in the worst forms of child labor: 5.7 million in forced and bonded labor; 1.2 million trafficked children; 300,000 children in armed conflict; 1.8 million children in prostitution and pornography; 600,000 children in illicit action; and 170 million children in hazardous work.

Treaty text
ilo.org/ilolex/cgi-lex/convde.pl?C182

Ratification status
ilo.org/ilolex/cgi-lex/ratifce.pl?C182

Informative Web site(s)
ilo.org/public/english/standards/ipec/index.htm
www.presentdanger.org/commentary/2003/0311ilo.html
freethemother.org
globalmarch.org/worstformsreport/foreward.html
campaignforeducation.org/index.html
www2.dol.gov/ILAB/programs/iclp/main.htm
hrw.org/reports/2000/frmwrkr

Last updated 23 September 2004
IV. U.S. participation in multilateral treaties: Treaty overviews
International Convention on the Elimination of All Forms of Racial Discrimination

ICERD defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” It requires all parties to condemn racial discrimination and immediately enact a policy to eliminate it. ICERD also requires states to guarantee the civil, political, economic, social and cultural rights of all people, regardless of his or her background.

Category: Human Rights
Depositary: Secretary-General of the United Nations (chapter IV-2)
Managing organization: UN Office of the High Commissioner for Human Rights
Abbreviated name: ICERD
Number of ratifying countries: 169 as of 23 September 2004

U.S. status: Ratified
Date signed (if signed): 28 September 1966
Date ratified (if ratified): 21 October 1994
Date entered into force: 4 January 1969

Degree of U.S. implementation: Upon ratification, the U.S. Senate submitted several declarations that allow the U.S. to avoid dealing with serious discrimination issues such as hate crimes. A special report commissioned by the UN in 1993 to investigate discrimination and intolerance around the world found that “racism and racial discrimination persist in American Society, even if not as a result of deliberate policy on the part of the United States Government.” As a result, the commission recommended twelve courses of action to fight discrimination, including the revitalization of affirmative action programs, equal funding for education, and a recognition of the link between civil and political rights and economic, social and cultural rights.

Interesting information: At the end of August 2001, the U.S. government attended the Conference Against Racism in Durban South Africa. However, it gave minimal resources and no political support to minimize the significance of the conference. Also, government officials walked out of the conference to protest condemnation of the U.S. role in the Middle East in the declaration and plan of action. Shortly thereafter, with the terrorist attacks of 11 September 2001, the U.S. government implemented specific policies, practices, measures and laws that directly contradict the spirit and requirements of the ICERD. The three main anti-terrorist laws passed in 2001-2003 were the USA PATRIOT Act, the Transportation and Aviation Security Act and the Border Security Enhancement and Visa Entry Reform Act. These laws established official policies of racial profiling that specifically target immigrants of color, particularly from Arab, Asian and African communities.

## IV. U.S. participation in multilateral treaties: Treaty overviews

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<th>Ratification status</th>
<th>unhchr.ch/pdf/report.pdf</th>
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<td><a href="http://web.amnesty.org/pages/treaty-berd-eng">http://web.amnesty.org/pages/treaty-berd-eng</a></td>
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</table>

_Last updated 23 September 2004_
International Covenant on Economic, Social and Cultural Rights

The ICESCR states that all parties must fully acknowledge the economic, social and cultural rights of its citizens. Economic rights include but are not limited to the right to work, fair wages, safe working conditions, reasonable limitations on working hours and the right to organize and strike. Social rights include the right to social security, insurance and education. The ICESCR also grants the right of everyone to take part in cultural life and requires parties to take necessary steps to develop and conserve culture and scientific progress. The ICESCR guarantees these rights without discrimination with respect to race, color, sex, language, religion, political or other opinion and social status.

Category: Human Rights

Depositary: Secretary-General of the United Nations (chapter IV-3)

Managing organization: UN Office of the High Commissioner for Human Rights

Abbreviated name: ICESCR

Number of ratifying countries: 150 as of 23 September 2004

U.S. status: Signed, but not ratified

Date signed (if signed): 5 October 1977

Date entered into force: 3 January 1976

U.S. position (if not ratified): Several U.S. administrations have taken the view that economic, social and cultural rights are merely desirable social goals, not guarantees of the government. However, at the World Conference on Human Rights in Vienna in 1993, the U.S. championed the Vienna Declaration, which stated: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development. ... All human rights are universal, indivisible and interdependent and interrelated.”

Interesting information: During its creation, the ICESCR lacked support from not only the U.S. but many other western democracies as well. Although the other western countries were not initially convinced of its merits, they later ratified it. Today, the United States is the only western democracy that did sign it in the late 1960s–mid 1970s that has yet to ratify it.


Ratification status: unhchr.ch/pdf/report.pdf

Informative Web site(s): escr-net.org/EngGeneral/home.asp

ohchr.org/english/law/cescr.htm

nps.gov/elro/glossary/cov-ecosocculr-rights.htm

http://cesr.org/node/view/274

Last updated 23 September 2004
### International Covenant on Civil and Political Rights

The ICCPR declares that human beings should enjoy civil and political rights, including the right to self-determination in the political process. Parties must respect these rights for all individuals, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

<table>
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<tr>
<td>Date signed (if signed)</td>
<td>5 October 1977</td>
</tr>
<tr>
<td>Date ratified (if ratified)</td>
<td>8 September 1992</td>
</tr>
<tr>
<td>Date entered into force</td>
<td>23 March 1976</td>
</tr>
<tr>
<td>Degree of U.S. implementation</td>
<td>The U.S. Senate ratified the ICCPR with several reservations. Specifically, one U.S. reservation preserves its right to execute juvenile offenders, another that the U.S. would only prohibit “cruel, inhuman or degrading treatment or punishment” as defined by the U.S. Constitution (meaning prolonged solitary confinement and other conditions of detention internationally considered forms of torture or cruel treatment are acceptable). An additional declaration states that Articles 1 through 27 are not considered to be “self-executing,” meaning they do not hold the force of law unless implementing legislation is enacted. As a result, the ICCPR is largely seen as a cosmetic gesture in the U.S. because a citizen cannot enforce its provisions in a U.S. court.</td>
</tr>
<tr>
<td>Interesting information</td>
<td>Commenting on U.S. ratification of the ICCPR, the American Civil Liberties Union lamented that “the endorsement of the most important treaty for the protection of civil rights yielded not a single additional enforceable right to citizens and residents of the United States.”</td>
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<td>Treaty text</td>
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*Last updated 23 September 2004*
Optional Protocol to the International Covenant on Civil and Political Rights

This protocol strengthens the ICCPR. Article 4 of this protocol enables the UN Human Rights Commission to investigate and judge complaints of human rights violations made by individuals from ratified parties.

Category: Human Rights
Depositary: Secretary-General of the United Nations (chapter IV-5)
Managing organization: UN Office of the High Commissioner for Human Rights
Abbreviated name: ICCPR01
Number of ratifying countries: 104 as of 23 September 2004

U.S. status: Not signed, not ratified
Date entered into force: 23 March 1976
U.S. position (if not ratified): It is likely that the U.S. does not want to grant a foreign body higher authority than its domestic courts.

Interesting information: Similar to the UN Framework on Climate Change and the Convention against Torture, the U.S. ratified the initial treaties, which address the overall issues. However, the U.S. does not have a history of ratifying the additional protocols, which address strengthening a treaty with specific requirements or setting up an enforcement, monitoring or complaint mechanism.

Ratification status: unhchr.ch/pdf/report.pdf
Other Web site(s): unhchr.ch/hchr_un.htm
Informative Web site(s): amnesty.org/
http://www1.umn.edu/humanrts/index.html

Last updated 21 June 2004
Convection on the Elimination of All Forms of Discrimination Against Women

CEDAW is an international bill of rights for women. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. CEDAW defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

Category: Human Rights
Depositary: Secretary-General of the United Nations (chapter IV-8)
Managing organization: UN Office of the High Commissioner for Human Rights, UN Division for the Advancement of Women
Abbreviated name: CEDAW
Number of ratifying countries: 178 as of 23 September 2004

U.S. status: Signed, but not ratified
Date signed (if signed): 17 July 1980
Date entered into force: 3 September 1981
U.S. position (if not ratified): While the U.S. played a key role in the crafting of CEDAW under President Carter, it has yet to be ratified. Interest groups have voiced their opposition, interpreting Cedar’s Article 10 obligating parties to provide “information and advice on family planning” as support for abortion. Continued political debate over this and the issues of family values and state sovereignty have kept CEDAW from ratification in the U.S. Senate.

Interesting information: CEDAW is the second most ratified international human rights treaty, after the Convention on the Rights of the Child. The United States is among the following countries which have not yet ratified CEDAW: Iran, Sudan, Oman and Brunei. Afghanistan ratified CEDAW in 2003. At least 15 U.S. states and numerous cities and counties have passed resolutions in support of CEDAW, spearheaded by San Francisco in 1998.

Ratification status: un.org/womenwatch/daw/cedaw/states.htm
Other Web site(s): un.org/womenwatch/daw/cedaw/index.html
Informative Web site(s): womenstreaty.org/
yfa.am/cedaw/
wildforhumanrights.org/index.html
peacewomen.org/
wilpf.org/index.html

Last updated 23 September 2004
Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women

The CEDAW Optional Protocol outlines the procedure for individual women, or groups of women, to report violations of rights outlined in CEDAW. It also allows the Committee on the Elimination of Discrimination Against Women, the UN body set up by CEDAW, to inquire about possible violations of women's rights on its own. Both actions may only take place if the individuals or groups are from a country that is party to CEDAW and the Protocol.

Category: Human Rights
Depositary: Secretary-General of the United Nations (chapter IV-8b)
Managing organization: UN Office of the High Commissioner for Human Rights/UN Division for the Advancement of Women
Abbreviated name: CEDAW-OP
Number of ratifying countries: 65 as of 21 June 2004

U.S. status: Not signed, not ratified
Date entered into force: 23 September 2004
U.S. position (if not ratified): Since the Committee will only receive and consider complaints from a country that is party to both CEDAW and CEDAW-OP, it is unlikely the U.S. will ratify the CEDAW Optional Protocol before ratifying CEDAW.

Interesting information: The protocol includes an “opt-out clause”, allowing a country upon ratification or accession to declare that it does not accept the inquiry procedure. Article 17 of the protocol explicitly provides that no reservations may be entered to its terms.

