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SIGNED, SEALED, DELIVERED, AND THEN. . . : AN EVALUATION OF THE CORRELATION BETWEEN POLICY AREAS, SIGNING, AND LEGAL RATIFICATION OF ORGANIZATION OF AMERICAN STATES' TREATIES BY MEMBER STATES

Alexandra R. Harrington

PART I – INTRODUCTION

Like any organization, or the proverbial chain, the Organization of American States's (OAS) ability to affect lasting policy changes through treaties is only as strong as the will of the federal legislative bodies of its member states. No matter how lofty or well-meaning the OAS's goals in any area or matter addressed by a treaty, or the number of OAS member states (member states) which sign onto a treaty reflecting these goals, under the OAS Charter and the federal constitutions of most member states, these treaties are merely inspirational unless they are ratified by the federal legislatures of the member states.¹ Although it could be assumed that a member state's signing of an OAS treaty is indicative of the member state administration's policy goals and hence the policy goals of the member state as a whole, there is often a counter-intuitive negative correlation between the number and type of treaties signed by member states and those treaties which are ultimately ratified by the member state's federal legislature and adopted as binding law on the state.² Even in the event of ratification, many member states feature federal constitutional provisions which subsume the primacy of treaty law to domestic law,³ regardless of when the law was promulgated or the policy choices behind it.⁴

Given the disconnect between OAS policy goals and member states' federal legislative choices, it can easily seem that there are little political or legal forces behind treaties promulgated by the OAS. Examining OAS treaties promulgated during the period from post-World War II to the present, however, sheds light on the incidents of positive and negative signing to ratification correlations. This article

¹ See *infra* Part II.

² See *infra* Parts III, IV.

³ See *infra* Part II.

⁴ See *infra* Part II.

conducts such an examination, focusing on several themes of treaty promulgation and signing to ratification correlation.⁵

Part II of this article addresses the legal requirements of the OAS Charter with regard to treaty promulgation and signing,⁶ as well as the sovereignty ultimately retained in member states for ratification decisions.⁷ Part II also discusses the federal constitutional law requirements of member states as they apply to the ratification and role of treaties that the executive has either signed or entered into.⁸ Many of these member state constitutions have express sections or articles addressing international relations, or treaties in general⁹; the requirements and ramifications of these provisions will be discussed as a corollary to the overall procedural requirements for treaty ratification.¹⁰

Part III addresses basic signature to ratification correlations, including a discussion of those member states which elect to become treaty signatories,¹¹ or, indeed, to ratify treaties,¹² with express reservations made to some or most of the treaty terms.¹³ As will be demonstrated, the use of reservations is generally for the purpose of eliminating any possible contradictions or tensions between the domestic law of the member state relating to the subject area and the treaty provisions.¹⁴ The author extrapolates that reservations are often used as a way to help ensure domestic ratification of treaty provisions, and points to the effectiveness of this political/legal strategy.¹⁵ Part III concludes with observations on the general signing to ratification correlation of certain member states,¹⁶ and the potential impact of that correlation on the policy goals of the OAS in the future,¹⁷ as well as the likelihood that these goals will be codified in the binding law of member states.¹⁸

Part IV presents a slightly different view on the signing and ratification issue.¹⁹ In this part, the fifty-five treaties selected for this study are broken into thirteen subject area classifications: 1) banking;

⁵ See *infra* Parts II, III, IV, V.

⁶ See *infra* Part II.A.

⁷ See *infra* Part II.B.

⁸ See *infra* Part II.B.

⁹ See *infra* Part II. B.

¹⁰ See *infra* Part II. B.

¹¹ See *infra* Part III.

¹² See *infra* Part III.

¹³ See *infra* Part III.

¹⁴ See *infra* Part III.

¹⁵ See *infra* Part III.

¹⁶ See *infra* Part III.

¹⁷ See *infra* Part III.

¹⁸ See *infra* Part III.

¹⁹ See *infra* Part IV.

2) children and children's rights; 3) contract and commercial law; 4) criminal law; 5) governmental law and policy; 6) health policy; 7) OAS housekeeping matters (additional, largely non-policy driven protocols to the original OAS agreements and documents); 8) human rights and cultural rights/preservation; 9) international law; 10) international security; 11) policy and research support; 12) science and technology support; and 13) women's rights and issues.²⁰ From these classifications, Part IV examines the general propensity of member states as a whole for negative or positive signing to ratification correlations for specific subject areas.²¹ Further, Part IV examines the behaviors of individual member states towards treaties in each of the subject areas to determine patterns of international and domestic priorities within member states,²² as well as areas in which concerns over the primacy domestic law can be seen manifesting themselves in a negative correlation figure.²³ Finally, Part IV concludes with observations and the author's predictions for subject areas in which international political policy and domestic legal – and, by extension, sovereignty – policy will coalesce or divide.²⁴ These predictions are made on both the general OAS level and the member state level.²⁵

Part V, the conclusion of this article, uses the legal, political, and statistical information offered in the previous parts to go beyond a historical summary of OAS treaty policy and the actions of member states.²⁶ Rather, Part V uses this history and data to predict subject areas which will be maximally or minimally accepted by member states as areas in which domestic legal primacy will or will not be ceded to OAS community ideas and goals. In light of the sweeping scope of international instability currently facing the OAS and its member states - tending to affect both in areas such as security, technology, and trafficking in illegal goods and activities of myriad variety - this article will argue that, however laudable many of the OAS policy goals as expressed by treaty have been, the OAS and its member states should consider focusing their calls for cooperation and treaty law ratification on several subject areas with proven records of signing to ratification correlative success.

²⁰ See *infra* Part IV.

²¹ See *infra* Part IV.

²² See *infra* Part IV.

²³ See *infra* Part IV.

²⁴ See *infra* Part IV.

²⁵ See *infra* Part IV.

²⁶ See *infra* Part V.

PART II – CHARTER AND CONSTITUTIONAL REQUIREMENTS

A. *OAS Charter Requirements*

As the OAS Charter makes explicitly clear, regardless of the issue or the goals of unity which inform the OAS and its decisions, the OAS's authority is secondary to the sovereignty of its member states.²⁷ Indeed, as an entity which was created by sovereign member states, the OAS Charter preserves the primacy of member states' domestic law and legislation as a fundamental right and duty.²⁸ Thus, from the outset, any attempted OAS actions which involve the promulgation of law, and are in the form of a treaty to be ratified by the legislatures of member states,²⁹ are limited to the diplomatic act of treaty signing, accompanied by the hope that the treaty will be ratified by the federal legislatures of the signatory member states.³⁰

B. *Member States' Constitutional Requirements*

Of the thirty-five member states comprising the OAS,³¹ twenty-three have specific constitutional requirements for the division of treaty authority between signing and ratification,³² while twelve

²⁷ Organization of American States [OAS] Charter chap. I, art. 1.

²⁸ OAS Charter, *supra* note 27, at chap. IV, art. 13 ("The political existence of the State is independent of recognition by other States. Even before being recognized, the State has the right to defend its integrity and independence, to provide for its preservation and prosperity, and, consequently, to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts. The existence of these rights is limited only by the exercise of the rights of other States in accordance with international law.").

²⁹ See OAS Charter, *supra* note 27, at chap. XVI, art. 112.

³⁰ See generally Charter of the Organization of American States.

³¹ See About the OAS, <http://www.oas.org/main/main.asp?sLang=E&sLink=. / . / documents/eng/memberstates.asp> (last visited Nov. 25, 2005) (providing a full list of the OAS member states).

³² These member states are: Argentina, CONST. ARG. §§ 27, 44, 75(22), 99(1), available at http://pdba.georgetown.edu/Constitutions/Argentina/argen94_e.html (last visited May 17, 2006); Bolivia, Constitución Política de la República de Bolivia [Constitution] arts. 52(12), 96(2), 120(9), available at <http://pdba.georgetown.edu/Constitutions/Bolivia/bolivia.html> (last visited May 17, 2006); Brazil, C.F. arts. 4, 102(III) (b), 109(III), available at <http://pdba.georgetown.edu/Constitutions/Brazil/brazil05.html> (last visited May 17, 2006); Canada, Constitution Act, 1867, art. 132, available at http://laws.justice.gc.ca/en/const/c1867_e.html#misc (last visited May 17, 2006); Chile, Constitución Política de la República de Chile [Constitution] art. 50, available at <http://pdba.georgetown.edu/Constitutions/Chile/chile05.html> (last visited May 17, 2006); Colombia, Constitución Política de la República de Colombia [Constitution] arts. 44, 93, 101, 150(16), 189(2), 241(10), available at <http://pdba.georgetown.edu/Constitutions/Colombia/col91.html> (last

member states' constitutions are silent on this issue.³³ The majority of

visited May 17, 2006); Costa Rica, Constitución Política de la República de Costa Rica [Constitution] arts. 121(4), 140(10), (12), *available at* <http://pdba.georgetown.edu/Constitutions/Costa/costa2.html> (last visited May 17, 2006); Cuba, Constitución Política de la República de Cuba [Constitution] arts. 90, 98, *available at* <http://pdba.georgetown.edu/Constitutions/Cuba/cuba2002.html> (last visited May 17, 2006); Dominican Republic, Constitución Política de Republica Dominicana [Constitution]. arts. 37, 55, <http://pdba.georgetown.edu/Constitutions/DomRep/domrep02.html> (last visited May 17, 2006); Ecuador, Constitución Política de la República de Ecuador [Constitution]. arts. 161-63, 171(12), 210, 272.74, *available at* <http://pdba.georgetown.edu/Constitutions/Ecuador/ecuador98.html> (last visited May 17, 2006); El Salvador, Constitución Política de la República de El Salvador [Constitution] arts. 131(7), 144 – 149, 167(4), 182(3), *available at* <http://pdba.georgetown.edu/Constitutions/ElSal/ElSal83.html> (last visited May 17, 2006); Guatemala, Constitución Política reformada por Acuerdo Legislativo [Constitution] arts. 46, 102(u), 171(1), 183(k), 272(e) (Guat.), *available at* <http://pdba.georgetown.edu/Constitutions/Guate/guate93.html> (last visited Nov. 25, 2005); Haiti, Constitution de la République d'Haïti [Constitution] arts. 98-3(3), 139, 276, 276-2, *available at* <http://pdba.georgetown.edu/Constitutions/Haiti/haiti1987.html> (last visited May 17, 2006); Honduras, Constitución Política de la República de Honduras [Constitution]. arts. 15-21, *available at* <http://pdba.georgetown.edu/Constitutions/Honduras/hond05.html> (last visited May 17, 2006); Mexico, Constitución Política de los Estados Unidos Mexicanos [Const.], *as amended*, arts. 15, 76, 89, 104, 117, 133, Diario Oficial de la Federación [D.O.], 5 de Febrero de 1917 (Mex.), *available at* <http://pdba.georgetown.edu/Constitutions/Mexico/mexico2004.html> (last visited May 17, 2006); Nicaragua, Constitución Política de la República de Nicaragua [Cn.] [Constitution] arts. 138(12), 150(8), 9 January 1987, as amended by Ley No. 527, Reforma Parcial de la Consitución Política de la República de Nicaragua, Apr. 9, 2005, *available at* <http://pdba.georgetown.edu/Constitutions/Nica/nica05.html> (last visited May 17, 2006); Panama, Constitución Política de la República de Panamá [Constitution]. arts. 153(3), 179(8), *available at* <http://pdba.georgetown.edu/Constitutions/Panama/panama1994.html> (last visited May 17, 2006); Paraguay, Constitución Política [Constitution] arts. 137, 141, 142, 202(9), 224 (Para.), *available at* <http://pdba.georgetown.edu/Constitutions/Paraguay/para1992.html> (last visited May 17, 2006); Peru, Constitución Política del Peru [Constitution] arts. 55 -57, 102(3), *available at* <http://pdba.georgetown.edu/Constitutions/Peru/per93reforms05.html> (last visited May 17, 2006); Suriname, Constitución [Constitution] arts. 72, 103 – 105, 144 (Surin.), *available at* <http://pdba.georgetown.edu/Constitutions/Suriname/english.html> (last visited May 17, 2006); United States, U.S. CONST.; Uruguay, Constitución Política de la República Oriental del Uruguay [Constitution] arts. 168(20), 239(1), <http://pdba.georgetown.edu/Constitutions/Uruguay/uruguay04.html> (last visited May 17, 2006); Venezuela, Constitución de la República Bolivariana de Venezuela [Constitution] arts. 154, 336(5), *available at* <http://pdba.georgetown.edu/Constitutions/Venezuela/ven1999.html> (last visited May 17, 2006).

