REVIEWING THE UNITED STATES' PROCEDURE FOR DRAFTING AND ACCEPTING INTERNATIONAL TREATIES

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Abstract

This article analyzes the U.S. procedure for drafting and ratifying international treaties, emphasizing the tension between the global community's rights and the United States' national interests. The findings indicate that the United States has historically played a pivotal role in establishing international organizations and the treaties that govern them. By advocating for these treaties, the U.S. aims to alleviate fears of war and isolation, thereby encouraging other nations to participate. However, the United States often capitalizes on its position as a non-member, conditional member, or, at times, a withdrawing party to exploit other countries' commitments for its national gains. This approach generally neglects the broader interests of humanity. Essentially, the United States obstructs the advancement of international law to promote its objectives and shape public perception of the free world, frequently utilizing mechanisms such as the veto power in a strategic manner. As a result, a potential path forward may involve researchers in this field, raising awareness among nations to foster collaboration and solidarity. The goal is to shift the fear of isolation from other countries to the United States and other permanent members of the Security Council, thereby minimizing the risk of global conflict when nations confront existing special privileges.

Keywords: public opinion, United States of America, international treaties, interests of humanity

INTRODUCTION

Rights, in practice, are often shaped by the interests of those in power. Even inherent rights can be disregarded by a dissatisfied legislator, leading to uncertainties in their codification and enforcement. At this juncture, legislators' beliefs play a significant role in influencing the policies surrounding the creation of laws. As a result, the structure of international organizations is also determined by the ideologies of their founders (Pederson, 2018: 1). Stronger countries, particularly in economic or military terms—tend to wield more influence than their weaker counterparts, allowing them to steer the global community towards policies that reflect their convictions. For example, if a country's leaders champion shared responsibility, they will approach poverty alleviation and sustainable development as a moral duty rather than merely a justification. In contrast, if those leaders only superficially endorse shared responsibility and sustainable development, their actions may be motivated by a desire to maintain social order. They might even offer financial incentives to developing countries while asserting their commitment to promoting sustainable development (see Stiglitz, 2020) and human rights (see Kovalik, 2020). In essence, this latter group tends to agree to human rights treaties primarily to influence public opinion, which serves as a form of pressure while simultaneously engaging in behaviors that contradict those ideals whenever possible. More powerful nations actively pursue policies to maximize their influence and ensure that other countries align their behavior with their objectives. Weaker nations, which may dissent from the prevailing views, often face the dilemma of either complying with the demands of

the stronger countries or exploring various strategies to avoid isolation and pressure. One practical approach within international law for weaker countries is to closely analyze dominant nations' methods and policies. This scrutiny can lead to self-restraint through participation in foundational treaties of international organizations. Such engagement can help weaker nations remain vigilant against the omnipresence of imposed limitations and ensure the enforcement of these constraints, allowing them to make informed decisions about their future.

It is crucial to investigate whether there is a genuine effort to represent the interests of all parties during international treaty drafting conferences or if the focus remains solely on advancing the interests of the more powerful nations. When a country can encourage others—temporarily or permanently engage in self-restriction or relinquish specific limitations, it positions itself for significant advantages in both military and economic realms. This widening gap can further empower the influential nation, enabling it to shape the agendas of other countries and guide them toward achieving their goals at future international treaty negotiations. The approach described can be seen as a method of legal specificity. Legal specificity refers to a situation in which a government, actively engaged in international law, undertakes repeated and targeted actions that challenge the general principles of international law to advance its values and objectives. Through a specific entity, this government seeks to establish the means or practices by which it can set aside or modify international law when it contradicts its interests and values (Tsakhiri, Musazadeh, Alizadeh, 2018). In addition to strategies such as alternative interpretation, applying double standards, and exemptions, promoting voluntary self-limitation can also serve as a means of achieving specificity. Moreover, this approach may sometimes underpin other methods of legal specificity.

