

laboratories in other countries, such as India, will seek to satisfy the U.S. demand for fentanyl and other synthetic drugs.⁴⁹

USE OF FORCE, ARMS CONTROL, AND NON-PROLIFERATION

The United States and Bahrain Sign Comprehensive Security Integration and Prosperity Agreement

doi:10.1017/ajil.2023.73

On September 13, 2023, the United States and the Kingdom of Bahrain signed the Comprehensive Security Integration and Prosperity Agreement (C-SIPA).¹ Characterized by the White House as a “binding international agreement,” but not a “treaty,”² C-SIPA seeks to “bolster Middle East regional security, stability, and prosperity by enhancing deterrence and defense integration and interoperability.”³ The agreement provides security assurances to Bahrain, an important U.S. military partner in the region, beyond those presently given to its neighbors, though not as strong as those included in mutual defense pacts. For years, Arab Gulf states, including Bahrain, have sought security guarantees from the United States against the threats posed by Iran and its proxies, such as the Houthis. Complex negotiations with Saudi Arabia in particular, encompassing normalization of ties with Israel among other issues, have been ongoing in an attempt to consolidate a broad U.S.-backed regional security order to deter Iran.⁴ C-SIPA is all-but-acknowledged as a prototype for possible future agreements with Saudi Arabia, the United Arab Emirates, and other states, with this goal in mind. At the signing ceremony, U.S. Secretary of State Antony J. Blinken hinted at this, commenting: “We’re looking forward to using this agreement as a framework for additional countries that may wish to join us in strengthening regional stability, economic cooperation, and technological innovation.”⁵

⁴⁹ David Ovalle & John Hudson, *China Vows to Crack Down on Fentanyl Chemicals. The Impact is Unclear*, WASH. POST (Nov. 19, 2023), at <https://www.washingtonpost.com/health/2023/11/19/china-fentanyl-crackdown>.

¹ U.S. Dep’t of State Press Release, *Comprehensive Security Integration and Prosperity Agreement* (Sept. 13, 2023), at <https://www.state.gov/comprehensive-security-integration-and-prosperity-agreement> [<https://perma.cc/JUN5-FBFE>] [hereinafter C-SIPA].

² The White House explicitly disclaimed that C-SIPA would require Senate approval. See White House Press Release, *Background Press Call by a Senior Administration Official to Preview the Bahraini Crown Prince and Prime Minister Salman bin Hamad Al Khalifa’s Visit to the White House* (Sept. 13, 2023), at <https://www.whitehouse.gov/briefing-room/press-briefings/2023/09/13/background-press-call-by-a-senior-administration-official-to-preview-the-bahraini-crown-prince-and-prime-minister-salman-bin-hamad-al-khalifas-visit-to-the-white-house> [<https://perma.cc/2QJG-3B35>] [hereinafter Background Press Call].

³ C-SIPA, *supra* note 1, Art. I(2).

⁴ See Mark Mazzetti, Ronen Bergman, Edward Wong & Vivian Nereim, *Biden Administration Engages in Long-Shot Attempt for Saudi-Israel Deal*, N.Y. TIMES (June 17, 2023), at <https://www.nytimes.com/2023/06/17/us/politics/biden-saudi-arabia-israel-palestine-nuclear.html>; Dan Williams & Aziz El Yaakoubi, *Israel Says It’s Building Regional Air Defence Alliance Under U.S.*, REUTERS (June 20, 2022), at <https://www.reuters.com/world/middle-east/israel-says-building-regional-air-defence-alliance-under-us-2022-06-20>.

