United States Treaty Research

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I. Introduction

The purpose of this research guide is to provide an introduction to some of the sources that can be used for finding the text and status of treaties and other international agreements to which the United States is a party. This pathfinder covers research strategies for finding such materials and describes print and electronic resources available through the Schaber Law Library and the internet. This guide is selective – it only covers the most important resources in this area.

The United States often enters into legally binding agreements with other sovereign states. Such agreements are often generically referred to as treaties, although the agreements themselves may be known by a variety of different names: convention, covenant, charter, accord, protocol, etc. However, the term “treaty” has a specific legal meaning under U.S. law: international agreements made by the President with the advice and consent of the Senate. The authority for such agreements is derived from Art. II, Section 2, Clause 2 of the United States Constitution. International agreements concluded without being submitted to the Senate are known as “executive agreements.” These are agreements entered into by the President based either on the President’s independent constitutional authority, authorization from congressional legislation, or authorization from previously enacted treaties. International agreements may be bilateral (two parties) or multilateral (three or more parties). Knowing if an agreement is bilateral or multilateral can be important, because some treaty resources organize materials based on this distinction.

There are several steps common to most treaty research. These are:

- checking for relevant secondary sources;
- finding the authorized text of the treaty;
- verifying its current status, including determining the parties to the agreement;
- ascertaining whether there are any reservations, understandings or declarations;
- locating any statutes and regulations that implement the agreement; and
- finding interpretative materials, such as judicial decisions and legislative history documents.

Each of these different issues will be discussed below.

II. Secondary Sources

Usually the most efficient way to begin a research project is by consulting secondary sources, such as scholarly treatises, practice guides or law review articles. These resources will refer you to relevant

1 Generally, the name assigned to a treaty does not affect its legal status under international law. A useful discussion on the meaning of these different terms can be found at http://treaties.un.org/Pages/Overview.aspx?path=overview/definition/page1_en.xml.
primary authority materials and provide an explanation of the law. Some treatises and practice guides will contain the full-text of international agreements, refer the reader to related legislation and case law, and provide commentary on how the agreement has been applied. Law review articles offering detailed analysis of particular agreements will also sometimes be available. This approach is most likely to be productive if you are researching a more prominent international agreement.

While a limited selection of treatises and practice materials covering treaties are available electronically through Westlaw or Lexis, many are only accessible in print or as e-books provided through other library subscription databases. All of these resources can be identified through the library’s online catalog. Some of these publications will explicitly focus on specific international agreements. Others may concentrate on a particular topic and only address international agreements as one facet of its coverage. Law review articles can most readily be located by searching full-text electronic resources, such as Westlaw, Lexis, HeinOnline and Google Scholar.

Many treaties and executive agreements will have little or no coverage in secondary sources. The rest of this guide will review other materials that can be used to locate the text of treaties and executive agreements, determine their status, and ascertain their impact on the law.

III. Finding the Text of a Treaty or Executive Agreement

A. Treaty Sources

The text of U.S. treaties and executive agreements can be found in a variety of formats, including official treaty sets, electronic resources, and commercial publications.


The most important sources are the official U.S. treaty publications. These sets provide the authoritative text of the treaties and are also the preferred sources to cite for some style manuals, including both the *Bluebook* and the *California Style Manual*. One fact to keep in mind is that some U.S. international agreements, including older ones such as NAFTA, have never been published in an official U.S. treaty publication. You will need to cite to alternative sources for these agreements. The following are the main official U.S. treaty publications.

*United States Statutes at Large* (Stat.): This official publication has treaties and executive agreements from 1776-1949. Volume 64, part 3 (1950-51) contains a cumulative list of treaties and agreements. It is available electronically on HeinOnline (“U.S. Statutes at Large” and “Treaties and Agreements Library”). Location: Stack-1, KF50 .U55.

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2 In addition to covering print materials, the library’s catalog includes records for treatises and practice guides available on Lexis, Westlaw and other library databases, such as OnLAW and Ebrary.


5 This library subscription database is available through the library’s Databases page (http://libguides.mcgeorge.edu/databaselist) and the library’s online catalog.

6 http://scholar.google.com/.

7 See Rule 21.4.5.

8 See § 2:43.


Senate Treaty Documents (S. Treaty. Doc.): The text of proposed treaties submitted to the Senate for its advice and consent are reproduced in Senate Treaty Documents (called Senate Executive Documents prior to 1979). These documents are published electronically on HeinOnline (in the “Treaties and Agreements Library” from 1981 forward) and FDsys (1995 to present, listed under “Congressional Documents”).

