



Parliamentary Influence on Sanctions Policy in Canada, the US and the EU

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Abstract

This paper explores the role of parliaments in sanctions policy in Canada, the United States, and the European Union. The study contrasts the varying levels of parliamentary involvement and oversight within these jurisdictions. It highlights Canada's formal but underutilized parliamentary powers, the proactive legislative role of the US Congress that actively shapes and monitors sanctions policy, and the EU's executive-dominated approach with limited parliamentary input. The findings partially refute the hypothesis that parliaments play a marginal role in sanctions policy and underscore the importance of robust legislative oversight in ensuring that sanctions policies are democratically accountable.

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1. Introduction

In liberal democracies, foreign affairs frequently fall under the purview of the executive branch. In Commonwealth countries such as Canada or the United Kingdom, this dominance can be traced back to the monarchical roots of foreign policy powers (McLachlan 2014, 116; Smith 1995;), but similar divisions of labour can be found in republican systems of government. In the United States, the 1789 Constitution allocates important foreign policy powers to Congress, not in the least the power to declare war. Yet an expansive reading of constitutional provisions that empower the president, such as the Commander-in-Chief Clause, have done much to centralize foreign policy powers in the Office of the President (Mortenson 2019). In a (quasi-) federal system such as the European Union (Beaud 2007; Larsen 2021), the executive also plays a central role in foreign relations, with the Treaty on European Union assigning responsibility for the Common Foreign and Security Policy (CFSP) to the European Council and the Council of Europe. Both of these institutions consist of representatives of the executives of the Member States, whereas the role of the European Parliament within the CFSP remains limited (Thym 2008).

This article takes the historically central role of the executive in foreign policymaking as its starting point and explores the current balance of power between the executive and parliament in one salient area of foreign policymaking: sanctions policy in Canada, the United States and the European Union. Canada, the US, and the EU are multilevel systems of governance that share a constitutional commitment to representative democracy. How is representative democracy realized in sanctions policy in Canada, the US and the EU? What role do parliaments play in sanctions policy in these jurisdictions? What does the legal framework that governs the relations between the legislative and executive branches of government in these jurisdictions look like? How do these frameworks compare to one another, and what lessons can be drawn from such a comparison?

Sanctions policy and democratic control are no easy bedfellows. As a form of “economic warfare” (Mulder 2022), sanctions policy is crisis-driven and subject to pressures by the executive to act fast without much democratic deliberation. Coordination of sanctions policy between jurisdictions, in particular among NATO allies, may further restrict the space parliaments have to influence sanctions policy (Elsuwege and Szép 2023). Do parliaments fully defer to the executive in this area, or do they possess alternative mechanisms to influence sanctions policy and fulfil their role of holding the executive democratically accountable? The article examines Canada, the US, and the EU, three jurisdictions that actively use sanctions as a foreign policy tool. There is a significant body of literature on the role of the European Parliament and national parliaments in EU external relations (Vara and Sánchez-Tabernero 2018; Verellen 2023a). Literature on the role of parliaments within the CFSP is less abundant, although both political scientists and legal scholars have examined and criticized the lack of European Parliament involvement in this policy area (Bono 2006; Huff 2015; Peters, Wagner, and Deitelhoff 2008; Rosén and Raube 2018; Thym 2008, 2011; Tonra 2011; Verellen 2024; Wessel 2018). Scholars have not specifically studied how the European Parliament or the parliaments of member states affect the goals and substance of EU sanctions; this stands in marked contrast to a burgeoning literature on the role of the Court of Justice of the EU in this area (Chachko 2019; Lonardo 2023).

Across the Atlantic, the academic literature pays little attention to how the US Congress affects US sanctions policy. In his 2011 study examining how sanctions imposition influences US presidential approval ratings, Taehee Whang briefly observed that Congress is comparatively weaker than the president in sanctions policymaking (Whang 2011, 792). More recently, in a study on congressional sanctions legislation, Jordan Tama arrived at the opposite conclusion to Whang,

arguing that Congress frequently “forces the President’s hand” in sanctions policy (Tama 2020). Tama’s is the only study that specifically focuses on parliamentary influence on US sanctions policy. In his 2024 monograph on bipartisanship in US foreign policy, Tama (2024) offers further evidence of this claim by examining the congressional-presidential dynamics in the adoption of sanctions against Iran and Russia.

Although the literature specifically addressing the role of Congress in sanctions policy is limited, scholarship on US sanctions policy should be understood within the context of ongoing debates regarding presidential powers in foreign affairs. This discussion dates back to the founding and earlier; however, Arthur Schlesinger’s “Imperial Presidency” thesis, developed in the aftermath of the Watergate scandal (Schlesinger 1973), served as an important inflection point in debates on the appropriate balance of power between Congress and the presidency in US foreign policy. Schlesinger identified a historical pattern in which, during critical points in history, presidents established policies and undertook actions that arguably fell within the constitutional authority of Congress. In the aftermath of Watergate, however, Congress did reassert itself by adopting the War Powers Resolution, a law that limits the US president’s ability to deploy military forces without congressional approval. Yet a decade later, the balance of power had again shifted to the president. Shortly after the Iran-Contra affair, Harold Koh outlined how a combination of executive initiative, congressional acquiescence, and judicial tolerance had enabled the US presidency to dominate foreign policymaking (Koh 1988). Koh’s conclusion was all the more remarkable considering that Congress, not the president, holds the clearest and most far-reaching constitutional powers over foreign affairs in the US (Henkin 1996).

In the wake of these contributions, an orthodoxy developed in the US centred around assumptions of presidential strength and assertiveness versus congressional weakness and acquiescence in foreign relations. This has been an important narrative during the Bush, Obama, and Trump administrations, with successive presidents expanding the scope of their powers beyond that of their predecessors (Drezner 2020, 389; Kruse and Zelizer 2019). Constitutional law played an important role in these discussions, with some lawyers articulating theories of exclusive, plenary, and even extra-constitutional powers to conduct foreign relations (Calabresi and Yoo 2008; Posner and Vermeule 2011; Yoo 2010). While these theories have not gone unchallenged (Goldsmith 2017; Fisher 2011; Mortenson 2019), they continue to inform American understandings of the balance of congressional versus presidential power in foreign policy, including sanctions policy.

