



ABA Section of
International Law
Your Gateway to International Practice

ABA INTERNATIONAL POLICIES

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How You Can Develop Policy

There are three ways to “make policy” within the ABA, creating a basis for advocacy before government bodies. First, policies of the Association as a whole can be articulated and made official through the procedures for reports and recommendations. Second, a submission can be made on behalf of a Section or other ABA entity under the “blanket authority” procedure. Third, Association policy can be made when the ABA intervenes in a court proceeding by submitting an *amicus* brief.

These procedures are described in greater detail below. ABA entities may not submit comments to, or otherwise engage in advocacy before, government bodies without complying with one of these procedures. Comments of individual ABA members may not be submitted to a governmental agency using the letterhead of an ABA entity or referencing an ABA entity’s involvement.

I. Reports and Recommendations

As leaders of ABA International, it is important to understand the process by which the ABA formulates positions on important national, legislative and professional issues. There are specific procedures that must be followed in order to make ABA policy or Section policy.

The process of getting the Association or ABA International to take a position involves a commitment of time and effort from the proponents. It should be reserved for important legal or professional matters.

Policy matters are pursued by the Association or ABA International as a matter of civic duty. The application must disclose any material interest in the subject matter of the policy on the part of any member of an ABA International committee that initiates the proposal and of the section council that approved the submission of the request by reason of specific employment or representation of clients.

Many policy initiatives begin with the committees. On occasion, ABA International will take on a policy initiative that began with one of the leaders. If approached about such an initiative, you should provide your best judgment as to whether it makes sense to pursue and determine if you can assemble a group within your committee to take on the project.

The process described below is for developing policy for the Association. There is a similar process for developing policy for ABA International alone, which is described in the next section of this manual.

Step 1: Discuss the proposed policy position at the Committee level. As Committee leaders, you are knowledgeable about important issues that arise in your area of expertise. You should be proactive in this area. You are in a position to identify important issues coming up for consideration - in an international forum, in Congress, at the Executive Branch, etc. Some issues just require monitoring, but some would benefit from ABA action. Where the latter is the case, there are mechanisms for your Committee to suggest that the Section or the ABA as a whole take a position. Solicit reactions from others knowledgeable in the field, if that would be helpful.

Step 2: Contact your Division Chair. Once you have identified an issue that you would like to propose ABA International or the Association take a position on, first get in touch with your Division Chair. The role of your Division Chair is to act as a sounding board and facilitator. The Division Chair has been through the ABA policy-making process and is familiar with the workings of the Section's deliberative body, the Council. Your Division Chair can help you assess in advance the likely reaction of the Council to your proposal and whether it makes sense to pursue the policy-making process. Your Division Chair can help to assure that you follow procedures that increase the prospects that your proposal will be considered in a timely and efficient manner, and that you prepare the documentation that will be required in a manner most likely to be approved.

Step 3: Assemble a group to draft a recommendation and report for submission to the Section's Council. The mechanism starts with assembling a group to draft a recommendation and a report that includes people with expertise in the field and some divergence of view. You should try to include in the group representatives from all relevant ABA entities to ensure smooth passage by the ABA House of Delegates and avoid opposition from other Sections. The recommendation should be in the form of a resolution and should be very short (no more than 1-2 pages) and to the point. The recommendation should state what you want done---e.g., that the Association (or the Section) recommends that the U.S. Congress adopt legislation restricting fast-track procedures for consideration of international trade agreements. The accompanying report should provide the relevant legal background and fully state in a concise manner the reasons why the recommendation should be adopted. Because the report is usually the document to persuade the relevant body to take the relevant action, it needs to be a thorough and professional product (but no more than fifteen pages long). Keep your Division Chair in the loop during the drafting process and aim to have your Liaison's comments included in the draft documents before going forward to the next step of the process.

Step 4: Submit to the Policy Officer for review prior to inclusion in Council Agenda Book. The recommendation and report along with a Council Summary (an outline of the information required for this summary is included elsewhere in the Leadership Manual on page 69) must then be reviewed and approved for

form and style by the Section's Policy Officer before it will be placed on the Council agenda or distributed in the Council agenda book prior to its meetings. The Council meets three or four times per year---at the ABA annual meeting (in August), at the Section's two seasonal meetings (typically in April and October), and before the ABA Mid-winter meeting (typically in February). Although the Council can act by mail ballot in between meetings, this is a cumbersome process that the Council discourages and reserves only for time critical matters.

Step 5: Attend the Council meeting where your policy recommendation will be discussed. When the Council considers a recommendation and report, the proponents are expected to appear at the meeting to review the recommendation and answer questions or concerns of Council members. The Council agenda is always very full, so that it is important for presentations to be limited to the time period allotted for discussion including reserving times for questions. To improve the Council's deliberative process, the Council requires proponents to have done sufficient consultation with other interested parties (*e.g.*, relevant government agencies, other professional associations) to be able to identify if there is likely to be significant opposition to the recommendation, and if so, to arrange for an opponent of the recommendation to appear at the Council meeting and voice the other side of the matter. The Council will then vote on the matter; a majority wins.

Step 6: Submission to the ABA House of Delegates. Once the Council has adopted a recommendation and report, the position adopted is not yet ABA or even Section policy. For a recommendation to become ABA policy, the ABA House of Delegates must approve it. The House of Delegates is a large, legislative-like body consisting of delegates from all 27 ABA Sections as well as from state bar associations in all 50 states. It has several hundred members.

At the House of Delegates, ABA International offers the recommendation as approved by the Council. The recommendation is presented by one of ABA International's two delegates to the House, both of whom are traditionally former Chairs of the Section. ABA International has extensive experience in presenting recommendations to the House of Delegates, and our delegates make a point of learning about potential opposition within the House, and trying to accommodate concerns or defeat the opposition.

If the House of Delegates adopts the recommendation, it becomes ABA policy. The report, which accompanies the recommendation, is not deemed ABA policy. It is a kind of legislative history for the recommendation.

Step 7: Implement the recommendation. ABA International is committed to implementing ABA-approved recommendations that it drafts or co-sponsors. The initiating committee or group should devise a plan for having the ABA undertake steps to implement the policy adopted by the ABA. Implementation steps could include, among others, letters from the Section Chair or the

President of the ABA to the U.S. government, Congress or foreign governmental authorities; “op-ed” pieces for relevant media; a press conference; Congressional testimony (if hearings are contemplated on the issue); CLE programming; or publication of the recommendation in The International Lawyer or other publications. **Actions of ABA International volunteers aimed at securing the implementation of existing policies need to be closely coordinated with the staff of the ABA Government Affairs Office.**

Some Words on Timing

Plan Well in Advance. If you want the ABA to adopt your recommendation, you must plan well in advance. Typically, ABA International Council will consider a recommendation one meeting before the House of Delegates---for example, the Council will approve a recommendation at a spring meeting in April which will then be presented to the House of Delegates at the Annual Meeting in August. There is an emergency procedure that can present a matter before the House of Delegates, but its use generally is reserved for unforeseeable emergencies.

II. Blanket Authority

Sometimes time does not permit the luxury of seeking the House of Delegates approval or a matter is not deemed sufficiently important or is considered too specialized to be submitted there. In such cases, the ABA provides a mechanism called blanket authority. Any Section of the ABA may present a policy statement on matters within its primary or special expertise and jurisdiction to a federal, state, or municipal legislative body, governmental agency, court (with respect to procedural rules only), interstate governmental body, or international governmental body. Generally, Sections are not permitted to take positions on their own; some check is thought necessary. The blanket authority process is that check.

Blanket authority is typically used to submit comments, prepared testimony or position papers on behalf of a Section. It is not necessary to prepare a recommendation and report, as is required for policy matters to be considered by the House of Delegates. There are specified documents which must be completed. A list of these documents and some additional details are provided on page 73 of the Leadership Manual.

Once ABA International’s Council approves material to be submitted, it is then sent to all other ABA Sections with a request for blanket authority. A short period is provided for objections from other Sections. If no objections are received, the report and recommendations may be presented as the position of the Section. But a written caveat must appear on the document stating that it

represents the position of ABA International, but not the position of the Association.

Blanket authority time-tables are still time consuming given that Council approval is required. In addition, there are time periods for review by other Sections, which are ten business days in the case of normal blanket authority that is reduced to two business days with expedited blanket authority.

All policy statements which become effective through blanket authority (normal or expedited) have a "shelf life" which should be taken into account in considering whether to use this policymaking procedure in lieu of the recommendation and report procedure.

ABA International's Chair and Staff Director periodically receives requests for blanket authority from other sections. These are typically forwarded to the leadership of the relevant Section committee(s) for quick review and recommendation as to whether the Section should object to the request. Objections will only be made on the basis of concerns relevant to international law or practice. Typically, objections are resolved between the proposing and opposing Section so that the material can be submitted, but that is not always the case.

Technical comments: In August 2004, the House of Delegates adopted a new, super-streamlined version of the blanket authority procedure usable when an ABA entity submits "technical comments" to a government agency. Technical comments are defined as comments that are narrowly-focused within a particular Section's primary or special expertise and jurisdiction, and are being submitted in response to a time-limited solicitation for comments. The new procedure is intended to provide a quicker route for the submission of this sort of narrow, technical comments by limiting review to those ABA entities that have a previously-confirmed interest in the agency or subject matter of the comments.

The ABA Board of Governors can grant ABA entities (Sections, Standing Committees, Task Forces, etc.) the authority to submit technical comments on an ongoing basis to a specified governmental agency on specified subject matters over a three-year period. More than one ABA entity may be granted such authority with respect to a specified governmental agency on a specified subject matter, and two or more Sections may request to file technical comments jointly.

A Section seeking authority to submit technical comments to a specified governmental agency on a specified subject(s) must submit an application to the Board of Governors, with copies to each Section and ABA standing committee which may have an interest in the agencies and/or subject matter areas. Each of these entities will be invited to notify the applying Section and the Board of Governors whether it opposes the request or whether it would like to be a

reviewing entity for any or all technical comments submitted pursuant to a grant of authority to the applying section. Reviewing entities are given the opportunity to express opposition to any proposed submission under very short timetables of two business days for comment periods of 30 days or less and five business days otherwise.

In principle, the new procedure provides for submission of technical comments by a Section or “an entity within a Section”, and thus contemplates for the first time submissions being made directly by Section committees. The comments nonetheless must be accompanied by a certification, signed by the Section Chair, that the comments have been reviewed and approved by ABA International leadership as technical comments within the section’s primary or special expertise and jurisdiction. The comments must contain a disclaimer that specifically states the comments do not represent the policy of the Association or, when appropriate, the views of ABA International.

Blanket Authority Template

The blanket authority process is designed to allow entities of the Association to present statements within their particular jurisdictions to appropriate government agencies while providing prior notice to other sections, divisions, and officers. The normal procedure requires distribution of the application at least ten (10) days before the proposed submission deadline. The expedited procedure requires distribution of the application not less than two (2) working days prior to the proposed submission date. The expedited procedure should be used only in those circumstances where it is not possible to distribute and submit the application within the full ten (10) days before the submission date.

Statement of Position

The position developed shall not be in conflict with Association policy. The section must state that the position is a presentation only on behalf of the section. The following disclaimer is required in the first paragraph of each blanket authority statement:

“The views expressed herein are presented on behalf of the Section of International Law. They have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the Association.”

