

a consular annex in New York City.”⁷² State Department officials designated the closures as formal retaliation against Russia:

With this action both countries will remain with three consulates each. While there will continue to be a disparity in the number of diplomatic and consular annexes, we have chosen to allow the Russian Government to maintain some of its annexes in an effort to arrest the downward spiral in our relationship.

The United States hopes that, having moved toward the Russian Federation’s desire for parity, we can avoid further retaliatory actions by both sides and move forward to achieve the stated goal of both of our presidents: improved relations between our two countries and increased cooperation on areas of mutual concern. The United States is prepared to take further action as necessary and as warranted.⁷³

The State Department gave Russia until September 2 to complete the closures.⁷⁴

GENERAL INTERNATIONAL AND U.S. FOREIGN RELATIONS LAW

United States and Qatar Sign Memorandum of Understanding Regarding Terrorism Financing
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On July 11, 2017, U.S. Secretary of State Rex Tillerson signed a memorandum of understanding (MOU) between the United States and Qatar, thereby establishing a joint plan to investigate and eliminate the financing of terrorism.¹ The agreement was signed against a backdrop of conflict between Qatar and a number of its regional neighbors, particularly Saudi Arabia. While it appears that negotiations between Qatar and the United States predated the formal standoff between Qatar and its neighbors, Qatar has invoked the MOU to defend itself against Saudi accusations of terror financing.

In May, Tillerson and President Donald Trump had traveled to Saudi Arabia, where Trump signed a joint “strategic vision” with the Saudi government and Tillerson outlined the countries’ common counterterrorism goals.² During the same visit Trump also met with the heads of the countries in the Gulf Cooperation Council (GCC), a group consisting of all the Arab states in the Persian Gulf except Iraq.³

⁷² U.S. Dep’t of State Press Release, *Achieving Parity in Diplomatic Missions* (Aug. 31, 2017), at <https://www.state.gov/r/pa/prs/ps/2017/08/273738.htm>.

⁷³ *Id.*

⁷⁴ *Id.*

¹ Carol Morello & Kareem Fahim, *Qatar Agrees to Combat Terrorism Financing Under Deal with U.S.*, WASH. POST (July 11, 2017), at https://www.washingtonpost.com/world/qatar-agrees-to-curb-terrorism-financing-under-deal-with-us/2017/07/11/1a86e3b0-a041-4300-ab03-c840d8a19bcf_story.html.

² Philip Rucker & Karen DeYoung, *Trump Signs ‘Tremendous’ Deals with Saudi Arabia on His First Day Overseas*, WASH. POST (May 20, 2017), at https://www.washingtonpost.com/politics/trump-gets-elaborate-welcome-in-saudi-arabia-embarking-on-first-foreign-trip/2017/05/20/679f2766-3d1d-11e7-a058-ddbb23c75d82_story.html.

³ *Id.*

The next month, a group of Arab countries led by Bahrain, Egypt, Saudi Arabia, and the United Arab Emirates cut off diplomatic ties with Qatar and commenced an “air, sea, and land blockade” of the small Gulf state.⁴ The countries justified the blockade as a response to Qatar’s purported violation of a 2014 agreement by GCC member states, which requires that the nations “not undermine the ‘interests, security, and stability’ of each other.”⁵ The blockading states argued that Qatar had violated this obligation by financing terrorist activities and “embrac[ing] various terrorist and sectarian groups aimed at destabilizing the region.”⁶ In addition, the standoff is apparently related to the blockading states’ disapproval of Qatar’s relationship with Iran. Earlier this year, Bahrain, Egypt, Saudi Arabia, and the United Arab Emirates blocked Qatari media when a story published on state-run news sites published statements attributed to the Qatari emir that supported Iran and Hamas (for example, calling Iran an “Islamic power”⁷) and speculated that President “Trump might not be in power for long.”⁸ Qatar denied that the emir had made any such statement and claimed that the websites had been hacked by some outside actor—a claim reportedly bolstered by a U.S. intelligence finding that the hack had actually been perpetrated by the UAE.⁹