⁵ U.S. Dept of State Press Release, *Secretary Antony J. Blinken and Bahraini Crown Prince and Prime Minister Salman bin Hamad Al Khalifa at a Security Integration and Prosperity Agreement Signing Ceremony* (Sept. 13, 2023), at <https://www.state.gov/secretary-antony-j-blinken-and-bahraini-crown-prince-and-prime-minister>

Bahrain has extensive and longstanding military and trade relations with the United States. The U.S.-Bahrain Free Trade Agreement, in force since 2006, has strengthened economic ties between the two countries, with trade nearing \$3 billion in 2022.⁶ Bahrain signed a Defense Cooperation Agreement with the United States in 1991 and was designated a major Non-NATO ally in 2002.⁷ It participates in U.S.-led regional security initiatives, including the Global Coalition to Defeat ISIS, the Combined Maritime Forces coalition to counter piracy and terrorism, and the International Maritime Security Construct, and it supported the International Security Assistance Force in Afghanistan.⁸ It was named a Major Security Partner by the United States in January 2021.⁹ Most importantly, Bahrain hosts the U.S. Navy's Fifth Fleet and the headquarters of the U.S. Naval Forces Central Command.¹⁰

A concise document, C-SIPA sets out three areas of cooperation: defense and security; economic, commercial, and trade; and science, technology, and network security. In its most elaborate provisions, the agreement establishes the ways in which Bahrain and the United States will “work together to help deter and confront any external aggression against [each other’s] territorial integrity.”¹¹ Specifically, it states that, if there were “[a]ny external aggression or threat of external aggression against the sovereignty, independence, and territorial integrity of” either country, it would “be a matter of grave concern to the other.”¹² In such a circumstance, Bahrain and the United States will “immediately meet at the most senior levels to determine additional defense needs and . . . develop and implement appropriate defense and deterrent responses as [they] decide[] . . . , including in the economic, military, and/or political realms.”¹³ To this end, both countries agree, as well, to: “further integrate air and missile defense capabilities, special operations forces, intelligence capacity, cyber security, strategic communication, and mutual awareness of emerging threats”; “further bolster their defense and security cooperation as a means of continuing to strengthen their military and defense capability and improve interoperability”; and “coordinate on a regular basis . . . on military and defense matters . . . [especially] to deter and confront threats of external aggression.”¹⁴ Secretary Blinken said that “[t]his agreement will strengthen coordination between our armed forces and the integration of our intelligence capacities, allowing us to even better

salman-bin-hamad-al-khalifa-at-a-security-integration-and-prosperity-agreement-signing-ceremony [<https://perma.cc/XHK6-Q69X>] [hereinafter C-SIPA Signing Ceremony].

⁶ See White House Press Release, Fact Sheet: Biden-Harris Administration Strengthens Partnership with Kingdom of Bahrain and Launches “Comprehensive Security Integration and Prosperity Agreement” (Sept. 13, 2023), at <https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/13/fact-sheet-biden-harris-administration-strengthens-partnership-with-kingdom-of-bahrain-and-launches-comprehensive-security-integration-and-prosperity-agreement> [<https://perma.cc/HUU6-G287>] [hereinafter White House Fact Sheet].

⁷ See Presidential Determination No. 2002–10 of March 14, 2002, 67 Fed. Reg. 13,247.

⁸ U.S. Dept. of State Press Release, U.S. Security Cooperation with Bahrain Fact Sheet (June 14, 2021), at <https://www.state.gov/u-s-security-cooperation-with-bahrain> [<https://perma.cc/4FXE-B6UR>].

⁹ See White House Press Release, Statement from the Press Secretary Regarding the Designations of the UAE and the Kingdom of Bahrain as Major Security Partners of the United States (Jan. 15, 2021), at <https://trumpwhitehouse.archives.gov/briefings-statements/statement-press-secretary-regarding-designations-uae-kingdom-bahrain-major-strategic-partners-united-states> [<https://perma.cc/HR6N-6N33>].

¹⁰ *Id.*

¹¹ C-SIPA, *supra* note 1, Art. II.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

deter and respond to threats as they arise.”¹⁵ The White House also underscored that “C-SIPA will help formalize steps being taken by U.S. Central Command to integrate the region’s air and missile defense systems and increase maritime domain awareness.”¹⁶

