

INTERNATIONAL LAW:
100 WAYS
IT SHAPES OUR LIVES



American Society
of International Law

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Introduction

Many people find international law abstract or diffuse. Topics such as war and peace or relationships between countries are considered by some to be not so much questions of law, but of power and influence. Some go so far as to argue that there is no such thing as international law.

International Law: 100 Ways It Shapes Our Lives was conceived from the proposition that international law not only exists, but also penetrates much more deeply and broadly into everyday life than the people it affects may generally appreciate. We therefore decided it would be educational and useful to identify some of those very concrete and specific ways, particularly relevant to a U.S.-based audience, and disseminate them.

The project was occasioned by this year's celebration of the 100th anniversary of the American Society of International Law's founding. A committee was formed to take the project forward, and the decision to identify 100 ways was an outgrowth of the centennial. More than 200 ways were considered through an extensive selection and vetting process involving broad outreach to Society members and international law experts (and which is described on page v).

The result is the selection of ways that are reprinted here. These are not necessarily the "best" 100 ways that could be found, either today or in the future. In fact, the dynamic nature of international law and institutions makes it inevitable that new ways will be constantly emerging. Nor is *100 Ways* meant to be fully illustrative of all the myriad areas where international law and institutions operate. The project's search for concrete and specific ways of relevance to individuals in the United States led us to focus on some areas to the exclusion or minimization of others. Nor should anything be read into their order of presentation here.

We did endeavor to identify ways in a range of contexts, from daily life, to leisure and travel, to commerce, to health and the environment, personal liberty, and public safety and situations of armed conflict. Some ways are of relatively recent vintage, while others are long-standing.

We sought to emphasize less those areas where international law, while important, may be predominately aspirational, or where the U.S. connection is more attenuated. We did not, however, feel the list should be limited to treaties to which the U.S. is a party; in fact, because of the individual dimension of several issues, such as climate change and anti-personnel land mines, relevant ways were included where the U.S. has not joined the principal international treaty regime to date.

There were surprises as we went through the selection process. We learned that some prominent features of daily and commercial life today, despite their global character, are not the result of or directly affected by international law—a notable example of this being the Internet.

Readers may disagree with our selections, or feel that we have overlooked important areas. But part of our goal is to stimulate thinking and provoke dialogue. We welcome submission of additional proposed ways; please see page v for details.

Acknowledgments

As the chair of this committee, I am indebted to the talented group that labored to develop this list and find the right balance:

Evan Bloom, U.S. Department of State
Hannah Buxbaum, Indiana University School of Law
Dorinda Dallmeyer, University of Georgia School of Law
Allison Danner, Vanderbilt University Law School
Edison Dick, American Bar Association
Rick LaRue, American Society of International Law
David Martin, University of Virginia School of Law

ASIL members who assisted the Committee included: James Bacchus, David Bederman, Douglass Cassel, Jr., Charles Hunnicutt, Frederic “Rick” Kirgis, and Sean Murphy. ASIL’s Daniel Vickers designed both the print and electronic versions and created the interactive version at www.asil100.org.

I am especially grateful to Rick LaRue of the Society for his intellectual, organizational, and technical contributions to this project.

The committee acknowledges with appreciation the 39 individuals whose submissions comprise the 100 ways listed here:

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As in so many things, I am grateful to my spouse, Daniel Magraw, not only for supporting my involvement in this project generally, but also for his direct contributions to the list of ways, drawing on his own deep knowledge of international law in the areas of health, safety, and the environment. Thanks are also due to David Fidler who, without pressure from any spouse of which this committee is aware, distinguished himself with the quality and quantity of submissions and earned the committee's prize for his efforts, which he quickly donated back to the Society.

Lucinda Low, Esq.
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100 Ways: The Process and the Future

At the Spring 2004 Executive Council meeting, outgoing ASIL President and Centennial Committee Chair Anne-Marie Slaughter called for ideas of ways the Society could observe its 2006 Centennial. Lucinda Low suggested that there should be 100 of them – ways, that is, in the form of a list that would demonstrate just how much of an impact international law has on people in their daily lives.

In November 2004, Low formed the 100 Ways Committee to develop such a list. In addition to producing the list for public education purposes, the committee sought to involve the Society membership in the project as much as possible. The list was created using committee member suggestions, expert replies to inquiries, and suggestions from ASIL members solicited at the 99th Annual Meeting, on the ASIL web site, through the *ASIL Newsletter*, and via e-mail requests. ASIL staff and interns also provided or researched suggestions. Some 80 people provided more than 200 suggestions for the committee's consideration; an extensive review process yielded the 100 Ways presented here.

In addition to the individual experts and members who suggested ways, sources used to find or confirm ways included: EISIL, the Society's Electronic Information System for International Law (www.eisil.org); the *Encyclopedia of Public International Law*, by the Max Planck Institute for Comparative Public Law and International Law, under the direction of Rudolf Bernhardt; the UN publication, "Sixty Ways the United Nations Makes a Difference," and the respective UN, international, or government institutions with responsibility for the international law, agreement, or activity described.

