TREATIES

	US Municipal Law		International Law	
Source of Law	**United States Constitution; Inherent**		**Formal Treaties Agreements, & Conventions**	**Practices & Customs of Civilized Nations**
			Conventional	***Customary ****
Actors	**Congress**	**President**	**Heads of State**	**International Bodies; States**
General Authority	Art. I, § 8 Art. II, § 2	Art. II, § 2 Art. II, § 3	Inherent; Vienna Convention on the Law of Treaties	Nat'l & Int'l courts United Nations General Assembly
Constitutional Limits	US Const imposes no substantive limits on external effects of Treaties/Agreeements, but does (except for 10th amd) on internal effects			

All are valid for purposes of Vienna Convention

Types of US Instruments	**Ordinary Legislation**	**Presidential-Executive Agreement**	**Congressional-Executive Agreement**	**Non-Self-Executing Treaty**	**Self-Executing Treaty**
Participants	Congress President	President	President; Both Houses of Cong. (majority vote)	President; Senate (2/3 vote)	President; Senate (2/3 vote)
Advantage of this method?	Clean mechanism for internal effect following Treaty or Exec. Agreement	No congressional participation necessary	Great political cover; no follow-up legislation needed	Great diplomatic value (w/o binding US states/people)	Great diplomatic value; no follow-up legislation needed
Disadvantage of this method?	No international effect	Controversial; No domestic effect	Not as solemn as full-blown Treaty	Senate can attach reservations; needs follow-up legislation	Senate may attach conditions (reservations)
Examples	**Migratory Bird Treaty Act**	**Iran Claims Settlement Agreement**	**NAFTA**	**Migratory Bird Treaty**	**Int'l Covenant on Civil and Political Rights (US reservation allowing execution of juvenile offenders)**

* Customary international law establishes norms of conduct for all nations, even those not signatories to treaties on the subject

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