The role of Canada’s federal parliament in ensuring democratic accountability of the executive in foreign policy is rarely addressed in the literature. Not unlike the abovementioned orthodoxy in the US, there seems to be a widespread conviction in Canada that, as the authors of a handbook on Canadian foreign policymaking put it, “control over the formulation of policy remains firmly vested in the hands of the political executive in cabinet” (Nossal et al. 2015, 291). Sanctions policy being an increasingly central component of Canadian foreign policy, this claim arguably extends to sanctions policy as well. However, there is no literature that looks specifically at the influence of Canada’s parliament on Canadian sanctions policy. Notably, political scientists and legal scholars who have written extensively on the subject of Canadian sanctions policy such as Andrea Charron, Michael Nesbitt, or Meredith Lilly, have not examined the topic from the angle of democratic accountability, even if the latter has pointed to a risk of politicization that comes with Canada’s embrace of autonomous sanctions (Lilly and Arabi 2020).

This article fills this gap in the literature by comparatively examining whether these depictions of parliamentary irrelevance in foreign policymaking in general—and in sanctions policy more

specifically—are accurate, or whether parliaments have been able to find other, perhaps less visible means, to hold the executive accountable. This study employs a functional comparative method to explore how different systems approach the challenge of implementing representative democracy within the unique framework of sanctions policy. The analysis draws from primary legal sources, policy documents, secondary literature, and three online interviews with Canadian parliamentarians from various political parties conducted in spring 2024. Interviews were necessary to gain insights into Canada’s parliamentary role in sanctions policy due to the lack of existing literature on the subject.

The article focuses on the legislature’s two main responsibilities: lawmaking and exercising control and oversight over the executive. It differentiates between formal powers and informal practices that exist along the margins of formal authority, and it further distinguishes between accountability mechanisms that operate at different phases of the executive decision-making process (Mello and Peters 2018; Rosén and Raube 2018; Russell and Cowley 2016). Indeed, parliaments can influence future executive decisions by indicating their priorities through resolutions. They may also participate directly in executive decision-making processes, such as by having the authority to oppose specific sanctions proposed by the executive. Additionally, they can oversee executive actions post-decision by questioning the executive or demanding information disclosure. As this article will illustrate, institutional practices are diverse and substantial, including in the realm of sanctions policy.

Throughout the article, the sanctions imposed during the Russian war of aggression on Ukraine, which began in February 2022, serve as a case study to uncover how Canada, the US, and the EU have adopted sanctions and what role their respective parliaments have played both in the process of adopting sanctions and in their subsequent implementation. The findings of this case study will feed into the general assessment of whether—and, if so, how—parliaments on either side of the Atlantic can influence sanctions policy, and what the balance of power between parliaments and the executive looks like in this area. The article finds that Canada has formal but underused parliamentary powers, the US Congress actively shapes and monitors sanctions policy, and the EU’s approach is executive-dominated with limited parliamentary input. These findings partially refute the hypothesis that parliaments play a marginal role in sanctions policy and underscore the importance of robust legislative oversight in ensuring that sanctions policies are democratically accountable. The remainder of the article consists of five sections. The next three sections examine the constitutional frameworks and institutional practices related to sanctions in Canada, the US, and the EU. The fourth section offers a number of comparative reflections, and the final section summarizes the findings and presents

2. Canada

In Canada, foreign policy falls within the Crown's prerogative powers.² In the field of sanctions policy, the Crown's prerogative powers have been displaced, however, by three acts of Parliament: the United Nations Act, the Special Economic Measures Act (SEMA), and the Justice for Victims of Corrupt Foreign Officials Act—the latter known also as the Sergei Magnitsky Law.³ The United Nations Act empowers the Governor General to implement sanctions decided upon by the United Nations Security Council. In contrast, this article focuses on the latter two statutes, which enable Canada to adopt autonomous sanctions.

SEMA and the Sergei Magnitsky Law empower the Governor General to adopt autonomous sanctions by means of orders or regulations, which are legal instruments made by the Governor in Council. In this context, the Governor in Council refers to the Governor General, acting on the advice of the federal Minister of Foreign Affairs, as the representative of the Sovereign in Canada. SEMA empowers the Governor General to take economic measures against persons in a number of circumstances, namely where (i) an international organization called upon its members to do so, (ii) a grave breach of international peace and security has occurred, (iii) gross and systematic human rights violations have been committed in a foreign state, or (iv) acts of significant corruption involving a national of a foreign state have been committed.⁴ The first two triggers were introduced when SEMA was first adopted in 1992, while the latter two were added in 2017 (Cherpako 2022).

Canada's Sergei Magnitsky Law was introduced in the same year as SEMA was amended and is inspired by the US' adoption of the Global Magnitsky Human Rights Accountability Act, which was enacted in 2016 following the earlier adoption of the Sergei Magnitsky Rule of Law Accountability Act of 2012.⁵ Canada's Sergei Magnitsky Law empowers the Governor General to take measures against two sets of individuals:

- (i) individuals who have committed or have helped others commit “gross violations of internationally recognized human rights” against individuals who sought to expose illegal government activity or who sought to exercise internationally recognized human rights, and
- (ii) individuals who have committed, or who helped others commit, “acts of significant corruption” such as bribery, the misappropriation of private or public assets for personal gain or the transfer of the proceeds of corruption to foreign states.⁶

Both SEMA and Canada's Sergei Magnitsky Law have a similar material scope as they both allow the Governor General to act in cases of significant corruption and human rights violations.

² *Canada (Prime Minister) v. Khadr* [2010] 1 S.C.R. 44 at paras. 34–35, SCC 3. Accessed June 10, 2025. <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/7842/index.do>.

³ See respectively “United Nations Act”, R.S.C. 1985, c. U-2. Accessed June 18, 2025. <https://laws-lois.justice.gc.ca/eng/acts/U-2>; “Special Economic Measures Act (SEMA)”, S.C. 1992, c. 17. Accessed June 18, 2025. <https://laws-lois.justice.gc.ca/eng/acts/S-14.5>; “Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)”, S.C. 2017, c. 21. Accessed June 18, 2025. <https://laws-lois.justice.gc.ca/eng/acts/J-2.3>.

⁴ Section 3(1) of SEMA.

⁵ See respectively Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012, 22 U.S.C. ch. 108, §§10101–10103, and Global Magnitsky Act, Title XII, Subtitle F of P.L. 114-328, as amended; 22 U.S.C. §§10101 et seq. Accessed June 22, 2025. <https://www.congress.gov/bill/112th-congress/house-bill/6156>.

⁶ Section 4(2) of the Sergei Magnitsky Law, S.C. 2017, c. 21.

However, while SEMA addresses human rights violations in a broad sense, the Sergei Magnitsky Law specifically targets individuals who violated the human rights of whistleblowers or others who tried to claim their own human rights. Also, SEMA requires the human rights violations to be “systemic,” which is not a condition under the Sergei Magnitsky Law.

