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CHAPTER 9

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

A. DIPLOMATIC RELATIONS, SUCCESSION, AND CONTINUITY ISSUES

1. Venezuela

As discussed in *Digest 2019* at 299, the United States and other governments recognized Juan Guaidó as the interim president of Venezuela in 2019. On January 6, 2020, U.S. Special Representative for Venezuela Elliott Abrams held a special briefing, in which he extended the congratulations of the U.S. government to Juan Guaidó after his re-election as president of the National Assembly. The special briefing is excerpted below and available at <https://2017-2021.state.gov/special-representative-for-venezuela-elliott-abrams-3/>.*

* * * *

As you recall, we have been warning about the Maduro dictatorship’s efforts to steal the vote through bribery, jailings, and intimidation. More than 30 deputies are in hiding, in prison, or in exile. Others were bought.

And yet this brutal and corrupt campaign failed. Obviously, if the regime had had the votes, it would not have ordered soldiers to keep elected deputies out of the National Assembly in shameful scenes you’ve probably all seen in videos. Those actions have been condemned and rejected by countries all over the world.

* Editor’s note: References to a “regime” or “Maduro regime” in the *Digest*, including in the excerpts, are not intended to indicate that the United States considers such entity a government.

The new Foreign Minister of Argentina said, quote, “To impede by force the functioning of the legislative assembly is to condemn oneself to international isolation.” And Argentina called the regime’s actions, quote, “unacceptable.”

Mexico said, quote, “The legitimate functioning of the legislative power is inviolable in democracies.”

Brazil said it would, quote, “not recognize any result of this violence and affront to democracy.”

The Lima Group—Latin American countries, plus Canada—congratulated Guaido on his re-election and said it, quote, “condemns the use of force and intimidation tactics against members of the National Assembly,” and condemns, quote, “the systematic violations of human rights committed by the illegitimate and dictatorial regime of Nicolas Maduro.”

The EU said it, quote, “continues to recognize Juan Guaido as the legitimate president of the National Assembly.”

We look forward to working this year with Juan Guaido, with the firm majority of the Venezuelan parliament, who continue to support democracy, with Venezuela’s democratic political parties, and with the millions of Venezuelans who want the dictatorship to end.

We applaud Guaido’s decision to leave the leadership of the Voluntad Popular Party, and to work instead on building a broad alliance of civil society groups, NGOs, trade unions, and all Venezuelans who want the end of a dictatorship that has brought economic ruin and oppression.

We look forward, as well, to working with democracies around the world in support of democracy in Venezuela. This is a struggle against a regime that, as we saw yesterday, will do anything to prevent the return of democracy. So we will be asking democratic parties and governments and NGOs to step up and do more in support of democrats and democratic institutions in Venezuela.

The United States will also be doing more in support of the National Assembly and its legitimate leadership, and of the Venezuelan people’s efforts through greater pressure on the dictatorship and its leaders and supporters inside and outside of Venezuela, and more direct help to the forces of freedom there. We have no doubt that Venezuelans will win their struggle and return their country to democracy.

* * * *

On March 31, 2020, the United States proposed a framework for a peaceful, democratic transition in Venezuela. See State Department press statement, available at <https://2017-2021.state.gov/the-united-states-proposes-a-framework-for-a-peaceful-democratic-transition-in-venezuela/>. The framework was developed using proposals by Juan Guaidó’s interim government and provides for free and fair presidential elections and the lifting of U.S. sanctions. The State Department issued a fact sheet outlining the framework for a democratic transition in Venezuela. The fact sheet is excerpted below and available at <https://2017-2021.state.gov/democratic-transition-framework-for-venezuela/>. Special Representative Abrams also held a briefing on the framework, transcribed at <https://2017-2021.state.gov/briefing-with-special-representative-for-venezuela-elliott-abrams-on-the-democratic-transition-framework-for-venezuela/>.

* * * *

1. Full return of all members of the National Assembly (AN); Supreme Court (TSJ) lifts order of contempt and restores all powers to the AN, including immunities for deputies; National Constituent Assembly (ANC) is dissolved. The U.S. lifts sanctions imposed on ANC members due to their membership in the ANC.

2. All political prisoners are released immediately.

3. All foreign security forces depart immediately unless authorized by 3/4 vote of the AN.

4. AN elects new National Electoral Council (CNE) and TSJ members who are acceptable to all parties or coalitions of parties representing 25% or more of AN membership. (This would give both the PSUV and the multi-party Guaidó coalition a veto over personnel for any of these posts.) Upon the selection of a new CNE and TSJ, the U.S. lifts sanctions imposed on former CNE and TSJ members due to their membership in those bodies.

5. AN approves “Council of State” Law, which creates a Council of State that becomes the executive branch. Each party or coalition of parties with 25% or more of AN membership selects two members of the Council of State, one of whom must be a state governor. The four members of the Council of State then select a fifth member, to be Secretary General, and who serves as Interim President until the elections and is not permitted to be a candidate for president in the elections. Council members may not be members of the AN or TSJ. Decisions of the Council of State will be reached by majority vote. One member of the National Armed Forces of Venezuela (FANB) will serve as Military Adviser to the Council of State.

6. All of the powers assigned to the President by the Constitution will be vested exclusively in the Council of State. The U.S. and the EU will lift sanctions on those who claimed Presidential authorities which were imposed due to their holding their previous positions once the Council of State is functioning and those individuals renounce any further claims to hold executive positions and acknowledge the Council of State as the exclusive executive power.

7. Once the Council of State is established and foreign security forces have departed (unless approved by 3/4 vote at the AN), U.S. sanctions on the Government of Venezuela, PDVSA, and the oil sector are suspended.

8. Council of State appoints new cabinet. The U.S. lifts sanctions on former cabinet members due to their holding their previous positions. The U.S. also lifts sanctions on members of the FANB that are based on their position in the institution.

9. The international community provides humanitarian, electoral, governance, development, security, and economic support, with special initial focus on medical care system, water and electricity supply. Existing social welfare programs, now to be supplemented with international support, must become equally accessible to all Venezuelan citizens. Negotiations begin with World Bank, IMF, and Inter-American Development Bank for major programs of support.

10. A Truth and Reconciliation Commission is established with the task of investigating serious acts of violence that occurred since 1999, and reports to the nation on the responsibilities of perpetrators and the rehabilitation of victims and their families. The Commission has five members, who are selected by the Secretary General of the United Nations with the consent of the Council of State. The AN adopts amnesty law consistent with Venezuela’s international obligations, covering politically motivated crimes since 1999 except

for crimes against humanity. Argentina, Canada, Colombia, Chile, Paraguay, and Peru withdraw support for the International Criminal Court referral.

11. The Council of State sets a date for simultaneous Presidential and AN elections in 6-12 months. Any Venezuelan citizen eligible in accordance with the 1999 Constitution can compete in the election.

12. Presidential and AN elections are held. With a consensus of international observers that elections were free and fair, remaining U.S. sanctions are lifted.

13. Bi-partisan commission within the AN is developed to create long term solutions to rehabilitating the economy and refinancing the debt.

Guarantees

1. The military high command (Defense Minister, Vice Defense Minister, CEOFANB Commander, and Service Chiefs) remains in place for the duration of the transitional government.

2. State or local authorities remain in place for the duration of the transitional period.

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On May 29, 2020, the State Department issued a press statement reaffirming the U.S. commitment to democratic government in Venezuela, particularly the National Assembly and President Juan Guaidó. The statement is excerpted below and available at <https://2017-2021.state.gov/in-defense-of-democracy-in-venezuela/>.

... We strongly condemn the illegitimate former Maduro regime's most recent attempt to destroy Venezuela's last remaining democratic institution, the National Assembly, and depose National Assembly President and interim President of Venezuela Juan Guaido. The May 26 sham ruling—by the former Maduro regime-aligned and illegitimate Supreme Court—purporting to confer the National Assembly presidency on a deputy who received regime bribes to orchestrate a pretended takeover of the institution... is appalling.