This study regards the United States as one of the world's strongest nations financially and militarily. A significant reason for this designation lies in its status as one of the five permanent United Nations Security Council members, which grants it veto power. The focus on the United States among these five veto-holding countries stems from its pivotal role in establishing the League of Nations, the first organization to claim global governance despite not being a member. Likewise, the United Nations, the second and final organization to assert such authority, was also created at the behest of the United States, which played a crucial role in defining the veto structure within the UN (Musazadeh, 2012: 129). This research examines whether the U.S.'s absence from the League of Nations and its conditional membership in the United Nations were intended strategies. Furthermore, the study investigates whether the United States has actively encouraged other countries to join the UN and whether this promotion was part of a larger agenda. If so, was this encouragement a calculated tactic or not? It is essential to recognize that, apart from a master's thesis by one of the authors with a similar title, no comprehensive research has been conducted on this subject. This lack of extensive research underscores the importance of examining the policies and procedures of the United States in drafting and ratifying international treaties. In this article, due to the study's limited scope, we will focus on only a selection of the most significant international treaties that adequately illustrate the United States' procedures.

1: The United States and the founding of the League of Nations

F. P. Walters, the former Deputy Secretary-General of the League of Nations and an Honorary Fellow at the University of Oxford, asserts that the League of Nations represented the first significant step toward the establishment of a global political and social system (Walters, 1993: 1). In the period before the advent of this community of nations, it was widely believed that each government served as the sole arbiter of its actions, had no obligation to adhere to a higher authority, and was entitled to take offense at critiques or inquiries from other governments. However, this viewpoint has become outdated with the formation of the community of nations, which is now recognized as possessing both the moral and legal authority to discuss and evaluate the international conduct of its member states. Except for the United States, every recognized

government was once a member of this community (Walters, 1372: 3–3/19/20252), making the U.S. approach to international relations particularly noteworthy.

The movement towards establishing an international society, prompted by the conflicts of World War I, began to garner support from political figures who had initially been skeptical of the idea. A notable development was the forming of an association in the United States, chaired by the prominent Republican and former president William Taft (Kaigo, 2021: Introduction, section A). In May 1916, a significant public gathering in Washington, D.C., centered on this theme. The keynote speakers at this event included President Woodrow Wilson, a leading figure in the Democratic Party, and Henry Cabot Lodge, the Republican leader of the Senate. On this occasion, both men came together to assert that a new international system should be established to eradicate war, backed by the military forces of major governments, and that the United States should fully participate in the Society of Future Nations (Walters, 1993, p. 21). It is also important to note that in 1915, Lodge had already expressed similar sentiments. Theodore Roosevelt, who shared this perspective, emphasized the necessity of collective defense for achieving lasting peace while receiving the Nobel Peace Prize (Cooper, 2001, pp. 13-14; Kaigo, 2021, Introduction). However, three years later, Taft, Lodge, and Roosevelt shifted their positions, a transformation that will be explored in future analyses.

On January 8, 1918, President Woodrow Wilson delivered a significant address to Congress, outlining fourteen principles that represented the core objectives of the American war effort. The final principle proposed the establishment of a general assembly of nations under a specific covenant to ensure the mutual guarantee of political independence and territorial integrity for both large and small governments. Wilson asserted that Americans were ready to dedicate their lives, dignity, and resources to achieve these goals. The fourteen principles were articulated before the establishment of the League of Nations, with one additional condition that addressed the war aims of all allied states (Walters, 1993, p. 24). However, as preparations progressed, the architects of peace—members of the Paris Peace Conference—convened in Paris in mid-January 1919. At that time, the allied governments had not yet reached a consensus on territorial matters, resulting in an expected delay in drafting the charter for the League of Nations until these issues could be resolved (Walters, 1372: 35-34). To tackle this issue, Wilson opted to associate the covenant with the remainder of the peace treaty, ensuring that a rejection of the covenant would not undermine the entire agreement (Henig, 2019: 6). He was also apprehensive about the political landscape in the United States, fearing potential opposition from the Senate regarding the treaty's ratification (Editors, 2018: para 3 of overview). Nonetheless, through Wilson's efforts, a resolution was adopted at the conference's general meeting, asserting that the League of Nations should be established as an essential component of the peace treaty. The final text of the charter was then presented to the peace conference and unanimously approved by all participants (Walters, 1993, pp. 41-35). However, debates among American politicians concerning the nation’s membership in the League of Nations continued.