Contents of Blanket Authority Requests

Each request for blanket authority must contain the information stated below:

- a. A clear statement of the proposed policy position to be taken;

- b. All communications to be addressed including but not limited to reports or resolutions, prepared testimony, exhibits, and a letter of transmittal;
- c. The proposed date of presentation and the name of the government body to which the statement will be presented;
- d. The deadline date by which objections must be received;
- e. The date of the Council Meeting at which the statement was adopted if the bylaws of the proposing sections require all statements or views to be so authorized;
- f. An explanation of the section's reason for requesting blanket authority;
- g. Any material interest in the subject matter of the blanket authority request on the part of any member of a section committee which initiated the request and of the section council which approved the request; and
- h. The names and addresses of all recipients of the proposed statement.

III. Amicus Briefs

A third category of policy-making activity is the creation of *amicus* briefs, which often have an inevitable policy component. Section members who learn of a pending litigation that would be appropriate for ABA intervention can launch the process by bringing the matter to the attention of appropriate Committee and Section leaders, and by volunteering to help with drafting and vetting (both time-consuming functions). Positions proposed for inclusion in an *amicus* brief do not need to be formally approved by the SIL Council, but as a practical matter it is unlikely that an *amicus* brief on a matter related to international law could go forward in the face of opposition from SIL Council members.

The ABA has a Standing Committee on Amicus Briefs, whose members would need to approve both the concept of getting involved in a particular litigation and also the contents of any proposed *amicus* brief. Final approval of a proposed *amicus* brief lies with the ABA Board of Governors.

Once submitted, an *amicus* brief does reflect the official views of the Association and can form the basis for additional advocacy when the same issues arise in other fora.

HUMAN RIGHTS

UN Convention on the Rights of Persons with Disabilities. Urges the United States to ratify and implement the United Nations Convention on the Rights of Persons with Disabilities. 02/10

The Responsibility to Protect Doctrine. Endorses the Responsibility to Protect doctrine set forth in the 2005 United Nations World Summit Outcome Document, under which states have a responsibility to protect their own and other populations from genocide, war crimes, ethnic cleansing, and crimes against humanity and also endorsing the report, Preventing Genocide: A Blueprint for U.S. Policymakers, by the joint Genocide Prevention Task Force of the United States Holocaust Memorial Museum and other entities. 08/09

International Criminal Court – Darfur. urges the United States Government to support the Darfur peace accord signed on May 5, 2006; and to support the work of the International Criminal Court in investigating and prosecuting the individuals responsible for crimes in Darfur, Sudan, the humanitarian work of the United Nations in Darfur, Sudan, the peacekeeping efforts of the African Union, and any eventual peacekeeping efforts of the United Nations in Darfur, Sudan. 8/06

Torture. Condemns any use of torture or other cruel, inhuman or degrading treatment or punishment upon any person within the custody or under the physical control of the U.S. government (including its contractors) and any endorsement or authorization of such measures by government lawyers, officials and agents. Urge the U.S. government to comply with both U.S. laws and international treaties, including the Geneva Conventions, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and related customary international law. Advise the U.S. government to ensure that all foreign persons captured, detained or interned by the U.S. are treated according to lawful U.S. standards and are not turned over to another government believed to subject its prisoners to torture or other degrading treatment. Encourage the President and Congress to establish a bipartisan commission to investigate U.S. detention and interrogation practices. 8/04

Detainees. Opposes the incommunicado detention of foreign nationals in undisclosed locations by the Immigration and Naturalization Service (INS) and urges protection of the constitutional and statutory rights of immigration detainees by using five guidelines set forth in the resolution. 8/02

Detainees. Opposes the involuntary transfer of detained immigrants and asylum seekers to facilities that impede an existing attorney-client relationship. Detained immigrants and asylum seekers should not be transferred to distant locations and

detention space should not be contracted for or constructed in remote areas where legal assistance generally is not available for immigration matters. 2/01

Secret Evidence. Opposes the use of “secret evidence,” evidence that is presented to the trier of fact *in camera* and *ex parte*, in immigration proceedings, including but not limited to: (1) using secret evidence to deport noncitizens; (2) denying immigration benefits to noncitizens based on secret evidence; (3) refusing to release on bond noncitizens based on secret evidence; and (4) denying admission to returning lawful permanent residents, people who have been paroled into the United States, and asylum seekers, based on secret evidence. Where there are legitimate national security concerns, the noncitizen and the court or the adjudicator should, at a minimum, be provided with an unclassified summary of the classified information, prepared in accordance with appropriate judicial standards and supervision, that preserves the individual’s ability to confront the evidence and prepare a defense. 2/01

Convention on the Rights of the Child. Urge the U.S. to expeditiously ratify the Optional Protocol to the U.N. Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. (00M106A) 7/00

Convention on the Rights of the Child. Urge the U.S. to expeditiously ratify the Optional Protocol to the U.N. Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. (00M106B) 7/00

Child Labor. Urge the U.S. to work with the U.N. and the International Labor Organization to promote the abolition of economic exploitation of persons under eighteen years of age by adopting and enforcing laws that a) regulate the employment of children, and b) eliminate the abduction, trading and selling of children, and their employment under slavery-like conditions. 8/96

Platform for Action. Supports the focus of the Platform for Action adopted at the Fourth World Conference on Women in Beijing, China in September 1995, on the role of law in promoting the equality, equal protection and equal access to opportunities and benefits for women, and affirms the importance of legal literacy to the functioning of democracies and the exercise of human rights by all individuals in society and supports the Platform for Action's provisions calling for the integration of a gender perspective into development assistance programs generally, and in particular, supports the integration of such a perspective into the programs for law development and law reform around the world, including those programs receiving technical legal assistance from the American Bar Association. 2/96

Platform for Action. Commends the United Nations and its Member States for the Declaration and the Platform for Action adopted at the Fourth World Conference on Women in Beijing, China in September 1995, and in particular, for the progress achieved at the Conference in advancing the human rights of

women and girls, including its recognition that women's rights are human rights, its reaffirmation of the universality of human rights, and the recognition that violence against women is a violation of human rights and urges international organizations, including the UN, to implement the items of the Platform. 2/96

Convention on the Elimination of Discrimination Against Women. Reaffirm support for the ratification by the United States of the Convention on the Elimination of All Forms of Discrimination Against Women, and support, in principle, the development of an optional protocol to the Women's Convention providing for an individual right of petition as called for in the Platform for Action adopted at the Fourth World Conference on Women. 2/96

Refugees from Cuba and Haiti. Urge U.S. government to take special measures to protect the rights of Cuban and Haitian refugees detained in camps under U.S. control, including due process, access to independent legal counsel, humanitarian living conditions and adequate medical care. Insist that U.S. lawyers be permitted to visit with any such refugee requesting legal counsel for the purposes of counseling them. 2/95

Human Rights Generally. Urge U.S. Government to take certain steps to advance the promotion and observance of international human rights with emphasis on (a) strengthening the post of the Commissioner for Human Rights; (b) supporting establishment of special regional commissioners for protection of minority rights where such commissioners do not currently exist; (c) helping to increase U.N. resources for promotion of democracy and strengthening the rule of law; (d) expediting ratification of important U.N. conventions relating to the protection of human rights and enacting legislation to facilitate removing reservations to various human rights treaties that have been ratified; (e) supporting the appointment of women to senior positions in the U.N. system; (f) supporting strengthening the system of Special Rapporteurs and Working Groups by providing them with sufficient resources and staff, and allowing them to investigate human rights abuses within their jurisdiction and on their own initiative; and (g) working to institutionalize better relations between the U.N. and NGOs to better reflect and utilize NGOs in norm creation and in more systematic scrutiny of state compliance, and to protect NGOs providing humanitarian assistance. 8/94

Human Rights and the U.N. Recommend that the U.S. government advance the promotion and observance of international human rights by supporting the U.N. High Commissioner for Human Rights, encouraging the establishment of special regional Commissioners, increasing U.N. resources for the promotion of democracy and the rule of law, expediting the ratification of relevant U.N. conventions, supporting the appointment of women to senior positions in the U.N., strengthening the system of Special Rapporteurs and Working Groups, and institutionalizing the relationship between non-governmental organizations and the U.N. system. 8/94

American Convention on Human Rights. (1) Reiterates its support, originally declared by the House of Delegates in 1979, for the ratification by the United States of the American Convention on Human Rights, and its support for the enforcement of the judgments of the Inter-American Court of Human Rights. (2) Should immediately convene a working group of representatives from interested Associations entities and affiliated organizations, whose final work product will require approval of the Board of Governors or the House of Delegates, to work with the Executive Branch and the Senate in reviewing and updating the reservations proposed by the Carter Administration, and in evaluating whether the United States should accept the contentious jurisdiction of the Inter-American Court of Human Rights. 6/94

Convention on the Rights of the Child. Endorse in principle the U.N. Convention on the Rights of the Child subject to eight Reservations, Understandings, and Declarations aimed at promoting U.S. ratification. These qualifications reaffirm the U.S. government's jurisdiction and right to certain practices, such as the regulation of the practice of religion to the extent that it is constitutional, the incarceration of certain children within adult correctional facilities even if it is not in the "best interests of the child," and the separation of a child from his or her parents against their will under certain circumstances. Also confirms that the Convention imposes no legal obligations on the U.S. regarding the voluntary interruption of pregnancy and cannot be interpreted as affecting any U.S. laws related to such interruptions. 2/94

Hague Conventions. Urge the Senate to give its advice and consent to the ratification of the Hague Convention on Protection of Children and Cooperation with Respect to Intercountry Adoption (adopted by the Hague Conference on Private International Law in 1993), and the Congress to enact implementing legislation to permit the U.S. to participate in this Convention. 2/94

Bosnia-Herzegovina. Urge the U.S. government and the U.N. Security Council to investigate, prosecute and punish, if necessary, persons who have committed war crimes or crimes against humanity in Bosnia-Herzegovina, and offer ABA assistance to identify lawyers, law professors and judges who would be willing to participate in such a process. 10/92

Honduran Human Rights. Call upon the U.S. government to urge the government of Honduras to comply fully and immediately with the August 1990 judgments of the Inter-American Court of Human Rights in the *Velásquez* and *Godínez Cruz* cases, ordering Honduras to compensate for monetary losses caused by its failure to pay two prior damages judgments. 8/92

Refugees' Health Concerns. Urge the U.N. to (a) provide adequate international protection for refugee health needs; (b) review the adequacy of current international agreements to address the health and related humanitarian needs of refugees and displaced persons; (c) strengthen the protection of refugee health under existing international agreements; and (d) develop international

agreements, and other mechanisms, to protect the health needs of all other displaced persons. 8/91

Convention on the Rights of the Child. Support in principle the ratification by the U.S. of the provisions of the U.N. Convention on the Rights of the Child, and recommend that the ABA immediately convene a working group of Association representatives to work with the Executive Branch and Senate on the identification and clarification of issues related to the possible reservations that might be considered as part of the ratification process. 2/91

Hong Kong Bill of Rights. Support the adoption of a Bill of Rights for Hong Kong, which fully guarantees those civil and political rights, after July 1, 1997, which are currently enjoyed by the residents of Hong Kong, as anticipated by the newly enacted Basic Law of Hong Kong Special Administrative Region. Call upon the governments of the United Kingdom and the People's Republic of China to give effect in local law, enforceable after July 1, 1997, of provisions of the International Covenant on Civil and Political Rights. Encourage the Chinese government to allow free movement of persons to and from Hong Kong, and the U.S. government to use its influence to promote the continuance and growth of democratic institutions in Hong Kong. 2/91

