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CHAPTER 13

Environment and Other Transnational Scientific Issues

A. LAND AND AIR POLLUTION AND RELATED ISSUES

Climate Change

The 26th session of the Conference of the Parties (“COP26”) to the UN Framework Convention on Climate Change (“UNFCCC”), scheduled for November 2020, was rescheduled for November 2021, due to COVID-19.

B. PROTECTION OF MARINE ENVIRONMENT AND MARINE CONSERVATION

1. Fishing Regulation

On August 2, 2020, the State Department issued a press statement from Secretary Pompeo in which he called out the People’s Republic of China for illegal, unreported, and unregulated fishing near Ecuador’s Galápagos marine reserve. The statement is excerpted below and available at <https://2017-2021.state.gov/on-chinas-predatory-fishing-practices-in-the-galapagos/>.

The People’s Republic of China subsidizes the world’s largest commercial fishing fleet, which routinely violates the sovereign rights and jurisdiction of coastal states, fishes without permission, and overfishes licensing agreements. Given this unfortunate record of illegal, unreported, and unregulated fishing, rule-breaking, and willful environmental degradation, it is more important than ever that the international community stands together for the rule of law and insists on better environmental stewardship from Beijing.

The Ecuadorian government has done just that in raising the alarm about the hundreds of PRC-flagged vessels fishing near Ecuador’s important Galápagos

marine reserve and harvesting endangered sharks for their fins, along with many other protected species. We firmly support Ecuador's efforts to ensure PRC-flagged vessels do not engage in illegal, unreported, and unregulated fishing and stand with States whose economies and natural resources are threatened by PRC-flagged vessels' disregard for the rule of law and responsible fishing practices.

See Chapter 12 for the December 8, 2020 U.S. statement on the UN General Assembly resolution on oceans and the law of the sea and on sustainable fisheries, which is available at <https://usun.usmission.gov/remarks-at-a-un-general-assembly-debate-on-oceans-and-the-law-of-the-sea-and-on-sustainable-fisheries/>. The portion of the statement relating to fisheries follows.

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We are also pleased to join consensus on the resolution on sustainable fisheries. As with the resolution on oceans and the law of the sea, limitations on our ability to meet and negotiate led to a technical rollover of the sustainable fisheries resolution. Accordingly, we refer to past U.S. statements on any issues of substance.

We appreciate the constructive cooperation of delegations, under the patient leadership of the Coordinator, to develop a pragmatic approach to rescheduling meetings related to sustainable fisheries disrupted by the pandemic. The United States looks forward to an informal consultation of States Parties to the UN Fish Stocks Agreement in the second half of 2021, if conditions allow, and the resumed Review Conference and bottom fishing review in 2022.

We encourage States and relevant organizations to consider providing updates that could inform the upcoming workshop on the implementation of measures to address the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks. The United States also notes with appreciation the clarification provided via correspondence that any such submissions will be published as they are received, following the current practice of the Secretariat. We believe posting reports unedited as they are received promotes transparency and would like to thank delegations for engaging in these discussions to ensure views are always shared in such an impartial manner.

Finally, while we did not have an opportunity to discuss new substantive issues in the sustainable fisheries resolution, the past year has highlighted new challenges in fisheries management. Fishing activities continue around the world—contributing to livelihoods and food security during this challenging time, even as COVID-19 has made the monitoring of some fisheries more difficult. The international community has also focused with new urgency on specific examples of inadequately controlled fishing activities, including illegal, unreported, and unregulated fishing, which affect everything from the health of ecosystems and coastal communities to the working conditions of observers and crew to the economic development and prosperity of individual Member States. We will continue to call for flag states to take responsibility for these activities and adopt more robust management measures where needed in regional fisheries management organizations.

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2. Marine Debris

On July 16, 2020, the State Department released a media note providing notice that the United States had signed “a statement of support for the Global Ghost Gear Initiative (“GGGI”), pledging continued U.S. government support for addressing abandoned, lost, or discarded fishing gear (“ALDFG”) in our ocean.” The media note, available at <https://2017-2021.state.gov/the-united-states-signs-statement-reaffirming-commitments-to-protecting-marine-ecosystems/>, also includes the following:

Addressing marine debris, including ALDFG (also known as “ghost gear”), is a key administration priority. By signing this statement of support, the U.S. Government joins [more than eighty-five organizations and fifteen other countries](#) in acknowledging the significant impact ghost gear has on marine ecosystems and human health and livelihoods. The U.S. Government recognizes that mitigating these adverse impacts will require a global multi-stakeholder approach supporting a variety of multilateral initiatives such as the [UN Food and Agriculture Organization’s \(FAO\) Voluntary Guidelines on the Marking of Fishing Gear](#). The United States played a key role in drafting these guidelines, and GGGI serves as FAO’s sole civil society partner in implementing them.

Ghost gear is the main type of submerged marine debris; when improperly discarded in a natural environment, it can indiscriminately entangle fish and other animals while severely damaging marine habitats. An estimated 640,000 metric tons of ALDFG enter the ocean every year, and surveys suggest that derelict fishing gear comprises up to 70 percent of floating macro-plastics in the ocean by weight. ALDFG is the deadliest and most harmful form of marine debris to marine animals, primarily due to entanglement. Nearly 80 percent of animals that become entangled in ALDFG are injured or die as a result. GGGI is the preeminent international initiative addressing this problem of ghost gear and has broad representation across industry, government, and civil society. Managed by the Washington-based NGO [Ocean Conservancy](#), GGGI conducts much needed work to quantify the impacts of ghost gear and to develop, share, and document best practices for addressing it.

The signed statement of support is available at <https://www.state.gov/wp-content/uploads/2020/07/United-States-Statement-of-Support-for-GGGI-508.pdf>.