Regarding the domestic situation in the United States, it is noteworthy that before the formation of the charter committee, Wilson called upon the public to support his party, the Democrats, in the upcoming congressional elections. This would empower him to negotiate with Congress from a position of strength during the peace talks. Wilson seemed to grasp the underlying intentions of many Republican politicians regarding the League of Nations. Although Democrats predominantly controlled the Senate, he recognized their lack of the two-thirds majority necessary to ratify international treaties. His remarks led Republicans to accuse him of leveraging the League of Nations for partisan purposes more than in previous discussions. Initially, Senate members expressed support for President Wilson. They agreed to the establishment of a League of Nations without any concerns regarding collective defense (Walters, 1993, p. 29). However, during the war, civil society groups in the North Atlantic—representative of societies aligned with the League of Nations—articulated the necessity of establishing a system of collective defense (Wertheim, 2012: pp. 210-232), intertwining this issue with the broader objectives of the League.

If Wilson's prediction proved to be inaccurate or if he sought to exploit the situation surrounding issues of exclusion, Republicans might have targeted his political persona and continued endorsing the concept of a community of nations following their electoral victory. However, that was not the case. Theodore Roosevelt and Henry Cabot Lodge, who were allied with Wilson, along with others involved in peace plans regarding the community of nations, publicly ridiculed him (Walters, 1993, p. 29). In the aftermath of the elections, they utilized various pretexts to advocate for the drafting of the charter according to their preferences. They recognized that Wilson would be compelled to seek full cooperation from the members of the charter drafting committee due to apprehensions regarding opposition within the Senate. Most Republicans, however, were not inclined to interpret their electoral victory as a rejection of the community of nations. Consequently, some moderate Republican members of the Senate reassured Wilson that they would support the charter's passage if their proposed reforms were included. Several suggestions from Senate Republicans found their way into the League of Nations draft charter (Henig, 2019, p. 14), and Wilson successfully secured the approval of other drafting committee members. As a result, it seemed plausible that the charter would ultimately receive approval from the U.S. Senate.

What was anticipated did not pass, as Senator Lodge, chair of the Foreign Relations Committee, postponed the vote (Walters 1993: 52), likely seeking additional time to achieve his objectives. This circumstance could be regarded as one of history's most unusual political and legal events. Certain Senate members' conflicting actions and statements suggested they were attempting to provoke Wilson into forming a community of nations that would impose restrictions on other countries while exempting the United States from those same constraints by refusing to ratify the treaty in the Senate. For instance, Articles Eight and Nine of the treaty addressed disarmament, mandating that League of Nations members reduce their arms to the minimum necessary and engage in complete and honest information exchanges regarding armaments. These articles motivated the United States to limit other governments without subjecting itself to similar limitations. Notably, opponents of the pact seemed to regret their earlier votes against joining the League of Nations. They desired to correct what they perceived as a mistake immediately. In a subsequent ballot, forty-nine were in favor and thirty-five against, reflecting a notable decrease in opposition. However, they ultimately fell seven votes short of the required threshold. This shift offered hope to other members of the UN community regarding the eventual ratification of the treaty by the U.S. Senate. Furthermore, some senators who successfully achieved their objectives remained opposed to joining the pact. They recognized that the implementation of peace agreements, which were crucial for Europe, was often obstructed by the actions of the Council of the League of Nations. If members of the League were to withdraw from the pact due to the unusual behavior of the United States, and if the council's capacity to act was compromised, it would necessitate new proposals to Germany, which would require regaining the country's consent.

The Allied governments diligently tried to uphold the treaty, which had been carefully negotiated and officially accepted by Germany. Furthermore, the commitment to the concept of a community of nations in numerous countries posed a significant barrier to any withdrawal from the treaty. The United States had invested substantial resources into limiting the actions of other nations and would not abruptly abandon these efforts, as that would undermine its interests. With a strategic plan in place, the U.S. aimed to restrict the actions of others and maintain this control over an extended period. From the perspective of Congress, the potential loss of strategic leadership within the community of nations was a concerning outcome. To mitigate the adverse effects of losing its status as a primary leader in the League of Nations charter, the United States fully engaged in social and economic initiatives to preserve its indirect influence over community decisions.

Republican senators, having secured their demands during the treaty drafting process, rationalized the conflict between Article Ten of the treaty and the U.S. Constitution. They contended that the authority to declare war rested solely with the Senate and that Article Ten, which addresses the collective defense of member states, should not apply to the United States. They were convinced that President Wilson would reject any communication of such conditions to other Covenant

members—and he did. Wilson believed that conceding to these Senate requests would contradict the spirit of the Covenant (Walters, 1993, pp. 57-54). Consequently, Wilson never agreed to present the Senate's proposed reforms to the League of Nations.

