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International Treaties Every Lawyer Should Know

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- I. Intro to subject
- II. What counts as a treaty?
 - A. Different kinds of international agreements
 - B. Treaties not adopted by the United States, but that are nonetheless statements of customary international law.
 - C. Status of the treaty itself—ratification, exchange of instruments of ratification, reservations, etc.
 - D. What counts as a treaty is a question under both international law and the constitutional law of each state.
- III. What are some resources to determine effect of an international agreement under US law or internationally?
 - A. For purposes of US law:
 - 1. US Restatement
 - 2. CRS Report for Senate Foreign Relations Committee
 - B. The State Department is a good source of information on the status of most international agreements; USTR for trade agreements and bilateral investment treaties.
 - C. How to determine a treaty’s interpretation, effect, etc. internationally?
 - 1. Decisions of the International Court of Justice
 - 2. Scholarly commentary
 - 3. Working groups and secretariats
- IV. Treaties on Treaties
 - A. Vienna Convention on the Law of Treaties
 - B. Vienna Convention on Succession of States in Respect of Treaties.

- C. Vienna Convention on the Law of Treaties Between States and International Organizations or Between International Organizations
- V. Most important “public international law” treaties on the international plain
- A. UN Charter, including Statute of the International Court of Justice
 - B. Some important “public international law” treaties we have worked with
 - 1. Geneva Conventions
 - 2. Vienna Convention on Diplomatic Relations
 - 3. UN Convention on the Law of the Sea
 - C. Other issue-specific treaties of current relevance
 - 1. Non-proliferation treaties
 - 2. Paris Climate Accords
- VI. Treaties of most relevance to attorneys doing international commercial work
- A. Treaties affecting contract enforcement
 - 1. UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the “New York Convention”)
 - 2. Other treaties on arbitration
 - 3. Treaties on foreign judgments and forum selection clauses
 - B. Bilateral Investment Treaties
 - C. Treaties on trade:
 - 1. WTO agreements
 - 2. US-Mexico-Canada Agreement
 - 3. Numerous US free trade area agreements
 - D. Cross-Border Contracting Rules
 - 1. UN Convention on Contracts for the International Sale of Goods
 - 2. UNIDROIT Principles of International Commercial Contracts
 - E. Tax treaties