3. Antarctic Treaty

Article VII of the Antarctic Treaty and Article 14 of the Protocol on Environmental Protection grant to Antarctic Treaty Consultative Parties the right of unannounced inspections of stations, equipment, and vessels in Antarctica. In a February 12, 2020 media note, available at <https://2017-2021.state.gov/united-states-conducts->

[inspections-in-antarctica/](#), the State Department provided notice of the conclusion of a five-day inspection in Antarctica by a team of U.S. government officials from the U.S. Department of State, National Science Foundation, National Oceanic and Atmospheric Administration (“NOAA”), and United States Coast Guard. The inspection report is available at <https://www.state.gov/wp-content/uploads/2020/09/United-States-Antarctic-Inspection-2020-508.pdf>. The team inspected the following foreign research stations, installations, and equipment: the Mario Zucchelli Station and Boulder Clay runway (Italy), Jang Bogo Station (Republic of Korea), a station under construction on Inexpressible Island (China), and Antarctic Specially Protected Area 161. The United States has conducted fifteen inspections in Antarctica, including the 2020 one, which was the first since 2012. The United States conducts inspections to promote the objectives and ensure the observation of the Antarctic Treaty. The media note states:

The United States continues to promote Antarctica’s status as a continent reserved for peace and science in accordance with the provisions of the Antarctic Treaty of 1959. The purpose of the inspection was to verify compliance with the Antarctic Treaty and its Environmental Protocol, including provisions prohibiting military measures and mining, as well as provisions promoting safe station operation and sound environmental practices. Inspections emphasize that all of Antarctica is accessible to interested countries despite territorial claims and reinforce the importance of compliance with the Antarctic Treaty’s arms control provisions. The United States will present its report on the inspection at the next Antarctic Treaty Consultative Meeting in Helsinki, Finland, in May 2020.

The U.S. Department of State’s Bureau of Oceans and International Environmental and Scientific Affairs leads U.S. policy on Antarctica in cooperation with the National Science Foundation, the federal agency that administers the U.S. Antarctic Program (USAP), which coordinates and provides logistical support for all U.S. government research on the southernmost continent and in the Southern Ocean, and other federal agencies. Through the USAP, the United States maintains three year-round scientific stations on Antarctica and has more personnel based in Antarctica than any other country.

The yearly meeting of Antarctic Treaty Consultative Parties scheduled for 2020 did not take place due to public health precautions associated with the COVID-19 pandemic.

4. Arctic Strategy

On April 23, 2020, the State Department offered a special briefing with a senior official on the Trump Administration’s strategy regarding the Arctic and how that strategy relates to plans to reestablish a U.S. diplomatic presence in Nuuk, Greenland. The transcript of the briefing is available at <https://2017-2021.state.gov/briefing-with-senior-state-department-official-on-the-administrations-arctic-strategy/> and excerpted below.

* * * *

...I want to start at the 100,000-foot level, ... and then slowly come down to ... the very specific issue of our presence in Greenland and our assistance to Greenland.

I want to state a couple principles right up front, which is we have a very clear set of goals and objectives in the Arctic, and they're quite straightforward. We want a secure and stable Arctic where U.S. interests are safeguarded, ... the American homeland ... is protected, and the Arctic states are working cooperatively to address shared challenges. And the ... Department of State ... is working in collaboration with other agencies across the United States Government to ensure that the Arctic remains a region free of conflict as well as characterized by respect for national sovereignty, a rules-based order, constructive engagement among Arctic states to address our shared economic, scientific, and environmental challenges.

We ... are working closely with our Arctic partners through the Arctic Council, which is the premier recognized forum for matters of Arctic governance, ... made up of the eight Arctic states: the United States, Canada, the Kingdom of Denmark, Finland, Iceland, Norway, the Russian Federation, and Sweden. ... The work of the Arctic Council, since its formation in 1996, has been on promoting this coordination and cooperation among Arctic states and working, of course, with Arctic indigenous communities and other inhabitants on the issues that I identified.

But we also are in the process of adjusting our Arctic policy to today's new strategic realities, and those are characterized by the return of geopolitics, if I can put it that way, not just to the Arctic but generally across the globe. And it's a change that's driven by the desire of Russia and the People's Republic of China to challenge the United States and the West. We see this playing out in other parts of the world. The Arctic is not immune from the implications of these changes and we can expect, as you all probably know, the rapidly changing Arctic system to create greater incentives for the Kremlin and the PRC to pursue agendas that clash with the interests of the United States and our allies and partners.

... I want to be clear that the United States recognizes that Russia has legitimate Arctic interests. It's an Arctic Council member. It's cooperated with the United States and other Arctic states in a number of areas, including oil spill response, search and rescue, pollution issues. That work is continuing; it's ongoing; it's welcome. We have no concerns about it or no objections to it, and we want it to continue.

But we also have concerns about Russia's military buildup in the Arctic. Its presence has grown dramatically in recent years with the establishments of new Arctic commands, new Arctic brigades, refurbished airfields and other infrastructure, deep water ports, new military bases along its Arctic coastline, an effort to establish air defense and coastal missile systems, early warning radars, and a variety of other things along the Arctic coastline. We've seen an enhanced ops tempo of the Russian military in the Arctic, including last October one of the largest Russian military exercises in the Arctic since the end of the Cold War. ...

China is a bit of a different challenge. It claims that its interests in the Arctic are focused on access to natural resources and the opportunities offered by Arctic sea routes for shipping. And as you all probably know, it outlined plans in 2018 to develop a Polar Silk Road, claimed it was a near-Arctic state, and signaled its intention to play a more active role in Arctic governance. We have found this disconcerting because the PRC's behavior outside the Arctic, it often disregards international norms, as it has in the South China Sea, for example. And if I can

quote Secretary Pompeo, he said this last year in May of 2019 in Finland: “There are only Arctic states and non-Arctic states.” There are—“No third category exists,” so we do not accept Beijing’s claims to be a near-Arctic state.