³³ These member states are: Antigua & Barbuda, Constitutional Order (1981) (Ant. & Barb.), *available at* <http://pdba.georgetown.edu/Constitutions/Antigua/antigua-barbuda.html> (last visited May 17, 2006); Bahamas, Constitución [Constitu-

the twelve member states which do not have constitutional provisions addressing the signing and ratification of treaties are still members of the British Commonwealth system.³⁴

Generally, member states with constitutional treaty signing and ratification provisions divide treaty authority between the execu-

tion] (Bah.), *available at* <http://pdba.georgetown.edu/Constitutions/Bahamas/bah73.html> (last visited May 17, 2006); Barbados, Constitución [Constitution] (Barb.), *available at* <http://pdba.georgetown.edu/Constitutions/Barbados/barbados66.html> (last visited May 17, 2006); Belize, Constitución de Belice [Constitution], *available at* <http://pdba.georgetown.edu/Constitutions/Belize/belize81.html> (last visited May 17, 2006); Dominica, Constitution of 1978 (Dominica), *available at* <http://pdba.georgetown.edu/Constitutions/Dominica/dominica78.html> (last visited May 17, 2006); Grenada, Constitución de Grenada [Constitution], *available at* <http://pdba.georgetown.edu/Constitutions/Grenada/gren73eng.html> (last visited May 17, 2006); Guyana, Grenada Constitution of 1973, *available at* <http://pdba.georgetown.edu/Constitutions/Guyana/guyana96.html> (last visited May 17, 2006); Jamaica, Jamaica Order in Council 1962 [Constitution], *available at* <http://pdba.georgetown.edu/Constitutions/Jamaica/jam62.html> (last visited May 17, 2006); St. Kitts & Nevis, Federation of Saint Kitts and Nevis Constitutional Order of 1983, *available at* <http://pdba.georgetown.edu/Constitutions/Kitts/kitts83.html> (last visited May 17, 2006); St. Lucia, Saint Lucia Constitutional Order of 1978, *available at* <http://pdba.georgetown.edu/Constitutions/Lucia/Luc78.html> (last visited May 17, 2006); St. Vincent & the Grenadines, Constitution of St. Vincent & Grenadines, *available at* <http://pdba.georgetown.edu/Constitutions/Vincent/stvincent79.html> (last visited May 17, 2006); Trinidad & Tobago, Constitution of the Republic of Trinidad & Tobago with Reforms through 2000, *available at* <http://pdba.georgetown.edu/Constitutions/Trinidad/trinidad76.html> (last visited May 17, 2006).

³⁴ See Constitutional Order (1981) (Ant. & Barb.), *available at* <http://pdba.georgetown.edu/Constitutions/Antigua/antigua-barbuda.html> (last visited May 17, 2006); The Commonwealth of the Bahamas, Overview and Structure of the Government, <http://www.bahamas.gov.bs/bahamasweb2/home.nsf/vContentW/AD50C97FCEE345FE06256F02007F60C0> (last visited May 17, 2006); About Belize, The Politics, <http://www.belize.gov.bz/belize/political.html> (last visited May 17, 2006); Barbados Government Information Service, <http://www.barbados.gov.bb/govt.htm> (last visited May 17, 2006); CIA World Factbook: Grenada, <http://www.cia.gov/cia/publications/factbook/geos/gj.html> (last visited May 17, 2006); CIA World Factbook: Guyana, <http://www.cia.gov/cia/publications/factbook/geos/gy.html> (last visited May 17, 2006); CIA World Factbook: Jamaica, <http://www.cia.gov/cia/publications/factbook/geos/jm.html> (last visited May 17, 2006); CIA World Factbook: St. Kitts & Nevis, <http://www.cia.gov/cia/publications/factbook/geos/sc.html> (last visited May 17, 2006); CIA World Factbook: St. Lucia, <http://www.cia.gov/cia/publications/factbook/geos/st.html> (last visited May 17, 2006); CIA World Factbook: St. Vincent & Grenadines, <http://www.cia.gov/cia/publications/factbook/geos/vc.html> (last visited May 17, 2006). Trinidad & Tobago is the only member of this constitutional group that is not part of the British Commonwealth. See CIA World Factbook: Trinidad & Tobago, <http://www.cia.gov/cia/publications/factbook/geos/td.html> (last visited May 17, 2006).

tive, legislative, and, many times, judicial branches.³⁵ In these systems, the executive is empowered to enter into and sign international treaties, including those promulgated by the OAS, on behalf of his country.³⁶ However, in order for a signed treaty to become legally bind-

³⁵ See CONST. ARG.; Constitución Política de la República de Bolivia [Constitution]; C.F. (Brazil); Constitution Act, 1867 (Can.); Constitución Política de la República de Chile [Constitution]; Constitución Política de la República de Colombia [Constitution]; Constitución Política de la República de Costa Rica [Constitution]; Constitución Política de Republica Dominicana [Constitution] (Dom. Rep.); Constitución Política de la República de Ecuador [Constitution]; Constitución Política de la República de El Salvador [Constitution]; Constitución Política reformada por Acuerdo Legislativo [Constitution] (Guat.); Constitution de la République d'Haïti [Constitution]; Constitución Política de la República de Honduras [Constitution]; Constitución Política de los Estados Unidos Mexicanos [Const.], *as amended*, Diario Oficial de la Federación [D.O.], 5 de Febrero de 1917 (Mex.); Constitución Política de la República de Nicaragua [Cn.] [Constitution], 9 January 1987, as amended by Ley No. 527, Reforma Parcial de la Consitución Política de la República de Nicaragua, Apr. 9, 2005; Constitución Política de la República de Panamá [Constitution]; Constitución Política [Constitution] (Para.); Constitución Política del Peru [Constitution]; Constitución [Constitution] (Surin.); U. S. CONST.; Constitución Política de la República Oriental del Uruguay [Constitution]; Constitución de la República Bolivariana de Venezuela [Constitution].

³⁶ CONST. ARG. § 99(1)(11) ("He concludes and signs treaties, concordats and other agreements required for the maintenance of good relations with international organizations and foreign powers, he receives their ministers and admits their consuls."); Constitución Política de la República de Bolivia [Constitution] art 96(2) (stating that the President of the Republic of Bolivia is to negotiate international treaties, subject to the approval of the legislature); Constitución Política de la República de Chile [Constitution] art 50 (stating that the President must send any treaties to the Congress for ratification prior to their becoming legally valid); Constitución Política de la República de Colombia [Constitution] art. 189(2) (providing that the President, as well as his diplomatic representatives, has the power to negotiate international treaties); Constitución Política de la República de Costa Rica [Constitution] art. 140(10) (providing that the President and his ministers have the ability to carry out Costa Rican treaty negotiations); Constitución Política de la República de Cuba [Constitution] art 98 (providing that the Council of Ministers acts as the executive body which signs treaties and refers them on for legislative approval); Constitución Política de Republica Dominicana [Constitution] art 55 (Dom. Rep.) (designating the President as the officer who directs international treaty negotiations); Constitución Política de la República de Ecuador [Constitution] art. 171(12) (providing that the President acts as the negotiator for treaties); Constitución Política de la República de El Salvador [Constitution] art. 167(4) (designating the Council of Ministers as the treaty negotiating body for El Salvador); Constitución Política reformada por Acuerdo Legislativo [Constitution] art. 183(o) (Guat.) (requiring that the President ensure that any treaties signed conform with the constitution before sending them to the Legislature for approval); Constitution de la République d'Haïti [Constitution] art. 139 (stating that the President negotiates treaties and sends them to the Legislature for ratifica-

ing on the member state, the legislative branch must receive the treaty text from the executive and vote to either ratify or reject the treaty provisions.³⁷ If the provisions are ratified, the treaty assumes the sta-

tion); Constitución Política de la República de Honduras [Constitution] art. 21 (requiring that the President, as the chief executive, negotiate treaties with other nations and international organizations, and send them to the Legislature for immediate debate and ratification vote); Constitución Política de los Estados Unidos Mexicanos [Const.], *as amended*, art. 89, Diario Oficial de la Federación [D.O.], 5 de Febrero de 1917 (Mex.) (stating that the President's powers include "direct[ing] diplomatic negotiations and mak[ing] treaties with foreign powers, submitting them to the ratification of the federal Congress."); Reforma Parcial de la Constitución Política de la República de Nicaragua, Apr. 9, 2005, art. 150(8) (naming the President as the source of treaty negotiations); Constitución Política de la República de Panamá [Constitution] art. 179(8) (providing that the President alone retains the ability to negotiate treaties); Constitución Política del Perú [Constitution] art. 57, 118 (1), (11) (providing that the President is to negotiate international treaties, which must conform with the constitution); Constitución [Constitution] art. 103 (Surin.) (granting the President the power to sign and ratify treaties, but also requiring the consent of the National Assembly before the treaty becomes law); U.S. CONST. art. II § 2, cl. 2; Constitución Política de la República Oriental del Uruguay [Constitution] art. 168(20) (allowing the President and Council of Ministers to enter into treaties); Constitución de la República Bolivariana de Venezuela [Constitution] art. 154 (designating the President as the official treaty negotiator).

³⁷ CONST. ARG. § 75(13), (22), (24); Constitución Política de la República de Bolivia [Constitution] art. 59(12); Constitution Act, 1867 art. 132 (Can.) ("The Parliament and Government of Canada shall have all Powers necessary or proper for performing the Obligations of Canada or of any Province thereof, as Part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries."); Constitución Política de la República de Chile [Constitution] art. 50; Constitución Política de la República de Colombia [Constitution] arts. 101, 150(16); Constitución Política de la República de Costa Rica [Constitution] arts. 105, 121(4); Constitución Política de la República de Cuba [Constitution] art. 90; Constitución Política de República Dominicana [Constitution] art. 37 (Dom. Rep.); Constitución Política de la República de Ecuador [Constitution] arts. 130(7), 161, 162; Constitución Política de la República de El Salvador [Constitution] arts. 131(7), 148; Constitución Política reformada por Acuerdo Legislativo [Constitution] arts. 102(u), 171(1) (Guat.); Constitution de la République d'Haïti [Constitution] art. 98-3(3), 276; Constitución Política de la República de Honduras [Constitution] arts. 16, 20, 21; Constitución Política de los Estados Unidos Mexicanos [Const.], *as amended*, art. 76, Diario Oficial de la Federación [D.O.], 5 de Febrero de 1917 (Mex.); Reforma Parcial de la Constitución Política de la República de Nicaragua, Apr. 9, 2005, art. 138(12); Constitución Política de la República de Panamá [Constitution] art. 153(3); Constitución Política [Constitution] arts. 141, 224 (Para.); Constitución Política del Perú [Constitution] arts. 56 – 57, 102(3); Constitución [Constitution] art. 103 (Surin.); U.S. CONST. art. II § 2, cl. 2; Constitución Política de la República Oriental del Uruguay [Constitution] art. 168(20); Constitución de la República Bolivariana de Venezuela [Constitution] art. 154.

tus of domestic law,³⁸ if the treaty is rejected, the member state still remains a signatory of the treaty, however the treaty terms are not valid domestic law and do not bind the member state.³⁹ If a treaty is

³⁸ See CONST. ARG. § 75(22), (24) (providing the requisite majority number of votes necessary to ratify treaties; the majority requirements depend on the scope of the treaty and the entity with whom the treaty is to be entered into with); Constitución Política de la República de Bolivia [Constitution] art. 59(12); Constitution Act, 1867 art. 132 (Can.); Constitución Política de la República de Chile [Constitution] art. 50; Constitución Política de la República de Colombia [Constitution] art. 150(16); Constitución Política de la República de Costa Rica [Constitution] art. 105(4) (providing the majority votes required to ratify treaties, as well as a small exception to the ratification requirement); Constitución Política de la República de Cuba [Constitution] art. 90; Constitución Política de Republica Dominicana [Constitution] art. 37 (Dom. Rep.); Constitución Política de la República de Ecuador [Constitution] art. 162 (providing the required majority votes needed to ratify a treaty); Constitución Política de la República de El Salvador [Constitution] art. 148 (describing the required votes necessary to pass treaties and providing a list of considerations which the Legislature must go through before ratifying a treaty); Constitución Política reformada por Acuerdo Legislativo [Constitution] arts. 102(u), 171(1) (Guat.); Constitution de la République d’Haïti [Constitution] arts. 98-3(3), 276; Constitución Política de la República de Honduras [Constitution] art. 16; Constitución Política de los Estados Unidos Mexicanos [Const.], *as amended*, art. 117, Diario Oficial de la Federación [D.O.], 5 de Febrero de 1917 (Mex.); Reforma Parcial de la Consitución Política de la República de Nicaragua, Apr. 9, 2005, art. 138(12); Constitución Política de la República de Panamá [Constitution] art. 153(3); Constitución Política [Constitution] arts. 141-42 (Para.); Constitución Política del Peru [Constitution] arts. 56-57, 102(3); Constitución [Constitution] art. 104 (Surin.); U.S. CONST. art. II §2, cl. 2 (requiring a two-thirds majority vote in the Senate to ratify a treaty); Constitución Política de la República Oriental del Uruguay [Constitution] art. 168(20); Constitución de la República Bolivariana de Venezuela [Constitution] art. 154.