Maduro, his security forces, and his lackeys in the illegitimate Supreme Court have led a sustained assault on the National Assembly. They issued sham sentences against dozens of parliamentarians, forcing them into exile. They continue the arbitrary detention of political prisoners, including Guaido's Chief of Staff Roberto Marrero, and National Assembly deputies Gilber Caro, Tony Geara, Ismael Leon, Renzo Prieto, and Juan Requesens. We demand their release and we reiterate again our demand that the unjust imprisonment of the CITGO 6 be ended.

On June 15, 2020, the State Department issued a further press statement condemning the Maduro affiliate-controlled Supreme Court's actions to rig elections in Venezuela. The press statement, available at <https://2017-2021.state.gov/the-united-states-condemns-maduros-latest-step-to-rig-the-next-venezuelan-election/>, follows.

* * * *

Free elections are the path out of Venezuela's deep political crisis. Unfortunately, on June 12, the Maduro regime-controlled Supreme Court continued to manipulate the Venezuelan Constitution by illegally naming a new, regime-aligned National Electoral Council (CNE).

Venezuelans deserve an independent CNE. The Venezuelan Constitution gives the democratically elected National Assembly the responsibility of electing the CNE members. Without following this process, elections that represent the will of the people are impossible.

The regime has selected a CNE that will rubber-stamp its decisions and ignore the conditions required for free elections.

As we have previously stated, an independent CNE is a central prerequisite for free and fair elections. <https://2017-2021.state.gov/free-and-fair-presidential-and-parliamentary-elections-in-venezuela>.

Key areas include:

- Lifting the ban on political parties and candidates
- Lifting politically motivated judicial procedures against opposition politicians
- Releasing all political prisoners
- Respecting freedom of speech, the press, and association
- Resolving in a transparent manner all the technical challenges to free and fair

elections including registration of voters and the procurement and handling of voting machines

The Venezuelan people demand and deserve free and fair elections. This step by the regime and its Supreme Court takes Venezuela even further away from a democratic transition.

* * * *

On August 14, 2020, the United States joined with other democracies around the world in a joint statement reiterating support for democratic efforts in Venezuela. The signatory parties include: Albania, Australia, Bahamas, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Estonia, Georgia, Guatemala, Haiti, Honduras, Hungary, Israel, Kosovo, Latvia, Lithuania, Panama, Paraguay, Peru, Republic of Korea, Saint Lucia, Ukraine, and the United Kingdom, in addition to the United States. The State Department press statement on the joint statement is available at <https://2017-2021.state.gov/u-s-and-concerned-nations-stand-together-for-democratic-change-in-venezuela/> and describes the joint statement as calling for "a transitional government that will hold free and fair presidential and parliamentary elections." The joint statement is available at <https://2017-2021.state.gov/joint-declaration-of-support-for-democratic-change-in-venezuela/>.

On December 8, 2020, the State Department issued a statement from Secretary Pompeo, available at <https://2017-2021.state.gov/the-united-states-applauds-the-interim-governments-peoples-vote/>, reiterating support for Interim President Juan Guaidó, the National Assembly, and the Venezuelan people. In particular, Secretary Pompeo stated U.S. support for the *Consulta Popular*, or People's Vote, conducted by the National Assembly in December, in accordance with the Venezuelan Constitution:

It provides a platform for Venezuelans, including those forced to flee abroad under threat of persecution, torture, or death, to demand free and fair presidential and legislative elections. It is an opportunity to voice their support for a transition to democracy in Venezuela and reject the regime's fraudulent legislative elections.

2. Sudan

As discussed in *Digest 2019* at 302-04, the United States supported the transition in the government of Sudan, with the exit of President Omar al Bashir. On April 11, 2020, the one-year anniversary of the ouster of al Bashir, the State Department issued, as a media note, the joint statement of the Troika (the governments of the United States, the United Kingdom, and the Kingdom of Norway). The joint statement appears below and the media note is available at <https://2017-2021.state.gov/troika-statement-one-year-anniversary-of-omar-al-bashirs-ouster/>.

* * * *

The United States, the United Kingdom, and the Kingdom of Norway (the Troika) congratulate the civilian-led transitional government and the people of Sudan on the one-year anniversary of the ouster of Omar al-Bashir and his regime. This created the opportunity to forge a new political order and social contract in Sudan. We commend Prime Minister Abdalla Hamdok and the civilian-led transitional government, as well as other stakeholders, especially those representing civil society, on their efforts to deliver peace, justice, and freedom to the Sudanese people. We recognize the efforts being made to ensure that the people of Sudan enjoy equality and respect for their human rights, including religious freedom. Sustainable progress in these areas reflects the values and fulfils the aspirations of the Sudanese people. The Troika, as a witness to the Political Agreement between the Forces for Freedom and Change and the Transitional Military Council in August 2019, remains steadfast in supporting Sudan's peaceful, democratic transition.

Sudan has an unprecedented opportunity to advance justice, peace, and development for all people in Sudan and to empower women, youth, and those from traditionally marginalized areas. Much urgent work remains to achieve the goals of the revolution. As an immediate next step, we look forward to seeing progress on forming the Transitional Legislative Council, appointing civilian governors, concluding peace agreements with armed opposition groups, undertaking serious, although initially painful, economic reforms, and increasing the transparency of government finances, including those of the security institutions.

The way forward is more difficult because several of Sudan's ongoing conflicts are unresolved. The transitional government's commitment to the permanent ceasefire it announced in October 2019, and the recent extensions of the unilateral ceasefires declared by two rebel groups, are important signs of good will. We support the UN Secretary-General's call for a global Coronavirus ceasefire and we call on all parties involved in Sudan's armed conflicts to commit to permanent ceasefires and unhindered humanitarian access. Yet, peace is more than the

absence of war, and it is urgent that all parties agree on the terms of a comprehensive peace. We appreciate and welcome reports of progress in the peace negotiations in Juba. We call on all parties, especially those that so far have refused to engage in meaningful negotiations, to join in a comprehensive peace agreement.

We recognize the COVID-19 pandemic has brought significant additional challenges for Sudan and the Sudanese people. This a test for the all those working for the new Sudan. As well as responding to the pandemic, we recognize the significant economic problems that Sudan continues to face. Progressing a reform program to help address these problems and help stabilize and stimulate the economy would allow the international community to work with and support the civilian led transitional government. It would also help in the response to the pandemic. The Troika countries are committed to helping Sudan in this time of need.

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3. South Sudan

On February 22, 2020, Ambassador Kelly Craft delivered a statement on behalf of the U.S. mission to the UN on South Sudan’s Revitalized Transitional Government of National Unity. The statement follows and is available at <https://usun.usmission.gov/statement-by-ambassador-craft-on-south-sudans-revitalized-transitional-government-of-national-unity/>.

South Sudan is a nation longing for peace, stability and a brighter future for its people. I welcome the decision by the government and opposition parties to form a new, transitional unity government. This is the first in a series of critical steps that must be taken to bring dignity and peace to the people of South Sudan.

The real work—the hardest work—begins now, and I urge President Salva Kiir, Dr. Riek Machar, and all of South Sudan’s leaders to show the courage and fortitude needed at this moment to translate hope into a better future for South Sudan. I am personally prepared to assist in these efforts, as is the government of the United States. Peace, security, and prosperity are within grasp, and now is the moment to reach.

On February 23, 2020, the State Department released as a media note the Troika statement regarding South Sudan’s Revitalized Transitional Government of National Unity. The media note is available at <https://2017-2021.state.gov/troika-statement-formation-of-south-sudans-revitalized-transitional-government-of-national-unity/>. The joint statement includes the following:

The Troika congratulates the people of South Sudan and the parties to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) on the announcement of the formation of an inclusive transitional government on February 22. We welcome the fact that the

government and opposition parties have made the necessary compromises to allow this important step. For the transitional period to be a success, a spirit of continuous collaboration, supported by the active, engaged, and free voices of citizens and civil society, must continue. Nearly nine years since South Sudan's independence, this is an opportunity for the political leadership to take their country forward towards prosperity and peace by making meaningful progress on security sector arrangements, the reform agenda, transitional justice and accountability, and preparations for credible and safe elections.

The Troika commends the work of the Intergovernmental Authority on Development (IGAD) as a guarantor of the R-ARCSS. We are committed to working with the new transitional government, IGAD, and other regional and international partners to support the people of South Sudan in their pursuit of peace and stability.

