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## Battle of the Sexes: Why the United States Has Not Yet Ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

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## Introduction

Thirty-three years ago, President Jimmy Carter signed, on behalf of the United States, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Drafted in the late 1970s to “address long-standing and pervasive inequities against women worldwide,” CEDAW is one of several human rights treaties created by the United Nations after World War II and specifically “sets out a comprehensive definition of discrimination, as well as a framework for improving women’s lives and measuring nations’ progress toward” the treaty’s stated goals (Wakefield 2010, 22). On the surface, the United States champions human rights throughout the world, but in practice the United States remains one of only seven countries worldwide to have not ratified CEDAW.<sup>1</sup> In fact, the United States is “the only established industrialized democracy in the world that has not yet ratified” the Convention (Office of High Commissioner 2012; Koh 2002, 265).<sup>2</sup>

This paper analyzes the fundamental question of the why the United States Senate has not, to date, provided its advice and consent to ratification for CEDAW. To provide an answer, this paper proceeds first with a brief discussion of the treaty ratification process in the United States and the stated goals of CEDAW. The paper then moves to an analysis of some of the key players in the ratification debate and the arguments made on both sides of that process. In particular, this analysis seeks to discover the specific reasons and conditions that have prevented the Senate from ratifying CEDAW thus far and considers what these factors, either by opposition or facilitation, say about the treaty ratification process in the United States.

Studying the Senate’s actions with regard to CEDAW is particularly relevant because human rights issues, especially women’s rights, are prevalent in politics and the media today. Furthermore, the importance of CEDAW, both from a domestic and international standpoint, stems from its unique nature as a worldwide bill of rights that sets up standards for the nondiscriminatory treatment of women and provides “a framework from which any country can build programs that can save women’s lives and bring women into the economic mainstream of development” (Senate Committee on Foreign Relations 2002, 23). The protections guaranteed by this treaty became increasingly important to different groups within the United States after the terrorist attacks of September 11, 2001 and the subsequent war in Afghanistan where the Taliban continues to

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<sup>1</sup> The other states to have not ratified CEDAW are Iran, Palau, Sudan, South Sudan, Somalia, and Tonga. It is also interesting to note that of the states that have not ratified CEDAW, only the United States and Palau have actually signed the treaty (Office of High Commissioner 2012).

<sup>2</sup> The United States is also one of only six member states of the United Nations that has not yet ratified the treaty (Wakefield 2010, 22).

perpetrate terrible gender-specific acts against women<sup>3</sup> (Senate Committee on Foreign Relations 2002, 23). Since 2009, President Obama and his administration have consistently supported ratification of CEDAW and signaled their intention to secure United States accession to the treaty.

### **Treaty Ratification in the United States**

Understanding the treaty ratification process within the United States begins with the Constitution, which states that the President “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties” (United States Constitution 1787). Thus, Senate advice and consent does not constitute ratification, but a treaty cannot be ratified without first obtaining Senate advice and consent. The ratification process itself formally begins when the President signs a treaty and submits it to the Senate where it is automatically referred to the Committee on Foreign Relations (CFR) for consideration (Auerswald and Maltzman 2003, 1099). The CFR can choose whether to take any action on the treaty; however, the treaty will remain in the CFR until the Chairman schedules a vote to report it out to the full Senate for advice and consent. Only if a two-thirds majority of senators present and voting approve the treaty can the President ratify it on behalf of the United States (Auerswald and Maltzman 2003, 1099).

It is not uncommon, however, for the Senate to refuse to vote on a treaty that does not have enough support to ensure its approval, thus blocking the ratification of the treaty without using the Senate’s formal veto power (Congressional Research Service 2001, 3). These treaties often remain pending within the CFR for long periods of time, as has been the case with CEDAW (Congressional Research Service 2001, 3). In an era where multilateral treaties have become the norm rather than the exception, as a result of increasing globalization, it is important to understand how and why such treaties can face decades of obstruction in the United States Senate.

