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CHAPTER 9

Diplomatic Relations, Succession, Continuity of States, and Other Statehood Issues

A. DIPLOMATIC RELATIONS, SUCCESSION, AND CONTINUITY ISSUES

1. Somalia

On October 2, 2019, the United States announced the opening of the U.S. Embassy in Mogadishu, Somalia. The United States reestablished a diplomatic presence in Somalia in 2018. See *Digest 2018* at 348. The reestablishment of U.S. Embassy Mogadishu was described in a press release, available on U.S. Embassy Mogadishu's website, at <https://so.usembassy.gov/re-establishment-of-the-united-states-embassy-in-mogadishu/>, as follows:

The United States is proud to announce the reestablishment of the United States Embassy in Mogadishu. Since the closure on January 5, 1991, the United States has maintained its partnership with the Somali people, including the reestablishment of a permanent diplomatic presence in Mogadishu in December 2018 with the U.S. Mission to Somalia. The reestablishment of Embassy Mogadishu is another step forward in the resumption of regular U.S.-Somali relations, symbolizing the strengthening of U.S.-Somalia relations and advancement of stability, development, and peace for Somalia, and the region.

Officiating the transition, Ambassador Donald Yamamoto said, "Today we reaffirm the relations between the American people and the Somali people, and our two nations. It is a significant and historic day that reflects Somalia's progress in recent years, and another step forward in regularizing U.S. diplomatic engagement in Mogadishu since recognizing the federal government of Somalia in 2013. U.S. Embassy Mogadishu will act to enhance cooperation, advance U.S. national strategic interests, and support our overall security, political, and economic development goals and objectives."

2. Venezuela

On January 23, 2019, the State Department issued a press statement by Secretary of State Michael R. Pompeo recognizing Juan Guaido as the interim president of Venezuela. The press statement, excerpted below, is available at <https://www.state.gov/recognition-of-juan-guaido-as-venezuelas-interim-president/>. For discussion of U.S. actions regarding Venezuela at international organizations, see Chapter 7. For discussion of U.S. sanctions targeting the Maduro regime, see Chapter 16.

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[The United States] strongly supports [President Guaido's] courageous decision to assume that role pursuant to Article 233 of Venezuela's constitution and supported by the National Assembly...

The Venezuelan people have suffered long enough under Nicolas Maduro's disastrous dictatorship. We call on Maduro to step aside in favor of a legitimate leader reflecting the will of the Venezuelan people. The United States supports President Guaido as he establishes a transitional government, and leads Venezuela, as the country prepares for free and fair elections. We urge all Venezuelans to support peacefully this democratic process, as granted in the 1999 Constitution.

We will work closely with the legitimately elected National Assembly to facilitate the transition of Venezuela back to democracy and the rule of law, consistent with the Inter-American Democratic Charter. The United States also stands ready to provide humanitarian assistance to the people of Venezuela as conditions allow.

The Venezuelan people are clamoring for a free and democratic Venezuela. As we have said before, the United States, with the international community, including the Organization of American States, the Lima Group, and the European Union, support the Venezuelan people as they seek to restore their democracy. We repeat our call to the Venezuelan military and security forces to support democracy and protect all Venezuelan citizens.

The new Venezuelan government carries the flame of democracy on behalf of Venezuela. The United States pledges our continued support to President Guaido, the National Assembly, and the Venezuelan people.

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An additional press statement by Secretary Pompeo on January 23, 2019 explains the continuity of diplomatic relations with Venezuela through the government of interim President Guaido. That statement is available at <https://www.state.gov/continuing-u-s-diplomatic-presence-in-venezuela/>, and includes the following:

We welcome interim President Guaidó's directive to all diplomatic missions in Venezuela that Venezuela intends to maintain diplomatic relations with all countries. The United States maintains diplomatic relations with Venezuela and will conduct our relations with Venezuela through the government of interim President Guaidó, who has invited our mission to remain in Venezuela. The United States does not recognize the Maduro regime as the government of Venezuela. Accordingly the United States does not consider former president Nicolas Maduro to have the legal authority to break diplomatic relations with the United States or to declare our diplomats *persona non grata*.

On January 25, 2019 Secretary Pompeo acted to protect Venezuelan assets in accounts in U.S. banks for the benefit of the people of Venezuela. See January 29, 2019 press statement, available at <https://www.state.gov/protecting-venezuelas-assets-for-benefit-of-venezuelan-people/>. As explained in the press statement, Secretary Pompeo

certified the authority of Venezuela's interim President Juan Guaidó to receive and control certain property in accounts of the Government of Venezuela or Central Bank of Venezuela held by the Federal Reserve Bank of New York or any other U.S. insured banks, in accordance with Section 25B of the Federal Reserve Act.