On March 19, 2020, the Troika issued a further statement after the South Sudanese government formed a cabinet. The joint statement is available as a State Department media note at <https://2017-2021.state.gov/troika-statement-south-sudanese-government-forms-cabinet/>, excerpted below.

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The Troika welcomes the formation of the Executive of the Revitalized Transitional Government of National Unity, with all ministerial portfolios now allocated between the parties to the agreement. We welcome the appointment of women as key Cabinet ministers while encouraging the government to take all necessary measures to allocate at least 35 percent of positions in the Executive to women as outlined in the peace agreement. Expectations from the people of South Sudan are high, and the way forward fraught with challenges.

To succeed, the unity government and other stakeholders can work together to ensure their deeds and words inspire collaboration and trust. Leadership working together, genuinely united, can put their country firmly on the path towards peace and prosperity. They face an early and unprecedented challenge presented by the COVID-19 global pandemic, which will require a quick and decisive response, in coordination with international partners.

The Troika looks forward to working in close partnership with a genuinely united government as it establishes its priorities and starts to develop plans to deliver the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan in full. This will require a sustained focus on building unified security forces, ensuring transparency and ending corruption, establishing political space and democratic institutions, respecting human rights, and implementing transitional justice mechanisms. To this end, we welcome the renewal of the UN Mission in South Sudan (UNMISS); it will have a key role to play in this critical phase. The people of South Sudan have waited a long time for peace to come and to have a government that puts their needs first; the country's political leaders owe it to them to ensure that their wait has not been in vain.

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4. **Libya**

On October 5, 2020 Under Secretary of State for Political Affairs David Hale participated in a ministerial meeting on Libya. The State Department issued a media note, available at <https://2017-2021.state.gov/under-secretary-hales-participation-in-the-ministerial-level-meeting-on-libya/>, which includes the following about the meeting:

The Under Secretary underscored the United States' support for the UN-facilitated political process and called on all Berlin Process members to uphold their commitments by respecting the UN arms embargo, supporting a Libyan-led ceasefire and political agreement, and taking every measure to de-escalate the tensions in Libya.

The Under Secretary commended UN and Libyan efforts to advance the political process, especially the resumption in October of the UN-facilitated Libyan Political Dialogue Forum, which aims to create a new transitional government and chart the path to national elections. The Under Secretary also credited the recent progress to the simultaneous calls by Libyan Prime Minister Sarraj and Libyan House of Representatives Speaker Saleh for political dialogue, a ceasefire, and the reopening of the energy sector. The Under Secretary advocated for the swift appointment of a UN Special Envoy of the Secretary-General for Libya to carry forward the current political momentum. The United States will continue to engage stakeholders on all sides of the conflict—both internal and external—to stop the fighting and reach a peace agreement.

5. **Belarus**

On August 20, 2020, the State Department issued a press statement in support of the sovereignty and territorial integrity of Belarus, as well as the Belarusian people's peaceful demonstrations in favor of free and fair national elections, without external intervention. The press statement is available at <https://2017-2021.state.gov/supporting-the-aspirations-of-the-belarusian-people/> and also includes the following:

We remain deeply concerned by serious flaws in the August 9 presidential election in Belarus and strongly condemn the violence carried out against peaceful protesters and journalists, the arrest of opposition candidates and peaceful protesters, the blockage of Belarus' internet service, and the abuse of detainees. We call for the immediate release of those unjustly detained, and an accounting for those reported missing.

The United States supports free and fair elections that reflect the will of the Belarusian people as a matter of principle. The August 9 elections did not meet that standard. Belarus, like the United States, is a member of the OSCE, which upholds those standards. We urge the government of Belarus to accept the OSCE chairmanship's offer to facilitate dialogue and engage all stakeholders. We support international efforts to independently look into Belarus' electoral irregularities, the human rights abuses surrounding the election, and the crackdown that has followed.

We urge the Belarusian government to actively engage Belarusian society, including through the newly established National Coordination Council, in a way that reflects what the Belarusian people are demanding, for the sake of Belarus' future, and for a successful Belarus.

On November 5, 2020, the State Department issued a press statement on the OSCE Moscow Mechanism report detailing widespread violations of human rights in Belarus. The press statement, available at <https://2017-2021.state.gov/osce-moscow-mechanism-report-details-widespread-rights-violations-in-belarus/>, is excerpted below.

The Organization for Security and Cooperation in Europe (OSCE)'s Moscow Mechanism report on Belarus released on November 5 describes sustained human rights violations and abuses committed on a massive scale and with impunity by the Belarusian authorities during the fraudulent August 9 election and its aftermath. The abuses against peaceful demonstrators, opposition activists, and journalists include torture, arbitrary detention, and curtailment of the exercise of freedom of expression, association, and peaceful assembly.

We remain inspired by the resilience and dignity of the Belarusian people. The United States continues to call on the Belarusian authorities to cease their crackdown and heed the demands of the Belarusian people for free and fair elections under independent observation.

The recommendations in this report provide the Belarusian authorities with a roadmap out of this crisis. This includes: a robust OSCE/ODIHR (Office for Democratic Institutions and Human Rights) observation mission; an end to the violence against their own people and ensuring accountability for those found responsible for past abuses; the release of all those who have been unjustly detained; and engagement in meaningful national dialogue with authentic representatives of the political opposition and civil society.

6. Western Sahara

On December 10, 2020, President Trump issued a proclamation recognizing the entire Western Sahara territory as part of the Kingdom of Morocco. The December 10, 2020 proclamation is available at <https://trumpwhitehouse.archives.gov/presidential-actions/proclamation-recognizing-sovereignty-kingdom-morocco-western-sahara/>, and excerpted below. See discussion in section B.8.a, *infra*, of the December 22, 2020 joint

statement by the United States, Morocco, and Israel regarding Western Sahara and the normalization of Morocco-Israel relations.

The United States affirms, as stated by previous Administrations, its support for Morocco's autonomy proposal as the only basis for a just and lasting solution to the dispute over the Western Sahara territory. Therefore, as of today, the United States recognizes Moroccan sovereignty over the entire Western Sahara territory and reaffirms its support for Morocco's serious, credible, and realistic autonomy proposal as the only basis for a just and lasting solution to the dispute over the Western Sahara territory. The United States believes that an independent Sahrawi State is not a realistic option for resolving the conflict and that genuine autonomy under Moroccan sovereignty is the only feasible solution. We urge the parties to engage in discussions without delay, using Morocco's autonomy plan as the only framework to negotiate a mutually acceptable solution. To facilitate progress toward this aim, the United States will encourage economic and social development with Morocco, including in the Western Sahara territory, and to that end will open a consulate in the Western Sahara territory, in Dakhla, to promote economic and business opportunities for the region.

In a December 24, 2020 press statement, available at <https://2017-2021.state.gov/announcement-of-new-virtual-presence-post-for-western-sahara/>, the State Department announced the beginning of the process to establish a U.S. consulate in Western Sahara, initially with a "virtual presence post," under the management of Embassy Rabat, focused on promoting economic and social development.

B. STATUS ISSUES

1. Ukraine

On February 26, 2020, the State Department issued a third "Crimea is Ukraine" statement. See *Digest 2019* at 308 and *Digest 2018* at 355-56 for previous statements. The 2020 statement is excerpted below and available at <https://2017-2021.state.gov/crimea-is-ukraine-3/>.

* * * *

February 27 will mark the sixth anniversary of Russia's attempted annexation of Ukraine's Crimean peninsula, and the United States reaffirms: Crimea is Ukraine. As underscored in our July 2018 Crimea Declaration, the United States does not and will not ever recognize Russia's claims of sovereignty over the peninsula. We call on Russia to end its occupation of Crimea. Russia's occupation of Crimea and its increasing militarization of the peninsula is a threat to our common security. Russian occupation authorities continue their assault on human rights and fundamental freedoms, brutally silencing critics in civil society and the media, and curtailing

religious freedom. Over 80 individuals from Crimea, including members of the Crimean Tatar community, have been imprisoned by Russia—and some subjected to torture—for peaceful opposition to the occupation. Members of the Crimean Tatar community continue to experience unjustified raids on their homes and mosques, surveillance and intimidation by occupation authorities, restrictions on cultural events, and the criminalization of their representative body, the Mejlis. Russia has forcibly conscripted nearly 20,000 Crimean men, in violation of international law. Occupation authorities severely limit religious freedom, target religious believers with bogus terrorism charges, and seized the Orthodox Church of Ukraine cathedral in Simferopol. The United States calls on Russia to free all Ukrainians it has wrongfully imprisoned in retaliation for their peaceful dissent and to end Russian abuses of fundamental freedoms in Crimea.