In his earlier speeches, Lodge underscored the necessity for establishing a new international system to eliminate war, even appealing to the Armed Forces of major governments. He advocated for the United States to participate fully in the Society of Future Nations. This suggests that Congress may have exploited the conflict between Article Ten of the treaty and the American Constitution as a pretext to limit the involvement of other nations (Mervin, 1971: 202). Furthermore, he should have raised this issue immediately if Lodge had recognized a potential conflict between collective defense and the U.S. Constitution after delivering his speeches. At the very least, he could have brought it up while President Wilson was engaged in the drafting committee, alongside his other conditions. It is also worth contemplating why the majority of American public opinion did not push Senate members to put aside their animosity toward Wilson when making decisions about the community of nations. The answer can be found in Lodge and his peers inciting racial sentiments among German-Americans, fostering fears of Japan, and appealing to Italian-Americans by emphasizing the shortcomings of the Italian delegation in Paris due to Wilson’s resistance to their demands. They contended that the community of nations would obligate the American people to engage in war to protect the interests of other countries, successfully achieving their objective (Walters, 1372: 52). In fact, it is clear that a significant portion of the American public at the time did not believe in the necessity of protecting the weak against aggressors, viewing such actions as contrary to their interests.

Dr. Jamshid Mumtaz, a former head of the International Law Commission, observed in a joint article with Mr. Masoud Akbari that many Americans often perceive international law as an abstract concept that conflicts with the governance of their nation (Mumtaz and Akbari, 1395: 32). This viewpoint suggests that the United States may inadvertently mislead public opinion in the free world by attempting to justify its actions under a veneer of legality. There is a prevailing sentiment among the populace that international law undermines American sovereignty. It appears that not only during that period but even after the establishment of the United Nations, most Americans believed that their national interests were incompatible with a collective defense system designed to protect the oppressed. Some contended that President Wilson's speech in February 1919 regarding the community of nations did not accurately represent the American people's views but reflected Wilson's own beliefs, as he was seen to be neglecting his responsibilities to the United States (Freud, 2009 p. 114). It was thought that Wilson's commitment to a collective defense system was driven by his conviction that the community of nations would lose its purpose without such arrangements. He advocated for U.S. participation in the treaty despite widespread skepticism among the public.

2: The United States and the founding Charter of the United Nations

The inability of the United Nations (UN) to prevent World War II does not indicate a complete lack of effectiveness in its operations. In fact, despite its failures, the UN has achieved several significant successes (Aloni, 2021: 96). Since World War II, no other global conflict of that scale has occurred; however, there is no assurance that the UN will be able to avert such a situation in the future. Throughout history, the UN has frequently struggled to take decisive action to prevent various wars. Currently, the conflicts in Yemen and Ukraine remain unresolved and have the potential to escalate at any time.

Including veto power in the UN Charter enables the Security Council's permanent members to effectively paralyze the entire organization, as each member can act independently (Clavos et al., 2020, p. 55). Adopting the "Alliance for Peace" resolution, also called Axon or Acheson, raised hopes of addressing this issue. However, for this resolution to have a meaningful impact, weaker countries must develop the confidence to isolate the stronger permanent members of the Security Council and compel them to adhere to the goals and principles outlined in the UN Charter. The history of

the UN indicates that since 1950, Resolution 377 was adopted as the Alliance for Peace to counter repeated vetoes by the Soviet Union, and numerous proposals have emerged aimed at eliminating or limiting veto power. These proposals sought to strengthen the organization's decision-making capabilities on sensitive issues concerning humanitarian rights (Clavos et al., 2020, p. 451). While the United States has traditionally been a strong advocate for maintaining the veto power (Musazadeh, 2012, p. 129), it has also served as a significant obstacle to its elimination in recent years. The U.S. proposed the Alliance for Peace resolution to harness the benefits of the veto as a seemingly legitimate means of advancing its national interests. However, this strategy has also opened the door for other permanent members of the Security Council to misuse their veto power. Throughout the UN's history, there have been numerous instances of veto abuse, and the Alliance for Peace resolution has not effectively deterred such practices.