Treaty text: un.org/womenwatch/daw/cedaw/op.pdf
Ratification status: un.org/womenwatch/daw/cedaw/sigop.htm
Other Web site(s): un.org/womenwatch/daw/cedaw/protocol/index.html
Informative Web site(s): wedo.org/
http://iwraw.igc.org/
us.bahai.org/external/women/cedaw/cedaw_civ_polit_rights.htm

Last updated 23 September 2004
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

This Convention underscores that “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” It prohibits all forms of torture as well as cruel, inhuman or degrading treatment or punishment, requiring governments to enact measures to prevent acts of torture under its jurisdiction, provide legal recourse and as “full rehabilitation as possible” to its victims.

Category: Human Rights
Depositary: Secretary-General of the United Nations (chapter IV-9)
Managing organization: UN Office of the High Commissioner for Human Rights
Abbreviated name: Convention against Torture or CAT
Number of ratifying countries: 138 as of 23 September 2004

U.S. status: Ratified
Date signed (if signed): 18 April 1988
Date ratified (if ratified): 21 October 1994
Date entered into force: 26 June 1987
Degree of U.S. implementation: Any form of torture and inhumane treatment of people is considered illegal under U.S. law; the Eighth Amendment to the Constitution forbids “cruel and unusual” punishment. Regardless of this constitutional guarantee, there are aspects of U.S. law that many say allow for inhumane treatment such as the death penalty (especially for minors and the mentally retarded), maximum security prisons, the use of stun belt technology for prison control, etc. Upon ratification, the U.S. made certain reservations stating that its interpretation of the convention was restricted by U.S. law and the Constitution, as interpreted by the Supreme Court.

Interesting information: In December 2003 the U.S. was unsuccessful in preventing the adoption of an optional protocol to this convention. The protocol establishes an international system of monitoring detention centers and mandatory cooperation with the international experts. The U.S. has not signed or ratified the optional protocol.

Other Web site(s): unhchr.ch/html/menu2/6/cat/index.html
Informative Web site(s): cvt.org/main.php
omct.org
www1.umn.edu/humanrts/index.html

Last updated 23 September 2004
IV. U.S. participation in multilateral treaties: Treaty overviews
### Convention on the Rights of the Child

The CRC is the first international treaty to recognize civil and political rights as well as economic, social and cultural rights. The CRC recognizes that children have the right to protection, access to education and health care, the right to proper development, the right to grow up with love and understanding, and the right to be informed about their rights. It demands that states recognize the rights of children everywhere and protect them from harmful influences. Overall, the CRC obligates the parties to “ensure to the maximum extent possible the survival and development of the child.”

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<thead>
<tr>
<th>Category</th>
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<tbody>
<tr>
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**U.S. status**
Signed, but not ratified

**Date signed (if signed)**
16 February 1995

**Date entered into force**
2 September 1990

**U.S. position (if not ratified)**
Article 37 of the CRC prohibits the penalties of execution or life imprisonment without the possibility of parole for crimes committed by persons under the age of 18. Both of these punishments are currently allowed in some U.S. states. Interest groups have voiced strong opposition to the convention, stating it will usurp national sovereignty, undermine parental authority, and encourage children to partake in practices these groups find objectionable. The U.S. has stated that no outside authority possesses “a morally or legally superior position to make pronouncements on the rights of children” adding that no country “or group of countries does more for the sake of children than the United States.”

**Interesting information**
The CRC is the most widely adopted international human rights treaty. Of all the nations in the UN, only the U.S. and Somalia, which has no functioning government, have not ratified it.

**Treaty text**
unhchr.ch/html/menu3/b/k2crc.htm

**Ratification status**
unhchr.ch/pdf/report.pdf

**Other Web site(s)**
unhchr.ch/html/menu2/6/crc/

**Informative Web site(s)**
crin.org/
childrensdefense.org/
unicef.org/crc/crc.htm
pdhre.org/ conventionsum/crcsum.html

*Last updated 23 September 2004*
IV. U.S. participation in multilateral treaties: Treaty overviews
Optional Protocol to the Convention on the Rights of the Child
on the involvement of children in armed conflict

The Optional Protocol on children in armed conflict prohibits the compulsory recruitment of persons under the age of 18 into a party’s armed forces. It requires the parties to “take all feasible measures” to ensure that military personnel under the age of 18 do not directly take part in hostilities. Parties that permit voluntary recruitment of persons under the age of 18 must ensure that recruitment is in fact voluntary, carried out with the informed consent of the parents or guardians, and with full knowledge of the required duties and responsibilities. Upon ratification, each party must deposit a binding declaration that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces.

Category: Human Rights

Depositary: Secretary-General of the United Nations (chapter IV-11b)

Managing organization: UN Office of the High Commissioner for Human Rights

Abbreviated name: CRC-OP-AC

Number of ratifying countries: 81 as of 23 September 2004

U.S. status: Ratified

Date signed (if signed): 5 July 2000

Date ratified (if ratified): 23 December 2002

Date entered into force: 12 February 2002

Degree of U.S. implementation: The U.S. played a major role in the negotiation of voluntary recruitment for the optional protocol. Currently, U.S. law prohibits the compulsory recruitment of all persons under 18, but accepts voluntary recruitment from the age of 17.

U.S. position (if not ratified): According to Human Rights Watch, more than 300,000 children under the age of 18 currently serve as child soldiers throughout the world. They often serve on the front lines of combat as human mine detectors, spies or messengers.


Ratification status: unhchr.ch/pdf/report.pdf

Other Web site(s): unhchr.ch/html/menu2/6/crc/treaties/crc.htm

Informative Web site(s): unhchr.ch/pdf/report.pdf

hrw.org/campaigns/crp/index.htm

Last updated 23 September 2004
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

This optional protocol prohibits the sale of children, child prostitution and child pornography by all parties. Each party must ensure its criminal and penal code fully address these acts.

Category: Human Rights

Depositary: Secretary-General of the United Nations (chapter IV-11c)

Managing organization: UN Office of the High Commissioner for Human Rights

Abbreviated name: CRC-OP-SC

Number of ratifying countries: 82 as of 23 September 2004

U.S. status: Ratified

Date signed (if signed): 5 July 2000

Date ratified (if ratified): 23 December 2002

Date entered into force: 18 January 2002

Degree of U.S. implementation: Currently, these acts are punishable offenses under U.S. law. However, there remains a large underground market for the use of children in pornography and prostitution in the U.S., as well as in many other countries around the world.

Interesting information: According to a report prepared for the United Nations on the sexual exploitation of children in situations of armed conflict, the arrival of peacekeeping troops was associated with a rapid rise in child prostitution in six out of 12 countries studied. Child sex tourism is common in Thailand, Costa Rica, Cambodia and Brazil. It is estimated that in 1999, Costa Rica received 5,000 tourists who visited with the specific intention of exploiting children for sex, 80 percent of those arrested for this crime were U.S. citizens.


Ratification status: unhchr.ch/pdf/report.pdf

Other Web site(s): unhchr.ch/html/menu2/6/crc/treaties/crc.htm

Informative Web site(s): ecpat.net/eng/index.asp
unicef.org/crc/introduction.htm

Last updated 23 September 2004
IV. U.S. participation in multilateral treaties: Treaty overviews
**Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty.**

The ICCPR02 prohibits the execution of any person within the jurisdiction of a party. It also requires a party to take the necessary steps to abolish the death penalty within its jurisdiction.

**Category**  
Human Rights  

**Depositary**  
Secretary-General of the United Nations (chapter IV-12)  

**Managing organization**  
UN Office of the High Commissioner for Human Rights  

**Abbreviated name**  
ICCPR02  

**Number of ratifying countries**  
54 as of 23 September 2004  

**U.S. status**  
Not signed, not ratified  

**Date entered into force**  
11 July 1991  

**Degree of U.S. implementation**  
Currently, 38 U.S. states and the U.S. federal government allow for capital punishment.  

**Interesting information**  
Unlike other international treaties, the ICCPR02 does not allow for reservations to be made with one exception. Article 2 of the ICCPR02 allows for the application of the death penalty towards the most severe crimes of a military nature committed during a state of war, if the reservation is filed by the country upon ratification. Only two parties have lodged such a reservation, Greece and Azerbaijan.

**Treaty text**  

**Ratification status**  
[unhchr.ch/pdf/report.pdf](http://unhchr.ch/pdf/report.pdf)  

**Other Web site(s)**  
[unhchr.ch/hchr_un.htm](http://unhchr.ch/hchr_un.htm)  

**Informative Web site(s)**  
deathpenaltyinfo.org/  
[aclu.org/DeathPenalty/DeathPenaltyMain.cfm](http://aclu.org/DeathPenalty/DeathPenaltyMain.cfm)

*Last updated 23 September 2004*
IV. U.S. participation in multilateral treaties: Treaty overviews
**International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families**

The MWC sets binding international standards for the treatment, welfare, and human rights of documented and undocumented migrants. The Convention also obligates party states to ensure “sound, equitable, humane, and lawful conditions” for the international migration of workers and their families, making both the receiving and the sending countries responsible for their protection. Overall, the MWC aims to eliminate the exploitation of migrant workers and their families, especially recruitment and trafficking.

**Category**  
Human Rights

**Depositary**  
Secretary-General of the United Nations (chapter IV-13)

**Managing organization**  
UN Office of the High Commissioner for Human Rights

**Abbreviated name**  
MWC

**Number of ratifying countries**  
26 as of 23 September 2004

**U.S. status**  
Not signed, not ratified

**Date entered into force**  
1 July 2003

**Degree of U.S. implementation**  
If the U.S. were to ratify the MWC, major structural and legislative reforms would be required to achieve compliance. For example, there are provisions in several U.S. laws including employer sanctions in the Immigration Reform and Control Act (IRCA) of 1986, and the 1996 laws, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), the Anti-Terrorist and Effective Death Penalty Act (AEDPA) and the 1996 welfare reform law that undermine many of the rights and protections granted to migrants under the MWC. The U.S. carries out immigration raids resulting in wide scale violations of due process rights. Official policies and practices create the conditions for hate violence and crimes. Further, immigrants, whether they are documented or undocumented, are subjected to loss of labor rights and protections, including minimum wage and workplace safety violations, non-payment of wages and using the threat of immigration detention and deportation to undermine union organizers.

**Interesting information**  
The U.S. militarization of the U.S.-Mexico border and its immigration border enforcement strategy forces migrants to cross in the most dangerous and remote desert and mountainous terrain that has resulted in the deaths of over 3,000 migrants since this strategy was started in 1993.