News of the U.S.-Qatar MOU emerged as part of the U.S. response to the blockade of Qatar, which hosts a large American air base and has extensive ties to the United States. While President Trump praised Saudi Arabia in strong but general terms in the wake of the May 2017 Riyadh Summit,¹⁰ the State Department’s more specific interventions into the Qatar dispute have built on Secretary Tillerson’s evaluation of Qatar’s position as “reasonable.”¹¹ In a press briefing after Tillerson’s comment, spokesperson Heather Nauert stated:

⁴ Liz Sly, *Qatar Responds to the Demands of Saudi Arabia as Trump Weighs in*, WASH. POST (July 3, 2017), at https://www.washingtonpost.com/world/middle_east/qatar-responds-to-the-demands-of-saudi-arabia-and-its-allies/2017/07/03/88420336-5ff9-11e7-80a2-8c226031ac3f_story.html. Yemen, the Maldives, and the eastern Libyan government joined the blockade. Patrick Wintour, *Gulf Plunged into Diplomatic Crisis as Countries Cut Ties with Qatar*, GUARDIAN (June 5, 2017), at <https://www.theguardian.com/world/2017/jun/05/saudi-arabia-and-bahrain-break-diplomatic-ties-with-qatar-over-terrorism>.

⁵ *Gulf States Agree to Deal to End Qatar Tensions*, AL JAZEERA (Apr. 17, 2014), at <http://www.aljazeera.com/news/middleeast/2014/04/gulf-states-agree-deal-end-qatar-tensions-2014417221056589789.html> (describing circumstances under which the 2014 agreement was reached). For text of the 2013 and 2014 agreements obtained and translated by CNN, see <http://i2.cdn.turner.com/cnn/2017/images/07/10/translation.of.agreementsupdated.pdf>.

⁶ Wintour, *supra* note 4. Anne Barnard & David D. Kirkpatrick, *5 Arab Nations Move to Isolate Qatar, Putting the U.S. in a Bind*, N.Y. TIMES (June 5, 2017), at <https://www.nytimes.com/2017/06/05/world/middleeast/qatar-saudi-arabia-egypt-bahrain-united-arab-emirates.html>.

⁷ Karen DeYoung & Ellen Nakashima, *UAE Orchestrated Hacking of Qatari Government Sites, Sparking Regional Upheaval, According to U.S. Intelligence Officials*, WASH. POST (July 16, 2017), at https://www.washingtonpost.com/world/national-security/uae-hacked-qatari-government-sites-sparking-regional-upheaval-according-to-us-intelligence-officials/2017/07/16/00c46e54-698f-11e7-8eb5-cbccc2e7bfbf_story.html.

⁸ Barnard & Kirkpatrick, *supra* note 6; Wintour, *supra* note 4.

⁹ DeYoung & Nakashima, *supra* note 7.

¹⁰ Michael D. Shear & Peter Baker, *Saudis Welcome Trump’s Rebuff of Obama’s Mideast Views*, N.Y. TIMES (May 20, 2017), at <https://www.nytimes.com/2017/05/20/world/middleeast/donald-trump-saudi-arabia.html>. Trump said, “They’re doing a great job, they’re going to be doing something very special. You see it with terrorism, the funding of terrorism. It’s going to stop, going to stop the funding of radical Islamic terrorism.” *Trump Praises Saudi Arabia*, WASH. POST (June 7, 2017), at https://www.washingtonpost.com/video/politics/trump-praises-saudi-arabia/2017/06/07/4136e148-4ba7-11e7-987c-42ab5745db2e_video.html.

¹¹ Morello & Fahim, *supra* note 1; see also Sly, *supra* note 4 (“A White House statement suggested, however, that Trump continues to back Saudi Arabia and its allies against Qatar, despite efforts by Secretary of State Rex Tillerson to adopt a more measured approach.”).