The United Nations (UN) might have had a more impactful history if it had more effectively drawn on the experiences of its predecessors, particularly concerning crises such as the mass burning and enslavement of Muslims in Myanmar (The Guardian, 2017) and the failure to prevent the horrific genocide in Rwanda, despite prior warnings from UN Secretary-General Kofi Annan (Lasso, 1994). Furthermore, the UN has faced challenges in addressing aggressive conflicts, including Iraq's invasion of Iran, Israel's incursions into Lebanon, and Russia's invasion of Ukraine. The UN's inability to prevent acts of aggression has left the world in a continuous state of anxiety over the potential for another world war. Nevertheless, the organization has significantly contributed to fostering dialogue, as evidenced by the annual meetings of the UN General Assembly, where heads of state and their representatives can share their perspectives.

A significant challenge within the UN community is that international law is often limited to negotiations and interactions. However, international law encompasses more than just diplomatic engagement; it includes principles such as loyalty and norms that transcend the interests of individual states (Pederson, 2018: 2). If nations could foster a culture that prioritizes global interests over national ones in their policymaking, we might achieve sustainable peace and fulfill humanity's collective aspirations. Until such a transformation takes place, and as long as countries view their interests as separate from those of others, efforts to attain lasting peace will remain limited. The United States, historically prioritizing its national interests over global well-being, will likely continue this trend within the UN framework. After the United States adopted a policy encouraging other countries to join a community of nations while refraining from membership itself, it found it necessary to establish a new organization. This organization was created to oversee global affairs by integrating certain powerful nations into a profit-driven agenda, thereby hindering the formation of a community of nations that could potentially conflict with U.S. national interests. This need may have been influenced by the former Soviet Union's opposition to a U.S. proposal for a global treaty aimed at banning the construction and destruction of nuclear weapons.

After World War II, then-President Harry Truman proposed that the United States would dismantle its nuclear arsenal, provided other nations agreed not to develop nuclear weapons and allowed for inspections to ensure compliance. The Soviet Union's rejection of this proposal may have been influenced by a law enacted by the U.S. Congress in 1946, which mandated secrecy surrounding the nation's nuclear activities (Bunn, 2003, last seen 2022). Essentially, the U.S. policy aimed to restrict other countries while avoiding self-imposed limitations, a stance that the former Soviet Union contested. In addition, the United States believed that an international organization, such as the United Nations, was necessary to manage global affairs. This institution would serve to legitimize its actions, calming public opinion both domestically and internationally. Consequently, this belief contributed to a significant decrease in profit-driven motives and created divisions among the other permanent members of the Security Council. To realize this vision, the United Nations was established with the understanding that five countries, including the United States, would hold primary membership in the Security Council and possess veto power. The founding treaty granted substantial authority to the Security Council, enabling it to operate with considerable legal latitude through the use of the veto. This veto allows each permanent member to disregard the principles

and objectives outlined in the United Nations Charter while still retaining membership status, thanks to the legal protection provided by the veto (Clavos & others, 2020: 57). Part of the foundation process for the United Nations involved President Roosevelt's meeting with British Prime Minister Churchill on August 14, 1941, aboard a ship in the Atlantic Ocean. During this meeting, they signed the Atlantic Charter, emphasizing the importance of establishing a permanent collective security system. This was a contentious issue due to America's reluctance to join the League of Nations, but it was now addressed by creating a security structure through a community of nations. Ultimately, the leaders of the United States, the former Soviet Union, and the United Kingdom convened in Yalta from February 4 to 11, where they finalized their agreement on the organization's Constitution. This included establishing the veto power proposed by the United States for the permanent members of the Security Council: the United States, the Soviet Union, the United Kingdom, China, and France. Small nations strongly opposed the veto power held by these five permanent members of the Security Council. However, these countries argued that the Security Council might make decisions detrimental to their interests without such veto privileges. They emphasized their crucial role in maintaining international peace and security, asserting that if their right to veto was not recognized, the establishment of the United Nations could be at risk. On April 25, 1945, a conference involving representatives from fifty countries was held in San Francisco following an invitation from the five permanent members. This conference continued until June 26 of that same year. The Charter of the United Nations was adopted during this gathering, and it came into effect on October 24, 1945. Consequently, the United Nations was established with a clear legal framework. The veto power granted to the permanent member states of the Security Council has significantly expanded their influence and legal authority.