³⁹ See CONST. ARG. § 75(22), (24) (providing the requisite majority number of votes necessary to ratify treaties; the majority requirements depend on the scope of the treaty and the entity with whom the treaty is to be entered into with); Constitución Política de la República de Bolivia [Constitution] art. 59(12); Constitution Act, 1867 art. 132 (Can.); Constitución Política de la República de Chile [Constitution] art. 50; Constitución Política de la República de Colombia [Constitution] art. 150(16); Constitución Política de la República de Costa Rica [Constitution] art. 105(4) (providing the majority votes required to ratify treaties, as well as a small exception to the ratification requirement); Constitución Política de la República de Cuba [Constitution] art. 90; Constitución Política de Republica Dominicana [Constitution] art. 37 (Dom. Rep.); Constitución Política de la República de Ecuador [Constitution] art. 162 (providing the required majority votes needed to ratify a treaty); Constitución Política de la República de El Salvador [Constitution] art. 148 (describing the required votes necessary to pass treaties and providing a list of considerations which the Legislature must go through before ratifying a treaty); Constitución Política reformada por Acuerdo Legislativo [Constitution] arts. 102(u), 171(1) (Guat.); Constitution de la République d’Haïti [Constitution] arts.

ratified and a question of compatibility between the member states' constitution and/or domestic laws and the treaty provisions arises, a federal court – often a special constitutional court – will typically have jurisdiction to decide the constitutionality of the treaty provision and/or its applicability in the face of domestic law or pre-existing treaties.⁴⁰ A minority of member states' constitutions provide that international treaty provisions, once ratified, will trump constitutional and domestic law provisions.⁴¹ The majority of member states' constitutions, however, provides for the use of a balancing test of validity or explicitly states that treaty provisions are subservient to constitutional and domestic law provisions.⁴²

98-3(3), 276; Constitución Política de la República de Honduras [Constitution] art. 16; Constitución Política de los Estados Unidos Mexicanos [Const.], *as amended*, art. 117, Diario Oficial de la Federación [D.O.], 5 de Febrero de 1917 (Mex.); Reforma Parcial de la Constitución Política de la República de Nicaragua, Apr. 9, 2005, art. 138(12); Constitución Política de la República de Panamá [Constitution] art. 153(3); Constitución Política [Constitution] arts. 141-42 (Para.); Constitución Política del Perú [Constitution] arts. 56-57, 102(3); Constitución [Constitution] art. 104 (Surin.); U.S. CONST. art. II §2, cl. 2 (requiring a two-thirds majority vote in the Senate to ratify a treaty); Constitución Política de la República Oriental del Uruguay [Constitution] art. 168(20); Constitución de la República Bolivariana de Venezuela [Constitution] art. 154.

⁴⁰ See Constitución Política de la República de Bolivia [Constitution] art. 120(9); C.F. arts. 102 (III)(b), 109 (III) (Brazil); Constitución Política de la República de Colombia [Constitution] art. 241(10); Constitución Política de la República de Ecuador [Constitution] arts. 162, 210; Constitución Política de la República de El Salvador [Constitution] art. 182(3); Constitución Política reformada por Acuerdo Legislativo [Constitution] art. 272(e) (Guat.); Constitución Política de la República de Honduras [Constitution] art. 17; Constitución Política de los Estados Unidos Mexicanos [Const.], *as amended*, art. 104, Diario Oficial de la Federación [D.O.], 5 de Febrero de 1917 (Mex.); Constitución [Constitution] art. 144 (Surin.); U.S. CONST. art. III § 2; Constitución Política de la República Oriental del Uruguay [Constitution] art. 239(1); Constitución de la República Bolivariana de Venezuela [Constitution] art. 336(5).

⁴¹ See Constitución Política de la República de Colombia [Constitution] arts. 44, 93; Constitución Política de la República de Ecuador [Constitution] art. 162; Constitución Política de la República de El Salvador [Constitution] art. 144; Constitución Política reformada por Acuerdo Legislativo [Constitution] art. 46 (Guat.); Constitution de la République d'Haïti [Constitution] arts. 276, 276-2; Constitución Política de la República de Honduras [Constitution] art. 18; Constitución Política de los Estados Unidos Mexicanos [Const.], *as amended*, art. 133, Diario Oficial de la Federación [D.O.], 5 de Febrero de 1917 (Mex.) (subsuming the laws of individual Mexican states to federal law, including treaty law); Constitución Política [Constitution] art. 142 (Para.) (limiting the ways in which treaty provisions addressing human rights can be renounced or otherwise changed).

⁴² See Constitución Política de la República de Bolivia [Constitution] art. 120(9); C.F. art. 109(III) (Brazil); Constitución Política [Constitution] art. 137 (Para.) (re-

Ecuador,⁴³ El Salvador,⁴⁴ Honduras,⁴⁵ and Peru⁴⁶ have constitutional articles specifically addressing international treaties. The Ecuadorian article sets out the instances in which international treaties may be entered into (to set territorial limits, create military or political alliances, memorialize peace agreements, adopt treaties from international organizations as long as these treaties are in line with the Ecuadorian constitution and domestic laws, refine and create individual and collective fundamental rights and duties, and those treaties which alter existing treaties that have been ratified and are part of the existing law),⁴⁷ as well as the procedural requirements for treaty ratification and potential judicial deliberation.⁴⁸ The Salvadorian article contains more expansive limits on treaties on the subject areas of treaty promulgation and their interaction with constitutional and domestic laws, in addition to the procedural requirements necessary to debate and ratify treaties, and for later judicial proceedings regarding the treaty provisions.⁴⁹ Besides the standard procedural requirements for treaty consideration and ratification, the Honduran article contains an initial statement of the motivating societal and political goals for Honduran participation in international organizations and societies.⁵⁰ Finally, the Peruvian article allows the executive to enter into international treaties for the purposes of human rights, national integrity, national defense, and financial obligations of the state, subject to Congressional approval.⁵¹

Even member states which lack specific constitutional provisions relating to treaty signing and ratification use the two-step signing and ratification to express a collective, national decision as to whether to adopt treaty provisions as part of the member states' binding legal structure.⁵²

affirming that the Paraguayan Constitution is the primary source of law in the nation); Constitución Política del Peru [Constitution] art. 57; Constitución [Constitution] art. 144 (Surin.).

⁴³ Constitución Política de la República de Ecuador [Constitution] chap. 6.

⁴⁴ Constitución Política de la República de El Salvador [Constitution] arts. 144-49.

⁴⁵ Constitución Política de la República de Honduras [Constitution] chap. 3.

⁴⁶ Constitución Política del Peru [Constitution] chap. 2.

⁴⁷ Constitución Política de la República de Ecuador [Constitution] art. 161.

⁴⁸ *Id.* at arts. 162-63.

⁴⁹ Constitución Política de la República de El Salvador [Constitution] arts. 144-49.

⁵⁰ Constitución Política de la República de Honduras [Constitution] chap. 3.

⁵¹ Constitución Política del Peru [Constitution] arts. 56-57.

⁵² *See supra* Part II; *infra* Parts III, IV (discussing the signing and ratification processes occurring in OAS member states with and without constitutional provisions addressing treaty ratification procedures and primacy issues).

PART III – GENERAL CORRELATIONS AND THE IMPACT OF TREATY RESERVATIONS

Within the OAS Charter and governing structure, the two-step treaty signing and ratification process is used in situations where the member states, under the auspices of the OAS, decide to legally bind themselves together for certain policy goals and aims.⁵³ The situations in which treaties are used in the OAS governing structure are not the more glamorous decisions associated with the OAS – such as interventions in situations where there has been a challenge to the domestic democratic structure of a member state or decisions to enact sanctions against member states – rather, treaties are used for major policy decisions.⁵⁴

A. *Timeline Observations*

The treaties addressed in this article were promulgated from 1947 to 2002. This time period encompasses several important phases in OAS history: the immediate post-World War II period, the Cold War, and the post-Cold War period. What is interesting to note is that, across a timeline, the much-vaunted opinion that the OAS was inhibited from fully functioning during the Cold War period appears to lose some of its validity.⁵⁵

Fifty-five treaties were selected for study in this article. Across a timeline, treaty promulgation figures for the period of study are as follows: one treaty in 1947,⁵⁶ three treaties in 1948;⁵⁷ one treaty in

⁵³ See Charter *supra* note 27, at chap. XXI.

⁵⁴ See OAS Charter *supra* note 27, at chap. . XXI.

⁵⁵ See generally CAROLYN M. SHAW, COOPERATION, CONFLICT AND CONSENSUS IN THE ORGANIZATION OF AMERICAN STATES (2004) (discussing the history of OAS actions and placing heavy emphasis on the role of the Cold War on diplomatic relations between OAS member states).

⁵⁶ OAS, Inter-American Treaty of Reciprocal Assistance, July 26, 1975, O.A.S. T.S. No. 46, 61, available at [http://www.oas.org/juridico/english/treaties/b-29\(1\).htm](http://www.oas.org/juridico/english/treaties/b-29(1).htm) (last visited Feb. 17, 2006) [hereinafter *Rio Treaty*].

⁵⁷ OAS, Convencion Interamericana Sobre Concesion des los Derechos Civiles a la Mujer [Inter-American Convention on the Granting of Civil Rights to Women], Mar. 20, 1989, O.A.S. T.S. No. 23, available at <http://www.oas.org/juridico/spanish/tratados/a-45.html> (last visited Feb. 17, 2006) [hereinafter *Granting of Civil Rights to Women Convention*]; OAS, Convencion Interamericana Sobre Concesion des los Derechos Politicos a la Mujer [Inter-American Convention of the Granting of Political Rights to Women], May 2, 1948, O.A.S. T.S. No. 3, available at <http://www.oas.org/juridico/english/treaties/A-44.htm> (last visited Feb. 17, 2006) [hereinafter *Granting of Political Rights to Women Convention*]; OAS, Convenio Economico de Bogotá los Estados Americanos Representados en la Novena Conferencia Internacional Americana [Economic Agreement of Bogotá], May 2, 1948, O.A.S.

1949;⁵⁸ one treaty in 1952;⁵⁹ three treaties in 1954;⁶⁰ one treaty in 1957;⁶¹ one treaty in 1958;⁶² one treaty in 1959;⁶³ one treaty on 1963;⁶⁴ one treaty in 1967;⁶⁵ one treaty in 1969;⁶⁶ one treaty in 1971;⁶⁷

T.S. No. 21, *available at* <http://www.oas.org/juridico/spanish/tratados/a-43.html> (last visited Feb. 17, 2006) [hereinafter *Economic Agreement of Bogotá*].

⁵⁸ OAS, Agreement on Privileges and Immunities of the Organization of American States, May 15, 1949, O.A.S. T.S. No. 22, *available at* <http://www.oas.org/juridico/english/treaties/c-13.htm> (last visited Feb. 17, 2006) [hereinafter *Privileges and Immunities Agreement*].

⁵⁹ Pan-American Health Organization [PAHO], Additional Protocol to the Pan American Sanitary Code, Sep. 24, 1952, PAHO Doc. 188, *available at* [http://www.oas.org/juridico/english/Treaties/b-3\(2\).html](http://www.oas.org/juridico/english/Treaties/b-3(2).html) (last visited Feb. 17, 2006) [hereinafter *Pan-American Sanitary Code*].

⁶⁰ OAS, Convention on Diplomatic Asylum, Mar 28, 1954, O.A.S. T.S. No. 18, *available at* <http://www.oas.org/juridico/english/treaties/A-46.htm> (last visited Feb. 17, 2006) [hereinafter *Diplomatic Asylum Convention*]; OAS, Convention for the Promotion of Inter-American Cultural Relations, Mar. 28, 1954, O.A.S. T.S. No. 20, *available at* <http://www.oas.org/juridico/english/Treaties/a-48.html> (last visited Feb. 17, 2006) [hereinafter *Inter-American Cultural Relations Convention*].

⁶¹ OAS, Protocol to the Convention on Duties and Rights of States in the Event of Civil Strife, May 1, 1957, O.A.S. T.S. No. 7, 338 U.N.T.S. 4138, *available at* <http://www.oas.org/juridico/english/treaties/c-14.html> (last visited Feb. 17, 2006) [hereinafter *Civil Strife Protocol*].

⁶² OAS, Protocol of Amendment to the Convention on the Inter-American Institute of Agricultural Sciences, Dec. 1, 1958, O.A.S. T.S. No. 12, *available at* [http://www.oas.org/juridico/english/treaties/c-12\(1\).htm](http://www.oas.org/juridico/english/treaties/c-12(1).htm) (last visited Feb. 17, 2006) [hereinafter *Agricultural Sciences Protocol*].

⁶³ OAS, Agreement Establishing the Inter-American Development Bank, Apr. 8, 1959, O.A.S. T.S. No. 14, 389 U.N.T.S. 5593, *available at* <http://www.oas.org/juridico/english/treaties/c-15.html> (last visited Feb. 17, 2006) [hereinafter *Inter-American Development Bank Agreement*].