100 Ways is a dynamic project, and we invite readers to suggest new, better, or alternative ways to be included in future versions of the list, which will be updated periodically on the ASIL web site and, as warranted, in print. If you have recommendations for new ways, or questions or comments about any of the existing ways, we encourage your input. Please go to the *100 Ways* page on the ASIL web site – www.asil100.org/ways.html – where you can submit your ideas or reactions.

The ASIL Centennial

In 2006, the American Society of International Law celebrates 100 years of service to the field and subject of international law. The ASIL Centennial theme — A Just World Under Law — unites the year’s many observances that look to the future, highlighting the transformation as well as the continuity of the organization and its work.

“The increase of popular control over national conduct, which marks the political development of our time, makes it constantly more important that the great body of the people in each country should have a just conception of their international rights and duties.”

These were the first words ever to appear in the Society’s flagship publication, the *American Journal of International Law*. ASIL President Elihu Root’s appeal in 1907 for educating a democratic public about international law captures the *raison d’être* for the organization that is as valid today as it was when the Society was formed. Despite 100 years of dramatic change – whether in international law itself (e.g., the increased focus on the individual as an international law subject), in the world at large (e.g., technology or communications), or in the membership of the Society (e.g., from a relatively small group of white American males to 4,000 diverse people from nearly 100 nations) – the Society has remained true to its founding premise.

Although it is hard to argue with the centennial theme of “a just world under law” as an objective, there is sure to be much less agreement on what this ideal world would look like, how it would be best achieved, or whether it can be achieved. Yet that is in many ways the point, as the Society meets the need for a leading forum to share and learn from divergent views about pursuing if not achieving people’s “rights and duties” in a global environment.

Looking to the Society’s next 100 years, the educational imperative for ASIL scholarship and educational programs will continue to increase as international law becomes a greater civic force in peoples’ lives.



IN DAILY LIFE

- 1 Always knowing what date and time it is anywhere on the planet.**

By universal recognition of the prime meridian and Greenwich Mean Time (via international agreement at the International Meridian Conference in 1884). The latter was updated to “universal time” in 1928, and subsequent technical agreements have refined the definition further.
- 2 Mailing a letter reliably and easily to anyone in the world.**

By ensuring a truly universal postal network and recognizing that specified postal rates in one country would satisfy delivery requirements in all countries (the Constitution of the Universal Postal Union, 1964).
- 3 Driving cars with improved safety standards.**

By adopting global safety standards for automobiles, notably the Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment, and Parts Which Can Be Fitted and/or Used on Wheeled Vehicles (1998).
- 4 Being able to call Arkansas, Missouri, or most of Montana home.**

As the result of the bilateral treaty known as the Louisiana Purchase (1803).
- 5 Placing and receiving telephone calls worldwide.**

By creating an international communication network and by reaching an international agreement preventing national claims to the geostationary orbit. See the 1865 Constitution of what is now called the International Telecommunications Union, the oldest intergovernmental organization, and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies (UN Space Treaty, 1967).

- 6 Knowing that a second is the same length of time everywhere in the world.**
By setting internationally recognized standards, particularly the Decision of the 13th General Conference on Weights and Measures (1967), under the auspices of the International Office of Weights and Measures (est. 1875).
- 7 Using the same software on computers worldwide.**
By providing rights of distribution, copyright, and rental to authors of computer programs via the World Intellectual Property Organization Copyright Treaty (1996).
- 8 Getting an up-to-date weather forecast about your destination before you travel.**
By benefiting from international rules for the collection and dissemination of worldwide weather data, as provided for by the Convention of the World Meteorological Organization (1947) and the International Telecommunication Convention (1932).
- 9 Watching news and events from around the world on television.**
As a result of the international convention providing equal access to the international satellite communications network, as stated in Resolution 1721 (XVI) of the General Assembly of the United Nations (1961).
- 10 Listening to a BBC program on your radio.**
By following regulations, implemented by the International Telecommunication Union, that provide for shared use of the radio spectrum and assign positions for communication satellites, building from the International Telegraph Convention (1865).



- 11 Having a wider variety of fresh fruits and vegetables to choose from during the winter.**
By recognizing various international and free trade agreements, notably the 1994 Marrakesh (or Uruguay Round) Agreement Establishing the World Trade Organization.
- 12 Knowing that the Feta cheese you buy is from Greece or that the Tequila you buy comes from Mexico.**
By using and recognizing a geographical indication (GI), which is a sign used on goods with a specific geographical origin possessing qualities or a reputation stemming from that place of origin. The 1883 Paris Convention for the Protection of Industrial Property has traditionally provided protection for GIs, followed by the Madrid Arrangement Concerning the Prevention of False or Misleading Indication of Source (1891). Later, the General Agreement on Tariffs and Trade of 1947 expressly laid down rules for the protection of Appellations of Origin, followed in 1958 by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registrations (as revised in 1967 and amended in 1979).
- 13 Being able to buy more affordable clothing or goods, such as flowers from Colombia on Valentine's Day.**
As the result of international terms permitting increases in trade of textiles and clothing, flowers, and other goods, as contained in the Agreement Establishing the World Trade Organization (1994, also known as the Marrakesh Agreement; the WTO came into existence in 1995), the Andean Trade Promotion and Drug Enforcement Act (2002, updating the 1991 Andean Trade Preference Act), and others.