Under SEMA and the Sergei Magnitsky Law, the Governor General—and therefore the Cabinet—has the authority to apply various measures such as travel bans, asset freezes, import bans on goods or services, bans on property sales or aircraft landing in Canada, or confiscation of those assets.⁷ The latter measure is noteworthy since Canada was the first country in the world to pass legislation that allows the forfeiture of assets (Standing Committee on Foreign Affairs and International Development 2024, 11).⁸

SEMA gives Canada’s federal Parliament the opportunity to pass motions to demonstrate its disapproval of a specific action taken by the Governor General. The Governor General has a legal obligation to present every regulation made under SEMA to Parliament within five days after its creation,⁹ with copies of the order or regulation being sent to the relevant parliamentary committee.¹⁰ A 2024 report of the House of Commons’ Standing Committee on Foreign Affairs and International Development (FAAE) notes that the government does not provide additional analysis when it presents orders or regulations (Standing Committee on Foreign Affairs and International Development 2024, 51). Each house can discuss the regulation and pass a motion. If both houses agree on a motion, the regulation will be amended or revoked to reflect the wishes of Parliament. It is important to note that Parliament has never passed such a motion. Interviews revealed that members of Parliament (MPs) are not very familiar with the instrument.¹¹

The Sergei Magnitsky Law contains a similar obligation for the Governor General to table measures as those set out in SEMA. However, unlike the arrangements in SEMA, Parliament is not offered an opportunity to amend or revoke measures taken.¹² This may however change. Under the previous Parliament, which was in session from November 22, 2021 to March 23, 2025, a private members’ bill proposed to require the Minister of Foreign Affairs to respond to reports submitted by a parliamentary committee that recommends that sanctions be imposed under the Sergei Magnitsky Law against foreign nationals.¹³ This kind of check would be less extensive than the one in SEMA, as it would not need the Governor General to amend or revoke existing orders. It would, however, allow Parliament to have an official say in how decisions are made. The way SEMA is used makes one question whether, even if such a bill is enacted, Parliament will ever apply it.

The Sergei Magnitsky Law required a one-time review by the relevant Commons and Senate committees five years after its 2017 enactment, which the Senate completed in 2023 and the House

⁷ Section 4(2) of SEMA and Section 4(3) of the Sergei Magnitsky Law list the types of activities sanctions can restrict.

⁸ See Section 437 of Budget Implementation Act, 2022, No. 1, S.C. 2022, c. 10. Accessed June 23, 2025. https://laws-lois.justice.gc.ca/eng/annualstatutes/2022_10/page-113.html. This introduces a new section 5 in SEMA.

⁹ Section 7(1) of SEMA.

¹⁰ See here Standing Order 32(1), House of Commons (Canada). Accessed January 2, 2025. <https://www.ourcommons.ca/procedure/standing-orders/Index-e.html>.

¹¹ Interview with MP, member of the Conservative Party of Canada. Conducted via Microsoft Teams. May 9, 2024; Interview with MP, member of the Liberal Party of Canada. Conducted via Microsoft Teams. April 24, 2024.

¹² Section 5 of the Sergei Magnitsky Law.

¹³ Bill C-281, First Session, Forty-fourth Parliament, 70–71 Elizabeth II – 1 Charles III, 2021–2022–2023. Accessed June 17, 2025. <https://www.parl.ca/LegisInfo/en/bill/44-1/c-281>.

of Commons followed in 2024, along with SEMA (Boehm and Harder 2023; Standing Committee on Foreign Affairs and International Development 2024).¹⁴ The same parliamentary committees that can enforce the Sergei Magnitsky Law can also review the sanctioned individuals list and suggest to their respective chambers whether those foreign nationals should remain subject to the order or regulation.¹⁵ The government is not required to follow up on such recommendations. SEMA does not contain similar provisions. Neither of the two statutes contains an obligation on the government to publish an annual report to Parliament on the effectiveness of Canada's sanctions regime.

Besides SEMA and the Sergei Magnitsky Law, the Canadian Parliament can use other tools that are not tied to either law to hold the executive accountable: MPs can ask questions to the executive with a 45-day reply deadline, they can question the government during the weekly Question Period, and they can hold hearings and pass motions.¹⁶ These tools are actively used, including in matters related to Canada's sanctions policy. In early May 2024, NDP foreign affairs critic Heather McPherson proposed a motion to study a waiver Canada had given to aerospace firms over possible Russian titanium use. The House of Commons Standing Committee on Foreign Affairs and International Development then decided to hold hearings on this issue (Brewster 2024).

This is not the first time the Canadian Parliament has spoken out on this matter. In a report published in February 2023, the same standing committee adopted a report on the subject of Russia's war of aggression against Ukraine examining the government's decision to waive sanctions for turbines that were to be used in Nord Stream 1, the now decommissioned offshore natural gas pipelines in Europe that run under the Baltic Sea from Russia to Germany (Standing Committee on Foreign Affairs and International Development 2023, 28–36). The turbines were in Montreal for maintenance. The committee collected expert testimony and debated whether Canada should revoke the sanctions waiver to allow the turbine to be delivered back to Germany. In September 2022, underwater explosions decommissioned the pipelines, rendering moot the question the committee had been debating. Also, in the abovementioned Senate and House of Commons reports reviewing SEMA and the Sergei Magnitsky Law, parliamentarians expressed criticism of Canada's sanctions policy, questioning both the effectiveness of existing sanctions themselves and the fairness of the process of listing and delisting in Canada. Foreign Affairs Minister Mélanie Joly responded to both reports (Joly 2023, 2024). In her response, however, she pushed back against recommendations aimed at improving the flow of information from the government to Parliament—such as requiring the tabling of annual reports on the use of sanctions or amending legislation to mandate reviews by the relevant parliamentary committees, like those conducted in 2023 and 2024. Joly pointed to the many opportunities parliamentarians already have to hold the government accountable and reminded parliamentarians that nothing prevents them from launching reviews on their own motion.

The episode shows that Canadian MPs can use different tools to voice their opinions and influence the executive. A recent episode not related to sanctions shows that motions, even if not legally binding, can sometimes affect Canadian foreign policy. In 2024, the same NDP MP mentioned earlier proposed a motion to recognize Palestine as a state (*CBC News* 2024). Instead of asking the majority of MPs to vote against it, Foreign Affairs Minister Joly supported an amended motion

¹⁴ Section 16(1) of the Sergei Magnitsky Law.

¹⁵ Section 16(3) of the Sergei Magnitsky Law.

