

CONTEMPORARY PRACTICE OF THE UNITED STATES RELATING TO INTERNATIONAL LAW

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GENERAL INTERNATIONAL AND U.S. FOREIGN RELATIONS LAW

Congress Enacts Sanctions Legislation Targeting Russia

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In July 2017, Congress passed the Countering America's Adversaries Through Sanctions Act.¹ The legislation—which enjoyed nearly unanimous legislative support²—contained sanctions targeting Russia, North Korea, and Iran.³ Title II of the Act—titled separately as the Countering Russian Influence in Europe and Eurasia Act of 2017 (Countering Russian Influence Act)—entrenched and extended U.S. sanctions against Russia for violating Ukraine's territorial sovereignty and interfering with the U.S. presidential election.⁴ Title II's key provisions codified existing sanctions against Russia;⁵ imposed new sanctions against Russia;⁶ and restricted the president's authority to modify or eliminate these sanctions without congressional approval.⁷ Despite voicing constitutional objections to the legislation, President Trump signed the bill into law.⁸

In 2014, President Obama had imposed sanctions on Russia in response to its purported annexation of Ukraine's Crimean Peninsula.⁹ Russia, acting in contravention of international law, used force to seize and occupy the so-called Republic of Crimea.¹⁰ With Russia's help, Ukrainians living in the Crimean Peninsula then approved a ballot referendum—in violation of the Ukrainian Constitution—declaring the region's intent to be integrated into the Russian Federation.¹¹ In response to these developments, President Obama issued four executive orders¹² designed to “send a strong message to the Russian government that there are consequences for their actions that threaten the sovereignty and territorial integrity of Ukraine.”¹³ These executive orders authorized the imposition of sanctions pursuant to the International Emergency Economic Powers Act, the National Emergencies Act, and the

¹ Actions Overview H.R. 3664 – 115th Congress (2017–2018), at <https://www.congress.gov/bill/115th-congress/house-bill/3364/actions>.

² *Id.*

³ See generally Countering America's Adversaries Through Sanctions Act, Pub. L. 115-44 (2017). The Act imposes two categories of sanctions against North Korea: first, it includes sanctions to enforce and implement United Nations Security Council Sanctions against North Korea; second, the legislation adds sanctions against North Korea in response to its human rights abuses. §§ 311–24. Similarly, the Act imposes sanctions against Iran for human rights abuses in addition to its ballistic missile program and terrorism-related activities. §§ 104–06. Notably, the congressional review process, described below, see *infra* notes 48–57 and accompanying text, does not apply to the sanctions on either Iran or North Korea.

⁴ See *id.*; see also Kristina Daugirdas & Julian Davis Mortenson, Contemporary Practice of the United States, 111 AJIL 483 (2017) [hereinafter *Russian Electoral Interference*].

⁵ Countering Russian Influence in Europe and Eurasia Act of 2017, 22 U.S.C. § 9522 (2017).

⁶ 22 U.S.C. §§ 9524–29.

⁷ 22 U.S.C. § 9511.

⁸ *Infra* notes 58–61.

⁹ Kristina Daugirdas & Julian Davis Mortenson, Contemporary Practice of the United States, 108 AJIL 783, 797–808 (2014) [hereinafter *Attempted Annexation*].

¹⁰ See generally Kristina Daugirdas & Julian Davis Mortenson, Contemporary Practice of the United States, 109 AJIL 175 (2015); Daugirdas & Mortenson, *Attempted Annexation*, *supra* note 9.

¹¹ Daugirdas & Mortenson, *Attempted Annexation*, *supra* note 9, at 798–805.

¹² Exec. Order No. 13685, 79 Fed. Reg. 77357 (2014); Exec. Order No. 13662, 79 Fed. Reg. 16169 (2014); Exec. Order No. 13661, 79 Fed. Reg. 15535 (2014); Exec. Order No. 13660, 79 Fed. Reg. 13493 (2014).

¹³ U.S. Dep't of State, Ukraine and Russia Sanctions, at <https://www.state.gov/e/eb/tfs/spi/ukrainerrussia>.

