

ADOPTED

AMERICAN BAR ASSOCIATION
SECTION OF INTERNATIONAL LAW
REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

1 RESOLVED, That the American Bar Association urges
2 that legislation be enacted to provide procedures for
3 implementing on an expedited basis commitments in
4 existing treaties where the President reports to the
5 Congress that binding measures are necessary to avoid the
6 imminent risk of breach by the United States; and

7 FURTHER RESOLVED, That the American Bar
8 Association urges the Executive Branch, with respect to
9 future treaties,

10 (i) to seek treaty language consistent with its intent as
11 to whether treaty provisions are self-executing;

12 (ii) to identify in treaty transmittal documents which
13 provisions of the treaty are self-executing and how non-

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14 self-executing provisions of the treaty will be
15 implemented; and,

16 (iii) as a general rule, if implementing legislation is
17 required for U.S. compliance, not to bring the treaty into
18 force until that legislation is enacted; and

19 FURTHER RESOLVED, That the American Bar
20 Association urges the Senate, with respect to future
21 treaties, as a general rule, to declare in resolutions of
22 advice and consent which provisions are self-executing
23 and its expectation, where new implementing legislation
24 is required, that the treaty will not be brought into force
25 for the United States until such legislation is enacted.