3: The United States and the Treaty Establishing the International Criminal Court(ICC)

In the 1990s, two significant concepts emerged simultaneously. The first was the establishment of a special tribunal to prosecute war crimes and hold officials accountable for acts of violence. The second was the notion of humanitarian intervention. It has been observed that humanitarian intervention in Kosovo is often regarded as a unique case that cannot be generalized to other contexts (Ivanov, 1099, last seen, 2022). As a result, such interventions have not developed into a standardized procedure and primarily remain subjects of academic discourse (Mumtaz, Akbari, 1395: 31). Moreover, humanitarian intervention has not gained acceptance as a recognized norm, custom, or rule within international law. Over time, the idea of "responsibility to protect" has emerged as a replacement for humanitarian intervention. Although past experiences were relatively successful in special courts, several challenges impeded their establishment. Factors such as the creation process through the United Nations, the necessity for government cooperation with these courts, and the associated costs led the international community to seek more efficient alternatives for handling similar cases. Consequently, in 1994, the Clinton administration declared that establishing a permanent international court to prevent future tragedies and violence would be a crucial element of American foreign policy (CHR, 2002, 2-6).

A U.S. official indicated that since 1993, the United States has been actively involved in all stages of the treaty for the International Criminal Court (ICC) and has supported the establishment of an effective court in response to the urgent need to address humanitarian disasters (Mumtaz and Akbari, 2016: 32). Additionally, President Clinton, in his statement upon signing the treaty to establish the ICC, emphasized the U.S. commitment to promoting international accountability. He hoped this commitment would strengthen U.S. influence in future negotiations and foster the adoption of appropriate approaches by judges and prosecutors (Mumtaz and Akbari, 2016: 32). However, shortly thereafter, Clinton announced that he would not submit the treaty to the Senate for approval, thereby indicating that U.S. participation in the court would not take place and advising his successors against submitting it (Mumtaz and Akbari, 2016: 33). It is crucial to note that a U.S. president's signature does not confer membership in the court without Senate approval. Clinton's clarification that his signature did not imply membership, despite not formally withdrawing it, carries significant implications.

Furthermore, President George Bush announced that his administration would also refrain from presenting the court's statute to the Senate for approval (Mumtaz and Akbari, 2016: 34). Ultimately, in 2002, he communicated the U.S. intention not to join the court in a letter to the UN Secretary-General and formally withdrew the nation's signature. The letter from the chairman of the U.S. delegation to the Rome Treaty is essential for understanding the establishment of the International Criminal Court (ICC). In 1998, he wrote to Mr. Clinton, advising against U.S. support for and participation in the court. He argued that even if the United States chose not to join, it could still face prosecution by the court for international crimes committed by its forces during peacekeeping operations in member states. If the Security Council does not refer a crime committed by a citizen of a non-member country to the ICC prosecutor, that individual could remain untried and unpunished, even if their home country also fails to seek justice (Scheffer, 1998). Although the court later broadened its jurisdiction, the U.S. delegation expressed concern that other nations might assert that crimes committed by non-members on the territory of member states would fall within the court's jurisdiction. This apprehension is further illustrated by Clinton's remarks when he justified the U.S. withdrawal from the court. He indicated that, while their fundamental concerns about the treaty remained, they were particularly troubled by the possibility that, once established, the court would extend its jurisdiction to states that ratified the treaty and non-member states (Mumtaz and Akbari).

The United States was determined to confine prosecution to citizens of member states or individuals referred explicitly by the Security Council, seeking to remove itself from international constraints. Clinton's comments suggest that from the beginning, the U.S. had no intention of becoming—or remaining—a member of the International Criminal Court (ICC). Another justification offered by the United States for its refusal to join the ICC centered on constitutional conflicts, particularly regarding the requirement for jury trials in domestic courts. Article 88 of the court's statute stipulates that if a country is requested to extradite an accused individual to the ICC, it cannot refuse based on the accused's nationality. This raises questions about why the U.S. government did not choose to amend its Constitution to align with the court's statute. Furthermore, why should an American citizen accused of a crime not be tried in their home country, thereby allowing domestic courts to supplement the ICC's jurisdiction? If the U.S. genuinely prioritized the constitutional requirement for a jury trial, it would make sense for the U.S. to insist that countries detaining a U.S. citizen accused of an international crime extradite them to the United States for trial rather than seeking prosecution in the ICC. By extraditing and trying the accused in the U.S., there would be no opportunity for the ICC to exercise its supplementary jurisdiction, potentially resulting in conflicts between the ICC's statutes and the U.S. Constitution.