On January 25, 2019, the United States accepted interim President Guaidó's designation of Carlos Alfredo Vecchio as the *chargé d'affaires* of the Government of Venezuela to the United States. See January 27, 2019 State Department press statement, available at <https://www.state.gov/representative-of-the-government-of-venezuela-to-the-united-states/>.

On February 4, 2019, the State Department welcomed the decision by several European countries to recognize Juan Guaidó as Venezuela's interim president. See press statement by Secretary Pompeo, available at <https://www.state.gov/recognition-of-juan-guaido-as-venezuelas-interim-president-by-several-european-countries/>.

On March 11, 2019, the United States decided to withdraw all remaining U.S. personnel from the U.S. Embassy in Caracas. See press statement, available at <https://www.state.gov/on-the-withdrawal-of-u-s-diplomatic-personnel-from-venezuela/>. In a March 14, 2019 press statement, Secretary Pompeo confirmed that all U.S. diplomats remaining in Venezuela had departed the country. The March 14 statement, available at <https://www.state.gov/temporary-departure-of-u-s-diplomatic-personnel-from-venezuela/>, further explains that, "U.S. diplomats will now continue that mission from other locations where they will continue to help manage the flow of humanitarian assistance to the Venezuelan people and support the democratic actors bravely resisting tyranny." The United States had partially withdrawn its personnel in January 2019, when it withdrew dependents from the U.S. Embassy in Caracas and reduced embassy staff to a minimum. See January 25, 2019 remarks by Secretary Pompeo, available at <https://www.state.gov/remarks-on-venezuela/> (relaying the

appointment of Elliott Abrams as Special Representative for Venezuela as well as the ordered departure of some Embassy Caracas staff).

On April 5, 2019, the United States and Switzerland reached an arrangement under which the Swiss would act as protecting power for U.S. interests in Venezuela. See State Department media note, available at <https://www.state.gov/signing-of-protecting-power-arrangement-for-the-united-states-in-venezuela/>. The media note explains that:

Until further notice that the arrangement is operative, the Swiss will not be able to provide services. Where possible, U.S. citizens in Venezuela who require emergency assistance should continue to visit the nearest U.S. embassy or consulate in another country.

On June 7, 2019, the State Department issued a media note recognizing the actions of Interim President Guaido extending the validity of Venezuelan passports. The media note, available at <https://www.state.gov/the-united-states-supports-extension-of-validity-for-venezuelan-passports/>, is excerpted below.

Today, the National Assembly published a decree signed by Interim President Juan Guaido on May 21, to extend the validity of Venezuelan passports for an additional five years past their printed date of expiration. The United States recognizes this extension of passport validity for visa issuance and other consular purposes. Customs and Border Patrol will likewise recognize the passports covered by this decree.

Venezuelan passport holders who have been issued a passport extension will have the validity period extended by five years from the expiration date in their passport and valid for admission to the United States, as long as the traveler is otherwise admissible. Venezuelans in the United States holding passports extended by the decree may use those passports, which will still be considered valid in accordance with the decree, for any appropriate consular purpose. Nothing in this action alters the requirements for obtaining a U.S. visa or for admission to the United States.

On September 17, 2019, the State Department issued a press statement on the suspension of talks, sponsored by Norway, between Venezuela's interim government and the former Maduro regime. The press statement is available at <https://www.state.gov/suspension-of-talks-between-venezuelas-interim-government-and-the-former-maduro-regime/>, and excerpted below. See Chapter 7 for discussion of the Rio Treaty, referenced in the excerpts.

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[The suspension] reflects the refusal of the regime to negotiate in good faith. Once again, the regime sees negotiations as a delaying tactic and has subverted good-faith efforts to find a peaceful political solution.

The former Maduro regime has sabotaged the negotiations hosted by Norway, refusing to engage seriously on a return to democracy in Venezuela. It has now announced a plan designed to sabotage the National Assembly, the last democratic institution left in Venezuela. Maduro and his cronies lured a small fringe group of politicians to engage in “so called talks” and misrepresented them as speaking for the democratic opposition. The United States continues to support Juan Guaido, the President of the National Assembly and the legitimate Interim President of Venezuela. Any serious negotiations must be between the former regime and Interim President Guaido. As we have said repeatedly, U.S. sanctions will not be lifted until Maduro is gone.

While Oslo negotiations were ongoing, the former regime illegally revoked the parliamentary immunities of over two dozen democratically elected members of the National Assembly. The former regime has also continued to torture and murder opponents, including naval officer Acosta Arevalo.

The United States commends the interim government for engaging in a good-faith effort on behalf of the Venezuelan people and consistently showing up to the table with serious proposals despite the aggressive attacks against them. Their commitment to the people of Venezuela is clear. The United States continues to support interim President Juan Guaido, the National Assembly, and the Venezuelan people as they seek to restore democracy to their country.

