

In response, Chinese Foreign Ministry Spokesperson Hua Chunying emphasized three broad points:

[F]irst, we think the US should not be a spoiler of multilateral rules; second, any protectionist action by the US side will surely undermine the bilateral economic and trade relations as well as the interests of both Chinese and American enterprises; third, if the US take measures that are harmful to bilateral economic and trade relations in disregard of facts and with no respect to multilateral rules, the Chinese side will never sit idly and will take every appropriate measure to resolutely uphold its lawful rights and interests.<sup>38</sup>

Notably, the Trump administration has suggested that it may connect its actions on trade—especially with China—with its separate attempts to deal with North Korea’s nuclear belligerence. On April 11, President Trump tweeted, “I explained to the President of China that a trade deal with the U.S. will be far better for them if they solve the North Korean problem!”<sup>39</sup> President Trump has continued to link the two issues during the subsequent months. On September 3, President Trump tweeted, “The United States is considering, in addition to other options, stopping all trade with any country doing business with North Korea.”<sup>40</sup>

#### USE OF FORCE, ARMS CONTROL, AND NONPROLIFERATION

##### *United States, Russia, and Jordan Sign Limited Ceasefire for Syria*

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As the civil war in Syria continues, some of the key actors have sought ways to reduce the conflict’s toll on civilians.<sup>1</sup> In May, 2007, Russia and the United States began exploring the possibility of establishing “safe” or “de-escalation” zones.<sup>2</sup> On July 7, this dialogue yielded a trilateral agreement and memorandum signed by Russia, the United States, and Jordan to establish a ceasefire in southwest Syria.<sup>3</sup> The resulting ceasefire—the first in Syria signed

<sup>38</sup> Ministry of Foreign Affairs of the People’s Republic of China Press Release, Foreign Ministry Spokesperson Hua Chunying’s Regular Press Conference (Aug. 15, 2017), at [http://www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/t1484923.shtml](http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1484923.shtml).

<sup>39</sup> Donald J. Trump (@realDonaldTrump), TWITTER (Apr. 11, 2017, 4:59 AM), at <https://twitter.com/realDonaldTrump/status/851766546825347076>.

<sup>40</sup> Donald J. Trump (@realDonaldTrump), TWITTER (Sept. 3, 2017, 9:14 AM), at <https://twitter.com/realDonaldTrump/status/904377075049656322>.

<sup>1</sup> Kristina Daugirdas & Julian Davis Mortenson, *Contemporary Practice of the United States*, 112 AJIL 781 (2017).

<sup>2</sup> See White House Press Release, Readout of President Donald J. Trump’s Call with President Vladimir Putin of the Russian Federation (May 2, 2017), at <https://www.whitehouse.gov/the-press-office/2017/05/02/readout-president-donald-j-trumps-call-president-vladimir-putin-russian> (describing telephone discussion between Trump and Russian Prime Minister Vladimir Putin regarding “safe, or de-escalation,” zones); see also Suleiman Al-Khalidi, *U.S., Russia Discuss De-escalation Zone for Southwest Syria: Diplomats*, REUTERS (June 9, 2017), at <http://www.reuters.com/article/us-mideast-crisis-syria-deraa-idUSKBN1902HR> (describing a series of meetings between the Russian and U.S. special envoys for Syria regarding the possible addition of new de-escalation zones).

<sup>3</sup> White House Press Release, Press Briefing on the President’s Meetings at the G20 (July 7, 2017), at <https://www.whitehouse.gov/the-press-office/2017/07/07/press-briefing-presidents-meetings-g20-july-7-2017>; Zachary Cohen & Kevin Liptak, *Tillerson: Trump, Putin Reach Syria Ceasefire Agreement*, CNN (July 8, 2017), at <http://www.cnn.com/2017/07/07/politics/syria-ceasefire-us-russia-tillerson/index.html>.

by the Trump administration—governs hostilities between Syrian government forces and associated troops on one side and rebels on the other. It began on July 9.<sup>4</sup>

The text of the agreement is confidential,<sup>5</sup> but Trump administration officials have described its key parameters. According to Brett McGurk, Special Presidential Envoy for the Global Coalition to Counter ISIS, the agreement is “essentially an undertaking to use our influence, the Jordanians, their influence, the Russians to use their influence with all of the sides of the conflict to stop the fighting, to essentially freeze the conflict.”<sup>6</sup> One significant feature of the ceasefire is that it divides the territory covered by the agreement into two areas, with United States-associated forces on one side and Syrian and Russian-associated forces on the other. According to McGurk:

... if you take the southwest, what we did there—and I think quite successfully—is a very painstaking negotiation with Jordan and with Russia and with us trilaterally to map out a very detailed—we call it a line of contact—between opposition and regime forces. And everybody agreed on that line of contact, and that is the ceasefire line.