⁶⁴ OAS, Inter-American Convention on Facilitation of International Waterborne Transportation, June 7, 1963, O.A.S. T.S. No. 30, *available at* <http://www.oas.org/juridico/english/Treaties/b-30.html> (last visited Feb. 17, 2006) [hereinafter *Convention of Mar del Plata*].

⁶⁵ OAS, Protocol of Amendment to the Charter of the OAS, Feb. 27, 1967, O.A.S. T.S. No. 1-A, *available at* <http://www.oas.org/juridico/english/treaties/b-31.htm> (last visited Feb. 17, 2006) [hereinafter *Protocol of Buenos Aires*].

⁶⁶ OAS, American Convention on Human Rights, Nov. 22, 1969, O.A.S. T.S. No. 36, *available at* <http://www.oas.org/juridico/english/Treaties/b-32.htm> (last visited Feb. 17, 2006) [hereinafter *Pact of San Jose, Costa Rica*].

⁶⁷ OAS, Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance, Feb. 2, 1971, O.A.S. T.S. No.47, *available at* <http://www.oas.org/juridico/english/Treaties/a-49.html> (last visited Feb. 17, 2006) [hereinafter *Acts of Terrorism Convention*].

three treaties in 1975;⁶⁸ one treaty in 1976;⁶⁹ seven treaties in 1979;⁷⁰ one treaty in 1981;⁷¹ four treaties in 1984;⁷² two treaties in 1985;⁷³ one

⁶⁸ OAS, Additional Protocol to the Inter-American Convention on the Taking of Evidence Abroad, May 24, 1984, O.A.S. T.S. No. 65, available at <http://www.oas.org/juridico/english/treaties/b-51.htm> (last visited Feb. 17, 2006) [hereinafter *Taking of Evidence Abroad Protocol*]; OAS, Inter-American Convention on International Commercial Arbitration, Jan. 30, 1975, O.A.S. T.S. No. 42, available at <http://www.oas.org/juridico/english/treaties/b-35.htm> (last visited Feb. 17, 2006) [hereinafter *International Commercial Arbitration Convention*]; *Rio Treaty*, *supra* note 56.

⁶⁹ OAS, Convention on the Protection of the Archeological, Historical, and Artistic Heritage of the American Nations, Jun. 16, 1976, O.A.S. T.S. No. 47, available at <http://www.oas.org/juridico/english/treaties/c-16.html> (last visited Feb. 17, 2006) [hereinafter *Convention of San Salvador*].

⁷⁰ OAS, Convention on the Inter-American Institute for Cooperation on Agriculture, Mar. 6, 1979, O.A.S. T.S. No. 48, available at <http://www.oas.org/juridico/english/treaties/c-17.htm> (last visited Feb. 17, 2006) [hereinafter *Cooperation on Agriculture Convention*]; OAS, Inter-American Convention on Execution of Preventive Measures, May 8, 1979, O.A.S. T.S. No. 52, available at <http://www.oas.org/juridico/english/Treaties/b-42.html> (last visited Feb 17, 2006) [hereinafter *Execution of Preventive Measures Convention*]; OAS, Inter-American Convention on Domicile of Natural Persons in Private International Law, May 8, 1979, O.A.S. T.S. No. 55, available at <http://www.oas.org/juridico/english/treaties/b-44.htm> (last visited Feb. 17, 2006) [hereinafter *Domicile of Natural Persons Convention*]; OAS, Inter-American Convention on General Rules of Private International Law, May 8, 1979, O.A.S. T.S. No. 54, available at <http://www.oas.org/juridico/english/treaties/b-45.htm> (last visited Feb. 17, 2006) [hereinafter *General Rules of Private International Law Convention*]; OAS, Inter-American Convention on Conflicts of Laws Concerning Commercial Companies, May 8, 1979, O.A.S. T.S. No. 50, available at <http://www.oas.org/juridico/english/Treaties/b-40.html> (last visited Feb. 17, 2006) [hereinafter *Commercial Companies Conflicts of Laws Convention*]; OAS, Inter-American Convention on Proof of Information and Foreign Law, May 8, 1979, O.A.S. T.S. No. 53, available at <http://www.oas.org/juridico/english/treaties/b-43.htm> (last visited Feb. 17, 2006) [hereinafter *Proof of Information and Foreign Law Convention*]; OAS, Inter-American Convention on Extraterritorial Validity of Foreign Judgments and Arbitral Awards, May 8, 1979, O.A.S. T.S. No. 51, available at <http://www.oas.org/juridico/english/treaties/b-41.htm> (last visited Feb. 17, 2006) [hereinafter *Extraterritorial Validity of Foreign Judgments Convention*].

⁷¹ OAS, Inter-American Convention on Extradition, Feb. 25, 1981, O.A.S. T.S. No. 60, available at [http://www.oas.org/juridico/english/Treaties/b-47\(1\).html](http://www.oas.org/juridico/english/Treaties/b-47(1).html) (last visited Feb. 17, 2006) [hereinafter *Convention on Extradition*].

⁷² OAS, Inter-American Convention on Jurisdiction in the International Sphere for the Extraterritorial Validity of Foreign Judgments, <http://www.oas.org/juridico/english/treaties/b-50.htm> [hereinafter *Jurisdiction in the International Sphere Convention*]; OAS, Inter-American Convention on Conflict of Laws Concerning the Adoption of Minors, May 24, 1984, O.A.S. T.S. No. 62, available at <http://www.oas.org/juridico/english/treaties/b-48.htm> (last visited Feb. 17, 2006)

treaty in 1988;⁷⁴ three treaties in 1989;⁷⁵ one treaty in 1990;⁷⁶ one treaty in 1991;⁷⁷ three treaties in 1992;⁷⁸ three treaties in 1993;⁷⁹ four

[hereinafter *Adoption of Minors Convention*]; OAS, Inter-American Convention on Personality and Capacity of Juridical Persons in Private International Law, May 24, 1984, O.A.S. T.S. No. 63, available at <http://www.oas.org/juridico/english/treaties/b-49.htm> (last visited Feb. 17, 2006) [hereinafter *Personality and Capacity of Juridical Persons in Private International Law Convention*]; *Taking of Evidence Abroad Protocol*, supra note 68.

⁷³ OAS, Protocol of Amendment to the Charter of the OAS, Dec. 5, 1985, O.A.S. T.S. No. 66, available at <http://www.oas.org/juridico/english/Treaties/A-50.htm> (last visited Feb. 17, 2006) [hereinafter *Protocol of Cartagena de Indias*]; OAS, Inter-American Convention to Prevent and Punish Torture, Dec. 9, 1985, O.A.S. T.S. No. 67, available at <http://www.oas.org/juridico/english/Treaties/a-51.html> (last visited Feb. 17, 2006) [hereinafter *Prevent and Punish Torture Convention*].

⁷⁴ OAS, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, Nov. 17, 1988, O.A.S. T.S. No. 69, available at <http://www.oas.org/juridico/english/Treaties/a-52.html> (last visited Feb. 17, 2006) [hereinafter *Protocol of San Salvador*].

⁷⁵ OAS, Inter-American Convention on the International Return of Children, July 15, 1989, O.A.S. T.S. No. 70, available at <http://www.oas.org/juridico/english/treaties/b-53.htm> (last visited Feb. 17, 2006) [hereinafter *International Return of Children Convention*]; OAS, Inter-American Convention on Support Obligations, <http://www.oas.org/juridico/english/treaties/b-54.htm> [hereinafter *Support Obligations Convention*]; OAS, Inter-American Convention on Contracts for the International Carriage of Goods by Road, July 15, 1989, O.A.S. T.S. No. 72, available at <http://www.oas.org/juridico/english/treaties/b-55.htm> (last visited Feb. 17, 2006) [hereinafter *International Carriage of Goods by Road Convention*].

⁷⁶ OAS, Protocol to the American Convention on Human Rights to Abolish the Death Penalty, Jun. 8, 1990, O.A.S. T.S. No. 73, available at <http://www.oas.org/juridico/english/Treaties/a-53.htm> (last visited Feb. 17, 2006) [hereinafter *Abolish the Death Penalty Protocol*].

⁷⁷ OAS, Inter-American Convention to Facilitate Disaster Assistance, Jun. 7, 1991, available at <http://www.oas.org/juridico/english/treaties/a-54.htm> (last visited Feb. 17, 2006) [hereinafter *Facilitate Disaster Assistance Convention*].

⁷⁸ OAS, Agreement Establishing the Inter-American Institute for Global Change Research, May 13, 1992, available at <http://www.oas.org/juridico/english/Treaties/c-19.html> (last visited Feb. 17, 2006) [hereinafter *Institute for Global Change Research Agreement*]; OAS, Protocol of Amendments to the Charter of the OAS, Dec. 14, 1992, available at <http://www.oas.org/juridico/english/Treaties/a-56.htm> (last visited Feb. 17, 2006) [hereinafter *Protocol of Washington*]; OAS, Inter-American Convention on Mutual Assistance in Criminal Matters, May 23, 1992, O.A.S. T.S. No. 75, available at <http://www.oas.org/juridico/english/treaties/a-55.html> (last visited Feb. 17, 2006) [hereinafter *Mutual Assistance in Criminal Matters Convention*].

⁷⁹ OAS, Inter-American Convention on Serving Criminal Sentences Abroad, Jun. 9, 1993, O.A.S. T.S. No. 76, available at <http://www.oas.org/juridico/english/treaties/A-57.htm> (last visited Feb. 17, 2006) [hereinafter *Serving Criminal Sentences Abroad Convention*]; OAS, Protocol of Amendment to the Charter of the OAS, Jun.

treaties in 1994;⁸⁰ one treaty in 1996;⁸¹ one treaty in 1997;⁸² two treaties in 1999;⁸³ and one treaty in 2002.⁸⁴

Assuming that the post-World War II period ended in the year 1954,⁸⁵ and that the Cold War period extended from 1954 – 1991,⁸⁶ the treaty promulgation figures indicate that six treaties were promul-

10, 1993, available at <http://www.oas.org/juridico/english/Treaties/a-58.htm> (last visited Feb. 17, 2006) [hereinafter *Protocol of Managua*]; OAS, Optional Protocol Related to the Inter-American Convention on Mutual Assistance in Criminal Matters, Jun. 11, 1993, O.A.S. T.S. No. 77, available at <http://www.oas.org/juridico/english/treaties/A-59.htm> (last visited Feb. 17, 2006) [hereinafter *Mutual Assistance in Criminal Matters Optional Protocol*].

⁸⁰ OAS, Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, June 6, 1994, available at <http://www.oas.org/juridico/english/treaties/a-61.htm> (last visited Feb. 17, 2006) [hereinafter *Convention of Belem do Para*]; OAS, Inter-American Convention on International Traffic in Minors, Mar. 18, 1994, O.A.S. T.S. No. 79, available at <http://www.oas.org/juridico/english/Treaties/b-57.html> (last visited Feb. 17, 2006) [hereinafter *International Traffic in Minors Convention*]; OAS, Inter-American Convention on Forced Disappearance of Persons, Jun. 9, 1994, available at <http://www.oas.org/juridico/english/Treaties/a-60.html> (last visited Feb. 17, 2006) [hereinafter *Forced Disappearance of Persons Convention*]; OAS, Convention on the Law Applicable to International Contracts, Mar. 17, 1994, O.A.S. T.S. No. 78, available at <http://www.oas.org/juridico/english/Treaties/b-56.html> (last visited Feb. 17, 2006) [hereinafter *Law Applicable to International Contracts Convention*].

⁸¹ OAS, Inter-American Convention Against Corruption, Mar. 29, 1996, available at <http://www.oas.org/juridico/english/Treaties/b-58.html> (last visited Feb. 17, 2006) [hereinafter *Convention Against Corruption*].

⁸² OAS, Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, Nov. 14, 1997, available at <http://www.oas.org/juridico/english/treaties/a-63.html> (last visited Feb. 17, 2006) [hereinafter *Illicit Manufacturing of and Trafficking in Firearms Convention*].

⁸³ OAS, Inter-American Convention on Transparency in Conventional Weapons Acquisitions, Jun. 7, 1999, available at <http://www.oas.org/juridico/english/treaties/a-64.htm> (last visited Feb. 17, 2006) [hereinafter *Transparency in Conventional Weapons Acquisitions Convention*]; OAS, Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities, Jun. 8, 1999, available at <http://www.oas.org/juridico/english/ga-res99/eres1608.htm> (last visited Feb. 17, 2006) [hereinafter *Elimination of All Forms of Discrimination Against Persons with Disabilities Convention*].

⁸⁴ OAS, Inter-American Convention Against Terrorism, Jun. 3, 2002, available at <http://www.oas.org/juridico/english/treaties/a-66.htm> (last visited Feb. 17, 2006) [hereinafter *Convention Against Terrorism*].

⁸⁵ The author has selected 1954 as the end of the post-World War II period and the beginning of the Cold War period because of this year's relationship to the Korean Conflict.