Immigration and Nationality Act of 1952.¹⁴ Additionally, the orders put in place travel restrictions on a number of specified individuals who either “asserted governmental authority over any part or region of Ukraine without the authorization of the Government of Ukraine”¹⁵ or were

responsible for or complicit in [actions or policies] . . . that undermine democratic processes or institutions in Ukraine . . . threaten the peace, security, stability, sovereignty, or territorial integrity of Ukraine; or . . . misappropriat[e] . . . state assets of Ukraine or of an economically significant entity of Ukraine.¹⁶

In December 2016, President Obama imposed additional sanctions on Russia in retaliation for its interference with the U.S. presidential election.¹⁷ Shortly before the general election the preceding month, the Department of Homeland Security and the Office of the Director of National Intelligence published an outline of the case for their conclusion that Russia had engaged in cyberattacks with the intent to influence the presidential election.¹⁸ These findings, along with corroborating evidence from other intelligence agencies, prompted President Obama to impose additional sanctions via executive order against five Russian entities and four Russian individuals—all of whom had, according to President Obama, engaged in, or provided material support to persons or entities engaged in, “tampering, altering, or causing a misappropriation of information with the purpose or effect of interfering with the 2016 U.S. election processes.”¹⁹

Since President Trump took office in January, his administration’s stance on Russian sanctions has seemed to evolve. White House Economic Adviser Gary Cohn remarked in late May that President Trump was “looking at” the future of the Russian sanctions, and that the administration currently “[did not] have a position” on whether they should stay.²⁰ But a few days later, Cohn said the administration would “not lower[] our sanctions on Russia”²¹ and, “[i]f anything, we would probably look to get tougher on Russia.”²² As

¹⁴ Exec. Order No. 13685, *supra* note 12 (blocking the property of any person dealing in Crimea and prohibiting persons in the United States from: investing in Crimea; importing Crimean goods or services; exporting goods or services to Crimea; and facilitating or supporting a transaction involving Crimean goods or services); Exec. Order No. 13662, *supra* note 12 (blocking the “property and interests in property that are in the United States” belonging to persons operating in the Russian economy from being “transferred, paid, exported, withdrawn, or otherwise dealt in”); Exec. Order No. 13661, *supra* note 12 (blocking the property of persons deemed to be a Russian government official, a Russian arms supplier, or an individual providing material assistance to a Russian government official or arms supplier); Exec. Order No. 13660, *supra* note 12 (blocking the property of persons “responsible for or complicit in” actions contributing to the crisis in Ukraine).

¹⁵ Exec. Order No. 13660, *supra* note 12.

¹⁶ *Id.*

¹⁷ Daugirdas & Mortenson, *Russian Electoral Interference*, *supra* note 4.

¹⁸ *Id.* at 483.

¹⁹ White House Press Release, Fact Sheet: Actions in Response to Russian Malicious Cyber Activity and Harassment (Dec. 29, 2016), at <https://obamawhitehouse.archives.gov/the-press-office/2016/12/29/fact-sheet-actions-response-russian-malicious-cyber-activity-and>.

²⁰ Max Greenwood, *Official: Trump “Looking at” Future of US Sanctions on Russia*, HILL (May 25, 2017), at <http://thehill.com/homenews/administration/335244-official-trump-looking-at-future-of-us-sanctions-on-russia>.

²¹ Margaret Talev & Jennifer Jacobs, *Trump to Keep Russia Sanctions, Economic Adviser Cohn Says*, BLOOMBERG POLITICS (May 26, 2017), at <https://www.bloomberg.com/news/articles/2017-05-26/trump-to-maintain-russia-sanctions-economic-adviser-cohn-says>.

²² *Id.*

Congress deliberated over legislative proposals, White House Deputy Press Secretary Sarah Huckabee Sanders affirmed that the administration “believe[s] the existing executive branch sanctions regime is the best tool for compelling Russia to fulfill its commitments.”²³

At least partly in response to concern that the Trump Administration might remove some of the Obama sanctions, Congress passed the Countering Russian Influence Act. During floor debate on the proposed legislation, Senator Cardin remarked:

The legislation we are about to vote on will give the United States the strongest possible hand to stand up against the aggression of Russia. Russia attacked us and our democratic institutions; Russia invaded the sovereignty of other countries, including Ukraine and Georgia

. . .