**Treaty text**  
unhchr.ch/html/menu3/b/m_mwctoc.htm

**Ratification status**  
unhchr.ch/html/menu2/6/cmw/ratifications.htm

**Other Web site(s)**  
unhchr.ch/html/menu2/6/cmw

**Informative Web site(s)**  
migrantwatch.org/index.html
nnirr.org
migrantsrights.org

*Last updated 23 September 2004*
**Geneva Conventions of 1949**

The Geneva Conventions are four documents that comprise the foundation of international humanitarian law in armed conflict. They specifically protect people who do not take part in the fighting (civilians, medics, chaplains, aid workers), those who can no longer fight (wounded, sick, shipwrecked troops) and prisoners of war. Parties are obligated to implement measures preventing or terminating “grave breaches” and punish those responsible for carrying out any such breaches.

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<tr>
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<td>International Committee of the Red Cross (ICRC)</td>
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<td>Abbreviated name</td>
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<td>Number of ratifying countries</td>
<td>192 as of 2 June 2004</td>
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**U.S. status**

Ratified

Date signed (if signed) 12 August 1949

Date ratified (if ratified) 2 August 1955

Date entered into force 21 October 1950

**Degree of U.S. implementation**

The U.S. has generally complied with the international humanitarian law established by the Geneva Conventions. However, the U.S. has declared that the al Qaeda prisoners captured in the "war against terrorism" are outside the scope of the Conventions. U.S. government officials argue that because al Qaeda is not a state actor and not a party to the Geneva Conventions, al Qaeda prisoners are not afforded protections under the conventions. Further, the U.S. argues these prisoners do not abide by the rules of war and are not part of a regular army, which are requirements for protections of the Geneva Conventions.

**Interesting information**

Common Article 3 in all four Geneva Conventions provides basic protections even in armed conflicts that are not international in character. The international community has referenced Article 3 during numerous internal conflicts, perhaps most prominently in the conflict in Bosnia (which also had some characteristics of an international conflict).

**Treaty text**

unhchr.ch/html/menu3/b/91.htm

**Ratification status**

icrc.org/Web/eng/siteeng0.nsf/htmlall/party_gc/$File/Conventions%20de%20GenSve%20et%20Protocoles%20additionnels%20ENG-logo.pdf

**Other Web site(s)**

icrc.org/Web/eng/siteeng0.nsf/htmlall/genevaconventions

icrc.org/ihl.nsf?OpenAbout

genevaconventions.org/

asil.org

http://lawofwar.org/index.html

globalissuesgroup.com/geneva/history.html

*Last updated 23 September 2004*
IV. U.S. participation in multilateral treaties: Treaty overviews
Additional Protocols to the Geneva Conventions
The Additional Protocols supplement the Geneva Conventions by expanding the definition of war to include “armed conflict.” Protocol I extends protections afforded by the Conventions to victims of conflicts of self-determination such as “colonial domination” and “racist regimes.” Protocol II extends these protections to victims of internal state conflicts.

Category: Human Rights
Depositary: Swiss Federal Department of Foreign Affairs
Managing organization: International Committee of the Red Cross (ICRC)
Abbreviated name: Protocol I: 161; Protocol II: 156 as of 2 June 2004

U.S. status: Signed but not ratified either Protocol
Date signed (if signed): 12 December 1977 (for both)
Date entered into force: 7 December 1978
U.S. position (if not ratified): It is likely that the U.S. does not want to engage in an international dispute over which militant groups are seeking “self-determination” and which are “terrorists.”

Interesting information: Protocol II was introduced to make certain aspects of Common Article 3 of the Geneva Conventions more specific. This was perceived necessary by the international community due to new forms of internal conflict such as guerilla warfare. Protocols I and II were created to protect the civilian population from the dangers of indiscriminate warfare.

Treaty text: icrc.org/Web/Eng/siteeng0.nsf/html/genevaconventions
Ratification status: icrc.org/Web/eng/siteeng0.nsf/htmlall/party_gc/$File/Conventions%20de%20Geneva%20et%20Protocoles%20additionnels%20ENG-logo.pdf
Other Web site(s): www.icrc.org
genevaconventions.org
crimesofwar.org/index.html
redcross.lv/en/conventions.htm

Last updated 23 September 2004
The goal of the ITPGRFA is to ensure food security by maintaining public access to plant genetic materials “of actual or potential value for food and agriculture.” It encourages the free exchange of these materials among farmers and plant breeders to promote healthy crops through genetic diversity and recognizes farmers’ rights to save, use, exchange and sell their harvested seed. The ITPGRFA encourages “benefit-sharing” among the providers and users of these materials, prohibiting patents and other intellectual property rights on all genetic material that is now in the public domain, as long as it is “in the form received.” This clause enables the patenting of genetically engineered materials derived from public collections of seeds and other plant genetic materials.

Category
Environment and Sustainable Development

Depositary
Food and Agriculture Organization (FAO)

Managing organization
Commission on Genetic Resources for Food and Agriculture

Abbreviated name
ITPGRFA

Number of ratifying countries
59 as of 23 September 2004

U.S. status
Signed, but not ratified

Date signed (if signed)
1 November 2002

Date entered into force
29 June 2004

U.S. position (if not ratified)
Despite its success in making genetically engineered materials eligible for patents, the U.S. acknowledged at the time of signature that it had no intention of ratifying the ITPGRFA—and that it fully intends to participate in follow-up negotiations regarding implementation and possible amendment. Currently, the U.S. grants patents on plants, animals, microorganisms and their parts, such as genes, giving the patent holder monopoly rights for up to 20 years. This practice contradicts the ITPGRFA’s goal of maintaining public access to these resources and its “benefit-sharing” objectives.

Interesting information
While supporting farmers’ rights to save, use, sell and exchange seed, the ITGPRFA subordinates this right to national legislation.

Treaty text

Ratification status
fao.org/Legal/TREATIES/033s-e.htm

Other Web site(s)
fao.org/ag/cgrfa/default.htm

Informative Web site(s)
grain.org/front/

Last updated 23 September 2004
IV. U.S. participation in multilateral treaties: Treaty overviews
UN Convention on the Law of the Sea

The Law of the Sea Convention (LOS) establishes a comprehensive legal framework that covers all aspects of the world’s oceans including territorial limits, rules of transit in territorial waters and the airspace above, the conservation and utilization of marine resources and many other issues. It created “exclusive economic zones” (EEZs), extending coastal states’ rights and responsibilities out to 200 nautical miles beyond their shores and an “International Seabed Authority” to equitably invest in and share the benefits of deep seabed mining.

Category
Environment and Sustainable Development

Depositary
Secretary-General of the United Nations (chapter XXI-6)

Managing organization
Division for Ocean Affairs and Law of the Sea

Abbreviated name
LOS or UNCLOS

Number of ratifying countries
145 as of 23 September 2004

U.S. status
Signed, but not ratified

Date signed (if signed)
29 July 1994

Date entered into force
16 November 1994

U.S. position (if not ratified)
Despite support from the business sector, environmental groups, the State Department and the Pentagon, the Senate has yet to ratify the LOS. In the past, the U.S. was reluctant to do so for military and economic reasons, including limits on uses of the seas and the required sharing of the benefits from deep seabed mining with developing countries. Presidents George H. W. Bush and Bill Clinton renegotiated these terms and successfully resolved these objections, which culminated in a 1994 agreement. Currently, the Bush Administration supports ratification with an understanding that each party has the exclusive right to determine which of its activities are defined as “military activities,” thereby avoiding the Convention’s limitations on use of the seas for military purposes. There remains some opposition in the Senate.

Interesting information
The application process for seabed mining is underway. Meanwhile, the LOS will become open for reform by the parties in late 2004. Both are unavailable to the U.S. until ratification.

Treaty text
un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm

Ratification status
un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm#

Other Web site(s)
un.org/Depts/los/index.htm
itlos.org/start2_en.html

Informative Web site(s)
unclos.com/
fcnl.org/issues/issue.php?issue_id=101
isa.org.jm/

Last updated 23 September 2004
### Montreal Protocol on Substances that Deplete the Ozone Layer

The Montreal Protocol was established to strengthen the 1985 Vienna Convention for the Protection of the Ozone Layer by controlling the production and consumption of specific chemical substances. The Protocol also created an innovative governance structure for a fund to help developing countries finance the measures necessary for implementation. Expenditures require a vote of approval by a majority of the developing countries as well as a majority of the developed countries. Initially, the Protocol targeted chlorofluorocarbons (CFCs) but four separate amendments have added to the list of regulated substances since its inception. The London Amendment introduced new measures for other halogenated CFCs and placed restrictions on trade with non-members. The Copenhagen Amendment introduced new control measures for hydrochlorofluorocarbons (HCFCs), hydrobromofluorocarbons (HBFCs) and methyl bromide. The Montreal Amendment introduced measures to control and monitor trade in these substances. The Beijing Amendment introduced new control measures for HCFCs and bromochloromethane (BCMs.)

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<tr>
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<td>Abbreviated name</td>
<td>Montreal Protocol</td>
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<tr>
<td>Date signed (if signed)</td>
<td>16 September 1987</td>
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<tr>
<td>Date ratified (if ratified)</td>
<td>21 April 1988</td>
</tr>
<tr>
<td>Degree of U.S. implementation</td>
<td>Advancements in technology by commercial industries have helped minimize the effects of these pollutants and created less harmful substitutes. The U.S. has met the phase out requirements and has implemented measures to stop the unlawful importing of CFCs. However, a large demand still exists in the U.S. to service older equipment, such as air conditioners in cars manufactured before 1994.</td>
</tr>
<tr>
<td>Interesting information</td>
<td>By January 1, 2005, developed countries party to the Montreal Protocol agreed to phase out completely methyl bromide an ozone-depleting pesticide. Parties originally agreed to allow for limited “critical use” exemptions beyond the 2005 deadline. In 2004, the U.S. requested significant exemptions in amounts that would actually increase production of methyl bromide and for uses that were arguably not “critical”. For 2005, the parties agreed to a 35 percent critical use exemption for the U.S. and ten other developed countries; exemptions for 2006 are being negotiated. According to many analysts, the U.S. is barely following the letter of the treaty, and clearly undermining the spirit of the agreement.</td>
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<tr>
<td>Ratification status</td>
<td>unep.org/ozone/Treaties_and_Ratification/2C_ratificationTable.asp</td>
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<td>afeas.org/montreal_protocol.html</td>
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<td></td>
<td>foe.org/camps/comm/atmosphere/</td>
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_Last updated 23 September 2004_
Base Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

The Basel Convention was created to stem the flow of hazardous wastes from developed to developing countries. The Basel Convention calls for national self-sufficiency in hazardous waste management and a minimization of transboundary movements of such wastes through waste prevention and management. Under the Convention, those wastes that cannot be dealt with domestically can only be traded upon prior written notification by the exporting state and consent from the proper authorities of the importing state. In 1994, the Parties adopted by consensus the stronger Basel Ban, a decision that in 1995 was passed again as a proposed amendment to the Convention. When this Ban enters into force, it will strictly prohibit the members of the Organization for Economic Cooperation and Development (OECD), the European Union and Liechtenstein from exporting their hazardous wastes to any other countries. Currently there is some debate regarding the exact number of ratifications required for the ban’s entry into force. However, the parties to the Convention are expected to respect the Ban until it is has officially entered into force.