And we’ve also seen across the globe that China’s soft-power tools often have a soft edge when deployed by the PRC. It’s weaponized its state capitalism in an effort to secure control of critical infrastructure such as ports and telecommunications networks. It’s demonstrated a willingness to use coercion and influence operations and other methods to get what it wants, including in the Arctic. The recent experience of the Faroe Islands over the threats to drop a trade agreement because the Faroese did not sign a 5G contract with Huawei is just one example. So their behavior, the PRC’s behavior over the last decade underscores that we can’t necessarily assume its good intentions with regards to its activities in the Arctic.

...[T]he work we are doing with Arctic states, the work that we are doing collaboratively internationally on environmental challenges, on sustainable development, on search and rescue, on clean-up of oil spills, all of that is continuing, should continue, and is an important and critical part of our Arctic policy and Arctic agenda. And it’s in that context, ... that we are seeking to enhance our engagement and our work right across the Arctic, not just in Greenland but ... in other Arctic states as well.

Which brings me to Nuuk. We have been, as everyone knows, an Arctic nation for 150 years, so it’s not new that we’re engaged in the Arctic, and we are pretty excited about the prospects of reopening our consulate in Nuuk later this summer. The first consulate ... was in place from 1940 to 1953. The backstory here is that during World War II after Denmark fell to the Nazis, the Danish ambassador to the United States wanted to see and ensured there was continued cooperation with America to help Greenland stay out of Hitler’s hands. That’s how Greenland became in part a self-regulating territory. ...

After the war, the new Danish Government adopted and ratified the wartime agreement between the United States and Greenland ... that remains in place to this day and is the legal basis for ... the American Thule Air Force Base in the ... northwest of Greenland. And the scientific cooperation that we started during World War II also continues to this day. The United States National Science Foundation invests as much as \$15 million each year in its Greenland-based research programs and supports more than 50 research projects there, and literally hundreds of U.S. researchers travel to Greenland every year conducting research with international partners that benefit Americans, Greenlanders, Danes, and the entire global community.

So the opening of our consulate in Nuuk will be both the culmination of a process of working with the Greenlanders and the Danes that looks to build on our decades of cooperation, and in some ways it’s also a new beginning. ...

...[T]he Kingdom of Denmark approved the opening of the consulate in December of 2019 ... We have signed agreements that provide for cooperation in specific areas and development assistance in specific areas ...

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Our goal is to be the partner of choice for Arctic states... We want to increase our engagements across the region for just that reason. ...[W]e’ve developed, again, in consultation with the Kingdom of Denmark and the Government of Greenland, a \$12.1 million funding package to sort of jumpstart this new beginning ..., and it includes some assistance in a few different areas,

Energy – some assistance in the energy and national resource development areas. ... We signed a couple memoranda with a couple Greenlandic ministries in June of last year, and our goal here is to support their efforts to encourage competitive and transparent investment by companies, promote sound mining and energy sector governance, and advance the use of new energy technologies and renewable energy in towns and settlements in Greenland.

The second piece of this is going to involve strengthening educational and people-to-people ties. Specifically, we hope to have a university education capacity-building program that will focus on the sectors of tourism and hospitality development and sustainable land and fisheries management, and these areas were focused on for a reason. ...

And then the last area is we're going to take a look ... at opportunities to ...advance economic opportunities through tourism and the ... sustainable development of rural communities.

* * * *

... Part of the objective of the energy and natural resource assistance we're providing, ... is to ensure that the development of these natural resources proceeds in a way that is competitive, it's transparent, there's sound mining and energy sector governance in place so that the potential for problems that ... would be associated with fly-by-night companies, shady investors, ... or corruption or bad practices on governance, safety, environmental rules ... would be avoided. ...

...[T]he United States is continuing to invest, through the National Science Foundation and others, literally millions of dollars every year into research designed to take a look at the Arctic system, how it's developing, what the changes to the ecosystem mean for the region's built, social, and natural environment, and contributing the – our data and our findings to the global effort to obtain a better understanding of this change, whether it's to the Greenland ice sheet or to the extent of sea ice. And so that's going to continue. In fact, that's not just happening there, it's happening in other parts of the government as well – the U.S. Navy, for example.

... More recently ... an agreement on scientific collaboration and cooperation came into force that had been negotiated by the Arctic Council, and we were one ... of the lead players in that negotiation. We were also very involved in recent negotiations to conclude an agreement involving a moratorium on fishing in the central Arctic Ocean, in part because we wanted to ensure that we didn't see resource competition develop in a way that was environmentally unsound.

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5. Sea Turtle Conservation and Shrimp Imports

The Department of State makes annual certifications related to conservation of sea turtles, consistent with § 609 of Public Law 101-162, 16 U.S.C. § 1537 note, which prohibits imports of shrimp and shrimp products harvested with methods that may adversely affect sea turtles. On April 30, 2020, the Department of State certified which nations (or specific fisheries within those nations) have adequate measures in place to protect sea turtles during the course of commercial shrimp fishing. 85 Fed. Reg. 24,074

(Apr. 30, 2020). The State Department released a media note on the 2020 certification on May 11, 2020. The media note, available at <https://2017-2021.state.gov/sea-turtle-conservation-and-shrimp-imports-to-the-united-states-3/>, states, in part:

This year, the Department suspended the certification of the People’s Republic of China for using shrimp trawl fishing methods that may adversely affect sea turtles. The Department also suspended the certification of Venezuela because the former Maduro regime would not permit the U.S. technical team into the country to assess Venezuela’s shrimp harvesting practices.