14 Knowing that your tuna sandwich was made from fish caught without killing dolphins.

By benefiting from the Agreement on the International Dolphin Conservation Program (1999) to limit harm to dolphins during tuna fishing.

15 Being able to choose from a greater variety of wines from Australia, Chile, and other countries.

As the result of the Agreement on Mutual Acceptance of Oenological Practices (2001), which limits wine-importing constraints to health and safety considerations.

16 Making it easier, at airports and other points of entry to the country, to bring home imported goods.

By using a rules-based automated system for customs data in customs offices, as established by the UN Commission for Trade and Development.

17 Experiencing less risk of inflation or of wide fluctuations in currency valuations.

By recognizing the Bretton Woods Agreements (1944), which contributed to the development of a more stable international monetary system.

18 Writing a will, knowing that your testimonial wishes will be followed in more than 100 countries.

By authenticating the document (and any other document) with a certification recognized worldwide – an apostille. All countries that are party to the Convention Abolishing the Requirement of Legalization for Foreign Public Documents (Hague Convention, 1961) will recognize the document as legal.



19 **Avoiding double taxation on your estate.**

By following various and numerous bilateral tax treaties, such as the 1951 Convention between the Swiss Confederation and the United States of America for the avoidance of double taxation with respect to taxes on estates and inheritances.



AT LEISURE AND
IN THE WORLD

- 20 Seeing water go over Niagara Falls.**
As the result of the Niagara Diversion Treaty (1950), which restricts the diversion of water from the Niagara River for hydroelectric power. (The infrastructure exists to almost fully stop the falls.)
- 21 Going on a whale watch . . . and being confident that you will see a whale.**
Because of the International Convention for the Regulation of Whaling (1946), and the creation of marine sanctuaries under a variety of treaties, which have controlled whale hunting and helped to prevent the extinction of the species.
- 22 Attending a Rolling Stones concert on the band's U.S. tours.**
By enabling athletes and entertainers to perform outside their own countries without the income they earn on such trips being taxed by both their home and the visited countries. There are more than 1,500 such bilateral or multilateral double taxation agreements worldwide; the United States has such agreements covering more than 60 foreign jurisdictions.
- 23 Watching, attending, or participating in fairer Olympic Games.**
By having confidence in the efforts of the International Olympic Committee to honor the Olympic Charter; enforce eligibility requirements; regulate the games; eliminate advantages sought by athletes who take performance-enhancing drugs (through the efforts of the World Anti-Doping Agency and in accordance with the final draft of the UNESCO treaty, the International Convention against Doping in Sport), and resolve disputes about eligibility, doping, or results through the Court of Arbitration for Sport.

24 Being able to enjoy books and movies about Harry Potter or James Bond even if you reside outside the United Kingdom.

By giving authors J.K. Rowling and Ian Fleming the same protection for their literary works in other countries as they receive at home, as provided for in the Berne Convention for the Protection of Literary and Artistic Works (1971).

25 Being able to watch birds during their annual migrations.

By observing the 1916 Migratory Bird Convention with Canada, which is the oldest international wildlife conservation pact. (The United States and Mexico signed a similar treaty in 1936.) The treaties provide protection for all species of migratory birds in North America and regulate hunting seasons for game birds. By barring all migratory bird hunting between March 10 and September 1, the original treaties denied traditional harvests of migratory birds by northern indigenous peoples during the spring and summer months. Such harvests were permitted in amendments ratified by the U.S. Senate in 1997.

26 Being more confident in the mechanical safety of your Alaskan or Caribbean cruise vessel.

As the result of international agreements – the first version of which was passed in response to the *Titanic* disaster – mandating safer ships and safety procedures, with regard to construction, equipment, seaworthiness, the use of signals, and the maintenance of communications. Such agreements grew out of customary international law and have come to include the Geneva Convention on the High Seas (1958), the International Convention for the Safety of Life at Sea (1974), and the UN Convention on the Law of the Sea (1982).



27 **Being able to visit cultural heritage sites, such as Angkor Wat or Machu Picchu.**

By following international agreements preserving natural, cultural, and heritage sites for educational, travel, and social benefit (e.g., through multiple protection registers setting standards for preserving and safeguarding immovable and movable cultural heritage or objects, including during armed conflict). Among such agreements are: the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention, 1972); The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954); the First Hague Protocol (1954); the Second Hague Protocol (1999); and the Additional Protocol to the 1949 Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (Protocol 1, 1977, Article 53). UNESCO has helped 137 countries protect such monuments and sites.

