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1995

## Law Library Briefs, Vol. 7, No. 2 (October, 1995)

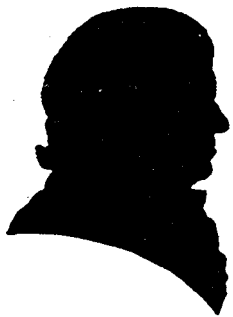
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### Repository Citation

William & Mary Law Library, "Law Library Briefs, Vol. 7, No. 2 (October, 1995)" (1995). *Library Newsletter*. 43.  
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# LAW LIBRARY BRIEFS

The College of William and Mary  
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Volume 7, Number 2

October, 1995

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### U.S. RATIFICATION OF INTERNATIONAL TREATIES: A BRIEF RESEARCH GUIDE

To a scholar or practitioner of international law, finding information on ratification of U.S. treaties and agreements is one of the issues frequently encountered. For example, a researcher working on a paper dealing with global human rights issues may be interested to know whether the U.S. has ratified the *International Covenant on Civil and Political Rights*. Another example is an attorney practicing environmental law who may want to find out whether the *Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific* has been ratified by the United States. The ratification information is crucial because it helps ascertain whether the U.S. government is legally bound by a particular international instrument. However,

finding such information may present a challenge to those unfamiliar with the research process. The purpose of this essay is to provide a simple roadmap for the researcher.

**I. What Is Ratification?** Ratification is the formal procedure by which a government expresses its approval or acceptance of an international treaty or agreement which has been negotiated and concluded. In other words, when a government ratifies a treaty or agreement, it, by its action of ratification, agrees to be legally bound by that instrument. For example, the U.S. has ratified the *North American Free Trade Agreement*. Therefore, the government of the U.S. is legally bound by the terms and conditions contained in the NAFTA. Ratification causes great legal consequences. Under the U.S. Constitution, the ratification of an international treaty or agreement makes that instrument the "supreme Law of the Land".

**II. How Is Ratification Accomplished?** Different countries may ratify a treaty or agreement in different ways. In the U.S. the ratification of a treaty or agreement is performed by the President after receiving the advice and consent to that treaty or agreement from the Senate. The process unfolds as follows. Initially, the President submits to the Senate a copy of a treaty or agreement upon its conclusion; the Senate passes this down to its Foreign Relations Committee for consideration, which in turn considers the instrument and reports its recommendation to the full Senate; the Senate may, upon a favorable recommendation from the Committee, give its advice and consent to the instrument by a 2/3

vote in favor. The instrument is then returned to the President for his signature, who often proclaims the ratification in a written statement. (For an excellent book on the U.S. treaty making process, read *Treaties And Other International Agreements: the Role of the United States Senate*. Stacks: KF4989 A25 1993).

### III. How to Find Ratification Information.

Several major sources will be helpful to locate information on U.S. treaty ratification. What follows is a brief description of the sources and information on how to use them.

**1. Treaties in Force (Ground Floor: JX236.5 T7 1994).** This book's full title is: *Treaties in Force: A List of Treaties and Other International Agreements in Force on January 1, 199\_*. Issued annually by the Department of State, this directory consists of two sections of information. While one section includes bilateral treaties between the U.S. and another party, arranged by country name; the other section covers multilateral treaties to which the U.S. is a party, organized by subject. Each entry indicates the date a treaty was signed and entered into force. The presence of a citation to the treaty or agreement helps locate the text of that instrument. If a treaty or agreement is listed in this directory, that instrument must have been ratified by the U.S. despite lack of information on when the ratification was completed.

**2. Department of State Dispatch (current year REFERENCE; earlier years BOUND JOURNALS).** A weekly publication by the Department of State, the *Dispatch* compiles major speeches, policy statements, fact sheets, and other U.S. foreign policy information. Occasionally, the publication also carries the full text of selected U.S. treaties and agreements. In each month of publication, one or several issues feature a "Treaty Actions" section, which reports recent developments regarding U.S. treaties and agreements. This

section may be used to update treaty status information contained in *Treaties in Force*. In other words, if the researcher checks the latest issue of *Treaties in Force* and finds no entry of a particular treaty, s/he should consult the *Dispatch* to see whether that treaty has been ratified after the latest *Treaties in Force* issue.

In addition to the hardcopy, the *Dispatch* is also available on LEXIS (INTLAW Library and DSTATE File). Internet access to this publication is available from the Dept. of State Foreign Affairs Network (DOSFAN), which is accessible in three ways --

- (1) By Gopher: dosfan.lib.uic.edu
- (2) By URL: gopher://dosfan.lib.uic.edu/
- (3) By WWW Browser:  
<http://dosfan.lib.uic.edu/dosfan.html>

**3. CCH's Congressional Index (REFERENCE: KF49 C6).** This publication covers legislative activities of the Congress. In volume one, which covers the Senate, the section titled "Treaties-Nominations" provides a summary of treaties and agreements pending before the Senate, and indicates the status of such instruments. After the researcher has checked both *Treaties in Force* and the *Dept. of State Dispatch*, s/he may look into *Congressional Index* to find out further information on the ratification of a given treaty.