Category
Environment and Sustainable Development

Depositary
Secretary-General of the United Nations (chapter XXVII-3)

Managing organization
UN Environment Program

Abbreviated name
The Basel Convention

Number of ratifying countries
163 Basel Convention; 50 Basel Ban Amendment as of 23 September 2004

U.S. status
Signed, but not ratified

Date signed (if signed)
22 March 1990

Date ratified (if ratified)

Date entered into force
5 May 1992

U.S. position (if not ratified)
The U.S. played an integral role in negotiating the Basel Convention, but has not yet ratified this treaty due to the opposition of industry lobby groups. Despite endorsing the principle of “environmental justice,” which holds that no peoples should be disproportionately burdened from environmental impacts simply because of their economic status, the U.S. currently exports most of its toxic waste to China and other developing countries. Defined as “recycling” by the U.S. Environmental Protection Agency, this practice would be exempt under the Convention. For this reason, environmental groups maintain that the U.S. should not ratify the Convention unless it simultaneously ratifies the Basel Ban Amendment.

Interesting information
Of the 53 countries that originally signed the Basel Convention by March 1990, only three have not yet ratified: Afghanistan, Haiti and the United States. The other 110 countries acceded directly without a signature.

Treaty text
basel.int/text/con-e.htm

Ratification status
basel.int/ratif/frsetmain.php

Other Web site(s)
basel.int/index.html

Informative Web site(s)
ban.org

Last updated 23 September 2004
IV. U.S. participation in multilateral treaties: Treaty overviews
### UN Framework Convention on Climate Change

All UNFCCC parties are committed to addressing the climatic changes associated with greenhouse gases and to report on actions they are pursuing to implement the Convention. Those parties listed in Annex I—members of the Organization for Economic Co-operation and Development (OECD) and “economies in transition” such as the Russian Federation—endorsed the non-binding goal of reducing emissions to 1990 levels by the year 2000. Legally binding commitments to achieve specified reductions levels were negotiated subsequently in the Kyoto Protocol.

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<td>Date signed (if signed)</td>
<td>12 June 1992</td>
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<td>Date ratified (if ratified)</td>
<td>15 October 1992</td>
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<tr>
<td>Date entered into force</td>
<td>21 March 1994</td>
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</table>

**Degree of U.S. implementation**

UNFCCC requires Annex I Parties to limit anthropogenic emissions of greenhouse gases, to protect and enhance sinks and reservoirs and to “aim” for reducing their emissions to 1990 levels. The U.S. has failed to limit GHG emissions and does not presently aim to return US emissions to 1990 levels.

**Interesting information**

In October 2003, the Pentagon published a report on the national security implications of climate change. The report concluded that with the continued deterioration of the environment and natural resources, conflict and humanitarian disasters may become “endemic features of life.”

**Treaty text**

[unfccc.int/resource/convkp.html](http://unfccc.int/resource/convkp.html)

**Ratification status**

[unfccc.int/resource/convkp.html](http://unfccc.int/resource/convkp.html)

**Other Web site(s)**

[unfccc.int/index.html](http://unfccc.int/index.html)

**Informative Web site(s)**

[climatenetwork.org/](http://climatenetwork.org/)

_Last updated 23 September 2004_
Kyoto Protocol to the UN Framework Convention on Climate Change

The Kyoto Protocol was negotiated in the late 1990s to transform the UNFCCC goals into legally binding policies. Countries listed in Annex I—members of the Organization for Economic Co-operation and Development (OECD) and “economies in transition” such as the Russian Federation—agreed to reduce six greenhouse gas emissions to below 1990 levels. The Kyoto Protocol established emissions targets for each of the developed parties per their own 1990 levels. The target for the U.S. is 7 percent below 1990 levels and 8 percent for the EU. In addition, the developed parties’ combined reductions must fall 5.2 percent below their 1990 levels on average for the period of 2008-2012. The Kyoto Protocol also established several innovative mechanisms to help parties considered “developing” to comply with the treaty, including an emissions trading scheme that enables them to invest in industrial development while global emissions are reduced.

Category: Environment and Sustainable Development
Depositary: Secretary-General of the United Nations (chapter XXVII-7a)
Managing organization: Secretariat of the United Nations Framework Convention on Climate Change
Abbreviated name: Kyoto Protocol
Number of ratifying countries: 125 as of 23 September 2004

U.S. status: Signed but not ratified
Date signed (if signed): 12 November 1998
Date entered into force: Not in force, requires ratification by 55 parties including Annex I parties accounting for 55% of total carbon dioxide emissions in 1990.
U.S. position (if not ratified): Although President Clinton signed the Kyoto Protocol in 1998, there has been resistance on the part of the U.S. to ratify without emissions targets for developing countries, including India and China. President Bush effectively ended U.S. involvement in 2001 because the Protocol in its current form because it would “severely damage the United States’ economy”.

Interesting information: In order for Kyoto to enter into force, either the U.S. or the Russian Federation will have to ratify the treaty, as their respective emissions of 20 percent and 17 percent would achieve the required participation of Annex I countries affecting at least 55 percent of global greenhouse gas emissions in 1990. On 21 May 2004, the Russian Federation announced it would ratify the Kyoto Protocol in exchange for the European Union’s support for Russia’s admission to the WTO. In September 1994, Putin directed his Cabinet ministers to “sign as soon as possible” the draft ratification documents. However, the Russian Parliament still has to approve the ratification.

Treaty text: unfccc.int/resource/convkp.html
Ratification status: unfccc.int/resource/convkp.html
Other Web site(s): unfccc.int/index.html
Informative site(s): climatenetwork.org
Informative Web site(s): ciel.org/Climate/programclimate.html

Last updated 23 September 2004
### Convention on Biological Diversity

The CBD commits parties to maintain the world’s ecological and genetic welfare while pursuing sustainable economic development. The Convention establishes three main goals: the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits from the use of genetic resources. It also obliges the parties to “respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.”

<table>
<thead>
<tr>
<th>Category</th>
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<tr>
<td>Depositary</td>
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<td>Managing organization</td>
<td>UN Environment Program</td>
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<tr>
<td>Abbreviated name</td>
<td>CBD or Biodiversity Convention</td>
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<tr>
<td>Number of ratifying countries</td>
<td>188 as of 23 September 2004</td>
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</tbody>
</table>

**U.S. status**
Signed but not ratified

**Date signed (if signed)**
6 April 1993

**Date entered into force**
29 December 1993

**U.S. position (if not ratified)**
President Clinton signed the CBD in June 1993. However, key industries in the U.S. including agribusiness, biotechnology and pharmaceuticals do not accept portions of the treaty text that would “preempt sound management authorities” already in place.

**Interesting information**
A memo leaked in 1992 from the Office of the Vice President indicated that U.S. ratification of the CBD would require strengthening the Endangered Species Act and the legal rights of Native Americans.

**Treaty text**
biodiv.org/convention/articles.asp

**Ratification status**
biodiv.org/world/parties.asp

**Other Web site(s)**
biodiv.org/default.aspx

**Informative Web site(s)**
ciel.org/Biodiversity/programbio.html
etcgroup.org
scidev.net/biodiversity
biodiversypartners.org
grain.org/brl

_Last updated 23 September 2004_
IV. U.S. participation in multilateral treaties: Treaty overviews
**Cartagena Protocol on Biosafety**

Like its parent treaty, the Convention on Biological Diversity, the Cartagena Protocol is intended to protect biological diversity. The Cartagena Protocol addresses the specific risks posed by genetic engineering. The Protocol establishes procedures enabling parties to make informed decisions about these risks and affirms their right to refuse imports of particular LMOs (living modified organisms) based on a “precautionary approach,” even when there is insufficient scientific data. It also sets deadlines for negotiating rules on the labeling and traceability of imported LMOs and for the assignment of liability.

<table>
<thead>
<tr>
<th>Category</th>
<th>Environment and Sustainable Development</th>
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<tbody>
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<td>Depositary</td>
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<td>Managing organization</td>
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<tr>
<td>Abbreviated name</td>
<td>Cartagena or Biosafety Protocol</td>
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<tr>
<td>Number of ratifying countries</td>
<td>107 as of 24 April 2004</td>
</tr>
</tbody>
</table>

**U.S. status**

Not signed, not ratified

**Date entered into force**

11 September 2003

**U.S. position (if not ratified)**

The U.S. argues that implementation of the protocol could undermine other international agreements, specifically the WTO. Current WTO rules require “scientific justification” for restrictions on imported commodities, such as LMOs; when there is insufficient scientific evidence, the WTO allows a temporary restriction while additional research is undertaken.

**Interesting information**

The U.S., Argentina, Australia, Canada, Chile and Uruguay negotiated as a group of LMO exporters, attempted to block the development of this protocol. As of September 2004, none of these countries had ratified the protocol. The U.S. has also filed a dispute with the WTO against the European Union’s regulations governing LMO imports, a case which may test the relative authority of these seemingly contradictory international laws.

**Treaty text**

biodiv.org/biosafety/protocol.asp

**Ratification status**

biodiv.org/biosafety/signinglist.aspx?sts=rtf&ord=dt

**Other Web site(s)**

biodiv.org/biosafety/default.aspx

**Informative Web site(s)**

edmonds-institute.org
defenders.org/states
twnside.org.sg/bio.htm
etcgroup.org

*Last updated 23 September 2004*
IV. U.S. participation in multilateral treaties: Treaty overviews
UN Convention to Combat Desertification

The UNCCD aims to combat the “degradation of land in arid, semi-arid and dry sub-humid areas” through local, national, and international programs that empower women, farmers, and pastoralists. The convention supports democratic, bottom-up approaches through the development of action plans for drought preparedness, mitigation of degraded lands, improved land-tenure systems, healthy grazing and other practical responses to desertification and the related effects of overgrazing, deforestation, bad irrigation practices, political instability and poverty.