28 **Seeing elephants in their natural habitat on a camera safari, enjoying rare orchids on special traveling display, or observing rare Giant Pandas from China at the zoo.**

As the result of requirements governing the international transfer of endangered species contained in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 1973). The four zoos in the United States that have borrowed pandas (in Atlanta, Memphis, San Diego, and Washington, DC) follow an international loan policy in accord with CITES that was established in 1998 between the U.S. Fish and Wildlife Service and the relevant Chinese bodies, the Ministry of Construction (responsible for zoos), and the Chinese State Forestry Administration.

29 Seeing a touring exhibit of art from the Louvre museum.

As the result of bilateral cultural exchange agreements or the international Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970).

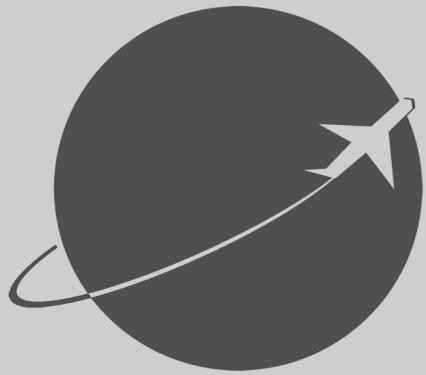
30 Being able to see giant sea turtles come ashore to lay their eggs, having increased chances of seeing wildlife in the Everglades, and seeing other rare species, such as polar bears.

By following such international conservation agreements as the Inter-American Convention for the Protection and Conservation of Sea Turtles (2001), the Convention on Wetlands (The Ramsar Convention, 1971), and the Agreement on the Conservation of Polar Bears (1973).

31 Increasing the likelihood that the movie “The March of the Penguins” could be filmed again decades from now.

As a result of the preservation embodied in the Antarctic Treaty (1959) and the Protocol on Environmental Protection to the Treaty (1991).





AWAY FROM HOME

32 Flying shorter, more direct routes to international destinations.

As the result of the International Air Services Transit Agreement (1944, in conjunction with bilateral agreements and the Convention on International Civil Aviation, the Chicago Convention), which permits aircraft to fly across member states' territories or land in them for non-traffic purposes, without having to obtain permission.

33 Being able to travel with relative ease, simply by having a passport.

By using a standardized document – your passport – that virtually all countries accept and that normally assures speedy entry. Passports were first standardized under the League of Nations (International Conference on Passports, Customs Formalities and Through Tickets, 1920). Standardization now occurs through the International Civil Aviation Organization, with 188 contracting states. The ICAO was established in 1947 upon the entry into force of the Convention on International Civil Aviation.

34 Being less concerned about which airline you use because of international safety standards.

By adhering to internationally mandated safety standards and recommended practices and procedures, as administered by the International Civil Aviation Organization, established in 1947.

35 Knowing that the train you are on can keep going when you cross a border onto the tracks in another nation.

By providing for technical uniformity of railways, particularly with respect to gauge, construction and maintenance of rolling stock, and loading of wagons (the 1886 Convention on Technical Uniformity).

36 **Knowing your international air travel is reasonably safe from international crime or terrorism.**

By passing and implementing various international criminal laws concerning aircraft safety, hijacking, sabotage, and airport security: the Convention on Offenses and Certain Other Acts Committed on Board Aircraft (1963); the Convention for the Suppression of Unlawful Seizure of Aircraft (1970); the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1971); and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988).

37 **Traveling and spending money more easily throughout Europe now that it has a common currency.**

By replacing the individual currencies of the European countries with the euro, thus eliminating the need for U.S. tourists to change money and master new exchange rates multiple times (among other benefits). The process started in 1991 with the passage of the Maastricht Treaty creating the European Union (including the European Monetary Union) and culminating in the new currency's introduction in 1999.¹

1 The ease and attractiveness of traveling in Europe have been aided by: 1) additional international law, such as that enabling travel without the need to clear customs or immigration inspection at each border (under the 1985 Schengen Convention, implemented initially by 5 states in 1995. Fifteen countries have implemented the agreement as of 2005, and another 11 have joined the treaty and will achieve full implementation within the next few years.); and 2) European federal law harmonizing the laws of the Member States, such as the 13th Council Directive 86/560/EEC of the European Union (1986), which enables non-EU citizens (e.g., U.S. tourists) to claim value added tax refunds when they shop in Europe.



38 Being able to travel, for business or for pleasure, to and from U.S. destinations on the Great Lakes via the St. Lawrence Seaway.

By administering water levels and related cooperative or common uses of the river through the International Joint Commission, created by the 1909 Boundary Waters Treaty. Prior treaties – the Treaty of Ghent (1814), the Webster-Ashburton Treaty (1842), and the Treaty of Washington (1871) – offered general respect for the rights of access to the river. Tolls and pilotage are determined and shared by agreement between the United States and Canada.