### **What is CEDAW?**

As mentioned above, CEDAW is a human rights treaty created by the United Nations to end all forms of discrimination against women worldwide. In fact, “CEDAW is the only international human rights treaty that specifically focuses on the rights of women” (Blanchfield 2011, 1). Drafted in the late 1970s, this treaty incorporates features of the Universal Declaration of Human Rights (1948) and has itself been described as “an international bill of rights for women” (Merry 2006, 74). The thirty articles constituting the treaty cover a broad array of social issues that focus on three important areas greatly affecting women’s lives: 1) “civil rights and legal status in all areas of activity;” 2) healthcare with an

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<sup>3</sup> Afghanistan ratified CEDAW in 2003.

emphasis on human reproduction, including “maternity, employment, family law, and health education;” and 3) “cultural factors including traditions, stereotypes, customs, and norms that perpetuate the discrimination of women in all areas of society” (Walter 2001, 17).

More specifically, the Convention clearly defines the phrase “discrimination against women” as:

Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." (Senate Committee on Foreign Relations 2002, 74).

Many consider the treaty an innovation in women’s rights because CEDAW “has been credited with evolving the concept of *substantive* equality, a foil to the conventional model of *formal* equality,” thus recognizing that “women can be different from men but still equal to them” (Jain 2005, 93)<sup>4</sup>. This distinction is significant because CEDAW “does not deny that in most parts of the world today men and women play different roles in society. It reminds us, however, that the ‘choice’ to play such roles may actually be determined by long-held cultural, religious, and other belief systems” (Ramdas 2011, 38). This is especially true in many non-Western states, particularly those that still implement discriminatory practices against women in violation of CEDAW, such as Egypt, Turkey, Yemen, Iraq, and Saudi Arabia.

Based on the reports given to the treaty’s regulatory organization from these five countries, the CEDAW monitoring Committee<sup>5</sup> has noted the following problems. First, Iraq failed “to revoke legislative provisions that discriminate against women” and to curb “the violence against women perpetrated through honor killings” (CEDAW Committee 2000, 2-3). Second, Egypt failed “to address the root causes of [female] trafficking” and “violence against women in all its forms has increased, both in the private and public spheres” (CEDAW Committee 2010, 5-6). Third, Yemen’s “traditional discriminatory practices and strong

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<sup>4</sup> “The underlying basis of formal equality is that like should be treated alike – that those who are similarly situated be treated similarly. . . . Consequently, the argument would continue, that when groups are not similarly situated, they do not qualify for equality even if the differences among them are the product of historic or systemic discrimination” (Jain 2005, 93).

<sup>5</sup> This regulatory body is designed to monitor state compliance with ratified treaties by requiring countries to write periodic reports detailing their efforts to enforce the treaty’s provisions (Merry 2006, 78). The committee operates with twenty-three experts elected by the state parties to serve in their personal capacity (Parpart et al. 2002, 63).

stereotypical attitudes about the roles and responsibilities of women and men in family and society persist,” as does:

The very low rate of representation of women in decision-making positions in all spheres, in particular in Parliament (0.3 per cent), the Government (1.82 per cent of commissioned ministers) and the judiciary (1.65 per cent), as well as in the public and private sectors, including in the public administration, the foreign service and academia (CEDAW Committee 2008, 3-5).

Finally, Saudi Arabia prohibits women from voting in violation of the Convention’s Article 7 on political participation and Turkey has been cited “in numerous court cases regarding discrimination against women” (Blanchfield 2011, 9-10). Therefore, the Convention permits States to recognize a difference between men and women that allows them to behave differently within society so long as those distinctions are not forced upon them and do not facilitate discrimination based on gender that is prohibited by the Convention as is the case in the examples above.

The United Nations General Assembly adopted CEDAW and opened it for signature in 1979 (Penn 2003, 7). By the beginning of September 1981, the treaty had received the required twenty ratifications to enter into force, at which point the treaty’s advisory committee became operational (Blanchfield 2011, 2; Penn 2003, 7). Unfortunately, like many committees monitoring other major United Nations treaties, the CEDAW Committee has limited power to compel states to comply with the treaty because it “cannot impose sanctions on noncompliant states” (Merry 2006, 72). Currently, the United States cannot participate in the CEDAW Committee because it has not ratified the treaty. After President Carter transmitted CEDAW to the Senate in November 1980, the CFR held hearings on the treaty in 1988, 1990, 1994, and 2002, but, to date, the treaty has not been considered for advice and consent to ratification by the full Senate (Blanchfield 2011, 1). Despite President Obama’s intentions otherwise<sup>6</sup>, the United States currently remains the only country in North America and Europe that is not a party to CEDAW (Blanchfield 2011, 1; Lockwood 2006, 235).

