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US Mid-Terms: Possible Repercussions

Policy Analysis Unit | October 2018

US Mid-Term Election Results and the Possible Repercussions for the Trump Administration's Foreign Policy

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Table of Contents

Introduction	4
A New Dynamic?	4
Expected Interactions	5
Expected Repercussions for US Foreign Policy in the Middle East	6
1) The Relationship with Saudi Arabia	6
2) The Iran Nuclear Deal	8
3) The Future of the Israel-Palestine Peace Process	8
Conclusion	8

Introduction

The US mid-term elections held on 6 November 2018 have given the Democratic Party control over the House of Representatives, while the Republican Party has increased its control over the Senate, limiting the Republican dominance of the executive and legislative branches that it has held over the last two years. It is practically certain that the Democrat control of the House will pose many domestic headaches for the Trump administration and will hinder some local policies – especially questions of tax, immigration, and healthcare. Yet it will have barely any effect on foreign policy due to the nature of the US presidential system.

A New Dynamic?

The direct outcome of the recent elections is the changed dynamic of the relationship between the legislative and executive powers. Congress is now divided between two majorities in its different houses, allowing the legislature to play one of its constitutionally stipulated roles: executive oversight and preventing it from overstepping its bounds as was possible in the first two years of Trump's tenure.

The President enjoys expansive foreign policy powers compared to those in domestic policy, although the coming Democratic majority in the House may put certain limits on those powers by making use of the oversight mechanisms provided to Congress to conduct enquiries. From the statements made by the Democrat leaders who will chair Congress committees from the beginning of 2019, they seriously intend to exert pressure through their new majority. They will attempt to change the passive approach the Republicans have taken towards Trump's foreign policy, and to force adoption of a harsher line in dealings with countries like Russia, Saudi Arabia and North Korea.¹ This does not however change the reality that the President continues to enjoy wide constitutional powers in setting foreign policy, which he has more time for, especially when not clashing with Democrat attempts to block his domestic agenda. Some Democrats fear Trump will try to reach a nuclear agreement with North Korea at any cost as part of his quest for a legacy.²

His party's continuing control of the Senate may give Trump room for maneuver in foreign policy matters. Some of the changes to Republican leadership in the upper house are in his

¹ Patricia Zengerle, "How a Democratic U.S. House could alter foreign policy," Reuters, November 7, 2018, accessed on 12/11/2018, at: <https://reut.rs/2qyOsYa>

² Uri Friedman, "House Democrats Want to Investigate Trump's Foreign Policy," The Atlantic, November 9, 2018, accessed on 12/11/2018, at: <https://bit.ly/2PpbVtR>

favor – for example, the death of the Armed Services Committee leader John McCain and the retirement of Foreign Relations Committee leader Bob Corker, both of whom were critical of many of his foreign policy decisions. Their successors in these positions will mostly likely be Trump allies – Senators Jim Inhofe and Jim Risch respectively.³

Expected Interactions

The Democrats have placed Trump's foreign policy squarely in their sights. They know that their ability to influence it is limited in comparison with domestic issues, but this does not mean they have no influence whatsoever. Many of Trump's foreign policy initiatives require the assent of both houses of Congress. The Democrats do not hide their dislike of Trump's foreign policy and his way of dealing with some US allies, such as the EU and Canada, or enemies like Russia or North Korea, and his withdrawal from international agreements such as the Paris Climate Agreement or the Iran nuclear deal. The new trade agreements that the Trump administration is working on with various countries, including Canada, Mexico, North Korea and the UK after it completes its withdrawal from the EU require both houses' approval. Unlike treaties, which only require Senate approval, trade agreements also require House ratification.⁴ There are also other initiatives launched by the Trump administration which the Democrat-majority House could block, such as development and modernization of the US nuclear arsenal, which would require specific budget appropriations. The same applies to the "space force" that Trump plans to establish, and to the border wall with Mexico.