To this end, the United States and our partners have invoked the TIAR/Rio Treaty, which facilitates further collective action to confront the threat posed by the former regime of Nicolas Maduro to the Venezuelan people and to the region. We look forward to coming together with regional partners to discuss the multilateral economic and political options we can employ to the threat to the security of the region that Maduro represents.

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3. Democratic Republic of the Congo

On January 23, 2019, the United States welcomed the certification by the Congolese Constitutional Court of Felix Tshisekedi as president of the Democratic Republic of the Congo (“DRC”). See January 23, 2019 press statement, available at <https://www.state.gov/u-s-response-to-constitutional-court-decision-in-the-democratic-republic-of-the-congo/>. The State Department’s press statement includes the following:

We are committed to working with the new DRC government. We encourage the government to include a broad representation of Congo’s political stakeholders and to address reports of electoral irregularities.

The United States salutes the people of the Democratic Republic of the Congo for their insistence on a peaceful and democratic transfer of power. We also recognize outgoing President Joseph Kabila’s commitment to becoming the

first President in DRC history to cede power peacefully through an electoral process.

The State Department issued statements earlier in January regarding challenges to the election results (see <https://www.state.gov/united-states-calls-for-a-lawful-transparent-process-to-resolve-electoral-disputes-in-the-democratic-republic-of-the-congo/>); noting the provisional results of the elections (see <https://www.state.gov/the-provisional-election-results-in-the-democratic-republic-of-the-congo/>); and calling for transparent and accurate tabulation of votes after the December 30, 2018 elections (see <https://www.state.gov/united-states-calls-upon-the-democratic-republic-of-the-congos-electoral-commission-to-release-accurate-results/>).

4. Sudan

On April 11, 2019, the State Department issued a press statement regarding the transition in the government of Sudan, with the exit of President Omar al Bashir. The statement follows and is available at <https://www.state.gov/sudan-transition-underway/>. See Chapter 17 for discussion of U.S. support for the peaceful transition to a civilian-led transitional government in Sudan.

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The United States is closely monitoring the situation unfolding in Khartoum. The recent demonstrations clearly articulated the will of the Sudanese people to end Omar al Bashir's rule. We commend the Sudanese people for maintaining peaceful demonstrations since December 2018. Sudan has the opportunity to set itself on a new path—one that must include legitimate democratic elections, respect for human rights, and a civilian-led government.

The United States strongly supports a peaceful and democratic Sudan. We call on the transitional government to follow the will of the people, work in an inclusive way with all representative parties, and commit to a speedy handover to civilian rule.

We condemn the abuse of force by security services that has resulted in the death of more than 20 civilians. We call on all armed parties to show restraint, avoid conflict, and remain committed to the protection of the Sudanese people.

The U.S. government in the coming days will discuss the situation with government officials and a range of Sudanese stakeholders to encourage a democratic transition. In the interim, we have suspended further Joint Review Committee discussions on Phase II, a process designed to expand bilateral ties with Sudan in six key areas: severing ties with North Korea, expanding counterterrorism cooperation, resolving internal conflicts, expanding humanitarian access, protecting human rights, and addressing outstanding legal claims related to victims of terrorism. These talks were scheduled for the last week of April.

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On April 18, 2019, the State Department issued a further press statement on the transition in Sudan, which is available at <https://www.state.gov/supporting-a-transition-to-civilian-rule-in-sudan/>, and excerpted below.

* * * *

The United States supports a transition to a peaceful and democratic Sudan led by civilians who represent the diversity of Sudanese society. The will of the Sudanese people is clear: it is time to move toward a transitional government that is inclusive and respectful of human rights and the rule of law.

We are encouraged by the decision to release political prisoners and cancel the curfew in Khartoum. The United States, along with our international partners, continues to stress with the members of the Transitional Military Council and other armed groups the need to show restraint, avoid conflict, and remain committed to the protection of the Sudanese people.

Sudan's designation as a State Sponsor of Terrorism remains in effect, and Phase II discussions are suspended. We will continue to calibrate our policies based on our assessment of events on the ground and the actions of transitional authorities.

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On August 17, 2019, the United States issued a statement, available at <https://eg.usembassy.gov/the-united-states-welcomes-sudans-adoption-of-the-constitutional-declaration/>, welcoming the signing of the political agreement, which was witnessed by U.S. Special Envoy for Sudan Donald Booth, and Constitutional Declaration:

The United States congratulates the people of Sudan on the August 17 signing of the Constitutional Declaration and political agreement between the Forces for Freedom and Change and the Transitional Military Council. We are encouraged by this first step in the establishment of a civilian-led transitional government. The United States commends the mediators from the African Union and the Government of Ethiopia for their efforts to broker this landmark agreement. Special Envoy for Sudan Donald Booth was honored to witness the signing and will continue to support the process of implementing the agreements.

