

US TREATIES AND SANCTIONS

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Treaties

- Go by lots of names (conventions, agreements, covenants, final acts, charters, protocols, pacts, accords, etc.), **but same effect**
- From US perspective, difference between treaties and executive agreements
 - Treaties are subject to “advice and consent” of Senate; exec agreements aren’t (but often based on Congressional approval or a previously ratified treaty)
 - May lead to differential treatment in domestic courts^{*}
- From perspective of international law, both are binding

^{*} See Kirgis, Frederic. 1997. “International Agreements and U.S. Law,” ASIL Insights, <http://www.asil.org/insigh10.cfm> for a discussion of the domestic law treatment of various international agreements

Treaty-making process

- Secretary of State authorizes negotiation



Source: AP images, ID#090416027366

Treaty-making process, cont'd.

- U.S. representatives negotiate



Treaty-making process, cont'd.

- Agree on terms, and upon authorization of Secretary of State, sign treaty



Source: AP images, ID#01090801788

Treaty-making process, cont'd.

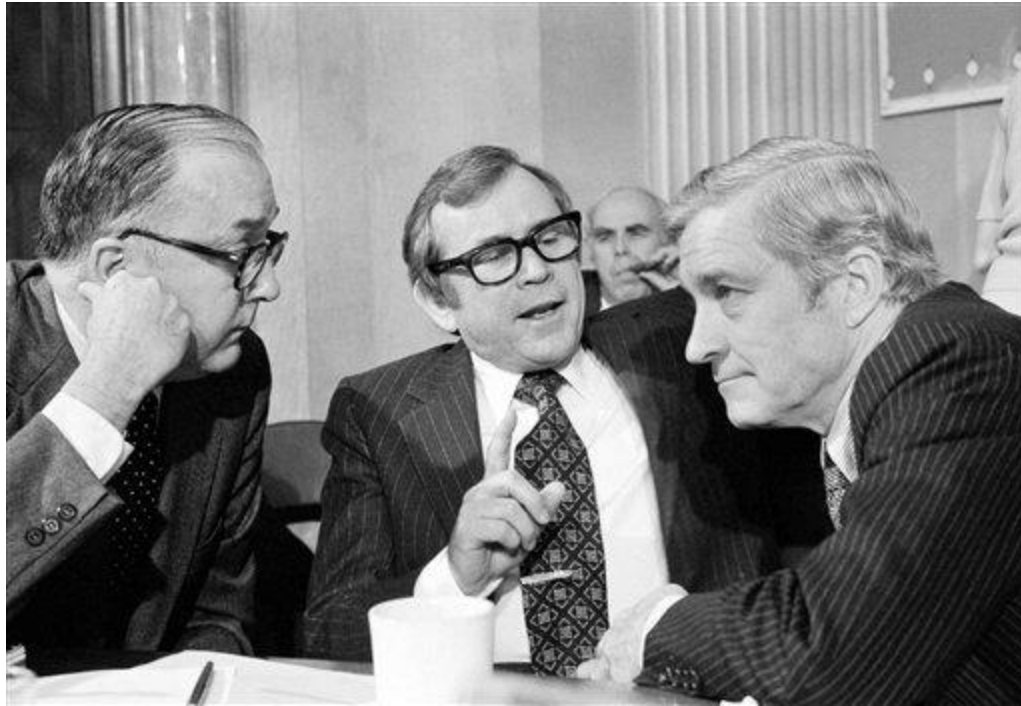
- President submits treaty to Senate



Source: AP images, ID#97042302065

Treaty-making process, cont'd.

- Senate Foreign Relations Committee considers treaty and reports to Senate



Howard Baker and Senate Foreign Relations Committee members discussing SALT II
Source: AP images, ID#7911090988

Treaty-making process, cont'd.

- Senate considers and approves by 2/3 majority



Source: <http://www.politico.com/news/stories/1210/46724.html>

Treaty-making process, cont'd.