¹⁶ See respectively Standing Orders of the House of Commons Canada 39(5)(a), 37, 108, 54. Accessed January 2, 2025. <https://www.ourcommons.ca/procedure/standing-orders/Index-e.html>.

that would urge Canada to cooperate with international partners to “work towards the establishment of the State of Palestine as part of a negotiated two-state solution,” which the House of Commons adopted (Tasker 2024).

Despite such occasional successes, MPs from different parties agree that their parliament is weak compared to the executive. They complain about the executive’s lack of transparency toward Parliament.¹⁷ There is also a perception that Canadian MPs are more strictly controlled by their parties than MPs in other Westminster parliamentary systems like the United Kingdom.¹⁸ Opposition MPs also struggle to influence the parliamentary agenda. They only have a few chances each year—on “opposition days”—to introduce motions, and only four hours out of sixteen each week are allocated for private members to conduct parliamentary business.¹⁹

Similarly, while MPs can hypothetically table legislation to implement the recommendations they made in the earlier reports on Canada’s sanctions policy, the government’s control over the parliamentary agenda significantly limits their ability to do so effectively. Revealing in this regard is the language used in the recommendations of Canada’s Senate contained in its 2023 report: while it is Parliament’s constitutional responsibility to adopt legislation, the senators nonetheless recommend that the Government amend SEMA and the Sergei Magnitsky Law to grant parliamentarians greater oversight opportunities (Boehm and Harder 2023, 47). Such formulations—implying that senators may overlook the constitutional division of responsibilities between the legislature and the executive—are revealing of how Senators themselves perceive the balance of power between the legislature and the executive in Canada. These impressions of weakness vis-à-vis the executive echo assessments made by political scientists who have described and criticized the high levels of party discipline and the centralization of power within the Prime Minister’s Office in Canada (Marland 2020; Savoie 2008, 48).

In conclusion, while the balance of power in Canada’s system of governance concerning sanctions policy does heavily favour the executive, the landscape is nonetheless more complex than the one sketched in the textbook mentioned earlier. The executive, as the Governor-in-Council and thus, in practical terms, the government of Canada, is key to creating and enforcing individual sanctions, but Canadian MPs do have tools at their disposal to speak out and to check the executive’s actions. Their limited use of those tools may be due in part to the structural features of Canada’s Westminster parliamentary system that grant the government considerable control over the parliamentary agenda, especially when the government has the confidence of a majority of MPs. Yet at the same time, the experience of other Westminster systems, particularly the UK, demonstrates that Westminster parliaments can and do exercise influence, specifically informal influence, over the executive’s actions, including in the security policy context (Russell and Cowley 2016).

¹⁷ Interview with MP, member of the Conservative Party of Canada. Conducted via Microsoft Teams. May 9, 2024; Interview with MP, member of the Liberal Party of Canada. Conducted via Microsoft Teams. April 24, 2024; Interview with MP, member of the New Democratic Party. Conducted via Microsoft Teams. April 22, 2024.

¹⁸ Interview with MP, member of the Liberal Party of Canada. Conducted via Microsoft Teams. April 24, 2024.

¹⁹ See respectively Standing Orders 81 and 30(6), House of Commons (Canada). Accessed January 2, 2025. <https://www.ourcommons.ca/procedure/standing-orders/Index-e.html>. Standing Order 30(6) states that one hour each sitting day is set aside for Private Members’ Business, which amounts to four hours out of the sixteen hours of sitting time each week.

3. The United States

In the United States, both Congress and the executive play a role in shaping sanctions policy. Congress draws on its constitutional legislative powers—particularly its authority to regulate foreign commerce—while the president exercises powers that have been delegated to the executive through prior legislation. Following Russia’s full-scale invasion of Ukraine, the US sanctions regime against Russia and Belarus has been composed of a range of legal tools. These include executive orders based on general congressional powers, such as the 1977 International Emergency Economic Powers Act (IEEPA)²⁰ and the 1976 National Emergencies Act (NEA);²¹ executive orders based on laws for specific situations like the 2014 Ukraine Freedom Support Act²² or the 2017 Countering America’s Adversaries Through Sanctions Act (CAATSA);²³ and narrowly focused instruments such as the 2022 Ending Importation of Russian Oil Act.²⁴

These congressional delegations of power to the president to adopt sanctions come with conditions to ensure that Congress is aware of and maintains a degree of control over how the president exercises these delegated powers (Bradley 2021; Kovacs 2020). These conditions apply both *ex ante*, before the president adopts sanctions, and *ex post*, after the sanctions have been adopted. Taken together, they make for a marked contrast with the Canadian case. While the Canadian Parliament has meaningful, albeit limited, tools at its disposal to influence sanctions policy, it is unable to make full use of its powers; whereas the US Congress has both important constitutional powers at its disposal and is willing to use those powers to put pressure on the executive to ensure that it acts in line with congressional priorities.

3.1 *Ex Ante Mechanisms*

Ex ante, Congress has the authority to legislate to empower the president to adopt sanctions or to amend existing delegations of authority in order to guide the direction of US sanctions policy moving forward. In addition, existing Acts of Congress contain various mechanisms that offer Congress the ability to influence presidential decision-making. These include notice requirements, report-and-wait requirements, consultation requirements, certification requirements and, since the adoption of CAATSA in 2017, also mandatory sanctions.

Notice requirements are clauses that mandate the president to notify Congress about certain actions or decisions. For instance, under IEEPA, the president must use a notice requirement when announcing a national emergency. This means that, before using any of the powers granted to them under IEEPA to address any unusual and extraordinary threat, the president must declare a national emergency regarding such threat. The president does this through an executive order, such as the one adopted on March 16, 2014, the day that Russian forces occupied Crimea.²⁵ The notice serves

²⁰ International Emergency Economic Powers Act, Pub. L. No. 95–223, title II, 91 Stat. 1626, enacted December 28, 1977. Accessed June 18, 2025. <https://www.govinfo.gov/app/details/STATUTE-91/STATUTE-91-Pg1625>.

²¹ National Emergencies Act, Pub. L. No. 94–412, 90 Stat. 1255. Accessed June 18, 2025. <https://www.govinfo.gov/app/details/STATUTE-90/STATUTE-90-Pg1255>.

²² Ukraine Freedom Support Act of 2014, Pub. L. No. 113–272, 128 Stat. 2952. Accessed June 18, 2025. <https://www.govinfo.gov/app/details/PLAW-113publ272>.

²³ Countering America’s Adversaries Through Sanctions Act (CAATSA), Pub. L. No. 115–44, 131 Stat. 886. Accessed June 18, 2025. <https://www.govinfo.gov/app/details/PLAW-115publ44>.