The Forces for Freedom and Change and the Transitional Military Council have taken an important step forward. We look forward to the swearing-in of the Sovereign Council on August 19 and the appointment of a prime minister on August 20. The United States will continue to support the people of Sudan in their pursuit of a government that protects the rights of all Sudanese citizens and leads to free and fair elections.

On August 21, 2019, the Troika issued a statement on Sudan, welcoming the appointment of a new prime minister. The August 21 Troika statement is excerpted below and available as a State Department media note at <https://www.state.gov/troika-statement-on-the-appointment-of-dr-abdalla-hamdok-as-prime-minister-of-sudan/>.

* * * *

The Troika countries (United Kingdom, United States and Norway) congratulate Dr. Abdalla Hamdok on his appointment as prime minister by the Sovereign Council and welcome the extensive professional experience he brings to the role. We welcome this step in creating a civilian-led government. As Prime Minister Hamdok begins the process of selecting ministers and identifying the government's priorities, we look forward to working with Sudan's new institutions.

At this historic moment, Sudan has a unique opportunity to establish peace within its borders, draft a constitution that enshrines human rights protections and empowers all Sudanese, including women and youth, and create the infrastructure for free and fair elections. We encourage all sides to engage in good faith to deliver these goals, in particular urging the armed movements to engage constructively with the new Government to achieve peace.

We will continue to support Sudan's civilian-led transitional government as it conducts an investigation of the violence perpetrated against peaceful demonstrators and holds those responsible to account.

The appointment of a civilian-led government presents an opportunity to rebuild a stable economy and create a government that respects human rights and personal freedoms. Prime Minister Hamdok will have the Troika's support in achieving these objectives.

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On December 4, 2019, while Sudanese Prime Minister Hamdok was on his first visit to Washington, the State Department issued a press statement by Secretary Pompeo announcing that the United States and Sudan would be initiating the process of exchanging ambassadors for the first time in 23 years. The press statement is available at <https://www.state.gov/the-united-states-to-elevate-diplomatic-representation-with-sudan/> and includes the following:

This decision is a meaningful step forward in strengthening the U.S.-Sudan bilateral relationship, particularly as the civilian-led transitional government works to implement the vast reforms under the political agreement and constitutional declaration of August 17, 2019. We look forward to working with the Senate to confirm an ambassador to Sudan.

Since his August 21 appointment, Prime Minister Hamdok has led Sudan's transitional government, installed a civilian cabinet, and made key personnel changes to break with the policies and practices of the previous regime. He has demonstrated a commitment to peace negotiations with armed opposition

groups, established a commission of inquiry to investigate violence against protestors, and committed to holding democratic elections at the end of the 39-month transition period.

5. South Sudan

On November 25, 2019, the United States announced in a press statement that it had called back U.S. Ambassador to South Sudan Thomas Hushek for consultations after the parties failed to meet the November 12 deadline for forming the Revitalized Transitional Government of National Unity. The press statement, available at <https://www.state.gov/u-s-ambassador-to-south-sudan-called-back-for-consultations/>, further states that the ambassador would meet with “senior U.S. government officials as part of the re-evaluation of the U.S. relationship with the Government of South Sudan given the latest developments.”

6. Libya

On June 25, 2019, the State Department published the certification, pursuant to Section 7041(F)(3) of the 2019 Department of State, Foreign Operations, and Related Programs Act, that Libya’s Government of National Accord is cooperating with U.S. efforts to “investigate and bring to justice those responsible for the attack on United States personnel and facilities in Benghazi, Libya in September 2012.” 84 Fed. Reg. 29,925 (June 25, 2019).

On November 14, 2019, the U.S.-Libya Security Dialogue concluded a joint statement by the U.S. Government and the Libyan Government of National Accord. The joint statement is excerpted below and available at <https://www.state.gov/joint-statement-on-u-s-libya-security-dialogue/>.

The Government of National Accord’s delegation expressed grave concerns regarding the security situation and its effect on the civilian population.

The United States calls on the “Libyan National Army” to end its offensive on Tripoli. This will facilitate further U.S.-Libya cooperation to prevent undue foreign interference, reinforce legitimate state authority, and address the issues underlying the conflict.

The U.S. delegation, representing a number of U.S. government agencies, underscored support for Libya’s sovereignty and territorial integrity in the face of Russia’s attempts to exploit the conflict against the will of the Libyan people.