Six years on, Russia continues to rely on lies and disinformation in its failed attempt to legitimize the illegitimate. Its efforts are doomed to failure. The world will never forget Russia's unprovoked invasion of Ukraine. The United States condemns Russia's illegal actions in Crimea and its continued aggressive actions against Ukraine, including in the Donbas, and will maintain sanctions against Russia until it returns control of Crimea to Ukraine and fully implements its commitments under the Minsk agreements.

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2. Georgia

On June 29, 2020, the State Department issued a press statement welcoming Georgia's adoption of constitutional amendments to make its electoral system more proportional. The press statement is available at <https://2017-2021.state.gov/on-the-passage-of-georgian-constitutional-reform/> and includes the following:

Enacted as a result of the important March 8 agreement among a majority of political parties, [the constitutional reforms] will help promote greater stability and parliamentary pluralism in Georgia's October parliamentary elections.

We urge Georgia's parliament to pass election reform legislation that fully incorporates OSCE/ODIHR recommendations, and Georgia's authorities to effectively implement such legislation. A key test for Georgia's democratic evolution will be the holding of a free, fair, and transparent electoral process that represents the choice of the Georgian people. The fairness of the pre-election and post-election periods is equally as important as the conduct of election day.

The United States will continue to support Georgia's efforts to strengthen its democracy, electoral practices, and the rule of law, as well as its broader Euro-Atlantic aspirations, which are among the best defenses against Russian aggression.

On August 5, 2020, a member of the German mission to the UN delivered a joint statement, on behalf of Belgium, Estonia, France, Germany, Ireland, Norway, the United Kingdom, and the United States, regarding the ongoing Russian occupation of Georgian territory. The statement follows, and is available at <https://usun.usmission.gov/joint-statement-on-the-continued-russian-occupation-of-georgia-via-vtc/>.

* * * *

This week marks 12 years since the beginning of the conflict between Russia and Georgia on 7 August 2008. Today the Security Council heard a briefing by Assistant-Secretary-General Miroslav Jenča (DPPA), and discussed developments since then. We remember those who died and those who lost their homes, and regret that little progress has been made towards resolving the conflict since concluding the Agreements of 12 August and 8 September 2008. We firmly support Georgia's independence, sovereignty and territorial integrity within its internationally recognized borders.

The continuing Russian military presence in the Georgian regions of Abkhazia and South Ossetia as well as Russia's recognition of the so-called independence of these regions violates the territorial integrity of Georgia and undermines Georgia's sovereignty, as well as the Rules Based International Order. It further divides communities and puts at risk the health and lives of the conflict-affected population. We are extremely concerned about the intensification of the so-called "borderisation process" over the past year, including during the global COVID-19 pandemic. Throughout this already challenging time, the de-facto authorities exercising effective control over the Georgian regions of Abkhazia and South Ossetia have continued the practice of arbitrary detentions along the Administrative Boundary Lines. De facto South Ossetian authorities have repeatedly denied emergency medical evacuations and incoming humanitarian aid. We are also concerned about the ongoing disinformation campaign by Russia about the pandemic and related health issues as well as false propaganda about the life-saving work of the Lugar Center.

These acts prolong the conflict, threaten peace and stability, interfere with the enjoyment of human rights and fundamental freedoms, and negatively impact the health and safety of people across Georgia, destabilizing the region as a whole. Today we call again on the Russian Federation to fully implement her obligation and commitments under the Agreements of 12 August and 8 September 2008. The Six Point Agreement of 12 August includes an obligation by Russia to withdraw its armed forces to positions held before hostilities began. The ceasefire agreement also committed the parties to establish an international security mechanism.

We reiterate our support for the respect and protection of human rights, including the rights of forcibly displaced persons, as well as the importance of enabling their safe, voluntary, dignified and unhindered return to their homes in accordance with international law. The topic of refugees and internally displaced persons (IDPs) remains a core issue of discussion within the Geneva International Discussions (GID). Despite the initial promise of significant progress towards reconciliation, we regret the lack of commitment on the part of the Russian Federation and resulting lack of progress achieved in the GID format. We further call on the de-facto authorities exercising effective control over the Georgian regions of Abkhazia and South Ossetia to facilitate unhindered access to these regions, including religious sites, for relevant

humanitarian and human rights actors and other individuals.

We remain steadfast in our support for a peaceful resolution of the conflict in Georgia and encourage all parties to redouble their efforts within the Geneva International Discussions.

* * * *

3. The Baltics

On July 22, 2020, the State Department issued a press statement by Secretary Pompeo marking the 80th anniversary of the Welles Declaration, which recognized the sovereignty of Estonia, Latvia, and Lithuania in the face of their illegal incorporation into the Soviet Union. The statement is excerpted below and available at <https://2017-2021.state.gov/message-on-the-80th-anniversary-of-the-welles-declaration/>.

... The Soviet Union’s criminal act was accomplished through the signing of secret protocols to the Molotov-Ribbentrop Pact with Nazi Germany in August 1939. Through decades of Soviet occupation and attempts at forced assimilation, the United States never ceased to recognize the sovereignty of the three Baltic states. Throughout those dark days, the peoples of Estonia, Latvia and Lithuania never lost hope that the doors of the Soviet “prison of nations” would one day open; nor did the United States.

The Welles Declaration is no mere historical artifact. Just as the United States never recognized the Baltic States’ forced incorporation into the Soviet Union, so it will never accept Russia’s attack on the sovereignty and territorial integrity of Ukraine and Georgia, through its purported annexation of Crimea, its support for destabilizing proxies in eastern Ukraine, or its occupation of Abkhazia and South Ossetia.

The partnership between the United States of America and Estonia, Latvia, and Lithuania is based on our joint dedication to democracy, human rights, and rule of law. Today as always, we remain firmly committed to respect for the sovereignty, territorial integrity, and political independence of all states. I join the governments and peoples of Estonia, Latvia, and Lithuania in commemorating this date, reaffirming our alliance and democratic partnership, and looking forward to further close cooperation in the years to come.

4. Mostar, Bosnia and Herzegovina

On June 18, 2020, the State Department issued a press statement, available at <https://2017-2021.state.gov/agreement-on-elections-in-mostar-bosnia-and-herzegovina/>, welcoming “the agreement between the SDA and HDZ-BiH political parties in Bosnia and Herzegovina to restore the right of Mostar residents to elect their

local government and end the decade-long impasse over the conduct of local elections.” The press statement further explains:

The city of Mostar, and the country as a whole, will significantly benefit from this breakthrough. Both SDA President Bakir Izetbegovic and HDZ-BiH President Dragan Covic demonstrated leadership and political courage in pursuit of the necessary compromise. The United States also commends the hard work of the two parties’ local boards and the cooperative spirit in which they approached the negotiations. Compromise reached through negotiation is an essential feature of thriving democracies. We hope today’s achievement will be the first among many actions to empower the citizens of Bosnia and Herzegovina as the country advances on the path toward Euro-Atlantic integration.

5. Kosovo

On September 4, 2020, the State Department issued a statement by Secretary Pompeo commending the Serbian president and the prime minister of Kosovo on the agreements reached at the White House that day on normalizing economic relations. The statement, available at <https://2017-2021.state.gov/economic-normalization-between-kosovo-and-serbia/>, also reaffirms U.S. support for continued negotiations toward comprehensive normalization of relations between Kosovo and Serbia. In addition, Secretary Pompeo congratulated the two governments on steps taken with regard to their relations with Israel.