⁸⁶ The author selected 1991 as the end of the Cold War period because of global events (particularly those in Europe and the Middle East) at the time.

gated during the post-World War II period, thirty-four treaties were promulgated during the Cold War period, and fifteen treaties were promulgated during the post-Cold War period to date. It should also be noted that treaties promulgated during the both the Cold War period and the post-Cold War period run the gamut of the subject areas described in Part IV below.⁸⁷ Based on the promulgation and subject area findings, it appears that, at least in the realm of OAS treaty law, the Cold War period was not a period of inactivity or inability to reach major consensus; nor was consensus during this period limited to a severely restricted subject area or areas.⁸⁸ This observation undermines the general thought that the Cold War period in inter-American relations was one solely of tension and essentially a battle between democracy and communism which caused all other policy areas to fall by the wayside.⁸⁹ To the author, these observations are indicative of a split between diplomatic policy and actions, which can – and indeed often must – be circumscribed by the shifting dynamic of world politics at a given time, and international legal policy, which apparently is able to stay in the background of most political contests and steadily work towards progress in policy areas advocated by the OAS.

B. General Signing and Ratification Correlations

When a member state signs an OAS treaty, how indicative is the signature of future success in domestic ratification? Or, conversely, if a member state opts not to sign an OAS treaty, what are the chances that the treaty will be ratified by the member states' domestic legislature anyway? The answers to these questions vary by the member state, but are in no way intuitive.

Antigua & Barbuda, having ratified twelve of the OAS treaties addressed in this study, was actually a signatory to eight treaties, giving it a negative correlation ratio between signing and ratification.⁹⁰ Argentina has been a signatory to thirty-eight OAS treaties, and has

⁸⁷ See *infra* Part IV.

⁸⁸ See OAS, Signatories & Ratifications by Year, <http://www.oas.org/juridico/english/tchron1.html>.

⁸⁹ For a discussion of the OAS tending to emphasize the idea of increased friction between member states and policy goals during this time, see SHAW, *supra* note 50, at 95-132 (2004).

⁹⁰ See Office of Legal Cooperation, Department of International Legal Affairs, OAS, Signatories and Ratifications of Inter-American Treaties by Subject, <http://www.oas.org/juridico/english/tresigsu.html> (last visited Feb. 18, 2006) (providing a searchable list of OAS treaties, the member states which have signed them, and the member states which have ratified them) [hereinafter *OAS, Signatories and Ratifications*].

ratified thirty-four overall, giving it a positive correlation ratio of approximately 90%.⁹¹

The Bahamas is a signatory to thirteen OAS treaties, and has ratified eleven, giving it a positive correlation ratio of approximately 85%.⁹² Barbados, a signatory to just nine OAS treaties, has ratified eight treaties, for a positive correlation ratio of 89%.⁹³ Belize, a signatory to a mere six OAS treaties, has in fact ratified eleven OAS treaties overall, giving it a negative correlation ratio.⁹⁴ Bolivia, an active signatory member state having signed forty-seven OAS treaties, has ratified only twenty-five, for a positive correlation ratio of 53%.⁹⁵ Likewise, Brazil is also a signatory to forty-seven OAS treaties, although its positive correlation ratio is higher (81%), as it has ratified thirty-eight of these treaties.⁹⁶

Canada has signed thirteen OAS treaties and ratified eleven of them, for a positive correlation ratio of approximately 85%.⁹⁷ Chile has signed forty-eight OAS treaties, yet has ratified only twenty-seven, for a positive correlation ratio of 56%.⁹⁸ Colombia is a signatory to forty-three OAS treaties and has ratified thirty-two, for a positive correlation ratio of 75%.⁹⁹ Similarly, Costa Rica has signed forty-seven OAS treaties, ratifying thirty-six, for a positive correlation ratio of 77%.¹⁰⁰ During the years when Cuba was allowed to be an active member of the OAS, it was a signatory to eleven OAS treaties, and ratified six, for a positive correlation ratio of 55%.¹⁰¹

Dominica is a signatory to only eight OAS treaties, yet has ratified twelve of them overall,¹⁰² giving it a negative correlation ratio.¹⁰³ The Dominican Republic, a signatory to thirty-nine OAS treaties, has ratified only twenty, for a positive correlation ratio of 51%.¹⁰⁴ Ecuador, a signatory to fifty-one OAS treaties, has ratified forty-one of them, for a positive correlation ratio of 80%.¹⁰⁵ El Salvador, with thirty-seven

⁹¹ *See id.*

⁹² *See id.*

⁹³ *See id.*

⁹⁴ *See id.*

⁹⁵ *See id.*

⁹⁶ *See id.*

⁹⁷ *See id.*

⁹⁸ *See id.*

⁹⁹ *See id.*

¹⁰⁰ *See id.*

¹⁰¹ *See id.*

¹⁰² *See id.*

¹⁰³ *See id.*

¹⁰⁴ *See id.*

¹⁰⁵ *See id.*

OAS treaties signed, has ratified twenty-eight of them, giving it a positive correlation ratio of 75%.¹⁰⁶

Grenada, a signatory to ten OAS treaties, has also ratified ten treaties, giving it a perfect positive correlation ratio; however, it should be noted that two of the treaties ratified were not signed first, and two of the treaties signed were not ultimately ratified.¹⁰⁷ Guatemala has signed forty-three OAS treaties, and ratified thirty-six, for a positive correlation ratio of 84%.¹⁰⁸ Guyana, a signatory to only eight OAS treaties overall, has ratified six of them, for a positive correlation ratio of 75%.¹⁰⁹

Mexico, one of the more prolific signatories, having signed forty-three OAS treaties overall, has ratified forty treaties, for a positive correlation ratio of 93%.¹¹⁰ Nicaragua has signed thirty-seven OAS treaties, and has ratified twenty-six, for a positive correlation ratio of 70%.¹¹¹ Panama, a signatory to forty-five OAS treaties, has ratified thirty-seven such treaties, giving it a positive correlation ratio of 82%.¹¹² Paraguay, the second-most frequent OAS treaty signatory, having signed fifty treaties, has ratified forty-one, for a positive correlation ratio of 82%.¹¹³ Peru has signed forty-six OAS treaties, and has ratified thirty-seven, giving it a positive correlation ratio of 80%.¹¹⁴

St. Kitts & Nevis has signed ten OAS treaties, and ratified six overall, for a positive correlation ratio of 60%.¹¹⁵ St. Lucia has both signed and ratified eight OAS treaties, although there were two treaties which were not both signed and ratified, thus lowering its overall positive correlation ratio to 80%.¹¹⁶ St. Vincent & the Grenadines, a signatory to eight OAS treaties, has ratified six treaties, giving it a positive correlation ratio of 75%.¹¹⁷ Suriname has signed thirteen OAS treaties, and has ratified eleven, for a positive correlation ratio of 85%.¹¹⁸

Trinidad & Tobago has signed eleven OAS treaties and ratified ten of them, giving it a positive correlation ratio of 91%, one of the

¹⁰⁶ *See id.*

¹⁰⁷ *See id.*

¹⁰⁸ *See id.*

¹⁰⁹ *See id.*

¹¹⁰ *See id.*

¹¹¹ *See id.*

¹¹² *See id.*

¹¹³ *See id.*

¹¹⁴ *See id.*

¹¹⁵ *See id.*

¹¹⁶ *See id.*

¹¹⁷ *See id.*

¹¹⁸ *See id.*

highest of the OAS member states.¹¹⁹ The United States has signed twenty-five OAS treaties during the period covered by this study, ratifying sixteen of them for a positive correlation ratio of 64%.¹²⁰ Uruguay, another prodigious signatory to OAS treaties, having signed forty-eight, has ratified thirty-nine, for a positive correlation ratio 81%.¹²¹ Venezuela has also signed forty-eight OAS treaties, and ratified thirty-six of them, for a total positive correlation ratio of 75%.¹²²

The above statistical information allows member states to be grouped into several categories – those with high positive correlation ratios (from 85% upwards), those with medium to standard positive correlation ratios (from 60% to 85%), those with low correlation ratios in relation to the ratios of other member states (under 60%), and those with negative correlation ratios. These categories in turn can act as predictors for the future relationship between policy preferences, as expressed through OAS treaty signing, and domestic legal and legislative preferences, as expressed through the ultimate decision on whether to ratify an OAS treaty.

The high correlation category includes Argentina, the Bahamas, Barbados, Canada, Mexico, Suriname, and Trinidad & Tobago. These member states run the gamut in terms of size, constitutional provisions, and types of government, indicating that there are few common denominators between member states which have high correlation ratios.¹²³ The medium to standard category includes Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Honduras, Jamaica, Nicaragua, Panama, Paraguay, Peru, St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines, the United States, Uruguay, and Venezuela. Again, the member states in this category cut across the spectrum of size, governmental structure and policy, legal structure, and societal structure.¹²⁴ The low correlation category includes Bolivia, Chile, Cuba, the Dominican Republic, and Haiti. And finally, the negative correlation category includes Antigua & Barbuda, Belize, and Dominica. All of the member states in the negative correlation category lack constitutional provisions addressing the procedure for signing and ratifying treaties, suggesting that, where there is no set procedure for submitting treaties to the legislature for ratification, it is more difficult to predict whether signing a treaty is indicative of future success in ratification and, perhaps more importantly, it is very difficult to predict whether the lack of signing is indic-

¹¹⁹ *See id.*

¹²⁰ *See id.*

¹²¹ *See id.*

¹²² *See id.*

¹²³ *See supra* Part II.A.

¹²⁴ *See id.*

ative of a future lack of success for a treaty during the ratification process.¹²⁵

C. Use of Reservations in OAS Treaties

Although OAS member states become signatories to the entire body of a treaty, they do retain the ability to condition or alter the terms of their signing of a treaty through reservations. Some reservations are in the form of explaining the member states' policy reasons for signing the treaty; however, the relevant reservations for this article are those having to do with the application of specific treaty provisions to existing domestic law or other international agreements already in effect. This type of reservation is important because it tends to undermine some of the general statistics presented in Part III.B. and provides a more complete picture of the extent to which OAS treaties in their pure, unadulterated forms are signed and ratified by member states.

Of the member states included in the high correlation ratio category, Argentina reserved on seven treaties; the Bahamas reserved on none; Barbados reserved on one treaty; Canada reserved on two treaties; Mexico reserved on fifteen treaties; Suriname reserved on none; and Trinidad & Tobago reserved on none.¹²⁶ This indicates that the wholesale primacy of international treaty law over domestic law is strongest in Trinidad & Tobago, Suriname and the Bahamas, and weakest in Argentina and Mexico, despite the high correlation between signing and ratification by these member states. Canada and Barbados have signed and ratified fewer OAS treaties overall than Argentina and Mexico, however their overall propensity to subsume OAS treaty law to domestic law is not as strong.

Of the member states in the medium/standard correlation ratio category, Brazil reserved on seven treaties; Colombia reserved on one treaty; Costa Rica reserved on none; Ecuador reserved on seven treaties; El Salvador reserved on two treaties; Grenada reserved on one treaty; Guatemala reserved on fifteen treaties; Guyana reserved on one treaty; Honduras reserved on five treaties; Jamaica reserved on one treaty; Nicaragua reserved on one treaty; Panama reserved on seven treaties; Paraguay reserved on one treaty; Peru reserved on five treaties; St. Kitts & Nevis reserved on one treaty; St. Lucia reserved on none; St. Vincent & the Grenadines reserved on none; the United States reserved on seven treaties; Uruguay reserved on ten treaties; and Venezuela reserved on five treaties.¹²⁷ It is perhaps not surprising that many of the member states in the medium/standard category re-

¹²⁵ See *supra* Part II.B.

¹²⁶ OAS, *Signatories and Ratifications*, *supra* note 90.

¹²⁷ *Id.*

serve on OAS treaties, as member states in this category generally display a strong sense of domestic law primacy over international treaties. It is surprising, however, that Colombia, Ecuador, El Salvador, Guatemala, and Honduras, member states with provisions expressly elevating the status of international law and international treaty law to higher than domestic law, both fall in the medium/standard category and routinely use reservations in treaty signing.¹²⁸

Among the low correlation category, Bolivia reserved on none; Chile reserved on eight treaties; Cuba reserved on one treaty; the Dominican Republic reserved on three treaties; and Haiti reserved on four treaties.¹²⁹ Given the status of these member states as part of the low correlation category, the addition of reservations suggests that the sense of domestic law primacy over international, and particularly OAS, treaty law in these member states is very strong.

Finally, reservations by member states in the negative correlation category are limited to one treaty reservation by Dominica.¹³⁰ This is not surprising, as the majority of reservations are made at the time of treaty signing rather than ratification, and it is far less likely that states which tend to ratify, rather than sign and ratify OAS treaties, will have the opportunity to make express reservations during the signing process.