7. Cuba

On September 19, 2019, the State Department notified Cuba of the required departure of two diplomats from Cuba’s mission to the UN. The Department announced the required departure in a media note, available at <https://www.state.gov/required->

[departure-of-cuban-diplomats-from-cubas-permanent-mission-to-the-united-nations/](#), which includes the following:

[T]he United States requires the imminent departure of two members of Cuba's Permanent Mission to the United Nations for abusing their privileges of residence. This is due to their attempts to conduct influence operations against the United States.

In addition to the required departures, travel within the United States by all members of Cuba's Permanent Mission to the United Nations will now essentially be restricted to the island of Manhattan.

On November 22, 2019, the State Department issued a press statement condemning allegations made by the Cuban government against Chargé d'Affaires Mara Tekach. The statement is excerpted below and available in full at <https://www.state.gov/cuban-government-allegations-of-political-interference-against-u-s-charge-daffaires/>.

* * * *

The U.S. government strongly condemns the Castro regime's accusations against our Chargé d'Affaires at the U.S. Embassy in Havana, Mara Tekach. The regime has launched these baseless allegations against her in an attempt to distract the international community from its abysmal treatment of the Cuban people, especially the ongoing arbitrary detention of dissident Jose Daniel Ferrer. Nevertheless, our Chargé d'Affaires and her team at the U.S. Embassy in Havana remain steadfast as they carry out the President's mission to defend human rights and advance the cause of democracy in Cuba.

A key part of this work is to call out the Castro regime's reprehensible human rights violations and abuses. The dedicated U.S. diplomats at Embassy Havana also meet with human rights defenders in Cuba, as U.S. diplomats do throughout the world.

Cuba's Ambassador in Washington enjoys freedom of expression here in the United States and uses it to publicly criticize our government. We only wish other Cuban citizens, including the over 100 other political prisoners currently incarcerated by the Cuban regime and the hundreds of other dissidents subject to official harassment, could enjoy that same right to freedom of expression and the ability to criticize their own government in Cuba, as they could if Cuba honored its international human rights commitments.

Instead, the Castro regime's first recourse is to dust off obsolete talking points from what should be a bygone era and describe any independent voices as mercenaries, subversives, and spies. The reality is that it is the repression of the Cuban people, the stifling of their dreams, and the denial of their dignity that discredit the communist regime and their revolution.

The United States has, and will continue to, openly and transparently express our grave concerns about the treatment and condition of human rights defenders in Cuba. The United States stands for the fundamental freedoms of expression, religion, association, and assembly—and we will stand by those in Cuba who desire the same.

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8. Bolivia

On November 13, 2019, the United States congratulated Bolivian Senator Jeanine Anez for assuming the role as Interim President of State during the transition in the government of Bolivia. The U.S. message, issued as a State Department press statement, and available at <https://www.state.gov/congratulations-to-bolivian-senator-anez-for-assuming-the-role-of-interim-president/>, recognizes the process by which Anez was selected as consistent with “the constitution of Bolivia and in accordance with the principles of the Inter-American Democratic Charter.” The press statement further states:

We look forward to working with the Organization of American States, Bolivia’s civilian constitutional institutions, and the Bolivian people as they prepare to hold free, fair elections as soon as possible. We call on all parties to protect democracy during the coming weeks and to refrain from violent acts against fellow citizens and their property.

On November 21, 2019, the State Department issued an additional press statement regarding the transition in the government of Bolivia. The statement is excerpted below and available at <https://www.state.gov/the-united-states-supports-the-transitional-government-in-bolivia-to-achieve-free-fair-and-inclusive-elections/>.

* * * *

We recognize the importance of Bolivia’s political transition to democracy in our hemisphere, and we admire the Bolivian people for standing up for their constitution, their democracy, and for free, fair, and transparent elections.

Those who participated in the egregious irregularities and manipulation of the vote in the flawed October 20 election must, for the good of Bolivia, step aside and let Bolivians rebuild their institutions. Bolivians of every political party deserve to have their voices heard in an electoral process that respects the rights of all citizens. That happens at the ballot box, not by violence.

We support robust press freedoms and peaceful assembly and protest. Violence, repression, and political intimidation have no place in a democracy. We call on all parties to refrain from such violence, to observe the rule of law, and to respect the rights of all citizens to participate in building Bolivia’s future, whatever their views. Security services must respect the rights of peaceful protestors, and the Bolivian authorities must ensure accountability for any violations of the right of citizens.

We call on Bolivia’s Plurinational Legislative Assembly to support efforts to seat a new Supreme Electoral Tribunal in order to pave the way for all Bolivians to participate as soon as possible in truly free and fair elections that reflect their will.

We call on legislators of all parties, on all Bolivians, and on international partners of goodwill to work together to support a transition in accordance with Bolivia's own constitutional standards and the principles of the Inter-American Democratic Charter.

We pledge our support to the Bolivian people and to the transitional government led by President Jeanine Anez as they prepare for these elections.