### **Analysis of the United States Non-Ratification of CEDAW**

Looking at the path that CEDAW has taken through the Senate since 1980 reveals a number of overlapping factors that, together, have shaped this treaty’s

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<sup>6</sup> In 2009, a White House press release announced that President Obama’s administration intended to seek ratification of CEDAW and, in 2010, President Obama himself stated: “if it was simply up to me, [CEDAW] would have already been ratified. I’m a strong supporter of it” (Wood 2009; Obama 2010).

ratification process for better and for worse over the past three decades. This section focuses on the role played by interest groups and key senators, as well as the effect of executive-legislative relations on the ratification process, by analyzing the arguments made both for and against ratification from the treaty's advocates and opponents. To begin, treaties receiving bipartisan support often face less obstruction during the ratification process and vice versa. CEDAW falls squarely into this trend because, despite receiving substantial support from Presidents Carter, Clinton, George W. Bush, and Obama, the treaty lacks equal, and even sizeable, support from both Democratic and Republican Senators (Sommers 2011, 38; Ramdas 2011, 30). This type of political divide, in which most opposition comes from one party while most support comes from the other party, has been referred to as "cross-partisanship" rather than true "bipartisanship" because "the initiative comes from one party, which then seeks to gain enough support from the other to form a winning coalition" (Jones 2005, 30). In the case of CEDAW, advocates of ratification are primarily composed of Democrats who have thus far been unable to gather enough support from Republicans to guarantee a favorable two-thirds majority in the Senate.

The detrimental effect of cross-partisanship on the ratification process is clearly linked to the Constitution's mandate of a two-thirds Senate majority necessary for successful treaty ratification and thus helps explain why the United States has not ratified CEDAW over the past thirty years. In particular, the fact that Republicans held a majority of Senate seats between 1981 and 1987 could help explain why the CFR did not hold any hearings on CEDAW or report it to the floor for a vote during those years (Majority and Minority Leaders and Party Whips 2014). Similarly, even when Democrats held a Senate majority between 1988 and 1994, treaty supporters lacked a supermajority that could overcome Republican opposition to the treaty during a vote (Majority and Minority Leaders and Party Whips 2014). Notably, the only four hearings held on CEDAW were conducted by the CFR during years where Democrats controlled a majority of Senate seats and thus selected which Senator would hold the influential position of Chairman in the CFR.

Since President Carter's signing of CEDAW, both Democrats and Republicans alike have supported the idea of CEDAW in theory, as part of the United States' espoused western democratic ideals, but contention over the costs versus benefits of the treaty appear to split largely along partisan lines. As a result, arguments based on the content of the treaty and its implementation have resulted in procedural obstructions based on the actions of individual Senators opposed to the treaty. One of the biggest obstacles to CEDAW's ratification has been the significant challenges posed by "the American right, led by the late Senator Jesse Helms and conservative organizations" (Ramdas 2011, 29). During his time as Chairman of the CFR (1995-2001), Helms singlehandedly blocked any

action taken on CEDAW by refusing to hold hearings on the treaty and thus stalling the ratification process (Sommers 2011, 38). Helms even instructed the capitol police to “escort women members of Congress out of a hearing, where they had come to ask him for a meeting to discuss CEDAW, admonishing them to ‘act like ladies’” (Rabin 2000, 4). Only after Helms retired from his post as Chairman did the Senate resume consideration of the treaty. Although Helms is an extreme example, the type of obstruction that Helms illustrates is permitted according to Senate rules and could explain why the CFR did not consider CEDAW during periods where other Chairmen opposed the treaty.