For 2020, the Under Secretary of State for Economic Growth, Energy, and the Environment certified 37 nations and Hong Kong and granted determinations for 12 fisheries as having adequate measures in place to protect sea turtles during the course of commercial shrimp fishing. ...

C. OTHER ISSUES

1. The Global Health Response to the COVID-19 Pandemic

On May 19, 2020, the United States provided a written statement explaining its position on the 73rd World Health Assembly (“WHA”) resolution on the COVID-19 response. The U.S. statement is available at <https://geneva.usmission.gov/2020/05/19/explanation-of-position-covid-19-response-resolution/> and excerpted below.

* * * *

The United States thanks the European Union and the other co-sponsors for their leadership in preparing the COVID-19 Response resolution for adoption at the virtual 73rd World Health Assembly (WHA). That we are meeting in virtual session, at a time when more than 300,000 people have lost their lives and the global economy has been deeply affected, is a testament to the need to come together in response to this pandemic. This resolution makes an important contribution to that global response, immediately calling for whole-of-government and whole-of-society approaches to fighting the pandemic with the best available evidence, and by urging the international community to come together around all aspects of the response.

Most importantly, the terms of this resolution take the first critical steps necessary to ensure that, when we face the next pandemic, we will have a World Health Organization (WHO) and an international system capable of responding effectively and decisively to save lives and protect the vulnerable. We applaud the call for an impartial, independent, and comprehensive review of the WHO’s response, to be undertaken in consultation with Member States, and we urge that work to begin now. This will help ensure we have a complete and transparent understanding of the source of the virus, timeline of events, early discussions, and the decision-making process for the WHO’s response to the COVID-19 pandemic. We must reform the WHO and supporting entities to be fully capable of fulfilling their core and crucial mission moving

forward. We further appreciate the mandate given by the resolution to the WHO to investigate the origins of the virus, and we are confident that through this knowledge, researchers and medical practitioners around the world will be empowered in the pursuit of vaccines and other countermeasures.

Finally, we wholeheartedly endorse the call in the resolution for all Member States to provide the WHO with timely, accurate, and sufficiently-detailed public health information related to the COVID-19 pandemic, as required by the International Health Regulations (IHR 2005). We stand ready to work with all partners to implement this resolution. If we are to fully realize the promise contained in the IHRs of a safer world for everyone, changes must be made within the WHO to hold Member State accountable to address and reduce risks that threaten public health.

Unfortunately, despite our best efforts at working toward consensus language in all areas of this resolution, we regret that the United States must disassociate itself from a few paragraphs due to the following issues:

The United States dissociates from operative paragraphs 7.5 and 9.4. The United States strongly supports women reaching the highest attainable outcomes for health, life, dignity, and well-being throughout their lives. We champion access to high-quality health care for women and girls across the lifespan. However, we do not accept references to “sexual and reproductive health,” or other language that suggests or explicitly states that access to abortion is included in the provision of population and individual level health services. The United States believes in legal protections for the unborn, and rejects any interpretation of international human rights (such as General Comment 36 on the International Covenant on Civil and Political Rights) to require any State Party to provide access to abortion. As President Trump has stated, “Americans will never tire of defending innocent life.” Each nation has the sovereign right to implement related programs and activities consistent with their laws and policies, free from external pressure. There is no international right to abortion, nor is there any duty on the part of States to finance or facilitate abortion. Further, consistent with the 1994 International Conference on Population and Development Programme of Action and the 1995 Beijing Declaration and Platform for Action, we do not recognize abortion as a method of family planning, nor do we support abortion in our global health assistance.

The United States must also disassociate from operative paragraphs 4, 8.2 and 9.8 because the language in these operative paragraphs does not adequately capture all of the carefully negotiated, and balanced, language in the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) and the Doha Declaration of 2001 and instead presents an unbalanced and incomplete picture of that language at a time where all actors need to come together to produce vaccines and other critical health products. The United States recognizes the importance of access to affordable, safe, high-quality, and effective health products and the critical role that intellectual property plays in incentivizing the development of new and improved health products. However, as currently drafted, paragraphs 4, 8.2 and 9.8 send the wrong message to innovators who will be essential to the solutions the whole world needs.

We are concerned that a misinterpretation of international trade obligations in non-WTO multilateral fora may negatively affect countries’ abilities to incentivize new drug development and expand access to medicines. We would also like to clarify our understanding of the reference in 8.2 to “existing mechanisms for voluntary pooling ... of patents.” The United States interprets this reference as limited to voluntary mechanisms existing before the COVID-19 pandemic, not

new or proposed “patent pooling” mechanisms created in response to the pandemic. It is critical that any such voluntary mechanisms as applied to COVID-19 related technologies be narrowly tailored in scope and duration to the medical needs of the current crisis, and that the World Intellectual Property Organization (WIPO), as the UN agency with technical expertise on intellectual property issues, play an appropriate role in their operation and evolution.

The United States is leading global efforts for the development of vaccines, for therapies and treatments for COVID-19, including providing significant funding and leading other initiatives to accelerate innovation in this space, for example the ACTIV Partnership recently unveiled by the United States National Institutes of Health. We applaud other global efforts as well and are committed to supporting a collaborative approach to ensuring that all efforts support one another and that we are truly accelerating progress toward a vaccine.

Going forward, given the need for innovation incentives in the development of new health products, the U.S. Government encourages member states to engage with innovators to find mutually-acceptable solutions that achieve increased access to affordable, safe, effective, and high-quality COVID-19 health products. By taking an unbalanced and incomplete approach to the issue of access to medicines and TRIPS, this resolution misses an opportunity to galvanize the world, beyond bureaucracy and UN bodies, toward the critical goal of accelerating research, development, distribution and access to affordable, safe, quality and effective COVID-19-related products. We remain committed to working with all partners toward that goal.