This is the first time we have had a ceasefire with a very detailed negotiated line. It’s a very different endeavor than just declaring a ceasefire in a particular area. So we have a very detailed, painstakingly negotiated ceasefire line.<sup>7</sup>

McGurk described the agreement as “phase one” of de-escalating the Syrian civil war.<sup>8</sup> A Senior State Department Official elaborated on the description of the agreement as an “interim step”:

The idea is it should create a better environment to discuss a broader and more comprehensive southwest de-escalation area in greater detail. We felt that a ceasefire—near-term ceasefire—was important because the violence in the southwest, although historically, over the course of the conflict, it has been . . . less than other parts of Syria, the violence has steadily increased in the south since February, with both the Syrian regime and opposition defenses threatening to derail any potential for progress there . . . .

Now, the agreement . . . previews additional steps that we think we’re going to have to take to strengthen and solidify that ceasefire, and those steps would include potential deployment of monitoring forces to the area, and as Secretary Tillerson noted, that’s something that we’re close to an understanding on but we’re not in a position to announce in detail on that yet; and also formation of an effective monitoring cell, an

<sup>4</sup> *A Tripartite Agreement to Back the Ceasefire in South-West of Syria*, PETRA (July 7, 2017), at [http://petra.gov/jo/Public\\_News/Nws\\_NewsDetails.aspx?lang=2&site\\_id=1&NewsID=308533&CatID=13](http://petra.gov/jo/Public_News/Nws_NewsDetails.aspx?lang=2&site_id=1&NewsID=308533&CatID=13).

<sup>5</sup> See Colum Lynch, Robbie Gramer, Dan De Luce & Paul McCleary, *Secret Details of Trump-Putin Syria Cease-fire Focus on Iranian Proxies*, FOREIGN POLICY (July 11, 2017), at <http://foreignpolicy.com/2017/07/11/exclusive-trump-putin-ceasefire-agreement-focuses-on-iranian-backed-fighters-middle-east>.

<sup>6</sup> U.S. Dep’t of State Press Release, *Background Briefing on the Ceasefire in Syria* (July 7, 2017), at <https://www.state.gov/r/pa/prs/ps/2017/07/272433.htm> [hereinafter Background Briefing].

<sup>7</sup> U.S. Dep’t of State Press Release, *Brett McGurk, Briefing on the Global Coalition to Counter ISIS* (July 13, 2017), at <https://www.state.gov/r/pa/prs/ps/2017/07/272601.htm> [hereinafter McGurk briefing]. See also Laura Rozen, *US Touts Success of Syria Cease-fire Negotiated with Russia*, AL-MONITOR (Aug. 9, 2017), at <http://www.al-monitor.com/pulse/originals/2017/08/us-russia-ceasefire-syria-trump-cooperation-sanctions.html>.

<sup>8</sup> McGurk Briefing, *supra* note 7.

arrangement by which the parties could participate and monitor the details of the ceasefire and violations.<sup>9</sup>

The agreement did not address monitoring and compliance.<sup>10</sup> Shortly after the agreement was announced, Russia indicated its willingness to deploy monitors.<sup>11</sup> On August 23, the Jordanian Embassy announced that, as envisioned by the ceasefire agreement, the Amman Center for Ceasefire Control, with participation by representatives from Jordan, Russia, and the United States, started its official work to “monitor, stabilise, and deepen” the ceasefire.<sup>12</sup>

Early reports indicate that the ceasefire has held. On July 14, Russian Foreign Ministry Spokesperson Maria Zakharova said that the situation on the ground was “steady” and noted that the ceasefire might “be an example for other areas in Idlib province.”<sup>13</sup> A month into the ceasefire, Department of State spokesperson Heather Nauert offered the following assessment of its progress:

[T]hat ceasefire, to my understanding, is still holding. Okay? We are pleased with that. That provides the United States and the coalition partners with the opportunity to start to get some humanitarian in—that is so badly needed in that area. And so . . . we’ve been able to start reaching some of the vulnerable Syrians without the complications of avoiding airstrikes or increases in violence. We’re continuing to work with our international partners to assess the ongoing emergency humanitarian needs throughout Syria and facilitate the delivery of vitally needed supplies.

I’m also told that people are starting to slowly come back into parts of those areas, which . . . we would consider to be a moderate success at this point, and we look forward to that happening eventually.<sup>14</sup>

<sup>9</sup> Background Briefing, *supra* note 6.

<sup>10</sup> McGurk Briefing, *supra* note 7 (“So that’s a very active and ongoing discussion, and it’s also a very detailed discussion in terms of where monitors would go and how it would work. There are sensitivities in this area. There are some spoilers on the ground that neither side can control. So I would just say, given we have this very detailed kind of de-confliction arrangement or detailed line of contact, we’re now looking at kind of where the monitors would go. So that discussion is very much ongoing, and I’m hopeful over the next week or so we can get somewhere.”); Background Briefing, *supra* note 6 (“[T]here’s a lot of discussions ahead of us still, including about some very important elements, including how to monitor the ceasefire, the rules that would govern the southwest de-escalation area, all of these—the presence of monitors. All of this will be the subject of ongoing talks.”).

