

The Treaty Database

U.S. Compliance with Global Treaties



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The Treaty Database

ABOUT IATP

The Institute for Agriculture and Trade Policy promotes resilient family farms, rural communities and ecosystems around the world through research and education, science and technology, and advocacy.

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ABOUT THIS PUBLICATION

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U.S. Compliance with Global Treaties*

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The Treaty Database: U.S. Compliance with Global Treaties

Table of contents

Executive summary	3
I. Introduction	6
About this report	6
The Treaty Database Online	7
II. About the United Nations	9
A short history.	9
Graph 1. Organizational chart of the United Nations	10
The Millennium Development Goals.	13
The United States' Millennium Challenge Account	14
III. Multilateral treaties	15
The process of multilateral treaty making.	15
The process of U.S. ratification of multilateral treaties	18
IV. U.S. participation in multilateral treaties	20
The presidential record: 1893-2004	20
Table 1. Treaty actions of each administration	21
Graph 2. Each administration's treaty actions, March 1893-present	22
The U.S. record	23
Table 2. Treaties deposited with the UN Treaty Collection active and relevant to U.S.	23
Table 3. Treaties deposited with other institutions active and relevant to U.S.	24
V. Treaty overviews	26
Table 4. Table of contents for the overviews of selected treaties.	27
A. Rule of law	29
B. Labor rights	33
C. Human rights	51
D. Environment and sustainable development	81
E. Peace and security	105
VI. Glossary: In the context of treaty law and practice	125
VII. Acknowledgements	128
Appendix A. Research methodology	129
Table 5. Our selection of treaties from seven databases	132
Appendix B. The U.S. presidential record: 1893-2004	133
Table 6. Detail of treaty actions of each administration.	134
Appendix C. Online resources for general treaty and related information	143
Appendix D. UN Secretary-General Kofi Annan's address to the UN General Assembly, Tuesday 21 September 2004.	144
Index of treaties by title	147

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 George Bush's campaign against terrorism, the UN Secretary-General pointed out that the United States 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.

In 2002, as President Bush and Congress debated whether or not to ignore the United Nations Security Council and invade Iraq, many legal scholars noted that a preemptive strike would violate the United Nations Charter—an opinion later reiterated by the Secretary-General.

With the 2004 release of photos depicting prisoner abuse in Iraq, the nation began to discuss the Geneva Conventions and the Convention Against Torture. The violation of these treaties was almost universally condemned.

1. On 26 June 2002, the United States ratified two of 12 anti-terrorism treaties.

Executive summary

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. Thus far, President Bush has signed six treaties—the fewest of any president since the five signed during President Reagan's first term—and none of the six treaties forwarded by President Bush to the U.S. Senate for consideration has been ratified to date. More importantly, President Bush has reversed U.S. support for at least six major treaties by:

- ▶ Ending U.S. involvement in the Kyoto Protocol on climate change negotiations.
- ▶ Violating the Nuclear Non-Proliferation Treaty by developing new nuclear weapons and negotiating a new pact with Russia that does not comply with its terms.
- ▶ Pulling out of the negotiations for a verification protocol under the Convention on Biological and Toxin Weapons, effectively halting all further talks under this treaty.
- ▶ Reversing a prior U.S. commitment to ratify the Landmine Convention by 2006.
- ▶ Withdrawing from the Anti-Ballistic Missile Treaty.
- ▶ Nullifying the obligations of the U.S. signature on the International Criminal Court.²

President Bush is the first president to nullify the United States' signature from a multilateral treaty and the first leader of a major power to withdraw from a nuclear treaty after it became legally binding.

In contrast, other UN members committed themselves to 927 new “treaty actions” between 2000-2004—each pledging a nation's intention to comply with one of the treaties in the United Nations Treaty Collection. During the opening session of the 2004 General Assembly from 21-24 September at least 101 treaty actions were taken in response to UN Secretary-General Kofi Annan's annual invitation to adopt more treaties. For example:

- ▶ 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 children's rights, the smuggling of migrants and the Montreal Protocol to protect the ozone layer.

2. Although signed by President Clinton in 1993, President Bush effectively ended U.S. involvement in the Kyoto Protocol in 2001. Formal U.S. withdrawal from the Anti-Ballistic Missile Treaty in 2002 was the first time a major power withdrew from a nuclear treaty after it had become legally binding. The United States is currently party to the Non-Proliferation of Nuclear Weapons Treaty and the Biological and Toxin Weapons Convention. However, President Bush declared the United States would use nuclear weapons in preemptive strikes, a clear violation of NPT, and his team blocked completion of a draft protocol to 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.

- ▶ Cambodia signed the Optional Protocol on Civil and Political Rights, the Convention on the Protection of Migrant Workers and Their Families and two treaties dealing with trafficking and exploitation of people.

Altogether, the U.S. has ratified just 160 of the 550 treaties reviewed for this report³— fewer than one out of three or about 29 percent.

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 scrutiny of the record suggests a different story. The White House has been more than willing to surrender its sovereignty to international trade agreements (for example, aggressively negotiating commercial deals that require significant changes in not only our national laws but also many state and local laws throughout the nation).⁴

Consider the following.⁵ Over the years, the United States has ratified:

- ▶ None of the three fundamental treaties codifying the multilateral treaty system.
- ▶ None of the nine treaties in the UN Treaty Collection on penal matters that enable the international community to cooperate in handling transnational crime, corruption and mercenaries.
- ▶ Just 14 of the International Labor Organization's 162 active treaties—not quite 9 percent—and only two of the eight “core conventions” protecting the fundamental rights of working people.
- ▶ 13 of the 44 human rights treaties in the UN Treaty Collection—just under 30 percent.
- ▶ 12 of 38 major environmental treaties—about 32 percent.
- ▶ The Geneva Conventions of 1949 governing wartime behavior to protect human rights, but not the two related protocols covering armed conflict and internal state conflicts—33 percent.
- ▶ 12 of 22 treaties establishing private rights over intellectual property and related technologies—almost 55 percent.
- ▶ 13 of 22 weapons treaties controlling nuclear, chemical, biological and conventional arms—59 percent.
- ▶ Six of nine treaties under the Food and Agriculture Organization that manage fisheries, timber, pesticides, rice and genetic resources—not quite 67 percent.
- ▶ All 13 of the treaties addressing international terrorism—100 percent.

3. In preparing this report, we reviewed a total of 550 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 Swiss Federal Council; and those addressing disarmament and terrorism deposited with various UN agencies, regional organizations and national governments.

4. See, for example, Senate Joint Resolution No. 19 of the State of California, 21 May 2003 at http://info.sen.ca.gov/pub/bill/sen/sb_0001-0050/sjr_19_bill_20030521_introduced.html; “Balancing Democracy and Trade: Assessing the Impact of Trade and Investment Agreements on California Law” by the Harrison Institute for Public Law at Georgetown University Law Center, April 2001; or *Private Rights/Public Problems: A Guide to NAFTA's Controversial Chapter on Investors' Rights* at <http://biodiversityeconomics.org/pdf/topics-408-00.pdf>.

5. 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 of Section IV.

Plainly, our government is selective about when it will and when it won't subordinate U.S. sovereignty to another authority. This data suggests that the U.S. government may be less interested in treaties that promote the rights of people and protect the planet and more interested in those that extend its control over the world's resources. Such a conclusion is further supported by a number of the intriguing details⁶ we discovered about the treaties we studied more closely:

- ▶ 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, creating a loophole to avoid the convention's goal of limiting military control of the open oceans.
- ▶ Similarly, the United States evades provisions of the Basel Protocol on Hazardous Wastes by defining the export of most toxic materials as "recycling."
- ▶ Because the United States 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 substandard conditions in the U.S.
- ▶ The United States has not ratified the Convention on the Elimination of All Forms of Discrimination Against Women despite the fact that 17 U.S. states, 18 counties and 45 cities have passed local resolutions in support.⁷
- ▶ Of nuclear-capable countries, China, India, Iran, Israel, North Korea and Pakistan have not ratified the Comprehensive Nuclear Test Ban Treaty—nor has the United States.

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' go-it-alone approach to global affairs with little regard for other nations and peoples including those that suffer from hunger, disease, oppression and the other scourges of humanity.

6. These and other intriguing details can be found in the "interesting information" field for each of the 43 treaty overviews in Section IV.

7. womenstreaty.org

I. Introduction

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 550 treaties reviewed for this report, nor will you find much detailed analysis. Rather, we selected just over 40 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 have been reluctant to share power on the global stage and their lawyers remind them frequently of multilateralism's threat to sovereignty. In addition, there are powerful lobbyists who will argue that the implementation of a particular treaty will harm a particular sector of the economy. In the end, it is up to "we the people" to decide what we believe will benefit society as a whole.

In this section, we introduce the Treaty Database Online, which will become an ongoing resource for staying up-to-date with treaty actions the United States is taking. We do our best to explain things simply. We want average Americans to understand these treaties and feel knowledgeable enough to discuss them with neighbors over coffee.

In Section II of this report, 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 by accomplishing eight Millennium Development Goals. We then discuss the Bush administration's response, establishing the Millennium Challenge Account.

In Section III, we explain the multilateral process of treaty making and the procedure inside the United States government to approve a treaty.

The heart of this report is in Section IV, which includes a statistical summary of U.S. participation in the multilateral treaty system as a whole, followed by a review of the treaty actions taken by each U.S. president since 1893. After a short explanation of our research methodology, the bulk of the report provides brief overviews of prominent treaties, one per page, organized according to five familiar categories of social policy and international law:

- ▶ Rule of law
- ▶ Labor rights
- ▶ Human rights
- ▶ Environment and sustainable development
- ▶ Peace and security

For each treaty ratified by the United States, we mention to what extent it is being implemented. For those not ratified, we offer a brief explanation of the U.S. position based upon official statements.

At the end, we provide a glossary defining some of the specialized terms used in the process of negotiating treaties and a page of acknowledgements offering heartfelt thanks to the dozens of experts who helped to make sure we did not sacrifice accuracy in our effort to summarize and interpret this complex material.

In an Appendix, we discuss our methodology for generating our sample set, give a detailed breakdown of the treaty actions per U.S. administration and list several resources for admirable treaty and related information. We give UN Secretary-General Kofi Annan the last eloquent word. We have produced this report in the spirit of his speech to the UN General Assembly on 21 September 2004, which concludes, “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.”

The Treaty Database Online

No one knows exactly how many treaties exist. The chief of the United Nations Treaty Section confirms there are 507 active treaties deposited with the Secretary-General in the UN Treaty Collection, but even he does not know how many other treaties are deposited elsewhere. He graciously pointed us to several of the United Nations’ specialized agencies which have separate databases recording their own sets of treaties and agreements, and said there are also numerous treaties deposited with other international organizations outside the United Nations. For example, the Geneva Conventions are managed by the International Committee of the Red Cross and deposited with the Swiss Federal Council while the Anti-Ballistic Missiles Treaty, a bilateral agreement that was between the United States and Russia, was deposited with the U.S. government.

Unfortunately, the central database of the UN Treaty Collection cannot be sorted by country. We had to scroll through the documentation for each treaty to see 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.

Altogether we gathered information from seven databases. We reviewed 852 treaties. Of these, our analysis excludes 97 that have been superseded by a new treaty and 207 regional treaties that are not directly relevant to the United States. In the end, we counted a total of 550 treaties composed of 333 treaties in the UN Treaty Collection and 217 treaties deposited with other agencies, organizations and governments.

We at IATP take pride in having produced a single concise and coherent resource that brings all this data together, highlighting a few intriguing details and expert analysis provided by colleagues from both the governmental and nongovernmental 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.

With this report we have laid the groundwork for the Treaty Database Online. 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, we aim to update the Treaty Database Online promptly. It will be expanded continually, too, as IATP staff, interns and committed colleagues⁸ help us load the Treaty Database with accurate and intriguing information about additional treaties.

8. In particular, we are looking for potential partners who are now monitoring specific treaties and who would consider cooperating with IATP to develop and maintain Web pages for those treaties. If you feel inspired to collaborate with us, please contact Patricia Jurewicz at pjurewicz@iatp.org or call (612) 870-3414.

See the Treaty Database Online, accessed through iatp.org/global.

We look forward to joining forces with the UN's Office of Legal Affairs, interested members of Congress and their aides, and treaty advocacy groups based in the capital and across the country to ensure this tool is user-friendly and well-used. 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 U.S. participation in the world and contributing to a framework that holds us all together.



PATRICIA JUREWICZ
DIRECTOR, GLOBAL COOPERATION PROJECT



KRISTIN DAWKINS
VICE PRESIDENT FOR INTERNATIONAL PROGRAMS

II. About the United Nations

A short history

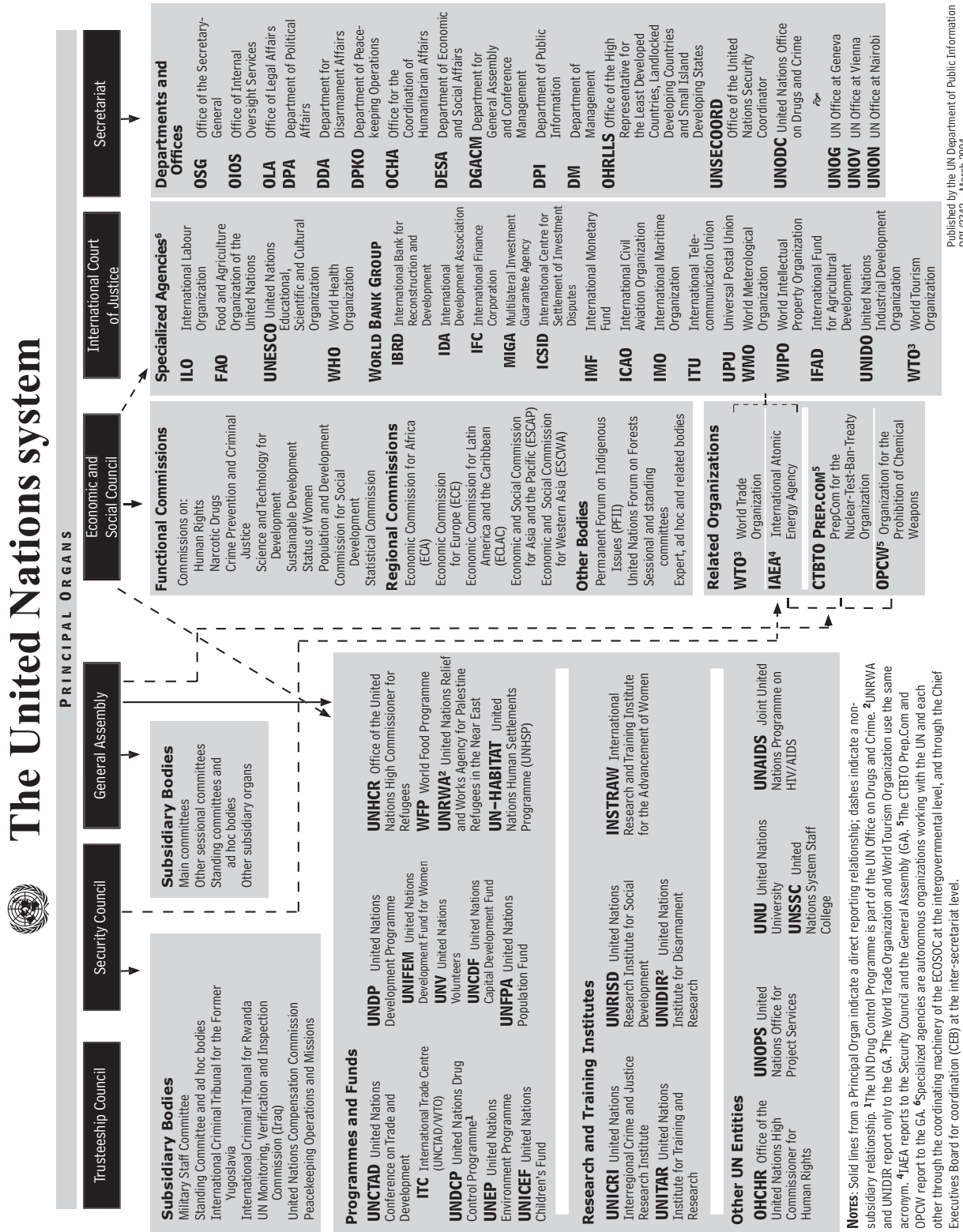
Created in the wake of World War II, the United Nations was intended to encourage international communication and cooperation, promote respect for human rights and freedoms and ensure peace and security between countries. The United States was a driving force behind this movement along with the United 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, many of them initiated by citizens of the United States through a process of national consultation with the support of the U.S. 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. The General Assembly selects 10 on a rotating basis while five are the so-called permanent members—the United States, the United Kingdom, France, Russia and China—which have 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.

Graph 1. Organizational chart of the United Nations



Published by the UN Department of Public Information
DPI/2342—March 2004

SOURCE: <http://www.un.org/aboutun/unchart.pdf>

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, more than a dozen specialized agencies, several research and training institutes, a number of programs and funds and numerous other entities that together constitute the United Nations system.

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 190 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 United Nations with a core annual budget of just under \$1.5 billion, about the same as a large U.S. university. Funding is provided by the member states in accordance to Article 17 of the Charter. Each member's financial contribution, or dues, is based upon a formula taking into account the country's gross national product, per capita income and other economic factors. While members commonly withhold a portion of their dues during diplomatic conflicts or dire economic conditions, they are usually paid at a later date.

In addition to the core budget, additional funds are needed to cover the costs of peacekeeping and humanitarian aid since membership dues do not cover these expenses. These costs vary year to year since they are funded on an emergency basis as needed. In the past five years, peacekeeping and humanitarian aid expenses have ranged between \$3.5-4.5 billion. The commissions, specialized agencies, institutes and programs supported by voluntary funds are also financed independently and budgeted around \$5-6 billion.

Starting in the late 1970s and intensifying under the Reagan administration, the United States began to delay its payments to the UN, choosing to withhold funds from certain programs and demanding procedural and budget reforms. Between 1984 and 1986, U.S. arrears jumped from \$12 million to \$86 million, forcing the UN to cut spending by 10 percent and lay off many staff.

By 2001 the United States owed more than \$2 billion towards the core budget, peacekeeping and humanitarian aid. That year, in gratitude for the UN's support in Afghanistan, Congress agreed to repay \$1.4 billion.

Since then, the United States' debt to the UN has again grown to almost \$1 billion including \$240 million owed to the core annual budget—68 percent of debt currently owed to operate the UN's basic activities. 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.

Links

UN home page: un.org

Structure and Work of the UN: un.org/aboutun

U.S. vs. Total Debt to the UN, 2004: globalpolicy.org/finance/tables/core/un-us-04.htm

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 strengthen 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 to reduce the number of people in the world living in dire conditions by 2015.

The first seven MDGs are concrete objectives by which the international community can focus its efforts and measure its success. For example, to meet the first goal, UN members pledged by 2015 to reduce by half the number of people suffering from hunger and the number who live on less than a dollar a day.

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 shall attain the first seven:

8. 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) was founded by a number of multilateral institutions⁹ to help increase their statistical capacity.

In May 2004, the UN General Assembly decided to raise the profile of this campaign against poverty. They declared that the High Level Millennium Summit in September 2005 would review the world's progress towards meeting the MDGs and other commitments of the past decade and then consider what reforms are needed in the multilateral system to actually achieve these goals.

Links

Millennium Development Goals: developmentgoals.org

PARIS21: paris21.org

Millennium Campaign: millenniumcampaign.org

US Millennium Goals Campaign: usmillenniumcampaign.org

United Nations Millennium Declaration text: un.org/millennium/declaration/Ares552e.htm

9. The founders include the Organization for Economic Cooperation and Development, the United Nations, the World Bank, the International Monetary Fund, and the European Commission.

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” or ODA. Wealthier countries provide ODA to help out the developing countries of their choice. This assistance provides more than 80 percent of all capital flows to the world's 50 poorest countries and it is the main source of financing for implementation of the MDGs.