Now that it's been more than two weeks since the embargo started, we are mystified that the Gulf states have not released to the public, nor to the Qataris, the details about the claims that they are making toward Qatar. The more that time goes by, the more doubt is raised about the actions taken by Saudi Arabia and the UAE. At this point, we are left with one simple question: Were the actions really about their concerns regarding Qatar's alleged support for terrorism, or were they about the long simmering grievances between and among the GCC countries?¹²

On this background, Secretary Tillerson announced U.S.-Qatar MOU at a press conference on July 11. Asked about the effect of the memorandum on the diplomatic tensions between Qatar and the GCC countries, Secretary Tillerson responded:

[T]he agreement that was signed today is an agreement that we have been working on for quite some time. In fact, there's elements of this work that actually had been underway as long as a year ago. So what I think you're seeing the culmination today is really of this reinvigoration of our talks as a result of the Riyadh summit. And President Trump's very strong call in Qatar, I think, has taken the initiative to move out on things that had been discussed but had not been brought to a conclusion, and to put in place a very, very strong agreement, one that has commitments for action immediately in a number of fronts, and in fact, several steps have already been taken and implemented.

As it relates to the conflict that exists here in the Gulf, we had a good trilateral exchange around the conflict with His Highness The Emir and the foreign minister, with our Kuwaiti mediator partner. And my role here is to support the efforts of the Emir of Kuwait and the Kuwaiti mediator to bring what we can to the discussions to help both sides more fully understand the concerns of the relative parties and also point out possible solutions to those.¹³

Qatari Foreign Minister Al-Thani agreed:

Just to follow up what His Excellency just mentioned, this agreement which was signed, which is being signed now, it's a separate bilateral agreement between Qatar and the United States which has been underway and in discussion for weeks now, and it has nothing related directly to or indirectly to the recent crisis and the blockade which is imposed against Qatar.¹⁴

While the memorandum may not have originated as a response to the blockade of Qatar, the Qatari foreign minister indicated that Qatar would use the memorandum to move negotiations with the GCC states forward:

But the main output was the memorandum of understanding pertaining to combating financing terrorism, which for long the blockading countries have accused Qatar of financing terrorism. Now the state of Qatar is the first country to sign this memorandum

¹² U.S. Dep't of State Press Briefing, Spokesperson Heather Nauert, Department Press Briefing (June 20, 2017), at <https://www.state.gov/r/pa/prs/dpb/2017/06/272056.htm>.

¹³ U.S. Dep't of State Press Release, Press Availability with Qatari Foreign Minister Sheikh Mohammed bin Abdulrahman al-Thani (July 11, 2017), at <https://www.state.gov/secretary/remarks/2017/07/272522.htm>.

¹⁴ *Id.*

of understanding with the United States. We invite the other blockading countries to join signing this understanding.¹⁵

The text of the MOU has not been released, and official sources have been vague about the substantive details. Secretary Tillerson characterized the agreement, in the joint press conference announcing its signing, as containing benchmarks, information-sharing requirements, and provisions for tracking and disabling terror funding:

The agreement in which we both have signed on behalf of our governments represents weeks of intensive discussions between experts and reinvigorates the spirit of the Riyadh summit. The memorandum lays out a series of steps the two countries will take over the coming months and years to interrupt and disable terror financing flows and intensify counterterrorism activities globally. The agreement includes milestones to ensure both countries are accountable to their commitments.

Together, the United States and Qatar will do more to track down funding sources, will do more to collaborate and share information, and will do more to keep the region and our homeland safe.¹⁶

Saudi Arabia, along with Egypt, the United Arab Emirates, and Bahrain, issued a joint statement in response to the memorandum of understanding. The four countries indicated that, although they valued the efforts of the United States, the memorandum was not sufficient for them to lift their blockade:

The signing of a Memorandum of Understanding on Combating the Financing of Terrorism between the United States and the Qatari authorities is the result of the repeated pressures and demands over the past years by the four countries and their partners to stop its support for terrorism with the assertion that this step is not enough and that the four countries will closely monitor the seriousness of the authorities in its fight against all forms of terrorist financing, its support and embrace.