<table>
<thead>
<tr>
<th>Category</th>
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<tr>
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<td>Managing organization</td>
<td>UN Environment Program</td>
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<td>Abbreviated name</td>
<td>UNCCD</td>
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<tr>
<td>Number of ratifying countries</td>
<td>191 as of 23 September 2004</td>
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<tr>
<td>U.S. status</td>
<td>Ratified</td>
</tr>
<tr>
<td>Date signed (if signed)</td>
<td>14 October 1994</td>
</tr>
<tr>
<td>Date ratified (if ratified)</td>
<td>17 November 2000</td>
</tr>
<tr>
<td>Date entered into force</td>
<td>26 December 1996</td>
</tr>
<tr>
<td>Degree of U.S. implementation</td>
<td>The U.S. government states that it is “firmly committed to implementing the UNCCD” via the U.S. Agency for International Development (USAID.) From 1997-2002, the U.S. contributed $167 million for programs in sustainable agriculture and natural resource management in sub-Saharan Africa and other regions threatened by desertification.</td>
</tr>
<tr>
<td>Interesting information</td>
<td>Poverty is considered both a result of desertification and a cause of its acceleration. According to UN Secretary-General Kofi Annan, more than 1 billion people in 110 countries are at risk from desertification.</td>
</tr>
<tr>
<td>Treaty text</td>
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<td>gm-unccd.org</td>
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<td>Informative Web site(s)</td>
<td>ifad.org/gm/index.htm</td>
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<tr>
<td></td>
<td>earth-policy.org</td>
</tr>
<tr>
<td></td>
<td>ramsar.org/key_ccd_moc.htm</td>
</tr>
</tbody>
</table>

Last updated 23 September 2004
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

The Rotterdam Convention promotes the concept of “shared responsibility” for human health and the environment between importing and exporting countries. The Prior Informed Consent (PIC) procedure establishes rules for sharing information about certain pesticides and other hazardous chemicals and gives importing parties the right to refuse import of chemicals on the PIC list that they cannot manage safely, ensuring that exporters comply. If a party agrees to import chemicals, the Rotterdam Convention promotes their safe use through labeling standards and various forms of technical assistance.

Category: Environment and Sustainable Development

Depositary: Secretary-General of the United Nations (chapter XXVII-14)

Managing organizations: Plant Production and Protection Division, FAO & UNEP Chemicals

Abbreviated name: Rotterdam or PIC Convention

Number of ratifying countries: 77 as of 23 September 2004

U.S. status: Signed but not ratified

Date signed (if signed): 11 September 1998

Date entered into force: 24 February 2004

U.S. position (if not ratified): The U.S. Senate is debating the implementing legislation required to comply with both the Rotterdam Convention and the Stockholm Convention, changing provisions in the U.S. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA). The most contentious issues revolve around the Stockholm Convention on Persistent Organic Pollutants.

Interesting information: A chemical’s addition to the PIC list indicates that action has been taken by some parties based on serious concern about the health and environmental effects of that chemical. Twenty-nine chemicals are currently listed and five are under review for addition to the list.

Treaty text: pic.int/en/ViewPage.asp?id=345

Ratification status: pic.int/en/ViewPage.asp?id=345

Other Web site(s): pic.int/index.html

Informative Web site(s): panna.org/
pesticideinfo.org/Index.html
fpif.org/briefs/vol7/v7n11toxics.html

Last updated 23 September 2004
IV. U.S. participation in multilateral treaties: Treaty overviews
Stockholm Convention on Persistent Organic Pollutants

The Stockholm Convention obliges governments to phase out the production and use of 12 “persistent organic pollutants” (POPs)—dangerous toxic chemicals that remain intact for long periods of time, travel over wide geographic areas and accumulate in the tissue of living organisms. The convention mandates that parties take the necessary measures to “reduce or eliminate” the release of the designated POPs into the environment, with phase out dates specified for each. The Stockholm Convention includes provisions for specific use exemptions for listed chemicals and for adding new chemicals to the POPs list, according to specified criteria.

Category: Environment and Sustainable Development
Depositary: Secretary-General of the United Nations (chapter XXVII-15)
Managing organization: UN Environment Program
Abbreviated name: Stockholm or POPs Convention
Number of ratifying countries: 78 as of 23 September 2004

U.S. status: Signed, but not ratified
Date signed (if signed): 23 May 2001
Date entered into force: 17 May 2004
U.S. position (if not ratified): On 19 April 2001, President Bush promised to sign the treaty and voiced his support for rapid U.S. ratification. While the U.S. did sign the Convention, ratification continues to be delayed. Contentious debate in Congress has centered on what form of “adding mechanism” should be included in the implementing legislation that would allow the U.S. to take action when future chemicals are added to the Convention’s list for global elimination.

Interesting information: The 12 POPs chemicals initially included under the treaty are the pesticides endrin, mirex, toxaphene, chlordane, heptachlor, aldrin, dieldrin and DDT; the industrial chemicals hexachlorobenzene (also used as a pesticide) and PCBs; and the industrial byproducts dioxins and furans.

Treaty text: pops.int/documents/convtext/convtext_en.pdf
Ratification status: pops.int/documents/signature/signstatus.htm
Other Web site(s): pops.int/
Informative Web site(s): http://ipen.ecn.cz
panna.org/campaigns/pops.html
ienearth.org/pops_threat-p1.html
fpif.org/briefs/vol7/v7n11toxics.html

Last updated 23 September 2004
IV. U.S. participation in multilateral treaties: Treaty overviews
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction

The CWC prohibits the development, production, stockpiling, and use of chemical weapons. The convention does not prohibit the research, development, and production of “dual-use” chemicals that are used for peaceful purposes. The CWC establishes a verification system to monitor activities and implement the convention.

Category Peace and Security
Depositary Secretary-General of the United Nations (chapter XXVI-3)
Managing organization Organization for the Prohibition of Chemical Weapons (OPCW)
Abbreviated name CWC
Number of ratifying countries 165 as of 23 September 2004

U.S. status Ratified
Date signed (if signed) 13 January 1993
Date ratified (if ratified) 24 April 1997
Date entered into force 29 April 1997

Degree of U.S. implementation The U.S. was a leader in crafting the CWC and currently, the U.S. is in the process of destroying its stockpile of chemical weapons. In 2001, the Pentagon announced it would not be able to meet the CWC’s goal of complete disarmament by April 2007, citing difficulties in the destruction process due to environmental standards and technical feasibility. The U.S. is currently on schedule for 100 percent chemical weapon disarmament by 2011 (the CWC does allow for an extended deadline of 2012). However, the U.S. has attached unilateral exemptions to its CWC membership. These include refusing to allow material to be transferred to a laboratory outside the U.S. for testing, limiting the facilities that may be inspected, and enabling the U.S. president to refuse or challenge inspections on the grounds of national security.

Interesting information As of 2004, the U.S. has destroyed roughly 24 percent of its chemical weapons stockpile.

Treaty text opcw.org/html/db/cwc/eng/cwc_frameset.html
Ratification status opcw.org/html/db/members_frameset.html
Other Web site(s) http://disarmament2.un.org/wmd/cwc/
Informative Web site(s) armscontrol.org/factsheets/cwcglance.asp
fas.org/nuke/control/cwc/index.html
cwwg.org/cwwg.html

Last updated 23 September 2004
**Comprehensive Nuclear-Test-Ban Treaty**

The CTBT prohibits the explosion of any nuclear weapon in any environment, whether it be for testing or any other purpose. The treaty also created the International Monitoring System (IMS) to detect nuclear tests anywhere in the world and a program for on-site inspections.

<table>
<thead>
<tr>
<th>Category</th>
<th>Peace and Security</th>
</tr>
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<tbody>
<tr>
<td>Depositary</td>
<td>Secretary-General of the United Nations (chapter XXVI–4)</td>
</tr>
<tr>
<td>Managing organization</td>
<td>Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), however after the CTBT enters into force, the Preparatory Commission will cease to exist and the CTBTO will be established.</td>
</tr>
<tr>
<td>Abbreviated name</td>
<td>CTBT</td>
</tr>
<tr>
<td>Number of ratifying countries</td>
<td>117 as of 23 September 2004</td>
</tr>
</tbody>
</table>

**U.S. status**

Signed, but not ratified

**Date signed (if signed)**

24 September 1996

**Date entered into force**

Will not enter into force until all 44 Annex 2 countries have ratified. As of September 2004, 32 Annex 2 countries had ratified the CTBT. The Annex 2 countries are the 44 countries that all formally participated in the 1996 session of the Conference on Disarmament, and possess either nuclear power or research reactors. The United States is an Annex 2 country.

**U.S. position (if not ratified)**

The United States, which had played a leadership role in negotiating the CTBT, is now one of the major hold-out states. On 13 October 1999, the U.S. Senate became the first and only legislature to reject ratification, despite support from military leaders such as General Colin Powell and polls showing 82 percent of public support. It was perceived that the CTBT would not stop other states from gaining nuclear weapons, and as a result, the U.S. must maintain a strong national security policy to protect itself. Articulated in the January 2002 publication of the Nuclear Posture Review (NPR), the U.S. Administration stated intent to develop new types of nuclear weapons and to eventually test them.

**Interesting information**

Of the official and unofficial nuclear-weapon states, China, India, Iran, Israel, North Korea, Pakistan and the U.S. have not ratified the CTBT. The CTBT does not cover laboratory testing using computer simulation, a new technique used by the U.S. and other states.

**Treaty text**


**Ratification status**

[ctbto.org](http://ctbto.org/)

**Other Web site(s)**

[disarmament2.un.org](http://disarmament2.un.org/)

**Informative Web site(s)**

[reachingcriticalwill.org/ctbt/ctbtindex.html](http://reachingcriticalwill.org/ctbt/ctbtindex.html)


[fas.org/nuke/control/ctbt/index.html](http://fas.org/nuke/control/ctbt/index.html)

[armscontrol.org/factsheets/#Testing](http://armscontrol.org/factsheets/#Testing)

_Last updated 23 September 2004_
1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

The Mine Ban Convention imposes a total ban on anti-personnel landmines. The convention prohibits the development, production, stockpiling, or use of anti-personnel landmines by any party, or assist anyone in these activities. It requires all parties to destroy their stockpiles of landmines within four years of its entry into force, and the clearing of all laid landmines within ten years. Also, the convention requires parties to provide assistance in mine clearing activities worldwide.