Mandatory sanctions are included in this legislation with regard to the energy sector, the financial sector, the intelligence and defense sectors—not only with primary sanctions but with secondary sanctions.

. . .

This legislation provides a review process so the President, on his own, cannot eliminate sanctions. He must come to Congress.

. . .

This is a tough bill to stand up to what Russia has done and requires mandatory action.²⁴

Other legislators likewise made clear that the legislation was meant to prevent President Trump from relaxing sanctions against Russia.²⁵ Despite the administration’s objections that the provisions interfered with the president’s foreign policy authority,²⁶ the final House and Senate votes were close to unanimous in approving the bill.²⁷

As approved by Congress, the Act enacts two sets of sanctions. First, it entrenches as legislation the six executive orders that President Obama issued in response to Russian interference in Ukraine and in the U.S. presidential election.²⁸ Second, it imposes a new set of “mandatory” sanctions against Russia that go beyond those imposed by the Obama administration. On the latter front, sections 224 through 234 provide that the president “shall” impose additional sanctions relating to cybersecurity, natural resource mining, financial

²³ White House Press Release, Press Gaggle by Principal Deputy Press Secretary Sarah Sanders (June 15, 2017), at <https://www.whitehouse.gov/the-press-office/2017/06/15/press-gaggle-principal-deputy-press-secretary-sarah-sanders-6152017>.

²⁴ 163 CONG. REC. S4,387, S4,387 (2017).

²⁵ See *id.* at S4,388 (statement of Sen. Brown) (“The bill provides for a range of tough sanctions against . . . Russia This bill will prevent President Trump from relaxing sanctions on Russia without congressional review. We are all concerned about that.”); see also *id.* at S4,387 (statement of Sen. McCain) (arguing that the legislation would impose “mandatory sanctions” to “respond to Russia’s attack on American democracy”).

²⁶ See Richard Lardner, *White House Criticizes Russia Sanctions Stalled in House*, PBS (July 11, 2017), at <http://www.pbs.org/newshour/rundown/white-house-criticizes-russia-sanctions-stalled-house>.

²⁷ Actions Overview H.R. 3664, *supra* note 1.

²⁸ 22 U.S.C. §§ 9522, 9524–29.

institutions, corruption, human rights abuses, intelligence sharing, and arms sales to Syria.²⁹ These sanctions use a variety of methods to pressure Russia, including: blocking assets;³⁰ denying or revoking visas;³¹ imposing import and export restrictions;³² restricting U.S. financial institutions from opening and maintaining accounts affiliated with certain foreign nationals;³³ barring the Export-Import Bank from supporting the export of goods or services to certain persons or regions;³⁴ prohibiting the U.S. government from entering into contracts with sanctioned persons;³⁵ and forbidding financial institutions from loaning money to sanctioned individuals.³⁶

While the Countering Russian Influence Act describes the second group of sanctions as “mandatory,” some of them only materialize if the president determines that persons meet the statutory criteria for their imposition.³⁷ For example, Sections 224, 228, 231, 232, 233, and 234 all specify that the president “shall impose” sanctions but only if he first determines that persons “knowingly” engaged in conduct proscribed by those respective sections.³⁸ Conduct triggering the imposition of sanctions includes: engaging in malicious cyberactivity;³⁹ investing in Russian crude oil projects;⁴⁰ facilitating a “significant financial transaction” on behalf of sanctioned Russian persons;⁴¹ perpetrating human rights abuses;⁴² participating in corrupt practices;⁴³ engaging in transactions with persons involved in Russian intelligence or defense sectors;⁴⁴ investing in Russian energy development;⁴⁵ and investing in Russian state-owned assets.⁴⁶ Sections 225 and 226 require sanctions to be imposed “unless it is not in the national interest of the United States to do so.”⁴⁷

The Act establishes a new congressional review process.⁴⁸ That congressional review process applies to both the codified Obama-era sanctions as well as the new sanctions.⁴⁹ Section 216 describes that process, starting by requiring before taking any action to modify those sanctions, the president must “submit to the appropriate congressional committees and leadership a report that describes the proposed action and the reasons for that

²⁹ Countering America’s Adversaries Through Sanctions Act, *supra* note 3, §§ 224–35.