2. Official Non-U.S. Treaty Publications

U.S. international agreements can also be found in the official treaty publications of intergovernmental organizations. The two most important publications are:

League of Nations Treaty Series (L.N.T.S.): Treaties from 1920-1946 that were registered with the League’s Secretariat. The publication is accessible electronically through HeinOnline (“United Nations Law Collection”) and the United Nations Treaty Collection website. Location: Stack-1, JX170 .L43.


3. Other U.S. Treaty Sources

The text of U.S. international agreements can be found through a variety of other electronic and print resources. The following sources are the most useful.

HeinOnline: This library subscription database includes a “Treaties and Agreements Library” that provides PDF versions of various official and unofficial treaty publications, including Statutes at Large (only up to 1845), U.S.T., T.I.A.S. and Senate Treaty Documents. International agreements unavailable in an official treaty publication may be accessible in the “KAV Agreements” database in this library. Full coverage of Statutes at Large can be found in the “U.S. Statutes at Large” library. Both the United Nations Treaty

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10 http://www.gpo.gov/fdsys/.
Series and League of Nations Treaty Series are available through the “United Nations Law Collection” library.

International Legal Materials: This well-respected source has been publishing selected international documents in full-text since 1962. Noteworthy treaties are frequently included among these materials. Under Bluebook Rule 21.4.5, this publication is the preferred unofficial treaty source for citation purposes. International Legal Materials is available in print, on HeinOnline (“Treaties and Agreements Library”), Lexis (1962 to present), and Westlaw (1980 to present, selective coverage only). Location: Stack-1, K9 .N837.

Lexis: Contains agreements enacted since 1776. To locate on traditional Lexis, follow: Legal > Area of Law – By Topic > International Law > Find Treaties & International Agreements.

United States Code Service: The text of forty international agreements are included as part of this publication. U.S.C.S. is available electronically on Lexis. The agreements can be found in the “International Agreements” volume of the print version. Location: Reference, KF62 .U55.

U.S. Department of State, Treaty Affairs: This State Department website includes T.I.A.S from 1996 to present. Executive agreements, including agreements that may not yet be published in T.I.A.S., can be found under the link “Reporting International Agreements to Congress under Case Act (Text of Agreements).”12

Westlaw: The treaty databases include U.S. agreements enacted since 1778. To locate, follow this trail from the “International Materials” link on WestlawNext, or the directory page on traditional Westlaw: Directory > International/Worldwide Materials > Multi-National Materials > Legislation.

B. Research Process

There are a variety of methods that can be used to locate the text of a treaty or executive agreement. The following discussion covers the most important approaches.

1. When You Have a Citation

Finding the text of a U.S. treaty or executive agreement is relatively simple if you already have a citation to the document. However, in some instances the citation may include an unfamiliar abbreviation. Often the source referred to in the abbreviation can be ascertained quickly by running a keyword search in an internet search engine using the citation information. If this does not work, check Table 4 in the Bluebook (Locations: Open Reserve & Reference, KF245 .U55), or an abbreviations dictionary, such as Prince’s Bieber Dictionary of Legal Abbreviations (Location: Reference, KF246 .B46 2009; also available on Lexis). These sources allow you to look up an abbreviation and determine the full name of the publication.

12 http://www.state.gov/s/l/treaty/.
You will have several options once you have identified the resource referred to in the citation. Most citations will refer to publications covered in § III.A. If the publication is not listed there, you can search the online catalog to determine if it is available through the library in either electronic or print format.

2. When You Do Not Have a Citation

There are three main approaches to locating treaties based on subject matter. You can consult secondary sources, run keyword searches in treaty databases, or use Treaties in Force. You should try all three approaches if you wish to be thorough.

Usually the best initial approach is to search secondary sources covering your topic (see § II). These sources should identify the relevant international agreements pertaining to that area of law. Depending on the topic, you may want to check treatises, practice guides or law review articles. Internet searches can also be productive, as treaty information is often available through governmental and non-governmental sites. However, remember to carefully consider the reliability of a website before relying on the information provided. Also, you should always try to update and verify information found in secondary sources.

Many international agreements are not extensively covered through secondary sources. Also, the available secondary sources may not be current. The two main ways to verify, update and expand your research beyond secondary sources is by running keyword searches in full-text treaty databases and by using Treaties in Force.