6. Cyprus

On September 12, 2020, the State Department issued a fact sheet regarding the Cyprus Center for Land, Open-seas, and Port Security (“CYCLOPS”), available at <https://2017-2021.state.gov/the-cyprus-center-for-land-open-seas-and-port-security/>, which references the strengthened security relationship with the Republic of Cyprus leading up to the establishment of CYCLOPS as a facility for technical assistance and training. Also on September 12, 2020, Secretary Pompeo delivered remarks at the signing in Cyprus of the memorandum of understanding for CYCLOPS. The Secretary’s remarks are available at <https://2017-2021.state.gov/at-the-cyprus-center-for-land-open-seas-and-port-security-memorandum-of-understanding-signing-ceremony/>, and include the following regarding relations with Cyprus:

We remain deeply concerned by Turkey’s ongoing operations surveying for natural resources in areas over which Greece and Cyprus assert jurisdiction in the Eastern Mediterranean. The Republic of Cyprus has the right to exploit its natural resources, including the right to hydrocarbons found in its territorial sea and its economic – exclusive economic zone.

We also believe that the resources of Cyprus should be shared equitably among the Greek Cypriots and Turkish Cypriots communities.

Finally, the United States continues to support a comprehensive settlement to reunify the island as a bi-zonal, bi-communal federation which would benefit all Cypriots as well as the wider region.

7. Hong Kong

On May 27, 2020, Secretary Pompeo certified to the U.S. Congress that Hong Kong no longer warrants treatment under U.S. law in the same manner as U.S. laws were applied to Hong Kong before July 1, 1997. Secretary Pompeo's press statement announcing the determination, responding to the PRC's National People's Congress imposition of national security legislation for Hong Kong, is available at <https://2017-2021.state.gov/prc-national-peoples-congress-proposal-on-hong-kong-national-security-legislation/> and excerpted below.

Last week, the People's Republic of China (PRC) National People's Congress announced its intention to unilaterally and arbitrarily impose national security legislation on Hong Kong. ... After careful study of developments over the reporting period, I certified to Congress today that Hong Kong does not continue to warrant treatment under United States laws in the same manner as U.S. laws were applied to Hong Kong before July 1997. No reasonable person can assert today that Hong Kong maintains a high degree of autonomy from China, given facts on the ground.

Hong Kong and its dynamic, enterprising, and free people have flourished for decades as a bastion of liberty, and this decision gives me no pleasure. But sound policy making requires a recognition of reality. While the United States once hoped that free and prosperous Hong Kong would provide a model for authoritarian China, it is now clear that China is modeling Hong Kong after itself. The United States stands with the people of Hong Kong as they struggle against the CCP's increasing denial of the autonomy that they were promised.

On May 27, 2020, the State Department held a special briefing by Assistant Secretary of State David R. Stillwell of the Bureau of East Asian and Pacific Affairs regarding the Hong Kong national security legislation and the Secretary of State's determination on May 27 that Hong Kong does not continue to warrant the same treatment under U.S. law that it had previously received. The transcript of the briefing is available at <https://2017-2021.state.gov/briefing-with-assistant-secretary-for-east-asian-and-pacific-affairs-david-r-stilwell-on-prc-national-peoples-congress-proposal-on-hong-kong-national-security-legislation/> and excerpts follow.

* * * *

The ... world is finally recognizing that ... Beijing is pushing a form of government that many only now are beginning to recognize as problematic. And this most recent step from the National People's Congress in walking away from its obligations with respect to Hong Kong only demonstrate that more clearly.

The way they've done that is they are the Chinese Communist Party, but ... you hear them speaking a lot about socialism with Chinese characteristics. ...

This administration has worked very hard to make the language and the reality match, so we've chosen our words carefully. This is an authoritarian system. ...

... We believe that democratic processes and we still believe democratic processes are really the only way to go, right—you have to give your people a voice and a choice to moderate government behavior. Government works for the people, not vice versa.

So recent events now have shown that Beijing seeks more global prominence, and they want that to go with this newfound wealth and economic help that they've been using. In the process, though, they've gained additional scrutiny.

In October 2017, the 19th Party Congress Work Report said that China will move closer to the center of the global stage. This process has moved their authoritarian system closer to the limelight as well...

So we're all faced with a[n] authoritarian government that we thought had been relegated to history. ...

So given the massive dislocations that have been brought on globally by China's mishandling of what should have been a minor public health issue in Wuhan, the world right now is focused on survival, not focused on Hong Kong. It appears that Beijing has used this opportunity to accelerate its agenda going into its next political season.

Over the last two weeks, Beijing has really picked up the pace. They've made hints that this National People's Congress would be different, and they've been hinting that Hong Kong's status might change. But in the last two weeks, ... they've made very strong comments that they do not plan to honor the joint declaration they made with the UK in 1997.

And so they do intend to impose national security legislation on Hong Kong. The agreement says that Hong Kong itself will determine what Article 23 national security legislation looks like. ...

So in response, ... the Secretary's statement says that we have determined that Hong Kong no longer enjoys a high degree of autonomy. We are designing our responses to be sure to help Beijing understand that as a nation of law, we will invoke the law that the Congress passed in the Hong Kong Policy Act and Human Rights and Democracy Act. But at the same time, we will do our best to ensure the people of Hong Kong are not adversely affected to the best we can.

But I will note that this decision was made by the government in Beijing and not by the U.S. ... [O]ur approach is to mitigate the impact globally on the Hong Kong people while at the same time helping Beijing understand our concerns.

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...[T]his has been ongoing for a while. ...American NGOs were there to simply help Hong Kong people that were banned from operating in Hong Kong. They're no longer allowed to set up shop in Hong Kong and do what they did. When the PRC kicked out journalists from reputable American outlets, they also threatened the same journalists in Hong Kong.

And so the point is that that special status that Hong Kong enjoyed—that wall, maybe, if you want to put it that way—is being penetrated and Beijing is no longer acknowledging its special status. And so it's not just the presidential determination, the actions he chooses to take, but I think businesses and others would notice these facts as well and make prudent choices as far as whether they—whether the environment in a year from now is going to be conducive to fair business, transparent operations, and all the rest that they've enjoyed to date. And so the administration will take action. I would expect others also seeing Chinese actions would respond to those. ...

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The PRC I think has tried to paint this as they would respect the economic freedom in Hong Kong without feeling obligated to respect political freedom. You can't have one without the other. ...

* * * *

... Obviously, [people in Hong Kong] have a voice as well and they used that voice to great effect last summer when a watered-down version of this national security legislation was attempted to be foisted on them in the form of the extradition treaty, and they protested. ...[I]t was characterized as riots by Beijing, but they were simply protesting something that was in violation of an agreement and in violation of the rule of law that they had come to expect over time.

* * * *

... It's actually a one-two action, one being the State Department making the assessment that Hong Kong no longer enjoys a high degree of autonomy, and then of course the determination by the White House as to ... how we're going to respond. ...

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On May 28, 2020, the State Department issued, as a media note, the joint statement released by the governments of the United States, Australia, Canada, and the United Kingdom. The media note is available at <https://2017-2021.state.gov/joint-statement-on-hong-kong/>. The signatories reiterated their concern about the national security law in Hong Kong and further stated the following:

* * * *

Hong Kong has flourished as a bastion of freedom. The international community has a significant and long-standing stake in Hong Kong's prosperity and stability. Direct imposition of national security legislation on Hong Kong by the Beijing authorities, rather than through Hong Kong's own institutions as provided for under Article 23 of the Basic Law, would curtail the Hong Kong people's liberties, and in doing so, dramatically erode Hong Kong's autonomy and the system that made it so prosperous.

China's decision to impose a new national security law on Hong Kong lies in direct conflict with its international obligations under the principles of the legally-binding, UN-registered Sino-British Joint Declaration. The proposed law would undermine the One Country, Two Systems framework. It also raises the prospect of prosecution in Hong Kong for political crimes, and undermines existing commitments to protect the rights of Hong Kong people—including those set out in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

We are also extremely concerned that this action will exacerbate the existing deep divisions in Hong Kong society; the law does nothing to build mutual understanding and foster reconciliation within Hong Kong. Rebuilding trust across Hong Kong society by allowing the people of Hong Kong to enjoy the rights and freedoms they were promised can be the only way back from the tensions and unrest that the territory has seen over the last year.

The world's focus on a global pandemic requires enhanced trust in governments and international cooperation. Beijing's unprecedented move risks having the opposite effect.