²⁴ Ending Importation of Russian Oil Act, Pub. L. No. 117–109, 136 Stat. 1154–1158. Accessed June 18, 2025. <https://www.govinfo.gov/app/details/PLAW-117publ109>.

²⁵ Executive Order 13660, “Blocking Property of Certain Persons Contributing to the Situation in Ukraine,” Federal Register 79, no. 46 (March 10, 2014): 13493–13496. Accessed January 3, 2025.

several functions: it informs both the legislative branch and the public of what the national emergency is and outlines the president's plan to activate specific statutory powers under IEEPA. In the same order, the president then adopted the first sanctions package.

A report-and-wait requirement requires the executive branch to inform Congress of certain actions and then wait for a certain period before proceeding. This provision is meant to give Congress time to examine and react to the proposed actions based on the information in the report. This method is used to ensure legislative supervision and feedback on important administrative decisions that could have widespread consequences. A clear example of a report-and-wait requirement is found in CAATSA. Section 216 of CAATSA includes a provision about ending or relaxing sanctions that have been applied to Russia. The president must send a report to the relevant congressional committees at least 30 days before taking any action to stop or ease the enforcement of such sanctions. This report must include a detailed explanation of the proposed action, the reasons for the action, and the expected impact of the action on the interests of the United States and its allies.

A consultation requirement mandates that specific government officials, usually in the executive branch, must consult with designated parties—often members of Congress, relevant committees, or other stakeholders—before taking certain actions. A consultation requirement differs from a reporting requirement in that it necessitates a two-way dialogue with Congress, whereas the latter involves only one-way communication and does not obligate the president to await congressional input once the designated waiting period has ended. An example of a consultation requirement can be found in the International Emergency Economic Powers Act (IEEPA), which requires the president to consult with Congress before exercising any of the authorities it grants and to continue consulting regularly for as long as those authorities are being exercised.²⁶

Certification requirements in congressional statutes are mechanisms through which the executive branch must formally affirm compliance with specific conditions before proceeding with an action, such as the imposition of sanctions or the provision of assistance. For example, Section 231 of CAATSA requires the president to certify whether persons are knowingly engaging in significant transactions with the Russian defence or intelligence sectors. The certification is a prerequisite for imposing sanctions. The statute specifies the criteria for what constitutes “significant transactions” and requires the president to use the certification process to engage with Congress on potential sanctions decisions. This involves providing detailed information about the entities involved, the nature of the transactions, and the justification for imposing or waiving sanctions.

Mandatory sanctions are those that the president is legally required to impose when specific conditions set by Congress are met. This approach differs from the usual practice where Congress grants the president the authority to act but does not mandate action. Long-standing statutes like IEEPA provide the president with certain powers, with conditions to prevent abuse by an “imperial” presidency of the type described by Arthur Schlesinger in his abovementioned book. In such cases, Congress defines the scope and limits of these powers.

During the first Trump administration, Congress shifted to granting the president mandatory powers, compelling certain actions. CAATSA specifically required the president to sanction individuals and entities involved in hostile activities such as cyberattacks, transactions with

<https://www.federalregister.gov/documents/2014/03/10/2014-05323/blocking-property-of-certain-persons-contributing-to-the-situation-in-ukraine>.

²⁶ 50 U.S.C. § 1703(a). Accessed June 18, 2025. <https://www.law.cornell.edu/uscode/text/50/1703>.

Russian defence or intelligence sectors, support for Syria, or corruption and human rights abuses.²⁷ Additionally, the president was required to identify and sanction sectors of the Russian economy, including finance, defence, and energy.²⁸ This necessitated a thorough examination of these sectors and the subsequent enforcement of rules and penalties. CAATSA also established a review process to allow for the modification or adjustment of these sanctions.

The introduction of mandatory delegations was deemed necessary in the face of President Trump's reluctance to impose sanctions on Russian targets following alleged Russian meddling in the 2016 US presidential election (Daugirdas and Mortenson 2017). When President Trump did not impose sanctions, Congress adopted CAATSA with a 98-2 majority in the Senate and a 419-3 majority in the House, thereby overriding a potential presidential veto against the act and ensuring that President Trump would continue to adhere to existing US policy toward Russia.

While the shift from enabling powers to mandatory powers is politically significant, it comes with a qualifier: only the president is empowered to determine whether the conditions triggering the imposition of sanctions have been met. This explains why, despite their mandatory character, members of Congress continue to lobby the executive branch to impose sanctions. For example, in March 2023, a number of Republican members of Congress "urged" then Secretary of State Blinken to "impose mandatory sanctions in response to the Government of Iran's significant defense transactions with the Russian Federation" (Committee on Foreign Affairs 2023).

3.2 *Ex Post Mechanisms*

In addition to *ex ante* mechanisms, *ex post* mechanisms also provide Congress with opportunities to exercise control over US sanctions policy. Relevant in particular are reporting requirements, joint resolutions of disapproval, and sunset clauses.

A reporting requirement in a law is an instruction to the executive branch to regularly provide information to Congress or other oversight bodies about how it follows, enforces, and achieves the goals of the law. These obligations ensure that Congress has sufficient information to assess the executive's past performance. An example of a reporting requirement is in IEEPA, which states that the president must "immediately" send a report to Congress with detailed information on what they do with the powers given to them by the Act.²⁹ One notable example of a reporting requirement in CAATSA relates to Russia and involves the obligation of the US Department of the Treasury to report on the possible consequences of extending sanctions to cover sovereign debt and derivative products. Specifically, Section 242 of CAATSA requires the Secretary of the Treasury, in consultation with the Director of National Intelligence and the Secretary of State, to submit a detailed report on the possible impacts of sanctioning Russian sovereign debt and associated financial instruments within one year of the Act's enactment. This report, which was submitted to Congress in February 2018, was meant to examine the possible effects of such sanctions on Russia's economy and on the economies of the United States and its allies (US Department of the Treasury 2024).

Joint resolutions of disapproval are legislative tools that Congress can use to reverse specific actions, such as the waiving of sanctions. These resolutions need to be approved by both the House of Representatives and the Senate and then sent to the president for approval. If the president

²⁷ Sections 224, 225, and 226 of CAATSA.

²⁸ Section 231 of CAATSA.

²⁹ 50 USC 1703, (b).

rejects the resolution, Congress can overrule the rejection with a two-thirds majority in both chambers. What sets joint resolutions of disapproval apart from normal legislation is their ability to bypass the usual legislative process. For example, CAATSA contains provisions for Congress to scrutinize any decisions by the president to remove or waive sanctions on Russia.³⁰ If the president wants to waive sanctions, he must submit a report explaining the reasons and the expected outcomes of this action. Congress then has a fixed period (30 days in session) during which it can pass a joint resolution of disapproval to stop the waiver.