The power of a solitary CFR Chairman in shaping the ratification process also demonstrates one of the reasons why neither public opinion nor interest groups have a decisive effect on the success of a treaty. Specifically, CEDAW has received support from vocal women’s groups<sup>7</sup> and “broad-based organizations such as the AARP, AFL-CIO, American Bar Association, and League of Women Voters,” but the grassroots campaigns of these groups and other non-governmental supporters have not resulted in ratification of the treaty<sup>8</sup> (Sommers 2011, 38; CFR 2002, 9). Moreover, a nationwide poll taken in May 2010 found that “89 percent of respondents said that the United States should ratify the treaty,” but the CFR has not held any further hearings on the treaty (Senate Committee on Foreign Relations 2002, 10; Wakefield 2010). This lack of progress is largely due to the fact that the politics of internal Senate policy take precedence over external pressure from interest groups and public opinion. First, public opinion polls on specific issues “almost never measure relative *intensities* of opinion [and therefore] they fail to reveal whether the attitude is accompanied by sufficient emotional involvement to influence [Congressional] conduct in a significant way” (Dahl 1983, 38). Second, Senators tend to be insulated from both public opinion and interest group pressure, and even when such “outsider” forces penetrate Congress, Senators are more likely to listen to the voices and opinions with which they already agree. Additionally, it is difficult for Senators to change one another’s minds or even sway their colleagues’ votes, but it is even more challenging for “outsiders” to do so. As a result, the public debate over CEDAW may have given additional ammunition to the CFR’s refusal to push the treaty forward, but rather than creating the divide between treaty opponents and advocates, it has merely exacerbated the tensions contributing to the wide gap in opinions.

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<sup>7</sup> i.e. the Church Women United, the United Methodist Women, and the National Organization for Women (NOW) (CFR 2002, 10; Sciammacco 1998, 12).

<sup>8</sup> I.e. In 1999, CEDAW supporters “delivered more than 10,000 individually handwritten letters to Senators urging ratification of the treaty” and by 2000, twelve states, eleven counties, and twenty cities in the United States had endorsed CEDAW or adopted its provisions on behalf of their jurisdictions (Senate Committee on Foreign Relations 2002, 10).

Recent revitalized efforts by the Obama administration to ratify CEDAW have been met with renewed opposition from conservatives who glorify American exceptionalism and “women’s traditional roles as mothers, wives, and caregivers” (Ramdas 2011, 30). Ultimately, conservatives believe that eradicating gender roles threatens American family life not only for women but for everyone (Ramdas 2011, 30). These types of arguments against CEDAW are supported by religious right groups<sup>9</sup>, but opposition to CEDAW does not come solely from conservatives. Over the past few years, resistance to ratification of CEDAW has surfaced from liberals, some of whom “fear that signing CEDAW will be a symbolic gesture that would amount to sweeping the problem under the carpet instead of creating meaningful change for women in the [United States] who experience discrimination” (Ramdas 2011, 30-31). Unless the concerns of opposition groups from both political parties can be addressed, CEDAW will most likely remain in the CFR indefinitely and the United States will remain a non-party to the convention.

Having discussed some of the biggest sources of support and opposition to the treaty, this section now turns to a more in-depth look at the specific arguments made in favor of and in opposition to ratification. Starting with the latter, many opponents believed that ratifying CEDAW, and thus becoming accountable to the treaty’s monitoring committee, would undermine national sovereignty by requiring “the federal government or, worse, the United Nations to interfere in the private conduct of citizens,” and by promoting international law that “runs counter to [United States] values concerning home, family, and security” over American law (Blanchfield 2011, 1& 8; Wakefield 2010; Crouse 2002, 43; Merry 2005, 80; Senate Committee on Foreign Relations 2002, 15). Weakened American sovereignty matters to treaty opponents not simply from an ideological standpoint, but also from a practical stance because ratification of CEDAW would immediately subject the United States “to an evaluation of how well we comply with the treaty’s provisions” (Sommers 2011, 46).

Ratification of CEDAW and subsequent evaluation of United States laws would necessarily call into question the way the United States addresses conceptions of gender equality. For example, “the division of labor between men and women exemplifies [sex] discrimination by distinguishing the feminine private sphere of the family and the masculine public sphere of the market, politics, and the state” (Stopler 2005, 46). Even though women have achieved greater inclusion in the public sphere and in political theory over the years, discrimination against women is still accorded a troubling degree of legitimacy based on its connection to religious and cultural norms. In particular, the United States, and much of Western civilization in general, subscribes to the powerful

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<sup>9</sup> i.e. the D.C.-based Family Research Council and Concerned Women for America (Ramdas 2011, 30).

biblical myth of Adam and Eve, “which has defined the relationships between men and women on both the theoretical and the practical level for generations” (Stopler 2005, 48). Specifically, justification for women’s inferiority, especially in the Christian tradition, comes from “Eve’s responsibility for the fall of Adam, which was interpreted as the responsibility of all women to the advent of evil in the world. . . . In Christian thought, a woman’s role as a submissive wife and mother is not only her punishment, but also her only means of salvation” (Stopler 2005, 48). Even in situations where these religious undertones carry less sway, the United States’ financial affluence, “the rigid requirements of the highly competitive job market, the social and cultural expectations from women and the gendered structure of the self, combine to keep many highly educated and professionally trained women at home with their children” (Stopler 2005, 75). As a result, the United States “has one of the lowest labor force participation rates for college educated women in the developed world” (Stopler 2005, 75).