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On April 22, 2020, Secretary Pompeo discussed the importance of the International Health Regulations (“IHR”), and China’s adherence to the IHR during the COVID-19 pandemic, at a press availability. The transcript of those remarks is excerpted below and available at <https://it.usembassy.gov/secretary-michael-r-pompeo-remarks-to-the-press-at-a-press-availability-april-22-2020/>.

* * * *

Turning to the World Health Organization, I want to spend a few minutes telling the American people a little bit more about the problems that we’re trying to work our way through.

The WHO has two primary functions. First, it’s a regulator and an advisory role, and a health emergency and humanitarian aid operation on top of that.

After the first SARS outbreak in 2003, the United States led the reform of the WHO, the WHO rules that govern how countries report on public health threats. So a major reform effort at 2003.

Those rules—they’re called the International Health Regulations—went into effect in 2007.

We set very clear expectations. We—the world—set very clear expectations for how every country must disclose data to protect global health.

For example, Article 6 of the IHR says that “each State Party shall notify the World Health Organization...within 24 hours...of all events which may constitute a public health emergency of international concern within its territory...”

Annex 2 of those same rules provides that countries must notify the World Health Organization of any unusual or unexpected public health events such as SARS, a close genetic cousin of the virus that causes COVID-19.

Those rules also said how countries should evaluate when to notify the WHO of diseases of unknown causes or sources.

We strongly believe that the Chinese Communist Party did not report the outbreak of the new coronavirus in a timely fashion to the World Health Organization.

Article 6 of the IHRs, which was a part of this reform, further mandates that a State Party—that would include China—“shall continue to communicate to WHO timely, accurate and sufficiently detailed public health information...” That is, there’s an ongoing obligation.

Even after the CCP did notify the WHO of the coronavirus outbreak, China didn’t share all of the information it had.

Instead, it covered up how dangerous the disease is. It didn’t report sustained human-to-human transmission for a month until it was in every province inside of China. It censored those who tried to warn the world, it ordered a halt to testing of new samples, and it destroyed existing samples.

The CCP still has not shared the virus sample from inside of China with the outside world, making it impossible to track the disease’s evolution.

Not making a legal determination here today on China’s adherence to the IHRs, but the World Health Organization’s regulatory arm clearly failed during this pandemic.

I’d also note that when countries adopted these new rules in 2007, we also gave the director-general of the WHO encouragement and the ability to go public when a member-country wasn’t following those rules, and that didn’t happen in this case either.

It’s why we continue to insist this is an ongoing requirement for transparency and openness according to the WHO rules, and the WHO has responsibility to continue to enforce them today. This transparency and getting it right is critical to saving lives today and in the future.

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On September 11, 2020, the United States provided an explanation of its “no” vote on the omnibus UN General Assembly resolution on the response to the COVID-19 pandemic. The U.S. statement is excerpted below and available at <https://usun.usmission.gov/explanation-of-vote-on-the-omnibus-resolution-comprehensive-coordinated-response-to-the-covid19-pandemic/>.

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The United States appreciates the cooperation and collaboration of the international community in the global effort to combat COVID-19. As we strive to make progress to defeat COVID-19, it is important that we focus our efforts and jointly address this virus.

I would like to begin today by expressing our condolences for the illnesses, deaths, and other adverse consequences—including those affecting healthcare and humanitarian personnel—resulting from the COVID-19 pandemic. Our never-ending gratitude goes out to all health care

workers, to all UN staff, to all essential personnel who continue to put themselves in harm's way every day to make us all safer.

The United States has been and remains the largest bilateral donor of global health assistance. Over just the past few weeks, we have increased our funding for the development of vaccines and therapeutics, global preparedness efforts, and overseas economic, health, and humanitarian aid from \$12 billion to more than \$20.5 billion. Our steadfast and heartfelt support for such efforts encompasses all facets of the pandemic response, including second- and third-order effects. And we are working directly with those on the ground to combat this virus, including governments, multilateral organizations, faith-based organizations, NGOs, the private sector, research institutions, and many other organizations.

Additionally, we have supported the Secretary General's call to resource the UN response. As of August 14, the United States has funded a total of \$908 million in 44 countries to eight UN agencies—that equates to 44% of the total humanitarian response raised to date. We welcome the increased contributions that many have already made and we encourage other countries and stakeholders to do the same immediately. We all need to step up.

Since this pandemic began, the Trump Administration has been very clear that transparency and the timely sharing of public health data and information are essential to fighting it effectively. Unfortunately, however, failures at the outset of the pandemic by the People's Republic of China, where COVID-19 originated and was first diagnosed, have imperilled all of us and caused needless additional suffering and death. In the early days of the virus, the Chinese Communist Party hid the truth about the outbreak from the world and prevented researchers from accessing vital information—innumerable deaths that could have been prevented were the result. We must hold those responsible accountable for their actions, and inaction, early in this pandemic, and ensure that future pandemics are reported in a transparent manner early, instead of being hidden from the world.

Unfortunately, we might never know for certain how much of the pain and suffering caused by COVID-19 could have been avoided if the Chinese Communist Party had behaved like a responsible government and immediately warned the rest of the world of the virus that they uncovered in Wuhan.

Not only did they fail the world, but the World Health Organization's failures in the early days of the pandemic also contributed to needless suffering and the worsening of this pandemic. The WHO needs to reform, including by demonstrating its independence from the Chinese Communist Party. That lack of independence, transparency, and accountability is why President Trump made the decision for the United States to withdraw from the WHO. We will continue to call for its reform, and we will seek alternative, transparent partners in our fight against the COVID-19 pandemic. It is incumbent on each of us to collectively commit to the timely sharing of public health data and information with the international community. Doing so is paramount to our ability to overcome this crisis together, and to building our resiliency to future pandemics.