A sunset clause in a law is a part that makes the law, or a part of it, expire unless the legislature takes action to extend or renew it. This way, laws are checked and updated for how well they work and fit over time. Sunset clauses are often used for emergency, surveillance, and other fast-changing issues that need regular review and renewal. Sunset clauses can be found, for example, in the Fiscal Year 2024 Emergency Supplemental Appropriation.³¹ This act authorizes and, in some instances, requires the president to impose sanctions, but any sanctions adopted expire after a set amount of time, enabling Congress to choose whether to extend, modify, or revoke them altogether.³²

* * *

This overview demonstrates how the US Congress simultaneously grants the president important powers to adopt sanctions and endows itself with advanced tools to oversee and control the president as they wield those powers. This mix of extensive executive powers and strong accountability measures reflects the US constitutional design, where government branches operate independently and are subject to checks and balances. It stands in marked contrast to the Canadian model, where MPs face difficulties in exercising oversight over the executive's sanctions policy, even though in Canada, the executive's powers are delegated to it by Parliament as well.

4. The European Union

In the European Union, sanctions or “restrictive measures” are generally adopted by the Council of the European Union on the basis of the EU’s competence to conduct a Common Foreign and Security Policy (CFSP).³³ The Council of the European Union is the EU institution that represents the interests of Member State executives in the EU legislative process. CFSP sanctions are adopted on the basis of Article 29 of the Treaty on European Union (TEU), which states that “[t]he Council shall adopt decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature.” This is an open-ended provision, which grants the Council considerable discretion in choosing the type of sanctions it introduces, provided that the High

³⁰ Section 216 of CAATSA.

³¹ U.S. Congress, *H.R. 815 – Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2024, and for Other Purposes*, 118th Congress, 2nd Session, Pub. L. No. 118–50, April 24, 2024. Accessed June 18, 2025. <https://www.congress.gov/bill/118th-congress/house-bill/815>.

³² Section 6(e) of the Fiscal Year 2024 Emergency Supplemental Appropriation, *H.R. 815 – Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2024, and for Other Purposes*, 118th Congress, 2nd Session, Pub. L. No. 118–50, April 24, 2024. Accessed June 18, 2025. <https://www.congress.gov/bill/118th-congress/house-bill/815>.

³³ Art. 24 of the Treaty on European Union (TEU). The Council of the European Union (composed of national ministers) adopts legislation and coordinates policies, while the European Council (composed of heads of state or government) sets the EU’s overall political direction and priorities. See respectively Arts. 16 and 15 TEU. Accessed June 18, 2025. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>.

Representative of the Union for Foreign Affairs and Security Policy (the High Representative) or a Member State puts forward a proposal to do so.³⁴

The arrangement differs from those encountered in the US and Canada in that no second-tier delegation of decision-making powers by the legislature to the executive takes place. Rather, the Council adopts sanctions on the basis of the powers directly allocated to it by the EU Treaties. The Council can make a framework to guide future choices by adopting listing criteria. For example, Article 3(1)(g) of the Council decision that imposes sanctions on Russian targets after Russia invaded Ukraine provides that the Council can sanction the following:

*[L]eading businesspersons operating in Russia and their immediate family members, or other natural persons, benefitting from them, or businesspersons, legal persons, entities or bodies involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation, which is responsible for the annexation of Crimea and the destabilisation of Ukraine.*³⁵

Based on this definition, the Council applies sanctions to persons that it deems to belong to this category. Through this two-stage process, also used in horizontal sanction regimes such as the EU's own Magnitsky Act targeting human rights offenders,³⁶ the Council seeks to enhance the effectiveness of sanctions by signalling beforehand the types of behaviours that are being targeted. At the same time, it also reduces the likelihood of further judicial annulments of sanctions (Chachko 2019, 30). That said, the Council does remain free to amend the listing criteria it has established.

As a general rule, the Council adopts CFSP sanctions by unanimity.³⁷ It does so on a proposal by the High Representative, by any Member State, or by the High Representative with the support of the European Commission (the Commission).³⁸ As Clara Portela and others have described, the Commission plays a growing role in the area of sanctions, both in formulating and in implementing sanctions (Håkansson 2024; Portela 2024;). It plays this role without any formal powers allocated to it by the Treaties.

When sanctions provide for the “interruption or reduction, in part or completely, of economic and financial relations with one or more third countries,”³⁹ the Council decision adopted on the basis of Article 29 TEU has to be supplemented by a Council regulation based on Article 215 of the Treaty on the Functioning of the European Union (TFEU). The Council adopts this regulation by qualified majority vote (QMV) on a joint proposal by the High Representative and the

³⁴ Art. 30(1) TEU.

³⁵ Council of the European Union. 2014. “Council Decision 2014/145/CFSP of 17 March 2014 Concerning Restrictive Measures in Respect of Actions Undermining or Threatening the Territorial Integrity, Sovereignty and Independence of Ukraine.” *Official Journal of the European Union* 57 (L78): 16–21. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2014:078:FULL>.

³⁶ Council of the European Union. 2020. “Council Decision (CFSP) 2020/1999 of 7 December 2020 Concerning Restrictive Measures Against Serious Human Rights Violations and Abuses.” *Official Journal of the European Union* 63(L410I): 13–19. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020D1999>

³⁷ Art. 31(1) TEU.

³⁸ Art. 30(1) TEU.

³⁹ Council of the European Union. 2022. “Council Decision (CFSP) 2022/2332 of 28 November 2022 Amending Decision (CFSP) 2020/1999 Concerning Restrictive Measures Against Serious Human Rights Violations and Abuses.” *Official Journal of the European Union* 65 (L308): 18–20. Accessed June 23, 2025. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32022D2332>.

Commission. Through this regulation, the EU implements sanctions initially introduced within the CFSP into the EU legal order. The implementation of all other sanctions is the responsibility of the High Representative and the Member States, which are under a legal obligation to take all the necessary steps to give effect to the sanctions adopted by the Council.⁴⁰ This is relevant, for example, for the adoption of travel bans, which need to be implemented by all twenty-seven Member States (Giumelli et al. 2022, 38).