Category: Peace and Security
Depositary: Secretary-General of the United Nations (chapter XXVI-5)
Managing organization: UN Department for Disarmament Affairs
Abbreviated name: APM, Mine Ban or Ottawa Convention
Number of ratifying countries: 143 as of 23 September 2004

U.S. status: Not signed, not ratified
Date entered into force: 1 March 1999

U.S. position (if not ratified): Although the U.S. is a global leader in victim assistance and mine clearing efforts, it has yet to sign and ratify the convention. Former President Clinton indicated the U.S. would ratify the convention by 2006, if suitable alternatives to antipersonnel mines were identified and fielded, but this commitment was reversed by the Bush Administration on 27 February 2004. The Bush Administration announced it would not pursue membership to the Mine Ban Convention because it did not address the threat posed by anti-vehicle landmines, and would prevent the U.S. military from effectively defending itself. The U.S. policy also outlined the continued use of “persistent” anti-personnel mines until 2010, and their eventual replacement by “self-deactivating” or “smart” landmines after that date.

Interesting information: The International Campaign to Ban Landmines (ICBL) estimates that roughly 15,000-20,000 people are injured or killed each year by landmines in 82 countries around the world. Landmines have injured or killed U.S. or allied troops in every conflict since World War II, including Iraq and Afghanistan.

Ratification status: icbl.org/ratification/
Other Web site(s): mineaction.org/
Informative Web site(s): www.icbl.org
landminesurvivors.org
hrw.org/doc/?t=arms_landmines

Last updated 23 September 2004
The Treaty on the Non-Proliferation of Nuclear Weapons

The NPT obligates the five “nuclear-weapon States Parties” (the United States, Russian Federation, United Kingdom, France, and China—which are all parties to the NPT) not to transfer nuclear weapons, other nuclear explosive devices, or their technology to any non-nuclear-weapon country. These parties also agree to “undertake effective measures in the direction of nuclear disarmament.” Non-nuclear-weapon parties agree not to acquire or produce nuclear weapons or nuclear explosive devices. The NPT does permit the nuclear-weapon parties to exchange information for peaceful purposes and nuclear energy with non nuclear-weapon parties.

Category Peace and Security
Depositary Governments of Russian Federation; United Kingdom of Great Britain and Northern Ireland; and United States of America
Managing organization International Atomic Energy Agency
Abbreviated name NPT
Number of ratifying countries 189 (including North Korea) as of 23 September 2004

U.S. status Ratified
Date signed (if signed) 1 July 1968
Date ratified (if ratified) 5 March 1970
Date entered into force 5 March 1970
Degree of U.S. implementation The U.S. continues to maintain large stockpiles of nuclear weapons. In its Nuclear Posture Review of 2002, the U.S. introduced the concept of a “pre-emptive” strike with the use of nuclear weapons. Both of these actions contradict the NPT’s requirement for a “diminishing role for nuclear weapons in security policy”.

Interesting information Only India, Israel, North Korea* and Pakistan remain outside the treaty. All four are known to have nuclear weapon capabilities. However, under the terms of the NPT, they are considered to be “non-nuclear weapon states” (NNWS) and can only ratify as a non-nuclear weapon party. For NNWSs to become members of the NPT, they are required to dismantle their nuclear weapons and place their nuclear materials under international safeguards. Several countries joined the NPT by doing this including South Africa, Brazil, Argentina, Kazakhstan, Ukraine and Belarus. North Korea had been a party to the NPT since 1985, but withdrew on 10 January 2003 citing the U.S. heightening nuclear threats, naming it part of an “axis of evil” and listing North Korea as a target for pre-emptive strikes. However, since North Korea did not give a three month notice to withdrawing, some states claim that its withdrawal is invalid.

*Note: North Korea’s official name is the Democratic People’s Republic of Korea, or DPRK.
### IV. U.S. participation in multilateral treaties: Treaty overviews

<table>
<thead>
<tr>
<th>Treaty text</th>
<th>disarmament2.un.org/TreatyStatus.nsf</th>
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<td><a href="http://disarmament2.un.org/TreatyStatus.nsf">http://disarmament2.un.org/TreatyStatus.nsf</a></td>
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<td>Other Web site(s)</td>
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</tbody>
</table>

*Last updated 23 September 2004*
**Treaty on the Limitation of Anti-Ballistic Missile Systems**

The ABM Treaty was a bilateral agreement between the U.S. and the Soviet Union. The ABM Treaty barred both countries from building the foundation for or the deployment of nation-wide defenses against long-range ballistic missiles. The ABM Treaty was based on the premise that by limiting defenses, there would be less need for either side to build up their offensive nuclear forces, thereby helping to slow the nuclear arms race. The treaty did allow both sides to build defenses against short- and medium-range ballistic missiles. After the collapse of the Soviet Union in 1991, the Russian Federation continued as a party to the ABM treaty.

<table>
<thead>
<tr>
<th>Category</th>
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<tbody>
<tr>
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<td>Managing organization</td>
<td>U.S. Department of State</td>
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<td>Abbreviated name</td>
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<table>
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<td>Date signed (if signed)</td>
<td>26 May 1972</td>
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<tr>
<td>Date ratified (if ratified)</td>
<td>3 August 1972; withdrawal on 13 June 2002</td>
</tr>
<tr>
<td>Date entered into force</td>
<td>3 October 1972</td>
</tr>
<tr>
<td>Degree of U.S. implementation</td>
<td>The U.S. has intermittently researched and worked on missile defenses over the past five decades. During this period, Washington and Moscow traded numerous noncompliance allegations. For the most part, the United States remained within the legal bounds, if not the spirit, of the treaty by working on permitted theater defenses, although it also researched many systems that would have violated the treaty if they had advanced beyond the conceptual and research stage.</td>
</tr>
<tr>
<td>U.S. position (if not ratified)</td>
<td>The U.S. was a party to the ABM Treaty until President Bush withdrew from it in June 2002. The Bush Administration stated the ABM Treaty hindered U.S. ability to develop ways to protect its populace from future terrorist or rogue-state attacks. At present, the U.S. is pursuing a nationwide defense against long-range ballistic missiles, which comprises a variety of systems that would have been illegal under the ABM Treaty.</td>
</tr>
<tr>
<td>Interesting information</td>
<td>A group of 32 House members brought a case against President Bush for pulling out of the ABM Treaty without approval of the House or Senate. The case was dismissed on two points. One, that the representatives were not personally injured by the president's act, and two, that the members had not been authorized to bring a lawsuit on behalf of the House. However, the judge went on to say his decision “does not foreclose Congress from asserting its constitutional role in the treaty termination process.”</td>
</tr>
</tbody>
</table>

**Treaty text**

state.gov/t/np/trty/16332.htm#treaty

**Other Web site(s)**

armscontrol.org/factsheets/usmissiledefense.asp
IV. U.S. participation in multilateral treaties: Treaty overviews

Informative Web site(s)

fcnl.org/issues/issue.php?issue_id=76
http://cdi.org/program/index.cfm?programid=6
armscontrol.org/act/2003_01-02/briefs_janfeb03.asp#abm

Last updated 23 September 2004
Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

The convention bans the development, production, stockpiling, acquisition and retention of microbial or biological agents and toxins that have no justification for protective or peaceful purposes. It also bans weapons, equipment or means of delivery—essentially the hardware necessary for using biological weapons—for hostile purposes or in armed conflict. From the late 1990s until 2001, a draft Protocol to strengthen the BWC with a declaration and inspection regime was negotiated and an agreement nearly reached.

Category: Peace and Security

Depositary: Governments of: Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America

Managing organization: UN Department for Disarmament Affairs

Abbreviated name: BWC

Number of ratifying countries: 152 as of 26 February 2004

U.S. status: Ratified

Date signed (if signed): 10 April 1972

Date ratified (if ratified): 22 January 1975

Date entered into force: 26 March 1975

Degree of U.S. implementation: On 25 November 1969, the United States renounced the first use of chemical agents or weapons and all methods of biological warfare. All U.S. biological programs were thereafter confined to defensive research. However, in late 2001, the U.S. blocked completion of the draft protocol. The U.S. was reluctant to permit inspections of its laboratories, including the private sector. The U.S. also stated that it did not believe the draft protocol would prevent proliferation. This rejection of the draft protocol has effectively halted negotiations to strengthen the treaty.

Interesting information: As the draft protocol collapsed in 2001, the U.S. delegation at the BWC denounced Iraq and Libya as possessing offensive biological weapons programs. These allegations have subsequently been proven untrue.


Ratification status: disarmament.un.org:8080/TreatyStatus.nsf

Informative Web site(s): sunshine-project.org/

armscontrolcenter.org/cbw/

basicint.org/nuclear/biological/main.htm

opbw.org/

Last updated 23 September 2004
IV. U.S. participation in multilateral treaties: Treaty overviews
Rome Statute of the International Criminal Court

The Rome Statute created the ICC, an independent international organization separate from the UN. Located in The Hague, the Netherlands, it is the first permanent international venue for the prosecution of crimes against humanity such as genocide, mass rape and ethnic cleansing. Such crimes must be on a “widespread and systematic” level, not one-time events. The ICC is also a separate entity from national courts, and can only try suspects when a national court is unable or unwilling to do so itself. The court tries only individuals, not legal persons.

Category
Peace and Security

Depositary
Secretary-General of the United Nations (chapter XXIII-10)

Managing organization
International Criminal Court

Abbreviated name
ICC

Number of ratifying countries
127 as of 23 September 2004

U.S. status
Signed, but nullified the signature in May 2002

Date signed (if signed)
31 December 2000; nullified the signature on 6 May 2002

Date ratified (if ratified)

Date entered into force
1 July 2002

U.S. position (if not ratified)
The U.S. played an integral role in creating the ICC and President Clinton signed the Rome Statute in 2000. However, President Bush formally nullified the U.S. signature in 2002 declaring that thereafter the U.S. had “no formal obligation” arising from its past position. Current U.S. policy states that the ICC undermines the role of the UN Security Council, threatens state sovereignty by asserting jurisdiction over non-party states, and sets itself up for exploitation and “politically motivated prosecutions.” The U.S. has expressed concern that U.S. allies might be compelled to turn over U.S. personnel to the ICC, which would “complicate U.S. military assistance.” Also in 2002, the U.S. Congress passed the American Servicemember’s Protection Act (ASPA) cutting off assistance to states that refuse to sign “bilateral immunity agreements” requiring them to return to the U.S. all Americans on their territories or under their control which the ICC may be seeking. The U.S. has negotiated these bilateral agreements with more than 90 other countries—including many parties to the Rome Statute—although exemptions were given to NATO and other allies.