Human Rights in Iran. Deplore the persistent, gross violations of human rights (such as the mass summary executions, torture, and other inhuman punishment of political and other prisoners, the persecution of certain religious communities, and gross denials of fair trial rights in political cases) committed by the Government of the Islamic Republic of Iran; urge the new leadership of Iran to protect basic human rights, ensure fair procedures in political cases and to eliminate torture and other inhuman punishment of prisoners; and urge the U.S. government to urge the Government of Iran to (1) recognize and protect basic human rights; (2) adhere to U.N. procedures for the resolution of human rights violations; (3) accept a U.N.-sponsored delegation to investigate conditions in Iranian prisons; and (4) accept an international delegation of lawyers and jurists to observe Iranian judicial proceedings and determine whether defendants' rights are being safeguarded. 8/89

Human Rights and Multilateral Development Banks. Urges U.S. government to support the establishment of a human rights department within each multilateral development bank of which it is a member other than the International Monetary Fund, to provide expertise during the pre-project review and appraisal stage allowing the banks to consider (1) the effect of proposed loans and investments on human rights in a country; (2) the effect of human rights observance in a country on the purpose or likely success of the proposed loans or investments; and (3) the relationship between human rights observance in a country and economic development in such country. 8/89

Chilean Human Rights. Deplore the interference by the Chilean government with the independence of its judges and lawyers, and the arrest, prosecution and detention without charge and attempted assassination of lawyers who represent individual clients in human rights cases. Call upon Chile to honor U.S. extradition requests over the 1976 assassinations of Letelier and Moffitt, and to investigate fully and to bring to justice all persons responsible for violations of fundamental human rights, including the 1986 killing in Chile of Rodrigo Rojas, a Chilean national and U.S. resident. Urge the Government of Chile to restore basic human rights by eliminating the practice of vigilante assassinations, arbitrary detention and torture, and by restoring the full jurisdiction of civilian courts and the independence of judges and lawyers. 8/87

Right to Food. Acknowledge the existence of a fundamental right to food – the right to a nutritionally adequate diet – for every person throughout the world, and urge the U.S. government to make the right to food a principal objective of U.S. foreign policy. 8/86

Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Urge the U.S. to promptly sign and ratify this convention. 2/86

Torture. Support federal legislation to (1) establish a federal right of action by both aliens and U.S. citizens against persons who, under color of foreign law, engage in acts of torture, extra-judicial killing or prolonged arbitrary detention; (2) authorize suits by both aliens and U.S. citizens who have been victims of torture, extra-judicial killing or prolonged detention, under color of foreign law, wherever these acts occur and expressly provide federal court jurisdiction over these suits; and (3) amend the immigration laws to permit the deportation from the United States any alien who, in his or her official capacity, took part in the torture of another person under color of law. 8/85

Convention on the Elimination of Discrimination Against Women. Urge ratification of the Convention, subject to: (1) a reservation to preserve federal-state divisions of authority; and (2) a declaration that the Convention's substantive provisions are not self-executing. 8/84

Apartheid. Oppose South African policy of apartheid and its various manifestations as inconsistent with international treaty obligations and the international Rule of Law. Support actions by the U.S. government, international organizations and other nations opposing apartheid and its various manifestations. 2/85

American Convention on Human Rights. Support accession of the United States to the American Convention on Human Rights and urge the Senate to ratify the Convention, subject to reservations recognizing that nothing in the Convention requires or authorizes the United States to enact legislation to or

otherwise restrict the right of free speech as guaranteed by the U.S. Constitution, that the fairness doctrine as interpreted under the U.S. Constitution meets the requirements of Article 14, and that the second sentence of paragraph 1 of Article 4 does not apply to lawful abortions. 8/79

International Covenant on Economic, Social and Cultural Rights. Support ratification of the Covenant on Economic, Social and Cultural Rights, subject to several understandings, declarations and one reservation recommended to the Senate by the Departments of State and Justice, including the declaration that the Covenant does not derogate from the equal obligation of all States to fulfill their responsibilities under international law nor can it restrict the right of free speech as protected by the U.S. Constitution. 2/79

International Covenant on Civil and Political Rights. Support ratification of the Covenant on Civil and Political Rights, subject to several understandings, declarations and reservations recommended to the Senate by the Departments of State and Justice, including the protection of the right to free speech and the right to impose capital punishment. 2/79

International Convention on the Elimination of All Forms of Racial Discrimination. Support U.S. accession to the International Convention on the Elimination of All Forms of Racial Discrimination subject to certain understandings and reservations, including the protection of the right of free speech. 8/78

Helsinki Accords. Support those who have challenged their governments to comply with the human rights provisions of the Helsinki Agreement of 1975 and who have been monitoring and reporting the condition of human rights in their countries. Call upon participants of the 1977 Belgrade Conference and all citizens of the 35 countries that signed the Helsinki Agreement to ensure faithful compliance with the human rights provisions of the Helsinki Agreement as well as the U.N. Universal Declaration on Human Rights. 2/78

Zionism. Rejects categorically and specifically the legal basis for and assertion by the U.N. General Assembly Resolution of November 10, 1975, on Zionism, and deplores the appeal inherent in said Resolution to the basest of human frailties (anti-Semitism) rather than moving to clarify the common interests of all peoples to co-exist on the basis of mutual respect consistent with the world rule of law. 8/76

Genocide Convention. Support ratification of the U.N. Convention on the Prevention and Punishment of the Crime of Genocide by the Senate subject to three understanding and one declaration, including the understanding that the Convention will not affect the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside the state. 2/76

Hague Convention Abolishing the Requirements of Legalization for Foreign Public Documents. Recommend that the U.S. accede to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents, of October 5, 1961 [527 U.N.T.S. 189]. Urge U.S. ratification of the Hague Convention on Protection of Children and Cooperation with Respect to Inter-country Adoption. 2/75

Convention on the Abolition of Forced Labor. Recommend that the U.S. take no action with regard to this convention. 8/67

Convention on the Political Rights of Women. Oppose U.S. accession to this convention. 8/67

Human Rights Generally. Support U.S. promotion of “universal respect for, and observance of, human rights and fundamental freedoms” for all people within all countries, through the U.N. Encourage U.N. recommendations and treaties on human rights. Oppose, in principle, accession by the U.S. to, and ratification of, any international covenants which seek to enforce the protection of human rights which lie essentially within the domestic jurisdiction of the U.S. itself. 8/67

Slavery Convention. Support U.S. ratification of the Supplementary Slavery Convention. 8/67

IMMIGRATION

Startup Visas. Supports full implementation of legislation by Congress to provide for the creation of Startup Visa (by way of the creation of the EB-6 Visa Program, the reformation of the EB-5 Visa Program or similar creation, reformation and/or restructuring of the current U.S. immigration regime) to provide for a mechanism whereby immigrant-founders of businesses can obtain legal status in the U.S. 08/10

Immigration and Nationality Act. Urges the Department of Homeland Security to implement specific policies and procedures within the immigration removal adjudication system and urges Congress to amend the Immigration and Nationality Act regarding the removal of noncitizens convicted of certain crimes. 02/10

Immigration Courts. Supports measures to improve immigration courts and create a more professional, independent and accountable immigration judiciary, including a provision to increase the number of immigration judges by at least 100, increase the number of law clerks to a ratio of one clerk per judge, increase the number of support personnel and increase the number of Assistant Chief Immigration Judges, and expand their deployment to regional courts. 02/10

Board of Immigration Appeals. Supports improving the efficiency, transparency and fairness of administrative review by the Board of Immigration Appeals through increasing the resources available to the Board, including additional staff attorneys and additional Board members. 02/10

Judicial Review of Immigration Decisions. Supports the restoration of federal judicial review of immigration decisions and urges Congress to enact legislation to ensure that noncitizens are treated fairly in the adjudication process and also to provide oversight for the government's decision making process. 02/10

Article I Court. Supports the creation of an Article I court, with both trial and appellate divisions, to adjudicate immigration cases, which should have features substantially consistent with specific guidelines, or as an alternative to an Article I court, supports the creation of an independent agency for both trial and appellate functions. 02/10

Immigration Consequences of Past Criminal Convictions. Supports legislation, policies and practices that preserve the categorical approach used to determine the immigration consequences of past criminal convictions, under which the adjudicator relies on the criminal statute and the record of conviction rather than conducting a new factual inquiry into the basis for the conviction. 08/09

Legal Residence Legislation of Same-Sex Partners. Supports the enactment of legislation and the implementation of public policy to enable a United States citizen or lawful permanent resident who shares a mutual, interdependent, committed relationship with a non-citizen of the same sex to sponsor that person for permanent residence in the United States. 02/09

International Adoption. Supports international adoption as an integral part of a comprehensive child welfare strategy to address the worldwide problem of children without permanent homes and supports policies that make the process of international adoption timelier, less costly, and less burdensome, while ensuring that international adoption practices are ethical and legal. 08/08

Migration. Supports multinational cooperation and consultation in the formulation of national laws and policies relating to migration and urges the United States government to enter into regional and international discussions and agreements governing the flow of workers. 8/06

Immigration. Supports the due process right to counsel for all persons in removal proceedings and the availability of legal representation to all non-citizens in immigration-related matters. 2/06

Immigration. Supports a regulated, orderly and safe immigration system that promotes national security, addresses the undocumented population, need for immigrant labor, value of family reunification, and the need for an effective enforcement strategy; and supports lawful permanent residence and citizenship for undocumented persons who entered the United States as minors and have significant ties to the United States. 2/06

Immigration. Urges an administrative agency structure that will provide all non-citizens with due process of law in the processing of their immigration applications and petitions, and in the conduct of their hearings or appeals, by all officials with responsibility for implementing U.S. immigration laws. 2/06

Immigration. Supports a transparent, user-friendly, accessible, fair and efficient system for administering immigration laws that has sufficient resources to carry out its functions in a timely manner. 2/06

Immigration. Opposes the detention of non-citizens in immigration removal proceedings except in extraordinary circumstances, which would include a determination, following a hearing and subject to judicial review, that a person presents a threat to national security or public safety, or presents a substantial flight risk. 2/06

Immigration. Supports the establishment of laws, policies, and practices that ensure optimum access to legal protection for refugees, asylum seekers, torture victims, and others deserving of humanitarian refuge. 2/06

Immigration. Supports avenues for lawful immigration status, employment authorization, and public benefits for victims and derivative family members, of human trafficking and other crimes described in 101(a)(15)(U)(iii) of the Immigration and Nationality Act and supports the use of Legal Services Corporation funding to provide services to such victims. 2/06

Civil Immigration Laws. Urges that the Federal Government retain exclusive jurisdiction over civil immigration matters, opposes delegation of legal authority to state, territorial and local police to enforce federal civil immigration laws, and opposes criminalization of civil violations of immigration law. 2/04

Immigration. Supports legislation to provide noncitizens who both reside in the United States and demonstrate significant ties to the United States, such as employment, tax payment, family, length of residence, with an opportunity for them and their immediate relatives to acquire lawful permanent residence. That a noncitizen residing in the United States who is eligible to immigrate through family-sponsored or other provisions of the Immigration and Nationality Act should be able to adjust to permanent residence in the United States rather than travel abroad for processing. That any temporary worker or legalization program guarantees basic labor rights with the ability to change employers and provide a realistic opportunity to obtain permanent resident status. 8/02

Children and Immigration. Supports the appointment of counsel at government expense for unaccompanied children for all stages of the immigration process and proceedings, favors the establishment within the DOJ of an independent office with child welfare expertise, and that children who cannot be released to family members or guardians be housed in culturally-appropriate family-like settings, not with juvenile offenders. 02/01