The European Parliament does not have a direct say in the approval of sanctions, according to the Treaties. This is different from the normal legislative process, which covers most of the EU's legislative actions outside of the CFSP, where the European Parliament and the Council are co-legislators based on a proposal from the Commission.⁴¹ With regard to the abovementioned EU Magnitsky Act, the European Parliament has expressed dissatisfaction at being excluded from the process of imposing sanctions under the Act and has called for greater democratic oversight and an enhanced role for the Parliament in proposing cases involving serious human rights violations.⁴² Political science research points in a similar direction: while the Parliament has tools at its disposal to influence the EU's long-term foreign policy strategy, its involvement in the adoption of CFSP measures, including sanctions, is marginal (Rosén and Raube 2018, 78).

National parliaments can have an indirect say in how the EU makes decisions on CFSP sanctions. Unlike in other areas of EU policymaking, where national parliaments can formally assess compliance with the subsidiarity principle, they do not directly participate in the decision-making process to adopt CFSP sanctions.⁴³ However, they can still attempt to indirectly influence the process by holding their national executives accountable in the European Council and the Council of the European Union.

The Netherlands shows how national parliaments try to control the executive's Council actions. A lower chamber (*Tweede Kamer*) committee discusses the position of the Dutch foreign minister before each Council meeting, based on the agenda and report sent by the minister (Huff 2015, 401, 403; Tweede Kamer der Staten-Generaal 2014). The chamber can also flag files as high priority, meaning it will follow the executive's EU actions more closely on these files. While mechanisms such as these strengthen national parliaments' positions vis-à-vis the executive, the ways that parliaments operate and behave are very different among Member States. For example, a study published in 2015 reported that the Polish, French, and Italian parliaments do not have any *ex ante* control powers similar to those held by the Dutch parliament; their scrutiny is limited to *ex post* interventions such as parliamentary questions, reports, or inquiries (Huff 2015, 401).

Currently, EU law does not set any minimum standards for how much and how well national parliaments should be able to oversee the national executive's actions within the European Council and Council of the EU (Cotter 2022; Verellen 2022). The idea of introducing such standards was discussed at the start of the millennium's Constitutional Convention, but it was ultimately rejected due to concerns about interfering too much in domestic constitutional matters (European

⁴⁰ Art. 26(3) TEU.

⁴¹ Art. 294 TFEU.

⁴² European Parliament. "Point 12 of the European Parliament Resolution of 8 July 2021 on the EU Global Human Rights Sanctions Regime (EU Magnitsky Act) (2021/2563(RSP))." Accessed June 23, 2025. https://www.europarl.europa.eu/doceo/document/TA-9-2021-0349_EN.html.

⁴³ See Protocol (No 1) on the Role of National Parliaments in the European Union, *Official Journal of the European Union* 47 (C310), p. 204. Accessed June 23, 2025. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12004V/PRO/01>.

Convention 2002). As a consequence, there is no guarantee that Member State executives are held accountable at the national level for the positions they defend within the Council. This holds true also for the adoption of sanctions, with there being no certainty that national parliaments have an influence on the views taken by their executives within the Council when it agrees on sanctions.

Therefore, parliaments have little control over CFSP sanctions policy. They do not participate directly in the decision-making or termination of CFSP sanctions; they also do not have any legal rights to affect the CFSP sanctions policy process indirectly, making their influence uneven across Member States. For its part, the European Parliament can only adopt resolutions.⁴⁴ Other powers that the European Parliament has, such as its power to oversee the EU budget, do not provide it with significant influence over CFSP sanctions, as sanctions do not require any major spending.⁴⁵ However, the EU does not only rely on CFSP sanctions when it wants to impose sanctions on other countries or individuals. In the last few years, the EU legislature, made up of Parliament and Council, has passed a series of acts that grant the Commission powers to limit trade flows between the EU and certain third countries (Lonardo and Szép 2023; Schaupp 2023; Verellen and Hofer 2023; Ville et al. 2023;). Most of these instruments have been introduced based on the EU's Common Commercial Policy (CCP) competence, rather than its CFSP competence. Due to this difference in legal basis, Parliament and Council played a full role in shaping the legislation. The Anti-Coercion Instrument (ACI) is worth mentioning in this regard.⁴⁶ Adopted in 2023, it had not yet been used by mid-2025. It lets Council and Commission react to "economic coercion" aimed at EU institutions or EU Member States. The ACI allows for various measures to counter specific coercive actions. These could include tariffs, quotas, or other trade restrictions.

Instruments such as the ACI more closely resemble the setup encountered in Canada and the US, where the legislature (European Parliament and Council) delegates powers to the executive (the European Commission). Exercise of the powers under the ACI are subject to significant constraints as well. In particular, the procedure to adopt measures under the ACI consists of two steps. Upon a request by the Commission, the Council must determine by means of a qualified majority vote that the EU or a Member State is indeed a victim of "economic coercion" by a third country.⁴⁷ In a second step, the Commission may adopt measures only if a qualified majority of Member States opposes them.⁴⁸

Yet in one crucial respect these constraints diverge from the principal-agent model encountered in Canada and the US. While in Canada and the US the legislature, consisting of two houses, grants both houses instruments to control the executive, under the ACI the EU's bicameral legislature consisting of Council and European Parliament grants such instruments only to one chamber, the Council, while the other chamber, the Parliament, lacks equivalent powers. Ultimately, these

⁴⁴ See Rule 143 of the Rules of Procedure of the European Parliament, 9th parliamentary term - December 2019. Accessed January 3, 2025 https://www.europarl.europa.eu/doceo/document/RULES-9-2019-07-02-RULE-143_EN.html.

⁴⁵ Art. 314 TFEU.

⁴⁶ European Parliament and Council of the European Union. "Regulation (EU) 2023/2675 of the European Parliament and of the Council of 22 November 2023 on the Protection of the Union and Its Member States from Economic Coercion by Third Countries." Official Journal of the European Union L 2023/2675: 1–23. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202302675. While the ACI pursues security objectives, other instruments pursue sustainability objectives or aim to level the economic playing field by offsetting the impact of subsidies, as is the case, respectively, for the Deforestation Regulation and the Foreign Subsidies Regulation.

⁴⁷ Art. 5 of the ACI.

⁴⁸ Art. 8 of the ACI.

control mechanisms are perhaps best understood as devices to protect the autonomy of Member States, rather than as instruments to enhance democratic oversight (Schütze 2011, 692). It is no coincidence that the EU institution that represents Member State interests is granted the power to establish the existence of economic coercion (Schaupp 2023, 7–8).