C-SIPA’s trade and investment and science and technology articles are less elaborate. On economic matters, the parties make only general commitments. They agree to “[d]eepen and strengthen the[ir] economic partnership . . . to advance economic integration.”¹⁷ They agree as well to “[i]dentify strategic investment opportunities . . . , develop projects that enhance bilateral and multilateral economic and trade cooperation, . . . and support economic development globally.”¹⁸ The commitments on scientific and technological cooperation, only modestly more detailed, emphasize the “development and deployment of trusted technologies that further the national security of the Parties.”¹⁹ Secretary Blinken lauded these, remarking that “at a moment when technology holds so much potential to better our lives, this agreement advances scientific and technical cooperation between our countries, including through increased information sharing and exchanges between our people.”²⁰ “This agreement,” he said, “is also the first binding U.S. international agreement of its kind to promote cooperation in developing and deploying trusted technologies, which are vital to protecting our critical systems and our peoples’ privacy—all of this from bad actors.”²¹ “[T]rusted technologies,” according to the White House, “refers to things such as emerging tech, infrastructure, the AI revolution, looking ahead to quantum computing—everything from 5G, telecom, chip exports.”²² “Bad actors” alludes to concerns that the United States has with China as a technology provider.

Human rights activists criticized the agreement. In 2011, Bahrain violently suppressed political protests that sought the establishment of a constitutional monarchy.²³ In response, the Obama administration instituted holds on security assistance, but exceptions were quickly made.²⁴ The holds were dropped in 2015, although the administration acknowledged that it continued to “think that the human rights situation in Bahrain is [not] adequate.”²⁵ Some arms sales were conditioned thereafter, but these limits too were lifted by

¹⁵ C-SIPA Signing Ceremony, *supra* note 5.

¹⁶ White House Fact Sheet, *supra* note 6.

¹⁷ C-SIPA, *supra* note 1, Art. III(1).

¹⁸ *Id.* Art. III(2).

¹⁹ *Id.* Art. IV.

²⁰ C-SIPA Signing Ceremony, *supra* note 5

²¹ *Id.*

²² Background Press Call, *supra* note 2.

²³ See Michael Slackman & Nadim Audi, *Security Forces in Bahrain Open Fire on Protesters*, N.Y. TIMES (Feb. 18, 2011), at <https://www.nytimes.com/2011/02/19/world/middleeast/19bahrain.html>; Nada Bakri, *Torture Used on Protesters in Bahrain, Report Says*, N.Y. TIMES (Nov. 23, 2011), at <https://www.nytimes.com/2011/11/24/world/middleeast/report-details-excessive-force-used-against-bahrain-protests.html>.

²⁴ See Adam Entous, *Administration Holds Up Bahrain Arms Sale in Response to Abuses*, WALL ST. J. (Oct. 19, 2011), at <https://www.wsj.com/articles/SB10001424052970204479504576639633684623882>; Karen DeYoung, *U.S. to Resume Some Military Sales to Bahrain*, WASH. POST (May 12, 2012), at https://www.washingtonpost.com/world/national-security/us-to-resume-some-military-sales-to-bahrain/2012/05/11/g1QAZcRQJU_story.html.

²⁵ See U.S. Dep’t of State Press Release, *Lifting Holds on Security Assistance to the Government of Bahrain* (June 29, 2015), at <https://2009-2017.state.gov/r/pa/prs/ps/2015/06/244478.htm> [<https://perma.cc/6R86-HSY5>].

the Trump administration in 2017.²⁶ Allegations of repression and serious human rights violations, including torture, continue to the present.²⁷ In the wake of the C-SIPA announcement, Sayed Ahmed Alwadaei, the director of advocacy at the Bahrain Institute for Rights and Democracy, said that “[t]he U.S. administration [is] siding with the Bahraini regime and abandoning political prisoners and the most basic desire for human rights.”²⁸ Secretary Blinken remarked that the United States and Bahrain would “continue our dialogue on the full range of human rights issues which are a core pillar of . . . [U.S.] foreign policy . . . [.] includ[ing] ensuring that fundamental freedoms are protected, which contributes to Bahrain’s progress.”²⁹