Over several decades, the UN has encouraged the more developed countries to provide at least 0.7 percent of their gross domestic product towards foreign assistance. But only six countries—Norway, Denmark, the Netherlands, Sweden, Finland and Luxembourg—have continually met this challenge. In recent years, industrialized countries have, combined, contributed some \$50 billion in ODA 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 United States 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 Monterrey, 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 slightly less than \$1 billion of foreign aid towards this fund for 2004 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.

For 2005 MCA funding, 16 countries were named eligible candidates. Unfortunately, the U.S. House of Representatives reduced President Bush's MCA funding request for fiscal year 2005 from \$2.5 billion to \$1.5 billion. By the beginning of 2005, not one penny had yet to be spent from the United States' Millennium Challenge Account towards meeting the Millennium Development Goals.

Links

Millennium Challenge Corporation: mca.gov

Millennium Challenge Account Fact Sheet: usaid.gov/press/releases/2002/fs_mca.html

III. Multilateral treaties

The process of multilateral treaty making¹⁰

The conclusion of a multilateral treaty is a long, arduous process that involves the dedicated participation of many sovereign countries. These multilateral agreements aim to unite countries in a common cause, founded on the concepts and ideals reflected in a single text known as a treaty or convention.

The Vienna Convention on the Law of Treaties was negotiated in 1969 under the auspices of the United Nations to bring together in a single agreed text the framework of rules for treaty making.¹¹ It reflects customary international law to a substantial extent—essentially codifying the way in which treaty making has been practiced over time. 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.

Treaties generally begin with a swelling of public opinion and political pressure in one or more countries. This pressure may originate from newly released information about an issue or an event that demands international involvement. 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. The public's increasing awareness of the threat posed by the dissemination of nuclear technology during the Cold War, for example, led to the Non-Proliferation of Nuclear Weapons Treaty.

As time goes on, the political will to strengthen an existing treaty may lead to the negotiation of a protocol, which is a subsequent treaty directly related to its parent. The scientific discovery of the ozone hole in 1985 led to the Vienna Convention for the Protection of the Ozone Layer and evidence that the ozone hole was expanding led to ratification of the more specific Montreal Protocol in 1989. Similarly, the Kyoto Protocol just gained sufficient support to begin its implementation, making it possible to achieve the goals of the 1992 Framework Convention on Climate Change.

Treaty conferences are normally 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. Today nongovernmental organizations play a key role in the development of treaties, demonstrating the public's interest in certain aspects of the negotiations and often suggesting an approach that governments may or may not bring to the negotiating table. More controversial issues can result in a deadlock, effectively halting all negotiations until a later date. The negotiations for a Compre-

10. This section describes a typical process for negotiating a multilateral treaty. In some cases, the chair and participants of a treaty conference may agree on a different approach for various aspects of their work. The International Labor Organization, however, is unique with its tripartite structure that gives workers and employers a role in decision making. See the note introducing labor rights treaties in Section V:B.

11. The Vienna Convention on the Law of Treaties, 1969: <http://www.un.org/law/ilc/texts/treaties.htm>.

hensive Convention on International Terrorism are presently stalled, for example, as are the negotiations for a protocol on procedures to verify compliance with the Biological and Toxin Weapons Convention.

When 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 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 a prearranged location on a later date. Signatures obligate a government to “refrain from acts that would defeat the object and purpose” of that treaty.

After the international conference has produced a treaty text and countries have affixed their signatures, the treaty goes through a domestic approval process in each interested country so that it can be formally ratified. Ratification signifies the undertaking of a binding legal commitment by a country. 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 country 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 country to comply with the articles of the treaty. This instrument of ratification must include the signature of someone with the appropriate full powers, such as the head of state or government or the foreign minister, and a statement committing the country to faithfully undertake the obligations under the treaty. It may include the seal of the signatory and any supplemental measures proposed during the domestic ratification process to define the scope or clarify the meaning of the treaty as it will be applied in that country. This can be done through a “reservation,” “understanding,” “interpretation,” “declaration” or “proviso.”

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 country’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, a supplemental measure may be called a “declaration” as long as it does not claim to exclude or modify the legal effects of the treaty. This is the main characteristic between a reservation and a declaration. 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.

Amendments, brought forth by one or more party members, are formal changes to the provisions of a treaty applicable to all parties. Most multilateral treaties have text stipulating how amendments may or may not be offered; however, in the rare case a treaty lacks such provisions, the adoption of an amendment requires consent of all the 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, or a specified date is or specific conditions are met. This information 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. As one example, to have to enter into force, the Kyoto Protocol required ratification by at least 55 countries, and among these were enough developed countries to account for a minimum of 55 percent of the total carbon dioxide emitted in 1990.

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.

As a treaty matures through the process, nongovernmental advocacy groups play an integral role to its success by informing the public on a treaty's progress toward entering into force, gaining access to update reports, checking on compliance of the parties, and building global demand for full implementation and the creation of any additional protocols necessary to strengthen that body of law.

Links

UN Treaty Collection: untreaty.un.org

Council of Europe: coe.int/DefaultEN.asp

Vienna Convention on the Law of Treaties, 1969: un.org/law/ilc/texts/treaties.htm

U.S. Department of State: state.gov/s/l

U.S. Department of State procedures for multilateral agreements and treaties:
foia.state.gov/masterdocs/11fam/11m0740.pdf

The process of U.S. ratification of multilateral treaties

As prescribed in the U.S. 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.¹²

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—anyone 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 multilateral 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.¹³

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. If it wins a simple majority in the Senate Foreign Relations Committee, it will be recommended for consideration by the full Senate. If it does not win the committee majority, it will be remanded to the executive branch—effectively ending the process.

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 and at any time one or more senators may place a “hold” on a treaty to prevent it from going to the Senate floor for a vote. Senators may also introduce reservations, interpretations, declarations, provisos or proposed amendments to modify or clarify the text. The treaty, including any proposed supplemental measures that survive these debates, is 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

12. The Supreme Court reviewed this practice in 1937, deciding that an “international compact...is not always a treaty which requires the participation of the Senate.” Since then, the legislative branch has occasionally sought to limit the use of executive agreements, particularly on commercial matters, while the judicial branch has been reluctant to intervene.

13. In recent decades, for example, the White House has periodically sought “fast track” legislation to limit the Senate’s authority over trade deals. Instead of a two-thirds majority, trade “agreements” negotiated by the executive branch with fast track authority may not be amended by the legislative branch and require just a simple majority of both the House and the Senate to pass.

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 formal action may be delayed while the Senate prepares and approves the necessary implementing legislation.¹⁴ In either case, once the instruments of ratification have been deposited, the president typically issues a proclamation to announce the United States’ commitment to the treaty.

When the required number of countries has deposited their instruments of ratification, the treaty enters into force.

14. Some treaties are considered “self-executing” in that they become immediately enforceable in U.S. courts without any change in U.S. law or in funds appropriated through normal congressional channels—and, therefore, no implementing legislation is required. Some treaties stipulate that they are self-executing; others do not. For those that do not, litigation may be required to determine the need for implementing legislation.

IV. U.S. participation in multilateral treaties

The presidential record: 1893-2004

In the 60 years since the founding of the United Nations, President Bill Clinton signed the most treaties—11 during his first term and 21 more during his second. By the end of two terms, he had pushed the most through the Senate process of ratification¹⁵—10 of the 32 treaties he signed and 20 others. Ronald Reagan and Harry Truman follow as the strongest multilateralists in the White House.

President George W. Bush has been particularly reluctant to participate in the multilateral treaty system. Currently, President Bush has signed six multilateral treaties, the fewest of any U.S. president since the five signed during Ronald Reagan's first term. By the end of his second term, however, President Reagan had signed an additional nine and persuaded the Senate to ratify 20, including five of the 14 he had signed. None of the treaties President Bush signed has been ratified as yet. Not since John Kennedy, who served less than three years, has a U.S. president failed to win Senate ratification for any of the treaties he had signed.

More importantly, President Bush has reversed the United States' support for at least six major treaties by:

- ▶ Ending U.S. involvement in the Kyoto Protocol on climate change negotiations.
- ▶ Violating the Nuclear Non-Proliferation Treaty by developing new nuclear weapons and negotiating a new pact with Russia that does not comply with its terms.
- ▶ Pulling out of the negotiations for a verification protocol under the Convention on Biological and Toxin Weapons, effectively halting all further talks under this treaty.
- ▶ Reversing a prior U.S. commitment to ratify the Landmine Convention by 2006.
- ▶ Withdrawing from the Anti-Ballistic Missile Treaty.
- ▶ Nullifying the obligations of the U.S. signature on the International Criminal Court.

President Bush is the first to nullify the U.S. signature from a multilateral treaty. Under the rules of the treaty system, the signature obligates a nation “not to defeat the object and purpose of a treaty” until a decision is made whether or not to ratify that treaty.¹⁶ In 2002, President Bush took this unprecedented step in order to publicly speak against the International Criminal Court and push for countries to sign bilateral immunity agreements with the United States or risk losing financial assistance. With 97 countries already parties to this treaty, the court has begun formal prosecution of genocide and crimes against humanity in Uganda and the Democratic Republic of Congo.

President Bush is also the first leader of any major power to withdraw from a nuclear treaty after it had become legally binding. In 2002, he withdrew the United States from the Anti-Ballistic Missile Treaty, a bilateral agreement with Russia, in order to develop and test missile defense technologies.

15. Although signed by President Clinton in 1998, President Bush effectively ended U.S. involvement in the Kyoto Protocol in 2001. Formal U.S. withdrawal from the Anti-Ballistic Missile Treaty in 2002 was the first time a major power withdrew from a nuclear treaty after it had become legally binding. The U.S. is currently party to the Non-Proliferation of Nuclear Weapons Treaty and the Biological and Toxin Weapons Convention. However, President Bush declared 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 BWC, halting all further negotiations for the indefinite future. Even though the United States assisted in establishing the International Criminal Court, President Bush formally nullified the U.S. signature to the court in 2002.

16. 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.

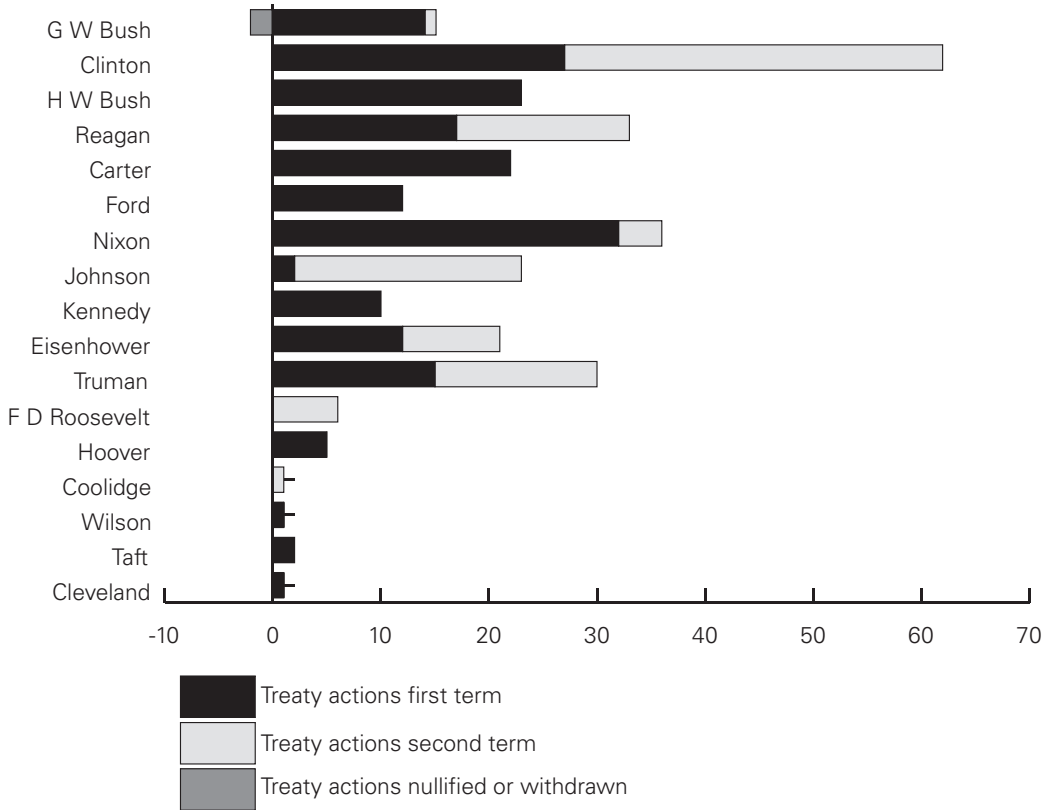
Table 1. Treaty actions of each administration

U.S. president	Treaty actions, first term	Treaty actions, second term	Total treaty actions during presidency	Of treaties signed, number ratified during presidency
George W. Bush ^a <i>Jan. '01–Present</i>	6 signed 9 ratified 1 signature nullified 1 ratification withdrawn	0 signed 1 ratified	6 signed 10 ratified 1 signature nullified 1 ratification withdrawn	0
Bill Clinton <i>Jan. '93–Jan. '01</i>	11 signed 16 ratified	21 signed 14 ratified	32 signed 30 ratified	10
George H.W. Bush <i>Jan. '89–Jan '93</i>	13 signed 10 ratified		13 signed 10 ratified	2
Ronald Reagan <i>Jan. '81–Jan '89</i>	5 signed 12 ratified	9 signed 7 ratified	14 signed 19 ratified	5
Jimmy Carter <i>Jan. '77–Jan. '81</i>	14 signed 8 ratified		14 signed 8 ratified	3
Gerald Ford ^b <i>Aug. '74–Jan. '77</i>	2 signed 10 ratified		2 signed 10 ratified	1
Richard Nixon ^c <i>Jan. '69–Aug. '74</i>	15 signed 17 ratified	2 signed 2 ratified	17 signed 19 ratified	7
Lyndon Johnson ^d <i>Nov. '63–Jan '69</i>	1 signed 1 ratified	6 signed 15 ratified	7 signed 16 ratified	4
John Kennedy ^e <i>Jan. '61–Nov '63</i>	6 signed 4 ratified		6 signed 4 ratified	0
Dwight Eisenhower <i>Jan. '53–Jan. '61</i>	6 signed 6 ratified	7 signed 2 ratified	13 signed 8 ratified	6
Harry Truman <i>Apr. '45–Jan. '53</i>	9 signed 6 ratified	7 signed 8 ratified	16 signed 14 ratified	9
Franklin Roosevelt ^f <i>Mar. '33–Apr. '45</i>	0 signed 0 ratified	0 signed 6 ratified	0 signed 6 ratified	0
Herbert Hoover <i>Mar. '29–Mar. '33</i>	1 signed 4 ratified		1 signed 4 ratified	0
Calvin Coolidge ^g <i>Aug. '23–Mar. '29</i>	0 signed 0 ratified	1 signed 0 ratified	1 signed 0 ratified	0
Woodrow Wilson <i>Mar. '13–Mar '21</i>	0 signed 1 ratified	0 signed 0 ratified	0 signed 1 ratified	0
William Taft <i>Mar. '09–Mar. '13</i>	1 signed 1 ratified		1 signed 1 ratified	0
Grover Cleveland <i>Mar. 1893–Mar. 1897</i>	0 signed 1 ratified	0 signed 0 ratified	0 signed 1 ratified	0

NOTES

- a. Bush had served one month of his second term at the time this report was published.
- b. Ford served two years and six months.
- c. Nixon served a complete four years of his first term and one year and six months of his second term.
- d. Johnson served one year and two months of his first term and a complete four years of his second term.
- e. Kennedy served two years and 10 months.
- f. Roosevelt served three full terms and one month of his fourth. For simplicity's sake, we do not give his third and fourth terms separate columns since he did not sign and the Senate did not ratify any treaties in that time.
- g. Coolidge served seven months in his first term and a complete four years of his second term.

Graph 2. Each administration's treaty actions, March 1893–present



The U.S. record

Of the 550 active treaties we reviewed, the U.S. Senate has ratified 160—just 29 percent of this sample drawn from seven major databases in the multilateral system and identified as relevant to the United States.

Table 2. Treaties deposited with UN Treaty Collection active and relevant to U.S.

Treaty chapter ^a	% U.S. ratified	Ratified by U.S.	Total per chapter
I. Charter of the UN and Statute of the International Court of Justice	80%	4	5
III. Privileges and Immunities, Diplomatic and Consular Relations, Etc. ^b	14%	5	36
IV. Human Rights	29%	6	21
V. Refugees and Stateless Persons	25%	1	4
VI. Narcotic Drugs and Psychotropic Substances	41%	9	22
VII. Traffic in Persons	17%	2	12
VIII. Obscene Publications	50%	3	6
IX. Health	58%	7	12
X. International Trade and Development	56%	9	16
XI-A. Transport and Communications - Customs Matters	54%	7	13
XI-B. Transport and Communications - Road Traffic	57%	4	7
XI-C. Transport and Communications - Transport by Rail	0%	0	2
XI-D. Transport and Communications - Water Transport	0%	0	6
XI-E. Transport and Communications - Multimodal Transport	0%	0	1
XII. Navigation	56%	9	16
XIII. Economic Statistics	0%	0	4
XIV. Educational and Cultural Matters	44%	4	9
XV. Declaration of Death of Missing Persons	0%	0	3
XVI. Status of Women	33%	1	3
XVII. Freedom of Information	0%	0	1
XVIII. Penal Matters	41%	7	17
XIX. Commodities	38%	5	13
XX. Maintenance Obligations	0%	0	1
XXI. Law of the Sea	50%	5	10
XXII. Commercial Arbitration	50%	1	2
XXIII. Law of Treaties	0%	0	3
XXIV. Outer Space	50%	1	2
XXV. Telecommunications	50%	1	2
XXVI. Disarmament	44%	4	9
XXVII. Environment	34%	13	38
XXVIII. Fiscal Matters	0%	0	2
XXIX. Miscellaneous	0%	0	1
League of Nations Multilateral Treaties	3%	1	34
Totals from UN Treaty Collection		109	333

Table 3. Treaties deposited with other institutions active and relevant to U.S.

Treaty depository or database	% U.S. ratified	Total ratified by U.S.	Total per database
Database of International Labor Standards	9%	14	162
International Committee of the Red Cross	33%	1	3
World Intellectual Property Organization	55%	12	22
Food and Agriculture Organization	67%	6	9
UN Department of Disarmament Affairs and U.S. Government	75%	9	12
UN Office of Crime and Drugs and Organization of American States	100%	9	9
Totals from other databases		51	217

Subtotal from UN Treaty Collection	109	333
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Total treaties reviewed for this report	29%	160	550
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Many analysts suggest that the United States has not engaged more actively with the multilateral system because a powerful nation has little reason to surrender its sovereignty to another authority. Lawyers with the State Department or other federal agencies will point out the ways a new treaty would interfere with our domestic laws. Ratification of the Convention on Biological Diversity, for example, would obligate the U.S. to strengthen the Endangered Species Act and the legal rights of Native Americans. Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights would prohibit the death penalty, a practice now legal in 38 U.S. states and allowed in the federal penal code.¹⁷

However, the White House has been quite willing to surrender its sovereignty to some treaties, like those dealing with counter-terrorism. Before 11 September 2001, the U.S. had ratified 11 of the 13 treaties that set up the international system for tracking and arresting terrorists—shortly afterwards, the Senate ratified the last two. The United States tends to be more supportive of treaties that expand a country's access to commercial resources¹⁸ and foster trade such as those governing the world's fisheries, rainforests and the genes of crops or those that manage shipping practices and support the International Maritime Organization. And the U.S. tends not to support environmental treaties that oblige the countries to regulate pollution, such as the Basel Convention on hazardous wastes or the Kyoto Protocol on climate change.

NOTES FOR TABLE 4 (P. 23)

- a. These chapter titles follow the system used by the UN Treaty Collection.
- b. Chapter II. Pacific Settlement of International Disputes is a region-specific treaty and not relevant to the United States.