ARMS CONTROL, ARMED CONFLICT

[Comprehensive Test Ban Treaty.](#) Urges the United State to ratify the Comprehensive Nuclear Test Ban Treaty which is an international agreement designed to create a permanent, global, legally-binding and all-encompassing prohibition on any nuclear explosions. 08/10

[Conventional Weapons Treaty.](#) Urges the United States to sign and ratify the amended Article 1 and Protocol III, Protocol IV, and Protocol V of the *United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects*, which ban the use of incendiary weapons and blinding laser weapons, as well as set standards on marking, clearance, removal, and destruction of unexploded or abandoned mortar shells, grenades, artillery rounds, and bombs. 8/07

[Letter to Senator Joseph Biden regarding the resolution.](#) 8/07

[Follow-up Letter to Senator Joseph Biden regarding the resolution.](#)10/07

[Convention for the Protection of Cultural Property.](#) Recommend U.S. ratification of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. (01M105B) 2/01

Convention on the Prohibition of the Development, Production, Stockpiling and of Chemical Weapons and Their Destruction. Urge U.S. to give its advice and consent to ratification. 8/94

[Non-Proliferation of Nuclear Weapons Treaty.](#) Recommend that the U.S. government, with the cooperation and agreement of other nations whenever possible, take actions to maintain and strengthen the international regimes designed to control the proliferation of weapons of mass destruction. Support the unconditional, indefinite extension of the Treaty on the Nonproliferation of Nuclear Weapons (NPT). Work to satisfy the NPT obligation of the five declared nuclear weapons states to work towards nuclear disarmament through a number of measures, including the pursuit of a comprehensive ban on nuclear testing, the restriction of the production of fissile material, and the declaration that the U.S. will only use nuclear weapons as a means of deterrence or response. Pursue efforts to resolve regional disputes implicating weapons of mass destruction before the NPT extension conference, and in the longer term, work to strengthen the ability of the U.N. and relevant regional organizations to resolve disputes and to make and keep peace. 8/94

[START II Treaty.](#) Urge the U.S. Senate to give its advice and consent to the ratification of the START II Treaty between the U.S. and the Russian Federation. The Treaty eliminates land-based ballistic missiles with multiple warheads and significantly reduces the overall number of long-range nuclear

weapons possessed by both Parties to the U.S. level of the early 1960s and the Soviet level of the mid-1970s. 8/93

Arms Trading Guidelines. Support proposal to ban weapons of mass destruction in the Middle East and to regulate sales of conventional weapons in the region and urge U.S. government to engage in efforts, inside and outside of the United Nations, to establish and enforce limitations on the sale or transfer of conventional arms. 8/92

Cambodia and Vietnam. Support the peace plan prepared by the U.N. Security Council and the decision of the U.S to communicate with the governments of Cambodia and Vietnam and urge that steps be taken to prevent the Khmer Rouge from returning to power. Suggest prompt establishment of the proposed Supreme National Council on which the two opposing Cambodian parties would be equally represented, the immediate cessation of outside military aid, and the lifting of the U.S. trade embargo. 2/91

Conventional Arms in Europe. Urge the U.S. Senate give its advice and consent to the ratification of the Treaty on Conventional Armed Forces in Europe, signed November 19, 1990, by NATO and the Warsaw Pact countries. The Treaty reduces force levels to parity from the Atlantic to the Urals. 2/91

Persian Gulf War. Oppose the unprovoked invasion and annexation of Kuwait by Iraq in violation of the U.N. Charter, the detention, mistreatment and forced removal of persons living in or transiting Kuwait, and the closure of diplomatic and consular missions in Kuwait in violation of relevant conventions and principles of international law. Condemn Iraq for failing to comply with all Security Council Resolutions. Recommend that the U.S. and U.N. Member States, cooperating with the government of Kuwait, use all necessary means to restore international peace and security in conformity with the principles and purposes, and other provisions, of the U.N. Charter. 2/91

Conventional Arms in Europe. Urge the early agreement between the NATO and Warsaw Pact countries to reduce levels of conventional arms in Europe from the Atlantic to the Urals. Support the Conventional Forces in Europe (CFE) negotiations to reduce levels of NATO and Warsaw Pact forces in Europe from current levels to parity. 2/90

Peaceful Settlement of International Disputes. Urge the U.S. government to begin negotiations with other governments in order to implement the principles contained in the Draft General Treaty on the Peaceful Settlement of International Disputes to accept arbitration for the resolution of international disputes. 2/90

Peace in Central America. Support the efforts that governments in Central America, especially Costa Rica, El Salvador, Guatemala, Honduras and

Nicaragua, have undertaken under the Procedure for the Establishment of a Strong and Lasting Peace in Central America, known as the “Arias Plan,” to establish a firm and lasting peace in Central America, as a major step “to advance the rule of law in the world.” Urge continued commitment to the Arias Plan, and welcome the commitment of the U.S. in facilitating the process of regional dialogue. 8/88

Nuclear Test Ban Treaties. Recommend that the U.S. continue its efforts to achieve effective verification measures for the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. Urge the U.S. Senate to give its advice and consent to ratification of treaties between the U.S. and Soviet Union on measures providing for verification. Recommend immediate negotiations following the ratification of such treaties between the U.S. and Soviet Union in order to implement a step-by-step program of limiting and ultimately ending nuclear testing. 8/87

Nuclear Test Ban Treaties. Recommend that the U.S., consistent with its obligations under the 1963 Limited Test Ban Treaty and the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, institute an immediate moratorium on any further testing of nuclear explosive devices, and maintain that moratorium so long as the Soviet Union continues to refrain from such testing. 2/87

Conflict Between Nations. Support the principles of international law which call upon all parties to resolve disputes through peaceful means, including the arbitral process, and the implementation of the Algiers Accords, including the Iran-U.S. Claims Tribunal. Condemn the unprovoked attack on Judge Nils Mangard of the Tribunal in September 1984, and in accordance with Goal VIII of the ABA, call upon other national and international organizations comprising members of the legal profession to take appropriate action to affirm these essential principles and to condemn the attack on Judge Mangard. 8/86

Chemical Warfare. Urge that steps be taken to strengthen and secure respect for the present international law norms prohibiting use in war of chemical, biological and toxin weapons and the 1972 Treaty provisions prohibiting development, acquisition, retention, transfer, production, or stockpiling, of biological and toxin weapons; commends the U.S. government for its proposal of a Draft Convention on the Prohibition of Chemical Weapons of 1984; notes its concern about the substantial evidence of the illegal use of lethal and incapacitating chemical weapons by the Soviet Union in Afghanistan, by Iraq in its armed conflict with Iran, and of the illegal use of lethal and incapacitating chemical weapons and toxins by Vietnam and Laos in Southeast Asia; urge the U.S. government to present to the U.N. proposals to improve existing mechanisms or to create new means for the prompt and comprehensive investigation of all serious reports of the use of chemical or biological weapons in violation of the 1925 Geneva Protocol and the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction. 8/85

Treaty of Tlatelolco. Call upon the U.S. government to undertake effective measures to promote the full participation of Argentina, Brazil, Chile, and Cuba in the Treaty of Tlatelolco establishing a Nuclear Weapons Free Zone in Latin America. 2/85

Non-Proliferation of Nuclear Weapons Treaty. Urge the U.S. government to continue its endeavors to strengthen the international regime aimed at preventing the proliferation of nuclear weapons. Suggest that the U.S. make adherence to the Treaty a major foreign policy goal, renew efforts to pursue arms control negotiations in good faith as required by Article VI of the Treaty, enhance the effectiveness of international safeguards of nuclear materials both technically and through wider adherence to the safeguards system, and seek to use its nuclear export control systems to encourage adherence to the Treaty and the acceptance of full-scope safeguards. 2/85

Peaceful Settlement of International Disputes. Approve in principle the concept of the Draft General Treaty on the Peaceful Settlement of International Disputes and support further study, by appropriate domestic and international bodies, leading to the ultimate consideration of such a treaty. 8/84

Gas and Germ Warfare. Commend the U.S. ratification of the Geneva Protocol of 1925, and the Geneva Convention on Biological Weapons of 1972, banning the use of gas and bacteriological warfare, and urge the U.S. government to support efforts to supplement the Hague and Geneva Conventions through realistic and effective multilateral agreements. 8/76

"Case Act" Amendments. Oppose in principle any legislation which would purport to provide for a Congressional veto by resolution of either or both of the Houses of executive agreements entered into by the President. Support the addition of amendments to the "Case Act" redefining the situation in which unilateral presidential commitment of funds or troops overseas must be submitted for congressional scrutiny and proposes adoption by the U.S. Congress of a concurrent resolution that it is the sense of the Congress that the Executive Branch should consult with the appropriate Congressional leaders before entering into any significant international agreement. 2/76

Disarmament and Non-Proliferation of Nuclear Weapons. Support congressional approval of Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms, and the associated Protocol, signed in 1972 by President Nixon and General Secretary Brezhnev. Urge the governments of the U.S. and Soviet Union to seek promptly to reach agreement on further measures limiting and reducing strategic offensive arms, and on general and complete disarmament. 8/72

INTERNATIONAL INSTITUTIONS

International Criminal Court. Urges the United States Government to expand and broaden interaction with the International Criminal Court (“ICC”), including cooperation with the Court’s investigations and proceedings and urging the government to participate in all future sessions of the ICC’s governing body, the Assembly of States Parties and preparations for the Review Conference to be held in 2010. 08/08

International Criminal Court. Urges the United States Government to expand and broaden United States interaction with the International Criminal Court, including cooperation with the Court’s investigations and proceedings. Calls on the United States Government to participate in all future sessions of the International Criminal Court’s governing body, the Assembly of States Parties, and preparations for the Review Conference to be held in 2010. 8/08

U.N. Democracy Caucus. Supports the creation of a United Nations Democracy Caucus within the United Nations (UN) framework to work towards the strengthening of democracy, human rights and the rule of law throughout the UN system. 2/04

Harmonization of Domestic and Foreign Regulations. Recommends, with respect to significant agency efforts to harmonize domestic and foreign regulations through international negotiations that may require new regulations or the amendment of existing regulations, that: (1) the President seek to ensure effective public participation by encouraging federal agencies to follow mentioned guidelines, and (2) federal agencies consider public input concerning significant agency efforts to harmonize domestic and foreign regulations through international negotiations by following mentioned guidelines. 8/01

International Criminal Court. Recommend that the US accede to the Rome Statute of the International Criminal Court. 2/01

U.N. -- Funding. Reaffirm ABA support for an effective U.N. as essential to achieving peace, promoting sustainable development and advancing the rule of law and urge the U.S. government to enhance its relationship with the U.N.. Urge the U.S. to pay its outstanding dues to the U.N. and work to assure effective financing of U.N. institutions in the future. Urge the U.S. to ratify specific treaties previously endorsed by the ABA House of Delegates, including The U.N. Convention on the Elimination of All Forms of Discrimination Against Women, The U.N. Convention on the Rights of the Child, The U.N. Convention on the Law of the Sea, and the International Covenant of Economic, Social and Cultural Rights. 7/00

International Criminal Court. Urge Congress to enact legislation that would require the President to 1) report to the Congress within thirty days after

receiving notice from the International Criminal Court Prosecutor that a U.S. National committed an act within the jurisdiction of the Court; 2) take all reasonable steps to assure that the U.S. retains jurisdiction to investigate and, if necessary, prosecute the alleged act; and 3) report promptly to Congress on subsequent actions by the ICC with respect to the alleged act. 2/00