The four countries emphasize that the measures they have taken have been because of the continuation of various activities of the Qatari authorities in supporting and financing terrorism, harboring extremists, spreading hatred and extremism and interfering in the internal affairs of other countries. These activities must be fully and definitively stopped in implementation of the legitimate and just demands.

The Qatari authorities have consistently revoked all the agreements and commitments, the most recent of which was the Riyadh Agreement (2013), which led to the withdrawal of ambassadors and their return only after the Qatari authorities signed the supplementary agreement (2014)¹⁷ and their continued intervention, incitement, conspiracy, harboring of terrorists, financing terrorist acts and spreading hatred and extremism, with which it cannot be trusted in any commitment it makes according to its existing policy

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ These comments appear to refer to the two agreements Qatar signed with its fellow Gulf Cooperation Council members. *See supra* note 5.

without the establishment of strict controls to verify the seriousness of its return to the normal and right track.

The four countries also reiterate the continuation of their current procedures until the Qatari authorities are committed to the implementation of the just and full demands that will ensure that terrorism is addressed and stability and security are established in the region.¹⁸

The next day, the Saudi-led group issued a list of thirteen demands to Qatar, including, among others, that it must shut down Al Jazeera and its affiliates, close its diplomatic outposts in Iran, and pay an undisclosed amount of money for “loss of life and other financial losses caused by [their] policies”¹⁹ The list included demands that Qatar cut ties with groups such as the Muslim Brotherhood and ISIL, cut funding to individual terrorists and terrorist groups, and deliver terrorist fugitives to their countries of origin.²⁰ The group gave Qatar ten days to comply, leaving the consequences unspecified.²¹ Qatar denied any involvement in either the funding of terrorism or the publication of the inflammatory statements, insisting that the “many false allegations directed at the State of Qatar [were] made for political gains and to tarnish the public opinion’s image of the State of Qatar.”²²

The Gulf State standoff continues. “Right now,” said Tillerson, “the parties are not even talking to one another at any level.”²³

GENERAL INTERNATIONAL AND U.S. FOREIGN RELATIONS LAW

Trump Reverses Certain Steps Toward Normalizing Relations with Cuba

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In June 2017, President Donald Trump announced a plan to roll back various steps taken by his predecessor toward normalizing relations between the United States and Cuba. A senior official for the administration announced the plan in a White House press briefing:

The President vowed to reverse the Obama administration policies toward Cuba that have enriched the Cuban military regime and increased the repression on the island.

¹⁸ Royal Embassy of Saudi Arabia Press Release, Joint Statement by Saudi Arabia, Egypt, The United Arab Emirates, and Bahrain Regarding MOU to Combat Terrorism Between the U.S. and Qatar (July 11, 2017), at <https://saudiembassy.net/statements/joint-statement-saudi-arabia-egypt-united-arab-emirates-and-bahrain-regarding-mou-combat>.

¹⁹ *Arab States Issue 13 Demands to End Qatar-Gulf Crisis*, AL JAZEERA (July 12, 2017), at <http://www.aljazeera.com/news/2017/06/Arab-states-issue-list-demands-qatar-crisis-170623022133024.html>.

²⁰ *Id.*

²¹ *Id.*

²² Qatar Ministry of Foreign Affairs Press Release, Qatar Denounces Statement Made by Saudi Arabia, Egypt, Bahrain, and UAE (June 9, 2017), at <https://www.mofa.gov.qa/en/all-mofa-news/details/2017/06/09/qatar-denounces-statement-made-by-saudi-arabia-egypt-bahrain-and-uae>.

²³ Gardiner Harris, *Tillerson Comes Up Short in Effort to Resolve Qatar Dispute*, N.Y. TIMES (July 13, 2017), at <https://www.nytimes.com/2017/07/13/world/middleeast/qatar-saudi-arabia-rex-tillerson.html>.