

# Treaties ill-t

USA Down

By Ashfak Bokhari

It is no hidden secret that the White House, occupied either by the Republicans or the Democrats, agrees to only those multilateral agreements that expand America's global access to resources and markets, and undermine those that support social development around the world. It's time the international community took a firm stand on the issue

**T**HE future of international law as a framework for global order under the auspices of the UN has become uncertain after

Nations in 1945 and initiated many of the multilateral treaties that had encouraged cooperation on a worldwide scale, there has, over the years, been a steady decline in the US government's support to the UN and the agreements it helped establish.

President Bush has, in particular, been reluctant to participate in the multilateral treaty system. Although the Senate ratified 10 treaties during his administration, four of these were signed years earlier by President Clinton — including the two anti-terrorism treaties that were not ratified by September 11, 2001 — and five related to key industries rather than social development.

And what has been disgusting to observe was that the Bush administration even nullified US signature in case of at least five major treaties since 2000. These are: the Kyoto Protocol on Climate Change, the Anti-Ballistic Missile Treaty, the Biological and Toxin Weapons Convention, the Non-Proliferation of Nuclear Weapons Treaty and the International Criminal Court. In contrast, other UN members have committed themselves to 929 new treaty actions since 2000 during the secretary-general's annual ratification drives. In a similar drive from September 21 to 24 this year, the UN member countries undertook at least 101 treaty actions while the US did not take even a single action.

What are the main reasons for US's growing disregard for, in fact hatred of, the UN system? The Institute for Agriculture and Trade Policy (IATP), a prestigious US-based think-tank, has in an in-depth study of the US behaviour in global affairs

IATP over the years reveals that the United States has ratified:

- 14 of the International Labour Organization's 162 active treaties and only two of the eight "core conventions" protecting the fundamental rights of working people;

- Just three of eleven major environmental treaties;

- The first Geneva Convention governing wartime behaviour to protect human rights, but not its two related protocols;

- Five of the 12 human rights

under the age of 18 and both of these punishments are currently allowed in some US states.

2. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the second most ratified treaty after the one on rights of child. It came into force in 1981. The US, under presi-

treaties featured by the office of the High Commissioner for Human Rights; about half of 23 treaties establishing private rights over intellectual property and related technologies;

- Six of 10 treaties under the Food and Agriculture Organization that manage fisheries, timber, pesticides, rice and genetic resources;
- All 13 of the treaties

Illustration by Agha Riaz

dent Carter, played a key role in its drafting and has signed it in 1980, but has not yet ratified it because it. Article 10 obligates parties to provide "information and advice on family planning" as support for abortion. Other countries which have not ratified it are: Iran, Sudan, Oman and

has become uncertain after 9/11. Three days after the tragic event, President Bush stated that the United States "is peaceful, but fierce when stirred to anger. The conflict was begun on the timing and terms of others. It will end in a way, and at an hour, of our choosing".

At the start of the war in Iraq, Richard Perle, a leading neo-con and ideologue of the Bush administration, said: "What will die is the fantasy of the UN as the foundation of a new world order. As we sift the debris, it will be important to preserve, the better to understand, the intellectual wreckage of the liberal conceit of safety through international law administered by international institutions." However, it is too perverse to say that this era marks the demise of the international legal regime. Even the unilateralists in the Bush administration need legal legitimacy for their actions.

Seventeen days after 9/11

in-depth study of the US behaviour in global affairs concluded that it is, in fact, American establishment's reluctance to surrender its sovereignty to any other authority that makes it retreat from the UN system. It is another thing that it is more than willing to do so if it is a case of international trade agreements and would rather aggressively negotiate commercial deals even if they required significant changes in not only in its federal laws but also in many state and local laws. So, the United States has become selective about when it should and when it should not subordinate its sovereignty to another authority.

According to the study, the total number of treaties deposited with the UN secretary-general and/or other UN bodies was 549 till September 23, 2004 and the ones ratified by the US numbered 157. It comes to only 29 per cent of the total treaties. The data compiled by the

• All 13 of the treaties addressing international terrorism.