For those reasons, the United States does not concur with the references to the World Health Organization (WHO) in perambulatory paragraphs 11, 12, 13, 15 and operating paragraph 1.

The United States welcomes strong health-specific language in the text including language on therapeutics and antimicrobial resistance. We also welcome language on countering disinformation and calling for an independent evaluation of the WHO-coordinated international health response to COVID-19.

The United States also welcomes the human rights references in this text, including a stand-alone paragraph on human rights and fundamental freedoms and several references to civil society and other stakeholders throughout the text. Promoting and protecting human rights and fundamental freedoms is critical to ensuring that all people are fully included in COVID-19 response and recovery efforts.

The United States welcomes the strong stand-alone paragraph on persons with disabilities and particularly welcomes the reference to the disproportionate impact of COVID-19 on them, as well as their inclusion in policy and decision-making at all levels and in all aspects of COVID-19 response and recovery. We also welcome the listing of members of marginalized groups in the text but regret that the full listing was not included.

Despite these positive elements, we cannot support a resolution that is missing key issues. It is regrettable that the final text did not contain even one mention of human rights defenders, which was in the zero draft. We cannot in good faith adopt a resolution on COVID-19 response and recovery without recognizing those civil society and human rights defenders at the forefront of these efforts. We do not accept some delegations' ongoing assertion that this phrase is a redline, particularly as we use this phrase throughout UN documents and we have a consensual declaration on human rights defenders.

We appreciate the addition of a reference to UNSCR 1325. We still think, however, that this text could have benefited from a stand-alone paragraph on women, peace and security, especially as we near the 20th anniversary of the critical agenda and the critical role women and girls play in COVID-19 response and recovery. We also reject the assertion that this topic does not belong in the General Assembly or that it is a redline for delegations, particularly as those same delegations are members of the Security Council and voted to create the agenda twenty years ago.

We also cannot allow the resolution to be hijacked by several themes that are not pertinent to the discussion, and for this reason, we voted against this resolution.

The United States defends human dignity and supports access to high-quality health care for women and girls across the lifespan. We appreciate the co-coordinators' recognition of our redline position on Sexual and Reproductive Health (SRH) and Sexual Reproductive Health and Reproductive Rights (SRHR) and the removal of one SRH reference in the PPs.

We do not accept references to "sexual and reproductive health," "sexual and reproductive health and reproductive rights," or other language that suggests or explicitly states that access to legal abortion is necessarily included in the more general terms "health services" or "health care services" in particular contexts concerning women. The United States believes in legal protections for the unborn, and rejects any interpretation of international human rights to require any State Party to provide safe, legal, and effective access to abortion. As President Trump has stated, "Americans will never tire of defending innocent life." Each nation has the sovereign right to implement related programs and activities consistent with their laws and policies. There is no international right to abortion, nor is there any duty on the part of States to finance or facilitate abortion. Further, consistent with the 1994 International Conference on Population and Development Programme of Action and the 1995 Beijing Declaration and Platform for Action, and their reports, we do not recognize abortion as a method of family planning, nor do we support abortion in our global health assistance. We also do not recognize references to non-UN negotiated conferences, summits or their respective outcome documents. We believe that the General Assembly should only include references to conferences and summits that were clearly mandated through UN modalities resolutions, such as this year's

Beijing+25, and other ones, such as the Nairobi summit, have no direct or indirect place in any UN resolutions.

With respect to language in OP47, we would like to thank the co-coordinators and in particular our colleagues from the UK, EU and AOSIS for a constructive discussion and small group negotiation on this paragraph. Regarding the substance of the text, we consider it outside of the scope of what this resolution on COVID-19 is intended to address. We further note that the United States submitted formal notification of its withdrawal from the Paris Agreement to the United Nations on November 4, 2019. The withdrawal will take effect one year from the delivery of the notification. Therefore, references to the Paris Agreement and climate change are without prejudice to U.S. positions.

On OP34, the United States agrees with the need to improve global supply chain connectivity and security in addressing COVID-19, which includes numerous interconnected processes. However, we do not see a clear link between global sustainable transportation and COVID-19 as phrased in the paragraph. We made our concerns about this paragraph clear at the beginning of negotiations.

The United States cannot support the new OP20 language. The text in OP20 of this resolution inappropriately challenges the sovereign right of States to determine their economic relations and to protect legitimate national interests, including taking certain related actions in response to national security concerns.

It also attempts to undermine the international community's ability to respond to acts that are offensive to international norms. Economic sanctions are a legitimate means to achieve foreign policy, security, and other national and international objectives, and the United States is not alone in that view or in that practice.

I wish to point out that all U.S. sanctions include humanitarian exemptions. It has already been well proven that suffering and death is due to the bombing of civilians, including doctors and hospitals, suppressing the flow of information about the pandemic, and abuses of human rights by authoritarian, non-democratic regimes against their own people.

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2. Biodiversity

In 2017, the UN General Assembly convened an intergovernmental conference (“IGC”) to elaborate the text of an international legally binding instrument under the UN Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (“BBNJ”). U.S. views regarding such an instrument are discussed in *Digest 2011* at 438-39 and *Digest 2016* at 560-68. The State Department provided notice of a public information session regarding upcoming United Nations negotiations concerning marine biodiversity in areas beyond national jurisdiction, scheduled for February 25, 2020, 85 Fed. Reg. 6010 (Feb. 3, 2020), was rescheduled for August 2021, and will now be rescheduled again for 2022, due to COVID-19. Additional information on the BBNJ process is available at <https://www.un.org/bbnj/>.

The meeting of the Conference of the Parties to the UN Convention on Biological Diversity (“CBD”), which was scheduled to take place in May 2020 in Kunming, China,

was rescheduled (due to the COVID-19 pandemic) for October 2021 in the same location.