D. Conclusions

The data presented in this part is voluminous, but can be condensed around several key points and observations. First, the data in Part III.A debunks the myth that the entire Cold War period was one of tension and little practical progress towards the goals of the OAS. While this Cold War myth might be more real in terms of collective actions taken by OAS member states against other member states or regimes, at least in the realm of OAS treaty law the Cold War period saw an increasing number of treaties promulgated in a variety of subject areas and by a wide cross-section of member states.¹³¹

Second, Part III.B presents information which goes against the presumption that there is a definite correlation between treaty signing and the guarantee of treaty ratification on the domestic front. Part III.B also illustrates that the positive or negative correlation ratio between the number of treaties signed by a member state and the number of treaties ultimately ratified by a member state does not necessarily have a correlation towards member states of any particu-

¹²⁸ See *supra* Part II.B.

¹²⁹ OAS, *Signatories and Ratifications*, *supra* note 90.

¹³⁰ *Id.*

¹³¹ See *id.*; *supra* Part III.A.

lar size, governmental structure or philosophy, legal structure, society or society mores, or economic status.

Third, Part III.C further examines the sincerity of treaty signatories through the frequency with which member states make reservations to treaty terms as they relate to the domestic or international law of the member state. This data undermines some of the correlations between signing and ratifying treaties, yet the overall patterns of reservations which emerge among member states are not that surprising when viewed against their positive/negative correlation category assignments in Part III.B.

PART IV – THE IMPORTANCE OF SUBJECT AREAS

A. *Subject Area Classification Methodology*

In order to better assess the impact of the OAS treaties studied in this article, the treaties were broken down into one of thirteen categories by the author. The categories, created by the author without regard to self-classifying categories used by the OAS itself, are: 1) banking; 2) children and children's rights; 3) contract and commercial law; 4) criminal law; 5) governmental law and policy; 6) health policy; 7) OAS housekeeping matters (additional, largely non-policy driven protocols to the original OAS agreements and documents); 8) human rights and cultural rights/preservation; 9) international law; 10) international security; 11) policy and research support; 12) science and technology support; and 13) women's rights and issues.

The banking subject area contains only one treaty, but it is a seminal one, the Agreement Establishing the Inter-American Development Bank of 1959.¹³² Children encompasses four treaties;¹³³ contracts & commercial law encompasses six treaties;¹³⁴ criminal law encompasses three treaties;¹³⁵ governmental law and policy encompasses three treaties;¹³⁶ health encompasses one treaty, although

¹³² *Inter-American Development Bank Agreement*, *supra* note 63.

¹³³ *International Traffic in Minors Convention*, *supra* note 80; *International Return of Children Convention*, *supra* note 75; *Adoption of Minors Convention*, *supra* note 72; *Support Obligations Convention*, *supra* note 75.

¹³⁴ *Law Applicable to International Contracts Convention*, *supra* note 80; *International Carriage of Goods by Road Convention*, *supra* note 75; *Commercial Companies Conflicts of Laws Convention*, *supra* note 70; *International Commercial Arbitration Convention*, *supra* note 68; *Convention of Mar del Plata*, *supra* note 64; *Economic Agreement of Bogotá*, *supra* note 57.

¹³⁵ *Mutual Assistance in Criminal Matters Optional Protocol*, *supra* note 79; *Serving Criminal Sentences Abroad Convention*, *supra* note 79; *Mutual Assistance in Criminal Matters Convention*, *supra* note 78.

¹³⁶ *Convention Against Corruption*, *supra* note 81; *Protocol of Washington*, *supra* note 78; *Civil Strife Protocol*, *supra* note 61.

again this is an important protocol treaty;¹³⁷ housekeeping encompasses seven treaties;¹³⁸ human rights and cultural rights/preservation encompasses ten treaties;¹³⁹ international law encompasses nine treaties;¹⁴⁰ international security encompasses five treaties;¹⁴¹ policy and research support encompasses two treaties;¹⁴² science and technology support encompasses one treaty;¹⁴³ and women's rights and issues encompasses three treaties.¹⁴⁴

Where a treaty touches on more than one subject area, it has been placed in the subject area which is of paramount importance to the treaty. In determining general and individual member state correlation ratios, the author used a negative percentage ratio to indicate instances in which the member state was not a signatory of any treaty in the subject area but did in fact ultimately ratify the treaty. In in-

¹³⁷ *Pan-American Sanitary Code*, *supra* note 59.

¹³⁸ *Protocol of Managua*, *supra* note 79; *Protocol of Cartagena de Indias*; *supra* note 73; *Execution of Preventive Measures Convention*, *supra* note 70; *Rio Treaty*, *supra* note 56; *Protocol of Buenos Aires*, *supra* note 65; *Diplomatic Asylum Convention*, *supra* note 60; *Privileges and Immunities Agreement*, *supra* note 58.

¹³⁹ *Elimination of All Forms of Discrimination Against Persons with Disabilities Convention*, *supra* note 83; *Forced Disappearance of Persons Convention*, *supra* note 80; *Abolish the Death Penalty Protocol*, *supra* note 76; *Protocol of San Salvador*; *supra* note 74; *Prevent and Punish Torture Convention*; *supra* note 73; *Convention of San Salvador*, *supra* note 69; *Pact of San Jose, Costa Rica*, *supra* note 66; *Inter-American Cultural Relations Convention*, *supra* note 60; OAS, *Convention on Territorial Asylum*, Mar. 28, 1954, O.A.S. T.S. No.19, available at <http://www.oas.org/juridico/english/Treaties/a-47.html> (last visited Feb. 17, 2006) [hereinafter *Territorial Asylum Convention*]; *Rio Treaty*, *supra* note 56.

¹⁴⁰ *Taking of Evidence Abroad Protocol*, *supra* note 68; *Jurisdiction in the International Sphere Convention*, *supra* note 72; *Personality and Capacity of Juridical Persons in Private International Law Convention*, *supra* note 72; *Convention on Extradition*, *supra* note 71; *Domicile of Natural Persons Convention*, *supra* note 70; *Extraterritorial Validity of Foreign Judgments Convention*, *supra* note 70; *General Rules of Private International Law Convention*, *supra* note 70; *Proof of Information and Foreign Law Convention*, *supra* note 70; OAS, *Inter-American Convention on the Taking of Evidence Abroad*, Jan 30, 1975, O.A.S. T.S. No. 44, available at <http://www.oas.org/juridico/english/treaties/b-37.htm> (last visited Feb. 17, 2006) [hereinafter *Taking of Evidence Abroad Convention*].

¹⁴¹ *Convention Against Terrorism*, *supra* note 84; *Transparency in Conventional Weapons Acquisitions Convention*, *supra* note 83; *Illicit Manufacturing of and Trafficking in Firearms Convention*, *supra* note 82; *Facilitate Disaster Assistance Convention*, *supra* note 77; *Acts of Terrorism Convention*, *supra* note 67.

¹⁴² *Institute for Global Change Research Agreement*, *supra* note 78; *Cooperation on Agriculture Convention*, *supra* note 70.

¹⁴³ *Agricultural Sciences Protocol*, *supra* note 62.

¹⁴⁴ *Convention of Belem do Para*, *supra* note 80; *Granting of Civil Rights to Women Convention*, *supra* note 57; *Granting of Political Rights to Women Convention*, *supra* note 57

stances where member states signed some but not all of the treaties they ultimately ratified, positive percentages over 100% were used to indicate that signing does in fact have a positive correlation at some point.

B. Overall Signing to Ratification Correlation Ratios by Subject Area

1. Banking

As mentioned above, the sole treaty in the banking subject area is the Agreement Establishing the Inter-American Development Bank, which has gone on to have an important place in the politics and economics of OAS member states and the Americas. Twenty-seven of the thirty-five OAS member states are signatories to this treaty and all member states both signed and ratified the treaty, making its positive correlation ratio 100%.¹⁴⁵

2. Children

The children subject area has the weakest positive correlation ratio of all the subject areas at a 32.4% signing to ratification ratio. This figure indicates that, of the signatory member states to the treaties in this category, there is an imbalance in the priority of children's issues.¹⁴⁶

3. Contracts & Commercial Law

The contracts & commercial law subject area has a positive correlation ratio of 50%, with the individual member states' ratios running the gamut from 0% to 100% correlation ratios.¹⁴⁷

¹⁴⁵ *Inter-American Development Bank Agreement, Signatories & Ratifications, available at* <http://www.oas.org/juridico/english/sigs/c-15.html> (last visited Feb. 17, 2006).

¹⁴⁶ *International Traffic in Minors Convention, Signatories & Ratifications, available at* <http://www.oas.org/juridico/english/Sigs/b-57.html> (last visited Feb. 17, 2006); *International Return of Children Convention, Signatories & Ratifications, available at* <http://www.oas.org/juridico/english/Sigs/b-53.html> (last visited Feb. 17, 2006); *Adoption of Minors Convention, Signatories & Ratifications, available at* <http://www.oas.org/juridico/english/Sigs/b-48.html> (last visited Feb. 17, 2006); *Support Obligations Convention, Signatories & Ratifications, available at* <http://www.oas.org/juridico/english/Sigs/b-54.html> (last visited Feb. 17, 2006).

¹⁴⁷ *Law Applicable to International Contracts Convention, Signatories & Ratifications, available at* <http://www.oas.org/juridico/english/Sigs/b-56.html> (last visited Feb. 17, 2006); *International Carriage of Goods by Road Convention, Signatories & Ratifications, available at* <http://www.oas.org/juridico/english/Sigs/b-55.html> (last visited Feb. 17, 2006); *Commercial Companies Conflicts of Laws Convention, Signatories & Ratifications, available at*

4. Criminal Law

The criminal law subject area has a positive correlation ratio of 53%, resulting from a wide swing in the correlation ratios amongst the twenty-three member states involved.¹⁴⁸

5. Governmental Law and Policy

Interestingly, this is one of the subject areas in which all thirty-five of the OAS member states have at the very minimum signed treaties.¹⁴⁹ The positive correlation ratio for the governmental law and policy subject area is 98% overall.¹⁵⁰

6. Health Policy

The health policy subject area, reflecting a protocol treaty amending the Pan-American Sanitary Code, has a 71% positive correlation ratio over the seventeen member states which are signatories.¹⁵¹

40.html (last visited Feb. 17, 2006); *International Commercial Arbitration Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-35.html> (last visited Feb. 17, 2006); *Convention of Mar del Plata*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-30.html> (last visited Feb. 17, 2006); *Economic Agreement of Bogotá*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-43.html> (last visited Feb. 17, 2006).

¹⁴⁸ *Mutual Assistance in Criminal Matters Optional Protocol*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-59.html> (last visited Feb. 17, 2006); *Serving Criminal Sentences Abroad Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-57.html> (last visited Feb. 17, 2006); *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-55.html> (last visited Feb. 17, 2006).

¹⁴⁹ *Convention Against Corruption*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-58.html> (last visited Feb. 17, 2006); *Protocol of Washington*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a> (last visited Feb. 17, 2006); *Civil Strife Protocol*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/c-14.html> (last visited Feb. 17, 2006).

¹⁵⁰ See *Convention Against Corruption*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-58.html> (last visited Feb. 17, 2006); *Protocol of Washington*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a> (last visited Feb. 17, 2006); *Civil Strife Protocol*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/c-14.html> (last visited Feb. 17, 2006).

¹⁵¹ *Pan-American Sanitary Code*, Signatories & Ratifications, available at [http://www.oas.org/juridico/english/Sigs/b-3\(2\).html](http://www.oas.org/juridico/english/Sigs/b-3(2).html) (last visited Feb. 17, 2006).

7. *OAS Housekeeping Agreements*

This subject area also enjoys unanimous member state signing of at least one related treaty.¹⁵² It features an 89% positive correlation ratio, reflecting that all member states have over 50% positive correlation ratios individually.¹⁵³

8. *Human Rights and Cultural Rights/Preservation*

Twenty-six member states have signed treaties relating to human rights and cultural rights/preservation.¹⁵⁴ There is a 78% posi-

¹⁵² *Protocol of Managua*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-58.html> (last visited Feb. 17, 2006); *Protocol of Cartagena de Indias*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-50.html> (last visited Feb. 17, 2006); *Execution of Preventive Measures Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-42.html> (last visited Feb. 17, 2006); *Rio Treaty*, Signatories & Ratifications, available at [http://www.oas.org/juridico/english/sigs/b-29\(1\).html](http://www.oas.org/juridico/english/sigs/b-29(1).html) (last visited Feb. 17, 2006); *Protocol of Buenos Aires*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-31.html> (last visited Feb. 17, 2006); *Diplomatic Asylum Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-46.html> (last visited Nov. 25, 2005); *Privileges and Immunities Agreement*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/c-13.html> (last visited Feb. 17, 2006).