17. These and other examples are cited in the treaty overviews section of this report.

18. Trade agreements championed by the White House are particularly antithetical to national sovereignty. The World Trade Organization (WTO) can require significant changes in not only national laws but also many state and local laws—for the United States and all WTO members. For example, the WTO can overrule national environmental and food safety restrictions; prohibit a nation's health department from distributing free and below-cost drugs for HIV/AIDS and other epidemic diseases; and force public agencies to contract with major corporations instead of local small and minority-owned businesses. With the 2003 WTO negotiations collapse, the Bush administration announced a vigorous approach to bilateral and regional trade negotiations that would carry the trade agenda forward, expanding rights of corporations and investors relative to those of citizens and their governments. See, for example, the U.S. President's Trade Policy Agenda for 2004 at <http://japan.usembassy.gov/e/p/tp-20040303-14.html>.

Plainly, the U.S. government is quite selective about when it will and when it won't subordinate U.S. sovereignty to another authority.

The data in Tables 2 and 3 together with the analysis in the treaty overview pages demonstrate that the U.S. government—under both Democratic and Republican leadership—is less interested in global cooperation, labor rights and human rights and more interested in gaining control over the world's resources. The United States cares very little about international crime and corruption and has lost interest in arms control. Terrorism is the current focus of our government's foreign policy.

These trends predate the presidency of George W. Bush, but the current administration has accelerated and amplified the United States' go-it-alone approach to global affairs with little regard for other nations and peoples including those that suffer from hunger, disease, oppression and the other scourges of humanity.

V. Treaty overviews

One year after the founding of the United Nations, the UN Commission on Human Rights began negotiating what would become the basis for future treaty making, the Universal Declaration of Human Rights.¹⁹ In 1948, despite huge cultural differences, 48 members of the UN adopted the declaration, agreeing that gross violations of human rights would not be tolerated and as national governments, they accepted responsibility to create an international and social order in which these rights could be realized. More than 800 multilateral treaties now make up the body of international law that directs the world’s collective effort to fulfill this ambition.

In this section, we provide one-page overviews of prominent treaties—selected for their high public profile, timeliness and socioeconomic importance. We organized them according to five general categories of global public interest. When a treaty could fall under more than one topic, we opted to categorize it according to the UN structure. For example, the Rome Statute of the International Criminal Court could be considered a building block in rule of law or a treaty to enforce human rights or a contribution to peace and security. We followed the UN in categorizing it under peace and security.

A. Rule of law	29
B. Labor rights	33
C. Human rights	51
D. Environment and sustainable development	81
E. Peace and security	105

The overviews are intended to provide citizens with the most interesting and crucial information about each treaty, especially the position taken by the United States government toward its ratification or, if ratified, toward its implementation.

More often than not, we report that the United States has stalled these treaty-making processes. With its superpower status, the U.S. has instead promised increased commercial trade and foreign aid to implement a foreign policy agenda aimed at ever-greater access to the world’s resources and control of the world marketplace. When this is insufficient, the vast force of the U.S. military has been unleashed. Under the administration of President Bush, this hostile approach to global affairs is fast becoming the norm.

With knowledge of the international legal system, however, we believe civil society groups in the United States can generate the political will needed to implement and enforce these treaties. We further believe that the multilateral treaty system established through the United Nations is the only legal process²⁰ that can lead the world community to cooperate functionally according to the rule of law. Democratic global governance remains the ideal.

19. Eleanor Roosevelt chaired the Human Rights Commission in its first years. She characterized their task this way: “Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

20. The WTO, the World Bank and the International Monetary Fund are particularly undemocratic—with decision-making structures favoring wealthiest countries and policies that shift resources from the public domain to private investor and transnational corporations.

Table 4. Table of contents for overviews of selected treaties

Category	Treaty title	Signed	Ratified	Page
A. Rule of law	Vienna Convention on the Law of Treaties, 1969	Yes	No	31
B. Labor rights	Forced Labor Convention, No. C29	N/A	No	35
	Freedom of Association and Protection of the Right to Organize Convention, No. C87	N/A	No	37
	Right to Organize and Collective Bargaining Convention, No. C98	N/A	No	39
	Equal Remuneration Convention, No. C100	N/A	No	41
	Abolition of Forced Labor Convention, No. C105	N/A	Yes	43
	Discrimination (Employment and Occupation) Convention, No. C111	N/A	No	45
	Minimum Age for Work Convention, No. C138	N/A	No	47
	Worst Forms of Child Labor Convention, C182	N/A	Yes	49
C. Human rights	International Convention on the Elimination of All Forms of Racial Discrimination	Yes	Yes	53
	International Covenant on Economic, Social and Cultural Rights	Yes	No	55
	International Covenant on Civil and Political Rights	Yes	Yes	57
	Optional Protocol to the International Covenant on Civil and Political Rights	No	No	59
	Convention on the Elimination of All Forms of Discrimination Against Women	Yes	No	61
	Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women	No	No	63
	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Yes	Yes	65
	Convention on the Rights of the Child	Yes	No	67
	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Yes	Yes	69
	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	Yes	Yes	71
	Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty.	No	No	73
	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families	No	No	75
	Geneva Conventions of 1949	Yes	Yes	77
	Additional Protocol I to the Geneva Conventions	Yes	No	79
	Additional Protocol II to the Geneva Conventions	Yes	No	79

D. Environment and sustainable development	International Treaty on Plant Genetic Resources for Food and Agriculture	Yes	No	83
	UN Convention on the Law of the Sea	No	No	85
	Montreal Protocol on Substances that Deplete the Ozone Layer	Yes	Yes	87
	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Yes	No	89
	UN Framework Convention on Climate Change	Yes	Yes	91
	Kyoto Protocol to the UN Framework Convention on Climate Change	Yes	No	93
	Convention on Biological Diversity	Yes	No	95
	Cartagena Protocol on Biosafety	No	No	97
	UN Convention to Combat Desertification	Yes	Yes	99
	Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade	Yes	No	101
	Stockholm Convention on Persistent Organic Pollutants	Yes	No	103
E. Peace and security	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction	Yes	Yes	109
	Comprehensive Nuclear Test Ban Treaty	Yes	No	111
	1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction	No	No	113
	Treaty on the Non-Proliferation of Nuclear Weapons	Yes	Yes	115
	Treaty on the Limitation of Anti-Ballistic Missile Systems	Yes	Withdrew	117
	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction	Yes	Yes	119
	Rome Statute of the International Criminal Court	Nullified	No	121
	International Convention for the Suppression of the Financing of Terrorism	Yes	Yes	123

A. Treaty overviews: Rule of law

The United Nations is not the only source of international law²¹ but the inviolability of its web of treaties has been affirmed by various provisions of the UN Charter, the Universal Declaration of Human Rights and other agreements that form the foundation of the multilateral system as we know it today. Most clearly, Article 103 of the UN Charter states, “In the event of a conflict between the obligations of the members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.”

This legal hierarchy has been reaffirmed by significant jurisprudence since then, including statements by presidents of the International Court of Justice, the work of the International Law Commission, and innumerable articles by prominent jurists and lawyers. In 1993, UN members issued the Vienna Declaration and Program of Action reiterating that “human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the *first* responsibility of governments” (emphasis added).

The UN Treaty Collection holds three treaties in Chapter XXIII on the rule of law: the Vienna Convention on the Law of Treaties and two more regarding the succession of states and relationships involving states and international organizations. The United States has ratified none of these.

Rule of law	% ratified	Number ratified	Total
XXIII. Law of Treaties	0%	0	3

NOTE: The Roman numeral and chapter name follow the system used by the UN Treaty Collection.

On the following page, we provide an overview of the Vienna Convention on the Law of Treaties. Negotiated in 1969, this treaty defined the rules for determining the legal relationship between and amongst international agreements and set the stage for further treaty formulation. The United States has signed but not ratified this prominent treaty.

Treaty	Signed	Ratified	Page
Vienna Convention on the Law of Treaties, 1969	Yes	No	31

21. Any group of nations has the right to make rules about their interrelationship, providing they only apply to those that agree and do not conflict with other existing international agreements. The North Atlantic Treaty Alliance and the North American Free Trade Agreement are two examples. The World Trade Organization is a special case with not only the executive authority to implement the terms agreed but also ongoing legislative powers and its own judiciary to enforce the laws its members create.

Vienna Convention on the Law of Treaties, 1969

The Vienna Convention of 1969 provides the framework of rules for all treaties. To a substantial extent, the drafters of the Vienna Convention codified in legally binding terms what was already customary international law—that is, the normal way in which countries reached international agreements as a result of long-standing tradition. Since then, VCLT1969 has been supplemented by two additional ones: the Vienna Convention on succession of States in respect of treaties and the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations.

Category	Rule of law
Depositary	Secretary-General of the United Nations (chapter XXIII-1)
Managing organization	Secretary-General of the United Nations
Abbreviated name	Vienna Convention or VCLT1969
Date entered into force	27 January 1980
Number of ratifications	99 (as of 6 February 2005)
U.S. status	Signed but not ratified
Date U.S. signed (if signed)	24 April 1970
U.S. position (if not ratified)	The U.S. played a leading role in the formulation of the Vienna Convention but after two rounds of hearings in the Senate, one in 1970 and the other in 1986, it has still not achieved the necessary “Advice and Consent” for ratification. Although the United States 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	The U.S. Constitution recognizes three types of international instruments: treaties, agreements and compacts. It clearly states that participation in a particular treaty requires the approval of the president as well as two-thirds of the senators present and voting, but it does not stipulate how agreements or compacts may be concluded—other than prohibiting individual states from doing so. The resulting ambiguity has politicized the process of reaching international agreements by the United States. In practice, the government has recognized “executive” or “sole” agreements, which require only the president’s approval and “congressional-executive agreements,” which require a majority of both the House and the Senate as well as the president. Over the years, the U.S. has finalized far more international agreements than treaties.

Treaty text	un.org/law/ilc/texts/treatfra.htm
Ratification status	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 6 February 2005

B. Treaty overviews: Labor rights

The International Labor Organization (ILO) is unique of all the institutions in the multilateral system. Founded in 1919—25 years before the United Nations—it became the first specialized agency to the UN in 1946.

The ILO has a tripartite decision-making structure with trade unionists and employers participating as equal partners alongside national governments on its governing bodies and voting on the adoption of conventions and recommendations. Each ILO member country is allowed four representatives, each with an individual vote: two delegates from government and one each representing employers and workers. A convention must have a majority two-thirds votes of all of the delegates present to be adopted. Once adopted, a new convention is forwarded by the members to their respective governments for ratification. Because of this unique system, ILO conventions are not “signed” in the way other multilateral treaties are typically signed prior to ratification.

Over the years, ILO has adopted 190 treaties, referred to as conventions and protocols. However, 28 have been superseded by newer treaties and became inactive. Of the remaining 162, the United States has ratified 14—less than 9 percent.

Labor rights	% ratified	Number ratified	Total
Database of International Labor Standards (ILODEX)	9%	14	162

NOTE: ILODEX is a database independent from the UN Treaty Collection.

In the following pages, we provide overviews of the eight core conventions designated by the ILO as priorities for ratification by all countries, regardless of their economic status. In response, 104 of the 177 member countries have ratified all eight of these prominent treaties protecting the rights of workers. The United States has ratified just two.

Treaty	Signed	Ratified	Page
Forced Labor Convention, No. C29	N/A	No	35
Freedom of Association and Protection of the Right to Organize Convention, No. C87	N/A	No	37
Right to Organize and Collective Bargaining Convention, No. C98	N/A	No	39
Equal Remuneration Convention, No. C100	N/A	No	41
Abolition of Forced Labor Convention, No. C105	N/A	Yes	43
Discrimination (Employment and Occupation) Convention, No. C111	N/A	No	45
Minimum Age for Work Convention, No. C138	N/A	No	47
Worst Forms of Child Labor Convention, C182	N/A	Yes	49

Forced Labor Convention, No. C29

Parties to the Forced Labor Convention are obligated 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.

Category	Labor rights
Depositary	Director General of the International Labor Organization
Managing organization	International Labor Organization
Abbreviated name	C29
Date entered into force	1 May 1932
Number of ratifications	164 (as of 6 February 2005)
U.S. status	Not ratified
Date U.S. signed (if signed)	No signature process; see ILO introduction page
U.S. position (if not ratified)	C29 prohibits for-profit prison labor, which is practiced in the United States.
Interesting information	C29 was adopted before the United States joined the ILO in 1934.
Treaty text	unhchr.ch/html/menu3/b/31.htm
Ratification status	ilo.org/ilolex/english/convdisp1.htm
Other Web site(s)	ilo.org
Informative Web site(s)	religioustolerance.org/sla_world.htm

Last updated 6 February 2005

Freedom of Association and Protection of the Right to Organize Convention, No. C87

The Convention on the Right to Organize 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 rights
Depositary	Director General of the International Labor Organization
Managing organization	International Labor Organization
Abbreviated name	C87
Date entered into force	4 July 1950
Number of ratifications	142 (as of 6 February 2005)
U.S. status	Not ratified
Date U.S. signed (if signed)	No signature process; see ILO introduction page
U.S. position (if not ratified)	The U.S. government has stated that ratification is unnecessary, because the Constitution and labor laws—specifically the National Labor Relations Act of 1935—already guarantee workers the right to set up an organization without prior authorization from the government or other authorities.
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 law forbids federal employees from striking and allows companies to permanently replace economic strikers. All these workers would be entitled to additional labor law protection if the United States was to ratify 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) affcio.org
 nlrb.gov/nlrb/home
 araw.org
 hrw.org/reports/2000/uslabor

Last updated 6 February 2005

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 rights
Depositary	Director General of the International Labor Organization
Managing organization	International Labor Organization
Abbreviated name	C98
Date entered into force	18 July 1951
Number of ratifications	154 (as of 6 February 2005)
U.S. status	Not ratified
Date U.S. signed (if signed)	No signature process; see ILO introduction page
U.S. position (if not ratified)	The U.S. has stated that the Constitution and the National Labor Relations Act (NLRA) already provide the necessary protection of the rights and freedoms of employees. However, U.S. labor advocates argue that enforcement mechanisms do not exist to address noncompliance and certain employees (e.g., federal employees) do not have the right to negotiate their salaries.
Interesting information	The Constitution and NLRA protect the right to organize and other freedoms of individual employees, while ILO conventions on the right to organize protect the rights and freedoms of each labor organization as a whole.
Treaty text	unhchr.ch/html/menu3/b/j_ilo98.htm
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 affcio.org ilo.org/dyn/declaris/DECLARATIONWEB.INDEXPAGE?var_language=EN araw.org hrw.org/reports/2000/uslabor

Last updated 6 February 2005

Equal Remuneration Convention, No. C100

The Convention on Equal Remuneration obligates the parties to ensure that male and female workers doing work of equal value receive equal pay or other remuneration. Remuneration is a wage, in currency or in any other mode, paid by the employer to a worker for his or her efforts.

Category	Labor rights
Depositary	Director General of the International Labor Organization
Managing organization	International Labor Organization
Abbreviated name	C100
Date entered into force	23 May 1953
Number of ratifications	161 (as of 6 February 2005)
U.S. status	Not ratified
Date U.S. signed (if signed)	No signature process; see ILO introduction page
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 than a member of the opposite sex for equal work.
Interesting information	In 2002, women earned 76 percent of that earned 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 the Equal Pay Act was signed in 1963, 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)	affcio.org/issuespolitics/women/equalpay pay-equity.org

Last updated 6 February 2005

Abolition of Forced Labor Convention, No. C105

Parties to C105 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; as a form of discipline; as a means of discrimination; or mobilized for the express purpose of economic development. The convention calls for the immediate abolition of forced labor, expanding on C29, the Forced Labor Convention of 1932.

Category	Labor rights
Depositary	Director General of the International Labor Organization
Managing organization	International Labor Organization
Abbreviated name	C105
Date entered into force	17 January 1959
Number of ratifications	162 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	No signature process; see ILO introduction page
Date U.S. ratified (if ratified)	25 September 1991
Degree of U.S. implementation	The 13th Amendment to the Constitution states, “neither slavery nor involuntary servitude . . . shall exist within the United States, or anywhere within their jurisdiction.” Yet a September 2004 study co-conducted by University of California-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.
Treaty text	unhchr.ch/html/menu3/b/32.htm
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 hrcberkeley.org/download/hiddenslaves_report.pdf laborrights.org

Last updated 6 February 2005

Discrimination (Employment and Occupation) Convention, No. C111

The Convention against Discrimination prohibits the discrimination and exclusion of persons from employment and training for any occupation based on race, color, sex, religion, political opinion, national extraction or social origin. It also obligates each party to promote “equality of opportunity and treatment.”

Category	Labor rights
Depositary	Director General of the International Labor Organization
Managing organization	International Labor Organization
Abbreviated name	C111
Date entered into force	15 June 1960
Number of ratifications	160 (as of 6 February 2005)
U.S. status	Not ratified
Date U.S. signed (if signed)	No signature process; see ILO introduction page
U.S. position (if not ratified)	The United States 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 U.S. Tripartite Advisory Panel on International Labor Standards (TAPILS) first examined C111 in 1997, concluding that C111 was consistent with U.S. law and practice and recommended ratification. President Clinton submitted C111 to the Senate for ratification in May 1998. At the request of the Senate, President George W. Bush initiated a second TAPILS report in 2003, which also recommended U.S. ratification. C111 remains pending before the Senate Foreign Relations Committee and may be scheduled for hearings and transmitted to the Senate in 2005.
Interesting information	While consistent with C111, U.S. law falls short of the ILO standard in some key respects. For example, U.S. labor laws do not explicitly prohibit discrimination on the basis of political opinion. Public sector employees are protected from this type of discrimination by the First Amendment. However, workers in non-union jobs in the private sector are often employed at will, meaning their jobs may be terminated at any time for any reason that is not explicitly prohibited by law.
Treaty text	unhchr.ch/html/menu3/b/d_ilo111.htm
Ratification status	ilo.org/ilolex/english/convdisp1.htm
Other Web site(s)	ilo.org

Informative Web site(s) pdhre.org
 workplacefairness.org

Last updated 6 February 2005

Minimum Age for Work Convention, No. C138

Each party to the Minimum Age for Work 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 countries. If their economies or educational systems are “insufficiently developed,” the age may be lowered to 14.

Category	Labor rights
Depositary	Director General of the International Labor Organization
Managing organization	International Labor Organization
Abbreviated name	C138
Date entered into force	26 June 1973
Number of ratifications	135 (as of 6 February 2005)
U.S. status	Not ratified
Date U.S. signed (if signed)	No signature process; see ILO introduction page
U.S. position (if not ratified)	The Fair Labor Standards Act (FLSA), established in 1938, sets the minimum age for work in the U.S. at 16. However, there are exceptions that allow youth younger than 15 years of age to work, especially in the areas of agriculture and the retail and food industries.
Interesting information	Different U.S. states have their own minimum age requirements that vary depending on occupation (agriculture in particular) and time of day. For example, the minimum working age for agricultural labor in Illinois during school hours is 12; during non-school hours, it is 10 years old. If both federal and state child labor laws cover a business, then the most stringent law applies. A business is not covered under FLSA (including child labor regulations) if it does not engage in interstate commerce and gross annual sales are less than \$500,000.
Treaty text	ilo.org/ilolex/cgi-lex/convde.pl?C138
Ratification status	ilo.org/ilolex/cgi-lex/ratifice.pl?C138
Informative Web site(s)	dol.gov/dol/topic/youthlabor dol.gov/esa/programs/whd/state/agriemp2.htm stopchildlabor.org

Last updated 6 February 2005

Worst Forms of Child Labor Convention, No. C182

C182 aims to 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 rights
Depository	Director General of the International Labor Organization
Managing organization	International Labor Organization
Abbreviated name	C182
Date entered into force	19 November 2000
Number of ratifications	151 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	No signature process; see ILO introduction page
Date U.S. ratified (if ratified)	2 December 1999
Degree of U.S. implementation	In accordance with C182, the United States created the Tripartite Advisory Panel on International Labor Standards (TAPILS), convening legal representatives of the Departments of Labor, State and Commerce alongside the AFL-CIO and the U.S. Council for International Business to review the hazardous-work 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.” In some sectors such as agriculture and construction, however, 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. compliance with C182, noting that federal child labor legislation and recommendations from the National Institute for Occupational Safety and Health regarding hazardous work remained pending.
Interesting information	According to the ILO, 246 million children worldwide are involved in child labor—one in every six children aged five to 17. It is estimated that 179 million of these children are engaged in the worst forms of child labor including: 5.7 million children 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/ipecc
presentdanger.org/commentary/2003/0311ilo.html
freethechildren.org
globalmarch.org/worstformsreport/foreward.html
campaignforeducation.org
www2.dol.gov/ILAB/programs/iclp
hrw.org/reports/2000/frmwrkr
stopchildlabor.org

Last updated 6 February 2005

C. Treaty overviews: Human rights

In the years just after World War II, the 58 members of the United Nations were eager for peace and worked hard to identify common values and goals across all their different cultures. In negotiating the Universal Declaration of Human Rights, the General Assembly voted more than 1,400 times to reach a decision on every word, clause and concept. For example, the United States and other Western countries objected to the inclusion of economic, social and cultural rights while some Muslim countries opposed including equal marriage rights or the right to change religious belief.