3. Sustainable Development

On August 12, 2020, Jason Mack, counselor for the U.S. Mission to the UN, delivered the U.S. explanation of position regarding Resolution A/74/L.83 on the high-level political forum on sustainable development and the follow-up and review of the 2030 Agenda for Sustainable Development and the review of the Economic and Social Council. G.A. Res. A/74/L.83 (Aug. 6, 2020). The U.S. EOP is excerpted below and available at <https://usun.usmission.gov/explanation-of-position-of-the-united-states-of-america-regarding-resolution-a-74-l-83/>.

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The United States takes this opportunity to express our appreciation to the Permanent Representatives and delegations of Benin and Georgia for their facilitation of resolution A/74/L.83 on the High-Level Political Forum and ECOSOC review process.

The United States wishes to underscore that the 2030 Agenda is non-binding and does not create or affect rights or obligations under international law, nor does it create any new financial commitments. The United States recognizes the 2030 Agenda as a global framework for sustainable development that can help countries work toward global peace and prosperity. We applaud the call for shared responsibility, including national responsibility, in the 2030 Agenda and emphasize that all countries have a role to play in achieving its vision. The 2030 Agenda recognizes that each country must work toward implementation in accordance with its own national policies and priorities. The United States also underscores that paragraph 18 of the 2030 Agenda calls for countries to implement the Agenda in a manner that is consistent with the rights and obligations of States under international law. We also highlight our mutual recognition in paragraph 58 that 2030 Agenda implementation must respect and be without prejudice to the independent mandates of other processes and institutions, including negotiations, and does not prejudice or serve as precedent for decisions and actions underway in other forums. For example, this Agenda does not represent a commitment to provide new market access for goods or services. This Agenda also does not interpret or alter any WTO agreement or decision, including the Agreement on Trade-Related Aspects of Intellectual Property.

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On November 18, 2020, Jesse Walter, advisor to the U.S. Mission to the UN, delivered the general statement for the United States at a meeting of the Second Committee. The U.S. statement is excerpted below and available at <https://usun.usmission.gov/general-statement-in-a-meeting-of-the-second-committee/>.

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We take this opportunity to clarify the U.S. policy position on several issues found in Second Committee resolutions.

We underscore that the resolutions negotiated during the Second Committee session as well as many of the outcome documents referenced therein, including the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda, are non-binding and do not create new or affect existing rights or obligations under international law, nor does it create any new financial commitments.

2030 Agenda for Sustainable Development: The United States recognizes the 2030 Agenda as a global framework for sustainable development that can help countries work toward global peace and prosperity. We applaud the call for shared responsibility, including national responsibility, in the 2030 Agenda and emphasize that all countries have a role to play in achieving its vision. The 2030 Agenda recognizes that each country must work toward implementation in accordance with its own national policies and priorities, and we will interpret calls that reaffirm the 2030 Agenda or call for the full implementation of its Sustainable Development Goals to be aspirational.

The United States also underscores that paragraph 18 of the 2030 Agenda calls for countries to implement the Agenda in a manner that is consistent with the rights and obligations of States under international law. We also highlight our mutual recognition in paragraph 58 that 2030 Agenda implementation must respect and be without prejudice to the independent mandates of other processes and institutions, including negotiations, and does not prejudice or serve as precedent for decisions and actions underway in other forums. For example, this Agenda does not represent a commitment to provide new market access for goods or services. This Agenda also does not interpret or alter any World Trade Organization (WTO) agreement or decision, including the Agreement on Trade-Related Aspects of Intellectual Property.

Further, citizen-responsive governance, including the respect for human rights, sound economic policy and fiscal management, government transparency, and the rule of law are essential to the implementation of the 2030 Agenda.

Finally, the 2030 Agenda states that “no one” will be left behind. We believe any alteration from the 2030 language, such as “no country left behind,” erodes the people-centered focus of the Agenda and distracts from the many multi-faceted and multi-stakeholder efforts to advance sustainable development.

Addis Ababa Action Agenda: Regarding the reaffirmation of the Addis Ababa Action Agenda, we note that much of the trade-related language in the outcome document is immaterial to our position. Therefore, our reaffirmation of the outcome document has no standing for ongoing work and negotiations that involve trade.

Trade: The United States enjoys strong and growing trade relationships across the globe. We welcome efforts to bolster those relationships, increase economic cooperation, and drive prosperity to all of our peoples through fair and reciprocal trade. However, as President Trump stated to the 73rd UN General Assembly on September 25, 2018, the United States will act in its sovereign interest, including on trade matters. The United States does not take our trade policy direction from the UN.

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Climate Science: With respect to references to the Intergovernmental Panel on Climate Change (IPCC) special reports, the United States has indicated at the IPCC that acceptance of such reports and approval of their respective Summaries for Policymakers by the IPCC does not imply U.S. endorsement of the specific findings or underlying contents of the reports. References to the IPCC special reports are also without prejudice to U.S. positions.

Disaster Risk Reduction: The United States reiterates our views on the Sendai Framework for Disaster Risk Reduction from the U.S. Explanation of Position delivered in 2015. We strongly support disaster risk-reduction initiatives designed to reduce loss of life and the social and economic impacts of disasters. This assistance helps recipients build a culture of preparedness, promote greater resilience, and achieve self-reliance.

Women's Equality and Empowerment: Consistent with the Geneva Consensus Declaration, the United States is committed to promoting women's equality and to empowering women and girls. The United States is leading through our W-GDP Initiative, which seeks to enhance opportunities for women to participate meaningfully in the economy and advance both prosperity and national security, as well as through the Women, Peace, and Security (WPS) agenda. Accordingly, when the subject of a resolution text is "women," or in some cases "women and girls," our preference in this context is to use these terms, rather than "gender," for greater precision. The United States does not consider the outcome documents from the 63rd session of the Commission on the Status of Women to be the product of consensus.