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B. STATUS ISSUES

1. Ukraine

On February 27, 2019, the State Department issued a statement by Secretary Pompeo entitled "Crimea is Ukraine." The statement follows and is available at <https://www.state.gov/crimea-is-ukraine-2/>.

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Five years ago, Russia's occupation of Ukraine's Crimean peninsula fueled an escalation of Russian aggression. Russia attempted to upend the international order, undermined basic human freedoms, and weakened our common security. The world has not forgotten the cynical lies Russia employed to justify its aggression and mask its attempted annexation of Ukrainian territory. Russia's use of force against a peaceful neighbor must not be tolerated by reputable states. The United States reiterates its unwavering position: Crimea is Ukraine and must be returned to Ukraine's control.

The United States remains gravely concerned by the worsening repression by Russia's occupation regime in Crimea. During the past five years, Russian occupation authorities have engaged in an array of abuses in a campaign to eliminate all opposition to its control over Crimea. As part of this campaign, Russia has arbitrarily detained and wrongfully convicted individuals for peaceful opposition to the occupation, and in some cases has forcibly transferred these individuals from occupied Crimea to Russia. The United States calls on Russia to release all of the Ukrainians, including members of the Crimean Tatar community, it has imprisoned in retaliation for their peaceful dissent. This includes Oleh Sentsov, Oleksandr Kolchenko, Volodymyr Balukh, Ruslan Zeytullayev, and approximately 70 others. We call on Russia to cease all its abuses immediately, to end its occupation of Crimea, and, in the meantime, to comply with its obligations under international law, including the law of occupation.

In the Crimea Declaration of July 25, 2018, the United States reaffirmed its refusal to recognize the Kremlin's claims of sovereignty over Crimea. The United States also condemns Russia's illegal actions in Crimea and its continued aggression against Ukraine. The United States will maintain respective sanctions against Russia until the Russian government returns control of Crimea to Ukraine and fully implements the Minsk agreements. The United States reiterates its unbending support for Ukraine's sovereignty and territorial integrity, within its internationally recognized borders, including its territorial waters.

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On April 24, 2019, the State Department issued a press statement condemning Russia's decision to grant expedited citizenship to residents of Russia-controlled eastern Ukraine. The press statement, available at <https://www.state.gov/russias-decision-to-grant-expedited-citizenship-to-residents-of-russia-controlled-eastern-ukraine/>, includes the following:

...Russia, through this highly provocative action, is intensifying its assault on Ukraine's sovereignty and territorial integrity.

President Putin's decision creates a serious obstacle to the implementation of the Minsk agreements and the reintegration of the Donbas region. The Minsk agreements, signed by Russia, call for the full restoration of Ukrainian government control over eastern Ukraine.

On November 27, 2019, the United States issued a further statement of support for Ukrainian sovereignty and territorial integrity. The statement appears below and is available at <https://www.state.gov/u-s-support-for-ukrainian-sovereignty-and-territorial-integrity/>.

* * * *

The United States reaffirms our unwavering support for Ukraine's sovereignty and territorial integrity in the lead up to the December 9 Normandy Format Summit among Ukraine, France, Germany, and Russia — the first since 2016.

The United States is committed to working with our Allies and partners to keep pressure on Russia to live up to its commitments under the Minsk agreements and to begin the process of peacefully restoring Ukraine's full sovereignty over the Donbas. This would be a first step in the full restoration of Ukraine's territorial integrity within its internationally recognized borders, including its territorial waters.

In recent weeks, Ukrainian President Zelenskyy has taken prudent but difficult steps towards peace and reform, which include: engaging diplomatically to advance the peace process; furthering disengagement along the line of contact; strengthening the rule of law; creating a healthier investment climate; and streamlining Ukraine's defense sector. The United States commends Ukraine for instituting reforms necessary for its long-term security and prosperity.

The United States stands with Ukraine as it moves forward with peace negotiations.

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2. Georgia

Section 7070(c)(1) of the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2018 and section 7047(c)(1) of the Department of State,

Foreign Operations, and Related Programs Appropriations Act of 2019 require the State Department to make a determination when another government recognizes or establishes diplomatic relations with the Georgian territories of Abkhazia and South Ossetia, in contravention of the U.S. position that those territories are integral parts of Georgia's territory. The determination results in a restriction on U.S. assistance to that government, absent a waiver by the Secretary. On May 23, 2019, the State Department published its determination, "that the Government of Nicaragua has recognized the independence of, or has established diplomatic relations with, the Russian occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia. 84 Fed. Reg. 23,826 (May 23, 2019). See *Digest 2018* at 365 for discussion of prior determinations.