C-SIPA seeks to move forward the longstanding U.S. goal of regional security cooperation and integration to counter Iran.³⁰ It comes amid increasing Chinese and Russian diplomatic efforts in the Middle East. In March 2023, China facilitated the restoration of diplomatic relations between Iran and Saudi Arabia.³¹ Saudi Arabia is also reportedly in discussions with China and Russia regarding the development of a civilian nuclear energy program.³² Iran, Saudi Arabia, and the United Arab Emirates received invitations to join the BRICS group in August.³³ The United States has sought to negotiate a normalization of relations between Israel and Saudi Arabia. (Bahrain signed the Abraham Accords in 2000.)³⁴ Saudi Arabia has linked normalization with the provision of “NATO-style” security guarantees by the United States.³⁵ C-SIPA serves as a potential blueprint for possible U.S. commitments

²⁶ See David E. Sanger & Eric Schmitt, *Rex Tillerson to Lift Human Rights Conditions on Arms Sale to Bahrain*, N.Y. TIMES (Mar. 29, 2017), at <https://www.nytimes.com/2017/03/29/world/middleeast/rex-tillerson-bahrain-weapons-sales.html>; Carol Morello, *State Department Drops Human Rights as Condition for Fighter Jet Sale to Bahrain*, WASH. POST (Mar. 29, 2017), at https://www.washingtonpost.com/world/national-security/state-department-drops-human-rights-as-condition-for-fighter-jet-sale-to-bahrain/2017/03/29/6762d422-1abf-406e-aaff-fbc5a6a2e0ac_story.html.

²⁷ See, e.g., Human Rights Watch, *World Report 2023: Bahrain – Events of 2022*, at <https://www.hrw.org/world-report/2023/country-chapters/bahrain> [<https://perma.cc/V6DJ-GMQE>]; U.S. Dep’t of State, 2022 Country Reports on Human Rights Practices: Bahrain, at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/bahrain> [<https://perma.cc/6354-2QJA>].

²⁸ Vivian Nereim, *U.S. Deepens Security Pledge to Bahrain, an Adversary of Iran*, N.Y. TIMES (Sept. 13, 2023), at <https://www.nytimes.com/2023/09/13/world/middleeast/us-bahrain-security-pact.html>; see also Nazeeha Saeed & Vivian Nereim, *Mass Hunger Strike in Bahrain Prison Sets Off Rare Protests*, N.Y. TIMES (Sept. 6, 2023), at <https://www.nytimes.com/2023/09/06/world/middleeast/bahrain-prison-hunger-strike.html>.

²⁹ C-SIPA Signing Ceremony, *supra* note 5.

³⁰ See Karen DeYoung, *U.S. Pact with Bahrain Seen as Model for Strengthening Persian Gulf Ties*, WASH. POST (Sept. 13, 2023), at <https://www.washingtonpost.com/national-security/2023/09/13/us-bahrain-security-pact>.

³¹ See Vivian Nereim, *From “Hitler” to “Sharing One Fate”: Saudi-Iran Pact Could Transform the Middle East*, N.Y. TIMES (Mar. 12, 2023), at <https://www.nytimes.com/2023/03/12/world/middleeast/saudi-iran-china.html>.

³² See Edward Wong, Vivian Nereim & Kate Kelly, *Inside Saudi Arabia’s Global Push for Nuclear Power*, N.Y. TIMES (Apr. 1, 2023), at <https://www.nytimes.com/2023/04/01/us/politics/saudi-arabia-nuclear-biden-administration.html>.

³³ See Steven Erlanger, David Pierson & Lynsey Chutel, *Iran, Saudi Arabia and Egypt Invited to Join Emerging Nations Group*, N.Y. TIMES (Aug. 24, 2023), at <https://www.nytimes.com/2023/08/24/world/europe/brics-expansion-xi-lula.html>.

³⁴ See Abraham Accords: Declaration of Peace, Cooperation, and Constructive Diplomatic and Friendly Relations Announced by the State of Israel and the Kingdom of Bahrain on 15 September 2020, at https://www.state.gov/wp-content/uploads/2020/09/Bahrain_Israel-Agreement-signed-FINAL-15-Sept-2020-508.pdf [<https://perma.cc/F9CK-N3C3>]. See generally Kristen Eichensehr, Contemporary Practice of the United States, 115 AJIL 115, 116 (2021).