Some treaty opponents also contest ratification on the basis that the United States does not need to ratify a convention with high costs when it already implements a “highly developed system of civil rights laws protecting women” (Senate Committee on Foreign Relations 2002, 40). This claim appears supported by the fact that “many countries widely believed to have poor women’s rights records ratified the Convention” and continue to follow discriminatory laws today, thus making CEDAW an involuntary façade for atrocities committed against women in the treaty’s member states (Blanchfield 2001, 9; Senate Committee on Foreign Relations 2002, 48). Consequently, many activist groups, NGOs, and legal scholars have voiced their concern that the treaty lacks adequate enforcement mechanisms for compliance and, as a result, that CEDAW “has not made any difference in eliminating discrimination against women” (Marry 2006, 72; CFR 2002, 15). For example, China ratified CEDAW in 1980 but the government today still practices forced abortions and sterilizations to uphold its one-child population control policy (Lockwood 2006, 641; Senate Committee on Foreign Relations 2002, 15). Similarly, states like Saudi Arabia, Yemen, and North Korea “have done almost nothing to reform their laws, policies, and practices, even when admonished” by the international community (Sommers 2011, 40). This hypocrisy goes virtually unchallenged for such states against whom the CEDAW committee cannot levy sanctions or fines, but treaty opponents in the United States argue that:

By contrast, the United States takes its international treaty obligations seriously [and] if we ratified CEDAW, we would consider ourselves morally committed to abide by its rules [and] many of those rules are antithetical to American values, and any good-faith effort to incorporate

them into American law would conflict with our traditions of individual freedom (Sommers 2011, 40).

In essence, the United States does not want to subject itself to standards that other countries appear to disregard without any international consequences, especially when those expectations run counter to traditional American values. Collectively, the arguments made against ratification of CEDAW have successfully stalled the treaty from gaining the support of a two-thirds majority in the Senate.

With regard to the arguments made in favor of CEDAW, treaty proponents insist that ratification will not jeopardize American sovereignty. First, advocates contend that the actions and decisions of the CEDAW committee will not override domestic laws nor affect the private lives of American citizens because American laws already fall in line with the goals of the treaty and because neither the Convention nor the Committee have any “established rules for enforcing its recommendations or addressing treaty non-compliance” (Blanchfield 2011, 9; Koh 2002, 273). Second, ratifying CEDAW will allow the United States to nominate a representative to the monitoring committee, which would protect the United States from accusations of non-compliance as well as assist in the admonishment of other states that violate treaty provisions (Blanchfield 2011, 12; Senate Committee on Foreign Relations 2002, 21). Conversely, persisting in its current state of non-ratification, the United States simply cannot leverage the power of the Committee to call other nations to account for their compliance with the treaty (Senate Committee on Foreign Relations 2002, 4). This power is particularly important in our post-9/11 world because the United States “cannot be a world leader in guaranteeing progress for women’s human rights, whether in Afghanistan, in the United States, or around the world, unless it is also a party to [CEDAW]” (Koh 2002, 264). Therefore, while acceding to CEDAW will not undermine American sovereignty, refusing to ratify the treaty surely weakens the United States’ international influence and reputation.

One particularly important matter of contention between treaty supporters and opponents is what sort of message United States ratification of CEDAW would send to the rest of the world. American influence internationally, without the threat or use of military force, rests heavily on the perceived reputation of the United States. Specifically, treaty proponents insist that the United States’ failure to ratify CEDAW signals American weakness and hypocrisy when we try to speak up for women’s rights in countries like India and Pakistan without being able to point to our signature on this women’s rights treaty (Senate Committee on Foreign Relations 2002, 26 & 48). In fact, treaty supporters have testified that the United States’ continuing failure to ratify CEDAW:

Has reduced our global standing, damaged our diplomatic relations, and hindered our ability to lead in the international human rights community. Nations that are otherwise our allies, with strong rule-of-law traditions, histories, and political cultures, simply cannot understand why we have failed to take the obvious step of ratifying this convention. In particular, our European and Latin American allies regularly question and criticize our isolation from this treaty framework both in public diplomatic settings and private diplomatic meetings (Koh 2002, 269).