¹⁵³ See *Protocol of Managua*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-58.html> (last visited Feb. 17, 2006); *Protocol of Cartagena de Indias*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-50.html> (last visited Feb. 17, 2006); *Execution of Preventive Measures Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-42.html> (last visited Feb. 17, 2006); *Rio Treaty*, Signatories & Ratifications, available at [http://www.oas.org/juridico/english/sigs/b-29\(1\).html](http://www.oas.org/juridico/english/sigs/b-29(1).html) (last visited Feb. 17, 2006); *Protocol of Buenos Aires*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-31.html> (last visited Feb. 17, 2006); *Diplomatic Asylum Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-46.html> (last visited Nov. 25, 2005); *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152.

¹⁵⁴ *Elimination of All Forms of Discrimination Against Persons with Disabilities Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/a-65.html> (last visited Feb. 17, 2006); *Forced Disappearance of Persons Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-60.html> (last visited Feb. 17, 2006); *Abolish the Death Penalty Protocol*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-53.html> (last visited Feb. 17, 2006); *Protocol of San Salvador*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-52.html> (last visited Feb. 17, 2006); *Prevent and Punish Torture Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-51.html> (last visited Feb. 17, 2006); *Convention of San Salvador*, Signatories &

tive correlation ratio, with a disparate spectrum of individual member state correlations.¹⁵⁵

9. International Law

The international law subject area tellingly only includes twenty-one member states as signatories of OAS treaties of some form.¹⁵⁶ Between these signatories, there is an overall positive correla-

Ratifications, available at <http://www.oas.org/juridico/english/sigs/c-16.html> (last visited Feb. 17, 2006); *Pact of San Jose, Costa Rica*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-32.html> (last visited Feb. 17, 2006); *Inter-American Cultural Relations Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-48.html> (last visited Feb. 17, 2006); *Territorial Asylum Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-46.html> (last visited Feb. 17, 2006); *Rio Treaty*, *supra* note 56.

¹⁵⁵ See *Elimination of All Forms of Discrimination Against Persons with Disabilities Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/a-65.html> (last visited Feb. 17, 2006); *Forced Disappearance of Persons Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-60.html> (last visited Feb. 17, 2006); *Abolish the Death Penalty Protocol*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-53.html> (last visited Feb. 17, 2006); *Protocol of San Salvador*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-52.html> (last visited Feb. 17, 2006); *Prevent and Punish Torture Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-51.html> (last visited Feb. 17, 2006); *Convention of San Salvador*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/c-16.html> (last visited Feb. 17, 2006); *Pact of San Jose, Costa Rica*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-32.html> (last visited Feb. 17, 2006); *Inter-American Cultural Relations Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-48.html> (last visited Feb. 17, 2006); *Territorial Asylum Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-46.html> (last visited Feb. 17, 2006); *Rio Treaty*, *supra* note 56.

¹⁵⁶ *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-37.html> (last visited Feb. 17, 2006); *Jurisdiction in the International Sphere Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-50.html> (last visited Feb. 17, 2006); *Personality and Capacity of Juridical Persons in Private International Law Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-49.html> (last visited Feb. 17, 2006); *Convention on Extradition*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-47.html> (last visited Feb. 17, 2006); *Domicile of Natural Persons Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/b-44.html> (last visited Feb. 17, 2006); *Extraterritorial Validity of Foreign Judgments Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-41.html> (last visited Feb. 17, 2006); *General*

tion ratio of only 38%, which is reflective of the fact that only two of the signatories (the United States and Mexico) have a 100% positive correlation ratio.¹⁵⁷

10. *International Security*

Much has been made in academic circles about the paramount role that security issues play in OAS policy formation, especially in light of the end of the Cold War; this is superficially supported by the fact that thirty-four of the thirty-five OAS member states have signed at least one related treaty.¹⁵⁸ However, this assertion is ultimately weakened by the data on signing to ratification correlation, indicating

*Rules of Private International Law Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-45.html> (last visited Feb. 17, 2006); *Proof of Information and Foreign Law Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-43.html> (last visited Feb. 17, 2006).**

¹⁵⁷ See *Taking of Evidence Abroad Protocol, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-37.html> (last visited Feb. 17, 2006); *Jurisdiction in the International Sphere Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-50.html> (last visited Feb. 17, 2006); *Personality and Capacity of Juridical Persons in Private International Law Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-49.html> (last visited Feb. 17, 2006); *Convention on Extradition, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-47.html> (last visited Feb. 17, 2006); *Domicile of Natural Persons Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/b-44.html> (last visited Feb. 17, 2006); *Extraterritorial Validity of Foreign Judgments Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-41.html> (last visited Feb. 17, 2006); *General Rules of Private International Law Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-45.html> (last visited Feb. 17, 2006); *Proof of Information and Foreign Law Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/b-43.html> (last visited Feb. 17, 2006).********

¹⁵⁸ *Convention Against Terrorism, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/a-66.html> (last visited Feb. 17, 2006); *Transparency in Conventional Weapons Acquisitions Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/a-64.html> (last visited Feb. 17, 2006); *Illicit Manufacturing of and Trafficking in Firearms Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-63.html> (last visited Feb. 17, 2006); *Facilitate Disaster Assistance Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-54.html> (last visited Feb. 17, 2006); *Acts of Terrorism Convention, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-49.html> (last visited Feb. 17, 2006).*****

that international security as a subject area only enjoys a 57% positive correlation ratio overall.¹⁵⁹

11. *Policy and Research Support*

All thirty-five of the member states are signatories to treaties in this subject area¹⁶⁰; further, this is the only subject area in which there is a positive correlation ratio of over 100%, in this case 103%.

12. *Science and Technology Research*

Only nineteen member states have signed the treaty which is classified under this subject area.¹⁶¹ Between these members, there is an 82% positive correlation ratio.

13. *Women's Rights and Issues*

All but one of the member states has signed some form of treaty relating to women's rights;¹⁶² however, it has overall positive correlation ratio of only 84%.

¹⁵⁹ See *Convention Against Terrorism*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/a-66.html> (last visited Feb. 17, 2006); *Transparency in Conventional Weapons Acquisitions Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/a-64.html> (last visited Feb. 17, 2006); *Illicit Manufacturing of and Trafficking in Firearms Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-63.html> (last visited Feb. 17, 2006); *Facilitate Disaster Assistance Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-54.html> (last visited Feb. 17, 2006); *Acts of Terrorism Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-49.html> (last visited Feb. 17, 2006).

¹⁶⁰ *Institute for Global Change Research Agreement*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/c-19.html> (last visited Feb. 17, 2006); *Cooperation on Agriculture Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/c-17.html> (last visited Feb. 17, 2006).

¹⁶¹ *Agricultural Sciences Protocol*, Signatories & Ratifications, available at [http://www.oas.org/juridico/english/sigs/c-12\(1\).html](http://www.oas.org/juridico/english/sigs/c-12(1).html) (last visited Feb. 17, 2006).

¹⁶² *Convention of Belem do Para*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/a-61.html> (last visited Feb. 17, 2006); *Granting of Civil Rights to Women Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/Sigs/a-45.html> (last visited Feb. 17, 2006); *Granting of Political Rights to Women Convention*, Signatories & Ratifications, available at <http://www.oas.org/juridico/english/sigs/a-44.html> (last visited Feb. 17, 2006).

C. *Strong and Weak Subject Areas by Member States*

1. *Antigua & Barbuda*

Antigua is affiliated with treaties relating to seven of the thirteen possible subject areas discussed in this article.¹⁶³ Of these subject areas, there is the greatest positive correlation for governmental law and policy (150%), followed by OAS housekeeping (100%), international security (100%), and policy and research (100%). There are negative correlative ratios for women's rights and issues (-110%), international law (-15%), and children (-200%).

2. *Argentina*

Argentina is affiliated with treaties in twelve of the thirteen subject areas.¹⁶⁴ In descending order, the correlation ratios for these subject areas are children (300%), banking (100%), governmental law and policy (100%), policy and research (100%), women's rights and issues (100%), OAS housekeeping (90%), human rights and cultural rights/preservation (86%), international law (83%), international security (66%), contracts & commercial law (50%), criminal law (0%), and science and technology research (-150%).

3. *The Bahamas*

The Bahamas is affiliated with treaties in eight of the thirteen subject areas.¹⁶⁵ In descending order, the correlation ratios for the Ba-

¹⁶³ *International Return of Children Convention*, Signatories & Ratifications, *supra* note 146; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Protocol of Managua*, Signatories & Ratifications, *supra* note 152; *Convention on Extradition*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁶⁴ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *International Return of Children Convention*, Signatories & Ratifications, *supra* note 146; *Convention of Mar del Plata*, Signatories & Ratifications *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Civil Strife Protocol*, Signatories & Ratifications, *supra* note 149; *Protocol of Buenos Aires*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Transparency in Conventional Weapons Acquisitions Convention*, Signatories & Ratifications, *supra* note 158; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Granting of Political Rights to Women Convention*, Signatories & Ratifications, *supra* note 162.

¹⁶⁵ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra*

hamas are banking (100%), contracts & commercial law (100%), governmental law and policy (100%), OAS housekeeping (100%), policy and research support (100%), women's rights and issues (100%), international security (50%), and criminal law (0%).

4. Barbados

Barbados is affiliated with treaties in six of the thirteen subject areas.¹⁶⁶ In descending order, the subject areas of strongest to weakest correlations are OAS housekeeping (150%), human rights and cultural rights/preservation (100%), policy and research support (100%), women's rights and issues (100%), international security (50%), and governmental law and policy (0%).

5. Belize

Belize is affiliated with treaties in eight of the thirteen subject areas possible.¹⁶⁷ In descending order of correlation ratios, the subject areas signed onto by Belize are banking (100%), criminal law (100%), governmental law and policy (100%), OAS housekeeping (100%), policy and research support (100%), international security (50%), women's rights and issues (-100%), and children (-400%).

note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Protocol of Washington*, Signatories & Ratifications, *supra* note 149; *Protocol of Buenos Aires*, Signatories & Ratifications, *supra* note 152; *Illicit Manufacturing of and Trafficking in Firearms Convention*, Signatories & Ratifications, *supra* note 158; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁶⁶ *Protocol of Washington*, Signatories & Ratifications, *supra* note 149; *Protocol of Managua*, Signatories & Ratifications, *supra* note 152; *Convention on Extradition*, Signatories & Ratifications, *supra* note 156; *Pact of San Jose, Costa Rica*, Signatories & Ratifications, *supra* note 154; *Manufacturing of and Trafficking in Firearms Convention*, Signatories & Ratifications, *supra* note 158; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁶⁷ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Support Obligations Convention*, Signatories & Ratifications, *supra* note 146; *Serving Criminal Sentences Abroad Convention*, Signatories & Ratifications, *supra* note 148; *Protocol of Washington*, Signatories & Ratifications, *supra* note 149; *Protocol of Managua*, Signatories & Ratifications, *supra* note 152; *Convention on Extradition*, Signatories & Ratifications, *supra* note 156; *Manufacturing of and Trafficking in Firearms Convention*, Signatories & Ratifications, *supra* note 158; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

6. *Bolivia*

Bolivia is affiliated with treaties in ten of the thirteen subject areas.¹⁶⁸ In descending order of correlative ratios, the subject areas signed onto by Bolivia are banking (100%), governmental law and policy (100%), policy and research support (100%), science and technology (100%), women's rights and issues (100%), children (75%), OAS housekeeping (66%), human rights and cultural rights/preservation (57%), international security (50%), and international law (11%).

7. *Brazil*

Brazil is affiliated with treaties in twelve of the thirteen subject areas.¹⁶⁹ In descending order of correlation ratio, the subject areas signed onto by Brazil are human rights and cultural rights/preservation (117%), banking (100%), children (100%), governmental law and policy (100%), health policy (100%), OAS housekeeping (100%), international security (100%), policy and research support (100%), women's rights and issues (100%), contracts & commercial law (75%), international law (50%), and criminal law (33%).

¹⁶⁸ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *International Traffic in Minors Convention*, Signatories & Ratifications, *supra* note 146; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁶⁹ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *International Traffic in Minors Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

8. *Canada*

Canada is affiliated with treaties in eight of the thirteen subject areas.¹⁷⁰ In descending order of correlation ratio, the subject areas signed onto by Canada are banking (100%), criminal law (100%), governmental law and policy (100%), OAS housekeeping (100%), women's rights and issues (100%), international security (66%), and policy and research support (50%).

9. *Chile*

Chile is affiliated with treaties in all thirteen of the subject areas.¹⁷¹ In descending order of correlation ratio, the subject areas signed onto by Chile are banking (100%), children (100%), criminal law (100%), governmental law and policy (100%), health policy (100%), policy and research support (100%), women's rights and issues (100%), contracts & commercial law (75%), OAS housekeeping (63%), international security (50%), human rights and cultural rights/preservation (33%), international law (22%), and science and technology (0%).

¹⁷⁰ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Protocol of Managua*, Signatories & Ratifications, *supra* note 152; *Convention on Extradition*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Granting of Political Rights to Women Convention*, Signatories & Ratifications, *supra* note 162.