As Hong Kong's stability and prosperity are jeopardized by the new imposition, we call on the Government of China to work with the Hong Kong SAR Government and the people of Hong Kong to find a mutually acceptable accommodation that will honor China's international obligations under the UN-filed Sino-British Joint Declaration.

* * * *

On June 17, 2020, the State Department released, as a media note, the text of a joint statement on China's decision to impose a national security law on Hong Kong by the governments of the G7 (the United States, Canada, France, Germany, Italy, Japan, the United Kingdom) and the High Representative of the European Union. The joint statement is excerpted below and available at <https://2017-2021.state.gov/g7-foreign-ministers-statement-on-hong-kong/>.

* * * *

China's decision is not in conformity with the Hong Kong Basic Law and its international commitments under the principles of the legally binding, UN-registered Sino-British Joint Declaration. The proposed national security law would risk seriously undermining the "One Country, Two Systems" principle and the territory's high degree of autonomy. It would jeopardize the system which has allowed Hong Kong to flourish and made it a success over many years.

Open debate, consultation with stakeholders, and respect for protected rights and freedoms in Hong Kong are essential.

We are also extremely concerned that this action would curtail and threaten the fundamental rights and freedoms of all the population protected by the rule of law and the existence of an independent justice system.

We strongly urge the Government of China to reconsider this decision.

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On June 30, 2020, the State Department issued another press statement by Secretary Pompeo regarding the imposition of national security legislation on Hong Kong. For further discussion of Hong Kong-related sanctions, see Chapter 16. The June 30, 2020 statement, available at <https://2017-2021.state.gov/on-beijings-imposition-of-national-security-legislation-on-hong-kong/>, includes the following:

The Chinese Communist Party’s decision to impose draconian national security legislation on Hong Kong destroys the territory’s autonomy and one of China’s greatest achievements. Hong Kong demonstrated to the world what a free Chinese people could achieve – one of the most successful economies and vibrant societies in the world. But Beijing’s paranoia and fear of its own people’s aspirations have led it to eviscerate the very foundation of the territory’s success, turning “One Country, Two Systems” into “One Country, One System.”

The CCP’s action demonstrates once again that Beijing’s commitments—in this case, the 1984 Sino-British Joint Declaration and the Basic Law—are empty words. The CCP promised 50 years of freedom to the Hong Kong people, and gave them only 23.

On July 6, 2020, the State Department released a press statement by Secretary Pompeo on the Chinese Communist Party’s censorship in Hong Kong. The statement follows, and is available at <https://2017-2021.state.gov/on-the-ccps-orwellian-censorship-on-hong-kong/>.

The Chinese Communist Party’s destruction of free Hong Kong continues. With the ink barely dry on the repressive National Security Law, local authorities—in an Orwellian move—have now established a central government national security office, started removing books critical of the CCP from library shelves, banned political slogans, and are now requiring schools to enforce censorship.

Until now, Hong Kong flourished because it allowed free thinking and free speech, under an independent rule of law. No more. The United States condemns Beijing’s repeated failure to live up to its obligations under the Sino-British Joint Declaration, and these latest assaults on the rights and freedoms of the people of Hong Kong.

Executive Order 13936 of July 14, 2020 is the “President’s Executive Order on Hong Kong Normalization.” 85 Fed. Reg. 43,413 (July 17, 2020). E.O. 13936 is excerpted below. See Chapter 14 for discussion of the order’s provision terminating the Fulbright

program for China and Hong Kong. See Chapter 16 for discussion of the economic sanctions and visa restrictions authorized by E.O. 13936.

* * * *

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the United States-Hong Kong Policy Act of 1992 (Public Law 102–393), the Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116–76), the Hong Kong Autonomy Act of 2020, signed into law July 14, 2020, the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, determine, pursuant to section 202 of the United States-Hong Kong Policy Act of 1992, that the Special Administrative Region of Hong Kong (Hong Kong) is no longer sufficiently autonomous to justify differential treatment in relation to the People’s Republic of China (PRC or China) under the particular United States laws and provisions thereof set out in this order. In late May 2020, the National People’s Congress of China announced its intention to unilaterally and arbitrarily impose national security legislation on Hong Kong. This announcement was merely China’s latest salvo in a series of actions that have increasingly denied autonomy and freedoms that China promised to the people of Hong Kong under the 1984 Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong (Joint Declaration). As a result, on May 27, 2020, the Secretary of State announced that the PRC had fundamentally undermined Hong Kong’s autonomy and certified and reported to the Congress, pursuant to sections 205 and 301 of the United States-Hong Kong Policy Act of 1992, as amended, respectively, that Hong Kong no longer warrants treatment under United States law in the same manner as United States laws were applied to Hong Kong before July 1, 1997. On May 29, 2020, I directed the heads of executive departments and agencies (agencies) to begin the process of eliminating policy exemptions under United States law that give Hong Kong differential treatment in relation to China.

China has since followed through on its threat to impose national security legislation on Hong Kong. Under this law, the people of Hong Kong may face life in prison for what China considers to be acts of secession or subversion of state power—which may include acts like last year’s widespread anti-government protests. The right to trial by jury may be suspended. Proceedings may be conducted in secret. China has given itself broad power to initiate and control the prosecutions of the people of Hong Kong through the new Office for Safeguarding National Security. At the same time, the law allows foreigners to be expelled if China merely suspects them of violating the law, potentially making it harder for journalists, human rights organizations, and other outside groups to hold the PRC accountable for its treatment of the people of Hong Kong.

I therefore determine that the situation with respect to Hong Kong, including recent actions taken by the PRC to fundamentally undermine Hong Kong’s autonomy, constitutes an unusual and extraordinary threat, which has its source in substantial part outside the United

States, to the national security,^[1] foreign policy, and economy of the United States. I hereby declare a national emergency with respect to that threat.

In light of the foregoing, I hereby determine and order:

Section 1. It shall be the policy of the United States to suspend or eliminate different and preferential treatment for Hong Kong to the extent permitted by law and in the national security, foreign policy, and economic interest of the United States.

Sec. 2. Pursuant to section 202 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5722), I hereby suspend the application of section 201(a) of the United States-Hong Kong Policy Act of 1992, as amended (22 U.S.C. 5721(a)), to the following statutes:

- (a) section 103 of the Immigration Act of 1990 (8 U.S.C. 1152 note);
- (b) sections 203(c), 212(l), and 221(c) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1153(c), 1182(l), and 1201(c), respectively);
- (c) the Arms Export Control Act (22 U.S.C. 2751 *et seq.*);^[2]
- (d) section 721(m) of the Defense Production Act of 1950, as amended (50 U.S.C. 4565(m));
- (e) the Export Control Reform Act of 2018 (50 U.S.C. 4801 *et seq.*); and
- (f) section 1304 of title 19, United States Code.

Sec. 3. Within 15 days of the date of this order, the heads of agencies shall commence all appropriate actions to further the purposes of this order, consistent with applicable law, including, to:

- (a) amend any regulations implementing those provisions specified in section 2 of this order, and, consistent with applicable law and executive orders, under IEEPA, which provide different treatment for Hong Kong as compared to China;
- (b) amend the regulation at 8 CFR 212.4(i) to eliminate the preference for Hong Kong passport holders as compared to PRC passport holders;
- (c) revoke license exceptions for exports to Hong Kong, reexports to Hong Kong, and transfers (in-country) within Hong Kong of items subject to the Export Administration Regulations, 15 CFR Parts 730–774, that provide differential treatment compared to those license exceptions applicable to exports to China, reexports to China, and transfers (in-country) within China;
- (d) consistent with section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246), terminate the export licensing suspensions under section 902(a)(3) of such Act insofar as such suspensions apply to exports of defense articles to Hong Kong persons who are physically located outside of Hong Kong and the PRC and who were authorized to receive defense articles prior to the date of this order;
- (e) give notice of intent to suspend the Agreement Between the Government of the United States of America and the Government of Hong Kong for the Surrender of Fugitive Offenders (TIAS 98–121);
- (f) give notice of intent to terminate the Agreement Between the Government of the United States of America and the Government of Hong Kong for the Transfer of Sentenced Persons (TIAS 99–418);
- (g) take steps to end the provision of training to members of the Hong Kong Police Force or other Hong Kong security services at the Department of State’s International Law Enforcement Academies;
- (h) suspend continued cooperation undertaken consistent with the now-expired Protocol Between the U.S. Geological Survey of the Department of the Interior of the United States of

America and Institute of Space and Earth Information Science of the Chinese University of Hong Kong Concerning Scientific and Technical Cooperation in Earth Sciences (TIAS 09– 1109);

(i) take steps to terminate the Fulbright exchange program with regard to China and Hong Kong with respect to future exchanges for participants traveling both from and to China or Hong Kong;

(j) give notice of intent to terminate the agreement for the reciprocal exemption with respect to taxes on income from the international operation of ships effected by the Exchange of Notes Between the Government of the United States of America and the Government of Hong Kong (TIAS 11892);

(k) reallocate admissions within the refugee ceiling set by the annual Presidential Determination to residents of Hong Kong based on humanitarian concerns, to the extent feasible and consistent with applicable law; and

(l) propose for my consideration any further actions deemed necessary and prudent to end special conditions and preferential treatment for Hong Kong.

