

This week's open declaration of hostility by 47 Republican senators to any US agreement with Iran has generated much [handwringing](#) about the state of American domestic politics. The tone and manner of their open letter has drawn its fair share of opprobrium.

Vice-President Joe Biden was quick to respond with his own [open letter](#) upbraiding his colleagues. This will cynically be regarded by some as the unofficial launch of his presidential campaign should Hillary Clinton falter in face of her latest scandal regarding her personal email. Regardless of Biden's motives, there is little doubt that the Republicans were modestly original in the way they sent their message.

As President Obama emphatically responded, the negotiation of such an agreement lies well within his jurisdiction. What he didn't mention – and we should note – is that the US has a solid history of negotiating international agreements that the Congress has failed to ratify or of having them stifled before they even got off the drawing board.

Many of these decisions have stained our international reputation and thus our credibility abroad. But in many cases presidents have found ways to work around Congress's refusal to cooperate.

### **The precedents are many**

Let's take a minute to review our "walk of shame" down non-ratified lane. The list is too long to review in its entirety here. But there are some extraordinary ones.

Well, let's start with a bang. Did you know that only the US and South Sudan have failed ratify the [Convention on the Rights of the Child](#)? President Obama has described this as "embarrassing." But neither he nor Bill Clinton (president when it was signed in 1995) submitted it to the Senate for ratification because of the opposition of conservative Republicans who claimed it would subvert the US Constitution.

This past Sunday, March 8, was International Women's Day. But did you know that although we signed it in 1980, we never ratified the UN's [Convention on the Elimination of All Forms of](#)

### [Discrimination Against Women](#)

? Yes, the US is

one of only eight countries in the world  
[not to do so](#)

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All those places that we abhor because of the way that they treat women: well, most of them have signed and ratified it. Okay, most of them don't enforce it. But the symbolic message our refusal to ratify it sends to the world is important. And yet Congress failed to ratify it after Jimmy Carter signed it in 1979. Guess why? Continued Republican opposition.

And to complete our unholy trinity, we signed but never ratified the [Convention on the Rights of Persons with Disabilities](#)

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The US signed it in 2009. Yet the Senate failed by five votes to secure the two-thirds majority needed in the face of ...  
[conservative opposition](#)

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But our political process doesn't just subvert important human rights legislation. It also gets in the way when it comes to national security issues as well.

## Running interference on national security

For example, we signed but never ratified the critical Strategic Arms Limitations Agreement II (SALT II) negotiated by Jimmy Carter with the Soviets in the 1970s.

This was [because](#):

“a broad coalition of Republicans and conservative Democrats grew increasingly skeptical of the Soviet Union's crackdown on internal dissent, its increasingly interventionist foreign policies, and the verification process delineated in the Treaty.”

Then there are the ones we didn't even bother to sign, in large part because the president at the time realized that ratification was a nonstarter and they had other fish to fry. This category includes the Global Landmine Treaty and the 2010 Convention on Cluster Munitions, the latter under President Obama's watch.

Maybe you'll not be as surprised to discover that we didn't sign the [International Convention for the Protection of All Persons from Enforced Disappearance](#) or the [Optional Protocol to the Convention against Torture](#) which was first adopted in 2002, when George W. Bush was president.

I could go on. But you get the point.

### **American exceptionalism**

Congress – and specifically the US Senate – has a long history of subverting international agreements, even ones that most Americans would regard as noncontroversial.

The justification for this obstruction is generally consistent: either we want to preserve our sovereignty, or the agreement risks infringing on our “inalienable rights” or the sanctity of our constitution.

When one of those arguments fails there is always the demand for an American exemption.

When debating whether to join the International Criminal Court, for example, Congress insisted that Americans be immune from prosecution.

The claim for exceptional American treatment also explains the hostility to signing and ratifying the Landmine Treaty. Both the president and Congress demanded a special exemption for the demilitarized zone on the North Korean border to protect our troops stationed there.

## Republican open opposition to agreement with Iran consistent with longstanding tradition

Written by The Conversation USA

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The US system is designed to allow Congress to subvert or constrain international agreements. Yet presidents have often found ways around these limitations.

In fact, even though the US never signed it, our government [spends more](#) on actually implementing the terms of the Global Landmines Treaty than any other country on earth.

By comparison to the disruption and stain to America's reputation that many of these Congressional actions caused, the latest rumblings about an agreement with Iran are relatively small in scope – and surmountable since the main outcome is simply that the Senate may never ratify the agreement.

The point being that history suggests that Congressional opposition is more symbolic than effective as a deterrent.

*Simon Reich does not work for, consult to, own shares in or receive funding from any company or organisation that would benefit from this article, and has no relevant affiliations.*

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