³⁰ *Id.*, §§ 224(b)(1), 227–28.

³¹ *Id.*, §§ 224(b)(2), 235(a)(11).

³² *Id.*, §§ 225, 235(a)(1)–(2).

³³ *Id.*, § 226.

³⁴ *Id.*, § 235(a)(1).

³⁵ *Id.*, § 235(a)(6).

³⁶ *Id.*, § 235(a)(5).

³⁷ *E.g., id.*, § 224(a) (stating that the president shall impose sanctions on “any person that the President determines” meets several statutory criteria).

³⁸ *See id.*, §§ 224(a)(1), 228(a), 231(a), 232(a), 233(a), 234(a)(1).

³⁹ *Id.*, § 224(a).

⁴⁰ *Id.*, § 225.

⁴¹ *Id.*, § 226.

⁴² *Id.*, § 228.

⁴³ *Id.*, § 227.

⁴⁴ *Id.*, § 231.

⁴⁵ *Id.*, § 232.

⁴⁶ *Id.*, § 233.

⁴⁷ *Id.*, §§ 225–26.

⁴⁸ *See id.*, § 216.

⁴⁹ *Id.*, § 216(a)(2)(B)(i)(I).

action.”⁵⁰ Section 216(a)(2) continues by listing the actions that trigger the reporting requirement and congressional review process:

(2) ACTIONS DESCRIBED.—

(A) IN GENERAL.—An action described in this paragraph is—

- (i) an action to terminate the application of any sanctions described in subparagraph (B);
- (ii) with respect to sanctions described in subparagraph (B) imposed by the President with respect to a person, an action to waive the application of those sanctions with respect to that person; or
- (iii) a licensing action that significantly alters United States’ foreign policy with regard to the Russian Federation.

(B) SANCTIONS DESCRIBED.—The sanctions described in this subparagraph are—

- (i) sanctions provided for under—
 - (I) this chapter or any provision of law amended by this title, including the Executive orders codified under section 222 . . . ;
 - (II) the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (22 U.S.C. 8921 et seq.); or
 - (III) the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8921 et seq.); and
- (ii) the prohibition on access to the properties of the Government of the Russian Federation located in Maryland and New York that the President ordered vacated on December 29, 2016.⁵¹

Once the president proposes an action triggering Section 216’s reporting requirement, the Act requires the report to describe whether that action is “intended to significantly alter United States foreign policy with regard to the Russian Federation.”⁵² For all proposed actions intended to “significantly alter” U.S. policy toward Russia, the president must include a description of:

- (i) the significant alteration to United States foreign policy with regard to the Russian Federation;
- (ii) the anticipated effect of the action on the national security interests of the United States; and
- (iii) the policy objectives for which the sanctions affected by the action were initially imposed.⁵³

Congress then has thirty days from the filing of the report to review the proposed action.⁵⁴ Section 216 prohibits the president from taking the proposed action during that thirty-day review period “unless a joint resolution of approval with respect to that action is enacted”

⁵⁰ 22 U.S.C. § 9511(a)(1).

⁵¹ 22 U.S.C. § 9511(a)(2).

⁵² 22 U.S.C. § 9511(a)(3).

⁵³ 22 U.S.C. § 9511(a)(4)(A).