The data suggests that the US government is more than willing to take part in treaties that extend its control over the world's resources, but hardly interested in those that promote the rights of the people and protect the planet.

The following are some important facts and information as to why Washington is unwilling to ratify certain treaties:

1. The Convention on the Rights of the Child, which came into force in 1990, demands that states recognize the rights of the children everywhere and protect them from harmful influences. So far, 192 countries have ratified it. Only two countries have not ratified it: the United States and Somalia. The US has not done so because its Article 37 prohibits execution or life imprisonment of persons

Seventeen days after 9/11, the UN Security Council adopted Resolution 1373 which created a new international legal obligation for member states to cooperate in preventing terrorism. But it was a strange irony of circumstances that when UN Secretary-General Kofi Annan announced his support to Washington's anti-terror campaign, he also pointed out that the Bush administration had not yet ratified two UN treaties aimed at curbing terrorism, signed earlier by the Clinton administration. These related to blocking of underground financial flows and a global system of pursuit and prosecution. Though George W. Bush continued to pursue his undefined war on terror with extraordinary vigour and enthusiasm, it took his administration nine months to ratify the final two of the 12 anti-terrorism treaties.

Past record shows that Washington is averse to multilateralism in matters of international law and agreements, and prefers bilateral agreements. Despite the fact that the United States was one of the key players in the establishment of the United

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was interesting to observe US officials mounting pressure on Belgium, not a weak state, to compel it to discard its universal jurisdiction law. Not satisfied with the measures taken by Belgium, the US threatened to relocate Nato headquarters from Brussels to Warsaw. In August, 2003 Belgium overturned the related law.

4. America played a leading role in negoti-

Russia has agreed to do so. Now Russia has ratified the protocol. The US withdrew from the protocol in 2001 saying it would severely damage the US economy.

6. Washington played an instrumental role in negotiating the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal which was signed by 53 countries in

March 1990. One hundred and sixty three countries have ratified it, only three have not done so. They are



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Compre-  
hensive  
Nuclear Test  
Ban Treaty, but

Afghanistan,  
Haiti and the  
United States. The  
US has not done so  
because of the opposi-  
tion from industry  
lobby groups.  
Currently it exports  
most of its toxic wastes to  
China and other developing  
countries. Defined as recy-  
cling by the US

Afghanistan has ratified it.

3. Rome Statue of the International Criminal Court (ICC), which came into force on July 1, 2002, has been ratified by 127 countries. The Bush administration refuses to do so because it fears its allies might be compelled to turn over US personnel to the ICC. It passed a bill in 2002 under which it can cut off financial assistance to those states that refuse to sign "bilateral immunity agreements" with it requiring them to return to the US all Americans on their territories or under their control which the ICC may be seeking. The US has negotiated these bilateral agreements with more than 90 countries. President Clinton had signed the statute in 2000 but President Bush formally nullified the US signature in May 2002. Washington often uses foreign aid to pressure or bully weak states. But it

became the first state in 1999 to reject its ratification. Since it was perceived that the CTBT would not stop other states from going nuclear, the US must maintain a strong national security policy. In 2002, the US stated its intention to develop new types of nuclear weapons. Other states which have not ratified it are China, India, Pakistan, Iran, Israel and North Korea.

5. The Kyoto Protocol to the UN Framework Convention on Climate Change, negotiated in the late 1990s, established emissions targets for each of the developed countries. Although 125 countries have ratified it, its enforcement requires that either the US or Russia must ratify it as their respective emission targets of 20 per cent and 17 per cent would achieve the required participation.

clung by the US Environmental Protection Agency, this practice can get exemption under the convention. Therefore, the environmental groups demand that the US first sign the Basel Ban Amendment and then ratify the convention.

7. The Freedom of Association and Protection of the Right to Organize Convention, which entered into force in 1950, has not been ratified by the US because current US law forbids federal employees from going on strike and allows companies to permanently replace strikers. All these workers would be entitled to additional legal protection if the US ratifies the convention. So far, 142 countries have ratified this convention.

8. The International Covenant on Economic, Social and Cultural Rights came into force on January 3, 1976 and has been ratified by