* * * *

Also on July 14, 2020, the State Department issued a press statement in which Secretary Pompeo congratulated Hong Kong on a successful pan-democratic primary election. The press statement is available at <https://2017-2021.state.gov/on-the-pan-democratic-primary-election-in-hong-kong/>, and also includes the following:

We note with grave concern Hong Kong Chief Executive Carrie Lam’s threat that this primary may have violated Beijing’s new “national security” law for the territory, once again demonstrating the Chinese Communist Party’s fear of democracy and its own people’s free thinking. We will be watching developments closely, especially as the September 6 Legislative Council elections draw closer.

On July 15, 2020, Secretary Pompeo issued a press statement regarding the executive action on Hong Kong taken the previous day. That press statement, available at <https://2017-2021.state.gov/on-the-presidents-announcement-on-hong-kong/>, states:

Over the past two weeks, the world has watched as the Chinese Communist Party smothers Hong Kong’s freedom. In 1984, China promised the United Kingdom and the Hong Kong people in front of the world that it would keep Hong Kong free and open and maintain its high degree of autonomy until the year 2047. With the draconian national security legislation that Beijing imposed on Hong Kong, which allows mainland China’s security services to operate with impunity in Hong Kong, China has broken that promise, as it has so many others.

Last night, the President responded, including by taking steps to end U.S. preferential treatment for Hong Kong, terminate the territory’s benefits with regard to U.S. export controls, and direct the initiation of steps to suspend our extradition agreement with Hong Kong. The Hong Kong Autonomy Act will give

the Administration additional tools to promote accountability for those responsible for extinguishing Hong Kong's freedoms. The President also directed the Administration to place a special focus on the admission of Hong Kong residents as refugees based on humanitarian concerns, demonstrating the enduring U.S. commitment to stand with the oppressed.

On August 1, 2020, the United States condemned the Hong Kong government's decision to postpone elections for the Legislative Council, originally scheduled for September 6, 2020, until September 2021. The August 1, 2020 press statement from Secretary Pompeo on the postponement is available at <https://2017-2021.state.gov/on-the-postponement-of-hong-kongs-legislative-council-elections/>, and includes the following:

For decades, [people in Hong Kong] have repeatedly demonstrated their desire and ability to hold free and fair elections. We urge Hong Kong authorities to reconsider their decision. The elections should be held as close to the September 6 date as possible and in a manner that reflects the will and aspirations of the Hong Kong people. If they aren't, then regrettably Hong Kong will continue its march toward becoming just another Communist-run city in China.

On August 9, 2020, the State Department released, as a media note, the joint statement of the foreign ministers of Australia, Canada, New Zealand and the United Kingdom and Secretary Pompeo on the erosion of rights in Hong Kong. The statement, available at <https://2017-2021.state.gov/joint-statement-on-the-erosion-of-rights-in-hong-kong/>, includes the following:

We ... are gravely concerned by the Hong Kong government's unjust disqualification of candidates and disproportionate postponement of Legislative Council elections. These moves have undermined the democratic process that has been fundamental to Hong Kong's stability and prosperity.

We express deep concern at Beijing's imposition of the new National Security Law, which is eroding the Hong Kong people's fundamental rights and liberties.

We support the legitimate expectations of the people of Hong Kong to elect Legislative Council representatives via genuinely free, fair, and credible elections. We call on the Hong Kong government to reinstate the eligibility of disqualified candidates so that the elections can take place in an environment conducive to the exercise of democratic rights and freedoms as enshrined in the Basic Law. Beijing promised autonomy and freedoms under the "One Country, Two Systems" principle to the Hong Kong people in the Sino-British Joint Declaration, a U.N.-registered treaty, and must honor its commitments. We urge the Hong Kong government to hold the elections as soon as possible.

On October 14, 2020, the State Department issued a press statement on the release of the Hong Kong Autonomy Act report to Congress. Hong Kong Autonomy Act, Pub. L. No. 116-149, 134 Stat. 663 (2020). The statement is excerpted below and available at <https://2017-2021.state.gov/release-of-the-hong-kong-autonomy-act-report/>.

* * * *

...Through the imposition of the National Security Law, the CCP has crippled democratic institutions, human rights, judicial independence, and individual freedoms in Hong Kong. The United States has publicly condemned an increasing number of problematic actions taken by Beijing and Hong Kong authorities to stifle dissent and eviscerate Hong Kong's autonomy. These include the installation of a mainland security agency, mass arrests of peaceful protestors, the politically motivated delay of the September 2020 Legislative Council elections, and the capture and detention of Hong Kong democratic activists attempting to leave Hong Kong.

The Hong Kong Autonomy Act requires the Secretary of State to submit a report to Congress identifying foreign persons who are materially contributing to, have materially contributed to, or attempt to materially contribute to the failure of the People's Republic of China (PRC) to meet its obligations under the Sino-British Joint Declaration or Hong Kong's Basic Law. This year's report includes ten PRC and Hong Kong officials whose actions have undermined freedoms of assembly, speech, press, or the rule of law, or whose actions have reduced the high degree of autonomy of Hong Kong. On August 7, the United States imposed sanctions on these same individuals under Executive Order 13936.

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On November 12, 2020, the State Department issued a press statement by Secretary Pompeo decrying the disqualification of four lawmakers in Hong Kong. The statement is excerpted below and available at <https://2017-2021.state.gov/disqualification-of-pan-democratic-lawmakers-in-hong-kong/>.

The United States strongly condemns the "patriotism" resolution passed by the National People's Congress Standing Committee on November 11, which disqualified four members of Hong Kong's Legislative Council for exercising their mandates as lawmakers. This resolution tramples on the rights of the people of Hong Kong to choose their elected representatives as guaranteed by the Basic Law and further exposes Beijing's blatant disregard for its international commitments under the Sino-British Joint Declaration, a U.N.-registered treaty. ...

The United States will continue to work with our allies and partners around the world to champion the rights and freedoms of the people of Hong Kong and call out Beijing's abject failure to honor its commitments. We will hold accountable the people responsible for these actions and policies that erode

Hong Kong's autonomy and freedoms. We stand with the disqualified pan-Democratic lawmakers, the pro-democracy lawmakers who resigned in protest, and the people of Hong Kong.

8. Israel

a. Agreements to normalize relations with Israel (Abraham Accords)

The United States witnessed the texts of several agreements by countries normalizing relations with Israel in 2020 in an effort that is referred to as the Abraham Accords. On August 13, 2020, the State Department issued a statement marking the agreement between Israel and the United Arab Emirates to normalize relations. The statement is available at <https://2017-2021.state.gov/historic-day-for-peace-in-the-middle-east/> and includes the following:

The United States hopes that this brave step will be the first in a series of agreements that ends 72 years of hostilities in the region. Although the peace treaties between Israel and Egypt and Jordan have not yet fulfilled their full potential, since the 1978 Camp David Accords and the 1994 Wadi Arava Agreement, we have witnessed significant economic development in Egypt and Jordan, an unmistakable dividend of peace.