⁵⁴ 22 U.S.C. § 9511(b)(1).

pursuant to the Act.⁵⁵ Congress may authorize the president to take the proposed action by passing a resolution of approval or prohibit the president from acting by passing a resolution of disapproval.⁵⁶ The president may veto a disapproval resolution subject to congressional override.⁵⁷

President Trump signed the bill into law on August 2, 2017.⁵⁸ The president issued two statements about the legislation. In his initial statement, the president asserted that the bill inappropriately interfered with his ability to direct foreign affairs:

[T]he bill remains seriously flawed—particularly because it encroaches on the executive branch’s authority to negotiate By limiting the Executive’s flexibility, this bill makes it harder for the United States to strike good deals for the American people, and will drive China, Russia, and North Korea much closer together. The Framers of our Constitution put foreign affairs in the hands of the President. This bill will prove the wisdom of that choice.⁵⁹

Subsequently, the president noted in his formal signing statement that:

In its haste to pass this legislation, the Congress included a number of clearly unconstitutional provisions. For instance, although I share the policy views of sections 253 and 257, those provisions purport to displace the President’s exclusive constitutional authority to recognize foreign governments, including their territorial bounds, in conflict with the Supreme Court’s recent decision in *Zivotofsky v. Kerry*.

Additionally, section 216 seeks to grant the Congress the ability to change the law outside the constitutionally required process. The bill prescribes a review period that precludes the President from taking certain actions. Certain provisions in section 216, however, conflict with the Supreme Court’s decision in *INS v. Chadha*, because they purport to allow the Congress to extend the review period through procedures that do not satisfy the requirements for changing the law under Article I, section 7 of the Constitution. I nevertheless expect to honor the bill’s extended waiting periods to ensure that the Congress will have a full opportunity to avail itself of the bill’s review procedures.⁶⁰

Despite his concerns, the president indicated that he signed the legislation “for the sake of national unity.”⁶¹

Russian officials warned the United States that the Act would harm bilateral relations and prompt Russia to take retaliatory measures. In the days leading up to Congress’s approval of the Act, President Putin remarked that Russia had remained “restrained and patient” with the

⁵⁵ 22 U.S.C. § 9511(b)(3).

⁵⁶ 22 U.S.C. § 9511(b)(3)–(6).

⁵⁷ *Id.*

⁵⁸ Actions Overview H.R. 3664, *supra* note 1.

⁵⁹ White House Press Release, Statement by President Donald J. Trump on Signing the “Countering America’s Adversaries Through Sanctions Act” (Aug. 2, 2017), at <https://www.whitehouse.gov/the-press-office/2017/08/02/statement-president-donald-j-trump-signing-countering-americas> [hereinafter Aug. 2 Trump Statement].

⁶⁰ White House Press Release, Statement by President Donald J. Trump on the Signing of H.R. 3364 (Aug. 2, 2017), at <https://www.whitehouse.gov/the-press-office/2017/08/02/statement-president-donald-j-trump-signing-hr-3364>.

⁶¹ Aug. 2 Trump Statement, *supra* note 59.

United States.⁶² “At a certain moment,” Putin continued, “we will have to respond.”⁶³ Russia’s deputy foreign minister Sergei Ryabkov said that “[t]he authors and sponsors of this bill are making a very serious step toward destruction of prospects for normalizing relations with Russia and do not conceal that that’s their target.”⁶⁴ Prime Minister Medvedev also lamented the legislation marked an end to “[t]he hope for improving our relations with the new U.S. administration.”⁶⁵

Shortly after Congress passed the law, the Russian Foreign Ministry released a statement condemning the United States and outlining its own plans for retaliation. The Foreign Ministry wrote:

On July 27, the US Congress passed a new bill on tougher anti-Russia sanctions. This measure is further proof of the United States’ extremely hostile foreign policy. Hiding behind its sense of superiority, the United States arrogantly ignores the stances and interests of other countries.

It is common knowledge that the Russian Federation has been doing everything in its power to improve bilateral relations, to encourage ties and cooperation with the US on the most pressing issues

. . .

Meanwhile, the United States is using Russia’s alleged interference in its domestic affairs as an absolutely contrived excuse for its persevering and crude campaigns against Russia. This activity contradicts the principles of international law, the UN Charter, WTO regulations and, simply, the standards of [civilized] international communication.

The United States continues to pass more unlawful sanctions against Russia, to seize Russia’s diplomatic property, which is [formalized] in binding bilateral documents, and to deport Russian diplomats. This is clearly a violation of the Vienna Convention on Diplomatic Relations and generally [recognized] diplomatic practices.