39 Driving freely and legally in another country.

By ensuring that, with a valid driver's license, you can apply for and receive an international driver's permit, in accordance with the 1949 UN Convention on International Road Traffic, that is recognized by most countries around the world (while some countries, such as France, recognize a U.S. driver's license, many do not).

40 Being able to recognize road signs in more and more countries around the world.

By increased use of the standardized road traffic rules, signs, and signals, as contained in the 1968 UN Convention on Road Traffic, that facilitate the use of universal standards around the world.

41 Knowing that, if the boat you are on is in trouble, others in the area must come to your aid.

Due to widespread recognition and expanding use of terms regulating the responsibility of vessels when others are in danger, as provided in a 2004 Amendment to the International Convention for the Safety of Life at Sea (1974).

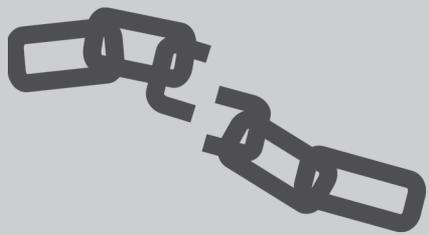
42 Knowing you will be compensated, in part, if Air Canada loses your luggage on a flight.

As a result of the Convention for the Unification of Certain Rules for International Carriage by Air (Montreal Protocol, 1999, to the Warsaw Convention, 1929).

43 Being able to sue a non-U.S. airline in the United States in the event of an injury or the loss of a loved one due to an accident.

By standardizing and internationalizing the various liability regimes under which carriers operate, through the Convention for the Unification of Certain Rules for International Carriage by Air (Montreal Protocol, 1999, to the Warsaw Convention, 1929).





LIBERTY

44 **Helping to protect persons from being prosecuted for speaking freely.**

By excluding prosecutions of political offenses from states' obligations to honor an extradition request from another country. Virtually all bilateral and multilateral extradition treaties contain an exception for persons who are being charged with an "offense of a political character."

45 **Being protected from torture and other forms of ill treatment at the hands of law enforcement personnel.**

By prohibiting torture and other forms of inhumane and degrading treatment or punishment. See the European Convention on Human Rights and Fundamental Freedoms (1950), the International Covenant on Civil and Political Rights (1966), the American Convention on Human Rights (1969), and the UN Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment (1984).

46 **Promoting the equal protection, treatment, and dignity of children.**

By passing and promoting an international agreement, the UN Convention on the Rights of the Child (1989), which guarantees children dignity of human life and protection from the indecencies of abuse and exploitation. Two optional protocols – the Optional Protocol on the Involvement of Children in Armed Conflict, and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – have been joined by the United States. The first bars compulsory recruitment of children under the age of 18 for military service (and requires states that voluntarily recruit children under the age of 18 to describe the steps they will take to ensure the protection of such enlistees, such as showing parental consent and reliable proof of age). The second defines as criminal acts the “sale of children,” “child prostitution,” and “child pornography”; establishes grounds for jurisdiction over, and extradition of, criminal offenders; and provides for international cooperation in pursuing offenders.

47 **Adopting foreign-born children safely and fairly.**

By following the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993, Hague Adoption Convention).

48 **Resolving more easily and consistently child custody disputes and abduction cases.**

By creating a legal infrastructure for intercountry adoptions (the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, 1993) and requiring international recognition of domestic child custody rights (the Convention on the Civil Aspects of International Child Abduction, 1980).



49 **Having access to a U.S. consulate or embassy if you are arrested abroad.**

By requiring that you be informed, if you are arrested in another country, that you have a right to contact your consulate and that your consulate has a right to visit you (the Vienna Convention on Consular Relations and Optional Protocols, 1963).



PUBLIC HEALTH AND
THE ENVIRONMENT

50 **Preserving natural sources of medicine that may one day save your life.**

As a result of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973) and the Convention on Biological Diversity (1992), which seek to protect species from extinction and recognizes that wild fauna and flora are an irreplaceable part of the natural systems of the earth and may yield medicines that can treat human illness and disease.

51 **Buying products that are safer to use and not harmful to human health.**

By recognizing the ability of states to restrict trade in the interests of protecting human health through the General Agreement on Tariffs and Trade (1994), the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (1994), and the WTO Agreement on Technical Barriers to Trade (1994).

52 **Gaining access to lower-priced, patented pharmaceuticals.**

As a result of states being able to engage in parallel importing (legally purchasing proprietary drugs from a third party) and compulsory licensing (permitting generic drugs to be manufactured without the agreement of the patent holder; i.e., effectively reducing patent protection periods that can be as long as 20 years) through the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (1994).