Even when taking into account the emergence of a sanctions practice outside of the context of the CFSP, the field of sanctions policy in the European Union remains subject to comparatively weak democratic oversight. Parliaments play a relatively small role in the EU's CFSP sanctions practice; while the European Parliament acts as co-legislator with the Council in the adoption of CCP sanctions instruments such as the Anti-Coercion Instrument, its ability to exercise oversight over how the Commission wields its new sanctions powers remains limited.

5. Comparative Reflections

This article investigated the role that parliaments play in sanctions policy in Canada, the US, and the EU, testing the hypothesis that their role in this area is often characterized by an important degree of deference to the executive. Examining the legal frameworks for sanctions in Canada, the US, and the EU shows different approaches and levels of democratic oversight, leading to the conclusion that this hypothesis is only partially correct.

Canada and the US have comparatively strong constitutional frameworks that could provide their parliaments with meaningful influence over sanctions policies, both in the shaping of sanction regimes and in the adoption of individual sanctions. In these two jurisdictions, parliaments can adopt legislation governing sanctions; they can delegate decision-making powers to the executive, while retaining mechanisms to monitor and oversee the use of those powers. In addition, parliaments in Canada and the US have other accountability instruments at their disposal, including the power to request information, ask questions to the executive, or adopt motions or reports. Taken together, these instruments could grant parliaments significant influence.

However, the extent to which this influence can be exercised differs significantly between the two systems. In Canada, Parliament can formally check and cancel sanctions, but it hardly ever does. Instead, its involvement remains limited to legislating and, to a limited extent, conducting *ex post* scrutiny through parliamentary questions, investigations, and reports. This gap between what the Parliament can do and what it actually does highlights its passive role—one that could be strengthened to ensure greater involvement in foreign policy and sanctions, beyond the confidence convention that keeps the government in power as long as it maintains the support of the House of Commons. As discussed, Canadian MPs perceive other Westminster parliaments, particularly the UK Parliament, as having a more robust position in relation to the executive. As mentioned earlier, this perception is supported by empirical evidence indicating that the UK Parliament is significantly more influential than commonly believed (Russell and Cowley 2016). This indicates that there is no inherent characteristic of the Westminster model of parliamentary democracy that inhibits parliamentarians from assuming a more independent and active role.

In contrast, the United States exemplifies an assertive use of legislative authority, where Congress not only frames the legal basis for sanctions but also actively monitors and sometimes dictates the terms of their adoption through various mechanisms, such as reporting and certification requirements, as well as opportunities to override decisions taken by the president through the adoption of joint resolutions of disapproval. This approach underscores a dynamic interplay

between Congress and the executive that reflects the greater distance between the branches of the US government as compared to the Canadian Parliament and federal government. In the US presidential system, more formal constraints on the executive are needed to safeguard democratic control, as Congress cannot remove a sitting president in the same way that Canada's Parliament can bring down a government through a vote of no confidence.

Yet the analysis also demonstrated that the influence of Congress should not be overestimated. While Congress can mandate sanctions, as in CAASTA, the president alone assesses whether the conditions for doing so are met. The president's ability to act quickly often outpaces Congress, which faces collective action problems and a policy of deference from federal courts. This places the president at an advantage vis-à-vis Congress, despite the latter's formal powers (Verellen 2023b). Nevertheless, compared to Canada and the EU, the US legislature is notably assertive, illustrating the potential active role parliaments can play in sanctions policy.

The European Union presents a distinct model, in which sanctions policy is almost exclusively managed by the executive branches of the Member States as represented in the Council, while the European Commission plays an increasingly significant role in both formulating and implementing sanctions. The European Parliament's limited role both in the adoption of and oversight over the implementation of sanctions is a point of contention that reflects broader debates about democratic legitimacy and oversight within the CFSP, as well as EU policymaking more generally. Unlike the legislative bodies in Canada and the US, the European Parliament lacks direct influence over the formulation and application of sanctions, which are crucial areas of foreign policy. Even under sanction regimes introduced outside of the CFSP context, such as the Anti-Coercion Instrument, the European Parliament's role remains limited to the adoption of framework legislation and does not extend to democratic oversight over individual sanction decisions. Moreover, the ability of national parliaments to influence EU sanctions policy cannot be taken for granted. As previously discussed, many Member State parliaments have limited capacity to scrutinize their national executives. Additionally, the influence of each parliament that effectively reviews its executive is constrained by the weight of its respective Member State in the Council.

The EU's approach raises important questions about the design of international governance structures and their capacity to uphold democratic principles. Enhancing the role of the European Parliament by amending the EU Treaties could serve to increase the democratic legitimacy of the EU's sanctions policy. At the same time, absent treaty changes, both the European Parliament and national parliaments could already do more to hold the executive accountable. National parliaments, in particular, have a key role to play given the European Parliament's minor role within the CFSP. Although challenges exist, practices in the Netherlands illustrate that parliaments can implement measures to improve oversight of their executive's actions within the Council.

6. Conclusion

This analysis of sanctions policy across Canada, the United States, and the European Union highlights the distinct mechanisms of democratic oversight within each system. It underscores the crucial role of legislative involvement in ensuring democratic accountability, including in matters of foreign affairs such as sanctions policy. While the interplay between legislative bodies and executive powers varies across these jurisdictions, this research reveals a common imperative: the need for robust mechanisms that enable effective oversight and active participation in foreign policy, including the development and implementation of sanctions.

In Canada, the legislative framework allows for parliamentary scrutiny, though it is seldom exercised to its full potential. The United States shows a more dynamic interaction, where Congress more frequently exercises its powers to shape, review, and sometimes constrain executive actions through detailed legislative mechanisms. Meanwhile, the European Union's model, dominated by the Council with limited input from the European Parliament and the Member State parliaments, presents challenges for democratic accountability, suggesting areas for potential reform to enhance the role of the European Parliament and the national parliaments.

This comparative analysis brings to light the varying degrees to which these democracies manage the tension between swift executive action needed in foreign policy and the democratic imperative of legislative oversight. Each system has strengths and potential vulnerabilities that can inform future reforms aimed at balancing efficiency with accountability. By fostering greater legislative engagement and refining oversight mechanisms, these jurisdictions can enhance the democratic legitimacy of their sanctions policies and ensure they reflect not only executive priorities but also the will of their broader political communities. This balance is essential for maintaining public trust and upholding the principles of representative democracy, which all three systems are constitutionally required to support in both domestic and foreign policy.

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Interviews

Interview with MP, member of the New Democratic Party. Conducted via Microsoft Teams. April 22, 2024.

Interview with MP, member of the Conservative Party of Canada. Conducted via Microsoft Teams. May 9, 2024.

Interview with MP, member of the Liberal Party of Canada. Conducted via Microsoft Teams. April 24, 2024.

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