In particular, the United States “might be viewed as hypocritical because it expects countries to adhere to international standards that it does not itself follow” (Blanchfield 2011, 12). United States ratification of the treaty “would make an important global statement regarding the seriousness of our commitment on these issues [and] it would have a major impact on ensuring both the appearance and the reality that our national practices fully satisfy or exceed international standards” (Senate Committee on Foreign Relations 2002, 33). In essence, ratification will increase the credibility of actions taken by the United States to stop discrimination against women globally, which in turn will lend more credibility to America’s other foreign policy objectives (Blanchfield 2011, 11-12; Ramdas 2011, 34).

CEDAW advocates also focus on the positive impact of ratification within the United States. Some feminist activists support ratification based on the belief that CEDAW would provide an opportunity “for American women to secure rights the Constitution has not delivered” (Sommers 2011, 42). In particular, liberal feminists argue that once women have equal access to succeed alongside men in the public sphere (economically, educationally, politically, and legally), “women will experience less discrimination and deprivation [and] these gains are expected to translate into a more equal treatment of women, including reducing their risk of victimization” (Martin et al 2006, 324). Specifically, because the United States Department of Justice has found that nearly three million women every year are physically abused by their husbands or boyfriends, ratification of the treaty “would send a signal to perpetrators and victims alike that the United States is serious about eliminating violence [against women] at home as well as abroad” (Senate Committee on Foreign Relations 2002, 27).

In assessing the collective reasons that have prevented the United States from ratifying CEDAW, it is important to conclude with the observation that current events can have just as great an impact on the path of a treaty as its domestic history. Specifically, the Senate’s failure to take any action on CEDAW during Obama’s presidency may be linked to the Senate’s recent rejection of the Convention on the Rights of Persons with Disabilities (CRPD) in December 2012. This surprising outcome, coupled with increasing partisanship in Washington,

indicates that CEDAW would face a steep uphill battle if Democrats attempt to push for a ratification vote during the remainder of Obama's second term. Unfortunately for treaty advocates, the case of the CRPD mirrors the case of CEDAW in many ways, including the belief by many opponents, discussed in detail above, that the intentions of the treaty are admirable but the provisions for carrying out those goals are misguided and detrimental to vital American interests and the preservation of national sovereignty. In such a climate, CEDAW is unlikely to achieve ratification.

### **Conclusion**

As revealed by the analysis above, the ratification process for CEDAW in the United States has been anything but straightforward and its chances of success remain uncertain. The strength of the largely Republican opposition has historically stalled consideration of the treaty and more recently effectively prevented the Senate from ratifying the treaty despite President Obama's desire otherwise. The main areas of contention over ratification relate to the preservation of American sovereignty and the reputation of the United States in pursuing foreign policies it claims to support in theory but upon which it hesitates in practice. The United States' reluctance to ratify CEDAW not only damages its international credibility and influence with regard to its own foreign policy actions, but it also threatens American security and sovereignty by emboldening other countries who face "little immediate pressure to implement and conform to the requirements of the convention" (Parpart et al. 2002, 64).

American policymakers, interest groups, and the public generally support CEDAW's goals of advancing women's rights and eliminating gender discrimination, but disagreement over whether the treaty is an appropriate or effective mechanism for achieving these goals has been strong enough to derail all attempts at ratification thus far (Blanchfield 2011, 1 & 9). What makes the concerns over sovereignty so devastating for CEDAW is the way in which this content- and implementation-driven problem combines with the Senate's obstruction procedures. If the Senate is structured with treaty opponents holding a majority, then the CFR Chairman can block a treaty and the Majority Leader can drum up votes along the party line in opposition to ratification. Thus, for CEDAW to receive Senate advice and consent to ratification, the President must actively campaign for its success, the CFR Chairman must be invested in seeing the treaty move forward in the ratification process, and the Senate at large must engage in bipartisan communication and compromise since neither party holds a supermajority. Ultimately, no matter what decision the United States makes with regard to the ratification of CEDAW, the choices of the Senate on this treaty will affect American domestic and foreign policy for many years to come.

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