¹⁷¹ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Adoption of Minors Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

10. Colombia

Colombia is affiliated with treaties in all thirteen of the subject areas.¹⁷² In descending order of correlation ratio, the subject areas signed onto by Colombia are women's rights and issues (150%), banking (100%), governmental law and policy (100%), human rights and cultural rights/preservation (100%), policy and research support (100%), science and technology (100%), OAS housekeeping (86%), children (66%), international law (50%), international security (40%), contracts & commercial law (20%), health policy (0%), and criminal law (-200%).

11. Costa Rica

Costa Rica is affiliated with treaties in all thirteen of the subject areas.¹⁷³ In descending order of correlation ratio, the subject areas signed onto by Costa Rica are banking (100%), children (100%), governmental law and policy (100%), human rights and cultural rights/preservation (100%), policy and research support (100%), science and technology (100%), women's rights and issues (100%), contracts & com-

¹⁷² *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Adoption of Minors Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁷³ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *International Traffic in Minors Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

mercial law (75%), OAS housekeeping (75%), criminal law (50%), international security (50%), international law (33%), and health policy (0%).

12. Cuba

Cuba is affiliated with treaties in seven of the thirteen subject areas.¹⁷⁴ In descending order of correlation ratio, the subject areas signed onto by Cuba are governmental law and policy (100%), health policy (100%), women's rights and issues (100%), OAS housekeeping (66%), contracts & commercial law (0%), human rights and cultural rights/preservation (0%), and policy and research support (0%).

13. Dominica

Dominica is affiliated with treaties in seven of the thirteen subject areas.¹⁷⁵ In descending order of correlation ratio, the subject areas signed onto by Dominica are governmental law and policy (100%), OAS housekeeping (100%), human rights and cultural rights/preservation (100%), policy and research support (100%), women's rights and issues (100%), international security (50%), and criminal law (-100%).

14. Dominican Republic

The Dominican Republic is affiliated with treaties in eleven of the thirteen subject areas.¹⁷⁶ In descending order of correlation ratio,

¹⁷⁴ *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Civil Strife Protocol*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Granting of Political Rights to Women Convention*, Signatories & Ratifications, *supra* note 162.

¹⁷⁵ *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Protocol of Buenos Aires*, Signatories & Ratifications, *supra* note 152; *Pact of San Jose, Costa Rica*, Signatories & Ratifications, *supra* note 154; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁷⁶ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Adoption of Minors Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Protocol of Buenos Aires*, Signatories & Ratifications, *supra* note 152; *Inter-American Cul-*

the subject areas signed onto by the Dominican Republic are banking (100%), children (100%), health policy (100%), policy and research support (100%), science and technology (100%), women's rights and issues (100%), OAS housekeeping (86%), governmental law and policy (66%), human rights and cultural rights/preservation (33%), contracts & commercial law (25%), and international security (10%).

15. Ecuador

Ecuador is affiliated with treaties in all thirteen of the subject areas.¹⁷⁷ In descending order of correlation ratio, the subject areas signed onto by Ecuador are banking (100%), governmental law and policy (100%), health policy (100%), policy and research support (100%), science and technology (100%), women's rights and issues (100%), OAS housekeeping (89%), human rights and cultural rights/preservation (89%), children (75%), criminal law (66%), international security (50%), contracts & commercial law (33%), and international law (17%).

16. El Salvador

El Salvador is affiliated with treaties in eleven of the thirteen subject areas.¹⁷⁸ In descending order of correlation ratio, the subject

tural Relations Convention, Signatories & Ratifications, *supra* note 154; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁷⁷ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Adoption of Minors Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁷⁸ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Privileges and Immunities Agreement*, Signatories & Ratifications,

areas signed onto by El Salvador are women's rights and issues (150%), banking (100%), criminal law (100%), governmental law and policy (100%), health policy (100%), international security (100%), policy and research support (100%), science and technology (100%), human rights and cultural rights/preservation (86%), OAS housekeeping (71%), and contracts & commercial law (33%).

17. Grenada

Grenada is affiliated with treaties in eight of the thirteen possible subject areas.¹⁷⁹ In descending order of correlation ratio, the subject areas signed onto by Grenada are criminal law (100%), governmental law and policy (100%), OAS housekeeping (100%), human rights and cultural rights/preservation (100%), international security (100%), policy and research support (100%), and women's rights and issues (-100%).

18. Guatemala

Guatemala is affiliated with treaties in twelve of the thirteen possible subject areas.¹⁸⁰ In descending order of correlation ratio, the subject areas signed onto by Guatemala are policy and research sup-

supra note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁷⁹ *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Protocol of Buenos Aires*, Signatories & Ratifications, *supra* note 152; *Pact of San Jose, Costa Rica*, Signatories & Ratifications, *supra* note 154; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁸⁰ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Support Obligations Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Protocol of Managua*, Signatories & Ratifications, *supra* note 152; *Convention on Extradition*, Signatories & Ratifications, *supra* note 156; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

port (200%), banking (100%), contracts & commercial law (100%), governmental law and policy (100%), OAS housekeeping (100%), women's rights and issues (100%), human rights and cultural rights/preservation (86%), international security (75%), international law (71%), children (50%), criminal law (50%), and health policy (0%).

19. *Guyana*

Guyana is affiliated with treaties in six of the thirteen possible subject areas.¹⁸¹ In descending order of correlation ratio, the subject areas signed onto by Guyana are banking (100%), governmental law and policy (100%), OAS housekeeping (100%), policy and research support (100%), women's rights and issues (100%), and international security (0%).

20. *Haiti*

Haiti is affiliated with treaties in twelve of the thirteen possible subject areas.¹⁸² In descending order of correlation ratio, the subject areas signed onto by Haiti are banking (100%), health policy (100%), policy and research support (100%), science and technology (100%), women's rights and issues (100%), governmental law and policy (66%), human rights and cultural rights/preservation (66%), OAS housekeeping (63%), children (0%), contracts & commercial law (0%), international law (0%), and international security (0%).

¹⁸¹ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Protocol of Managua*, Signatories & Ratifications, *supra* note 152; *Convention on Extradition*, Signatories & Ratifications, *supra* note 156; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁸² *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Support Obligations Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Convention on Extradition*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

21. *Honduras*

Honduras is affiliated with treaties in ten of the thirteen subject areas.¹⁸³ In descending order of correlation ratio, the subject areas signed onto by Honduras are banking (100%), governmental law and policy (100%), policy and research support (100%), science and technology (100%), women's rights and issues (100%), human rights and cultural rights/preservation (83%), international security (75%), OAS housekeeping (71%), contracts & commercial law (50%), and international law (40%).

22. *Jamaica*

Jamaica is affiliated with treaties in eight of the thirteen subject areas.¹⁸⁴ In descending order of correlation ratio, the subject areas signed onto by Jamaica are policy and research support (200%), banking (100%), OAS housekeeping (100%), governmental law and policy (100%), human rights and cultural rights/preservation (50%), international security (0%), and criminal law (-100%).

23. *Mexico*

Mexico is affiliated with treaties in all thirteen subject areas.¹⁸⁵ In descending order of correlation ratio, the subject areas

¹⁸³ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁸⁴ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Protocol of Buenos Aires*, Signatories & Ratifications, *supra* note 152; *Pact of San Jose, Costa Rica*, Signatories & Ratifications, *supra* note 154; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁸⁵ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Adoption of Minors Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifica-

signed onto by Mexico are banking (100%), criminal law (100%), governmental law and policy (100%), health policy (100%), OAS housekeeping (100%), human rights and cultural rights/preservation (100%), international law (100%), policy and research support (100%), science and technology (100%), women's rights and issues (100%), children (75%), international security (75%), and contracts & commercial law (60%).

24. *Nicaragua*

Nicaragua is affiliated with treaties in all thirteen subject areas.¹⁸⁶ In descending order of correlation ratio, the subject areas signed onto by Nicaragua are criminal law (150%), banking (100%), governmental law and policy (100%), human rights and cultural rights/preservation (100%), policy and research support (100%), science and technology (100%), women's rights and issues (100%), OAS housekeeping (83%), international security (66%), international law (48%), contracts & commercial law (0%), health policy (0%), and children (-100%).

tions, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Protocol of Buenos Aires*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁸⁶ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *International Traffic in Minors Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Cooperation on Agriculture Convention*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

25. *Panama*

Panama is affiliated with treaties in all thirteen subject areas.¹⁸⁷ In descending order of correlation ratio, the subject areas signed onto by Panama are banking (100%), children (100%), criminal law (100%), governmental law and policy (100%), health policy (100%), human rights and cultural rights/preservation (100%), international security (100%), policy and research support (100%), science and technology (100%), women's rights and issues (100%), contracts & commercial law (75%), OAS housekeeping (71%), and international law (71%).

26. *Paraguay*

Paraguay is affiliated with treaties in all thirteen subject areas.¹⁸⁸ In descending order of correlation ratio, the subject areas signed onto by Paraguay are banking (100%), criminal law (100%), governmental law and policy (100%), health policy (100%), OAS housekeeping (100%), international security (100%), policy research and support (100%), science and technology (100%), women's rights and issues (100%), human rights and cultural rights/preservation (78%),

¹⁸⁷ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Adoption of Minors Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Diplomatic Asylum Convention*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁸⁸ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *Adoption of Minors Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

children (75%), international law (63%), and contracts & commercial law (60%).

27. Peru

Peru is affiliated with treaties in all thirteen subject areas.¹⁸⁹ In descending order of correlation ratio, the subject areas signed onto by Peru are banking (100%), children (100%), criminal law (100%), health policy (100%), OAS housekeeping (100%), international security (100%), policy and research support (100%), science and technology (100%), human rights and cultural rights/preservation (75%), international law (71%), governmental law and policy (66%), women's rights and issues (66%), and contracts & commercial law (50%).

PART V. CONCLUSION

This article has two purposes – to present the historical data available regarding OAS treaty promulgation, signing, and ratification, and to use this historical data to make predictions for the future of OAS treaties. In today's increasingly unstable international political environment, and especially in light of the acrimony which exists between some of the OAS member states,¹⁹⁰ the ability to predict which subject areas will likely yield positive signing to ratification ratios is

¹⁸⁹ *Inter-American Development Bank Agreement*, Signatories & Ratifications, *supra* note 145; *International Traffic in Minors Convention*, Signatories & Ratifications, *supra* note 146; *Economic Agreement of Bogotá*, Signatories & Ratifications, *supra* note 147; *Mutual Assistance in Criminal Matters Convention*, Signatories & Ratifications, *supra* note 148; *Convention Against Corruption*, Signatories & Ratifications, *supra* note 149; *Pan-American Sanitary Code*, Signatories & Ratifications *supra* note 151; *Privileges and Immunities Agreement*, Signatories & Ratifications, *supra* note 152; *Inter-American Cultural Relations Convention*, Signatories & Ratifications, *supra* note 154; *Taking of Evidence Abroad Protocol*, Signatories & Ratifications, *supra* note 156; *Convention Against Terrorism*, Signatories & Ratifications, *supra* note 158; *Institute for Global Change Research Agreement*, Signatories & Ratifications, *supra* note 160; *Agricultural Sciences Protocol*, Signatories & Ratifications, *supra* note 161; *Convention of Belem do Para*, Signatories & Ratifications, *supra* note 162.

¹⁹⁰ See, e.g., Associated Press, *Mexico Recalls Ambassador from Venezuela*, Nov. 14, 2005, available at <http://www.foxnews.com/story/0,2933,175524,00.html> (last visited Nov. 25, 2005) (detailing the recent increase in diplomatic tensions between Mexico and Venezuela as an outgrowth of disagreements over the proposed Free Trade Area of the Americas which failed at the Mar del Plata Summit); Associated Press, *Leaders End American Summit With No Deal*, Nov. 5, 2005, available at <http://www.foxnews.com/story/0,2933,174664,00.html> (last visited Nov. 25, 2005); Associated Press, *Brazilians Unconvinced on Bush-Backed Free Trade Zone*, Nov. 6, 2005, available at <http://www.foxnews.com/story/0,2933,174704,00.html> (last visited Nov. 25, 2005).

key to the continued legitimacy and authority of the OAS. Each failure of a member state to both sign and ratify promulgated treaties can undermine the public perception of the OAS and, consequently, its political standing and prowess among member states and the world community. Combined with public squabbles between member states, a decrease in at least the perception of the OAS's effectiveness is dangerous to the OAS and its ideals.

The evidence of the timing of treaty promulgation during the period of 1947 – 2002 indicates that, even in the face of the Cold War and the pressures it brought to the Americas, member states have been willing to work together towards international legal policy regardless of whether more public questions of diplomacy were met with the same reception. This is promising evidence for the future success of OAS treaties, provided that these treaties address subject areas which are likely to garner member state support at the OAS and at home.

In light of the data presented and the current international climate, it is the author's argument that the OAS should focus its treaty attention on subject areas addressing ways in which the OAS and its subsidiaries can act as agents of change or reform. The OAS should also continue to look towards aspirational treaties and international law ideals for treaties rather than attempting to fashion treaties which are in tension with, or offensive to, the existing domestic legal structures of at least a simple majority of the member states.