New Urban Agenda: With respect to the New Urban Agenda, the United States believes that each Member State has the sovereign right to determine how it conducts trade with other countries and that this includes restricting trade in certain circumstances. Economic sanctions can be a successful means of achieving national security and foreign policy objectives. In cases where the United States has applied sanctions, we have done so with specific objectives in mind, including as a means to promote a return to rule of law, democratic systems, or human rights and fundamental freedoms, or to prevent threats to international security. We are within our rights to deploy our trade and commercial policy as tools to achieve our foreign policy and national security objectives. Targeted economic sanctions can be an appropriate, effective, and legitimate alternative to the use of force.

Illicit Financial Flows: While the United States acknowledges the UN system increasingly uses the term "illicit financial flows," we continue to have concerns that this term lacks an agreed-upon international definition. Without an agreed-upon definition, resolutions should be clearer about the specific underlying illegal activities, such as embezzlement, bribery, money laundering, other corrupt practices, and other crimes that produce or contribute to the generation and movement of illicit finance. Equally, all Member States should focus more concretely on preventing and combating these crimes at home.

Official Development Assistance: Concerning official development assistance, the proper forum to discuss eligibility measures is the Boards of the Multilateral Development Banks and the Organization for Economic Cooperation and Development. We do not accept the UN as the appropriate forum for determining eligibility for, and allocation of, these resources.

Inclusive Growth: The United States also notes that the term "inclusive growth" appears throughout many of the resolutions. Part of the problem with placing inclusive growth at the forefront of economic discussions is that the term itself is vaguely defined and applied freely to economic discussions, we must ensure that any work or goal related to inclusivity remain grounded in evidence and proven best practices.

Build Back Better and Greener: For decades, the United States, alongside our partners, has worked successfully to build and strengthen the capacity and resilience of communities and countries, before and after both natural and manmade disasters. We continue to do so to achieve a more resilient recovery from the COVID-19 pandemic. However, we must acknowledge that greater transparency and open information sharing is an essential first step. We encourage the use of actionable terms that allow for more precise understanding of resolution language as an important step towards achieving this complex and significant task. We should avoid the use of undefined phrases such as “build back better” and clearly explain our intentions. In addition, the United States notes that the term “greener” is not clearly defined, and reads this term to pertain to sustainable development, while also noting the need to focus on economic recovery for those devastated by the COVID-19 pandemic. It is incumbent on us to ensure our citizens all understand the important work we undertake here at the UN by using language in resolutions that is widely understandable.

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4. Wildlife Trafficking

On October 26, 2020, the State Department released its 2020 Report to Congress pursuant to the Eliminate, Neutralize, and Disrupt (“END”) Wildlife Trafficking Act of 2016, P.L. 114-231, Section 201. The report is available at <https://www.state.gov/2020-end-wildlife-trafficking-report/>. On November 6, 2020, the State Department released a media note on the END Wildlife Trafficking Report for 2020, which is available at <https://2017-2021.state.gov/eliminate-neutralize-and-disrupt-end-wildlife-trafficking-report-2020/>, and excerpted below.

The U.S. Department of State submitted the fourth annual report to Congress as required by the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (the END Wildlife Trafficking Act). Wildlife trafficking is a serious transnational crime that threatens security, economic prosperity, the rule of law, long-standing conservation efforts, and human health. In Executive Order 13773, President Trump called for a comprehensive and decisive approach to dismantle organized crime syndicates, specifically recognizing the connection between wildlife trafficking and transnational criminal organizations. The U.S. government’s three-pronged approach to combating wildlife trafficking — strengthening law enforcement, reducing demand, and building international cooperation — deprives criminals of a key source of financing and reduces the threat to U.S. citizens.

The END Wildlife Trafficking Act directs the Secretary of State, in consultation with the Secretaries of the Interior and Commerce, to submit to Congress a report that lists Focus Countries and Countries of Concern, as defined in the Act. Each Focus Country is a major source, transit point, or consumer of wildlife trafficking products or their derivatives. Identification as a Focus Country is neither a positive nor a negative designation. A Country of Concern is defined

as a Focus Country whose government has actively engaged in or knowingly profited from the trafficking of endangered or threatened species. Many Focus Countries have already taken significant steps to combat wildlife trafficking, including in partnership with the United States. The United States looks forward to a continued dialogue with Focus Countries and Countries of Concern to thwart transnational organized crime engaged in wildlife trafficking.

5. **Columbia River Treaty**

The United States and Canada continued negotiations to modernize the Columbia River Treaty regime in 2020. See *Digest 2018* at 511 regarding the first four rounds of negotiations, conducted in 2018 and see *Digest 2019* at 460-61 regarding the fifth through eighth rounds. In a March 12, 2020 media note, available at <https://2017-2021.state.gov/conclusion-of-the-ninth-round-of-the-columbia-river-treaty-negotiations/>, the State Department announced the conclusion of the ninth round of the negotiations. On June 30, 2020, the State Department announced the conclusion of the tenth round of the negotiations in a media note available at <https://2017-2021.state.gov/conclusion-of-the-tenth-round-of-the-columbia-river-treaty-negotiations/>. The United States and Canada conducted the tenth round via videoconference. Further information on the Treaty and related meetings is available at <https://www.state.gov/columbia-river-treaty/>.

Cross references

Withdrawal from World Health Organization, **Ch. 4.B.2**

World Health Organization, **Ch. 7.A.1**

Presidential permits (Keystone), **Ch. 11.G.5**

U.S. remarks at UN General Assembly on oceans and the Law of the Sea, **Ch. 12.A.1.b**

Marine Scientific Research Policy, **Ch. 12.A.4**