Today's normalization agreement between Israel and the Emirates holds similar potential and the promise for a better day for the entire region. The United States congratulates Israel and the Emirates for their important achievement.

On September 11, 2020, the State Department issued a press statement from Secretary Pompeo welcoming the agreement between Israel and the Kingdom of Bahrain. The press statement is available at <https://2017-2021.state.gov/historic-agreement-between-israel-and-the-kingdom-of-bahrain/>.

On September 15, 2020, representatives of the governments of the United States, the UAE, Bahrain, and Israel signed the Abraham Accords Declaration. The text of that declaration follows, and is available at <https://www.state.gov/the-abraham-accords/>. Also available on the same page are links to the September 15, 2020 "Declaration of Peace, Cooperation, and Constructive Diplomatic and Friendly Relations," by the State of Israel and the Kingdom of Bahrain; the December 22, 2020 Joint Declaration of the Kingdom of Morocco, the United States, and the State of Israel; the September 15, 2020 "Treaty of Peace, Diplomatic Relations and Full Normalization between the United Arab Emirates and the State of Israel;" and the Abraham Accords Declaration signed by the Republic of Sudan and witnessed by the United States on October 23, 2020.

* * * *

We, the undersigned, recognize the importance of maintaining and strengthening peace in the Middle East and around the world based on mutual understanding and coexistence, as well as respect for human dignity and freedom, including religious freedom.

We encourage efforts to promote interfaith and intercultural dialogue to advance a culture of peace among the three Abrahamic religions and all humanity.

We believe that the best way to address challenges is through cooperation and dialogue and that developing friendly relations among States advances the interests of lasting peace in the Middle East and around the world.

We seek tolerance and respect for every person in order to make this world a place where all can enjoy a life of dignity and hope, no matter their race, faith or ethnicity.

We support science, art, medicine, and commerce to inspire humankind, maximize human potential and bring nations closer together.

We seek to end radicalization and conflict to provide all children a better future.

We pursue a vision of peace, security, and prosperity in the Middle East and around the world.

In this spirit, we warmly welcome and are encouraged by the progress already made in establishing diplomatic relations between Israel and its neighbors in the region under the principles of the Abraham Accords. We are encouraged by the ongoing efforts to consolidate and expand such friendly relations based on shared interests and a shared commitment to a better future.

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On October 23, 2020, Israel and Sudan agreed to make peace and to normalize their relations. See White House fact sheet, available at <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trump-brokers-historic-peace-agreement-israel-sudan/>.

On December 11, 2020, the State Department issued a press statement from Secretary Pompeo hailing the agreement reached between Israel and Morocco to normalize relations. The press statement is available at <https://2017-2021.state.gov/on-progress-toward-peace/> and excerpted below.

...In the coming weeks, Israel and Morocco will assume full diplomatic relations. This agreement will also grant overflights and direct flights to and from Israel and will promote unfettered economic cooperation between Israeli and Moroccan companies. ...

...

President Trump has also recognized Moroccan sovereignty over Western Sahara. The United States continues to believe only political negotiations are capable of resolving the issues between Morocco and the POLISARIO. As we have long stated, we believe those negotiations should occur within the framework of Morocco's autonomy plan.

On December 22, 2020, the United States signed an agreement framed as a Joint Declaration with the Kingdom of Morocco and the State of Israel in connection with the normalization of relations between Morocco and Israel. The Declaration notes relevant decisions by Morocco and Israel to take steps to normalize and reestablish relations and addresses related actions to be taken (mostly by Morocco and Israel). The Joint Declaration is available at <https://www.state.gov/20-1222>.

b. *Place of birth of U.S. citizens born in Jerusalem*

On October 29, 2020, the State Department announced that U.S. citizens born in Jerusalem may choose to list their place of birth as either “Jerusalem” or “Israel.” See press statement, available at <https://2017-2021.state.gov/u-s-citizens-born-in-jerusalem/index.html>.

Applicants born in Jerusalem will be able to request either “Jerusalem” or “Israel” as their place of birth on consular documents. Those U.S. citizens born in Jerusalem who do not specify their place of birth on applications for consular services as “Israel” will continue to be issued documents that indicate their place of birth as “Jerusalem.” Other guidance on listing of place of birth in Israel, the Gaza Strip, the Golan Heights, Jerusalem, and the West Bank remains unchanged.

As the President stated in his proclamation, the United States recognizes Jerusalem as the capital of Israel and its seat of government but continues to take no position on the boundaries of Israeli sovereignty in Jerusalem. This matter remains subject to final status negotiations between the two Parties.

On October 30, 2020, U.S. Embassy Jerusalem issued the first passport listing the place of birth as “Israel,” for an applicant born in Jerusalem, to Menachem Zivotofsky, whose case regarding the place of birth on his passport was twice before the U.S. Supreme Court. See press release, available at <https://il.usembassy.gov/u-s-embassy-jerusalem-issues-first-passport-listing-place-of-birth-as-israel-for-applicants-born-in-jerusalem/>. See also *Digest 2015* at 363-72; *Digest 2012* at 283-86; *Digest 2011* at 278-82; *Digest 2009* at 303-10; *Digest 2008* at 447-54; *Digest 2007* at 437-43; and *Digest 2006* at 530-47.

c. *Country of origin marking*

On November 19, 2020, the Department of State issued new guidelines to ensure that country of origin markings for goods originating in the West Bank and Gaza reflect U.S. policy toward Israel and the Palestinians. The press statement announcing the guidelines is available at <https://2017-2021.state.gov/markings-of-country-of-origin/> and excerpted below.

In accordance with this announcement, all producers within areas where Israel exercises the relevant authorities – most notably Area C under the Oslo Accords – will be required to mark goods as “Israel”, “Product of Israel”, or “Made in Israel” when exporting to the United States. This approach recognizes that Area C producers operate within the economic and administrative framework of Israel and their goods should be treated accordingly. This update will also eliminate confusion by recognizing that producers in other parts of the West Bank are for all practical purposes administratively separate and that their goods should be marked accordingly.

Goods in areas of the West Bank where the Palestinian Authority maintains relevant authorities shall be marked as products of “West Bank” and goods produced in Gaza will be marked as products of “Gaza.” Under the new approach, we will no longer accept “West Bank/Gaza” or similar markings, in recognition that Gaza and the West Bank are politically and administratively separate and should be treated accordingly.

The notice of the updated guidelines in the Federal Register includes the following summary:

This document notifies the public that, for country of origin marking purposes, imported goods produced in the West Bank, specifically in Area C under the Israeli-Palestinian Interim Agreement (the Oslo Accords), signed on September 28, 1995, and the area known as “H2” under the Israeli-Palestinian Protocol Concerning Redeployment in Hebron and Related Documents (the Hebron Protocol), signed January 17, 1997, must be marked to indicate their origin as “Israel,” “Product of Israel,” or “Made in Israel.” Goods produced in the West Bank, specifically in Areas A and B under the Oslo Accords and the area known as “H1” under the 1997 Hebron Protocol, must be marked to indicate their origin as “West Bank,” “Product of West Bank,” or “Made in West Bank.” Goods produced in Gaza must be marked to indicate their origin as “Gaza,” “Product of Gaza,” “Made in Gaza,” “Gaza Strip,” “Product of Gaza Strip,” or “Made in Gaza Strip.” Imported goods from any of these territorial areas must not include “West Bank/Gaza,” “West Bank/Gaza Strip,” “West Bank and Gaza,” or words of similar meaning.

Cross References

Suspension or Termination of Agreements with Hong Kong, **Ch. 4.B.1**

Crystallex v. Venezuela, **Ch. 5.A.1**

PDVSA v. MUGF, **Ch. 5.C.3**

Renegotiating Compacts of Free Association, **Chapter 5.D**

Taiwan's exclusion from the World Health Assembly, **Ch. 7.A.1**

Termination of the Fulbright program with China and Hong Kong, **Ch. 14.C.3**

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

Sudan (rescission of state sponsor of terrorism designation), **Ch. 16.A.7**

Export controls relating to Hong Kong, **Ch. 16.B.1.a**

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

Armenia and Azerbaijan (Nagorno-Karabakh), **Ch. 17.B.4**

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

Libya, **Ch. 17.B.7**