



# Foreign Affairs

Alex von Broen

## 1 Senate Foreign Powers:

Senate's impact on foreign policies are limited, as this is mostly the President's concern. As part of its controlling function towards the President however, the Senate does have some measures of influence. The most direct and important part the Senate plays in foreign policy is the ratification of international treaties like free-trade agreements or the JCPOA (Joint Comprehensive Plan of Action a.k.a. Iran nuclear Deal). With respect to supervision of the President, Senate cannot initiate embargoes, but can revoke them, even against the President's veto. Important embargo legislation currently active include measures against Iran, Myanmar, Huawei and affiliated companies and foreign powers aiming at interfering with U.S. elections.

## 2 Influence Mechanisms:

Although foreign policy is mostly the President's concern, the Senate can, to a certain extent, also partake in this field via its function of supervising the President. The first method of influence is the Senate's power in the decision whether or not to ratify international treaties. One of the most discussed ones in the last few years was the JCPOA, Joint Comprehensive Plan of Action, better known as the Iran nuclear Deal, negotiated between Iran, the United States, China, Russia, the United Kingdom and Germany. Negotiations started after a long history of sanctions, agreements, and allegations in 2013, and culminated in the signature of the treaty in July of 2015. Although initially accepted by the US, then President Donald Trump officially withdrew from the deal in May 2018 by reimposing sanctions on Iran. This was met with harsh criticism from the other international partners and as a consequence, Iran has since continued its nuclear efforts without international supervision. Now President Joe Biden announced his intent to return to the agreement as it was before May 2018, but given his short time in office, nothing has come of this by now.

Another significant type of international treaties are free-trade agreements. Today, 15 are in force, most of them bilateral, with another 18 either well on the way or halted for over a decade. The only free-trade agreement currently undergoing negotiations and thus raising a need for probable ratification is the United Kingdom–United States Free Trade Agreement (UKUSFTA). Many others, like the U.S.–Middle East Free Trade Area (US–MEFTA), the trade agreements with Thailand, Malaysia or New Zealand respectively, are halted or were abandoned some years ago.

Our other focus is the Senate's impact on international sanctions. To impose different measures such as trade embargoes, freezing of bank accounts or entry barriers against countries or persons, the President declares an emergency of national security under the National Emergencies Act (NEA). He is free to do so, however these emergencies have to be renewed annually, and this renewal can be in fact denied by Congress. If the President still wants to uphold the emergency, he can veto this vote, as he can with most of Congress' decisions. If Congress still disagrees, a two thirds majority in both Senate and House of Representatives is required to out rule the President's veto.

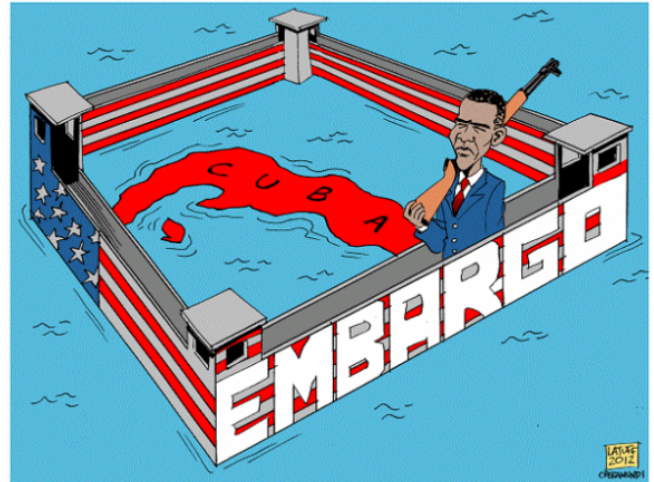


Fig. 1: Cuba Embargo

Many such measures are in place right now, but some changes and adaptations seem required due to the ever-changing landscape of international politics! Sanctions against Iran for example were reinstated after the Trump administration's withdrawal from the JCPOA in May 2018. It is President Biden's explicit goal to revive the treaty if the Iranian government are willing to comply with international supervision again.

Other measures are directed against leading personnel of Myanmar's army, some issued in 2017 in response to the crackdown on Rohingya ethnic minority groups by government forces, others have just recently been set into force by the Biden administration following the coup d'état on February 1, 2021. These sanctions not only cover military commanders, but also most of Myanmar's industrial military complex.

The actions taken against Chinese tech giant Huawei and almost 70 affiliated companies produced probably the largest international echo of all sanctions of the last years. Highly probable, but in key points still unproven allegations of secret technology and loopholes enabling Chinese espionage embedded in Huawei's telecommunication solutions led the Trump administration to deny the usage of those products to American companies from May 2019 on. Those regulations are still in place.

Another interesting mechanism was set into force in September 2018, as sanctions are automatically imposed on countries or individuals who are supposed by the domestic intelligence agencies to have somehow meddled with the US election's outcomes.

Yet also still in place are sanctions imposed by the Trump administration in June 2020 against persons affiliated with the International Criminal Court of The Hague, who play an active role in investigations on possible war crimes and other violations of national and international law by US military forces during the ongoing Afghanistan war.