<sup>11</sup> *U.S. Says Russia Willing to Deploy Monitors for Syria Ceasefire*, REUTERS (July 13, 2017), at <https://www.reuters.com/article/us-mideast-crisis-usa/u-s-says-russia-willing-to-deploy-monitors-for-syria-ceasefire-idUSKBN19Y27Q> (“The Russians have made clear they’re very serious about this and willing to put some of their people on the ground to help monitor from the regime side,” McGurk told reporters. “They do not want the regime violating the ceasefire.”).

<sup>12</sup> The Embassy of the Hashemite Kingdom of Jordan Press Release, Amman Centre for South Syria Ceasefire Control Embarks on Mission (Aug. 23, 2017), at <http://jordanembassyus.org/news/amman-centre-south-syria-ceasefire-control-embarks-mission>.

<sup>13</sup> Russian Foreign Ministry Press Release, Briefing by Foreign Ministry Spokesperson Maria Zakharova, Moscow (July 14, 2017), at [http://www.mid.ru/en/press\\_service/spokesman/briefings/-/asset\\_publisher/D2wHaWMCU6Od/content/id/2815668](http://www.mid.ru/en/press_service/spokesman/briefings/-/asset_publisher/D2wHaWMCU6Od/content/id/2815668).

<sup>14</sup> U.S. Dep’t of State Press Release, Department Press Briefing (Aug. 10, 2017), at <https://www.state.gov/t/pa/prs/dpb/2017/08/273325.htm>.

On September 11, Russian Foreign Minister Sergey Lavrov likewise described the ceasefire “successful.”<sup>15</sup>

USE OF FORCE, ARMS CONTROL, AND NONPROLIFERATION

*Trump Administration Recertifies Iranian Compliance with JCPOA Notwithstanding Increasing Concern with Iranian Behavior*

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In July 2015, Iran, the five permanent members of the UN Security Council, Germany, and the European Union adopted the Joint Comprehensive Plan of Action (JCPOA). Pursuant to that agreement, Iran committed to limiting the scope and content of its nuclear program in exchange for relief from various nuclear-related sanctions imposed by the other signatories.<sup>1</sup> By law, the U.S. State Department is required to certify Iran’s compliance with the agreement every ninety days.<sup>2</sup> The Trump administration first certified Iran’s compliance with the agreement in April 2017, albeit reluctantly.<sup>3</sup> In its first certification, the Trump administration expressed ongoing concern about Iran’s sponsorship of terrorism,<sup>4</sup> and repeated previous criticism of the JCPOA as “fail[ing] to achieve the objective of a non-nuclear Iran.”<sup>5</sup>

In the following months, the Trump administration continued to criticize the agreement as it conducted an interagency review of its policy toward Iran. In an address to the Arms Control Association on June 2, 2017, a senior National Security Council official noted that the Trump administration was reassessing the United States’ commitment to the JCPOA:

We are in the middle of an ongoing Iran review. . . . It is a broader review than just of the JCPOA. . . . One of our complaints, as we see it, about the previous administration was the degree to which, having gotten a nuclear deal it was a tempting conclusion to make other aspects of Iran policy sort of hostage to that deal. . . . We felt that there is a—an unwelcome reluctance to press back and hold Iran accountable on those fronts for fear that oh, my goodness, if you make them too mad they’ll walk away from the deal. We are determined not to make everything hostage to the nuclear question.<sup>6</sup>

<sup>15</sup> Lavrov: *Saudi Arabia Committed to Solve Syria Crisis*, AL JAZEERA (Sept. 11, 2017), at <http://www.aljazeera.com/news/2017/09/lavrov-saudi-arabia-committed-solve-syria-crisis-170911145838638.html>.

<sup>1</sup> Joint Comprehensive Plan of Action, July 14, 2015, 55 ILM 103 (2016) [hereinafter JCPOA]; Kristina Daugirdas & Julian Davis Mortenson, *Contemporary Practice of the United States*, 109 AJIL 649 (2015); 110 AJIL 789 (2016).

<sup>2</sup> See Iran Nuclear Agreement Review Act, Pub. L. No. 114-17, 129 Stat. 201 (2015).

<sup>3</sup> Letter from Rex Tillerson, U.S. Sec’y of State, to Paul Ryan, Speaker of the U.S. House of Representatives (Apr. 18, 2017) [hereinafter Letter from Rex Tillerson]; see also Kristina Daugirdas & Julian Davis Mortenson, *Contemporary Practice of the United States*, 111 AJIL 776 (2017).

<sup>4</sup> Letter from Rex Tillerson, *supra* note 3.

<sup>5</sup> U.S. Dep’t of State Press Release, Secretary of State Rex Tillerson Press Availability (Apr. 19, 2017), at <https://www.state.gov/secretary/remarks/2017/04/270341.htm>.

<sup>6</sup> Chris Ford, Special Assistant to the President, Keynote Address at the 2017 Arms Control Association Annual Meeting (June 2, 2017), at <https://www.armscontrol.org/ArmsControl17#chrisford>.