However, the difficulties that will confront the Democrats in restricting Trump's foreign policy will most likely lead them to activate the House's investigative (more than legislative) function in foreign policy. Democrats will head committees managing a series of investigations and hearings, particularly the Foreign Policy, Armed Services and Intelligence committees. The most prominent case the Democrats are likely to investigate is the accusation of collusion between the Trump electoral campaign and Russia, as well as any financial or investment relationships between Trump and institutions in foreign countries like Saudi Arabia. Democrats hope that by putting the spotlight on Trump's foreign policy through investigations, memos, the summoning

³ Joe Macaron, "Will the midterm elections affect Trump's Middle East strategy?," Aljazeera, November 6, 2018, accessed on 12/11/2018, at: <https://bit.ly/2OtLde7>

⁴ "Trade or Treaty? Why Does the House Approve Free Trade Agreements?," Congressional Institute, December 12, 2011, accessed on 12/11/2018, at: <https://bit.ly/2JWBBro>

of administration officials and the holding of hearings, they will be able to weaken his position in the 2020 presidential and legislative elections.

Expected Repercussions for US Foreign Policy in the Middle East

In broad terms it is expected that the Trump administration will become more involved in Middle Eastern issues after the midterms, but without any major changes to its previous approach. The relationship with Saudi Arabia will be the most prominent issue to be contested between Congress and the Trump administration. The Iran nuclear deal and the future of the Israel-Palestine peace process will also play a prominent role.

1) The Relationship with Saudi Arabia

The Trump administration's approach to the relationship with Saudi Arabia is one of the most important points of friction with the new Congress. A dislike of Saudi Arabia has become widespread among American lawmakers over the last few years because of the war in Yemen, its human rights record and the crisis it caused in the Gulf by blockading Qatar. The assassination of Jamal Khashoggi in the Saudi consulate in Istanbul has further antagonized the members of Congress on both sides of the floor, who were angered by the administration's dismissive response to the crime. These members have demanded the imposition of penalties on the Kingdom and its officials, including Crown Prince Mohammad bin Salman himself, who some hold responsible for the assassination.⁵

It is expected that the new House of Representatives, under Democrat control, will push for a new and sterner approach towards Saudi Arabia, and to block arms sales to the Kingdom – or at least exploit them to open a discussion around Saudi policy and an end to US support for the Saudi-Emirati war on Yemen.⁶ Increasing the likelihood of greater pressure being exerted on Saudi Arabia is the fact that important Republican personalities, including Senators Lindsay Graham and Marco Rubio, support taking a harsher line with the Kingdom – indeed, there is a great possibility that the Congress will unilaterally move to impose limited sanctions on Saudi Arabia even without the administration's approval. Twenty-two members in the Senate,

⁵ Grace Segers, "Bipartisan group of senators calls for investigation into Jamal Khashoggi's disappearance," CBS News, October 10, 2018, accessed on 12/11/2018, at: <https://cbsn.ws/2QHx7CS>

⁶ Joshua Kurlantzick, "How Will the Midterm Elections Affect U.S. Foreign Policy?," Council on Foreign Relations, November 7, 2018, accessed on 12/11/2018, at: <https://on.cfr.org/2QvXpW0>

representing both parties, sent a letter to Trump demanding investigation of the Saudi role in Khashoggi's disappearance, in order to determine whether human rights-related sanctions should be imposed on the Kingdom. These members have demanded activation of a clause in the Magnitsky Act for Rule of Law Accountability, which would oblige him to determine whether a foreign person or state was responsible for major human rights violations. The signatories to the letter demanded that Trump's investigation extend to "the highest ranking officials in the Government of Saudi Arabia."⁷

The call made in late October by Secretary of State Mike Pompeo and Secretary of Defense Jim Mattis to stop the war in Yemen within thirty days and begin political talks under UN supervision⁸ indicates the intense pressure on the Trump administration concerning its position in Saudi Arabia. The Saudi decision to announce on 9 November that they have asked the US to stop in-flight refueling of Coalition planes operating in Yemen, and the US acquiescence, may also point to expectations on both sides of greater pressure from the new Congress.⁹