- President proclaims treaty is ratified



Source: AP images, ID#100831160211

Finding treaties

- Start with one of the several good guides available:
 - http://library.law.columbia.edu/guides/Guide_to_Treaty_Research
 - <http://firestone.princeton.edu/law/treatyrg.php> (based on above, but with PUL info; a little dated)
 - <http://www.llrx.com/features/ustreaty.htm> (a little dated, but still helpful)

Finding treaties—official

- Official US publications
 - ***United States Treaties and Other International Agreements*** (UST) KZ235.3 .U5582 (1950-1984)
 - Official full text; time lag of about 15+ years
 - ***Treaties and Other International Acts Series*** (TIAS)
 - First official full text version (“slip” treaties); time lag of 2-5(?) years; some published online at State Dept’s website:
<http://www.state.gov/s/l/treaty/tias/index.htm>
 - ***Treaties in Force*** (TIF)
 - State Dept. annual index listing all the treaties currently in force; bilateral by country, multilateral by subject
- All available through HeinOnline

Finding treaties—unofficial

- For subject access to bilateral treaties in force, use *Kavass's Guide to the TIF* (in Hein)
- For more recent treaties that haven't been published in TIAS, use *Kavass's Current Treaty Index (KAV)* (in Hein)
 - Includes indexes by subject, KAV number, date, country, and geographical subject
- To get full text of these recent agreements, look up by KAV # in *KAV Agreements*

Finding treaties—databases

- HeinOnline Treaties and Agreements Library
<http://heinonline.org/HOL/Index?collection=ustreaties>
(click search at top; can search by treaty metadata or full-text)
- Treaties and International Agreements Online (TIARA)
<http://library.princeton.edu/databases/about/tiara.html>
 - Has some nice subject browsing options
- Lexis Commercial, USTRTY module
<http://www.lexis.com/xlink?source=INTLAW;USTRTY>
- All have both in force and not in force treaties

Tracking Action on Treaties

- The Senate's web site:
http://www.senate.gov/pagelayout/legislative/d_three_sections_with_teasers/treaties.htm
- THOMAS
<http://thomas.loc.gov/home/treaties/treaties.html> (Senate actions back to 90th Congress [1968])
- State Dept's Office of Treaty Affairs
<http://www.state.gov/s/l/treaty/c3428.htm> (back to 1997)
- Congressional Record (in Hein or Congressional Universe)
 - Search by name of convention to find Senate debates and actions

Sanctions

- Originally conceived by Woodrow Wilson as a key component of the post–World War I order within the League of Nations
- Multilateral is the norm since end of Cold War
- Types include:
 - **financial**, which freeze the assets (including property) of and block financial transactions with designated individuals and entities, including restrictions on dealing with specific banks;
 - **arms embargoes**, which ban the supply of weapons, military-related technology, and other forms of military assistance;
 - **travel**, which deny visas and ban the travel of designated individuals or prohibit travel on designated airlines or to the airspace of targeted regimes;
 - **commodity**, which prohibit imports or exports of specific materials or goods, such as diamonds, oil, timber, and selected stones and metals; and
 - **diplomatic**, which deny national participation in international events or organizations or withdraw the diplomatic privileges of designated individuals or regimes.
- Source: Lopez, George. “Sanctions,” *International Encyclopedia of Political Science* (SAGE, 2011), <http://www.sage-ereference.com/view/intlpoliticalscience/n538.xml>

Sanctions, cont'd.

- Large lit on whether they're effective
 - For an excellent overview, see Rowe, David M. "Economic Sanctions and International Security." *The International Studies Encyclopedia*. (Blackwell, 2010)
http://www.isacompendium.com/subscriber/tocnode?id=g9781444336597_yr2011_chunk_g97814443365977_ss1-4.
 - The classic work on sanctions with lots of supporting data tables is Hufbauer, G.C., Schott, J.J., Elliott, K.A., and Oegg, B. (2007) *Economic Sanctions Reconsidered*. 3rd ed.. Washington, DC: Institute for International Economics. (HF1413.5 .H84 2007; also on eBrary)

Sanctions, cont'd.

- Official announcements of sanctions appear in the federal register (search via Hein)
- CRS reports are a great guide to the legislation and executive orders of sanctions and their implementation (search “international sanctions” in Congressional Universe)
- Legislative reports and statutes via Congressional Universe
- Various sites keep info as well
 - Treasury’s Office of Foreign Assets Control
<http://www.treasury.gov/resource-center/sanctions/Pages/default.aspx>
 - State Dept’s Directorate of Defense Trade Controls
<http://www.pmddtc.state.gov/>
 - Dept of State’s list of nonproliferation sanctions
<http://www.state.gov/t/isn/c15231.htm>
 - Commerce Dept’s Bureau of Industry and Security (governs Export Administration Regulations) <http://www.bis.doc.gov>
 - various trade-related compliance lists
<http://www.bis.doc.gov/complianceand enforcement/liststocheck.htm>