**4. CIS Masterfile on CD-Rom (REFERENCE: CD-Rom Network).** CIS Masterfile on CD-Rom contains a wealth of information on congressional activities (e.g., hearings) and documents (e.g., committee reports) germane to U.S. treaties and agreements. By searching this Index, the researcher may locate the legislative history of a ratified treaty or agreement, or uncover the ongoing ratification process of an instrument pending before the Senate. The texts of documents from 1970 are available on microfiche.

**5. Other Resources.** Sometimes law reviews or professional journals publish compiled status information on treaties or agreements in a specific area of law. For example, each year, an issue of the *Human Rights Law Journal* puts out an article showing ratification status of international treaties and agreements on human rights. Although this kind of compilation is not an official publication, it can be a very useful time-saver to the researcher.

**6. Personal Assistance.** If the researcher has employed all resources at his or her command, and there still exists unanswered questions on ratification, s/he may contact the government for help. The agency in charge can be reached at:

Office of Treaty Affairs  
Department of State  
2201 C Street, NW  
Washington, D.C. 25020  
Tel: (202) 647-2044; Fax: (202) 736-7541  
...HBH

### MEET THE NEW LIBRARY DESK ASSISTANTS

This summer, Gladys Mierle and Petra Klemmack, joined the Circulation Department staff, respectively as the morning and afternoon desk assistants. Gladys formally worked in the Circulation Department, leaving the law library at the birth of her third child. Now that her children are all school age, she returns to circulation duties.

Petra joins the staff after working in circulation/reserve and interlibrary loan departments in Alabama and Colorado. Petra manages the Circulation Department's Video Review of the Week display and promises to provide a surprise on Oct. 31st. The Circulation Department is pleased to have these two

dedicated and experienced employees on our staff.  
...MWR

### IN BRIEF

**Carrel Policies.** Please remember to properly check out materials to your carrel. This includes circulating books (Swem and Law), non-circulating books (unclassified and classified), interlibrary loan materials and personal books. Although personal items are not allowed to be stored in a carrel, photocopies, computer printouts, and notes associated with a research project may be left in file folders on the top shelf of reserved carrels.

**Microform Duplication Form.** When making copies from microforms, please complete a "microform duplication form" and leave it, with your payment, at the circulation desk. There are two reader/printers without attached coin-ops. Copies made on these machines are on the honor system. Each copy is 10 cents and payment should be made at the circulation desk. When making copies for a professor, complete a "microform duplication form," fill in the professors' name, add your initials and leave the form at the circulation desk.

**Study/Video Playback Rooms.** We have only two study rooms available in the library. Both are equipped with video playback equipment and are reserved for use by Marshall-Wythe students. Students with video playback needs have priority in the use of the rooms. Students must reserve the use of a room by signing the book at the circulation desk and may use a room for up to two hours.  
...MWR

### REFERENCE RESOURCE

#### Federal Regulatory Directory

**REF/JK6/F47.** Don't be fooled by the title of this book -- this is not merely a directory in the traditional sense, where a listing of regulatory

agencies with their names, addresses, and phone numbers is found; rather, this is an encyclopedia of key federal entities involved in the regulatory business, including the big guys like the Federal Trade Commission, Food and Drug Administration, and Securities and Exchange Commission.

As a one-stop source of information about 100+ agencies responsible for regulatory matters, this Directory offers profiles of those agencies with an in-depth description of an agency's authority and responsibility, a detailed history, and its future outlook under the current administration. Also included is a biographical sketch of the key officers in an agency, along with organizational charts and comprehensive phone numbers. The Directory supplies informational sources (e.g., libraries, dockets, meetings, and freedom of information services) available from the agency. The congressional committees overseeing the work of the agency are also identified. A summary of major legislation, rules and regulations enforced by the agency is provided. Finally, bibliographic resources related to the agency, such as guides, directories, periodicals, loose-leaf services, and online databases, are indicated as well.

Take the Environmental Protection Agency, for example. The Directory begins with a summary of the EPA's regulatory responsibilities in the areas of air, water, hazardous wastes, and chemicals. It outlines the major statutes and regulations administered by the EPA. A background note describes the EPA's history from its inception to today, spanning several administrations. In the outlook section, the agency's policy priorities in promoting and enforcing environmental legislation are described. The organization section displays a chart of the EPA with its branches and offices as well as the respective administrators, followed by a sketch of their responsibilities. The congressional committees which oversee the EPA's work are identified. The EPA's information sources, i.e., hotline number, libraries, publications, online databases, and grants, are included. Furthermore, the Directory mentions directories, guides,

periodicals, and looseleaf services related to environmental regulation. By reading this chapter on the EPA, the researcher may get a complete picture of the agency along with useful resources, which will enable him or her to pursue the subject in great detail.

The Directory is updated regularly, and the information inside is relatively current. The presence of both a name and subject index facilitates the location of specific pieces of information within the publication.

...HBH

### ODD LAWS

Some police officers in Norfolk, Virginia face a problem most cops never run into. They can't buy guns! Politicians in Norfolk lowered the age limit for police officers from twenty-one to eighteen. Everything went smoothly until the young officers tried to follow a departmental regulation that required them to carry a gun when off duty. Though the police department furnished their service revolvers, officers are required to buy their own off-duty weapons. And according to Virginia law, no one under twenty-one can buy a handgun or bullets.

FROM: Laughable Laws and Courtroom Capers, by Robert Wayne Pelton. New York: Walker and Company, 1993, at page 42.

REF/K184/P45/1993

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