53 Protecting the Great Lakes from water pollution and invasive species such as Zebra Mussels and Sea Lampreys.

By monitoring and responding to water quality trends identified through implementation of the Great Lakes Water Quality Agreement of 1972 (renewed in 1978 and updated by protocol in 1987). The agreement between the United States and Canada aims “to restore and maintain the chemical, physical and biological integrity of the Great Lakes Basin Ecosystem.” Furthermore, regulations of the International Maritime Organization, a UN specialized agency established in 1958, govern vessel operations to prevent accidental or intentional releases of invasive species.

54 Increasing worldwide access to life-saving vaccines.

By engaging in research on diseases that predominantly affect developing countries, via the UN Development Programme, created in 1966 when the General Assembly approved the merger of the Technical Assistance Board and the UN Special Fund (Resolution 2029 (XX)).

55 Having a safer food supply.

By establishing international food safety standards through the Codex Alimentarius Commission, a joint venture of the United Nations’ Food and Agriculture Organization and World Health Organization. For example, standards have been established for over 200 food commodities, and safety limits have been established for more than 3,000 food containers. Also applicable are the International Plant Protection Convention (1951) and the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (1994).



- 56 Being protected from the harmful effects of tobacco consumption.**
By establishing a comprehensive framework for tobacco control nationally and internationally through the Framework Convention for Tobacco Control (2003).
- 57 Knowing that the spread of diseases (e.g., avian flu strain H5N1) is being fought internationally.**
By establishing, through the International Health Regulations (2005) of the United Nations' World Health Organization, a global system of surveillance and response against public health emergencies of international concern.
- 58 Protecting individuals from being the subjects of medical experiments without their consent.**
By banning medical experiments without the informed consent of the individuals involved, as affirmed in the International Covenant on Civil and Political Rights (1966).
- 59 Reducing exposure to hazardous chemicals and pesticides, thereby preventing birth defects, cancer, and other diseases.**
By following international agreements that protect against toxic chemicals (such as DDT, PCBs, and dioxin) contaminating our food supply. See the Stockholm Convention on Persistent Organic Pollutants (2001) and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998).

60 Reducing the chance you will be exposed to hazardous wastes.

By observing international conventions preventing illegal transport and disposal of hazardous waste across borders. See the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989) and the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (1991).

61 Reducing the risks of accidents at and weapons proliferation from nuclear power plants.

By observing the international safeguards administered by the UN International Atomic Energy Agency (1956).

62 Being better protected from harm in the event of a nuclear accident or radiological emergency.

By coordinating international assistance in cases of nuclear accident or radiological emergency. See the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986), the Convention on Early Notification of a Nuclear Accident (1986), the Convention on Nuclear Safety (1994), and the Statute of the International Atomic Energy Agency (1956).

63 Protecting the water supply for drinking, irrigation, and other uses.

As the result of hundreds of international agreements seeking to improve water quality, such as the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992); the UN Convention on the Law of Non-Navigational Uses of International Watercourses (1997); and, for Europe, the Protocol on Water and Health (1999).



- 64 Enjoying cleaner ocean water and beaches, and swimming with less fear of contamination from human waste.**
By reducing land-based marine pollution harmful to health and the environment and by regulating responsibility for vessels at sea, including restrictions on ocean dumping. See the Convention on the Prevention of Marine Pollution from Land-Based Sources (1974), the UN Convention on the Law of the Sea (1982), and the International Convention for the Prevention of Pollution from Ships (1973).
- 65 Reducing the harmful health effects of transboundary air pollution (e.g., acid rain).**
By reducing the emissions of pollutants that make up transboundary air pollution, through the observance of the Convention on Long-Range Transboundary Air Pollution (1979).
- 66 Reducing your risk of cancer and cataracts from ultraviolet light.**
By observing international agreements protecting the atmospheric ozone layer and phasing out chemicals that have depleted the ozone layer. See the Vienna Convention for the Protection of the Ozone Layer (1985), the Montreal Protocol on Substances that Deplete the Ozone Layer (1987), and corresponding programs of the UN Environment Programme and the World Meteorological Organization.
- 67 Being able to work in a safe and healthy work environment.**
By regulating health and safety standards in the work place through observance of the Occupational Safety and Health Convention (1981).
- 68 Helping keep our world livable by protecting against anthropogenic climate change.**
By observing the UN Framework Convention on Climate Change (1992) and the Kyoto Protocol to the UN Framework Convention on Climate Change (1997).



PUBLIC SAFETY

69 **Improving our ability to fight terrorism.**

By putting in place the legal framework to combat terrorism, which at present consists of thirteen global legal instruments that have been negotiated under UN auspices (as of June 2005, 63 countries had ratified all 13). In addition to the 4 instruments cited in Way #36 concerning air travel, these include: the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (1973); the International Convention Against the Taking of Hostages (Hostages Convention, 1979); the Convention on the Physical Protection of Nuclear Material (1980); the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988); the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988); the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991); the International Convention for the Suppression of Terrorist Bombings (1998); the International Convention for the Suppression of the Financing of Terrorism (1999); and the International Convention for the Suppression of Acts of Nuclear Terrorism (2005).

