Researching International Treaties: A Tutorial by the Georgetown University Law Library

Introduction

What is a treaty?
According to Article 1(a) of the Vienna Convention on the Law of Treaties, a treaty is
• an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.

What's in a name?
Treaties can go by lots of different names, for example:

Pacts, agreements, conventions, statutes, accords, charters, final acts.

But legally there's no difference!

Two or many?
Some treaties are bilateral... between just two countries. Others are multilateral... between many countries.

There's a treaty on (almost) everything
Treaties, like international law in general, affect many aspects of our lives. There are treaties that...
• ensure basic human rights.
• regulate international trade.

Multilateral Treaties
Multilateral treaties will comprise the bulk of international law and are thus an essential item to seek out when trying to determine what international practice is for an area of law. There are many ways to go about this and some of the resources mentioned for multilateral treaties will also be useful in looking for bilateral treaties.

Research problem: finding a multilateral treaty
What if you were asked to research the Convention on Biological Diversity (CBD)?

E.I.S.I.L. is a great free database to use to start your research for a multilateral treaty. EISIL organizes primary materials in international law, and includes authoritative websites and helpful research guides.

First, select the International Environmental Law link.

Then, select the Biodiversity & Protection of Ecosystems link.
The main link for the **Convention on Biological Diversity** on this page will take you to an authoritative online version of the text of the treaty. Select the More Information link under the Convention on Biological Diversity link.

This "More Information" page includes basic treaty information such as conclusion and entry into force date and a brief description of the treaty.

The Legal Citation information can help with Bluebooking!

**What's the status of the CBD?**

Once you've found the text of a multilateral treaty, the next step is checking the status. This includes determining the state parties, the date the treaty entered into force, and locating any declarations or reservations.

Some of this information is in EISIL. You can use the U.N. Treaty Collection to find the remaining pieces.

On our database page, type “united nations” in the search bar. The last result that will come up is United Nations Treaty Collection.

In the United Nations Treaty Collection database, select the Status of Treaties link.

Then select the Chapter XXVII link. Chapter XXVII lists treaties about the environment.

This section includes all of the environmental treaties that have been deposited with the U.N. Secretary-General. Select the Convention on biological diversity link. To find the link, you can use ctrl + f and type “biological.” This saves you from having to scroll through the entire list.

The first thing you see after clicking the link will be general background information on the treaty.

Determining the status of a treaty means finding out whether a treaty has entered into force or if a country has ratified a treaty. If you scroll farther down the page, a chart will appear that shows the status information for the Convention on Biological Diversity.

Afghanistan, for example, is a state party to the treaty and has legal obligations under the treaty, because it signed the treaty on 12 June 1992 and ratified it on 19 September 2002.

Albania is also a state party to the treaty, but Albania is not one of the original signatories to the CBD. Nevertheless, Albania has legal obligations under the treaty.
The United States is a signatory to the CBD, but did not ratify the treaty. Thus, the U.S. has no legal obligations under the treaty.

After scrolling through the table, you come to information on reservations and declarations.

Both declarations and reservations to treaties deposited with the U.N. Secretary-General can be found here.

Reservations and declarations provide very important pieces of information. If a country does not want to be bound to a particular provision of an agreement, the country may issue a reservation or declaration to limit its application. Locating this information can be more difficult than status information.

Locating declaration and reservation information for treaties that are not deposited with the U.N. can be difficult. Some collections of treaties do provide this information, such as the Council of Europe Treaty Series.

The official website of the Convention on Biological Diversity is also a source of status information for this particular treaty. Some treaties will have official websites but this is not always a given.

The "Legislative History" of Multilateral Treaties

You may need to find information related to the negotiation history or treaty interpretation. This can loosely be called the "legislative history" of a treaty.

For multilateral treaties, this treaty history is often called the travaux préparatoires or simply the travaux.

According to the Vienna Convention on the Law of Treaties, the travaux can be used to interpret the treaty. So finding the travaux can be an important part of treaty research.

In the language of the Vienna Convention Art. 32, the "preparatory work" is the same as travaux.

Finding the travaux

Tracking down travaux can be tricky! For starters, some treaty negotiations are never released to the public. Almost all bilateral treaties fall into this category.

Before you go any further, check the library catalog to see if someone has already prepared a complete legislative history of the treaty (for example, there is one on the U.N. Convention on the Rights of the Child). If you find one, it will save you loads of work! You can search for such works by typing the name of the treaty you’re seeking into the catalog. This will give you results that include both the travaux (if available) and commentaries on the treaty in question, which can be useful. Sometimes, if the treaty is
well-known, it may help to add “travaux” or “preparatory work” as search terms within your catalog search.

Next, identify the organization responsible for the treaty -- frequently this is the U.N. You'll need to locate documents relating to the history of the treaty and these are mostly kept by the sponsoring organization. The U.N. is good about making their materials available online for more recent treaties but it can be confusing to search for those materials because there are so many U.N. websites.

**Bilateral Treaties to which the U.S. is Not a Party**

We cover bilateral agreements to which the U.S. is a party in another tutorial. Here we will continue our focus on international treaties by looking at bilateral treaties that do not involve the U.S.

**Suggested resources**

Finding bilateral treaties to which the U.S. is not a party can sometimes be challenging mainly due to the fact that bilateral treaties between non-English speaking countries are often not translated.

A good way to start is to check the **official treaty series**, statutory compilation, or **official gazette** of one of the country parties. Some examples include *United Kingdom Treaty Series* or *Australian Treaty Series*. Some governments make their treaties available online, such as the Australian Treaties Library.

**More places to look**

- *International Legal Materials (ILM)* usually reprints important treaties.
- Use the *Hein Online World Treaty Library* for a citation to bilateral treaties. The full text might be available in UNTS, which is available in both Hein Online and on its own website.
- Compilations of documents from an international organization may provide information.
- International yearbooks (e.g. *African Yearbook of International Law*) or other international law periodicals.
- *Multilateral Treaty Calendar* (often referred to as Wiktor and available in print and through the Hein Online collection) This resource is particularly useful when researching very old treaties.

**And if all else fails...pick up the phone**

Phone calls to organizations, embassies, or the United Nations Office of Legal Affairs, Treaty Section, can sometimes be helpful. You can generally find information on who to contact for assistance by visiting the official website of an organization or treaty and looking for a “Contact Us” link.

If you are having trouble, please contact a law librarian. We’re happy to assist!