

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



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 President

Reagan signed just five during his 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 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 Biological and Toxin Weapons Convention, effectively halting all further talks under this treaty,
- ▶ Reversing a prior U.S. commitment to ratify the Landmines Treaty by 2006,
- ▶ Withdrawing from the Anti-Ballistic Missile Treaty, and
- ▶ Nullifying the obligations of the U.S. signature on the International Criminal Court.

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.

Altogether, the U.S. has ratified just 160 of the 550 treaties reviewed for IATP's report—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.

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 details 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 militaristic control of the open oceans.
- ▶ Similarly, the U.S. evades provisions of the Basel Protocol on Hazardous Wastes by defining the export of most toxic materials as "recycling."
- ▶ Because the U.S. has not ratified the Convention on the Rights of Migrant Workers, Mexico and the other parties cannot fulfill their obligation under this treaty to protect the millions of foreign nationals working in substandard conditions in the U.S.
- ▶ The U.S. has not ratified CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women, despite the fact that 17 U.S. states, 45 cities and 18 counties have passed local resolutions in support.
- ▶ 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.

The U.S. government—under both Democratic and Republican leadership—is inclined to participate in those multilateral agreements that expand its global access to

Treaties deposited with the UN Treaty Collection, active and relevant to the U.S. (as of Feb. 6, 2005)

Treaty chapter <i>These chapter titles follow the system used by the UN Treaty Collection</i>	% U.S. ratified	Number 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.	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
Subtotal of UN treaties	32%	109	333

* Chapter II. Pacific Settlement of International Disputes is a region-specific treaty and not applicable to the U.S.

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. ●

The global treaty system is the foundation of international cooperation guided by at least 850 agreements addressing rule of law, labor rights, human rights, the environment and peace and security.

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. IATP brought together data on 854 treaties from seven different databases, identifying 550 active and relevant to the U.S.

The Treaty Database report, available at tradeobservatory.org/library.cfm?refID=60426, offers a statistical analysis of the U.S. government's participation in the global treaty system, charts showing the record for each U.S. president's engagement with the treaty system since 1893 and provides a one-page overview for 43 treaties of socioeconomic and geopolitical importance today—highlighting the position of the current administration.

Active treaties deposited with other institutions

Treaty depositary or database	% U.S. ratified	Total ratified by U.S.	Total per d/b
International Labor Organization (ILO)	9%	14	162
Geneva Conventions (ICRC)	33%	1	3
World Intellectual Property Organization (WIPO)	55%	12	22
Food and Agriculture Organization (FAO)	67%	6	9
Disarmament	75%	9	12
Terrorism	100%	9	9
Subtotal of treaties deposited with non-UN institutions		51	217

TOTAL NUMBER OF ACTIVE TREATIES			550
U.S. RATIFIED TREATIES	29%	160	