70 **Enabling the humanitarian activities of the Red Cross organization.**

By adhering to the Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field (1864) and related instruments supporting the establishment and operation of national Red Cross societies.

71 **Reducing the spread and use of illegal drugs and their related criminal activity.**

By using international criminal law to combat drug trafficking, human trafficking, and money laundering. See in particular the work of the UN Office on Drugs and Crime programs (some of which is based on three UN conventions on drug control) and the Global Programme Against Money Laundering (1997).

72 Helping to prosecute criminals, even when they manage to flee to another country.

By obligating most countries to extradite an accused person, or one who escapes after conviction, to the country where the crime was committed. Hundreds of bilateral and multilateral extradition treaties require this form of cooperation in the criminal justice process.

73 Protecting national, racial, ethnic, and religious groups from obliteration.

By supporting UN and state action, as formulated in the Convention on the Prevention and Punishment of the Crime of Genocide (1948) and the Rome Statute of the International Criminal Court (1998), to prosecute the perpetrators of genocide before international and national criminal courts.

74 Protecting members of the armed forces and civilian populations from death or injury from chemical weapons.

By prohibiting, through the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons (1992), the use and all preparations for the use of toxic chemicals as weapons and providing for extensive measures to verify compliance with these obligations.

75 Protecting military personnel and civilians from harm from anti-personnel landmines.

By banning the use, stockpiling, production, and transfer of anti-personnel landmines through the Convention for the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on Their Destruction (1997).



76 Enabling captured military personnel to receive adequate medical care and sanitary, healthy conditions of captivity.

By requiring states engaged in armed conflict to provide wounded and captured enemy military personnel with medical treatment and humane living conditions. See Geneva Convention I for the Amelioration of the Condition of Wounded and Sick Armed Forces in the Field (1949); Geneva Convention II for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea (1949); and Geneva Convention III Relative to the Treatment of Prisoners of War (1949).

77 Having only a peaceful, scientific, and cooperative human presence in Antarctica.

By following the Antarctic Treaty (1959), the first post-World War II arms limitation agreement, which demilitarizes and provides for the cooperative exploration and future use of Antarctica.

78 Keeping outer space safe – from weapons and other threatening behavior of humans and nations.

By adopting the international treaty that preserves outer space as a peaceful sanctuary and prohibits deploying nuclear or other weapons of mass destruction in orbit or on a celestial body. See the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967).

79 Reducing the spread of nuclear weapons.
By implementing international treaties providing for reductions in the number or spread of nuclear weapons. See the Comprehensive Test Ban Treaty (1963), the Treaty on the Non-proliferation of Nuclear Weapons (1968), the Strategic Offensive Reduction Treaty (2002), and multiple bilateral treaties between the United States and the former USSR (e.g., the treaties resulting from the Strategic Arms Limitation Talks).

80 Providing lasting peace between Japan and the United States after World War II.
By adopting the multilateral Treaty of Peace with Japan (1951, Treaty of San Francisco); the United States was one of 48 countries signing the treaty. Other such peace treaties the United States has signed with former wartime enemies include the Treaty of Paris (1783), the Treaty of Ghent (1814), the Treaty of Guadalupe Hidalgo (1848), and the Treaty on the Final Settlement with Respect to Germany (1990).

81 Reducing the chances that wars will have to be fought in order to resolve disputes among nations.
By providing the legal basis to outlaw war (via Article 2(4) of the UN Charter); by establishing global and regional organizations (such as the United Nations and the North Atlantic Treaty Organization) designed to respond to threats to peace and security through forcible and non-forcible means; and by creating or supporting various political, institutional, and legal means to settle disputes through negotiation, mediation, conciliation, arbitration, and adjudication.





IN COMMERCIAL LIFE

82 Knowing that international trade statistics – whether read in the paper or used to assess tariffs and track quotas – are based on uniform codes covering 98% of international trade and more than 200,000 commodities.

By using the international, uniform classification for commodities developed by the World Customs Organization and in use by more than 177 countries.

83 Experiencing smoother trade and clearer transactions by using standardized trade terms and common definitions.

By using standardized terms that reduce the uncertainties of cross-border transactions (the Unidroit Principles of International Commercial Contracts, 2004), and by using internationally recognized definitions for 13 standard trade terms most commonly used in international sales contracts – INCOTERMS 2000 – governed by the International Chamber of Commerce and endorsed by the UN Commission on International Trade Law.

84 Making international business transactions more efficient and more secure, such as by offering a means to reconcile conflicting details in the fine print of standard forms.

By using the UN Convention on Contracts for the International Sale of Goods (1980), the UN Convention on the Limitation Period in the International Sale of Goods (1974), the Convention for the Unification of Certain Rules Relating to International Carriage by Air (1929), and the Convention on International Interests in Mobile Equipment (2001).

85 Preventing countries from unfairly subsidizing exports and dumping their products in order to gain unfair access to the U.S. market.

By enforcing the 1994 revisions to the General Agreement on Tariffs and Trade and other trade agreements.