You can locate U.S. treaties and executive agreements using the electronic databases covered in § III.A. HeinOnline, Westlaw, and Lexis allow the user to run full-text keyword searches, and coverage is from the latter 1700s to near present. Keep in mind that the effectiveness of such searches depends on your ability to accurately anticipate the terminology used in the documents. Also, many of the agreements available through these databases are no longer in force. The full-text treaty databases in Westlaw and Lexis do not provide current information as to whether the agreements retrieved are currently in effect.

Another highly useful resource is Treaties in Force. This annual U.S. State Department publication lists treaties and executive agreements that are currently in effect as of the date of publication. Bilateral agreements are listed by party and then by subject, while multinational agreements are listed by subject only. Citations are provided for most of the agreements indicating where they are published. However, it may not include citations for agreements that have not been published in an official U.S. treaty publication. A downside of this publication is that the agreements are not always listed under intuitive subject headings, so identifying all potentially relevant agreements can sometimes be difficult.

*Treaties in Force:* This publication is available electronically on Westlaw, Lexis, HeinOnline (“Treaties and Agreements Library”) and through the State Department’s website (http://www.state.gov/s/l/treaty/treaties/). Note that the State Department website’s version will always be current, and that the Treaties in Force databases on Westlaw and Lexis are sometimes out of date. The most recent print version received by the library is from 2010. Location: Reference & Stack-1, JX231 .U55 (latest edition in reference area).
Kavass, Igor I., ed., *Kavass's Guide to the United States Treaties in Force*: This commercial version of *Treaties in Force* lists all U.S. treaties and executive agreements currently in effect as of the date of publication, including citations to where they are published. This source covers the major U.S. treaty publications, including Statutes at Large, U.S.T., T.I.A.S., and KAV (see HeinOnline under § III.A.3). It is somewhat easier to use than the official version and includes citations to recent agreements that are not provided in the official publication. This resource is also available on HeinOnline (“Treaties and Agreements Library”). Locations: Reference & Treatise, KF4989 .G84 (latest edition in the reference area).

**IV. Verifying the Status of a Treaty or Executive Agreement**

Once you have located the text of an agreement you will need to verify its current status. This involves determining 1) whether it has entered into force, 2) the parties to the agreement, and 3) if there are later agreements that have amended it. Each of these issues is discussed below.

**A. Has the Treaty Entered Into Force?**

There are a number of ways to determine whether a treaty or executive agreement has entered into force. Both *Treaties in Force* and *Kavass's Guide to the United States Treaties in Force* (see § III.B.2) only list agreements that are in effect and include the date of entry into force. However, these resources will need to be updated because they often will be over a year out of date when consulted. To update these publications, check the U.S. State Department’s *Treaty Actions* webpage (http://www.state.gov/s/l/treaty/c3428.htm), which lists agreements that have more recently entered into force. Since this site is usually at least several months out of date at any given time, you will need to contact the State Department’s Office of Treaty Affairs at (202) 647-1345 to obtain completely up-to-date information.

*HeinOnline* includes status information with the text of some of the agreements listed in the “Treaties and Agreements Library.” This information will indicate whether the agreement is in force. Although usually accurate, this status information has been erroneous at times.

It is possible to track the status of treaties that are currently being considered by the Senate as part of its advice and consent role. This may be done electronically through THOMAS, a Library of Congress website, at http://thomas.loc.gov/home/treaties/treaties.html.

**B. Who Are the Parties to the Agreement?**

The parties to a bilateral agreement are self-evident. However, multilateral agreements may have numerous countries as parties. *Treaties in Force* is one source that can be used to determine which countries are parties to a particular agreement. Each multilateral agreement in *Treaties in Force* lists all parties as of the date of publication. The *Treaty Actions* webpage (see § IV.A) can then be used to update *Treaties in Force* – it lists countries that have recently signed or ratified agreements to which the U.S. is a party.

Multilateral agreements are frequently made under the auspices of international governmental organizations, such as the United Nations, Council of Europe, or Organization of American States. These organizations will often serve as the repository for the documentation related to the
agreements. The websites for these organizations will sometimes provide current information on which countries are parties to these agreements. If the United Nations is the depositary such information can be found in Multilateral Treaties Deposited with the Secretary-General, which is available electronically through the United Nations Treaty Collection.\footnote{13} Treaties in Force includes a link to the appropriate depositary website with many of the multilateral treaty records. These depositary sites are usually easier to use and more current than the Treaty Actions webpage.