On July 3, 2019, the U.S. Mission in Geneva posted a note, available at <https://geneva.usmission.gov/2019/07/03/u-s-participation-in-the-geneva-international-discussions-on-the-conflict-in-georgia-press-statement-by-the-u-s-delegation/>, regarding U.S. participation in the Geneva International Discussions on the conflict in Georgia, held July 2-3, 2019. The post is excerpted below.

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At the forty-eighth round of the Geneva International Discussions (GID) on the conflict in Georgia, July 2-3, the United States took positive note of the continued operation of the Incident Prevention and Response Mechanism (IPRM) meetings in Ergneti and welcomed the continued efforts by the GID Co-Chairs and participants to re-convene regular meetings of the IPRM in Gali as soon as possible. The United States also expressed appreciation for the constructive statements of participants affirming the continuing value of the GID and the IPRMs in addressing the ongoing security and humanitarian consequences of the 2008 war.

The United States recognized the Co-Chairs' continuing efforts to advance and deepen discussion of core GID issues. Noting in particular the usefulness of recent Information Sessions on the role of women in peace processes and on international security arrangements, the U.S. delegation expressed support for proposals to conduct additional Information Sessions at future GID rounds.

The U.S. delegation endorsed continuing information sharing among the de facto authorities in Abkhazia and the Russian and Georgian governments regarding the death of Georgian citizen Irakli Kvaratskhelia, whose death in March in Russian custody underscored the human cost of the ongoing conflict. The United States also reiterated calls for full and transparent investigations into the deaths of Georgian citizens Archil Tatumashvili and Giga Otkhordia, and emphasized the need for the participants to investigate fully all cases of missing persons and to share the results of those investigations as soon as possible.

The United States appealed to the de facto authorities in Abkhazia to reopen immediately the Enguri Bridge and other crossing points along the administrative boundary line in light of the grave economic and humanitarian consequences imposed by such restrictions on freedom of movement.

The U.S. delegation expressed concern over the continuing failure to implement fully the terms of the 2008 ceasefire agreement, especially with regard to the withdrawal of Russian

forces to pre-2008 positions and the establishment of international security arrangements. The United States encouraged the GID participants to refrain from coercive measures and noted particular concern over Russian directives imposing direct and indirect restrictions on the transit of people and goods between Russia and Georgia. The United States regrets that the participants from the Russian Federation and de facto authorities in Working Group II once again refused to engage in discussion of internally displaced persons and chose instead to walk out, thereby precluding discussion of the remainder of the agenda of Working Group II.

Together with Georgia, Russia, and representatives of the de facto Abkhaz and South Ossetian authorities, the United States participates in the Geneva International Discussions, which are co-chaired by the EU, UN, and OSCE.

The United States fully supports Georgia's sovereignty, independence, and territorial integrity within its internationally recognized borders.

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On August 30, 2019, the Department of State issued a press statement regarding reports of a military buildup in South Ossetia. The statement follows and is also available at <https://www.state.gov/military-buildup-in-the-russian-occupied-georgian-region-of-south-ossetia/>.

The United States is monitoring reports of military buildup near the administrative boundary line (ABL) of the Russian-occupied Georgian region of South Ossetia. We call on all sides to avoid escalation and work through the European Monitoring Mission hotline and the Geneva International Discussion Co-Chairs to resolve the situation. Further, we call on the Russian Federation to utilize all available channels to prevent further escalation of the situation along the ABL.

3. Macedonia

On January 12, 2019, the State Department issued a press statement by Secretary Pompeo, welcoming the decision by Macedonia's Parliament to adopt the constitutional amendments needed to ratify the Prespa Agreement with Greece. The Prespa Agreement relates to the dispute with Greece over the use of the name "Macedonia." See *Digest 2018* at 367. The press statement, available at <https://www.state.gov/macedonia-implements-prespa-agreement/>, includes the following:

Macedonia's leaders demonstrated vision, courage, and persistence in their pursuit of a solution to the name dispute, which will allow Macedonia to take its rightful place in NATO and the EU as the Republic of North Macedonia. The United States sees this as a historic opportunity to advance stability, security, and prosperity throughout the region.

On January 25, 2019, the State Department issued a similarly-worded press statement welcoming the decision by Greece's Parliament to ratify the Prespa Agreement. The January 25 press statement is available at <https://www.state.gov/greece-ratifies-prespa-agreement/>.

4. Montenegro

On May 9, 2019, the State Department issued a press statement welcoming the conviction in Montenegro of two Russian intelligence officers for attempted terrorism. The press statement follows:

Today's court ruling in Montenegro finding two Russian GRU officers guilty of attempted terrorism is a clear victory for the rule of law, laying bare Russia's brazen attempt to undermine the sovereignty of an independent European nation. Since the thwarted Russian-backed coup attempt on Montenegro's parliamentary election day in October 2016, Montenegro has taken important steps toward integrating with the Transatlantic family, most notably joining NATO in June 2017. The United States is proud to count Montenegro as an Ally and will continue to support Montenegro in its efforts to strengthen the rule of law, protect media freedom, and advance other reforms needed to join the European Union.