Finally, a short text of 30 articles was adopted unanimously with eight abstentions on 10 December 1948. This established that all people on Earth are entitled to certain freedoms and common rights:

- ▶ Everyone has the right to life, liberty and security of person. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms; and no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Everyone has the right to leave any country, including his own, and to return to his country (Articles 3, 4, 5 and 13).
- ▶ Men and women of full age have the right to marry and are entitled to equal rights as to marriage, during marriage and at its dissolution. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief (Articles 16 and 18).
- ▶ Everyone has the right to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to just and favorable remuneration and to form and join trade unions (Article 23).
- ▶ Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care; necessary social services; and education, including an elementary education that is compulsory and free (Articles 25 and 26).
- ▶ Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts, to share in scientific advancement and its benefits and be entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized (Articles 27 and 28).

In the course of implementing the Universal Declaration for Human Rights (which is not legally binding), more than 800 treaties have now been negotiated to manage international relations and improve the human condition worldwide. Among them are 44 human rights treaties in the UN Treaty Collection, listed in different chapters as follows, that establish binding obligations towards the realization of these goals. The United States has ratified 13 of the 44—about 30 percent.

The Geneva Conventions also contribute to the fulfillment of the Universal Declaration for Human Rights, establishing rules of fair conduct in times of war in accordance with international humanitarian law. Deposited with the Swiss government and managed by the International Committee of the Red Cross, the four documents of the Geneva Conventions of 1949 are ratified together and considered as one. There are also two protocols, each requiring separate ratification. The United States has ratified the 1949 Conventions but not the subsequent protocols.

Human rights	% ratified	Number ratified	Total
IV. Human Rights		6	21
V. Refugees and Stateless Persons		1	4
VII. Traffic in Persons		2	12
XVI. Status of Women		1	3
XVIII. Penal Matters: Slavery ^a		3	4
Human Rights Total	30%	13	44
International Committee of the Red Cross	33%	1	3

NOTES

- a. For the total of 17 treaties under Penal Matters deposited with the UN Treaty Collection, we included the four concerning slavery in the Human Rights category.

Note: The Roman numerals and chapter names follow the system used by the UN Treaty Collection. If there is no Roman numeral listed, it is an independent database.

In the following pages, we provide overviews of 152 prominent human rights treaties. We selected the 12 that are featured on the Web site of the UN Office of the High Commissioner for Human Rights and the three Geneva Conventions and Protocols. Of these 15, the United States has signed 11 but only ratified six.

Title	Signed	Ratified	Page
International Convention on the Elimination of All Forms of Racial Discrimination	Yes	Yes	53
International Covenant on Economic, Social and Cultural Rights	Yes	No	55
International Covenant on Civil and Political Rights	Yes	Yes	57
Optional Protocol to the International Covenant on Civil and Political Rights	No	No	59
Convention on the Elimination of All Forms of Discrimination Against Women	Yes	No	61
Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women	No	No	63
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Yes	Yes	65
Convention on the Rights of the Child	Yes	No	67
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Yes	Yes	69
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	Yes	Yes	71
Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty	No	No	73
International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families	No	No	75
Geneva Conventions of 1949	Yes	Yes	77
Additional Protocol I to the Geneva Conventions	Yes	No	79
Additional Protocol II to the Geneva Conventions	Yes	No	79

International Convention on the Elimination of All Forms of Racial Discrimination

The 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.” The ICERD obligates the parties to condemn racial discrimination and immediately enact a policy to eliminate it and, more generally, 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
Date entered into force	4 January 1969
Number of ratifications	169 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	28 September 1966
Date U.S. ratified (if ratified)	21 October 1994
Degree of U.S. implementation	Upon ratification, the Senate submitted several declarations that allow the United States 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.” The commission recommended 12 courses of action to fight discrimination in the United States 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. In a report released eleven years later, <i>Redefining Rights in America: The Civil Rights Record of the George W. Bush Administration, 2001–2004</i> , the U.S. Commission on Civil Rights stated that “civil rights problems remain entrenched in American society,” citing discrimination in housing, employment and voting and unequal educational opportunities.

Interesting information	In August 2001, the U.S. walked out of the UN Conference Against Racism, Xenophobia and Related Intolerance in Durban, South Africa, to protest draft text agreed by the rest of the conference condemning the U.S. role in the Middle East that specifically called Israel a racist country. Weeks later, just after 11 September 2001, the United States adopted official policies under three new anti-terrorist laws: the USA PATRIOT Act, the Transportation and Aviation Security Act and the Border Security Enhancement and Visa Entry Reform Act, which facilitated racial profiling affecting immigrants of color, particularly from Arab, Asian and African communities.
Treaty text	unhchr.ch/html/menu3/b/d_icerd.htm
Ratification status	unhchr.ch/pdf/report.pdf
Other Web site(s)	unhchr.ch/hchr_un.htm ohchr.org/english/bodies/cerd www1.umn.edu/humanrts/usdocs/racialres.html
Informative Web site(s)	hrcr.org nnirr.org web.amnesty.org/pages/treaty-cerd-eng

Last updated 6 February 2005

International Covenant on Economic, Social and Cultural Rights

ICESCR states that all parties must fully acknowledge the economic, social and cultural rights of their citizens. Economic rights include but are not limited to the right to work, fair wages, safe working conditions, reasonable limits on working hours and the right to organize and strike. Social rights include the right to social security, insurance and education. 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. 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
Date entered into force	3 January 1976
Number of ratifications	150 (as of 6 February 2005)
U.S. status	Signed but not ratified
Date U.S. signed (if signed)	5 October 1977
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 United States championed the Vienna Declaration, which states, "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 International Covenant on Economic, Social and Cultural Rights lacked support from the United States as well as many other Western democracies. Today, however, the United States is the only Western democracy that signed ICESCR decades ago but has yet to ratify it. In 2002-2003, the Office of the UN High Commissioner for Human Rights issued reports finding that certain trade agreements may conflict with the human right to food, the human right to health and the human right to self-determination.
Treaty text	unhchr.ch/html/menu3/b/a_cescr.htm
Ratification status	unhchr.ch/pdf/report.pdf

Informative Web site(s)

escr-net.org/EngGeneral

ohchr.org/english/law/cescr.htm

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

cesr.org/node/view/274

Last updated 6 February 2005

International Covenant on Civil and Political Rights

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.

Category	Human rights
Depositary	Secretary-General of the United Nations (chapter IV-4)
Managing organization	UN Office of the High Commissioner for Human Rights
Abbreviated name	ICCPR
Date entered into force	23 March 1976
Number of ratifications	153 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	5 October 1977
Date U.S. ratified (if ratified)	8 September 1992
Degree of U.S. implementation	The Senate ratified ICCPR with several reservations. First, the United States reserved its right to execute juvenile offenders. Secondly, the United States refused to extend the constitutional prohibition of “cruel and unusual punishments” (Amendment 8) to prohibit “cruel, inhuman or degrading treatment or punishment,” as required by ICCPR. Since forbidden treatment is not defined in the U.S. Constitution in such a comprehensive way as the treaty, some U.S. practices such as prolonged solitary confinement are considered a form of torture by some parties. In a third declaration, the United States stated its understanding that Articles 1 through 27, which define the rights and protections legally obligated under ICCPR, are not self-executing, meaning they are not directly enforceable by courts unless implementing legislation is enacted.
Interesting information	An attorney with the American Civil Liberties Union called ICCPR “the most important treaty for the protection of civil rights,” lamenting that U.S. ratification with these reservations “yielded not a single additional enforceable right to citizens and residents of the United States.”
Treaty text	unhchr.ch/html/menu3/b/a_ccpr.htm
Ratification status	unhchr.ch/pdf/report.pdf

Other Web site(s) www1.umn.edu/humanrts/usdocs/civilres.html
Informative Web site(s) amnesty.org
www1.umn.edu/humanrts
ohchr.org/english/law/ccpr.htm

Last updated 6 February 2005

Optional Protocol to the International Covenant on Civil and Political Rights

This protocol strengthens ICCPR. In particular, Article 4 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
Date entered into force	23 March 1976
Number of ratifications	104 (as of 6 February 2005)
U.S. status	Not signed, not ratified
U.S. position (if not ratified)	The United States likely does not want the United Nations to investigate human rights abuses inside its territory or to grant a foreign body higher authority than its domestic courts.
Interesting information	The United States chose not to ratify this enforceable protocol despite having ratified the parent treaty. In fact, there is a history of disregarding protocols which generally strengthen an earlier treaty with specific requirements or an enforcement, monitoring or complaint mechanism. Other examples include the Kyoto Protocol to the Framework Convention on Climate Change or the Optional Protocol to the Convention on Torture.
Treaty text	unhchr.ch/html/menu3/b/a_opt.htm
Ratification status	unhchr.ch/pdf/report.pdf
Other Web site(s)	unhchr.ch/hchr_un.htm
Informative Web site(s)	amnesty.org www1.umn.edu/humanrts

Last updated 6 February 2005

Convention 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 obligates parties to take 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
Date entered into force	3 September 1981
Number of ratifications	179 (as of 6 February 2005)
U.S. status	Signed but not ratified
Date U.S. signed (if signed)	17 July 1980
U.S. position (if not ratified)	Under President Carter, the United States played a key role crafting CEDAW, also called the Women’s Convention—but the convention has yet to gain Senate ratification. Certain interest groups have lobbied against ratification; these groups interpret Article 10’s obligation to provide “information and advice on family planning” as support for abortion.
Interesting information	Of all human rights treaties, CEDAW is second only to the Convention on the Rights of the Child for having the most ratifications. Along with the United States, other countries which have not ratified CEDAW include Iran, Sudan, Oman and Brunei. Afghanistan ratified CEDAW in 2003. Seventeen U.S. states, 18 counties and 45 cities, however, have passed resolutions supportive of CEDAW, spearheaded by the citizens of San Francisco in 1998.
Treaty text	unhchr.ch/html/menu3/b/e1cedaw.htm
Ratification status	un.org/womenwatch/daw/cedaw/states.htm
Other Web site(s)	un.org/womenwatch/daw/cedaw

Informative Web site(s) womenstreaty.org
yfa.am/cedaw
wildforhumanrights.org
peacewomen.org
wilpf.org

Last updated 6 February 2005

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, holding the parties responsible for all violations including those committed by private individuals or organizations. It also allows the Committee on the Elimination of Discrimination Against Women, an elected body of experts “of high moral standing and competence in the field,” to inquire about possible violations of women’s rights on its own initiative. These procedures only apply if the alleged violations occurred within a country that is a party to both CEDAW and the optional protocol and all available remedies in that country have been exhausted.

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
Date entered into force	22 December 2000
Number of ratifications	71 (as of 6 February 2005)
U.S. status	Not signed, not ratified
U.S. position (if not ratified)	The United States cannot ratify this optional protocol until it has ratified the parent treaty, CEDAW. U.S. citizens cannot use this treaty to demand equal pay for equal work or to seek other remedies to discrimination against women in the United States.
Interesting information	The optional protocol includes an “opt-out clause,” allowing countries to ratify the protocol without accepting the inquiry procedure. The decision to opt-out must be declared in advance at the time of signature, ratification or accession. Otherwise, Article 17 explicitly states 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
Informative Web site(s)	wedo.org iwwraw.igc.org us.bahai.org/external/women/cedaw/cedaw_civ_polit_rights.htm www1.umn.edu/humanrts/cedaw/decisions/1-2003.html

Last updated 6 February 2005

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

According to the Convention against Torture, “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” and obligates parties to enact measures to prevent acts of torture under their jurisdiction, provide legal recourse and give 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
Date entered into force	26 June 1987
Number of ratifications	139 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	18 April 1988
Date U.S. ratified (if ratified)	21 October 1994
Degree of U.S. implementation	Any form of torture is considered illegal under U.S. law; Amendment 8 to the Constitution forbids “cruel and unusual punishments.” The United States ratified the Convention against Torture with the reservation that it will define what is unacceptable treatment according to existing laws and the Constitution, as interpreted by the Supreme Court. Since the treaty prohibits “cruel, inhuman or degrading treatment or punishment” and the U.S. Constitution prohibits the less comprehensive “cruel and unusual punishments,” the specific definition of forbidden treatment is open to interpretation. As a result, many say U.S. law allows 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 and prolonged solitary confinement.
Interesting information	In December 2003, the United States was unsuccessful in preventing the adoption of a protocol to this convention. The Optional Protocol to the Convention against Torture establishes an international system to monitor detention centers and obligates parties to cooperate with international experts on a mandatory basis. The United States has not signed or ratified the optional protocol.
Treaty text	unhchr.ch/html/menu3/b/h_cat39.htm
Ratification status	unhchr.ch/html/menu2/6/cat/treaties/conratification.htm

Other Web site(s)	unhchr.ch/html/menu2/6/cat ohchr.org/english/bodies/cat www1.umn.edu/humanrts/usdocs/tortres.html
Informative Web site(s)	cvt.org omct.org www1.umn.edu/humanrts

Last updated 6 February 2005

Convention on the Rights of the Child

The CRC is the first multilateral treaty to address together civil and political rights with 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 obligates the parties to recognize the rights of children everywhere, to protect them from harmful influences and to “ensure to the maximum extent possible the survival and development of the child.”

Category	Human rights
Depositary	Secretary-General of the United Nations (chapter IV-11)
Managing organization	UN Office of the High Commissioner for Human Rights
Abbreviated name	CRC
Date entered into force	2 September 1990
Number of ratifications	192 (as of 6 February 2005)
U.S. status	Signed but not ratified
Date U.S. signed (if signed)	16 February 1995
U.S. position (if not ratified)	Article 37 of the CRC prohibits execution or life imprisonment without the possibility of parole for crimes committed by persons under the age of 18. Both these punishments are currently allowed in some U.S. states. Some interest groups have voiced strong opposition to the convention, stating it will undermine parental authority and encourage children to partake in practices the groups find objectionable. The United States has also invoked its sovereignty by claiming no outside authority possesses “a morally or legally superior position to make pronouncements on the rights of children” and 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 multilateral human rights treaty. Of all UN members, only the United States 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 6 February 2005

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 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
Date entered into force	12 February 2002
Number of ratifications	92 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	5 July 2000
Date U.S. ratified (if ratified)	23 December 2002
Degree of U.S. implementation	The United States played a major role in the negotiations, insisting on terms allowing for voluntary recruitment in this optional protocol. Currently, U.S. law prohibits compulsory recruitment of all persons under 18 but accepts voluntary recruitment from age 17.
Interesting information	According to Human Rights Watch, more than 300,000 children under age 18 currently serve as soldiers throughout the world. They often serve on front lines as human mine detectors, spies or messengers.
Treaty text	unhchr.ch/html/menu2/6/crc/treaties/opac.htm
Ratification status	unhchr.ch/pdf/report.pdf
Other Web site(s)	unhchr.ch/html/menu2/6/crc/treaties/crc.htm un.org/special-rep/children-armed-conflict/English
Informative Web site(s)	hrw.org/campaigns/crp

Last updated 6 February 2005

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
Date entered into force	18 January 2002
Number of ratifications	91 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	5 July 2000
Date U.S. ratified (if ratified)	23 December 2002
Degree of U.S. implementation	These acts are punishable offenses under U.S. law. However, there remains a large underground market for child pornography and prostitution in the United States 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 of 12 countries studied. Child sex tourism is also common, especially in Thailand, Costa Rica, Cambodia and Brazil. It is estimated that in 1999, Costa Rica received 5,000 tourists who had the specific intent of exploiting children for sex. Of those arrested for this crime, 80 percent were U.S. citizens.
Treaty text	unhchr.ch/html/menu2/dopchild.htm
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 unicef.org/crc/introduction.htm

Last updated 6 February 2005

Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty

The Second Optional Protocol to the ICCPR prohibits the execution of any person within the jurisdiction of a party. It also requires all parties to take the steps necessary to abolish the death penalty within their 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
Date entered into force	11 July 1991
Number of ratifications	54 (as of 6 February 2005)
U.S. status	Not signed, not ratified
U.S. position (if not ratified)	The federal government and 38 U.S. states currently allow capital punishment.
Interesting information	The ICCPR02 explicitly states no reservations may be made—with one exception: Article 2 allows the death penalty for the most severe military crimes committed during a state of war and only if the reservation is filed by the country upon ratification. Only two parties, Greece and Azerbaijan, have lodged a reservation.
Treaty text	unhchr.ch/html/menu3/b/a_opt2.htm
Ratification status	unhchr.ch/pdf/report.pdf
Other Web site(s)	unhchr.ch/hchr_un.htm
Informative Web site(s)	deathpenaltyinfo.org aclu.org/DeathPenalty/DeathPenaltyMain.cfm

Last updated 6 February 2005

International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

MWC sets binding international standards for the treatment, welfare and human rights of documented and undocumented migrants. The convention also obligates parties to ensure “sound, equitable, humane, and lawful conditions” for international migration of workers and their families, making both receiving and sending countries responsible for their protection. Overall, MWC aims to eliminate exploitation of migrant workers and their families, especially in 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	Migrant Workers Convention or MWC
Date entered into force	1 July 2003
Number of ratifications	27 (as of 6 February 2005)
U.S. status	Not signed, not ratified
U.S. position (if not ratified)	If the United States ratified MWC, major structural and legislative reforms would be required to achieve compliance. For example, provisions in several laws including the Immigration Reform and Control Act of 1986, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Anti-Terrorist and Effective Death Penalty Act of 1996 and the 1996 Welfare Reform law undermine many of rights and protections granted to migrants under MWC. For example, the United States routinely carries out immigration raids resulting in wide-scale violations of migrants’ rights to due process. Whether documented or undocumented, immigrants are subject to the loss of many labor rights and protections, workplace safety violations and nonpayment of wages or pay less than the legal minimum wage. Many employers use the threat of immigration detention and deportation to undermine union organizers.
Interesting information	The militarization of the U.S.-Mexico border and U.S. immigration border enforcement strategy force migrants to cross in dangerous and remote desert and mountainous terrains. Since 1993, this strategy has resulted in the deaths of over 3,000 migrants.
Treaty text	unhchr.ch/html/menu3/b/m_mwctoc.htm
Ratification status	unhchr.ch/html/menu2/6/cmwr/ratifications.htm
Other Web site(s)	unhchr.ch/html/menu2/6/cmwr

Informative Web site(s) migrantwatch.org
 nnirr.org
 migrantsrights.org

Last updated 6 February 2005

The Geneva Conventions of 1949

The Geneva Conventions are four documents that establish the foundation of international humanitarian law in times of war. These documents grew out of the Geneva Conventions of 1864, 1906 and 1929 and the Hague Convention of 1907. The conventions specifically protect people who do not take part in fighting (such as civilians, medics, chaplains and aid workers), those who can no longer fight (including wounded, sick and shipwrecked troops) and prisoners of war. Parties are obligated to implement measures preventing or terminating “grave breaches” and punish those responsible for carrying out such breaches.