International Criminal Court. Support establishment of a permanent International Criminal Court (ICC) by multilateral treaty to prosecute and punish individuals who commit the most serious crimes under international law, and recommend a continued active role for the U.S. government in negotiating and drafting a treaty to establish the ICC. Suggest that the ICC have automatic jurisdiction over genocide, war crimes, and crimes against humanity, that the ICC's jurisdiction should complement the jurisdiction of national criminal justice systems, that the U.N. Security Council, states parties to the ICC treaty, and the ICC Prosecutor (subject to appropriate safeguards) be permitted to initiate proceedings when a crime appears to have been committed, and that standards of fairness and due process be protected. 2/98

International Monetary Fund and World Bank Group. Amend the prior ABA Resolution to include support for consideration of an enhanced role for the IMF in the monitoring and appropriate regulation of international capital movements and capital market operations in order to achieve a principal purpose of its charter: the promotion of a stable system of exchange rates in the world economy. 2/96

U.N. -- Personnel. Support ratification by the U.S. of the Convention on the Safety of U.N. and Associated Personnel, and recommend the U.S. and other parties interpret and apply the Convention under specific enumerated statements of understanding. 2/96

International Atomic Energy Agency. Urge the U.S. government to continue its support for the Agency and to take several enumerated steps, including those to enhance the safeguards system relating to assurances of compliance under the Non-Proliferation Treaty; urge review of safety standards for nuclear facilities; and consider alternatives to Agency. 8/95

International Labor Organization. Urge U.S. to continue to be an active supportive member of the ILO and commend the U.S. for creating the President's Committee on the ILO, Consultative Group on the ILO, and Tripartite Advisory Panel on International Labor Standards. Urge accelerated progress by these bodies toward ratification of those ILO conventions on human rights which are consistent with U.S. law and practice. 8/95

International Monetary Fund and World Bank Group. Recommend that the U.S. government give strong support to the IMF and World Bank Group by providing assistance in the ongoing scrutiny of their operations, support a re-

examination of the IMF's role vis-à-vis international capital movements and private international capital markets, and give increased attention to the development of the legal systems in member countries, particularly those countries undergoing major institutional reform. 8/95

U.N. -- Food and Agricultural Organization. Urge the U.S. government to continue to give strong support to the Food and Agriculture Organization of the U.N. (FAO), including its activities in setting international standards and providing technical assistance in drafting and implementing appropriate national legislation, encourage the FAO in its efforts to restructure itself, streamline its operations, and strengthen its transparency and accountability, and endorse stronger coordination efforts within the U.N. system which clarify the mandate, roles and tasks of the FAO and the organizations with which it works most closely. 8/95

U.N. -- UNESCO. Urge the U.S. government to rejoin UNESCO at the earliest possible time, so that it may take part in UNESCO's mandate to promote international cooperation through education, science, and culture. 8/95

World Health Organization. Recommend that the U.S. government continue to give its strong support to the WHO and more effective implementation of public health improvements through increased WHO standard setting and development of elements of model legislation, regulations and enforcement measures, adaptable to countries' individual needs. 8/95

International Court of Justice. Recommend that the U.S. government present a declaration recognizing as compulsory the jurisdiction of the ICJ in all legal disputes arising concerning the interpretation of a treaty, any question of international law, the existence of any fact which, if established, would constitute a breach of an international obligation, and the nature or extent of the reparation to be made for the breach of an international obligation. Provide for several exceptions to such a declaration. 8/94

International Criminal Court. Recommend that the U.S. Government take an active role in establishing an international criminal court based on enumerated principles for consensual and mandatory jurisdiction. Consensual jurisdiction should be based on the consent of the state having custody over a person accused of a crime specified in an international convention which adequately defines the crime, has been accepted worldwide, and contains the extradite or prosecute obligation. Mandatory jurisdiction should be based on a decision by the Security Council issued pursuant to its powers under Chapter VII of the U.N. Charter. 8/94

U.N. -- Peacekeeping Forces. Recommend that the U.S. government support the creation by the U.N., in addition to trained peacekeeping forces, of trained standby military forces for peacemaking and peace enforcement, composed of units from the national military forces of State Members of the U.N., which

would be available on call by the Security Council under conditions prescribed in agreements to be concluded pursuant to Article 43 of the U.N. Charter. 8/94

International Tribunal for the Former Yugoslavia. Support establishment of an International Tribunal to prosecute persons responsible for breaches of international humanitarian law in the territory of the former Yugoslavia since 1991. Urge the U.S. Congress to adopt implementing legislation to enable the President to give full support to the Tribunal, such as limiting the discretion of courts under current U.S. law to deny assistance to the Tribunal in the service of documents and the collection of evidence, and recognizing the obligation of the U.S. under Chapter VII of the U.N. Charter to arrest accused persons and to surrender them to the Tribunal. Advocate certain efforts be made to assure due process and procedural safeguards. 8/93

International Criminal Court. Additions to the prior Resolution. Recommend that the U.S. government work toward finding solutions to the numerous important legal and practical issues identified in the reports of the “Task Force on an International Criminal court” and the New York State Bar Association, with a view toward the establishment of an international criminal court. Consider that the jurisdiction of the court should be concurrent with that of member states, no one should be tried before the court unless jurisdiction has been conferred upon the court by the state of which he is a national and by the state in which the crime was committed, the fundamental rights of the accused should be protected, and the obligations of states under the court’s constituent instruments should be enforced by sanctions. 8/92

U.N. -- Funding. Strongly urge, as a matter of the highest priority, that the executive and legislative branches of the U.S. government pay immediately and in full the U.S.’s debt to the U.N. for its regular and peacekeeping expenses. 8/92

International Criminal Court. Recommend that the U.S. government pursue the establishment of an international court, so long as the jurisdiction of the court is concurrent with that of member states, no one is tried unless jurisdiction has been conferred upon the court by the state of which he is a national and by the state in which the crime was committed, and the fundamental rights of the accused are protected. 2/92

International Criminal Court. Establish a Blue Ribbon Committee on the Establishment of an International Criminal Court. 2/91

International Court of Justice. Reaffirm the ABA’s commitment to world order under the rule of law and its conviction that acceptance by all nations of the ICJ’s jurisdiction would lead to the attainment of this goal. Urge the U.S. government to initiate negotiations regarding possible dispute resolution in a Special Chamber of the ICJ should one party to the dispute request it. Support

the recent initiatives of the U.S. and Soviet Union with regard to increasing recourse to the ICJ for the settlement of legal disputes and suggest an additional treaty between the two states regarding the ICJ. Recommend that the U.S. and other states explore the conditions under which they would be willing to submit specified categories of disputes to the ICJ. 8/89

Organization of American States. Urge the U.S. government to meet promptly and fully its financial obligations to the OAS, and to actively support a larger budget allocation within the OAS for the activities of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. 8/89

U.N. -- UNESCO. Support the return of the U.S. to membership in UNESCO, increased efforts of the U.S. government towards that purpose, and urge the U.S. government to finalize arrangements necessary to enable it to renew its membership as quickly as possible. 2/89

U.N. -- Funding. Express concern regarding the report of the Secretary General of the U.N. that the U.S. is seriously in arrears in its payments to the U.N. and call on the Administration and Congress to give immediate attention to this matter. 8/88. Withdrawn.

Convention Establishing the Multilateral Investment Guarantee Agency. Urge the President of the U.S. to sign and ratify the Convention in a timely manner and the U.S. Congress to take appropriate legislative action to implement it. 2/86

U.N. -- UNESCO. Support efforts of the U.S. and other nations to bring about reforms in UNESCO designed to emphasize its core programs in the fields of education, science, communications and culture, revise programs which duplicate activities of other U.N. agencies, eliminate politicization, reform budgetary and management practices, and strengthen the Executive Board. Support the active continued participations of the U.S. through its observer mission and its reform observation panel of private citizens so that the U.S. will be in a position to consider a return to membership. 2/86

International Court of Justice. Reiterate the ABA's support for the U.S. government's participation in the ICJ and urges that in the future the U.S. government refrain from unnecessarily diminishing U.S. acceptance of the jurisdiction of the ICJ. 8/84

U.N. -- Representation. Support adoption of the principle by the U.N. General Assembly that all nations with a population over 200 million have an automatic equal representation with various regional blocs in all the organs and specialized agencies of the U.N.. 2/84

International Court of Justice. Urge U.S. approval of expansion of advisory opinion jurisdiction of the ICJ to include questions of international law referred by national courts. 2/82

World Bank. Oppose unilateral legislative restrictions on contributions to the World Bank and other international development banks which are inconsistent with their charters. 8/79

International Criminal Court. Urge the U.S. State Department to open negotiations for a Convention for the establishment of an International Criminal Court with jurisdiction expressly limited to (a) international aircraft hijacking; (b) violence aboard international; and (c) crimes against diplomats and internationally protected persons. Authorize the President of the ABA to present the Resolution and report to the State and Justice Departments, and request that those Departments consult with the ABA concerning the substantive phraseology of a convention. 2/78

U.N. -- Participation. Support the efforts by the U.S. to uphold the U.N. Charter and the right of all member states to participate in the deliberations and activities of the General Assembly and Specialized Agencies. Endorse legal interpretation by the U.S. that the U.N. Charter does not permit the suspension or expulsion of any U.N. member state except upon the recommendation of the Security Council. 8/75

International Court of Justice. Support Senate repeal of Connally Reservation in order to remove from sole U.S. determination the question of whether an international legal action subjects the U.S. to the jurisdiction of the Court. 5/73

International Labor Organization. Recommend that the U.S. immediately pay the full contribution owing to the ILO. 2/72

U.N. – General Support. Support and favor strengthening of the U.N. 8/61; 8/72

CRIME, EXTRADITION, TERRORISM

Anti-Money Laundering/Terrorist Financing Good Practices. Supports the United States Government's efforts to combat money laundering and terrorist financing and observes that voluntary, risk-based and updated guidance would assist legal professionals to avoid money laundering and terrorist financing risks when providing services to clients and adopts the Voluntary Good Practices Guidance for Lawyers to Detect and Combat Money Laundering and Terrorist Financing. 08/10

Vienna Convention on Consular Relations (Article 36). Urges the United States, state and territorial governments to work to ensure that the fundamental protections of Article 36 to the Vienna Convention on Consular Relations ("Article 36") are extended fully and without obstacle to foreign nationals within United States borders. 02/10

Detainee Rights. Urges U.S. courts to grant to detainees all rights granted to habeas petitioners consistent with Federal statutory habeas criminal law principles where applicable, appropriate to the facts and circumstances of that petitioner's case. 02/09

Convention Against Corruption. Support the prompt ratification of the United Nations Convention Against Corruption (UN Convention) by the United States, and by other members of the United Nations. 8/05

Universal Jurisdiction. Recognizes the principle of universal criminal jurisdiction as an important tool in the worldwide effort to strengthen the rule of law by providing the means for the prosecution of persons who have committed serious international crimes, regardless of where they are committed or by whom or against whom, and supports the principle when it is exercised consistent with the limitations set forth in the resolution. 2/04

Foreign Intelligence Surveillance Act. Urge Congress to conduct regular and timely oversight of the government's use of the Foreign Intelligence Surveillance Act to ensure that FISA investigations do not violate the First, Fourth, and Fifth Amendments to the Constitution. Suggest the consideration of amendments to the Act that would ensure that FISA is used when the government has a significant (i.e. not in-substantial) foreign intelligence purpose and not to circumvent the Fourth Amendment, and that would make available to the public an annual statistical report on FISA investigations regarding the use of Federal wiretap authority. (03M118) 2/03