Interesting information
In 2003, legal experts representing many of the parties to the ICC as well as Amnesty International argued that the UN Security Council should not renew its resolution exempting U.S. peacekeepers from the ICC’s jurisdiction because it was illegal according to the Rome Statute, numerous other treaties and the UN charter itself—an opinion that had been voiced by Secretary General Kofi Annan when it was first proposed in 2002. After the abuse of prisoners of war in Iraq was revealed in June 2004, the U.S. perceived it did not have enough support for a third renewal and continued pursuing “bilateral immunity agreements” instead, spending triple the amount of money invested by the ICC’s parties to implement the Rome Statute.
### IV. U.S. participation in multilateral treaties: Treaty overviews

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_Last updated 23 September 2004_
International Convention for the Suppression of the Financing of Terrorism

The convention “criminalizes the act of providing or collecting funds with the intent or knowledge that those funds will be used to carry out a terrorist attack.” The treaty recognizes the importance of financing in terrorist activities, and calls for coordinated efforts to identify, freeze, and seize any funds allocated for terrorist acts. The convention also requires parties to prosecute terrorists or extradite them to the parties that suffered from their illegal activities.

Category: Peace and Security

Depositary: Secretary-General of the United Nations (chapter XVIII-11)

Managing organization: UN Office on Drugs and Crime

Abbreviated name: Suppression of the Financing of Terrorism

Number of ratifying countries: 127 as of 23 September 2004

U.S. status: Ratified

Date signed (if signed): 10 January 2000

Date ratified (if ratified): 26 June 2002

Date entered into force: 1 April 2002

Degree of U.S. implementation: President Bush issued Executive Order 13224 on Terrorist Financing on 24 September 2001. The order authorizes seizure of assets that belong to terrorists or terrorist supporters as designated by the State Department’s list of Foreign Terrorist Organizations (FTOs). After the issuance of this order, the U.S. became party or reaffirmed its commitment to several international agreements and conventions aimed at preventing the financing of terrorism. In addition, the Patriot Act includes provisions to strengthen U.S. measures to prevent, detect and prosecute terrorist financing and money laundering.

Interesting information: Prior to 11 September 2001, the UN had adopted 12 conventions and protocols to fight terrorism, of which the U.S. was party to ten. The two that it was not yet party to were the Suppression of Terrorist Bombings and the Suppression of the Financing of Terrorism. Post-11 September, the U.S. ratified these two, two and four years after they had originally been signed. In 2002, a UN Ad Hoc Committee on Terrorism attempted to draft two new treaties designed to fill in many of the gaps left by the other sectoral treaties, the Comprehensive International Treaty on Terrorism and the Convention on Nuclear Terrorism. Neither treaty was concluded or adopted due to differing opinions as to who would be entitled to exclusion from the treaty’s scope.

Treaty text: unodc.org/unodc/resolution_2000-02-25_1.html

Ratification status: untreaty.un.org/English/access.asp (Must request password to gain access to the database.)

Other Web site(s): unodc.org/unodc/en/terrorism.html

un.org/terrorism/

untreaty.un.org/English/Terrorism.asp
### IV. U.S. participation in multilateral treaties: Treaty overviews

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*Last updated 23 September 2004*
V. Glossary

Glossary in the context of treaty law and practice


Acceptance: See Ratification.

Accession: See Ratification. Accession is the usual method by which a state that has not signed the treaty may consent to be bound by its terms. The treaty may stipulate accession by certain states. In that case, these states have a right to accede to the treaty. In general, accession occurs after the entry into force of the treaty. Accession has the same legal effect as ratification, acceptance or approval.

Adoption: Adoption is the formal act by which negotiating parties establish the form and content of a treaty. The treaty is adopted through a specific act expressing the agreement of the states and the international organizations participating in the negotiation of that treaty, by voting on the text, initialing, etc. Adoption may also be the mechanism used to establish the form and content of amendments to a treaty, or regulations under a treaty.

Amendment: Amendment means the formal alteration of the provisions of a treaty by its parties. Such alterations must be effected with the same formalities that attended the original formation of the treaty. Multilateral treaties typically provide specifically for their amendment. In the absence of such provisions, the adoption and entry into force of amendments require the consent of all the parties.

Approval: See Ratification.

Bilateral treaty: A bilateral treaty is a treaty between two parties.

Communication: A communication is a declaration by which a state expresses its views relating to the treaty, notifies a new domestic law or specifies the content of a domestic law in relation to the treaty or rectifies an error or an omission made upon ratification. Communications may be made under the terms of the treaty, such as when a state must designate a competent national authority, or they can be formulated spontaneously by states. An “objection” to a reservation lodged after the stipulated date with the Secretary-General of the United Nations in his capacity as depositary is circulated as a “communication.”

Convention: See Treaty. Whereas in the last century the term “convention” was regularly employed for bilateral agreements, it is now generally used for multilateral treaties with a broad number of parties. Usually instruments negotiated under the auspices of an international organization are entitled conventions.

Declaration: A declaration is a general notification by which a state clarifies its understanding of the meaning or the scope of a treaty or to a provision. A state can also use a declaration to explain its reasons for becoming a party.

Depositary: The depositary is the guardian of the treaty. It receives and transmits all the states’ communications related to the life of the treaty: signatures, ratifications, accessions, reservations, declarations, etc. Generally, the negotiators designate a depositary in the treaty text. Exceptionally, the depositary may be designated in some other manner, such as through a separate decision adopted by the negotiating parties.

Entry into force: Entry into force of a treaty is the moment in time when a treaty becomes legally binding on the parties to the treaty, creating legally binding rights and obligations in the international legal system. The text of the treaty determines the moment of its entry into force. This may be a date specified in the treaty, a date on which a specified number of ratifications have been deposited with the depositary or a certain number of days after the required ratifications have been deposited. Some treaties allow a provisional entry into force, when a number of ratifying states to a treaty that has not yet entered into force decide to apply the treaty as if it had entered into force. Once a treaty has entered into force provisionally, it creates obligations for the parties that agreed to bring it into force in that manner.

Executive agreement: An executive agreement is made between the executive branch of the U.S. government and a foreign government without ratification by the Senate. It does not carry the same weight as a treaty unless it is supported by a joint resolution (of the Congress). Unlike a treaty, an executive agreement can supersede a conflicting state law but not a federal law.
Final act: A final act is a document summarizing the proceedings of a diplomatic conference, a formality by which the negotiating parties may bring the conference to a conclusion. There is no obligation to sign the final act, but signature may permit participation in subsequent mechanisms arising from the conference such as preparatory committees. Signing the final act does not normally create legal obligations or bind the signatory state to sign or ratify the treaty attached to it.

Interpretation: see Declaration.

Multilateral Treaty: A multilateral treaty is a treaty between more than two parties. See Treaty.

Party: Parties to a treaty are the states or other entities with treaty-making capacity that have consented to be bound by the treaty by an act of ratification, acceptance, approval or accession, etc., and for which the treaty has entered into force.

Protocol: A protocol generally amends, supplements or clarifies a multilateral treaty and has the same legal characteristics as a treaty. While linked to the parent agreement, a protocol can focus on a specific aspect of that agreement in greater detail. A protocol is normally open to participation by the parties to the parent agreement although states have negotiated a number of protocols in recent times that do not follow this principle.

Proviso: Provisos are similar to reservations but relate to issues surrounding implementation of a treaty in accordance with U.S. law, and are typically included in a statement upon ratification.

Ratification: Ratification, acceptance, accession, succession and approval all refer to the act whereby a state establishes at the international level its definitive consent to be bound by a treaty. (This should not be confused with the decision taken at the national level in accordance with a state’s constitutional provisions, which is inadequate to establish the state’s consent to be bound at the international level.) Ratification requires two steps:

1. The execution of an instrument of ratification by the Head of State, Head of Government or Minister for Foreign Affairs expressing the intent of the state to be bound by the relevant treaty; and
2. The deposit of the instrument with the depositary for multilateral treaties or the exchange of the instruments between parties for bilateral treaties.

Remand: To remand is to return or send back a matter from one court or agency to another.

Reservation: A reservation is a unilateral declaration made by a state that purports to exclude or modify the legal effect of certain provisions of a treaty in their application to that state. Generally, a reservation is declared when signing, ratifying, accepting, approving or acceding to a treaty although the practice of the Secretary-General of the United Nations as depositary does allow for late reservations. Reservations cannot be contrary to the object and purpose of the treaty. Some treaties prohibit reservations or only permit specified reservations.

Signature: Signature of a treaty is an act by which a state expresses its interest in the treaty and its intention to become a party. The state is not bound by the signature but does have the obligation not to defeat the object and purpose of the treaty until it has made its intention clear not to become a party to the treaty.

Succession: See Ratification.

Treaty: Treaty is a generic term embracing all instruments binding under international law concluded between two or more international juridical persons. Thus, treaties may be concluded between:

a. States;
b. International organizations with treaty-making capacity and states; or
c. International organizations with treaty-making capacity.

The application of the term treaty, in the generic sense, signifies that the parties intend to create rights and obligations enforceable under international law.

The Vienna Convention 1969 defines a treaty as “an international agreement concluded between states in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation” (article 2(1)(a)). Accordingly, conventions, agreements, protocols, and an exchange of letters or notes may all constitute treaties.

Understanding: An understanding is a declaration issued by a state regarding its interpretation of the obligations required by a treaty.
Acknowledgements

First of all, we would like to thank Jeremy Lewis, our “intern extraordinaire,” who diligently and independently waded through hundreds of pages of legal text and reports to prepare the treaty overviews in this report. We also want to extend our appreciation to Pan Hia Kue, our patient summer youth, and Kathy Hiltsley, our always-cheerful worker bee, for sorting through the hundreds of treaties, one-by-one.

We could not be confident of this report without the precise help of Dr. Palitha T.B. Kohona and his intern, Chris Munro, of the UN Treaty Section in the Office of Legal Affairs. We are grateful for their time, care and openness in sharing information with us and double-checking our statements for accuracy.

There are numerous individuals who deserve a special acknowledgement for their major contributions to this report, including their willingness to answer our urgent emails and phone calls (especially when we call at 10 pm): Bob Dalton from the U.S. Department of State; Jolene Smith from Free the Slaves; Elizabeth Drake and Stan Gacek from the AFL-CIO; Lance Compa from Cornell University; Adam Greene from the U.S. Council for International Business; Darlene Atkins from the Child Labor Coalition; Arnoldo Garcia at the National Network for Immigrant and Refugee Rights; Parvina Nadjibulla from the United Methodist Office for the UN; Shulamith Koenig from the People’s Movement for Human Rights Education; Doug Johnson at Center for Victims of Torture; Geeta Uhl from the Environmental Investigation Agency; Kenny Bruno and Jim Puckett from the Basel Action Network; Don Goldberg from the Center for International Environmental Law; Stas Burgiel from Defenders of Wildlife; Kristin Schaefer at Pesticide Action Network North America; Wade Boese from the Center for Arms Control; Ed Hammond at the Sunshine Project; Kathryn Sikkink, Barbara Frey and Chuck Oberg from the University of Minnesota; Janet Larsen at the Earth Policy Institute; John Washburn and Bill Pace from the American and the international NGO coalitions for the International Criminal Court respectively; Rick Kirgis from the American Society of International Law; Lisa Ledwidge from the Institute for Energy and Environmental Rights; and Don Kraus from Citizens for Global Solutions.