**C. Amending or Related International Agreements**

The provisions of a treaty or executive agreement will sometimes be amended through a later international agreement. There also may be related agreements that deal with the same subject matter. There are a number of ways to find these amending or related agreements. The most reliable way is to use Treaties in Force or A Guide to the United States Treaties in Force (see § III.B.2). These sources explicitly indicate if a particular agreement amended (or is amended by) another agreement. These publications can be updated though the Treaty Actions webpage (see § IV.A). Treaties in Force and A Guide to the United States Treaties in Force will also sometimes indicate related agreements. These resources can be supplemented with secondary sources and keyword searches in full-text treaty databases.

**V. Reservations, Understandings and Declarations**

Reservations are unilateral statements made by a party to an international agreement that seeks to exclude or modify the legal effect of provisions in that agreement as they apply to that party. An understanding is a statement made by a party in relation to an international agreement that states the party’s interpretation of a particular provision in the agreement but which does not intend to alter its legal effect. Declarations are an interpretation of the agreement as a whole, but are not intended to modify its legal provisions. Reservations, understandings and declarations (RUDs) are relevant in determining the legal effect of an international agreement. The Senate frequently includes RUDs when approving treaties as part of its advice and consent function. If the President ratifies the treaty it will become effective under domestic law subject to those conditions.

The entry for an agreement listed in Treaties in Force (see § III.B.2) will indicate if a specific party, including the United States, has any RUDs related to that agreement. Kavass's Guide to the United States Treaties in Force (see § III.B.2) indicates if the United States has any RUDs pertaining to a particular agreement, but does not do so for other countries. However, neither normally include the full-text of RUDs. The text of RUDs can be located using standard federal legislative history resources. Information on how to do this is available through the library’s Federal Legislative History research guide. RUDs are normally available in the Senate Executive Report related to the treaty. These are committee reports issued by the Senate Foreign Relations Committee which contain analysis and recommendations regarding the treaty. RUDs are also sometimes published in the Congressional Record. THOMAS provides the text of RUDs for treaties from 1983 to present.\footnote{14}

The text of the reservations and declarations of other countries to a multilateral agreement can sometimes be found on the depositary organization’s website or through Multilateral Treaties Deposited with the Secretary-General. See § IV.B for more information on these resources.

\footnote{13} http://treaties.un.org/pages/ParticipationStatus.aspx.

\footnote{14} http://thomas.loc.gov/home/treaties/treaties.html
VI. Implementing Statutes and Regulations

Many international agreements require accompanying legislation in order to become effective under United States law. This legislation must be consulted to determine the domestic legal effect of the agreement. Such information can be found using the standard techniques for researching federal statutory law. This legislation will initially appear in Statutes at Large and then be codified into the United States Code. In some instances there may be accompanying regulations as well. These are published in the Federal Register and the Code of Federal Regulations.

VII. Interpretative Materials

A. Court Decisions

There are a variety of materials that can be utilized to interpret the meaning of an international agreement. The most important is case law. U.S. court decisions can be found using standard case law resources and research techniques. The most useful of these resources are described below.

To find decisions from international and foreign courts and tribunals, consult the following library research guides: Researching International Cases, Foreign Law Research, and Guide to Foreign Law in English Translation.

One method for locating judicial decisions is through United States Code Service (U.S.C.S.) and United States Code Annotated (U.S.C.A.). The U.S.C.S. includes the full-text of approximately forty major multilateral agreements to which the United States is a party. The annotations accompanying the treaties include references to both cases and secondary sources. Both U.S.C.A and U.S.C.S. can also be used to locate cases that construe the implementing legislation related to an international agreement.

Court decisions can also be identified through the full-text case law databases on Westlaw, Lexis and Bloomberg Law. Keyword searches based on the name or citation of an international agreement can be effective in identifying relevant cases. The topic and key number system on Westlaw (and West’s print digests) can also be useful for locating court decisions.

International agreements cannot be directly searched through electronic citators. However, both Shepard’s and KeyCite cover legislation, and can be helpful in locating cases relating to an agreement’s implementing legislation.

B. Legislative History Materials

Legislative history documents can also be useful for interpreting the meaning of an international agreement. The Senate advice and consent process for treaties generates committee reports, hearings, and floor debates, all which may give insight into the meaning of an agreement. Senate Executive Reports can be particularly useful in this regard (see § V). Implementing legislation will also have accompanying legislative history documents. Additional information on researching this area can be found in the library’s research guide Federal Legislative History.

The U.S is party to many international agreements that were negotiated under the auspices of an intergovernmental organization. The documents generated during this process (often referred to as the “travaux préparatoires”) can serve a similar function as legislative histories and are sometimes
published by the sponsoring international organization or a commercial publisher. For further information on this topic, see § VII.B in the library’s research guide *Non-U.S. Treaty Research*. 