It is essential to recognize that, through its participation in the Security Council and its exercise of veto power, the United States has exhibited limited concern regarding interventions in various global issues involving countries not members of the International Criminal Court (ICC). Following its withdrawal from the treaty that established the court, the U.S. began negotiating bilateral treaties with numerous countries to exempt its citizens from trial and prosecution by the ICC. This decision was driven by a desire to maintain a global presence and to mitigate the risks of potential legal complications arising from the ICC's activities. By 2007, the United States had concluded more than 100 bilateral treaties. These agreements were established under Article 98 of the ICC's statute, which dictates that the court cannot request the surrender of an individual if doing so would violate a government's obligations under international agreements unless that government has previously consented to the individual's transfer to the court (Sadat Agha, Rizwani, quoted by Mumtaz, Akbari, 2016: 38).

In this context, one could argue that the United States, which played a pivotal role in the establishment of the Nuremberg trials for German war criminals after World War II and supported the creation of special courts by the Security Council in the 1990s to prosecute individuals accused of war crimes, crimes against humanity, and genocide in the former Yugoslavia and Rwanda, now stands in opposition to the International Criminal Court. This opposition primarily arises from

concerns that U.S. nationals might be subject to the same legal proceedings as nationals from other countries before the court (Deller et al., 2004, p. 21).

4: The United States and the Nuclear Non-Proliferation Treaty.

In 1953, U.S. President Dwight D. Eisenhower recommended the establishment of an international organization dedicated to promoting the peaceful use of nuclear technology while preventing countries that did not yet have nuclear weapons from acquiring them. This proposal was presented at the eighth session of the United Nations General Assembly. Ultimately, in 1968, a treaty was concluded under the auspices of the United Nations. This treaty aimed to prevent the proliferation of nuclear weapons, promote cooperation in the peaceful use of nuclear energy, and advance the goal of denuclearization. The Nuclear Non-Proliferation Treaty (NPT) identifies nuclear-armed countries as those that had acquired nuclear weapons and conducted nuclear tests before January 1, 1967. These countries include the United States, Russia, France, the United Kingdom, and China. The treaty mandates that non-nuclear member states refrain from developing nuclear weapons while the recognized nuclear powers commit to sharing information and technology for peaceful nuclear applications. Furthermore, the nuclear-armed states are required to actively pursue the gradual reduction of their nuclear arsenals (Thomas, 2004).

The International Atomic Energy Agency (IAEA) is responsible for implementing the Nuclear Non-Proliferation Treaty (NPT) to promote peaceful nuclear cooperation and prevent the proliferation of nuclear weapons. However, the IAEA has limited authority to enforce the treaty's commitment to disarmament of existing nuclear arsenals. In essence, the IAEA focuses on monitoring its member states to ensure they do not acquire nuclear weapons. However, no designated institution is tasked with overseeing the gradual reduction of nuclear arsenals held by the United States and other permanent members of the United Nations Security Council. This situation reflects the continuation of U.S. policies that advocate self-restraint among other nations while sidestepping restrictions on its nuclear capabilities. According to George Boone, the former Consul General of the U.S. Military Disarmament and Control Agency and a member of the U.S. negotiating team for the NPT, President Harry Truman proposed shortly after World War II that the United States would dismantle its nuclear arsenal if other countries pledged not to develop nuclear weapons and permitted inspections to verify compliance. However, Truman's proposal ultimately failed due to opposition from the Soviet Union, which was on the brink of acquiring its nuclear weapons. This Soviet resistance may have been driven by distrust of a 1946 U.S. law that sought to conceal American nuclear activities from other nations (Bunn, 2003, Last seen 2022; also see Bunn, 1992: 59-72). The period in question signaled the beginning of the United States' recognition that it needed to share its nuclear capabilities with certain countries based on national rather than global interests. This perspective can be traced back to the development of U.S. self-interest policies in response to the former Soviet Union.

The United States was pivotal in creating the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Logically, if the U.S. were to act in good faith, it should not undermine the treaty's objectives. However, the failure of the U.S. Senate to ratify the Comprehensive Nuclear Test Ban Treaty in 1999 indicates a desire to maintain and possibly expand the nation's nuclear arsenal rather than dismantle it. Essentially, the U.S. seems to assert its right to possess nuclear weapons while contravening its commitments to reduce its stockpile. From the beginning, it could be presumed that the Nuclear Non-Proliferation Treaty would face challenges in achieving its goals. The treaty was not established as binding law, meaning it does not impose obligations on all nations to comply. This lack of enforcement creates a loophole that nuclear-armed states can exploit, often justifying the retention of their nuclear arsenals as a necessary measure for maintaining peace, particularly in deterring non-nuclear states from acquiring similar weapons.

