

Commitments

Mounting backlog of treaties

BY STEVE CHARNOVITZ

Senate Majority Leader Trent Lott, R-Mass., wants President Clinton to submit the new climate change treaty to the Senate "as soon as possible." He is eager to get his hands on this treaty so that he can spur the Senate into voting it down.

But a vote now would be senseless. The Clinton administration recognizes the inadequacy of the Kyoto compromise and hopes to strengthen the treaty later this year.

Although the climate change treaty is not ready for Senate action, several important treaties are. Rather than trying to disapprove a treaty that is not pending, Sen. Lott should be working to approve the treaties that are pending on the Senate's executive calendar.

Here are three treaties that should be OK'd by the Senate in 1998. Even if Sen. Lott personally opposes these treaties, he should still allow the Senate to vote on them.

The U.N. Convention on the Law of the Sea lays down international rules regarding maritime rights, ocean pollution and the management of living marine resources. In 1982, the Reagan administration refused to sign this treaty because of objections to certain provisions on deep seabed mining.

It took 12 years to fix the seabed provisions, but that was finally accomplished in 1994. Because the Senate has not voted on this treaty, the U.S. government is unable to obtain the benefit of the treaty's dispute settlement provisions.

The Convention on Biological Diversity was the top achievement of the Earth Summit of 1992. The treaty commits parties to the sustainable use of biodiversity and provides a funding mechanism to help developing countries. In addition, there are important provisions regarding technology transfer and access to genetic resources.

In the absence of a Senate vote, the United States is not a member. This makes it harder for federal officials to affect the decisions being made in the conference of the parties and in day-to-day actions of the

treaty secretariat.

The Convention on Freedom of Association has been on the Senate's calendar since 1949. This is a core convention of the International Labor Organization and has been ratified by over 110 nations. This treaty prohibits government interference in labor unions and employer organizations.

Many domestic business groups oppose U.S. ratification because some federal and state labor laws may not meet inter-



"So, you're a businessman who dabbles in art! Well, I happen to be an artist who dabbles in money!"

national standards.

The failure of the United States to join this treaty exacts a cost. It is the single most important factor in undermining

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American influence at the ILO. This diminished role of the United States makes the ILO less successful than it might be. It has also led the U.S. government to seek alternative fora — like the World Trade Organization — for raising concerns about abusive labor practices in developing countries.

In addition to the constitutionally specified procedure of approving a treaty by a two-thirds vote of the Senate, the United States can also approve a treaty through an act of Congress. This is the procedural posture of the Shipbuilding Agreement, sponsored by the Organization for Economic Cooperation and Development. The shipbuilding agreement was approved by the House of Representatives in 1996, but got stuck in the Senate. It cannot go into force without U.S. approval.

Many commentators have pointed to the economic benefit of the shipbuilding treaty — namely, that it would prevent wasteful government subsidies. But the treaty also has another benefit. It initiates a new practice of using the OECD to draft binding agreements. Both benefits may soon dissipate, however, unless the Senate and House get moving to approve the agreement.

Another treaty awaiting congressional action is the Basel Convention on Hazardous Wastes. The Senate has consented to this treaty, but it has not enacted legislation to implement the new obligations. Neither has the House.

Because of this congressional inaction, the U.S. government remains a non-party. This outsider status diminishes opportunities for U.S. influence on the decisions being made under this treaty. Some of these decisions have hurt American companies involved in recycling and the waste trade.

With the new congressional session about to begin, Sen. Lott should attend to this treaty backlog. Voting on the Climate Change Protocol is premature. But voting on several other treaties is long overdue.

Sen. Lott's leadership should be judged by how he handles these opportunities to advance America's interest.

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