Money Laundering/Gatekeeper Regulations. Supports and urges reasonable and balanced initiatives designed to detect and prevent domestic and international money laundering and terrorist financing. Oppose any law or regulation that would compel lawyers to disclose confidential information to

government officials and will continue to review the Model Rules of Professional Responsibility. Urge bar associations and law schools to undertake education efforts to ensure that lawyers are informed regarding the scope of money laundering laws and the anti-money laundering requirements that apply to lawyers to safeguard the profession from being used to facilitate money laundering or terrorist financing activity. (03M104) 2/03

International Terrorism. Support President Bush's November 13, 2001 military order authorizing trial of non-US citizens accused of acts of terrorism before military commissions, provided that all proceedings meet the requirements of fundamental fairness and the Uniform Code of Military Justice, and that trials be made subject to review by an appropriate independent civilian reviewing authority designated by the President, with authority to approve, disapprove, or modify findings and sentences. (02M8C) 2/02

Convention on Corruption. Support the US ratification of the Council of Europe's Criminal Law Convention on Corruption provided that a significant number of eligible states have demonstrated that they are also prepared to accede to this agreement and such states provide satisfactory evidence that the Convention will not be used to dilute their commitments under other international anti-corruption instruments. Include several reservations and understandings, such as the reservation to ensure that the U.S. would not be obligated to criminalize lobbying or other similar activities by ratifying the Convention. (01M105A) 2/01

Extradition of Individuals from Foreign Territories. Recommend that federal and state authorities dealing with the renditions of individuals from foreign territories, by extradition or otherwise, fully respect international law. 2/93

Iraqi War Crimes. Support efforts to strengthen the rule of law in international affairs by an appropriate investigation and, if found warranted, the establishment of an international ad hoc criminal tribunal for the apprehension, prosecution, and punishment of individuals for war crimes associated with Iraqi aggression against other States. Support the Nuremberg Principles as a part of customary international law and urge the U.S. government to support policies which strengthen it. 8/91

Colombian Drug Trafficking. Support lawyers, judges and public officials in Colombia who are fighting drug trafficking and urge Congress and the President of the U.S. to provide appropriate assistance to help them stem the destructive flow of cocaine and other drugs which threaten not only their country, but also the U.S.. State that the ABA will provide such support to the judicial system of Colombia as may be appropriate. 2/90

Terrorism. Support the enactment of domestic laws that address terrorist activities such as violent acts against civilians, detention or hijacking of vehicles

and vessels, and theft of nuclear explosive materials. Support U.S. ratification of the Protocol for Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation. 8/88

Supplemental Extradition Treaty with the United Kingdom. Support ratification of this treaty, signed on June 25, 1985. 2/86

International Extradition Practices. Support legislation to modernize U.S. international extradition practices which would (1) Preserve the jurisdiction of the federal courts to make the initial determination whether extradition is barred by the political offense exception; (2) Assure that the exception not apply to acts of terrorist violence and serious breaches of international norms applicable in armed conflict, and (3) preclude bail in certain circumstances. 8/83

International Terrorism. Approve in principle the concept of a convention which would address the problem of terrorist activities in the Americas in a comprehensive manner. 2/82

International Terrorism. Support U.N. adoption of the Diplomats Convention and Hostage Convention. Support U.S. action to encourage ratification of relevant conventions by maximum number of countries, to stimulate implementation of these conventions, and to continue development of new initiatives. 2/81

Community Supervision of Offenders. Support proposal that the U.N. develop and promulgate standard minimum rules for the supervision of offenders in the community or in community residential care as a guide for nations desirous of expanding and increasing their utilization of community corrections programs and services. 8/75

Swiss-U.S. Treaty on Mutual Assistance in Criminal Matters. Urge early ratification by the U.S. Senate of the Treaty between the Swiss Confederation and the U.S., signed in Switzerland on May 25, 1973. 2/75

International Terrorism. Recognize the urgent need for all countries to take all necessary measures within their jurisdictions to deter and prevent acts of international terrorism and to take effective measures to deal with those who perpetrate such acts. Recommend that the U.S. and other states seek to establish procedures for the exchange of information regarding terrorists. Commend the U.S. government for initiating a convention to prevent the export or spread of terrorist violence, and a convention for the prevention and punishment of crimes against diplomats and other internationally protected persons. 2/73

Crimes Aboard Aircraft. Support strong U.S. and international measures to reduce the frequency of, and to punish, such crimes. 2/63

ENVIRONMENT

Marine Ecosystems. Urges the United States Government to continue and enhance efforts to play a leadership role in the development and implementation of international initiatives to protect the world's marine ecosystems and ensure the ecologically sustainable use and development of the world's marine resources, emphasizing good stewardship, ecosystem-based management, preservation of biodiversity, use of best available science, and international responsibility, including by measures set forth in the recommendation. 8/05

Sustainable Development. Reaffirms its 1991 commitment to sustainable development, and adopts the internationally accepted concept of sustainable development, as recognized at the United Nations Conference on Environment and Development in 1992 and subsequent international conferences: simultaneous achievement of environmental protection, economic development, social development, and peace, for present and future generations. Urges the U.S. government to meet the targets and timetables for sustainable development that are contained in the Plan of Implementation adopted at the World Summit on Sustainable Development in Johannesburg, South Africa, in September 2002, that are applicable to the United States and to which the United States agreed. 8/03

Rotterdam Convention on the International Trade in Chemicals. Support prompt ratification and implementation by the U.S. of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. (02M113A) 2/02

Stockholm Convention on Persistent Organic Pollutants. Support prompt ratification and implementation by the U.S. of the Stockholm Convention on Persistent Organic Pollutants. (02M113B) 2/02

Law of the Sea Convention. Recommend that the U.S. become a party to the 1982 U.N. Convention on the Law of the Sea and to the 1994 Agreement Relating to the Implementation of Part XI of the Convention. 8/94

Law of the Sea Convention. Recommend that (1) the U.S. become a party to the 1982 U.N. Convention on the Law of the Sea provided that appropriate changes are made to Part XI; (2) a special high-level working group within the U.S. government be established to analyze those changes. 2/90

Montreal Protocol on Ozone Layer. Recommend that the U.S. government ratify the Montreal Protocol on Substances That Deplete the Ozone Layer. 2/88

Law of the Sea Convention. Support: (1) deep seabed mining as a freedom of the high seas; (2) important navigation provisions that reflect international custom; (3) bilateral and multilateral efforts to encourage deep seabed mining,

etc. Urge that the Convention's substantive provisions not related to deep seabed mining are binding on all states, and support U.S. acceptance of the Convention's dispute resolution regime for these provisions. 8/83

Arctic and Antarctic Region. (1) Reject application of the "sector principle" in the Arctic region as inconsistent with the general provisions of international law which are applicable and; (2) endorse U.S. efforts regarding the management of living and mineral resources of Antarctica. 8/80

Law of the Sea Convention. Endorse the longstanding policy of the U.S. government that any future comprehensive Law of the Sea Treaty must provide assured access for the U.S. and its citizens to the resources of the seabed and subsoil beyond the limits of national jurisdiction. Endorse efforts directed toward the enactment of interim domestic legislation to promote the orderly development of mineral resources in the seabed on the bases of the freedom of the high seas. 2/80

Settlement of Legal Disputes Between the U.S. and Canada. Urge the U.S. government's consideration of two draft treaties on trans-frontier pollution and third-party settlement of disputes contained in a report of the American and Canadian Bar Associations' joint Working Group on the Settlement of International Disputes as possible bases for negotiation with the Canadian government. 8/79

Law of the Sea Convention. Hold that within the area of exclusive sovereign rights adjacent to the U.S., the interests of the U.S. in the natural resources of the submarine areas be protected to the full extent permitted by the 1958 Convention on the Continental Shelf. Recommend that the U.S. insist that any international regime established with respect to the areas seaward of the limits of national jurisdiction incorporate economic importance and only administrative and regulatory international authority. Broad provisions for marine conservation. 8/73

U.N. Environmental Fund. Support U.S. House of Representatives bill, or similar legislation, authorizing \$40 million over 5 years pledged to the U.N. Environment Fund. 8/73

TRADE, CUSTOMS, SANCTIONS

Copyright Clause of the U.S. Constitution. Supports the principle that under the Copyright Clause of the Constitution of the United States (Article I, section 8, clause 8), Congress has the power to implement U.S. obligations under international copyright treaties by restoring copyrights in certain works of foreign origin that have gone into the public domain, and thereby to improve protection available abroad to holders of U.S. copyrights. 08/10

U.S. Copyright Act – First Sale Doctrine. Urges courts to interpret the statutory first sale doctrine in Section 109(a) of the U.S. Copyright Act and the copyright owner's importation right in Section 602(a) to exclude application of the first sale doctrine to the importation of goods embodying a copyrighted work that were not manufactured in the United States. 02/10

UN Rotterdam Rules. Urges the United States Senate to ratify the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, also known as the "Rotterdam Rules." 02/10

Liberalization of International Trade. Supports the contribution that the negotiated liberalization of international trade in goods and services, through government-to-government trade agreements, makes to the spread of the Rule of Law, both at the state-to-state level and within participants' domestic legal systems. 08/08

Liberalizing of Trade/Rule of Law. Endorses the liberalization of international trade in goods and services, through negotiating and implementing government-to-government trade agreements, as a factor contributing to the spread of the rule of law. 8/08

International Trade Commission Support of the Sunshine Act. Supports the International Trade Commission's adoption of certain procedures relevant to its compliance with the Government in the Sunshine Act, 5 U.S.C § 552(b). 8/07
Letter to U.S. International Trade Commission regarding the resolution.
10/07

General Agreement on Trade in Services (GATS). Supports the efforts of the U.S. Trade Representative to encourage the development of transparency disciplines on domestic regulation; and supports the U.S. Trade Representative's participation in the development of additional disciplines on domestic regulation. 8/06

Market Access for Lawyers. Support the proposals by the U.S. Trade Representative regarding access to foreign markets for U.S. lawyers through permanent establishments as expressed and incorporated in the ABA

“Negotiation Proposals Regarding Foreign Market Access for U.S. Lawyers.”
(02M113E) 2/02

Resources for Trade Functions. Urge the U.S. Congress to provide adequate resources to enable U.S. trade agencies to implement fully the requirements of U.S. trade laws, enforce vigorously the commitments made under international agreements to the U.S. by our trading partners to open their markets to our goods, services, investments and intellectual property, and further a “rule based” world trading system through diligent negotiations and active participation in multilateral organizations. (99M100) 2/99

Trade Sanctions. Recommend that the U.S. government seek the cooperation of like-minded foreign governments in devising and carrying out programs to constrain foreign trade and investment detrimental to shared U.S. national security and foreign policy objectives. Urge the U.S. to refrain from the adoption or maintenance of extraterritorial foreign trade control measures that do not conform to jurisdictional principles of international law as generally accepted by the international community and create the potential for conflicts with other nations. (98A300) 8/98

WTO Dispute Settlement – Private Counsel. Support the further development of the dispute settlement procedures in international trade matters created under the Uruguay Round Agreements establishing the WTO. Endorse procedures to assure all parties the right to be represented by counsel of their selection. Urge the U.S. to support appropriate policies, rules and procedures to enable any party in a dispute subject to the WTO’s Dispute Settlement Understanding (DSU) to seek, employ and use counsel for participation on behalf of such party at all phases of the proceedings. 2/98