86 Being able to get a letter of credit to reduce the risk of nonpayment for goods sold to a foreign buyer.

By using the international rules – the Uniform Customs and Practices for Documentary Credits (1993) – that were promulgated by the International Chamber of Commerce and that codified customary international law recognizing this need.

87 Making the transport of goods by sea more efficient and cost-effective.

By following several international agreements that permit navigation in the waters of other countries; outlaw piracy, enabling for the defense of transport ships by any nation's navy; establish requirements for a ship's crew; and establish regulations for cargo transactions. See the UN Convention on the Carriage of Goods by Sea (The Hamburg Rules, 1978) and the UN Convention on the Law of the Sea (1982).

88 Resolving international disputes between private parties more efficiently.

By creating a legal infrastructure to ensure recognition and enforcement of international arbitral awards, and measures for the service of process and taking of evidence abroad. See the UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1965), and the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (1970).

89 Enforcing an arbitral award without a local court having to hear the dispute anew.

By using the UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958).



90 Earning the same workers' compensation as that granted to nationals if you are injured at work in another country.

Through the Convention Concerning Equality of Treatment for National and Foreign Workers (1925).

91 Preventing your income, should you earn any in another country, from being taxed twice.

By international or bilateral agreement eliminating double taxation of income, enabling income earned on foreign soil to be taxed only once. There are more than 1,500 double taxation agreements worldwide, and the United States has such bilateral agreements covering more than 60 foreign jurisdictions.

92 Preserving your U.S. Social Security and other retirement benefits if you are transferred to work for a company abroad.

By the United States' adoption of bilateral "Totalization Agreements" with 21 mostly Western or developed countries.

93 Receiving or delivering documents and evidence in a more timely and reliable fashion if you and/or your business end up in court overseas, or if you require evidence located overseas to resolve your U.S. dispute.

By using the international conventions expediting the procedures and ensuring the receipt or delivery of evidence and documents in judicial or extrajudicial matters. See The Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1965), The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (1970), the Inter-American Convention on Letters Rogatory and Additional Protocol (1975 and 1979), and the Inter-American Convention on the Taking of Evidence Abroad (1975).

94 Being able to make a claim against the host government if your property in a foreign country is expropriated.

By using the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (commonly called the “Washington Convention” or the ICSID Convention, 1965) and related bilateral investment treaties.

95 Reducing the likelihood of others in foreign countries copying your writings or creative expressions.

By relying on the Berne Convention for the Protection of Literary and Artistic Works (1971).

96 Protecting your trade name or trade dress – such as the shape of a Coca Cola bottle or the look of Campbell’s soup label – from imitators.

As a result of the international convention, the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (1989).

97 Protecting your patented invention or product, whether the latest software or “Post-it” notes, around the world.

By benefiting from the work of the World Intellectual Property Organization and the use of: the Paris Convention for the Protection of Industrial Property (1883, most recently amended in 1979); the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (1989); the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (1973, as amended in 1985); the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957, as amended in 1979); and the Convention on the Grants of European Patents (1973).



98 Having extra time, if you are an inventor, to see if you need to spend money or effort filing foreign patents.

By using the Patent Cooperation Treaty (1970, as amended in 1979 and modified in 1984 and in 2001), which amends the Paris Convention for the Protection of Industrial Property (1883, most recently amended in 1979) and grants the patent applicant 30 months to decide whether to spend the money and time for foreign patent filings, as opposed to 12 months under the Paris Convention.

99 Making business competition fairer by reducing the practice of bribes being paid to get business.

Through the use of the Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), the UN Convention Against Corruption (2003), the Inter-American Convention Against Corruption (1996), and others.

100 Simplifying the process of transferring property through the use of a standardized authentication procedure that substitutes for the cumbersome and expensive chain authentication of documents.

Through use of a simplified procedure and form known as the apostille, which authenticates a document with a certification that is recognized worldwide and is made possible by the Convention Abolishing the Requirement of Legalization for Foreign Public Documents (Hague Convention, 1961).

About ASIL

The American Society of International Law is a nonprofit, nonpartisan, educational membership organization founded in 1906. Its mission is to foster the study of international law and to promote the establishment



American Society
of International Law

and maintenance of international relations on the basis of law and justice. Chartered by Congress in 1950, ASIL holds Category II Consultative Status to the Economic and Social Council of the United Nations and is a constituent society of the American Council of Learned Societies.

The Society is headquartered at Tillar House in Washington, D.C. Its 4,000 members from nearly 100 nations include attorneys, academics, corporate counsel, judges, representatives of governments and nongovernmental organizations, international civil servants, students, and others interested in international law. Through meetings, publications, information services, and outreach programs, ASIL advances international law scholarship and education for international law professionals as well as for broader policy-making audiences and the public. While the Society's educational mission remains as central today as when the organization was founded, its programs have adapted to dramatic changes in international law, as both an expansive topic and an evolving professional discipline.

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