

On 5 June 2017, three members of the Gulf Co-operation Council (GCC), Saudi Arabia, the United Arab Emirates (UAE) and Bahrain announced measures restricting commercial and other exchanges between their citizens and Qatar. Included in these measures were a closure of their airspace to Qatar registered aircraft, cessation of their own airlines travelling to Qatar, closure of the land border between Saudi Arabia and Qatar, prohibiting visits by their citizens to Qatar and blocking of Qatari media within their jurisdictions. Egypt has joined these Gulf states (collectively, “the Quartet”) in similar measures (other than restricting citizens’ movement) against Qatar. Kuwait is attempting to mediate the dispute, and the remaining GCC member, Oman, has been conspicuously silent. Qatar has avoided making similar measures in relation to the Quartet.

Mise en Scène

The dispute has antecedents which go back for some time. In the view of some commentators, to the foreign policy initiatives of the former Emir of Qatar, Sheikh Hamad al Thani, who abdicated in favour of his son, Sheikh Tamim bin Hamad al Thani, in 2013 – itself an uncommon action amongst Gulf monarchies.

Qatar is one of the wealthiest of the Gulf nations per capita given its small population. Its foreign exchange reserves stand at \$ 211 billion, compared that with those of Saudi Arabia at \$ 1,007 billion and those of the UAE at \$ 795 billion. As the world’s largest exporter of liquid natural gas, it has an assured future income – in 2016 its GDP growth was the highest of the GCC states at 2.72% as opposed to Saudi Arabia’s at 1.26%. Significantly, the natural gas fields are shared with Iran. Both the Qatari government and individual Qataris have substantial assets outside in the region (notably, in London, the Shard). It may be this economic power of which has encouraged the Qatar is to have an independent foreign policy.

Qatar is also home to the largest US military facility in the Middle East, the Al Udeid air base, where 11,000 troops are stationed.

International Legal Perspectives

It is convenient at the outset to deal with some matters of international law.

A blockade is a serious matter and in some circumstances, is itself the act of war. It is defined as an act or means of sealing off a place to prevent goods or people from entering or leaving – usually by actions on the open sea. Prior to 1827, a blockade was considered an act of war. Currently the United Nations Security Council determines its status as an act of war.

On any view of the matter, the steps which have been taken by the Quartet do not constitute a blockade. No attempt has been made to prevent the movement of persons or supplies to or from Qatar or to prevent the movement of Qatari nationals to third countries.

The second point is that in international law, sovereignty is not absolute. All nations are

bound by customary international law, irrespective of whether or not they have formally adhered to it, and are also bound by the treaty commitments unless they have denounced them formally. In the present context, that includes resolutions of the Security Council of the United Nations under Chapter VII of the United Nations Charter which apply to all United Nations members. The United Nations General Assembly in its declaration of October 1970 (resolution 2625 (XXV)), reiterated by the Security Council in its resolution 1189 (1998) of 13 August 1998, has made it clear as a matter of international law that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts. These obligations are reinforced by Security Council resolution 1373 (2001) under Chapter VII which requires all member states to take specific steps to suppress terrorist financing and support for terrorism within their borders.

The debate is not about the right of Qatar to promote terrorism. Qatar does not assert any such right. Rather, it denies it has done so, although the plausibility of those denials has been challenged. The mechanism for enforcement of the Security Council decision – or even of questioning whether or not it has been complied with in a particular case – is not specified, but the quartet have not sought to enforce it except by closing their own borders which is their sovereign right.

Recent Developments

Recently the United States Secretary of State, Rex Tillerson, and the United Kingdom Foreign Minister, Boris Johnson, have visited the region with the declared aim of helping the parties to resolve their dispute. At the time of writing the French Foreign Minister is visiting for the same purpose.

On 11 July, during the visit of Secretary Tillerson, the United States and Qatar signed a memorandum of understanding that outlines their future efforts to disrupt financing for terrorists. The Secretary of State applauded Qatar's Emir for "being the first to respond to President Trump's challenge at the Riyadh Summit to stop the funding of terrorism."

The US-Qatar agreement was not accepted by the Quartet. "This step is insufficient," said a statement carried by Saudi state news agency SPA, adding that the four states would "carefully monitor the seriousness of Qatari authorities in combating all forms of financing, supporting and harbouring terrorism." The statement said commitments made by Qatari authorities "could not be trusted," citing previous agreements that it said have not been honoured. It called for "strict monitoring controls to ensure its (Doha's) seriousness in getting back to the natural and right path." In the meantime the existing restrictions will be maintained. References to Qatar in the public statements by the Quartet's officials now refer to their "confused and confusing neighbour" rather than their "brother".

Where to from here?

It seems clear that the United States and United Kingdom diplomatic efforts will be directed to a resolution of outstanding issues by agreement, rather than wholesale support for the position of either side. The outstanding issues fall into two categories –

the verified cessation of support for terrorism, and the future of the Qatari media outlets.

As to the first, the US-Qatar agreement opens the way to a solution. The enthusiastic support given to the agreement by Secretary Tillerson suggests there is no deficiency about its terms from a United States perspective, and that ought to satisfy the Quartet – indeed the comment has been that past Qatari behaviour means that assurances given cannot be trusted. That necessarily applies to any agreement, no matter whom the parties and the monitoring arrangements, they are presumably adequate (to the mind of the US at least) to ensure verified compliance. If that eventuates, the Quartet should be satisfied on these grounds.

The al Jazeera (and wider media) issue is more problematic. Most of the complaints in relation to al Jazeera relate to its Arabic language broadcasts, which its critics assert go well beyond conventional journalism and involve the provision of platforms to terrorists and other subversives. Non-Arabic speakers are not well placed to evaluate the validity of these complaints, some of which have been supported by former al Jazeera personnel. Al Jazeera is undoubtedly more outspoken than most local media outlets in relation to news many governments do not welcome, and the demand for its product is unlikely to go away, even if the station were itself closed.

Modern communications technology will mean that it (or something very like it) would probably reappear in some other jurisdiction with more robust protection for press freedom and independence. It has, after all, effectively already relocated once in the interests of independence as it saw it. But in such a circumstance at least the element of state support would be absent. It may be expected that the US Qatar agreement addresses this issue as well, and in due course either content adjustment or independent verification that al Jazeera and the related Qatari media are operating within acceptable bounds should be available.

In that event, after a time one might expect tensions to abate. Historically, the GCC region and its rulers have been pragmatic and if the underlying causes abate, there will be little point in continuing hostility. There are good reasons why that should occur. The region – even the GCC, let alone devastated countries such as Iraq, Syria and Yemen - is moving from being a net exporter of capital to a net importer. International financial markets have regarded the GCC as an oasis of stability in an otherwise troubled part of the world. The mutual criticisms which have been made, and the current disharmony, have put that reputation under strain and over time if this continues that will have adverse consequences all should seek to avoid. There is, as the IMF has noted, a new reality to which the region must adjust.



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