Pre- and Post-Employment Restrictions for Trade Officials. Oppose ethics-in-government rules that single out foreign policy or trade functions for special restrictive treatment; support repeal of 1995 amendments to 18 U.S.C. Section 207 and 19 U.S.C. Section 2171(b). U.S. laws should not disqualify any senior executive or judicial appointee based on prior representation of particular types of clients. 2/97

Fast Track Negotiating Authority. Supports renewal of fast track negotiating authority, which enables the President to negotiate trade agreements, not subject to amendment by Congress during the approval process. 2/97

Private Restraints Impeding U.S. Exports. U.S. government should continue to seek to eliminate private restraints that exclude U.S. exports from access to foreign markets through application of Antitrust law. Encourage the U.S. government to seek adoption and enforcement by foreign trading partners of competition laws that prohibit cartel behavior and monopolistic practices, to aid the efforts of U.S. firms to obtain relief under foreign antitrust laws, to enter into reciprocal investigation arrangements with foreign competition law enforcement

agencies, to negotiate bilateral and multilateral arrangements to facilitate antitrust discovery rights for non-host country plaintiffs and for the enforcement of non-host country anti-trust judgments. Where inappropriate the U.S. should address market access barriers by other means. 2/95

NAFTA – Antitrust Provisions. Urge three signatory governments to work together to implement the competition and antitrust aspects of NAFTA with emphasis on identifying a barrier-free and distortion-free North America as a fundamental goal, enforcing national antitrust laws, prohibiting hard-core cartels, seeking a common approach to principles of comity, seeking convergence of antitrust procedures where feasible and efficient, cooperating in antitrust discovery and enforcement, addressing the interrelationship between the trade laws and antitrust laws, and considering the development of institutions for dispute resolution in competition matters. 8/94

Uruguay Round – Approval of Results. Urge U.S. approval and implementation of the agreements resulting from the Uruguay Round of Multilateral Trade negotiations and endorse the Uruguay Round of Understanding on Rules and Procedures and Procedures Governing the Settlement of Disputes and the Agreement Establishing the World Trade Organization. 2/94

Uruguay Round – Need to Conclude. Support the conclusion, without undue delay, of the Uruguay Round of multilateral trade negotiations. Urge the U.S. government to support the strengthening of existing GATT multilateral dispute resolution procedures. Support the establishment of an effective multilateral trade organization that would serve as the institutional framework for better implementation of the substantive rules resulting from the Uruguay Round. 8/93

International Trade Commission -- Collegiality. Urge International Trade Commission to expeditiously determine the extent to which the Government in the Sunshine Act permits ITC members to meet in a non-public manner prior to making determinations in matters assigned to the Commission under the Tariff Act of 1930, as amended; if necessary, support initiatives to clarify this issue by administrative, judicial or legislative means. 2/93

International Trade Commission. Urges that the Congress enact legislation which amends the Tariff Act of 1930 to clarify the Congressional intention that the members of the United States International Trade Commission meet in a nonpublic manner prior to decision for purposes of discussing the investigatory matters assigned to them under the Tariff Act of 1930, as amended. 2/93

NAFTA – General Support. Support efforts by the governments of Canada, Mexico and the U.S. to establish through NAFTA rules, procedures and institutions for the conduct of trade and other economic relations among the participating countries which are designed to provide transparency, predictability, fairness and due process. 2/93

Pacific Rim. Urge the United States to establish a task force to examine elements of a possible Pacific Rim Economic Agreement. Encourage existing economic associations in the region to examine the ways the Pacific Rim countries could enter into new more formal economic arrangements. Explore with Pacific Rim governments such possibilities, and begin formal negotiations on this topic in 1992. 2/91

Export Controls. Urge that export controls be administered according to generally recognized principles of international law and that the Export Administration Act be amended to ensure extra territorial enforcement is consistent with this approach. 8/83

Ex-Im Bank. Support extension of the charter of the Export-Import Bank of the United States through Sept. 30,1988. 4/83

ITC Proceedings -- Access to Confidential Information. Support amendment of the ITC's General Procedures for the Conduct of Investigations and of the Trade Agreement Act of 1979 to ensure that corporate counsel have the same right of access to confidential information under protective orders as do retained counsel. 8/82

Reform of GATT Dispute Settlement Procedures. Urge the U.S. Government to seek, during current multilateral trade negotiations in Geneva, reform of the procedures for resolving disputes between nations, emphasizing reliance on adjudication by an impartial panel and the importance of making decisions easily accessible to the public. 2/78

Reform of GATT Dispute Settlement Procedures. Support legislation any legislation relating to the renewal of the President's international trade negotiating authority that includes improved domestic procedures to ensure an adequate opportunity to be heard for all interested parties in the trade negotiating process, and revision of international economic agreements, such as the GATT, to improve institutions and procedures for the peaceful resolution of disputes and for the conduct of trade and economic relations. 2/74

Public Input on Trade Negotiations. Support improved domestic procedures to ensure an adequate opportunity for all interested parties to be heard in trade negotiating practice and related actions. 2/74

Customs Court Structure. Recommend specific changes to be made to the U.S. Customs Court. Decisions should be made within a reasonable period of time after entry, the administrative process should be completed by the issuance of a final decision by customs officers, the importer should have the right to judicial review. A separate judicial review of contested appraisement of imported merchandise prior to final administrative determination of

classification and other matters should be abolished. Recommend provision for trials and decisions by a single judge in all but exceptional cases. 8/69

Resolution of Customs Disputes. Recommend consolidated administrative procedures for resolution of objections to customs decisions, all such decisions being made within a reasonable period of time, and judicial review permissible only following notice of a final decision by customs officers. 8/69

INTERNATIONAL CIVIL LITIGATION

Hague Convention on Child Support. Urges the Senate to give its advice and consent to the ratification of the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the “Child Support Convention”), and urging Congress to enact the necessary implementing legislation. 08/08

Code of Ethics for Arbitrators in Commercial Disputes. Adopts the Code of Ethics for Arbitrators in Commercial Disputes – 2004 Revision. 2/04

Foreign Sovereign Immunities Act. Urge the U.S. Congress and President to enact amendments to the Foreign Services Immunities Act (“FSIA” or “Act”) to clarify the applicability of the Act to specific entities; and in addition (1) recommend no change to the current structure of the FSIA combining issues of personal jurisdiction, federal court jurisdiction, and immunity from suit; (2) urge U.S. courts to determine whether an entity is separate from the foreign state itself by reviewing legal characteristics such as whether the entity maintains a distinct personality, was sufficiently capitalized, observes corporate formalities, contracts in its own name, and is able to sue and be sued; (3) urge U.S. courts to use traditional methods of contract interpretation in determining that a foreign state or instrumentality’s explicit waiver of immunity was a consent to be sued in the U.S.; and (4) urge U.S. courts to continue their incremental interpretation of the discretionary function provision in the tort exception to immunity. (02A119) 4/01

Hague Conference on Private International Law. Encourage the U.S.’ initiative that the Hague Conference on Private International Law explore the feasibility of formulating a comprehensive multilateral convention on the international recognition and enforcement of judgments. 2/93

Inter-American Convention on Taking of Evidence Abroad. Recommend U.S. signature on and ratification of the Inter-American Convention on Taking of Evidence Abroad and the Additional Protocol, with certain reservations and declarations. 2/90

Code of Ethics for Arbitrators in Commercial Disputes. Support amending the Code of Ethics for Arbitrators in Commercial Disputes to provide that party-appointed arbitrators in international situations, unless otherwise agreed, be neutral to the extent practicable under the circumstances. 2/90

International Commercial Arbitration. Favor recognition of freedom of parties to international commercial arbitration proceedings to use lawyers who need not be admitted to practice law in the jurisdiction where the proceeding takes place. 8/89

Federal Rules of Civil Procedure Amendments. Urge approval by the Supreme Court and the United States for changes in Rules 4, 28 and 44 of the Federal Rules of Civil Procedure, to comply with the Hague Conventions on Service Abroad of Judicial and Extra-judicial Documents, the Taking of Evidence Abroad and the Abolishing of the Requirement of Legalization for Foreign Public Documents in Civil or Commercial Matters. 8/83

Expropriation Provisions. Urge U.S. courts to give effect to any U.S. bilateral treaty which provides for just and equitable compensation for expropriation of property. 2/83

Extraterritorial Application of U.S. Laws. Recommend the implementation of a U.S. government policy requiring, among other things, notification of the State Department before federal departments or agencies are allowed to take enforcement actions directed beyond the territory of the U.S.; recommend establishment of a national bipartisan commission to study the international aspects of the antitrust laws. 8/81

Letters Rogatory Convention. Support U.S. ratification of the Inter-American Convention on Letters Rogatory and the Additional Protocol to the Convention subject to two reservations. 8/81

Inter-American Convention on International Commercial Arbitration. Support ratification by the U.S. provided conflict is avoided with the Convention on Enforcement of Foreign Arbitral Awards (1958), and appropriate safeguards are provided with respect to future amendments in the IACAC Arbitration Rules. 2/78

Foreign Sovereign Immunities Act. Support the prompt Congressional hearings on and enactment into law of legislation that would define the jurisdiction of courts of the U.S. in suits against foreign states and the circumstances in which foreign states are not immune from suit or execution upon their property. 8/76

Arbitration Rules. Recognize the need for prompt development of a uniform set of international rules of procedure to supplement the Arbitration Rules of the U.N. Economic Commission for Europe. Encourage the efforts of the American Arbitration Association to develop these rules to be compatible with standards of arbitral due process in this country. 2/74

Foreign Arbitral Awards. Urge organizations of lawyers to encourage their respective governments to ratify the 1958 U.N. Convention on the Recognition and Enforcement of Foreign Arbitral Awards. 2/74

Extraterritorial Procedures for Administrative Agencies. Recommend amendment of the Federal Judicial Code (28 U.S.C. Sections 1697 and 1785) to authorize district court orders for service of process and taking of depositions in

a foreign country in connection with proceedings before federal administrative tribunals. 7/71

Convention on the Taking of Evidence Abroad in Civil and Commercial Matters. Urge the U.S. government to sign and ratify the Convention on the Taking of Evidence Abroad in Civil and Commercial Matters, adopted in 1968 as part of the Final Act of the Eleventh Session of the Hague Conference on Private International Law. 8/69

INTERNATIONAL BUSINESS TRANSACTIONS, INVESTMENT, PRIVATE INTERNATIONAL LAW

UN Internet Governance Forum. Urges the Secretary of State and the Assistant Secretary of Commerce/Administrator of the National Telecommunications and Information Administration to support a renewal of the mandate of the Internet Governance Forum of the United Nations to operate substantially in accordance with its current mandate. 08/09

International Commercial Arbitration. Supports the use of commercial arbitration to resolve disputes involving international business transactions and supporting federal or state legislation or regulations that recognize and aid in the enforcement of international commercial arbitration agreements and awards. 08/09

Imputation of Conflicts of Interest. Amends Model Rule of Professional Conduct 1.10 (“Imputation of Conflicts of Interest: General Rule”) to permit the screening of a lawyer who moves laterally from one private law firm to another, so that conflicts of interest that apply to the moving lawyer under Model Rule 1.9 (“Duties to Former Clients”) are not imputed to all the other lawyers in the new law firm. 02/09

Exon-Florio. Supports several principles that should guide existing implementation of Exon-Florio and govern any new legislation addressed to the review of proposed foreign investment in the U.S. for national security issues. 2/07

Letter to Congressman Dingell regarding resolution. 2/07

Hague Convention on Choice of Court Agreement. Urges the United States government promptly to sign, ratify and implement the Hague Convention on Choice of Court Agreements. 8/06