Category	Human rights
Depositary	Swiss Federal Council
Managing organization	International Committee of the Red Cross (ICRC)
Abbreviated name	Geneva Convention or Geneva Conventions
Date entered into force	21 October 1950
Number of ratifications	192 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	12 August 1949
Date U.S. ratified (if ratified)	2 August 1955
Degree of U.S. implementation	The United States has generally complied with the Geneva Conventions. Recently, however, the Bush administration has declared that al-Qaeda prisoners captured in the “war against terrorism” are not entitled prisoner of war status and the protections granted to prisoners of war because al-Qaeda is not party to the Geneva Conventions.
Interesting information	Common Article 3 in all four Geneva Conventions provides basic protections for noncombatants even in conflicts that are not international in character. Article 3 has been referenced during numerous civil wars, perhaps most prominently in the case of 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

Informative Web site(s)

genevaconventions.org

asil.org

lawofwar.org

globalissuesgroup.com/geneva/history.html

whitehouse.gov/news/releases/2002/02/20020207-13.html

Last updated 6 February 2005

Additional Protocols I and II 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 undertaken to achieve self-determination from colonial domination, racist regimes or other oppressive forces. Protocol II extends protections to victims of civil wars or internal state conflicts.

Category	Human rights
Depositary	Swiss Federal Council
Managing organization	International Committee of the Red Cross
Abbreviated name	Geneva Convention Protocols
Date entered into force	7 December 1978 (for both)
Number of ratifications	Protocol I: 162; Protocol II: 157 (as of 6 February 2005)
U.S. status	Signed but not ratified either protocol
Date U.S. signed (if signed)	12 December 1977 (for both)
U.S. position (if not ratified)	The United States likely does not want to engage in international disputes over which militant groups are seeking self-determination and which are terrorists.
Interesting information	Both Protocols I and II were created to protect civilian populations from the dangers of indiscriminate warfare. Protocol II was introduced to clarify Common Article 3 of the Geneva Convention. This was perceived necessary by the international community as new forms of internal conflict became prevalent, such as guerilla 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%20GenSve%20et%20Protocoles%20additionnels%20ENG-logo.pdf
Other Web site(s)	icrc.org
Informative Web site(s)	genevaconventions.org crimesofwar.org redcross.lv/en/conventions.htm

Last updated 6 February 2005

D. Treaty overviews:

Environment and sustainable development

The first United Nations Summit on the Environment took place in 1972 in Stockholm, Sweden. Over the next 30 years, dozens of treaties have been negotiated to deal with ocean pollution, tropical forests, fisheries management, hazardous waste, endangered species and other wildlife, specific vulnerable regions like the Amazon and Antarctica, the ozone layer, toxic chemicals, genetic engineering and more.

In 1992, the UN Conference on Environment and Development in Rio de Janeiro, Brazil, attracted tens of thousands of people from all over the world—an unprecedented turnout for a UN meeting. Known as the Earth Summit, this conference gave birth to two legally binding treaties: the Framework Convention on Climate Change and the Convention on Biological Diversity. Additionally, a nonbinding agreement called Agenda 21 set out a process for annual review and planning to deal with the planet's growing environmental crisis. The Earth Summit generated an almost universal understanding that environmental problems are closely linked to poverty. Since then, environmental policies have addressed the related social and economic issues directly in efforts to achieve sustainable development.

A substantial number of treaties and protocols linking the environment and sustainable development have been negotiated since then, often creating mechanisms to channel financial resources towards investments in practical solutions. The Montreal Protocol Fund may be the most innovative: it gives less wealthy countries equal authority in decision-making alongside richer countries that donate funds. The Convention to Combat Desertification supports locally accountable action plans for drought preparedness, healthy grazing, improved land tenure and other approaches to desertification that also build economic opportunities.

For the UN's 10-year review of progress since the Earth Summit, held in Johannesburg, South Africa, in 2002, partnerships with businesses were promoted to increase private investment in environmental services such as clean water. Two major issues dominated negotiations at the Johannesburg Summit on Social Development. The first was how business partnerships could encourage privatization and displace lower-cost public services, which actually harm the poor while increasing opportunities for corporations over local communities. The second was how trade and financial policies promoted by the World Trade Organization, the World Bank and the International Monetary Fund conflict with sustainable development³ and certain environmental treaties.

For this report, we selected all 38 treaties listed in the UN Treaty Collection in Chapter XXVII on the Environment as well as the 10 treaties in Chapter XXI on the Law of the Sea. We included nine additional treaties deposited with the UN Food and Agriculture Organization (FAO) that address conservation of plant and animal food resources. Due to the diverse topics within this category, we segregated the data into subgroups. For example, we consider treaties pertaining to the Law of the Sea and the FAO to be distinct subsets of the other environmental treaties. The United States has ratified about a third of the environmental treaties, half of the Law of the Sea and two-thirds of the FAO treaties.

Environment and sustainable development	% ratified	Number ratified	Total
XXVII. Environment	34%	13	38
XXI. Law of the Sea	50%	5	10
Food and Agriculture Organization	67%	6	9

Note: The Roman numerals and chapter names follow the system used by the UN Treaty Collection. If there is no Roman numeral listed, it is an independent database.

In the following pages, we provide overviews for 11 prominent treaties linking the environment and sustainable development. We selected just one of the FAO treaties, which typifies the current debate over the privatization of public resources—in this case, plant genetic resources. We also selected just the central treaty of the 10 comprising the Law of the Sea, which is being considered by the U.S. Senate for possible ratification in 2005. The nine environmental treaties included here were chosen because of their far-reaching influence on societies and ecologies around the globe. Of these 11 prominent treaties, the United States has signed nine but only ratified three.

Title	Signed	Ratified	Page
The International Treaty on Plant Genetic Resources for Food and Agriculture	Yes	No	83
UN Convention on the Law of the Sea	No	No	85
Montreal Protocol on Substances that Deplete the Ozone Layer	Yes	Yes	87
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Yes	No	89
UN Framework Convention on Climate Change	Yes	Yes	91
Kyoto Protocol to the UN Framework Convention on Climate Change	Yes	No	93
Convention on Biological Diversity	Yes	No	95
Cartagena Protocol on Biosafety	No	No	97
UN Convention to Combat Desertification	Yes	Yes	99
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade	Yes	No	101
Stockholm Convention on Persistent Organic Pollutants	Yes	No	103

International Treaty on Plant Genetic Resources for Food and Agriculture

ITPGRFA's goal 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	Director-General of the Food and Agriculture Organization
Managing organization	Commission on Genetic Resources for Food and Agriculture
Abbreviated name	ITPGRFA
Date entered into force	29 June 2004
Number of ratifications	65 (as of 6 February 2005)
U.S. status	Signed but not ratified
Date U.S. signed (if signed)	1 November 2002
U.S. position (if not ratified)	Despite its success in making genetically engineered materials eligible for patents, the United States 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 United States grants patents on plants, animals, microorganisms and their parts (e.g., 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	ftp://ext-ftp.fao.org/ag/cgrfa/it/ITPGRRe.pdf
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 6 February 2005

UN Convention on the Law of the Sea

The Law of the Sea Convention 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, extending coastal countries' rights and responsibilities to 200 nautical miles beyond their shores and the 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
Date entered into force	16 November 1994
Number of ratifications	148 (as of 6 February 2005)
U.S. status	Not signed, not ratified
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 LOS. In the past, the United States 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, culminating in a 1994 agreement. Currently, the G. W. 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 convention limitations on use of seas for military purposes. Some opposition remains in the Senate.
Interesting information	The application process for seabed mining is underway. Meanwhile, LOS will become open for reform by the parties in late 2004. Both are unavailable to the United States 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 itlos.org/start2_en.html

Informative Web site(s)

unclos.com

fcnl.org/issues/issue.php?issue_id=101

isa.org.jm

Last updated 6 February 2005

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 developing countries as well as a majority of 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 nonmembers. 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).

Category	Environment and sustainable development
Depositary	Secretary-General of the United Nations (chapter XXVII-2a)
Managing organization	UN Environment Program, Ozone Secretariat
Abbreviated name	Montreal Protocol
Date entered into force	Protocol: 1 January 1989; all amendments by 25 February 2002
Number of ratifications	Protocol: 188; London: 175; Copenhagen: 164; Montreal: 125; Beijing: 87 (as of 6 February 2005)
U.S. status	Ratified Montreal Protocol and all amendments
Date U.S. signed (if signed)	16 September 1987
Date U.S. ratified (if ratified)	Protocol: 21 April 1988; London: 18 December 1991; Copenhagen: 2 March 1994; Montreal: 1 October 2003; Beijing: 1 October 2003
Degree of U.S. implementation	Advancements in technology by commercial industries have helped minimize the effects of these pollutants and created less harmful substitutes. The United States has met phase-out requirements and implemented measures to stop unlawful importing of CFCs. However, a large demand still exists in the U.S. to service older equipment (e.g., air conditioners in cars manufactured before 1994).

Interesting information	By 1 January 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 United States requested significant exemptions in amounts that would actually increase production of methyl bromide and for uses that were arguably not critical. For 2005, parties agreed to a 35 percent critical-use exemption for the U.S. and 10 other developed countries; exemptions for 2006 are being negotiated. According to many analysts, the United States is barely following the letter of the treaty and clearly undermining the spirit of the agreement.
Treaty text	unep.org/ozone/pdfs/Montreal-Protocol2000.pdf
Ratification status	unep.org/ozone/Treaties_and_Ratification/2C_ratificationTable.asp
Other Web site(s)	unep.org/ozone
Informative Web site(s)	afeas.org/montreal_protocol.html epa.gov/ozone/intpol uneptie.org/ozonaction eia-international.org/campaigns3.shtml foe.org/camps/comm/atmoshpere

Last updated 6 February 2005

Basel 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. It calls for national self-sufficiency in hazardous waste management and reduced flows of such waste from one party to another. Under the convention, wastes can only be traded if they cannot be properly handled domestically and then only with prior written notification by the exporting party and the consent of the importing party. In 1994, the Basel Ban was adopted by consensus and approved as a proposed amendment to the convention in 1995. Currently there is some debate regarding the exact number of ratifications required for the ban's entry into force. When it does, the ban will strictly prohibit industrialized parties from exporting any hazardous waste at all. Until then, parties to the convention are expected to respect the ban.

Category	Environment and sustainable development
Depositary	Secretary-General of the United Nations (chapter XXVII-3)
Managing organization	UN Environment Program
Abbreviated name	Basel Convention
Date entered into force	5 May 1992
Number of ratifications	163: Basel Convention; 55: Basel Ban Amendment (as of 6 February 2005)
U.S. status	Signed but not ratified
Date U.S. signed (if signed)	22 March 1990
U.S. position (if not ratified)	The U.S. has not yet ratified the Basel Convention due to opposition by industry lobby groups. Despite endorsing the principle of environmental justice, which holds that no peoples should be burdened disproportionately by environmental impacts simply because of economic status, the United States currently exports most of its toxic waste to China and other developing countries. Defined as recycling by the Environmental Protection Agency, this practice would still be allowed under the convention. For this reason, environmental groups maintain the United States should not ratify the convention unless it simultaneously ratifies the Basel Ban Amendment, thereby prohibiting the export of all toxic waste.
Interesting information	Of the 163 countries that have ratified the Basel Convention to date, 110 acceded to its terms without a signature. Of the 53 countries that had signed it by March 1990, only three have not yet ratified the Basel Convention: Afghanistan, Haiti and the United States.
Treaty text	basel.int/text/con-e.htm
Ratification status	basel.int/ratif/frsetmain.php

Other Web site(s) basel.int

Informative Web site(s) ban.org

Last updated 6 February 2005

UN Framework Convention on Climate Change

All parties to the Framework Convention on Climate Change are committed to addressing the problems associated with greenhouse gases and to report on the actions they are pursuing to implement it. The parties listed in Annex I—members of the Organization for Economic Co-operation and Development and “economies in transition” such as the Russian Federation—endorsed the nonbinding goal of reducing emissions to 1990 levels by the year 2000. They also agreed to protect and enhance the “sinks and reservoirs” which bind carbon dioxide to the Earth, especially forests, fields and agricultural crops. Legally binding commitments to achieve specified reduction levels were negotiated subsequently in the Kyoto Protocol.

Category	Environment and sustainable development
Depositary	Secretary-General of the United Nations (chapter XXVII-7)
Managing organization	Secretariat of the United Nations Framework Convention on Climate Change
Abbreviated name	UNFCCC
Date entered into force	21 March 1994
Number of ratifications	189 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	12 June 1992
Date U.S. ratified (if ratified)	15 October 1992
Degree of U.S. implementation	The United States has to date failed to limit greenhouse gas emissions by any significant amount and presently does not aim to meet the goal of reducing emissions to 1990 levels.
Interesting information	President Clinton proposed an energy tax in 1993 designed to reduce greenhouse gas emissions by taxing oil use at a higher rate than other fuels. Renewable sources of energy would have been tax-free. Energy industry lobbies worked against it intensively and the proposal failed to pass Congress. Ten years later 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
Ratification status	unfccc.int/resource/convkp.html
Other Web site(s)	unfccc.int
Informative Web site(s)	climatenetwork.org ucsusa.org/global_environment/global_warming

Last updated 6 February 2005

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. The protocol set individualized carbon dioxide emissions targets for each of the Annex I parties (industrialized countries), which would add up to a total reduction of 5 percent below the level of their collective emissions in 1990 during the commitment period, 2008–2012. The U.S. target is 7 percent below 1990 levels; the European Union target is 8 percent. The Kyoto Protocol also established several innovative mechanisms to reduce the global costs of compliance. These include an emissions-trading scheme, allowing countries to buy and sell the right to emit certain quantities of greenhouse gases when reductions in other countries can be achieved more cheaply, and a “clean development mechanism” that rewards Annex I parties for generating investments in less-intensive energy systems in developing countries.

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
Date entered into force	In force 16 February 2005, 90 days after Russia’s ratification. The protocol requires ratification by 55 parties including enough Annex I parties to account for at least 55 percent of the world’s carbon dioxide emissions in 1990. With Russia’s ratification, 61 percent of all industrialized countries’ 1990 emissions will have been accounted for.
Number of ratifications	141 (as of 6 February 2005)
U.S. status	Signed but not ratified
Date U.S. signed (if signed)	12 November 1998
U.S. position (if not ratified)	President Clinton signed the Kyoto Protocol in 1998, but President Bush effectively ended U.S. involvement in 2001 because in its current form, it would “severely damage the United States’ economy.” The Bush administration also objects to ratifying a treaty that does not equally obligate developing countries including India and China. Currently, U.S. carbon dioxide emissions are 14 percent higher than 1990 levels.
Interesting information	To meet the required 55 percent threshold, either the United States or the Russian Federation had to ratify the treaty. In 2004, the Russian Federation announced it would ratify the protocol in exchange for EU support for Russia’s admission to the WTO—a lengthy process that is now underway. Upon entering into force, U.S. companies with factories in countries party to the Kyoto Protocol must to reduce emissions to comply with established target levels per country.
Treaty text	unfccc.int/resource/convkp.html
Ratification status	unfccc.int/resource/convkp.html

Other Web site(s)	unfccc.int
Informative Web site(s)	climatenetwork.org ciel.org/Climate/programclimate.html

Last updated 6 February 2005

Convention on Biological Diversity

The Biodiversity Convention commits parties to maintain the world's ecological and genetic welfare while pursuing sustainable economic development. The convention establishes three main goals: conservation of biological diversity, sustainable use of its components and fair and equitable sharing of benefits from use of genetic resources. It also obliges 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.”

Category	Environment and sustainable development
Depositary	Secretary-General of the United Nations (chapter XXVII-8)
Managing organization	UN Environment Program
Abbreviated name	CBD or Biodiversity Convention
Date entered into force	29 December 1993
Number of ratifications	188 (as of 6 February 2005)
U.S. status	Signed but not ratified
Date U.S. signed (if signed)	6 April 1993
U.S. position (if not ratified)	President Clinton signed CBD in June 1993. However, key U.S. industries, including agribusiness, biotechnology and pharmaceuticals, have lobbied against ratification, arguing that portions of the treaty text would preempt sound management authorities already in place. A memo leaked in 1992 from Vice President Dan Quayle's office indicated President George H. W. Bush chose not to sign because U.S. implementation would have required strengthening the Endangered Species Act and the legal rights of Native Americans.
Interesting information	One estimate of extinction rates suggests that in tropical forests, two to five species become extinct every hour. However, species interact in complex ecological relationships that generate significant genetic differences among distant populations of the same species. Stanford University scientists calculate the extinction rate for genetically unique populations is closer to 1,800 per hour—primarily due to the loss of habitat.
Treaty text	biodiv.org/convention/Articles.asp
Ratification status	biodiv.org/world/parties.asp
Other Web site(s)	biodiv.org fao.org/sd/EPdirect/EPRe0063.htm

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

Last updated 6 February 2005

Cartagena Protocol on Biosafety

Like its predecessor, the Convention on Biological Diversity, the Cartagena Protocol is intended to protect biological diversity. However, the Cartagena Protocol addresses specific risks posed by genetic engineering. The protocol establishes procedures that enable parties to make informed decisions about these risks and affirms rights to refuse imports of particular genetically engineered products based on a precautionary approach, even if there is insufficient scientific data to prove harm. The Biosafety Protocol also sets negotiation deadlines for detailed rules for labeling and tracing imported living modified organisms and assigning liability in cases of harm.

Category	Environment and sustainable development
Depositary	Secretary-General of the United Nations (chapter XXVII-8a)
Managing organization	UN Environment Program
Abbreviated name	Cartagena or Biosafety Protocol
Date entered into force	11 September 2003
Number of ratifications	113 (as of 22 February 2005)
U.S. status	Not signed, not ratified
U.S. position (if not ratified)	The United States argues that implementation of the Cartagena Protocol could undermine other international agreements, specifically the World Trade Organization. Current WTO rules, in contrast to the protocol's precautionary approach, require scientific justification for restrictions on imported commodities. Although WTO allows temporary restrictions on imports with insufficient scientific evidence, restrictions must be "the least trade restrictive" of all options. For example, a ban on genetically engineered imports would be the most trade restrictive while regulations such as isolating products or processing them immediately upon importation would be less trade restrictive. WTO also requires continued research and periodic reviews during temporary trade restrictions so the restrictions can be lifted as soon as possible.
Interesting information	"The Miami Group," a collaboration of the United States, Argentina, Australia, Canada, Chile and Uruguay—countries that export genetically modified grain—attempted to block the protocol throughout eight years of negotiations. As of September 2004, none of these countries had ratified it. Currently, the United States has filed a WTO dispute against European Union regulations governing genetically engineered imports. This case may test the relative authority of the protocol's precautionary approach and the WTO's least trade restrictive and scientific justification rules.
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

Informative Web site(s) edmonds-institute.org
defenders.org/states
twinside.org.sg/bio.htm
etcgroup.org

Last updated 22 February 2005

UN Convention to Combat Desertification

The Desertification Convention 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. UNCCD supports democratic, bottom-up approaches through development of locally accountable national and regional 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.