The United Nations' failure to define constitutional treaties has contributed to the ongoing issue. This lack of clarity may not be accidental; it could serve the interests of powerful nations. Suppose the Treaty on the Non-Proliferation of Nuclear Weapons is not deemed constitutional, especially

since it only excludes four countries—North Korea, Pakistan, India, and South Sudan—as well as the occupying regime in Jerusalem. In that case, we must question which treaties hold such authority. It seems that the U.S. might prefer that this treaty lacks legal standing, allowing the occupying regime in Jerusalem to pursue its nuclear activities without restrictions.

5: USA and the Charter of Human Rights

In an article on the official website of the American Bar Association, Ms. Martha Davis, a law professor and professor of Experimental Education at Harvard University, noted that many nations, including the United States, participated in drafting the Charter of Human Rights. However, the following readings suggest that the United States also played a key role in this effort. The Charter of Human Rights consists of the Universal Declaration of Human Rights and two additional charters: the Charter of Economic, Social, and Cultural Rights and the Charter of Civil and Political Rights. The Universal Declaration of Human Rights was proposed and discussed at the first meeting of the United Nations General Assembly in 1946. It was subsequently sent to the Human Rights Commission to prepare the Charter of Human Rights. Eleanor Roosevelt, the widow of the President of the United States, was elected as the chair of the drafting committee for the declaration. She is widely recognized as the driving force behind its adoption.

Regarding the two binding covenants that originated from the Universal Declaration of Human Rights and served as foundational documents for the United States, it is important to note that the country's approach encourages other nations to voluntarily limit their human rights practices while simultaneously avoiding such restrictions. Since the opening of the International Covenant on Economic, Social, and Cultural Rights for signing on December 19, 1966, the United States has yet to fully implement its provisions domestically. After signing the International Covenant on Civil and Political Rights eleven years later, ratification took an additional 26 years, which came with numerous reservations and conditions. This delayed response underscores the country’s tendency to impose limitations on other nations while evading similar restrictions on itself. A book supported by the committee of nuclear policy lawyers and the Institute for Energy and Environmental Research notes that while the United States was a key contributor to the development of international human rights documents after World War II, it has taken a slow and complicated path to accept these documents within its political system. Besides the Economic, Social, and Cultural Rights Charter, the United States has not ratified the Convention on the Elimination of All Forms of Discrimination Against Women or the Convention on the Rights of the Child. The U.S. is one of only two countries worldwide that has not ratified the Convention on the Rights of the Child. Additionally, the U.S. has imposed significant conditions on ratifying the Convention Against Torture and the Covenant on Civil and Political Rights.

When the United States does ratify human rights treaties, it often adopts a method that limits its impact on domestic law. By ratifying these treaties, the U.S. presents itself as a participant in international human rights efforts, while in practice, it restricts any advancement in the rights of its citizens through interpretative declarations or reservations. The U.S. argues that it upholds higher human rights standards in its laws than those found in international treaties, which justifies its reluctance to commit to these treaties fully. However, many Americans might reasonably question whether their lives reflect standards above those established in international human rights agreements. If this claim were valid, the U.S. should not have any significant concerns about its membership in the treaties it helped to create.

CONCLUSION

Based on the content and particularly the remarks from U.S. officials, there is a strong suspicion that the country primarily prioritizes its national interests. This has resulted in the manipulation of international law, enabling the U.S. to mislead public opinion in the free world by suggesting that such laws are in place while exploiting their loopholes. The U.S. advocates for other countries to join treaties but often refrains from making genuine commitments, using the obligations of others

to advance its own military and economic objectives. To influence this dynamic, the United States has sometimes compelled certain nations to align with its interests, thereby encouraging others to adopt similar behaviors—often through the threat of isolation and conflict. For countries to secure their genuine international rights, there must be a concerted effort to raise awareness about this approach, particularly among the Security Council's permanent members. Each permanent member wields considerable power; however, when united, the collective strength of 150 smaller nations could potentially surpass that of the five permanent members, serving as a significant counterbalance to their excesses. Such a change will not occur overnight; not all the arguments presented may be readily embraced. Nonetheless, it should prompt nations to engage in critical thinking and further research to avoid being misled. Ultimately, this could lead to a new understanding of international law and its rightful significance.

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