5. Israel

a. Jerusalem

In a January 8, 2019 memorandum, President Trump authorized the Secretary of State, "to take the steps necessary to close the United States Consulate General in Jerusalem and to merge its functions into the United States Embassy to Israel." 84 Fed. Reg. 3961 (Feb. 13, 2019). On March 3, 2019, in a press statement available at <https://www.state.gov/merger-of-u-s-embassy-jerusalem-and-u-s-consulate-general-jerusalem/>, the State Department announced that on March 4, 2019 the U.S. Consulate General Jerusalem would merge into U.S. Embassy Jerusalem. See *Digest 2018* at 368-69 regarding the announcement of the planned merger. The press statement includes the following:

There will be complete continuity of U.S. diplomatic activity and consular services during and after the merger. We will continue to conduct all of the diplomatic and consular functions previously performed by U.S. Embassy Jerusalem. We will also engage in a wide range of reporting, outreach, and programming in the West Bank and Gaza Strip, as well as with Palestinians in Jerusalem, through a U.S. Embassy Palestinian Affairs Unit (PAU), which will operate from our historic Agron Road location in Jerusalem. ...

This decision was driven by our global efforts to increase the efficiency and effectiveness of our diplomatic engagements and operations. It does not signal a change of U.S. policy on Jerusalem, the West Bank, or the Gaza Strip. As the President has stated, the United States continues to take no position on final status issues, including boundaries or borders. The specific boundaries of Israeli sovereignty in Jerusalem are subject to final status negotiations between the parties. The Administration remains fully committed to efforts to achieve a lasting and comprehensive peace that offers a brighter future to Israel and the Palestinians.

On May 8, 2019, the State Department issued a press statement by Secretary Pompeo announcing his determination under the Jerusalem Embassy Act of 1995. The press statement is excerpted below and available at <https://www.state.gov/determination-under-the-jerusalem-embassy-act/>.

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On May 14, 2018, the U.S. Embassy in Jerusalem officially opened for business. Now, as we near the first anniversary of that momentous event, I am pleased to report that I have provided my determination to Congress that the relevant elements of the Jerusalem Embassy Act of 1995 have been addressed. Accordingly, no further Presidential waiver of the funding restriction under the Act is necessary.

The Jerusalem Embassy Act called on the Department of State to open in Jerusalem not just the offices of the U.S. diplomatic mission to Israel, but also a chief of mission residence for our Ambassador to Israel. In March 2019, in consultation with the Government of Israel, we established a chief of mission residence in Jerusalem. I have therefore determined that the U.S. Embassy in Jerusalem, including the chief of mission residence, is officially open, consistent with the Act.

Twenty-three years ago, Congress overwhelmingly voted in support of moving the U.S. embassy to Jerusalem. Successive administrations refused to move the embassy, and instead exercised Presidential waivers to avoid the Act's restrictions. On December 6, 2017, the President boldly decided to recognize Jerusalem as Israel's capital and instructed the Department of State to relocate the U.S. embassy to Jerusalem. We proudly continue to implement that decision today.

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b. Golan Heights

President Trump issued Presidential Proclamation 9852, recognizing the Golan Heights as part of the State of Israel, on March 25, 2019. 84 Fed. Reg. 11,875 (March 28, 2019.) The proclamation states:

The State of Israel took control of the Golan Heights in 1967 to safeguard its security from external threats. Today, aggressive acts by Iran and terrorist groups, including Hizballah, in southern Syria continue to make the Golan Heights a potential launching ground for attacks on Israel. Any possible future peace agreement in the region must account for Israel's need to protect itself from Syria and other regional threats. Based on these unique circumstances, it is therefore appropriate to recognize Israeli sovereignty over the Golan Heights.

Cross References

Taiwan MOU on Consular Notification and Access, **Ch. 2.A.2.**

Renegotiating Compacts of Free Association, **Ch. 5.E.**

ICJ Opinion on the British Indian Ocean Territory, **Ch. 7.B.2.**

ILC's work on Succession of States in Respect of State Responsibility, **Ch. 7.C.2.**

Maritime claims, **Ch. 12.A.2.**

Venezuela sanctions, **Ch. 16.A.5.**

Sanctions in response to Russia's actions in Ukraine, **Ch. 16.A.7.b.**

Middle East Peace Process, **Ch. 17.A.**

Sudan, **Ch. 17.B.4.**

South Sudan, **Ch. 17.B.5.**

Libya, **Ch. 17.B.6.**