Category	Environment and sustainable development
Depositary	Secretary-General of the United Nations (chapter XXVII-10)
Managing organization	UN Environment Program
Abbreviated name	UNCCD or Desertification Convention
Date entered into force	26 December 1996
Number of ratifications	191 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	14 October 1994
Date U.S. ratified (if ratified)	17 November 2000
Degree of U.S. implementation	The U.S. government states it is “firmly committed to implementing the UNCCD” via the U.S. Agency for International Development. From 1997-2002, the United States contributed \$167 million for programs in sustainable agriculture and natural resource management in sub-Saharan Africa and other regions threatened by desertification.
Interesting information	Poverty is considered both a result of desertification and a cause of its acceleration. According to UN Secretary-General Kofi Annan, more than one billion people in 110 countries are at risk from desertification.
Treaty text	unccd.int/convention/text/convention.php
Ratification status	unccd.int/convention/ratif/doiif.php
Other Web site(s)	unccd.int gm-unccd.org
Informative Web site(s)	ifad.org/gm earth-policy.org ramsar.org/key_ccd_moc.htm

Last updated 6 February 2005

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 between importing and exporting countries for human health and the environment. 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 and UNEP Chemicals
Abbreviated name	Rotterdam or PIC Convention
Date entered into force	83 February 2004
Number of ratifications	83 (as of 6 February 2005)
U.S. status	Signed but not ratified
Date U.S. signed (if signed)	11 September 1998
U.S. position (if not ratified)	The Senate is debating the implementing legislation required to comply with both the Rotterdam Convention and the Stockholm Convention, changing provisions in the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act. 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. There are currently 29 chemicals on the list and five more are under review for possible addition.
Treaty text	pic.int/en/ViewPage.asp?id=345
Ratification status	pic.int/en/ViewPage.asp?id=345
Other Web site(s)	pic.int
Informative Web site(s)	panna.org pesticideinfo.org fpif.org/briefs/vol7/v7n11toxics.html

Last updated 6 February 2005

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 parties take necessary measures to reduce or eliminate release of 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
Date entered into force	17 May 2004
Number of ratifications	94 (as of 6 February 2005)
U.S. status	Signed but not ratified
Date U.S. signed (if signed)	23 May 2001
U.S. position (if not ratified)	On 19 April 2001, President Bush promised to sign the treaty and voiced his support for rapid ratification. While the United States 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 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 by-products 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)

ipen.ecn.cz

panna.org/campaigns/pops.html

ienearth.org/pops_threat-p1.html

fpif.org/briefs/vol7/v7n11toxics.html

Last updated 6 February 2005

E. Treaty overviews: Peace and security

Efforts to eliminate nuclear arms began in the first United Nations General Assembly in 1946. However, negotiators for the United States and the Soviet Union could not agree until 1963, when the first major arms control treaty was signed. The Partial Test Ban Treaty limited nuclear testing while parties continued negotiations.

The Cold War between the United States and the Soviet Union ended slowly, as negotiators from the two parties used the multilateral treaty system to gradually reduce their respective arsenals, agreeing on defined limits and verification systems that finally pulled the whole world back from the nuclear brink.

During the same era, the departure of colonial powers from Africa and South America led to tribal and ethnic disputes, dictators and guerilla warfare, military coups and conflicts over scarce land and resources. Religious fundamentalism and ideological supremacy have provoked continual fighting in the Middle East and Eastern Europe while the widening gap between rich and poor continue to add to the number of civil wars and border disputes persistent around the world.

Small arms are big business—about \$9 billion worth of handguns and light weapons are traded yearly, according to one estimate. A UN commission of inquiry published reports in 1996 and 1998 documenting this lucrative industry and private dealers who “profit from conflicts, the trade in illicit arms and diamonds, and, not least, on the transport of such illicit merchandise.” The commission concluded that profiteers are “instrumental in facilitating war and armed conflict.” Efforts to achieve a treaty on small arms are underway.

Global trade in all weapons amounts to some \$40 billion per year, while the global budget for all military expenditures is about \$800 billion. The United States alone is responsible for nearly half this amount. President Bush’s 2004 budget requested \$399.1 billion for the military, an increase of 4.4 percent over 2003. This includes \$19.3 billion for nuclear weapons and more than \$7 billion to develop and test missile defense technologies.

While telling Iran and North Korea to halt their nuclear programs, President Bush has launched a whole new arms race—encouraging Russia as well as China, India, Pakistan and Israel to further develop their own nuclear capacities. The administration withdrew from the 1972 Anti-Ballistic Missile Treaty, walked away from negotiations on a verification mechanism for the 1975 Biological and Toxin Weapons Convention and violated the 1970 Non-Proliferation of Nuclear Weapons Treaty by announcing plans to build nuclear “bunker busters” and a possible preemptive nuclear strike.

President Bush took the unprecedented step of nullifying President Clinton’s signature on the Rome Statute for the International Criminal Court, and has cut off foreign aid from countries that would not sign an agreement to protect Americans subject to its prosecution.²² More than 80 countries have signed these bilateral agreements, including many of the parties to the Rome Statute. President Bush also negated President Clinton’s commitment to ratify the Landmine Treaty by 2006 if alternatives to anti-personnel mines were ready for use by then.

22. A few of the countries that have forfeited the most foreign aid as a result of not signing BIAs are (all dollar amounts in millions): Ecuador (\$15.7), South Africa (\$7.6), Croatia (\$5.8), Peru (\$2.7), Uruguay (\$1.5), Brazil (\$0.5) and Costa Rica (\$0.4).

For this category, we organized the treaties into three subgroups: crime, disarmament and terrorism. We opted to create subgroups to gain a clear perspective on U.S. participation levels in these different areas by pulling together related treaties found in several databases.

For crime, we include the nine treaties pertaining to crime listed in the Penal Matters chapter of the UN Treaty Collection. For disarmament, we include other chapters all U.S.-relevant multilateral treaties from the UN’s Department of Disarmament Affairs Web site, the disarmament treaties from the UN Treaty Collection and one bilateral treaty the U.S. was party to for 30 years and which played a major role in global arms control. For terrorism, we included all of the U.S.-relevant treaties listed with the Office of Drugs and Crime and the UN Treaty Collection, as well as one regional terrorism treaty relating to the Americas. The United States has ratified none of the crime treaties, less than two-thirds of the disarmament treaties and all of the terrorism treaties.

Peace and security	% ratified	Number ratified	Total
XVIII. Penal Matters: Crime ^a	0%	0	9
UN Department of Disarmament Affairs (DDA)		9	11
XXVI. Disarmament		4	9
XXIV. Outer Space ^b		0	1
Bilateral Disarmament (U.S. government)		0 (withdrew)	1
Total Disarmament	59%	13	22
UN Office on Crime and Drugs (OCD)		8	8
XVIII. Penal Matters: Terrorism ^a		4	4
Regional Terrorism (Organization of American States)		1	1
Total terrorism	100%	13	13

NOTES

- a. For the total of 17 treaties under the UN Treaty Collection’s chapter Penal Matters, we included the nine concerning crime and four concerning terrorism in the Peace and Security category.
- b. For the total of two treaties under the UN Treaty Collection’s chapter Outer Space, we included one concerning disarmament in the Peace and Security category.

Note: The Roman numerals and chapter names follow the system used by the UN Treaty Collection. If there is no Roman numeral listed, it is an independent database.

In the following pages, we provide overviews for eight treaties. Due to their current relevance, we have selected six prominent disarmament treaties, the Rome Statute of the International Criminal Court and the International Convention for the Suppression of the Financing of Terrorism. Of these eight, the United States has six active signatures and four ratifications.

Treaty	Signed	Ratified	Page
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction	Yes	Yes	109
Comprehensive Nuclear-Test-Ban Treaty	Yes	No	111
1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction	No	No	113
The Treaty on the Non-Proliferation of Nuclear Weapons	Yes	Yes	115
Treaty on the Limitation of Anti-Ballistic Missile Systems	Yes	Withdrew	117
Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction	Yes	Yes	119
Rome Statute of the International Criminal Court	Nullified	No	121
International Convention for the Suppression of the Financing of Terrorism	Yes	Yes	123

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction

CWC prohibits development, production, stockpiling and use of chemical weapons but allows research, development and production of “dual-use” chemicals that can also be used for peaceful purposes. CWC establishes a verification system to monitor activities and penalizes nonparties by inhibiting access to chemicals controlled under the treaty.

Category	Peace and security
Depositary	Secretary-General of the United Nations (chapter XXVI-3)
Managing organization	Organization for the Prohibition of Chemical Weapons
Abbreviated name	CWC or Chemical Weapons Convention
Date entered into force	29 April 1997
Number of ratifications	167 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	13 January 1993
Date U.S. ratified (if ratified)	24 April 1997
Degree of U.S. implementation	The United States attached unilateral exemptions to its CWC membership. These include refusing to allow transfer of material to laboratories outside the U.S. for testing, limiting facilities that may be inspected and enabling the president to refuse or challenge inspections on national security grounds. The Pentagon announced in 2001 that it would be unable to meet CWC’s goal of elimination of all stockpiles by April 2007, citing difficulties in the destruction process due to environmental standards and technical feasibility. The United States is currently on schedule for 100 percent chemical weapon disarmament by 2011. As of 2004, the United States has destroyed about 24 percent of its chemical weapons stockpile.
Interesting information	Over 80 percent of chemical weapons destroyed since the treaty came into force were destroyed in the United States. As of 2004, six CWC member countries declared stockpiles: the United States, Russia, India, Albania, Libya and “a state party,” possibly South Korea. Iraq’s chemical weapons were destroyed under a UN program. The total world declared stockpile was 72,000 tons in 1997.
Treaty text	opcw.org/html/db/cwc/eng/cwc_frameset.html
Ratification status	opcw.org/html/db/members_frameset.html
Other Web site(s)	disarmament2.un.org/wmd/cwc

Informative Web site(s) armscontrol.org/factsheets/cwcglance.asp
fas.org/nuke/control/cwc
cwwg.org/cwwg.html

Last updated 6 February 2005

Comprehensive Nuclear-Test-Ban Treaty

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

Category	Peace and security
Depositary	Secretary-General of the United Nations (chapter XXVI-4)
Managing organization	Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization; when CTBT enters into force, the Preparatory Commission will cease to exist and the CTBTO will be established.
Abbreviated name	CTBT
Date entered into force	CTBT will not enter into force until all 44 countries listed in Annex 2 have ratified it. As of February 2005, 33 have done so. Annex 2 countries are the 44 countries that 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.
Number of ratifications	120 (as of 6 February 2005)
U.S. status	Signed but not ratified
Date U.S. signed (if signed)	24 September 1996
U.S. position (if not ratified)	In October 1999, the Senate became the first and only legislature in the world to reject CTBT ratification despite support from military leaders such as Gen. Colin Powell and polls showing public support at 82 percent. The Bush administration argues CTBT will not stop other countries from gaining nuclear weapons and, therefore, the United States must maintain a strong national security policy to protect itself. As articulated in the January 2002 publication of the Nuclear Posture Review, the United States intends to develop new types of nuclear weapons and test them.
Interesting information	CTBT does not cover laboratory testing using computer simulation, a new technique used by the U.S. and other countries. Among official and unofficial nuclear-weapon states, China, India, Iran, Israel, North Korea, Pakistan and the United States have not ratified CTBT.
Treaty text	disarmament.un.org:8080/TreatyStatus.nsf/44E6EEABC9436B78852568770078D9C0/0655D51A30692632852568770079DDA2?OpenDocument
Ratification status	ctbto.org
Other Web site(s)	disarmament2.un.org

Informative Web site(s) reachingcriticalwill.org/ctbt/ctbtindex.html
fcnl.org/issues/issue.php?issue_id=53
fas.org/nuke/control/ctbt
armscontrol.org/factsheets/#Testing

Last updated 6 February 2005

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 antipersonnel land mines. The convention prohibits development, production, stockpiling or use of antipersonnel land mines by any party, as well as any attempt to assist in these activities. It requires all parties to destroy land mine stockpiles within four years of its entry into force. The convention also requires parties to cooperate 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, Landmine or Ottawa Convention
Date entered into force	1 March 1999
Number of ratifications	144 (as of 6 February 2005)
U.S. status	Not signed, not ratified
U.S. position (if not ratified)	President Clinton indicated the United States would ratify the Mine Ban Convention by 2006 if suitable alternatives to antipersonnel mines were identified and fielded. However, the Bush administration reversed this commitment on 27 February 2004. The administration announced it would not pursue membership to the Mine Ban Convention because it did not address the threat posed by anti-vehicle land mines and would prevent the U.S. military from effectively defending itself. New U.S. policy plans on the continued use of persistent antipersonnel mines until 2010 and their eventual replacement by self-deactivating or “smart” land mines after that date.
Interesting information	The Mine Ban Treaty was initiated by nongovernmental organizations that worked for years to get the support of enough governments to move their proposal towards formal treaty negotiations. The International Campaign to Ban Landmines estimates that some 15,000-20,000 people are injured or killed each year by land mines in 82 countries around the world. Land mines have injured or killed U.S. or allied troops in every conflict since World War II, including in Iraq and Afghanistan.
Treaty text	disarmament.un.org:8080/rdb/apm-mbc-text.html
Ratification status	icbl.org/ratification
Other Web site(s)	mineaction.org

Informative Web site(s)

icbl.org

landminesurvivors.org

hrw.org/doc/?t=arms_landmines

Last updated 6 February 2005

Treaty on the Non-Proliferation of Nuclear Weapons

NPT obligates the five “nuclear-weapon States Parties”—the United States, Russian Federation, United Kingdom, France and China—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. NPT permits nuclear-weapon parties to exchange information for peaceful purposes and for 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
Date entered into force	5 March 1970
Number of ratifications	189 (as of 6 February 2005; includes North Korea)
U.S. status	Ratified
Date U.S. signed (if signed)	1 July 1968
Date U.S. ratified (if ratified)	5 March 1970
Degree of U.S. implementation	In its Nuclear Posture Review of 2002, the United States introduced the concept of a preemptive strike with use of nuclear weapons and plans to expand its arsenal, including development of a nuclear “bunker buster.” A few months later, President Bush and Russian President Vladimir Putin agreed to a new pact calling for reductions in long-range nuclear arsenals. This pact does not require destruction of long-range weapons nor does it address short-range and tactical nuclear weapons. The United States has also maintained large stocks of nuclear weapons since the end of the Cold War. All these actions contradict the NPT obligation to take effective measures towards nuclear disarmament.
Interesting information	<p>Only India, Israel, Pakistan and North Korea remain outside the treaty; all four are known to have nuclear weapon capabilities. Under the NPT’s terms, these four countries are considered to be “non-nuclear weapon states” and can only ratify as a non-nuclear weapon party. North Korea had been a NPT party since 1985 but withdrew on 10 January 2003 citing the United States naming it part of an “axis of evil” and listing North Korea as a target for preemptive strikes.</p> <p>For non-nuclear weapon countries 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 NPT by doing this including South Africa, Brazil, Argentina, Kazakhstan, Ukraine and Belarus.</p>

Treaty text	disarmament2.un.org/TreatyStatus.nsf
Ratification status	disarmament2.un.org/TreatyStatus.nsf
Other Web site(s)	disarmament.un.org:8080 iaea.org
Informative Web site(s)	ieer.org/reports/nato ucsusa.org/global_security/nuclear_weapons fcnl.org/issues/issue.php?issue_id=2 fas.org/nuke/control/npt/text armscontrol.org/factsheets/agreedframework.asp

Last updated 6 February 2005

Treaty on the Limitation of Anti-Ballistic Missile Systems

The ABM Treaty was a bilateral agreement between the United States and the Soviet Union. The ABM Treaty barred both countries from building the foundation for or the deployment of nationwide 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 offensive nuclear forces, thereby helping to slow the nuclear arms race. The treaty did, however, 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.

Category	Peace and security
Depositary	Government of the United States of America
Managing organization	U.S. Department of State
Abbreviated name	ABM
Date entered into force	3 October 1972
Number of ratifications	Was two, but the U.S. withdrew in 2002
U.S. status	Ratified, but the U.S. withdrew
Date U.S. signed (if signed)	26 May 1972
Date U.S. ratified (if ratified)	3 August 1972; withdrawal on 13 June 2002
Degree of U.S. implementation	The United States 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 ABM if they had advanced beyond the conceptual and research stage.
U.S. position (if not ratified)	The United States was party to ABM until President Bush withdrew 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 United States is pursuing nationwide defense against long-range ballistic missiles, which comprises a variety of systems that would have been illegal under ABM.
Interesting information	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."

Treaty text	state.gov/t/np/trty/16332.htm#treaty
Other Web site(s)	armscontrol.org/factsheets/usmissiledefense.asp
Informative Web site(s)	fcnl.org/issues/issue.php?issue_id=76
	cdi.org/program/index.cfm?programid=6
	armscontrol.org/act/2003_01-02/briefs_janfeb03.asp#abm

Last updated 6 February 2005

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

The Biological Weapons Convention bans development, production, stockpiling, acquisition and retention of microbial or biological agents and toxins that have no protective or peaceful purpose. It also bans weapons, equipment or the 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 BWC with a declaration and inspection regime was negotiated and an agreement nearly reached.

Category	Peace and security
Depositary	Governments of the Russian Federation; United Kingdom of Great Britain and Northern Ireland; and the United States of America
Managing organization	UN Department for Disarmament Affairs
Abbreviated name	BWC, BTWC or Biological Weapons Convention
Date entered into force	26 March 1975
Number of ratifications	152 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	10 April 1972
Date U.S. ratified (if ratified)	22 January 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. In late 2001, however, the United States blocked the draft protocol's completion. The United States was reluctant to permit inspections of its laboratories, including those in the private sector. The United States also stated it did not believe the draft protocol would prevent proliferation. This rejection of the draft protocol effectively halted negotiations to strengthen the treaty.
Interesting information	As the draft protocol collapsed in 2001, the U.S. delegation at the BWC conference denounced Iraq and Libya as possessing offensive biological weapons programs. These allegations have subsequently been proven untrue.
Treaty text	disarmament.un.org:8080/TreatyStatus.nsf
Ratification status	disarmament.un.org:8080/TreatyStatus.nsf

Informative Web site(s) sunshine-project.org
 armscontrolcenter.org/cbw
 basicint.org/nuclear/biological
 opbw.org

Last updated 6 February 2005

Rome Statute of the International Criminal Court

The Rome Statute created the International Criminal Court (ICC), an independent international organization separate from the United Nations. Located in The Hague, Netherlands, ICC is the first permanent international venue for prosecution of crimes against humanity, including genocide, mass rape and ethnic cleansing. Such crimes must be on a widespread and systematic level, not a one-time event. ICC is also separate 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 XVIII-10)
Managing organization	International Criminal Court
Abbreviated name	ICC
Date entered into force	1 July 2002
Number of ratifications	97 (as of 6 February 2005)
U.S. status	Signed but nullified the signature in May 2002
Date U.S. signed (if signed)	31 December 2000; nullified the signature on 6 May 2002
U.S. position (if not ratified)	President Clinton signed the Rome Statute in 2000. However, President Bush formally nullified the U.S. signature two years later, declaring that the United States thereafter had no formal obligation arising from its past position. Current U.S. policy states ICC undermines the UN Security Council's role, threatens national sovereignty by asserting jurisdiction over nonparty countries and sets itself up for exploitation and politically motivated prosecutions. The United States has expressed concern that its allies might be compelled to turn U.S. personnel over to ICC, which would "complicate U.S. military assistance." Also in 2002, Congress passed the American Servicemember's Protection Act, which cuts off assistance to countries refusing to sign bilateral immunity agreements (BIAs) requiring them to return to the United States all Americans on their territories or under their control which ICC may seek. The United States negotiated these bilateral agreements with more than 80 other countries, though exemptions were made for NATO members and other allies. Although they have forfeited U.S. foreign aid, 22 ICC parties chose not to sign BIAs with the United States.