Pressure from the Democrats may go even further. The US news channel VOX has reported that some Democrat lawmakers are working to propose a new law to punish Saudi Arabia for the assassination of Khashoggi by blocking an incipient nuclear deal between the two countries. The draft "No Nuclear Weapons for Saudi Arabia Act of 2018" bill would impose many restrictions on Trump and Riyadh if they decide to go ahead with the deal. It is highly likely that the bill, if not tabled in the House, would enjoy support in the Senate among the Republican majority.¹⁰ The Democrats' efforts don't stop here – other members have promises to investigate whether Trump is confusing personal interests with the policy he is pursuing in Saudi Arabia.¹¹

⁷ Karoun Demirjian, "Senators call on Trump to impose sanctions in Saudi journalist's disappearance," The Washington Post, October 10, 2018, accessed on 12/11/2018, at: <https://wapo.st/2S8iChx>

⁸ Robert Burns and Matthew Lee, "Mattis and Pompeo call for Yemen cease-fire, political talks," Defense News, October 31, 2018, accessed on 12/11/2018, at: <https://bit.ly/2Dz6ged>

⁹ Shehab Khan, "US to stop 'inflight refuelling' of Saudi-led coalition jets in Yemen," The Independent, November 9, 2018, accessed on 12/11/2018, at: <https://ind.pn/2B0lpTG>

¹⁰ Alex Ward, "Exclusive: House Democrat to introduce new bill punishing Saudi Arabia over Khashoggi," VOX, November 9, 2018, accessed on 12/11/2018, at: <https://bit.ly/2PRBByK>

¹¹ Alex Ward, "Democrats won the House — and Trump's foreign policy may be in trouble," VOX, November 7, 2018, accessed on 12/11/2018, at: <https://bit.ly/2SUQWNu>

2) The Iran Nuclear Deal

It is unlikely that the Democrats will be able to do anything significant to protect the Iran nuclear deal despite their opposition to Trump's decision to withdraw. The Deal, as a treaty, was never ratified by the Senate in the first place, which is why Trump was able to repeal it. The Democrat fears of appearing friendly to Iran limits their ability to stand in Trump's way on this issue. The most the Democrats can do in this context is reduce the defense budget, which would be reflected in the amount of money available for the American intervention in Iraq and Syria and limiting the Trump administration's ability to contain Iranian influence in the Middle East. Even this, however, is very unlikely.

3) The Future of the Israel–Palestine Peace Process

The Israel-Palestine peace process is one of the areas where Trump may seek a real achievement in foreign policy. If he decides to engage directly with the issue, he will meet no resistance from the Democrat majority in the House, because both parties – Democrats and Republicans – lean towards Israel. Trump is making no effort to convince Israeli Prime Minister Benjamin Netanyahu to return to negotiations or stop or limit settlements. There is likewise no scope for convincing the Palestinians to resume negotiations, and Trump does not in any case seem too concerned with them coming back – according to the Kushner-led troika Trump has made responsible for the issue, the ongoing normalization of relations between Israel and some of the Arab states, particularly those in the Gulf, is more important than the Israel-Palestine negotiations. Trump has spoken at length about the “deal of the century” his administration is working on for peace between the two parties, but is yet to offer details. Likewise, his steps to move the US embassy to Jerusalem, his refusal to recognize the refugee issue by ceasing UNRWA funding, and his lack of opposition to settlements make it more or less empty of content, even if he does reveal more about the deal in the coming months.

Conclusion

The midterm elections will, without a doubt, have an impact on the Trump administration's foreign policy, but this influence will be limited in its ability to effect a significant turnaround. Equally, Trump is likely to concentrate more on foreign policy considering the obstacles he will now face in domestic policy from a Democrat-majority House of Representatives. The

Democrats will work hard to create a debate around the administration's foreign policy by launching investigations into its various aspects, in an attempt to weaken Trump's electoral position in the run-up to 2020.