³⁵ See Shira Rubin & Karen DeYoung, *U.S. Pushes for Saudi-Israeli Normalization, But Major Hurdles Remain*, WASH. POST (Aug. 11, 2023), at <https://www.washingtonpost.com/world/2023/08/11/us-israel-saudi-arabia-normalization>.

to Saudi Arabia and other Gulf allies, and it explicitly provides for the possibility that additional countries could be invited to join the agreement.³⁶ According to an administration official, the agreement “can serve as . . . [a] kind of a cornerstone for [a] broader grouping of countries over time that share our common vision on deterrence, diplomacy, economic and security integration, and de-escalation of conflicts.”³⁷ It is unclear how Hamas’s attack on Israel in October 2023 and the war that followed will affect U.S. plans.

IMMIGRATION AND MIGRATION

The Department of Homeland Security Issues First Guidance on Statelessness

doi:10.1017/ajil.2023.68

Making good on a 2021 pledge,¹ the U.S. Department of Homeland Security (DHS) has issued its first guidance “to assist stateless noncitizens in the United States who wish to obtain immigration benefits or have submitted other requests” to U.S. Citizenship and Immigration Services (USCIS).² The guidance—codified as an update to the USCIS Policy Manual³—defines “statelessness” in a manner that accords with 1954 Convention Relating to the Status of Stateless Persons, establishes a process for how immigration officials can determine if a person is stateless, and explains the implications of a statelessness determination for requests for benefits and/or relief from removal.⁴ Calling the new policy a “historic step,” DHS Secretary Alejandro Nicholas Mayorkas avowed that “DHS is fully committed to addressing the global issue of statelessness and to breaking down barriers that these individuals face in the United States.”⁵

Statelessness impacts many across the globe. As of mid-2023, approximately 4.4 million stateless persons were known to be residing in ninety-seven countries, though the actual number may be “significantly higher” according to the Office of the UN High Commissioner for Refugees (UNHCR).⁶ More than three-quarters of the global stateless population are members

³⁶ See Matthew Martin, *U.S. and Bahrain Sign Security Pact That May Become Model for Middle East*, BLOOMBERG (Sept. 14, 2023), at <https://www.bloomberg.com/news/articles/2023-09-13/us-and-bahrain-sign-security-pact-that-may-become-model-for-middle-east>; C-SIPA, *supra* note 1, Art. VIII.

³⁷ Background Press Call, *supra* note 2.

¹ See UNHCR, *Outcomes of the High-Level Officials Meeting 2021* (Dec. 14–15, 2021), at <https://www.unhcr.org/media/high-level-officials-meeting-2021-outcome-document> [<https://perma.cc/L4HV-PRNP>]; U.S. Dep’t of Homeland Security Press Release, *DHS Announces Commitment to Enhance Protections for Stateless Individuals in the United States* (Dec. 15, 2021), at <https://www.dhs.gov/news/2021/12/15/dhs-announces-commitment-enhance-protections-stateless-individuals-united-states> [<https://perma.cc/B98P-8ER6>].

² U.S. Dep’t of Homeland Security Press Release, *DHS Issues Guidance for Stateless Noncitizens in the United States* (Aug. 1, 2023), at <https://www.dhs.gov/news/2023/08/01/dhs-issues-guidance-stateless-noncitizens-united-states> [<https://perma.cc/W9FP-VYZ9>] [hereinafter DHS Press Release].

³ USCIS Policy Manual, at <https://www.uscis.gov/book/export/html/68600> [<https://perma.cc/6WYE-EKXY>] [hereinafter USCIS Policy Manual]. The guidance was added as a new Part K to Volume 3 of the Policy Manual. See *id.*, Vol. 3, pt. K. The guidance went into effect on October 30, 2023.

⁴ U.S. Dep’t of Homeland Security Policy Alert, *Statelessness* (Aug. 1, 2023), at <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20230801-Statelessness.pdf> [<https://perma.cc/6L8Z-PS7W>] [hereinafter DHS Policy Alert].

⁵ DHS Press Release, *supra* note 2.

⁶ UNHCR, *Refugee Data Finder*, at <https://www.unhcr.org/refugee-statistics> [<https://perma.cc/PS8W-ZGGC>].