Interesting information	In 2003, legal experts representing many ICC parties as well as Amnesty International argued the Security Council should not renew its resolution exempting U.S. peacekeepers from ICC jurisdiction. They said the exemption was illegal according to the Rome Statute, numerous other treaties and the UN Charter itself—an opinion voiced by Secretary-General Kofi Annan in 2002. After abuse of Iraqi prisoners of war was revealed in June 2004, the United States lacked support for a third renewal and withdrew the request. Instead, the United States pursued BIAs, spending triple the amount of money invested by all other ICC parties to implement the treaty.
Treaty text	un.org/law/icc/statute/romefra.htm
Ratification status	icc-cpi.int/statesparties.html
Other Web site(s)	un.org/law/icc
Informative Web site(s)	amicc.org iccnw.org web.amnesty.org/pages/icc-index-eng wfa.org/issues/wicc/wicc.html globalsolutions.org/programs/law_justice/icc/icc_home.html npwj.org

Last updated 6 February 2005

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	Terrorist Financing Convention
Date entered into force	1 April 2002
Number of ratifications	133 (as of 6 February 2005)
U.S. status	Ratified
Date U.S. signed (if signed)	10 January 2000
Date U.S. ratified (if ratified)	26 June 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. After the issuance of this order, the United States became party or reaffirmed its commitment to several international agreements and conventions aimed at preventing the financing of terrorism. In addition, the USA 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 adopted 12 conventions and protocols to fight terrorism, of which the United States was party to 10. The two it was not yet party to were the Suppression of Terrorist Bombings and the Terrorist Financing Convention. 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 various treaties, the Comprehensive International Treaty on Terrorism and the Convention on Nuclear Terrorism. Neither treaty was concluded or adopted due to differing opinions on the definition of terrorism and which persons would be entitled to exclusion from the treaties’ scopes.
Treaty text	unodc.org/unodc/resolution_2000-02-25_1.html
Ratification status	untreaty.un.org/English/access.asp (<i>Note: Must request password to gain access to the database.</i>)

Other Web site(s)	unodc.org/unodc/en/terrorism.html un.org/terrorism untreaty.un.org/English/Terrorism.asp
Informative Web site(s)	worldpolicies.com/english/us_icsft_0.html state.gov/s/ct armscontrolcenter.org/terrorism/issues/Financing.html

Last updated 6 February 2005

VI. Glossary: In the context of treaty law and practice

The definitions offered here were drawn from the United Nations Treaty Handbook (untreaty.un.org/English/TreatyHandbook/hbframeset.htm), the Vienna Convention (un.org/law/ilc/texts/treaties.htm) and the Council of Europe (conventions.coe.int/Treaty/EN/v3Glossary.asp).

Acceptance: See *Ratification*.

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

Adoption: Adoption is the formal act by which negotiating countries establish the form and content of a treaty. The treaty is adopted through a specific act expressing the agreement of the countries 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. See *Treaty*.

Communication: A communication is a declaration by which a country 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 country must designate a competent national authority, or they can be formulated spontaneously by countries. 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.

Customary international law: Customary international law is assumed when a widespread repetition of similar international acts by a significant number of countries occurs over time and out of a sense of obligation. Such customary practices were traditionally recognized as legally valid and served as the foundation for the 1969 Vienna Convention on the Law of Treaties, which essentially codified the traditional practice of international negotiations and the resulting international law.

Declaration: A declaration is a general notification by which a country clarifies the meaning of a treaty

or provision without claiming to exclude or modify the legal effect of a treaty. An “understanding” or “interpretation” may be referred to as a “declaration.” A country 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 countries’ notifications and 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 countries.

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 specific date, or a certain number of days after a specified number of ratifications have been deposited, or a date on which certain conditions are met. Some treaties allow a provisional entry into force, when a number of ratifying countries 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 countries 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 country 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 countries 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 countries 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. domestic law, and are typically included in a statement upon ratification.

Ratification: Ratification, acceptance, accession, succession and approval all refer to the act whereby a country 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 country's constitutional provisions, which is inadequate to establish the country'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 country 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 country that claims to exclude or modify the legal effect of certain provisions of a treaty in their application to that country. 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 country expresses its interest in the treaty and its intention to become a party. The country 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 (meaning countries, not U.S. 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 country regarding its interpretation of the obligations required by a treaty.

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Appendix A. Research methodology

Identifying the statistical basis of 550 treaties counted in this report

We started with the UN Treaty Collection database in the United Nations Office of Legal Affairs, which houses all treaties deposited with the Secretary-General. Currently, there are 507 treaties in the UN Treaty Collection, organized into 29 chapters covering everything from refugees to outer space and the League of Nations. This database is not searchable by country, but it is very well maintained and updated daily. A password is required for access.

Next we looked at the international labor standards database of the International Labor Organization. It is easy to use, updated frequently and allows searching by country or convention in several comparative formats. Then we checked each of the UN specialized agencies for data on treaties, finding two that were readily accessible: the Food and Agriculture Organization and the World Intellectual Property Organization.

After that, we searched the Internet and discovered a variety of other sources. For example, the UN has extensive Web sites for Peace and Security through Disarmament and Office on Drugs and Crime with links to numerous disarmament, crime and terrorism treaties. We also encountered multilateral treaties located with organizations not affiliated with the UN, such as the International Committee of the Red Cross. Some treaties on these other databases we had already encountered, such as those housed in the UN Treaty Collection. Others are deposited with individual governments or regional organizations like the Organization of American States.

Having scrutinized some two dozen Web sites pertaining to multilateral agreements, we determined an accessible body of treaties relevant to the United States was held in seven databases. To this sample, we added two treaties selected from other sources for their significance in the current geopolitical context: the bilateral Anti-Ballistic Missiles Treaty and a regional treaty dealing with terrorism in the Americas.

When grouping treaties together for the introduction pages, if appropriate, we listed treaties together in one category from several UN Treaty Collection chapters or from different databases. In some cases, due to topic or database resource, we segregated the data into a subgroup within a category. For example, we consider the Geneva Conventions to be a distinct subset of human rights treaties and, likewise, the 10 treaties of the Law of the Sea to be a subset of other environmental treaties. We then calculated the percentage that had been ratified by the United States for each subgroup or category, evaluating U.S. interests according to these relative rates of ratification.

The following bullet points under each database are the specific considerations we exercised in selecting the treaties which formed our sample to date for this report on the United States' participation in global affairs.

UN Treaty Collection

- ▶ These treaties are deposited with the Secretary-General of the United Nations. There are 574 treaties in the UN Treaty Collection database, but 67 have been dissolved or superseded by a subsequent agreement leaving 507 active treaties.
- ▶ Among them, three treaties that address intellectual property, six that address disarmament and four that address terrorism are counted here, not in the databases with these titles.
- ▶ We excluded 174 regional treaties not directly relevant to the U.S.
- ▶ We count 333 of the treaties from the UN Treaty Collection for this report.
- ▶ The U.S. has ratified 109 of these.
- ▶ <http://untreaty.un.org/English/treaty.asp>

Database of International Labor Standards (ILODEX)

- ▶ These treaties are deposited with the Director-General of the International Labor Organization. There are 190 conventions and protocols in the ILO database, but 28 are not active.
- ▶ All 162 active treaties pertain to all of the ILO members.
- ▶ We count 162 ILO treaties in this report.
- ▶ The U.S. has ratified 14 of these.
- ▶ <http://www.ilo.org/ilolex/english/index.htm>

International Committee of the Red Cross (ICRC)

- ▶ These treaties are deposited with the Swiss Federal Council.
- ▶ There are four documents for the Geneva Conventions of 1949, but all four are ratified together and considered as one ratification.
- ▶ Additional Protocols I and II to the Geneva Conventions each have a separate ratification.
- ▶ We count three ICRC treaties in this report.
- ▶ The U.S. has ratified one of these.
- ▶ <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/genevaconventions>

World Intellectual Property Organization (WIPO)

- ▶ These treaties are deposited with the Director-General of the World Intellectual Property Organization and the Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV). There are 23 treaties in the WIPO database but one is not active.
- ▶ The three intellectual property treaties in the UN Treaty Collection are not double-counted here.
- ▶ We count 22 WIPO treaties in this report.
- ▶ The U.S. has ratified 12 of these.
- ▶ <http://www.wipo.int/treaties/en/index.html>

Food and Agriculture Organization (FAO) of the United Nations

- ▶ These treaties are deposited with the Director-General of the Food and Agriculture Organization. There are 33 treaties in the FAO database, but one is inactive.
- ▶ We excluded 23 regional treaties not directly relevant to the U.S.
- ▶ We count nine FAO treaties in this report.
- ▶ The U.S. has ratified six of these.
- ▶ <http://www.fao.org/Legal/treaties/treaty-e.htm>

United Nations Department for Disarmament Affairs (DDA)

- ▶ These treaties are deposited with a variety of governments and international organizations. There are 15 treaties in the DDA database.
- ▶ We added one bilateral treaty deposited with the U.S. government: the Anti-Ballistic Missiles Treaty between the United States and Russia.
- ▶ We excluded four regional treaties not directly relevant to the U.S.
- ▶ The six disarmament treaties in the UN Treaty Collection are not double-counted here.
- ▶ We count 12 disarmament treaties in this report.
- ▶ The U.S. has ratified nine of these.
- ▶ <http://disarmament.un.org:8080/TreatyStatus.nsf>
- ▶ <http://state.gov/t/np/trty/16332.htm#treaty>

United Nations Office on Drugs and Crime (ODC)

- ▶ These treaties are deposited with a variety of governments and international organizations. There are eight terrorism treaties in the ODC database.²³
- ▶ We added one regional treaty deposited with the Organization of American States that addresses the Americas and is directly relevant to the U.S.
- ▶ We excluded six regional treaties not directly relevant to the U.S.
- ▶ The four terrorism treaties in the UN Treaty Collection are not double-counted here.
- ▶ We count nine terrorism treaties in the report.
- ▶ The U.S. has ratified all nine of these.
- ▶ http://www.unodc.org/unodc/en/terrorism_conventions.html
- ▶ <http://untreaty.un.org/English/Terrorism.asp>

23. In his speeches, Secretary-General Annan has frequently referred to 12 major terrorism treaties; that number comes from the eight we count on the ODC Web site plus the four located in the UN Treaty Collection.

Table 5. Our selection of treaties from seven databases

Database	Total treaties reviewed	Inactive	Total active treaties	Not relevant to U.S.	Relevant to U.S.	Ratified by Senate
UN Treaty Collection	574	67	507	174	333	109
Database of International Labor Standards	190	28	162	0	162	14
International Committee of the Red Cross	3	0	3	0	3	1
World Intellectual Property Organization	23	1	22	0	22	12
Food and Agriculture Organization	33	1	32	23	9	6
UN Department of Disarmament Affairs and U.S. government	16	0	16	4	12	9
UN Office of Crime and Drugs and Organization of American States	15	0	15	6	9	9
TOTALS	854	97	757	207	550	160

Selecting prominent treaties and preparing the overviews

We identified a number of the more prominent treaties within each category for in-depth analysis, selecting those with a high public profile, timely significance in the current geopolitical context and important socioeconomic implications.

With a short list of prominent treaties in hand, we consulted the most knowledgeable experts we could find from the United Nations, U.S. government sources, academia, treaty advocacy groups and other nongovernmental organizations. We wanted to be certain of our understanding of the legal mandate of each treaty and the geopolitical challenges facing its ratification and full implementation. Then we began inquiries about the position taken by the United States towards each—looking for statements from the White House, press reports covering the negotiations, congressional testimony, think-tank articles and public-interest Web sites.

All too often, we found confirmation that the United States is stalling the process. If the United States ratified a treaty, the Senate may have attached reservations or declarations that significantly weakened its impact. In some cases, especially politically sensitive cases, the Senate may declare a treaty to be “not self-executing” despite ratification—meaning the Senate must pass implementing legislation before it becomes enforceable in U.S. courts—a delay that can stretch out over many years. Other treaties are fully ratified and in force, but the United States may evade their provisions through administrative measures such as redefining some of the key terms in domestic procedures, submitting weak reports to the treaty committees or not acting on recommendations.

When the United States wishes to avoid the obligations of a ratified treaty, there is rarely a public record informing citizens of the government’s action and the reasons why. And although two-thirds of Senate approval is necessary to ratify a treaty, there is nothing stated in the Constitution about officially withdrawing from a treaty, which President Bush did on his own authority. In these cases, after double-checking all available facts, our characterization of the U.S. position reflects an interpretation that is widely accepted as valid.

In exceptional cases, such as President Bush’s reversal of U.S. position towards the Kyoto Protocol, the Landmine Treaty, the Biological and Toxin Weapons Convention, the Nuclear Non-Proliferation Treaty, the Anti-Ballistic Missiles Treaty and the International Criminal Court, we sourced our statements from White House press conferences or official State Department documentation to clearly communicate the administration’s reasons for taking such steps.

Appendix B. The U.S. presidential record, 1893-2004

This table was prepared by sorting the 160 treaties on which the United States has taken some action. We grouped a treaty under an administration if the treaty was ratified while that president held office. We assigned colors (which may appear as shades of gray in printed versions) to different groupings so one can easily see when a president signed a treaty that the Senate ratified during his term in office or when it was ratified during another administration. For simplification purposes, in the column titled “President’s initials and term signed” we abbreviated the president’s name and term. For example, BC-2 indicates Bill Clinton signed it during his second term. If there is no number following the initials, that president only served one term. If the treaty was summarized in this report in the treaty overviews section, its page number is listed.

Several interesting facts become apparent when reviewing this table. For example, the Convention on the Prevention and Punishment of Genocide was signed by President Truman in 1948 but was not ratified until the Nixon administration 40 years later. From 1977 to 1980 President Carter signed two major human rights treaties (Economic, Social and Cultural Rights and Elimination of Discrimination Against Women) and the two Protocols to the Geneva Conventions but, to date, the United States has not ratified any of these. In total, there are 47 treaties signed by U.S. presidents but which have yet to gain Senate ratification.²⁴ It is also notable that a significant number of prominent treaties provided in the treaty overviews section do not appear in the following table because the United States has not taken any treaty action on them.

A summary of the treaty actions per administration and a corresponding bar graph are located in Section IV: U.S. participation in multilateral treaties.

24. The total of 47 treaties signed but not ratified by the United States includes the Anti-Ballistic Missile (ABM) treaty but does not include the International Criminal Court (ICC) treaty. We chose to include the ABM because the United States had signed and ratified it before withdrawing in 2002. Although the United States withdrew, it never formally nullified its ABM signature. The United States formally nullified the obligations of its ICC signature and, therefore, we do not currently acknowledge it as signed.

Table 6. Detail of treaty actions of each administration

Database name or UN Chapter and reference number	Page	Treaty name	Date signed	Initials and term signed	Date ratified or acceded ^a
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George W. Bush (GWB)*January 2001–present**6 signed, 10 ratified, 1 signature nullified, 1 ratification withdrawn*

XIX-43		International Coffee Agreement 2001	N/A		3 Feb. 05 ^a
XXVII-1-h		Protocol on Long-range Air Pollution, Acidification and Ground-Level Ozone	1 Dec. 99	BC-2	22 Nov. 04
XXVII-2-d		Montreal Protocol, Montreal Amendment	N/A		1 Oct. 03
XXVII-2-e		Montreal Protocol, Beijing Amendment	N/A		1 Oct. 03
IV-11-b	69	Convention on the Rights of the Child, Children in Armed Conflict Amendment	5 July 00	BC-2	23 Dec. 02
IV-11-c	71	Convention on the Rights of the Child, Prostitution, Pornography and Sale of Children Amendment	5 July 00	BC-2	23 Dec. 02
XVIII-11		Suppression of Financing of Terrorism	10 Jan. 00	BC-2	26 June 02
XVIII-9		Suppression of Bombings by Terrorists	12 Jan. 98	BC-2	26 June 02
ILO-C176		Safety and Health in Mines Convention	N/A		2 Sept. 01
WIPO		Madrid Protocol on the Agreement Concerning the International Registration of Marks	N/A		2 Aug. 03 ^a
Disarmament	117	Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM)	26 May 72	RN-1	Withdrew 13 June 02
XVIII-10	121	International Criminal Court, Rome Statute	Nullified 6 May 02	BC-2	
IX-4		Tobacco Control	10 May 04	GWB-1	
X-17		Assignment of Receivables in International Trade	30 Dec. 03	GWB-1	
XVIII-14		Convention Against Corruption	9 Dec. 03	GWB-1	
XXVII-15	103	Stockholm Convention on Persistent Organic Pollutants (POPs)	23 May 01	GWB-1	
FAO		Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean	20 April 01	GWB-1	
FAO	83	International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)	1 Nov. 02	GWB-1	

Bill Clinton (BC)*January 1993–January 2001**32 signed, 30 ratified (of those, 10 were signed during Clinton's presidency)*

XXVII-1-f		Protocol on Long-range Air Pollution	24 June 98	BC-2	10 Jan. 01
XIX-41-c		Food Aid Convention	16 June 99	BC-2	5 Jan. 01
XXVII-10	99	Desertification	14 Oct. 94	BC-1	17 Nov. 00
WIPO		Trademark Law Treaty	28 Oct. 94	BC-1	12 Aug. 00
WIPO		World Intellectual Property Organization (WIPO) Copyright Treaty	12 April 97	BC-2	14 Sept. 99

WIPO		WIPO Performances and Phonograms Treaty	12 April 97	BC-2	14 Sept. 99
XI-B-32		Global Technical Regulations for Wheeled Vehicles	25 June 98	BC-2	26 July 99
XXVI-2-b		Prohibition of Excessively Injurious Conventional Weapons, Additional Protocol on Mines	N/A		24 May 99
XIX-41-a		Grains Trade Convention	26 June 95	BC-1	21 May 99
ILO-C182	49	Worst Forms of Child Labor Convention	N/A		12 Feb. 99
XII-1-g		Maritime Organization Amendment (Facilitation Committee)	N/A		14 Oct. 98
XII-1-h		Maritime Organization Amendment	N/A		14 Oct. 98
Terrorism		Convention on the Marking of Plastic Explosives for the Purpose of Detection	1 March 91	GHB	4 Sept. 97
XXVI-3	109	Chemical Weapons Convention (CWC)	13 Jan. 93	GHB	25 April 97
XIX-39		Tropical Timber Agreement	1 July 94	BC-1	14 Nov. 96
XXI-7		Conservation and Management of Straddling and Migrant Fish	4 Dec. 95	BC-1	21 Aug. 96
XXVI-2		Prohibition of Excessively Injurious Conventional Weapons	8 April 82	RR-1	24 March 95
XIX-35		International Copper Study Group	15 Mar. 90	GHB	11 Nov. 94
IV-9	65	Convention Against Torture	18 April 88	RR-2	21 Oct. 94
IV-2	53	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	28 Sept. 66	LJ-1	21 Oct. 94
X-7		Limitation period on International Sale of Goods	N/A		5 May 94
X-7-a		Protocol Amending the Limitation Period on International Sale of Goods	N/A		5 May 94
X-7-b		Amended Convention on the Limitation Period on International Sale of Goods	N/A		5 May 94
XXVII-2-c		Montreal Protocol, Copenhagen Amendment	N/A		2 March 94
ILO-C150		Labor Administration Convention	N/A		3 March 95
FAO		Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas	N/A		19 Dec. 95
Terrorism		Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation	24 Feb. 88	RR-2	19 Oct. 94
Terrorism		Suppression of Unlawful Acts Against the Safety of Maritime Navigation	10 Mar. 88	RR-2	6 Dec. 94
Terrorism		Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf	10 Mar. 88	RR-2	6 Dec. 94
Disarmament		Treaty on Open Skies	24 Mar. 92	GHB	3 Dec. 93
WIPO		Patent Law Treaty	2 June 00	BC-2	
XVIII - 12		Against Transnational Organized Crime	13 Dec. 00	BC-2	
XVIII-12-a		Prevent Trafficking of Women and Children	13 Dec. 00	BC-2	
XVIII-12-b		Against Smuggling of Migrants	13 Dec. 00	BC-2	
WIPO		Geneva Act to the Hague Agreement Concerning Industrial Designs	6 July 99	BC-2	