The adoption of the new sanctions bill is an obvious indication that relations with Russia are being dragged down by political infighting in the United States. Moreover, the new bill uses political means to create a dishonest competitive advantage for the US in the global economy. This blackmail aimed at restricting Russia’s cooperation with its foreign partners threatens many countries and international businesses.⁶⁶

The Russian Foreign Ministry then ordered the United States to reduce its “diplomatic and technical staff” then serving in Russia to 455 people, a number equal to “the number of

⁶² Andrew Higgins, *Putin Derides Sanctions and Trump Investigations as ‘Boorishness,’* N.Y. TIMES (July 27, 2017), at <https://www.nytimes.com/2017/07/27/world/europe/putin-sanctions-trump-investigations.html>.

⁶³ *Id.*

⁶⁴ Neil MacFarquhar, *Lawmakers in Russia Call for Retaliation Against New U.S. Sanctions,* N.Y. TIMES (July 26, 2017), at <https://www.nytimes.com/2017/07/26/world/europe/us-sanctions-russia.html>.

⁶⁵ Vladimir Isachenkov, *Russia Accuses Donald Trump of Waging ‘Full-Scale Trade War’ After U.S. President Signs New Sanctions Bill,* INDEPENDENT (Aug. 3, 2017), at <http://www.independent.co.uk/news/world/europe/donald-trump-sanctions-russia-signs-bill-trade-war-dmitry-medvedev-a7874201.html>.

⁶⁶ Embassy of the Russian Federation Press Release, Foreign Ministry’s Statement (July 28, 2017), at <http://www.russianembassy.org/article/foreign-ministry%E2%80%99s-statement>.

Russian diplomats and technical staff currently working in the United States.”⁶⁷ The Foreign Ministry also announced that the United States would no longer have access to storage facilities “on Dorozhnaya Street in Moscow and [at] the country house in Serebryany Bor. . . .”⁶⁸ The statement ended with the Ministry’s warning that “Russia reserves the right to resort to other measures affecting US’ interests on a retaliatory basis.”⁶⁹

The United States condemned Russia’s retaliatory measures. On July 31—several days before President Trump signed the legislation—Vice President Pence commented on Russia’s embassy restrictions:

President Trump has called on Russia to cease its destabilizing activities in Ukraine and elsewhere and to cease its support for hostile regimes like North Korea and Iran.

And under President Trump, the United States will continue to hold Russia accountable for its actions—and we call on our European allies and friends to do the same.

. . .

The preference of the United States is a constructive relationship with Russia based on cooperation on common interests Regrettably, last week Russia took the drastic step of limiting the United States’ diplomatic presence in their nation.

President Trump has made it clear: America is open to a better relationship with Russia. But the President and our Congress are unified in our message: A better relationship and the lifting of sanctions will require Russia to reverse the actions that caused sanctions to be imposed in the first place.

We hope for better days and better relations with Russia, but as I said earlier today, recent diplomatic actions taken by Moscow will not deter the commitment of the United States to our security, that of our allies, and to freedom-loving nations around the world.⁷⁰

The day after Russia announced its new restrictions, U.S. Secretary of State Rex Tillerson issued a press release stating that:

[t]he near unanimous votes for the sanctions legislation in Congress represent the strong will of the American people to see Russia take steps to improve relations with the United States. We hope that there will be cooperation between our two countries on major global issues and these sanctions will no longer be necessary.⁷¹

On August 31, the State Department announced that it would require Russia “to close its Consulate General in San Francisco, [California] a chancery annex in Washington, D.C., and

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Office of the Vice President Press Release, Remarks by the Vice President to Enhanced Forward Presence and Estonian Troops (July 31, 2017), at <https://www.whitehouse.gov/the-press-office/2017/07/31/remarks-vice-president-enhanced-forward-presence-and-estonian-troops>.

⁷¹ U.S. Dep’t of State Press Release, On Sanctions Legislation (July 29, 2017), at <https://www.state.gov/secretary/remarks/2017/07/272938.htm>.

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.*