We would also like to thank the following people for their contributions to the wealth of knowledge that lies in this report: Gemma Adaba from the International Confederation of Free Trade Unions; Mark Sugg from the Center for Defense Information; Tamara Tamimi at WILD for Human Rights; Reed Brody, Kate Carman, Mark Hiznay, Mary Wareham and Raña from Human Rights Watch; Susi Snyder from the Women’s International League for Peace and Freedom; Bridget Moix from the Friends Committee on National Legislation; Beth Burrows from the Edmonds Institute; Craig Williams at the Chemical Weapons Working Group; Wasana Punyasena from the American Coalition for the ICC; Molly Pickett from the Center for Arms Control and Non-Proliferation; Linda James from the Center for Strategic and International Studies; Katarina Wahlberg from Global Policy Forum; Steven Watt at the Center for Constitutional Rights; Steven Dimoff of the United Nations Association; Heather Hamilton and Charles Brown from Citizens for Global Solutions; Dale Wiehoff and Shiney Varghese from Institute for Agriculture and Trade Policy; Alexander Schmid from the UN Office on Drugs and Crime; Tony Hill from the UN Non-Governmental Liaison Service; Sylvia Renner at the U.S. Senate’s Committee on Foreign Relations; Geraldine Gibson from the International Maritime Organization; Jo Garnham from the International Labour Organisation’s office in Geneva; Elizabeth Varro of Minnesota Advocates for Human Rights; and Bill Goold.

Lastly, we want to express our enduring appreciation to our endearing colleagues, Matthew Foster and Ben Lilliston, who put up with all of our frantic angst and missed deadlines, and made it happen in the end—you guys are the best!
UN Secretary-General Kofi Annan’s address to the UN General Assembly,
Tuesday 21 September 2004

It is good to see so many countries represented here at such a high level. I know this reflects your understanding that, in these difficult times, the United Nations is—as you stated four years ago in the Millennium Declaration—“the indispensable common house of the entire human family”. Indeed today, more than ever, the world needs an effective mechanism through which to seek common solutions to common problems. That is what this Organization was created for. Let’s not imagine that, if we fail to make good use of it, we will find any more effective instrument.

This time next year you will be meeting to review progress in implementing the Millennium Declaration. By then I hope you will be ready to take bold decisions together on the full range of issues covered in the Declaration, helped by the report of the High-Level Panel on Threats, Challenges and Change, which will be available before the end of this year. As I said a year ago, we have reached a fork in the road. If you, the political leaders of the world’s nations, cannot reach agreement on the way forward, history will take the decisions for you, and the interests of your peoples may go by default.

Today I will not seek to pre-judge those decisions, but to remind you of the all-important framework in which they should be taken—namely, the rule of law, in each country and in the world. The vision of “a government of laws and not of men” is almost as old as civilisation itself. In a hallway not far from this podium is a replica of the code of laws promulgated by Hammurabi more than three thousand years ago, in the land we now call Iraq. Much of Hammurabi’s code now seems impossibly harsh. But etched into its tablets are principles of justice that have been recognised, if seldom fully implemented, by almost every human society since his time: Legal protection for the poor. Restraints on the strong, so they cannot oppress the weak. Laws publicly enacted, and known to all. That code was a landmark in mankind’s struggle to build an order where, instead of might making right, right would make might. Many nations represented in this chamber can proudly point to founding documents of their own that embody that simple concept. And this Organization—your United Nations—is founded on the same principle. Yet today the rule of law is at risk around the world. Again and again, we see fundamental laws shamelessly disregarded—those that ordain respect for innocent life, for civilians, for the vulnerable—especially children.

To mention only a few flagrant and topical examples: In Iraq, we see civilians massacred in cold blood, while relief workers, journalists and other non-combatants are taken hostage and put to death in the most barbarous fashion. At the same time, we have seen Iraqi prisoners disgracefully abused. In Darfur, we see whole populations displaced, and their homes destroyed, while rape is used as a deliberate strategy. In northern Uganda, we see children mutilated, and forced to take part in acts of unspeakable cruelty. In Beslan, we have seen children taken hostage and brutally massacred. In Israel we see civilians, including children, deliberately targeted by Palestinian suicide bombers. And in Palestine we see homes destroyed, lands seized, and needless civilian casualties caused by Israel’s excessive use of force.

And all over the world we see people being prepared for further such acts, through hate propaganda directed against Jews, against Muslims, against anyone who can be identified as different from one’s own group.

Excellencies, No cause, no grievance, however legitimate in itself, can begin to justify such acts. They put all of us to shame. Their prevalence reflects our collective failure to uphold the law, and to instil respect for it in our fellow men and women. We all have a duty to do whatever we can to restore that respect. To do so, we must start from the principle that no one is above the law, and no one should be denied its protection. Every nation that proclaims the rule of law at home must respect it abroad; and every nation that insists on it abroad must enforce it at home. Yes, the rule of law starts at home. But in too many places it remains elusive. Hatred, corruption, violence and exclusion go without redress.

The vulnerable lack effective recourse, while the powerful manipulate laws to retain power and accumulate wealth. At times even the necessary fight against terrorism is allowed to encroach unnecessarily on civil liberties. At the international level, all states—strong and weak, big and small—need a framework of fair rules, which each can be confident that others will obey. Fortunately, such a framework exists. From trade to terrorism, from the law of the sea to weapons of mass destruction, States have created an impressive body of norms and laws. This is one of our Organization’s proudest achievements.

And yet this framework is riddled with gaps and weaknesses. Too often it is applied selectively, and enforced arbi-
trarily. It lacks the teeth that turn a body of laws into an effective legal system. Where enforcement capacity does exist, as in the Security Council, many feel it is not always used fairly or effectively. Where rule of law is most earnestly invoked, as in the Commission on Human Rights, those invoking it do not always practice what they preach. Those who seek to bestow legitimacy must themselves embody it; and those who invoke international law must themselves submit to it. Just as, within a country, respect for the law depends on the sense that all have a say in making and implementing it, so it is in our global community. No nation must feel excluded. All must feel that international law belongs to them, and protects their legitimate interests. Rule of law as a mere concept is not enough. Laws must be put into practice, and permeate the fabric of our lives.

It is by strengthening and implementing disarmament treaties, including their verification provisions, that we can best defend ourselves against the proliferation—and potential use—of weapons of mass destruction. It is by applying the law that we can deny financial resources and safe havens to terrorists—an essential element in any strategy for defeating terrorism. It is by reintroducing the rule of law, and confidence in its impartial application, that we can hope to resuscitate societies shattered by conflict. It is the law, including Security Council resolutions, which offers the best foundation for resolving prolonged conflicts—in the Middle East, in Iraq, and around the world.

And it is by rigorously upholding international law that we can, and must, fulfil our responsibility to protect innocent civilians from genocide, crimes against humanity and war crimes. As I warned this Assembly five years ago, history will judge us very harshly if we let ourselves be deflected in this task, or think we are excused from it, by invocations of national sovereignty. The Security Council has just requested that I appoint an international commission to investigate reports of human rights violations in Darfur and determine whether acts of genocide have been committed.

I shall do so with all speed. But let no one treat this as a respite, during which events in that devastated region continue to take their course. Regardless of their legal definition, things are happening there which must shock the conscience of every human being. The African Union has nobly taken the lead and the responsibility in providing monitors and a protective force in Darfur—as well as seeking a political settlement, which alone can bring lasting security. But we all know the present limitations of this new-born Union. We must give it every possible support. Let no one imagine that this affair concerns Africans only. The victims are human beings, whose human rights must be sacred to us all. We all have a duty to do whatever we can to rescue them, and do it now.

Excellencies, Last month, I promised the Security Council that I would make the Organization’s work to strengthen the rule of law and transitional justice in conflict and post-conflict societies a priority for the remainder of my tenure. By the same token, I urge you all to do more to foster the rule of law at home and abroad. I ask all of you here today to take advantage of the arrangements we have made for you to sign treaties on the protection of civilians—treaties that you yourselves have negotiated—and then, go back home, to implement them fully and in good faith. And I implore you to give your full support to the measures I shall bring before you, during this session, to improve the security of United Nations staff. Those non-combatants, who voluntarily put themselves in harm’s way to assist their fellow men and women, surely deserve your protection, as well as your respect.

Throughout the world, Excellencies, the victims of violence and injustice are waiting; waiting for us to keep our word. They notice when we use words to mask inaction. They notice when laws that should protect them are not applied. I believe we can restore and extend the rule of law throughout the world. But ultimately, that will depend on the hold that the law has on our consciences. This Organization was founded in the ashes of a war that brought untold sorrow to mankind. Today we must look again into our collective conscience, and ask ourselves whether we are doing enough.

Excellencies, Each generation has its part to play in the age-long struggle to strengthen the rule of law for all—which alone can guarantee freedom for all. Let our generation not be found wanting. Thank you very much.
**Additional treaty resources**

Citizens for Global Solutions  
globalsolutions.org

Council of Foreign Relations  
cfr.org

Environmental Treaties and Resource Indicators (CIESIN at Columbia University)  
sedac.ciesin.columbia.edu/entri

Global Policy Forum  
globalpolicy.org

International Humanitarian Law Treaties (International Committee of the Red Cross)  
www.icrc.org/sbl.nsf/WebPRES?OpenView

Multilaterals Project (Tufts University)  
fletcher.tufts.edu/multilaterals.html

Public Citizen  
citizen.org

Public International Law Links (Syracuse University)  
law.syr.edu/faculty/arzt/illinks

Secretary-General's 25 Core UN Treaties  
cyberschoolbus.un.org/treaties

U.S. Office of Treaty Affairs  
state.gov/x/l/c3428.htm

U.S. Treaties: A Research Guide (University of Delaware library)  
www2.lib.udel.edu/subj/gods/resguide/ustreat.htm

United Nations Treaty Collection  
untreaty.un.org/English/treaty.asp

University of Minnesota Human Rights Library  
www1.umn.edu/humanrts