XXV-4		Telecommunications for Relief and Disaster	17 Nov. 98	BC-2	
XXVII-7-a	93	Kyoto Protocol on Climate Change	12 Nov. 98	BC-2	
XXVII-14	101	Rotterdam Convention, Prior Informed Consent for Hazardous Chemicals in International Trade	11 Sept. 98	BC-2	
XXVII-1-g		Protocol on Long-range Air Pollution, Persistent Organic Chemicals (POPs)	24 June 98	BC-2	
X-15		Independent Guarantees and Letters of Credit	11 Dec. 97	BC-2	
X-16		Establish Economic Cooperative and Development Bank in Middle East and North Africa	22 Nov. 96	BC-1	
XXVI-4	111	Comprehensive Nuclear-Test-Ban-Treaty (CTBT)	24 Sept. 96	BC-1	
IV-11	67	Convention on the Rights of Child (CRC)	16 Feb. 95	BC-1	
XVIII-8		Safety of UN Personnel	19 Dec. 94	BC-1	
XXI-6-a		Implementation of Part XI of Law of the Sea Treaty	29 July 94	BC-1	
XXVII-8	95	Convention on Biodiversity	4 June 93	BC-1	

George H. W. Bush (GHB)

January 1989–January 1993

13 signed, 10 ratified (of those, 2 were signed during Bush's presidency)

XXVII-7-a	91	UN Framework Convention on Climate Change (UNFCCC)	12 June 92	GHB	15 Oct. 92
IV-4	57	International Covenant on Civil and Political Rights (ICCPR)	5 Oct. 77	JC	8 June 92
XXVII-2-b		Montreal Protocol, London Amendment	N/A		18 Dec. 91
IX-1-g		World Health Organization (WHO) Amendment	N/A		1 May 90
VI-19		Against Traffic in Narcotic Drugs	20 Dec. 88	RR-2	20 Feb. 90
XXVII-1-c		Air Pollution Protocol	1 Nov. 88	RR-2	13 July 89
XIV-5		Protocol to Importation of Education, Scientific and Cultural Materials	1 Sept. 81	RR-1	15 May 89
ILO-C105	35	Abolition of Forced Labor Convention	N/A		25 Sept. 91
ILO-C160		Labor Statistics Convention	N/A		6 Nov. 90
Disarmament		Treaty on Conventional Armed Forces in Europe (CFE)	12 Nov. 90	GHB	29 Jan. 92
X-13		Liability of Operators of Transport Terminals in International Trade	30 April 92	GHB	
XXVII-6		International Effects of Industrial Accidents	18 Mar. 92	GHB	
XXVII-1-d		Protocol on Long-range Air Pollution, Emission Control	19 Nov. 91	GHB	
XXVII-4		Environmental Impact, International Assessment	26 Feb. 91	GHB	
X-12		International Bills of Exchange and Promissory Notes	29 June 90	GHB	
XXVII-3	89	Basel Convention, International Movement of Hazardous Waste and Disposal	22 Mar. 90	GHB	
WIPO		Treaty on the International Registration of Audiovisual Works	20 April 89	GHB	

Ronald Reagan (RR)

January 1981–January 1989

14 signed, 19 ratified (of those, 5 were signed during Reagan's presidency)

IV-1		Prevention and Punishment of Genocide	11 Dec. 48	HT-1	25 Nov. 88
XXVII-2-a	87	Montreal Protocol on Substances that Deplete the Ozone	16 Sept. 87	RR-2	21 April 88
ILO-C144		Tripartite Consultation (International Labor Standards) Convention	N/A		15 June 88
ILO-C147		Merchant Shipping (Minimum Standards) Convention	N/A		15 June 88
WIPO		Berne Convention for the Protection of Literary and Artistic Works	N/A		1 Nov. 88 (a)
X-10		Contracts for Sale of Goods	31 Aug. 81	RR-1	11 Dec. 86
XXVII-2		Vienna Convention to Protect the Ozone	22 Mar. 85	RR-2	27 Aug. 86
XVIII-5		Hostage Taking	21 Dec. 79	JC	7 Dec. 84
XXV-1		Satellites Convention, Brussels 1974	21 May 74	RN-2	7 Dec. 84
XI-A-15		Customs Convention on Containers	5 Dec. 72	RN-1	12 Nov. 84
XXVII-1-a		Protocol on Long-range Air Pollution, Financing of EMEP Monitoring Programme	24 Sept. 84	RR-1	29 Oct. 84
X-9		Constitution of UN Industrial Development Organization (UNIDO)	17 Jan. 80	JC	2 Sept. 83
X-2-b		Establishment of the African Development Bank	31 Jan. 83	RR-1	31 June 83
XI-B-22		Road Transportation, Perishable Food	N/A		20 June 83
IX-1-e		World Health Organization (WHO) Amendment	N/A		11 Nov. 82
XXVII-1		Long-Range Transboundary Air Pollution	13 Nov. 79	JC	30 Nov. 81
XII-1-f		Maritime Organization	N/A		17 Nov. 81
XI-A-16		Transportation, Customs	N/A		18 Sept. 81
Terrorism		Convention on the Physical Protection of Nuclear Material	3 Mar. 80	JC	13 Dec. 82
XXIII-3		Law of Treaties between States and International Organizations or between International Organizations	26 June 87	RR-2	

Jimmy Carter (JC)

January 1977–January 1981

14 signed, 8 ratified (of those, 3 were signed during Carter's presidency)

IX-1-f		World Health Organization (WHO) Amendment	N/A		10 Dec. 80
WIPO		International Convention for the Protection of New Varieties of Plants	23 Oct. 78	JC	24 Nov. 80
XII-1-d		Maritime Amendment	N/A		28 Aug. 80
XII-1-e		Maritime Amendment	N/A		28 Aug. 80
VI-16		Psychotropic Substances (Drugs)	21 Feb. 71	RN-1	16 April 80
XXVI-1		Prohibiting Military with Hostile Use of Environmental Modification Technology	18 May 77	JC	17 Jan. 80
X-8		International Fund for Agriculture Development	22 Dec. 76	GF	4 Oct. 77
WIPO		Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure	28 April 77	JC	24 Sept. 79

XIX-21		Common Fund for Commodities	5 Nov. 80	JC	
IV-8	61	Convention on the Elimination of Discrimination Against Women (CEDAW)	17 July 80	JC	
XI-D-3		Carriage of Goods by Sea	30 April 79	JC	
ICRC	79	Geneva Conventions, Protocol I on Armed Conflict	12 Dec. 77	JC	
ICRC	79	Geneva Conventions, Protocol II on Internal Conflict	12 Dec. 77	JC	
IV-3	55	International Covenant of Economic, Social and Cultural Rights (ICESCR)	5 Oct. 77	JC	

Gerald Ford (GF)

August 1974–January 1977

2 signed, 10 ratified (of those, 1 was signed during Ford's presidency)

XVIII-7		Prevention of Crimes Against Diplomats	28 Dec. 73	RN-2	26 Oct. 76
XXIV-1		Registration of Outer Space Objects	24 Jan. 75	GF	15 Sept. 76
XVI-1		Political Rights of Women	N/A		8 April 76 ^a
WIPO		Patent Cooperation Treaty (PCT)	19 June 70	RN-1	26 Nov. 75
XII-1-c		Maritime Amendment	N/A		11 Feb. 76
IX-1-c		World Health Organization (WHO) Amendment	N/A		19 May 75
IX-1-d		World Health Organization (WHO) Amendment	N/A		19 May 75
WIPO		Strasbourg Agreement Concerning the International Patent Classification	24 Mar. 71	RN-1	7 Oct. 75
Disarmament		1925 Geneva Protocol: Prohibition of Poisonous Gases and Bacteriological Methods of Warfare	17 June 25	CC	10 April 75
Disarmament	109	Convention on the Prohibition of the Development, Production and Stockpiling of Biological and Toxin Weapons and on Their Destruction (BWC)	10 April 72	RN-1	26 March 75

Richard Nixon (RN)

January 1969–August 1974

17 signed, 19 ratified (of those, 7 were signed during Nixon's presidency)

XIV-4		Protection of Phonogram Producers	29 Oct. 71	RN-1	26 Nov. 73
I-5-c		Amendment to the UN Charter	N/A		24 Sept. 73
WIPO		Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks	N/A		25 Feb. 72 (a)
III-5		Vienna Convention on Diplomatic Relations, Compulsory Settlement of Disputes	29 June 61	JK	13 Nov. 72
III-3		Vienna Convention on Diplomatic Relations	29 June 61	JK	13 Nov. 72
VI-17		Protocol on Narcotic Drugs	25 Mar. 72	RN-1	1 Nov. 72
FAO		International Plant Protection Convention	6 Dec. 51	HT-2	18 Aug. 72
XXII-1		Foreign Arbitral Awards	N/A		30 Sept. 70 ^a
III-1		Privileges and Immunities of the UN	N/A		29 April 70 ^a
III-8		Vienna Convention on Diplomatic Relations, Compulsory Settlement of Disputes	24 April 63	JK	24 Nov. 69
III-6		Vienna Convention on Consular Relations	24 April 63	JK	24 Nov. 69

FAO		Convention Placing the International Poplar Commission within the framework of FAO	N/A		13 Aug. 70
WIPO		Convention Establishing the World Intellectual Property Organization	14 July 67	LJ-2	25 Aug. 70
Terrorism		Convention on Offences and Certain Other Acts Committed On Board Aircraft (Tokyo Convention, 1963)	5 Sept. 69	RN-1	4 Dec. 69
Terrorism		Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention, 1970)	16 Dec. 70	RN-1	14 Sept. 71
Terrorism		Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal Convention, 1971)	23 Sept. 71	RN-1	1 Nov. 72
Disarmament		Sea-Bed Treaty: Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof	11 Feb. 71	RN-1	18 May 72
Disarmament	115	Nuclear Non-Proliferation Treaty (NPT)	1 July 68	LJ-2	5 March 70
Disarmament		Anti-Ballistic Missile Treaty	<i>See: George W. Bush^b</i>		
VI-18		Single Convention on Narcotic Drugs	1 Nov. 72	RN-1	
XXIII-1	31	Vienna Convention on the Law of Treaties 1969	24 April 70	RN-1	
WIPO		Locarno Agreement: International Classification for Industrial Design	30 June 69	RN-1	

Lyndon Johnson (LJ)

November 1963–January 1969

7 signed, 16 ratified (of those, 4 were signed during Johnson's presidency)

XI-A-13		Transport of Goods, TIR Convention	N/A		3 Dec. 68 ^a
XI-A-9		Customs Convention on Containers	N/A		3 Dec. 68 ^a
V-5		Protocol, Status of Refugees	N/A		1 Nov. 68 ^a
X-3		Transit Trade of Land-Locked States	30 Dec. 65	LJ-2	29 Oct. 68
XII-1-b		Maritime Amendment	N/A		1 Feb. 68
Disarmament		Outer Space: Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies	27 Jan. 67	LJ-2	10 Oct. 67
FAO		International Convention for the Conservation of Atlantic Tunas	14 May 66	LJ-2	18 May 67
XVIII-4		Supplemental Convention on Abolition of Slavery	N/A		6 Dec. 67 ^a
I-5-b		UN Charter Amendment	N/A		31 May 67
VI-15		Convention on Narcotic Drugs	N/A		25 May 67 ^a
XIV-2		Importation of Education, Science and Cultural Materials	24 June 59	DE-2	2 Nov. 66
XIV-1		Circulation of Visual and Audio Materials	13 Sept. 49	HT-2	14 Oct. 66
X-4		Establishment of Asian Development Bank	4 Dec. 65	LJ-2	16 Aug. 66
XII-1-a		Maritime Organization	6 Mar. 48	HT-1	25 July 66
I-5-a		Amendment to the UN Charter	N/A		31 Aug. 65

Disarmament		Partial Test Ban: Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water	5 Aug. 63	JK	10 Oct. 63
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John Kennedy (JK)

January 1961–November 1963

6 signed, 4 ratified

XXI-4		Law of the Sea (LOS), Continental Shelf	15 Sept. 58	DE-2	12 April 61
XXI-3		LOS, Fishing and Conservation of Living Resources	15 Sept. 58	DE-2	12 April 61
XXI-2		LOS, High Seas	15 Sept. 58	DE-2	12 April 61
XXI-1		LOS, Territorial Sea	15 Sept. 58	DE-2	12 April 61
XVI-3		Consent and Minimum Age for Marriage	10 Dec. 62	JK	

Dwight Eisenhower (DE)

January 1953–January 1961

13 signed, 8 ratified (of those, 6 were signed during Eisenhower's presidency)

Disarmament		The Antarctic Treaty	1 Dec. 59	DE-2	18 Aug. 60
XI-A-5		Importing Commercial Samples	28 May 53	DE-1	17 Sept. 57
XI-A-8		Temporary Importation of Private Road Vehicles	4 June 54	DE-1	25 July 56
XI-A-6		Customs Facilities for Touring	4 June 54	DE-1	25 July 56
XVIII-1		Protocol Amending Slavery Convention	10 Dec. 53	DE-1	7 March 56
VI-14		Limiting Cultivation of the Poppy	23 June 53	DE-1	18 Feb. 55
C74		Certification of Able Seamen Convention, 1946	N/A		4 Sept. 1953
ICRC	77	Geneva Conventions of 1949	27 July 29	HH	2 Aug. 1955
XXI-5		Law of the Sea (LOS), Optional Protocol Compulsory Settlement	15 Sept. 58	DE-2	
XVIII-2		Slavery Convention and Protocol of Disputes	7 March 56	DE-1	

Harry Truman (HT)

April 1945–January 1953

16 signed, 14 ratified (of those, 9 were signed during Truman's presidency)

XI-B-2		Convention on Road Traffic	19 Sept. 49	HT-2	30 Aug. 50
XI-B-1		Protocol Concerning Occupied Countries or Territories	19 Sept. 49	HT-2	30 Aug. 50
XII-1		Convention of the International Maritime Organization	6 Mar. 48	HT-1	17 Aug. 50
VIII-4		Protocol to Suppression of Circulation of Obscene Publications	4 May 49	HT-2	14 Aug. 50
VII-6		Protocol Amending Suppression of White Slave Traffic	4 May 49	HT-2	14 Aug. 50
VIII-5		Suppression of Circulation of Obscene Publications	N/A		14 Aug. 50
VII-8		Suppression of White Slave Traffic	N/A		1950 ^a
FAO		Constitution of the International Rice Commission	N/A		28 Feb. 49
ILO-C80		Final Articles Revision Convention	N/A		24 June 48
FAO		Agreement for the Establishment of the Asia-Pacific Fishery Commission	N/A		3 Sept. 48
IX-1		Constitution of the World Health Organization	22 July 46	HT-1	21 June 48
VI-1		Protocol Amending Conventions of Narcotic Drugs	11 Dec. 46	HT-1	12 Aug. 47

IX-2		Protocol Concerning Office of International d'Hygiene publique	22 July 46	HT-1	7 Aug. 47
I-1		Charter of the United Nations	26 June 45	HT-1	8 Aug. 45
VII-7		Suppression of White Slave Traffic	14 Aug. 50	HT-2	
VI-13		Protocol: Bringing Under Control Drugs Outside Scope of the Narcotic Drugs Convention	19 Nov. 48	HT-1	
VI-7		Limiting Manufacture and Distribution of Narcotic Drugs	12 Aug. 47	HT-1	

Franklin Roosevelt (FR)

March 1933–April 1945

0 signed, 6 ratified

ILO-C53		Officers' Competency Certificates Convention	N/A		29 Oct. 38
ILO-C54		Holidays with Pay (Sea) Convention	N/A		29 Oct. 38
ILO-C55		Shipowners' Liability (Sick and Injured Seamen) Convention	N/A		29 Oct. 38
ILO-C56		Sickness Insurance (Sea) Convention	N/A		29 Oct. 38
ILO-C57		Hours of Work and Manning (Sea) Convention	N/A		29 Oct. 38
ILO-C58		Minimum Age (Sea) Convention (Revised)	N/A		29 Oct. 38

Herbert Hoover (HH)

March 1929–March 1933

1 signed, 4 ratified

L of N-5		League of Nations - Military Obligations in Certain Cases of Double Nationality	N/A		3 Aug. 32
VI-8-a		Limiting Manufacture and Distribution of Narcotic Drugs	N/A		28 April 32
VI-8-b		Limiting Manufacture and Distribution of Narcotic Drugs: Protocol of Signature	N/A		28 April 32
XVIII-3		Slavery Convention	N/A		21 March 29 ^a

Calvin Coolidge (CC)

August 1923–March 1929)

1 signed, 0 ratified

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Woodrow Wilson (WW)

March 1913–March 1921

0 signed, 1 ratified

VI-2		International Opium Convention	13 Jan. 12	WT	15 Dec. 13
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William Taft (WT)

March 1909–March 1913

1 signed, 1 ratified

VIII-6		Repression of Obscene Publications	N/A		4 May 10
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Grover Cleveland (GC)
March 1893–March 1897
0 signed, 1 ratified

WIPO		Paris Convention for the Protection of Industrial Property	N/A		30 May 1887 ^a
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Total ratified treaties: 160

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- a. Accession and ratification have the same effect and make the treaty legally-binding. Accession occurs without a signature. See the Glossary for more detailed definitions.
 - b. President Nixon signed and during his first administration the Senate ratified the Anti-Ballistic Missile Treaty (ABM) so we included it in his individual total. However, because President George W. Bush withdrew from it, ABM appears under President Bush's section. We do not count it as a ratified treaty for our overall total of treaties currently ratified by the United States.

Appendix C. Online resources for general treaty and related information

Citizens for Global Solutions
globalsolutions.org

Council of Europe
coe.int

Council of Foreign Relations
cfr.org

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

Ethical Globalization Initiative
eginitiative.org

Global Policy Forum
globalpolicy.org

International Court of Justice
icj-cij.org/icjwww/icjhome.htm

International Humanitarian Law Treaties,
International Committee of the Red Cross
(searchable by country)
icrc.org/ihl.nsf/WebPRES?OpenView

Montreal International Forum
fmcivilsociety.org

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. Department of State,
Office of the Legal Advisor
state.gov/s/l

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

United Nations International Law Commission
un.org/law

United Nations Treaty Collection
untreaty.un.org

University of Minnesota Human Rights Library
(searchable by country)
www1.umn.edu/humanrts

Appendix D. 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 civilization 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 recognized, 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.

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 instill 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 arbitrarily. 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, fulfill 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 respon-

sibility 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.

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.

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.

Index of treaties by title

1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.	113
Abolition of Forced Labor Convention, No. C105	43
Additional Protocols I and II to the Geneva Conventions	79
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	89
Cartagena Protocol on Biosafety	97
Comprehensive Nuclear-Test-Ban Treaty	111
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	65
Convention on Biological Diversity	95
Convention on the Elimination of All Forms of Discrimination Against Women	61
Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.	119
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction	109
Convention on the Rights of the Child	67
Discrimination (Employment and Occupation) Convention, No. C111	45
Equal Remuneration Convention, No. C100	41
Forced Labor Convention, No. C29.	35
Freedom of Association and Protection of the Right to Organize Convention, No. C87	37
Geneva Conventions of 1949	77
International Convention for the Suppression of the Financing of Terrorism.	123
International Convention on the Elimination of All Forms of Racial Discrimination	53
International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families	75
International Covenant on Civil and Political Rights. . . .	57
International Covenant on Economic, Social and Cultural Rights.	55
International Treaty on Plant Genetic Resources for Food and Agriculture.	83
Kyoto Protocol to the UN Framework Convention on Climate Change	93
Minimum Age for Work Convention, No. C138	47
Montreal Protocol on Substances that Deplete the Ozone Layer	87
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women. . . .	63
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	69
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	71
Optional Protocol to the International Covenant on Civil and Political Rights.	59
Right to Organize and Collective Bargaining Convention, No. C98.	39
Rome Statute of the International Criminal Court	121
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.	101
Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty	73
Stockholm Convention on Persistent Organic Pollutants	103
Treaty on the Limitation of Anti-Ballistic Missile Systems	117
Treaty on the Non-Proliferation of Nuclear Weapons	115
UN Convention on the Law of the Sea	85
UN Convention to Combat Desertification.	99
UN Framework Convention on Climate Change.	91
Vienna Convention on the Law of Treaties, 1969. . . .	31
Worst Forms of Child Labor Convention, No. C182 . . .	49



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