UN Convention on the Use of Electronic Communications in International Contracts. Urges the U.S. Government to become a signatory to the United Nations Convention on the Use of Electronic Communications in International Contracts. 8/06

Uniform Foreign-Country Money Judgments Recognition Act. Approve the Uniform Foreign-Country Money Judgments Recognition Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2005 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. 2/06

The Hague Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary. Supports the prompt signature, ratification, and implementation of the Convention by the United States and by other countries. 8/03

Convention on International Interests in Mobile Equipment. Urge ratification of the Convention on International Interests in Mobile Equipment and the related Protocol on Matters Specific to Aircraft Equipment adopted November 2001 in Cape Town, South Africa. (02A300) 8/02

Convention on the Assignment of Receivables. Recommend the signing and ratification of the UN Convention on the Assignment of Receivables in International Trade. (02M113C) 2/02

Madrid Agreement for the International Registration of Trademarks. Urge U.S. adherence to the Protocol to the Madrid Agreement and necessary amendment to Lanham Act to conform to Protocol. (01A116C) 8/01

Hague Private International Law Convention. Urge support of convention, the purpose of which is to protect adults who, due to impairment, etc., cannot protect their interests in cross-national situations. (00M106) 2/00

Convention on Combating Bribery. Support ratification and implementation of Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Support the prompt enactment of the legislative changes proposed by the Administration to conform the Foreign Corrupt Practices Act to the OECD Convention. (98A302) 8/98

Convention on Independent Guarantees and Stand-By Letters of Credit. Recommend ratification by the United States. (98A128) 8/98

Inter-American Convention Against Corruption. Support the prompt ratification and implementation of the Inter-American Convention Against Corruption by the U.S., members of the Organization of American States, and other eligible countries. Support the criminalization of the bribery of foreign officials. Support efforts by the Organization for Economic Cooperation and Development to carry out, fully implement, and actively enforce the Revised Recommendation of the Council on Combating Bribery in International Business Transactions in a manner that effectively deters foreign corrupt practices in the conduct of international business. 8/97

Electronic Commerce. Support electronic commerce as an important means of commerce among nations. Support commerce through electronic networks that are global in nature, including developing nations. Encourage discussion in open international forums to remove unnecessary legal and functional obstacles to electronic commerce. Encourage the private sector, governments, and

international organizations to establish a legal framework for electronic commerce. Encourage the private sector to develop self-regulating practices that will protect the rights of individuals and promote the public welfare. 8/97

Multilateral Accord on Investment. Urge the federal government to conclude and to implement a multilateral agreement on investment designed to liberalize existing national investment restrictions, offer protection to investors from actions such as expropriation without prompt and adequate compensation, and establish effective means for resolving investment disputes. 8/96

Corrupt Practices. Support efforts by the international community, by national governments, and by non-governmental organizations to encourage the adoption and implementation of effective legal measures and mechanisms to deter corrupt practices in the conduct of international business; urge the U.S. government to do the same. 2/95

Cartels. Urge nations to adopt strong, clear laws against cartels, including elimination exceptions from the anti-cartel principle. Urge courts to be reluctant to dismiss cases involving cartels that target or disproportionately affect their nationals. Urge nations to cooperate reporting and waiting requirements in enforcement of laws dealing with transnational mergers, and to defer in exercising their own enforcement jurisdiction so as to facilitate and not frustrate salutary transactions. 8/91

US-Canada Tax Treaty. Recommend adoption and Senate ratification of a protocol to the Canada-US Income Tax Treaty which would avoid double taxation on estate taxes. 8/90

Convention on International Factoring. Recommend that the U.S. sign and ratify the International Institute for the Unification of Private Law (UNIDROIT) Convention on International Factoring. 2/90

Convention on International Financial Leasing. Recommend that the U.S. sign and ratify the International Institute for the Unification of Private Law (UNIDROIT) Convention on International Financial Leasing. 2/90

U.N. Convention of International Bills of Exchange and International Promissory Notes. Recommend that the U.S. sign and ratify this Convention. 2/90

Treaties Concerning the Reciprocal Encouragement and Protection of Investments. Favor ratification by U.S. of the Treaties between the U.S. and various other countries concerning the Reciprocal Encouragement and Protection of Investments. 8/86

International Sale of Goods Contracts Convention. Support U.S. signature and ratification of the Convention on Contracts for the International Sale of Goods, subject to one reservation. 8/81

Overseas Private Investment Corporation. Support adoption of legislation to continue OPIC, to provide that OPIC continue to act as a primary insurer of political risks, to increase participation by private insurers in writing such insurance, and as amendments of the Foreign Assistance Act. 2/77

Declaration on International Investment and Multinational Enterprises. Support this Declaration as a constructive statement on the responsibilities of government and multinational enterprises with respect to foreign investment. 2/77

U.N. Charter of Economic Rights and Duties of States. Urge U.S. support of the Charter only with provisions ensuring compliance with international law. 8/74

Protection of Foreign Investments. Urge the U.S. to insist on application of certain rules of international law respecting foreign private investment. Urge establishment of an international tribunal with compulsory jurisdiction to decide private investment disputes between a foreign private investor and the host state. 8/73

RULE OF LAW – DEMOCRACY BUILDING

Treaties in U.S. Law. Urges that legislation be enacted to provide procedures for implementing on an expedited basis commitments in existing treaties where the President reports to the Congress that binding measures are necessary to avoid the imminent risk of breach by the United States. 02/10

Statement of Core Principles. Adopts the Statement of Core Principles of the legal profession, adopted at the international bar presidents meeting in Paris, France, November 19, 2005 and urges bar associations throughout the world actively to support and advance the Rule of Law. 2/06

Rule of Law. Reaffirm support for the Rule of Law and its recognition of the need for an independent judiciary and for the independence of lawyers. Affirm support for human rights advocates striving to uphold human rights and the rule of law. 8/97

Russia. Urge Yeltsin and other leaders to establish a democratic republic by holding free and democratic elections and to adopt a democratic constitution; and offer ABA technical assistance, upon request, to accomplish these goals. 11/93

Guatemala. Urge the prompt reestablishment and maintenance of constitutional order and rule of law in Guatemala. 8/93

Promotion of Democracy. Direct the President of the ABA to identify countries that are creating democracies and changing their judicial systems and to offer the assistance of attorneys from the U.S. 2/90

Rule of Law. Support independence of lawyers, judges and legal processes in foreign countries through ABA communications to U.S. Secretary of State. Includes support for rule of law in Central and Eastern Europe. 8/80; 8/86

International Legal Exchange Program. Pledge to continue to cooperate, through this program, with the U.S. government, the UN, and foreign governments and bar associations. 8/78

Rule of Law. Support the Rule of Law in the international community; recognize the need for an independent judiciary and for the independence of lawyers. Note with the concern the reported arrest and detention or sentencing of lawyers in an increasing number of foreign countries because of their representation of individual clients. 2/75

MISCELLANEOUS

Education of Judges for Financial Market Products and Practices.

Encourages education and training for judges in the United States and abroad, regarding financial market products and practices, and that judges be provided with accurate, timely, and reliable educational resources. 08/10

Uniform Unsworn Foreign Declarations Act. Approves the Uniform Unsworn Foreign Declarations Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law therein. 08/09

Uniform Unincorporated Nonprofit Association Act. Approves the Revised Uniform Unincorporated Nonprofit Association Act (2008), promulgated by the National Conference of Commissioners on Uniform State Laws in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 08/09

Uniform Interstate Family Support Act. Approves the 2008 Amendments to the Uniform Interstate Family Support Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 08/09

European Commission's Position on In-House Attorney-Client Privilege. Requests that the Commission of the European Communities extend the attorney-client privilege to in-house counsel. 2/08

Cover Letter and Comments to the Commission of the European Communities in response to its request for public comment on the Draft EU Settlement Procedures. 12/07

Resale Price Maintenance. Recommends that the Sherman Act, 15 U.S.C. §1, and comparable state and territorial laws should not be interpreted to apply a rule of per se illegality to agreements between a buyer and seller setting the price at which the buyer may resell goods or services purchased from the seller. 2/07

Goal IX Objectives. Amends the Association's Goal IX to include persons of differing sexual orientations and gender identities in promoting full and equal participation in the legal profession. 2/07

Unsworn Declarations. Urges the adoption by states and territories of a uniform law that would permit unsworn declarations under penalty of perjury to be executed by persons located outside the United States in lieu of affidavits,

verifications, or other sworn documents, as is currently the federal practice under 28 U.S.C. §1746. 2/06

Consular Assistance. Urge U.S. law enforcement authorities to comply with the Vienna Convention by advising foreign nationals of Right to Consular Assistance. (98A125) 8/98

Foreign Aid. Support fundamental reform of the U.S. foreign assistance program which has among its central components foreign assistance to promote democratization, human rights, rule of law, and establishment of the legal infrastructure necessary for economic development that is environmentally sound. 2/94

Convention on the Succession to the Estates of Deceased Persons. Recommend that the SCEDP be signed by the Secretary of State and ratified by the Senate. 8/90

Foreign Agents Registration Act. Support, in principle, the continuation of the existing exclusion of lawyers from requirements of the Foreign Agents Registration Act of 1938; specifically, oppose adoption of Section (c) of S. 176 or its equivalent. 6/90

Immigration Policy. Oppose any numerical limitation which would reduce visa numbers from the non-family related preference categories by the number of visas issued to immediate relatives of U.S. citizens. 2/89

Government Publications. Recommend that the U.S. Government take all steps necessary to bring up to date the publication of U.S. Treaties, and Digest of U.S. Practice in International Law. 2/89

Convention on the Law Applicable to Trusts. Recommend that Convention be signed and ratified by the United States. 8/86

Speaker Visas. Support amendments to U.S. Law regarding free exchange of information across American borders so that invited alien speakers will not be denied visas solely on the basis of past or current political beliefs or associations or because of anticipated consequences of the intended exchange of information; in addition, rights of Americans to gather information abroad should not be restricted because of past or current political beliefs or associations. 2/86

Free Speech and Press. Support free speech and press in international fora. Oppose international measures to license journalists and restrict/censor news sources. Support training in professional journalism and upgrading of communications networks. 2/82

Moon Treaty. Support U.S. ratification of the "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies," subject to several qualifications. Urge that U.S. policy in the development of international law regarding activities in outer space be based on peaceful uses of outer space, the right of the U.S. to undertake national exploration and use of outer space, international cooperation, arms control constraints, protection of the environment of outer space, and safeguarding of life and health of persons in outer space. 2/82

U.N. Convention on Recovery Abroad of Maintenance. Support U.S. accession to the Convention. 8/80

Foreign Economic Boycotts. Support efforts by the U.S., on the basis of uniform national policy, to end boycotts imposed by foreign countries and impacting on U.S. citizens. Request the Department of State to examine further actions which could end secondary and extended (tertiary) boycotts by any nation. 8/78

Executive Agreements. Oppose legislation providing for a congressional veto of executive agreements in international affairs. Favor the addition of two amendments to the "Case Act." 2/76

U.S. Treaty Obligations. Oppose legislation which implicitly requires the U.S. to denounce certain treaty obligations. Oppose the unilateral denunciation by the U.S., implicit in the Burke-Hartke Bill, of certain treaty obligations of the U.S., express doubt that the Bill is the appropriate method to revise other international obligations of the U.S. 2/73

Vienna Convention on the Law of Treaties. Support U.S. ratification of this convention without reservations. 7/71

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